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**MINUTES OF THE TOWN COUNCIL SPECIAL POLICY COMMITTEE MEETING  
DECEMBER 20, 2018**

The Town Council Policy Committee of the Town of Los Gatos conducted a Special Meeting on Thursday, December 20, 2018, at 8:30 a.m.

**MEETING CALLED TO ORDER AT 8:35 a.m.**

**ROLL CALL**

Members Present: Marcia Jensen, Rob Rennie

Staff Present: Laurel Prevetti, Town Manager; Robert Schultz, Town Attorney; Arn Andrews, Assistant Town Manager; Joel Paulson, Community Development Director; Matt Morley, Parks and Public Works Director; Monica Renn, Economic Vitality Manager; Sally Zarnowitz, Planning Manager; Sean Mullin, Associate Planner; Holly Zappala, Management Analyst.

**VERBAL COMMUNICATIONS**

None.

**OTHER BUSINESS**

**1. Approval of November 15, 2018 Council Policy Committee Draft Minutes.**

Approved.

**2. Review and provide direction on a potential short-term rental (STR) ordinance.**

Fred Faltersack

- Commented that homeowners depend on short-term rental income to cover their expenses on second homes. He noted that a short-term rental provides a more "homey" experience for a family vacationing and renting out larger, more expensive homes do not subtract from the affordable housing supply. He said that short-term rentals should have to pay transient occupancy tax in order to "level the playing field" with hotels.

Lee Quintana

- Commented that she is concerned about how the Town will enforce the occupancy and parking regulations in the draft ordinance and thinks 180 days is a generous cap for hosted short-term rentals.

Other Business Item #2 – continued

After discussion, the Committee decided to forward a recommendation to the Town Council to approve the draft Short-Term Rental Ordinance with minor modifications to the draft language.

**3. Continue to discuss parameters for a Town parklet program.**

Matt Morley, Parks and Public Works Director, presented the staff report.

Peter Hoffman

- Commented that parklets are a great opportunity for increased economic vitality in Los Gatos. He said that parklets would provide a good place for people to sit and wait for a table at the restaurants in Town. He would like to see unrestricted restaurant table service in an effort to revitalize businesses on E Main Street.

Sue Farwell

- Commented that she would like to see full table and alcohol service at parklets. She believes outdoor dining would encourage people to stay in Town to eat and shop. She suggested using parklets as open seating for the public during the day time and being used for restaurant service in the evenings.

Randi Chen

- Commented that she would like parklets to include table and alcohol service so that businesses would be willing to invest money in them. She also believes that they encourage people to stay in Town.

Terry Martin

- Commented that parklets would be helpful for people who are waiting to be seated at a restaurant. He suggested that some parklets could have restaurant table service, others could have public seating, and others could be open spaces.

Sheldon Gilbert

- Commented that the Town should be able to control the use of the parklet space when it is not being used for restaurant table service.

Jason Farwell

- Commented that he is concerned about the liability of the landlord being responsible for the parklet space if a member of the public were to be injured in the space.

Other Business Item #3 – continued

After discussion, the Committee asked staff to email the Committee a revised pilot program draft for review before the end of the year and, upon review and approval of the draft, forward a recommendation to the Town Council to approve the pilot program, with the following direction:

- Create guidelines to allow restaurant food and alcohol service in parklets during certain hours and allow the parklet to be available for public use during other hours.
- Create a webpage on the Town website with information regarding the pilot project for ease of access by the public.

**4. Discuss and provide direction for potential amendments to the Town Code regarding fences, hedges, and walls in the Hillside Residential zone.**

Sean Mullin, Associate Planner, presented the staff report.

Alice Kaufman

- Commented that she thought the previous draft ordinance was clearer and preferable to the current draft. She suggested the Town conduct more community outreach and create a webpage dedicated to information regarding the draft ordinance. She said the major concern regarding the fences is the effect future development may have on wildlife in the area.

Lee Quintana

- Commented that the draft ordinance is repetitive and suggested it be re-organized into sections for the purpose of clarity. She believes the guidelines need to be objective as opposed to subjective and need to address wildlife corridors.

Dashiell Leeds

- Commented that the ordinance should provide clearer language for defining what residents can and cannot do. He preferred the language used in the previous draft and said the language used in the current draft is too vague to be enforceable.

David Weissman

- Commented that he would like to see animal-friendly fences defined in the ordinance. He believes the language used in the current draft is too vague and subjective, and that the language used in the previous draft was much clearer.

Other Business Item #4 – continued

Bill LeClerk

- Commented that there has been a lack of transparency throughout the process and more notification is needed to those impacted by the ordinance. He does not believe an ordinance should be approved without the input of the hillside property owners. He said there is too much gray area in the current draft and there needs to be more definition as to what property owners can and cannot do.

Claudia Gunduton

- Commented that she owns a home in the hillsides with an existing fence and is relieved that a new ordinance would not affect existing fences.

Fred Faltersack

- Commented that the Town could require fences to include neighbor gates as a way to provide emergency egress and that residents need to have the ability protect their vineyards from animals.

After discussion, the Committee asked staff to prepare a revised draft of the ordinance for Town Council's review with the following direction:

- Reorganize the text, use more specific language, and improve clarity
- Acknowledge fire escape routes
- Define animal friendly fences
- Include direction specific to riparian corridors

**5. Continue to discuss modifications to the land use appeal process.**

Joel Paulson, Community Development Director, presented the staff report.

Lee Quintana

- Commented that she would not want residents to lose the ability to appeal decisions on commercial projects in Town even if they lived across Town from the project.

After discussion, the Committee's direction was to bifurcate the residential and commercial appeal process, leaving the commercial appeal process unchanged while limiting the distance from a residential project where an appellant must reside in order to be eligible to appeal. The Committee forwarded a recommendation to the Planning Commission to approve the proposed modifications to the land use appeal process.

**ADJOURNMENT**

The meeting adjourned at 10:24 a.m.

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SUBJECT: MINUTES OF THE TOWN COUNCIL SPECIAL POLICY COMMITTEE MEETING OF  
DECEMBER 20, 2018

DATE: JANUARY 17, 2018

This is to certify that the foregoing is a true  
and correct copy of the minutes of the  
December 20, 2018 meeting as approved by the  
Town Council Policy Committee.

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/s/ Holly Zappala, Management Analyst