



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 09/14/2022

ITEM NO: 3

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DATE: September 9, 2022  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Review and Recommendation of the Draft Objective Standards to the Town Council.

**RECOMMENDATION:**

Review and recommendation of the Draft Objective Standards to the Town Council.

**BACKGROUND:**

On June 22, 2022, the Planning Commission received and considered public comments on the Draft Objective Standards, completed the review of the document, and provided input to staff on recommended modifications. The item was continued to a future meeting to allow staff time to prepare responses to the input received and to prepare a revised Draft Objective Standards document.

On August 24, 2022, the Planning Commission received and considered public comments on the revised Draft Objective Standards (previously provided as Exhibit 9). A representative from the local architect community was present and provided verbal comments on the Draft Objective Standards. The item was continued to a future meeting to allow the architect community time to prepare written comments on the Draft Objective Standards document for Planning Commission consideration.

**DISCUSSION:**

At the August 24, 2022 Planning Commission hearing, the Commissioners discussed four topics: architect community input, public comment, privacy, and pictures. Staff's understanding of the discussion items is summarized below.

**PREPARED BY:** RYAN SAFTY  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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DISCUSSION (continued):

1. Architect Community Input: The community of local architects met prior to the August 24, 2022 Planning Commission hearing to discuss the Draft Objective Standards document. A representative from the architect community was present at the August 24, 2022 Planning Commission hearing and raised concerns regarding the draft design standards and the ability of the document to be used to facilitate “good architecture.” The Planning Commission continued the item to the September 14, 2022 hearing to give the architects time to provide written comments on the document. Town staff met with the group of architects on September 1, 2022, to answer questions and facilitate input. On September 7, 2022, the architects submitted written comments, which are provided in Exhibit 16.
2. Public Comment: Written public comment was received on August 24, 2022, and was forwarded to the Commissioners via a Desk Item. Based on the general support expressed by Planning Commissioners at the meeting of the changes included in the public comment, staff has reviewed the 27 individual suggestions. The majority of the suggestions are simple changes that could be implemented if supported by the Planning Commission. The following suggestions have either already been discussed or are not consistent with past direction. Staff requests direction from the Planning Commission on the following:
  - a. Comprehensive stand-alone document. The public comment requests that all existing Town-wide objective standards be listed in this document. Staff and the Planning Commission have discussed this topic in the past, with the conclusion that the Town include a list of other applicable documents that must be followed within the Purpose and Applicability section.
  - b. Removal of the term “Design” throughout the document. The public comment requests that text throughout the document be changed from “Objective Design Standards” to “Objective Standards.” No explanation was given.
  - c. Decrease tree spacing. The public comment requests that the spacing between trees within parking lots be reduced. Draft Objective Standard A.4.3 requires that a landscape area with at least one tree be located between every 10 consecutive parking stalls when the parking row exceeds 15 consecutive spaces. The public comment requests that the number of spaces be reduced below 10. Staff does not recommend this change as it was included for consistency with Town Code Section 29.10.155(g)(7).
  - d. Format change for B.4.3. The public comment requests that the format for B.4.3 be changed so that it is consistent with the rest of the document. Draft Objective Standard B.4.3 contains the menu options of architectural solutions to achieve 16 points. This was discussed by the Planning Commission Subcommittee and Planning Commission and was received with support.

DISCUSSION (continued):

3. Privacy: A Commissioner submitted excerpts from the City of Palo Alto Objective Standards that were included as Exhibit 13 with the August 24, 2022 Addendum Report, which led to the discussion on whether to increase privacy standards. The general consensus expressed at the hearing was to not increase privacy standards. Additional Commissioner comment was received on September 6, 2022 (Exhibit 17), to further discuss the privacy standards and to express concerns regarding the subjective nature of drafted standard B.4.11. Draft Objective Standard B.4.11 states, “[...] Balconies facing existing residential uses on abutting parcels are allowed when the design is proven to prevent views to the residential use.” Staff agrees that this standard may not be objective with the “proven to prevent views” statement and looks forward to further discussion and recommendation from the Planning Commission.
4. Pictures: The current Draft Objective Standards contains design illustrations to demonstrate the intent of some of the drafted standards; however, the general consensus at the August 24, 2022 Planning Commission hearing was to include pictures of existing development within the document for real-world examples of some of the complicated design techniques to make the document more user-friendly. Staff looks forward to further discussion and recommendation from the Planning Commission.

