



**TOWN OF LOS GATOS**  
**PLANNING COMMISSION STAFF REPORT**  
**Meeting Date: December 2, 2015**

**ITEM NO: 3**

- PREPARED BY:** Joel S. Paulson, Planning Manager  
[jpaulson@losgatosca.gov](mailto:jpaulson@losgatosca.gov)
- SUMMARY:** Public hearing to consider adoption of amendments to Chapter II. (Constraints Analysis and Site Selection) and Chapter V. (Architectural Design) of the Hillside Development Standards and Guidelines
- RECOMMENDATION:** Forward a recommendation to the Town Council for approval of amendments to Chapter II. and Chapter V. of the Hillside Development Standards and Guidelines.
- CEQA:** It has been determined that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3): Review for exemption.
- FINDING:** ■ Find that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3): Review for exemption (Exhibit 1).
- ACTION:** Recommendation to Town Council.
- EXHIBITS:** Previously received with the September 23, 2015 Staff Report:
1. Required Findings
  2. Proposed Amendments – Chapter II. Constraints Analysis and Site Selection (six pages)
  3. Proposed Amendments – Chapter V. Architectural Design (12 pages)
  4. Comments from Dave Weissman (10 pages)
- Received with this Staff Report:
5. Verbatim Minutes from the October 21, 2015 Study Session (90 pages)
  6. Proposed Methodology previously submitted by Dave Weissman and Lee Quintana (four pages)
  7. Letter from Lee Quintana submitted at the October 21, 2015 Study Session (four pages)
  8. Letter from Dave Weissman (five pages)

BACKGROUND:

On September 23, 2015, the Planning Commission held a public hearing to consider proposed amendments to the Hillside Development Standards and Guidelines (HDS&G) regarding light reflectivity value (LRV) and visibility analysis (link to September 2015 report to the Planning Commission and supporting attachments for Agenda Item 6:

[http://losgatos.granicus.com/GeneratedAgendaViewer.php?view\\_id=5&clip\\_id=1452](http://losgatos.granicus.com/GeneratedAgendaViewer.php?view_id=5&clip_id=1452)).

Following a short discussion and receiving public testimony the Planning Commission continued the matter to a Study Session on October 21, 2015.

On October 21, 2015, the Planning Commission held a Study Session to discuss amendments to the HDS&G regarding light reflectivity value (LRV) and visibility analysis (link to October 2015 report, Addendum to the Planning Commission report, and supporting attachments for the Study Session: [http://losgatos.granicus.com/GeneratedAgendaViewer.php?view\\_id=5&clip\\_id=1461](http://losgatos.granicus.com/GeneratedAgendaViewer.php?view_id=5&clip_id=1461)). Verbatim minutes for the October 21, 2015 Study Session are included in Exhibit 5.

Following public testimony and Commission discussion regarding the proposed amendments, the matter was continued to a Special Planning Commission meeting on December 2, 2015.

DISCUSSION:

The Commission had a number of questions at the Study Session and requested that staff address the questions provided by Dave Weissman and Lee Quintana in their visibility methodology document. Additionally, the Commission requested additional information regarding the LRV averaging for further discussion.

*Visibility Methodology*

Staff previously provided a proposed methodology for completing view analysis for hillside homes. Exhibit 6 contains additional suggestions for the visibility methodology prepared by Dave Weissman and Lee Quintana. Staff appreciates the thought and time that Dr. Wiessman and Ms. Quintana put into Exhibit 6 and their subsequent correspondence (see Exhibits 7 and 8, respectively). At the meeting, staff is available to answer the Commission's questions on the various components of the methodology and suggestions provided in Exhibits 6, 7, and 8. As the Commission reviews the suggestions, consideration should be given as to the ability of individual homeowners and their design professionals to complete the methodology. The Commission could forward some or all of the proposed methodology components in Exhibit 6 to Town Council if it is determined to be appropriate.

Exhibit 6 also contains the following three additional questions which are followed by staff comments in italics:

1. Is the 25% visibility cutoff too generous?

*This is the current standard in the HDS&G. If the Commission decides that this percentage should be lowered then that can be included in the Commission's recommendation to Town Council.*

2. Should visibility calculations also consider the square footage of the elevation that is visible?

*The current and staff proposed methodology will use the square footage of elevations that are visible from the viewing platform(s) to calculate the visibility as is currently required in the HDS&G. It should be noted that visible homes are limited to a height of 18 feet. Therefore, an 18 foot tall home with an elevation that is 100 percent visible would comply with the HDS&G.*

3. Should the all important visibility calculations be peer reviewed by an outside source who has no potential conflict of interest with the applicant?

*If the Commission decides that this is appropriate then that can be included in the Commission's recommendation to Town Council. It should be noted that this type of review has cost implications to applicants and the Town would need to go through a request for qualifications process to select a consultant to provide this service.*

Staff is also requesting input on the following questions relating to visibility analysis:

1. Should a note be added to require a deed restriction regarding replacement of the trees used for screening in the visibility analysis?
2. Should trees with poor or poor/fair ratings be used for screening in the visibility analysis?
3. Should trees with sparse canopies be used for screening in the visibility analysis?
4. Should visibility analysis be done at a specific time of year?

Staff will be available to address additional questions.

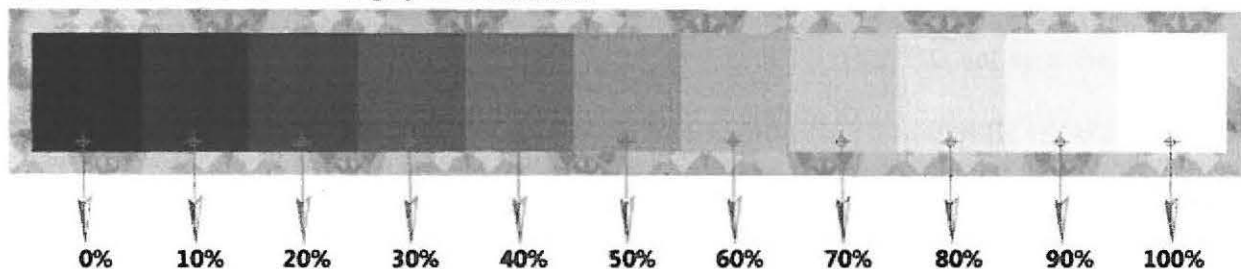
Staff also wanted to correct a statement that was made at the Study Session regarding replacement requirements for trees that are blown over. The Town Tree Protection Ordinance does not require replacement trees to be planted if a tree is dead or has an Extreme or High Tree Risk Rating.

## LRV

Staff has pulled the following excerpts from Cannon Design Group's letter for the Highland's PD modification to provide some additional general information regarding LRV:

*"Staff has looked primarily at the wall color in interpreting this standard. That can be appropriate when homes stand out on valley hillsides, and draw a great deal of attention to themselves by virtue of very light colors and substantial exposed vertical wall areas which stand out starkly from their natural hillside setting. In other circumstances, that interpretation can lead to some overly somber home colors. An LRV of 30 is a relatively dark value, as shown on the LRV value scale below. The scale can be found at the following link and includes additional information regarding LRV: <http://thelandofcolor.com/lrv-light-reflectance-value-of-paint-colors/>.*

### LRV Scale (not the same as grayscale) © LORE SAWAYA



*The Los Gatos standard of 30 LRV is relatively low in my experience. I have seen an LRV of 45 included in hillside design guidelines for Santa Clara County and also in a few places near Phoenix and Scottsdale where the traditional adobe wall colors fit comfortably with that color value. The homes so far have been carefully designed with identifiable historic architectural styles with a great deal of attention to authenticity of detail. The colors that would be required by adherence to a wall color LRV of 30 would, in some cases, work very much against that authenticity.*

*The applicant's proposal to consider the overall weighted averaging of the LRV values appears to have merit. Many of the homes will not be visible from areas outside of the immediate development neighborhood. In looking at the color studies, I find most of the wall colors which have been modified to be much too dark for good design and for their appropriateness to the individual architectural styles of the homes."*

Staff is also requesting input on the following questions relating to visibility analysis:

1. Is LRV averaging appropriate for hillside homes that are not visible pursuant to the HDS&G?

2. Should the roof material be included in the LRV averaging calculation?
3. Should there be a maximum LRV for individual exterior materials?
4. Should a maximum LRV apply to windows and trim?

Staff will be available to address additional questions.

CEQA DETERMINATION:

It has been determined that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b) (3)].

CONCLUSION AND RECOMMENDATION:

A. Conclusion

The draft amendments to Chapter II. and Chapter V. of the HDS&G are recommended to provide additional clarity to staff, applicants, and the deciding bodies regarding visibility and light reflectivity and determining compliance with the HDS&G.


B. Recommendation

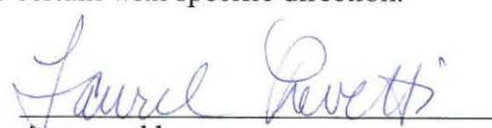
Staff recommends that the Planning Commission forward the draft amendments to the Town Council with a recommendation for adoption. The Commission should also include any comments or recommended changes to the draft amendments when taking the following actions:

1. Find that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3): Review for exemption (Exhibit 1); and
2. Forward a recommendation to Town Council for adoption of the amendments to the HDS&G (Exhibits 2 and 3) with modifications, if any.

Alternatively, the Commission may take the following action:

1. Continue the matter to a date certain with specific direction.

  
Prepared by:  
Joel Paulson, AICP

  
Approved by:  
Laurel R. Prevetti

Planning Commission Staff Report - Page 6  
Hillside Development Standards and Guidelines Modification  
November 23, 2015

Planning Manager

Town Manager/  
Director of Community Development

LRP:JSP:c

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A P P E A R A N C E S:

Los Gatos Planning  
Commissioners:

Mary Badame, Vice Chair  
Charles Erekson  
Melanie Hanssen  
D. Michael Kane  
Tom O'Donnell  
Joanne Talesfore

Town Manager:

Laurel Prevetti

Planning Manager:

Joel Paulson

Town Attorney:

Robert Schultz

Transcribed by:

Vicki L. Blandin  
(510) 337-1558

**EXHIBIT 5**

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P R O C E E D I N G S:

DAVID WEISSMAN: Are these comments to be on any area, or just on the color averaging?

VICE CHAIR BADAME: It can be the color averaging and the visibility analysis.

DAVID WEISSMAN: I want to give one example of how any obvious financial conflict of interest has affected what Davidon wrote in their letter in your packet. On page 3, Mr. Abbs discusses Tree 607 as an example of how even a tree with a very sparse canopy—his words—can provide screening.

Why select this tree as an example? Because it is a major screening tree for the proposed house on Lot 7, but I maintain that Tree 607 doesn't have a sparse canopy, and in fact would get around 60-70% screening credit under Lee Quintana and my proposed methodology.

Want a sparse canopy tree? Just look at a major screening tree, Tree 626, seen to the right of labeled Tree 607 in Davidon's provided photo. The tree is actually difficult to pick out, because it's canopy is so sparse as to be almost transparent. The orange netting in Davidon's photo is easily seen through Tree 627 even during leaf-out.

1 But more importantly, another reason for Davidon  
2 to not tout Tree 626 is because the consulting arborist  
3 recently downgraded its structural rating and preservation  
4 suitability to Fair/Poor because of the fungal wood decay  
5 associated with a mechanical injury to its trunk. This  
6 fungus could easily kill this tree. I asked Mr. Abbs if he  
7 really thought the Planning Commission wouldn't see through  
8 your blatant deception at using Tree 607 as an example. I  
9 haven't even mentioned that Tree 607 also has a large  
10 mechanical injury.

11  
12 Mr. Abbs also contends that all oak trees can be  
13 assessed for screening at any time of the year.  
14 Conveniently, he ignores that the consulting arborist said,  
15 regarding Tree 607, that this tree and all deciduous trees  
16 on Highlands should be checked during June to better assess  
17 their condition. Checking a deciduous tree during the  
18 winter may not reveal whether the tree is even alive or  
19 dead.

20 But then Mr. Abbs also says in his letter, on  
21 page 2, and I quote, "Davidon believes every tree should be  
22 allowed for screening." Sounds like that includes even dead  
23 trees.

1           Mr. Abbs likes to claim how the Highland's oak  
2 trees are not doing well because of the drought, but you  
3 are smart enough to have read in just about every one of  
4 the consulting arborist's tree reports for each lot that  
5 many, many trees have also been impacted by lack of  
6 required tree protection fences, resulting in repeated  
7 mechanical injuries, excessive pruning, and compactions by  
8 heavy equipment and storage of heavy materials under tree  
9 canopies.

10  
11           Lastly, Davidon would like for us to believe, as  
12 they say on page two, that the life expectancy of a tree in  
13 poor condition can be the same as a tree in good condition.  
14 Could be, but highly unlikely, according to the consulting  
15 arborist who says that poor trees can be expected to  
16 decline regardless of management. Clearly Davidon, given  
17 their track record, is the last entity that you should  
18 listen to when you consider how to improve the Hillside  
19 Standards.

20           VICE CHAIR BADAME: Thank you, Dr. Weissman. Do  
21 any of the Commissioners have any questions for Dr.  
22 Weissman? Commissioner Kane.

23           COMMISSIONER KANE: Dr. Weissman, therefore what?  
24 What would we do?  
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1           DAVID WEISSMAN: Lee Quintana and I have provided  
2 with you a draft ordinance.

3           COMMISSIONER KANE: And that specifically  
4 addresses your concern?

5           DAVID WEISSMAN: That specifically addresses all  
6 of my concerns, and the concerns expressed by numerous  
7 Planning Commission meetings, the Town Council meeting back  
8 in May, and going back to what is expressed in the Hillside  
9 Standards. We have tried to be positive. We have tried to  
10 be objective.

11           COMMISSIONER KANE: This is page 1 of Exhibit 4,  
12 where you give seven references to past meetings?

13           DAVID WEISSMAN: No.

14           COMMISSIONER KANE: Let me rephrase that. On page  
15 1 of Exhibit 4, you make reference to seven different  
16 meetings, and I was at some of those meetings as a Planning  
17 Commissioner and you remember them better than I do. It's  
18 an impressive piece of work. Thank you.

19           DAVID WEISSMAN: Thank you. No, I am referring,  
20 Commissioner Kane, to the pages that are in your packet.

21           COMMISSIONER KANE: The new one?

22           DAVID WEISSMAN: Yes.

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1 JOEL PAULSON: Just for reference, it's the first  
2 four pages of Exhibit 1 for the Study Session Report.

3 COMMISSIONER KANE: I've got it. Thank you.

4 VICE CHAIR BADAME: Any further questions? Thank  
5 you, Dr. Weissman. I will now call Steve Abbs to the  
6 podium.

7 STEVE ABBS: Hi, good afternoon. I'm Steve Abbs  
8 with Davidon Homes.

9  
10 I have submitted a letter of correspondence to  
11 express our opinions of (inaudible) methodology. Basically,  
12 in a nutshell, we actually think the current Hillside  
13 Design Guidelines work. I think what staff is proposing as  
14 far as amendments to the methodology are good proposals,  
15 but I think there is one thing that we need to know, that  
16 we're here for, is that there may be come clarifications to  
17 the interpretations of the Hillside Development Standards  
18 and Guidelines, but I don't think it warrants a full  
19 rewrite or changing of the rules of the guidelines.

20 Staff is very competent. They're on top of  
21 things. You have a Town Arborist and a Consulting Arborist  
22 that are well respected and very knowledgeable. I think the  
23 Planning Commission should listen to what they say. They're  
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1 the experts and they should have a lot of say in how these  
2 amendments are proposed.

3 Basically this evening I want to make sure that  
4 everybody keeps focused on that the visibility is standing  
5 on the viewing platform viewing with the naked eye. The  
6 level of detail in looking at Mr. Weissman's photos, that's  
7 a photo zoomed in from a drone; you're not going to see the  
8 level of detail of seeing leaves, trigs and branches. What  
9 you are going to see is a massing of a tree canopy from  
10 standing on a viewing platform with a naked eye.

