



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2020

ITEM NO: 10

DATE: January 14, 2020

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Introduce an Ordinance, by Title Only, Effecting an Amendment to:

- a. Chapter 9 (Fire Prevention and Protection) of the Town Code regarding Defensible Space regulations.
- b. Chapter 11 (Garbage, Refuse and Weeds) of the Town Code regarding Weed Abatement regulations.
- c. Chapter 29 (Tree Protection) of the Town Code regarding exemptions for Defensible Space.

RECOMMENDATION:

Introduce an Ordinance, by title only, effecting an amendment to:

- a. Chapter 9 (Fire Prevention and Protection) of the Town Code regarding Defensible Space regulations.
- b. Chapter 11 (Garbage, Refuse and Weeds) of the Town Code regarding Weed Abatement regulations.
- c. Chapter 29 (Tree Protection) of the Town Code regarding exemptions for Defensible Space.

EXECUTIVE SUMMARY:

On April 16, 2019, the Town Council adopted Annex 9 (Attachment 1) of the Santa Clara County Community Wildfire Protection Plan (CWPP). Among other things, Annex 9 included a matrix of recommended actions to mitigate occurrence and potential damage associated with wildfire. One of the strategic goals identified in the Annex was the development of a wildfire evacuation assessment for the Wildland Urban Interface (WUI) portion of Town.

PREPARED BY: Arn Andrews
Assistant Town Manager

Reviewed by: Town Manager, Town Attorney, Director of Parks and Public Works, and Director of Community Development

EXECUTIVE SUMMARY (continued):

On October 15, 2019, the Town Council received the Wildland Urban Interface Evacuation Assessment. As part of the development of that assessment, staff conducted a review of the Town's Municipal Code as it relates to wildfire mitigation. Based on that assessment, staff identified Chapter 9, Chapter 11, and Chapter 29 for Town Code revisions. The recommendations in this report have been developed to augment and align Town Codes related to wildfire mitigation which reflect currently adopted best practices and State legal requirements. In addition, the recommended changes will help to facilitate the implementation of portions of Annex 9.

Do to the interrelated nature of the recommended code revisions this staff report has been developed as a single report. However, three independent Ordinances have been drafted and based on Council's action would require three individual First readings.

BACKGROUND:

Los Gatos is identified as a Community at Risk from wildfires on the Federal and the California Fire Alliance list of Communities at Risk in Santa Clara County. The Los Gatos Wildland Urban Interface (WUI) planning area includes primarily Very High Fire Hazard Severity Zone (VHFHSZ) areas on the southern side of Los Gatos. The WUI area is best described as an area that transitions from a natural condition (wildland) to human settlements. Homes and other development in the WUI are at risk of catastrophic wildfire due to the presence of vegetation that could fuel a wildfire.

The WUI and VHFHSZ designations within the Town trigger multiple State mandated requirements for building codes and other areas which can help mitigate the occurrence or spread of wildfire. In particular, California Public Resources Code (PRC) 4291 mandates 100 feet of defensible space around structures in high fire severity zones. In addition, PRC 4291 was expanded in 2008 to allow local jurisdictions require defensible space beyond property lines under certain circumstances. While the Town has traditionally adopted Chapter 49 of the California Fire Code (with amendments) which incorporates the legal requirements associated with WUI defensible space, other Town Codes have either contradicted or been inconsistent with the maintenance of defensible space.

DISCUSSION:

Defensible Space

Defensible space means an area around the perimeter of structures in which vegetation, debris, and other types of combustible fuels are treated, cleared, or reduced to slow the rate and intensity of potentially approaching wildfire or fire escaping from structures. The creation of reasonable and adequate defensible space focuses on measures to modify or breaking

DISCUSSION (continued):

up the hazards emanating from the continuity of fire fuels, both horizontal (across the ground) and vertical (from the ground up into the crowns of brush and trees). Fuels that exhibit a large degree of both vertical and horizontal continuity are the most hazardous; in particular when they are on slopes. Thus, mitigation of wildfire hazards within the defensible space perimeter focuses on breaking up the continuity of horizontal and vertical fuels, while also addressing environmental concerns like habitat and erosion protection. Attachment 2 from Cal Fire provides a simple illustration of defensible zones and horizontal and vertical spacing.

Appropriate defensible space does not require, or advocate, the clear cutting of trees and brush. Often times a continuous canopy of fire-resistant trees may be desirable in some cases to create shade (sometimes referred to as a "shaded fuel-break") which can suppress weeds and grasses and help retain moisture.

If the Town Council introduces and adopts the proposed Ordinances, staff will design a website and offer educational tools to provide specific recommendations and resources to our residents and property owners.

Chapter 9 (Fire Prevention and Protection)

Chapter 49 of the California Fire Code (with amendments) is adopted into the Town Code and incorporates the legal State requirements associated with WUI structures. However, State legislation grants local jurisdictions the authority to add additional restrictions based on the threat severity in that jurisdiction. Given the significant wildfire threat in Los Gatos, staff is recommending several amendments beyond the usual administrative additions.

Most substantively, staff is recommending that the Town adopt language permissible under California Government Code Section 51182 (a)(2) which may require defensible space beyond property lines under certain circumstances. In addition, staff is recommending that the Town adopt a 5-foot nonflammable zone around new structures consistent with best practices advocated by County Fire.

Staff's recommendations are provided in a draft Ordinance (Attachment 3) and in redline format (Attachment 4).

Chapter 11 (Garbage, Refuse, and Weeds)

On November 5, 2019, the Town Council adopted amendments to Chapter 11 to expand the definition of weeds to include other dead vegetation, fallen limbs, and combustible trash on private property and add additional language to clarify and strengthen the Town's weed

DISCUSSION (continued):

abatement program. In order to better align the Ordinance, staff is recommending a minor edit to increase the required width from a roadway for weed abatement from 5 feet to 10 feet.

Staff's recommendations are provided in a draft Ordinance (Attachment 5) and in redline format (Attachment 6).

Chapter 29 (Tree Protection)

In order for WUI residents of the Town to adequately manage defensible space, staff is recommending revisions to Chapter 29 (Tree Protection) of the Town Code.

Most substantively, staff is recommending that trees either removed or maintained in the furtherance of defensible space be categorized under Sec.29.10.0970 Exceptions. By creating defensible space as an exception item, it would preclude any other elements of the Code Division thereby significantly increasing the ease with which homeowners can become compliant with State law. Its important to note, that protected trees listed in subcategory (3) and (10) under Sec.29.10.0960 will not be exempted from the provisions of the Division. Staff's recommendations are provided in a draft Ordinance (Attachment 7) and in redline format (Attachment 8).

CONCLUSION:

To continue enhancing the Town's protection and resilience from the threat of wildfire, staff recommends adoption of revisions to Chapter 9, Chapter 11, and Chapter 29 of the Town Code.

COORDINATION:

This staff report was coordinated with the Director of Parks and Public Works, Director of Community Development, Town Attorney, and Santa Clara County Fire District.

FISCAL IMPACT:

There is no fiscal impact associated with these Ordinances.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Town of Los Gatos Annex 9
2. Cal FIRE defensible space diagram
3. Chapter 9 – Draft Ordinance
4. Chapter 9 – Draft Amendments (redline)

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SUBJECT: Amendments to Chapter 9, Chapter 11, and Chapter 29 of the Town Code

DATE: January 14, 2020

5. Chapter 11 – Draft Ordinance
6. Chapter 11 – Draft Amendments (redline)
7. Chapter 29 – Draft Ordinance
8. Chapter 29 – Draft Amendments (redline)

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ANNEX 9. TOWN OF LOS GATOS

The Town of Los Gatos is located at the base of the Sierra Azules in the southwestern portion of the County, where the Santa Clara Valley meets the lower slopes of the Santa Cruz Mountains. Los Gatos encompasses a wide variety of terrain, ranging from flat topography at the edge of the valley floor to densely wooded hillsides. Both the valley and hillsides are interspersed with creeks, streams and riparian habitat. The sharp contrast between the valley floor and the hillsides provides the town's picturesque background. The population is estimated to be 30,391 in a 14-square-mile area.

ORGANIZATION AND JURISDICTION

The Town of Los Gatos is governed by a publicly elected city council and has authority for General Plan land use planning, code adoption, and permit processing. The Town of Los Gatos does not have a city fire department; Los Gatos is within the Central Fire Protection District.

