TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
AUGUST 06, 2019
110 EAST MAIN STREET
LOS GATOS, CA

Steve Leonardis, Mayor
Marcia Jensen, Vice Mayor
Rob Rennie, Council Member
Marico Sayoc, Council Member
Barbara Spector, Council Member

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please complete a "speaker's card" located on the back of the chamber benches and return it to the Clerk Administrator. If you wish to speak to an item NOT on the agenda, you may do so during the "Verbal Communications" period. The time allocated to speakers may change to better facilitate the Town Council meeting.

Effective Proceedings: The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Clerk's Office no later than 3:00 p.m. on the day of the Council meeting.
- Persons wishing to submit written comments to be included in the materials provided to Town Council must provide the comments as follows:
  - For inclusion in the regular packet: by 11:00 a.m. the Thursday before the Council meeting
  - For inclusion in any Addendum: by 11:00 a.m. the Monday before the Council meeting
  - For inclusion in any Desk Item: by 11:00 a.m. on the day of the Council Meeting

Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.
Rebroadcast of Town Council Meetings on the 2nd and 4th Mondays at 7:00 p.m.
Live & Archived Council Meetings can be viewed by going to:
www.losgatosca.gov/Councilvideos

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
AUGUST 06, 2019
7:00 PM

MEETING CALLED TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

i. Community Pledge Leaders - Julia and Olivia Leonardis

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine and may be approved by one motion. Any member of the Council or public may request to have an item removed from the Consent Items for comment and action. If an item is pulled, the Mayor has the sole discretion to determine when the item will be hear. Unless there are separate discussions and/or actions requested by Council, staff, or a member of the public, it is requested that items under the Consent Items be acted on simultaneously.)*

1. Approve Council Special Meeting Minutes of June 18, 2019
2. Approve Council Meeting Minutes of June 18, 2019
3. Accept Report on Town Manager Approved Actions During the 2019 Town Council Legislative Recess
4. Appoint Council Member Marico Sayoc as the Town's Voting Delegate and Town Attorney Robert Schultz as the Town's Alternate for the League of California Cities Annual Conference Scheduled for October 16-18, 2019 in Long Beach, California
5. Authorize the Town Manager to Negotiate and Execute a Memorandum of Understanding (MOU) with the City of Monte Sereno for a Cost Sharing Agreement for a Part-time Emergency Services Coordinator Position
6. Town Code Amendment Application A-19-001. Project Location: Town Wide. Applicant: Town of Los Gatos. Adopt an Ordinance to amend Chapter 29 (Zoning Regulations) of the Town Code regarding fences, hedges, and walls, including regulations for the hillside area of Town
7. Adoption of Revised Enabling Resolutions for the Sales Tax Oversight Committee and Finance Committee Respectively to Allow for Finance Committee Members to Serve as Sales Tax Oversight Committee Members when Vacancies exist, and Rescission of Resolutions 2018-056 and 2017-008
8. Authorize the Town Manager to Purchase a Replacement Computer Aided Dispatch and Records Management System from Sun Ridge Systems, Inc. in the amount of $525,000
9. Authorize the Town Manager to execute a five-year agreement with Lynx Technologies for a total contract amount not to exceed $400,000
10. Authorize the Town Manager to Execute a Sixth Amendment to the Professional Services Agreement with Innovative Claims Solutions, Inc. to Extend the Contract for Four Months to Perform Workers' Compensation Claims Administration

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda. To ensure all agenda items are heard and unless additional time is authorized by the Mayor, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of ten minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

11. Planned Development Application PD-17-002 and Negative Declaration ND-19-002. Project Location: 16212 Los Gatos Boulevard. Property Owner/ Applicant: 16212 Los Gatos Blvd. LLC. Requesting approval of a Planned Development to re-zone two properties zoned CH to CH:PD to allow for construction of a new commercial building. APN 523-06-010 and -011
12. a. Adopt a Resolution of Intention between the Board of Administration California Public Employees' Retirement System and the Town Council of the Town of Los Gatos to add Government Code Section 20516, Employees Sharing Additional Cost, for Classic Local Police Members in the Los Gatos Police Officers' Association
    b. Introduce an Ordinance by title only between the Board of Administration California Public Employees' Retirement System and the Town Council to add Government Code Section 20516, Employees Sharing Additional Cost, for Classic Local Police Members in the Los Gatos Police Officers' Association
13. Open and Close a Public Hearing to Consider Objections to the 2019 Weed Abatement Program Assessment Report and Adopt a Resolution Confirming the Report and Authorizing Collection of the Assessment Charges

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

COUNCIL / MANAGER MATTERS

ADJOURNMENT *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time)*

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Council at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.

DRAFT
MINUTES OF THE SPECIAL TOWN COUNCIL MEETING – COMMISSIONER INTERVIEWS
JUNE 18, 2019

The Town Council of the Town of Los Gatos conducted a Special Meeting on Tuesday, June 18, 2019, at 6:00 p.m. to conduct Board, Commission, and Committee interviews.

MEETING CALLED TO ORDER AT 6:02 P.M.

ROLL CALL
Present: Mayor Steven Leonardis, Vice Mayor Marcia Jensen, Council Member Rob Rennie, Council Member Marico Sayoc, Council Member Barbara Spector.
Absent: None

BOARD/COMMISSION/COMMITTEE INTERVIEWS
The Town Council conducted interviews of applicants for the vacant positions on Town Boards, Commissions, and Committees as follows:

- Community & Senior Services Commission (CSSC)
  Two Vacancies - One of Two Applicants Attended the Interview
- Council Finance Committee (CFC)
  One Vacancy - One Applicant Interviewed
- Historic Preservation Committee (HPC)
  One Vacancy - One Applicant Did Not Attend the Interview
- Library Board (LIB)
  One Vacancy - Two Applicants Interviewed
- Personnel Board
  Two Vacancies - Zero Applicants
- Sales Tax Oversight Committee (STOC)
  Seven Vacancies - Two Applicants Interviewed
- Transportation & Parking Commission (T&P)
  Two Vacancies - Zero Applicants

MEETING ADJOURNED
Meeting adjourned at 6:35 p.m.

Attest:

_____
Shelley Neis, Town Clerk

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DRAFT
MINUTES OF THE TOWN COUNCIL MEETING
JUNE 18, 2019

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Tuesday, June 18, 2019, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:01 P.M.

ROLL CALL
Present: Mayor Steven Leonardis, Vice Mayor Marcia Jensen, Council Member Rob Rennie, Council Member Marico Sayoc, Council Member Barbara Spector.
Absent: None

PLEDGE OF ALLEGIANCE
Daris Khajouei led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS
Mayor Leonardis announced that Gerard Tires was receiving a Small Business, Big Applause commendation.

Mayor Leonardis presented a commendation to Karen Briones for her work on Safe Routes to School and showed a video of its recent accomplishments. Ms. Briones thanked the Town.

COMMISSION APPOINTMENTS
Council appointed applicants to the vacant positions on Town Boards, Commissions, and Committees.

- Community and Senior Services Commission (CSSC)
  - Setareh Raygani did not interview and was not appointed.
  - George Rossmann was appointed for a 3 ½ year term.

- Council Finance Committee
  - Ron Dickel was appointed for a 4 ½ year term

- Historic Preservation Committee (HPC)
  - Steven Raspe did not interview and was not appointed.

Commission Appointments – continued

- Library Board (LIB)
  - Ashli Aldrich was not appointed.
  - Marie-Ange Tagne was appointed for a 2 ½ year term.

- Sales Tax Oversight Committee (STOC)
  - Paul Lawryk was appointed for a 4 ½ year term.
  - Mark Secchia was appointed for a 4 ½ year term.

- Personnel Board
  - No applications were received.

- Transportation and Parking Commission (T&P)
  - No applications were received.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve Council meeting minutes of June 4, 2019.
2. Authorize the Town Manager to execute an annual agreement for services with the Los Gatos Chamber of Commerce to manage the Town's Information Center and assist with the coordination of the Leadership Los Gatos program, for a total contract amount not to exceed $60,000; and Authorize a FY 2019/20 expenditure budget adjustment in the amount of $15,000 to cover the additional services provided by the Chamber of Commerce.
3. Authorize the Town Manager to execute a first amendment to the agreement for services with ZAG Technical Services to increase compensation in the amount of $100,000 for a total contract amount not to exceed $300,000 for the period of September 6, 2017 through June 30, 2020.
4. Authorize the Town Manager to execute a first amendment to the agreement for actuarial services with Bartel Associates for a total contract amount not to exceed $58,400.
5. Authorize the Town Manager to purchase Microsoft licensing from SoftwareONE in an amount not to exceed $63,872.32.
6. Authorize the Town Manager to execute a five-year agreement for services with Pro-Sweep for downtown power washing and parking lot sweeping services in an amount not to exceed, $71,352 in Fiscal Year 2019/20, plus an annual consumer price index adjustment annually thereafter.
7. Adopt an ordinance of the Town of Los Gatos amending Chapter 15 of the Los Gatos Town Code entitled "Motor Vehicles and Traffic." **ORDINANCE 2284**
8. Town Code Amendment Application A-19-002. Project Location: Town Wide. Applicant: Town of Los Gatos.
   Adopt an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding demolition regulations. **ORDINANCE 2285**

Consent Items – continued

9. Authorize the Town Manager to execute a five-year Agreement for Services with Elite Heating and Air Conditioning, Inc., for routine heating, ventilation, and air conditioning services in Town facilities in an amount not to exceed $43,158 annually plus an additional $30,000 for unanticipated repairs with a total annual amount of $73,158, with a total agreement amount not to exceed $365,790.
10. Authorize revenue and expenditure budget adjustments in the amount of $6,000 to recognize receipt and expenditure of NorthNet Library System grant funds.
11. Adopt a Resolution updating the Town Manager's Authority during official periods of Town Council recess and rescind Resolution 2002–119. **RESOLUTION 2019-033**
12. Authorize the Town Manager to execute an agreement with Los Gatos-Saratoga Union High School District and Los Gatos Union School District for School Resource Officer services for the period starting June 1, 2019 through June 30, 2021.
13. Authorize the Town Manager to execute a second amendment to the Agreement for Services with Sunnyvale Building Maintenance for custodial services for a three-month period in an amount not to exceed $46,000.
14. Highway 17 Bicycle and Pedestrian Bridge Feasibility Analysis and Conceptual Engineering
    A. Review and approve the scope of services for a Request for Proposals (RFP) for the Highway 17 Bicycle and Pedestrian Bridge Feasibility Analysis and Conceptual Engineering.
    B. Authorize the Town Manager to negotiate and execute a Consultant Agreement for the Highway 17 Bicycle and Pedestrian Bridge Feasibility Analysis and Conceptual Engineering with the highest scored proposer in an amount not to exceed $234,456.
15. Receive the final report on the hazardous vegetation (brush) abatement annual program for 2019.

MOTION: **Motion** by **Vice Mayor Jensen** to approve the Consent Items including the revised agreement for Item #4 contained in the Desk Item. **Seconded** by **Council Member Spector.**

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS

Juliet Libante Panter
- Commented on the purpose of the Mills Act and requested Council consider adopting it.

MaryPat Power
- Requested Council consider adopting the Mills Act.

Kyle and Cameron Brown
- Commented in support of Council instituting Green Monday practices.

Verbal Communications – continued

Kathleen Willey
- Commented in support of Council instituting Green Monday practices.

Lisa Wade
- Commented in support of Council instituting Green Monday practices.

Melody Garliepp
- Commented on the Town's bee regulations and requested Council consider bringing them more in line with the County.

PUBLIC HEARINGS

16. Landscaping and Lighting Assessment Districts No. 1 & 2
    A. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1 - Blackwell Drive Benefit Zone. **RESOLUTION 2019-034**
    B. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1 - Kennedy Meadows Benefit Zone. **RESOLUTION 2019-035**
    C. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1 - Santa Rosa Heights Benefit Zone. **RESOLUTION 2019-036**
    D. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1 - Vasona Heights Benefit Zone. **RESOLUTION 2019-037**
    E. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1 - Hillbrook Drive Benefit Zone. **RESOLUTION 2019-038**
    F. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 2 - Gemini Court Benefit Zone. **RESOLUTION 2019-039**

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

Opened Public Comment.

Ray Brizgys
- Requested clarification on what services are provided and who to contact if there are questions or concerns.

Closed public comment.
Public Hearing Item #16 – continued

Council discussed the matter.

MOTION: **Motion** by **Vice Mayor Jensen** to approve the recommendation contained in the staff report. **Seconded** by **Council Member Spector.**

VOTE: **Motion passed unanimously.**

17. Adopt a Resolution making determinations and ordering annexation of certain urban unincorporated islands within the Town of Los Gatos Urban Service Area pursuant to Sections 56757 and 56375.3 of the California Government Code. **RESOLUTION 2019-040**

Arn Andrews, Assistant Town Manager, presented the staff report.

Opened Public Comment.

Jim Hartigan
- Commented in favor of the annexation and requested a moratorium on certain fees and the gas blower ordinance.

Paul Grams
- Commented in opposition to the annexation and requested a grace period of three years on tree removal permit fees and reroof permits.

Shannon Susick
- Commented on the annexation and requested Town Code Section 16.20.035 be amended to limit construction work hours (specifically, shorter hours Monday through Friday and no construction Sundays or holidays).

Closed Public Comment.

Council discussed the matter.

MOTION: **Motion** by **Vice Mayor Jensen** to approve the recommendation contained in the staff report. **Seconded** by **Mayor Leonardis.**

VOTE: **Motion passed unanimously.**

18. Town Code Amendment Application A-19-001. Project Location: Town Wide. Applicant: Town of Los Gatos.
    Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding fences, hedges, and walls, including regulations for the hillside area of Town.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Samuel Schaevitz
- Commented in opposition of the draft ordinance.

David Weismann
- Commented on the riparian corridor definition, wildlife friendly setback areas, and perimeter fence guidelines and definitions.

Alice Kaufman, Committee for Green Foothills
- Commented in support of the draft ordinance.

Peter Donnelly
- Commented in support of the draft ordinance with the exception of the setback for perimeter fences.

Dashiell Leeds, Santa Clara Valley Audubon Society
- Commented in favor of the draft ordinance.

Don Wimberly
- Commented in opposition of the proposed setback in the draft ordinance.

Charles Schafer
- Commented in support of wildlife friendly fences.

Lee Quintana
- Commented in opposition of the draft ordinance.

Julie Donnelly
- Commented in support of the draft ordinance with the exception of the loophole for perimeter fences.

Closed Public Comment.

Council discussed the matter.

Public Hearing Item #18 – continued

MOTION: **Motion** by **Council Member Rennie** to adopt the recommendation contained in the staff report and replace the riparian definition with the language that is contained in the Town's Hillside and Development Guidelines. **Seconded** by **Council Member Spector.**

VOTE: **Motion passed unanimously.**

The Town Clerk read the title of the ordinance.

COUNCIL/TOWN MANAGER REPORTS

Mayor Leonardis commented on the loss of Leonard Pacheco, who was a long time Historic Preservation Committee member and adjourned the meeting in Leonard's honor. All Council Members shared condolences and memories.

Council Matters

- Council Member Sayoc stated she attended the Silicon Valley Community Energy Meeting and the Cities Association meeting.
- Council Member Spector stated she attended the Council Finance Committee meeting.
- Mayor Leonardis stated he attended the Council Finance Committee, the West Valley Sanitation District (WVSD) Board of Directors, the Treatment Plant Advisory Committee meetings, and the Veterans Memorial Foundation Flame of Liberty Memorial ceremony with Council Members Sayoc and Rennie.
- Vice Mayor Jensen stated she attended the Association of Bay Area Governments (ABAG) General Assembly and the Conceptual Development Advisory Committee (CDAC) meetings.
- Council Member Rennie stated he attended the Silicon Valley Clean Energy Authority (SCVEA) Finance and Risk Oversight Committee, the Valley Transportation Authority (VTA) Board, the Local Agency Formation Commission (LAFCO) and the Silicon Valley Leadership Sustainability and Leadership meetings; and the Veterans Memorial Foundation Flame of Liberty Memorial Ceremony.

Manager Matters

- Announced the Almond Grove Ribbon Cutting on Saturday, June 22, 2019.
- Expressed sympathy on behalf of the staff on the passing of Leonard Pacheco.

ADJOURNMENT

The meeting adjourned at 9:06 p.m. in honor of Leonard Pacheco.

Attest:

_____

Shelley Neis, Town Clerk

DATE: July 22, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Accept Report on Town Manager Approved Actions During the 2019 Town Council Legislative Recess

RECOMMENDATION:

Staff recommends that the Town Council accept this report on Town Manager approved actions taken during the 2019 Town Council legislative recess.

BACKGROUND:

On June 18, 2019, the Town Council adopted a Resolution (Attachment 1) authorizing the Town Manager to execute the following duties during periods of official Town Council legislative recess in consultation with the Mayor:

1. Approval of plans and specifications for capital projects and authorization to advertise for bids.
2. Award of construction contracts and construction contract change orders in excess of the amount included in the contingency.
3. Execution of agreements and amendments to agreements in excess of $50,000 that ordinarily require Town Council approval.

DISCUSSION:

The Town Council took an official legislative recess from June 19, 2019 to August 5, 2019. During this recess, and pursuant to authority granted by the Town Council, the Town Manager took the following action, in consultation with the Mayor:

PREPARED BY: Janette Judd
Executive Assistant to the Town Manager

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

- Second Amendment to Agreement for Consultant Services with Lynx Technologies (IT Department Memorandum, Attachment 2)

The Town Manager determined that immediate action on the above items was necessary to maintain critical services. The item above has been approved by the Town Manager, and the Council may request additional information or provide additional direction regarding the item. As a separate agenda item for the Town Council meeting of August 6, 2019, the Council will be considering a five-year agreement with Lynx Technologies.

CONCLUSION:

Staff recommends that the Town Council accept this report on Town Manager approved actions taken during the 2019 Town Council legislative recess, as authorized by Town Council Resolution 2019-033 and in consultation with the Mayor.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:
1. Resolution 2019-033
2. IT Department Memorandum (Second Amendment to Agreement with Universal Site Services)

RESOLUTION 2019-033

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN MANAGER TO EXECUTE THE FOLLOWING DUTIES DURING PERIODS OF OFFICIAL TOWN COUNCIL RECESS, IN CONSULTATION WITH THE MAYOR: APPROVAL OF PLANS AND SPECIFICATIONS FOR CAPITAL PROJECTS AND AUTHORIZATION TO ADVERTISE FOR BIDS; AWARD OF CONSTRUCTION CONTRACTS AND CONSTRUCTION CONTRACT CHANGE ORDERS IN EXCESS OF THE AMOUNT INCLUDED IN THE CONTINGENCY; EXECUTION OF AGREEMENTS IN EXCESS OF $50,000 THAT ORDINARILY REQUIRE TOWN COUNCIL APPROVAL.

WHEREAS, the Town Council is taking an official legislative recess from June 19, 2019 to August 6, 2019; and

WHEREAS, the Town Council may take official legislative recesses in the future; and

WHEREAS, it is possible that issues may arise during official Town Council recesses that would normally require Town Council approval; and

WHEREAS, in order to avoid the possibility of critical scheduling delays or increased expenses resulting from delays during the official Town Council recess, the Town Manager should be authorized during official Town Council recesses to take certain actions, in consultation with the Mayor.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, that the Town Manager is authorized, in consultation with the Mayor, during periods of official Town Council recesses, to:

1) Approve plans and specifications for capital projects and authorize staff to advertise for bids;
2) Award construction contracts and construction contract change orders in excess of the amount included in the contingency; and
3) Execute agreements and amendments to agreements in excess of $50,000 that ordinarily require Town Council approval.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of June, 2019 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 6/20/19

ATTEST:

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

DATE: 6/24/19

MEMORANDUM

Town Manager's Office

okl'd by phone
(conversation with Manager)

TO: LAUREL PREVETTI, TOWN MANAGER **MAYOR REVIEW** 6-19-2019

FROM: CHRIS GJERDE, IT MANAGER

SUBJECT: **Second Amendment to Agreement for Consultant Services**
Lynx Technologies – GIS Services

DATE: June 18, 2019

tm rec'd 6/18/19

RECOMMENDATION:

It is recommended that the Town Manager execute a Second Amendment to the Agreement for Consultant GIS Services with Lynx Technologies for an additional term of two months, from July 1, 2018 through August 31, 2019, and additional compensation of $5,000, for a total amount not to exceed $54,000.

BACKGROUND:

The original Agreement for Consultant Services with Lynx Technologies for GIS services, dated July 1, 2018, remains in effect until June 30, 2019 for a total amount not to exceed $46,000.

The First Amendment to the Agreement, dated May 6, 2019, increased compensation to a total amount not to exceed $49,000 only.

DISCUSSION:

Staff is currently working with Lynx Technologies on a multi-year agreement that will go to the Town Council for approval in August. In the meantime, the Town may extend the existing agreement for an additional two months, with increased compensation of $5,000, in order to allow uninterrupted use of GIS services until the multi-year contract goes to Council in August.

The other option is to freeze GIS consulting hours for the next couple months. This is not recommended as GIS has become a useful daily tool for staff.

PREPARED BY: CHRIS GJERDE, IT Manager and HOLLY ZAPPALA, Management Analyst

Reviewed as necessary: Town Manager, Assistant Town Manager, Town Attorney, Finance Director

110 E. Main Street Los Gatos, CA 95030 • 408-354-6832
www.losgatosca.gov

DATE: June 18, 2019
SUBJECT: **Second Amendment to Agreement for Consultant Services**
Lynx Technologies – GIS Services

CONCLUSION:

Staff recommends that the Town Manager execute a Second Amendment to the Agreement for Consultant Services with Lynx Technologies for an additional term of two months, from July 1, 2018 through August 31, 2019, and additional compensation of $5,000, for a total amount not to exceed $54,000.

FISCAL IMPACT:

There are sufficient funds available in the IT budget.

Attachments:

1. Draft Second Amendment to Agreement
2. Agreement 18.145 for Consultant Services – Lynx Technologies
3. First Amendment 19.067 to Agreement

TOWN OF LOS GATOS

COUNCIL AGENDA REPORT

MEETING DATE: 08/06/2019

ITEM NO: 4

DATE: July 15, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Appoint Council Member Marico Sayoc as the Town's Voting Delegate and Town Attorney Robert Schultz as the Town's Alternate for the League of California Cities Annual Conference Scheduled for October 16-18, 2019 in Long Beach, California

REMARKS:

Each year the League of California Cities conducts an annual conference to discuss key legislative, social, fiscal, and service issues affecting California municipalities. One important aspect of the conference is its annual business meeting at which the League membership takes action on conference resolutions. Annual conference resolutions guide cities and the League in efforts to improve the quality, responsiveness, and vitality of local government in California.

To expedite the annual business meeting, participating cities/towns have been asked to designate a primary voting delegate and optionally, an alternate voting delegate. The voting delegate is typically the Town's appointed Representative or the appointed Alternate. As the current appointed Representative to the League, Council Member Marico Sayoc will be attending the conference and has agreed to serve as the Town's voting delegate. At the Mayor's request, Town Attorney Rob Schultz has agreed to serve as the Town's alternate voting delegate.

The Town has not yet received the 2019 League of California Cities Conference Resolutions Packet and it is not known what issues are being considered at this time. It has been the Town's past practice to have the appointed voting delegate determine the Town's position based on resolution discussion and feedback at the League Annual Business Meeting.

ENVIRONMENTAL ASSESSMENT:

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

PREPARED BY: Janette Judd
Executive Assistant

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

110 E. Main Street Los Gatos, CA 95030 ● 406-354-6832
www.losgatosca.gov

DATE: July 23, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to Negotiate and Execute a Memorandum of Understanding (MOU) with the City of Monte Sereno for a Cost Sharing Agreement for a Part-time Emergency Services Coordinator Position

RECOMMENDATION:

Authorize the Town Manager to Negotiate and Execute a Memorandum of Understanding (MOU) with the City of Monte Sereno for a Cost Sharing Agreement for a Part-time Emergency Services Coordinator Position.

BACKGROUND:

Currently, emergency management responsibilities are shared between the Office of the Town Manager and the Los Gatos-Monte Sereno Police Department. Additionally, roles and responsibilities for emergency management are divided between the Assistant Town Manager, Police Captain, and Police Sergeant. Given the critical significance of emergency preparedness, the Town Council approved a two-year temporary part-time Emergency Services Coordinator position in the FY 2019/20 adopted Operating Budget. With the adoption of the FY 2019/20 Operating Budget, staff is ready to proceed with initiating the hiring process (Attachment 1) and implementing a shared cost structure with the City of Monte Sereno.

DISCUSSION:

The part-time Emergency Services Coordinator position has been structured to address four key functional roles of the Town's emergency response capabilities. These include:

1. Maintenance and development of the Emergency Operation Plan (EOP) and annexes;
2. Maintenance and development of the Town's Emergency Operations Center (EOC) including: EOC infrastructure, EOC Section readiness, EOC training, etc.;

PREPARED BY: Arn Andrews
Assistant Town Manager

Reviewed by: Town Manager, Director of Human Resources, and Finance Director

3. Maintenance of federal/state mitigation reporting requirements and development of federal/state grant opportunities; and
4. Liaison to regional emergency management partners.

An initial assessment of the four functional areas of responsibility performed by the Town and the Monte Sereno City Manager determined a potential proportional cost share apportionment of 70% (Town) and 30% (Monte Sereno). Based on a 70/30 apportionment, the City of Monte Sereno would reimburse the Town approximately $16,527 of the annual cost of $55,090 if approved by the City Council of Monte Sereno.

CONCLUSION:

Approval of the Town Manager to negotiate and execute a Memorandum of Understanding (MOU) with the City of Monte Sereno for a Cost Sharing Agreement will help defray the cost of a critical new component of the Town's emergency response preparedness.

COORDINATION:

This report was coordinated with the Town Manager, Director of Human Services, and Finance Director.

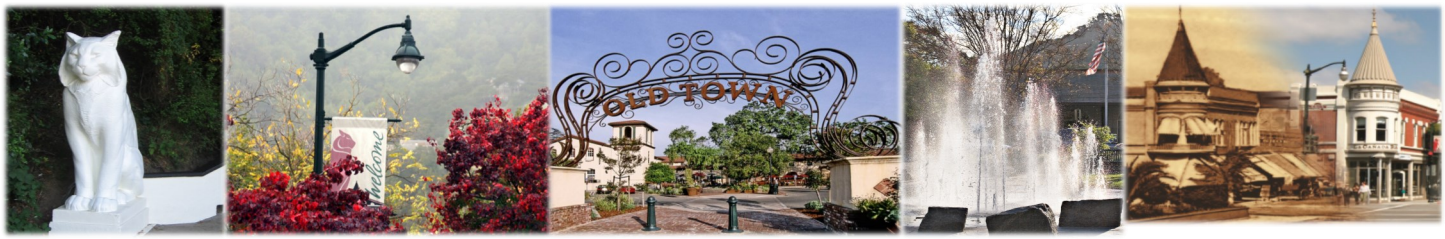
FISCAL IMPACT:

The Council approved FY 2019/20 Operating Budget included the addition of 1,000 temporary staff hours for the two-year temporary part-time Emergency Services Coordinator position for a total of $55,090 per year.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:
1. Part-time Emergency Services Coordinator Job Announcement



The Town of Los Gatos invites applications for:

Emergency Services Coordinator

Open Until filled

$40.00 — $50.00 Hourly

(Temporary/Limited 2 – year Term)

Apply Today!

Join the Town

The Position

The Part-time Emergency Services Coordinator reports directly to the Assistant Town Manager and works closely with other staff in the Town organization. The Emergency Services Coordinator will plan, develop, and implement disaster response and training activities for the Town of Los Gatos and Monte Sereno, including staff training, community education programs, and functions as a liaison between the Town and governmental agencies.

The Emergency Services Coordinator is also responsible for maintaining oversight coordination of the Town's Emergency Operations Center. The coordinator assists in the development of emergency response procedures, facilitates training for EOC staff and volunteers, and achieves compliance with State and Federal emergency response and disaster mitigation programs. Successful performance of the work requires the ability to negotiate solutions to complex problems, understand mutual aid agreements, and operate under California Standardized Emergency Management System (SEMS) and Incident Command System (ICS).

Example of Duties:

- Plan, organize, review, evaluate, and personally perform activities to implement a variety of emergency preparedness and disaster recovery programs and procedures under the SEMS/ICS model.
- Perform work in emergency planning management including data collection, analysis and preparation of State and Federal reports and maintenance of Emergency Operation Center (EOC) documents and records.
- Develop and conduct training on disaster and emergency response to EOC Staff, Town Staff, and community members. Coordinates the development and implementation of a disaster preparedness training program for employees and volunteers, specifically for the purpose of educating these individuals of their responsibilities during emergency and/or disaster operations.
- Manage and maintain the Emergency Operations Center (EOC).
- Respond to emergency incidents, disaster and significant events and participates in the management of those incidents.
- Support training of Town Staff assigned to the Emergency Operations Center (EOC) and other such key roles.
- Plan for, order, and maintain equipment and supplies for the Emergency Operations Center.

The Organization

The Town of Los Gatos is a general law city operating under the Council/ Manager form of government. The Town Manager and Town Attorney are appointed by and directly report to the Council. The Town's 149 full and part time employees are organized into the following departments: Parks & Public Works, Community Development, Police, Library, and Administrative Services. The proposed 2019/20 General Fund budget is approximately $45.2 million.

The Community

Nestled at the base of the majestic Santa Cruz mountains, located about 60 miles south of San Francisco, Los Gatos offers a small town charm with a high level of community pride. With an approximate population of 31,000, Los Gatos is a unique community offering natural beauty that inspires a healthy lifestyle. Los Gatos has a strong economic presence, with an award-winning downtown that offers unique shopping and dining as well as local and regional favorites.

Our Ideal Candidate

The successful candidate will possess the following competencies:

- Understand basic principles and techniques for developing emergency preparedness and disaster relief programs.
- Ability to plan, implement, monitor and evaluate a variety of emergency service programs.
- Strong presentation and writing skills to communicate effectively to both small and large groups.
- Ability to work collaboratively and maintain effective working relationships with respect, and promote leadership with Town Staff, volunteers, outside agencies, and members of the community.
- Coordinate a variety of complex tasks simultaneously.

Education and Experience

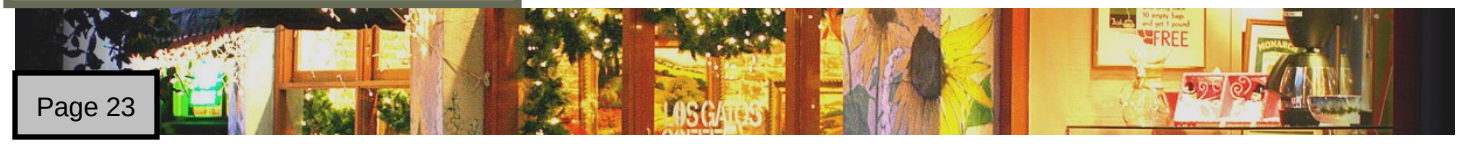
Any combination of education, experience, and training that would provide the required knowledge and abilities is qualifying. Typical qualifications include:

- Bachelor's degree in public administration, emergency management, public safety, or a related field.
- At least two (2) years experience in emergency management/ emergency preparedness planning or related field.

Additional Information

Must be willing to adjust work hours to meet operational demands and respond on a 24– hour basis to assist and advise in emergency situations.

Equal Opportunity Employer (EOE). Reasonable Accommodations: Please call (408) 399-5739 at least five (5) days in advance of the selection process. The information contained within this announcement may be modified or revoked without notice and does not constitute either an expressed or implied contract.



TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 08/06/2019
ITEM NO: 6

DATE: July 26, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Town Code Amendment Application A-19-001. Project Location: Town Wide. Applicant: Town of Los Gatos.
Adopt an Ordinance to amend Chapter 29 (Zoning Regulations) of the Town Code regarding fences, hedges, and walls, including regulations for the hillside area of Town

RECOMMENDATION:

Adopt amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding fences, hedges, and walls, including regulations for the hillside area of the Town (Attachment 1).

DISCUSSION:

On June 18, 2019, the Council considered and voted to introduce an Ordinance amending Chapter 29 of the Town Code regarding fences, hedges, and walls, including regulations for the hillside area of the Town. Adoption of the attached Ordinance (Attachment 1) would finalize that decision.

Attachment:
1. Draft Ordinance

PREPARED BY: Sean Mullin, AICP
Associate Planner

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

110 E. Main Street Los Gatos, CA 95030 ● 406-354-6832
www.losgatosca.gov

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

ORDINANCE 2019-___

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29 (ZONING REGULATIONS) SECTION 29.40.030 – 29.40.034 OF THE TOWN CODE REGARDING FENCES, HEDGES, AND WALLS

WHEREAS, the Town Council at its meeting of January 31, 2017, identified amendments regarding fences in the hillside area as a strategic priority to maintain wildlife movement corridors and address movement-restrictive fences; and

WHEREAS, the Planning Commission considered proposed amendments regarding fences at its meeting of September 13, 2017, and forwarded a draft Ordinance to the Town Council for consideration without an up or down vote with consideration of comments from Commissioners and the public; and

WHEREAS, On December 5, 2017, the Town Council reviewed and commented on the proposed amendments regarding fences, and continued the matter to a date uncertain for further consideration; and

WHEREAS, On October 16, 2018, the Town Council reviewed and commented on the proposed amendments regarding fences, and forwarded the matter to the Town Council Policy Committee for consideration; and

WHEREAS, On November 15, 2018, the Town Council Policy Committee reviewed and commented on the proposed amendments regarding fences throughout the Town and forwarded recommended amendments to the Town Council for consideration; and

WHEREAS, On November 15, 2018, the Town Council Policy Committee reviewed and commented on the proposed amendments regarding fences in the hillside area and continued the matter to a date uncertain for further consideration by the Town Council Policy Committee; and

WHEREAS, On December 20, 2018, the Town Council Policy Committee reviewed and commented on the proposed amendments regarding fences in the hillside area, and forwarded a draft Ordinance to the Planning Commission for consideration; and

WHEREAS, On March 13, 2019, the Planning Commission received the staff report regarding fences in the hillside area, received public comment, closed the public hearing, and continued the matter for further discussion of the amendments; and

WHEREAS, On April 10, 2019, the Planning Commission reviewed and commented on the proposed amendments regarding fences in the hillside area, and continued the matter for further consideration; and

WHEREAS, On May 22, 2019, the Planning Commission reviewed and commented on the proposed amendments regarding fences in the hillside area and forwarded a recommendation to the Town Council for Approval of the proposed amendments with modifications; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on June 18, 2019; and

WHEREAS, on June 18, 2019, the Town Council reviewed and commented on the proposed amendments regarding fences in the hillside area and the Town Council voted to introduce the Ordinance.

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

SECTION I

Los Gatos Town Code Chapter 29, Section 29.40.030-29.40.034 is hereby repealed and reenacted to read as follows:

Sec. 29.40.030. Fences, walls, gates, gateways, entry arbors, and hedges.

Sec. 29.40.0305. Intent.

The intent of these fence regulations, as defined in Section 29.40.0310, is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife. Unless specified otherwise, these fence regulations are applicable Town-wide. These fence regulations incorporate portions of the Hillside Development Standards and Guidelines related to fencing.

Sec. 29.40.0310. Definitions.

The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:

Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.

Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.

Double fence means two fences spaced a few feet apart regardless of height and material.

Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.

Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

Fence regulations means Sections 29.40.030 through 29.40.0330.

Hillside area means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.

Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Perimeter fence means a fence located on the property line of a lot.

Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

Sec. 29.40.0315. Height, materials and design, and location.

(a) Height.

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence as defined in Section 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of Section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) Materials and design.

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. Electric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in Section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence as defined in Section 29.40.0310.

c. Chain link, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) Location.

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in Section 29.40.0310.

(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one house.

Sec. 29.40.0320. Exceptions.

An exception to any of these fence regulations may be granted by the Community Development Director. A fence exception application and fee shall be filed with the Community Development Department and shall provide written justification that demonstrates one of the following conditions exist:

(a) Adjacent to commercial property, perimeter fences or walls may be eight (8) feet if requested or agreed upon by a majority of the adjacent residential property owners.

(b) On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification that either:

(1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or

(2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.

(c) At public utility facilities, critical infrastructure, and emergency access locations, exceptions may be granted where strict enforcement of these regulations will result in a security or safety concern.

(d) A special security concern exists that cannot be practically addressed through alternatives.

(e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.

Sec. 29.40.0325. Exemptions.

All fences, hedges, gates, and walls existing on the effective date of this Ordinance that do not meet the regulations contained herein are nonconforming and are exempt from these regulations. Existing nonconforming fences may be maintained and/or replaced in kind, including historic stone or river rock walls.

Sec. 29.40.0330. Penalties.

A property owner who has unlawfully constructed any fence, wall, gate, gateway, entry arbor, or hedge is subject to applicable enforcement and penalties as described in Section 29.20.930 through 29.20.965 of the Town Code.

SECTION II

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 III

If any provision of this Ordinance or the application thereof to any person or circumstances is held to be 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. The 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 IV

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 V

This Ordinance shall take effect thirty (30) days after its adoption. 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).

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on June 18, 2019, 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 August 6, 2019.

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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TOWN OF LOS GATOS

COUNCIL AGENDA REPORT

MEETING DATE: 8/6/2019

ITEM NO: 7

DATE: July 30, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adoption of Revised Enabling Resolutions for the Sales Tax Oversight Committee and Finance Committee Respectively to Allow for Finance Committee Members to Serve as Sales Tax Oversight Committee Members when Vacancies exist, and Rescission of Resolutions 2018-056 and 2017-008

RECOMMENDATION:

Adoption of revised enabling resolutions for the Sales Tax Oversight Committee and Finance Committee respectively to allow for Finance Committee Members to serve as Sales Tax Oversight Committee members when vacancies exist, and rescission of Resolutions 2018-056 and 2017-008.

BACKGROUND:

On November 6, 2018, the residents of Los Gatos approved the imposition of a local sales tax with the passage of ballot Measure G. The ballot language included the required formation of an independent citizen oversight committee. The approved Ordinance 2274 (Attachment 1) which accompanied the ballot initiative spelled out the requirements for the establishment of the Citizens' Oversight Committee. The ordinance language is as follows:

> Sec. 2.60.140. Citizens' oversight and annual audit.
>
> A. There shall be a committee appointed by the Town Council to review and report on the receipt of revenue and expenditure of funds from the tax authorized by this chapter ("revenues and expenditures"). The number, qualifications and duties of Committee members shall be established by ordinance or resolution of the Town Council.

PREPARED BY: Arn Andrews
Assistant Town Manager

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

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www.losgatosca.gov

B. Beginning with the fiscal year that ends June 30, 2019, the Town's independent auditors shall, as part of their annual audit of the Town's financial statements, review the collection and expenditure of revenue from the tax authorized by this chapter. The auditors' review shall be a public document. The committee shall annually review the auditors' findings and report in writing to the Town Council regarding the auditors' findings regarding the revenues and expenditures. The Committee's statement shall be transmitted to the Town Council for consideration at a public meeting.

C. By January 31, 2019, the Town Council shall adopt a resolution establishing the composition of the committee and further defining its responsibilities consistently with this section. Provisions defining the scope of committee responsibilities and reporting requirements shall address bond oversight, in the event that a decision is made at a later time to sell bonds that are in part backed by the revenues referenced in this section. The Town Council shall appoint the initial members of the committee no later than March 1, 2019.

DISCUSSION:

On December 18, 2018, the Town Council adopted Resolution 2018-056 (Attachment 2) establishing a Sales Tax Oversight Committee in accordance with the provisions of Section 2.60.140 of Ordinance 2274. The Resolution established a seven (7) member Committee appointed by a majority vote of Council. On February 19, 2019, the Town Council appointed the two applicants who applied for the Sales Tax Oversight Committee. Given that only two residents applied for appointment to the Sales Tax Oversight Committee and the need to have a functional Committee, staff has reviewed alternative options for establishing the required seven-member Committee per the Resolution.

Staff recommends that the Town Council adopt revised enabling resolutions for both the Sales Tax Oversight Committee (Attachment 4) and the Finance Committee (Attachment 5) to provide the latitude for the Finance Committee to complete the Sales Tax Committee membership if the Sales Tax Committee continues to have vacancies. Currently the composition of the Finance Committee is five members who as part of their Committee purview have familiarity with the Town's sales tax measure, Town finances, and the Town's independent auditor (see Attachment 3). In addition, the Finance Committee members meet the criteria of the Sales Tax Oversight Committee. Finance Committee members are all residents of Los Gatos and if this recommendation is approved will have all been appointed by a majority of the Town Council.

DISCUSSION (continued):

The other option for Council consideration is to continue to recruit for the Sales Tax Committee. Staff is not recommending this option due to past challenges in filling the available positions and the importance of being able to convene the Sales Tax Committee consistent with the voter approved ballot measure.

CONCLUSION

Approval of this recommendation will allow for the timely convening of the initial Sales Tax Oversight Committee meeting and provide a mechanism for future meetings in the event additional residents do not seek appointment to the Sales Tax Oversight Committee.

COORDINATION:

This staff report was coordinated with the Town Manager, Finance Director, and Town Attorney.

FISCAL IMPACT:

This action has no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Measure G Ordinance 2274
2. Sales Tax Oversight Committee Resolution 2018-056
3. Finance Committee Resolution 2017-008
4. Draft Revised Enabling Resolution for the Sales Tax Oversight Committee Redline
5. Draft Revised Enabling Resolution for the Finance Committee Redline

ORDINANCE 2274

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF LOS GATOS, CALIFORNIA IMPOSING A GENERAL TRANSACTIONS AND USE TAX FOR A PERIOD OF TWENTY YEARS

WHEREAS, Town of Los Gatos residents have indicated that the quality of life in Los Gatos is highly valued; and

WHEREAS, the Town of Los Gatos has over $70 Million in unmet infrastructure needs for projects such as pothole, street, and road repair, the proper maintenance of which are important to maintaining local property values and quality of life; and

WHEREAS, the Town seeks to not only maintain, but enhance neighborhood police patrols and local crime prevention programs, both of which are priorities identified by the public; and

WHEREAS, the Town also seeks to improving traffic flow to reduce traffic congestion; and

WHEREAS, repairing potholes and maintaining Los Gatos' streets, roads, and sidewalks so they do not deteriorate further and become even more costly to fix in the future has been a longstanding objective of the Town; and

WHEREAS, locally-enacted funding sources such as a voter-approved sales tax are not subject to seizure by the State, and must be spent in Los Gatos to maintain its local services; and

WHEREAS, the proposed measure imposes an unrestricted general sales tax that can be used for any legitimate governmental purpose and it is not a commitment to any particular action; and

WHEREAS, the proposed measure requires Independent Citizens Oversight and mandatory financial audits to ensure funds are spent in furtherance of Town objectives to enhance local services and the quality of life in the Town, and yearly reports to the community to ensure funds are spent as promised and would sunset in 20 years; and

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, an election shall be held on November 6, 2018, for the submission to the voters of a question relating to a local one-eighth-cent (0.125%) sales tax; and

WHEREAS, it is desirable that the election be consolidated with the statewide election to be held on the same date, and that within the Town, the precincts, polling places, and election officers of the two elections be the same.

NOW THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS DO ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS. The People of Los Gatos, subject to voter approval, find that all Recitals are true and correct and incorporate them herein by this reference.

SECTION 2. AMENDMENT OF MUNICIPAL CODE. Chapter 2.60, Transactions and Use Tax, of the Los Gatos Town Code, is hereby added to read as follows:

Sec. 2.60.010. Title.

This ordinance shall be known as the Los Gatos Transactions and Use Tax Ordinance. The Town of Los Gatos hereinafter shall be called "Town." This ordinance shall be applicable in the incorporated territory of the Town.

Sec. 2.60.020. Operative Date.

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Sec. 2.60.030. Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the Town to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of

Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

E. To provide transactions and use tax revenue to the Town to be used to fund general revenue purposes.

Sec. 2.60.040. Contract with State.

Prior to the operative date, the Town shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the Town shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Sec. 2.60.050. Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the Town at the rate of one-eighth of one percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Sec. 2.60.060. Place of Sale.

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

Sec. 2.60.070. Use of Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the Town of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one-eighth of one percent (0.125%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Sec. 2.60.080. Adoption of Provisions of State Law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Sec. 2.60.090. Limitations of Adoption of State Law and Collection of Use Tax.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this Town shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, the California Department of Tax and Fee Administration or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this Town or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration or the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "Town" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Sec. 2.60.100. Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Sec. 2.60.110. Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any town, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the Town which is shipped to a point outside the Town, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the Town shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-Town address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-Town and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this Town of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the Town shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the Town or participates within the Town in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the Town or through any representative, agent, canvasser, solicitor, subsidiary, or person in the Town under the authority of the retailer.

7. "A retailer engaged in business in the Town" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing

with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the Town.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Sec. 2.60.120. Amendments.

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Sec. 2.60.130. Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Town, or against any officer of the State or the Town, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Sec. 2.60.140. Citizens' oversight and annual audit.

A. There shall be a committee appointed by the Town Council to review and report on the receipt of revenue and expenditure of funds from the tax authorized by this chapter ("revenues and expenditures"). The number, qualifications and duties of Committee members shall be established by ordinance or resolution of the Town Council.

B. Beginning with the fiscal year that ends June 30, 2019, the Town's independent auditors shall, as part of their annual audit of the Town's financial statements, review the collection and expenditure of revenue from the tax authorized by this chapter. The auditors' review shall be a public document. The committee shall annually review the auditors' findings and report in writing to the Town Council regarding the auditors' findings regarding the revenues and expenditures. The committee's statement shall be transmitted to the Town Council for consideration at a public meeting.

C. By January 31, 2019, the Town Council shall adopt a resolution establishing the composition of the committee and further defining its responsibilities consistently with this section. Provisions defining the scope of committee responsibilities and reporting requirements shall address bond oversight, in the event that a decision is made at a later time to sell bonds that are in part backed by the revenues referenced in this section. The Town Council shall appoint the initial members of the committee no later than March 1, 2019.

Sec. 2.60.150. Termination Date.

The authority to levy the tax imposed by this chapter shall automatically expire on March 31, 2039, without further action by the Town Council or the voters of the Town. After said date, the tax imposed by this Chapter can only be continued or reestablished by a majority vote of Los Gatos voters.

SECTION 3. ADJUSTMENT OF APPROPRIATIONS LIMIT. Pursuant to Article XIIIB of the Constitution of the State of California and applicable laws, the appropriations limit for the Town is hereby increased by the aggregate sum authorized to be levied by this tax for fiscal year 2018-2019 and each year thereafter.

SECTION 4. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. The approval of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). This ordinance imposes a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the ordinance is not a "project" within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the Town would undertake the required CEQA review for that project. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

SECTION 5. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 6. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the Town transactions and use taxes and shall take effect immediately.

SECTION 7. NOTICE. Upon approval by the voters, the Town Clerk Administrator shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.

* * * * * * * * *

It is hereby certified that this Ordinance was duly adopted by the voters at the November 6, 2018 Election and took effect 10 days following adoption of a resolution declaring the results of the election at a regular meeting of the Town Council held on the 18th day of December 2018 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Mayor Steven Leonardis

NAYS: Barbara Spector

ABSENT: None.

ABSTAIN: None.

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 12.21.18

ATTEST:

Shelley Neis

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

DATE: 12-21-18

RESOLUTION 2018-056

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, CALIFORNIA, ESTABLISHING A SALES TAX OVERSIGHT COMMITTEE

WHEREAS, on June 19, 2018 the Los Gatos Town Council adopted Ordinance No. 2274 imposing a General Transaction and Use Tax ("Ordinance 2274") for a period of twenty years.

WHEREAS, the purpose of the Ordinance 2274 is to impose a local one-eighth cent (0.125%) sales tax on retail transactions ("Sales Tax") within the town limits of the Town of Los Gatos; and

WHEREAS, on November 6, 2018, the citizens of the Town approved imposition of the Sales Tax by approving ballot Measure G on the November 6, 2018 ballot; and

WHEREAS, Ordinance 2274 and Measure G state that funds raised from the Sales Tax shall be used to fund essential Town services such as maintaining neighborhood police patrols; improving traffic flow to reduce congestion; repairing potholes and fixing neighborhood streets; and maintaining the Town' s long -term financial stability; and

WHEREAS, the Ordinance 2274 and Measure G require Citizens Oversight, mandatory financial audits, and yearly reports to the community to ensure funds are spent as promised; and

WHEREAS, in accordance with the provisions of Section 2.60.140 of Ordinance 2274, the Town Council shall appoint a Committee to advise the Town Council on the expenditures funded by the Sales Tax revenues in order to ensure that said revenues are spent in accordance with the Town Council objectives stated in Ordinance 2274 and Measure G.

NOW, THEREFORE, BE IT RESOLVED, that the Los Gatos Town Council orders as follows:

Section 1. The Town Council hereby establishes the Town of Los Gatos Sales Tax Oversight Committee pursuant to Ordinance 2274 and Measure G.

Section 2. The Los Gatos Sales Tax Oversight Committee shall consist of seven (7) members.

Section 3. The members of the Los Gatos Sales Tax Oversight Committee shall be appointed by a majority vote of the Town Council.

ATTACHMENT 2

Section 4. Each member of the Los Gatos Sales Tax Oversight Committee shall, on the date of appointment and throughout the member's term on the Los Gatos Sales Tax Citizens Oversight Committee, be a resident of the Town of Los Gatos.

Section 5. The term of each member of the Los Gatos Sales Tax Oversight Committee shall be four (4) years.

Section 6. The terms of office of the resident members of the Los Gatos Sales Tax Oversight Committee shall be staggered and over lapped in such a manner that the terms of no more than one-third of the members expire each year.

Section 7. The Town Council shall fill any resident member vacancies of the Los Gatos Sales Tax Oversight Committee occurring during the term of the Committee.

Section 8. The members of the Los Gatos Sales Tax Oversight Committee shall serve without compensation, provided that with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the provisions of the current Administrative Policy.

Section 9. The Los Gatos Sales Tax Oversight Committee shall meet semi-annually and all meetings shall be noticed and conducted in accordance with the applicable provisions of the Brown Act and Robert's Rules of Order and Town Policies established for Commissions and Committees.

Section 10. Minutes of the actions taken during the Los Gatos Sales Tax Oversight Committee's meetings shall be kept and shall be a public record.

Section 11. The function of the Los Gatos Sales Tax Oversight Committee shall be to serve in an advisory capacity to the Town Council. Prior to the Town's expenditure of any Sales Tax revenues, the Los Gatos Sales Tax Oversight Committee shall review the Town's proposed expenditures and advise the Town Council on whether such expenditures meet the Town Council's objectives stated in Ordinance 2274 and Measure G. It shall not be within the purview of the Sales Tax Oversight Committee to direct staff, recommend any particular contract or project but only to determine whether such expenditures meet the Town Council's objectives stated in Ordinance 2274 and Measure G. In addition, the final determination of whether such expenditures meet the Town Council's objectives and the approval of any such expenditure shall be made by Town Council. The Los Gatos Sales Tax Oversight Committee shall issue an annual public report of the expenditures and appropriations of the Sales Tax revenues which were approved by the Town Council during the applicable fiscal year. The Los Gatos Sales Tax Oversight Committee shall undertake such other and additional duties as the City Council may direct.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of December 2018, by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steve Leonardis

NAYS: None.

ABSENT: None.

ABSTAIN None.

SIGNED:

/s/ STEVE LEONARDIS, MAYOR
TOWN OF LOS GATOS,
LOS GATOS, CALIFORNIA

ATTEST:

/s/ SHELLEY NEIS, TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION 2017-008

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ESTABLISHING THE TOWN COUNCIL FINANCE COMMITTEE

WHEREAS, the Town Council of the Town of Los Gatos has determined that there is a need for adult resident input to Council and staff regarding financial policy issues, and to promote citizens participation and understanding regarding the financial condition of the Town; and

WHEREAS, the Town Council of the Town of Los Gatos does hereby establish the terms and conditions for citizen appointment to and conduct of the Town Council Finance Committee. The Committee is advisory to the Town Council and shall be formed, convened, and governed by the following bylaws as adopted by the Town Council:

A. The Town Council Finance Committee shall consist of five (5) members – two (2) Town Council Members as voting members, appointed annually by the Mayor, and three (3) adult residents as non-voting members, appointed by the Town Council, whose term of office shall be for three (3) years with no limitations on reappointments.
B. A quorum shall consist of the two voting Council Members. The resident members of the Finance Committee shall participate in all meetings.
C. Resident applicants shall follow the Town's standard recruitment and selection process and shall have the following qualifications to serve on the Council Finance Committee:
    1. Resident of Los Gatos and a registered voter;
    2. Five years of experience in at least one of the following:
        a. Financial experience in a corporate, business, or government setting;
        b. Principal or officer at a financial auditing firm;
        c. Investment banking;
        d. Finance or budget management;
        e. Certified public accountant (CPA)
D. The terms of office of the resident members shall be staggered and over lapped in such a manner that the terms of no more than one-third of the members expire each year.
E. Resident members shall conform with all current Town Resolutions and Policies.
F. The Town Council shall fill any resident member vacancies occurring during the term of the Committee.
G. The members of the Committee shall serve without compensation, provided that with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the provisions of the current Administrative Policy.
H. The Committee shall establish a regular time and location for its meetings and shall conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950).
I. Minutes of the actions taken during the Committee's meetings shall be kept and shall be a public record.

ATTACHMENT 3

J. The function of the Committee shall be to serve in an advisory capacity to the Town Council regarding the following:
    1. Annual review of the Town's investment policy;
    2. Annual review of the independent financial audit (Comprehensive Annual Financial Report);
    3. Annual review of and potential recommendations to address the Town's CalPERS unfunded pension and Other Post-Employment Benefits (OPEB) liabilities;
    4. Annual review of proposals and make recommendations regarding new and increased revenue sources;
    5. Special projects as directed by the Town Council, Town Manager, or Finance Director.

K. It is not the purpose of the Committee to advise on regular or routine financial administration, nor to become involved in other than the financial impact of the projects/programs they are asked to review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council Finance Committee is hereby established as an advisory committee to the Los Gatos Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of March, 2017, by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Steve Leonardis, Rob Rennie, Barbara Spector, Mayor Marico Sayoc

NAYS: None.

ABSENT: None.

ABSTAIN: None.

SIGNED:

Marico Sayoc

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 3-10-17

ATTEST:

Shelley Neis

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

DATE: 3/10/17

DRAFT RESOLUTION

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, CALIFORNIA RESCINDING RESOLUTION 2018-056 AND ADOPTING A REVISED ENABLING RESOLUTION TO~~,~~ ESTABLISH~~ING~~ A SALES TAX OVERSIGHT COMMITTEE

WHEREAS, on June 19, 2018 the Los Gatos Town Council adopted Ordinance No. 2274 imposing a General Transaction and Use Tax ("Ordinance 2274") for a period of twenty years.

WHEREAS, the purpose of the Ordinance 2274 is to impose a local one-eighth cent (0.125%) sales tax on retail transactions ("Sales Tax") within the town limits of the Town of Los Gatos; and

WHEREAS, on November 6, 2018, the citizens of the Town approved imposition of the Sales Tax by approving ballot Measure G on the November 6, 2018 ballot; and

WHEREAS, Ordinance 2274 and Measure G state that funds raised from the Sales Tax shall be used to fund essential Town services such as maintaining neighborhood police patrols; improving traffic flow to reduce congestion; repairing potholes and fixing neighborhood streets; and maintaining the Town' s long -term financial stability; and

WHEREAS, the Ordinance 2274 and Measure G require Citizens Oversight, mandatory financial audits, and yearly reports to the community to ensure funds are spent as promised; and

WHEREAS, in accordance with the provisions of Section 2.60.140 of Ordinance 2274, the Town Council shall appoint a Committee to advise the Town Council on the expenditures funded by the Sales Tax revenues in order to ensure that said revenues are spent in accordance with the Town Council objectives stated in Ordinance 2274 and Measure G~~.~~; and

WHEREAS, on December 18, 2018, the Town Council adopted Resolution 2018-056 to establish the Sales Tax Oversight Committee; and

WHEREAS, the Town needs a viable Committee structure to ensure the Sales Tax Oversight Committee can meet and fulfill its obligations.

NOW, THEREFORE, BE IT RESOLVED, that the Los Gatos Town Council orders as follows:

Section 1. The Town Council hereby ~~establishes the Town of Los Gatos Sales Tax Oversight Committee pursuant to Ordinance 2274 and Measure G~~rescinds Resolution 2018-056.

Section 2. The Town Council hereby adopts a revised enabling Resolution to establish the Town of Los Gatos Sales Tax Oversight Committee pursuant to Ordinance 2274 and Measure G.

Section ~~2~~3. The Los Gatos Sales Tax Oversight Committee shall consist of a minimum of seven (7) members.

Section 4~~3~~. The members of the Los Gatos Sales Tax Oversight Committee shall be appointed by a majority vote of the Town Council.

Section 4~~5~~. Each member of the Los Gatos Sales Tax Oversight Committee shall, on the date of appointment and throughout the member's term on the Los Gatos Sales Tax Citizens Oversight Committee, be a resident of the Town of Los Gatos.

Section 6~~5~~. The term of each member of the Los Gatos Sales Tax Oversight Committee shall be four (4) years.

Section 7~~6~~. The terms of office of the resident members of the Los Gatos Sales Tax Oversight Committee shall be staggered and over lapped in such a manner that the terms of no more than one-third of the members expire each year.

Section 8~~7~~. The Town Council shall fill any resident member vacancies of the Los Gatos Sales Tax Oversight Committee occurring during the term of the Committee. In the event there are insufficient applicants for the Town Council to fill Committee vacancies the members of the Town's Finance Committee may fill those vacancies so a Sales Tax Oversight Committee meeting can be convened.

Section 9~~8~~. The members of the Los Gatos Sales Tax Oversight Committee shall serve without compensation, provided that with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the provisions of the current Administrative Policy.

Section 10~~9~~. The Los Gatos Sales Tax Oversight Committee shall meet semi-annually and all meetings shall be noticed and conducted in accordance with the applicable provisions of the Brown Act and Robert's Rules of Order and Town Policies established for Commissions and Committees.

Section 11~~0~~. Minutes of the actions taken during the Los Gatos Sales Tax Oversight Committee's meetings shall be kept and shall be a public record.

Section 12~~1~~. The function of the Los Gatos Sales Tax Oversight Committee shall be to serve in an advisory capacity to the Town Council. Prior to the Town's expenditure of any Sales Tax revenues, the Los Gatos Sales Tax Oversight Committee shall review the Town's proposed expenditures and advise the Town Council on whether such expenditures meet the Town Council's objectives stated in Ordinance 2274 and Measure G. It shall not be within the purview of the Sales Tax Oversight Committee to direct staff, recommend any particular contract or project but only to determine whether such expenditures meet the Town Council's objectives stated in Ordinance 2274 and Measure G. In addition, the final determination of whether such expenditures meet the Town Council's objectives and the approval of any such expenditure

shall be made by Town Council. The Los Gatos Sales Tax Oversight Committee shall issue an annual public report of the expenditures and appropriations of the Sales Tax revenues which were approved by the Town Council during the applicable fiscal year. The Los Gatos Sales Tax Oversight Committee shall undertake such other and additional duties as the City Council may direct.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 6th day of August, 2019 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

DRAFT RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RESCINDING RESOLUTION 2017-008 AND ADOPTING REVISED ENABLING RESOLUTION TO ESTABLISH~~ING~~ THE TOWN COUNCIL FINANCE COMMITTEE

WHEREAS, the Town Council of the Town of Los Gatos has determined that there is a need for adult resident input to Council and staff regarding financial policy issues, and to promote citizens participation and understanding regarding the financial condition of the Town; and

WHEREAS, the Town Council of the Town of Los Gatos does hereby establish the terms and conditions for citizen appointment to and conduct of the Town Council Finance Committee. The Committee is advisory to the Town Council and operates in the manner herein after prescribed; and

WHEREAS, on March 7, 2017, the Town Council adopted Resolution 2017-008 to establish the Council Finance Committee; and

WHEREAS, the Council Finance Committee contains the necessary expertise to support the Town's Sales Tax Oversight Committee; and

WHEREAS, the Town needs a viable Committee structure to ensure the Sales Tax Oversight Committee can meet and fulfill its obligations.

WHEREAS, the Council Finance Committee shall be formed, convened, and governed by the following bylaws as adopted by the Town Council:

A. The Town Council Finance Committee shall consist of five (5) members - two (2) Town Council Members as voting members, appointed annually by the Mayor, and three (3) adult residents as non-voting members, appointed by the Town Council, whose term of office shall be for three (3) years with no limitations on reappointments.
B. A quorum shall consist of the two voting Council Members. The resident members of the Finance Committee shall participate in all meetings.

C. Resident applicants shall follow the Town's standard recruitment and selection process and shall have the following qualifications to serve on the Council Finance Committee:

1. Resident of Los Gatos and a registered voter;
2. Five years of experience in at least one of the following:
   a. Financial experience in a corporate, business, or government setting;
   b. Principal or officer at a financial auditing firm;
   c. Investment banking;
   d. Finance or budget management;
   e. Certified public accountant (CPA)

D. The terms of office of the resident members shall be staggered and overlapped in such a manner that the terms of no more than one-third of the members expire each year.