PUBLIC COMMENTS:

Throughout the process, and prior to the Planning Commission meeting of September 14, 2022, staff contacted several professional organizations, design professionals, developers, and residents to inform them about the meeting and encourage participation and written comments on the Draft Objective Standards. Staff also met with a group of local architects on September 1, 2022, to answer questions and facilitate input. The comments from the architect community are provided in Exhibit 16. In addition to the direct contact summarized above, staff requested public input through the following media and social media resources:

- On the Town’s website home page, What’s New;
- On the Town’s webpage dedicated to objective standards; and
- On the Town’s social media accounts.

Additional public comment has been received and is included as Exhibit 18.

CONCLUSION:

A. Summary

The Town of Los Gatos has prepared Draft Objective Standards for the review of multi-family and mixed-use development applications as required by State legislation. The Draft Objective Standards were developed following research by staff and the Town's consultant, five meetings with the Planning Commission subcommittee, and two community engagement meetings. Following input received from the Planning Commission on June 22, 2022, staff prepared revised Draft Objective Standards and other supporting materials for consideration by the Planning Commission on August 24, 2022, and the matter was continued to September 14, 2022.

B. Recommendation

The revised Draft Objective Standards have been forwarded to the Planning Commission for review. Staff recommends that the Planning Commission:

- Receive and consider public comments;
- Complete the review of the revised Draft Objective Standards; and
- Forward a recommendation to the Town Council to approve the revised Draft Objective Standards.

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation of approval to the Town Council with additional and/or modified objective standards; or
2. Continue the matter to a date certain with specific direction to staff.

NEXT STEPS:

Following review and recommendation by the Planning Commission, the Town Council will consider the revised Draft Objective Standards, the Planning Commission recommendation, and any additional public comments. Once the Town Council adopts objective standards, staff will develop streamlined review procedures for applications proposing qualifying housing projects.

EXHIBITS:

Previously received with the June 22, 2022, Staff Report:

1. Town Council Resolution 2019-053
2. Summary of feedback received during community engagement meetings
3. Draft Objective Standards
4. Public Comments received prior to 11:00 a.m., Friday, June 17, 2022

Previously received with the June 22, 2022, Addendum Report:

5. Staff response to Commissioner's questions
6. Issues considered by the Objective Standards Subcommittee
7. Commissioner email regarding City of Palo Alto Objective Standards

Previously received with the June 22, 2022, Desk Item Report:

8. Suggested additions and modifications provided by a Planning Commissioner

Previously received with the August 24, 2022 Staff Report:

9. Revised Draft Objective Standards
10. Revised Draft Objective Standards with Redlines
11. Summary of Revisions Made and Responses to Comments Received at the Planning Commission Hearing of June 22, 2022
12. Evaluation of Existing Developments

Previously received with the August 24, 2022 Addendum Report:

13. Planning Commissioner Comments

Previously received with the August 24, 2022 Desk Item Report:

14. Planning Commissioner Comments
15. Public Comment received between 11:01 a.m., August 23, 2022, and 11:00 a.m., August 24, 2022

Received with this Staff Report:

16. Architect Comments, received September 7, 2022
17. Planning Commissioner Comments
18. Public Comments received prior to 11:00 a.m., Friday, September 9, 2022

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We, a cooperative of Architects and Designers of Los Gatos, have reviewed the Draft Objective Standards for multi-family and mixed-use residential projects. We respectfully request that our concerns be heard and addressed where ever possible.

Our review is based on our experience with not only designing quality architecture, but also how codes, guidelines and standards can be misinterpreted by different designers but also staff. We also take great pride in carefully crafted design and how less experienced designers might use these standards as a crutch, instead of finding more appropriate and elegant and site/project specific design solutions. In many cases, we are playing devils advocate, in order to highlight where we see holes or weaknesses in specific standards. We have made specific suggestions where we see an opportunity to do so.

We also understand that this is an onerous task that has been put upon you but the state and that there can be no perfect set of standards. Design is inherently complicated and subjective. We are here to help with any further discussions if requested.

## GENERAL

- The Planning Dept needs to make sure the Planning Commissioners understand that these design guidelines/standards are not to be referred to or used at all when evaluating Discretionary Review projects that go through the normal DRC/PC approval process. The two processes are mutually exclusive, and Discretionary projects should be reviewed on their own merits. It must be understood and clearly stated that these “Standards” are not to be considered a standard that is compared to projects that do not apply for this stream lined process. These standards are not standards of excellence and should never be considered as such.
- Could there be a tiered system for some of these requirements? Projects that are 3 units or 50 units or 500 units shouldn’t necessarily have the same standards.