State law designates all lands within the city limits of Los Gatos as a Local Responsibility Area (LRA) for purposes of wildland fire protection. Most state fire prevention and defensible space laws do not apply within LRAs. Recent legislation requires state review and input on General Plan Safety Element updates where wildland fire is a hazard (Government Code Section 65040.20).

Fire protection services for Los Gatos are provided by Santa Clara County Central Fire Protection District (dba Santa Clara County Fire Department), including emergency's in State Responsibility Areas (SRAs) in unincorporated areas of the wildland urban interface (WUI), adjacent to Los Gatos. To determine LRAs and SRAs of the community, please visit:

http://www.firepreventionfee.org/sraviewer_launch.php

PLANNING TEAM PARTICIPATION

The Los Gatos community is represented on the Core Team by representatives of the Santa Clara County Fire Department. The community has been engaged in the Community Wildfire Protection Plan (CWPP) planning process through two rounds of workshops that have been held in Cupertino and Redwood Estates and focus on the Los Gatos, Cupertino, and surrounding WUI communities.

LAND USE PLANNING, GENERAL PLAN, BUILDING CODES, AND LOCAL HAZARD MITIGATION PLANS

Authority and jurisdiction for approving the General Plan and elements, and determining land use, community design, and building code adoption rests with the Los Gatos Town Council. The Local Hazard Mitigation Plan (LHMP) identifies hazards that exist in Los Gatos that create risk to citizens and properties in Los Gatos. WUI fires are a real and present danger to the western portions of Los Gatos. This CWPP identifies several goals related to functions the Town of Los Gatos has the authority to undertake.

This CWPP may serve as basis for the WUI fire component for LHMP, General Plan, or General Plan element updates.

SUMMARY

Los Gatos is listed as a Community at Risk from wildfires on the Federal and/or California Fire Alliance list of Communities at Risk in Santa Clara County.

Wildfires occur in the vicinity of Los Gatos and present a danger to people and properties within the town.

Mitigations can reduce the risk of injury and damage. Some mitigations are solely the responsibility of property owners, other mitigations require neighborhood level action, and some require town government action.

WUI AREA DESCRIPTION

WUI AREA DEFINED

The Los Gatos WUI planning area includes primarily Very High Fire Hazard Severity Zone areas on the southern side of Los Gatos (Figure 9.1). The WUI area is best described as a wildland-urban intermix with homes scattered amongst wildland fuels.

FIRE HISTORY

For fire history information, please see Figure 3.5 in the main CWPP document.

HAZARDOUS FUEL CHARACTERISTICS

The Los Gatos planning area comprises a range of vegetation communities that differ depending upon elevation, precipitation, and slope. Chaparral vegetation is often found on south facing slopes, where winter precipitation is relatively high, but dry summers are common. The chaparral will have long flame lengths under either moderate or extreme weather scenarios. The nature of these fuels is to burn quickly and intensely. Oak woodlands, comprised of a variety of oak species are also interspersed throughout as well as mixed conifer comprising knob cone pine and grey pine. A fire in either the mixed conifer or hardwood would likely be a surface fire with patches of active behavior and fairly low rates of spread. However, active fire behavior is possible in this vegetation type under extreme weather conditions, especially where there is high surface loading. Coastal coniferous forest communities such as redwoods and Douglas fir are located at lower elevations where precipitation is high, fog is common, and temperatures are moderate. Fire spread is generally limited in this fuel type; however, given the right combination of weather conditions, surface fire can be expected to burn uphill. Areas with increased fuel loading from dead and down materials may experience crowning under the right conditions. The varied vegetation composition result in the Los Gatos WUI comprising a range of wildfire hazard.

For fuel model information, please refer to Section 4.6.3 and Figure 4.3 in Chapter 4 of the main CWPP document.

*Santa Clara County Community Wildfire Protection Plan
Annex 9 – Town of Los Gatos*

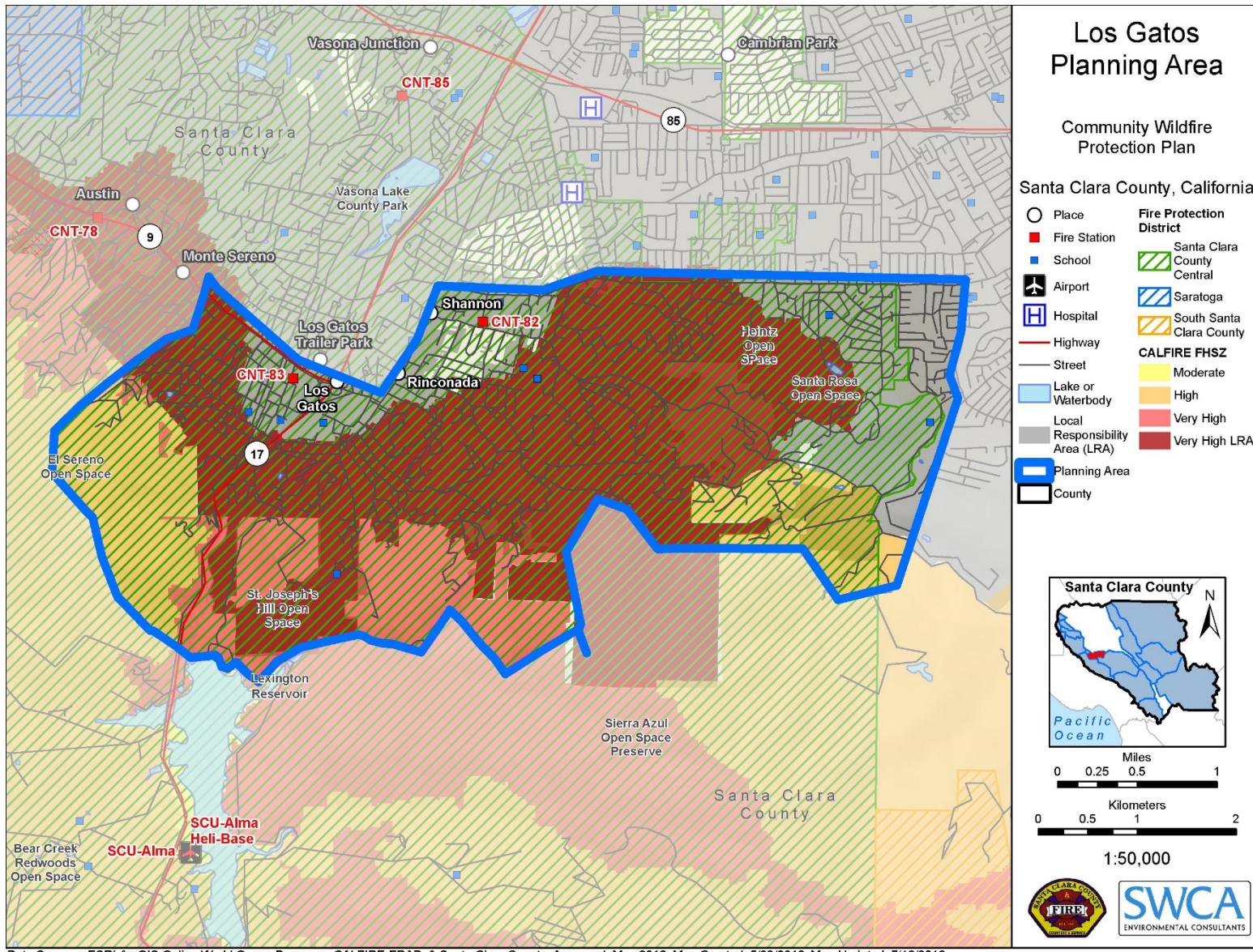


Figure 9.1. Los Gatos planning area.

NEIGHBORHOOD AND STRUCTURAL CHARACTERISTICS

The foothills above Los Gatos (Figure 9.2) are characterized by steep, winding, and narrow roads that pose potential ingress and egress problems for emergency response and evacuations. Some areas may be subject to slow response times for emergency response due to the distance from the nearest fire station and road conditions. Some homes have minimal turnaround space, posing a concern to emergency responders due to potential entrapment. There are a number of dead end roads and narrow driveways.