E. Resident members shall conform with all current Town Resolutions and Policies.

F. The Town Council shall fill any resident member vacancies occurring during the term of the Committee.

G. The members of the Committee shall serve without compensation, provided that with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the provisions of the current Administrative Policy.

H. The Committee shall establish a regular time and location for its meetings and shall conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950).

I. Minutes of the actions taken during the Committee's meetings shall be kept and shall be a public record.

J. The function of the Committee shall be to serve in an advisory capacity to the Town Council regarding the following:

1. Annual review of the Town's investment policy;
2. Annual review of the independent financial audit (Comprehensive Annual Financial Report);
3. Annual review of and potential recommendations to address the Town's CalPERS unfunded pension and Other Post-Employment Benefits (OPEB) liabilities;
4. Annual review of proposals and make recommendations regarding new and increased revenue sources;
5. In the event the Town's Sales Tax Oversight Committee does not have the required seven (7) members, the Council Finance Committee will serve as members of the~~at~~ Sales Tax Oversight Committee.

~~5.~~6. Special projects as directed by the Town Council, Town Manager, or Finance Director.

K. It is not the purpose of the Committee to advise on regular or routine financial administration, nor to become involved in other than the financial impact of the projects/programs they are asked to review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council Finance Committee is hereby established as an advisory committee to the Los Gatos Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 6th day of August, 2019 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

DATE: August 5, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adoption of Revised Enabling Resolutions for the Sales Tax Oversight Committee and Finance Committee Respectively to Allow for Finance Committee Members to Serve as Sales Tax Oversight Committee Members when Vacancies exist, and Rescission of Resolutions 2018-056 and 2017-008

REMARKS:

Attachment 6 contains public comment received after the distribution of the staff report and before 11:00 a.m. August 5, 2019.

While the Measure G Sales Tax Ordinance 2274 was explicit that the Town Council has the sole discretion over "The number, qualifications and duties of Committee members…", staff is providing updated revisions to the enabling Resolutions (Attachments 7 and 8) to avoid additional confusion among the electorate and to facilitate the efficient convening of the Sales Tax Oversight Committee. Staff recommends that the Town Council consider adopting the Resolutions contained in Attachments 7 and 8.

Attachments:

1. Measure G Ordinance 2274
2. Sales Tax Oversight Committee Resolution 2018-056
3. Finance Committee Resolution 2017-008
4. Draft Revised Enabling Resolution for the Sales Tax Oversight Committee Redline
5. Draft Revised Enabling Resolution for the Finance Committee Redline

Attachments distributed with this Addendum:

6. Public comment received after the distribution of the staff report and before 11:00 a.m. August 5, 2019.

PREPARED BY: Arn Andrews
Assistant Town Manager

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

110 E. Main Street Los Gatos, CA 95030 ● 406-354-6832
www.losgatosca.gov

SUBJECT: Adoption of Revised Enabling Resolutions for the Sales Tax Oversight Committee and Finance Committee Resolutions Respectively to Allow for Finance Committee Members to Serve as Sales Tax Oversight Committee Members when Vacancies exist, and rescission of Resolutions 2018-056 and 2017-008
DATE: August 5, 2019

7. Updated Draft Revised Enabling Resolution for the Sales Tax Oversight Committee Redline
8. Updated Draft Revised Enabling Resolution for the Finance Committee Redline

From: Phil Koen <pkoen@monteropartners.com>
Sent: Friday, August 02, 2019 11:56 AM
To: Steven Leonardis <SLeonardis@losgatosca.gov>; Marcia Jensen <MJensen@losgatosca.gov>; Marico Sayoc <maricosayoc@gmail.com>; BSpector <BSpector@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>
Cc: Laurel Prevetti <LPrevetti@losgatosca.gov>; Robert Schultz <RSchultz@losgatosca.gov>; [redacted]
Subject: Agenda Item 7 - Council meeting August 6, 2019

Dear Honorable Mayor and Council Members,

I am extremely concerned about the changes being proposed by the Staff. I urge the Council to reject this poorly conceived and potentially illegal proposal and instruct the Staff to increase their recruiting efforts and to fully comply with the specific terms of Measure G and Resolution 2018 - 056.

Embedding two Council members on the Sales Tax Oversight Committee, by way of their membership on the Finance Committee, does not make this an **independent citizen** committee. Establishing an **independent citizen** Oversight Committee was a core requirement of Measure G. The Town Manager clearly states this in the Background section of her staff memo. Simply because the Town is finding it "challenging" to fill the independent citizen oversight committee is not a reason to gut the oversight mandate in Measure G. This is deeply troubling and goes against the oversight responsibility that was mandated by voters.

Secondly, Resolution 2018-056 which established the Sales Tax Oversight specifically states in Section 11 that "prior to the Town's expenditure of any Sales Tax revenues, the Los Gatos Sales Tax Oversight Committee shall review the Town's proposed expenditures and advise the Town Council on whether such expenditures meet the Town Council's objectives stated in Ordinance 2274 and Measure G". How can Council members on the Sales Tax Oversight Committee advise themselves as members of the Town Council? Clearly this poses a major conflict of interest for the two members on the Oversight Committee who are also Council Members.

Lastly, I want to draw the Council's attention to the specific requirement imposed by section 11 of Resolution 2018-056. The Town is absolutely precluded from expending any Sales Tax revenues until the Sales Tax Oversight Committee has reviewed and advised the Council as to whether such proposed expenditures meet the Town Council's objectives.

In summary, the Staff's proposal seems to be a blatant end run around an independent citizen lead oversight role that was approved by the voters. The sole reason given by the Staff to justify this end run is that filling the available positions is "challenging". Frankly this appears to be of their own making and is not a compelling reason to ignore the will of voters.

I urge this Council to reject this proposal, comply with the wishes of the voters, and instruct the Staff to aggressively recruit qualified candidates.

Thank you.
Phil Koen

DRAFT RESOLUTION

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, CALIFORNIA RESCINDING RESOLUTION 2018-056 AND ADOPTING A REVISED ENABLING RESOLUTION TO~~,~~ ESTABLISH~~ING~~ A SALES TAX OVERSIGHT COMMITTEE

WHEREAS, on June 19, 2018 the Los Gatos Town Council adopted Ordinance No. 2274 imposing a General Transaction and Use Tax ("Ordinance 2274") for a period of twenty years.

WHEREAS, the purpose of the Ordinance 2274 is to impose a local one-eighth cent (0.125%) sales tax on retail transactions ("Sales Tax") within the town limits of the Town of Los Gatos; and

WHEREAS, on November 6, 2018, the citizens of the Town approved imposition of the Sales Tax by approving ballot Measure G on the November 6, 2018 ballot; and

WHEREAS, Ordinance 2274 and Measure G state that funds raised from the Sales Tax shall be used to fund essential Town services such as maintaining neighborhood police patrols; improving traffic flow to reduce congestion; repairing potholes and fixing neighborhood streets; and maintaining the Town' s long -term financial stability; and

WHEREAS, the Ordinance 2274 and Measure G require Citizens Oversight, mandatory financial audits, and yearly reports to the community to ensure funds are spent as promised; and

WHEREAS, in accordance with the provisions of Section 2.60.140 of Ordinance 2274, the Town Council shall appoint a Committee to advise the Town Council on the expenditures funded by the Sales Tax revenues in order to ensure that said revenues are spent in accordance with the Town Council objectives stated in Ordinance 2274 and Measure G~~.~~; and

WHEREAS, on December 18, 2018, the Town Council adopted Resolution 2018-056 to establish the Sales Tax Oversight Committee; and

WHEREAS, the Town needs a viable Committee structure to ensure the Sales Tax Oversight Committee can meet and fulfill its obligations.

NOW, THEREFORE, BE IT RESOLVED, that the Los Gatos Town Council orders as follows:

Section 1. The Town Council hereby ~~establishes the Town of Los Gatos Sales Tax Oversight Committee pursuant to Ordinance 2274 and Measure G~~rescinds Resolution 2018-056.

Section 2. The Town Council hereby adopts a revised enabling Resolution to establish the Town of Los Gatos Sales Tax Oversight Committee pursuant to Ordinance 2274 and Measure G.

Section ~~2~~3. The Los Gatos Sales Tax Oversight Committee shall consist of a minimum of five ~~seven~~ (5~~7~~) members.

Section ~~4~~3. The members of the Los Gatos Sales Tax Oversight Committee shall be appointed by a majority vote of the Town Council.

Section ~~4~~5. Each member of the Los Gatos Sales Tax Oversight Committee shall, on the date of appointment and throughout the member's term on the Los Gatos Sales Tax Citizens Oversight Committee, be a resident of the Town of Los Gatos.

Section ~~6~~5. The term of each member of the Los Gatos Sales Tax Oversight Committee shall be four (4) years.

Section ~~7~~6. The terms of office of the resident members of the Los Gatos Sales Tax Oversight Committee shall be staggered and over lapped in such a manner that the terms of no more than one-third of the members expire each year.

Section ~~8~~7. The Town Council shall fill any resident member vacancies of the Los Gatos Sales Tax Oversight Committee occurring during the term of the Committee. In the event there are insufficient applicants for the Town Council to fill Committee vacancies, the resident members of the Town's Finance Committee may fill those vacancies so a Sales Tax Oversight Committee meeting can be convened.

Section ~~9~~8. The members of the Los Gatos Sales Tax Oversight Committee shall serve without compensation, provided that with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the provisions of the current Administrative Policy.

Section 10~~9~~. The Los Gatos Sales Tax Oversight Committee shall meet semi-annually and all meetings shall be noticed and conducted in accordance with the applicable provisions of the Brown Act and Robert's Rules of Order and Town Policies established for Commissions and Committees.

Section 11~~0~~. Minutes of the actions taken during the Los Gatos Sales Tax Oversight Committee's meetings shall be kept and shall be a public record.

Section 12~~1~~. The function of the Los Gatos Sales Tax Oversight Committee shall be to serve in an advisory capacity to the Town Council. Prior to the Town's expenditure of any Sales Tax revenues, the Los Gatos Sales Tax Oversight Committee shall review the Town's proposed expenditures and advise the Town Council on whether such expenditures meet the Town Council's objectives stated in Ordinance 2274 and Measure G. It shall not be within the purview of the Sales Tax Oversight Committee to direct staff, recommend any particular contract or project but only to determine whether such expenditures meet the Town Council's objectives stated in Ordinance 2274 and Measure G. In addition, the final determination of whether such expenditures meet the Town Council's objectives and the approval of any such expenditure

shall be made by Town Council. The Los Gatos Sales Tax Oversight Committee shall issue an annual public report of the expenditures and appropriations of the Sales Tax revenues which were approved by the Town Council during the applicable fiscal year. The Los Gatos Sales Tax Oversight Committee shall undertake such other and additional duties as the City Council may direct.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 6th day of August, 2019 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

DRAFT RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RESCINDING RESOLUTION 2017-008 AND ADOPTING REVISED ENABLING RESOLUTION TO ESTABLISH~~ING~~ THE TOWN COUNCIL FINANCE COMMITTEE

WHEREAS, the Town Council of the Town of Los Gatos has determined that there is a need for adult resident input to Council and staff regarding financial policy issues, and to promote citizens participation and understanding regarding the financial condition of the Town; and

WHEREAS, the Town Council of the Town of Los Gatos does hereby establish the terms and conditions for citizen appointment to and conduct of the Town Council Finance Committee. The Committee is advisory to the Town Council and operates in the manner herein after prescribed; and

WHEREAS, on March 7, 2017, the Town Council adopted Resolution 2017-008 to establish the Council Finance Committee; and

WHEREAS, the Council Finance Committee contains the necessary expertise to support the Town's Sales Tax Oversight Committee; and

WHEREAS, the Town needs a viable Committee structure to ensure the Sales Tax Oversight Committee can meet and fulfill its obligations.

WHEREAS, the Council Finance Committee shall be formed, convened, and governed by the following bylaws as adopted by the Town Council:

A. The Town Council Finance Committee shall consist of five (5) members - two (2) Town Council Members as voting members, appointed annually by the Mayor, and three (3) adult residents as non-voting members, appointed by the Town Council, whose term of office shall be for three (3) years with no limitations on reappointments.
B. A quorum shall consist of the two voting Council Members. The resident members of the Finance Committee shall participate in all meetings.

C. Resident applicants shall follow the Town's standard recruitment and selection process and shall have the following qualifications to serve on the Council Finance Committee:

1. Resident of Los Gatos and a registered voter;
2. Five years of experience in at least one of the following:
   a. Financial experience in a corporate, business, or government setting;
   b. Principal or officer at a financial auditing firm;
   c. Investment banking;
   d. Finance or budget management;
   e. Certified public accountant (CPA)

D. The terms of office of the resident members shall be staggered and overlapped in such a manner that the terms of no more than one-third of the members expire each year.

E. Resident members shall conform with all current Town Resolutions and Policies.

F. The Town Council shall fill any resident member vacancies occurring during the term of the Committee.

G. The members of the Committee shall serve without compensation, provided that with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the provisions of the current Administrative Policy.

H. The Committee shall establish a regular time and location for its meetings and shall conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950).

I. Minutes of the actions taken during the Committee's meetings shall be kept and shall be a public record.

J. The function of the Committee shall be to serve in an advisory capacity to the Town Council regarding the following:

1. Annual review of the Town's investment policy;
2. Annual review of the independent financial audit (Comprehensive Annual Financial Report);
3. Annual review of and potential recommendations to address the Town's CalPERS unfunded pension and Other Post-Employment Benefits (OPEB) liabilities;
4. Annual review of proposals and make recommendations regarding new and increased revenue sources;
5. In the event the Town's Sales Tax Oversight Committee does not have the required five~~seven~~ (5~~7~~) members, the Council Finance Committee resident members will serve as members of the~~at~~ Sales Tax Oversight Committee.

~~5.~~6. Special projects as directed by the Town Council, Town Manager, or Finance Director.

K. It is not the purpose of the Committee to advise on regular or routine financial administration, nor to become involved in other than the financial impact of the projects/programs they are asked to review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council Finance Committee is hereby established as an advisory committee to the Los Gatos Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 6th day of August, 2019 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

TOWN OF LOS GATOS

COUNCIL AGENDA REPORT

MEETING DATE: 8/6/2019

ITEM NO: 7

DESK ITEM

DATE: August 5, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adoption of Revised Enabling Resolutions for the Sales Tax Oversight Committee and Finance Committee Respectively to Allow for Finance Committee Members to Serve as Sales Tax Oversight Committee Members when Vacancies exist, and Rescission of Resolutions 2018-056 and 2017-008

REMARKS:

Attachment 9 contains public comment received from 11:01 a.m. August 5, 2019 and 11:00 a.m. August 6, 2019.

Attachments:

1. Measure G Ordinance 2274
2. Sales Tax Oversight Committee Resolution 2018-056
3. Finance Committee Resolution 2017-008
4. Draft Revised Enabling Resolution for the Sales Tax Oversight Committee Redline
5. Draft Revised Enabling Resolution for the Finance Committee Redline

Attachments distributed with this Addendum:

6. Public comment received after the distribution of the staff report and before 11:00 a.m. August 5, 2019.
7. Updated Draft Revised Enabling Resolution for the Sales Tax Oversight Committee Redline
8. Updated Draft Revised Enabling Resolution for the Finance Committee Redline

Attachments distributed with this Desk Item:

9. Public comment received from 11:01 a.m. August 5, 2019 and 11:00 a.m. August 6, 2019.

PREPARED BY: Arn Andrews
Assistant Town Manager

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

110 E. Main Street Los Gatos, CA 95030 ● 406-354-6832
www.losgatosca.gov

From: Phil Koen <pkoen@monteropartners.com>
Sent: Monday, August 05, 2019 8:18 PM
To: Steven Leonardis <SLeonardis@losgatosca.gov>; Marcia Jensen <MJensen@losgatosca.gov>; Marico Sayoc <maricosayoc@gmail.com>; BSpector <BSpector@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>
Cc: Laurel Prevetti <LPrevetti@losgatosca.gov>;

[redacted]

Subject: Item #7 - Council meeting of August 6, 2019

Dear Honorable Mayor and Council Members,

I am encouraged to see the Staff has revised their earlier recommendation and is now recommending reducing the size of the Oversight Committee to 5 and allowing **only** resident members of the Finance Committee to fill any vacancies on the Sales Tax Oversight Committee. While this is clearly inferior to the proper solution, which was to appoint 7 independent residents to the Oversight Committee, it is probably the most practical one given how late in the game we are.

Having said this, the Council must make it clear to the Staff the importance of fulfilling what was clearly promised by Measure G. The Ordinance stated "the proposed measure requires independent Citizen Oversight". Suggesting that it is appropriate to appoint members of this Council to that Oversight Committee is chilling and raises basic questions about Staff's judgment.

Using their logic, which they continue to put forth in the August 5th memo to the Council, the Staff apparently mistakenly believes that the 3 members of the Town Council who are not members of the Finance Committee could still be appointed to the Oversight Committee. That is the only conclusion you can arrive at since the most recent Staff memo again states that the Town Council has the sole discretion over the "number, qualifications and duties of Committee members". Let us be very clear, this is not what was required by Measure G when the words "independent citizen oversight" were used.

Since the Staff is clearly mistaken in their understanding of Oversight Committee membership, I strongly suggest that the proposed resolution be further amended to make it clear that an active member of the Town Council may never also be a member of the Sales Tax Oversight Committee. Making this revision will make it clear that the voters intended Measure G to have independent citizen oversight and not a committee that is comprised of Town Council members.

I respectively request that the Council instruct Staff to make this additional revision.

Thank you,

Phil Koen

ATTACHMENT 9

DATE: July 25, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to Purchase a Replacement Computer Aided Dispatch and Records Management System from Sun Ridge Systems, Inc. in the amount of $525,000

RECOMMENDATION:

Authorize the Town Manager to purchase a replacement Computer Aided Dispatch and Records Management System from Sun Ridge Systems, Inc. in the amount of $525,000.

BACKGROUND:

Computer Aided Dispatch (CAD) and Records Management Systems (RMS) are considered critical infrastructure to any law enforcement agency. These products serve as the core systems by which staff documents calls for service and self-initiated activity; write police reports; process and prepare police reports for prosecution; maintain warrants; manage investigations; track chain of custody for evidence; and manage resources during emergency and non-emergency responses. In addition, data warehoused within CAD and RMS can be assessed, evaluated, and analyzed to make data-driven operational, tactical, strategic, and financial decisions to better serve the community.

In 2011, existing CAD/RMS vendor Tiburon informed the Department that the existing platform would reach end-of-life in 2014 and suggested that the Department consider upgrading to a newer platform. The Town of Los Gatos and the City of Sunnyvale were offered the opportunity to combine operating systems to help mitigate the cost of the new system. A cost-sharing agreement was entered by both agencies for the purchase of the new shared platform.

In May 2013, the cost-sharing agreement was amended and executed to reflect that both agencies would transition to Tiburon's new product, "IQR." Due to low performance by IQR,

PREPARED BY: Sarah Tada
Police Records and Communications Manager

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

both agencies reverted to their pre-existing end-of-life, independent products while further solutions were sought.

In June 2015, a change proposal was authorized by the City of Sunnyvale and the Town of Los Gatos to migrate both agencies to a different solution called "Total Command" which was offered by Tritech as Tiburon, to replace the underperforming 2013 product. The migration to Total Command was completed in October of 2016. While an improvement from the existing system, the version installed in October of 2016 was already considered outdated at the time of implementation.

Legislative changes also require that the Department transition the method by which statistical data are reported to state and federal agencies from Uniform Crime Reporting (UCR) to National Incident Based Reporting System (NIBRS). This transition needs to be completed by 2021. The Department will also need to comply with the Racial and Identity Profiling Act which requires submittal of data collected starting in calendar year 2022.

The Los Gatos Monte Sereno Police Department's review of the existing system identified significant functional limitations of Tiburon's CAD/RMS, inefficient report generation, and the inability to adhere to state and federal guidelines. In addition, the City of Sunnyvale has informed the Department that they are in the beginning stages of researching replacement products.

DISCUSSION:

The Los Gatos Monte Sereno Police Department identified an integrated CAD/RMS product to reduce duplicative work, enhance collaboration, increase efficiency and productivity, and afford the Department the ability to better deploy resources. A multi-disciplinary committee was formed, and the Town published a Request for Proposal (RFP) with a list of functional requirements.

The RFP was posted on the Town website and sent to Sun Ridge Systems Inc., Mark43, EIS, CentralSquare, and Motorola Solutions. Two organizations responded to the RFP with formal proposals in accordance with the requirements set forth. After an evaluation of both proposals, Sun Ridge Systems Inc. was invited to demonstrate their CAD/RMS system, "RIMS", to the committee.

After careful analysis and incorporating feedback from line personnel, the committee selected Sun Ridge System's RIMS product as the preferred solution that will afford the Department the ability to comply with existing and upcoming mandates, capture ongoing statistical data, accurately measure performance, provide first responders with relevant information,

expedite report writing, and enhance internal cross-training while remaining on the cutting edge of CAD/RMS technology.

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to enter into an agreement for the purchase of RIMS from Sun Ridge Systems Inc. in an amount not to exceed $525,000 (Attachment 1).

ALTERNATIVES:

Alternatively, the Town Council could direct staff to delay replacement equipment. The Los Gatos Monte Sereno Police Department does not recommend this alternative because the current CAD/RMS has reached the end of useful life and manages a multitude of critical functions of the Department.

FISCAL IMPACT:

Funding for this project has been designated in the 2019/2020 Capital Improvement Program Budget. The purchase of RIMS and initial equipment would be a one-time purchase. Ongoing annual maintenance, estimated to be $45,000, is contained in adopted 2019/2020 Police Department Operating Budget. RIMS offers the option of a lease-purchase plan at 5% interest over either 3 or 5 years with annual payments due in advance of the lease year.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. RIMS Price Quote Sheet

Sun Ridge Systems, Inc.

The following is a REVISED quotation for pricing based on the requirements of the Request for Proposals and the addition of iRIMS/Law as requested by Sarah Tada. As requested, we have also included a lease-purchase option, the details of which can be found on the next page.

Item	Price
RIMS Computer-Aided Dispatch and Records Management Software	$134,000
RIMS Mobile Computer Software	$36,000
RIMS E911 Link Software	$8,300
RIMS State Link Software (CLETS)	$8,300
RIMS In Station Mapping Software	$21,000
RIMS Mobile Mapping Software	$8,300
RIMS Property Room Bar Coding Software	$12,400
Citizen RIMS Public Access Software	$6,900
iRIMS Law Mobile App Software	**$12,400**
RIMS Officer Training Management Software	$4,100
RIMS Text Paging Link Software	$3,600
RIMS AutoCite Link Software	$1,850
RIMS CopLogic Link Software	$2,400
RIMS CopLink Link Software	$5,000
AXON Link Software	$3,000
NIBRS Reporting Software	$15,000
Crossroads Collision Export	$5,700
LaserFiche Link Software	$2,100
Mapping Data Engineering Services	$2,500
Worth Data Bar Coding Equipment	$1,700
Data Conversion Services	$45,000
Installation and Training	**$103,636**
First Year Support and Updates	**$44,122**
California Sales Tax	$153
TOTAL	**$487,061**

Lease-Purchase Plan Options

We offer the following lease-purchase plans at 5% interest:

Lease Term	Lease Payment	Support Payment	Total Annual Payment
3 years	$154,975	$44,122	$199,097
5 years	$97,412	$44,122	$141,534

Terms of Lease

Annual Payments are due at the beginning of each year financed. The first payment is due upon the completion of installation and training. After the second year the lease can be canceled and the products returned by Lessee at any time with 60 days notice. At the end of the lease Lessee will own a perpetual license for the software and only have to make an annual support payment.

DATE: July 26, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to execute a five-year agreement with Lynx Technologies for a total contract amount not to exceed $400,000

RECOMMENDATION:

Authorize the Town Manager to execute a five-year agreement with Lynx Technologies for a total contract amount not to exceed $400,000.

BACKGROUND:

Lynx Technologies has been working with the Town on mapping projects since 2003. In 2005, Lynx developed online Geographical Information Systems (GIS) map content for the Town. For over 10 years, the Town has executed annual agreements engaging Lynx to host, maintain, and provide consulting services for the Los Gatos GIS map.

The most recent Agreement for Consultant Services with Lynx Technologies for GIS services, dated July 1, 2018 and included as Attachment 1 to this report, remained in effect until June 30, 2019 for an initial total amount not to exceed $46,000.

The First Amendment to the Agreement, dated May 6, 2019, increased the total compensation amount by $3,000 (Attachment 2 to this report) to ensure not to exceed the authority of the Town Manager.

The Second Amendment to the Agreement, dated June 19, 2019 (Attachment 3 to this report) increased the total compensation amount by $5,000 and extended the term of the contract by two months until August 31, 2019. This was done during the Council's summer recess and approval of the Manager's actions during the recess is a separate agenda item. The second extension provided staff the time to work with Lynx on an acceptable multi-year contract for recommended Town Council approval, while also allowing for uninterrupted use of Town GIS services.

PREPARED BY: Chris Gjerde, IT Manager and Holly Zappala, Management Analyst

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

DISCUSSION:

Lynx currently hosts all of the Town's online GIS websites, which are utilized by Town staff, the Police Department, and the public. The Town has multiple systems, spanning through different Departments, that interact with the GIS data. These include the Town's official Address List, the Community Development Department's permitting software (Accela), the Police Department's Computer-Aided Dispatch, and on-premises ArcGIS databases among others. The owner of Lynx is well-versed in the relationships these systems have with the GIS and how to maintain each of them. GIS has become a very useful daily tool for the public as well as staff in the Planning, Building, Engineering, and Police Departments.

Lynx has assisted the Town with a number of special projects over the years. Most recently, these include Wildland Urban Interface (WUI) map design, Community Emergency Response Team (CERT) map design, North 40 map updates, the local update of census addresses operation for the Census Bureau, spatial adjustments for streetlights, medians, and geographical hazards for the Engineering Division, wall maps, parcel ownership and mailing address updates, annexation updates, and special map requests.

Per the Town's Purchasing Policy's professional services selection guidelines, the Community Development and Information Technology Departments continue to select Lynx as the most qualified provider of GIS consulting services based on their demonstrated competence and qualifications. If the Town were to begin a new GIS consulting contract with a different consultant, it would be incredibly disruptive and the Town would lose Lynx's vast institutional knowledge of its various computer systems.

The Town has engaged in annual contracts with Lynx for GIS services for over 10 years at a total cost of $374,250. In an effort to streamline the Town's contract process with Lynx and secure the benefit of multi-year pricing and Lynx's expertise, staff recommends entering into a five-year contract with Lynx Technologies as opposed to entering into another annual contract.

Since Lynx provides professional services, comparing their hourly rate with other GIS consultants is not the primary concern; however, the Lynx hourly rates, provided as Exhibit B to Attachment 4 (Draft Agreement for Consultant Services) of this report, are far below the rates of other GIS consultants. The Town Attorney has reviewed and approved Lynx as a sole source provider as found in Attachment 5.

CONCLUSION:

Authorize the Town Manager to execute a five-year agreement with Lynx Technologies for a total contract amount not to exceed $400,000.

COORDINATION:

The Finance Department, Information Technology, and Town Manager's Office coordinated this report.

FISCAL IMPACT:

There are sufficient funds available in the Information Technology budget.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:
1. Agreement for Consultant Services
2. First Amendment to Agreement for Consultant Services
3. Second Amendment to Agreement for Consultant Services
4. Draft Five-Year Agreement for Consultant Services
5. Sole Source Memorandum Approved by Town Attorney

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on July 1, 2018 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Lynx Technologies ("Consultant"), whose address is 1350 41st Street, Suite 202, Capitola, CA 95010. This contract will remain in effect from July 1, 2018 to June 30, 2019. This Agreement is made with reference to the following facts.

I. RECITALS

1.1 The Town desire to engage Consultant to provide Geographical Information Systems (GIS) Consulting.

1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.

1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

2.1 Scope of Services. Consultant shall provide services as described in that Consultant shall provide Geographical Infofmation Systems (GIS) consulting assistance including any mapping assistance with online browser-based maps and desktop based maps, geo file maintenance, address database updates and maintenance, address change processes. address noticing processes, and integration of GIS information with other Town applications. (Including Community Development services as described in Exhibit A)

2.2 Term and Time of Performance. Consultant shall perform the services described when the Town submits a signed purchase order for services.

2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits

prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of these documents or information available to any individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

2.6 Compensation. Compensation for Consultant's professional services **shall not exceed $46,000.00**, inclusive of all costs. Payment shall be based upon Town approval of each task.

2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655

2.8 Availability of Records. Consultant shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.

2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in

such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars ($1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.

iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than $1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.

ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.

iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

3.3 Workers' Compensation. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of

performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

IV. GENERAL TERMS

4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.

4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.

4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.

4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

Town of Los Gatos
Attn: Town Clerk
110 E. Main Street
Los Gatos, CA 95030

Lynx Technologies
Attn: Patrick Kelleher, Principal
1350 41st St. Suite 202
Capitola, CA 95010

or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement.

Town of Los Gatos by:

Laurel Prevetti
Town Manager

Consultant, by:

Patrick Kelleher

Recommended by:

Chris Gjerde,
Information Technology Manager

Principal

Approved as to Form:

Deputy Town Attorney

Robert Schultz
Town Attorney

May 7, 2018

Ms. Sylvie Roussel
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95031

RE: GIS Website Maintenance for the Town of Los Gatos

Dear Sylvie,

Lynx Technologies will provide GIS Web Maintenance services for the Town of Los Gatos. We propose to host and maintain the dynamic map content developed in 2005 at Lynx Technologies' facility.

Maintenance of the website will begin July 1, 2018 and extend for 12 months. Service requests will be directed to our Office Manager, and should be addressed within the same business day, generally within 2 hours. The maintenance budget will be a set fee of $500 per month to include all labor, materials, overhead of website hosting through the end of FY18/19.

Maintenance is to cover all labor, and overhead costs including the following:

- IT Infrastructure
- Data hosting
- IT Maintenance Service Fees: Hardware and Software
- High-speed Internet connection fees
- Monthly Web Updates of Data Layers

In addition minor development enhancements such as additional reports, changing existing reports, reconfiguring the existing layer schema, or adding new layers is included in the maintenance fee.

Thank-you for this opportunity to continue to work with you.

Sincerely,

Patrick Kelleher

Digitally signed by Patrick Kelleher
DN: cn=Patrick Kelleher, o=Lynx Technologies, ou, email=patrickk@lynxgis.com, c=US
Date: 2018.05.06 03:36:36 -07'00'

Patrick Kelleher
Lynx Technologies

EXHIBIT A

MEMORANDUM

DATE: June 27, 2018

TO: Rob Schultz, Town Attorney

FROM: Chris Gjerde, IT Manager

SUBJECT: Sole Source for Approval by Town Attorney
LynxGIS Professional Services

BACKROUND:

This sole source memo is to request approval of an agreement with LynxGIS for professional services. Starting a new GIS consulting contract with a new consultant would be very disruptive to the Town's progress with GIS. Lynx hosts all the online GIS websites (staff, public, PD). Lynx has taken point on our LUCA Census work this year as well. The owner of Lynx is very familiar with the relationships between, and maintenance of, our many departments and systems that interact with the GIS data including our official Address list, Accela, Police CAD, on-premises ArcGIS databases, and others. Since LynxGIS provides professional services, comparing their hourly rate with other GIS consultants is not our primary concern, however the Lynx hourly rate of $75/hr is far below other GIS consultants we have contacted in the past.

Approved as to Form:

Lynne Langmuir for Deputy Town Attorney 6/28/18

Rob Schultz, Town Attorney — Date

Shelley Neis 6/28/18

Shelley Neis, Clerk Administrator — Date

AGR 19.067

IHH

FIRST AMENDMENT TO AGREEMENT

This AMENDMENT TO AGREEMENT is dated for identification this sixth day of May, 2019 and amends that certain agreement for Consultant Services dated July 1, 2018, made by and between the Town of Los Gatos, ("Town,") and the Lynx Technologies ("Consultant.")

RECITALS

A. Town and Consultant entered into a Consultant Services Agreement on July 1, 2018, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.

AMENDMENT

1. Compensation is hereby amended to provide that the agreement shall not exceed $49,000, inclusive of all costs.
2. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos

By: _____
Laurel Prevetti
Town Manager

Approved as to Consent:

By: _____
Patrick Kelleher
Principal

Department Approval:

_____
Chris Gjerde
IT Manager

Approved as to Form:

_____
Robert Schultz
Town Attorney

Attest:

_____ 6/3/19
Shelley Neis, CMC
Clerk Administrator

AGR 19.111
IHH 19.171

SECOND AMENDMENT TO AGREEMENT

This AMENDMENT TO AGREEMENT is dated for identification this 19th day of June, 2019 and amends that certain agreement for Consultant Services dated July 1, 2018, made by and between the Town of Los Gatos, ("Town") and Lynx Technologies ("Consultant").

RECITALS

A. Town and Consultant entered into an Agreement for Consultant Services on July 1, 2018 (Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.
B. Town and Consultant entered into a First Amendment to the Agreement for Consultant Services on May 6, 2019 ("First Amendment"), a copy of which is attached hereto and incorporated by reference as Attachment 2 to this Amendment.

SECOND AMENDMENT

1. This contract is amended to remain in effect from July 1, 2018 to August 31, 2019.
2. Compensation is hereby amended to provide that the agreement shall not exceed $54,000, inclusive of all costs.
3. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos

Laurel Prevetti
Town Manager

Approved as to Consent:

DocuSigned by:
Patrick Kelleher 6/20/2019
3F62119E7D8A4BB...
Patrick Kelleher
Principal

Department Approval:

Chris Gjerde
IT Manager

Approved as to Form:

Robert Schultz
Town Attorney

Attest:

Shelley Neis 7/10/19
Shelley Neis, CMC
Clerk ~~Administrator~~

DRAFT AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on September 1, 2019 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Lynx Technologies, ("Consultant"), whose address is 1350 41st Street, Suite 202, Capitola, CA 95010. This contract will remain in effect from September 1, 2019 to June 30, 2024. This Agreement is made with reference to the following facts.

I. RECITALS

1.1 The Town desires to engage Consultant to provide Geographical Information Systems (GIS) consulting.

1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.

1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

2.1 Scope of Services. Consultant shall provide services as described in that Consultant shall provide Geographical Information Systems (GIS) consulting assistance including any mapping assistance with online browser based maps and desktop-based maps, geo file maintenance, address database updates and maintenance, address change processes, address noticing processes, and integration of GIS information with other Town applications (including Community Development services as described in Exhibit A).

2.2 Time of Performance: Consultant shall perform the services described when the Town submits a signed purchase order for services.

2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits

prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of the these documents or information available to any individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

2.6 Compensation. Compensation for Consultant's professional services shall not exceed a total contract amount of $400,000.00, inclusive of all costs. Refer to the Lynx Technologies Fee Schedule, attached as Exhibit B, for labor and printing rates. Payment shall be based upon Town approval of each task.

2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655

2.8 Availability of Records. Consultant shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.

2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Consultant agrees to testify in any litigation brought

regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars ($1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all

certificates and endorsements are to be received and approved by the Town before work commences.

iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than $1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.

ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.

iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

3.3 Workers' Compensation. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities,

penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

IV. GENERAL TERMS

4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.

4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.

4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.

4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

Town of Los Gatos	Lynx Technologies
Attn: Town Clerk	Attn: Patrick Kelleher, Principal
110 E. Main Street	1350 41st St. Suite 202
Los Gatos, CA 95030	Capitola, CA 95010

or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement.

Town of Los Gatos by:

_____
Laurel Prevetti
Town Manager

Consultant, by:

_____
Patrick Kelleher
Principal

Recommended by:

_____
Chris Gjerde
Information Technology Manager

Approved as to Form:

_____
Robert Schultz
Town Attorney

June 26, 2019

Ms. Sylvie Roussel
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95031

RE: GIS Website Maintenance for the Town of Los Gatos

Dear Sylvie,

Lynx Technologies will provide GIS Web Maintenance services for the Town of Los Gatos. We propose to host and maintain the dynamic map content developed in 2005 at Lynx Technologies' facility.

Maintenance of the website will begin July 1, 2019 and extend for 60 months. Service requests will be directed to our Office Manager, and should be addressed within the same business day, generally within 2 hours. The maintenance budget will be a set fee of $500 per month to include all labor, materials, overhead of website hosting through the end of FY23/24.

Maintenance is to cover all labor, and overhead costs including the following:

- IT Infrastructure
- Data hosting
- IT Maintenance Service Fees: Hardware and Software
- High-speed Internet connection fees
- Monthly Web Updates of Data Layers

In addition minor development enhancements such as additional reports, changing existing reports, reconfiguring the existing layer schema, or adding new layers is included in the maintenance fee.

Thank-you for this opportunity to continue to work with you.

Sincerely,

Patrick Kelleher

Patrick Kelleher
Lynx Technologies

Exhibit A

Lynx Technologies Fee Schedule

Labor Rates:

Year	Rate
2019/2020	$65
2020/2021	$70
2021/2022	$70
2022/2023	$75
2023/2024	$75

Printing Rates:

Wall Map Print

- $7/sq. ft. (Poster Paper=72" max & no Laminate)
- $9/sq. ft. (Poster Paper & Laminate=58" max)
- Vinyl (102 inch max) or frame, quote from Artech (Avg. $13-$14/sq. ft.)

Page print

- Tough paper 11" x 17": $4.00(Double), $3.50(Single)
- Heavy paper 11" x 17": $3.00(Double), $2.50(Single) ref. Dynamic estimate
- Bond Paper 11" x 17": $2.00(Double), $1.50(Single) See Estimate 1846_MHill for printed & pocketed by Artech
- Tough paper 8-1/2" x 11": $3.50(Double), $3.00(Single)
- Heavy paper 8-1/2" x 11": $2.00(Double), $1.50(Single) ref. Dynamic estimate
- Bond Paper 8-1/2" x 11": $1.00(Double), $0.50(Single)

Shipping cost

- Based on container size, typically $15 to $35/shipping

Exhibit B

MEMORANDUM

DATE: July 23, 2019

TO: Rob Schultz, Town Attorney

FROM: Chris Gjerde, IT Manager

SUBJECT: Sole Source for Approval by Town Attorney
Lynx Technologies GIS Professional Services

BACKROUND:

This sole source memo is to request approval of an agreement with Lynx Technologies GIS for professional services. Starting a new GIS consulting contract with a new consultant would be very disruptive to the Town's progress with GIS. Lynx hosts all the online GIS websites (staff, public, PD). Lynx has taken point on our LUCA Census work as well. The owner of Lynx is very familiar with the relationships between, and maintenance of, our many departments and systems that interact with the GIS data including our official Address list, Accela, Police CAD, on-premises ArcGIS databases, and others. Since Lynx GIS provides professional services, comparing their hourly rate with other GIS consultants is not our primary concern, however their hourly rates are far below other GIS consultants we have contacted in the past.

Approved as to Form:

Rob Schultz, Town Attorney — Date 7/30/19

Shelley Neis, CMC, Town Clerk — Date 7/30/19

DATE: August 1, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to Execute a Sixth Amendment to the Professional Services Agreement with Innovative Claims Solutions, Inc. to Extend the Contract for Four Months to Perform Workers' Compensation Claims Administration

RECOMMENDATION:

Authorize the Town Manager to execute a sixth amendment (Attachment 7) to the professional services agreement with Innovative Claims Solutions, Inc. to extend the contract for four months to perform workers' compensation administration.

BACKGROUND:

The Town uses Innovative Claims Solutions, Inc. (ICS), a third-party administrator, for its self-funded workers' compensation program. ICS was selected through a competitive bid process conducted in 2010. The original agreement with ICS was established through June 30, 2012. Subsequent amendments (Attachments 2-6) extending the agreement were approved through June 30, 2019.

DISCUSSION:

Due to the length of time since a formal request for proposals (RFP) has been solicited for workers' compensation claims administration services, a new request has been sent to vendors with a submittal deadline of August 19, 2019. Staff anticipates completing the selection process by September 30, 2019 and bringing a new agreement for Council consideration on October 15, 2019 with a proposed effective date of November 1, 2019. ICS is amenable to extending the agreement (Attachment 7) for four additional months, at the current monthly rate of $4,067, to allow sufficient time for the RFP process to be completed.

PREPARED BY: Lisa Velasco
Human Resources Director

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

SUBJECT: Authorize the Town Manager to execute a sixth amendment to the professional services agreement with Innovative Claims Solutions, Inc. to extend the contract for four months to perform workers' compensation administration
DATE: August 1, 2019

CONCLUSION:

Staff recommends that ICS continue to serve as the Town's third-party administrator for an additional four months through October 31, 2019, at the current rate. This extension will enable staff to complete the competitive bid process.

FISCAL IMPACT:

ICS has agreed to extend the agreement through October 31, 2019 at the current monthly rate of $4,067 per month. Funding to support this agreement was included in the FY 2019/20 Adopted Operating Budget.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:
1. Original Agreement
2. First Amendment to Agreement
3. Second Amendment to Agreement
4. Third Amendment to Agreement
5. Fourth Amendment to Agreement
6. Fifth Amendment to Agreement
7. Proposed Sixth Amendment to Agreement

CLERK DEPARTMENT
AGR 10.127
IHH
ORD
REC
RESO

AGREEMENT FOR WORKERS' COMPENSATION CLAIMS ADMINISTRATION CONSULTANT SERVICES

THIS AGREEMENT is entered into this 30th day of June, 2010, by and between the Town of Los Gatos, State of California, herein called the "Town", and Innovative Claim Solutions, Inc., engaged in providing workers' compensation administration consulting services herein called the "Consultant".

RECITALS

A. The Town endeavors to ensure the proper administration of its self-insured workers' compensation program.

B. The Town desires to engage a workers' compensation administration consultant to provide high-quality claims administration services for the Town's workers' compensation program, because of Consultant's experience and qualifications to perform the desired work.

C. The Consultant represents and affirms that it is qualified and willing to perform the desired work pursuant to this Agreement.

AGREEMENTS

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. **Scope of Services.** The Consultant shall provide the services as set forth in the "Scope of Services", referred to as Exhibit A and incorporated herein by reference.

2. **Incorporated Terms.** The Consultant shall provide services in accordance with the terms as set forth in the "Incorporated Terms", referred to as Exhibit B and incorporated herein by reference.

   Any violation of the terms and conditions of this contract shall be identified in writing by the Town. After a thirty day resolution period, commencing on the date of mailing of written notice, continued violations by Consultant shall result in a 10% monthly reduction in fees until the condition is resolved to the satisfaction of the Town. Such right shall not limit the Town's right to terminate this contract if the Town determines that it is in the best interest to do so, in the Town's sole discretion and with or without cause.

3. **Time of Performance.** The services of the Consultant shall commence **July 1, 2010**, for a three year contract period, ending **June 30, 2013.** The services of the Consultant are to commence upon the execution of this Agreement and issuance of a Town purchase order. The purchase order shall issue upon receipt by the Town of evidence of insurance and a Town business license as required by this Agreement.

4. **Compliance with Laws.** The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant represents and warrants to Town that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

5. **Sole Responsibility.** Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

6. **Information/Report Handling.** All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be made available for retrieval by the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of the these documents or information available to any individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

7. **Compensation.** Compensation for Consultant's professional services shall not exceed the amounts set forth in the "Compensation Schedule", referred to as Exhibit C and incorporated herein by reference. Payment shall be **net thirty (30) days.**

   Billing shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

   All invoices and statements to the Town shall reference the Town's purchase order number and be addressed as follows:

Invoices:	Statements:
Town of Los Gatos	Town of Los Gatos
Attn: Accounts Payable	Attn: Finance Department
P.O. Box 655	P.O. Box 655
Los Gatos, CA 95030	Los Gatos, CA 95030

8. **Availability of Records.** Consultant shall maintain the records supporting this billing for not less than three (3) years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.

9. **Project Manager.** The Project Manager for the Consultant for the work under this Agreement shall be:

Gary Archibald, CIO, President
11030 White Rock Road, Suite 210
Rancho Cordova, CA 95670
Phone: (916) 852-8588 Fax: (916)852-8505

Unless otherwise specified, consultant contact with Town shall be limited to the Human Resources Director, Human Resources Specialist, Town Attorney, Assistant Town Manager or their designee.

10. **Assignability and Subcontracting.** The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

11. **Notices.** Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

To Town: Rumi Portillo
Director of Human Resources
110 E. Main Street
P. O. Box 949
Los Gatos, CA 95031

To Consultant: Gary Archibald, CIO, President
11030 White Rock Road, Suite 210
Rancho Cordova, CA 95670

or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

12. **Independent Contractor.** It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement.

Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

13. **Conflict of Interest.** Consultant understands that its professional responsibility is solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

14. **Equal Employment Opportunity.** Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

16. **Indemnification.** Each party shall defend, indemnify and hold harmless the other party, and its directors, officers, employees, consultants, affiliates and agents from and against any and all claims, demands, suits, causes of action, awards, penalties, judgments and liabilities, including, without limitation, attorneys' fees and costs arising from any actual or alleged negligent, intentional or wrongful acts or omissions committed by the party or its employees, consultants, agents or other individuals working for the party arising out of or related to performance under this Agreement, save and except claims, demands, suits, causes of action, awards, penalties, judgments and liabilities arising through the negligence or intentional wrongful misconduct or omission of the other party, whereupon the relative liabilities shall be attributed and assessed by legal process. Notwithstanding, Consultant shall have no liability or obligation to the Town in the event the act or omission giving rise to a claim was directed in writing by the Town contrary to the written recommendation of Consultant. The duty to indemnify and hold harmless shall survive the termination of this Agreement and shall include the duty to pay all reasonable costs, attorneys' fees, expenses and liabilities incurred in the investigation or defense of any claim or suit.

Town shall not be liable to Consultant for personal injury of employees or property damage

sustained by Consultant in the performance of the services specified in this Agreement.

Penalties and Fines Under Workers' Compensation (WC) Laws:
Consultant and the Town acknowledge that there are various penalties and administrative fines that are contained in the State of California Workers' Compensation laws that may be imposed on both employers and claim administrators.

Notwithstanding the indemnification provisions set forth above, the parties expressly agree that:

(i) Consultant shall be responsible for any fines or penalties associated with questionable or controverted claims which Consultant denies without first consulting and obtaining approval by Town for denial of the claim(s). Consultant will not be responsible for any fines or penalties levied by the Division of Workers' Compensation or any other judicial or quasi-judicial organization for improper denial of a claim(s), if over the objections of Consultant, Consultant denied said claim(s) at the direction of the Town.

(ii) The Town shall be responsible for all penalties where Consultant has not been given sufficient notice such that Consultant has had at least five (5) working days in which to investigate the claim and to pay temporary disability or send the required wage continuation notice before the penalties were assessed. Consultant shall be responsible for all penalties in which it has had five (5) or more working days in which to investigate and pay temporary disability or send a wage continuation notice. For the purpose of this section "working day" means all days except Saturdays, Sundays and Town observed holidays.

(iii) Any penalties and fines arising under WC Laws caused by failure of Consultant to perform its obligations under this Agreement shall be paid by Consultant.

(iv) Any penalties and fines arising under the WC Laws caused by failure of the Town to perform its obligations under this Agreement shall be paid by the Town.

Notice of Penalties:
Consultant agrees to use its best efforts to promptly notify the Town of situations that they discover which may result in penalties.

Survival:
The provisions of this Section 16 regarding penalties shall survive any termination of this Agreement for a period of three (3) years.

17. **Waiver.** No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

18. **Governing Law.** This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this

Agreement shall be in the Superior or Municipal Court of the County of Santa Clara.

19. **Termination of Agreement.** The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than sixty (60) days written notice of termination. In the event of termination, the Consultant shall make available for retrieval by the Town all files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement pursuant to EXHIBIT A attached hereto, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

In addition, in the event the Town purchases Workers' Compensation Insurance, or its Certificate of Consent to Self-Insure is rescinded or revoked, this Agreement shall automatically terminate upon the effective date of such event.

Certain Rights After Termination: Upon termination of this Agreement, a final accounting shall be made of all fees and other amounts payable to Innovative Claim Solutions, Inc. pursuant to this Agreement and of any funds belonging to the Town in the possession of Innovative Claim Solutions, Inc., any balance due and owing Innovative Claim Solutions, Inc. or the Town, as the case may be, will be promptly paid based on such accounting. In addition, all original claim files, records and reports in the possession of Innovative Claim Solutions, Inc. and pertaining to employee claims subject to this agreement shall be made available for retrieval by the Town or its designee upon request following termination of this Agreement.

20. **Amendment.** No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.

    1. Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.

Any disputes arising from or related to this Agreement may be resolved and determined through binding arbitration before the American Arbitration Association, pursuant to the Commercial Arbitration Rules.

21. **Entire Agreement.** This Agreement, including Exhibits A through D, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on page one (1).

Town of Los Gatos

Rumi Portillo, HR Director
Town of Los Gatos

Greg Larson, Town Manager
Town of Los Gatos

ATTEST:

Clerk of the Town of Los Gatos,
Los Gatos, California

7.29.10

Jackie Rose, Town Clerk

Approved as to Form:

Michael Martello, Interim Town Attorney

Consultant:

Gary Archibald, CIO, President
Innovative Claim Solutions, Inc.

CLERK DEPARTMENT
AGR 13.169
IIIH
ORD
REC
RESO

FIRST AMENDMENT TO AGREEMENT

This FIRST AMENDMENT TO AGREEMENT is dated for identification this 8th day of October, 2013 and amends that certain agreement for WORKERS' COMPENSATION CLAIMS ADMINSTRATION dated the 30th day of June, 2010, made by and between the Town of Los Gatos, ("Town,") and Innovative Claims Solutions, Inc., ("Consultant.")

RECITALS

A. Town and Consultant entered into an agreement to provide services in providing workers' compensation administration consulting services on June 30, 2010, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.

B. Town desires to renew the contact for period of July 1, 2013 through June 30, 2016.

AMENDMENT

1. Section 3 "Time of Performance" of the Agreement is hereby amended to provide that the term of the Agreement is for a period of three years from July 1, 2013 through June 30, 2016

2. Exhibit C "Compensation" of the Agreement is hereby amended to reflect that the Town pay Consultant an annual fee of $45,000 for the period July 1, 2013 through June 30, 2014. The fee will increase to $48,000 for the period July 1, 2014 through June 30, 2015 and $50,000 for the period July 1, 2015 through June 30, 2016 for total of $143,000.

3. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos

By: _____
Greg Larson, Town Manager

Approved as to Consent:

By: _____
Gary Archibald, CIO, President
Innovative Claim Solution, Inc.

Department Approval:

_____
Rumi Portillo
Human Resources Director

Approved as to Form:

Judith J. Propp
Judith J. Propp, Town Attorney

CLERK DEPARTMENT
AGR 16.118
IIIH
ORD
REC
RESO

SECOND AMENDMENT TO AGREEMENT

This second AMENDMENT TO AGREEMENT is entered into this day of June, 2016 by and between the Town of Los Gatos, State of California, herein called "Town", and Innovative Claim Solutions, Inc., herein called "Consultant."

RECITALS

A. Town and Consultant entered into an Agreement on June 30, 2010 to provide workers' compensation administration consulting services, a copy of which is attached hereto and incorporated by reference as Attachment 1 of Exhibit A.

B. The Town and Consultant entered into a First Amendment to Agreement on October 8, 2013, a copy of which is attached hereto and incorporated by reference as Exhibit A.

C. The Town desires to extend the contract through June 30, 2017.

AMENDMENT

1. Section 1"Scope of Services" of the Agreement is hereby amended and incorporated by reference as Exhibit B.

2. Section 3 "Time of Performance" of the Agreement is hereby amended to provide that the term of the Agreement is for a period of one year, July 1, 2016 through June 30, 2017.

2. Section 7 "Compensation" of the Agreement is hereby amended to reflect that the Town pays Consultant an annual fee of $51,500 for the period July 1, 2016 through June 30, 2017.

3. All other terms and conditions of the Agreement effective July 1, 2010 remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on this agreement.

TOWN OF LOS GATOS:

Laurel Prevetti, Town Manager — Date 6-16-16

CONSULTANT:

Gary Archibald, CIO, President, Innovative Claim Solutions, Inc. — Date 6-16-16

APPROVED AS TO FORM:

Robert Schultz, Town Attorney — Date 6-16-16

ATTEST:

Shelley Neis, Clerk Administrator — Date 6-22-16

THIRD AMENDMENT TO AGREEMENT

This third AMENDMENT TO AGREEMENT is entered into this ____ day of June, 2017 by and between the Town of Los Gatos, State of California, herein called "Town", and Innovative Claim Solutions, Inc., herein called "Consultant."

RECITALS

A. Town and Consultant entered into an Agreement on June 30, 2010 to provide workers' compensation administration consulting services, a copy of which is attached hereto and incorporated by reference as Attachment 1.

B. The Town and Consultant entered into a First Amendment to Agreement on October 8, 2013, a copy of which is attached hereto and incorporated by reference as Attachment 2.

C. The Town and Consultant entered into a Second Amendment to Agreement on June 30, 2017, a copy of which is attached hereto and incorporated by reference as Attachment 3.

D. The Town desires to extend the contract through June 30, 2018.

AMENDMENT

1. Section 1 of Exhibit C "Compensation Schedule" of the Agreement is hereby amended to reflect that the Town pays Consultant a monthly fee of $4,291.66 monthly (equivalent to an annual fee of $51,500) for the period July 1, 2017 through June 30, 2018.

2. All other terms and conditions of the Agreement effective July 1, 2010 remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on this agreement.

TOWN OF LOS GATOS:

_____

Laurel Prevetti, Town Manager Date

CONSULTANT:

_____

Gary Archibald, CIO, President Date
Innovative Claim Solutions, Inc.

APPROVED AS TO FORM:

_____

Robert Schultz, Town Attorney Date

ATTEST:

_____

Shelley Neis, Clerk Administrator Date

EXHIBIT A SCOPE OF SERVICES

During the Term of this Agreement, Consultant shall provide the following services to ensure compliance with workers' compensation statutes and regulations as established by the Department of Industrial Relations:

A. WORKERS' COMPENSATION CLAIMS MANAGEMENT AND ADMINISTRATION:

1. To review on behalf of the Town all reports of injury as defined by California Labor Code Sections 3208 and 3208.1 that are reported by the Town to Consultant.

2. To determine on behalf of the Town for each reported employee injury those benefits, if any, that should be paid or rendered under the California Workers' Compensation laws (the "WC Laws").

3. To establish and maintain a claim file on each reported claim, which file shall be available to the Town for inspection. The maintenance of such files shall exhibit handling practices which meet or exceed minimum industry standards for California workers' compensation claims.

4. To maintain current cost-benefit figures and an estimate of the total costs of all reasonable and foreseeable benefits and related expenses on each case.

5. To prepare and file on behalf of the Town all legally required forms and reports with the Administrative Director or Self-Insurance Plans, or any other report required by the State.

6. To pay on behalf of the Town, from a segregated bank workers' compensation account funded and maintained by the Town, those sums that should reasonably be paid for claims and claims-related expenses under the California Workers' Compensation Laws for each reported claim.

7. When required and appropriate, to refer cases where an employee of the Town files an application with the California Workers' Compensation Appeals Board or any other activity involving litigation to attorneys selected and approved by the Town and not to any other attorneys without the prior written consent of the Town,

8. To render assistance as is reasonably necessary in the preparation of litigated cases.

9. To pay on behalf of the Town out of the bank workers' compensation trust account funded by the Town all "Allocated Loss Expense" which is defined to include all fees of attorneys, witnesses, court reporters, process servers, independent investigators, any court or Workers' Compensation Appeals Board, for depositions, surveillance or the necessary engagement of personnel in the handling of any claim subject to this Agreement.

10. To provide computerized loss analysis and financial claim detail reports within ten days following the end of the month. At no additional charge, Consultant will provide the following reports:

    1. Annual graphic reports reflecting the highest cost department and loss-types. Annual recaps, litigated claims and other mutually accepted categories.

11. To provide and make appropriate claims reports to excess carriers and collect excess recoveries, including the return of excess recoveries to Town, subject to the Town providing Consultant with a list of excess carriers for all preceding years, and identifying the policy numbers and the parties to whom reports are to be directed.

12. To attend Worker's Compensation Appeals Board hearings, rehabilitation hearings, meetings with defense counsel, and meetings with Town staff, departments, and employee groups as necessary and as requested to do so.

13. To provide monthly summaries of all Town of Los Gatos workers' compensation bank trust account activities undertaken by Consultant.

14. To advise the Town on any material problems or need for improvement in the claims reporting, administration or other aspects of the workers' compensation program.

15. To employ, as necessary, outside vendors subject to the obtaining the Town's prior written approval of all vendors eligible to provide services, directly or indirectly, on behalf of, or for the Town pursuant to this Agreement.

B. PROGRAM IMPLEMENTATION SERVICES:

Because Consultant has already performed all implementation processes when originally award the contract, Consultant will provide the following services, or provide assistance to the Town if updating of prior information is required:

1. Continued storage of all closed files, even those assumed from the prior administrators.

2. Develop and print up to fifty copies of a claim reporting procedure manual (including the most recent workers' compensation reform information) for distribution to all departments and key employees, should any major changes in procedures be required.

3. Implementation visits to the Town to distribute claim manuals and discuss self-insurance and Innovative Claim Solutions, Inc. service program with key personnel, should any major changes in procedures be required.

4. Design and implement all accounting and trust fund procedures, should any changes be required.

5. Produce and design all necessary reports.

EXHIBIT B

INCORPORATED TERMS

During the Term of this Agreement, Consultant shall provide services in accordance with the procedures and performance standards included below:

GENERAL:

1. **Availability:** Consultant shall at all times, have one or more of the examiners assigned to the Town's account, or in their absence, the supervisor or Vice President of Workers' Compensation available by telephone for emergencies through a 24-hour emergency telephone number. Consultant shall ensure at least one or more of the examiners assigned to the Town's account is on-site and available to the Town every business day throughout the term of the contract period.

2. **Review of Examiner:** The Town shall have the right and opportunity to approve or reject any proposed examiner provided by Consultant. The Town shall also have the opportunity to review service provided by examiner and require a new examiner if service is unacceptable to Town.

3. **Caseload:** Caseload of Town's designated examiner will not exceed 175 open indemnity claims excluding future medical cases.

4. **Return Calls:** Return calls to claimants and Town will be made within four (4) business hours of receipt when possible and no later than the next business day.

5. **Training:** Consultant shall provide training, workshops, or guest lecturers presented in a classroom setting or as informal "brown bag" sessions on topics related to Safety, Workers' Compensation and Medical Management, including information appropriate to employees, supervisors, and Town Administration in their respective roles. Training shall be provided at least annually, when requested, and may be on-site at Town facilities, with advance notice, or at a location determined by the Consultant.

CLAIMS PROCESSING:

1. Claims will be created and entered into the computer system within two (2) working days of Consultant's receipt.

2. Lost-time claims, with the exception of future medicals, will be reviewed on diary at least every 30 days or more frequently where needed.

3. Medical-Only claims whose medical payments exceed $3,000 will be placed on supervisory diary of not more than 90 days.

4. Benefit payments (TTD, TPD, PPD, PTD, LP, DB, VR, etc.) will be paid promptly as required by state statute following verification of compensability.

5. Transportation reimbursement will be mailed within five (5) days of the receipt of the claim for reimbursement, whenever possible. Advance travel expense payments will be mailed to the injured employee ten (10) days prior to the anticipated date of travel.

6. Prior to approval for payment, medical bills will be reviewed for causal relationship and propriety of charges. Bills will be subject to applicable fee schedule adjustments and paid/denied/objected to within 30 days of Consultant's receipt.

7. Reserves established on lost-time claims will reflect the ultimate probable cost of each claim based on the information developed to date. Reserve worksheets will reflect amounts allocated to temporary disability, permanent disability, and vocational rehabilitation (if applicable), medical care and allocated expense.

8. Medical-only claims will be reviewed every 30 days for possible closure.

9. Consultant shall program salary continuation or 4850 payment tracking for actual check production, voucher production, payment posting or any combination of these items as required by the Town.

10. Indemnity claims will be reviewed by the appropriate supervisor no less frequently than at the following intervals for quality control:

    1. File creation
    2. Denials
    3. Delayed claims
    4. When reserve increases exceed examiner authority
    5. Closures
    6. When a proposed settlement exceeds examiner authority
    7. AOE/COE and sub-rosa investigative referrals
    8. Open indemnity files at 90 days from date of creation, and every 90 days thereafter until claim resolution, and every 180 days on settled claims
    9. 15 days prior to mandatory settlement conference
    10. 15 days prior to scheduled trials
    11. The Town will be advised of the assessment of any penalty for delayed payment and the reason thereof and Consultant's plans for payment of such penalty within five (5) days of assessment.

FILE DOCUMENTATION:

1. The basis for initial and subsequent reserve changes and payments will be clearly explained in the claim file.

2. Summary of investigative plan of action and efforts will be documented in the claim file.

3. A decision on compensability will be documented in the file along with the basis for that decision within 14 days of receipt of the Claim Form (DWC 1), whenever possible.

4. Claims on which a delay is necessary must clearly document the reasons for the delay; the information needed to determine compensability and the anticipated date of a final decision.

In no case will the final date be more than 90 days after the Town's date of knowledge.

5. Employer contact is required to verify continued disability and explore the availability of modified or light duty prior to processing of disability payments.