11 Screening does occur from these very sparse  
12 trees. I've shown in my letter that it's very obvious that  
13 screening is occurring from the very sparsest trees with  
14 very limited foliage. Then also, if you put a house behind  
15 those very sparse trees that have an LRV compliant color to  
16 them, that earth tone color, you're not going to see  
17 anything. Right now you barely see very bright orange  
18 netting behind these trees.

19 Another interpretation that I think the Planning  
20 Commission should discuss tonight is the fact of using  
21 protected oak trees as part of screening. Back in 2009  
22 Mayor Wasserman actually interpreted the Hillside  
23 Development Guidelines to reduce visibility and visible  
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1 impact by the use of screen trees. Councilperson McNutt  
2 agreed, encouraging that screen trees should be used.

3           The trees that exist out there are in poor  
4 condition. In the situation we have on Lot 10, there is one  
5 tree that was in fair condition when we started design, it  
6 got downgraded to a poor condition, and based on some  
7 suggestions by Mr. Weissman, that tree wouldn't be able to  
8 be used. Now, the question is why wouldn't an applicant be  
9 able to install a brand new Coast Live Oak tree that would  
10 provide immediate screening? When they grow over time, they  
11 provide more screening over time. It would be better for  
12 the environment. It provides better sustainability to the  
13 oak woodland, and it would mitigate the visibility of the  
14 houses. It just seems like it's a win-win for everyone. But  
15 there's a misinterpretation of landscape screening that I  
16 think the Planning Commission should talk about.

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18           VICE CHAIR BADAME: Thank you very much, Mr.  
19 Abbs. Commissioner O'Donnell has a question for you.

20           COMMISSIONER O'DONNELL: We've heard some  
21 references to mechanical damage to various and sundry  
22 trees, and I realize you were not the first people to  
23 develop this property, so I don't know where these  
24 mechanical injuries came from. Can you tell us a little bit  
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1 about what care you used to see that there was no damage to  
2 the trees while you were working on it?

3 STEVE ABBS: The trees that Mr. Weissman was  
4 referring to on Lot 7 were Trees 607 and 626. We have had  
5 no construction activity at all on those lots. Ms. Debbie  
6 Ellis is here; she can speak to what she has seen as far as  
7 what a mechanical injury to that tree is, but as far as I  
8 know, there hasn't been any activity on that lot. Again,  
9 Debby Ellis can speak to this, but it could have been a  
10 wound from a fallen limb, for all I know. As far as Davidon  
11 is concerned, we have not done any construction actually on  
12 that lot to do any damage to these trees.

14 The one thing that Mr. Weissman brings up in this  
15 picture is that yeah, in my letter I didn't specifically  
16 bring up Tree 626, but the sparseness of Trees 607 and 626  
17 are exactly the same. The purpose of my letter was to  
18 clearly identify a very sparse tree and the fact that from  
19 a viewing platform it clearly shows a screen of that tree.

20 VICE CHAIR BADAME: Was your question answered?

21 COMMISSIONER O'DONNELL: Yes.

22 VICE CHAIR BADAME: Thank you, Mr. Abbs. Any  
23 further questions? Thank you.

24 I will now call Bess Wiersema.  
25

1           BESS WIERSEMA: Hi. You guys know me. I'm Bess,  
2 from Studio3.

3           I have a lot of clients over the past couple of  
4 years that we've been bringing to town, and some of the  
5 existing house colors are significantly greater in value  
6 than the 30 LRV that the Town has been looking at with  
7 regard to Hillside Standards, and it poses a problem for  
8 most of the projects that we have.

9           I understand from your last study session that  
10 you guys have considered something in terms of--and I could  
11 be wrong on this--if 25% of the house is exposed, then the  
12 30 LRV number stays intact, but if less than that is  
13 exposed or screened, then you would consider something  
14 other than that.

15           I just wanted to bring to your attention some of  
16 the issues with LRV that I have a professional problem  
17 with, and my clients do as well.

18           My first bullet point, an LRV of 30 or below.  
19 Note the house color that is far darker than the average  
20 colors used in most homes in the Los Gatos hillside, at  
21 least the projects that we are seeing, except those  
22 reflective of an antiquated Mountain or old Tahoe type  
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1 style. I brought some LRV color chips I'll show you in a  
2 second, if I have time.

3           An LRV of 30 or below is inconsistent with  
4 certain architectural styles, such as Spanish or  
5 Mediterranean, as well as a lot of the Craftsmans. I just  
6 think it creates kind of a bastardized character from an  
7 architectural standpoint. These are styles that are often  
8 used in hillside, because their roof pitches are lower, so  
9 to have to do something that has a color that's  
10 inconsistent with that type of home is often a problem.

11           I also think that the imposition of LRV of 30 or  
12 below creates inconsistent character in neighborhoods,  
13 mostly where we're doing remodels or significant additions.  
14 Most homes in neighborhoods are significantly greater than  
15 that in the number.

16           An LRV of 30 or below is in direct conflict with  
17 the design guidelines, even Section 1 of the hillside  
18 specific one where it says number three, compatible with  
19 the surrounding neighborhood and respectful of neighbors. A  
20 lot of the houses, even most recently one that you guys saw  
21 here on Forrester Road, all of those houses have an LRV  
22 sitting at 40 or above, and often greater than that.

1           My thoughts on how to make this concept work as  
2 intended is to consider an LRV of greater than 30 on a  
3 project-by-project basis that is in keeping with the  
4 neighborhood average LRV so that a newer project doesn't  
5 stand out as a sore thumb. Consider an LRV of greater than  
6 30 if it is true to the architectural style, and therefore  
7 provides further integrity of the overall design. Consider  
8 a blended LRV concept for the whole building, and consider  
9 the use of further guidelines, such as if the project can  
10 be seen from viewing platforms, reduced LRV, matching the  
11 LRV quotient to the immediate neighborhood average, and  
12 addressing materials as part of that color.  
13

14           VICE CHAIR BADAME: Thank you, Ms. Wiersema. I  
15 have questions. Commissioner Hanssen had her hand up first.

16           COMMISSIONER HANSSEN: I understood all your  
17 comments, but the proposal that is in the drafted text is  
18 to incorporate LRV averaging, so do you have additional  
19 issues with the idea of the LRV averaging? I understand all  
20 of the points, but I think that was the whole reason that  
21 the Town Council wanted to go forward with LRV averaging  
22 for the houses that were less than 25% visible.  
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24           BESS WIERSEMA: But it's an average of what?  
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1 COMMISSIONER HANSSEN: That's one of my questions  
2 that I would ask of Staff, but the concept, I mean what  
3 issues do you have with the concept? Because all of your  
4 comments that you just made were relative to...

5 BESS WIERSEMA: I think the number is important.  
6 We did a quick analysis of just everyone's houses, even for  
7 you guys sitting up here, and I think Commissioner  
8 O'Donnell was the only one that hit the number; I know he's  
9 not in a hillside.  
10

11 But I think understanding what the number is and  
12 how the average is taken, is it volume surface area as  
13 visible from the street out of the 25%, just definition  
14 around that, because 30 is a pretty heavy-duty number to  
15 hit, and very inconsistent with most of our existing  
16 neighborhoods.

17 COMMISSIONER HANSSEN: A follow up question on  
18 that is that you had mentioned color chips. I actually did  
19 some research on my own and I looked at what LRV values are  
20 on the scale, and it occurred to me that especially if you  
21 were doing gray colors, obviously the lowest LRV is black  
22 and we don't really want black houses in the hillsides. So  
23 I wondered if there is a way to put some different  
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1 boundaries or definitions around it to make it what we  
2 want?

3 BESS WIERSEMA: With regard to color chips, I  
4 just quickly took a pan of people are beige tones, green  
5 tones, and gray tones. They look purple up here, but  
6 they're (inaudible).

7 COMMISSIONER HANSSEN: I can't tell what the LRV  
8 is.

9  
10 BESS WIERSEMA: The ones with the Post-Its on it  
11 are where you have to get to on a regular average color to  
12 hit at an LRV 30.

13 COMMISSIONER HANSSEN: So anything that's lighter  
14 than that is...

15 BESS WIERSEMA: Anything that's to the right of  
16 that would not qualify for the LRV. You have to get a  
17 significantly dark home.

18 COMMISSIONER HANSSEN: Just my observation in the  
19 case of the blacks and the blues that's the case, I think  
20 that's blue, or it's gray, but as you kind of moved over  
21 they're not quite as dark, and that's the thing I was  
22 looking for; that's very helpful to get an idea.

23 VICE CHAIR BADAME: Commissioner O'Donnell.  
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1 COMMISSIONER O'DONNELL: That was very helpful.  
2 I'm just curious though, I find it hard to deal with this  
3 on statutory basis or guideline basis, but we in the past  
4 have had sort of a maximum. We said not above 30 under  
5 certain conditions, whatever. Do you believe the use of a  
6 maximum at all is helpful?

7 BESS WIERSEMA: I think that it could be, unless  
8 there is a neighborhood definition as part of that  
9 character of the neighborhood. If you can prove that the  
10 average LRV of a neighborhood is, say... I think we had it in  
11 here. An average LRV of the neighborhood that you guys most  
12 recently saw on Forrester was 17.4 for our immediate  
13 neighborhood. Sorry, I have the wrong number. I think a  
14 maximum number could be used, but I think 30 is too tight.

15 COMMISSIONER O'DONNELL: The reason I ask you is  
16 having sat here for a number of years, we don't take  
17 responsibility for what happened before we got here, so the  
18 fact that we might think what got there before we did was  
19 something we don't agree with, I guess we'd like to kind of  
20 move on and maybe not do it the same way.

21 On the other hand, I hear what you're saying and  
22 I think it makes sense, but we're going to have to wrestle  
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1 with that. So we say there was some simplicity in what was  
2 suggested before; that doesn't make it right.

3 But I do think if we had a shall not exceed or  
4 some kind of number, it would be helpful. I heard you  
5 earlier throw out 40%, but I don't like this thing that  
6 says if they made a lot of mistakes in the past, we'll just  
7 use that as our baseline, and that is what you're saying.  
8 So let's talk about not that.

9  
10 BESS WIERSEMA: Right.

11 COMMISSIONER O'DONNELL: Do you have some other  
12 help?

13 BESS WIERSEMA: If you could take your immediate  
14 neighborhood and have an average LRV of what those homes  
15 were in the neighborhood so that you could fit into them,  
16 and you were within a certain percent of that, or whether  
17 you want to call that average the current max, or a median  
18 number, I think that that's something that's worth looking  
19 at. That way you don't end up with the black hole house in  
20 the middle of the neighborhood that's all light tan and  
21 taupe and white.

22 COMMISSIONER O'DONNELL: So your view of the  
23 hillsides is we have different blotches up there because  
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1 neighborhoods are different? Average each neighborhood and  
2 you're going to get a different number.

3 BESS WIERSEMA: I think neighborhoods are  
4 different, and I think architectural styles often call for  
5 a different color palette as well.

6 COMMISSIONER O'DONNELL: Thank you.

7 VICE CHAIR BADAME: Any further questions?  
8 Commissioner Erikson.

9  
10 COMMISSIONER EREKSON: Should we think about the  
11 roof reflective value different from the body of the house,  
12 as opposed to looking at the total house and roof with a  
13 single reflective value? Should we separate those two, and  
14 what would the design implications be of doing that?

15 BESS WIERSEMA: I think that's worth considering.  
16 I also think it should be careful to not just use language  
17 like on a metal roof that it needs to be an anodized metal  
18 roof. There are many metal roofs; in fact the ones that you  
19 guys generally like better are not the ones that are  
20 anodized, but that have a metallic undertone that are the  
21 ones that have essentially the enamel process put on them.

22 It alarms me when I see specific language  
23 assigned specific materials without having an understanding  
24 of what those materials are that are current on the market  
25

1 for residential projects right now. So I think some  
2 understanding of, yes, roofing could have a different LRV  
3 quotient, so it's not a big reflective roof, then the  
4 façade of the house I think is a great way to look at it.

5 I also think materials are important. A super  
6 smooth stucco is going to look very different than a  
7 singled house, just because of shadow and texture that's  
8 added, but we're required to give the LRV that's on the  
9 color chip no matter what.

10  
11 I think there are a lot of things that have to be  
12 taken into consideration, and not just a flat number.

13 VICE CHAIR BADAME: Thank you for your comments.  
14 Any further questions? Thank you. Next up, Angelia Doerner.

15 ANGELIA DOERNER: Hello, I'm Angelia Doerner, a  
16 very proud resident of the Almond Grove.

17 I'm here because this is maybe going to throw a  
18 little wrench into something, or at least I think warrants  
19 some consideration at this workshop, is page three of the  
20 Staff Report referring specifically to Items 3-5, with  
21 rooftop colors, metal surfaces, and mirror like window  
22 tinting.

23 When I was here last time about Assembly Bill  
24 2188 concerning new provisions about rooftop solar systems,  
25

1 I started thinking--and I can already hear some oh darns  
2 over there--but I started thinking about how this applies to  
3 our hillside homes and how you're going to be dealing with  
4 allowing or approving or determining whether some of these  
5 rooftop solar systems could be causing significant issues  
6 or contradictions with what we have in our Hillside  
7 Standards.

8  
9 Specifically what I think could be considered is  
10 that cited in Section 3, paragraph 65850.5(b) in Assembly  
11 Bill 2188. They do give the authority to the Town to  
12 address or apply for a use permit if they can prove that  
13 there's a specific adverse impact upon the public health  
14 and safety of the Town, and what I'm concerned about is  
15 rooftop systems.

16 You guys do a great job, you put up this  
17 wonderful color that merges with the hillside and the  
18 environment. Someone puts up a solar system that provides a  
19 glare directly down Highway 17 with the brightest sun and  
20 blinding drivers. There's always discussion here about the  
21 lights and the windows and how that's going to be shining  
22 at night and be visible. What about visibility during the  
23 day with solar systems all over the roofs?  
24  
25

1 I'm just throwing this out as something that I  
2 think could be considered, or should be at least thought  
3 about, and using that particular reference in the bill to  
4 see if there's some way around the building permit process  
5 that you can take a harder look from these same viewing  
6 platforms and the same other things that you're talking  
7 about now to make sure that those kinds of public safety  
8 issues aren't encountered.

9  
10 VICE CHAIR BADAME: Do we have any questions for  
11 Ms. Doerner? Seeing none, thank you for your comments. I  
12 will now call Mr. Harris to the podium.

13 SANDY HARRIS: My name is Sandy Harris and I'm  
14 here in regard to the home on Drysdale. I know we have a  
15 color code associated with the hillsides, which I agree  
16 with completely, because when you look at the hillside and  
17 you have street signs up there where people painted their  
18 houses white and very reflective colors, I think it brings  
19 down the integrity of our hillsides.

20 But what I'm not sure of is that same application  
21 applied to houses that aren't visible, they're down low  
22 enough where nobody can actually see them. It appears as  
23 though that same regulation, because of that purpose, is  
24 being implemented on houses that can never be seen by  
25

1 anybody other than the people who live on the specific  
2 street that they're one, or it's on a street that nobody  
3 would ever go to unless you did live there type thing, and  
4 it's not a thoroughfare to go anywhere.

5 But I just want to see if there is possible  
6 consideration that could be given for houses in that regard  
7 as far as trying to hold them to the wire on the 30 LRV. I  
8 know why that was implemented to start with, which is  
9 agreeable and I think I'm very, very happy they did that,  
10 because if they had put that into effect many years ago we  
11 wouldn't be looking at all those bright houses up on the  
12 hillside. But if there is possible consideration that could  
13 be given for houses that are visible only to the people who  
14 live on the street that they're on, I would appreciate some  
15 sort of consideration like that, if it's possible that you  
16 guys would think about that.