Most homes have moderate defensible space (at least 30 feet) but some homes do not meet the necessary 70- to 100-foot space. Homes are inspected by Santa Clara County Fire Department (SCCFD) personnel at least every three years. Most homes have non-combustible siding, but the majority have combustible decks and fencing that comes into contact with wildland fuels. Some homes have wood shake roofs which put the property and neighborhood at risk. Many subdivisions are managed by homeowner associations (HOAs), which provide a conduit for fire prevention and public education and outreach messages regarding structural ignitability and defensible space. A large number of 7A compliant new build properties (Figure 9.3) are interspersed with older properties, many are on large lots with good separation and have well maintained yards. Many homes are landscaped by contracted landscape companies, outreach regarding defensible space and non-flammable landscape vegetation could be targeted at those companies. Vulnerable populations, such as retirement homes, are a concern to fire department personnel, due to evacuation concerns along narrow roads. Defensible space in these areas is a priority, particularly where vegetation is close to the property (Figure 9.4).

Many homes are located upslope from thick scrub fuels, with continuous canopies. Homes are located on steep slopes with often minimal set-back from the slope. Topography is a concern due to the influence steep slopes have on potential fire behavior.

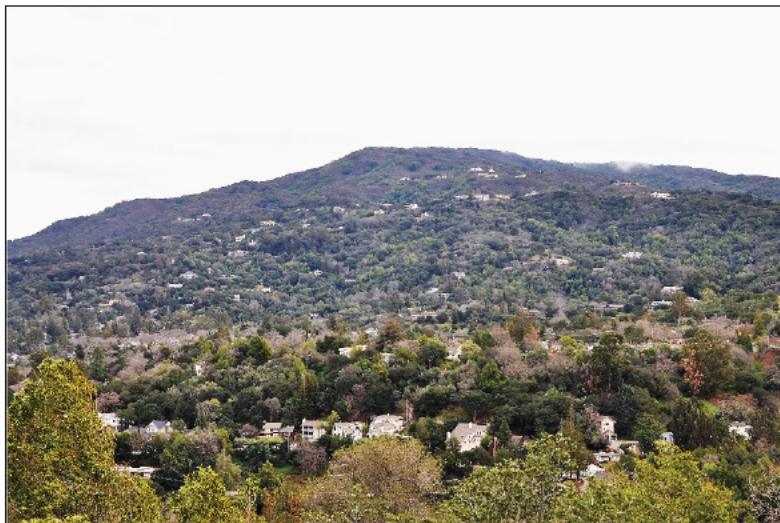


Figure 9.2. Overview of Los Gatos WUI community.



Figure 9.3. New build property, built to 7A compliance.



Figure 9.4. Eucalyptus close to units in a retirement community in hills above Los Gatos.

EMERGENCY RESPONSE CAPACITY

Fire suppression for the Los Gatos WUI area is provided by:

- Santa Clara County Central Fire Protection District:
 - Los Gatos Fire Station, 306 University Ave, Los Gatos
 - Shannon Fire Station, 16565 Shannon Rd, Los Gatos
 - Winchester Fire Station, 14850 Winchester Blvd, Los Gatos

PUBLIC EDUCATION AND OUTREACH PROGRAMS

Santa Clara County Fire Department, Fire Prevention Division provides a comprehensive fire and life safety educational program within Los Gatos. More information can be found on its website:

<http://www.sccfd.org/community-education/overview>

The Santa Clara County Fire Safe Council is actively involved in the Los Gatos and surrounding communities. (<http://www.SCCFireSafe.org>). This organization provides information regarding chipping programs, defensible space mitigation, forest health issues, and much more. They also offer public meetings and forums to support wildfire awareness.

The Town of Los Gatos provides comprehensive emergency preparedness information on its website: <http://www.town.los-gatos.ca.us/57/Emergency-Preparedness>. In addition the Town has an active CERT program: <http://www.town.los-gatos.ca.us/152/CERT-Emergency-Management>

POLICIES, REGULATIONS, ORDINANCES, AND CODES

Buildings within the Town of Los Gatos would be subject to the Municipal Code of Los Gatos. Chapter 9 Fire Protection and Prevention outlines codes and ordinances pertaining to wildfire.

https://www2.municode.com/library/ca/los_gatos/codes/code_of_ordinances?nodeId=CO_CH9F_IPRPR

In particular Section 4907.1 General. Defensible space will be maintained around all buildings and structures in SRA as required in Public Resources Code (PRC) 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, [Chapter 7](#), Subchapter 2, Section 1270.

In addition buildings and structures within the Very High Fire Hazard Severity Zones of an LRA shall maintain defensible space as outlined in Government Code 51175 - 51189 and any local ordinance of the authority having jurisdiction.

Refer to Chapter 49 of the California Fire Code as amended and adopted by the Town of Los Gatos for all of the requirements for Wildland Urban Interface Fire Areas in the Town.

HAZARD ASSESSMENT

Community hazard assessments include ratings of community conditions compared to best practices for WUI fire mitigation. Community hazard ratings include consideration of applicable state codes, local ordinances, and recognized best practices guidelines.

The National Fire Protection Association Standard 1144 (NFPA 1144) defines WUI hazards and risks at the community and parcel level. This plan utilizes components of NFPA 1144, California laws and local ordinances to evaluate neighborhood WUI hazard and risk. California PRC 4290 and 4291 sections address best practices WUI community design and defensible space standards.

The NFPA 1144 community risk assessment completed for the Los Gatos Hills Community assigned the WUI community a risk rating of High with a score of 89 (<40 = low, >40 = moderate, >70 = High, >112 = Extreme) see tabulated list below. Factors that contributed to the risk are illustrated below. Averages are taken across the community for each of these parameters.

Parameter	Condition	Rating
Access	Two roads in and out but access still concern	+/-
	Narrow road width	-
	Surfaced road with greater than 5% grade	+
	Poor fire access, dead end spurs, lack turnaround	-
	Street signs are present, some are non-reflective	+/-
Vegetation	Adjacent fuels: Medium	+/-
	Defensible space: >30 feet < 70 feet around structure	+/-
Topography within 300 feet of structure	21%–30%	-
Topographic features	Moderate to high concern	+/-
History of high fire occurrence	Low	+
Severe fire weather potential	Low	+
Separation of adjacent structures	Good separation	+
Roofing assembly	Class C	-
Building construction	Combustible siding and deck	-
	Building set back <30 feet to slope	-
Available fire protection	Water: hydrants present with variable pressure	+
	Response: Station <5 miles from structure	+
	Internal sprinklers: some newer 7A compartment homes	+/-
Utilities	One above and one below ground	+/-
Risk Rating- High (89)		

In addition to the on-the-ground hazard assessment, the CWPP also includes a Composite Fire Risk/Hazard Assessment, which uses fire behavior modelling to determine potential fire behavior and is based on fuel characteristics, topography, weather, and fire history. The Composite Risk/Hazard Assessment for the planning area is shown in Figure 9.5. For more information on the methodology for this assessment please refer to Section 4.6.1 in Chapter 4 of the CWPP.

PARCEL LEVEL ASSESSMENT

A model for determining parcel level risk and effect of mitigations has been developed through this CWPP project. The model can use information available through public record for basic analysis but can be further refined with a site visit with property owner for a thorough analysis of risk score. The County will be seeking funding to fully implement this parcel level assessment in the future. The goal is for the property owner to be able to use this analysis to determine the most effective steps they can take to reduce their risk. For more information refer to Chapter 4 in the countywide CWPP document.