## KEY TERMS

- Are community recreation space and landscaped areas mutually exclusive?
- In community areas, is there a minimum size of such a space? How big must it be to have it considered community space? Example: could a widened, paved node at a pathway intersection be considered community space? Like with a bench?
- Does landscape area include pathways?

## A.10 LANDSCAPE, PRIVATE, AND COMMUNITY RECREATION SPACES

- Does landscape area mean any and all planted areas, including planters and pots on every floor?
- Private recreation space should be proportionally based on the size of the unit. The Palo Alto standards require just 50 SF for each unit regardless of which floor or unit size. We propose a requirement of 10% of the living area. A 500 SF studio should not be required to have a 10'x15' balcony. There could be a minimum as well, 50 SF, so that it must still be able to hold a couple of people comfortably.
- Can the required recreation space be broken down into many smaller community spaces? If so, what are the minimum dimensions? (Refer back to key terms comment.)

## A.11 BUILDING PLACEMENT

- Requirement 11.1 states that 75% of the ground floor of a building shall be placed within 5 feet of the front & street side setbacks. Does this mean all the buildings on site? Does this mean 75% of the entire street frontage must have a building on its frontage? Or only the buildings that abut the street when multiple buildings are on site? Will buildings be calculated individually? What about corner lots and corner open plazas?
- Requirement 11.2 states that there must be between 15-30% of the street frontage area shall have site amenities. If a restaurant is at this ground floor, and they would like the whole frontage to be tables & chairs and landscaping, how can they meet the 30% max. Why is a maximum necessary?

## B.1 BUILDING DESIGN - Massing & Scale

- Do these options apply to each individual building that abuts the street separately? Does this apply to buildings on site that do not abut the street?
- Some of these options seem mutually exclusive. How would a continuous arcade, continuously vertical recessed entries and recessed courtyards all exist on the same building facade? How would any of these options work with the arcade?
- Longer buildings and corner buildings will look monotonous with a continuous arcade. And architecturally speaking not attractive unless in a very particular setting. Shouldn't this option be contingent on the length of the building? When over 80 or 100 ft long, a 2/3 arcade approach could apply? And special treatment for corner lots. What about open corner plazas?
- There should be an entire section that deals with corner lots, with points awarded for an open plaza/public amenity at the corner, or a tower at a corner (with a height increase exception for the tower), or another creative way to highlight/celebrate a corner, etc. although maybe too complex for this cookie cutter approach document.

- B.1.1c suggests entries should be recessed all the way up the entire building height, but it is not good practice to have uncovered entries. How will this option be beneficial? Would a roof/covered porch at these entries be allowed for this option? Especially when this conflicts directly with the recommendation for a 3' recessed entry per diagram B.4.6a. If any fenestration element needs an awning it's the entrance.
- Option B.1.1f offers pilasters as an option, but pilasters are much less about massing as they are about facade articulation. Shouldn't this be in section B.4?

### B.3 ROOF DESIGN

- B.3 illustration has all pitched roofs. This is not exemplary of most modern architecture and seems to show favor for sloped pitches. Offer more examples of flat roofs with eaves or parapets.

### B.4 FACADE DESIGN & ARTICULATION

- B.4.1d & f shows a continuous belly band and cornice. Do these bands have to be continuous and unbroken? The pop outs, recesses, and continuous pilasters suggested in the other options would not be very harmonious with these options. These also seem to conflict with the recessed courtyards and entries and recessed upper floors if the bands must be continuous. What about different roof heights? This option is not very compatible with many other design elements suggested.
- B.4.1d - A 10" tall belly band is quite thick for a modern line. This suggests only a traditional style building will be allowed. Palo Alto objectives require 4" min, not 10" min.
- B.4.1f - Requiring a "floor to ceiling height" is a structural dimension that is measured in a cross section and cannot be perceived from the outside. The height between the top of the top windows and the top of the parapet is what is perceived. Is this what is supposed to be 24" + lower floor framing/ceiling assembly height? Interior finishes, such as dropped ceilings should not be part of this calculation as they are not perceived from the outside. How does a sloped interior ceiling height get calculated? It's really the facade height, parapet height, etc that should be controlled.
- B4.2 - When a building side facade is on the property line or within 5' of it, how can this requirement be fulfilled? Windows are not allowed. Further, expensive accent materials, that can enhance a street side facade will be wasted money on a side no one can see. This will prohibit small amounts of high end exterior materials from being used at all.
- B.4.3 - Almost all of the first listed architectural features are found in the previous section under B.4.1. These are redundant.
- B.4.3 - Who will determine if a particular architectural "solution", aka decorative feature, will constitute points? Will one Juliet balcony, or planter box mean the points are achieved? One chimney, one bay window? This points system lacks specificity and at the same time is entirely too specific about traditional style