6. Claims involving lost time will be reported to the Index Bureau and this referral will be reflected in the claim file.

INVESTIGATIONS

1. Lost time claims will be investigated. At a minimum, the Town will be contacted to obtain accident information, witness names, and to verify disability dates and wage information.

2. On questionable indemnity claims, investigative assignments will be made to outside vendor within 5 days of Consultant's notice of claim to obtain statements from witnesses and the injured employee, when necessary.

3. Medical verification of causation and disability will be obtained prior to each payment of disability benefits. An estimate as to length of disability and extent of disability will be obtained.

4. Consultant will contact the injured employee via telephone within 24 hours of notice of injury on all lost time cases to verify injury, prior related medical history, and accident information and to explain benefits. The results of this contact and all contact attempts will be documented in the claim file. Subsequent regular contact with temporarily disabled employees will be maintained.

5. Investigative assignments will address the applicability of apportionment, subrogation potential and the need for surveillance or activity checks.

6. Outside investigative services will be retained on an as-needed basis only, with concurrence from the Town. The need for outside services will be clearly documented in the file.

7. Where medical causation is unclear, a medical evaluation will be requested with a qualified physician following the required QME process. All relevant medical records and investigative information will be provided to the physician for review prior to the date of examination.

MEDICAL MANAGEMENT

1. Initial investigative contacts with the employer, employee, and physician's office will be made within 24 hours of Consultant's notice of the claim on all lost time cases.

2. Medical verification of disability will be obtained in a timely manner and maintained in the claim file to document the need for continuing indemnity benefits.

3. Medical treatment provided will be reviewed for necessity, reasonableness, and relationship to the industrial injury with appropriate referrals for Utilization Review services.

4. Catastrophic injury claims and extensive lost-time claims will be reviewed by a qualified medical management provider, as needed. Claims referred for outside medical management services will reflect the intent and scope of services requested.

5. Independent medical examinations by qualified physicians will be scheduled when needed to address necessity or reasonableness of care, following the appropriate QME procedures requirements. A cover letter will be provided to the physician outlining the specific issues and concerns along with the examiner's questions.

6. Recommendations for back surgery shall be confirmed through a second opinion unless objective signs of neurological involvement and radiculopathy exist, following the labor code requires procedures.

7. Pre-existing medical conditions and medical records will be explored/obtained on all lost-time claims, as needed when an issue of apportionment exists.

8. Treatment recommendations for care such as physical therapy, chiropractic manipulations, etc., will be verified with the physician as to duration, frequency and anticipated results.

9. Medical bills submitted without supporting medical reports shall not be paid until a medical report is obtained. All bills will be adjusted according to the fee schedule and paid or objected to according to the law.

10. Medical-legal costs will be reviewed for appropriateness and necessity. Bills which do not qualify as a valid medical-legal expense will be objected to on a timely basis.

RESERVING

1. Lost-time claims will be reviewed at 30 days, 90 days from date of creation and every 90 days thereafter for the life of the claim for adequacy of reserves and proper development of the action plan on all unresolved claims and every 180 days on resolved claims.

2. Reserve amounts will reflect the ultimate probable cost of the claim, and worksheets detailing reserve changes will be kept in the claim file..

3. Claims with aggregate reserve increases exceeding $25,000 require supervisory review and approval. Evidence of supervisory review and direction shall be clearly documented in the claim file.

COMMUNICATION

1. Quarterly Claim Reviews will be provided if requested by the Town, and if requested, a detailed review of selected claims and their medical management will be presented by Consultant.

2. Annual Stewardship Reports shall be created and reviewed in detail with the Town.

3. The Town shall be consulted prior to all settlements beyond the prearranged authority levels, if any.

MIS

1. Agreed to monthly, quarterly and annual reports will be produced and forwarded to the Town by the 14th of the month.

2. Check production will occur on a daily basis. Signatures will be obtained as required by the Town.

3. On-line access will be made available to the Town. Training on report formatting and production capabilities will also occur, as required.

LITIGATION MANAGEMENT

1. The examiner will retain primary responsibility on all claims referred to defense counsel. Defense counsel will not be used to perform activities that should be the responsibility of the examiner. Referrals will be made to hearing representatives whenever possible and feasible consistent with the Town's guidelines.
2. Legal counsel will be selected on the basis of expertise and performance and as agreed to with the Town.

3. Claims sent to defense counsel will be accompanied by a referral form outlining the status of the case, results of investigations and primary issues.

4. Defense counsel will be required to provide a case summary with recommendations for resolution and an action plan within 15 days of referral.

5. At least two weeks prior to close of discovery on cases proceeding to trial, the file will have been adequately prepared to include necessary depositions, medical examinations and witness identification and contacts.

EXHIBIT C

COMPENSATION SCHEDULE

Compensation for Consultant's professional services shall not exceed the amounts set forth below:

I. Claims Administration Services:

On or before the first day of each month during the Term, the Town will pay Consultant a fixed monthly fee for the claims administration services described in this Agreement. The Town's obligation to pay compensation in future fiscal years shall be contingent upon budget authorization by the Town Council.

FY 2017-18	$4,291.66 monthly

2. Program Implementation:

MMSEA Reporting	$500 flat rate due on 7/1 of each year the contract commences.
Custom computer programming	$150.00 per hour, as needed
Index Bureau reporting	$9.20 each time a claim is reported, or whatever the current costs may be as determined by ISO.

3. Expenses:

In addition to the payment of all medical and indemnity loss expenses incurred by or on behalf of the Town in connection with the handling of any claim under this Agreement, the Town will pay "Allocated Expenses", which are defined as those costs incurred on a claim file unrelated to administration or management services as described in this proposal. Allocated Expenses may include legal fees, court reporters, court costs, professional photographers, expert witness fees, sub-rasa, field investigation and outside services and other similar services not considered administrative in this proposal.

4. Medical Management:

Unless otherwise directed, consultant shall utilize the following companies for medical cost containment services:

Bill Review

Diamond Bill Review Services to provide all bill review functions, whose charges are as follows and paid through a monthly invoice on a designated claim file:

Medical bills	$3.00 Header per bill, $1.00 per line
Inpatient Bills	20% of savings
Outpatient Bills	16% of savings
Out of Network Bills	25% of savings
PPO Network	20% of savings*
Fees for Review Only bills and liens	$100.00 flat rate

Utilization Review

GENEX for all Utilization and Physician/Peer Review services, whose charges are as follows and paid off the claim files:

$100.00 per RN determination, including all letters
$220.00/hr (billed in 1/4 hr increments) Physician Advisor Review, including letters
$310.00/hr (billed in 1/4 hr increments) Specialty Physician Reviews on Appeals, including letters
$310.00/hr (billed in 1/4 hr increments) Peer Review, with report

EXHIBIT D

INSURANCE

A Minimum Scope of Insurance:

i Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars ($1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.

iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than $1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

B General Liability:

i The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.

The Consultants insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurance's maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.

iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

C All Coverage's: Each insurance policy required in this item shall be endorsed to state that

coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

D. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

AGR 18.109

IHH

FOURTH AMENDMENT TO AGREEMENT

This fourth AMENDMENT TO AGREEMENT is entered into this 1st day of July, 2018 by and between the Town of Los Gatos, State of California, herein called "Town", and Innovative Claim Solutions, Inc., herein called "Consultant."

RECITALS

A. Town and Consultant entered into an Agreement on June 30, 2010 to provide workers' compensation administration consulting services, a copy of which is attached hereto and incorporated by reference as Exhibit A.

B. The Town and Consultant entered into a First Amendment to Agreement on October 8, 2013, a copy of which is attached hereto and incorporated by reference as Exhibit B.

C. The Town and Consultant entered into a Second Amendment to Agreement on July 1, 2016, a copy of which is attached hereto and incorporated by reference as Exhibit C.

D. The Town and Consultant entered into a Third Amendment to Agreement on June 23, 2017, a copy of which is attached hereto and incorporated by reference as Exhibit D.

E. The Town desires to extend the contract through August 31, 2018.

AMENDMENT

1. Section 1 of Exhibit C "Compensation Schedule" of the agreement is hereby amended to reflect that the Town pays Consultant a monthly fee of $4,067 (equivalent to an annual fee of $48,804) for the period of July 1, 2018 through August 31, 2018.

2. Section 3 "Time of Performance" of the Agreement is hereby amended to provide that the term of the Agreement is for a period of two months, July 1, 2018 through August 31, 2018.

3. All other terms and conditions of the Agreement effective July 1, 2010 remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on this agreement.

TOWN OF LOS GATOS:

5-31-18

Laurel Prevetti, Town Manager — Date

CONSULTANT:

5-10-18

Gary Archibald, CIO, President — Date
Innovative Claim Solutions, Inc.

APPROVED AS TO FORM:

5/30/18

Robert Schultz, Town Attorney — Date

ATTEST:

5/31/18

Shelley Neis, Clerk Administrator — Date

CLERK DEPARTMENT
AGR 10.127
IHH
ORD
REC
RESO

AGREEMENT FOR WORKERS' COMPENSATION CLAIMS ADMINISTRATION CONSULTANT SERVICES

THIS AGREEMENT is entered into this 30th day of June, 2010, by and between the Town of Los Gatos, State of California, herein called the "Town", and Innovative Claim Solutions, Inc., engaged in providing workers' compensation administration consulting services herein called the "Consultant".

RECITALS

A. The Town endeavors to ensure the proper administration of its self-insured workers' compensation program.

B. The Town desires to engage a workers' compensation administration consultant to provide high-quality claims administration services for the Town's workers' compensation program, because of Consultant's experience and qualifications to perform the desired work.

C. The Consultant represents and affirms that it is qualified and willing to perform the desired work pursuant to this Agreement.

AGREEMENTS

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. **Scope of Services.** The Consultant shall provide the services as set forth in the "Scope of Services", referred to as Exhibit A and incorporated herein by reference.

2. **Incorporated Terms.** The Consultant shall provide services in accordance with the terms as set forth in the "Incorporated Terms", referred to as Exhibit B and incorporated herein by reference.

   Any violation of the terms and conditions of this contract shall be identified in writing by the Town. After a thirty day resolution period, commencing on the date of mailing of written notice, continued violations by Consultant shall result in a 10% monthly reduction in fees until the condition is resolved to the satisfaction of the Town. Such right shall not limit the Town's right to terminate this contract if the Town determines that it is in the best interest to do so, in the Town's sole discretion and with or without cause.

3. **Time of Performance.** The services of the Consultant shall commence **July 1, 2010**, for a three year contract period, ending **June 30, 2013.** The services of the Consultant are to commence upon the execution of this Agreement and issuance of a Town purchase order. The purchase order shall issue upon receipt by the Town of evidence of insurance and a Town business license as required by this Agreement.

4. **Compliance with Laws.** The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant represents and warrants to Town that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

5. **Sole Responsibility.** Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

6. **Information/Report Handling.** All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be made available for retrieval by the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of the these documents or information available to any individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

7. **Compensation.** Compensation for Consultant's professional services shall not exceed the amounts set forth in the "Compensation Schedule", referred to as Exhibit C and incorporated herein by reference. Payment shall be **net thirty (30) days.**

   Billing shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

   All invoices and statements to the Town shall reference the Town's purchase order number and be addressed as follows:

Invoices:	Statements:
Town of Los Gatos	Town of Los Gatos
Attn: Accounts Payable	Attn: Finance Department
P.O. Box 655	P.O. Box 655
Los Gatos, CA 95030	Los Gatos, CA 95030

8. **Availability of Records.** Consultant shall maintain the records supporting this billing for not less than three (3) years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.

9. **Project Manager.** The Project Manager for the Consultant for the work under this Agreement shall be:

Gary Archibald, CIO, President
11030 White Rock Road, Suite 210
Rancho Cordova, CA 95670
Phone: (916) 852-8588 Fax: (916)852-8505

Unless otherwise specified, consultant contact with Town shall be limited to the Human Resources Director, Human Resources Specialist, Town Attorney, Assistant Town Manager or their designee.

10. **Assignability and Subcontracting.** The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

11. **Notices.** Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

To Town: Rumi Portillo
Director of Human Resources
110 E. Main Street
P. O. Box 949
Los Gatos, CA 95031

To Consultant: Gary Archibald, CIO, President
11030 White Rock Road, Suite 210
Rancho Cordova, CA 95670

or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

12. **Independent Contractor.** It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement.

Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

13. **Conflict of Interest.** Consultant understands that its professional responsibility is solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

14. **Equal Employment Opportunity.** Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

16. **Indemnification.** Each party shall defend, indemnify and hold harmless the other party, and its directors, officers, employees, consultants, affiliates and agents from and against any and all claims, demands, suits, causes of action, awards, penalties, judgments and liabilities, including, without limitation, attorneys' fees and costs arising from any actual or alleged negligent, intentional or wrongful acts or omissions committed by the party or its employees, consultants, agents or other individuals working for the party arising out of or related to performance under this Agreement, save and except claims, demands, suits, causes of action, awards, penalties, judgments and liabilities arising through the negligence or intentional wrongful misconduct or omission of the other party, whereupon the relative liabilities shall be attributed and assessed by legal process. Notwithstanding, Consultant shall have no liability or obligation to the Town in the event the act or omission giving rise to a claim was directed in writing by the Town contrary to the written recommendation of Consultant. The duty to indemnify and hold harmless shall survive the termination of this Agreement and shall include the duty to pay all reasonable costs, attorneys' fees, expenses and liabilities incurred in the investigation or defense of any claim or suit.

Town shall not be liable to Consultant for personal injury of employees or property damage

sustained by Consultant in the performance of the services specified in this Agreement.

Penalties and Fines Under Workers' Compensation (WC) Laws:
Consultant and the Town acknowledge that there are various penalties and administrative fines that are contained in the State of California Workers' Compensation laws that may be imposed on both employers and claim administrators.

Notwithstanding the indemnification provisions set forth above, the parties expressly agree that:

(i) Consultant shall be responsible for any fines or penalties associated with questionable or controverted claims which Consultant denies without first consulting and obtaining approval by Town for denial of the claim(s). Consultant will not be responsible for any fines or penalties levied by the Division of Workers' Compensation or any other judicial or quasi-judicial organization for improper denial of a claim(s), if over the objections of Consultant, Consultant denied said claim(s) at the direction of the Town.

(ii) The Town shall be responsible for all penalties where Consultant has not been given sufficient notice such that Consultant has had at least five (5) working days in which to investigate the claim and to pay temporary disability or send the required wage continuation notice before the penalties were assessed. Consultant shall be responsible for all penalties in which it has had five (5) or more working days in which to investigate and pay temporary disability or send a wage continuation notice. For the purpose of this section "working day" means all days except Saturdays, Sundays and Town observed holidays.

(iii) Any penalties and fines arising under WC Laws caused by failure of Consultant to perform its obligations under this Agreement shall be paid by Consultant.

(iv) Any penalties and fines arising under the WC Laws caused by failure of the Town to perform its obligations under this Agreement shall be paid by the Town.

Notice of Penalties:
Consultant agrees to use its best efforts to promptly notify the Town of situations that they discover which may result in penalties.

Survival:
The provisions of this Section 16 regarding penalties shall survive any termination of this Agreement for a period of three (3) years.

17. **Waiver.** No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

18. **Governing Law.** This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this

Agreement shall be in the Superior or Municipal Court of the County of Santa Clara.

19. **Termination of Agreement.** The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than sixty (60) days written notice of termination. In the event of termination, the Consultant shall make available for retrieval by the Town all files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement pursuant to EXHIBIT A attached hereto, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

In addition, in the event the Town purchases Workers' Compensation Insurance, or its Certificate of Consent to Self-Insure is rescinded or revoked, this Agreement shall automatically terminate upon the effective date of such event.

Certain Rights After Termination: Upon termination of this Agreement, a final accounting shall be made of all fees and other amounts payable to Innovative Claim Solutions, Inc. pursuant to this Agreement and of any funds belonging to the Town in the possession of Innovative Claim Solutions, Inc., any balance due and owing Innovative Claim Solutions, Inc. or the Town, as the case may be, will be promptly paid based on such accounting. In addition, all original claim files, records and reports in the possession of Innovative Claim Solutions, Inc. and pertaining to employee claims subject to this agreement shall be made available for retrieval by the Town or its designee upon request following termination of this Agreement.

20. **Amendment.** No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.

1. Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.

Any disputes arising from or related to this Agreement may be resolved and determined through binding arbitration before the American Arbitration Association, pursuant to the Commercial Arbitration Rules.

21. **Entire Agreement.** This Agreement, including Exhibits A through D, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on page one (1).

Town of Los Gatos

Rumi Portillo, HR Director
Town of Los Gatos

Greg Larson, Town Manager
Town of Los Gatos

ATTEST:

Clerk of the Town of Los Gatos,
Los Gatos, California

7.29.10

Jackie Rose, Town Clerk

Approved as to Form:

Michael Martello, Interim Town Attorney

Consultant:

Gary Archibald, CIO, President
Innovative Claim Solutions, Inc.

CLERK DEPARTMENT
AGR 13-169
IIIH
ORD
REC
RESO

FIRST AMENDMENT TO AGREEMENT

This FIRST AMENDMENT TO AGREEMENT is dated for identification this 8th day of October, 2013 and amends that certain agreement for WORKERS' COMPENSATION CLAIMS ADMINSTRATION dated the 30th day of June, 2010, made by and between the Town of Los Gatos, ("Town,") and Innovative Claims Solutions, Inc., ("Consultant.")

RECITALS

A. Town and Consultant entered into an agreement to provide services in providing workers' compensation administration consulting services on June 30, 2010, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.

B. Town desires to renew the contact for period of July 1, 2013 through June 30, 2016.

AMENDMENT

1. Section 3 "Time of Performance" of the Agreement is hereby amended to provide that the term of the Agreement is for a period of three years from July 1, 2013 through June 30, 2016

2. Exhibit C "Compensation" of the Agreement is hereby amended to reflect that the Town pay Consultant an annual fee of $45,000 for the period July 1, 2013 through June 30, 2014. The fee will increase to $48,000 for the period July 1, 2014 through June 30, 2015 and $50,000 for the period July 1, 2015 through June 30, 2016 for total of $143,000.

3. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos

By: _____
Greg Larson, Town Manager

Approved as to Consent:

By: _____
Gary Archibald, CIO, President
Innovative Claim Solution, Inc.

Department Approval:

_____
Rumi Portillo
Human Resources Director

Approved as to Form:

_____
Judith J. Propp, Town Attorney

Exhibit B

CLERK DEPARTMENT
AGR 16.118
IIIH
RES
REC
RESO

SECOND AMENDMENT TO AGREEMENT

This second AMENDMENT TO AGREEMENT is entered into this day of June, 2016 by and between the Town of Los Gatos, State of California, herein called "Town", and Innovative Claim Solutions, Inc., herein called "Consultant."

RECITALS

A. Town and Consultant entered into an Agreement on June 30, 2010 to provide workers' compensation administration consulting services, a copy of which is attached hereto and incorporated by reference as Attachment 1 of Exhibit A.

B. The Town and Consultant entered into a First Amendment to Agreement on October 8, 2013, a copy of which is attached hereto and incorporated by reference as Exhibit A.

C. The Town desires to extend the contract through June 30, 2017.

AMENDMENT

1. Section 1"Scope of Services" of the Agreement is hereby amended and incorporated by reference as Exhibit B.

2. Section 3 "Time of Performance" of the Agreement is hereby amended to provide that the term of the Agreement is for a period of one year, July 1, 2016 through June 30, 2017.

2. Section 7 "Compensation" of the Agreement is hereby amended to reflect that the Town pays Consultant an annual fee of $51,500 for the period July 1, 2016 through June 30, 2017.

3. All other terms and conditions of the Agreement effective July 1, 2010 remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on this agreement.

TOWN OF LOS GATOS:

Laurel Prevetti, Town Manager — Date 6-16-16

CONSULTANT:

Gary Archibald, CIO, President, Innovative Claim Solutions, Inc. — Date 6-16-16

APPROVED AS TO FORM:

Robert Schultz, Town Attorney — Date 6-16-16

ATTEST:

Shelley Neis, Clerk Administrator — Date 6-22-16

Exhibit C

AGR 17.161

IHH

THIRD AMENDMENT TO AGREEMENT

This third AMENDMENT TO AGREEMENT is entered into this 20 day of June, 2017 by and between the Town of Los Gatos, State of California, herein called "Town", and Innovative Claim Solutions, Inc., herein called "Consultant."

RECITALS

A. Town and Consultant entered into an Agreement on June 30, 2010 to provide workers' compensation administration consulting services, a copy of which is attached hereto and incorporated by reference as Attachment 1.

B. The Town and Consultant entered into a First Amendment to Agreement on October 8, 2013, a copy of which is attached hereto and incorporated by reference as Attachment 2.

C. The Town and Consultant entered into a Second Amendment to Agreement on June 30, 2017, a copy of which is attached hereto and incorporated by reference as Attachment 3.

D. The Town desires to extend the contract through June 30, 2018.

AMENDMENT

1. Section 1 of Exhibit C "Compensation Schedule" of the Agreement is hereby amended to reflect that the Town pays Consultant a monthly fee of $4,291.66 monthly (equivalent to an annual fee of $51,500) for the period July 1, 2017 through June 30, 2018.

2. All other terms and conditions of the Agreement effective July 1, 2010 remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on this agreement.

TOWN OF LOS GATOS:

Laurel Prevetti 8/24/17

Laurel Prevetti, Town Manager Date

CONSULTANT:

7-17-2017

Gary Archibald, CIO, President Date
Innovative Claim Solutions, Inc.

APPROVED AS TO FORM:

8/18/17

Robert Schultz, Town Attorney Date

ATTEST:

Shelley Neis 8/25/17

Shelley Neis, Clerk Administrator Date

Exhibit D

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 05/01/2018
ITEM NO: 03

DATE: APRIL 24, 2018

TO: MAYOR AND TOWN COUNCIL

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: AUTHORIZE THE TOWN MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH INNOVATIVE CLAIMS SOLUTIONS, INC. TO EXTEND THE CONTRACT FOR TWO MONTHS TO PERFORM WORKERS' COMPENSATION CLAIMS ADMINISTRATION

RECOMMENDATION:

Authorize the Town Manager to execute a fourth amendment (Attachment 1) to the professional services agreement with Innovative Claims Solutions, Inc. to extend the contract for two months to perform workers' compensation claims administration.

BACKGROUND:

The Town uses Innovative Claims Solutions, Inc. (ICS), a third-party administrator, for its self-funded workers' compensation program. ICS was selected through a competitive bid process conducted in 2010. The original agreement with ICS was established through June 30, 2012. In August 2013, the Town extended the contract through June 30, 2016. Two subsequent one-year extensions were approved through June 30, 2018.

DISCUSSION:

Due to the length of time since a formal request for proposals (RFP) has been solicited for workers' compensation claims administration services, a new request will be sent to vendors in May 2018. Since the timeframe before the current agreement expires is brief, ICS is amenable

PREPARED BY: LISA VELASCO
Human Resources Director

Reviewed by: _____Assistant Town Manager _____Town Attorney _____Finance

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DISCUSSION (cont'd):

to extending the agreement for two additional months, at the lower renewal rate, to allow sufficient time for the RFP process to be completed.

CONCLUSION:

Staff recommends that ICS continue to serve as the Town's third-party administrator for an additional two months through August 31, 2018, at a renewal rate reduced from $4,292 to $4,067 per month based on claims submission experience.

FISCAL IMPACT:

ICS has agreed to extend the agreement through August 31, 2018 at the lower renewal rate that will be effective on July 1, 2018. The two-month 2018/19 fiscal impact is a total reduction of $450. Funding to support this agreement is in the Adopted Operating Budget.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Original Agreement
2. First Amendment to Agreement
3. Second Amendment to Agreement
4. Third Amendment to Agreement
5. Proposed Fourth Amendment to Agreement

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 05/01/2018
ITEM NO: 03

DATE: APRIL 24, 2018

TO: MAYOR AND TOWN COUNCIL

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: AUTHORIZE THE TOWN MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH INNOVATIVE CLAIMS SOLUTIONS, INC. TO EXTEND THE CONTRACT FOR TWO MONTHS TO PERFORM WORKERS' COMPENSATION CLAIMS ADMINISTRATION

RECOMMENDATION:

Authorize the Town Manager to execute a fourth amendment (Attachment 1) to the professional services agreement with Innovative Claims Solutions, Inc. to extend the contract for two months to perform workers' compensation claims administration.

BACKGROUND:

The Town uses Innovative Claims Solutions, Inc. (ICS), a third-party administrator, for its self-funded workers' compensation program. ICS was selected through a competitive bid process conducted in 2010. The original agreement with ICS was established through June 30, 2012. In August 2013, the Town extended the contract through June 30, 2016. Two subsequent one-year extensions were approved through June 30, 2018.

DISCUSSION:

Due to the length of time since a formal request for proposals (RFP) has been solicited for workers' compensation claims administration services, a new request will be sent to vendors in May 2018. Since the timeframe before the current agreement expires is brief, ICS is amenable

PREPARED BY: LISA VELASCO
Human Resources Director

Reviewed by: _____Assistant Town Manager _____Town Attorney _____Finance

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DISCUSSION (cont'd):

to extending the agreement for two additional months, at the lower renewal rate, to allow sufficient time for the RFP process to be completed.

CONCLUSION:

Staff recommends that ICS continue to serve as the Town's third-party administrator for an additional two months through August 31, 2018, at a renewal rate reduced from $4,292 to $4,067 per month based on claims submission experience.

FISCAL IMPACT:

ICS has agreed to extend the agreement through August 31, 2018 at the lower renewal rate that will be effective on July 1, 2018. The two-month 2018/19 fiscal impact is a total reduction of $450. Funding to support this agreement is in the Adopted Operating Budget.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Original Agreement
2. First Amendment to Agreement
3. Second Amendment to Agreement
4. Third Amendment to Agreement
5. Proposed Fourth Amendment to Agreement

AGR 18-213

IHH

FIFTH AMENDMENT TO AGREEMENT

This fifth AMENDMENT TO AGREEMENT is entered into this 1st day of September, 2018 by and between the Town of Los Gatos, State of California, herein called "Town", and Innovative Claim Solutions, Inc., herein called "Consultant."

RECITALS

A. Town and Consultant entered into an Agreement on June 30, 2010 to provide workers' compensation administration consulting services, a copy of which is attached hereto and incorporated by reference as Exhibit A.

B. The Town and Consultant entered into a First Amendment to Agreement on October 8, 2013, a copy of which is attached hereto and incorporated by reference as Exhibit B.

C. The Town and Consultant entered into a Second Amendment to Agreement on July 1, 2016, a copy of which is attached hereto and incorporated by reference as Exhibit C.

D. The Town and Consultant entered into a Third Amendment to Agreement on June 23, 2017, a copy of which is attached hereto and incorporated by reference as Exhibit D.

E. The Town and Consultant entered into a Fourth Amendment to Agreement on July 1, 2018, a copy of which is attached hereto and incorporated by reference as Exhibit E.

F. The Town desires to extend the contract through June 30, 2019.

AMENDMENT

1. Section 1 of Exhibit C "Compensation Schedule" of the agreement is hereby amended to reflect that the Town pays Consultant a monthly fee of $4,067 (equivalent to an annual fee of $48,804) for the period of September 1, 2018 through June 30, 2019.

2. Section 3 "Time of Performance" of the Agreement is hereby amended to provide that the term of the Agreement is for a period of ten months, September 1, 2018 through June 30, 2019.

3. All other terms and conditions of the Agreement effective July 1, 2010 remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on this agreement.

TOWN OF LOS GATOS:

L Prevetti 9.12.18

Laurel Prevetti, Town Manager Date

CONSULTANT:

8/23/18

Gary Archibald, CIO, President Date
Innovative Claim Solutions, Inc.

APPROVED AS TO FORM:

Lynne Lumpor for 9-12-18

Robert Schultz, Town Attorney Date

ATTEST:

Shelley Neis 9/13/18

Shelley Neis, Clerk Administrator Date

ATTACHMENT 6

SIXTH AMENDMENT TO AGREEMENT

This sixth AMENDMENT TO AGREEMENT is entered into this 1st day of July, 2019 by and between the Town of Los Gatos, State of California, herein called "Town", and Innovative Claim Solutions, Inc., herein called "Consultant."

RECITALS

A. Town and Consultant entered into an Agreement on June 30, 2010 to provide workers' compensation administration consulting services, a copy of which is attached hereto and incorporated by reference as Exhibit A.

B. The Town and Consultant entered into a First Amendment to Agreement on October 8, 2013, a copy of which is attached hereto and incorporated by reference as Exhibit B.

C. The Town and Consultant entered into a Second Amendment to Agreement on July 1, 2016, a copy of which is attached hereto and incorporated by reference as Exhibit C.

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E. The Town and Consultant entered into a Fourth Amendment to Agreement on July 1, 2018, a copy of which is attached hereto and incorporated by reference as Exhibit E.

F. The Town and Consultant entered into a Fifth Amendment to Agreement on September 1, 2018, a copy of which is attached hereto and incorporated by reference as Exhibit F.

G. The Town desires to extend the contract through October 31, 2019.

AMENDMENT

1. Section 1 of Exhibit C "Compensation Schedule" of the agreement is hereby amended to reflect that the Town pays Consultant a monthly fee of $4,067 (equivalent to an annual fee of $48,804) for the period of July 1, 2019 through October 31, 2019.

2. Section 3 "Time of Performance" of the Agreement is hereby amended to provide that the term of the Agreement is for a period of ten months, July 1, 2019 through October 31, 2019.

3. All other terms and conditions of the Agreement effective July 1, 2010 remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on this agreement.

TOWN OF LOS GATOS:

_____

Laurel Prevetti, Town Manager Date

CONSULTANT:

_____

Gary Archibald, CIO, President Date
Innovative Claim Solutions, Inc.

APPROVED AS TO FORM:

_____

Robert Schultz, Town Attorney Date

ATTEST:

_____

Shelley Neis, Clerk Administrator Date

TOWN OF LOS GATOS

COUNCIL AGENDA REPORT

MEETING DATE: 08/06/2019

ITEM NO: 11

DATE: July 30, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Planned Development Application PD-17-002 and Negative Declaration ND-19-002. Project Location: 16212 Los Gatos Boulevard.
Property Owner/ Applicant: 16212 Los Gatos Blvd. LLC.
Requesting approval of a Planned Development to re-zone two properties zoned CH to CH:PD to allow for construction of a new commercial building.
APN 523-06-010 and -011

RECOMMENDATION:

It is recommended that the Town Council accept the Planning Commission's recommendation to deny the Planned Development (PD) application.

BACKGROUND:

The 0.94-acre site (41,038 square feet) is comprised of two parcels and contains a 2,312-square foot commercial building currently occupied by Artisan Wine Depot. The subject site is a corner lot, fronting on both Los Gatos Boulevard and Shannon Road. The site was previously redeveloped in 1997 as the used car sales lot for the Honda Dealership previously located at 16213 Los Gatos Boulevard.

On February 24, 2016, the Planning Commission reviewed a PD proposal at the subject site for demolition of the existing 2,312-square foot commercial building and construction of 11 single-family homes on individual lots (Attachment 2, Exhibit 4). On April 19, 2016, the Town Council denied the application, stating that a future application at this site should be for commercial, not residential development.

On August 10, 2016, the Conceptual Development Advisory Committee (CDAC) reviewed a revised proposal at the subject site for commercial development with three different conceptual design options. The minutes from that meeting are included in Attachment 2, Exhibit 5.

PREPARED BY: Ryan Safty
Associate Planner

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

110 E. Main Street Los Gatos, CA 95030 ● 406-354-6832
www.losgatosca.gov

BACKGROUND (continued):

On February 24, 2017, the applicant submitted a development application for construction of a new, two-story commercial building. A Negative Declaration (ND) was prepared for the development application and circulated for a 20-day public review period from May 17, 2019 through June 6, 2019 and was previously provided to the Planning Commission and Town Council on May 17, 2019.

The Council is the final deciding body for the PD application. The application was considered by the Planning Commission on June 12, 2019. The Commission forwarded a recommendation for denial to the Town Council as discussed in more detail in this report.

A future Architecture and Site application (including roadway and right-of-way improvements, and recordation of easements) would be required for the construction of the new commercial building if the PD application is approved.

DISCUSSION:

A. Project Summary

The applicant is requesting approval of a PD overlay which would include the following elements on the 0.94-acre site:

- Maintain the existing 2,312-square foot commercial building;
- Construct a new two-story commercial building with 7,047 square feet of retail space on the ground floor and 4,270 square feet of office on the second floor;
- Provide 58 parking stalls; and
- Complete landscaping, parking lot, and other right-of-way improvements.

The proposed project would include the removal of 12 protected trees (seven on-site trees and five street trees). Four existing trees will be transplanted elsewhere on the site.

A PD application is being requested because the applicant is seeking a reduced front setback.

B. Traffic

The project is in compliance with the Bicycle and Pedestrian Master Plan (BPMP) adopted by the Town Council on March 7, 2017. The BPMP incorporates the earlier Traffic Study Around Schools (aka Safe Routes to School Plan) as referenced in Attachment 2, Exhibits 6 and 10. Attachments 2, 3, and 4 contain additional information about the proposed project.

DISCUSSION (continued):

A Transportation Impact Analysis (TIA) was prepared for the proposed project by Hexagon Transportation Consultants, Inc. (see Appendix E of the ND), and reviewed by the Town's traffic engineer, traffic consultant, and environmental consultant. The TIA found that the proposed project would not cause a significant impact in accordance with CEQA and the Town's Traffic Impact Policy.

In addition to the calculation of trip generation and impacts to intersection level of service, the report provides recommendations on frontage improvements. The applicant has incorporated these recommendations into the project description, and Parks and Public Works staff have included the dedication of a public access easement, frontage improvements, upgrades to traffic signals, and traffic impact mitigation fees in the proposed PD performance standards in compliance with the adopted BPMP, as well as a Transportation Demand Management plan. Attachment 7 contains the performance standards and Attachment 8 contains a project information sheet with more details regarding transportation considerations.

C. Planning Commission

On June 12, 2019, the Planning Commission considered the application and received public comment. Verbatim minutes are included as Attachment 5. Staff recommended approval of the project to the Planning Commission because of its compliance with the General Plan, Town Code, Commercial Design Guidelines, Los Gatos Boulevard Plan, and BPMP, with the exception of the front setback and landscaping along Los Gatos Boulevard as requested in the PD application.

Following discussion, the Commission recommended denial of the application based on the following concerns:

- The minimal front setback along Los Gatos Boulevard;
- The loss of hillside views; and
- The traffic related to the increased activity at the site and the reduction in traffic lanes.

Following the Planning Commission hearing, the applicant submitted an exhibit which identifies existing street setbacks in the neighborhood and highlights how right-of-way improvements per the BPMP have impacted the proposal over the years (Attachment 6).

DISCUSSION (continued):

D. Environmental Review

An ND was prepared for the project. As part of the environmental review process a number of technical reports were prepared, including an Arborist Report, Architectural Design Review, Geotechnical Investigation, and Traffic Impact Analysis. Reports that were prepared by the applicant's consultants were peer reviewed by Town Consultants.

The Notice of Completion and Availability for the ND was distributed on May 17, 2019, with the 20-day public review period ending on June 6, 2019.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. Neighborhood outreach completed by the applicant is summarized in Attachment 2, Exhibit 10. Public comments received prior to 11:00 a.m. on June 12, 2019 are included in Attachments 2 through 4. Public comments received between 11:01 a.m., June 12, 2019 and 11:00 a.m., August 1, 2019 are included as Attachment 8.

CONCLUSION:

Summary

A. The project complies with the General Plan, Town Code, Commercial Design Guidelines, Los Gatos Boulevard Plan, and BPMP, except for the front setback and landscaping along Los Gatos Boulevard. The applicant discusses the proposed exceptions and compliance with the General Plan, Town Code, Commercial Design Guidelines, Los Gatos Boulevard Plan, and BPMP in Attachment 2, Exhibits 6, 9, and 10. A draft PD Ordinance has been prepared with performance standards to require the project to adhere to the aforementioned requirements (Attachment 7).

B. Recommendation

The Planning Commission recommended denial of the application based on concerns related to setbacks, hillside views, and traffic. Therefore, it is recommended that the Town Council accept the Planning Commission's recommendation and deny the application.

CONCLUSION (continued):

C. Alternatives

Alternatively, the Town Council may:

1. Approve the PD application and adopt the ND by taking the following actions:
   a. Find that no significant impacts are associated with the application and adopt the ND;
   b. Make the required finding that the zone change is internally consistent with the General Plan and its elements (Attachment 2, Exhibit 3) and approve the PD application (PD-17-002) subject to the performance standards and development plans included in the Planned Development Ordinance (Attachment 7), or as otherwise modified by the Town Council;
   c. Waive the reading of the Ordinance and ask the Town Clerk to read the title of the proposed Ordinance; and
   d. Introduce the Ordinance effecting the zone change; or
2. Approve the PD application with modifications and/or additional performance standards; or
3. Continue the PD application to a date certain with specific direction; or
4. Remand the PD application to the Planning Commission with specific direction.

COORDINATION:

The Community Development Department coordinated with the Town Attorney's Office, Parks and Public Works Department, and the Santa Clara County Fire Department in the review of the project.

Attachment previously received under separate cover:
1. May 2019 Draft Initial Study and Negative Declaration

Attachments received with this Staff Report:
2. June 12, 2019 Planning Commission Staff Report (with Exhibits 2-11, and 13)
3. June 11, 2019 Planning Commission Addendum Report (with Exhibits 14-15)
4. June 12, 2019 Planning Commission Desk Item Report (with Exhibit 16)
5. June 12, 2019 Planning Commission Verbatim Minutes (86 pages)
6. Setback Exhibit from the Applicant, received July 18, 2019 (3 pages)
7. Planned Development Ordinance (31 pages) with Exhibit A Rezone Area (one page) and Exhibit B Development Plans received May 30, 2019 (38 sheets)
8. Project Information Sheet from Engineering Division (4 sheets)
9. Public Comments received 11:01 a.m. Wednesday, June 12, 2019 to 11:00 a.m. Thursday, August 1, 2019

Negative Declaration

16212 Los Gatos Boulevard Commercial

May 2019

ATTACHMENT - 1 PART 1

Prepared by

EMC Planning Group

NEGATIVE DECLARATION

16212 LOS GATOS BOULEVARD COMMERCIAL

PREPARED FOR

Town of Los Gatos

Community Development Department

Ryan Safty, Associate Planner

RSafty@losgatosca.gov

110 E Main Street

Los Gatos, CA 95030

Tel 408.354.6874

PREPARED BY

EMC Planning Group Inc.

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Fax 831.649.8399

Richard James, Principal

james@emcplanning.com

Rachel Hawkins, Associate Planner

hawkins@emcplanning.com

www.emcplanning.com

May 15, 2019

This document was produced on recycled paper.

PROPOSED NEGATIVE DECLARATION

In Compliance with the California Environmental Quality Act (CEQA)

Project Name	16212 Los Gatos Boulevard Commercial
Lead Agency	Town of Los Gatos
Project Proponent	Scott Plautz
Project Location	16212 Los Gatos Boulevard, Los Gatos
Project Description	The proposed project includes the construction of an 11,317 square-foot commercial building with 7,047 square feet on the ground floor, which would be occupied by retail uses, and 4,270 square feet on the second floor, which would be occupied by office uses. The existing 2,312 square-foot commercial building would be remodeled and remain in place.
Public Review Period	May 17, 2019 - June 6, 2019
Written Comments To	Ryan Safty, Associate Planner
Proposed Findings	The Town of Los Gatos is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. The initial study indicates that the proposed project does not have the potential to result in significant adverse environmental impacts. There is no substantial evidence, in light of the whole record before the lead agency, the Town of Los Gatos, that the project may have a significant effect on the environment.

INITIAL STUDY

16212 LOS GATOS BOULEVARD COMMERCIAL

PREPARED FOR

Town of Los Gatos

Community Development Department

Ryan Safty, Associate Planner

RSafty@losgatosca.gov

110 E Main Street

Los Gatos, CA 95030

Tel 408.354.6874

PREPARED BY

EMC Planning Group Inc.

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May 15, 2019

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A. BACKGROUND

Project Title	16212 Los Gatos Boulevard Commercial
Lead Agency Contact Person and Phone Number	Town of Los Gatos Community Development Dept. Ryan Safty, Associate Planner 408-354-6874
Date Prepared	May 15, 2019
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Rachel Hawkins, Associate Planner
Project Location	16212 Los Gatos Boulevard Town of Los Gatos, Santa Clara County
Project Sponsor Name and Address	Scott Plautz Stem Sustainable Development dba 16212 Los Gatos Boulevard, LLC. 17066 Melody Lane, Los Gatos CA 95033
General Plan Designation	Mixed Use Commercial
Zoning	Restricted Commercial Highway

Project Site Location

The 0.94-acre project site is located at 16212 Los Gatos Boulevard on the northeast corner of Los Gatos Boulevard and Shannon Road in the town of Los Gatos. The project site is bound by Los Gatos Boulevard to the west, Shannon Road to the south, residential uses to the east, and commercial development to the north.

Figure 1, Location Map, illustrates the location of the project site in local and regional context. Figure 2, Aerial Photograph, is an aerial photograph of the project site and project site boundaries.

Existing Project Site Conditions

The project site includes two parcels (Assessor's Parcels 523-06-010 and 523-06-011). The topography of the site is generally flat. The site contains a single-story commercial building and a

large parking lot, with small areas of ornamental landscaping positioned mainly along the site margins, including non-native trees, shrubs, and turf grass. Figure 3, Site Photographs, includes representative photographs of the project site.

The project site is designated in the *Town of Los Gatos 2020 General Plan* (general plan) as Mixed Use Commercial and has a zoning classification of Restricted Commercial Highway (CH).

Project Vicinity Existing Conditions

Like the project site, the other three corners of the intersection of Los Gatos Boulevard and Shannon Road/Roberts Road are also designated Mixed Use Commercial in the general plan. Land to the east and north of the project site is designated Office Professional, Medium Density Residential, and Low Density Residential. Like the project site, parcels at the corner of the intersection and located across Los Gatos Boulevard are zoned Restricted Commercial Highway (CH). The remaining corner, south of Shannon Road across from the project site, is zoned Neighborhood Commercial (C-1). Adjacent parcels to the north of the project site are zoned Office (O) and Single-Family Residential (R-1), and parcels to the east are zoned Single-Family Residential (R-1).

A small office building and a single-family home are located immediately adjacent to the northern boundary of the project site. Single-family residences are located to the east of the project site. A small shopping center and single-family house are located to the south of the project site across Shannon Road. The recently constructed Laurel Mews housing development (on the site of the former Honda new car dealership) and a remaining car dealership are located across Los Gatos Boulevard to the west.

Background

A residential subdivision was previously proposed for the project site which included the construction of 11 single-family homes. Many of the technical reports were prepared based on this iteration of the project and some of the information contained therein remains applicable and useful to the initial study analysis of the current commercial proposal.

Description of Project

The proposed project includes the construction of an 11,317 square-foot commercial building with 7,047 square feet on the ground floor, which would be occupied by retail uses, and 4,270 square feet on the second floor, which would be occupied by office uses. The existing 2,312

square-foot commercial building would be remodeled and remain in place. The proposed site plan is shown in Figure 4, Site Plan. The proposed development plans are included as Appendix A. The proposed project would include on-site storm water bioretention basins including a landscaped bioswale area. It is anticipated that approximately 23 new employees will be employed on site (two employees per 1000 square feet).

Other Public Agencies Whose Approval may be Required

None.

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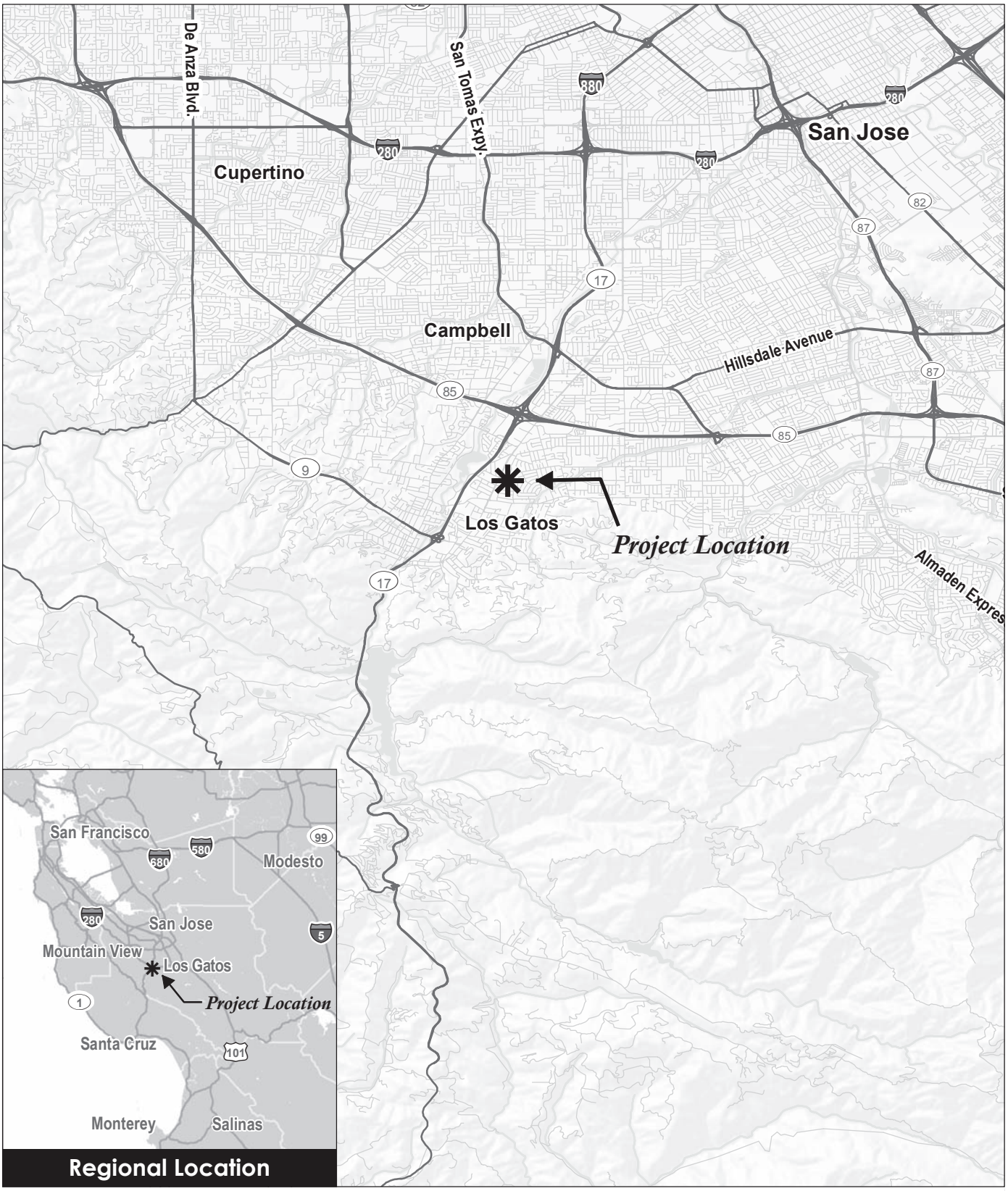

0 2 miles

Source: ESRI 2009

Figure 1

Location Map

16212 Los Gatos Boulevard Commercial Initial Study

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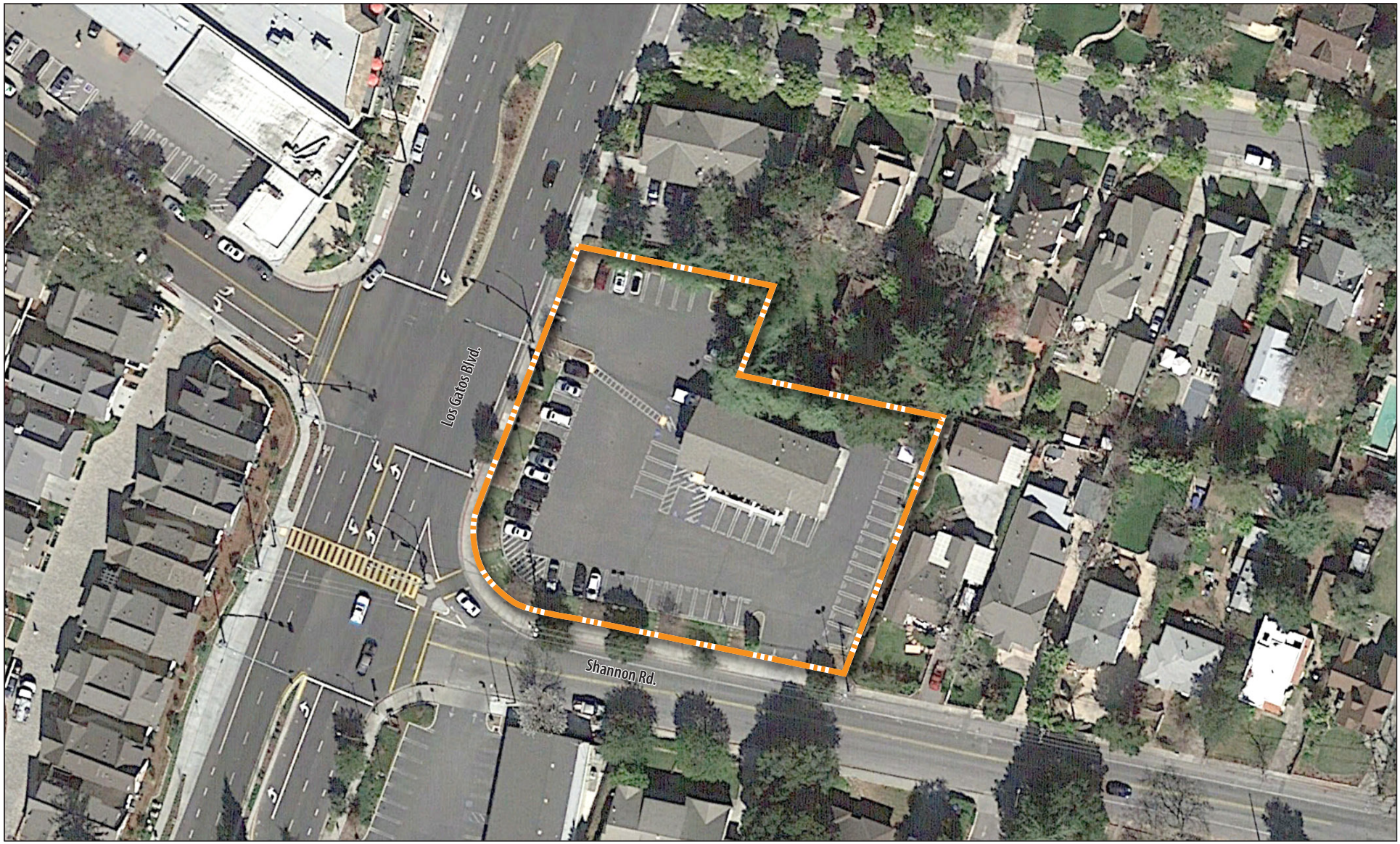

0 90 feet

Project Boundary

Source: Google Earth 2014, Studio S Squared 2014

Figure 2
Aerial Photograph

16212 Los Gatos Boulevard Commercial Initial Study

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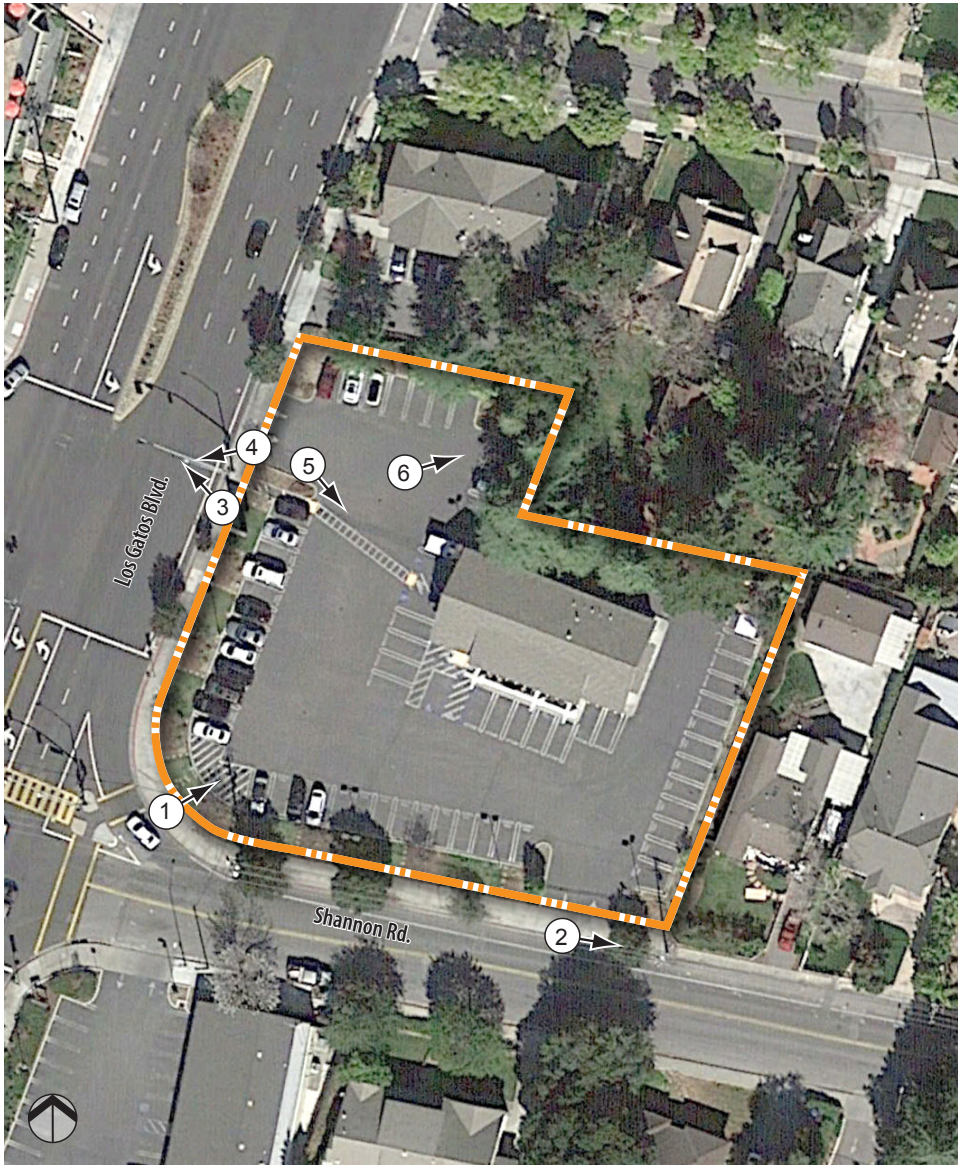
1 View of project site and adjacent residential property, looking northeast from Shannon Rd.

2 View east along Shannon Rd.

3 View of Roberts Rd./Los Gatos Blvd. intersection, looking northwest from project site driveway



Project Boundary

4 View looking southwest from project site driveway on Los Gatos Blvd.

5 View looking southeast across project site from driveway on Los Gatos Blvd.

6 View of landscaping on project site and trees on adjacent properties

Source: Google Earth 2014

Figure 3
Site Photographs

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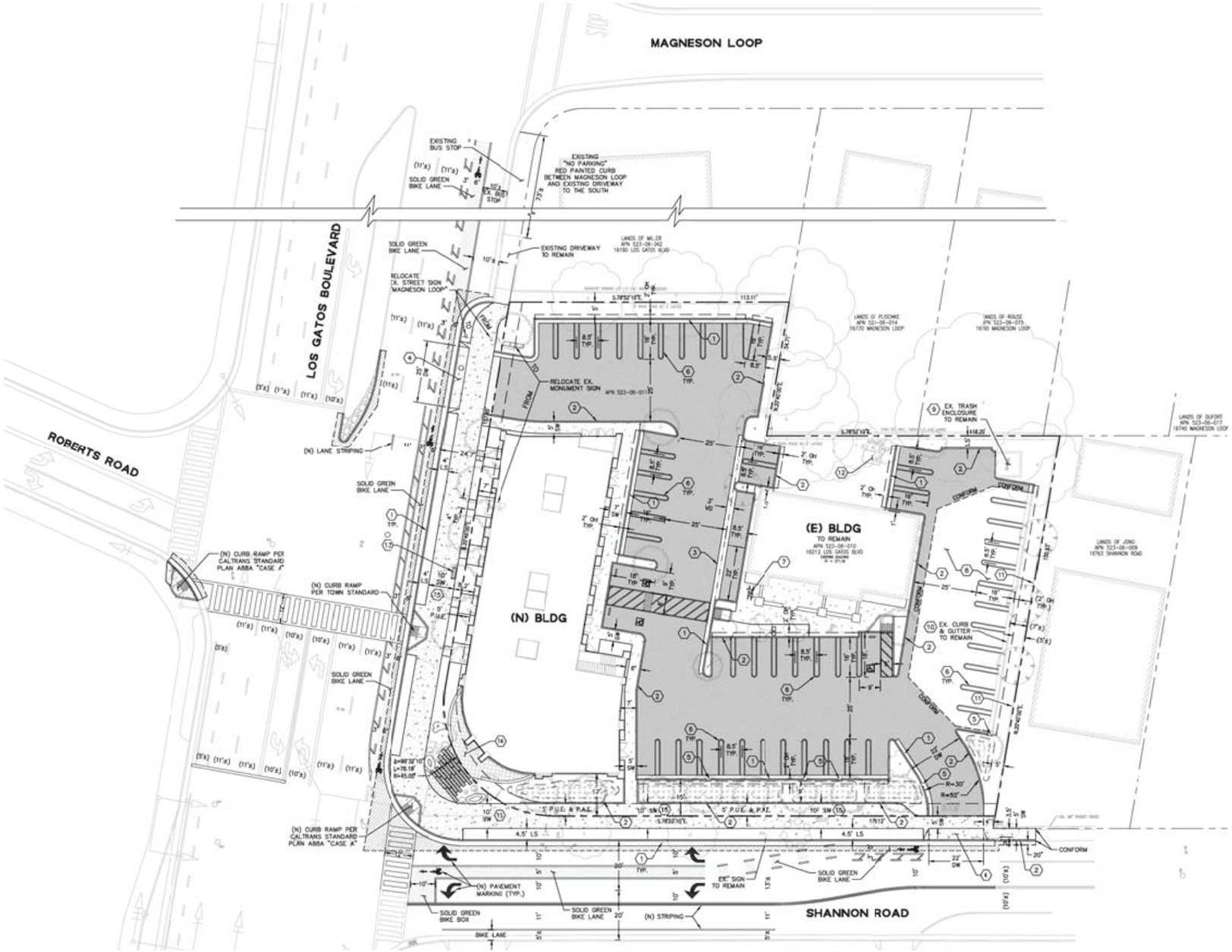

ABBREVIATIONS

BC	= BACK TOP OF CURB
BCV	= BACK CHECK VALVE
BW	= FINISHED GRADE AT BOTTOM OF WALL
CB	= CATCH BASIN
℄	= CENTER LINE
EG	= EXISTING GRADE
(EX), EX.	= EXISTING
FC	= FACE OF CURB
FF	= FINISHED FLOOR
FG	= FINISHED GRADE
FL	= FLOW LINE ELEVATION
GB	= GRADE BREAK
GF	= GARAGE FLOOR
HP	= HIGH POINT
LS	= LANDSCAPE
(N)	= NEW
OFD	= OVERFLOW DRAIN
⅊	= PROPERTY LINE
P.A.E.	= PUBLIC ACCESS EASEMENT
P.U.E.	= PUBLIC UTILITY EASEMENT
R	= RADIUS
RIM	= RIM OF GRATE ELEVATION
SD	= STORM DRAIN
SDAD	= STORM DRAIN AREA DRAIN
SDJB	= STORM DRAIN JUNCTION BOX
SSMH	= SANITARY SEWER MANHOLE
SLP	= SEE LANDSCAPE PLANS
SSCO	= SANITARY SEWER CLEANOUT
SW	= SIDEWALK
TYP	= TYPICAL
TC	= TOP OF CURB
TW	= TOP OF WALL

LEGEND

- PROPERTY LINE
- ADJACENT LOT LINE
- SAWCUT LINE
- VEHICULAR OVERHANG
- VERTICAL CURB AND GUTTER
- VERTICAL CURB
- BIORETENTION BASIN
- CONCRETE VALLEY GUTTER
- ASPHALT CONCRETE (AC)
- CONCRETE SIDEWALK
- CONCRETE DRIVEWAY
- PUBLIC AC – DEEPLIFT
- SOLID GREEN BIKE LANE
- DRIVEWAY PER TOWN OF LOS GATOS STDS.
- ADA CURB RAMP

KEY NOTES

1. CONCRETE VERTICAL CURB AND GUTTER, SEE TOWN STD PLAN NO. 210
2. CONCRETE VERTICAL CURB, SEE TOWN STD PLAN NO. 211
3. CONCRETE VALLEY GUTTER, SEE TOWN STD PLAN NO. 212
4. CONCRETE DRIVEWAY, SEE TOWN STD PLAN NO. 218
5. 18" CURB OPENING, SEE DETAIL THIS SHEET
6. PARKING STRIPING, SEE TOWN STD PLAN NO. 264
7. BIKE RACK, SEE LANDSCAPE PLANS SHEET L1.2
8. EXISTING AC PAVEMENT TO REMAIN
9. EXISTING TRASH ENCLOSURE TO REMAIN
10. EXISTING CURB AND GUTTER TO REMAIN
11. EXISTING CMU WALL TO REMAIN
12. EXISTING AC UNIT TO REMAIN, VERIFY IN FIELD
13. BENCH, SEE LANDSCAPE PLANS SHEETS L1.1 & L1.2
14. PATIO AREA WITH 18" SEAT WALL. SEE ARCHITECTURAL AND LANDSCAPE PLANS
15. CONCRETE SIDEWALK, SEE TOWN STD PLAN NO. 216

0 45 feet

Source: Studio S Squared Architecture 2019

Figure 4
Site Plan

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B. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that has the potential to create a significant impact.