18 VICE CHAIR BADAME: Anything further? You still  
19 have time left. Commissioner Erekson has a question for  
20 you.

21 COMMISSIONER EREKSON: Trying to understand what  
22 you're proposing to us. Are you proposing a Town-wide  
23 standard of a certain maximum reflective value, or for all  
24

1 the homes whether they're visible or not visible in the  
2 hillsides?

3 SANDY HARRIS: No, all the homes that are visible  
4 in the hillside shouldn't be reflected. They shouldn't be  
5 something that you have to look at that house all the time,  
6 because you can't help it, it's reflecting back at you and  
7 demonstrating to you that it's there.

8  
9 But I'm suggesting if you have a house that is  
10 not visible from anywhere, and it's not up in the  
11 hillsides, and the only way someone is ever going to see it  
12 is if they drive up your street to go to your home or go to  
13 your neighbor's home, because it's not a thoroughfare going  
14 anywhere, I'm just wondering if there's consideration that  
15 can be given for that situation.

16 I know what the guideline was put in place for,  
17 because of all the street signs we have all over the  
18 mountains with people painting the houses colors that  
19 weren't nature's true colors. And I'm not saying someone is  
20 going to paint a house pink or white or whatever, but I'm  
21 just saying that 30 is hard to find a color that really  
22 fits some designs and architecture of houses. And if it's  
23 not in an area where it's not visible and nobody can see  
24  
25

1 it, I'm asking if there's a possibly there could be  
2 consideration given to that specific type of a case.

3 VICE CHAIR BADAME: Commissioner Kane.

4 COMMISSIONER KANE: Mr. Harris, you and I go way  
5 back.

6 SANDY HARRIS: Yes, sir.

7 COMMISSIONER KANE: So I'm going to take little  
8 liberty. What I'm hearing is if a tree falls in the forest  
9 and no one is there, will it make any noise? If I'm going  
10 up in the hillsides, why would I want a pink and blue and  
11 orange house? You just said well I'm sure nobody would want  
12 to paint it that way, but if we lower the standard we get a  
13 pink and blue and orange house, possibly. Why wouldn't I  
14 want to have the hillsides continually rustic and  
15 respectful of everything the Hillside Guidelines provide?  
16 It's not a rhetorical question, it's like really, why would  
17 I want that?  
18

19 SANDY HARRIS: Okay, you asked me a question. If  
20 I would take you around the various areas that are  
21 considered hillsides in the Town of Los Gatos...

22 COMMISSIONER KANE: And you have.

23 SANDY HARRIS: Yes. There are lots of areas in  
24 the Town of Los Gatos that you're never going to have to  
25

1 take a look at unless you know someone there and you're  
2 going to their specific house, and those houses, most of  
3 them are fairly consistent with each other color-wise.  
4 There's this new standard put in to where it has to be 30  
5 or below, which the house, I don't know if you've seen many  
6 30 or belows, but there are not a lot of colors you can  
7 really pick in that arena and have a house that's conducive  
8 to certain architecture styles or whatever, because it's so  
9 dark. I can understand having some regulation in place that  
10 affects our community, because that's what we're about is  
11 our community, but not isolating someone that it doesn't  
12 affect anybody else other than the people who live on the  
13 street and the people, if they are happy with the color,  
14 and nobody else can see it, and it's not a major  
15 thoroughfare of any kind where you can't go anywhere other  
16 than to those people's houses, I'm just saying it would be  
17 nice if there was some sort of an exception for that  
18 specific case.  
19

20 VICE CHAIR BADAME: Anything further,  
21 Commissioner Kane?

22 COMMISSIONER KANE: No, thank you.

23 VICE CHAIR BADAME: Thank you. I will now call  
24 Dennis Razzari to the podium.  
25

1 DENNIS RAZZARI: Madam Chair, Members of the  
2 Commission, I'm Dennis Razzari, Davidon Homes.

3 I wanted to touch briefly on the tree issue as  
4 well, as I may be able to add some insight for you, if time  
5 allows or you want to bring me back, regarding the color  
6 average, because that's what we did do also up at the  
7 Highlands project and maybe why this item is before you  
8 again tonight.

9  
10 But with regard to the trees, the Hillside  
11 Development Standards and Guidelines were adopted in  
12 January 2004. For almost 12 years now they've served pretty  
13 effectively for the Town, and recently with our project it  
14 seems like a lot of attention has been drawn to them. It's  
15 been drawn to them because of some of the ambiguity of some  
16 of the language.

17 However, what Dr. Weissman has recommended this  
18 evening as far as revising the language for them I think  
19 further introduces more ambiguity into how those guidelines  
20 are interpreted. I think Staff has done a phenomenal job  
21 with the addition of the language.

22 As Mr. Abbs indicated also, the visibility from  
23 the viewing platforms at the distances that are involved,  
24 and the use of a 500mm lens and a 300mm lens is more than  
25

1 adequate in determining how visible those homes are, or the  
2 product is. To take it to a vantage point introduces  
3 ambiguity as to where is the vantage point? We've had  
4 enough discussion and argument over the viewing platforms,  
5 let alone now determining where the vantage points are from  
6 which you're going to view this project.

7           Davidon has spent literally tens of thousands of  
8 dollars on the four homes that we recently had before you,  
9 and for a private party on a single-family to come in and  
10 do that and then we challenged as to that's not the correct  
11 vantage point, that's not the correct viewing platform, and  
12 to move it around, it's a very tedious and onerous task,  
13 and an expensive task, for a private party to endure.

14           So I would caution you on that, because I think  
15 you need to welcome your applicants into the Town, not just  
16 developers. Maybe not developers at all, if you choose, but  
17 your owners that are building custom homes or homes in the  
18 hillside, you want to be able to work with them and have a  
19 language and statute that is interpreted, clear, defined,  
20 and I think that that was the intent of what this study  
21 session was to do, to get language that is not ambiguous.

22           To take trees and evaluate them as to whether  
23 their health is good, poor or great is an interpretation  
24  
25

1 that should be left to the consulting arborist. To then  
2 take that tree and say it's only worth 60% value because of  
3 its character I think adds more ambiguity into it. To take  
4 a calculation around it where for 12 years it sufficed at  
5 25%, and now introduce an average where 25% is now going to  
6 be brought down to 24.5%, is again, a change that is not  
7 necessary. It has worked, and with the clarity that Staff  
8 has recommended, I think it works very well. I think what  
9 Staff has recommended is appropriate language to be  
10 adopted. Thank you.

11  
12 VICE CHAIR BADAME: Thank you. Questions?  
13 Commissioner Kane.

14 COMMISSIONER KANE: For you and Mr. Abbs, I was  
15 there when we developed this language; at least I think I  
16 was. I remember the sixties, so I can remember that.

17 I had an issue with the priority of foliage, that  
18 there was a primary set of standards for houses in the  
19 hills, as secondary and then tertiary considerations. I  
20 don't know if the Commission or even the Town Council at  
21 that time agreed or supported the notion that I had that a  
22 tree could be a fleeting thing, bushes, foliage could be a  
23 fleeting thing, and that it was an amelioration, a tertiary  
24

25

1 consideration to bring in trees as really permanently  
2 affecting the 24.5-25%.

3 I was thinking when you spoke earlier, Mr. Abbs,  
4 the question is—I have to ask you questions—do you know if  
5 there's a law requiring a homeowner to put up a giant oak  
6 tree that just fell down due to natural causes, which oak  
7 tree blocked 50% of the house? Now what do we do? So that's  
8 how I assigned a tertiary consideration to trees when  
9 talking about visibility. I've been here for 30-something  
10 years, and it doesn't look like it used to look. Maybe the  
11 trees all fell down and we need language saying you have to  
12 put up an exact replica, which wouldn't be very practical.  
13 But that's a question.

14  
15 When you give emphasis to foliage having to do  
16 with visibility, that's in the hands of God, that's  
17 temporarily. It could be overnight; it could be 50 years.  
18 But what if it all falls down and I can see the white house  
19 with a 50 LRV from 20 miles away.

20 DENNIS RAZZARI: I don't know that there is any  
21 law within the Town's statutes that requires a tree to be  
22 replaced. I can tell you that in the brief period of time  
23 that Davidon has owned the Highlands property, we have seen  
24 a number of rated healthy trees, both within the LRV areas  
25

1 and outside of the LRV areas, that have fallen completely.  
2 Some due to windstorms and storms, but some that have just  
3 plain keeled over and dropped. We've had sudden limb drop  
4 off of a number of trees that are in healthy vigor.

5           Mr. Abbs indicated earlier that the Commission  
6 should consider the opportunity or allowance of the  
7 planting of oak trees, native trees, within the area. The  
8 Highlands in particular I think has been rated as a second  
9 growth, or a later growth, forest, and so the trees up  
10 there may not be in the best of health. I don't know if  
11 harvesting is the correct word for it, but they are  
12 secondary growth trees and as a result they don't have the  
13 vigor and strength of the original tree. If we're able to  
14 supplement that forest, that oak woodland forest, by  
15 planting box trees, and significantly sized box trees is  
16 what we would suggest, you can augment the screen of the  
17 house and you're introducing healthy species and varieties  
18 back into the oak woodland forest that are not second or  
19 later generation growths, that add vigor and health to the  
20 forest in general, and can supplement the screen.

22           COMMISSIONER KANE: A brief follow up, but not to  
23 belabor the point. I said what if? What if that massive oak  
24 tree comes down at the hand of God, lighting, storm,  
25

1 whatever, and I've just paid triple the money for this  
2 wonderful house on the hillside, and suddenly I can see San  
3 Francisco. What's going to motivate me putting up... You get  
4 my point? This is how I'd put foliage in a tertiary light  
5 when it comes to protecting the hillsides and reducing  
6 visibility. I can't depend on a "temporary tree" that a  
7 homeowner is just not going to lose sleep over replacing if  
8 it falls down and then they have one of the greatest views  
9 known to man.

10  
11 DENNIS RAZZARI: I think currently the Town does  
12 have policy that if a tree falls, and this has occurred on  
13 our site where a tree has fallen, a Tree Removal Permit is  
14 still required, and in cases where it has happened a Tree  
15 Removal Permit is required with tree mitigation that is  
16 applied to that.

17 To address your concern, I think the trees that  
18 we're proposing to be used as screening can potentially  
19 have some type of deed restriction or something on that lot  
20 where if there is a tree that falls that the homeowner does  
21 have someone on title that that tree does have to be  
22 replaced. So there is a potential legal option that can be  
23 implemented, but currently if a tree does fall, a Tree  
24 Removal Permit is required, and mitigation is required.  
25

1 COMMISSIONER KANE: Let's go to Staff and find  
2 out from Staff.

3 JOEL PAULSON: Correct.

4 COMMISSIONER KANE: What is?

5 JOEL PAULSON: That if a tree falls, a Tree  
6 Removal Permit is required, and mitigation replacement is  
7 required.

8 COMMISSIONER KANE: I did not know that. Even on  
9 a homeowner who has been there a while?

10 JOEL PAULSON: On any property.

11 COMMISSIONER KANE: Is it a replica tree, or a  
12 certain box tree, or a tree that will eventually develop  
13 into the tree that fell down?

14 JOEL PAULSON: It's a number of box trees based  
15 on the table in the Tree Ordinance, so depending on the  
16 canopy size of the tree before it fell.

17 COMMISSIONER KANE: Thank you.

18 ROBERT SCHULTZ: On top of that, it is certainly  
19 possible to put in, through a deed restriction, Conditions  
20 of Approval that require the maintenance of landscaping or  
21 screening; I've seen those done also.

22 COMMISSIONER KANE: Do we regularly do that?

1 ROBERT SCHULTZ: No, I don't think we have up to  
2 this point.

3 JOEL PAULSON: I would just offer that prior to  
4 when I arrived the Town used to do five-year tree  
5 maintenance agreements with property owners.

6 VICE CHAIR BADAME: Any further questions?  
7 Commissioner Talesfore.

8 COMMISSIONER TALESFORE: Prior to when you  
9 arrived the Town did what, and can you explain what that  
10 means?  
11

12 JOEL PAULSON: Tree maintenance agreement, so  
13 whatever they planted or was part of the approval, they had  
14 to make sure that it survived for five years.

15 COMMISSIONER TALESFORE: And the Town took it  
16 out?

17 JOEL PAULSON: I can't recall whether or not that  
18 went into the Tree Ordinance revisions as well. I'll try to  
19 pull that up. I'm not sure if we have the new copy in here,  
20 but I remember that conversation. I think Dr. Weissman  
21 brought that up when we were having that conversation.

22 COMMISSIONER TALESFORE: And the Town checks on  
23 that? They send somebody out there for five years?  
24  
25

1 COMMISSIONER TALESFORE: I don't know how it was  
2 implemented when it was done prior to 2000.

3 ROBERT SCHULTZ: Certainly know that if that's  
4 something the Planning Commission wants to pursue, that's a  
5 possibility, and then we have to figure out how to make  
6 certain. Maybe there's a report that's done by the property  
7 owner yearly that shows how it's been maintained, but we  
8 wouldn't have the staff to start going out to all these  
9 homes.  
10

11 COMMISSIONER TALESFORE: Which is why I asked. I  
12 mean it sounds great in concept.

13 ROBERT SCHULTZ: You try to put the onus on them.

14 COMMISSIONER TALESFORE: Onus on them, right, and  
15 that is sort of the issue here too. Anyway, to the point,  
16 that is why I asked the question. Thanks.

17 VICE CHAIR BADAME: Thank you, Mr. Abbs, and  
18 thank you, Mr. Razzari. I will now call Lee Quintana to the  
19 podium.

20 LEE QUINTANA: Lee Quintana, and I apologize for  
21 being late. I'd like to talk about several things tonight,  
22 and they're just recommendations or suggestions for things  
23 to think about. I'm probably going to go through them fast,  
24 then come back to them when I have time.  
25

1           One is from the glossary. Delete the definition  
2 for "visible home" from the glossary. Most people already  
3 know or have an understanding of what visible means, and  
4 just put in the body of the text what is intended.

5           Also, delete "viewing platforms" from the  
6 glossary and the text and substitute "vantage points"  
7 rather than "viewing platforms," because the language in  
8 the document refers to vantage points, *including* those on  
9 the valley floor, not *just* those on the valley floor.  
10 Platform gives it a different impression.

11           I'd also like to talk about the origin of the 25%  
12 and the reason behind it. There were approximately, that I  
13 have counted and seen, five drafts, and I believe there are  
14 a couple of more drafts, of this document before it was  
15 actually adopted. It was not until the last draft that the  
16 25% criteria were added to the glossary. The very first  
17 draft had a definition of visibility as something that can  
18 be seen, which is the definition of visibility. We didn't  
19 redefine visibility until the very last draft, and it's not  
20 clear why that particular thing was picked, why 25% of  
21 visible elevation was picked, or how and why or whether  
22 alternate methods were considered.  
23  
24  
25

1 I think there are alternate methods that can be  
2 considered. One will be to decrease the percent of visible  
3 elevation allowed as the useable or potentially usable  
4 square footage of a home increases. That would include  
5 spaces that are not currently proposed for usable space,  
6 such as cellars, basements, and attics or places that are  
7 covered by roofs, but that could be potentially converted  
8 into useable space without changing the effect of the bulk  
9 of the home.

10  
11 Another way would be to consider the percent of  
12 the total of the ridgeline as criteria for a cut-off, or  
13 the percent of the roofline elevation that is visible from  
14 a particular elevation. And of course there are other  
15 possibilities.

16 Lastly, I would really like to see some  
17 clarification or clarity of the language that is adopted  
18 that is clear that even if a project meets the criteria for  
19 visibility...

20 VICE CHAIR BADAME: Thank you, Ms. Quintana. Any  
21 questions? Commissioner Talesfore.

22 COMMISSIONER TALESFORE: Thank you. You referred  
23 to 25% after at least five drafts. Five drafts of what?  
24

1           LEE QUINTANA: Of the Hillside Development  
2 Standards and Guidelines.

3           COMMISSIONER TALESFORE: Are you talking about  
4 the one we have presently?

5           LEE QUINTANA: No, I'm talking about the first  
6 one that was presented to the Committee, which was I  
7 believe December 19, 2001.