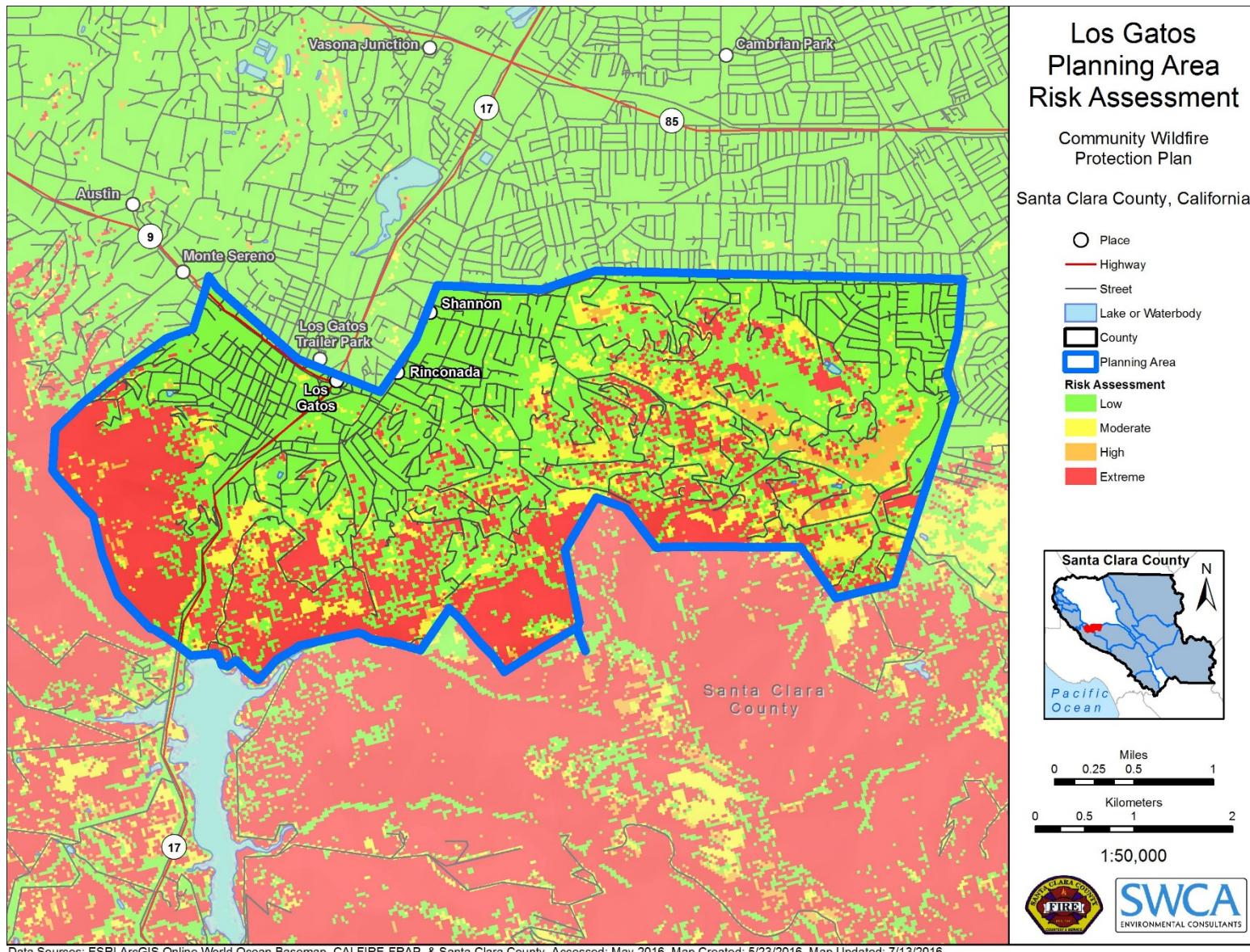


Figure 9.5. Composite Risk and Hazard Assessment for Los Gatos WUI community.

IDENTIFY CRITICAL INFRASTRUCTURE AND COMMUNITY VALUES AT RISK

Critical utility infrastructure such as, electric power supply lines, substations, and natural gas lines are essential to supply to residents and businesses for services that in some cases are critical to health and life safety. In many parts of the project area, electric power is needed to power pumps for the domestic water supply, and to provide heating and lighting. Wildfire is a significant threat to the electric utility supply.

The project area has several watersheds that are community values at risk. Watersheds need to be protected and maintained from catastrophic wildfire damage in order to prevent erosion, sedimentation and water contamination (Taylor et al. 1993). Long-term issues resulting from damage to watersheds would be increased run off, poor soil retention, and decreased water quality.

The WUI area surrounding Los Gatos is comprised of open space areas, including El Sereno Open Space, St. Josephs Hill Open Space, Heintz Open Space, Sierra Azul Open Space and Santa Rosa Open Space. These open space areas are valued for recreational use and for their natural resources.

Other community values at risk include: life safety, homes and property values, infrastructure, recreation and lifestyle, wildlife habitat, watershed protection, and environmental resources and commercial business, for example, a number of wineries/vineyards are located in the interface, including, the Testarossa Winery, McCarthy Family Estate Vineyards, La Rusticana D'Orsa Vineyard, and Perrucci Family Vineyard.

MITIGATION PROJECTS AND PRIORITIZATIONS

The following project matrices have been developed by the CWPP working group to guide specific project goals implementations for the Town of Los Gatos (Table 9.1–Table 9.5). The matrices below are tiered to the strategic goals presented in the body of the CWPP through project IDs in the first column of each matrix. The matrices are broken down into projects for addressing public education and outreach, reducing structural ignitability, improving fire response capability, and reducing hazardous fuels.

Table 9.1. Recommendations for Public Outreach and Education in the Los Gatos Planning Area

ID LG	Project	Presented by	Target Date	Priority (1,2,3)	Resources Needed	Serves to
Strategic Goal: EO1- Educate citizens on how to achieve contemporary WUI code compliance in retrofits/cost: benefit ratio. Provide workshops and/or demonstration site. and EO5- Emergency preparedness meetings. Use American Red Cross volunteers and other preparedness experts. Attend community functions and hold special meetings to provide guidance for creating household emergency plans. Use Ready, Set, Go! program.						
LG-EO1.1	W dfe Preparedness and WUI Code workshops	FreSafe Counc s, County F re, CAL FIRE	W th n 2 years	1	Workshop expenses, personne Workshop venues Demonstrat on s to Strateg e on avenues for engag ng the pub c.	Increase comp ance w th County code. Reduce f re r sk eve for nd v dua parce s and commun ty as a who e.
Strategic Goal: EO3- Organize a community group made up of residents and agency personnel to develop materials and communicate relevant defensible space messages. Could coordinate with fire departments or Fire Safe Council.						
LG-EO3.1	Form commun ty work ng group for defens b e space outreach	FreSafe Counc , f re departments, oca res dents, Eag e Scouts, H gh Schoo Commun ty Vo unteer Program	W th n 1 year	1	Fund ng to he p cover costs of mater a s (green waste remova or ch pper) and part c pat on. H re contractor tra ned n defens b e space pract ces.	Engage d verse stakeho ders n reach ng out to commun ty members and encourage defens b e space pract ces. Empower homeowners to make affordab e and effect ve changes to reduce the vu nerab ty of nd v dua homes.
Strategic Goal: EO4- Information dissemination Develop a local newspaper column that provides fire safety information, promotional information for volunteer fire departments, fire announcements, and emergency planning.						
LG-EO4.1	Deve op content and d ssem nate informat on that prov des f re safety informat on, f re announcements, and emergency p ann ng.	Town Los Gatos	W th n 1 year	1	Content to be prov ded by f re departments, oca res dents, Santa C ara County F reSafe Counc and the Town.	Protect commun tes and nfrastruct ure through ncreas ng pub c awareness and prov d ng med um for informat on regard ng emergency f re response.
Strategic Goal: EO10- Insurance Services informational meetings						
LG-EO10.1	Outreach to the commun ty to schedu e an Insurance Serv ces informat ona meet ng. Inv te Insurance Serv ces representat ves to speak to groups regard ng ways to mprove insurance rat ngs n the commun ty.	Insurance Serv ces n conjunct on w th SCCFSC	W th n 2 years	2	Resources prov ded by Insurance Serv ces. Venue prov ded by SCCFD f re department.	Commun tes can earn how to mprove the r insurance rat ngs, wh ch w reduce insurance costs n the commun ty by mpement ng w dfre prevent on measures.
Strategic Goal: EO11- Increase signage/replace or augment existing signage.						