- ❑ Aesthetics
- ❑ Agriculture and Forestry Resources
- ❑ Air Quality
- ❑ Biological Resources
- ❑ Cultural Resources
- ❑ Energy
- ❑ Geology/Soils
- ❑ Greenhouse Gas Emissions
- ❑ Hazards & Hazardous Materials
- ❑ Hydrology/Water Quality
- ❑ Land Use/Planning
- ❑ Mineral Resources
- ❑ Noise
- ❑ Population/Housing
- ❑ Public Services
- ❑ Recreation
- ❑ Transportation/Traffic
- ❑ Utilities/Service Systems
- ❑ Mandatory Findings of Significance

C. Determination

On the basis of this initial evaluation:

✓ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

❑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

❑ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

❑ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

S Zarnowitz 5.16.2019

Sally Zarnowitz, Date
Planning Manager

D. Evaluation Of Environmental Impacts

Notes

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, "Earlier Analyses," may be cross-referenced).

5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:

    a. "Earlier Analysis Used" identifies and states where such document is available for review.

b. "Impact Adequately Addressed" identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.

c. "Mitigation Measures"—For effects that are "Less-Than-Significant Impact with Mitigation Measures Incorporated," mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.

7. "Supporting Information Sources"—A source list is attached, and other sources used or individuals contacted are cited in the discussion.

8. This is the format recommended in the CEQA Guidelines as amended 2016.

9. The explanation of each issue identifies:

a. The significance criteria or threshold, if any, used to evaluate each question; and

b. The mitigation measure identified, if any to reduce the impact to less than significant.

I. Aesthetics

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Have a substantial adverse effect on a scenic vista? (1, 2, 5, 6)	❑	❑	✓	❑
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (4 , 5,6)	❑	❑	❑	✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 2, 4, 5, 6)	❑	❑	✓	❑
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (4, 5, 6)	❑	❑	✓	❑

Comments:

a. The general plan identifies views of the Santa Cruz Mountains and ridgelines as scenic vistas. The Town retained Cannon Design Group to evaluate the project's architectural design and site plan. The design review letter is included in Appendix B. The Town architect determined that the second floor at the south end of the building would significantly obstruct views of the Santa Cruz Mountains from Los Gatos Boulevard. Consistent with the recommendations from the Town architect, the plans were revised to set the second floor back at the south end of the building to reduce the interruption of views toward the Santa Cruz Mountains. Refer to Appendix A for the full set of revised plans. The proposed project, as revised, would not have a significant impact on scenic vistas.

b. The only officially-designated state scenic highway in the region is State Route 9, which is approximately 0.60 miles south of the project site. State Route 17, from State Route 9 south to State Route 1 is eligible for scenic highway designation, but is not officially-designated. The project site is not visible from either of these state highways. Therefore, the proposed project would not damage scenic resources within a state scenic highway.

c. The project site is relatively flat and fronts Los Gatos Boulevard and Shannon Road. Existing views of the project site consist of the single-story commercial building and parking lot that nearly cover the rest of the site excluding small areas of ornamental landscaping positioned mainly along the site margins, including non-native trees, shrubs,

and turf grass. The proposed project would alter the existing character of the project site, by adding a larger two story commercial building. The project site is bordered on the north by office and residential uses, on the west by Los Gatos Boulevard, on the south by Shannon Road, and on the east by residential land uses. According to the general plan EIR, development anticipated under the general plan would be generally consistent with the existing visual character of Los Gatos' primarily built-out landscape. The project site was identified for mixed use development, and therefore, development of an office building on-site was determined to be generally consistent with the existing visual character. Additionally, the general plan contains numerous policies to promote high quality, compatible design and ensure the preservation of existing aesthetic character. Impacts would be less than significant.

d. Existing nighttime lighting at the project site includes lighting on the exterior of the existing commercial building, projected light from the interior through the large glass doors and windows in the building, and lighting standards in the parking lot. In addition, there is an overhead light attached to the traffic signal standard located near the existing site entrance on Los Gatos Boulevard which projects scattered light in that vicinity.

The proposed project would introduce nighttime lighting consistent with a commercial use and nighttime safety lighting. General Plan Policy CD-3.2 requires that lighting for new development be designed to minimize glare, light spill onto neighboring properties, and light pollution of the night sky, and Town Code Section 29.10.09035 prohibits the production of direct or reflected glare (such as that produced by floodlight onto any area outside the project boundary). Compliance with these standards would ensure that project-related light and glare impacts would be less than significant and that the proposed project would not result in a cumulatively considerable contribution to light and glare.

2. Agriculture and Forest Resources

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (5, 6 ,8)	❑	❑	❑	✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (5, 6, 7)	❑	❑	❑	✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (5, 6)	❑	❑	❑	✓
d. Result in the loss of forest land or conversion of forest land to non-forest use? (5, 6)	❑	❑	❑	✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (5, 6, 7, 8)	❑	❑	❑	✓

Comments:

a-e. The project site is identified as "Urban and Built up Land" on the California Department of Conservation's *Santa Clara County 2014 Important Farmlands Map* (2016). There are no Williamson Act parcels on or in the vicinity of the project site. There is no forest or agricultural land in the vicinity of the project site and the proposed project would not conflict with the provisions of the Williamson Act or agricultural zoning. No impacts to agricultural, forest land, or lands zoned for commercial timber, would occur as a result of the project. No further analysis is required.

3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Conflict with or obstruct implementation of the applicable air quality plan? (4,10,11)	❑	❑	❑	✓
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (4,10)	❑	❑	✓	❑
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (4,10)	❑	❑	✓	❑
d. Expose sensitive receptors to substantial pollutant concentrations? (4,5,10)	❑	❑	✓	❑
e. Create objectionable odors affecting a substantial number of people? (4,5,10)	❑	❑	✓	❑

Comments:

a. The Town of Los Gatos, including the project site, is located in the San Francisco Bay Area Air Basin (hereinafter "air basin"), which is under the jurisdiction of the Bay Area Air Quality Management District (hereinafter "air district"). Regional air districts must prepare air quality plans specifying how state air quality standards would be met. The air district's most recent adopted plan is the Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate (hereinafter "2017 CAP"). The air district 2017 CEQA Air Quality Guidelines (hereinafter "CEQA Guidelines") specify 2017 CAP consistency methods for plan level evaluation only. Guidance for project-level analysis focuses on attainment of criteria air pollutant emissions thresholds and health risk standards. Development projects, such as the proposed project, are considered to be consistent with the 2017 CAP if emissions are within the thresholds presented in the air district 2017 CEQA Guidelines.

The proposed project is below the air district's screening size for operational and construction criteria air pollutant emissions (see "b" below). Therefore, the proposed project would not conflict with or obstruct implementation of the air quality plan.

b/c. The air district is responsible for assuring that federal and state ambient air quality standards are attained and maintained in the air basin. Air pollutants of concern in the air basin are ozone, particulate matter (PM_{10} and $PM_{2.5}$), and toxic air contaminants. The air district 2017 CEQA Guidelines provide comprehensive guidance on evaluating, determining significance of, and mitigating air quality impacts of projects and plans.

The air district 2017 CEQA Guidelines, Table 3-1 Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes, identifies land uses by size that are typically not expected to result in criteria pollutant emissions that would exceed the air district's thresholds. Table 3-1 provides an indication of when a project's construction and operational emissions should be quantified based on identified size criteria.

Operational Emissions. The operational criteria pollutant screening threshold for a retail commercial building is 99,000 square feet, and the screening threshold for a general office building is 346,000 square feet. The proposed project includes 13,629 square feet of retail commercial/office buildings (11,317 square foot new retail commercial/office building plus 2,400 square foot existing retail commercial building). The proposed project is below the screening thresholds and therefore, operation of the proposed project would result in criteria air pollutant emissions that are below the air district's significance thresholds and the impact would be less than significant.

Construction Emissions. Table 3-1 also contains screening criteria for construction impacts of new development projects. For both a commercial retail building, and a general office building, construction emissions impacts are less than significant for projects of 277,000 square feet or less. The proposed project includes construction of 11,317 square feet of commercial buildings. Therefore, the proposed project would be below the screening criteria and would result in a less-than-significant impact from construction emissions.

However, dust generated during project construction could affect the adjacent and nearby sensitive receptors, resulting in a potentially significant impact. Additionally, cumulative development projects in the region could have a cumulatively significant effect on air quality impacts associated with construction activity. Implementation of the Town's conditions of approval for construction dust would reduce the proposed project's construction-related contribution to local and regional air quality to less than significant.

d. Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Sensitive receptors are facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas. The nearest sensitive receptors to the project site are the adjacent residences to the north and east.

Operation of the proposed project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels, because no significant operational sources of pollutants are proposed onsite. Construction activities would result in localized emissions of dust and diesel exhaust that could result in temporary impacts to adjacent land uses that include sensitive receptors. The short-term air quality effects related to dust emissions during project construction would be avoided with implementation of the Town's conditions of approval.

e. The proposed project would not result in any objectionable odors during the operational phase. During project construction, there may be nuisance diesel odors associated with operation of diesel construction equipment on-site (primarily during initial grading phases), but this effect would be localized, sporadic, and short-term in nature. Therefore, temporary impacts from nuisance diesel odors on adjacent residential receptors would be less than significant.

4. Biological Resources

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (5, 6)	❑	❑	✓	❑
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (5, 6)	❑	❑	❑	✓
c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filing, hydrological interruption, or other means? (5, 6, 16)	❑	❑	❑	✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (5, 6)	❑	❑	❑	✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1, 3, 5, 6, 14)	❑	❑	✓	❑
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (5, 6)	❑	❑	❑	✓

Comments:

The project site is included on the U.S. Geological Survey (USGS) Los Gatos quadrangle map. Elevation on the generally flat site is about 370 feet. The project site is surrounded in all directions by urban development. It contains a developed structure and parking lot, with small areas of ornamental landscaping positioned mainly along the site margins, including non-native trees, shrubs, and turf grass. No natural plant communities/wildlife habitats are present on the site.

a. Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring. They typically occur in relatively undisturbed areas and are largely found within unique natural habitats. No special-status species are expected to occur on the project site due to the lack of suitable habitats.

   However, common urban-tolerant native bird species may nest in ornamental trees on and adjacent to the project site. Future construction activities and vegetation removal therefore have potential to impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should they be present during construction activities or vegetation removal. If protected species are nesting in or adjacent to the project site during the bird nesting season (February 1 through August 31), then construction activities or vegetation removal could result in the loss of fertile eggs or nestlings, or otherwise lead to the abandonment of active nests. This would be a significant impact. Implementation of the Town's conditions of approval regarding biological resources would prevent significant impacts from occurring.

b. Sensitive natural communities are defined by local, state, or federal regulatory agencies as habitats that support special-status species, provide important habitat values for wildlife, represent areas of unusual or regionally restricted habitat types, and/or provide high native biological diversity. No sensitive natural communities or riparian habitats occur on the project site. Therefore, no impacts to sensitive natural communities would occur.

c. As confirmed through the site visit and review of the U.S. Fish and Wildlife Service *National Wetlands Inventory*, the project site does not contain any wetlands or waterways. Therefore, no impacts to wetland or waterway resources within the jurisdiction of the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, or the Regional Water Quality Control Board would occur.

d. In general, wildlife movement corridors provide connectivity between habitat areas, enhancing species richness and diversity, and usually also provide cover, water, food, and breeding sites. Wildlife movement includes migration (i.e., usually movement one

way per season), inter-population movement (i.e., long-term dispersal and genetic flow), and small travel pathways (i.e., daily movement within an animal's territory). The project site is surrounded by urban development in all directions, and does not contain wildlife movement corridors or native wildlife nursery sites. Therefore, no impacts to wildlife movement corridors or native wildlife nursery sites would occur.

e. The following *Town of Los Gatos General Plan – Community Design (CD) Element* policies are applicable to the proposed project:

> Policy CD-4.2 Maintain street trees, plant additional street trees, and encourage preservation and planting of trees on public and private property.
>
> Policy CD-4.3 Trees that are protected under the Town's Tree Preservation Ordinance, as well as existing native, heritage and specimen trees should be preserved and protected as a part of any development proposal.

The following *Town of Los Gatos Municipal Code - Tree Protection Ordinance* is also applicable to the proposed project.

> Sec. 29.10.0960. Scope of protected trees [abridged].
>
> The trees protected by this division include:
>
> (3) All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required.
>
> (7) All trees, which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk and are located on developed commercial, office, or industrial property.
>
> Sec. 29.10.0990. Standards of review [abridged].
>
> Each application for a tree removal permit required by this division shall be reviewed using the following criteria:
>
> (5) In connection with a proposed subdivision of land into two (2) or more parcels, no protected tree shall be removed unless removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.). The tree removed shall be replaced in accordance with the standards in section 29.10.0985

> of this Code. Tree preservation and protection measures for any lot that is created by a proposed subdivision of land shall comply with the regulations of this Code.
>
> (6) The retention of a protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent. In such a case, the removal shall be conditioned upon replacement in accordance with the standards in section 29.10.0985 of this Code.

According to the Arborist Report prepared by Walter Levison, included as Appendix C, there are 21 trees on the project site, including six street trees within the adjacent street rights-of-way, that are protected by the Town's *Tree Protection Ordinance*. There are several large trees located on neighboring properties with canopies that overhang the site. All of the trees on the project site are non-native ornamental trees planted for landscaping, except for one small native coast live oak (*Quercus agrifolia*) with a four-inch trunk diameter, measuring 14 feet high by eight feet wide. The arborist report provides suggestions for reducing construction impacts to any retained trees on and adjacent to the site when possible and practical, including the Town's general tree protection directions.

Based on the project plans, 12 of the trees on the project site are proposed for removal and four are to be transplanted due to construction of the proposed project.

The proposed project would result in the removal of trees protected by the Town's *Tree Protection Ordinance*. Except for one small coast live oak, the trees are non-native; these ornamental urban trees provide very low quality wildlife habitat. Therefore, though the tree removals and proposed landscape plans will require approval by the Town, the tree removals would result in a less than significant impact to biological resources with compliance with the *Town's Tree Protection Ordinance*.

f. Habitat Conservation Plans: The project site is not located within the Santa Clara Valley Habitat Plan permit area. The project will not conflict with any adopted habitat conservation plan.

5. Cultural Resources

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (2, 4)	❑	❑	❑	✓
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (4, 6, 18)	❑	❑	✓	❑
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (2, 4)	❑	❑	✓	❑
d. Disturb any human remains, including those interred outside of formal cemeteries? (4, 6, 18)	❑	❑	✓	❑

Comments:

a. The existing commercial building on the site is not included in the Town's list of historic resources as identified in the general plan EIR, and therefore, is presumed not to be historically significant. No significant impacts to historic resources would result from renovation of the existing building or new construction associated with the proposed project.

b. The majority of the project site is covered with buildings or pavement which makes an archaeological pedestrian survey non-productive. An archaeological literature review was undertaken during preparation of the initial study for the adjacent Laurel Mews residential project (located at 16213 Los Gatos Boulevard).The literature review utilized the Northwest Information Center (NWIC) located at Sonoma State University (file no. 10-0601) to obtain information about recorded historic and prehistoric archaeological sites in and around the Laurel Mews project site, and information about previous archaeological field studies of the project area and its surroundings. As indicated in the initial study prepared for the Laurel Mews residential project, the review of NWIC records indicated that there has been no previous archaeological field inspection of the project area, and that there are no recorded historic or prehistoric sites within 500 feet of the Laurel Mews site, which includes the project site. The nearest cultural resource

indicated on NWIC inventory maps is a formally unrecorded prehistoric site found at the Fisher School on Blossom Hill Road. There is no additional information regarding this resource (Geier & Geier 2011, pg. 14).

There remains potential that discovery of unknown and unanticipated buried cultural resources could occur during grading and construction activities. Damage to significant cultural resources would be considered a significant impact. The Town will implement standard conditions of approval consistent with General plan policy OSP-9.4 which requires construction to cease if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities. Compliance with the Town's standard conditions would ensure impacts would be less than significant.

c. The general plan EIR cites the University of California Museum of Paleontology in determining that there are no fossil localities within the Town (Town of Los Gatos 2010b, page 4.4-15), but determined that deep excavations could disturb unknown underground paleontological resources. The proposed project would involve shallow excavations, so no impact is expected to occur. In the unlikely event an anticipated paleontological find were to occur, compliance with general plan policies would ensure that impacts would be less than significant.

d. While there are no know human remains within the site, there remains potential for the discovery of unknown and unanticipated human remain disturbance of which would be considered a significant impact. Per general plan policy OSP-9.3, if any human remains are discovered during implementation of public and private projects within the Town, the developer must fully comply with California laws that address the identification and treatment of human remains and the find must be treated with respect and dignity. Implementation of this general plan policy would ensure that impacts would be less than significant.

6. Energy

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (1, 2)	❑	❑	✓	❑
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (1, 2)	❑	❑	❑	✓

Comments:

a/b. Buildout of the General Plan would increase energy consumption in the County. Energy resources (diesel and gasoline fuel) will be used during construction of projects anticipated in the General Plan. Energy will be consumed to provide lighting, heating, and cooling for development under the General Plan. Energy will also be consumed by transportation and vehicle use by projects anticipated in the General Plan. The General Plan EIR found that policies contained within the General Plan would promote smart energy use and efficiency and would reduce adverse environmental impacts associated with inefficient, wasteful, and unnecessary energy consumption to less-than-significant levels.

Future development of the project site in conformance with the Commercial Zoning Code standards could contribute to the impacts to energy resources identified in the General Plan EIR. However, the project would not result in more development than identified in the General Plan and analyzed in the General Plan EIR. The proposed project would not interfere with measures or General Plan policies intended to increase renewable energy provision, promote energy conservation, and increase overall energy efficiency throughout the Town. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the General Plan EIR, and the proposed project would result in a less than significant impact.

7. Geology and Soils

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (15)	❑	❑	❑	✓
(2) Strong seismic ground shaking? (15)	❑	❑	✓	❑
(3) Seismic-related ground failure, including liquefaction? (2,15)	❑	❑	✓	❑
(4) Landslides? (2,15)	❑	❑	✓	❑
b. Result in substantial soil erosion or the loss of topsoil? (4, 15)	❑	❑	❑	✓
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (2,15)	❑	❑	✓	❑
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) [Section 1803 of the California Building Code], creating substantial risks to life or property? (15)	❑	❑	✓	❑
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (4, 15)	❑	❑	❑	✓

Comments:

Milstone Geotechnical prepared a *Geologic and Geotechnical Investigation* (geotechnical report) for the project site in June 9, 2014 and revised August 10, 2018. The geotechnical report is included as Appendix D of this initial study. Milstone Geotechnical conducted a surface reconnaissance and subsurface exploration to evaluate physical and engineering properties of the subsurface conditions. Subsurface conditions were explored by drilling seven small-diameter exploratory boreholes between depths of 14.5 feet and 28.0 feet below the ground surface.

a. **1. Fault Rupture.** The project site is not located in an Alquist-Priolo Earthquake Fault Zone. Because no active or potentially active faults are known to cross the site, there is no risk of fault rupture across the site and there would be no impact from hazards related to fault rupture.

2. Seismically-Induced Ground Shaking. The closest mapped faults are a main trace of the potentially active Berrocal fault which is located approximately 0.9 miles to the southwest of the site. The site is located between concealed surface traces of the active Monte Vista – Shannon fault zone, with traces approaching within 1,000 feet to the northeast and 1,775 feet to the southwest. The active San Andreas fault zone is mapped approximately four miles southwest of the project site (Milestone 2018 p. 4). The property is expected to experience violent ground shaking during large earthquakes on the nearby segment of the San Andreas fault system. However, implementation of the Town's conditions will ensure there are no impacts related to the risk of loss, injury, or death associated with seismically induced ground shaking.

3, 4. Landslide and Liquefaction. Based on the lack of ground water and the gradation and density of the materials encountered during the geotechnical consultant's exploration, the potential for liquefaction is considered to be low. According to the general plan EIR, the site is not located in a liquefaction zone or landslide zone.

b. Approximately 79 percent (or 32,512 square feet) of the 0.94-acre project parcel is covered with the impervious surfaces of the site's building, concrete slab foundation, and asphalt parking lot. Project development would result a slight increase of impervious surface area by 657 square feet to 33,169 square feet of impervious surface area. The post-construction design of the project site consists of landscaping and storm water control measures that would encourage groundwater infiltration. Additionally, the proposed project would not create slopes on the site that would increase the risk of long-term erosion. Therefore, potential erosion-related impacts would be limited to the construction period. Project plans include a preliminary interim erosion control plan (applicable to and construction activities), and a preliminary storm water management plan that identifies proposed pervious and impervious surface and disposition of

anticipated runoff. These plans are shown on sheets C-6, -7, and -8 in the project plans, included in the proposed development plans in Appendix A. Implementation of the preliminary interim erosion control and storm water management plans, and compliance with Town Code Section 22.30.035 will ensure that impacts related to erosion and loss of topsoil would be less than significant.

c/d. The geotechnical report determined that localized substandard backfill was present which is unstable and weaker near surface soil. However, the report determined that the geotechnical conditions of the site are suitable for the proposed construction. Implementation of the Town's conditions will ensure there will not be impacts related to unstable or expansive soils.

e. The proposed project would connect to the Town's sanitary sewer system and would not require the use of a septic system or alternative disposal system.

8. Greenhouse Gas Emissions

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (4,10,34)	❑	❑	✓	❑
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (4,10,34)	❑	❑	❑	✓

Comments:

a/b. The proposed project would result in new greenhouse gas emissions during its construction and operational phases. Construction emissions would be generated by equipment used during the site preparation and building construction processes. Operational emissions would be generated primarily by employee and visitor vehicle trips, and indirectly by use of electricity and natural gas on site, by use of electricity to pump water supply and treat wastewater, and from decomposition of solid waste generated by commercial uses.

The proposed project is located within the Bay Area Air Quality Management District (hereinafter "air district"). The air district is charged with managing air quality within its boundaries. The air district has published comprehensive guidance on evaluating, determining significance of, and mitigating GHG impacts of projects and plans. The guidance is contained in the air district's 2017 CEQA Air Quality Guidelines (hereinafter "2017 CEQA Guidelines"). The 2017 CEQA Guidelines identify three thresholds of significance options for operational-related GHG emissions for land use development projects: 1) compliance with a qualified GHG reduction strategy; 2) annual emissions less than 1,100 metric tons per year (MT/yr) of CO2e; or 3) emissions below 4.6 MT CO2e/service population/yr, where service population equals the sum of residents plus employees generated by a project).

The Town of Los Gatos does not specifically have a greenhouse gas emissions reduction plan; however, policies in both the general plan and the *Los Gatos Sustainability Plan* (hereinafter "sustainability plan") include measures that would reduce greenhouse gas emissions. The sustainability plan is the Town's principal tool in implementing the

sustainability objectives of the general plan. The sustainability plan presents the Town's strategy to achieve sustainability in transportation, land use, energy conservation, water use, solid waste reduction and open space preservation. Implementation of the sustainability plan should reduce GHG emissions by approximately 30 percent from the business-as-usual assumption by 2020.

The 2017 CEQA Guidelines, Table 3-1 Criteria Air Pollutants and Precursors and GHG Screening Level Sizes, identifies land uses by size that are typically not expected to result in operational GHG emissions that would exceed air district thresholds. The applicable land use category of the air district's screening criteria table for the project is "general office building". For operational impacts from GHG emissions, the screening size is 19,000 square feet for a retail commercial building and 53,000 square feet for a general office building. The project consists of approximately 13,629 square feet of commercial buildings (of which 2,312 square feet is already existing). The project is below the air district's screening thresholds for such uses and would have a less-than-significant impact related to operational GHG emissions.

The air district has not adopted a threshold of significance for construction-related GHG emissions. During site preparation and construction of the project, GHGs would be emitted through the operation of construction equipment and from worker/builder supply vehicles, which typically use fossil-based fuels to operate. Project excavation, grading, and construction would be temporary, occurring only over the construction period, and would not result in a permanent increase in GHG emissions. The impact from construction emissions associated with the project, therefore, would be less than significant.

Therefore, the proposed project would generate greenhouse gases that have a less-than-significant impact on the environment and would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

9. Hazards and Hazardous Materials

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (4)	❑	❑	❑	✓
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (4)	❑	❑	❑	✓
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (4, 5)	❑	❑	❑	✓
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (24, 25)	❑	❑	✓	❑
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area? (4, 5, 6)	❑	❑	❑	✓
f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (4, 5, 6)	❑	❑	❑	✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1, 4, 5, 6)	❑	❑	❑	✓

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands? (4, 22, 23)	❑	❑	❑	✓

Comments:

a/b. The proposed project would not involve the routine transport, use, or disposal of hazardous waste or result in the release of hazardous materials into the environment. However, construction of the proposed project may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals typically used during construction. Transportation, storage, use and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Enforcement of hazardous material regulations and rapid response by local agencies would reduce the proposed project's impact on the transportation, use, and disposal of hazardous materials to less than significant.

c. The project site is within one-quarter mile of three schools: Fischer Middle School (0.2 mile to the west), Louise Van Meter Elementary School (0.25 mile to the south), and Shannon Nursery School (0.2 mile to the east). The Shir Hadash Early Childhood Center is located approximately 0.30 mile to the east, and Blossom Hill Elementary is located approximately 0.35 mile to the northeast. As described in item "a-b" above, the project would not require the routine transport, use, or disposal of hazardous materials.

d. A search of the California Regional Water Quality Control Board's GeoTracker database (within a 1,000-foot radius from the project site) identified five sites, including the project site, with previous environmental issues – now listed as completed/case closed – and one listed as open/verification monitoring. These sites are listed in Table 1, Hazardous Materials Sites in Project Vicinity.

All cases listed in Table 1 are closed except for the one located at King's Court Shopping Center, approximately 0.10 of a mile north of the project site. The site is the location of a former dry cleaning business (King's Court Cleaners) that operated from 1961 through 1980. This case involves soil and shallow groundwater contamination involving perchloroethylene (PCE), used by the dry cleaning business to perform cleaning services. According to the fact sheet prepared for the site by the Regional Water Quality Control Board, there is no known use of shallow groundwater underlying the site for municipal,

domestic, industrial, or agricultural water supply. This case has been listed with a status of "Open - Verification Monitoring" since 2002. This status definition means that site remediation is complete and a monitoring/sampling program is occurring to confirm successful completion of cleanup at the site. No active remediation is considered necessary or no additional active remediation is anticipated. Therefore, contamination from this case would not affect the project site.

Table 1 Hazardous Materials in Project Vicinity

Site Name	Global ID	Status[1] (Date Case Closed)	Case Type	Address
A & M Motors	T0608591735	Completed - Case Closed (1999)	Other/ Substance Release	16165 Los Gatos Boulevard
EXXON #7-0223	T0608547563	Completed - Case Closed (2004)	Leaking Underground Tank	700 Blossom Hill Road
Former South Bay Honda	T10000003448	Completed - Case Closed (2012)	Other/Substance Release	16213 Los Gatos Boulevard
King's Court Shopping Center	Sl18314734	Open - Verification Monitoring (N/A)	Other/ Substance Release	728 Blossom Hill Road
Los Gatos Acura	T0608536423	Completed - Case Closed (1997)	Leaking Underground Tank	16151 Los Gatos Boulevard
West Valley Dodge (project site)	T0608501657	Completed - Case Closed (1996)	Leaking Underground Tank	16212 Los Gatos Boulevard

Source: RWQCB 2018; Google Earth 2018.

Notes: [1] Project Status Definitions

Completed – Case Closed: A closure letter or other formal closure decision document has been issued for the site.

Open – Verification Monitoring: Remediation phases are essentially complete and a monitoring/sampling program is occurring to confirm successful completion of cleanup at the Site. (E.g. No "active" remediation is considered necessary or no additional "active" remediation is anticipated as needed. Active remediation system(s) has/have been shut-off and the potential for a rebound in contaminant concentrations is under evaluation).

A search of the California Department of Toxic Substances Control Envirostor database indicates no toxic cleanup incidents on or in the vicinity of the project site.

e/f. The project site is not within an airport land use plan, within two miles of a public airport, or near a private landing strip. The nearest airports are San Jose International Airport, seven miles to the north, and Reid-Hillview Airport, nine miles to the northeast. The project would not result in a safety hazard for people working in the project area.

g. The Town's *Emergency Operations Plan* identifies potential threats and outlines response protocols and procedures. Evacuations are considered most likely in response to a dam failure or wildfire. In general, during emergencies, major roads, highways, hospitals, and fire stations are important to the initial response. Schools, churches, and community centers are frequently used as assembly points for persons displaced from homes, or for distribution of emergency supplies. The project site is adjacent to a major road (Los Gatos Boulevard) and within 0.4 mile of a fire station. However, the proposed project would not impede access along Los Gatos Boulevard or to the fire station, or interfere with response during an emergency. There would be no impact related to implementation of an emergency plan.

h. The proposed project site is located in a local responsibility area, but is not located in a zone of Very High Fire Hazard, as identified in the general plan. The project is not adjacent to or intermixed with wildlands. There is no risk of exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires.

10. Hydrology and Water Quality

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Violate any water quality standards or waste discharge requirements? (4, 19, 20, 21)	❑	❑	❑	✓
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted? (4,5,6,15)	❑	❑	❑	✓
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in *substantial erosion or siltation on- or off-site?* (4, 19, 20)	❑	❑	✓	❑
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in *flooding on- or off-site?* (4, 19, 20)	❑	❑	✓	❑
e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off? (4, 19, 20)	❑	❑	✓	❑
f. Otherwise substantially degrade water quality? (4, 19, 20)	❑	❑	✓	❑
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (2, 4)	❑	❑	❑	✓

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (2, 4)	❑	❑	❑	✓
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? (4, 13, 29)	❑	❑	✓	❑
j. Cause inundation by seiche, tsunami, or mudflow? (4, 5, 6)	❑	❑	❑	✓

Comments:

a. **Water Quality Standards**. In order to comply with the State-issued National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP), Order R2-2015-0049, NPDES Permit No. CAS612008, adopted on November 19, 2015, the Town of Los Gatos are required to place Conditions of Approval related to storm water quality control on certain "regulated" development projects. Regulated projects include all projects that create and/or replace 10,000 sq. ft. or more of impervious surface on the project site. Approximately 79 percent, or 32,512 square feet, of the 0.94-acre project site is currently covered with impervious surfaces. When completed, the project would result in a 657 square foot increase in impervious surfaces to 33,169 square feet. The project would require the replacement of 19,141 square feet of impervious surfaces and would include 7,532 square feet of new impervious surface. Therefore, the project would be a regulated project subject to storm water quality control (Town of Los Gatos Provision C.3 Data Form p. 1 and Notice for Developers & Contractors State of California Stormwater Regulations p. 1).

All regulated projects are required to implement Low Impact Development (LID) source control, site design, and storm water treatment in accordance with Provisions C.3.c. and C.3.d. of the NPDES permit. The goal of LID is to reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. Each regulated project is reviewed by the Town's stormwater treatment consultant to certify the project's compliance with the NPDES permit requirements. An agreement with the Town outlining the treatment facilities installed and the on-going operation, maintenance and reporting obligations will be the final requirement.

Additionally, Town Code Section 22.30.035 requires permanent storm water pollution prevention measures for development projects to reduce water quality impacts of storm water runoff from the site in accordance with the Town's current NPDES storm water discharge permit, and the Town's policy for storm water management requirements for new development and redevelopment projects.

The project would be required to adhere with the above referenced standards which would ensure the project would not violate any water quality standards.

Waste Discharge Requirements. The West Valley Sanitation District provides wastewater collection and disposal services for Campbell, Monte Sereno, Los Gatos, much of Saratoga, and some unincorporated areas of Santa Clara County. The West Valley Sanitation District has a fixed allocation of the San Jose/Santa Clara Wastewater Treatment Facility (Town of Los Gatos 2010a, p 4.14-18). The Regional Water Quality Control Board strictly monitors the wastewater treatment facility's discharges and sets requirements in the facility's NPDES wastewater discharge permit according to wastewater discharge requirements (San Jose-Santa Clara Regional Wastewater Facility. Fact Sheet p. 1). The project would connect to the city maintained sewer system and therefore, the proposed project would not violate any waste discharge requirements.

b. Approximately 92 percent, or 38,515 square feet, of the 0.94-acre project site is currently covered with impervious surfaces. Once developed, the project would result in a net decrease in impervious surfaces to 32,960 square feet. Therefore, the project would result in an increase in pervious surfaces and would not interfere with groundwater recharge; i.e. there would not be a net deficit in aquifer volume or a lowering of the local groundwater table level when compared to the existing on-site conditions.

According to the geotechnical report, no groundwater was detected to the maximum depth explored of 26 feet below ground surface (Milestone Geotechnical 2010, p 10). The proposed project does not include groundwater extraction and would not substantially deplete groundwater supplies.

c-f. Urban development has the potential to substantially alter the existing drainage pattern of a site and result in the release of pollutants that can degrade the quality of downstream waters which would result in substantial erosion, siltation, or flooding on- or off-site. Additionally, development can create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off. The proposed project has the potential to generate pollution in storm water runoff during construction and operations. The project will be required to implement Low Impact Development (LID) source control, site design, and storm water treatment in accordance with Provisions C.3.c. and C.3.d. of the NPDES

permit as discussed in item "a." The project plans include a preliminary interim erosion control plan (applicable to demolition and construction activities), and a preliminary storm water management plan that identifies proposed pervious and impervious surfaces, disposition of anticipated runoff volumes, and storm water treatment methods to safeguard water quality in site runoff and prevent erosion and siltation during construction and operation of the proposed project. These plans are shown on sheets C-6, -7, and -8 in the project plans, included in the proposed development plans in Appendix A. Implementation of the Town's storm water requirements and preliminary interim erosion control and storm water management plans would ensure that the project would not result in the a substantial alteration of the drainage pattern of the site such that it would cause the release of pollutants or result in substantial erosion, siltation, flooding or exceedance of the storm drainage system.

g/h. According to the Federal Emergency Management Agency (FEMA) flood zone map in the general plan EIR (Figure 4.8-1), the project site is not located in a flood zone.

i. The project site is within a dam failure inundation area. The project site is downstream of the Lenihan Dam at Lexington Reservoir on Los Gatos Creek, and is subject to flooding in the event of a dam failure. Lenihan Dam was seismically upgraded and the state inspects dams regularly to ensure safety; therefore, dam failure is unlikely, and the impact is less than significant.

j. The project site is not located adjacent to a large body of water, so seiches and tsunamis are not possible. The project site is essentially level and surrounded by nearly level ground, so mudflows are not possible.

11. Land Use and Planning

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Physically divide an established community? (4,5,6)	❑	❑	❑	✓
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3)	❑	❑	❑	✓
c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (4,5,6)	❑	❑	❑	✓

Comments:

a. The surrounding area is developed with commercial, retail, and residential land uses. The site is bordered on two sides by public roadways (Los Gatos Boulevard and Shannon Road) with sidewalks and bike lanes. The proposed project includes re-use of the existing commercial building and the addition of a second commercial building. The project is adding to an existing on-site commercial use and would not divide an established community.

b. Applicable policies of the general plan and zoning code were reviewed by the consultant and it was determined that the proposed project would not conflict with any applicable land use plan policies adopted for the purpose of avoiding or mitigating an environmental impact.

c. The project site is not located within a designated natural community conservation plan and, for the reasons described in item "f" in Section 4, Biological Resources, the proposed project would not conflict with or impair implementation of the Santa Clara Valley Habitat Conservation Plan. Therefore, no impacts would occur.

12. Mineral Resources

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1)	❑	❑	❑	✓
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1)	❑	❑	❑	✓

Comments:

a/b. The general plan EIR determined that mineral resources are not significant in the Town. Several limestone quarries operated south of Los Gatos in the late 1800s and early 1900s. The nearest active quarries are the Lexington Quarry, east of Lexington Reservoir, and the Lehigh Permanente and Stevens Creek quarries west of Cupertino. There is no active mining at or near the project site or anywhere within the Town. There are no known mineral resources in the vicinity of the project site.

13. Noise

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1,18)	❑	❑	✓	❑
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (4,5,6)	❑	❑	✓	❑
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (4,5,6,18)	❑	❑	✓	❑
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (4,5,6)	❑	❑	✓	❑
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (5,6)	❑	❑	❑	✓
f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (5,6)	❑	❑	❑	✓

Comments:

a. The discussion below is based, in part, on the Envelope Acoustical Design (noise analysis) prepared by Veneldasen Associates in February 2011 for the Laurel Mews residential project located at 16213 Los Gatos Boulevard and the noise impact section included in the initial study prepared for that project (Geier & Geier 2011). The Laurel Mews site is located diagonally from the project site across Los Gatos Boulevard.

The Noise Element of general plan contains guidelines for land use planning to reduce future noise and land use incompatibilities (see Figure NOI-1 of the Noise Element). These guidelines define noise level acceptability by land use. According to the Town's noise level guidelines for commercial uses, noise levels up to 70 dBA (LDN or CNEL) are "normally acceptable" while noise levels between 67 dBA and 77 dBA are "conditionally acceptable." Noise levels between 75 dBA and 85 dBA are "normally unacceptable." There are no "clearly unacceptable" noise levels identified for this use. The Noise Element also establishes outdoor noise limits (see Table NOI-2 of the Noise Element), which represent long-range community goals for different land use designations within the Town. For commercial uses, the goal is 70 dBA (LDN).

The Noise Element establishes goals and policies for reducing noise levels in the Town. Policies aimed at reducing noise levels must address specific sources of unwanted noise, as well as noise-sensitive receptors.

The noise analysis prepared for the Laurel Mews residential project determined that pre-project noise levels on that site ranged from 57 – 68 dBA (LDN). Future (2030) with project noise levels at that site would increase by approximately 1dBA across the site. Given the proximity of the project site to the Laurel Mews site, it can be assumed that noise levels at the project site would be similar, although daytime noise levels may be higher at the Laurel Mews site due to proximity to the auto repair shop located on the northwest intersection of Los Gatos Boulevard and Roberts Road, with auto repair bays located on Roberts Road.

The project site would be subject to noise levels attributable to traffic along Los Gatos Boulevard that are considered "normally acceptable" for the proposed commercial uses. Therefore, impacts would be less than significant and no mitigation is necessary.

b. Operation of the proposed project would not result in exposure of persons to, or generation of, excessive ground-borne vibration or ground borne noise levels. Vibration levels generated during project construction activities may at times be perceptible at neighboring land uses, but vibration levels would not be excessive or result in cosmetic or structural damage to buildings.

c. The main source of operational noise associated with the proposed commercial project would be traffic noise. Long-term, permanent increases in ambient noise levels would be primarily associated with increases in vehicle traffic on nearby roadways. According to the U.S. Department of Transportation Federal Highway Administration, doubling of the noise source produces only a 3 dB increase in sound pressure level. A 3 dB change in sound level is barely detectable by the human ear. The greatest effect of project traffic would occur along Los Gatos Boulevard between Roberts Road and Shannon Road during the PM peak hour. The PM Peak hour number of vehicle trips along this roadway

segment is 2,104 vehicles. The proposed project would add 21trips to this segment during the PM peak hour, for a total of 2,125 trips representing an increase of in traffic volume by 0.99 percent (traffic impact analysis Appendix E). Therefore, project-generated increase in traffic volumes would not substantially increase noise levels in the project vicinity.

d. Equipment that produces noise will be used during the short-term construction process. Residences and businesses are located adjacent to and near the project site. Use of construction equipment could be a short-term source of impact on these noise-sensitive uses. However, implementation of Town conditions would ensure significant impacts are avoided.

e/f. The project site is not within an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip. The nearest airports are San Jose International Airport, seven miles to the north, and Reid-Hillview Airport, nine miles to the northeast. Flights generally approach San Jose International Airport through the Coyote Valley, and depart over south San Francisco Bay. Flights approaching San Francisco Airport generally pass over the Santa Cruz Mountains west of Los Gatos. Most aircraft do not pass over Los Gatos.

14. Population and Housing

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (4)	❑	❑	❑	✓
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (4)	❑	❑	❑	✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (4)	❑	❑	❑	✓

Comments:

a. The proposed project would not result in population growth or foster growth beyond that planned in the general plan. Therefore, there would be no indirect impacts related to construction of infrastructure as a result of population growth.

b/c. There are no existing houses or people on the project site that would be displaced by the proposed project.

15 Public Services

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Fire protection? (4,5,6)	❑	❑	❑	✓
b. Police protection? (4,5,6)	❑	❑	❑	✓
c. Schools? (2,4)	❑	❑	❑	✓
d. Parks? (4,5,6)	❑	❑	❑	✓
e. Other public facilities? (4)	❑	❑	❑	✓

Comments:

a-e. Existing development on the site is served by public services. The proposed project is not a population generating project and would not significantly increase the demand for public services such that new or altered facilities would be required.

16. Recreation

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (4,5,6,18)	❑	❑	❑	✓
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (4,5,6,18)	❑	❑	❑	✓

Comments:

a/b. The proposed project would not increase local population or increase demand for recreational facilities such that construction or expansion of existing facilities would be required. The project's future employees may result in an incremental increase in the use of nearby recreational facilities, but would not have significant impacts on existing park and recreational facilities or result in environmental impacts from the construction of additional park and recreational facilities.

Nearby recreational facilities include Blossom Hill Park (0.6 mile to the east), Vasona County Park (0.5 mile to the west), Oak Meadow Park (0.6 mile to the west), Los Gatos Creek Trail (0.5 mile to the west), Fischer Middle School (0.2 mile to the west), Louise Van Meter Elementary School (0. 25 mile to the south), and Los Gatos High School (0.8 mile to the southwest).

The project vicinity is served by a large number of additional existing park and recreational facilities. Parks and recreational programs serving or located close to the project site are operated by the Town, the City of Campbell, the Los Gatos Saratoga Community and Recreation District, Santa Clara County Parks Department, Mid-Peninsula Open Space District, and the California Department of Parks and Recreation.

17. Transportation/Traffic

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (17)	❑	❑	✓	❑
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (17)	❑	❑	✓	❑
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (4)	❑	❑	❑	✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (17)	❑	❑	❑	✓
e. Result in inadequate emergency access? (4, 17)	❑	❑	❑	✓
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (4, 5, 6, 17, 33)	❑	❑	❑	✓

Comments:

This section is based on the *16212 Los Gatos Boulevard Mixed-Use Development Traffic Impact Analysis* (traffic impact analysis) prepared by Hexagon Transportation Consultants on November 19, 2018. The impacts of the project were evaluated in accordance with the standards set forth by

the Town of Los Gatos. Traffic conditions at the study intersections were analyzed for the weekday AM, school PM, and PM peak hours of adjacent street traffic. The AM peak hour of adjacent street traffic is generally between 7:00 AM and 9:00 AM, the school PM peak hour is typically between 2:00 PM and 4:00 PM, and the PM peak hour of adjacent street traffic is typically between 4:00 PM and 6:00 PM. Traffic studies do not typically include the 2:00-4:00 PM period because it is not as busy as the commute hours. However, this site is near schools, so the streets are busy at school dismissal times. It is during these periods on an average weekday that the most congested traffic conditions occur. The study intersections are listed below.

1. Blossom Hill Road and Roberts Road

2. Los Gatos Boulevard and Blossom Hill Road

3. Los Gatos Boulevard and Roberts Road/Shannon Road

4. Los Gatos Boulevard and Nino Avenue

Intersection Thresholds of Significance. Traffic conditions at the study intersections were evaluated using level of service (LOS). Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The Town of Los Gatos LOS methodology for signalized intersections is the 2000 Highway Capacity Manual (HCM) method. This method is applied using the TRAFFIX software. The 2000 HCM operations method evaluates signalized and unsignalized intersection operations on the basis of average control delay time for all vehicles at the intersection. The Town of Los Gatos LOS standard for all signalized intersections is LOS D or better. A project is said to create a significant adverse impact on traffic conditions at an intersection if, for either peak hour, either of the following conditions occurs: 1) the addition of project traffic causes an intersection operating at LOS A, B, or C under no-project conditions to degrade more than one letter grade under with-project conditions, or 2) the level of service at an intersection is LOS D under no-project conditions and the addition of project traffic causes a degradation of level of service to LOS E or F.

a/b. **Performance Standards.** In order to determine potential traffic impacts associated with future development of the project, the traffic impact analysis evaluated six study scenarios: Existing Conditions, Existing Plus Project Conditions, Background Conditions, Background Plus Project Conditions, Cumulative Conditions, and Cumulative Plus Project Conditions. The LOS calculation sheets for each of these scenarios are included in Tables 5 through 7 of the traffic impact analysis (Appendix E).

Existing Conditions and Existing Plus Project Conditions. The results of the intersection level-of-service analysis under existing conditions and existing plus project conditions show all study intersections would operate at or better than their respective level of service standards.

Background and Background Plus Project Conditions. The results of the intersection level-of-service analysis under background conditions and background plus project conditions show all study intersections would operate at or better than their respective level of service standards.

Cumulative and Cumulative Plus Project Conditions The results of the intersection LOS analysis under cumulative conditions show that all study intersections would operate at acceptable levels of service (LOS D or better) during the AM, school PM, and PM peak hours. Under cumulative plus project conditions, the results of the intersection level of service show that, measured against the Town of Los Gatos level of service standards, all the study intersections would continue to operate at an acceptable LOS D or better during the AM, school PM, and PM peak hours. According to the Town of Los Gatos significant intersection impact criteria, the proposed project would not generate any significant intersection impacts under cumulative plus project conditions.

The Town requires a Traffic Control Plan for each project to control construction traffic, including limiting haul and delivery truck traffic during the morning and afternoon peak hours to facilitate the flow of commuter traffic. The Traffic Control Plan sets the routes allowed for construction traffic to facilitate traffic flow and minimize travel delay in the event of overlapping construction traffic from other projects occurring in the vicinity, including projects from neighboring jurisdictions. Because the Traffic Control Plan is required, construction traffic impacts would be less than significant.

c. The proposed project would not affect air travel.

d. The Shannon Road driveway provides full access to the project site, whereas the Los Gatos Boulevard driveway is restricted to right-in and right-out only because of the median on Los Gatos Boulevard. The proposed project would extend the median to ensure that left-turning vehicles could not use the driveway to enter or exit. The width of the existing driveway on Shannon Road is 22 feet and Los Gatos Boulevard is 25 feet, which meet the City's requirement. The project driveways would be located as far as possible from the traffic signal at Los Gatos Boulevard and Shannon Road in order to maximize queuing storage and to minimize turning movement conflicts at the intersection.

The proposed project would make safety improvements and not increase hazards due to a design feature. Refer to item "f" for discussion of bicycle and pedestrian safety features.

e. The site plan indicates that there would be sufficient space on-site to accommodate emergency trucks to conduct a three-point turn to turn around on site. Additionally, because the project driveways on Los Gatos Boulevard and Shannon Road would be connected internally, the site plan allows emergency vehicles to access from one driveway and exit at the other driveway without having to turn around onsite.

f. The project site is well-served by existing bicycle facilities. There is an existing Class II bike lane on Los Gatos Boulevard. Additional bicycle facilities within the project vicinity include bike lanes on Blossom Hill Road, Cherry Blossom Lane, and on Los Gatos-Almaden Road, as well as the Los Gatos Creek trail. The Los Gatos Creek Trail is a Class I bike facility that runs in a north-south direction just west of Highway 17. Shannon Road is designated bike route near the project vicinity (Traffic Impact Analysis p. 36).

As part of a Safe Routes to School Plan, the project developer proposes to make various improvements along its frontage to enhance pedestrian and bicycle safety. The proposed project includes a protected bike lane on Los Gatos Boulevard with a painted buffer between the bike lane and the traveled lanes that would enhance the safety of cyclists and would not interfere with the project driveway or vice versa (Traffic Impact Analysis p. 38). Also, a bike box would be added to Shannon Road that would increase bicyclist visibility for drivers and enhance bicyclist safety crossing the intersection.

Pedestrian activity could occur between the site and retail centers located along Los Gatos Boulevard and Roberts Road, as well as the closest bus stops, located about 75 feet north and 200 feet to the south of the project site. There are existing sidewalks on Los Gatos Boulevard that connect the site to the bus stops and to the shopping. The project would increase pedestrian safety by moving the curb out ten feet on Los Gatos Boulevard to widen the sidewalk. The pork-chop island and the right turn slip lane would be removed on Shannon Road, which would reduce the pedestrian crossing distance. The proposed project would move the cross walk located at the east approach of the Shannon Road to the west approach of the Robert Road leg for additional pedestrian safety. Due to the location of the project site near schools, these improvements will not only encourage more pedestrians and bicyclists to walk or bike but also provide safety to the school students.

There is transit service on Los Gatos Boulevard is adjacent to the site. It is not expected that the proposed project would generate a significant amount of transit ridership or create a significant impact to intersection levels of service along transit routes. Therefore, the project would not significantly impact transit facilities and transit travel times.

The project would not decrease the performance or safety of bicycle, pedestrian, or transit facilities or conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.

18. Tribal Cultural Resources

Would the project:

	Potentially Significant Impact	*Less-than-Significant Impact with Mitigation Measures Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1, 2, 3, 17)	❑	❑	❑	✓
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1, 2, 3)	❑	❑	❑	✓

Comments:

a. The CEQA statute as amended by Assembly Bill (AB) 52 (Public Resources Code Sections 21073 and 21074) define "California Native American tribe" and "tribal cultural resources." A California Native American tribe is defined as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission. "Public Resources Code Section 21080.3.1 outlines procedures for tribal consultation as part of the environmental review process.

No California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1.

19. Utilities and Service Systems

Would the project:

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (2,4)	❑	❑	❑	✓
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (2,4)	❑	❑	✓	❑
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (4)	❑	❑	❑	✓
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (4)	❑	❑	✓	❑
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (2)	❑	❑	❑	✓
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (4,30, 31)	❑	❑	❑	✓
g. Comply with federal, state, and local statues and regulations related to solid waste? (4, 31)	❑	❑	❑	✓

Comments:

a/b/e. West Valley Sanitation District provides wastewater collection and disposal services for the Town of Los Gatos. Wastewater treatment would occur at the San Jose/Santa Clara Water Pollution Control Plant located in Alviso. The treatment plant has a licensed capacity of 167 million gallons per day (mgd) and the flow rate in 2010 was below

110 mgd, which represented a drop of over 20 mgd since 2000. The treatment plant has a planned capacity of 450 mgd. At a generation rate of 0.076 gallons per square foot per day, a total of 853.48 gallons per day of wastewater generation would be introduced into the system (in addition to the 182.4 gallons per day currently generated on site. New on-site wastewater laterals would be installed and off-site wastewater collection pipe connections would be required. The West Valley Sanitation District has adequate collection facilities and treatment capacity to accommodate wastewater flows from the proposed commercial development.

c. The proposed project would collect and treat storm water in on-site bioswales, with overflow storm water directed off the project site to an existing drainage conveyance system. Storm drainage would flow to existing drain lines in Los Gatos Boulevard and Shannon Road. Approximately 92 percent, or 32,512 square feet, of the 0.94-acre project site is currently covered with impervious surfaces. Once developed, the project would result in a small increase in impervious surfaces to 33,169 square feet. (See discussion under item c/d/e in Section 9, Hydrology and Water Quality.)

All projects that create and/or replace 10,000 sq. ft. or more of impervious surface on the project site Therefore, the proposed project would we required to comply with appropriate design measures to control storm water runoff pollutant discharges.

d. The proposed project would develop the project site with new uses that would use water provided by the San Jose Water Company. Using the future projected commercial demand factor from the general plan EIR, 0.0751 gallons per square foot per day, a total of 1,023.61 gallons per day, or 1.15 acre-feet of water per year. Landscape irrigation is assumed to be included within the overall commercial rate. It is expected that water needs of the proposed project would be met with existing entitlements and resources.

f. West Valley Collection & Recycling is the exclusive recycling, compostable waste, and garbage hauler for the Town of Los Gatos, the cities of Campbell, Monte Sereno, and Saratoga and unincorporated Santa Clara County. Most compostable waste and garbage are transported to the Guadalupe Landfill, located off Hicks Road southeast of the project site; less than 10 percent of waste is disposed of at other landfills within the state. The Guadalupe Landfill has operated at the site (initially as an open burn facility) since 1929, and is owned by the Guadalupe Rubbish Disposal Company. The Guadalupe Landfill is a Class III solid waste landfill with a total permitted capacity of 28.6 million cubic yards. As of January 2011, the landfill had used approximately 11 million cubic yards (about 61 percent of its capacity) and is expected to reach its capacity in about 2048 (CalRecycle 2018).

Based on a disposal rate of 8.1 pounds per employee per day with 23 employees, the proposed project would generate about 186 pounds of solid waste per day (approximately 34 tons per year). Implementation of the General Plan policies for solid waste handling would promote waste reduction and compliance with recycling regulations. The landfill has adequate landfill space through 2048, and adequate landfill space would be available for the proposed project. The proposed project's impact on solid waste services would be less than significant.

g. The California Integrated Waste Management Board sets disposal targets for each jurisdiction in the state. For Los Gatos, the 2015 targets were 6.0 pounds per day per resident and 11.6 pounds per day per employee. The Town exceeded those targets by limiting residential disposal to 4.5 pounds per person per day, and non-residential disposal to 8.1 pounds per person per day. The proposed project would have the same recycling and diversion opportunities, so disposal rates would be similar to the Town's existing rates. Therefore, the proposed project would be in compliance with solid waste regulations.

20 Mandatory Findings of Significance

	Potentially Significant Impact	*Less than Significant Impact with Mitigation Measures Incorporated*	*Less than Significant Impact*	*No Impact*
a. Does the project have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (4, 5, 6, 18)	❑	❑	✓	❑
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (2, 4, 5, 6, 10, 18, 21, 26, 27)	❑	❑	❑	✓
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (4, 5, 6, 10)	❑	❑	✓	❑

Comments:

a. The project does not have a significant potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory.

b. The proposed project would not contribute to cumulative project impacts.

c. The project would not result in significant environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

E. Sources

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3. **The Los Gatos Town Code. Updated October 30, 2017.**

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5. Aerial Photographs (Google Earth, Google Maps, Mapquest etc.)

6. Site visit by Rachel Hawkins, Associate Planner, EMC Planning Group, Inc., January 18, 2018.

7. California Department of Conservation, Division of Land Resource Protection, *Santa Clara County Williamson Act FY 2015/2016 map*. 2016.

8. **California Department of Conservation, Division of Land Resource Protection, *Santa Clara County Important Farmland Map 2014*. 2016.**

9. California Department of Transportation (Caltrans), California Scenic Highways Program. Accessed on February 22, 2018 at: http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html.

10. Bay Area Air Quality Management District. May 2017. *California Environmental Quality Act Air Quality Guidelines*. San Francisco, CA. **http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en**

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14. Levison, Walter. ***Arborist Report: 16212 Los Gatos Boulevard, Los Gatos, California*****. November 20, 2017.**

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18. Geier & Geier Consulting, Inc. ***Initial Study for 16213 Los Gatos Boulevard, Los Gatos, California.*** **Prepared for the Town of Los Gatos Community Development Department. August 2011.**

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21. San Jose-Santa Clara Regional Wastewater Facility. Fact Sheet. April 25, 2016.

22. California Department of Forestry and Fire Protection, Santa Clara County Fire Hazard Severity Zones in LRA, Adopted by CAL FIRE on November 7, 2007.

23. California Department of Forestry and Fire Protection, Santa Clara County Draft Fire Hazard Severity Zones in LRA, as recommended by CAL FIRE, October 2008.

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All documents indicated in bold are available for review at the **Los Gatos Community Development Department, 110 East Main Street, Los Gatos, CA 95030; (408) 354-6874** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.

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TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 06/12/2019

ITEM NO: 2

DATE: JUNE 7, 2019

TO: PLANNING COMMISSION

FROM: JOEL PAULSON, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNED DEVELOPMENT APPLICATION PD-17-002 AND NEGATIVE DECLARATION ND-19-002. PROJECT LOCATION: **16212 LOS GATOS BOULEVARD**. PROPERTY OWNER/APPLICANT: 16212 LOS GATOS BLVD. LLC.
REQUESTING APPROVAL OF A PLANNED DEVELOPMENT TO RE-ZONE TWO PROPERTIES ZONED CH TO CH:PD TO ALLOW FOR CONSTRUCTION OF A NEW COMMERCIAL BUILDING. APN 523-06-010 AND -011.

RECOMMENDATION:

Forward a recommendation to Town Council to adopt the Negative Declaration and approve the Planned Development (PD) application, subject to the recommended performance standards.

PROJECT DATA:

General Plan Designation: Mixed Use Commercial
Zoning Designation: Restricted Highway Commercial, CH
Applicable Plans & Standards: General Plan; Los Gatos Boulevard Plan; Commercial Design Guidelines
Parcel Size: 0.94 acres

Surrounding Area:

	Existing Land Use	**General Plan Land Use Designation**	**Zoning**
North	Mixed Use and Residential	Mixed Use Commercial and Low Density Residential	Office (O) and Single-Family Residential (R-1:8)

PREPARED BY: JOCELYN SHOOPMAN and RYAN SAFTY
ASSOCIATE PLANNER ASSOCIATE PLANNER

Reviewed by: Planning Manager and Community Development Director

South	Commercial and Residential	Mixed Use Commercial and Low Density Residential	Neighborhood Commercial (C-1)
East	Residential	Low Density Residential	R-1:8
West	Commercial and Residential	Mixed Use Commercial	CH and CH:PD

CEQA:

It has been determined that the project will not have a signification impact on the environment and adoption of the Negative Declaration is recommended.

FINDINGS:

- That the project will not have a significant impact on the environment and adoption of the Negative Declaration is recommended.
- That the PD to rezone the property is consistent with the General Plan.
- That the project is consistent with the Los Gatos Boulevard Plan.
- That the project is consistent with the Commercial Design Guidelines.

ACTION:

- Forward a recommendation regarding Negative Declaration ND-19-002 to the Town Council.
- Forward a recommendation regarding PD application PD-17-002 to the Town Council.

BACKGROUND:

The 0.94-acre site (41,038 square feet) is comprised of two parcels and contains a 2,312-square foot commercial building currently occupied by Artisan Wine Depot. The subject site is a corner lot, fronting on both Los Gatos Boulevard and Shannon Road. The site was redeveloped in 1997 as the used car sales lot for the Honda Dealership previously located at 16213 Los Gatos Boulevard. The General Plan provides an option for projects on sites larger than 40,000 square feet to be processed as a PD.

On February 14, 2016 the Planning Commission reviewed a PD proposal at the subject site for demolition of the existing 2,312-square foot commercial building and construction of 11 single-family homes on individual lots (Exhibit 4). On April 19, 2016 the Town Council denied the application, stating that a future application at this site should be for commercial, not residential development.

BACKGROUND (continued):

On August 10, 2016, the Conceptual Development Advisory Committee (CDAC) reviewed a revised proposal at the subject site for commercial development with three different conceptual design options. The minutes from that meeting are included in Exhibit 5.

On February 24, 2017, the applicant submitted a development application for construction of a new, two-story commercial building. A Negative Declaration (ND) was prepared for the development application and circulated for a 20-day public review period from May 17, 2019 through June 6, 2019 and was previously provided to the Planning Commission on May 17, 2019.

Future required approvals would include an Architecture and Site application (including roadway and right-of-way improvements, and recordation of easements) for the construction of the new commercial building.

PROJECT DESCRIPTION:

A. Project Summary

The applicant is requesting approval of a PD overlay which would include the following elements on the 0.94-acre site:

- Maintain the existing 2,312-square foot commercial building;
- Construction of a new two-story mixed-use commercial building with 7,047 square feet of commercial space on the ground floor and 4,270 square feet of office on the second floor;
- 58 parking stalls; and
- Landscaping, parking lot, and other right-of-way improvements.

The proposed project would include removal of 12 protected trees (seven on-site trees and five street trees). Four existing trees will be transplanted elsewhere on the site.

B. Planned Development Application

The application is a request to create a PD overlay. A PD application is being requested because the applicant is requesting a reduced front yard setback due to required frontage improvements that would be installed pursuant to the Safe Routes to School Plan. Pursuant to the General Plan, "The PD overlay zone is intended to ensure orderly planning and quality design that will be in harmony with the existing or potential development of the surrounding neighborhood."

PROJECT DESCRIPTION (continued):

The Planning Commission shall make a recommendation regarding the merits of the PD application to the Town Council, who will be the final deciding body. If adopted by the Town Council, the proposed PD Ordinance (Exhibit 12) would allow the Development Review Committee to approve a future Architecture and Site application.

C. Location and Surrounding Neighborhood

The project site is located at the northeast corner of Los Gatos Boulevard and Shannon Road. There are mixed-use (office below residential) and single-family residential uses to the north, commercial and single-family residential uses to the west and south, and single-family residential uses to the east.