8           COMMISSIONER TALESFORE: Are you talking about  
9 the Hillside Design Guidelines in 2001?  
10

11          LEE QUINTANA: Yeah, the Guidelines.

12          COMMISSIONER TALESFORE: Okay. I wanted some  
13 context.

14          LEE QUINTANA: Yeah, until it was finally adopted  
15 in January of 2004, there were at least five drafts. I'm  
16 pretty sure there were six drafts and there might have been  
17 even more.

18          COMMISSIONER TALESFORE: Were you on that  
19 committee?

20          LEE QUINTANA: Yes, I was.

21          COMMISSIONER TALESFORE: Okay.

22          VICE CHAIR BADAME: Commissioner Talesfore, do  
23 you have further? Commissioner Hanssen.  
24

25

1 COMMISSIONER HANSSEN: Thank you for your  
2 comments. I wanted to ask about one of your comments, which  
3 is regarding the viewing platforms. In reading through the  
4 document that you and Dr. Weissman submitted, and also  
5 hearing your comments, I thought there was some suggestion  
6 in there--and if I missed it or didn't interpret it  
7 correctly, let me know--that we should not limit ourselves  
8 just to the viewing platforms, or even the additional  
9 viewing platforms that might be selected by the Community  
10 Development Director, and maybe choose places that are in  
11 the hillside, is that correct? And then I had a follow up  
12 question.  
13

14 LEE QUINTANA: I think that "vantage points" is  
15 the broader term, and then "viewing platforms" was used and  
16 primarily interpreted to be on the valley floor. So I think  
17 that makes it confusing. You're really talking about where  
18 can you see it.

19 COMMISSIONER HANSSEN: The other thing that you  
20 mentioned in just your recent comments was that the  
21 guidelines referred to vantage points and not viewing  
22 platforms, but I don't know if I'm missing the place that  
23 it is, but I'm looking at page 13 where the viewing  
24  
25

1 platforms are defined in the original document, and it says  
2 viewing platform versus vantage point.

3 COMMITTEE MEMBER QUINTANA: But if you look on  
4 one of the pages that I just gave you, and I do apologize  
5 for getting it in so late. I was hoping to get it in  
6 earlier this morning, but had personal things that I needed  
7 to take care of. If you look in there, there is a list of  
8 places within the document where visibility is referred to  
9 in the Goals, in the Objectives, in several other parts of  
10 the document that set up what you want to accomplish by the  
11 hillside documents, and they don't distinguish between just  
12 the valley floor and the hillsides.

14 Now, I don't know that it would be a good idea to  
15 have different criteria for those two different things, but  
16 I don't think one excludes the other; you could be visible  
17 from several different points of view.

18 COMMISSIONER HANSSEN: Was there any version of  
19 the original document that suggested alternate viewing  
20 locations for determining visibility?

21 COMMITTEE MEMBER QUINTANA: I don't remember when  
22 that came in. I think it was from the very beginning, but  
23 the definition in the glossary says "established viewing  
24

1 platforms," which is different, so the emphasis was on  
2 that.

3           The other thing is that the timing of the  
4 analysis is really important, and as the document is  
5 currently approved the analysis for visual comes after  
6 you've determined what the LRDA is, even though that is one  
7 of the things that are supposed to be considered in  
8 determining the LRDA, and the timing of it comes so far  
9 down the road that it's just before a hearing that it  
10 actually comes up. I think in the original draft, if I  
11 remember correctly what I was reading this morning, that  
12 was not the case. It was actually in the document as part  
13 of the initial analysis to determine the LRDA where a house  
14 might be able to be sited.

16           COMMISSIONER HANSSEN: Okay, thank you.

17           VICE CHAIR BADAME: Commissioner Erikson.

18           COMMISSIONER EREKSON: I'm intrigued by the  
19 alternate methods, but I didn't hear you make an argument  
20 against the percent of visible elevation other than it  
21 occurred late, and I presume you're not making the argument  
22 that just because an idea came up late, it's bad, it's not  
23 as good as an idea that came up early. I'd like for you to  
24

1 help me understand why that's not a good idea and why we  
2 should consider alternatives.

3 COMMITTEE MEMBER QUINTANA: The way that it is  
4 currently stated favors bigger houses, and at least my  
5 understanding while I was on the committee that helped  
6 draft this was that we were trying to limit the impact of  
7 houses in the hillside, and effective bulk or mass or what  
8 you see was one of the impacts that was created.

9  
10 In fact, at that time we were told that there  
11 would be a comprehensive review of the document after a  
12 year of its implementation to see if it was actually  
13 accomplishing what we had intended it to, and that review  
14 has never taken place, and over the years--this is my  
15 personal opinion--the technical meeting of the law has been  
16 what has propelled the approval of an application, and that  
17 sort of... If you'll let me finish what I was going to say at  
18 the very end about clarifying, in part it will answer your  
19 question.

20 COMMISSIONER EREKSON: I suppose if it was  
21 answering my question, you wouldn't have to get permission.

22 COMMITTEE MEMBER QUINTANA: Okay. What I was  
23 saying was that whether or not a project meets the criteria  
24 for visual analysis, meeting it does not mean that the  
25

1 project must be approved. There's a lot of discretion.  
2 Anything that comes to you guys and the Town Council is a  
3 discretionary action, and there are many more factors that  
4 are involved, so just meeting the technical criteria, even  
5 if you're meeting the technical criteria of the law of  
6 different aspects, does not mean that the project itself is  
7 meeting the intent, the goals, and the objectives of the  
8 General Plan and the Hillside Design Guidelines.  
9

10 Just to give an example, if you have a house that  
11 reaches the maximum height allowed, but it only does it for  
12 10' at the ridgeline, that's quite different than a house  
13 that has a ridgeline that is 50-100' long and all of the  
14 ridges of the house are visible. So that would be one  
15 example of what I'm talking about.

16 COMMISSIONER EREKSON: Thank you.

17 VICE CHAIR BADAME: Thank you, Ms. Quintana. I  
18 will now close the public portion of the study session. I  
19 was originally going to separate the discussion among  
20 Commissioners between color averaging and the visibility  
21 analysis, but we have time constraints and we also have two  
22 Commissioners leaving early tonight, one at 5:30 and one at  
23 5:45, and we also have the Town Arborist present tonight,  
24 which I think we'd like to take advantage of, so I'm going  
25

1 to leave it open target for Commissioners for open  
2 discussion and not separate it out. So, would anybody like  
3 to start the conversation? Commissioner O'Donnell.

4 COMMISSIONER O'DONNELL: I just want to ask you,  
5 do you have a proposal for the arborist to talk to us now?  
6 If so, it would be a good time.

7 JOEL PAULSON: I think that the arborist is here  
8 to answer questions.

9 COMMISSIONER O'DONNELL: Okay, not to give a  
10 presentation?

11 JOEL PAULSON: Correct.

12 COMMISSIONER O'DONNELL: All right, thank you.

13 VICE CHAIR BADAME: Commissioner Hanssen had her  
14 hand up next.

15 COMMISSIONER HANSSEN: I think since the Town  
16 Arborist is here, I agree that it makes sense to ask our  
17 questions so she doesn't have to wait till the very end.

18 I was troubled in reading this whole thing about  
19 this idea of the moving target state of tree health, and it  
20 might be that the answer is that you can only look at it in  
21 one point in time when you're trying to make a decision on  
22 a development proposal, but I wanted to get an idea,  
23  
24  
25

1 especially in the case of these recent proposals that we've  
2 seen.

3           There are a fair amount of trees up in the  
4 hillsides, up there in Davidon Homes developments, that are  
5 in fair or worse condition, so if you're asked to look at  
6 the tree more than one time, how often is it that you'll  
7 see a change in the tree state if not caused by mechanical  
8 failure, just by what's happening in the environment, how  
9 often would you see that like in a year?

10  
11           VICE CHAIR BADAME: Thank you, Ms. Ellis, for  
12 stepping up to the podium. I was going to ask you to do  
13 that, so thank you for doing so.

14           DEBORAH ELLIS: How often would I see something  
15 within a period of a year?

16           COMMISSIONER HANSSEN: Or maybe I'm not using the  
17 right benchmark, but do you see where I'm going with the  
18 question? It's clear to me if someone takes construction  
19 equipment and doesn't have the proper protection around the  
20 tree and they hurt the tree, that could immediately cause  
21 damage to the tree, but I have this thought like if you go  
22 make your analysis--and you do a great job with your  
23 analysis, by the way--of the state that it is at the time,  
24 would it be typical to see a change in a year or two or  
25

1 three of those trees without any mechanical or otherwise  
2 impacts?

3           DEBORAH ELLIS: The answer is it depends on a lot  
4 of things, and so I can't give you one particular answer.  
5 It would depend on the particular tree and the conditions  
6 that are going on around it, including things like weather  
7 and drought.

8           The only thing I can say is if I am asked to  
9 review an arborist's report that's, say, five years old,  
10 even one of mine, I would feel that it's not current enough  
11 and I would want to go back and evaluate the trees again.

12           Then you might ask me what if it's a year old,  
13 would you still want to do that? My answer would be it  
14 depends. If it's a fairly stable site, nothing's going on,  
15 we haven't had extreme weather conditions, and I had a good  
16 report that I was fairly comfortable, I might say I think  
17 that probably things are about the same. I could never  
18 guarantee it; something could happen and I wouldn't know it  
19 unless I went out there. I do wrestle with this myself  
20 sometimes, and unfortunately there's no one answer.

21           COMMISSIONER HANSSEN: I can clearly see that,  
22 and I can imagine with conditions like with the drought  
23 having been relatively recent, that may have had an impact,  
24  
25

1 and if you're asked today versus a year ago, would you  
2 still want to go see that same thing from a year ago? Maybe  
3 you would now, because of the drought having that impact.

4           DEBORAH ELLIS: Yes, if the drought has had a  
5 huge impact. The Highlands is a good example, not just  
6 because of the construction, but it's a relatively exposed  
7 site, and many of the trees were quite beat up before the  
8 Highlands development began, and so I have seen rapid  
9 changes in trees, and some of that may be due to the  
10 development. I think some of that probably would have  
11 happened, even without development. I think some of that  
12 probably would have happened maybe without development just  
13 given the condition of the trees beforehand; they were not  
14 strong trees to begin with.

16           VICE CHAIR BADAME: Commissioner Talesfore.

17           COMMISSIONER TALESFORE: Thank you. I was going  
18 to ask a question about what changes have you seen because  
19 of the drought within our trees in the hillsides, so thank  
20 you for that.

21           I'm seeing these words, "sparse canopies," and I  
22 want to understand the sparse canopies that you've seen,  
23 let's just say, since you brought it up, up in that area  
24 that we're talking about. How do you view that? Will they  
25

1 get sparser? Are those the trees that are fair to poor?  
2 Will they be in good condition, but always having a sparse  
3 canopy because that's their character? When we see words  
4 like that, I'm always confused about how to interpret them.

5           DEBORAH ELLIS: Canopy density is one way to  
6 evaluate a tree's vigor, it's probably the most convenient,  
7 easiest way, and canopy density will vary somewhat  
8 depending on a particular tree species and also its age.  
9 Even with no human intervention, as a tree ages generally  
10 its canopy density will become less. It's kind of like  
11 people and their hair. I used to have to thin my hair,  
12 because it was so thick, to try to reduce the density, and  
13 I don't have to do that anymore, and that's the way it is  
14 with a lot of trees. But a reduction in density that's not  
15 due to normal aging and that is because of environmental  
16 excesses or deficiencies, or some sort of a disease  
17 process, will reduce canopy density.

18           I'm pretty familiar with the tree species around  
19 here, so I'm very, very used to looking at them, and I can  
20 tell an 80 from a 40 right away, because I'm just so used  
21 to doing it and I've done it so many times, and so I often  
22 use that as a way to describe what I think is wrong with  
23 the tree, or what symptoms it's showing that are telling us  
24  
25

1 that this tree does not have good vigor anymore and is  
2 possibly declining.

3 COMMISSIONER TALESFORE: Thank you. I'm glad to  
4 hear that, because I may have interpreted this totally  
5 differently, like it was that species of a tree or the  
6 canopy would come back later, so thank you.

7 DEBORAH ELLIS: I'm really glad you told me that,  
8 because this tells me that something in my reports is not  
9 clear to people, and so I will have to define that.

10 COMMISSIONER TALESFORE: Thank you. One other  
11 question?

12 VICE CHAIR BADAME: Go ahead.

13 COMMISSIONER TALESFORE: It's about fair and  
14 poor. We see that often. We see a lot of descriptions for  
15 trees, but when we see fair-to-poor, and that's how you  
16 describe it, which I'm sure it is, do you ever see those  
17 trees coming back if they were cared for? Do you know what  
18 I'm saying, on a piece of property?

19 DEBORAH ELLIS: Yes, it's possible.

20 COMMISSIONER TALESFORE: It doesn't mean this is  
21 it, take it out, because it's fair-to-poor?

22 DEBORAH ELLIS: Correct.

1 COMMISSIONER TALESFORE: And then I think we saw  
2 one, or maybe I'm wrong on this, that was described as  
3 good-fair.

4 DEBORAH ELLIS: The way I read trees is there are  
5 the super categories of good, fair, and poor.

6 So good is pretty darned good, and on a grading  
7 scale that's like a B on an A to F scale. It's not  
8 excellent, it's not A, but it's pretty darned good and  
9 worth keeping if you can. Fair is so-so. It's not a great  
10 tree; it's not a terrible tree. Poor, it's a bad tree.

11 COMMISSIONER TALESFORE: You mean declining?

12 DEBORAH ELLIS: It depends. That's why I always  
13 give a structure rating as well as a vigor rating, because  
14 I want to know what am I seeing that is a problem with this  
15 tree here? Is it something with the structure or it's  
16 vigor, or both? So I will give you both of those ratings.

17 COMMISSIONER TALESFORE: Thank you very much.

18 VICE CHAIR BADAME: I'd like to jump in real  
19 quick. Would you like to comment on tree canopy and density  
20 being seasonal? We may be looking at that as part of our  
21 proposed methodology.

22 DEBORAH ELLIS: Deciduous trees drop their  
23 leaves, usually in the wintertime--there are a couple of  
24  
25

1 species that drop them in the summer, like buckeyes—and so  
2 those trees will provide less screening during the time  
3 period that they're normally deciduous.

4           And then there are some trees, blue oak is a very  
5 good example and there are a lot of them at Highlands,  
6 these are deciduous tree species, but they have the special  
7 ability, a little bit above regular trees, to drop their  
8 leaves early in response to drought, and they will do that  
9 as a survival mechanism. So they can oftentimes look pretty  
10 bad, but what they're doing is actually beneficial for  
11 them. If they have enough stored energy to put out a new  
12 crop of leaves this year they may have saved themselves a  
13 little bit of stress, because they're not trying to pull up  
14 water that's not there and wasting energy on that.

16           Highlands is a good example where there are some  
17 areas that there are a lot of blue oaks and they look bad,  
18 but I think there is a possibility that if we start to get  
19 normal rains those trees may increase their canopy density  
20 quite a bit.

21           VICE CHAIR BADAME: Thank you. Commissioner  
22 Hanssen.

23           COMMISSIONER HANSSEN: I wanted to ask another  
24 question about the sparse canopy. I know you have a great  
25

1 sense for where a tree stands in terms of its canopy  
2 coverage, but my question is, is there like an industry  
3 standard that is used in general for this, or is it more a  
4 product of experience that you have in doing this? I just  
5 didn't know.

6           DEBORAH ELLIS: I do basically go based upon my  
7 own experience, but there are some guidelines that are used  
8 mainly for forestry in estimating canopy density, and these  
9 are like a little chart that you will see where it's like a  
10 circle that's filled in completely black; that's 100%  
11 density. Then they'll start punching little white holes in  
12 it, and they have a series where they'll say this is 100%,  
13 here's 80%, here's 60%, here's 40%. Mainly in forestry they  
14 use that type of a chart to try to be more objective,  
15 particularly between different observers.