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ID LG	Project	Presented by	Target Date	Priority (1,2,3)	Resources Needed	Serves to
LG- EO11.1	<p>Increase signage/replace or augment existing signage.</p> <p>Use existing signage to spread fire prevention message along highways and in public open space areas (trail heads, info kiosks) to reduce human ignitions.</p> <p>Promote the use of existing electronic signs at firehouses and other locations to display fire prevention information, safety messages, and fire danger rating linked to safety actions.</p>	County Fire	Within 2 years	2	<p>Mostly existing signs and posting signs, people to post and update signs.</p> <p>Replace, or augment the existing Smokey Bear signs with electronic Fire Danger Warning Signs that are solar powered, LED displays (visible day & night), and accessible and programmable through an internet website.</p>	<p>Protect communities and infrastructure by raising awareness of local citizens and those traveling in the area about actions that can prevent fire.</p>

Table 9.2. Recommendations for Reducing Structural Ignitability in the Los Gatos Planning Area

ID	Project	Presented by	Programs Available	Description	Priority (1,2,3)	Timeline
Strategic Goal: SI1: Retrofit/Eliminate flammable roofs						
LG-SI1.1	Identify a wood shake roofed properties within planning area and target homeowners with outreach on retrofitting roofs.	City and County Planning in conjunction with County Fire and municipal partners. Town of Los Gatos	FEMA and other grants	Explore elimination of flammable roofs through attrition or potential Town Code modification	1	5 years
Strategic Goal: SI5- Adopt landscape standards for recommended plant landscape materials						
LG-SI5.1	Adopt landscape standards for recommended plant landscape materials	FireSafe Council lead	Research Fire safe plants suitable for the region. Develop plant list, poster materials and research demonstration site. Fire safe Communities USA: www.firesafe.org	Educate property owners, landscape firms and landscape architects on appropriate ornamental plantings, mulches, and landscape design/maintenance in WUI areas.	3	Next 2 years
Strategic Goal: SI6- Develop landscape contractor maintenance program for "Right Plant-- Right Place" and maintenance						
LG-SI6.1	Develop landscape contractor non flammable plant list.	FireSafe Council lead in cooperation with local Home Owner Association	Fire safe Communities USA: www.firesafe.org	Educate property owners, landscape firms and landscape architects on appropriate ornamental plantings, mulches, and landscape design/maintenance in WUI areas. Work with HOA.	2	Next 2 years
Strategic Goal: SI8- Interactive tool for citizens to use on line, ID their property and what hazard/risks exist and mitigations they can apply to improve their survivability						
LG-SI8.1	Work with County Fire to develop parcel level appication of CWPP risk assessment using Interra software.	Santa Clara County Fire Department with revised Interra contract	Interra	County Fire to pursue funding to increase contract provisions with Interra to provide public facing tool. Simplify tool and provide easy to follow instructions. Could develop YouTube informational video	1	Next 3 years
Strategic Goal: SI11- Implement spring community yard clean-up days. In combination with FireSafe Council chipper program.						
LG-SI11.1	Implement community work day to encourage yard clean up and defensive space maintenance	County Fire, CAL FIRE, FireSafe Council and the Town	FireSafe Council chipping program Ready, Set, Go CAL FIRE	A community led day of yard clean up with fire mitigation and would encourage large numbers within the community to carry out mitigation measures and implementation of defensive space.	2	Next 2 years

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ID	Project	Presented by	Programs Available	Description	Priority (1,2,3)	Timeline
Strategic Goal: SI12- Assess and improve accessibility to property Weekend program to inform homeowners about emergency response access						
LG-SI12.1	Institute a weekend program to inform homeowners about emergency response access.	Fire departments, Fire Marshals	Firewise	Inform homeowners about the importance of keeping driveways accessible to fire trucks and emergency responders.	1	Within 1 year

Table 9.3. Recommendations for Improving Firefighting Capabilities in the Los Gatos Planning Area

ID	Project Description	Fire Department/Agency	Benefits of the Project to the community	Timeline	Priority (1,2,3)	Resources/funding sources available
Strategic Goal: FC2- Define Safe Refuge Areas and establish maintenance program in WUI areas where fire behavior and evacuation timing is problematic.						
LG-FC2.1	Define and delineate spatially Safe Refuge Areas and establish maintenance program in WUI areas where fire behavior and evacuation timing is problematic.	County Fire/CAL FIRE/FireSafe Councils	Provides safety measure for residents in rural areas in event that evacuation is imminent. Provides for firefighter safety by creating escape route.	2 year	1	Grants: FEMA, CA FSC, DHS
Strategic Goal: FC5- Develop WUI preplans and accompanying evacuation plans for all WUI areas in Santa Clara County using standardized format						
LG-FC5.1	Develop WUI preplans and accompanying evacuation assessment plan for Los Gatos WUI	County Fire/CAL FIRE/FireSafe Council and the Town	Helps fire response agencies understand geographic area evacuations. Helps identify areas where mitigation measures are needed to facilitate safe evacuation. Helps establish consistent mode across agencies.	1 year	1	Grants: FEMA, CA FSC, DHS
Strategic Goal: FC8: Where road systems are antiquated and do not provide for proper evacuation or two way flow, require removal of obstructions or upgrade to minimum 2 lanes road system over time						
LG-FC8.1	Address poor road access issues develop long term plan for road improvements and prioritized routes for evacuation.	County Planning, Town Planning and Public Works	Addresses evacuation concerns of residents living in areas with poor ingress/egress. Provides for improved response capabilities and reduces risk that responding emergency vehicles will conflict with evacuation of residents.	2 years	1	Homeowner Associations, Road Associations, County Service Areas
Strategic Goal: FC11- Investigate and potentially install Fire Detection Robots to alert departments of a fire start in remote areas.						
LG-FC11.1	Investigate installation of fire detection robots on open space lands adjacent to Los Gatos.	County Fire	Uses technology for single tree wide detection so that fire protection agencies and fire protection professionals manage the risks of fire damage cost effectively.	Within 2 years	1	Private companies provide robotic technology
Strategic Goal: FC14- Where possible encourage sharing of water sources in areas where residential water supplies may be low or non-existent during periods of drought or when wells/springs have run dry						
LG-FC14.1	Address water shortage concerns particularly at high elevations by following the model currently underway by Loma Prieta Fire Department.	Fire agencies, local community organizations, local water purveyors	Encouragement and assistance from FireSafe Council can provide a catalyst for action.	1-5 years	1	County Fire

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ID	Project Description	Fire Department/Agency	Benefits of the Project to the community	Timeline	Priority (1,2,3)	Resources/funding sources available
Strategic Goal: FC15- Where Open Space and Park Agencies establish trail head parking areas, operating facilities such as horse stables and camping areas that will increase public access add large capacity water tanks and hydrants for wildfire protection.						
LG-FC15.1	Installation of water tanks on Open Space property for fire suppression purposes.	MROSD	Alleviates public and agency concern for limited water supply in remote areas.	Within 5 years	3	This could eventually be amended into the building code for Santa Clara County.

Table 9.4. Fuel Reduction Treatment Recommendations in the Los Gatos Planning Area

ID	Project Description	Location and Responsible Party	Method	Serves to:	Timeline for Action	Priority (1,2,3)	Monitoring	Resources/funding sources available
Strategic Goal: FR1- Incorporate single track trails into fire defense system where practical								
LG-FR1.1	Fire Safe Council to continue community outreach to prioritize treatments along existing trails that could help to provide a more substantial fuel break and break up the continuity of fuels.	Open space lands: Trails that run adjacent to community	Identify areas where trails would be needed in development of treatment location to ensure protection of natural resources.	Provide access when fires occur to reduce spread Enhance Community fire defense by breaking up fuel continuity.	Ongoing LONG RANGE	1	Regular monitoring to determine project success in reducing fuel load and enhanced access.	Grants: CA FSC; California Forest Improvement Program (CFIP); Natural Resource Conservation Service (NRCS), FEMA, Green House Gas Reduction Fund (GHGRF)
Strategic Goal: FR7- Develop roadside fuel treatment program, including suite of methods available and sustainability mechanism								
LG-FR7.1	Implement roadsides brush/mowing throughout community to increase buffer from wild fire ignitions and provide for safe evacuation. Community members to approach SCCFSC to identify roadsides fuel treatment priorities and seek funding to implement.	County and city road agencies; private road associations, PG&E, Cal Fire and Phone companies. Led by SCCFSC.	Determine suite of treatment methods allowed and restriction for roadsides hazard reduction including mowing, mastication, chemicals, plantings, mulching, etc. Develop treatment plan and rotation schedule for roadsides treatments, focusing on primary evacuation or access/egress corridors.	Reduce fuel loading around roads and highways to ensure safe passage of vehicles in event of evacuation and reduce unburned ignitions from vehicles and highway users.	Within 2 years	1	Regular maintenance schedule should be implemented to ensure clearances are maintained. Develop standards for road crews.	Grants: Federal Emergency Management Agency (FEMA), California Fire Safe Council (CA FSC), Department of Home and Security (DHS)
Strategic Goal: FR9- Establish assistance program for hazardous fuel reduction for physically or fiscally challenged parcels								
LG-FR9.1	Establish assistance program for hazardous fuel reduction and defendable space for elderly or physically challenged individuals within Los Gatos	Los Gatos neighborhood groups, HOAs.	Identify barriers to achieving parcels' defendable space and establish assistance program of resources: education, consulting, guidance, people, funding.	Ensure that individual properties with poor property hygiene do not put adjacent properties at risk in event of wildfire. For residents who are not capable of implementing good property hygiene.	Within 2 years	2	Establishives of participation by assistance type	Grants: CA FSC; CFIP; NRCS, FEMA, GHGRF