D. Zoning Compliance

The CH zoning designation permits both retail and office activities.

DISCUSSION:

A. Conceptual Development Advisory Committee

The CDAC reviewed three conceptual plans for the site on August 5, 2016, each of which proposed some form of a new commercial building located along the Los Gatos Boulevard frontage. The CDAC preferred the smaller of the development options, expressed concern regarding medical and residential uses, and supported the idea of incorporating underground parking. Additional feedback is included in the meeting minutes (Exhibit 5).

B. Planned Development

The PD application is proposing to rezone the two properties from CH to CH:PD. The CH zoning would be compatible with the General Plan Designation of Mixed Use Commercial and the variety of zoning classifications found on adjacent properties, including O, R-1:8, C-1, CH, and CH:PD.

Approval of the PD application would establish regulations through an ordinance (which would include the development plans) under which the following actions would be allowed:

- Lot merger of the two separate parcels;
- Removal of protected trees and construction of associated site improvements; and
- Construction of a two-story commercial building through a future Architecture and Site application.

DISCUSSION (continued):

The proposed PD application complies with all provisions of the CH zone and Los Gatos Boulevard Plan, except for the item listed below, which is proposed to be allowed through the PD ordinance:

- Reduced front setback along Los Gatos Boulevard of five feet, when Town Code requires 25 feet based on the proposed building height of nearly 30 feet.

The applicant discusses the requested exception listed above in Exhibit 10.

The PD application is proposing to rezone the property which would provide specific guidance for the future commercial development. The PD Ordinance would define the maximum allowable development, including the maximum floor area and building height. An Architecture and Site application would be required to implement the proposed project if the PD is approved.

C. Commercial Design Guidelines

The proposed PD application complies with all applicable guidelines of the Commercial Design Guidelines, except for the items listed below:

- CDG Section 5.A.1 – Basic Design Principles:
  - "Projects will maintain a strong landscaped setback along street edges, and will seek to create visual contiguity along the street front," when minimal landscaping is proposed within the reduced front yard area along Los Gatos Boulevard.
- CDG Section 5.A.2.1 – Los Gatos Boulevard setbacks should be substantially landscaped:
  - "A minimum landscaped setback of 15 feet shall be maintained from fronting sidewalks," when only five feet of landscaping is proposed along Los Gatos Boulevard.

The applicant provides justification for deviating from the items listed above in Exhibit 10.

D. Site Layout and Building Size

1. Access

Access to the site is currently provided through two driveways: one approximately 25 feet from the northern property line on Los Gatos Boulevard, and the second approximately 20 feet from the eastern property line on Shannon Road. The applicant proposes to reconfigure each driveway to comply with Town standards, maintain the current driveway location along Los Gatos Boulevard, and shift the driveway location along Shannon Road roughly 20 feet to the east, further away from the intersection.

DISCUSSION (continued):

2. Coverage

The proposed project has a building coverage of 9,359 square feet (22.8 percent). The maximum permitted building coverage for the CH zone is 50 percent.

3. Height

The proposed two-story commercial building would be a maximum height of 29 feet, 11 inches. The existing commercial building is 29 feet. The maximum permitted height for the CH zone is 35 feet.

4. Setbacks

The CH zone specifies setback requirements for all properties within the zone, as well as increased setback requirements for property lines which abut or across the street from a lot in a residential zone. Additionally, proposals greater than 20 feet in height are required to be setback even further. The proposed building is adjacent to residentially zoned parcels to the east, and the proposed building would be nearly 30 feet tall. The applicant is proposing a reduced front setback from what is required in the CH zone. The following chart is provided for comparison and clarification:

Setback Requirements:				
Zones:	Front	Side	Street Side	Rear
CH	15'	0'	15'	0'
CH (required for proposal)	15’	0’	15’	30’
Proposed Commercial Building:	5’	51.5’	15’	156.5’
Existing Commercial Building:	100’	22’	87’	50’

E. Trees

The application was reviewed by the Town’s Consulting Arborist (Exhibit 7). There are 26 protected trees within the project area: 14 on-site, seven street trees within the public right-of-way, and five trees on neighboring properties to the north. The applicant is requesting to remove 12 of these trees: seven of which are on site and five within the public right-of-way. The applicant is also proposing to transplant four of the remaining seven on-site trees elsewhere on the property.

DISCUSSION (continued):

In accordance with the Town's Tree Protection Ordinance, the applicant would be required to plant 35, 24-inch box trees to off-set the 12 tree removals. As outlined in Sheet L1.1 of the development plans (Exhibit 12), the applicant is proposing to plant two, 15-gallon trees and 27, 24-inch box trees; six of the new 24-inch box trees would be within the public right-of-way. The applicant will be required to pay in-lieu fees for the eight, 24-inch box trees that are not proposed to be planted on-site.

F. Los Gatos Boulevard Plan

The project is subject to the Los Gatos Boulevard Plan. The applicant details in their letter of justification (Exhibit 6) how their proposal complies with the plan and the Town's vision for this portion of Los Gatos Boulevard.

G. Architectural Consultant Review

The Town's Architectural Consultant reviewed the plans for the proposed development on December 13, 2017 (Exhibit 8). The consultant identified several concerns with building design and location, as well as consistency with the Town's Commercial Design Guidelines. The consultant recommended two different design approaches to address his concerns.

The applicant has chosen "Approach B," which recommends pushing the proposed second story back at the corner of Shannon Road and Los Gatos Boulevard, extending the second story area to the north, increasing the glazing along the staircase on the rear elevation, eliminating the ground floor gable, adding awnings and large carriage lights along the ground floor elevation, and carrying the curved façade and awnings around the corner at Shannon Road and Los Gatos Boulevard. The applicant incorporated each of these recommendations in their resubmittal, except the recommendation to carry the curved façade and awning around the corner of the building. The applicant's response letter and justification for the design is included in Exhibit 9.

H. Parking

Town Code requires one parking space for each 235 square feet of office or retail floor area. The proposed project includes a total of 13,629 square feet of office and retail floor area, requiring 58 on-site parking spaces. The applicant is proposing 58 parking spaces. These spaces would be substantially screened from view along the street with the new two-story commercial building fronting on Los Gatos Boulevard and landscaping and trees proposed along Shannon Road.

DISCUSSION (continued):

The site also currently provides additional overflow parking for Yoga Source across Los Gatos Boulevard and Orangetheory Fitness across Shannon Road, and many Fisher Middle School parents use the site as a drop-off and pick-up location. While these are amenities that the property owner has previously permitted, the applicant is not required to provide this in any future development of the site.

I. Traffic

Pursuant to the Town's Traffic Impact Policy, a comprehensive traffic study is required to be prepared for projects that generate 20 or more trips in either the AM or PM peak hours. The proposed project is estimated to add 15 AM peak-hour trips and 34 PM peak-hour trips. Therefore, a comprehensive Transportation Impact Analysis was required.

The Transportation Impact Analysis (TIA) was prepared by Hexagon Transportation Consultants, Inc. The TIA is included in Appendix E of the ND, available online at http://www.losgatosca.gov/16212LosGatosBoulevard. The TIA was reviewed by the Town's traffic engineer, traffic consultant, and environmental consultant. The purpose of the TIA was to identify any potential traffic impacts from the additional commercial space proposed. The report found that the proposed project would not cause a significant impact in accordance with CEQA and the Town's Traffic Impact Policy. In addition to the calculation of trip generation and impacts to intersection level of service, the report provides recommendations on queuing issues, site access and on-site circulation, and impacts to pedestrian, bicycle, and transit circulation. The report provides recommendations on these topics, which the applicant has incorporated into the plans, including:

- Frontage improvements to enhance pedestrian and bicycle safety as part of a Safe Routes to School Plan, including:
  - Moving the curb out ten feet along Los Gatos Boulevard to widen the sidewalk to ten feet with a landscaped strip; and
  - Adding a protected bike lane with a painted buffer and ground mounted channelizers along the project frontage on Los Gatos Boulevard.
- Reducing the number of northbound traffic lanes on Los Gatos Boulevard from three to two;
- Construction of a ten-foot sidewalk along the Shannon Road frontage, which ties-in to the future proposed Class 1 bike path on Shannon Road per the Los Gatos Bicycle and Pedestrian Master Plan;
- Reducing the pedestrian crossing distance by eliminating the pork-chop island and right turn slip lane on Shannon Road;
- Enhancing bicycle safety by adding a bike box on Shannon Road; and
- Moving the crosswalk across Los Gatos Boulevard from north of Shannon Road to south of Roberts Road to improve the intersection's level of service.

DISCUSSION (continued):

The applicant has agreed to these recommended improvements, as mentioned in the Safe Routes to School Plan section of their Letter of Justification (Exhibit 6). Parks and Public Works staff have included requirements for the dedication of a public access easement along Shannon Road, public improvements along both street frontages, upgrades to traffic signals, traffic impact mitigation fees, and a Transportation Demand Management (TDM) plan to be prepared by the developer and approved by staff, which are included in the proposed PD performance standards (Exhibit 12).

J. General Plan

The subject property has a General Plan Land Use Designation of Mixed-Use Commercial. "The Mixed-Use Commercial designation permits a mixture of retail, office, and residential in a mixed-use project, along with lodging, service, auto-related businesses, non-manufacturing industrial uses, recreational uses, and restaurants. Projects developed under this designation shall maintain the small-town, residential scale and natural environments of adjacent residential neighborhoods, as well as provide prime orientation to arterial street frontages and proper transitions and buffers to adjacent residential properties. This designation should never be interpreted to allow development of independent commercial facilities with principal frontage on the side streets."

The applicant addresses compliance with the General Plan in their Letter of Justification (Exhibit 6).

K. Story Poles and Neighborhood Notification

An exception to the Story Pole Policy was granted by the Town Council on January 16, 2018, allowing the poles to be erected ten days prior to the scheduled public hearing date due to public safety and the use of the site by the existing tenant. The story poles were installed before June 2, 2019 and may be removed following the June 12, 2019 Planning Commission hearing.

L. Environmental Review

A Negative Declaration (ND) was prepared for the project. As part of the environmental review process a number of technical reports were prepared, including an arborist report, architectural design review, geotechnical investigations, and traffic analyses. Reports that were prepared by outside consultants were peer reviewed by Town Consultants.

The Notice of Completion and Availability for the ND was distributed on May 17, 2019, with the 20-day public review period ending on June 6, 2019.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. Neighborhood outreach completed by the applicant is included as Exhibit 10. Public comments received by 11:00 A.M. on Friday, June 7, 2019, are included as Exhibit 13.

CONCLUSION:

A. Summary

The project would allow the merger of two lots and construction of a new two-story mixed-use commercial building. This project includes a PD application to rezone the property from CH to CH:PD. Through the PD application the applicant is asking to allow the following exception to the provisions of the CH zone:

- Reduced front setback along Los Gatos Boulevard of five feet.

With the exception of the item listed above, the project complies with the General Plan, Town Code, and Los Gatos Boulevard Plan. The project also complies with a majority of the Commercial Design Guidelines, except items related to front yard landscaping and front setbacks. The applicant discusses the proposed exceptions and compliance with the General Plan, Town Code, Commercial Design Guidelines, and Los Gatos Boulevard Plan in Exhibits 6, 9, and 10. A draft PD Ordinance has been prepared with performance standards to require the project to adhere to the aforementioned requirements (Exhibit 12).

B. Recommendation

Based on the summary above, staff recommends the Commission take the following actions to forward the ND and PD applications to the Town Council with a recommendation for approval of the proposed project:

1. Make the required findings (Exhibit 3);
2. Recommend that the Town Council adopt the Negative Declaration (Exhibit 1); and
3. Recommend that the Town Council adopt the Planned Development Ordinance (Exhibit 12) and approve the proposed project.

CONCLUSION (continued):

C. Alternatives

Alternatively, if the Commission has concerns with the proposed project, it can:

1. Forward a recommendation for approval of the applications with modified performance standards to the Town Council; or
2. Forward a recommendation of denial of the applications to the Town Council; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

Previously received under separate cover:
1. May 2019 Draft Initial Study and Negative Declaration

Received with this Staff Report:
2. Location Map
3. Required Findings (one page)
4. February 24, 2016 Planning Commission Staff Report and minutes (22 pages)
5. August 10, 2016, Conceptual Development Advisory Committee meeting minutes (three pages)
6. Project Overview and Letter of Justification received April 13, 2018 (three pages)
7. Consulting Arborist's Report dated November 20, 2017 (37 pages)
8. Consulting Architect's Report dated December 13, 2017 (ten pages)
9. Applicant's response to Consulting Architect's Report received June 7, 2019 (two pages)
10. Justification for Exceptions and Response to Comments, received June 7, 2019 (four pages)
11. Color and materials board received May 30, 2019 (one sheet)
12. Planned Development Ordinance (31 pages) with Exhibit A Rezone Area (one page) and Exhibit B Development Plans, received May 30, 2019 (37 sheets)
13. Public comments received by 11:00 a.m. on Friday June 7, 2019

Distribution:
Scott Plautz, 16212 Los Gatos Boulevard, LLC., 101 S. Santa Cruz Ave #1090, Los Gatos, CA 95030

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16212 Los Gatos Boulevard

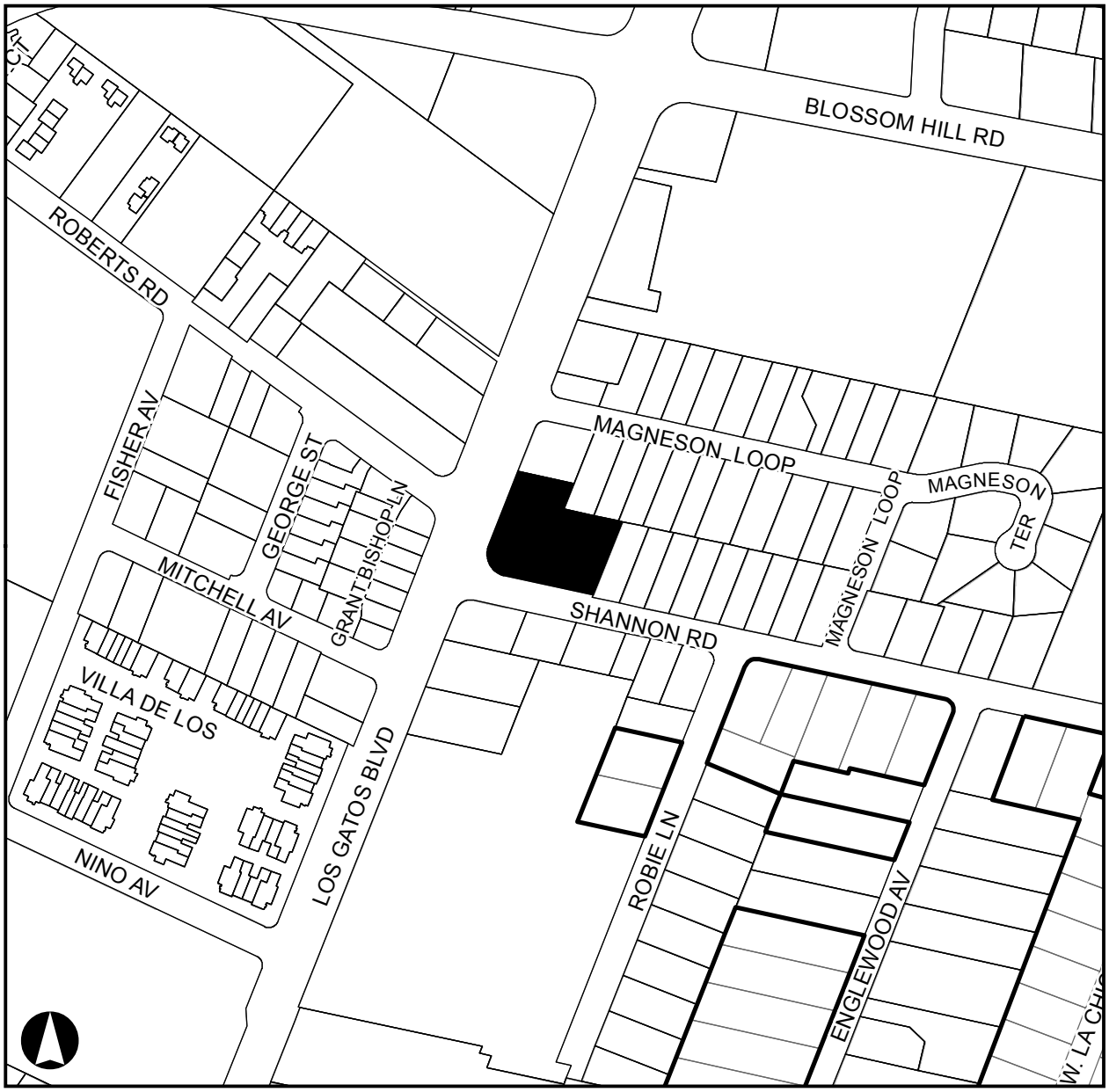

EXHIBIT 2

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PLANNING COMMISSION – June 12, 2019
REQUIRED FINDINGS FOR:

<u>16212 Los Gatos Boulevard</u>
Planned Development Application PD-17-002
Negative Declaration ND-19-002

Requesting approval of a Planned Development to re-zone two properties zoned CH to CH:PD to allow for construction of a new commercial building.
APN 523-06-010 and -011.
APPLICANT/PROPERTY OWNER: 16212 Los Gatos Blvd., LLC

FINDINGS

Required finding for CEQA:

- A Negative Declaration (ND) was prepared for the proposed development. The Planning Commission recommends adoption of the ND.

Required consistency with the Town's General Plan:

- That the proposed Zone Change is consistent with the General Plan and its Elements in that the Planned Development overlay allows commercial use consistent with the property's zoning district.

Required compliance with Commercial Design Guidelines:

- The project is in compliance with the Commercial Design Guidelines with the exception of the following:
  - The location of the commercial building with minimal landscaping and setbacks along Los Gatos Boulevard, which has been determined to be acceptable as a widened sidewalk is proposed with street trees and bike and pedestrian amenities complying with the Town's Safe Routes to School Program will be installed.

Compliance with Los Gatos Boulevard Plan:

- The project is in compliance with the Los Gatos Boulevard Plan in that the proposal is the development of the lot with a new commercial building with associated site elements to accompany an existing commercial building on the existing parcels. The proposal is consistent with the goals and policies included in the plan.

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TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: February 24, 2016

ITEM NO: 6

PREPARED BY: Marni Moseley, AICP, Associate Planner
mmoseley@losgatosca.gov

APPLICATION NO: Planned Development Application PD-14-001
Negative Declaration ND-14-002

LOCATION: **16212 Los Gatos Boulevard** (northeast corner of Los Gatos Boulevard and Shannon Road)

APPLICANT: Stem Development

CONTACT PERSON: Scott Plautz

PROPERTY OWNER: 16212 Los Gatos Blvd., LLC

APPLICATION SUMMARY: Requesting approval to change the zone from CH to CH:PD demolish an existing commercial building, and construct 11 single-family residences on property zoned CH. A Mitigated Negative Declaration has been prepared. APNs 523-06-010 and 523-06-011.

RECOMMENDATION: Forward a recommendation of denial to the Town Council

PROJECT DATA:

General Plan Designation: Mixed Use Commercial
Zoning Designation: CH – Restricted Highway Commercial
Applicable Plans & Standards: General Plan; Los Gatos Boulevard Plan; Single-Family Residential Design Guidelines
Parcel Size: 0.94 acres
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Mixed Use and Residential	Mixed Use Commercial and Low Density Residential	O, R-1:8
East	Residential	Low Density Residential	R-1:8
South	Commercial and Residential	Mixed Use Commercial	C-1
West	Residential and Commercial	Mixed Use Commercial	CH:PD, CH

EXHIBIT 4

CEQA: It has been determined that this project will not have a significant impact on the environment and a Mitigated Negative Declaration has been prepared and is recommended.

FINDINGS:

- That the project will not have a significant impact on the environment and a Mitigated Negative Declaration has been prepared and is recommended.
- Adopt the Mitigation Monitoring and Reporting Program.
- That the Zone Change (Planned Development) is consistent with the General Plan.
- That the project is consistent with the Los Gatos Boulevard Plan.
- That the project is consistent with the Residential Design Guidelines.

ACTION:

1. Forward a recommendation regarding Planned Development Application PD-14-001 to the Town Council.
2. Forward a recommendation regarding the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program to the Town Council.

EXHIBITS:

Previously received under separate cover:

Initial Study and Mitigated Negative Declaration *(received January 22, 2016)*

Received with this Report:

1. Location Map
2. Response to Comments received regarding the Mitigated Negative Declaration
3. Mitigation Monitoring and Reporting Program (six pages)
4. Required Findings
5. August 10, 2011 and August 14, 2013 CDAC Minutes
6. Project Overview and Letter of Justification (seven pages), received February 3, 2016
7. Architectural Consultant Report (seven pages), received August 26, 2014
8. Consulting Arborist Report (32 pages), received July 30, 2014
9. Public Comments received by 1:00 p.m. February 18, 2016
10. Planned Development Ordinance (23 pages) with Exhibit A Rezone Area (one page) and Exhibit B Development Plans (41 pages)

BACKGROUND:

The 0.94 acre site is comprised of two parcels and contains a 2,300-square foot single-story commercial building currently occupied by Artisan Wine Depot. The site was redeveloped in 1997 as the used car sales lot for the Honda Dealership previously located at 16213 Los Gatos Boulevard. The General Plan and Town Code provide an option for projects on sites larger than 40,000 square feet to be processed as a Planned Development (PD). The Town is currently reviewing potential changes to the Planned Development Ordinance.

Similar projects for the subject site were considered by the Conceptual Development Advisory Committee (CDAC) on August 10, 2011 and August 14, 2013. The minutes from those meetings are included in Exhibit 5.

While the applicant's plans do not address the issues regarding the architecture of the proposed site discussed by the Consulting Architect or staff's concerns regarding compatibility of the development with the surrounding neighborhood; the applicant is pursuing the zone change with the intent of receiving additional feedback on the proposed project. The applicant is requesting approval of the application with direction that can be incorporated into the required Architecture and Site application and subdivision process.

Staff has forwarded the application to the Commission with a recommendation of denial. In order to obtain relevant feedback from the Town Council in addition to the Planning Commission, the applicant is requesting that the application be forwarded to the Town Council with the Commission's recommendation(s) rather than continued for additional re-design.

PROJECT DESCRIPTION:

A. Project Summary

The applicant is requesting approval of a PD overlay which would include the following elements on the 0.94-acre site:

- Removal of existing site improvements;
- Construction of 10 market rate single-family detached residences;
- Construction of one low income BMP unit; and
- Landscaping, private street, parking, and other improvements.

All of the homes would include two-car garages and eight additional guest parking spots would be provided on-site. Access to the site would be provided from Shannon Road.

The proposed project would include demolition of the existing building and removal of up to 18 protected trees (15 on-site trees and three street trees).

B. Planned Development Application

The application is a request for a PD overlay. A PD application is being requested because the application requires a number of exceptions (see section B in the analysis section below for requested exceptions).

Town Code states that the purpose of a PD is to provide for alternative uses and developments that are more consistent with site characteristics, to create an optimum quantity and use of open space, and to encourage good design. If adopted by the Town Council, the proposed PD ordinance (Exhibit 10) would allow the Development Review Committee to approve the necessary subdivision and Architecture and Site applications for the new residences. The Planning Commission will make a recommendation for the PD application to the Town Council, who is the final deciding body.

C. Location and Surrounding Neighborhood

The project site is located at the northeast corner of Los Gatos Boulevard and Shannon Road. There are mixed-use (office below residential) and single-family residential uses to the north, commercial and single-family residential uses to the west and south, and single-family residential uses to the east.

D. Zoning Compliance

The CH zoning designation permits residential uses subject to approval of a Conditional Use Permit (CUP) or as allowed by a PD. Town Code allows a PD overlay on sites with a minimum lot size of 40,000 square feet.

ANALYSIS:

A. Conceptual Development Advisory Committee

The CDAC reviewed a similar proposal on August 10, 2011 by a different property owner and developer, which included 11 single family homes ranging in size from 1,600 square feet to 2,300 square feet.

The applicant presented the CDAC with a 12 unit proposal on August 14, 2013. The feedback from each proposal was similar in regards to their concerns on the density and compatibility of the project. Additional feedback is included in the minutes for each of the meetings (Exhibit 5).

B. Planned Development

The applicant is proposing to rezone the properties from CH to CH:PD. Through the PD application, the applicant is proposing to create 11 single-family homes on separate lots and one common lot for the required storm water improvements and open space. The applicant is requesting the following exceptions through the PD process:

- Reduced setbacks along Los Gatos Boulevard from 15 feet (required) to 7 feet, 4 inches for the residences and 2 feet, 1 inch for the porches (proposed);
- Reduced setbacks along Shannon Road from 25 feet (required) to 10 feet (proposed);
- Reduced rear setbacks for units C-1 thru C-3 from 30 feet (required) to 10 feet (proposed);
- Reduced side setback for unit C-3 from 24 feet (required) to 4 feet, 5 inches (proposed);
- Exception to the maximum permitted Floor Area Ratio (FAR), maximum FAR for each lot ranges from 827 square feet to 2,182 square feet (if the shared access is included in the lot area); proposed floor areas range from 1,744 to 3,299 (excluding cellar);
- Project signage proposed is not permitted by Town Code (Section 29.10.135).

While the units along Los Gatos Boulevard may appear as multi-family units, the residences have one foot of separation between them and would be considered single-family units pursuant to Town Code and the Uniform Building Code. If the units were to be attached, the attached units would be required to comply with the Americans with Disability Act (ADA) requirements in regards to access, parking, and interior improvements.

C. Site Layout and Improvements

1. Access

Access to the site is currently provided through two driveways: one being approximately 25 feet from the northern property line on Los Gatos Boulevard, and the second being approximately 20 feet from the eastern property line on Shannon Road. The proposed project would eliminate the Los Gatos Boulevard driveway and relocate the Shannon Road entrance to five feet from the eastern property line. Based on the applicant's pursuit of a single access point to the site, staff recommended the Shannon Road frontage based on concerns with the proximity to the Roberts Road intersection on Los Gatos Boulevard. The driveway along Shannon Road was relocated to the eastern edge of the site to provide:

- A lengthened right turn lane from Shannon Road to Los Gatos Boulevard (north bound)
- A lengthened left turn pocket from Shannon Road to Los Gatos Boulevard (south bound)
- A storage pocket for those turning left into the site heading east on Shannon Road

Additionally, the proposed design incorporates a shared access by way of an easement over the lots for units C1, C2, C3, D1 and D2. The setbacks for these lots are provided from the property lines at the centerline of the shared access. While this is permitted, the FAR and setbacks include lot area associated with the shared access for the property. As a comparison, the private street provided within Laurel Mews was not used to determine setbacks and was not included in lot area calculations.

2. Coverage

The proposed project has a building coverage of 16,127 square feet (39.5 percent). The maximum permitted building coverage for the CH zone is 50 percent.

3. Height

The proposed project includes structures of varying heights. The units proposed along Los Gatos Boulevard have a maximum height of 29 feet, 11 inches while the single-family residences range in height from 28 feet, 7 inches to 29 feet, 2 inches. The maximum permitted height for the CH zone is 35 feet.

4. Below Market Price Unit

The proposed development requires the applicant to provide one below market price (BMP) unit on-site. The applicant is proposing the northern most unit located along Los Gatos Boulevard as the BMP unit (Unit A1). As currently designed the unit would comply with the Town's BMP requirements. If approved, the unit will be required to be constructed and sold in compliance with the Town's BMP Guidelines.

5. Density

The density of the proposed development is calculated by dividing the number of units (minus the BMP unit) by the acreage of the site. The proposed application has a density of 10.6 units/acre. The Laurel Mews development across the street has a density of 11 units/acre.

6. Setbacks

The CH zone does not specify minimum required setbacks between structures on a project site. The applicant is proposing reduced setbacks from what is required in the CH zone and what would traditionally be required in single family residential zones. The following chart is provided for comparison:

Setback Requirements				
Zones:	Front	Side	Street Side	Rear
R-1:8	25'	8'	15'	20'
R-1D	15'	5'	10'	20'
CH	15'	0'	15'	0'
CH*	25'	15'	15'	20'
Proposed Project:				
Townhouse style	2' 1"	6" to 5'	10'	22' 3"
Traditional detached	10'	3' to 16'	N/A	10'

* additional setback requirements apply when adjacent to residentially zoned properties (Section 29.60.435).

7. Open Space

As discussed above, one of the main purposes of PD's is to create an optimum quantity and use of open space, and to encourage good design. The proposed project includes 11 single-family residences, as such the Town Code requirements for community and private open space do not apply. However, due to the nature of the design, staff has included the following comparison chart:

Open Space		
	Town Code Minimums	Proposed Project
Community Open Space	100 sq. ft./unit	855 sq. ft.
Private Open Space	200 sq. ft.	213-1,124 sq. ft.

D. Trees

The application was reviewed by the Town's Consulting Arborist (Exhibit 8). The site contains 15 protected trees; additionally there are six protected trees on adjacent properties, and six street trees of protected size within the adjacent Town right-of-way. The application would require the removal of all 15 on-site trees and at least one street tree (three are shown for removal at this time).

With the exception of five Deodar Cedars and one Coast Live Oak, the remaining trees are ornamental and their removal would conform to the Town Code for removal and replacement on-site. The proposed tree removals would require canopy replacement subject to Town Code requirements.

Please note that the location of the project driveway was relocated on the development plans after the arborist review in 2014 in order to address traffic concerns, discussed below. The relocation would require the removal of tree number 14 rather than tree number 12.

E. Traffic

A traffic study was prepared by the applicant even though the proposed project did not trigger a traffic study. As stated within the traffic study (Appendix E of the Initial Study), the proposed project would result in a decrease of 171 average daily trips (ADT) six fewer AM and 11 fewer PM peak hour trips as compared to the previous auto dealership use.

The traffic study concluded that the single point of ingress/egress from the site may make turning into the site difficult during peak hours due to the queuing length of the right-turn from Shannon Road onto Los Gatos Boulevard. The PD performance standards include a requirement to re-stripe Shannon Road within the project frontage to create a left turn pocket for those entering the project site. Additional improvements will be required in regards to the bike lane and the pedestrian cross walk at the southwest corner of the project.

F. Parking

Each single-family residence has a parking requirement of two spaces. The development will include two-car garages for each unit. Additionally, the development proposes eight on-site guest parking spaces.

The site also currently provides additional overflow parking for Yoga Source and many Fisher Middle School parents use the site as a drop-off and pick-up location. While these are amenities that the property owner has permitted, the applicant is not required to provide this in any future development of the site.

G. Architectural Consultant Review

The project was reviewed by the Town's Consulting Architect (Exhibit 7). The consultant found the proposal to be inconsistent with the Town's Residential Design Guidelines.

With the exception of relocating the proposed project signage, the applicant has chosen not to make any changes to the proposed architecture with the intent of receiving feedback on the type and scale of development before proceeding with detailed drawing changes.

H. Los Gatos Boulevard Plan

The project is subject to the Los Gatos Boulevard Plan. The goals and policies of the Los Gatos Boulevard Plan applicable to this project include, but are not limited to:

- Policy: Neighborhood commercial, multi-family residential and office uses shall be concentrated south of Los Gatos Almaden Road.
- Goal: To encourage pedestrian activity at and movement across Los Gatos Boulevard at key points along the Boulevard.
- Goal: To establish the perception of Los Gatos Boulevard as people friendly.
- Goal: To establish activity focal points on private and public property along Los Gatos Boulevard.
- Goal: To promote commercial activity that complements the whole Town.
- Policy: New development must be designed in order to minimize adverse impacts upon adjacent residential areas.
- Goal: To preserve and protect the Town's scenic beauty through careful planning
- Goal: To encourage site and building design that is particularly suited to the site and contributes to the Town's unique character, natural beauty and openness.
- Goal: To ensure new development will enhance the use, enjoyment and value of neighboring residential and commercial property.
- Policy: Proposals shall be designed to fit the natural conditions of a site and respect scenic corridors
- Policy: Proposals should be designed to enhance the Boulevard through excellence in architectural design.
- Policy: Building and site design shall reflect the historic, natural and architectural setting unique to Los Gatos.
- Policy: Pedestrian access to buildings and sites shall be encouraged.

I. General Plan

The goals and policies of the 2020 General Plan applicable to this project include, but are not limited to:

- CD-1 Preserve and enhance Los Gatos's character through exceptional community design.
- CD-1.4 Development on all elevations shall be of high quality design and construction, a positive addition to and compatible with the Town's ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods.

- CD-4.3 Trees that are protected under the Town's Tree Preservation Ordinance, as well as existing native, heritage, and specimen trees should be preserved and protected as part of any development proposal.
- U-12.3 New landscaping, streetscape improvements and new development along Los Gatos Boulevard shall incorporate pedestrian amenities, scale, and design.
- LU-1.4 Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.
- LU-6.5 The type, density, and intensity of new land use shall be consistent with that of the immediate neighborhood.
- LU-6.7 Continue to encourage a variety of housing types and sizes that is balanced throughout the Town and within neighborhoods, and that is also compatible with the character of the surrounding neighborhood.
- LU-6.8 New construction shall be compatible and blend with the existing neighborhood.
- LU-7.3 Infill projects shall contribute to the further development of the surrounding neighborhood (e.g. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area) and shall not detract from the existing quality of life.
- LU-7.4 Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.
- LU-13 To promote appropriate and compatible development along Los Gatos Boulevard that complements the whole Town and serves residents and families.
- LU-13.3 New projects along Los Gatos Boulevard shall incorporate a family and resident orientation.
- TRA-2.6 Street improvements such as curb cuts, sidewalks, bus stop turnouts, bus shelters, light poles, traffic signals, benches, and trash containers shall be planned as an integral part of development projects to ensure safe movement of people and vehicles and minimize disruption to the streetscape.
- TRA-3.11 Roadway improvements and dedications shall be required for any development proposal with an associated traffic impact.
- TRA-9.6 Require development proposals to include amenities that encourage alternate forms of transportation that reduce pollution or traffic congestion as a benefit to the community.
- NOI-5.1 Protect residential areas from noise by requiring appropriate site and building design, sounds walls, and landscaping and by the use of noise attenuating construction techniques and materials.

Additionally, the Commission may choose to discuss and provide direction to the applicant in regards to whether a General Plan (GP) Amendment should be applied for. The Town Code allows residential uses in the CH zone subject to approval of a Conditional Use Permit and similar applications within the CH zone have been processed without a GP Amendment. However, the Commission could direct the applicant to apply for a GP and Zoning Code amendment if it is determined that there is merit to the applicant's proposal.

J. CEQA Determination

An Initial Study and Mitigated Negative Declaration (MND) were prepared for the project by the Town's Environmental Consultant, EMC. The 20-day public review period began on January 22, 2016 and ended on February 11, 2016. Mitigation measures are required for Aesthetics, Air Quality, Biological, Cultural Resources, Geology and Soils, Hazardous Materials, Noise, and Traffic. The Mitigation Monitoring and Reporting Program is provided in Exhibit 4. Mitigation measures have been incorporated into the performance standards within the PD Ordinance (Exhibit 10).

K. Story Poles and Neighborhood Notification

On December 1, 2015, the Town Council approved an exception to the required story pole installation timeframe. Based on public safety concerns and impact on existing usage of the site, the story poles viewing period was limited to 10 days to occur during the February school break (February 15-19, 2016). The story poles were installed during the week before the break (February 8-12, 2016), and completed on Friday, February 12, 2016. The required on-site signage was installed on February 12, 2016 and will remain on-site after removal of the story poles, which is scheduled to start on February 23, 2016. Staff provided the following additional neighborhood and community notification in addition to the standard 300-foot notification:

- Newspaper advertisement providing specific viewing dates was published in the Los Gatos Weekly Times paper on February 5, 12, and 19, 2016.
- Story Pole and project information was posted on What's New on the Town website starting February 11, 2016.
- Story Pole and project information was posted on Next Door on February 11, 2016.

PUBLIC COMMENTS:

The Town has received public comments. All comments received by 1:00 p.m. on Thursday February 18, 2016 are included in Exhibit 9. Any additional comments received will be included in a Desk Item report.

COORDINATION:

The preparation of this report was coordinated with the Engineering Division of Parks and Public Works Department, Community Development Department, and the Santa Clara County Fire Department.

SUMMARY AND RECOMMENDATION:

A. Summary

The applicant has investigated the potential to redevelop the site with a commercial and/or office use, but has concerns in regards to the limited size based on the required parking and the additional traffic associated with a commercial user. As a result, the applicant believes the proposed development is the highest and best use for the site.

The proposed project does not address the concerns regarding density and massing in relation to the adjacent neighborhoods as discussed by the CDAC. The applicant has worked with staff to address the technical concerns of the project in order to proceed to public hearing without making any changes to the architecture, massing, or density of the development. Staff's concerns pertain to: whether the site is better suited to residential development; if the proposed massing along Los Gatos Boulevard is appropriate; if the diversity of unit types and architecture is appropriate; and if the proposed intensity of development is appropriate for the site.

If the Commission determines that the proposed type of development is appropriate then any concerns relating to architecture and specific siting of the units can be addressed through the Subdivision and Architecture and Site application process. However, if the Commission shares staff's concerns regarding the above mentioned items, specific direction should be given to the applicant.

B. Recommendation

Based on the summary above, staff recommends the Commission forward a recommendation of denial to the Town Council with direction.

ALTERNATIVES:

Alternatively, if the Commission finds merit with the proposal it should take the following actions to forward the Mitigated Negative Declaration and PD application to the Town Council with a recommendation for approval:

1. Make the required findings (see Exhibit 4);
2. Recommend that the Town Council make the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Program (Exhibit 3); and,

3. Recommend that the Town Council adopt the Planned Development Ordinance (Exhibit 10) and approve the project as proposed.

Additionally, the Commission can:

1. Forward a recommendation for approval of the PD Application with modified performance standards to the Town Council; or
2. Continue the matter to a date certain with specific direction.

Prepared by: Marni Moseley, AICP Associate Planner	Approved by: Joel Paulson, AICP Community Development Director

JP:MM:cg

cc: Stem Development, Scott Plautz, 17066 Melody Lane, Los Gatos, CA 95033

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MINUTES OF THE PLANNING COMMISSION MEETING
FEBRUARY 24, 2016

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, February 24, 2016, at 7:00 pm.

MEETING CALLED TO ORDER
Chair Badame called the meeting to order at 7:00 pm.

ROLL CALL
Present: Chair Mary Badame, Vice Chair D. Michael Kane, Commissioner Kendra Burch, Commissioner Melanie Hanssen, Commissioner Matthew Hudes, and Commissioner Tom O'Donnell
Absent: Commissioner Charles Erekson

PLEDGE OF ALLEGIANCE
Commissioner O'Donnell led the Pledge of Allegiance. The audience was invited to participate.

WRITTEN COMMUNICATIONS
Desk Item for Item 6.

REQUESTED CONTINUANCES – ITEMS 2-5

MOTION: **Motion** by **Commissioner O'Donnell** to continue the public hearings for Items 2-5 to April 27, 2016.
Seconded by **Vice Chair Kane.**

VOTE: **Motion passed 6-0.**

SUBCOMMITTEE REPORTS
Historic Preservation Committee
Commissioner O'Donnell
- The 2/24/16 HPC meeting considered five matters:
  - 213 Tait Avenue
  - 529 Monterey Avenue
  - 136 Tait Avenue
  - 307 Main Street
  - 50 University Avenue

VERBAL COMMUNICATIONS (AUDIENCE)
Sandy Moeckel
- Commented that the Town's large buildings that are close to the street and tightly together do not fit with the Town plan; the North 40 in particular is massive. She doesn't understand why the Town allows it.

Commission members asked questions of Ms. Moeckel.

Oliver Flach
- Commented that the North 40, one of numerous developments the Town has approved in the last few years, has caused terrible traffic on Los Gatos Boulevard, particularly during school drop-off and pick-up times. What happened to the slow growth belief the Town had when he moved there 30 years ago?

Angelia Doerner

- Commented that the Town Council has allocated $12.2 million to repair the streets and sidewalks of the Almond Grove. The streets will not be narrowed, the mature trees will be protected, and they are saving sidewalks where possible to reduce costs.

CONSENT CALENDAR

1. **Approval of Minutes – February 10, 2016**

MOTION: **Motion** by **Commissioner Burch** to approve adoption of the Consent Calendar.
Seconded by **Commissioner Hudes.**

VOTE: **Motion passed 6-0.**

CONTINUED PUBLIC HEARINGS

2. **15371 Santella Court (Lot 8)**
Architecture and Site Application S-15-001
APN 529-09-017
Property Owner/Applicant: Davidon Homes
Appellant: David Weissman
Project Planner: Jocelyn Puga

Consider an appeal of a decision of the Development Review Committee to approve an Architecture and Site Application to construct a new single-family residence and remove large protected trees on property zoned HR-2½:PD.

3. **15343 Santella Court (Lot 7)**
Architecture and Site Application S-14-072
APN 527-09-016
Property Owner/Applicant: Davidon Homes
Appellant: David Weissman
Project Planner: Marni Moseley

Requesting approval to construct a new single-family residence and remove large protected trees on property zoned HR-2½:PD. Remanded to the Planning Commission by Town Council.

4. **15358 Santella Court (Lot 10)**
Architecture and Site Application S-15-004
APN 527-09-019
Property Owner/Applicant: Davidon Homes
Appellant: David Weissman
Project Planner: Jocelyn Puga

Requesting approval to construct a new single-family residence and remove large protected trees on property zoned HR-2½:PD.

5. **15415 Santella Drive (Lot 13)**
Architecture and Site Application S-15-005
APN 527-09-022
Property Owner/Applicant: Davidon Homes
Appellant: David Weissman
Project Planner: Jocelyn Puga

Consider an appeal of a decision of the Development Review Committee to approve an Architecture and Site Application to construct a new single-family residence on property zoned HR-2½:PD.

NEW PUBLIC HEARINGS

6. 16212 Los Gatos Boulevard
Planned Development Application PD-14-001
Mitigated Negative Declaration ND-14-002
APNs 523-06-010 and 523-06-011
Property Owner: 16212 Los Gatos Blvd., LLC
Applicant: Scott Plautz, Stem Development
Project Planner: Marni Moseley

Requesting approval of a Planned Development to rezone the property from CH to CH:PD, demolish an existing commercial building, and construct 11 single-family residences on property zoned CH. A Mitigated Negative Declaration will be prepared.

Chair Badame opened the public hearing.

Marni Moseley, Associate Planner, presented the staff report.

Commission members asked questions of staff.

Scott Plautz
- Commented that they did not get enough feedback and direction from the CDAC process and are looking for feedback from the community and the Commission to help them understand the best land use for this property.

Eugene Sakai
- Commented that the implications of doubling the proposed setback from 7.5 feet to 15 feet would mean loss of open space, parallel parking would be required, and loss of one guest parking stall. The General Plan calls for mixed-use commercial, but they felt a residential project would be less impactful on the nearby residential neighbors.

Commission members asked questions of Mr. Plautz and Mr. Sakai.

Malcolm Gordon
- Commented that he is opposed to the project with three areas of opposition: density of the property is excessive for this small and difficult to develop area; tall, monolithic buildings on Los Gatos Boulevard with little space between them and the sidewalk; entry and exit onto Shannon Road will be even more difficult to navigate than it already is.

Maria Gerst
- Commented that she lives down the street from the proposed project and agrees with Mr. Gordon's comments.

Momoye Sasaki
- Commented that she couldn't believe how high the orange netting was. She loves the mountains and they will be obscured. The large number of students utilizing the intersection should be taken into consideration.

Robert Rice
- Commented that he agrees with the staff report's recommendation of denial due to extreme density, a 30-foot high wall up against Los Gatos Boulevard, the reduced setbacks, and the

increased FAR. He requested the Commission tell the applicant they must meet the requirements of the PD application.

Lily Chang

- Commented that she lives directly across from the project. She prefers residential use over commercial use, but not 11 houses, and not this type of arrangement. Traffic at that intersection is already terrible.

Kathleen Romero

- Commented that she also lives across from the subject site. She is concerned about the number of houses and their impact on already dangerous traffic at the intersection. She believes the Town is going dense because it will make money, and questioned whether there is really a housing shortage in Los Gatos.

Commission members asked questions of Ms. Romero.

Wayne Scott

- Commented that he is opposed to the project. The assertion that the project would generate 171 fewer daily trips is misleading, because it was not based on actual previous use. When Shannon Road backs up, people will make illegal right turns on Magneson Loop, a one-lane street.

Audrey Christianson

- Commented that the project is an obscene monstrosity with too much traffic and too many people, and she urges the Commission to deny the project.

Jeffrey Aristide

- Commented that he agreed with the other speakers and is against the project. The density is hugely over the top.

Heinz Schu

- Commented that he agreed with the other speakers and is against the project due to the increased density and traffic it would bring.

Woody Nedom

- Commented that a zone change should be denied because this is an ideal commercial spot. If changed to residential this property would have an impact on the already overcrowded schools. The request for a PD should also be denied.

Ken Arendt

- Commented that there are over 6,000 cars per day on Shannon Road. The intersections of Roberts Road, Blossom Hill Road, and Los Gatos Boulevard are a disaster already and it is not an acceptable place for children moving into the proposed development.

Melis Curtiss

- Commented that she is opposed to the project. Her main concern is the overcrowding of the schools. The applicants have not been accurate in their estimate of how many families would come into the Town and have historically given low estimates. If the schools become overcrowded, the value of their homes would decline.

Roy Moses

- Commented that he moved to Los Gatos in 1979 because it was beautiful, but it is starting to be ugly. It is too crowded, with ugly buildings being put in the wrong places. The Town does not have to be large, because there is not enough space to do that.

Amy Despars

- Commented that she is a teacher in the community and agrees about the schools being overcrowded. She noted the story poles went up during Ski Week. She asked the Commission to consider the traffic coming not just from this development, but from the North 40 as well.

Commission members asked questions of Despars.

Jim Fox

- Commented that he agreed with the previous speakers. He suggested before increasing the residential population the Town first fix the water problems due to the drought. More residents mean less water to go around. Also fix the energy and traffic congestion problems.

Barnaby James

- Commented that he lives opposite the development and the story poles block the view of the mountains. The setback advertised as 7.5 feet to the building is actually 2.5 feet to the patio. The 30-foot high buildings tower above everything else in the area and the separation between them is only 1 foot.

Commission members asked questions of Mr. James.

Ken Hoffman

- Commented that he opposes the project and believes the property should remain commercial. There is already a lack of parking due to the commercial uses in the area. Any new commercial use should have limited ingress and egress.

Susan Flach

- Commented that she agrees with those who spoke against the project and believes this property should remain commercial. Her main concern is the impact on the schools, the traffic and parking. She agreed that Los Gatos used to be a beautiful town, but today it has nearly lost its "Town" feel.

Eileen Werner

- Commented that the property should remain zoned commercial, because it will continue to provide community benefits, such as shops and eateries. The Town's industrial base should remain viable. The height of the building takes away the view of the Santa Cruz Mountains, which is Los Gatos's crown jewel.

Shawn Carroll

- Commented that the traffic situation on Shannon Road is unbearable. Los Gatos is one of only two towns left in the state, but it is losing the small town atmosphere his children grew up in.

Joe Carroll

- Commented that he does not support the project. This property is commercially zoned, and the message to potential developers should be that Los Gatos is a mature town that does not do PDs and is not looking to put any more residential in the Town until they have the ability to service it.

Melissa Rohde

- Commented that she agreed with the previous speakers in opposing the project. She asked the Commission to take into consideration the level of frustration felt by the citizens of Los Gatos who ask the Planning Commission to listen and think about approvals for different projects, not just this one, but future ones as well.

Bulent Kurdi

- Commented that he travels through that intersection several times a day and is concerned about the effect of the emissions coming from the cars on the children going to and from school. The beautiful renderings provided by the applicant cannot hide the fact that there are no more mountain views.

Kay Mauer

- Commented that she couldn't wait to move to Los Gatos 30 years ago, but in the last two years she has seen the increased density and traffic congestion on Los Gatos Boulevard, and she is against changing any commercial property to residential. Los Gatos has enough people and has not improved the quality of life for its citizens in the past five years.

Maria Ristow

- Commented that she represents Los Gatos Community Alliance. She urged the Commission to not bump the application to the Town Council as the applicant requests, as two of the five Council members have no land use experience. It is imperative that the Planning Commission provides the feedback and guidance for this project and focus on the appropriate land use for this site.

Commission members asked questions of Ms. Ristow.

Tricia Capri

- Commented that she loves Los Gatos, but it is losing its atmosphere. She is opposed to the project because it will overcrowd the schools and cause home values to decline. The Town needs to make it easier for businesses to do business. People are put through the ringer to go from retail to a restaurant, yet the Town would let someone build a huge and dense project.

Paul Dueweke

- Commented that there is an opportunity to fix the difficult intersection using less than half of the subject property by angling Shannon Road to intersect Los Gatos Boulevard directly across from Roberts Road, creating a normal intersection.

Jak Van Nada

- Commented this development should not qualify for high-density development. It is a property that is zoned commercial and sits between two commercial pieces of property. Commercial property brings in revenue; housing adds cost to the Town. Why add to the cost when the Town can't finance road repairs?

Jeff Eisenbaum

- Commented that he echoes the previous speakers who opposed the project. He grew up in Los Gatos and rode his bike to school when it was still safe, when there was more open space and smaller houses. It is troubling to see higher density with the resulting traffic congestion and lack of parking.

Jeff Loughridge

- Commented that the PD overlay zone is intended to ensure orderly planning and quality design in harmony with the existing or potential development of the surrounding neighborhood. Is this project consistent with the purpose and intent of a PD overlay? The most important question is what is the appropriate use of the site?

Hamid Khazael

- Commented that he agreed with the other speakers that this plan should be stopped. He said in the last few years in Los Gatos the standards have been lowered to now allow higher density communities. The proposed project does not fit Los Gatos and he doesn't understand how it has even gotten to this point.

Joe Prang

- Commented that he is a business owner on Los Gatos Boulevard and Scott Plautz is his landlord. He and Mr. Plautz have done a good job of trying to support the community by offering parking. Twice a day hundreds of parents use their lot for drop off and pick up.

Gary Black

- Commented that his company prepared a traffic study for the project. Most commercial uses would generate more traffic than a residential use. There would be no increase in traffic from the residential development, because the commercial uses would go away. The applicant has offered to do striping changes on Shannon Road to reduce the queuing, and to improve the crosswalk.

Commission members asked questions of Mr. Black.

Scott Plautz

- Commented that they wanted to get community feedback so they could understand what the Planning Commission and the community wants to see on this site, but they still think this is the best proposal and the least amount of impact.

Commission members asked questions of Mr. Plautz.

Chair Badame closed the public input portion of the hearing and returned to the Commission for deliberation.

Commission members discussed the matter.

Commission members asked questions of staff.

MOTION: **Motion** by **Commissioner O'Donnell** to forward a recommendation of denial to the Town Council to not approve the Mitigated Negative Declaration and not approve the ordinance.
Seconded by **Vice Chair Kane.**

Commission members discussed the matter.

VOTE: **Motion passed 6-0**

NEW OTHER BUSINESS

7. Report from Community Development Director, Joel Paulson
    - Town Council met 2/16/16; approved a story pole exception for the North 40.

8. Commission Matters
    - Commission Burch thanked the audience for the amount of community outreach on Item 6; it will help the Commission greatly.
    - Chair Badame thanked the commissioners and staff for their hard work and time with respect to Item 6.

ADJOURNMENT

Meeting adjourned at 9:54 pm.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, February 24, 2016

_____
/s/ Mary Badame, Chair

APPROVED AS TO FORM AND ATTEST:

_____
/s/ Joel Paulson
Community Development Director

TOWN OF LOS GATOS
110 East Main Street, Los Gatos, CA 95032 (408) 354-6874

SUMMARY OF DISCUSSION OF A REGULAR MEETING OF THE **CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE** OF THE TOWN OF LOS GATOS FOR **AUGUST 10, 2016** HELD IN THE TOWN COUNCIL CHAMBERS, CIVIC CENTER, 110 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

The meeting was called to order at 4:30 P.M.

ATTENDANCE

Members Present:	Absences:
Barbara Spector	Thomas O'Donnell
Marico Sayoc	
Kendra Burch	
Mary Badame	

Staff Present: Laurel Prevetti, Town Manager
Joel Paulson, Community Development Director
Jennifer Armer, Associate Planner
Sylvie Roussel, Administrative Assistant

Applicants Present: Scott Plautz (Item 2)
Eugene Sakai (Item 2)
Gary Kohlsaat (Item 3)
David Fox (Item 3)
Amanda Wilson (Item 3)
Sandy Harris (Item 3)

ITEM 1: Approval of Minutes – February 10, 2016

Motion: **Mary Badame** moved to approve the February 10, 2016 minutes with additional information regarding the project including an elevator. **Seconded** by **Mayor Barbara Spector.**

Vote: **Motion passes 3-0-2, Tom O'Donnell and Kendra Burch not present.**

ITEM 2: 16212 Los Gatos Boulevard
Conceptual Development Advisory Committee CD-16-03

Requesting feedback on multiple conceptual development proposals for a property zoned CH. APNs 523-06-010 and -011.
PROPERTY OWNER/APPLICANT: 16212 Los Gatos Blvd., LLC
PROJECT PLANNER: Jennifer Armer

EXHIBIT 5

Kendra Burch arrived at 4:40 p.m.

Comments:

- The committee was not in favor of medical uses.
- The smallest option is most appropriate.
- Underground parking is a good idea.
- The applicant should take into the consideration the strong need for a sit down restaurant in that area.
- The intersection of Los Gatos Boulevard and Shannon Road is very dangerous and well used by bicyclists and pedestrians. Look for ways to make it safer for those that use it.
- Look for multiple tenants as it might be hard to find one tenant to occupy the retail space.
- The mixed-use retail and affordable housing option which could meet a need in the Town but will also increase the traffic.
- A bicycle parking area should be included.
- Make sure the proposed project complies with the Town's Parking Guidelines. Also, note that parking issues are scheduled to go to Council and changes may occur to the guidelines.
- The least appealing option is the large option.
- Articulation and architecture will be important.
- Residential may not be appropriate.

ITEM 3: 16100 Greenridge Terrace
Conceptual Development Advisory Committee CD-16-004

Requesting feedback on a project proposing a subdivision of one lot into eight lots and a rezoning of the lot from HR 2 ½ to HR 2 ½ PD on property zoned HR-2 ½. APN 527-12-002.
PROPERTY OWNER: Green Ridge Terrace Dev LLC and Emerald Lake LLC
APPLICANT: Kohlsaat and Associates, Inc
PROJECT PLANNER: Sally Zarnowitz

Comments:

- A lot of the previous concerns were addressed in the new proposal.
- Work with the neighbors throughout the planning process.
- The proposed project meets the LRDA.
- Loop trail is a good idea.
- Tree impacts will be a concern.
- Visibility from viewing platforms and other areas will need to be addressed.

ADJOURNMENT Meeting adjourned at 5:34 p.m. The next regular meeting of the Conceptual Development Advisory Committee is Wednesday, September 14, 2016.

Prepared by:

Sylvie Roussel, Administrative Assistant

cc: Planning Commission Chair

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JUN 05 2019

TOWN OF LOS GATOS
PLANNING DIVISION

STEM
SUSTAINABLE DEVELOPMENT

Town of Los Gatos Staff, Planning Commission and Town Council

16212 Los Gatos Boulevard Commercial Project Overview

Letter of Justification

May 31, 2019

Project Address: 16212 Los Gatos Blvd @ Shannon Rd

Property Owner: 16212 Los Gatos Blvd, LLC, A Commercial Development Project managed by STEM Development

Dear Town of Los Gatos Staff, Planning Commission and Town Council,

We appreciate the Towns effort to review our commercial proposal for 16212 Los Gatos Boulevard. The intent of this Letter of Justification is to provide a comprehensive overview of our proposed commercial project. Many of our design concepts in this commercial submittal are proposed based on guidance from the Town Council and feedback from the minutes of the Conceptual Development Advisory Committee (CDAC) and a Community Meeting regarding the commercial development. We have updated our project plans to address the issues and feedback received.

We are a local, high-end custom real estate development group headquartered out of Los Gatos and primarily focus on infill commercial and residential development projects in the Bay Area. We believe this project has many unique positive attributes which benefit our community, as well as several challenges specific to the site location. In order to produce the best possible development for our community, we closely analyze land use, community safety (Safe Routes to School Programs), sustainable development concepts, traffic impact and economic variables as well as many other measurable concepts in the development process.

The proposed project site is .94 acre and is best known for being the previous location of the Used Honda Auto Dealership and is the current home of Artisan Wine Depot, who has the opportunity to continue residing on the site upon completion of the commercial development.

In our effort to better understand the development options and best use for the site, our team looked at the Safe Routes to School Plan, Los Gatos Boulevard Plan, the Zoning Map, and the 2020 General Plan, as well as guidance from Town Council, feedback from CDAC and our community meeting. The following information was helpful as we determined the best land use strategy for the community and the site location.

Safe Routes to School Plan: The Safe Routes to School Programs are intended to improve safety and promote walking and bicycling within a collaborative community framework. Our team has engaged with the Town of Los Gatos, local parents, schools, professionals in transportation and engineering in order to support a healthier & safer community. The intersection of Los Gatos Blvd, Shannon Road and Roberts Road has been identified as one of the most important intersections in the Town of Los Gatos regarding the Safe Routes to School Program. This major intersection provides access to students and families for R.J. Fisher Middle School, [illegible]eter, Blossom Hill Elementary, Los Gatos High School and Hillbrook School. We have agreed to

conform to the proposed off-site improvements for Safe Routes to School for this intersection and Los Gatos Blvd frontage, per our plans. The Town of Los Gatos has estimated the cost for these improvements to be approximately $750,000.00; we believe the actual costs will be higher. However, if the Town of Los Gatos approves our project we will complete the work identified in our plans for the off-site improvements pertaining to the Safe Routes to School Plan. This is a major commitment and cost for a project this small. To put this into perspective, the Town of Los Gatos total annually budget for Safe Routes to School, town wide, is approximately $300,000.00 annually, we are accepting an improvement cost of at least 2.5 times the annual budget of the entire town of Los Gatos on this project alone. However, we believe these improvements add great value to our community, the safety of our children and families and we are willing to support the effort.

The Los Gatos Boulevard Plan: The plan was approved by both the Planning Commission and the Town Council. One of the purposes of the plan was to look at Los Gatos Blvd from Highway 85 as it moves south toward downtown, its land uses and attributes, and the understanding that some of the businesses along the boulevard had left town, particularly the Auto Dealerships, leaving vacant parcels of land. Some of the important details to consider for our project are the following:

1. Buildings: The plan asked for distinctive, pedestrian friendly, orientation of buildings

2. Transportation: Our property is on the VTA Community Bus Route and adjacent to a Community Bus Stop, which will be useful for our tenants, their employees and customers to access the site lowering traffic and parking impact.

3. Land Use in the Los Gatos Blvd @ Blossom Hill Area: The plan speaks primarily to the economic vision of retail, office and commercial along the boulevard.

4. Section D-Policies; #3 states that neighborhood commercial and office uses shall be concentrated south of Los Gatos-Almaden Rd.

The Zoning Map designates our property as CH-Restricted Commercial Highway.

The General Plan Map:

1. Surrounding properties fronting Los Gatos Boulevard are commercial to the south, mixed use commercial office with residential above to the north. Across Los Gatos Boulevard are commercial retail below and office above, as well as a residential development. Therefore, the proposed commercial project is compatible with the existing neighborhood.

2. In the General Plan, Land Use Section, Figure LU-3 denotes the property as Mixed Use Commercial, defined in the General Plan as "Up to 50% land coverage with a 35 foot height limit. The Mixed-Use Commercial designation permits a mixture of retail, office, and residential in a mixed-use setting....". Since a previous proposal for residential was brought forward and declined, based upon Town Council direction at that meeting, CDAC feedback and a community meeting all requesting for commercial development, we have conformed with the commercial request.

The proposed Commercial Development has a unique offering for the town of Los Gatos and has proven to be in great demand. We have also retained the services of many local leading experts who have found great success in other recent developments in the community to address town issues. Our team has LEED and Sustainable Certified members who will be focusing on our Green requirements to include industry best

practices. Our team's award winning sustainable designs, knowledge of the local community and high quality attention to detail differentiates us from other local builders/developers.

We hope to receive support on this commercial project from Town Staff and Planning Commission as we are following Town Council direction with this proposal. We received overwhelming feedback from the large majority of neighbors and community members at the Planning Commission and Town Council meetings with over 200 written and verbal comments requesting a commercial development on this site. Through our extensive process, our team believes we have arrived at the best solution with a unique, high-end product to compliment the Town of Los Gatos while working to conform to the General Plan, Los Gatos Boulevard Plan, Zoning and land use issues while supporting Safe Routes to School to enhance the use of this site for community benefit as a commercial destination.

Thanks again for your time and we look forward to your approval on this commercial project.