16           COMMISSIONER HANSSEN: I ask because I think one  
17 of the suggestions that has been made by the public is to  
18 incorporate the idea of sparse canopies into whether it's  
19 included in a viewing, and so I just wanted to know what  
20 went behind it.

21           So you're saying yes, there is a standard out  
22 there for forestry, and although you haven't, because of  
23 all your experience and you're not doing forestry per se,  
24  
25

1 but if you wanted to rely on that you could use something  
2 like that?

3 DEBORAH ELLIS: Sure, and I would be happy to  
4 look that up and send it to you, if you like.

5 VICE CHAIR BADAME: Thank you. Any further  
6 questions for the Town Arborist? Thank you, Ms. Ellis.

7 I will look to the Commissioners to see if they  
8 have any comments on the color averaging. Commissioner  
9 O'Donnell.

10 COMMISSIONER O'DONNELL: I'm the one that's going  
11 to leave at 5:30, so before I do leave I did want to throw  
12 out a couple of thoughts.

13 I think what we're hearing today is very helpful.  
14 I also think the complexity of what we're hearing today  
15 makes it very difficult to adequately draft something that  
16 will apply in all circumstances.

17 Starting with that, I think the Staff has done a  
18 good job, and the beauty of what the Staff has done I think  
19 is to take something that has worked. We can criticize from  
20 time to time, but it has worked. What Staff is proposing is  
21 more than fine-tuning, but it's less than totally redoing.  
22 I tend towards that, because there's nothing to prevent us  
23  
24  
25

1 from continuing hopefully to make changes as necessary. So  
2 I just start with that thought.

3           Secondly, when I look at the specific proposals  
4 that they have and that are set forth in their report of  
5 October 21<sup>st</sup>, I just want to make a couple of comments.

6           On page 2 we talk about the installation of story  
7 poles and all that kind of thing, and we get into two areas  
8 at least which are fairly complex, one of which is viewing  
9 platforms versus vantage points. As far as I'm concerned,  
10 the viewing platforms have not been perfect; we know that,  
11 we've seen examples of it. On the other hand, I wouldn't  
12 want to throw that out.

13           What is being proposed here is that other  
14 locations as deemed appropriate by the Community  
15 Development Director could be used, which I think makes it  
16 a little bit easier to use this, because we are trying to  
17 preserve our views and the trees and all that. On the other  
18 hand, we're not passing a law that says there will be no  
19 further building in hills. If we are, then it makes  
20 everything much simpler, nobody has to waist a bunch of  
21 money trying to come in.

22           So if the Community Development Director has this  
23 leeway, then I think we get around some of the problems  
24  
25

1 that were recently addressed to us, such as the Chevron  
2 station blocking things, so I kind of like that suggestion.

3         As far as the reflectivity, that's really  
4 troublesome to me. On page 2, we use a visible home as  
5 defined as 24.5%. On page 3, we talk about, "Exterior  
6 colors shall not exceed a reflectivity value of 30." I  
7 think the suggestion on the bottom of page 3, that the  
8 averaging be allowed except to the extent the home is more  
9 than 25% visible perhaps is an improvement. I don't like  
10 the fact that you look at individual neighborhoods in the  
11 foothills and tailor it by group of housing, group of  
12 housing, because that doesn't help the general view.

13         I think hopefully the averaging will help a lot.  
14 I do think there is some reason to believe that maybe  
15 averaging will not solve that 30% issue, but it may be  
16 improved by averaging. I don't know what you come up with  
17 rather than 30%, because in many cases that 30% is fine, in  
18 some cases, maybe not. I don't know how to deal with that  
19 however, and so I'm just going to leave it with saying if  
20 the Staff has any thoughts on how we deal with specific  
21 types of housing, we heard about that-type, styles, that  
22 kind of thing-that the reflectivity value of 30% is really  
23 unfair to the design and the 30% does not benefit the  
24  
25

1 viewing that much, we might want to consider some other  
2 language to deal with that. But for the moment I'd rather  
3 be conservative and stay with the 30%, but use the average.

4 As far as the solar goes, because that was I  
5 thought a good point we should address, I would really  
6 address a question to the Town Attorney.

7 If I understand the speaker, the speaker said we  
8 would have the right under certain circumstances to require  
9 a use permit, but the standards I heard her asserting of  
10 health and safety didn't seem to help me very much when it  
11 comes to aesthetics. So my question simply is if we assume  
12 for the moment that it is restricted to health and safety,  
13 which is not very helpful, unless... One example she used is  
14 blinding drivers as they come down the street, which has  
15 got to be a little rare. How much leeway, if at all, do we  
16 have if the legislature is saying gee whiz, we love solar?  
17 What ability do we have to say solar is fine, but let's  
18 keep it so it isn't very reflective? That's the question.

19  
20 ROBERT SCHULTZ: None.

21 COMMISSIONER O'DONNELL: None?

22 ROBERT SCHULTZ: None. But we will soon. The  
23 Planning Commission, really, I can't think of one in the  
24 two years, and I asked Joel, as part of a residential  
25

1 project, they don't put the solar on there; after the fact  
2 is when the solar comes in.

3           We are developing a policy in-house to try to  
4 make certain we capture those ones that come forward for  
5 the solar that have to be processed within three days over  
6 the counter in some (inaudible), that the ones that are in  
7 the Historical District and the ones that will in the  
8 hillside, we'll put an extra eye on them to make certain  
9 there isn't something that we can do. We can recommend  
10 changes that don't increase the cost by more than \$1,000  
11 under it. From an internal standpoint, we're going to try  
12 to come up with a policy that we try to catch those and we  
13 try to look at them from the hillside if they're going to  
14 be visible, and see if we can't make changes and get the  
15 applicant to understand the importance of the reflection.

17           Maybe we'll find it. I'm sure there are ones on  
18 the hillside right now that have solar that might be  
19 visually unappealing, but I don't believe any of them are  
20 going to be blinding from a health and safety issue. I  
21 don't see that as a tool that we can use to go through the  
22 use permit.

23           COMMISSIONER O'DONNELL: That's kind of what I  
24 thought, and I appreciate that, but I also assume that  
25

1 Staff, even if a person came in with the whole package,  
2 i.e. the house, and said we're going to have solar,  
3 notwithstanding the limitations of your ability, it doesn't  
4 prevent you from saying that's pretty darned visible, can  
5 you do something? Because I find a lot of our applicants  
6 are pretty responsible, reasonable people. So we may not be  
7 able to say you must do it, but we could say here's how  
8 other people have done it, it would be much better for you,  
9 your neighbors, and the community.

10  
11 So those are my only comments.

12 ROBERT SCHULTZ: We've actually had a few in the  
13 hillside where they're not on the homes, they're actually  
14 on the ground, so we've had those, and as long as those are  
15 setbacks, then those can meet the requirements also and  
16 then we wouldn't have that issue. Like you said, most  
17 applicants are very reasonable to try to come up with a  
18 different solution. If it's not going to be more than  
19 \$1,000 cost, then we can recommend it and require it.

20 COMMISSIONER O'DONNELL: Thank you.

21 VICE CHAIR BADAME: Commissioner Kane.

22 COMMISSIONER KANE: Commissioner O'Donnell, you  
23 shouldn't be so shy. It sounded like a motion to me. At  
24 least it works for me. But since it's not a motion, before  
25

1 it becomes a motion I'd like to discuss your view on the  
2 average 30%, because somewhere I read there was a concern  
3 about the average 30% insofar as most of the trim being  
4 flat black and the roof being flaming orange and it  
5 averaged out to 30%. If we want to consider some  
6 flexibility on that, we should have a sine-que-non maximum,  
7 an average of 30%, but at no point shall any material  
8 exceed 35%.

9  
10 The average concerns me. The point was made it  
11 could be 5, 5, 5 and 60, and so that comes out to now we're  
12 back to averages again, getting ourselves in trouble.  
13 Flexibility could have limits, but nothing anywhere to  
14 exceed 35%. Maybe we're again going to shoot ourselves in  
15 the foot, but if we desire the flexibility on the 30% and  
16 the word "average," then we should have a max as well.

17 Tom, I think the rest of what you did is a basis  
18 for a motion.

19 COMMISSIONER O'DONNELL: Let me say two things.

20 One, I agree with what you just said about you  
21 don't want to average if something is 100% and something is  
22 5%. You can get carried away with that, so I would agree  
23 that that should be addressed.  
24  
25

1           Secondly, however, this is a study session, and  
2 my understanding of the session is we really ought to just  
3 talk it out and receive all the input, take it home, and  
4 perhaps ask Staff, as I already have, and you implicitly  
5 are asking Staff, to make some more suggestions to us, and  
6 then when I comes before us at a regular meeting, we'll  
7 feel... We were asked to do this before and we felt not  
8 prepared. My understanding is this meeting is to help us be  
9 prepared, not to make motions.

10  
11           VICE CHAIR BADAME: Commissioner Kane.

12           COMMISSIONER KANE: Okay, my bad. However,  
13 everything he said should be written down.

14           The other consideration was brought up by  
15 speakers and some of the text that we have where we talk  
16 about the 24.5%. Again, we're getting ourselves into  
17 trouble with averages, because I made the note that Bobby  
18 could put up a hut that's 100% visible, and no, he can't do  
19 that, and somebody could put up a Cow Palace and only 24%  
20 of it was visible. So if Staff could come up with a  
21 brilliant way of also having a cap similar to the cap on  
22 the LRVs, a cap on mass or visibility, guidance language  
23 that cannot be hacked and hewed over time and turn out to  
24 be nothing but watered down sentiment. Stay with the 24.5%  
25

1 if that's what we want, and but in no case shall more than  
2 14 square foot of bright orange be seen. I don't have the  
3 language myself, but I know where percentages can get us in  
4 trouble, and we have some very large homes at 24.999999%,  
5 coincidentally, and they can be seen from Milpitas. So  
6 that's my concern with percentages.

7  
8 VICE CHAIR BADAME: Thank you, Commissioner Kane.  
9 Commissioner Hanssen, did you have your hand up? Okay, go  
10 ahead.

11 COMMISSIONER HANSSEN: I looked through this and  
12 I made a bunch of comments, and I wanted to just share some  
13 of the things that I thought maybe needed to be addressed.

14 First of all, I went back and reviewed the  
15 existing Hillside Development Standards and Guidelines in  
16 relationship to these two sections, and compared to what we  
17 have now, what's proposed right now is infinitely less  
18 restrictive, and I wondered how we were getting by with the  
19 maximum reflectivity value of 30 on all components of the  
20 house, because that's what the language says now, and if we  
21 actually have houses that are out of compliance, or maybe  
22 this is relative to new houses. That would one comment I  
23 had.  
24  
25

1           The second comment I had is relative to the  
2 calculation the proposed language talks about using the  
3 color averaging with the exception of any houses that are  
4 more than 25% visible. So what happens to the houses that  
5 are more than 25% visible? Do they default to the old  
6 standard of nothing more than 30%? That was another  
7 question I had, and maybe I should just throw out all the  
8 questions before you answer each one of them, or do you  
9 want to answer them after?  
10

11           VICE CHAIR BADAME: Can I interrupt real quickly?  
12 It depends upon how many you have, because I know  
13 Commissioner O'Donnell has to leave at 5:30.

14           COMMISSIONER O'DONNELL: But that's okay, because  
15 I intend to catch up on what I'm going to miss.

16           COMMISSIONER HANSSEN: Do you want me to stop so  
17 he can ask?

18           VICE CHAIR BADAME: No, I was giving him an  
19 opportunity to bow out right now, but he's not, so go  
20 ahead.

21           COMMISSIONER O'DONNELL: I'm staying for another  
22 minute.

23           COMMISSIONER HANSSEN: Getting back to the color  
24 averaging, I wondered if there wasn't a need for some  
25

1 definition about how the averaging was to be done relative  
2 to is it all of the surface area of the home, and then you  
3 take an LRV value for each piece of it and then do a  
4 weighted average, or how does the calculation work?

5           And then relative to the actual colors that are  
6 used, there's reference to blending in with the natural  
7 vegetation, so does that mean that we need to consider  
8 eliminating certain colors, for example, I mentioned  
9 earlier, black? Maybe gray is okay, but not black. Maybe we  
10 don't say it because it's defined as fitting in with the  
11 natural environment and it will automatically catch that,  
12 but I did wonder if there were any colors that shouldn't be  
13 permitted?  
14

15           Then on the average itself, I wondered if there  
16 shouldn't be—I think Commissioner O'Donnell mentioned this—  
17 a maximum, because I was looking at some of the colors,  
18 like yellow and stuff, maximum LRV that you'd have an  
19 average of all the colors, but maybe you don't want the  
20 window trim to be bright yellow, because in a square  
21 footage weighted average you could in theory have yellow  
22 windows other than it doesn't fit in with the environment,  
23 but it wouldn't violate the average. So I wondered if there  
24 shouldn't be like the average can't be more than 30, and  
25

1 also no single measure could be more than, I don't know,  
2 50, 60, 70, whatever might be an appropriate number.

3           Then on the solar thing, in addition to the solar  
4 systems I have been taking a lot of course work in  
5 sustainability at UC Davis, and when we went over this  
6 whole thing with roofs the encouragement is to do LRV  
7 values that are much, much higher than 30, because if you  
8 can't do a solar system... So then it made me think should we  
9 just ignore that because we don't want to affect visibility  
10 in the hillsides, or should we consider it because of the  
11 value of the sustainability, which is clearly defined in  
12 the Hillside Standards. I thought it put you on both sides  
13 of the issue and I wondered if we shouldn't think more  
14 about that for the roofs in particular. And then again,  
15 maybe it wouldn't be more than a maximum, but clearly with  
16 under 30 you wouldn't be able to do any sustainability with  
17 your roof, because it's going to be too dark. And I think  
18 that was it.  
19

20           VICE CHAIR BADAME: Thank you, Commissioner  
21 Hanssen. Commissioner Talesfore.

22           COMMISSIONER TALESFORE: I don't know where to  
23 go. I have so many; this is going to be a lot.  
24  
25

1 I think what I'm going to do, if I don't get  
2 through this, I may submit some comments.

3 JOEL PAULSON: Any Commissioner can feel free to  
4 submit written comments and we'll include that in the next  
5 Planning Commission meeting.

6 COMMISSIONER TALESFORE: But in the beginning, I  
7 just wanted to say I look at this and I go what is our  
8 purpose and our intent? And that is what is our purpose in  
9 looking at what we have here, but more holistic, what is  
10 our purpose and intent as far as being planning  
11 commissioners and people who make decisions? Who are we  
12 making the decisions for, and what are the benefits? That  
13 really weighs. We are stewards of this town and all of the  
14 documents that we have before us, and we have very strong  
15 documents for the hillsides, and also for a lot of other  
16 areas in town, historic areas.

18 I think it was brought up, I heard a couple of  
19 comments tonight that reminded me that when we move into  
20 certain areas of our town we really have a responsibility  
21 to maintain the areas that we are moving into. This is a  
22 long lead into this, but here it is. If I moved into the  
23 Almond Grove area and I move into a historic home, I'm  
24 going to have standards that I have to adhere to, but I do  
25

1 that willingly because I wanted to live there, and so that  
2 to me, that's my purpose and I will do that.

3           If I move into the hillsides, it comes with a  
4 whole document that people put their lives into, as we just  
5 heard from Ms. Quintana and other people on that committee,  
6 and the commissioners at that time, a whole plethora of  
7 people. So for me, that comes with the responsibility that  
8 I would love to live here because it's a special place to  
9 live, but I'm hoping that the people that move in there  
10 understand that when you want to live among the trees and  
11 the hills and the birds and all the other animals, that  
12 we're trying to have you live there in a way that doesn't  
13 impact the hillsides themselves, and hopefully not all of  
14 the animals that live there, and that also don't impact the  
15 people here on the valley floor.