*Santa Clara County Community Wildfire Protection Plan
Annex 9 – Town of Los Gatos*

ID	Project Description	Location and Responsible Party	Method	Serves to:	Timeline for Action	Priority (1,2,3)	Monitoring	Resources/funding sources available
Strategic Goal: FR 11- Create Sustainable programs for creating Defensible Space at the parcel Level.								
LG-FR11.1	Create Sustainable programs for creating Defensible Space at the parcel Level within Los Gatos	Home Owner, FireSafe Councils, Home Owner Associations, SCCFD, Administrators for SRA fee distributions.	Example projects: Curbside green waste pickup programs, community cleanup parties, drive up cleanup, on-site cleanup.	Ensure that defensible space actions are sustained in a communities	Within 1 year	1	Regular maintenance schedule should be implemented to ensure clearances are maintained.	Grants: CAFSC; CFIP; NRCS, FEMA, GHGRF

Table 9.5. Recommendations for General Planning Projects in Town of Los Gatos

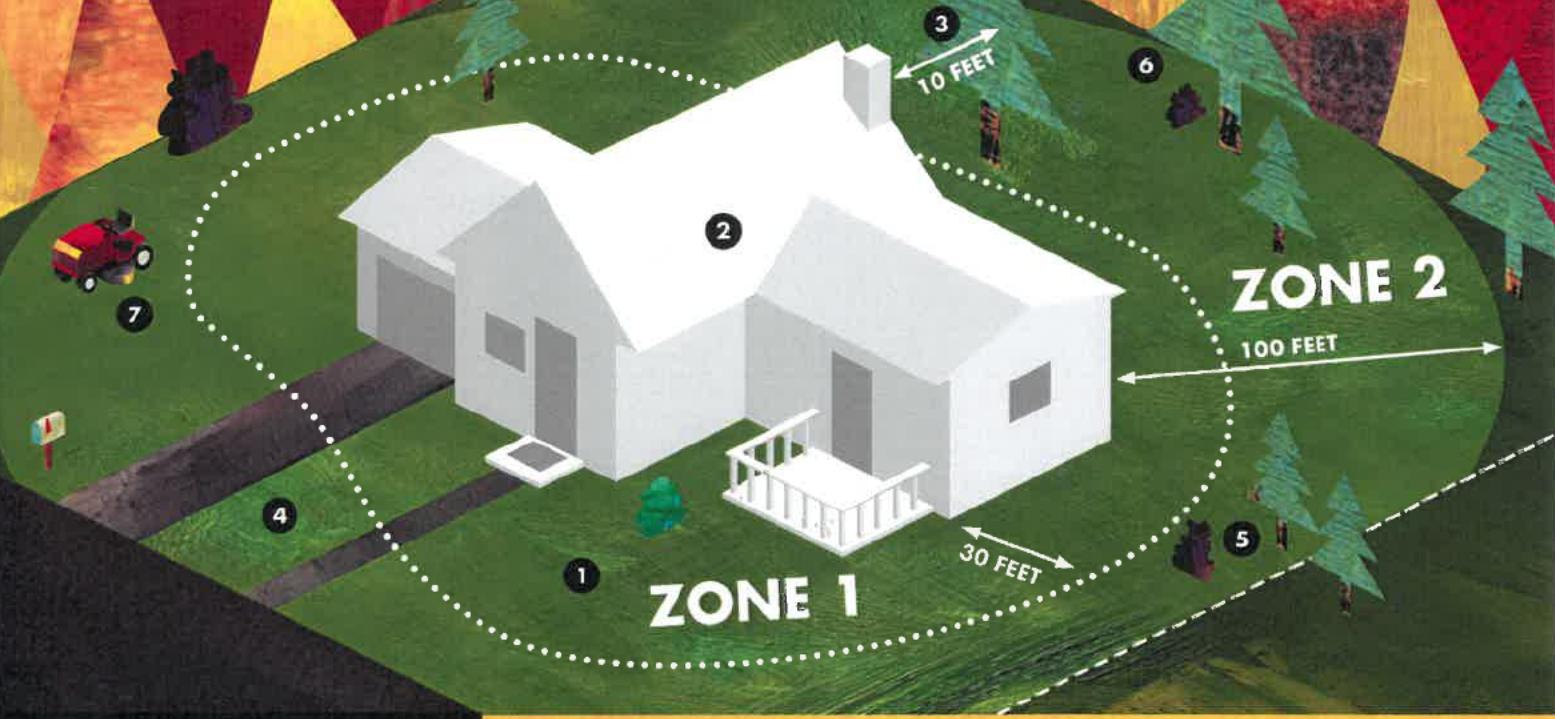
ID	Project Description	Method	Timeline for Action	Priority (1,2,3)	Monitoring/Sustainability	Resources/Funding Sources Available
Strategic Goal GP1: Ensure project sustainability.						
LG- GP1.1	The CWPP serves as the wildfire component of Los Gatos LHMP and General Plan. Safety and other element amendments.	Work with city planning to identify time needed for incorporation in next LHMP update. Explore having the strategic element CWPP incorporated into the Safety Element of the General Plan when the safety element is next revised.	Next 5 years	2	The core group of stakeholders would need to ensure that the document is kept relevant in that time and position for incorporation.	Internal funding
Strategic Goal G24: Parcel Level Defensible Space Inspection Task Force						
LG-GP2.1	Join countywide task force to do parcel level inspection work to enhance mode; utilize portable data collection and ArcGIS applications.	Carryout parcel level assessments to enhance risk assessment mode components at a finer scale. Add data to mode and re-run as necessary.	2 years	1	Commit to attendance at one CWPP meeting annually. Review number of parcels assessed each year at annual CWPP meeting.	Internal funding
Strategic Goal GP3: Develop countywide standard and method for continued data gathering and risk analysis.						
LG-GP3.1	Use a countywide standard and method for continued data gathering and risk analysis.	Conduct funding to purchase a commercial app, such as Firecrum, that provides a standard data collection platform that could be used on a smart phone/tablet.	2 years	1	Annual review of progress as part of Core Team.	California Fire Safe Council grants; internal funding

*Santa Clara County Community Wildfire Protection Plan
Annex 9 – Town of Los Gatos*

ID	Project Description	Method	Timeline for Action	Priority (1,2,3)	Monitoring/Sustainability	Resources/Funding Sources Available
Strategic Goal GP5: Add hyperspectral and LiDAR imaging to periodic aerial photography flights.						
LG-GP5.1	<p>Seek LiDAR and hyperspectral imagery for aerial photography of Los Gatos.</p> <p>Hyperspectral and LiDAR can provide in-depth detection and analysis of hazards and risks.</p>	<p>Work in conjunction with the City Planning, County Assessor, or others to add additional sensing cameras to aerial photography flights.</p>	1-3 years	1	Periodic flights to update data sets.	Grants: Federal Emergency Management Agency, Department of Home and Security, Greenhouse Gas Reduction

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WILDFIRE IS COMING. ARE YOU READY?