architectural features. Most of these features are entirely inappropriate on modern architecture. When we say "Bay Window", can we add in "or Box Window", and "angled Box Window"? The term Bay Window is too specific/ limiting. And what about the unfortunate designer that decides "hey maybe I'll take one of each thing on the menu?" One bay window, one planter, one awning, one pilaster, one arcade - oh wait maybe two, one balcony, one trellis, one braced overhang, one corbel, one scoop with sprinkles, and why don't you just throw in a 10" thick caramel flavored belly band just for fun". Are we making an ice cream sundae here? In my absurd example, the Town would have no choice but to approve it as long they scored the minimum 16 points" To quote their own language: "... by incorporating any combination of the following architectural solution to achieve a minimum of 16 points" with no mention of any cohesive design theme, scale, proportion, repetition, cadence, architectural nuance, color, materials, etc.

- B.4.5 - This illustration should be stricken of the "Architectural Features" pilasters. Not Good
- B.4.6a - This requirement seems to conflict with the vertically continuously recessed entry option from section B.1.1c
- B.4.6b - How about adding in another drawing that shows glass extending to the floor? Why say between 2 and 10 feet above the sidewalk? Why can't the glass extend to the sidewalk?
- B.4.10 - Wouldn't it be more appropriate to have a setback to roof top decks and balconies, rather than prohibiting them entirely from a building? The building could be very large and deep. What about a daylight plane?
- B.4.11 - Why can't the balconies extend beyond the footprint if you can prove that views to residential uses are prevented?
- B.4.12 - Why is this even a section? Isn't this all covered in great detail in the previous sections?

Respectfully,

Gary Kohlsaat  
Jaclyn Greenmyer  
Bess Weirsema  
Jay Plett  
Noel Cross  
Jennifer Kretschmer  
Louie Leu  
Tom Sloan  
Terry Martin  
Bob Flury  
Tony Jeans

**From:** Jeffrey Barnett

**Sent:** Tuesday, September 6, 2022 1:14 PM

**To:** Jennifer Armer <[JArmer@losgatosca.gov](mailto:JArmer@losgatosca.gov)>; Joel Paulson <[jpaulson@losgatosca.gov](mailto:jpaulson@losgatosca.gov)>; Attorney <[Attorney@losgatosca.gov](mailto:Attorney@losgatosca.gov)>

**Subject:** PC Hearing on 9.14.22 - Objective Standards

EXTERNAL SENDER

Dear Ms. Armer and Mr. Paulson,

Please include the following comments in the Staff Report for our next meeting. Thanks in advance.

I wish to amplify upon the comments made in my Desk Item dated August 23rd as well as during the Planning Commission meeting of August 24th concerning Agenda Item 3, wherein I objected to draft Standard B11.4 related to privacy for neighbors from balcony views. Five of my fellow Commissioners voted to not make the proposed standard concerning such balcony views more specific. This draft standard provides that balconies facing existing residential uses on abutting parcels are allowed "when the design is proven to prevent views to the residential use."

SB 35, creating the streamlined approval process, and SB 330, the Housing Crisis Act of 2019, require "objective, quantifiable, written development standards, conditions and policies" to retain local control of multifamily housing and, in the case of SB 330, certain mixed-use developments as well.

The Government Code changes effected by these Bills specify that the term "objective standards" means standards that involve "no personal or subjective judgment by a public official," and are "uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official before submittal of an application." See Government Code Sections § 65913.4(a)(5) (part of SB 35) and 66300(a)(7) (part of SB 330).

I submit that keeping the standards "general", as was proposed by certain Commissioners at our last hearing, is not consistent with these requirements of the Government Code. Standard B.4.11 should be made more specific, along the lines of Palo Alto Municipal Code 18.24.050(c)(2) which is cited in my prior Desk Item.