17           Now why is that important? Because in every other  
18 document in our town those hillsides are our backdrop. They  
19 are the crown jewel of where we live, and I can't tell you  
20 how much it hurts me when I see things not as we intended  
21 them to be. We hope that people will understand when they  
22 move into these areas to please take with you that  
23 responsibility that aren't you lucky to be able to live  
24 here? So that's my lead in.

1           Let's just go to color averaging. I'm very  
2 passionate about what I do up here. I don't believe that  
3 there's anybody in this room that can really talk to us  
4 about color averaging. I understand color. I don't know  
5 that I could really understand this. There are color  
6 experts that make their living analyzing color, and so if  
7 we're going to move away from what we have here, what has  
8 seemed to work all these years--except for the pink house I  
9 did see in the hillsides the other day when I was up there  
10 looking at one of our projects, to Sandy's point, but he  
11 left--then I would suggest, and I would strongly suggest,  
12 that we do some investigation and possibly look for  
13 somebody who makes their living with color analysis that  
14 could actually come and help our town and maybe give us a  
15 color standard program that could update us if we have  
16 missed something. I couldn't tell you what is 30 average of  
17 a house, and are you averaging the whole house? Is it going  
18 to be all sides? There are too many complications.

20           So that would be my suggestion. Other than that,  
21 I think what we have here seems to be working. Maybe there  
22 is every once in a while, and I think it happened with the  
23 Davidon project that came before us one time and you asked  
24 for some color averaging and that was allowed, but that was  
25

1 under a very specific circumstance, and I would not start  
2 into this color averaging. Who is going to decide that on  
3 Staff? Who would decide that? How would that be decided,  
4 Joel?

5 JOEL PAULSON: We'd be using the model that the  
6 Council approved for Davidon. It's very thorough. It is a  
7 weighted average of all of the exterior materials and the  
8 LRV of those individual materials, and then it is  
9 determined whether or not it complies with the average of  
10 30 or not. It's the same conversation we had, as you  
11 mentioned, that went to Council, and Council actually  
12 directed Staff to bring that back to look at this option  
13 for other hillside homes, and so that's why we're here  
14 before you now.

16 COMMISSIONER TALESFORE: Then if that's the case,  
17 I would like to see a review of that, I mean how that's  
18 determined, if it's so formulaic.

19 JOEL PAULSON: I'll forward you the meetings  
20 where it came to Planning Commission and Council, and there  
21 are a number of exhibits that generally look like this.

22 COMMISSIONER TALESFORE: That's fine, but I think  
23 for me, I would still think that we need to maybe consult  
24

1 with somebody and perhaps update what we are doing. I mean  
2 they may have some other ideas.

3 VICE CHAIR BADAME: I'd just like to jump in with  
4 a quick question for Staff along those lines. Up until now  
5 with Davidon Homes, have we had any requests in the 11  
6 years since our Hillside Development Standards and  
7 Guidelines were adopted to deviate from our color  
8 regulations?  
9

10 JOEL PAULSON: Not that I'm aware of, but just  
11 from a background perspective, I think it was 1997 when the  
12 previous Hillside Development Standards and Guidelines were  
13 adopted—I'm looking at Lee in case my year is off—before  
14 the 2004 version; that was the first time LRV compliance  
15 came into the Hillside Guidelines. From that point up until  
16 December 2014 Staff had interpreted that as the main body  
17 color of the house; we didn't look at casement colors of  
18 windows, 2x6 trim. We looked at the main body of the house,  
19 and if it was natural materials, then we didn't apply that,  
20 because they're natural materials and would blend with the  
21 hillside.  
22

23 When Davidon's request came forward it went to  
24 the Planning Commission who made the recommendation to  
25 Council. Council said no, we should be looking at all of

1 the exterior materials, and so that's when this color  
2 average, which was exactly what they had proposed to do,  
3 was brought forward and that was looked at.

4           Some of the conversations that we've had tonight,  
5 one specifically relating to whether there should be a cap,  
6 and what that number should be, for any materials so that  
7 you don't end up with a white house with a black roof, or a  
8 black house with a white roof from a sustainability  
9 perspective. So I think those are things that we can  
10 definitely look at, and we'll look to other jurisdictions.  
11

12           I know there was some information provided to  
13 Council on four or five other jurisdictions, some semi-  
14 local and some elsewhere, with hillside settings that have  
15 higher LRV caps. I think the county's cap is 45, and there  
16 are some others that were up to 60. Now, they weren't  
17 average and we don't know the details of whether they're  
18 looking at main body or they're looking at all the exterior  
19 materials, but just from a background perspective, so  
20 everyone has that background.

21           VICE CHAIR BADAME: Thank you, Mr. Paulson.  
22 Commissioner Kane.

23           COMMISSIONER KANE: If you have a model and you  
24 consider it fair and reasonable for some variety on the  
25

1 house, then I'm okay with that. Cap it at some reasonable  
2 number, 35, 36.9, but just prevent the abuse of the  
3 average, that's all.

4 COMMISSIONER TALESFORE: And in fact how would  
5 that happen? I think that's why I don't find this  
6 foolproof.

7 JOEL PAULSON: I don't think we're going to get  
8 anything that's going to be foolproof.

9 COMMISSIONER TALESFORE: I think you're right.

10 JOEL PAULSON: I don't want to lead you astray.

11 COMMISSIONER TALESFORE: In all these years.

12 JOEL PAULSON: But looking at should someone be  
13 able to have a window that has a white casement where  
14 you're talking about from the valley floor, a 2" perimeter  
15 around it with grids, is that something that we should be  
16 looking at? Or if it's 2x6 trim that's white or beige, is  
17 that really going to be that visible from the valley floor?  
18 So I think there are a lot of options there that we can  
19 look, but (inaudible) cap.

20 COMMISSIONER TALESFORE: Or where they could be,  
21 if it was maybe the front of the house would be less  
22 intrusive than the back of the house, but who's going to be  
23 watching all this stuff?  
24  
25

1 JOEL PAULSON: We want the 360-degree color as  
2 well as the architecture.

3 COMMISSIONER TALESFORE: Right. But I think then  
4 there was one thing in here about the LRV and the average,  
5 and this whole thing about some applicants have expressed  
6 concerns to Staff regarding application of this  
7 requirement, "New homes would have light colored trim," but  
8 then it goes on to say, "A new accessory structure or  
9 addition to an existing residence constructed," this is on  
10 page 3 of the report, "prior to the adoption of the  
11 Hillside Development Standards and Guidelines would need to  
12 conform to the LRV requirements requiring painting or  
13 changing the materials for the entire house to meet the LRV  
14 30 and having the addition that's," blah, blah, blah, "the  
15 different color, and this would result in significant added  
16 cost to the homeowner."  
17

18 They would probably have to do that anyway if  
19 they were repairing or adding onto their home, because when  
20 your house is already painted, it hard to match that color,  
21 and most people end up painting the entire house. So to me  
22 that's just not a compelling reason.  
23

24 JOEL PAULSON: That's a pretty common thing we  
25 hear. It's the same thing with the white casement windows,

1 so we're going to make them replace all of their windows to  
2 an LRV casement of less than 30 when they're changing out  
3 one window. We see things that are just at the building  
4 permit level, and we have a number of houses if it was  
5 built before 1997 they don't have the deed restriction.

6 COMMISSIONER TALESFORE: Right. Well, then those  
7 would be on a case-by-case.

8 JOEL PAULSON: Sure, but we have a lot of those  
9 cases.

10 COMMISSIONER TALESFORE: Do you?

11 JOEL PAULSON: Yes. Right now the requirements  
12 are that all exterior materials must be LRV 30 or less, and  
13 so we're looking at those on a case-by-case basis, but it's  
14 just one of those issues that as we move forward. And even  
15 any house from 1997 to 2014, some of them have white trim,  
16 some of them have white windows, and they have the deed  
17 restriction.

18 COMMISSIONER TALESFORE: I think if you go in the  
19 hillsides you'll see that not all homes are brown either.

20 JOEL PAULSON: Very true, and some of that is  
21 because they're more required to meet the LRV, because they  
22 didn't have the deed restriction from timing.

1 COMMISSIONER TALESFORE: Right. And how can we  
2 follow? We can't be enforcing that. How do we even check  
3 all of that? I mean, really. It's hard to monitor.

4 JOEL PAULSON: It is hard to monitor.

5 COMMISSIONER TALESFORE: That's where I talked  
6 about the responsibility, and what Rob brought up about  
7 we're trying to make applicants aware and responsible. We  
8 could have them sign a document, I don't know.

9 You know what? I can't go on, so I'll submit my  
10 other comments in writing, okay? I have to leave. Thank  
11 you.  
12

13 VICE CHAIR BADAME: Thank you, Commissioner  
14 Talesfore for your comments, and we will see you next time.  
15 I will look to Commissioner Erekson; I believe you had your  
16 hand up.

17 COMMISSIONER EREKSON: To the Staff, we have  
18 public testimony about the impact of different materials on  
19 reflective value using the same paint color or whatever,  
20 however you look at it. I need help understanding how I  
21 should think about reflective value and variation in  
22 materials, and how to think about reflective value and  
23 different architectural styles. I'd like help in  
24 understanding how I should think about the trim issue and  
25

1 the full body of the house, and the roof and the body of  
2 the house. If I should think about those together, if I  
3 should have it together, if I should think about it  
4 differently, and what the differential impacts of those  
5 are.

6 I might suggest that we have a consulting  
7 architect for the Town who has a lot of experience in the  
8 Town, and it might be useful or helpful to ask him to  
9 comment on some things about architectural style and those  
10 kinds of things. They would be impartial. I'm not  
11 suggesting that other architects who represent other  
12 projects aren't objective, but the consulting architects  
13 essentially work for the Town. So that's one comment about  
14 colors.

16 One general comment I have about people being  
17 concerned about their having the expense of it, any action  
18 taken by the Town to change a standard or a guideline is a  
19 moment in time, and it moves forward, and there are  
20 reasonable ways to grandfather the past, and reasonable  
21 reasons to grandfather some of the practices in the past  
22 that aren't the best practices going forward.

24 But to the extent that we have wisdom and we want  
25 to reshape something going forward in the future as people

1 make changes, I think they should be expected to update  
2 those things. We can't go through the hillside and tell  
3 everybody to repaint all their homes by six months from  
4 now, but as changes occur I think it's reasonable to think  
5 about trying to adopt a new standard. It doesn't bother me  
6 particularly to adopt a new standard; that happens all the  
7 time. Building codes change, people have to update things,  
8 that happens all the time, so that's not a new problem.

9  
10           The other thing I would like to say is Davidon  
11 Homes has been used, and a particular project in town has  
12 been used, as an example over and over and over in the  
13 context of these discussions. I'd just like to say for me  
14 this discussion is not about one development, not about one  
15 developer, and so I think we don't want to over-utilize and  
16 potentially victimize one person or one developer. They may  
17 be doing a good job and they may be not doing a good job, I  
18 don't know, but that's really at some level irrelevant to  
19 these discussions. If there are issues with that one  
20 particular development with respect to today's standards or  
21 future standards, that's really not part of this  
22 discussion. We should be thinking about what's right for  
23 the Town and right for the hillsides of the Town, because  
24  
25

1 that represents only a very small portion of the hillsides  
2 of the Town. So that's two generalized comments.

3 The other comment, I'm going to make some  
4 comments about trees, if that's okay.

5 VICE CHAIR BADAME: Of course.

6 COMMISSIONER EREKSON: Trees are obviously living  
7 things, and as people are, some trees are healthy, some  
8 trees are not as healthy, and all trees, all trees, have a  
9 lifespan. When we're doing any kind of visibility analysis  
10 and the coverage, we're viewing it at a moment in time, at  
11 a moment in time in the history of the Town, and a moment  
12 in time of the lifespan of all of those trees.

14 I'm trying to figure out how if I should think  
15 about leaving out sparse canopy trees, for example, or  
16 leaving out trees that are in poor condition as counting  
17 toward the... Should I ask the arborist tell me the average,  
18 tell me the remaining life expectancy of every tree also?  
19 Hypothetically a tree could be in reasonable good condition  
20 and have a very short life expectancy left too, so it's not  
21 clear to me how we can exclude trees that are there just  
22 because they have something, because we need to be in the  
23 business ultimately of reforestation in the Town and  
24

1 replenishing the trees, because all trees will die. All  
2 trees do die, and we need to replenish them.

3 I'm intrigued by the deed restriction idea in  
4 properties so that if we have a particular... Whatever  
5 standard we have, whatever that standard is, without  
6 worrying about what that standard is for the moment, and we  
7 apply that standard and someone passes the standard, then  
8 can we create an ongoing responsibility in the hillsides  
9 for that homeowner, for the owner of that property, to  
10 maintain that by some sort of deed restriction on that so  
11 that they replenish and reforest, which is going to have to  
12 be done, no matter whether they pass the thing, whether  
13 they were way up here passing it or just barely stretch by?  
14 We all know the trees are going to die someday, so I'm  
15 intrigued by how we do that.

17 I also don't know fully how to understand how I  
18 deal with the fact that someone is going to be doing a  
19 project at a moment in time, we're going to take visibility  
20 analysis at this moment, and that's at a particular season  
21 of the year. So do we use as the standard the least amount  
22 of coverage that is provided by a tree and the season the  
23 most amount of coverage is, irrespective of when the  
24 project is being...or some average of that over time to give  
25

1 the most exposure or the least exposure or some average of  
2 that, or do we take the moment in time when they're making  
3 the proposal? I can't figure out how to sort all that out  
4 for myself.

5           If we're using the least coverage as the  
6 standard—I'm not suggesting we should, I'm just using that  
7 as an example—and we were nine months away from the least  
8 coverage, then how is it fair? How do we judge fairness  
9 with having someone postpone moving forward on a project  
10 simply because, for example, they couldn't get financing?  
11 All kinds of reasons happen that dictate when you're trying  
12 to do something, so how do we deal with that issue and make  
13 it both represent what we want it to do with protecting the  
14 hillsides and views, but not being unreasonable and unfair  
15 to people who are trying to develop properties? I can't  
16 figure out how to sort all that out for myself.

17           I probably have lots of other thoughts, but I'll  
18 let it go at that.

19           VICE CHAIR BADAME: Thank you, Commissioner  
20 Erekson. Any other comments? Commissioner Kane.

21           COMMISSIONER KANE: I was talking earlier about  
22 the concept of trees and landscaping as a tertiary  
23 consideration on visibility, and I think the point is made  
24  
25

1 on pages 2 and 3 of Dr. Weissman's letter of September 15<sup>th</sup>,  
2 and when I say the point is made, I mean philosophically.  
3 "Providing landscape screening is not an alternative to  
4 reducing building height or selecting a less visible site."  
5 Now I believe there he's quoting a meeting of the Planning  
6 Commission from 2009 or thereabouts, it doesn't matter.  
7 What matters is--and I'll follow this up in writing--he  
8 captures the aspect of visibility not to be compromised  
9 with trees and bushes, which as Commissioner Erekson points  
10 out may be temporary, and he's interested in the contract  
11 for maintaining that kind of flora.  
12

13 That's good, but we don't police folks and we  
14 don't always know what happens on construction sites, and  
15 we don't have a daily reference to a tree that's healthy  
16 and a tree that's suddenly falling down. What I'm going to  
17 write in terms of my thoughts is not to put an emphasis on  
18 screening, but rather put an emphasis on the purpose of the  
19 Hillside Guidelines.