Sincerely,

Scott Plautz

President

STEM Development

16212 Los Gatos Blvd, LLC, Partner

408-655-2326

Scottplautz@gmail.com

A Commercial Development Project managed by STEM Development

Assessment of Twenty-Six (26) Protected-Size Trees at 16212 Los Gatos Boulevard Los Gatos, California

Prepared for:
Ms. Jocelyn Shoopman, Associate Planner
Town of Los Gatos Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Field Visit:
Walter Levison, Contract Town Arborist (CTA)
11/15/2017

Report by CTA
11/20/2017

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EXHIBIT 7

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Walter Levison
CONSULTING ARBORIST
ASCA Registered Consulting Arborist #401 / ISA Tree Risk Assessment Qualified / ISA Certified Arborist #WC-3172
cell (415) 203-0990 / drtree@sbcglobal.net

1.0 Summary

a. Matrix style overview of protected-size trees (non-exempt species, 4-inches diameter at 4.5 feet above grade). Below, the CTA (Contract Town Arborist) has outlined expected impacts to each tree, along with suggestions for adjustments to the plan set (if applicable) that will optimize tree survival over the long term.

The CTA calculated the appraised value of each tree, which can be used as a tool for determining the proper security bond amount to have the applicant post with the Town as a hedge against site plan-related tree damages (if applicable). Appraised values can also be used to determine damage fees if trees are determined during or after construction to have been damaged such that mitigation is required.

Mitigation replacement rate and size is noted for each tree in the case that removal or damage to trees occurs.

Note: Only trees within relatively close proximity of proposed work are included in this initial tree study (e.g. tree trunks located between zero and 15 linear feet of current proposed new grading, trenching, excavation, haul routes, landscaping, etc.).

Table 1.0(a) (REFER TO THE CTA'S TREE MAP MARKUP WHEN REVIEWING THIS MATRIX)

Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
1	1	Deodar cedar (Neighbor tree)	No	$10,100.	Do not trench in any new irrigation pipes of any depth between the existing parking lot curb and the existing wood fence, during landscape installation phase. Use over-grade trenchless bubbler systems instead. Protect this soil area during construction using chain link panels. Remove the panels just prior to start of landscape phase.	4	24" box
2	2	Deodar cedar (Neighbor tree)	No	$13,100.	Do not trench in any new irrigation pipes of any depth between the existing parking lot curb and the existing wood fence, during landscape installation phase. Use over-grade trenchless bubbler systems instead. Protect this soil area during construction using chain link panels. Remove the panels just prior to start of landscape phase.	4	24" box

Registered Member, American Society of Consulting Arborists and Member of the International Society of Arboriculture
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Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
3	3	Coast live oak	No	$350.	(TO BE REMOVED)	2	24" box
4	4	Deodar cedar	No	$4,980.	(TO BE REMOVED)	3	24" box
5	5	Coast live oak (Possible neighbor tree)	Yes	$20,700.	(BEHIND CONCRETE WALL. ASSUME ROOT EXTENSION IMPEDED BY EXISTING WALL FOOTING).	4	24" box
6	6	Deodar cedar (Neighbor tree)	No	$4,750.	(BEHIND CONCRETE WALL. ASSUME ROOT EXTENSION IMPEDED BY EXISTING WALL FOOTING).	3	24" box
7	7	Deodar cedar (Neighbor tree)	No	$26,100.	(BEHIND CONCRETE WALL. ASSUME ROOT EXTENSION IMPEDED BY EXISTING WALL FOOTING).	4	24" box
8	8	Deodar cedar	No	$3,370.	(IN AREA TO BE RETAINED AS-IS, NORTH OF EXISTING BUILDING TO BE RETAINED). Use chain link panels to prevent encroachments by construction team into the open soil root zone area.	3	24" box
9	9	Deodar cedar	No	$1,730.	(IN AREA TO BE RETAINED AS-IS, NORTH OF EXISTING BUILDING TO BE RETAINED). Use chain link panels to prevent encroachments by construction team into the open soil root zone area.	3	24" box
10	10	Deodar cedar	No	$3,270.	(TO BE REMOVED)	3	24" box

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Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
11	11	Deodar cedar	No	$4,410.	(TO BE REMOVED)	4	24" box
12	12	Holly oak	No	$690.	Use chain link panels to prevent encroachments into the open soil root zone by construction team.	3	24" box
13	13	Holly oak (Street tree)	No	$1,450.	(TO BE REMOVED)	3	24" box
14	14	Holly oak (Street tree)	No	$580.	(TO BE REMOVED)	3	24" box
15	15	Crape myrtle	No	$780.	(TO BE TRANSPLANTED)	3	24" box
16	16	Holly oak (Street tree)	No	$3,290.	Use chain link panels and orange plastic snow fence as trunk wrapping to protect the tree from damages during construction.	4	24" box
17	17	Crape myrtle	No	$530.	(TO BE REMOVED)	3	24" box
18	18	Holly oak	No	$2,410.	Use chain link panels and orange plastic snow fence as trunk wrapping to protect the tree from damages during construction.	4	24" box
19	19	Crape myrtle	No	$900.	(TO BE TRANSPLANTED)	3	24" box
20	20	Crape myrtle	No	$720.	(TO BE TRANSPLANTED)	3	24" box

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Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
21	21	Crape myrtle	No	$660.	(TO BE REMOVED)	3	24" box
22	22	Holly oak (Street tree)	No	$1,940.	(TO BE REMOVED)	3	24" box
23	23	Crape myrtle	No	$510.	(TO BE REMOVED)	3	24" box
24	24	Holly oak (Street tree)	No	$100.	(TO BE REMOVED)	2	24" box
25	25	Crape myrtle	No	$690.	(TO BE REMOVED)	3	24" box
26	26	Holly oak (Street tree)	No	$2,670.	(TO BE REMOVED)	3	24" box

2017 Town of Los Gatos In-lieu fee equivalent = $250 per each required 24" box mitigation tree planting not installed on the site.

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1.0 (b) Summary of tree disposition and tree issues, based on the set of plans submitted to planning division in November, 2017:

1. TREES / NO IMPACTS EXPECTED:

   Three (3) trees #8, 9, and #12 to be retained on site and off site in the sidewalk planting strip appear to be retainable with few or no impacts related to construction work, assuming that protection measures outlined by the CTA in this arborist report are implemented and adhered to throughout the entire site plan construction phase.

2. TREE REMOVALS vs. REQUIRED MITIGATION / APPLICANT:

   The applicant is proposing to remove **thirteen (13) site trees and sidewalk planting strip trees #3, 4, 10, 11, 13, 14, 17, 21, 22, 23, 24, 25, and #26.**

   The replacement requirement for removal of these 13 trees per the CTA's table 1.0(a) above is site installation of thirty-eight (38) 24" box size plantings. However, the transplanting of three crape myrtles as noted below is equivalent to credit of at least 3 or more of these plantings, which reduces the applicant's replacement requirement to roughly thirty-five (35) or less 24" box size plantings on site.

   Per the current proposed landscape plan for this project, the applicant proposes to install 25 trees, all of which are 24" box size except for one 15-gallon tree.

   The remaining replacement requirement of 35 minus 25 is equivalent to a deficit of 10 trees. As noted above, each required mitigation tree planting not actually installed on site is equivalent to $250. Therefore, it is suggested that the applicant pay an in-lieu fee of (10 trees) X $250 = **$2,500** to make up the planting deficit.

3. TRANSPLANTS / APPLICANT:

   The applicant proposes to transplant three (3) on-site crape myrtle tree specimens in good condition (trees #15, 19, 20). These trees will be moved to a location west of their current locations, and will thus continue to provide on-site values in the landscape.

4. LANDSCAPE AND IRRIGATION / APPLICANT:

   The applicant proposes to install twenty-five (25) trees on site, most of which are 24" box size except for one 15-gallon tree. See below for a breakdown of these plantings.

   - *Acer negundo* (box elder) 6 count. **
   - Strawberry tree 1 count.
   - Chinese pistache 6 count.
   - Columbia plane tree 10 count.
   - Coast live oak 1 count.
   - Holly oak 1 count.

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**The CTA suggests that the box elder plantings be switched out to another species that is more long lived and stronger wooded, such as 'Roberts' sycamore available from L.E. Cooke nursery in Visalia, California, or additional 'Columbia' plane tree specimens.

Irrigation specifications were not reviewed as of the date of writing, as a detail sheet was not provided by the applicant. However, the CTA does note that plantings proposed for the area just south of the property boundary fence south of **neighbor deodar cedars #1 and #2** may have a significant negative impact on the root systems of these two important trees if the irrigation were to be installed as a trenched-in solid pipe system. The CTA suggests that all irrigation within 15 feet of these two trees be installed as over-grade flex tubing with bubblers and/or emitters to avoid trenching within that area considered tree #1 and #2 "root zone".

5. TREES TO BE POTENTIALLY IMPACTED BY SITE WORK:

   a. **Trees #1 and #2** may be negatively impacted by irrigation pipe trenching as noted above. The applicant has not yet submitted detailed irrigation design for the planting areas south of these two trees. The CTA is suggesting use of trenchless over-grade flex tubing irrigation for areas within 15 feet of these important neighbor-owned specimens.

   b. **Neighbor oak #5, and neighbor deodar cedars #6 and #7**, are all located just east of an older concrete block retaining wall with unknown foundation footing design, depth, etc. For the purposes of this report, the CTA assumed that the root systems of these trees were 100% impeded by the wall footing, and therefore do not extend westward beyond the wall which was built roughly along the property boundary. However, it may be that the trees do actually extend lateral woody roots plunging downward below the wall footing, and then rise upward again to extend west of the wall into the subject site plan area (not verified). The CTA is including these three trees in the category of "potentially impacted" in order to put the project team on notice of the situation, even though it is entirely possible that the trees' root systems do not extend into the site plan work area at all.

   c. **Street trees #16 and #18** may be moderately to severely impacted by proposed new sidewalk renovation work, depending on whether woody roots are required to be severed prior to replacement of baserock, over-excavation of the subbase, etc. The CTA noted that the sidewalk adjacent to tree #16 was severely displaced with upward heave due to lateral root extension and expansion from this tree. However, this does not necessarily mean that a woody root is present under the slab. In many cases, root expansion occurs deep in the baserock or subbase, and the resulting pressure of that root expansion is "translated" upward into the slab, resulting in upward sidewalk slab displacement.[1]

6. SECURITY BONDING:

The new 2015 iteration of the Town tree ordinance section 29.10.1000 (c)3 includes wordage that requires that all trees being retained on a development site need to be appraised for dollar value at the applicant's expense prior to building or grading permits being issued by the Town. Part 'f' of this same tree ordinance section states that the Town may condition a security bond prior to issuance of a permit, in the sum of $5,000 per each tree being preserved, or $25,000, whichever is less. It would be reasonable, based on the actual appraised values of trees being retained at this site, for the Town to condition the project approval upon posting of a security bond in the amount of **$25,000**, which is far less than the total appraised value of the survey trees being retained in close proximity to proposed site work as currently proposed on sheets dated October, 2017. The total appraised value of ten (10) trees being retained on site and adjacent to the site is **$86,240** as determined by the CTA.

[1] Professional experience, 1999 to 2017, Walter Levison, Consulting Arborist.

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2.0 Assignment & Background

Walter Levison, Contract Town Arborist (CTA) was directed to tag and assess all Protected-Size (4 inch diameter and greater) trees in relatively close proximity to the proposed site plan project.

The trees were tagged with numeric tags affixed to the mainstem of each tree at roughly eye-level. These tag numbers are noted on the CTA's tree map markup attached to the end of this written report.

The CTA summarized the tree situation from a long-term site manager's perspective, both in table form and in written form above, in section 1.0.

Specific recommendations for tree maintenance and protection are outlined below in section 4.0.

Digital images of the trees archived by the CTA are included below in this report for reference of existing pre-project conditions.

The tree data table with detailed tree information based on the CTA's field assessment on 11/15/2017 makes up section 11.0 of this report. The CTA used a forester's D-tape to determine trunk diameter at 4.5 feet above grade, or at a narrow point below a mainstem fork if the fork occurs at 4.5 feet above grade. The D-tape converts actual trunk circumference into diameter in inches and tenths of inches. Tree heights were measured using a digital Nikon forestry pro 550 hypsometer. Tree canopy spread was visually estimated.

The attached tree map mark-up prepared by the CTA was created using the applicant's site plan sheet from October 2017, marked up with various highlight coloration[2] as discussed in section 12.0.

The CTA reviewed the applicant's plan set of sheets available from Dropbox in November, 2017. The individual sheet dates range from October through November, 2017.

3.0 Town of Los Gatos – What Trees are Protected?

Per the most recent (2015) iteration of the Town of Los Gatos tree ordinance (Town Code Chapter 29 – Zoning Regulations, Article 1), the following regulations apply to all trees within the Town's jurisdiction (wordage adjusted):

1. All trees with at least a single mainstem measuring four (4) inches diameter or greater at 4.5 feet above grade are considered **"Protected Trees"** when removal relates to any development review.

2. 12 inch diameter (18 inch multistem total) trees on developed residential property not currently subject to development review.

3. 8 inch diameter (8 inch multistem total) blue oak (*Quercus douglasii*), black oak (*Quercus kellogii*), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*) on developed residential lots not currently subject to development review.

[2] Adobe Pro was used to mark up the tree map. In order to "lock" the mark-ups, the CTA printed a PDF of the marked-up PDF sheet, which resulted on some loss of color intensity.

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4. 8 inch diameter (8 inch multistem total) trees on developed residential property not currently subject to development review, on lots in the designated **Hillside Area** per the official Town map.

5. All trees with a single mainstem or sum of multiple mainstems totaling 48 inches diameter or greater at 4.5 feet above grade are considered **"Large Protected Trees" (LPT).**

6. All oak species (*Quercus spp.*), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*) with one or more mainstems totaling 24 inches diameter or more at 4.5 feet above grade are considered **"Large Protected Trees" (LPT).**

7. Section 29.10.0965. Prohibitions: A **permit** is required to prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting 25% or more of any **Protected Tree** (including below ground root system).

8. Section 29.10.0965. Prohibitions: A **permit** is required to prune, trim, or cut any branch or root greater than four (4) inches in diameter of a **Large Protected Tree**.

9. Section 29.10.0965. Prohibitions: A permit is required to conduct severe pruning on any protected tree. Severe pruning is defined in section 29.10.0955 as "topping or removal of foliage or significant scaffold limbs or large diameter branches so as to cause permanent damage and/or disfigurement of a tree, and/or which does not meet specific pruning goals and objectives as set forth in the current version of the International Society of Arboriculture Best Management Practices-Tree Pruning and ANSI A300-Part 1 Tree, Shrub, and Other Woody Plant Management-Standard Practices, (Pruning)."

10. Exceptions:

    Severe Pruning Exception in Town Code section 29.10.1010(3) ".....except for pollarding of fruitless mulberry (*Morus alba*) or other species approved by the Town Arborist....".

    Protected Tree Exceptions:
    a. Edible fruit or nut bearing trees less than 18 inches diameter (multistem total or single stem)
    b. *Acacia melanoxylon* (blackwood acacia) less than 24 inches (multistem total or single stem)
    c. *Liriodendron tulipifera* (tulip tree) less than 24 inches (multistem total or single stem)
    d. *Ailanthus altissima* (tree of heaven) less than 24 inches (multistem total or single stem)
    e. *Eucalyptus globulus* (Tasmanian blue gum) less than 24 inches (multistem total or single stem)
    f. *Eucalyptus camaldulensis* (River red gum) less than 24 inches (multistem total or single stem)
    g. *Other eucalyptus species* (E. spp.) not noted above, less than 24 inches (multistem total or single stem)
    (REMOVAL O.K. ONLY AT HILLSIDE AREA LOCATIONS PER OFFICIAL TOWN MAP):
    www.losgatosca.gov/documentcenter/view/176
    h. All palm species (except *Phoenix canariensis)* less than 24 inches (multistem total or single stem)
    i. *Ligustrum lucidum* (glossy privet) less than 24 inches (multistem total or single stem)
    Note that per the exception in part 'a' above, fruiting olive trees with stems totaling less than 18 inches are considered non-protected.

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The CTA notes that there are zero (0) large protected trees (LPT) on the site. However, neighbor-owned oak #5 appears to be an LPT based on the CTA's estimated trunk diameter of 26-inches. The tree is not accessible, and is located just east of the property boundary.

4.0 Recommendations

1. Project Arborist ("PA"):

Initial Signoff

It is suggested that a third party ASCA registered consulting arborist or ISA Certified Arborist with good experience with tree protection during construction be retained by the applicant, to provide pre-project verification that tree protection and maintenance measures outlined in this section of the arborist report are adhered to. Periodic (e.g. monthly) inspections and summary reporting, if required as a project condition of approval, are suggested in order to verify contractor compliance with tree protection throughout the site plan project. This person will be referred to as the project arborist ("PA"). The PA should monitor soil moisture within the root protection zones of trees being retained, using a Lincoln soil moisture probe/meter or equivalent. If required, inspection reports shall be sent to Ms. Jocelyn Shoopman, Associate Planner, at jshoopman@losgatosca.gov.

Sample wordage for a condition of approval regarding monitoring of tree protection and tree condition:

"The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in a monthly site activity report sent to the Town. A mandatory Monthly Tree Activity Report shall be sent at least once monthly to the Town planner associated with this project (jshoopman@losgatosca.gov) beginning with the initial tree protection verification approval letter".

The PA should work with the project team to directly monitor a portion of the following items such as, but not limited to:

a. Walkway base and walkway edging excavation and trenching within 20 feet of trees.
b. Wall foundation pier drilling and grade beam excavation (if any) within 20 feet of trees.
c. Landscape irrigation pipe trenching (if any) within 20 feet of trees.
d. Landscape plant pit digging within 20 feet of trees.
e. Electrical conduit trenching within 20 feet of trees.
f. Temporary irrigation (heavy) 2x/week, 50 gallons per tree per irrigation day (i.e. 400 gallons per tree per month), throughout the entire fenced off "root protection zone" (RPZ) chain link panel-protected areas.

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2. Project Team Pre-Project Clarifications or Changes Requested:

i. Irrigation:

The CTA suggests that Staff verify with the applicant that all new irrigation piping within 15-feet of **trees #1 and #2** is over-grade trenchless **flex tubing** only, such that there will be no trenching in the area between the new curb and the property fence line south of these two trees (see sample image at right, showing surface emitter tube irrigation at Texas Instruments campus in Santa Clara, specified by Walter Levison in order to avoid all trenching).

ii. Sidewalk Base Prep:

Verify with the applicant the depth of cut proposed for all baserock renovation, subbase excavation, etc. near to street **trees #16 and #18** being retained.

If possible, avoid all cuts below the lowest elevation of older baserock base section within 15 feet of these two trees.

iii. Removal Mitigation Fees:

It is suggested that Staff collect **$2,500** in mitigation fees to account for the mitigation planting deficit of ten (10) required 24" box size tree plantings at $250/tree.

iv. Removal Mitigation Tree Planting Palette:

It is suggested that the project team consider replacing the proposed *Acer negundo* (box elder) plantings with another stronger, longer-lived species/cultivar, such as:

- Additional plantings of 'Columbia' plane tree, or
- Additional plantings of Chinese pistache, or
- 'Cathedral' live oak, available from Brightview nursery as a special order, or
- 'Roberts' sycamore, available from L.E. Cooke nursery of Visalia, CA, or
- Blue atlas cedar, or
- Deodar cedar, or
- *Tristaniopsis laurina* (swamp myrtle).

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3. Security Bond:

It is suggested that Town Staff condition this project on receiving security bond monetary funds from Flanders Bay Company in the amount of $25,000, as a hedge against potential decline or death of one or more of the survey trees to remain in close proximity to the proposed site plan project. Staff may choose to reduce this fee to a lesser amount. Actual total appraised value of the trees being retained in close proximity to work proposed at this site is **$86,240.** See table 1.0(a) for individual tree appraised values.

4. Trunk Buffer Wrap Type III Protection:

Prior to demolition commencement, install a trunk buffer around the lowermost 8 to 10 feet of the mainstems of **trees #8, 9, 12, 16, and #18**.

Wrap approximately 10 to 15 wraps of orange plastic snow fencing around the trunk between grade and 8 feet above grade to create a padding at least 1 to 2 inches thickness.

Stand 2x4 wood boards upright, side by side, around the entire circumference of the trunk. Affix using duct tape (do not use wires or ropes). See spec image at right.

5. Chain Link Fencing Type I and/or Type II Root Protection Zone (RPZ):

Prior to commencing site demolition, erect chain link fencing panels set on moveable concrete block footings. Wire the fence panels to iron layout stakes pounded 24 inches into the ground at the ends of each fence panel to keep the fence route stabilized and in its correct position. Do not wire the fence panels to the trunks of the trees.

Pre-construction fence: Per the red dashed lines on the tree map mark-up in the CTA's arborist report (routes may be subject to change, depending on the finalized alignments of work items).

Protection shall be at the farthest possible offset distances from trees #1, 2, 8, 9, 12, 16, and #18.

This fencing must be erected prior to any heavy machinery traffic or construction material arrival on site.

The protective fencing must not be temporarily moved during construction. No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the root protection zone or "RPZ".

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No storage, staging, work, or other activities will be allowed inside the RPZ except with PA monitoring. Note however that some RPZ fencing areas may need to be removed or moved to allow for final landscape plant and irrigation system installation to occur.

6. Signage: The RPZ fencing shall have one sign affixed with UV-stabilized zip ties to the chain link at eye level for every 15 linear feet of fencing, minimum 8"X11" size each, plastic laminated, with wordage that includes the Town Code section that refers to tree fence protection requirements (wordage can be adjusted):

TREE PROTECTION ZONE FENCE
ZONA DE PROTECCION PARA ARBOLES

-NO ENTRE SIN PERMISO-
-LLAME EL ARBOLISTA-

REMOVAL OF THIS FENCE IS SUBJECT TO PENALTY ACCORDING TO LOS GATOS TOWN CODE 29.10.1025

PROJECT ARBORIST:
TELEFONO CELL: **EMAIL:**

7. Water Spray:

Spray off foliage of all trees **within 20 feet of construction** activity using a very high power garden hose or a pressure washer system set on low pressure to wash both the upper and lower surfaces of foliage. This helps keep the gas portals (stomata) unclogged for better gas exchange which is crucial for normal tree function.

Spray should be applied approximately **once-monthly,** or when ambient airborne dust concentration is unusually high.

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8. Neighbor Trees #5, 6, 7:

   If possible, treat **neighbor trees #5, 6, and #7** as if their root systems extend under the existing block wall, and provide the trees with some root zone protection such as chain link fence panels over any open soil root zone square footage located west of the property boundary fence between the limit of new construction and the fence itself.

9. Temporary Irrigation During Construction:

   Provide **trees #1, 2, 8, 9, and #12** being retained on site with temporary periodic heavy irrigation during the construction period.

   The volume of water should be roughly 50 to 100 gallons per tree per irrigation event, 1x/weekly.

   Water application can be made using one or more of the following methods (see sample images):

   - Soaker hoses.
   - Emitter lines.
   - Garden hoses.
   - Fire truck hoses.
   - Water trucks.
   - Tow-behind spray tank apparatus (see image at right).
   - On-site water tank with gravity feed.
   - Over-grade PVC piping with spray heads wired to rebar or other steel stakes (see image at right).

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5.0 Tree Protection and Maintenance Directions per Town Code

The following is excerpted directly from the 2015 iteration of the Town of Los Gatos tree ordinance sections which provide specific tree protection directions and limitations on root pruning and above-ground pruning:

Sec. 29.10.1000. New property development.

(a) A tree survey shall be conducted prior to submittal of any development application proposing the removal of or impact to one or more protected trees. The development application shall include a Tree Survey Plan and Tree Preservation Report based on this survey. The tree survey inventory numbers shall correspond to a numbered metal tag placed on each tree on site during the tree survey. The tree survey plan shall be prepared by a certified or consulting arborist, and shall include the following information:

(1) Location of all existing trees on the property as described in section 29.10.0995;

(2) Identify all trees that could potentially be affected by the project (directly or indirectly- immediately or in long term), such as upslope grading or compaction outside of the dripline;

(3) Notation of all trees classified as protected trees;

(4) In addition, for trees four (4) inches in diameter or larger, the plan shall specify the precise location of the trunk and crown spread, and the species, size (diameter, height, crown spread) and condition of the tree.

(b) The tree survey plan shall be reviewed by the Town's consulting arborist who shall, after making a field visit to the property, indicate in writing or as shown on approved plans, which trees are recommended for preservation (based on a retention rating of high/moderate/low) using, as a minimum, the Standards of Review set forth in section 29.10.0990. This plan shall be made part of the staff report to the Town reviewing body upon its consideration of the application for new property development;

(c) When development impacts are within the dripline of or will affect any protected tree, the applicant shall provide a tree preservation report prepared by a certified or consulting arborist. The report, based on the findings of the tree survey plan and other relevant information, shall be used to determine the health and structure of existing trees, the effects of the proposed development and vegetation removal upon the trees, recommendations for specific precautions necessary for their preservation during all phases of development (demolition, grading, during construction, landscaping); and shall also indicate which trees are proposed for removal. The tree preservation report shall stipulate a required tree protection zone (TPZ) for trees to be retained, including street trees, protected trees and trees whose canopies are hanging over the project site from adjacent properties. The TPZ shall be fenced as specified in section 29.10.1005:

(1) The final approved tree preservation report shall be included in the building permit set of development plans and printed on a sheet titled: Tree Preservation Instructions (Sheet T-1). Sheet T-1 shall be referenced on all relevant sheets (civil, demolition, utility, landscape, irrigation) where tree impacts from improvements may be shown to occur;

(2) The Town reviewing body through its site and design plan review shall endeavor to protect all trees recommended for preservation by the Town's consulting arborist. The Town reviewing body may determine if any of the trees recommended for preservation should be removed, if based upon the evidence submitted the reviewing body determines that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property as described in section 29.10.0990;

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(3) Approval of final site or landscape plans by the appropriate Town reviewing body shall comply with the following requirements and conditions of approval:

a. The applicant shall, within ninety (90) days of final approval or prior to issuance of a grading or building permit, whichever occurs first, secure an appraisal of the condition and value of all trees included in the tree report affected by the development that are required to remain within the development using the Tree Value Standard methodology as set forth in this Chapter. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (CTLA) and the Species and Group Classification Guide published by the Western Chapter of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraisal shall be subject to the Director's approval.

b. The site or landscape plans shall indicate which trees are to be removed. However, the plans do not constitute approval to remove a tree until a separate permit is granted. The property owner or applicant shall obtain a protected tree removal permit, as outlined in section 29.10.0980, for each tree to be removed to satisfy the purpose of this division.

(d) Prior to acceptance of proposed development or subdivision improvements, the developer shall submit to the Director a final tree preservation report prepared by a certified or consulting arborist. This report shall consider all trees that were to remain within the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant will then be responsible for the loss of any tree not previously approved for removal. For protected trees, which were removed, the developer shall pay a penalty in the amount of the appraised value of such tree in addition to replacement requirements contained in section 29.10.0985 of this Code. The applicant shall remain responsible for the health and survival of all trees within the development for a period of five (5) years following acceptance of the public improvements of the development or certificate of occupancy.

(e) Prior to issuance of any demolition, grading or building permit, the applicant or contractor shall submit to the Building Department a written statement and photographs verifying that the required tree protection fence is installed around street trees and protected trees in accordance with the tree preservation report.

(f) If required by the Director and conditioned as part of a discretionary approval, a security guarantee shall be provided to the Town. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the Director, in the penal sum of five thousand dollars ($5,000.00) for each tree required to be preserved, or twenty-five thousand dollars ($25,000.00), whichever is less. The cash, bond or other security shall be retained for a period of one (1) year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to five thousand dollars ($5,000.00) per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or severely damaged.

(g) An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done using directional boring, air-spade excavation or by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified or consulting arborist.

(h) It shall be a violation of this division for any property owner or agent of the owner to fail to comply with any development approval condition concerning preservation, protection, and maintenance of any protected tree.

(Ord. No. 2114, §§ I, II, 8-4-03)

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Sec. 29.10.1005. Protection of trees during construction.

(a) Protective tree fencing shall specify the following:

(1) Size and materials. Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than 10-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.

(2) Area type to be fenced. Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone (TPZ), when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with 2-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.

(3) Duration of Type I, II, III fencing. Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.

(4) Warning sign. Each tree fence shall have prominently displayed an 8.5 x 11-inch sign stating: "Warning—Tree Protection Zone-this fence shall not be removed and is subject to penalty according to Town Code 29.10.1025".

(b) All persons, shall comply with the following precautions:

(1) Prior to the commencement of construction, install the fence at the dripline, or tree protection zone (TPZ) when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials, equipment cleaning, or parking of vehicles within the TPZ. The dripline shall not be altered in any way so as to increase the encroachment of the construction.

(2) Prohibit all construction activities within the TPZ, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree unless approved by the Director.

(3) Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in drainage channels, swales or areas that may lead to the dripline of a protected tree.

(4) Prohibit the attachment of wires, signs or ropes to any protected tree.

(5) Design utility services and irrigation lines to be located outside of the dripline when feasible.

(6) Retain the services of a certified or consulting arborist who shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project arborist shall be present whenever activities occur which may pose a potential threat to the health of the trees to be preserved and shall document all site visits.

(7) The Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.

(Ord. No. 2114, §§ I, II, 8-4-03)

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Sec. 29.10.1010. Pruning and maintenance.

All pruning shall be in accordance with the current version of the International Society of Arboriculture Best Management Practices—Tree Pruning and ANSI A300-Part 1 Tree, Shrub and Other Woody Plant Management—Standard Practices, (Pruning) and any special conditions as determined by the Director. For developments, which require a tree preservation report, a certified or consulting arborist shall be in reasonable charge of all activities involving protected trees, including pruning, cabling and any other work if specified.

(1) Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a protected tree shall obtain permission from the Director before performing any work, including pruning, which may cause injury to a protected tree. (e.g. cable TV/fiber optic trenching, gas, water, sewer trench, etc.).

(2) Pruning for clearance of utility lines and energized conductors shall be performed in compliance with the current version of the American National Standards Institute (ANSI) A300 (Part 1)- Pruning, Section 5.9 Utility Pruning. Using spikes or gaffs when pruning, except where no other alternative is available, is prohibited.

(3) No person shall prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting twenty-five percent or more of the crown of any protected tree without first obtaining a permit pursuant to this division except for pollarding of fruitless mulberry trees (*Morus alba)* or other species approved by the Town Arborist. Applications for a pruning permit shall include photographs indicating where pruning is proposed.

(4) No person shall remove any Heritage tree or large protected tree branch or root through pruning or other method greater than four (4) inches in diameter (12.5" in circumference) without first obtaining a permit pursuant to this division.

(Ord. No. 2114, §§ I, II, 8-4-03)

6.0 Tree Replacement Standards – Los Gatos Town Code

(Excerpted from Town Code 29.10.0985 and 29.10.0987)

(1) Two (2) or more replacement trees, of a species and size designated by the Director, shall be planted on the subject private property. Table 3-1 The Tree Canopy—Replacement Standard shall be used as a basis for this requirement. The person requesting the permit shall pay the cost of purchasing and planting the replacement trees.

(2) If a tree or trees cannot be reasonably planted on the subject property, an in-lieu payment in an amount set forth by the Town Council by resolution shall be paid to the Town Tree Replacement Fund to:

a. Add or replace trees on public property in the vicinity of the subject property; or

b. Add or replace trees or landscaping on other Town property; or

c. Support the Town's urban forestry management program. (Ord. No. 2114, §§ I, II, 8-4-03)

Table 3-1 - Tree Canopy - Replacement Standard

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Canopy Size of Removed Tree [1]	(Staff is using 24" box size as the Replacement Standard for SFR Projects as of 2016) [2,4]	Single Family Residential Replacement[3,4]
10 feet or less	Two 24 inch box trees	Two 15 gallon trees
More than 10 feet to 25 feet	Three 24 inch box trees	Three 15 gallon trees
More than 25 feet to 40 feet	Four 24 inch box trees; or Two 36 inch box trees	Four 15 gallon trees
More than 40 feet to 55 feet	Six 24 inch box trees; or Three 36 inch box trees	Not Available
Greater than 55 feet	Ten 24 inch box trees; or Five 36 inch box trees	Not Available

Notes

[1]To measure an asymmetrical canopy of a tree, the widest measurement shall be used to determine canopy size.

[2]Often, it is not possible to replace a single large, older tree with an equivalent tree(s). In this case, the tree may be replaced with a combination of both the Tree Canopy Replacement Standard and in-lieu payment in an amount set forth by Town Council resolution paid to the Town Tree Replacement Fund.

[3]Single Family Residential Replacement Option is available for developed single family residential lots under 10,000 square feet that are not subject to the Town's Hillside Development Standards and Guidelines. All 15-gallon trees must be planted on-site. Any in-lieu fees for single family residential shall be based on 24" box tree rates as adopted by Town Council.

[4]Replacement Trees shall be approved by the Town Arborist and shall be of a species suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy and other relevant factors. Replacement with native species shall be strongly encouraged. Replacement requirements in the Hillsides shall comply with the Hillside Development Standards and Guidelines Appendix A and Section 29.10.0987 Special Provisions--Hillsides.

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Sec. 29.10.0987. Special Provisions—Hillsides

The Town of Los Gatos recognizes its hillsides as an important natural resource and sensitive habitat which is also a key component of the Town's identity, character and charm. In order to maintain and encourage restoration of the hillside environment to its natural state, the Town has established the following special provisions for tree removal and replacement in the hillsides:

(1) All protected trees located 30 or more feet from the primary residence that are removed shall be replaced with native trees listed in *Appendix A Recommended Native Trees for Hillside Areas of the Town of Los Gatos Hillside Development Standards and Guidelines* (HDS&G).

(2) All protected trees located within 30 feet of the primary residence that are removed shall be replaced as follows:

(a) If the removed tree is a native tree listed in Appendix A of the HDS&G, it shall only be replaced with a native tree listed in Appendix A of the HDS&G.

(b) If the removed tree is not listed in Appendix A, it may be replaced with a tree listed in Appendix A, or replaced with another species of tree as approved by the Director.

(c) Replacement trees listed in Appendix A may be planted anywhere on the property.

(d) Replacement trees not listed in Appendix A may only be planted within 30 feet of the primary residence.

(3) Replacement requirements shall comply with the requirements in Table 3-1 Tree Canopy Replacement Standard of this Code.

(4) Property owners should be encouraged to retain dead or declining trees where they do not pose a safety or fire hazard, in order to foster wildlife habitat and the natural renewal of the hillside environment.

7.0 Author's Qualifications

- Continued education through The American Society of Consulting Arborists, The International Society of Arboriculture (Western Chapter), and various governmental and non-governmental entities.
- Contract Town Arborist, Town of Los Gatos, California
  Community Development Department / Planning Division
  2015-present
- Tree Risk Assessment Qualified (ISA TRAQ Course Graduate, Palo Alto, California)
- Millbrae Community Preservation Commission (Tree Board)
  2001-2006
- ASCA Registered Consulting Arborist #401
- ASCA Arboriculture Consulting Academy graduate, class of 2000

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- Associate Consulting Arborist
  Barrie D. Coate and Associates
  4/99-8/99

- Contract City Arborist, City of Belmont, California
  Planning and Community Development Department
  5/99-present

- ISA Certified Arborist #WC-3172

- Peace Corps Soil and Water Conservation Extension Agent
  Chiangmai Province, Thailand 1991-1993

- B.A. Environmental Studies/Soil and Water Resources
  UC Santa Cruz, Santa Cruz, California 1990

  UCSC Chancellor's Award, 1990

  (My full curriculum vitae is available upon request)

8.0 Assumptions and Limiting Conditions

Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownership to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised and evaluated as through free and clean, under responsible ownership and competent management.

It is assumed that any property is not in violation of any applicable codes, ordinance, statutes, or other government regulations.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.

The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.

Unless required by law otherwise, the possession of this report or a copy thereof does not imply right of publication or use for any other purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.

Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initiated designation conferred upon the consultant/appraiser as stated in his qualifications.

This report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

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Sketches, drawings, and photographs in this report, being intended for visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by engineers, architects, or other consultants on any sketches, drawings, or photographs is for the express purpose of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by Walter Levison to the sufficiency or accuracy of said information.

Unless expressed otherwise:
a. information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection; and
b. the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

Loss or alteration of any part of this report invalidates the entire report.

Arborist Disclosure Statement:

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Tree are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborist cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

9.0 Certification

I hereby certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signature of Consultant

10.0 Digital Images

WLCA archived images of the survey trees on 11/15/2017:

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Tag #	Image	Tag #	Image
L to R: 1 and 2		3	

© Walter Levison 2017 All Rights Reserved

Tag #	Image	Tag #	Image
4		5	
6		7	

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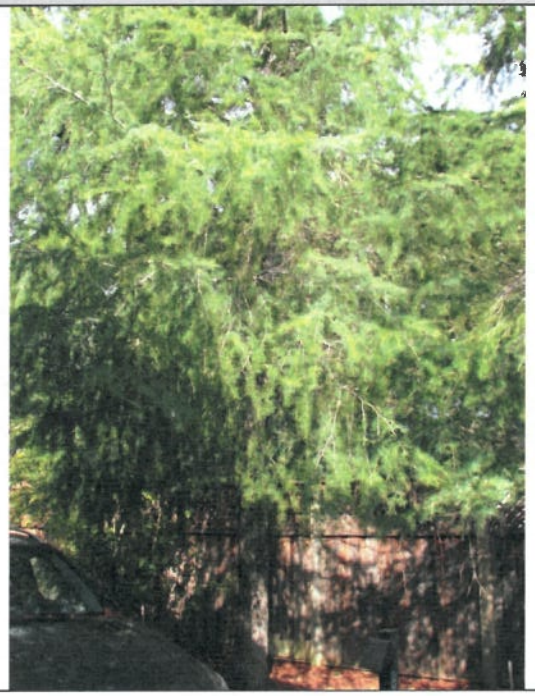
Tag #	Image	Tag #	Image
7		8	

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Tag #	Image	Tag #	Image
9		10	

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Tag #	Image	Tag #	Image
11		12	

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11.0 Tree Data Table

NOTE 1: Fruit and nut trees measuring less than 18" diameter (total of all mainstems) both on the site and on adjacent neighbor properties were excluded from this study as "exemption trees" per the Town tree ordinance.

NOTE 2: Tree preservation suitability ratings (TPS) are determined independently from and irrespective of current proposed site construction work.

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
1	*Cedrus deodara* *NEIGHBOR TREE*	Deodar cedar	21.4	--	--	21.4	60/35	90/80	85% Good		X		Good						7 feet south of the trunk, at the curb.	W, RPZ, and restrict cut depths for new storm drain, irrigation piping, etc.
2	*Cedrus deodara* *NEIGHBOR TREE*	Deodar cedar	24.0	--	--	24.0	65/40	90/85	88% Good		X		Good						8.5 feet south of trunk, at the curb.	W, RPZ, and restrict cut depths for new storm drain, irrigation piping, etc.
3	*Quercus agrifolia*	Coast live oak	4.6	--	--	4.6	14/8	85/55	70% Good	X			Mod						-------	-------
4	*Cedrus deodara*	Deodar cedar	15.5	--	--	15.5	70/20	90/90	90% Excellent	X			Good							

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Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
5	*Quercus agrifolia* *NEIGHBOR TREE*	Coast live oak	Est. 26	---	---	Est. 26	45/35	80/75	78% Good		X		Good					Tree's root system extension into the project property may or may not be impeded by the existing wall to be retained along the boundary line.	Zero to 5 feet offset from wall.	Limit irrigation pipe trench depths during landscape installation, in the chance that the tree extends lateral roots out under the existing wall.
6	*Cedrus deodara* *NEIGHBOR TREE*	Deodar cedar	Est. 16	--	--	Est. 16	65/25	85/85	85% Good		X		Very Good					Root crown not visible for inspection. Diameter estimated.	Zero to 5 feet offset from wall.	Limit irrigation pipe trench depths during landscape installation, in the chance that the tree extends lateral roots out under the existing wall.
7	*Cedrus deodara* *NEIGHBOR TREE*	Deodar cedar	Est. 35	--	--	Est. 35	55/40	85/70	77% Good		X		Good or Very Good					Root crown not visible for inspection. Diameter estimated. Canopy extends all the way to the existing building roof (about 25 feet from trunk).	Zero to 5 feet offset from wall.	Limit irrigation pipe trench depths during landscape installation, in the chance that the tree extends lateral roots out under the existing wall.

Registered Member, American Society of Consulting Arborists and Member of the International Society of Arboriculture
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Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
8	*Cedrus deodara*	Deodar cedar	12.8	--	--	12.8	60/20	80/80	80% Good		X		Good						10 feet offset radius.	W, TB, RPZ
9	*Cedrus deodara*	Deodar cedar	12.5	--	--	12.5	50/20	75/30	45% Poor		X		Poor to Mod		East	YES			10 feet offset radius.	W, TB, RPZ
10	*Cedrus deodara*	Deodar cedar	12.6	---	---	12.6	60/22	80/80	80% Good	X			Good						----------	----------
11	*Cedrus deodara*	Deodar cedar	14.7	---	---	14.7	70/27	90/80	86% Good	X			Good						----------	----------
12	*Quercus ilex*	Holly oak	10.3	---	---	10.3	16/16	80/15	30% Poor		X		Mod	South east	South east				12 feet offset radius	TB, RPZ
13	*Quercus ilex* *STREET TREE*	Holly oak	8.7	---	---	8.7	24/22	80/60	66% Fair	X			Mod		North east			18-inch long scar on street side of trunk 3.0 to 4.5 feet elevation.	----------	----------
14	*Quercus ilex* *STREET TREE*	Holly oak	6.3	---	---	6.3	20/14	70/40	49% Poor	X			Poor	West	West				----------	----------

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Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
15	*Lagerstoemia x indica*	Crape myrtle cultivar	5.7	---	---	5.7	15/18	90/60	75% Good	T			Mod					To be transplanted.	-------	----------
16	*Quercus ilex* *STREET TREE*	Holly oak	12.2	---	---	12.2	30/27	80/60	70% Good		X		Mod	See notes at right.	North west			Tree was severely pruned to remove the southeast portion of the canopy, resulting in a northwest lopsidedness. Root expansion causing severe sidewalk heave of possibly 4 to 6 inches displacement.	6 feet offset radius	TB, RPZ, and sidewalk renovation to remediate heave.
17	*Lagerstroemia x indica*	Crape myrtle cultivar	4.8	---	---	4.8	15/16	80/60	70% Good	X			Mod					Roots damaged on grade from landscape maintenance workers.	--------	---------
18	*Quercus ilex* *STREET TREE*	Holly oak	10.3	---	---	10.3	25/30	85/65	77% Good		X		Mod							TB, RPZ
19	*Lagerstroemia x indica*	Crape myrtle cultivar	6.2	---	---	6.2	14/16	80/70	74% Good	T			Mod					To be transplanted.	-------	---------

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Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
20	*Lagerstroemia x indica*	Crape myrtle cultivar	5.5	---	---	5.5	14/15	80/70	74% Good	T			Mod					Tree to be transplanted.	-------	---------
21	*Lagerstroemia x indica*	Crape myrtle cultivar	5.1	---	---	5.1	15/16	80/70	78% Good	X			Mod						---------	----------
22	*Quercus ilex* *STREET TREE*	Holly oak	8.7	---	---	8.7	25/25	90/80	86% Good	X			Mod						-------	----------
23	*Lagerstroemia x indica*	Crape myrtle cultivar	4.5	---	---	4.5	14/14	75/75	75% Good	X			Mod						---------	---------
24	*Quercus ilex* *STREET TREE*	Holly oak	3.2	---	---	3.2	8/4	70/10	29% Very Poor	X			Very Poor					Tree included in this study due to its status as a street tree, even though diameter is less than 4.0 inches.	---------	---------
25	*Lagerstroemia x indica*	Crape myrtle cultivar	5.2	---	---	5.2	15/16	80/75	79% Good	X			Mod						----------	----------
26	*Quercus ilex* *STREET TREE*	Holly oak	10.5	---	---	10.5	27/25	85/75	80% Good	X			Mod	North west	West			Root expansion causing approx. 1 inch of sidewalk slab displacement.	---------	---------

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Tree Preservation Suitability (TPS) Ratings Based Solely on Each Tree's Merits: (Not Associated With Proposed Site Plan Construction-Related Work)

TPS Rating	Definition
VG Very Good	Exceptional current season's live twig density and twig extension ("TDE"). Tree provides multiple benefits to the property and users of site (e.g. shade, wildlife, patriarch tree, key landscape element or specimen in front yard, etc.). Trees with a minimum overall condition rating of 85% out of 100% points possible as determined by the City Arborist. Tree structure vertically-oriented with little or no lopsidedness or other architectural defects. Species with long life expectancy, and/or good resistance to most pests and diseases. Tree in a position that is correct for its sun/shade/drainage needs. Tree not damaged by incorrect pruning. Redesign of applicant's proposed site work is warranted at any cost to preserve the root system and the above-ground portion of the tree.
G Good	Good TDE, with a 70% or better overall condition rating as determined by the City Arborist. Tree may be lopsided or leaning, but provides good benefit(s) to the property and users of the property (e.g. shade, wildlife, sight-line screening, etc.). Species with long life expectancy and/or good resistance to most pests and diseases. Tree located in a position that is correct in terms of its sun/shade/drainage needs. Tree may or may not have been correctly pruned in the past. Applicant's project team should seriously consider site plan redesign to work around the tree's root system and above-ground canopy.
M Moderate	Moderate TDE. Tree may be significantly damaged by past pruning. Tree may exhibit pest and disease issues that are not curable through current known treatments. Tree may exhibit non-correctable structural issues. Species may be relatively short-lived or have a limited remaining useful life expectancy. Placement of tree may be incorrect in terms of high voltage power line conflicts, slow drainage, sun/shade requirements, etc. Consider allowing the applicant to remove the tree to achieve proposed site work goals.
P Poor	Tree has potentially serious structural and/or health issues that are not correctable through current known treatments (e.g. a very large diameter girdling root, a serious bark inclusion at a large diameter mainstem fork that is prone to catastrophic splitout, etc.). Tree may be growing vertically up into high voltage electric wires. Tree may be a species that is undesirable in terms of its low relative wood strength, short lifespan (e.g. a colonizing species such as white alder), etc. Tree may be at the end of its expected lifespan, and is in a spiral of decline. Tree root system may be in conflict with existing buildings, infrastructure, etc. Staff is encouraged to allow applicant to remove tree to achieve site plan work goals (though the tree may still be useful as a property boundary wildlife tree for raptors, songbirds, raccoons, foxes, etc.).
VP Very Poor	Roughly 0% to 20% overall condition rating. Tree in active declining stage with no possibility of recovery in terms of health (vigor) or structure. Tree may have a visible high risk of tree part failure and impact with life and/or property. Tree has little remaining useful lifespan. Removal of tree is encouraged as needed to achieve site plan work goals. Tree may still have some use as a sight-line screen and/or wildlife element if retained near the property boundary or far from residential structures and roadways.

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Tree Maintenance and Protection Codes Used in Data Table:

RPZ: Root protection zone fence, chain link, with 2" diameter iron posts driven 24" into the ground, 6 to 8 feet on center max. spacing. Alternative material: chain link fence panels set over concrete block-type footings, with the fence panels wired to steel pins pounded 24 inches into the ground at both ends of each panel.

RB: Root buffer consisting of wood chip mulch lain over existing soil as a 12 inch thick layer, overlain with 1 inch or greater plywood strapped together with metal plates. This root buffer or soil buffer should be placed over the entire width of the construction corridor between tree trunks and construction.

RP: Root pruning. Prune woody roots measuring greater than or equal to 1 inch diameter by carefully back-digging into the soil around each root using small hand tools until an area is reached where the root is undamaged. Cleanly cut through the root at right angle to the root growth direction, using professional grade pruning equipment and/or a Sawzall with wood pruning blade. Backfill around the cut root immediately (same day), and thoroughly irrigate the area to saturate the uppermost 24 inches of the soil profile.

BDRP: Back-dig root pruning: Hand-dig around the broken root, digging horizontally into the open soil root zone until a clean, unbroken, unshattered section of the root is visible. Proceed as per 'root pruning'.

RCX: Root crown excavation. Retain an experienced ISA-Certified arborist to perform careful hand-digging using small trowels or other dull digging tools to uncover currently-buried buttress root flares. Digging shall occur between trunk edge and at least two (2) feet horizontal from trunk edge. The final soil elevation will be at a level such that the tree's buttress roots visibly flare out from the vertical trunk.

TB: Trunk buffer consists of 20-40 wraps of orange plastic snow fencing to create a 2 inch thick buffer over the lowest 8 feet of tree trunk (usually takes at least an entire roll of orange fencing per each tree). Lay 2X4 wood boards vertically, side by side, around the entire circumference of the trunk. Secure buffer using duct tape (not wires).

F: Fertilization with slow-release Greenbelt 22-14-14 tree formula, as a soil injection application using a fertilizer injection gun. This brand and formulation is commonly used by reputable tree care companies in the Bay Area. Apply at label rate and injection hole spacing.

M: 4-inch thick layer of chipper truck type natural wood chips (example source: Lyngso Garden Supply, self pick-up). Do not use bark chips or shredded redwood bark.

W: Irrigate using various methods to be determined through discussion with General Contractor. Irrigation frequency and duration to be determined through discussion and/or per directions in this report. Native oak species typically require 1x/month irrigation, while other tree species tend to prefer 2x/month or 4x/month moderate to heavy irrigation during construction.

P: Pruning per specifications noted elsewhere. All pruning must be performed only under direct site supervision of an ISA Certified Arborist, or performed directly by an ISA Certified Arborist, and shall conform to all current ANSI A300 standards.

MON: A Project Arborist must be present to monitor specific work as noted for each tree.

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12.0 Attached: Tree Location & Protection Fence Map Mark-up

The CTA marked up the applicant's sheet C-3 dated 10/27/2017 "site plan" by BKF Engineers of San Jose, California. The CTA added the following color-coded items to the sheet for reference purposes:

a. The red dashed lines indicate the CTA's suggested chain link root protection fence alignment (initial rough), based on available open soil root zone areas that are protectable (assuming the scope of site plan work will occur as currently proposed).

b. Clouding in black lines indicates the canopy driplines of large neighbor deodar cedar specimens #1 and #2 being retained, which overhang the proposed parking lot area.

c. The yellow circles indicate current proposed trees to be transplanted, as per the applicant's plan set.

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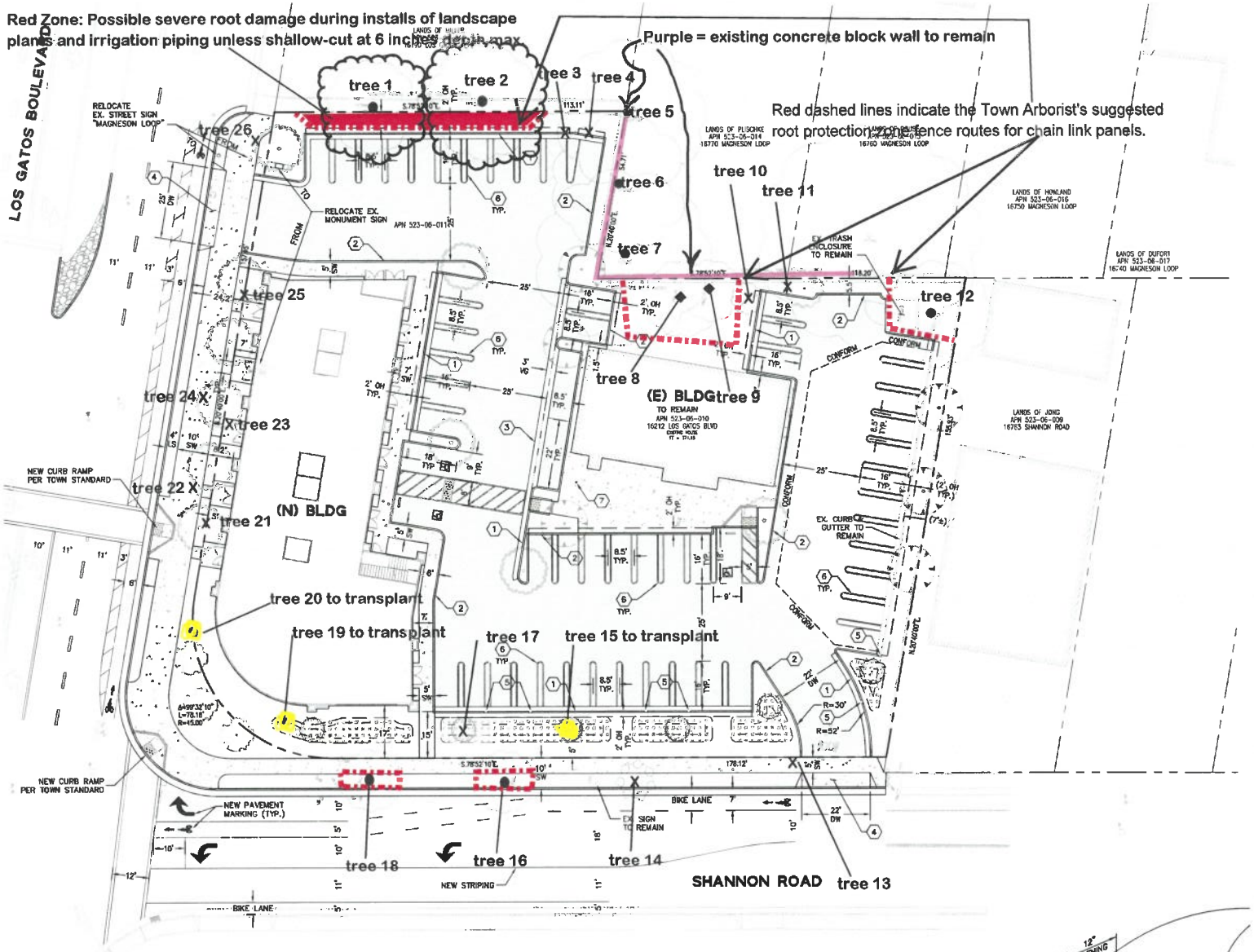


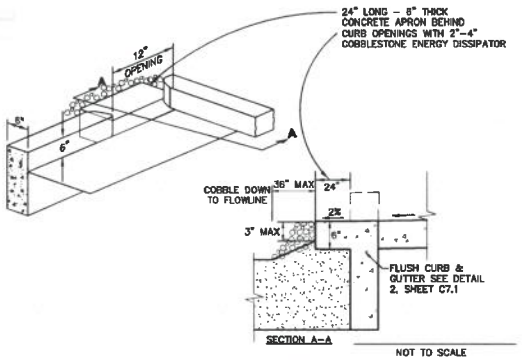
SAWCUT LINE
VEHICULAR OVERHANG
VERTICAL CURB AND GUTTER
VERTICAL CURB
BIORETENTION BASIN
CONCRETE VALLEY GUTTER
ASPHALT CONCRETE (AC)
CONCRETE SIDEWALK
CONCRETE DRIVEWAY
PUBLIC AC – DEEPLIFT
SOLID GREEN BIKE LANE
DRIVEWAY PER TOWN OF LOS GATOS STDS.
ADA CURB RAMP

ABBREVIATIONS

EVA	= EMERGENCY VEHICLE ACCESS EASEMENT
PED	= PEDESTRIAN
PUE	= PUBLIC UTILITY EASEMENT
PRUE	= PRIVATE UTILITY EASEMENT
PIE	= PRIVATE INGRESS/EGRESS EASEMENT
R	= RADIUS
SW	= SIDEWALK
TYP	= TYPICAL
VG	= VALLEY GUTTER

KEY NOTES

1. VERTICAL CURB AND GUTTER
2. VERTICAL CURB
3. CONCRETE VALLEY GUTTER
4. DRIVEWAY
5. 12" CURB OPENING, SEE DETAIL THIS SHEET
6. PARKING STRIPING PER CITY STANDARDS
7. BIKE RACK, SEE LANDSCAPE PLANS SHEET L1.2



12" CURB OPENING DETAIL

GRAPHIC SCALE
20 0 20 40

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CDG
CANNON
DESIGN
GROUP

ARCHITECTURE PLANNING URBAN DESIGN

December 13, 2017

Ms. Jocelyn Shoopman
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 16212 Los Gatos Boulevard

Dear Jocelyn:

I reviewed the drawings, visited the site and prepared a review three years ago for a residential development on this site. My comments and recommendations are as follows:

Neighborhood Context

The site is located in a transition area along Los Gatos Boulevard containing both residential and commercial structures. The area immediately to the east is largely comprised of single family homes of relatively modest size and traditional architectural styles.

Photographs of the neighborhood are shown on the following page.

TEL: 415.331.3795
CDGPLAN@PACBELL.NET
) LARKSPUR LANDING CIRCLE . SUITE 199 . LARKSPUR . CA . 94939

EXHIBIT 8

The site

House to the immediate right on Shannon Road

Laurel Mews single family homes across Los Gatos Blvd.

Nearby house to the right on Shannon Road

Immediately adjacent office building on Los Gatos Blvd.

Nearby house to the right on Shannon Road

Commercial development across Los Gatos Blvd.

Commercial development south on Los Gatos Blvd.

ISSUES AND CONCERNS

There are a wide range of issues and concerns with this proposal. In its current form, it does not seem to be consistent with the Town's Commercial Design Guidelines, and there are a number of specific design concerns. In terms of the Commercial Design Guidelines, the site plan and building designs do not seem to be sympathetic to the following principles and guidelines:

5A.1 BASIC DESIGN PRINCIPLES

The following principles have been used as touchstones for the development of individual commercial design guidelines. In the event that the specific guidelines do not address a given condition clearly, these principles should be consulted for general direction. The Basic Design Principles will be used by the Town staff and Planning Commission/Town Council when evaluating projects on Los Gatos Boulevard, and when considering the acceptability of unique proposals that vary from the specific guidelines.

- *Projects will maintain a strong landscaped setback along street edges, and will seek to create visual continuity along the street front.*
- *Views to the surrounding hills should be maintained - especially at signalized intersections.*
- *Projects shall be designed to meet their functional needs, but will be expected to reflect Los Gatos' unique qualities of small scale, pedestrian friendliness, and attention to architectural detail.*
- *Substantial landscaping of parking areas and project entries will be expected.*

5.A.2.1 Los Gatos Boulevard setbacks should be substantially landscaped

a) A minimum landscaped setback of 15 feet shall be maintained from fronting sidewalks. (Note: Current zoning code requires only a 10 foot setback but larger setbacks along the Boulevard are common)

d) Front setback landscaping shall include large species trees.

e) Flowering plants are strongly encouraged.

5.A.2.2 Automobile entries to projects and individual buildings shall be given special treatment with paving and landscaping

a) Provide special textured and/or colored paving at pedestrian crossings of project entries.

b) Special accent landscaping should be provided at entries to include flowering plants.

5.A.2.5 Parking lots shall be heavily landscaped

a) Break up large parking lots with groupings of trees and shrubs.
b) Parking lot edges at adjacent streets should be defined positively with three feet walls and/or box hedges.
c) Parking lot edges at property or setback lines should include landscape islands with large species trees and low plants to visually break up long lines of parked vehicles.

5.A.2.6 Projects located on corner parcels at signalized intersections should incorporate major design features on the intersection corner

a) Buildings located at these corner locations are strongly encouraged. **Buildings located on corners should generally be limited to one story in height,** and special care shall be taken to avoid obstructing views to the surrounding hills.

A.3.1 Integrate the design of all buildings in larger projects

a) Large structures should be visually broken up into smaller components through changes in massing, form and texture.

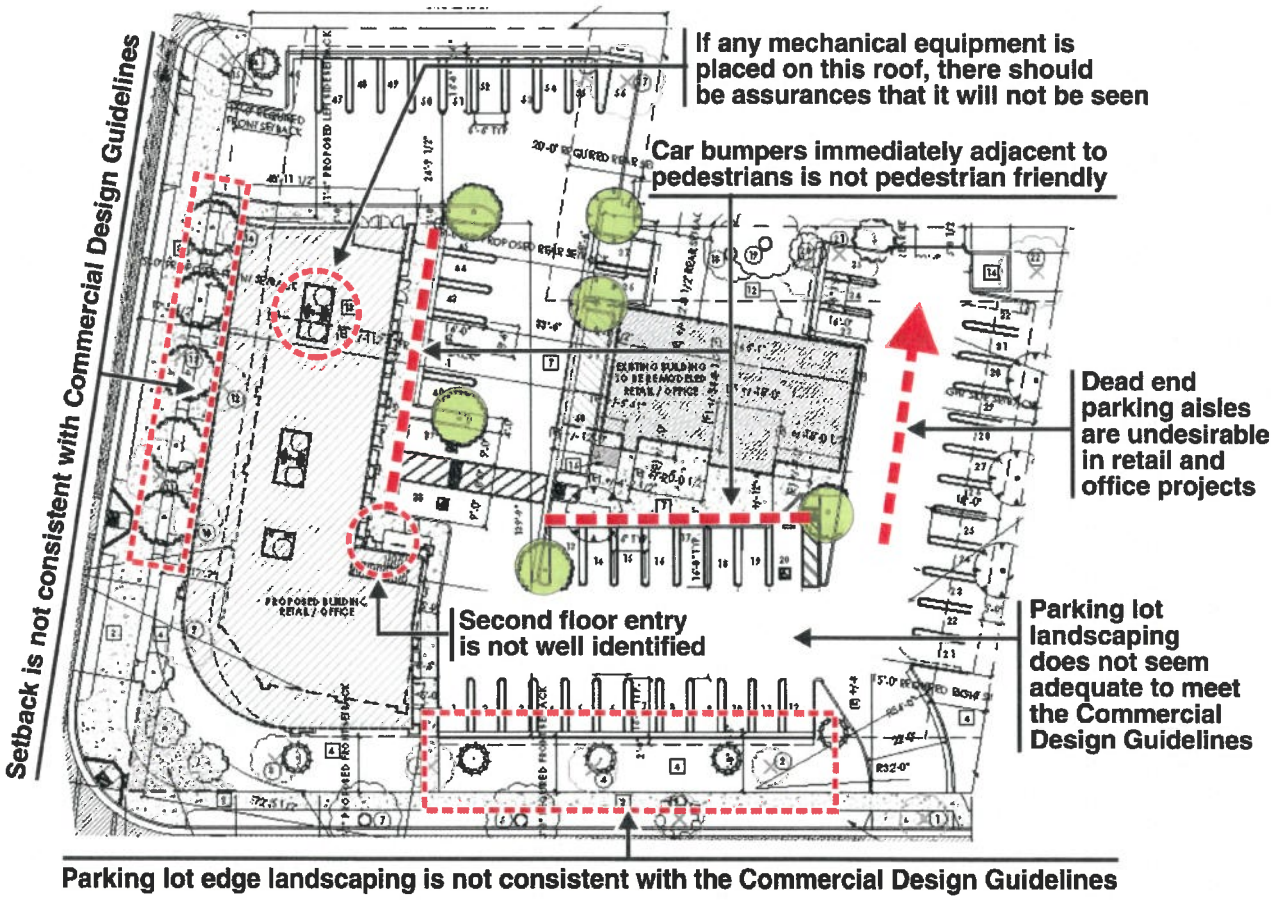
5.A.3.2 Design buildings to relate to the unique qualities of Los Gatos

5.A.3.3 Provide well defined project and building entries

5.A.3.5 Design all projects with a strong commitment to human scale

a) Provide pedestrian arcades and/or other one story architectural elements to reduce the visual height of tall walls.
b) Integrate landscaping on trellises and lattices into the design of buildings.