Defensible Space is your property's front line defense against wildfire. Creating and maintaining defensible space around your home can dramatically increase your home's chance of surviving a wildfire and improves the safety of firefighters defending your property. 100 feet of defensible space is required by law.*



ONE LESS SPARK
ONE LESS WILDFIRE

*For more information on creating defensible space and legal requirements visit

READYFORWILDFIRE.ORG

TWO ZONES MAKE UP THE REQUIRED 100 FEET OF DEFENSIBLE SPACE:

ZONE 1: 30 feet of Lean, Clean & Green

- 1 Remove all dead plants, grass and weeds.
- 2 Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- 3 Keep tree branches 10 feet away from your chimney and other trees.



ZONE 2: 30-100 feet of Reduced Fuel

- 4 Cut or mow annual grass down to a maximum height of 4 inches.
- 5 Create horizontal spacing between shrubs and trees.
- 6 Create vertical spacing between grass, shrubs and trees.

VERTICAL SPACING

Large trees do not have to be cut and removed as long as all of the plants beneath them are removed. This eliminates a vertical "fire ladder."



HORIZONTAL SPACING

Create horizontal and vertical spacing between plants, the amount of spacing will depend on how steep the slope is and the size of the plants.

Use Equipment Properly to Keep from Sparking a Wildfire

- 7 Mow before 10 a.m., and never on a hot or windy day. String trimmers are a safer option (vs. lawnmowers) for clearing vegetation.

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ORDINANCE

Draft Ordinance: subject to
modification by Town Council
based on
deliberations and direction

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

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

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

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

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

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

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

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

SECTION II

CHAPTER 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

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

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

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

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

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

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

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

4907.2 Defensible Space Fuel Modification.

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

1. Maintain defensible space of 100 feet from each side and from the front and rear of any building or structure, but not beyond the property line except as provided by law. The 100 feet of defensible space should be segregated into the following zones:
 - a. Maintain an effective defensible space by removing and clearing away flammable vegetation and other combustible materials from areas within 30 feet of such buildings or structures.

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

when the Fire Chief or his/her designee, determines that due to steepness of terrain or other conditions, 70 additional feet is insufficient.

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

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

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

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

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

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

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

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

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

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

SECTION III

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

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

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

SECTION IV

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

SECTION V

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

SECTION VI

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

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

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

N:\DEV\ORDS\2019\Parking Assessment District [Intro] 09-17-19.docx

CHAPTER 9

FIRE PROTECTION AND LIFE SAFETY SYSTEMS

Chapter 9 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

CHAPTER 49

REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Chapter 49 of the 2019 California Fire Code is adopted with the following amendments:

Section 4901 General

4901.1 Scope

The mitigation of conditions where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses shall comply with this chapter.

4901.2 Purpose

The purpose of this code is to provide minimum standards to increase the ability of a building to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in conflagration losses through the use of performance and prescriptive requirements.

Section 4902 Definitions

4902.1 General

For the purpose of this chapter, certain terms are defined as follows:

CDF DIRECTOR. Director of the California Department of Forestry and Fire Protection.

The following definition is added as follows:

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

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for a Wildland-Urban Interface Fire Area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.

The Fire Protection Plan shall be in accordance with this Article. When required by the enforcing agency for the purposes of granting modifications, a fire protection plan shall be submitted. Only locally adopted ordinances that have been filed with the California Building

Standards Commission in accordance with Section 101.14 or the Department of Housing and Community Development in accordance with Section 101.15 shall apply.

FIRE HAZARD SEVERITY ZONES. Geographical areas designated pursuant to *California Public Resources Codes*, Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to *California Government Code*, Sections 51175 through 51189.

The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE. An area designated by a local agency upon the recommendation of the *CDF Director pursuant to Government Code*, Sections 51177(c), 51178 and 5118, that is not a state responsibility area and where a local agency, city, county, city and county, or district is responsible for fire protection.

The following definition is added as follows:

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

STATE RESPONSIBILITY AREA. Lands that are classified by the Board of Forestry pursuant to *Public Resources Code* Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the state.

WILDFIRE. Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property, or resources as defined in *Public Resources Code*, Sections 4103 and 4104.

WILDFIRE EXPOSURE. One or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

Amend the following definition as follows:

Wildland-Urban Interface Fire Area. A geographical area identified by the state as a " Fire Hazard Severity Zone" in accordance with the *Public Resources Code*, Sections 4201

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

Section 4903 Plans (Reserved)

Section 4904 Fire Hazard Severity Zones

4904.1 General

Lands in the state are classified by the CDF Director in accordance with the severity of wildfire hazard expected to prevail in those areas and the responsibility for fire protection, so that measures may be identified which will reduce the potential for losses to life, property, and resources from wildfire.

4904.2 Classifications

The CDF Director classifies lands into fire hazard severity zones in accordance with *California Public Resources Code*, Sections 4201 through 4204 for State Responsibility Areas and accordance with Government Code, Sections 51175 through 51189 for areas where a local agency is responsible for fire protection.

Section 4905 Wildfire Protection Building Construction

4905.1 General

Materials and construction methods for exterior wildfire exposure protection shall be applied within geographical areas where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses

4905.2 Construction methods and requirements within established limits

Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:

1. California Building Code, Chapter 7A,
2. California Residential Code, Section R327,
3. California Referenced Standards Code, Chapter 12-7A.

4905.3 Establishment of limits

The establishment of limits for the Wildland-Urban Interface Fire Area's required construction methods shall be designated pursuant to the California Public Resources Code for State Responsibility areas or by a local agency following a finding supported by substantial evidence in the record that the requirements of this section are necessary for effective fire protection within the area.

Section 4906 Hazardous Vegetation and Fuel Management

4906.1 General

Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations.

4906.2 Application.

Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:
 - 1.1 Moderate Fire Hazard Severity Zones
 - 1.2 High Fire Hazard Severity Zones
 - 1.3 Very-high Fire Hazard Severity Zones

4906.2 is amended as follows:

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

4906.3 Requirements

Hazardous vegetation and fuels around all applicable buildings and structures shall be maintained in accordance with the following laws and regulations:

1. *Public Resources Code*, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation "General Guideline to Create Defensible Space").
3. *California Government Code*, Section 51182.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.

Section 4907 Defensible Space

4907.1 General.

Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 - 51189 and any local ordinance of the authority having jurisdiction.

Section 4907.2 is added as follows:

4907.2 Defensible Space Fuel Modification.

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

1. Maintain defensible space of 100 feet from each side and from the front and rear of any building or structure, but not beyond the property line except as provided by law. The 100 feet of defensible space should be segregated into the following zones:
 - a. Maintain an effective defensible space by removing and clearing away flammable vegetation and other combustible materials from areas within 30 feet of such buildings or structures.
Exception: When approved by the Fire Chief or his/her designee, single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.
 - b. Maintain an additional reduced fuel zone of 70 feet from all buildings and structures with an emphasis on vertical and horizontal separation of fuels/vegetation. Distances beyond an additional 70 feet may be required when the Fire Chief or his/her designee, determines that due to steepness of terrain or other conditions, 70 additional feet is insufficient.
Exception: When approved by the Fire Chief or his/her designee grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.
 - c. New construction must create a noncombustible area a minimum of 5 feet

from structures.

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

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

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

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

Section 4907.3 is added as follows:

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

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

Section 4907.4 is added as follows:

4907.4 Corrective actions. When the Fire Chief or his/her designee determines defensible space to be inadequate the Town Council is authorized to instruct the Fire Chief or his/her

designee to give notice to the owner of the property upon which conditions regulated by Sections 4907.2 and 4907.3 exist to correct such conditions. If the owner fails to correct such conditions, the Town Council is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such conditions exist.

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ORDINANCE

Draft Ordinance: subject to
modification by Town Council
based on
deliberations and direction

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 11 (GARBAGE, REFUSE AND WEEDS) OF THE TOWN CODE
REGARDING WEED ABATEMENT REGULATIONS**

WHEREAS, the Town of Los Gatos originally adopted a Weed Abatement Ordinance in 1968;

WHEREAS, the Town Council recognizes that dry and overgrown weeds contribute visual blight and create hazardous conditions which increase risk of fire;

WHEREAS, On April 16, 2019, the Town Council recognizing the risk of wildfire in the Wildland Urban Interface (WUI) adopted the Town's Annex 9 to the Santa Clara County Community Wildfire Protection Plan (CWPP);

WHEREAS, On November 5, 2019, the Town Council adopted amendments to Chapter 11 to expand the definition of weeds to include other dead vegetation, fallen limbs, and combustible trash on private property and add additional language to clarify and strengthen the Town's weed abatement program.;

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

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

SECTION II

Section 11.20.015 of Town Code Chapter 11 are hereby amended to read as follows:

11.20.015. - Removal by property owner required.