The draft standard providing that balconies facing existing residential uses on abutting parcels are allowed "when the design is proven to prevent views to the residential use." is clearly subjective. There is no way that an applicant can determine the meaning of the language without conferring with the Community Development Department. Indeed, the proposed standard imposes a burden of proof on the applicant, which is completely antithetical to the objective standard requirements in the Government Code.

Some Commissioners expressed concern that making the balcony privacy requirement more specific would call into question the adequacy of the window standards. If window views onto adjacent residential lots and homes is concerning to the Commission, objective standards should be adopted for them too.

For the above reasons, I submit that Standard B 4-11 is not enforceable, and that the Commission's prior approval of it as an objective standard should be reconsidered. I further

request that our Town Attorney provide a legal opinion concerning compliance of B 4-11 with SB 35 and 330.

Finally, I withdraw my other Desk Item, also dated August 23rd, which contained five points. My questions and comments were resolved satisfactorily through a discussion with Ms. Armer and Mr. Paulson.

Thank you.

Jeffrey Barnett

**From:** Adam Mayer

**Sent:** Wednesday, September 7, 2022 11:53 PM

**To:** Joel Paulson <jpaulson@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Ryan Safty <RSafty@losgatosca.gov>

**Subject:** Comments on Objective Standards

**EXTERNAL SENDER**

Hello Los Gatos Planning Staff,

This is Adam Mayer, local architect and current member of the Housing Element Advisory Board.

I just wanted to make a few comments piggybacking on the issues brought up by the group of architects represented by Ms. Bess Wiersema at the last Planning Commission meeting. Although I am not part of that group, I too have some overlapping concerns about the Objective Standards as they are currently drafted.

Generally I agree with the intent of the Objective Standards and think that the State is doing the right thing by trying to streamline housing development. The potential downside, as was noted by the group of architects in the previous meeting, is that these standards could end up stifling the architect's creativity by being overly prescriptive, resulting in mediocre cookie-cutter design.

To be sure, this is a delicate balance to walk and I think Town Staff has done a fairly good job of walking this tight-rope so far.

For instance, one point of discussion in the last Planning Commission meeting was about including pictures of real-life examples, but my personal opinion here is that I prefer the more abstract line drawings that are currently used in the Draft document. For Design Guidelines, real world photo examples might make sense but I think the abstract line drawings are better (and potentially less restricting from a design point-of-view) for the Objective Standards.

Now onto the specific parts of the Draft Objective Standards where I have some comments (primarily on the Site Standards, the Building Design Standards look fine for the most part):

**Section A5.1**

*Any automobile entry gate to a parking structure shall be located to allow a minimum of 25 feet between the gate and the back of the sidewalk to minimize conflicts between sidewalks and vehicle queuing.*

**Comment:** Imagine a scenario where there is a new multi-story, multi-family residential building on a tight lot with an underground parking garage. There is no way you are going to fit a ramp on the site that starts 25' away from the sidewalk that has enough run to get a full story below grade. Furthermore, on a project where you have only residential (no commercial) you are very unlikely to ever have a scenario where vehicles are going to be backed up in a queue. I'd remove this section or amend it to be much less than 25'

**Section A8.3**

*Vehicular entry gates and pedestrian entry gates shall have a maximum height of six feet.*

**Comment:** Does this include entry gates that enter into a below-grade parking garage? Typically these are full height (because they retract up into the ceiling) with a minimum height clearance of 6'-8"

**Section A10.1a**

*Landscaped space: A minimum of 20 percent of the site area shall be landscaped.*

**Comment:** 20% seem unnecessarily high for an infill building. Can a landscaped roof count toward the 20%?

**Section A10.1b**

*Private recreation space: The minimum horizontal dimensions are 10 feet by six feet. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit.*

**Comment:** 6 ft. x 10 ft. is a gigantic balcony for a multi-family unit, even for luxury condos. 120 square feet is absurd.

**Section A10.1c**

*Community recreation space shall be provided in multi-family residential development projects at a minimum of 200 square feet per residential unit.*

**Comment:** Like the private recreation space, this is way too much. For smaller multi-family residential buildings under a certain size (say 10-12 units) I would say that "community recreation space" is unnecessary and would be a huge obstacle in getting these sort of mid-tier boutique multi-family projects built. "Community Recreation Space" makes more sense in larger multi-family developments (like 20 - 100 units)

Thanks for considering my comments and happy to answer any questions.

Best,  
Adam

**Adam N. Mayer** AIA, LEED AP BD+C, WELL AP