Site Plan Concerns



1. The proposed setback along Los Gatos Blvd. does not meet the Commercial Design Guidelines.
2. The landscaping and screening of the parking lot frontage along Shannon Road is not consistent with the Commercial Design Guidelines.
3. The dead end parking aisle is very undesirable for a retail and office development.
4. Car bumpers immediately adjacent to pedestrians in not very pedestrian friendly.
5. The second floor entry is not well identified.
6. Mechanical equipment proposed on the roof of the first story might be visible unless the equipment is very small.

Building Design Concerns

1. The second floor at the south end of the building would block more of the views to distant hills than has been the case for other new developments on the east side of Los Gatos Blvd. - see comparisons below.

Projected view from the far west bike lane on south bound Los Gatos Blvd.

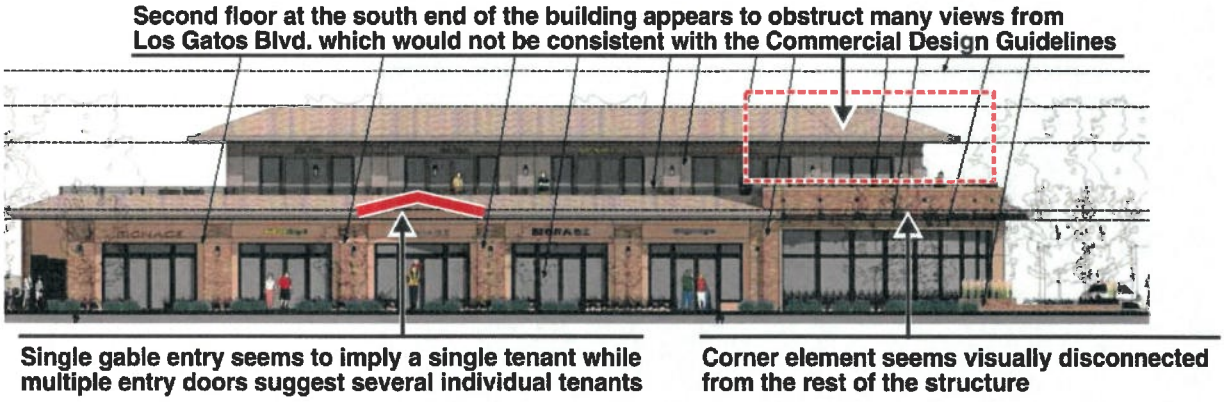
View looking southeast at Blossom Hill Road intersection

View looking southeast at Farley Road intersection

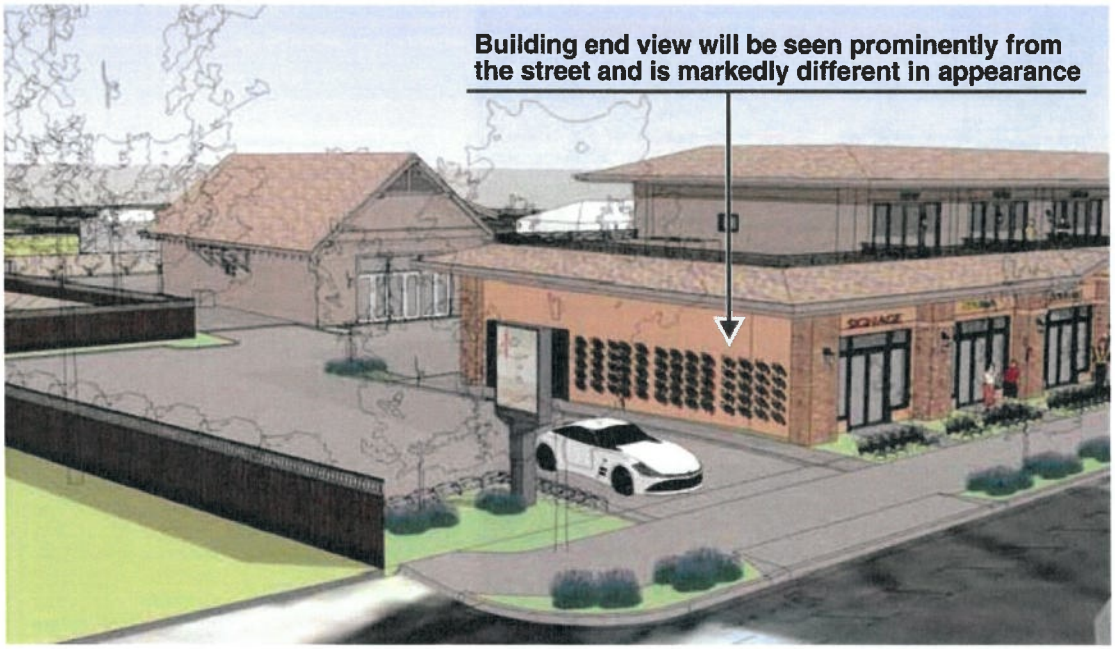
2. The corner treatment seems visually disconnected from the rest of the structure.

3. The single gable at the ground floor on Los Gatos Blvd. seems to imply an entry to one large ground floor tenant.

4. The building is lacking in the abundant detailing called for in the Commercial Design Guidelines.

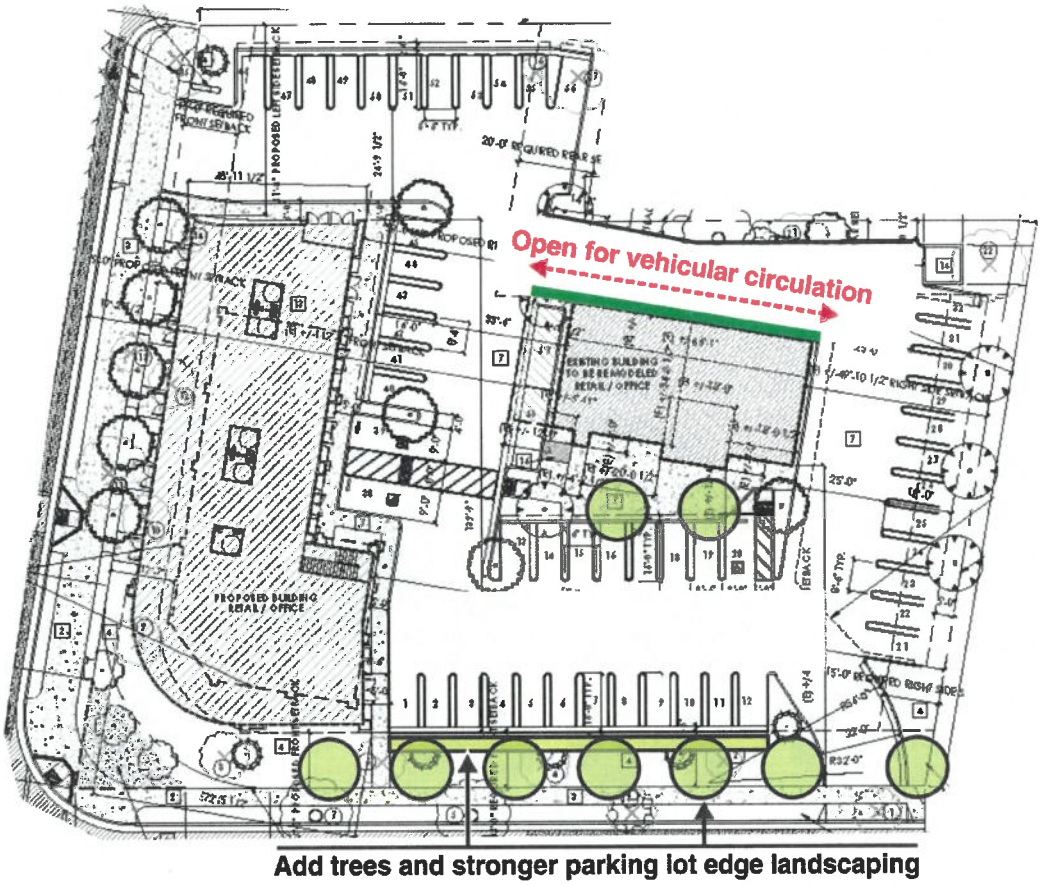


5. The north end of the building will be prominently seen from Los Gatos Blvd. and is markedly different in appearance.



RECOMMENDATIONS

The site plan layout and building design have been created to maximize the development potential of the site which makes recommendations for improvement difficult. However, should staff and the Planning Commission feel that the fundamental approach is acceptable, I would suggest the options below to improve consistency with the Town of Los Gatos Commercial Design Guidelines.

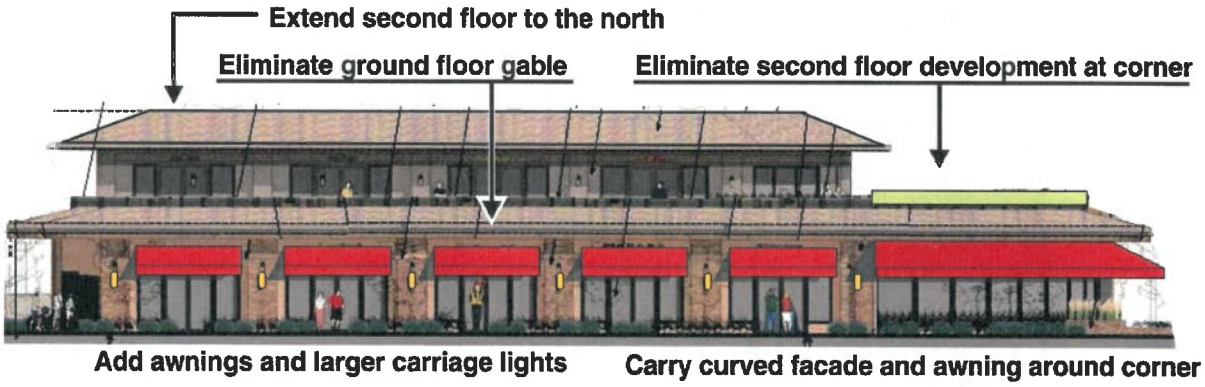


Site Plan

The site plan recommendations would apply to all approaches.

1. Eliminate the dead end parking aisle by providing a driveway behind the pad building.
2. Add trees and stronger parking lot edge landscaping.
3. Add additional landscaping in the parking lot wherever possible.

APPROACH A

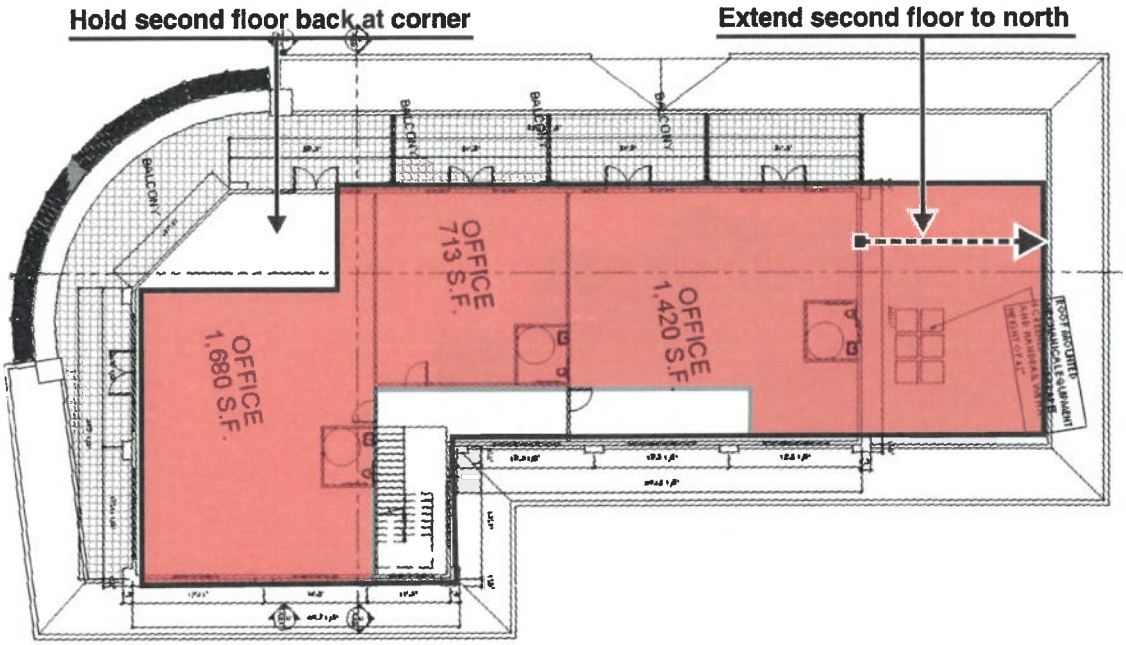


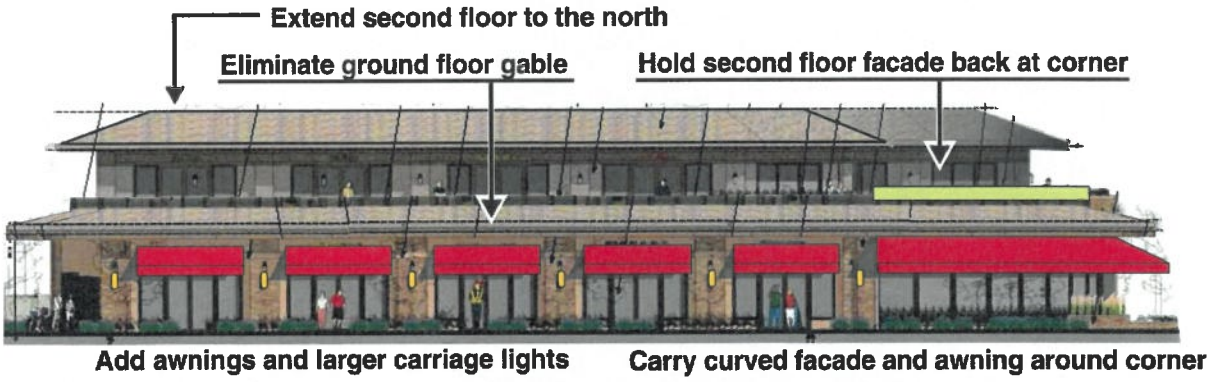
1. Extend the second floor to the north and eliminate the second floor area at the south end of the building.
2. Treat the first floor as individual storefronts. Provide sloped awnings, larger light sconces and other architectural and landscape details. Two examples of pedestrian friendly retail developments are shown in the photos below.

3. Carry the ground floor facade and awning treatment around the corner.
4. Treat the parking lot facade in a similar manner.
5. Consider larger glazing areas to better identify the second floor entry stair.
6. Revise the north facades at both the first and second floors to better reflect the east and west facades.

APPROACH B

Should staff decide that the elimination of parking spaces to link the dead end parking aisle to the other parking is not needed, and that the blockage of views to the hills would be minor, some smaller modifications could be considered, as shown below.





ANOTHER APPROACH

The two approaches outlined above are restricted to working with the applicant's current design. Another possibility would be to consider a quite different approach of relating the structure more strongly to the nearby residential neighborhoods. The photo immediately below shows a mixed use development in Cupertino designed in this fashion. This would be consistent with the approach used for the office development immediately to the north of this site - see photo at the bottom of the page.

Office development immediately to the north of this ste

Jocelyn, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon

CANNON DESIGN GROUP 700 LARKSPUR LANDING CIRCLE . SUITE 199 . LARKSPUR . CA . 94939

Studio S² Architecture, Inc.
1000 S Winchester Blvd.,
San Jose, CA-95128
ph: (408) 998-0983
fax: (408) 404--0144
esakai@studios2arch.com

June 7, 2019

RECEIVED
JUN 07 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Larry L. Cannon
Cannon Design Group
700 Larkspur Landing Circle,
Larkspur CA

Re: 16212 Los Gatos Blvd.
Studio S Squared job# 13011

Dear Mr. Larry Cannon:

Thank you for taking the time to review our drawings. Below is our written response to your comments dated December 13 2017.

-Floor mounted trellises have been provided on the north end of the building

-Awnings are provided on the first floor per Approach A as spelled out in your comment letter

-Glazing has been provided for the stair tower to better identify the second floor stair entry

-Mechanical equipment on the second floor will not be visible from the first floor and hence will not need any screening

The following paragraph is in response to Consulting architect's awning recommendation:
Our Architect intends to show two visuals at the Planning Commission, one of the CDG proposed awnings and a side-by-side of our proposed plans. We believe there is no example of new construction in Los Gatos that has a similar design. This concept does not conform with new architectural practices and we would like to allow the Planning Commission to provide guidance on the issue. We believe they will agree that our current design has a more consistent look and feel of Los Gatos. We will conform to this if it is required, however, we do not believe this issue should be a deciding factor for the entitlement of the project. We have conformed on every other issue CDG proposed.

Sincerely,

Eugene H. Sakai, AIA, LEED AP
President, Studio S² Architecture, Inc.

cc: Scott Plautz, Stem Development
File

SUSTAINABLE DEVELOPMENT

RECEIVED

JUN 07 2019

TOWN OF LOS GATOS
PLANNING DIVISION

16212 Los Gatos Boulevard Commercial Project

Planning Comments: Responses and Justification
May 31, 2019

Project Address: 16212 Los Gatos Blvd @ Shannon Rd
Property Owner: 16212 Los Gatos Blvd, LLC, A Commercial Development Project managed by STEM Development

Town of Los Gatos
Planning Department
Community Development Department
110 East Main Street
Los Gatos, CA 95031
Attn: Ryan Safty

Dear Ryan,

Thank you for taking time to review our drawings. Following you will find owner/developer written responses to Planning Comments regarding support for the project and its compliance with the intent of the Planned Development Ordinance and Commercial Design Guidelines.

REDUCED SETBACK ALONG LOS GATOS BOULEVARD:

a. Response: The project has been greatly impacted along Los Gatos Boulevard due to the towns requirements to support Safe Routes to School (SR2S), which we have agreed to comply for the safety of our community. The SR2S plan developed by the town, in partnership with consultants and community members, has required us to move the curb approximately 10 feet into the northbound lane on Los Gatos Boulevard in order to create a more pedestrian friendly crosswalk and staging area for the children and community members. While complying with this request we have still maintained the required setback from the curb to the building. A similar new commercial building with comparable setback and intent was recently completed along Los Gatos Boulevard, 16268 Los Gatos Boulevard, this building was also built to front the street with parking in the back to create a more pedestrian friendly environment and to comply with the Los Gatos Boulevard Plan. We believe we have complied with the intent of the Planned Development Ordinance when you take into consideration our efforts to comply with the towns SR2S plan and achieving a greater setback than the minimum.

<u>Commercial Design Guidelines - Section 5.A.1:</u> Basic Design Principles, including: strong landscaped setback along street edges, preservation of views to surrounding hills, reflect Los Gatos' unique qualities, and landscaping of parking areas.

b. The intent of the design for 16212 Los Gatos Boulevard is to repurpose an underutilized former auto sales building and lot while respecting the character and design guidelines of the Town of Los Gatos. The corner placement of the building provides an ideal opportunity to create a more pedestrian and bike-friendly atmosphere at the intersection formed by Los Gatos Boulevard, Shannon Road and Roberts Road. The reduced setback along Los Gatos Boulevard will enable the project to provide ample and fully conforming ng spaces for the proposed square footage. The deep planting beds along LG Boulevard, the

landscaping on Shannon Road, and the wall trellises on the north of the building will visually soften the presence of the building from the street. The building features a color palette inspired by nature, which relates very well with the context while also reducing its prominence. The use of natural materials such as stone and wood coupled with earth tones is ideal for a building with a backdrop of the mountains beyond. The change in color tone between the warm first and the neutral second floor is deliberate, and helps the second floor recede from view. The building recalls elements from its neighbors, such as hip roofs whose deep overhangs minimize the bulk of the building and create a horizontal emphasis. Other horizontal lines in the form of belly bands and railings with horizontal members will help reduce the scale of the building. Numerous fabric awnings were incorporated per the consulting architect's comments. These help to keep the design consistent with the rest of the buildings in town and will provide a soft splash of color contrasting with the neutral color background of the building. Instead of continuing the awnings at our curved corner feature wall, we have opted for an entry way to the corner unit allowing for an elegant, yet inviting, design with complementary landscape to maintain the classy, subtle look and feel of Los Gatos. the design of which will:

- break the continuity in the hip roof on the first floor
- be more long-lasting and durable under exposure to sun and pollution
- add visual interest to the corner
- keep the area open to sky
- lighten the corner physically and figuratively

Commercial Design Guidelines - Section 5.A.2.1: Los Gatos Boulevard setbacks should be substantially landscaped, including: minimum landscape of 15 feet from fronting sidewalks and large trees.

Our team has designed the building location based on conversations with planning staff and the requirements for setbacks, as required per the relevant design guidelines. We have conformed to the setbacks from curb and incorporated additional requirements imposed to accommodate the SR2S plan.

Commercial Design Guidelines - Section 5.A.2.4: Parking lots should be located behind or to the side of buildings facing Los Gatos Boulevard.

Commercial Design Guidelines - Section 5.A.2.6: Projects located on corner parcels at signalized intersections should incorporate major design features on the intersection corner, including: buildings located on corners should generally be limited to one story in height and avoid impacting views of hills.

Sections 5.A.2.4 & 5.A.2.6 – Our team addressed this issue throughout the entire design phase as the building has a relatively long street frontage on Los Gatos Boulevard so we designed a concept that would have a "stepped" approach moving the second-floor massing back from the corner and street to reduce the appearance of the structure. The towns Architectural Consultant, CDG, agreed with the concept and intent of the design and recommended an "L" shaped notch at the south end of the 2nd floor, closest to the intersection corner of the building, to open up the views to the hills and reduce the "2 story" effect at the corner. This augmented large second floor setbacks that we had already proposed to lessen the mass of the 2nd floor. We agreed and followed CDG recommendation and that is reflected in the current design. The existing building and new building are a similar height, consistent with the current zoning and below zoned height maximums by nearly 15% to protect the hillside views for the neighbors and community.

Other design improvements suggested by the Town which we incorporated were as follows:

- we reconfigured the stairwell and added a dramatic vertical window to create a focal point on the parking lot elevation
- we redesigned the entire landscape frontage, parking lot, and traffic striping plan to accommodate bike paths for Safe Routes to Schools
- we incorporated more trees into the landscape per town comments

RESPONSE TO CONSULTING ARCHITECT'S AWNING RECOMMENDATION:

c. Our Architect intends to show two visuals at the Planning Commission, one of the CDG proposed awnings and a side-by-side of our proposed plans. We believe there is no example of new construction in Los Gatos that has a similar design. This concept does not conform with new architectural practices and we would like to allow the Planning Commission to provide guidance on the issue. We believe they will agree that our current design has a more consistent look and feel of Los Gatos. We will conform to this if it is required, however, we do not believe this issue should be a deciding factor for the entitlement of the project. We have conformed on every other issue CDG proposed.

NEIGHBORHOOD OUTREACH:

a, b & c: We conducted a Community Meeting on June 28, 2016 to gather feedback from the community and neighbors regarding the project. The town and our team notified neighbors via mailer and door-to-door flyers. We keep in contact with the neighbors who are willing to communicate about the project.

Since this meeting, I've met with all of the following:
Brenda Miller: 16190 Los Gatos Blvd: Neighbor to the North, owns the mixed-use building
Norm Plischke: 16770 Magneson Loop: Neighbor to North next to Brenda along our property line
Michael Forsman: 16760 Magneson Loop: Neighbor to the North next to Norm along our property line
Eugene Jong: 16763 Shannon Road: Neighbor to the East, shares entire property line to the east

All these neighbors have seen the latest plans and are in general supportive of the project as their property lines are not impacted with the new proposed structure. I was able to meet in person with everyone over the past few months since the final version of the plans was submitted, except for Eugene Jong, who has the final set of soft copy plans, however, we have not been able to connect in person. All these neighbors have property lines adjoining to 16212 Los Gatos Boulevard.

I also met with the Safe Routes to School program director, Karen Briones, and she likes the way we have incorporated the recommendations into our plans. She will be meeting with the SR2S team week of June 10th and will ask for support of our project regarding SR2S.

PROJECT JUSTIFICATION:

In Summary, our plans have integrated many changes per the CDG feedback and the design requirements. We kept the existing structure from a sustainability perspective and to have less mass on the boulevard, as well as the CDAC requested to have second floor setback which we have done to provide less massing and a better profile to the structure with less impact. We have incorporated the awnings per the design feedback and removed some of the articulation in the roofline in order to better relate to the unique qualities of Los Gatos. The Building entries and stairs to the second floor have been further enhanced per the feedback from CDG and CDAC.

Many of the comments received by CDAC had to do with massing, articulation, overall size, parking and use. We h[illegible]ns originally used as case studies as this site has a broad zoning and can accommodate underground

parking and approximately 40,000 square feet of commercial space and underground parking. After review, the CDAC and community decided we should stay with a smaller building and surface level parking to reduce impact on the local community. The proposed plan is still under utilized for this size of lot and in comparison to other projects smaller in scale and fully parking compliant. The setback of the second floor is substantial so the massing does not feel like a large vertical wall and the roofline is more consistent with the existing structure on site which also moves the height of the building back from the street. The project has agreed to support the Safe Routes to Schools Plan which addresses most of the pedestrian, bicycle and safety concerns in the intersection.

Thanks again for your time, we look forward to staff approval and continued support on this commercial project.

Sincerely,

Scott Plautz
President
STEM Development
16212 Los Gatos Blvd, LLC, Partner
408-655-2326
Scott@stem-development.com
A Commercial Development Project managed by STEM Development

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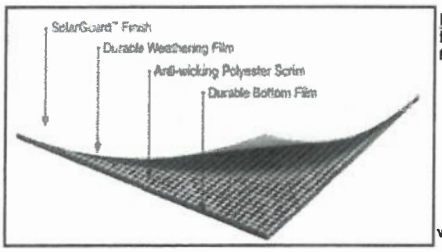

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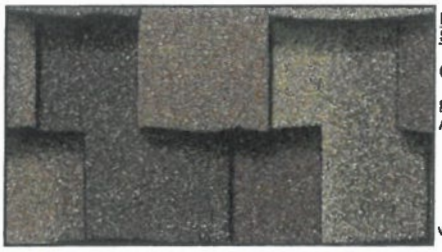

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www.studioS2arch.com		A COMMUNITY PROJECT BY STEM DEVELOPMENT

EXHIBIT 11

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Ryan Safty

From: Linda Fink <lgfink@hotmail.com>
Sent: Thursday, June 6, 2019 2:24 PM
To: Ryan Safty
Subject: Fwd: 16212 Los Gatos Blvd. construction

RECEIVED
JUN 06 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Sent from my iPad

Begin forwarded message:

From: lgfink@hotmail.com
Date: June 6, 2019 at 2:07:00 PM PDT
To: rafty@losgatosca.gov
Subject: 16212 Los Gatos Blvd. construction

My husband I live off Shannon Road. Our mother was responsible for getting the right of ways from owners of property on Shannon in the 40's. This resulted in the black topping of this road. Our family has lived on Shannon Road since the mid-twenties. We are concerned about the proposal of multiple unit facilities that will increase traffic flow in a already impacted intersection. There are school children crossing the intersection twice a day and the parking lot at Orange Theory is already over flowing into this parking lot. This is already a high traffic area with pedestrian, bikers and cars. We do not need a multi unit in this spot. Thank you consideration. Ron and Linda Fink

145 Happy Acres Road Los Gatos

Sent from my iPad

EXHIBIT 13

Ryan Safty

From: scottplautz <scottplautz@gmail.com>
Sent: Wednesday, June 5, 2019 10:22 PM
To: Nathan Jones; scott@stem-development.com; Ryan Safty
Subject: Re: 16212 Los Gatos BLvd

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JUN 06 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Hi Nathan,

Thanks for the support on our project, it's much appreciated!

We've worked diligently with the community and town to bring a commercial project that adds value to the community.

We also believe this project fits the site well and will have minimal traffic impact as well as substantial offsite development for Safe Routes to School, which will make the intersection much safer for our children and families. We've committed over $750,000 to support the safety of our community on this development.

Please let your neighbors now that their support is appreciated as well and I'm available to answer any questions. You can also attend the meeting on Wednesday June 12th or send letter to Ryan.

I've copied Ryan Safty, our planner with the Town of Los Gatos so he can forward to the Planning Commission and Town Council, your support will help us complete this project.

Thank you again and let me know if I can answer any additional questions for you or your neighbors.

We will have both retail and office if you know anyone interested in leasing?

Thanks

Scott Plautz
408-655-2326

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Nathan Jones <nathanrjones@comcast.net>
Date: 6/1/19 9:26 AM (GMT-08:00)
To: scott@stem-development.com
Subject: 16212 Los Gatos BLvd

Hi Scott

Just walked by property on the corner of Los Gatos Blvd and Shannon and looked over the sign describing the proposed development. Wanted to let you know it looks great! Can't wait to see it completed. It looks like just the right development for this underutilized corner and I think it will fit right in with the surrounding buildings.

Ryan Safty

To: Ryan Safty
Subject: FW: (Shannon/LG Blvd.) Online Form Submittal: Customer Feedback Form

---

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, May 27, 2019 8:56 PM
To: Town Manager
Subject: Online Form Submittal: Customer Feedback Form

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MAY 27 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Customer Feedback Form

We'd like to hear from you! Please complete the online form to share your concerns, suggestions, or praise with us.

Contact Information

Name:	Mary Patterson
Address:	119 Vista Del Campo
City:	Los Gatos
State:	CA
Zip:	95030
Home Phone Number:	4083569644
Daytime Phone Number:	*Field not completed.*
Email Address:	mmpmitzi@comcast.net
Please let us know how we are doing or what we can do for you!	Proposed building at Shannon and Los Gatos Blvd. is too massive and too close to the sidewalk. This plot should be only one story tall and should be to the rear of the lot with parking in front, as it is now.

Ryan Safty

From: Joseph Gemignani <josephtheweatherman@gmail.com>
Sent: Wednesday, May 22, 2019 3:14 PM
To: Ryan Safty
Subject: 16212 LG blvd

Follow Up Flag: Follow up
Flag Status: Flagged

Hi, I would like to see clay tile roofing on this project. I think it would look nicer than composition shingle.

Thanks

Joseph

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PLANNING DIVISION

Jocelyn Shoopman

From: Don Wimberly <dwimberly@aimscorp.com>
Sent: Friday, December 21, 2018 5:42 PM
To: Jocelyn Shoopman
Subject: Proposed Commercial Development - 16212 Los Gatos Blvd

Jocelyn

I just became aware of the proposed development. I do not see a date for Planning Commission or Town Council consideration, but want to go on record as supporting this proposal the use is, in my view, appropriate for this location. Also, the design appears to fit the site well and is consistent with other developments in the area.

My wife and I live in the area and drive LG Blvd and Shannon Road multiple times each day. We were strongly opposed to the previous residential proposal, and are pleased to see the owner change his proposal to this much more compatible use and design.

This is a challenging site for a variety of reasons, but for the most part the project seems to fit the lot and area well. The driveways are in the best possible location for this challenged intersection. Parking in this area is challenged by Orange Fitness and Yoga across the street., but they will need to figure that out. My one comment is that the sidewalk along Shannon should be made a bit wider due to the herds of students that use it weekdays along as well as other pedestrian traffic. The sidewalk should be wider than the 5' shown on Sheet C-3. The sidewalk should be at least 6' wide and the park strip reduced to 4'.

Thank you.

Donald C. Wimberly,
P.O. Box 800
Los Gatos, CA 95031
Cell: 408-930-4066

Jocelyn Shoopman

To: Planning
Subject: RE: 16212 Los Gatos Blvd: neighbor concerns

From: Ajanta De [mailto:ajantademd2001@yahoo.com]
Sent: Tuesday, January 16, 2018 5:42 PM
To: Planning <Planning@losgatosca.gov>
Cc: Mickael Forsman <mickaelforsman@gmail.com>; Ajanta De <ajantademd2001@yahoo.com>
Subject: 16212 Los Gatos Blvd: neighbor concerns

To whom it may concern,

My husband and I recently purchased the residence at 16760 Magneson Loop in June of 2017. We are in the process of home renovations thus have not yet moved in.

We are looking forward to further community development at 16212 Los Gatos Blvd but have some concerns that I would like to raise with you in this email. I am unable to personally appear for the Town Council but received notice that written correspondence prior to the meeting at 7 pm tonight will be taken into consideration.

I have attached some photos of the rear of the 16212 Los Gatos Blvd property. These photos were taken today January 16 2018 at 4pm. Behind the fence in these photos is our backyard at 16760 Magneson Loop. We are in the process of building a pool and outdoor dining area which we hope to use often. My concerns are as follows:

1) TRASH BINS: There are open trash bins at the back of the property of 16212. I have reviewed the architectural drawings of the potential commercial space for 16212 Los Gatos Blvd and see that the trash bins will remain in this corner. I have concerns about the amount of trash, the odor of the trash, the potential of rodent/ small animals as well as the noise that this trash will produce for such a large commercial space. I ask that the Town of Los Gatos make certain that trash be neatly placed in bins that are locked, and in a nice enclosure and not open to air as these pictures depict. Unlocked, haphazardly placed, open trash bins such as this encourage people to empty items like this sofa at will. I do not want a dumpster in my backyard.

2) SECURITY: In picture 3 and 4, you can see that the fence abutting our property is damaged. You can also see in the same vicinity that graffiti is on the back side of this stone trash enclosure. To whom does this fence belong and if it is the Town, I would ask that it be replaced. I also ask that security measures for these dark corners of the 16212 property be enhanced.

3) NOISE: I have noise concerns for this commercial/office space as it pertains to the close vicinity of the trash bins to our property as well as to cars and shoppers themselves. Employees of commercial space or office space should be discouraged from smoking tobacco or eating near the residential properties that surround 16212 (ours included). As this will be our primary residence, it will be of utmost importance for there to be some level of tranquility in an environment which is free of the odors of trash or cigarette (or other) smoke.

4) ODOR: Trash bins for commercial space are located too close to my our property

5) TRAFFIC/PARKING: Office space and commercial space users should not be allowed to park on residential streets such as Shannon and Magneson.

Thank you and please keep us updated as to the progress of this planned development.

Respectfully,
Ajanta De, MD
Mickael Forsman

ARTISAN

TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 06/12/2019
ITEM NO: 2
ADDENDUM

DATE: JUNE 11, 2019

TO: PLANNING COMMISSION

FROM: JOEL PAULSON, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNED DEVELOPMENT APPLICATION PD-17-002 AND NEGATIVE DECLARATION ND-19-002. PROJECT LOCATION: **16212 LOS GATOS BOULEVARD**. PROPERTY OWNER/APPLICANT: 16212 LOS GATOS BLVD. LLC.
REQUESTING APPROVAL OF A PLANNED DEVELOPMENT TO RE-ZONE TWO PROPERTIES ZONED CH TO CH:PD TO ALLOW FOR CONSTRUCTION OF A NEW COMMERCIAL BUILDING. APN 523-06-010 AND -011.

REMARKS:

Exhibit 14 includes additional public comments received between 11:01 a.m., Friday, June 7, 2019 and 11:00 a.m., Tuesday, June 11, 2019.

Exhibit 15 includes a Project Information Sheet from the Town's Engineering Division.

EXHIBITS:

Previously received under separate cover:
1. May 2019 Draft Initial Study and Negative Declaration

Previously received with the June 12, 2019 Staff Report:
2. Location Map
3. Required Findings (one page)
4. February 24, 2016 Planning Commission Staff Report and minutes (22 pages)
5. August 10, 2016, Conceptual Development Advisory Committee meeting minutes (three pages)
6. Project Overview and Letter of Justification received April 13, 2018 (three pages)
7. Consulting Arborist's Report dated November 20, 2017 (37 pages)
8. Consulting Architect's Report dated December 13, 2017 (ten pages)

PREPARED BY: RYAN SAFTY
ASSOCIATE PLANNER

Reviewed by: Planning Manager and Community Development Director

9. Applicant's response to Consulting Architect's Report received June 7, 2019 (two pages)
10. Justification for Exceptions and Response to Comments, received June 7, 2019 (four pages)
11. Color and materials board received May 30, 2019 (one sheet)
12. Planned Development Ordinance (31 pages) with Exhibit A Rezone Area (one page) and Exhibit B Development Plans, received May 30, 2019 (37 sheets)
13. Public comments received by 11:00 a.m. on Friday June 7, 2019

<u>Received with this Addendum Report</u>:

14. Public comments received between 11:01 a.m., Friday, June 7, 2019 and 11:00 a.m., Tuesday, June 11, 2019
15. Project Information Sheet by Engineering Division (four pages)

Ryan Safty

From: Cathleen Bannon <cathleenbannon@gmail.com>
Sent: Saturday, June 8, 2019 5:27 PM
To: Ryan Safty
Subject: Proposed building at Shannon/LG Blvd

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
JUN - 8 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Hello, I live on Kennedy Rd with children at Van Meter Elementary and Fisher.

I am concerned with the proposal as there is a reduced setback than all other buildings in the area which takes away from the neighborhood feel and loss of green to the Boulevard.

I am also concerned about the reduced lanes as traffic in the area around the school is already at an all time high.

We need to be very careful about the type of business /number of cars vs number of parking spaces for cars in the area as this corner due to the hundreds of kids using that intersection each day.

Thank you for making sure any proposed buildings are appropriate for the immediate neighborhood and only improves safety for our kids.

Thank you - Cathleen Bannon

Ryan Safty

From: Ryan Safty
Sent: Monday, June 10, 2019 8:14 AM
To: Ryan Safty
Subject: FW: New development

RECEIVED
JUN - 9 2019
TOWN OF LOS GATOS
PLANNING DIVISION

From: Carleen <carleen_schomberg@comcast.net>
Sent: Sunday, June 09, 2019 6:21 PM
To: Planning <Planning@losgatosca.gov>
Subject: New development

To Whom It May Concern,
I am writing about a new building storyboard I recently saw on the corner of L.G. Blvd and Shannon Rd. Some of us who live in North Los Gatos are starting to feel like the town's ugly stepsisters. It seems that with every new commercial building, more and more of our view of the hills is obstructed. And more traffic is added to our roads. At the least, this new building could have been lowered and moved to the back of the parcel, with landscaping on the street side. I've lived here all my life and seen the charm and character of the town slowly eroded. Do you foresee a time when quality of life could possibly be considered before maximizing every square foot of land for profit. There has to be a balance somewhere.
Thank you for listening and considering our feelings.
The Schombergs (and many of our friends and neighbors)

239 Marchmont Drive
Los Gatos, CA 95032
June 8, 2019

Planning Commission
Town of Los Gatos
10 Main Street
Los Gatos, CA 95030

RECEIVED
JUN - 8 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Subject: 16212 Los Gatos Boulevard

Dear Planning Commission Members:

I object to the approval of the plan for 16212 Los Gatos Boulevard for the following reasons:

- **INSUFFICIENT SETBACKS**. The building will have a reduced setback along Los Gatos Boulevard of 5 feet when Town Code requires 25 feet based on the proposed building height of nearly 30 feet. I tried to access the developer's justification for this in Exhibit 10, but the Metaviewer does not load the relevant material beyond page 157 (of 186). I assume the justification has to do with the sidewalk that extends out into the current roadway, thus eliminating the third lane of Los Gatos Boulevard.

  The lack of a setback will create an unsightly area in a heavily traveled location. In general, there is never a good reason to go against the existing Town Code. Why have sensible, well-thought-through regulations like the 25-foot setback if they are easily sidestepped?

- **OBSTRUCTION OF HILLSIDE VIEWS.** I recognize that the building would be within Town Code requirements for 2-story buildings. However, this 2-story building, because of its location on the lot, would eliminate views of the mountains that residents currently enjoy. I don't believe the Town should permit this violation of residents' enjoyment of hillside views.

  A 1-story building, like that across the street occupied by Orange Theory is much more appropriate for this space.

Thank you for your service and dedication to the Town of Los Gatos.

Sincerely,

Barbara Dodson

Ryan Safty

From: Maxine Granadino <itisapigsty@comcast.net>
Sent: Monday, June 10, 2019 9:07 AM
To: Ryan Safty
Subject: Proposed development at Shannon and L G Blvd

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
JUN 10 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Hello,

Unable to make the meeting regarding the proposed development at Shannon Road and Los Gatos Blvd, so here a couple of my concerns.

Traffic: I understand that the intersection and crosswalk will be altered. I would hope that the right and left turn lanes from westbound Shannon onto LG Blvd will remain, as this can be a crowded intersection. Also, will cars leaving the development be able to exit directly onto LG Blvd? If they can only use Shannon for access and egress, that will create a traffic mess.

And speaking of traffic concerns, previous meetings of the planning commission that I have attended have stated that medical offices create among the highest volume traffic patterns. Those of us who live nearby are concerned with how that will impact our neighborhood.

As it appears that several large trees will be removed, will the developer be required to replace those, even if somewhere else in town, just as homeowners would?

Thank you for your time,
Maxine Granadino

Ryan Safty

From: Alexandra Swafford <alexandra@swafford.com>
Sent: Monday, June 10, 2019 10:33 AM
To: Ryan Safty
Subject: Shannon and LG Blvd construction

RECEIVED
JUN 10 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Dear Planning Commission/Town,

It has come to our attention that there is a request for a variance by the developers on the corner of Shannon and LG Blvd. We live on S. Kennedy, and when the story poles went up, we assumed it was an error (it was windy and they were struggling). We will be out of town and unable to attend the meeting on the 12th, but we would like our opinion, as a resident who DOES use the turns on and off Shannon onto/and off of LG Blvd, to be noted as a huge OBJECTION.

There is no earthly reason, to grant a variance of any sort on the setback from LG Blvd. The character of LG (even down on LG Blvd) is of an open, welcoming, 'view of the mountains', green and 'town' (not city) feel. To run a building right up in everyone's faces, remove parking, narrow lanes is wildly shortsighted. Traffic along there, with three schools coming and going, lots of foot traffic, residents who often have no way off the mountain when there is traffic...! I am not sure if this is a negotiation tactic by the developer(s), but there is **zero** reason to have ANY variance to the setback at all. They want to have parking spaces in front, with lots of smaller trees, that could be considered.

We are glad to meet with anyone or try to attend any future meetings, though we leave town for the summer. We are leaving town in 5 minutes, so apologize for the hastily written email.

This is an OBJECTION to the variance of the setback and the reduction in the lane/street parking, etc.

Hastily,

Alexandra & David Swafford 104 Bond Court, Los Gatos

Opposition to Planned Development Application for 16212 Los Gatos Boulevard

RECEIVED
JUN 10 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Jeffrey A. Barnett

6.9.19

My wife, Moni, and I are 36 year residents of 101 Wollin Way. Our home is approximately .8 miles from the intersection of Shannon Road and Los Gatos Boulevard. We use this intersection extremely often.

We oppose the application of 16212 Los Gatos Blvd., LLC ("STEM") for a negative declaration and planned development application on the following grounds:

- The proposal does not meet the standards of a planned development overlay zone.

Planned development overlay zones require that a development be in harmony with the existing or potential development of the surrounding neighborhood, be of quality design, and ensure orderly planning. See 2020 General Plan, Land Use Element, Page LU-16.

As admitted by the developer, the front setback along Los Gatos Boulevard is proposed to be reduced from the CH Zone requirement of 25 feet to a mere 5 feet. This is an 80% degradation of the setback. The configuration is not in harmony with existing developments on the Boulevard. 16268 Los Gatos Boulevard (the Compass Building), which STEM cites as similar to the proposal, in fact has a setback of 25 feet from the face of the building to the sidewalk.

- The proposal is not consistent with the Los Gatos Boulevard Plan.

The Vision Statement of the Los Gatos Boulevard Plan establishes the goal of preserving and protecting the essence of Los Gatos' history, individuality, character and natural environment. The projected building is incompatible with this vision. It conflicts with the character of the Boulevard. No other buildings on Los Gatos Boulevard tower over the sidewalk with a nominal setback. The planned building might be compatible with construction on El Camino Real in Sunnyvale or Mountain View, but it dramatically clashes with the look and feel of Los Gatos Boulevard.

- The project conflicts with the requirements of the Los Gatos Commercial Guidelines.

The Guidelines state in Section 3.1 on Page 7 that they are intended to, among other things, (1) maintain a building scale that is consistent with the Town's small scale image; (2) reinforce the special qualities qualities of the Town's visual character; and (3) provide visual continuity along street frontages.

Section 1.4, on Page 8 relating to community expectations, includes the principle of constructing to scale and character appropriate to the setting.

Section 5.1A on Page 42 emphasizes the importance of projects maintaining a strong, landscaped setback along street edges.

Section 5.A.2.1(a) on Page 43 requires a 15 foot landscaped setback to the fronting sidewalk.

Section 5.A.2.6(a) on Page 44 states that buildings on corner locations should generally be limited to one story in height.

The planned development application should be denied until the substance and spirit of the Commercial Guidelines are met.

- The proposal conflicts with the General Plan.

The General Plan provides in Policy LU-6.5 on Page LU-25 that the type, density and intensity of new land use shall be consistent with that of immediate neighborhood.

It further provides in Policy LU-6.8, also on Page LU-25, that new construction, remodels, and additions shall be compatible and blend with the immediate neighborhood.

The STEM request would result in a structure that is inconsistent with that of the immediate neighborhood. The proposed building is not compatible, nor does it blend with, the immediate neighborhood. The incongruity results from placing a large, two story building in immediate proximity to the sidewalk.

- A negative declaration is inappropriate.

The project would have a significant adverse aesthetic impact on the environment. It is too massive and close to the boundary. It would conflict with the appearance of the other structures at the intersection and throughout the Boulevard. It therefore cannot qualify for a negative declaration. Negative effects on the environment include aesthetic considerations. By statute, "'Significant effect on the environment' means a substantial, or potentially substantial, adverse

change in the environment." (§ 21068.) By regulation, the term in part includes "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project." (Cal. Code Regs., tit. 14, § 15382.)14 CCR § 15382.

Lay opinions of local community members create a fair argument of potentially significant adverse aesthetic environmental impacts. See *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358.

Here it is anticipated that there will be a number of objections to the adverse aesthetics of the contemplated construction. As required by *Georgetown*, the Commission should consider these comments as creating a proper basis to deny the requested negative declaration.

Thank you for your consideration of these comments.

RECEIVED

JUN 11 2019

TOWN OF LOS GATOS
PLANNING DIVISION

TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS

PROJECT INFORMATION SHEET
Engineering Division
June 12, 2019

ITEM: **16212 Los Gatos Boulevard; APN: 523-06-010 and 523-06-011**
Planned Development Application PD-17-002
Requesting approval of a Planned Development to re-zone a property from CH to CH:PD.
PROPERTY OWNER/APPLICANT: 16212 Los Gatos Blvd., LLC

Q: Where is the development project?
A: The proposed development project is located at the northeastern corner of the intersection of Los Gatos Boulevard and Shannon Road.

Q: What is the proposed use?
A: The proposed development would construct a new two-story mixed-use commercial building with a total of 11,317 square feet of commercial space in addition to the existing commercial building which will remain.

Q: How many additional trips will be generated by the project?
A: Utilizing data from the Institute of Transportation Engineering's (ITE) *Trip Generation Manual*, the project would generate 335 new average daily trips as compared to the current commercial use. This number includes 14 new trips during the AM peak hour and 34 new trips during the PM peak hour.

Q: Did the proposed project complete a traffic study?
A: Yes. In accordance with Town's Traffic Impact Policy, a traffic impact analysis (TIA) is required for any private development projects that are expected to add 20 or more trips in the AM or PM peak hours.

Q: How are AM and PM peak hours selected for any given intersection?
A: The Town's traffic consultants conduct traffic counts between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM during weekdays when schools are in session for studied intersections. The one-hour duration with the highest traffic concentration (based on traffic counts) during both these morning and evening periods are selected as the peak hours.

Q: How is the number of vehicle trips calculated?
A: The number of vehicle trips generated by a development project is determined by using the applicable trip generation rate from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* or alternative sources in accordance with the Town's Traffic Impact Policy. Use of the ITE trip generation rates for estimating the number of vehicle trips is a standard practice, and is also consistent with the VTA's traffic impact analysis guidelines.

Q: What can be done to reduce the number of vehicle trips generated by the project?

A: Even though the project is not expected to cause significant traffic impacts, a TDM (Transportation Demand Management) plan would be required for the development. The TDM plan would include a list of measures for reducing single-occupant vehicle trips and encourage alternative transportation modes such as riding bicycles, carpooling, and riding transit.

Q: Is any increase in traffic from a new development considered a significant impact to the nearby traffic intersections and surrounding area?

A: No. The Town's General Plan (GP) and Traffic Impact Policy define a significant traffic impact based on changes to the intersection's Level of Service (LOS).

Q: What is LOS and how does it determine the impacts of project traffic on the Town?

A: Traffic engineering standards use LOS (Level of Service) to determine project traffic impacts. LOS represents traffic intersection congestion by a letter scale that ranges from LOS A to LOS F, with LOS A representing the least or no congestion. The Town's Traffic Impact Policy and General Plan (GP) do not allow for developments to drop the LOS at an intersection by more than one level or below LOS D without requiring the development to mitigate or provide a "fix" for the increased traffic delay. A project TIA analyzes LOS at impacted intersections as a function of the average vehicle delay and determines the impact significance and any required mitigation. *The impacts are only considered significant if the LOS drops more than one level or below a LOS D.*

Q: What are the TIA's findings of the LOS impact for this project?

A: For the currently proposed project, the TIA concluded that the intersections would not drop more than one level or below a LOS D. Therefore, the project would not create a significant impact on traffic. The intersections that were included in the analysis are: Blossom Hill Road and Roberts Road; Los Gatos Boulevard and Blossom Hill Road; Los Gatos Boulevard, Roberts Road and Shannon Road; and Los Gatos Boulevard and Nino Avenue.

Q: Does this project trigger traffic impact mitigation fees to be paid to the Town?

A: Yes. The Developer is required per Condition of Approval 92 to pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos as calculated using a comparison between the existing and proposed uses. The current amount based on the project plans is **$311,550.00**.

Q: The plans show extensive changes to the offset intersection of Los Gatos Boulevard, Shannon Road and Roberts Road – why is that?

A: The development plans include changes to the intersection required by the Town through the Council-approved Safe Routes to School (SR2S) Report, which is also part of the Town's Bicycle and Pedestrian Master Plan. Both of these documents were approved by the Town

Council to increase safety for schoolchildren walking and biking to Van Meter and Blossom Hill Elementary, Fisher Middle and Los Gatos High Schools. Town staff has also required added safety improvements where needed. These necessary safety improvements include the following:

- Removal of the pork chop island for right turns from Shannon Road to Los Gatos Boulevard, increasing safety for pedestrians and bicyclists. This will provide greater protection than the existing "No Turn on Red" sign (*see figure 1 at right*).
- Widening of the sidewalk along northbound Los Gatos Boulevard to a width of ten (10) feet between Shannon Road and Magneson Loop and installation of a separated sidewalk (planter strip).
- Widening of the sidewalk along the westbound Shannon Road frontage and installation of a separated sidewalk (planter strip).
- A protected green bike lane along the project's Los Gatos Boulevard frontage.
- Relocation of the crosswalk across Los Gatos Boulevard from the northeast corner of the Los Gatos Boulevard/Shannon Road intersection to the southwest corner of the Los Gatos Boulevard/Roberts Road intersection providing better visibility.
- A bike box on westbound Shannon Road to allow for bicyclists to queue ahead of vehicular traffic for left turns onto southbound Los Gatos Boulevard.

Figure 1: No Turn on Red signage for right turns from Shannon Road to Los Gatos Blvd

All of these items can be located on page 35 of the SR2S Report, where a summary of these modifications is accompanied with a schematic diagram of the envisioned improvements:

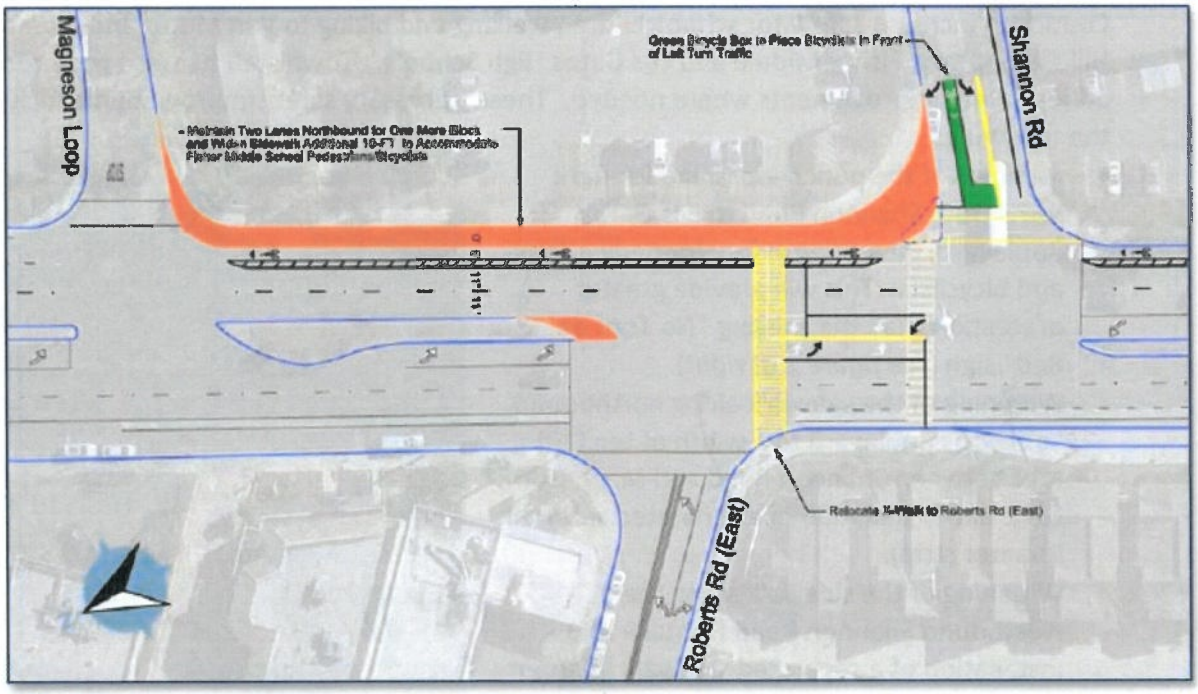

Figure 2: Concept Plan Line drawing, Safe Routes to School Report; accepted by Council 10/18/2016

Q: What other off-site improvements will be constructed by the proposed project?

A: The following off-site improvements would be required:

- Remove and replace the existing pavement section along the project's Shannon Road frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the north side of the street, or alternative pavement rehabilitation measures as approved by the Town Engineer.
- Remove and replace the existing pavement section along the project's Los Gatos Boulevard frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the east side of the street.

Q: Does the Town Engineering staff or the Town's engineering consultant have concerns with the proposed project creating safety issues regarding traffic?

A: No. The project analysis for traffic was conducted by the developer's traffic consultant and subsequently reviewed by Engineering staff and the Town's traffic engineering peer review consultant. As currently designed, the proposed project meets the Town Code requirements as well as accepted engineering standards.

TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 06/12/2019
ITEM NO: 2
DESK ITEM

DATE: JUNE 12, 2019

TO: PLANNING COMMISSION

FROM: JOEL PAULSON, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNED DEVELOPMENT APPLICATION PD-17-002 AND NEGATIVE DECLARATION ND-19-002. PROJECT LOCATION: **16212 LOS GATOS BOULEVARD**. PROPERTY OWNER/APPLICANT: 16212 LOS GATOS BLVD. LLC.
REQUESTING APPROVAL OF A PLANNED DEVELOPMENT TO RE-ZONE TWO PROPERTIES ZONED CH TO CH:PD TO ALLOW FOR CONSTRUCTION OF A NEW COMMERCIAL BUILDING. APN 523-06-010 AND -011.

REMARKS:

Exhibit 16 includes additional public comments received between 11:01 a.m., Tuesday, June 11, 2019 and 11:00 a.m., Wednesday, June 12, 2019.

It should also be noted that the June 12, 2019 staff report contained an error on page five, under the Discussion section. Page five of the staff report should be amended as follows:

> The proposed PD application complies with all provisions of the CH zone and Los Gatos Boulevard Plan, except for the item listed below, which is proposed to be allowed through the PD ordinance:
>
> - Reduced front setback along Los Gatos Boulevard of five feet, when Town Code requires ~~25~~ 15 feet. ~~based on the proposed building height of nearly 30 feet.~~

EXHIBITS:

Previously received under separate cover:
1. May 2019 Draft Initial Study and Negative Declaration

PREPARED BY: RYAN SAFTY
ASSOCIATE PLANNER

Reviewed by: Planning Manager and Community Development Director

Previously received with the June 12, 2019 Staff Report:

2. Location Map
3. Required Findings (one page)
4. February 24, 2016 Planning Commission Staff Report and minutes (22 pages)
5. August 10, 2016, Conceptual Development Advisory Committee meeting minutes (three pages)
6. Project Overview and Letter of Justification received April 13, 2018 (three pages)
7. Consulting Arborist's Report dated November 20, 2017 (37 pages)
8. Consulting Architect's Report dated December 13, 2017 (ten pages)
9. Applicant's response to Consulting Architect's Report received June 7, 2019 (two pages)
10. Justification for Exceptions and Response to Comments, received June 7, 2019 (four pages)
11. Color and materials board received May 30, 2019 (one sheet)
12. Planned Development Ordinance (31 pages) with Exhibit A Rezone Area (one page) and Exhibit B Development Plans, received May 30, 2019 (37 sheets)
13. Public comments received by 11:00 a.m. on Friday June 7, 2019

Previously received with the June 11, 2019 Addendum Report:

14. Public comments received between 11:01 a.m., Friday, June 7, 2019 and 11:00 a.m., Tuesday, June 11, 2019
15. Project Information Sheet by Engineering Division (four pages)

Received with this Desk Item Report:

16. Public comments received between 11:01 a.m., Tuesday, June 11, 2019 and 11:00 a.m., Wednesday, June 12, 2019

Ryan Safty

From: Marlene Gordon <mjbggordon@comcast.net>
Sent: Tuesday, June 11, 2019 2:07 PM
To: Ryan Safty
Subject: Proposed commercial Shannon Rd @ Los Gatos Blvd

Follow Up Flag: Follow up
Flag Status: Completed

RECEIVED
JUN 11 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Associate planner Safty

I would like to urge the planning department to deny the requested reduced setback for the proposed commercial project at Shannon Rd and Los Gatos Blvd. This intersection is a very busy one with not only vehicular but bicycle and pedestrian traffic. A reduction of the third lane will create yet another traffic problem continuing to grow in Los Gatos. And the allowance of access by the proposed commercial building to enter and exit at Shannon Rd will create an amazing traffic jam at certain times of the day. This could create a dangerous situation should emergency vehicles need to access LG Blvd.

In addition, the fact remains that there are 3 schools within several blocks of this intersection with many students that walk or ride bicycles to and from school use this intersection. A reduction of a lane, increased traffic jams, vehicles entering and exiting the proposed site would create an unsafe situation for those students. Many of the young students are less concerned with their safety and ride on the wrong side of the street and are not as aware of traffic as they should be.

I'm also disappointed to see the height of this building will block the view of the east hillsides. I would hope the planning department would reconsider the height and allow only the height of the current building currently at the site.

As a resident living off Shannon Road, and annexed into the town, I urge the commission to deny the request for a reduced setback as well as reconsider and reduce the height of the proposed project.