(a) No owner, agent, lessee or other person occupying or having charge or control of any building, lot or premises within the Town shall permit weeds to remain upon such premises, or public sidewalks, or streets, or alleys between such premises and the centerline of any public street or alley.

(b) Every property owner shall remove or destroy such weeds from such owner's property, abutting sidewalks, and the abutting half of any streets or alleys between the lot lines as extended.

(c) Property owners within the Wildland Urban Interface (WUI) whose property abuts Hillside Collector, Neighborhood Collector, and/or Local Street roadway classifications shall remove or destroy such weeds within ten (10) feet of the roadway to prevent or avoid

undue hardship in fighting fire.

SECTION III

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

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

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

SECTION IV

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

SECTION V

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

SECTION VI

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

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

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

CHAPTER 11 (GARBAGE, REFUSE AND WEEDS)

Section 11.20.015 of Town Code Chapter 11 are hereby amended to read as follows:

11.20.015. - Removal by property owner required.

- (a) No owner, agent, lessee or other person occupying or having charge or control of any building, lot or premises within the Town shall permit weeds to remain upon such premises, or public sidewalks, or streets, or alleys between such premises and the centerline of any public street or alley.
- (b) Every property owner shall remove or destroy such weeds from such owner's property, abutting sidewalks, and the abutting half of any streets or alleys between the lot lines as extended.
- (c) Property owners within the Wildland Urban Interface (WUI) whose property abuts Hillside Collector, Neighborhood Collector, and/or Local Street roadway classifications shall remove or destroy such weeds within ten~~five~~ (105) feet of the roadway to prevent or avoid undue hardship in fighting fire.

ORDINANCE

Draft Ordinance: subject to
modification by Town Council
based on
deliberations and direction

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

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

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

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

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

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

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

SECTION II

DIVISION 2 – TREE PROTECTION

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

Sec. 29.10.0950. - Intent.

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

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

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

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

Section 29.10.0970 Exceptions are hereby ammended to read as follows:

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

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

the exception of any tree listed in subcategories (3) and (10) of Sec.29.10.0960 – Scope of Protected Trees.

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

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

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

SECTION III

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

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

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

SECTION IV

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

SECTION V

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

SECTION VI

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

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

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

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DIVISION 2. - TREE PROTECTION

Amend the following Section as follows:

Sec. 29.10.0950. - Intent.

This division is adopted because the Town of Los Gatos is forested by many native and non-native trees, and contains individual trees of great beauty. The ~~health and welfare of the citizens community of the Town benefit from require that these trees be saved in order to preservinge~~ the scenic beauty of the Town, preventing ~~erosion of topsoil, providinge~~ protection against flood hazards and risk of landslides, counteracting ~~pollutants in the air, maintaining~~ climatic balance, and decreaseing ~~wind velocities. Trees contribute significantly to the value of land in the Town.~~ It is the intent of this division to regulate the removal of trees within the Town in order to retain as many trees as possible consistent with the purpose of this section and the reasonable use of private property. ~~While trees contribute significantly to the scenic beauty of the Town provide multiple benefits, it is also the intent of this division to acknowledge that a portion of the Town is resides located in a Very High Fire Hazard Severity Zone as defined by the California Department of Forestry and Fire Protection (CAL FIRE) and the associated wildfire threat that poseexists for the community.~~ It is the intent of this division to preserve as many protected trees as possible throughout the Town through staff review and the development review process. Special provisions regarding hillsides are included in section 29.10.0987 of this division in recognition of the unique biological and environmental differences between the hillside and non-hillside areas of the Town. This section does not supersede the provisions of Chapter 26 of this Code.

Sec. 29.10.0955. - Definitions.

The following definition is added as follows:

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

Amend the following Section as follows:

Sec. 29.10.0970. - Exceptions.

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

(1) A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).

(2) Any of the following trees that are less than twenty-four (24) inches in diameter (seventy-five (75) inches in circumference):

Black Acacia (*Acacia melanoxylon*)

Tulip Tree (*Liriodendron tulipifera*)

Tree of Heaven (*Ailanthus altissima*)

Blue Gum Eucalyptus (*E. globulus*)

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Other Eucalyptus (*E. spp.*)-Hillsides only

Palm (except *Phoenix canariensis*)

Privet (*Ligustrum lucidum*)

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

Amend the following Section as follows:

Sec. 29.10.0992. - Required findings.

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

(1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2020

ITEM NO: 10

DESK ITEM

DATE: January 21, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Introduce an Ordinance, by Title Only, Effecting an Amendment to:
a. Chapter 9 (Fire Prevention and Protection) of the Town Code regarding Defensible Space regulations.
b. Chapter 11 (Garbage, Refuse and Weeds) of the Town Code regarding Weed Abatement regulations.
c. Chapter 29 (Tree Protection) of the Town Code regarding exemptions for Defensible Space.

REMARKS:

Attachment 9 includes public comments received between 11:01 a.m. Thursday January 16, 2020 and 11:00 a.m. Tuesday, January 21, 2020.

Attachments previously received with Staff Report:

1. Town of Los Gatos Annex 9
2. Cal FIRE defensible space diagram
3. Chapter 9 – Draft Ordinance
4. Chapter 9 – Draft Amendments (redline)
5. Chapter 11 – Draft Ordinance
6. Chapter 11 – Draft Amendments (redline)
7. Chapter 29 – Draft Ordinance
8. Chapter 29 – Draft Amendments (redline)

Attachment received with this Desk Item:

9. Public comments received between 11:01 a.m. Thursday January 16, 2020 and 11:00 a.m. Tuesday, January 21, 2020.

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

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Subject: FW: Fire Prevention and defensible space agenda item 1/21/2020

-----Original Message-----

From: Mitzi <[REDACTED]>
Sent: Tuesday, January 21, 2020 9:45 AM
To: Council <Council@losgatosca.gov>
Subject: Fire Prevention and defensible space agenda item 1/21/2020

Dear Mayor and Town Council Members,

My letter is in regards to Chapter 9- Fire Prevention and Protection: will expand defensible space requirements beyond property lines. I'm extremely concerned this law takes away the rights of property owners. Basically, your neighbor would dictate what you have on your property for up to 100 feet (potentially no fences, no hedges, no bushes, no privacy, landscaped to your neighbors specifications within the law). The needs, consideration and protection of the property owner are being eliminated. It creates a situation similar to an easement where your rights are reduced on your own property. I foresee such a mandated law causing issues between neighbors and in the strictest of sense taking away property rights.

One example where this can get out of hand is when one neighbor chooses to build closer to the shared property line to enjoy more of their land, then the other neighbor bears the burden of providing defensible space at the cost of their property rights and out of their pocket financially.

Also, because not all property is configured the same and you could have multiple neighbors needing 100 feet of defensible space, this law could severely limit the use and privacy of your overall property.

This also puts an undue financial burden on the property owner to have to maintain their yard in a way specifically desirable for their neighbor.

While I support fire safety, I can not support this over reaching proposal that greatly diminishes the rights of one property owner for the sole benefit of another.

Sincerely,
Mitzi Anderson
[REDACTED]

Los Gatos, CA 95030

Sent from my iPhone

ATTACHMENT 9

Subject: FW: Wildfire Amendments

From: Don & Kathy <[\[REDACTED\]](#)>

Date: January 21, 2020 at 10:59:41 AM PST

To: bspector@losgatosca.gov, Rob Rennie <RRennie@losgatosca.gov>

Subject: Fwd: Wildfire Amendments

Sent from my iPad

Begin forwarded messageTown Council

I was just made aware last night that you will be considering three amendments to the Town Ordinances with the goal of laying additional groundwork for Wildfire Prevention in our community.

I request that before any adoption of new amendments you notify all hillside residents whose property will be impacted by these amendments. Enclose in the letter the additional amendments so the property owners realize the existence of the amendments.

I have concerns about the negative impact these amendments will have on property owner's rights and financial hardships.

Sincerely,

Kathy Anderson

[REDACTED]

Los Gatos

Sent from my iPad