20 By the way, if we were taped tonight I'd like a  
21 copy of Commissioner Talesfore's opening remarks. I was  
22 over here weeping. Wanted to stand up and cheer, and I'm  
23 reasonably serious, because she put it really well as to  
24 what our job is, as long as we have the job, and it's to  
25

1 protect. I don't want to namedrop, but I used to talk to  
2 Wasserman a lot when I was new, and I said I don't want  
3 this, and I don't want that. He said, "We have an  
4 obligation to the people that exist, but we also have an  
5 obligation to the people yet to come that we welcome them."  
6 So there are two considerations there, and I don't want to  
7 bury the second consideration about our future citizens,  
8 but I also don't want to give away our purpose in  
9 protecting the hills, and Joanne said it really well. I  
10 won't try to repeat it, but I would think that's why we're  
11 all up here.  
12

13           So time shall not erode the equity and we ought  
14 not let our language get eroded for what the purposes were  
15 back in the early 2000s or the first draft came up in 1997.  
16 I lived through some of that period, and what happens to  
17 prohibitive language is erosion and new precedent setting,  
18 and now we've got a house divisible, so why can't I have a  
19 house divisible? I made a comparison in the Marat/Sade  
20 scene where the guy finally walks in and says, "Marat, may  
21 I keep this king?" I mean things erode, and I'd like to  
22 think that what our mission is on looking at at least these  
23 two provisions of the hillside is to stop the erosion, and  
24 where and as appropriate return to the original intent,  
25

1 which was to protect the hillsides, and if that means we  
2 have to become mathematicians on 24.5%, however nothing to  
3 exceed 35%, that's all gamesmanship and chess. If we had  
4 strong discretionary language as is on those two pages I  
5 referenced, then maybe we could beef it up a little bit in  
6 going forward in the future.

7  
8 I don't know how we can address this. What  
9 concerns me the most when I sit up here is the heartbreak  
10 of the new neighbors not getting what they thought they  
11 were going to get. Our job is to be impassionate. If there  
12 was a way that we could say everybody who goes up there has  
13 to get a copy of this stuff, so they know that some of it  
14 is onerous, and if you're a normal citizen and you read it  
15 for the first time, you'd think it's ridiculous. And if  
16 you're new and you just paid a gazillion dollars to get  
17 what you want, it's not fair to see these things. So I wish  
18 we could deal with not the homeowners, but those who  
19 precede the homeowners to say please ensure that the folks  
20 know what they're up against.

21  
22 Just like she said, when you move into an  
23 Historic District, when you move into the hillsides, we  
24 have these things, and I don't want to disappoint and I  
25 don't want to hurt, but I wish everybody knew what is up in

1 front of us so they don't look at us like we're idiots, and  
2 if they do it's understandable, because they don't  
3 understand where it came from, they don't understand why we  
4 have it, and they don't understand what it is. And when we  
5 try to be good government, our first priority should be  
6 communication with the people to know what it is.

7  
8       Everybody who goes to court has a lawyer, and  
9 this lawyer says that, and that lawyer says this, and it's  
10 all about persuasion. So when you have a vested interest  
11 you could sound persuasive, and the homeowners may or may  
12 not be able to see through that, or not hear what they're  
13 being told, and I wish there was a way we could write  
14 language and get signed receipts on Hillside Standards and  
15 Guidelines from every new Los Gatos citizen, our new  
16 neighbor who is going to move up there, that they know what  
17 we have. And maybe the same thing for the Historic District  
18 as well.

19       It really bothers us. It did me ten years ago,  
20 and it does now, that people can't get what they thought  
21 they were going to get because a bunch of guys are going to  
22 play nickel and dime. We're not playing nickel and dime; I  
23 wish we had a better way of communicating that. Okay.  
24  
25

1           VICE CHAIR BADAME: Thank you, Commissioner Kane.  
2 Commissioner Hanssen.

3           COMMISSIONER HANSSEN: I know we only have a few  
4 minutes left, but I appreciate all the comments of my  
5 fellow commissioners and I think they're all good ones. My  
6 general feeling about where we stand right now is that the  
7 Hillside Guidelines were developed some time ago, and then  
8 there is this couple of specific things that we're being  
9 asked to look at in terms of modifying the documents.  
10

11           I didn't speak earlier about the trees, but in  
12 the case of trees and also the color analysis I think the  
13 proposed language that the Staff has created in both cases  
14 generally provides more clarity and specificity to the  
15 existing document and would be more helpful to the Town.

16           The only question that remains is in the case of  
17 the color analysis, adding in the entire surface of the  
18 house versus just the main body color of the house does  
19 create some issues about the averaging and what happens; I  
20 brought those up earlier.

21           In the case of the trees, I love what Staff  
22 already came up with. I wondered if we wouldn't benefit  
23 from having a little bit more time, because I think Dr.  
24 Weissman and Ms. Quintana put a lot of time into their  
25

1 thoughts on it, and we didn't really get to go through each  
2 of the questions that were in our packet for today. I'd  
3 feel better if we actually did talk through a couple of  
4 those questions and have a consensus from the Commission  
5 about it, because I think that to not go forward with this  
6 is a mistake, because it's going to add specificity where  
7 we don't have it now, and even in the current state without  
8 amendments it's going to make it easier to determine how to  
9 do a viewing analysis, for example, better.  
10

11 VICE CHAIR BADAME: Thank you, Commissioner  
12 Hanssen. We are out of time, and I see Commissioner Erikson  
13 nodding his head, as if in agreement that maybe another  
14 study session is warranted? Commissioner Erikson.

15 COMMISSIONER EREKSON: I'd like to add one real  
16 quick thing for the Staff. I am concerned about how if we  
17 continue to use a percentage of visibility how we should  
18 think about larger homes versus smaller homes.

19 I'm not sure, Vice Chair Badame, that we need  
20 another study session, but I did find the questions that  
21 were in the Weissman/Quintana thing very helpful. Whether I  
22 agree with their answers or not is in question, but I  
23 thought the questions were right on and I thought they were  
24

1 very thoughtful responses, and they caused me to think  
2 about some of my answers.

3 I think if the Staff could structure the item, as  
4 they often do when it's agendized, again, and carefully  
5 walk us through the questions, and we did that deliberately  
6 that we could accomplish both objectives at the same time  
7 without having another session and then moving this further  
8 and further out into the future.

9  
10 VICE CHAIR BADAME: Thank you. That was my  
11 thought process as well. So at this point I'd like to thank  
12 Staff for their proposed draft and modifications. This is  
13 becoming even more complex with more information, so I am  
14 confident that the Planning Department will welcome any  
15 email suggestions or inquiries from Commissioners and from  
16 the public and take those into consideration and respond to  
17 us at our Planning Commission hearing when we are ready to  
18 take action as far as a motion on these items. Does the  
19 Staff have anything to add to that before we adjourn?

20 LAUREL PREVETTI: We should probably continue  
21 this meeting to a date certain, and I think given the  
22 questions that were asked in the Staff analysis that's  
23 going to be needed, probably the December 9<sup>th</sup> would be the  
24 meeting that we would be prepared to come back.  
25

1 VICE CHAIR BADAME: So you are recommending that  
2 we do another session, in essence that it's continued?

3 LAUREL PREVETTI: No, not to a study session, but  
4 to your regular session that's scheduled for December 9<sup>th</sup>,  
5 the 7:00 o'clock hearing.

6 VICE CHAIR BADAME: Okay. Commissioner Kane.

7 COMMISSIONER KANE: Give me a sense of what you  
8 see the agenda as being for November and December. We have  
9 two months where—you now what I'm going to say—people want  
10 to build houses, they want to do this, they want to do  
11 that. I hate delaying. I'd sooner meet on Christmas Eve if  
12 I had to rather than make them wait another month. We  
13 shouldn't do that.

14 But this particular subject may take a long time.  
15 We've been here two hours and maybe we've scratched the  
16 surface, and maybe we're done, because three of us are  
17 missing, and you know how much we talk. I'm not opposed to  
18 a study session. Getting here at 4:00 o'clock is like  
19 ripping off epidermis, I work, but I'd rather do that, and  
20 of course it's up to you, you can recommend. If we have  
21 agendas for people that are waiting to get things done, I  
22 would look to making the effort, the sacrifice, to get here  
23 for a study session and keep on doing what we're doing,  
24  
25

1 because it's really important, and it's important that we  
2 get it right, but not at the expense of applicants who want  
3 to get things done.

4 LAUREL PREVETTI: And we certainly appreciate the  
5 consideration and balancing the long-term protection of our  
6 community, as was articulated by many of the Commissioners  
7 this evening, with those applicants that are currently in  
8 process.

9  
10 Please know that we are continuing to process the  
11 applications that are before us given the current guideline  
12 standards and ordinances, and please know that ultimately  
13 it's the Council that will have to make any decisions on  
14 the changes to the guidelines, so even if the Planning  
15 Commission and Staff could work as expeditiously as  
16 possible, there would still be the calendaring and the  
17 decisions that the Council would have to make.

18 I would say that if you would like another study  
19 session, our ability given our workload and staffing, would  
20 still puts us in December. December 2<sup>nd</sup> could be a  
21 opportunity for another study session to work through the  
22 questions and any additional Staff recommendations.

23 COMMISSIONER KANE: I don't want the rest of the  
24 Commission to hate me, but I'm just saying we have one  
25

1 meeting in November and one meeting in December, and if  
2 this subject was to be one of those meetings, people are  
3 going to be waiting until February to build houses.

4 LAUREL PREVETTI: They're not waiting, because we  
5 already have guidelines and ordinances that can get them  
6 through the process now. I know we have one housing builder  
7 who is eager to see resolution on color averaging, as  
8 you've heard in prior testimony, but there are ways to keep  
9 the process going. It's just that with the issues that were  
10 raised tonight, and given the projects that are already  
11 scheduled for your consideration, it's going to take some  
12 Staff work, and so a special meeting on December 2<sup>nd</sup> is one  
13 option. I don't know if we would be ready in November. We  
14 have the holidays.

16 COMMISSIONER KANE: Madam Chair?

17 VICE CHAIR BADAME: Yes, Commissioner Kane.

18 COMMISSIONER KANE: Can we ask and see if  
19 December 2<sup>nd</sup> is acceptable to Commissioners present?

20 VICE CHAIR BADAME: Well, yes, go ahead. I'm kind  
21 of concerned that we're missing three Commissioners. I'm  
22 just wondering if we do a poll at a later date, but we can  
23 certainly ask the Commissioners present. Commissioner  
24 Erikson.  
25

1 COMMISSIONER EREKSON: My guess is that the  
2 complexity of this and the number of questions that one  
3 needs to wade through could easily take from 7:00 to 11:30  
4 on a particular night. In response to Commissioner Kane's  
5 concern, it might be appropriate to think about scheduling  
6 a special meeting of the Commission just for this topic and  
7 not agendize anything else for that, and even if that were  
8 December 2<sup>nd</sup> and the Staff could be ready by that point in  
9 time. But I'm not presuming that they could, because I'm  
10 sensitive to the fact that our planning Staff are  
11 leaderless at this moment.  
12

13 VICE CHAIR BADAME: Commissioner Kane, does that  
14 sound agreeable to you?

15 COMMISSIONER KANE: How does it differ from... I'm  
16 not sure. Let's do something on December 2<sup>nd</sup>.

17 VICE CHAIR BADAME: Would it be open for public  
18 communications?

19 JOEL PAULSON: Yes. We can continue it tonight to  
20 December 2<sup>nd</sup>. We'll poll the rest of the Commission. We'll  
21 send out an email this week, and then we'll also have to  
22 check availability of the chambers.  
23

24 VICE CHAIR BADAME: Commissioner Hanssen.  
25

1 COMMISSIONER HANSSEN: I'm available on the 2<sup>nd</sup>. I  
2 would prefer it to be a special meeting. I think that we  
3 should try to advance this forward and make a decision,  
4 because we could spend many, many meetings just discussing  
5 it, and I think we should put that on the agenda. But I  
6 think the idea of making it a separate meeting from other  
7 agenda items, because I do think it will take a few hours  
8 to get to a motion that we can have consensus on.

9 VICE CHAIR BADAME: Agreed.

10 COMMISSIONER KANE: Motion to continue to...

11 VICE CHAIR BADAME: Well, we're not making a  
12 motion though, or are we making a motion?  
13

14 JOEL PAULSON: You're going to make a motion to  
15 continue this item.

16 VICE CHAIR BADAME: All right, let's make a  
17 motion to continue the item to December 2<sup>nd</sup>, the date  
18 certain.

19 ROBERT SCHULTZ: At what time?

20 VICE CHAIR BADAME: 7:00?

21 COMMISSIONER KANE: 6:00?

22 VICE CHAIR BADAME: 6:00?

23 COMMISSIONER EREKSON: I'll second the motion if  
24 it's 7:00 o'clock.  
25

1 VICE CHAIR BADAME: Wait a second.

2 COMMISSIONER KANE: 7:00 o'clock is what you  
3 want?

4 VICE CHAIR BADAME: Commissioner Kane said 6:00  
5 o'clock.

6 COMMISSIONER KANE: 7:00 o'clock, I'll second the  
7 motion.

8 VICE CHAIR BADAME: All in favor? I'll call the  
9 question. Unanimous. All right, do we have any further  
10 reports from Staff?  
11

12 I have one Commission matter, and I would just  
13 like to do a shout-out to a gentleman sitting in the back  
14 row and wish him a Happy Birthday tonight. He comes to all  
15 of our hearings and he's here tonight on his birthday, so  
16 Happy Birthday. There are two of you back there, so you  
17 figure it out. The meeting is adjourned.  
18  
19  
20  
21  
22  
23  
24  
25

To: Planning Commission, Study Session of October 21, 2015  
From: Dave Weissman, Lee Quintana  
Re: Proposed draft for Visibility Calculations

We have started with Staff's draft template, as presented at the PC meeting of August 26, 2015, and expanded it to try and include all of those issues and areas that both the TC and PC expressed an interest in during several public hearings. Additionally we have tried to remove as much ambiguity and subjectivity as possible since several PC members expressed such concerns.

## **VIEW METHODOLOGY AND ANALYSIS**

### **METHODOLOGY**

Instillation of story poles:

- Install story poles per adopted Town Policy

Timing of story pole instillation:

- A&S: Early in staff review
- PD: Prior to determination of the LRDA, since visibility is identified as a constraint to be considered when determining the LRDA

Identify points from which analysis shall be done:

- Determine identified viewing platforms to use
- Identify alternate viewing platform(s) from valley floor
- Identify vantage points within hillsides

If after story poles are installed, staff concludes that the development will be less than 10% visible, no further visual analysis is required

Photographs:

- Equipment: Photographs of the project site shall be taken with a 300 mm or longer lens using a tripod. The 300mm or longer lens will facilitate the identification of individual trees and the tripod will ensure a quality image
- Ambient conditions: Photos shall be taken during the time of day and ambient light conditions that provide the best visibility of the site
- Photographs shall clearly show the story poles and/or house and subject property

Timing of Photographs:

- Significant dead branches shall be removed from on-site trees before photos are taken<sup>1</sup>
- Evergreen trees only: Photos may be taken anytime of the year if only (native) evergreen trees provide screening
- Deciduous trees: Where (native) deciduous trees provide screening, photos shall be taken during maximum summer leaf-out<sup>2</sup> and maximum winter leaf drop.<sup>3</sup>

#### Processing of photographs:

- Download color photographs into Photoshop, or a similar application, and enlarge the story pole area to almost completely fill an 8" x 11" sheet of paper.
- Tones and contrast shall be adjusted to maximize the visibility and identification of the individual trees that may afford screening for the proposed project.
- No other Photoshop changes shall be permitted.

#### Trees that shall be counted as screening trees are:

- Native to the immediate site
- Naturally occurring (not planted or proposed as landscaping)
- On-site
- Have a preservation suitability rating of "fair/good, good, or excellent", as determined in the consulting arborist's final tree report
- Recommended for retention in the consulting arborist's final tree report
- Subject to "low" (or no) construction impacts, according to the consulting arborist

#### Trees that shall be counted as providing partial screening:

- Native deciduous trees shall be credited with 60% of screening<sup>4</sup>
- Trees with sparse canopies<sup>5,6</sup>

#### Trees that shall not be counted as screening trees are:

- Trees requiring more than 15% pruning to make way for construction
- Trees subject to potential "low/moderate, moderate or severe" construction impacts according to the consulting arborist's final tree report
- Trees that have a "poor, poor/fair, or fair" preservation suitability rating according to the consulting arborist's final tree report
- Trees that are to be removed, or that are injured or harmed during any construction or grading activity, even if the latter two are incidental occurrences

### ANALYSIS

#### Provide the following color photos:

- Photographs that label:
  1. Trees that provide screening on-site when viewed from the viewing platforms/vantage points toward the project site
  2. A photo that physically removes, through photo simulation, those trees that shall not be counted as screening and indicate which trees provide partial screening
- Three-dimensional illustrations or photo simulations of structure may be required when determined necessary by the deciding body to assist in visibility analysis

#### Determination:

- Calculate the percent visibility of proposed structure(s) for each of the above 2 photos
- If any one elevation of a house (plus related structures) is 25% or more visible,

rounded to the nearest whole number, the maximum height shall be 18'

<sup>1</sup> Such dead branch removal is also part of the HDS&G defensible space guidelines

<sup>2</sup> Overall health of deciduous oaks can only be assessed during full leaf-out, usually in early summer

<sup>3</sup> That will reflect visibility during the late fall-winter months

<sup>4</sup> Since such trees are with leaves for approximately 60% of the year

<sup>5</sup> Usually reflective of poor baseline health of that tree and poor, long term viability

<sup>6</sup> As an example, if the solid "block" outline of a tree screens 300 square feet of a proposed structure's elevation, but the actual tree would only provide an estimated 30% screening of that structure because of its sparse canopy, then the applicant gets "credit" for 90 square feet.

#### Other items to consider for discussion and/or inclusion in VIEW METHODOLOGY AND ANALYSIS

1. *Is the 25% visibility cutoff too generous?* Story poles, when viewed from 1.3 to 3.4 miles away, are essentially invisible to the naked eye. In contrast, completed houses, such as the house on Highland's Lot 6, are readily visible because of size and mass, even if their visibility is less than 25%. The HDS&G speak to this issue on page 15: "The visual impact of buildings or portions of buildings that can be seen from the viewing platforms 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."

OUR PROPOSAL: Reduce the percentage visibility threshold to 15% since the Highland's Lot 6 house, for which no visibility analysis was required by Staff because, we assume, it was less than 25%, is, nevertheless, readily visible to the naked eye from Los Gatos Blvd. This observation supports that the 25% threshold is too high and should be lowered.

2. *Should visibility calculations also consider the square footage of the elevation that is visible?* In other words, a 5,000 square foot house might have 20% of its elevation, or 1,000 square feet, visible from the valley floor. Such a house would be permitted under the present code. But a 500 square foot house, situated in the middle of a hillside clearing, might have 100% of its elevation visible to the valley floor and not

be permitted, despite being less of an eyesore in the hillsides. In fact, it is the smaller house that is more sustainable and should be encouraged (HDS&G, pages 9 & 33).

The present system favors the bigger, less sustainable, more visible house.

OUR PROPOSAL: That the PC discuss this topic and modify the code to be more reflective of the goals and objectives of the HDS&G. Consider the “big picture.”

*3. Should the all important visibility calculations be peer reviewed by an outside source who has no potential conflict of interest with the applicant?* This is, possibly, the single, most important number generated in any hillside application with a potential visibility issue and should be peer reviewed, not because we don't trust the applicant but because people make honest mistakes. The Town chooses the consulting arborist and staff requires peer review of submitted documents and studies all of the time. These important visibility documents should be no different.

OUR PROPOSAL: Require peer review of any critical document, such as a visibility study, especially where the initial evaluation was done by a company chosen by the developer.

We also have a quick comment on LRV averaging. Staff proposes the following:

“Exterior material colors...may use color averaging of all exterior materials to meet the maximum light reflectivity value of 30 ....” It thus appears that an applicant could have a house with sides of LRV 5 but a roof with LRV of 90, but because of averaging of areas, the overall LRV would be below 30 even though the roof would be extremely visible. Plus what is averaged? Just the elevation facing the valley floor or all 4 sides and roof of the house? Since the HDS&G call for hillside homes to blend with the natural environment, it seems to us that every part of the proposed house should blend with the hillsides. One only has to look at the built house on Lot 6 in the Highlands to see what visibility looks like from the valley floor along Los Gatos Blvd.

**To: The Planning Commission**  
**From: Lee Quintana**  
**Date: Oct 21, 2015**

**Subject: Revisions to HDS&G - Visual Analysis**

**DELETE FROM GLOSSARY**

DELETE VISIBLE HOME FROM GLOSSARY. MOST PEOPLE KNOW THE DEFINITION OF VISIBLE. THE BODY OF THE HDS&G SHOULD PROVIDE SUFFICIENT DIRECTION WITHOUT HAVING TO REDEFINE THE MEANING OF VISIBLE.

DELETE VIEWING PLATFORM FROM GLOSSARY AND TEXT AND SUBSTITUTE VANTAGE POINTS - WITH CURRENT LANGUAGE VIEWS FROM VANTAGE POINTS NOT ON THE VALLEY FLOOR TEND TO BE IGNORED WHEN IDENTIFYING POINTS FROM WHICH VISUAL ANALYSIS SHOULD BE DONE.

**25% ORIGIN AND REASON BEHIND**

THE 25% CRITERIA APPEARS TO HAVE BEEN ADDED AT THE LAST MINUTE.  
(AFTER AT LEAST 5 DRAFTS)

IT IS NOT CLEAR WHY % OF VISIBLE ELEVATION WAS CHOSEN, HOW OR WHY 25% WAS CHOSEN AS THE CUT OFF, OR EVEN WHETHER ALTERNATIVE METHODS WERE CONSIDERED. (SEE HANDOUT)

**ALTERNATIVE TO CONSIDER - AND I'M SURE THERE ARE OTHERS:**

- a. DECREASE THE PER CENT OF VISIBLE ELEVATION ALLOWED AS USEABLE OR POTENTIALLY USEABLE SQUARE FOOTAGE INCREASES.**

THIS WOULD INCLUDE SPACES THAT ARE NOT CURRENTLY PROPOSED AS USEABLE SPACE. THIS WOULD INCLUDE CELLARS, BASEMENTS AND OR SPACES SHOWN ON THE PLANS AS COVERED BY A ROOF - SPACES THAT COULD EASILY BE CONVERTED INTO USEABLE INDOOR SPACE WITHOUT CHANGING THE EFFECTIVE BULK OF THE PROPOSED PROJECT

- b. PER CENT OF TOTAL OF RIDGELINE LENGTH**

Example: If the total ridgeline facing a vantage point is 75' long only 25% (or X %) of the length of the ridgeline could be visible, i.e. 18%

- c. PER CENT OF ROOFLINE ELEVATION:**

Example: If the total square footage of the roof elevation facing a vantage point is 1000 sq. ft. only 25% ( or X %) could be visible, i.e. 250 sq. ft.

d. **ANY OF THE ABOVE.**

e. **OTHER POSSIBILITIES**

### **CLARIFY DISCRETION OF PC/TC**

CLARIFY OR CLEARLY STATE THAT WHATEVER LANGUAGE IS ADOPTED REGARDING VISIBILITY AND THE VISIBILITY ANALYSIS THAT MEETING THAT CRITERIA IS NOT A GUARANTEE THAT THE PROJECT WILL BE APPROVED.

APPROVAL OF ANY PROJECT THAT COMES BEFORE THE PC OR TC IS A DISCRETIONARY DECISION AND

THE TOWN IS NOT REQUIRED TO APPROVE ANY PROJECT IF THERE REASONS NOT TO.

THERE ARE MANY OTHER FACTORS THAT GO INTO A DECISION. A PROJECT SHOULD ULTIMATELY BE JUDGED AS A WHOLE ON WHETHER IT IS CONSISTENT WITH THE TOWN'S GOALS AND OBJECTIVES. A PROJECT THAT PUSHES A NUMBER OF STANDARDS AND GUIDELINES TO THEIR TECHNICAL LIMIT MAY NOT MEET, IN FACT MEET THE INTENT, OBJECTIVES, GOALS, OR VISION OF EITHER THE GENERAL PLA

## **GLOSSARY - HISTORY OF CHANGES TO AFFECTING VISIBILITY ANALYSIS TO HDSG**

### **SUMMARY OF CHANGES (FLOOR AREA, VISIBLE, RIDGELINE)**

#### **Floor Area.** (Deleted)

- Originally listed both what was counted and what was not counted (Dec. 2001 Draft)
- Deleted and replaced with Floor area, gross (Sept. 2002 Draft)

#### **Floor Area, gross.** (Added Sept 2002 Draft)

- Replaced Floor area above
- Lists only what is excluded from floor area calculations
- Added Barns. and Garages up to 400 sf (Dec. 2003 Draft)

#### **Visible.** That which can be seen (Deleted)

- Deleted after Preliminary Draft Dec. 2001)

#### **Visible home.** (Added)

- Added to Dec. 2003 Revised Public Review Draft
- Text added: A single family residence where 25% or more of an elevation can be seen from any of the Town's *established* viewing platforms (See Chapter II, section B). (emphasis added)

#### **Ridgelines** (Added , deleted and then added back)

- Added Sept., 2002 Draft
- Deleted Oct., 2002 Draft
- Added back March 2003 Draft

Thees and other definitions or changes to definitions would appear to favor allowing homes with larger usable floor area, more effective bulk and greater visibility.

## **Some applicable sections of the HDS&G**

### **ii. Constraints analysis and site selection**

- Page 12 II.A.1.

7th bullet: *Visibility from off site*; and last bullet: (emphasis added)

last bullet: *Significant ridgelines* (emphasis added)

Page 5. Forward. 4th Bullet: The illustrations provided in the HDS&G are schematic and meant to show the intent of a standard or guideline.

Page 6. A. Vision Statement. All bullets, particularly

5th bullet: Protects and preserves viewsheds and the ridgelines of the mountains

Page 6. B. Overview. All bullets, particularly the

1st bullet and the last phrase of the 3rd bullet. "... and minimize changes to the visual quality of the hillsides.

Page 6. C. Goal

Page 9. Objectives of HDS&G (all) but in particular

4. Maintain the natural appearance of the hillsides *from all vantage points including the valley floor*. (emphasis added)

5. Protect ridgelines from development

6, 7, 9, 10, 11

To: Planning Commission, for meeting December 2, 2015

From: Dave Weissman, November 24, 2015

Re: Visibility analysis methodology

At the prior PC meeting of September 23, 2015, visibility analysis methodology was considered, and helpful testimony was provided by the Town's consulting arborist. Topics discussed included what constitutes a healthy tree, how significant are construction impacts from any source, and how have 4 years of the most extreme drought in CA history in, at least, the last 1,000 years, all played into these considerations.

Since that meeting I have found new information that addresses some of these issues and, I believe, should be incorporated into the guidelines because they would give a firm, objective scientific foundation for these revised standards.

1. There was testimony by the consulting arborist that the drought has had a significant negative impact on the trees in the Town's hillsides, especially blue oaks. While no one can predict the long-term effects of the drought, discussions before the PC assumed that if and when rains come, many if not most stressed oaks might recover. This issue was recently addressed in an October 20, 2015 article in the LA Times (<http://www.latimes.com/local/california/la-me-dying-forests-20151020-story.html>) that discussed studies by Greg Asner, a scientist with the Carnegie Institution for Science. His basic findings were:

- a. This drought may kill 20% of California's trees. Under normal conditions, forests lose between 1% and 1.5% of their trees annually.
- b. Low elevation forests are in greatest jeopardy.
- c. Even if the drought were to end in a historic El Niño this winter, the most stressed trees will probably continue to fail.

In recognition of this crisis, Governor Jerry Brown declared a state of emergency on October 31, 2015, to help California address fire risk from this massive tree die-off.

I believe that the take away message should be this: when considering which native hillside trees should be counted as providing screening, their health at the time an application is being considered, should be the only relevant information. One can opine as to the fate of any tree but the most relevant information is how the tree is doing at that moment. The rest is speculation.

2. There is an obviously complicated interaction between the health of a tree, the age of the tree, the tree species, its resiliency to habitat disturbance, and the total impacts from construction on the long-term viability of that tree. Such information is critical when discussing which trees should be counted as providing potential screening for a proposed house. What would be most helpful in making such a decision, would be a matrix that could be used in an objective manner. And such a matrix is provided by Richard Harris and colleagues in their widely recognized reference book titled "Arboriculture. Integrated Management of Landscape Trees, Shrubs, and Vines." I have attached the title page and the matrix from page 265 that provides one way to make tree-retention decisions. First off, I exchanged emails with both of the junior authors, Drs. Clark and Matheny, on 11/11/2015. They independently said that if one wanted to apply their matrix to the Los Gatos hillsides, the relatively disturbance-tolerance species in their matrix, London Plane, could be interchanged with our most common hillside tree, the coastal live oak. And that the more disturbance-sensitive species in their matrix, Beech, could be interchanged with our second most common hillside tree, the blue oak. One can put these guidelines into practice, as follows: when the consulting arborist says in her tree report, that a disturbance-sensitive blue oak has fair preservation suitability and will be subjected to a moderate construction impact, the matrix recommends that this tree be removed. (If this tree were a less disturbance-sensitive live oak, then the matrix recommends preserving the tree.) If the applicant elects to try and save the blue oak, that is their option. But such a tree should not be counted as

providing screening because it will most likely die in the near future. The applicant will no doubt argue that they can preserve the tree. But this *subjective* pronouncement is meaningless given the self-serving interests of the developer. It is best to make such a decision as *objective* as possible and the attached matrix allows for just that type of decision based on scientific information.

Now there are A&S applications where developers have made construction adjustments based on the consulting arborist's concerns and moved retaining walls, decreased grading, etc. These promised changes usually only occur, in a letter to staff, entitled "response to arborist." So what happens now? The project gets approved and construction begins. And nearby trees are affected in the short term, as predicted by the consulting arborist, but don't start to die until the house is completed about 6-12 months later. Then the developer or the new owner applies for a tree removal permit showing the Town arborist the recommendation of the consulting arborist to remove that tree. At that point in time, how can the Town arborist deny the permit? The tree is in decline and dying and is close to the house, and the Town would have liability if the request was denied and the tree falls on the house and injures someone. So the removal permit is issued. That's a win for the applicant who was able to count that tree as providing screening. A win for the new homeowner whose view of the valley floor is now improved. But a loss for the citizens of Los Gatos whose hillsides are now less sustainable and scared with another large, visible house.

Fourth Edition

# **Arboriculture**

## **Integrated Management of Landscape Trees, Shrubs, and Vines**



**Richard W. Harris**  
*Professor Emeritus*  
*Department of Environmental Horticulture*  
*University of California at Davis*

NEW  
**James R. Clark**  
*Vice President*  
*HortScience, Inc.*  
*Pleasanton, California*

**Nelda P. Matheny**  
*President*  
*HortScience, Inc.*  
*Pleasanton, California*

*Illustrations by Vera M. Harris*



Upper Saddle River, New Jersey 07458

**TABLE II-3**

**Comparison of tree preservation and removal decisions considering species tolerance to disturbance, tree condition, and intensity of impact**

<i>London Plane</i> <b>OR LIVE OAK</b>			
Tree condition			
<i>Intensity of impact</i>	<i>Poor</i>	<i>Moderate</i>	<i>Good</i>
Low	Remove	Preserve	Preserve
Moderate	Remove	Preserve	Preserve
Severe	Remove	Redesign/Preserve?	Redesign/Preserve?

<i>Beech</i> <b>OR BLUE OAK</b>			
Tree condition			
<i>Intensity of impact</i>	<i>Poor</i>	<i>Moderate</i>	<i>Good</i>
Low	Remove	Preserve?	Preserve
Moderate	Remove	Remove	Redesign/Preserve?
Severe	Remove	Remove	Remove

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