Marlene Gordon
East La Chiquita

Sent from my iPad

Ryan Safty

From: Ryan Safty
Sent: Tuesday, June 11, 2019 4:39 PM
To: Ryan Safty
Subject: FW: Deny the Variance Request at Los Gatos Blvd. at Shannon Rd. Development

RECEIVED
JUN 11 2019
TOWN OF LOS GATOS
PLANNING DIVISION

On Jun 11, 2019, at 1:05 PM, ewerner4@gmail.com wrote:

06.11.19

Dear Marico Sayoc,

I am writing to ask as a Councilperson that you deny the variance request for the development at Los Gatos Blvd. at Shannon Rd. That particular location is a major safety concern because of students at Fisher Middle School, in particular, who use that area as one of the main arteries via walking and cycling to their middle school. Students, too, tend to walk in groups and packs which often pushes them out to the curb as they walk and cycle. Additionally, this is Not the precedent the Town wants to set for future building along Los Gatos Blvd.

I urge you to vote No.

Last, on Saturday, June 8th, I witnessed while walking my dog on Shannon Rd., two female middle schoolers run out across the street paying no attention to oncoming traffic. A vehicle slammed its brakes on and barely in time before these two students were hit. (There was a middle school graduation party on Shannon Rd.) I share this event with you because it presents the kind of safety issues we face in a heavily traveled area via car and student. And, often is the case, these young students/lives are simply not paying 100% attention.
I am still shook by how close these two middle schoolers nearly lost their lives. (I did call the police because the vehicle speed exceeded the 30 mile an hour speed limit on Shannon Rd. in this incident).

Thank you.

Eileen Werner
ewerner4@gmail.com
Resident of Los Gatos, CA

Sent from my iPhone

Ryan Safty

From: Don Macleod <donbmacleod@gmail.com>
Sent: Wednesday, June 12, 2019 3:31 AM
To: Ryan Safty
Subject: 16212 LG Blvd- Planning application

Follow Up Flag: Follow up
Flag Status: Flagged

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JUN 12 2019
TOWN OF LOS GATOS
PLANNING DIVISION

I am very pleased to hear that the now revised proposal for a suitable scale commercial development proposal is now moving forward at the above site address.
Given all the revisions and extensive community outreach conducted by the developer in our town- the proposal as now being submitted to our Planning Commission has my full support.
Don Macleod,
133 Glen Ridge Avenue
Los Gatos 95030
Sent from my iPad

Ryan Safty

From: Farzon Almaneih <farzon.almaneih@one82.com>
Sent: Wednesday, June 12, 2019 7:09 AM
To: Ryan Safty
Cc: Scott Plautz
Subject: I support 16212 Los Gatos Blvd

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TOWN OF LOS GATOS
PLANNING DIVISION

Good morning Ryan.

I am writing you to show my support for the project and the recommendation of approval for the development project at 16212 Los Gatos Blvd. As a long-time resident and business owner in Los Gatos, I think this project will add a lot of value to our community and help support the long time values that we all cherish in this tight nit community.

I have lived and worked in Los Gatos since the 1970's. I have owned a business in Los Gatos since 1989.

Thank You

Farzon Almaneih
Founder & CEO
farzon.almaneih@one82.com
(408) 335-0346 direct
(408) 335-0353 main

Chat with our Service Desk

Ryan Safty

From:	Linda Yung <linda.yung@gmail.com>
Sent:	Wednesday, June 12, 2019 10:13 AM
To:	Ryan Safty
Subject:	16212 Los Gatos Boulevard
Follow Up Flag:	Follow up
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TOWN OF LOS GATOS
PLANNING DIVISION

Dear Members of the Los Gatos Town Council and Town Planners,

We are writing to voice our concerns that the commercial development will be built too close to the roads and the proposed design, especially the massive rooftop, creates a large wall that blocks the mountain views and towers over the neighborhood.

The proposed building should not be granted a reduced front yardage of just 5 feet when the requirement is 25 feet based on the proposed building height of nearly 30 feet. This request will overwhelm and stick out like a sore thumb around the neighborhood of LG Blvd, Shannon Rd and Roberts Rd.

There is a commercial/residential building at 16190 Los Gatos Blvd and Magneson Loop that is also a 2-story structure. This adjacent 2-story building blends in with the community's architecture and does not tower over its neighbors. It can be done. But the proposed building design falls short of blending with the community.

Also, the Compass building at 16268 Los Gatos Blvd has a further setback.

In addition, there are some design elements that require clarification. The proposal mentions there will be curved corner windows / doors. We are concerned that the curved windows / doors will blind drivers heading north on LG Blvd when the sun is low in the afternoon, especially if the building is not that far from the road. We hope the developer will provide solutions to minimize this potential harm.

We respectfully requests our town council to vote NO on the current proposed designs.

Regards,
Barnaby James and Linda Yung
Laruel Mews Residents

Ryan Safty

From: Scott Schork <sschork@BKF.com>
Sent: Wednesday, June 12, 2019 10:17 AM
To: Ryan Safty
Subject: 16212 Los Gatos Blvd

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
JUN 12 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Dear Mr. Safty,

As a resident of Los Gatos with two teenage boys that recently graduated from Fisher Middle School, I am a strong supporter of the project and recommend approval for the development located at 16212 Los Gatos Blvd.

As a civil engineer I see the elimination of the pork-chop-islands at the northeast corner of Shannon and Los Gatos Blvd as a major safety improvement. This is particularly true for the children walking, biking and skating to school, but also the community as a whole. A typical pork-chop-island implies the driver has a free right turn, even on a red light. At this location that is not the case. Drivers must stop on the red light as indicated by signage. The kids are aware of the no-right on red scenario and they wander to the pork-chop-island with the assumption that the cars will stop. If I had to guess, 20% of the cars blow through the red light. Residents know it's a no-right on red but the typical driver isn't familiar with this non-standard situation.

The proposed development eliminates one of the northbound lanes of Los Gatos Blvd across the project frontage, reducing the number of lanes from three down to two. This is also a significant safety feature since it reduces the distance/time required for pedestrians crossing Los Gatos Blvd using the new crosswalk.

The elimination of the pork-chop-island and narrowing of lanes along Los Gatos Blvd requires installation of new traffic signals. This is a very expensive public benefit for a small commercial building. I trust the Planning Commission will consider these factors when making their decision to approve the project.

Sincerely,

Scott Schork
169 Ivy Hill Way
Los Gatos, CA 95032

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

Los Gatos Planning Commissioners:	Matthew Hudes, Chair Melanie Hanssen, Vice Chair Mary Badame Kendra Burch Tom O'Donnell
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Robert Schultz
Transcribed by:	Vicki L. Blandin (619) 541-3405

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

CHAIR HUDES: Now we get to the new public hearings and the first item is Item 2 on our agenda, which is 16212 Los Gatos Boulevard. Planned Development Application PD-17-002 and Negative Declaration ND-19-002. Requesting approval of a Planned Development to rezone two properties zoned CH to CH:PD to allow for construction of a new commercial building. APNs 523-06-010 and 523-06-011. Property Owner/Applicant 16212 Los Gatos Blvd., LLC, and the project planner is Ryan Safty.

May I have a show of hands from Commissioners who visited the property under consideration? Are there any disclosures? Okay. Mr. Safty, I understand you'll be giving the Staff Report this evening.

RYAN SAFTY: Good evening, Commissioners. Before you tonight is a proposal for a Planned Development application to rezone the subject property from Highway Commercial to Highway Commercial with a Planned Development Overlay, and this is to allow construction of a new commercial building with reduced front yard setbacks to provide right of way improvements in compliance with the Safe Routes to School program.

The Applicant originally submitted in 2011 and the project has an extensive background, which is summarized in the Staff Report.

The subject site is a corner lot fronting on both Los Gatos Boulevard and Shannon Road and contains an existing commercial building occupied by Artisan Wine Depot, which is proposed to remain. The PD application would provide specific guidance for the future commercial development and an Architecture and Site Application would be required to implement the proposed project.

The current proposal is for a two-story commercial building with retail space on the first floor and office space on the second floor.

A Negative Declaration was prepared for the project.

The proposed PD Application is consistent with the Mixed-Use Commercial General Plan designation, Los Gatos Boulevard Plan, Commercial Design Guidelines, and underlining Highway Commercial Zoning District minus the front setback and landscaping requirement of 15' on Los Gatos Boulevard.

Staff recommends that the Planning Commission forward a recommendation of approval to the Town Council.

This concludes staff's presentation and we are happy to answer any questions.

CHAIR HUDES: Very good, thank you. Are there questions? Yes.

COMMISSIONER BURCH: As it is currently written with it being partially Office, are there any limitations to the use of that, such as is there anything limiting medical offices or anything of the sort on this project?

SALLY ZARNOWITZ: That can be added as a performance standard that medical office is prohibited, given that that's a different parking and traffic ratio.

CHAIR HUDES: Other questions? I have a couple of questions. I have actually many questions about traffic, but I'm going to hold those until after the public hearing, but I had a couple about the process.

I understand that the review of the PD is an opportunity for the Planning Commission to review the architectural compatibility, style, and details, is that correct? Is it the purview of the Planning Commission to review the architecture at this point?

SALLY ZARNOWITZ: Yeah, the Planning Commission can provide input on, again, the performance standards. and that can include guidance for the architecture. So, there will be an Architecture and Site Application later, but

that will not come to the Planning Commission, is that correct?

RYAN SAFTY: That's correct.

CHAIR HUDES: Okay. I had another question about the setbacks. I think there were some questions. What is the allowable setback there? Is it 25' or is it 15'? Maybe you need to explain a little more to me than just that.

RYAN SAFTY: It is a 15' setback requirement along Los Gatos Boulevard. There was an error or discrepancy in the Staff Report, so that latest Desk Item should have addressed that.

CHAIR HUDES: Okay. So, it seemed like that attracted quite a bit of public comment, but just to be clear, the required setback is 15', it's not 25'.

RYAN SAFTY: That's correct.

CHAIR HUDES: Okay. And what is the proposed setback?

RYAN SAFTY: Five feet.

CHAIR HUDES: Five feet. So, there's a 10' variance then, is that correct?

RYAN SAFTY: It's not a variance, but it would be an allowance for a 10' exception, basically.

CHAIR HUDES: Exception, I'm sorry. Other questions? Okay, so we'll now open the public portion of

the public hearing and give the Applicant an opportunity to address the Commission for up to ten minutes, and that includes the Applicant's team. I have Kevin Ebrahimi. I don't know if there are others that have submitted cards as part of the Applicant's team. Oh, I'm sorry. Okay, I'm sorry. To be clear, we're on Item 2, which is 16212 Los Gatos Boulevard. Do I have a card from the Applicant?

EUGENE SAKAI: No.

CHAIR HUDES: You can submit one later. If you'd just please state your name and address for the record.

EUGENE SAKAI: Absolutely. Eugene Sakai, Studio S Squared Architecture. We're at 1000 South Winchester Boulevard in San Jose. Do you mind if I just test out the technology here really quick?

Just for the record, I'd like to note that I handed Ms. Zarnowitz 11 copies of ten letters of support that Staff received as a Desk Item for the Chair.

So, good evening, Planning Commissioners. On behalf of my client Scott Plautz of STEM Development I'd like to thank you in advance for taking the time to review and hear our application for 16212 Los Gatos Boulevard.

Projects in beautiful areas like Los Gatos invariably take a very long time to work their way through the entitlement process and our project is certainly no

exception to that. Experienced developers and architects are aware of this; we accept it as part of the process of crafting a thoughtful project that is one that works from all sides, both public and private.

Our team has been working on this project since 2013, and during that time the proposal has taken on many different forms. I'd like to take a few minutes to show you some of what has been explored during that time and how our project has improved through the community feedback process.

From 2013 to 2016 we worked on a variety of housing-only proposals of various density. Though we felt as if our residential project fit well into its context, ultimately the community and the Town Council did not agree and at a Town Council meeting in March 2016 advised us to explore a purely commercial option that was conforming with all aspects of the Town's Zoning Ordinance. This was actually the final design that we presented to Town Council back in 2016.

Based on that recommendation we regrouped and began to consider a fully commercial project and presented a few different conforming alternatives at a well-attended community meeting at Town Hall hosted by Planning in July 2016.

Among these options were a full underground parking garage with additional surface parking, a two-story retail and office building of 31,500 square feet, a mixed-use project proposing seven one-bedroom apartments—they're on the right—above 8,600 square feet of retail, an all new retail building of approximately 11,000 square feet, and finally a retail proposal that preserved and renovated the existing one-story dealership building while adding a retail building at the corner with a partial second floor setback to reduce the scale of the building as seen from the boulevard.

That concept proposal was then developed further and formally submitted for review to the Town in February 2017 largely as depicted in these few slides here. During the Town's initial review Staff advised us that the recently adopted Safe Routes to School program would impact our application. Here to talk about our team's response to that requirement is Scott Schork of BKF Engineers.

SCOTT SCHORK: Scott Schork, BKF Engineers.

The Safe Routes to School program was implemented in mid-stream of the development and what it requires us to do is actually narrow Los Gatos Boulevard by a lane, and the green markings is the new bike lane. The porkchop island at the intersection of Shannon in Los Gatos, which

is a pretty unusual situation where it has a sign that says, "No Right Turn on Red," but that typically people…that's not normal. So, non-residents, there is probably a percentage of people that blow through there. So, this is very safe for the kids going to school, and it moved the crosswalk up to Roberts, which makes it a more efficient intersection that will probably be addressed later.

Today just for purposes of clarity I went out and made these measurements, and the new project is proposed to be just under 25' setback from the face of building to face of curb, and then you see the Yoga Source is around 27.5', the Robson homes are 26.6', Compass is set back a little bit farther, and these are all two-story buildings. And then Edward Jones is 25'. I just went back out there. It's really 23' to 25', so it's about an average of 24'-ish. And there's a resident, Magnuson Loop, that's also two stories, 18.5', and then Taco Bell is the only one-story at 24.5'.

The other thing that's critical to point out is the second floor of this proposed building is setback an additional 11', so it's closer to I think about 36', of which these two stories are not set back additional, the point being that we're pretty consistent with the neighborhood.

EUGENE SAKAI: We have a little graphic here to illustrate how that 24'-8" and change is divided here. On the far left we have the bike lane shown in the green strip, and then from face to curb working our way to the right a 4'-6" planter strip, 10' sidewalk, and then about another 10'-plus to the building. So, that's just kind of an idea of what that will look like.

In working with Town Planning Staff on the initial application and the Town's Consulting Architect we've made a number of revisions to the building which we feel have improved the design and made it more compatible with the look and feel of Los Gatos.

A little hard to see on these images, but among these include reducing the mass of the second floor at the corner as to provide a reduced scale with the intersection and better views of the mountains.

On the parking lot side, we broke up the rooflines to architecturally express the stair tower between the two floors. We also refined the second floor roof massing. Another slide of that.

Another suggestion that we implemented was to simplify the rooflines along the boulevard; namely we removed a gable form to basically create a continuous eaves line.

This last slide most significantly I think shows that we've chosen to break up the glass that we initially proposed at the corner by adding a stone portal feature. We feel that this adds a nice focal point for the intersection, further enhances the pedestrian scale and pedestrian oriented nature of the whole intersection improvements that Scott Schork just talked about.

Here are a couple of photo-sims that we put together from a distance showing how the building will sit relative to its surroundings and relative to the views of the ridgeline beyond.

And this is a view that we put together of the existing condition on top showing only the dealership building, and then our building overlaid on the same perspective.

And just another image of a similar vantage point.

In conclusion, our project proposes a fairly modestly sized development on what is currently an extremely under-utilized site. The existing dealership building, as mentioned in the Staff Report, is only 2,300 square feet and change on a nearly one-acre lot on a heavily trafficked site.

I'd like to emphasize that our project intentionally does not max out the development potential of the site. Under the height limit and setbacks and coverage ratios we could have proposed a three-floor building of nearly 60,000 square feet that would have required two levels of underground parking but would still have been compliant with current zoning, at least numerically. Based on feedback from the Council, community, and Staff we've obviously opted not to pursue such a large project.

I think also I wanted to reemphasize what Scott Schork was touching on earlier in that our project also offers a very large community benefit in that we will be one of the first projects to build out a significant portion of the adopted Safe Routes to School program at our own expense. It should be noted that this program was adopted into law in 2016, which is three years after our initial development application had been filed.

Finally, in the last two seconds, I know there's been a lot of concern about the installed story poles and how close they sit to the existing sidewalk. Just to further touch on what was discussed earlier by our civil engineer, the face of curb now is not the future face of curb. The future face of curb is actually 10' farther into Los Gatos Boulevard, and our intent with the building

design is to match the setback that otherwise would have been required by ordinance had the face of curb not changed, and as we pointed out, that is consistent with face of curb setbacks from other nearby properties, two-story buildings at that.

That's all I have for now, and again, we're here to answer any questions. Thank you.

CHAIR HUDES: Thank you. Are there questions? Yes, Commissioner Badame.

COMMISSIONER BADAME: Thank you for reaching out to the community, to the CDAC, to the Council, and coming before the Planning Commission back in 2016 and listening to input.

But you received quite a bit of significant input, and you may hear it tonight from speakers, about the blocking of the mountain views, which is important. What did you do to address that, other than just taking out a small portion of the mass at the corner on the second floor?

EUGENE SAKAI: We did a number of gestures. The allowable height limit at this parcel is 35'; we're more than 5' below that. There's really no limit as to how big the second floor could have been relative to the first floor, but we chose to make it a significantly smaller

footprint and step it back nearly 12' from the street frontages. I think as you're walking along the boulevard, or even driving along, you really won't perceive that second floor because of that setback. Like I said, I think we didn't go quite nearly as big as we could have with the project overall.

COMMISSIONER BADAME: If it would be okay with Staff, if we could put something on the projector, and that would be Exhibit 12-B, page A-0.6, and that would be the views with the proposed building with the hillside views.

CHAIR HUDES: What's the callout on that document again, Commissioner Badame?

COMMISSIONER BADAME: It's Exhibit 12-B, page A-0.6, and it's titled Hillside Views.

CHAIR HUDES: Thank you.

COMMISSIONER BADAME: If it's too difficult I can just ask the Applicant directly, because I'm sure he's aware of the page.

EUGENE SAKAI: Yeah, we drew that.

COMMISSIONER BADAME: I'm just looking at this picture and I'm trying to reconcile how that second story does not significantly block the view of the mountains, if you could just comment on that. And I'm looking at the

upper right picture and it's the view from Los Gatos Boulevard.

EUGENE SAKAI: Right.

COMMISSIONER BADAME: And it looks like the vantage point from where that photo was taken is at an extreme angle and taken from the sidewalk.

EUGENE SAKAI: Sure. Well, our firm does a fair amount of work in Los Gatos. We do projects up in the Hillside Zoning District as well. In certain cases, there are codified percentages of views that can't be blocked or portions of an elevation of a house that have to be obstructed by tree screening from vantage points on the valley floor; those are hard and fast numbers that trigger certain additional requirements or even prevent you from doing projects of a certain scope or mass or whatever.

As I mentioned, we worked very closely with Town Staff and the Town's Consulting Architect on the project that sort of met all the different parameters of a good retail project, among which is addressing kind of a more pedestrian-friendlier environment by bringing the building closer to the street. In working with the Consulting Architect his only recommendation to improve the project from the standpoint of hillside view projection was the change that I mentioned in notching back that second floor,

which we gladly did. Upon doing that essentially he signed off on that particular aspect of this design and ultimately gave Planning Staff the ability to recommend your approval of the project as well.

I'm not as expert as you folks on the Commission nor Staff or the Consulting Architect on what makes a good project in Los Gatos. I think that's partly why an approval process takes years, because it's part of that discovery of finding what is uniquely right for this site, and all I can say is we worked with the appropriate people and got their recommendation of approval.

COMMISSIONER BADAME: I appreciate your answer. I'm just looking at the Town Architect's report and he did say to eliminate the second floor development at the corner.

EUGENE SAKAI: Yeah.

COMMISSIONER BADAME: And I've got a picture that looks differently from what you did, but you answered my question, so thanks.

EUGENE SAKAI: He gave us two options, actually. We followed one of them to the letter, and so that was our response.

COMMISSIONER BADAME: Thank you.

CHAIR HUDES: Anybody else? Okay, I had a couple questions, if I may. I had the same reaction about the corner treatment. It seems to me that further views are not being revealed by making a notch into the building, because you still have the same elevation whether you curve or angle at that corner or whether you notch in, is that correct?

EUGENE SAKAI: If I'm understanding you correctly you're saying reducing the floor area there had no net impacts on the benefit to the hillside view?

CHAIR HUDES: Because of the angle that is taken toward the hillside that follows along roughly the angle of that front, by turning that angle into a 90-degree notch you don't reveal more views of the hillside, is that correct?

EUGENE SAKAI: I can't speak for why the Town Architect recommended what he did, but all I can say is that we followed his recommendation to the letter and that satisfied him with regard to this one issue.

CHAIR HUDES: Okay. I had another question, if I may. If the project were compliant with the Town's setback requirements, what would it look like? Did you attempt to design to the Town's setback requirements?

EUGENE SAKAI: Fifteen foot setback from property line?

CHAIR HUDES: I believe that's what Staff stated.

EUGENE SAKAI: Yeah, we actually have a full blown application that did not make its way up to this level that we submitted—it was actually the initial submittal that I showed you halfway through my presentation—that was our attempt to submit a fully code-compliant, setback-compliant project prior to the introduction of the Safe Routes to School requirement, which imposed significant financial burden on the project. It was in that process of discussing that burden with Town Planning Staff that a concession was made whereby we could potentially compensate for our financial hardship by bringing the building closer to the street, picking up a bit more parking, etc.

CHAIR HUDES: Okay. I will have another question for Staff on this. Is it your understanding that the Safe Routes to School is a requirement?

EUGENE SAKAI: Absolutely. It was adopted by ordinance I believe in December or November of 2016 just before we applied for the commercial project, and I don't believe we were given an option to opt out. I think had we, I don't know. We haven't had the discussion with my client,

but it certainly imposed a significant delay in our application because we had to do a full redesign not only offsite but onsite to accommodate it, and there's a significant financial expense to implement the rebuilding of that whole intersection.

CHAIR HUDES: Okay, because in your letter of May 31st you state that you've agreed to comply with that for the safety of the community, and that you comply with the request but you still maintain the required setback, and you said, "I believe we've complied with the intent when you take into consideration those requirements." So, I just wanted to understand whether you consider the Safe Routes to be a requirement for an application at this time?

EUGENE SAKAI: I haven't been led to believe otherwise. Furthermore, I believe that the whole notion of intent is an important one for the Commission to consider. As we pointed out with our measurements that we took of other two-story buildings from their face of respective curb, we're right in line with that, and I believe that's what gave Staff the comfort to recommend approval of this reduced setback because our setback to curb, not property line, is very much in line with other nearby properties.

CHAIR HUDES: Okay, thanks. I'm sure I'll have some other questions after we hear from the public. Does anyone have further questions? Yes, Commissioner O'Donnell.

COMMISSIONER O'DONNELL: I want to find out whether you're reserving… The next question was what Staff thinks whether it was required, or is that going to come up later?

CHAIR HUDES: I plan to ask Staff that later when we're in deliberation.

COMMISSIONER O'DONNELL: Yeah, that's fine.

CHAIR HUDES: So, we’re now where the rest of the public speaks, and since there are a number of people, I'm going to read three names so that you can plan for your turn. The first card I have is Kathryn Parker followed by Jeffrey Barnett and then Barbara Dodson, so Ms. Parker, could you come forward please? Thank you.

KATHRYN PARKER: Kathryn Parker. I live at 16475 Ferris Avenue very near the proposed building.

I'm very much against this building. It doesn't conform with many of the basic design principles regarding setbacks, views, and reflection of Los Gatos qualities of small scale and pedestrian friendliness. A 30' wall looming up again the sidewalk is neither small scale nor friendly. This may be appropriate for the downtown part of Los Gatos,

but not Los Gatos Boulevard, especially as this is a corner where the guidelines say that the buildings should be limited to one story.

Many of the neighboring buildings are two-story, but most of them are set well back from the sidewalk. This is right up next to the sidewalk and if you're walking down this sidewalk there's a wall right there, and most of the other buildings, I believe, other than maybe the Yoga Source building, have extensive landscaping between the sidewalk and the building. This looks like it's just going to have some sort of little planter things.

Also, the north end facing their driveway is a big, blank wall. The architect recommended covering it with a trellis, which I believe they did do, or a series of trellises, but that's just going to make it a big, green blank wall instead of a brown blank wall.

As for restricting the views, this afternoon I drove south on Los Gatos Boulevard, checking out where the story poles are. Once I got near that building I could see—assuming the story poles are where they're going to be—the total view of the mountains is totally blocked out until you get pretty much up to the corner of Shannon and Los Gatos Boulevard. Putting the second story back is not going to open up the view at all, if that is a consideration.

Anyway, as I say, I'm very much against this. I think it would be a great building for downtown, but not Los Gatos Boulevard; this is not going to fit in at all with any of the surroundings building. Thank you.

CHAIR HUDES: Thank you. Other questions? Okay. Jeffrey Barnett followed by Barbara Dodson and then Paul Grams.

JEFFREY BARNETT: Good evening, Chair Hudes and members of the Commission. Jeffrey Barnett, 101 Mullen Way.

I'm here tonight speaking on my own behalf, but also on behalf of a number of my neighbors, many of whom are here: the Durham's at 100 Mullen Way, the Arendts at 108 Ann Arbor Court, the Lawrences of 16140 Shannon, the Highstreets at 104 Ann Arbor Court, and the Moores at 107 Mullen Way.

The focus of our concern is the setback. We assert that the PD Overlay Zone that would allow the minimal setback, the deviation from the standard setback, should be based on findings of harmony with the surrounding neighborhood. The building under construction has only a nominal 5' setback, which is not consistent with other buildings on the boulevard, which has been pointed out.

By the way, I submitted a Desk Item and I'm hoping that you have that. Good.

It's our further position that the project is not in compliance with the Los Gatos Boulevard Plan. The Vision Statement in the Boulevard Plan has a goal of preserving the character of the Town. The limited setback modifies the character of the boulevard. There are generous setbacks on most of the other buildings on the boulevard that create a relaxed appearance. The proposal is for a large structure that makes for a cramped streetscape and we would state that it's more appropriate on El Camino Real in Mountain View or Sunnyvale.

The Commercial Guidelines should be followed. They stress the importance of a strong landscape setback. The guidelines generally require a 15' landscape setback and the plan obviously does not do that.

It's our further position that the General Plan must be complied with. The project is inconsistent with it because it is not of the type and intensity of land use that's required to be consistent with the immediate neighborhood, and the other buildings on the corner and throughout the boulevard have generous setbacks, as noted, so the proposed building is incongruous.

Finally, we suggest that there be no Negative Declaration. The aesthetic detriment to the project, or a ground floor finding that there is adverse impacts on the

environment, and the community opposition to the proposal based on aesthetic grounds is a basis for denial of the Negative Declaration.

I have a summary but I can't do it in three seconds, so I'll pass. Thank you very much.

CHAIR HUDES: There may be some questions. Are there questions of Mr. Barnett? I had a question. We had testimony earlier from the Applicant, and he cited several buildings on the boulevard, all of which had around a 25' or so setback, and then showed that the project had a 24'-8" setback or something like that, approximately 25' as well. Did you see that testimony and do you have any reaction to that? Do you think that it's accurate that this project, the setback will be the same as those other buildings?

JEFFREY BARNETT: My thought on that would be to rely on the Staff Report that says the PD proposal is necessary because of the reduction of at least 10' in the setback, so I'm not clear how the Applicant can state that it's equivalent to others. I assume maybe there's a difference between the property line and the curb.

CHAIR HUDES: Thank you. We can follow up with the Applicant later.

JEFFREY BARNETT: Thank you.

CHAIR HUDES: Other questions? Commissioner O'Donnell.

COMMISSIONER O'DONNELL: When you thought you had three seconds, you had 30 seconds, so was there something that you wanted to get out in a short period of time? I think you misunderstood how much time you had left.

JEFFREY BARNETT: Oh, I saw three seconds. Thirty seconds?

COMMISSIONER O'DONNELL: Well, now you have 30.

JEFFREY BARNETT: Okay.

COMMISSIONER O'DONNELL: If you had something important you wanted to say, I just wanted to invite you to say it.

JEFFREY BARNETT: Well, I just wanted to summarize that it's the developer's obligation to propose construction that conforms with the General Plan and the Commercial Guidelines and the Boulevard Plan. Cost considerations were mentioned as a factor in the developer's decision to move closer to Los Gatos Boulevard, and it seems to me the priority should be for the Town to enforce its own policies and ordinances rather than the developer's pocketbook.

COMMISSIONER O'DONNELL: Thank you.

CHAIR HUDES: Okay, thank you. I have a card for Barbara Dodson followed by Paul Grams, and those are the only cards that I have on this topic, so if anyone else would like to speak please just fill out a card and provide it to our Staff. Thank you.

BARBARA DODSON: Good evening, my name is Barbara Dodson and I live on Marchmont Drive in Los Gatos.

I ask you to reject the current plan for the following reasons:

First, the setback from the sidewalk is insufficient. The 5' setback being proposed along Los Gatos Boulevard is too small to create an attractive green space between the sidewalk and the building. Please require a wider setback, at least 15'.

Second, the two-story building blocks residents' view of the mountains. A one-story building would be much more appropriate for this site. There is little reason for the second story in the current Los Gatos market in any case since we don't seem to have much need for new office space.

On the other hand, we have the continuing need to retain the beauty of our town. The beauty of our town is largely created by being able to see the mountains from all viewpoints.

I'm also concerned about the loss of a dedicated right turn lane on Shannon and the loss of the third lane on Los Gatos Boulevard. I believe this will create new traffic congestion at the corner of Shannon and Los Gatos Boulevard and is a bad idea. I understand this is a proposal of Safe Routes to School, but I really believe it is a bad idea. And I wonder if I can get clarification on this requirement, the Safe Routes to School to requirement, if that's just something we have to live with because it's been adjudicated, it's been passed, what it means? So, thank you.

CHAIR HUDES: We will have opportunity to ask Staff questions later as the Commission deliberates, so thank you. Paul Grams and then Roy Moses.

PAUL GRAMS: Planning Commission, thank you. Just have a few comments here.

First of all, this huge 30' high building in a residential area, which is occupied on two-and-a-half sides by residents, is opposed by all the residents and it's just only to generate more profit for the developer. I don't know why this is being done. I looked at these very biased reports. I presume these reports were paid for by the developer, is that true, all these studies?

CHAIR HUDES: We don't have the ability to respond to you at this point in the hearing. We can take notes and we can ask Staff questions later.

PAUL GRAMS: There reports are very biased. I was very surprised to see that they have four pictures of the dumpster behind the quaint one-story wine shop and other very disparaging photographs just to make things look bad. Right now, that nice wine shop looks very nice, one-story, it fits in very well, and just had these really awful photos.

The setback of 5' is just outrageous and it seems the only purpose is to increase rich developers' profits at the expense of the residents. And I actually stepped that off, went from the sidewalk in, and I couldn't see another structure along Los Gatos Boulevard that had such a short distance from the curb of the sidewalk, and this once again, just to increase developer profits.

If he had a subterranean garage he could allow parking underneath and maybe set back more and have the same structure size. Subterranean garages are somewhat expensive, but still, we're not here to generate rich developer profits. Also, it would add value to the future.

I don't know who put that traffic study together. Can I show something on this projector?

CHAIR HUDES: Yes, if you have a page. No, it's not working. Unfortunately, it's not working. Is it something that was in any submission that you made to us earlier?

PAUL GRAMS: Well, no. Let me just show you briefly. This is Los Gatos Boulevard and this is Roberts. Under the proposed plan it shows the students now only have to cross one way to reach Van Meter and Los Gatos High and even Fisher. Under the proposal plan they're going to have to cross… It's going to be moved over here at the crosswalk so they had to cross Los Gatos Boulevard, and then to go south they have to cross Roberts, and that's a major congestion, so it exposes the students to one, two significant traffic highways, so I don't see the benefit of moving the crosswalk over here.

CHAIR HUDES: If you'd like to provide me the document I can pass it down to the commissioners. Thank you. Okay, Roy Moses, and that is the last card that I have on this.

ROY MOSES: Good evening, Commission. Thank you for allowing us to come and speak. I live at 16529 La Croix Court, which is up Shannon Road a little ways. I've lived in Los Gatos a long time. I've worked in Los Gatos, so I go through that intersection many times during the day, and

especially during the time when the kids are going to school and coming back from school. I try not to time that because it's pretty congested.

I do respect the rights of developers to develop their properties and to build something significant and to make money at it; they have to be profitable. But at the same time, we've got to take into consideration all the people who live around that; it is right next to a residential district.

The thing that I don't understand, to me common sense is the most important thing, so to me it's like the building is right out front, right on the sidewalk. That's like the butt of the building and all the parking is going to be on the interior. Now, maybe that's the way it has to be built to be economical, I don't know, but at the same time, all these considerations about the scenery here in Los Gatos, the Town of Los Gatos has always tried to take that into consideration, so why can't the building be put back—it has underground parking or whatever—and make it more aesthetic? You can see the mountains that way; you won't have a problem.

The other big issue right now is taking out that right lane. I don't know if you go by there, if the developers have gone by there in the morning. Kids are

kids. I like to call them children, but we call them kids. They're not very responsible or thinking about getting hit or whatever. They walk right on the edge of the road, and a lot of people drive through there. They don't have the consideration maybe that the neighbors have because they're coming out of the Shannon Road mountains, they're coming from Almaden Valley, coming through Shannon Road, which is the main corridor. They don't come down Kennedy Road, they come down Shannon from Almaden, come through here. It's a cut-through going to their work, wherever it may be, past Los Gatos, I don't know, but you cannot jeopardize those kids by taking out that lane.

And the point was just made about where they're going to move the crosswalk; that is a double crossing for those kids. Come there during the day when the kids are there and take a look for yourself. It's not a very good situation and it's going to get worse just by the proposals that are being made here.

So, I'm for the developers, but I think you've got to go back, put the building back in the back of the lot, put your parking, figure it out. Architects are magicians; they do wonderful things.

But there are going to be a lot of objections here, and if it wasn't the end of the school year and if it

wasn't vacation time… I love the way the developers plan all these meetings where we can't get everybody here. Again, I saw the story poles go up; I'm here.

So anyway, go to work. Do your job for the Town, for the citizens of the Town, do it for the developers. Put their heads together. Maybe they ought to go talk to neighbors, maybe we got some good suggestions for them, I don't know. Thanks for the opportunity.

CHAIR HUDES: Thank you. Any questions? Okay, that's the last card I have from the public, so we will now move back to the applicant to address any questions that have been raised or anything actually that the applicant would like to speak about, and there are five minutes to add further comments. So, Mr. Sakai or whoever would like to speak for the applicant, you have an additional five minutes.

SCOTT SCHORK: Okay, I'll start with the setbacks. It's probably not clear to the community but when you walk out there the curb has not been moved 10', so it looks pretty extreme relative to the existing story poles and the netting. The dimensions that I pulled from the field were measured from face of curb to building. Just forgetting the term "setback to property line," at the end of the day the property line where it sits isn't super

critical, it's what distance you have from building to curb.

I'll give you an example. This project has about, I think, a 7' property line to face of curb currently, so once it's done the glazing of the building is like another 17.5' behind that property line. I'm sorry, that's not true. I'm sorry, the curb moves out 10' from there, so from face of curb to property line, that's going to be your 17', and so then the building is closer to property line and you end up with your 25'-ish. If you go down north to Edwards, that has only about an 8' from face of curb to property line and there is setback. The code required 15' to get them to the 23' minimum but they're still at 23' and we're closer to 25', so the property line is what is confusing matters here.

The other thing that I think is important to note, unlike most of the other buildings that are two-story this one is set back considerably. When we first looked at this project and it was in conformance we were at a 15' setback with a two-story building coming pretty much vertical at 15', and that was deemed in conformance. What we have now, we've moved the first floor 10' forward with the curb, so we didn't change that situation, and actually we only moved it 9.5', so we're 6" farther set back from

the future curb than we were in the prior proposed development, and the second story actually moved back about 1.5", so with that offset the views are actually better than had we build straight up and down at the 15' with the existing streets. It's a little confusing but the point being is it's extremely consistent with the neighborhood, and I'm just going to stop on that for now.

The removal of the pork chop islands and the narrowing of the lanes, that's all a Safe Routes to School requirement, so it's not… It's actually a very good thing. The traffic consultant can speak to it, but it improves the traffic flow, it reduces the length that the kids are in the crosswalk, it purposely moves the crosswalk to align with Roberts where there is a larger vehicle flow, so it makes the whole intersection more efficient. But it's also very expensive. When I priced it, it was about $750,000 and construction has gone up like 20-percent; I'm not exaggerating. So, now it's more like $900,000, and that's a very small building he's proposing. He could put a 60,000 square foot building there but he's putting a—I don't know the number committed to memory—but it's like 11,000, so it's pretty much the smallest project he could afford to build with those new $900,000 add-ons.

So, yes, all the Safe Routes to School items are not in our control, they have to be done and they're actually improvements, and we can't move the building to the back and put the parking up front, it's just not current kind of planning that staff would support; that's kind of an old school approach. It's more about bringing the building forward and enlivening the streets.

And I think geometrically, when we were talking about the building corner and does it improve the views of the mountains, well, it used to wrap around two-story vertically, and to your point, pulling it back wouldn't have done much to that angle but with the building stepped back and pulled back it definitely improves that view of the mountains there.

And the building on the north end was reduced significantly at the second level as well, so it's not the box it used to be. I mean, it's dramatically reduced in all dimensions to improve the views and the aesthetics.

CHAIR HUDES: Okay. Anything else? I'm afraid not. We've closed that portion of the hearing. We will ask questions of the Applicant, and I think there may be some, so Commissioner Badame.

COMMISSIONER BADAME: If you could come back. I heard you say that you could not consider moving it back, correct? Is that what I heard?

SCOTT SCHORK: Moving what back?

COMMISSIONER BADAME: The building back. It's got to be in the front, placed in that property?

SCOTT SCHORK: Economically, if we move it back any more than it is now we lose parking, which loses square footage of the building, which kills the project because of the $900,000 add at kind of the eleventh hour. Alternatively, you would have to go to the mega-building and go underground parking. You can't afford to do underground parking on an 11,000 square foot building, it's just not feasible, so you'd have to go big or without the underground.

COMMISSIONER BADAME: With that being said, could you consider a one-story building?

SCOTT SCHORK: You could. I would have to say at some point there's an economic involved, because I'm obviously not the owner, but the land was purchased and it's valued based on what they could put there, and this is definitely the smallest building they can build without getting into a lot of trouble with what they paid for the land, and if they were asked to put a one-story building

there I'm sure they would have to come back and just go big, and no PD; just be within the Town's requirements for setbacks, floor area ratio, height; they would park it underground and they'd have to max it out, and that's not what they want to do. This is kind of the tradeoff, moving it forward 10' with the curb moving 10', with the issue that the property line didn't move. Had the Town moved the property line with the curb face, which they could do, we wouldn't have a problem, but that wasn't the case.

COMMISSIONER BADAME: Okay, thank you.

CHAIR HUDES: Commissioner Burch.

COMMISSIONER BURCH: I know you guys have run through a lot of scenarios but I want to just ask some questions to make sure I'm clear on where we're at today and how we got here.

In some previous, I believe, CDAC meetings it was discussed that underground parking would be approved, or not approved but would be beneficially looked upon, and in looking… Because I understand what you're saying. If you lose parking spaces you lose square footage, but in taking a look at the overall plan, if you did integrate even partial…a smaller underground lot, you technically could move the building back but probably have a larger footprint, therefore square footage, and perhaps if it was

pushed to the back, a well-designed second story. So, I'm wondering, when you ran the numbers how that offset in that decision making?

SCOTT SCHORK: Yeah, I think the misconception is that underground parking, it's…

COMMISSIONER BURCH: No, it's expensive. It's about $150 a square foot.

SCOTT SCHORK: Yeah, it's generally about… This is the number I have from a year ago, so it's probably more, but I usually say $50,000 per stall, so it doesn't pay for itself unless you go multiple stories above that footprint, so it's really difficult.

And the other thing you'll never see is an underground parking structure that's fully depressed—I know there are some that are semi-depressed in the Town—with ramp and underneath the building that's 15-20 stalls, it's just so expensive. At that point it's $120,000 a stall or something, so it's just extremely cost prohibitive, and then when you're doing the numbers you start to look at it and say well, we have to go big.

It's either the building you see now that's more efficient to construct with surface parking, and then you jump over to let's underground park the whole thing and go big. The in-between is very difficult to pencil.

COMMISSIONER BURCH: Okay. Can I ask a follow up question?

CHAIR HUDES: Of course.

COMMISSIONER BURCH: And in that same vein, you're keeping the existing building. Was there any look at maybe modifying that building to include a second story or add some size to that to then keep the building at the street single story for the most part?

SCOTT SCHORK: I'm not an architect, but I'm just going to guess that that building would be easier just to tear down.

COMMISSIONER BURCH: That was probably going to be my next question.

SCOTT SCHORK: It would be so expensive to go second story and it's pretty small, and it's new code/old code, no fire sprinklers, etc.

EUGENE SAKAI: I'd like to speak to that a little bit. I think there are two things at play with regard to how the building is sited. I think first of all is the Boulevard Plan itself talks about trying to enhance a pedestrian realm. The Safe Routes to School I think is part of that whole general movement.

COMMISSIONER BURCH: I'm very specifically trying to understand…

EUGENE SAKAI: And I'm speaking to that as well.

COMMISSIONER BURCH: …the process that you went through different steps to get here.

EUGENE SAKAI: I'm speaking to that.

COMMISSIONER BURCH: I know all those, I read them all the time.

EUGENE SAKAI: Okay.

COMMISSIONER BURCH: I just want to understand that.

EUGENE SAKAI: All right, I'm trying to address that.

COMMISSIONER BURCH: Okay.

EUGENE SAKAI: So, with regard to the siting of the building, which I believe was your question… Is that your question, why is the building sited the way it is?

COMMISSIONER BURCH: More I want to understand the different avenues of making this project work for you and maybe different options you looked at. So, for example, let's say you have a building on this corner but you're keeping the existing building, so I wanted to understand if you guys did an analysis on either rebuilding that building and adding on it, making *it* the second story component and keeping the building at the street single story, probably not a win-win for everyone, but it gives you that, keeps

the views that people are worried about, like would there be a tradeoff there, but did you run those numbers and do that analysis?

EUGENE SAKAI: I mean, that building is 2,300 square feet; it's the size of an average single-family home. It has a sloping roof; still it slopes in pretty severely. I would imagine if we tried to develop a second floor there that second floor might be somewhere in the range of about 600-700 square feet. Is that what you're referring to?

COMMISSIONER BURCH: Yeah, okay.

EUGENE SAKAI: So, that was one factor. I think the other factor was, as was mentioned by some of the community members, we were trying to lessen the impacts along the interior property lines where we have a residential single-family interface, and so by pulling the building away from those houses, reducing the amount of commercial activity, or limiting it to really what has been historically there in just that 2,300 square foot building, we felt that was the best way to be a good neighbor, as well as tying into the Boulevard Plan, which I mentioned at the outset.

COMMISSIONER BURCH: That makes sense. Thank you.

CHAIR HUDES: I had some questions about architecture. Could you maybe describe the architecture of the building, the style, and discuss how it is compatible with other Los Gatos Boulevard development in the vicinity, and maybe specifically what are some cohesive design elements so that this fits with other buildings that are in the proximity?

EUGENE SAKAI: Sure. Well, we look pretty closely at the adjacent properties, the overall context. There are a variety of projects that were built over a variety of years in a variety of styles. There is just a lot of diversity.

I think probably our strongest cue that we took was the existing building onsite. It has a bit of a Craftsman feel to it, it has stucco, it has some stone on it, and so as part of the decision to keep that building as part of this overall development, I would say that that informed some of the design thinking. Our building has a pitched roof on it kind of as a nod to that existing quasi-residential/commercial building that's there, and then some of the same materials, yet at the same token we didn't want to fully mimic or ape that building's architecture, so there is some consistency and yet some differences.

We looked at the overall heights of the buildings in the area, and as was pointed out we've also looked at the setbacks from curb. So, there are a lot of two-story buildings around, some of them don't have a second floor setback as ours does, so we didn't mimic any one building in particular; it was more of a holistic look.

CHAIR HUDES: Where did you come down on the awning suggestion from Mr. Cannon? Is that included or not?

EUGENE SAKAI: I'd say we met him half way. The suggestion there was really to do a 360-degree awning approach on all sides of the building pretty much, including at the glass corner, which we opted out of that because we felt as opposed to putting some easily destructible, readily fade-able canvas material right there on the corner, why not do something more substantial and long lasting like a stone portal as an architectural feature as opposed to some curving fabric, so we chose to put awnings on I'd say maybe half of the locations that he suggested.

CHAIR HUDES: Okay, thank you. Yes, Commissioner O'Donnell.

COMMISSIONER O'DONNELL: In listening to the conversation, when the Safe Routes to School came down it took a big chunk of the front of the property. As I

understand it, it was your understanding that that was mandatory, is that right?

EUGENE SAKAI: I believe so.

COMMISSIONER O'DONNELL: Quantify for me, how much of what you would have otherwise been able to use was taken from you?

SCOTT SCHORK: Actually, there was no property taken, because the property line didn't move, so we have the same property. What did move was just the curb, so now the City has eliminated a lane and in place of it we've put a landscape strip, a 10' sidewalk, and then another strip up to the building.

So, what I was explaining earlier was the Safe Routes to School requires replacement of traffic signals, building the new curb and gutter, and doing some significant improvements to the public right of way to the tune of about $900,000. So, the take there was for this project to get to pencil we needed to add like three parking stalls to get some more… Well, that's all we really could. By moving the building, a little I was able to get like three more parking stalls, which enabled the building to grow a little bit, and it's clearly well below what it could be. But that was how the owner/developer was able to

move forward with the project, because if we couldn't do that, it was probably a dead project.

COMMISSIONER O'DONNELL: I'm being obtuse, I suppose, but I would like to understand this and I still don't. The Safe Routes to School obviously was a change of pace for you; it came down sort of at the last minute, or past last minute.

SCOTT SCHORK: Correct.

COMMISSIONER O'DONNELL: It had an effect on you and you're telling us it cost essentially another $900,000, right? But that's for improvements, but I'm wondering what, if any, of the property, your property, was impacted so that you could not otherwise use it as you would have planned. Are you saying none?

SCOTT SCHORK: The only impact to the property would be the wider sidewalks onto the property on Shannon; there was a 10' walk there. Originally we were an attached 10' walk on Shannon with tree wells, and in the end we ended up with a 5' planter strip and a 10' walk pushing into the project. Did it move the parking? Did it change the building shape? No, it just kind of constricted it.

To answer your original question, the developable property has not changed because of the Safe Routes to School. It was an improvement on Los Gatos Boulevard and at

the pork chop islands, the front corner. I mean, it did a lot of different things to the public view of the project itself, but it didn't take any land per se.

COMMISSIONER O'DONNELL: I think I understand. Just to summarize it then, you're saying that it's the cost, and that certainly is a lot of money, $900,000. The project ended up costing $900,000 more than it otherwise would have…

SCOTT SCHORK: Correct.

COMMISSIONER O'DONNELL: …but as far as the size of the land is concerned, usable land, that was not impacted?

SCOTT SCHORK: Correct.

COMMISSIONER O'DONNELL: Okay, thank you.

CHAIR HUDES: If I might follow up on that, is that because the Town has allowed another 10' to be used of the boulevard?

SCOTT SCHORK: I'm sorry, could you clarify that?

CHAIR HUDES: My understanding is that the curb moves out 10' into the boulevard. Is that why you were able to do that without changing the developable area, because you're getting that 10'?

SCOTT SCHORK: Yeah. We wouldn't have been able to move the building 10' forward and go through the PD

process if the curb hadn't moved also, so we haven't changed the dimension from the glazing of the building to the face of curb. It's actually like 6" farther than it used to be, but the building has followed the new curb line out as the lane dropped.

CHAIR HUDES: I see. Okay. That's very helpful to me. You provided some slides at the beginning of the presentation that I frankly couldn't read from here, and I think the public may have had difficulty. Were those included in the packet in your application?

SCOTT SCHORK: The previous versions that we looked at?

CHAIR HUDES: No, the first several slides of your presentation where you showed the setbacks.

EUGENE SAKAI: The first ones.

CHAIR HUDES: Keep going. Where you had dimensions on a drawing.

SCOTT SCHORK: (Inaudible).

EUGENE SAKAI: Okay, yeah, that's actually quite a way in, but I'll get that.

CHAIR HUDES: They are quite small. I could not read the numbers.

EUGENE SAKAI: Yeah, I'm used to a bigger projector.

CHAIR HUDES: Are those documents that you provided us that you could point us to that we could see?

EUGENE SAKAI: Not that particular graphic, but certainly our site plan has all this information. This is not a new design, this is the design that is reflected on the plans before you.

CHAIR HUDES: Okay, so we can find that information on the site plan itself? That's the one I'm talking about.

EUGENE SAKAI: Right. I did this because I felt it would be more illustrative for the Commission as to what that's going to really look like as opposed to just looking at a black and white drawing.

CHAIR HUDES: Sure.

EUGENE SAKAI: But what you see is reflective of the black and white site plans behind you and at your desk.

CHAIR HUDES: Okay, thank you.

SCOTT SCHORK: To clarify, the property line is somewhere, let's see, back here. Yeah, it's somewhere back here, so it didn't move, and the curb used to be here, and when the curb moved 10' the property line remained back here. That's why the setback of 5' is actually measured from this furr out and it's really a couple more feet to

the real building, so that's kind of the history of the property line.

CHAIR HUDES: Okay. That's helpful. I can get it without seeing the numbers. Thank you. Are there other questions? Okay, let me just check my list here.

So, on the corner issue, you feel that you complied with Mr. Cannon's suggestion to increase the visibility of the hillside by the way you've designed the corner of that building? I think he stated that the corner should be one story, and do you feel that you've complied with that?

EUGENE SAKAI: I don't specifically remember him saying the corner should be one story.

CHAIR HUDES: I believe that's in the Hillside Design Guidelines.

EUGENE SAKAI: Sure. What Mr. Cannon provided us, and I neglected to include it in my presentation, but he provided a suggested floor plan for the second floor. He went so far as to recommend an outline of the second floor at the corner, and we followed that drawing that he provided.

CHAIR HUDES: Okay, thank you. I will be having some questions on the traffic and the traffic impact for Staff, but there was one point that I wanted to ask. In the

TDM document, which is Appendix E, the consultants say that, "A provision of a free local shuttle service similar to the one being offered by the office development at 401 Alberto Way can also be considered as part of the TDM plan." Did you consider providing or supporting an existing shuttle service?

SCOTT SCHORK: I don't think so. I'm not familiar with… I don't recall that being something that we agreed to, but…

CHAIR HUDES: Okay. It was a suggestion in the TDM.

SCOTT SCHORK: Yeah, we're compliant with parking, so it wasn't like we were against it, but the project is compliant; it self-parks.

CHAIR HUDES: I understand it's not a parking issue, it's a traffic issue, which I will have some questions about traffic (inaudible) TDM.

SCOTT SCHORK: But I think we also reduced traffic with this development relative to what was previously approved on the project, being the dealership, the historical uses.

CHAIR HUDES: Okay. That's all the questions I have. Anyone else? Okay. Thank you very much. We will now close the public portion of the hearing and ask if

Commissioners have any questions of Staff or wish to comment? Commissioner Badame.

COMMISSIONER BADAME: I'll comment, and I'm going back to this Town Architect's report because there seems to be some discrepancy or some misunderstanding about the blocking of the views.

So, he provided Approach A, which meant eliminating the second floor development at the corner. Approach B stated, "Should Staff decide," blah-blah-blah-blah, "that the blockage of views to the hills would be minor, you could make these modifications," which is holding the second floor back at the corner. I don't know what Staff decided, but ultimately it comes to us and we make our decisions, and I don't see that the blocking of the hills, the views, is minor by any means.

To the Applicant's credit, he came back with a commercial project as opposed to a residential project. That's more befitting for this location, however, we can't make our decisions based upon economic feasibility, so for me I'm just having a real problem with the blocking of the views. I mean, we look at the Vision Statement in the General Plan and it says what makes Los Gatos special. Well, it's a strong sense of place, and what makes a strong sense of place? Well, a major component of that is the

backdrop of the mountains. We all hate being stuck in traffic. When you're traveling southbound as a lot of us go home the one palatable thing you have about being stuck in traffic is you can look at the backdrop of the mountains and you know that you're almost home, and there is some comfort in viewing that, and that's what makes us a special place. So, I'm having a difficult time with the blocking of views; it's a major thing for me at this point.

CHAIR HUDES: Thank you. Commissioner O'Donnell.

COMMISSIONER O'DONNELL: I'm concerned with the traffic, and it seems to me what's being done there, removing the pork chop there and that kind of thing and removing one lane of traffic, traffic is already awful everywhere and how it gets better by removing a lane eludes me; it gets worse.

So, I guess I go back to a fundamental issue. There is some ambiguity now as to whether this is mandatory, that this route affects not only this project but I suppose other projects. Their understanding is they had no discretion here, they had to comply with a mandatory requirement, so I'd like to ask you, was this a mandatory requirement? Or is it a requirement? In other words, requirements are mandatory.

MIKE WEISS: Mike Weiss, Associate Engineer. In reviewing the video from the October 18, 2016 Town Council meeting there was specific discussion about this very project and this very intersection. The question was asked if these improvements would be required with a future development project. The answer is, and was, yes. The improvements it listed in this report improve the safety of school children who bike and walk to school. The removal of the pork chop island, the widening of the sidewalk, the relocation of the crosswalk, those all helped to improve the safety. It shortens the crossing distance for children, as it was mentioned previously. It was noted in different reports that there are clusters of students who walk along both Shannon and Los Gatos Boulevard, so the widening of the sidewalk for both those (inaudible) will help with that. I believe there was discussion during that same Council meeting that the current pork chop island configuration doesn't allow for enough of a safe zone for large portions of students who cross the street to reside without being in the vehicular traffic areas.

COMMISSIONER O'DONNELL: To me it's a form of a taking, because you're saying we don't care what it costs, this is what you're doing to do. In this case, it's $900,000 at some point in time, and depending on how long

it takes it could go up. So, there is an ordinance and someplace it says what you're saying, is that correct?

MIKE WEISS: The Council reviewed and approved the report. I don't believe there's an ordinance, but there was during their discussion direction to implement these for future development projects.

COMMISSIONER O'DONNELL: Well, I guess I'll defer to Counsel. I don't understand how you could make something mandatory that there's no ordinance and the Council says it will be a great idea, let's do it, so what is it that we rely on to be able to enforce this?

LYNNE LAMPROS: I'm going to answer, and then I'm also going to ask Mr. Paulson to weigh in, but it's my understanding that the Safe Routes concept was accepted by the Council and is contemplated as being part of the Bike Pedestrian Master Plan. There is not an ordinance on it.

COMMISSIONER O'DONNELL: We all know we can have all kinds of master plans but it doesn't make it an ordinance, it doesn't make it enforceable, and yet we have a certain ambiguity here. The Applicant believes it was mandatory, and apparently you do too, but I'm asking a lawyer what is it we rely on for that, and so far I have not gotten an answer that I would go to court with, but perhaps I will.

JOEL PAULSON: I would say I'm not a lawyer, and you probably won't get an answer that you'll want to take to court, but the Town Council did in fact, as Ms. Lampros mentioned, adopt a Bicycle Pedestrian Master Plan which does include a number of improvements from the Safe Routes to School project. What I would say is if there is a concern on the part of the Planning Commission that maybe in this instance those improvements should be required, then that can always be part of any recommendation that moves forward.

Regarding the nexus and whether it's tied to an ordinance, it is not tied to an ordinance and we can get further clarification on that as well.

COMMISSIONER O'DONNELL: I think it's a great idea and I'd like to see it everywhere. All I'm saying is it's driving this project, and we've got a lot of people who don't like this project, and yet we're hearing from the Applicant part of the reason the project is the way it is is because we are forced to spend $900,000 on something that we have decided is not in an ordinance; it was a good idea that the Council thought was a good idea. I'm just saying someday somebody may raise that question, is it enforceable? In fact, it might be sooner than later, and so no, I'm not against the Safe Routes, in fact I'm in favor

of it, but to the extent that it now sandwiches what we're talking with this requirement, I get very nervous about it. If we were to say we don't like your project because of what the Safe Routes does to it and they said fine, we'll save the $900,000 and spend it on something else, we might have an answer here that would help the citizen sitting right here, but then people would become unglued because a lot of effort has gone into Safe Routes. So, I ask what's the law here, and I'm getting an answer of beats me.

LYNNE LAMPROS: It's a nexus requirement. The answer is that there would be a nexus requirement analysis.

COMMISSIONER O'DONNELL: But there's no finding here that the nexus of this is what is being required of this Applicant. We know that. To me it's a great lawsuit.

CHAIR HUDES: Okay. So, it sounds like we may need some more information from the Town Attorney before you would be comfortable supporting something like this?

COMMISSIONER O'DONNELL: I mean, I'm representing the Town, it's just that (inaudible) there's something we don't like about this project, but on the other hand, $900,000 is something that the Applicant could say gosh, we're doing all these things and you're laying all these costs on us, so we get torn between trying to make everybody happy, and so I just want to make sure if I shake

something it's going to withstand that, and very frankly, what I've heard tonight, not shake-proof.

CHAIR HUDES: Commissioner Burch.

COMMISSIONER BURCH: I'm going to add onto that, and then I have a couple comments.

I think on that same vein however, and understanding that as much is it impacting we would need to understand how many parking spaces could go away and how much square footage could go away to offset that and how would that aesthetically look? We may be making this statement, and I think just opened up a can of worms, for a minimal difference in the overall project. It's possible, we don't know. So, I'm saying that we have one value, we don't have the offsetting value, and I think that that is…

COMMISSIONER O'DONNELL: We're not going to get it either.

COMMISSIONER BURCH: I know.

COMMISSIONER O'DONNELL: That's the problem I have.

COMMISSIONER BURCH: I'm just putting it out there. And I have a couple more comments to make.

CHAIR HUDES: Please, go ahead.

COMMISSIONER BURCH: These corner lots on Los Gatos Boulevard are incredibly difficult. What we wind up

with is… You know, I think we've gone back and forth on other projects. Is it the back of the property? Is it the front of the property? But what we do ultimately have here, we do not measure from the curb, we measure from the property line.

We have a request here for a PD that allows for a lesser setback. I understand that aesthetically that probably won't look like what we think it will, because we do have this additional curb and bike lane, however, that instance of creating this extra depth isn't going all the way up and down the boulevard. This is a one-off, unique situation and I think we need to be careful as we as a planning commission look at this and say do we want to start allowing these really reduced setbacks down the boulevard? Because by having that we're basically going against a list of design principles that have been spelled out for us, somebody spent a lot of time with what the setbacks should be, that buildings located on corners should generally be limited to one story, the requirements for landscaping to soften between the buildings.

So, that's my worry here. I'm not even going to get into like architectural or anything, because I think the overreaching thing we have to decide is are we comfortable with starting down that path, and I'm not. I

mean, obviously I'm not going to speak about the views, I think everyone else can speak about the views, but I just think ultimately we've been given a list that we're supposed to look at, and we're not hitting a number of those.

CHAIR HUDES: I had a question, if I may, of Staff, relating to traffic. The first area I wanted to cover on traffic is the land change. My understanding, and tell me if I'm correct, the curb will move 10' to the west into an existing lane of Los Gatos Boulevard, is that correct?

MIKE WEISS: Approximately, yes.

CHAIR HUDES: Okay. So, do we expect that to help traffic on Los Gatos Boulevard to have this one property with a curb that's 10' and eliminating a lane?

MIKE WEISS: Again, this is something that came from the Safe Routes to School report that we all have already mentioned, but with us here today is our traffic peer review consultant, Chris Kinzel from TJKM, and he can speak to that.

CHRIS KINZEL: Good evening, nice to be here. Chris Kinzel at KJKM.

We did a peer review of the Applicant's traffic study in conjunction with the Town Staff. That was our role

in the project. I wasn't involved with or knew about this Safe Routes to School project before I worked on this project, but in my opinion it's a very positive thing for the Town, not only for pedestrians, but also for vehicular traffic along the street. That lane that's being eliminated is a lane that just started at that point. On the approach to that intersection there are two lanes. On the far side it's three lanes, now one of which is being taken away. I think the reason that third lane was there is because there's a free right turn lane coming from Shannon onto Los Gatos Boulevard, and so that's a natural place for traffic coming from Shannon to go.

On the other hand, that apparently has created some problems, because the Town has installed a sign that says, "No Right Turn on Red," so in effect there's no function of that free right turn lane anymore. You can only go when you have a green light, and when you have a green light the other street has a red light, so you've got an empty street of traffic going through there, so from a traffic standpoint it's probably better, but from a pedestrian standpoint it's dramatically better. The pedestrians now—and there are about 100 school-age pedestrians in the morning having to cross the street there and the first 12-15' is unprotected—there's nothing there

to keep them from traffic other than one sign that says, "No Turn on Red," and people's natural inclination to not run into pedestrians.

But now in the after condition the crosswalk will slide toward Roberts about 50' or 60' and be sort of connected with that signal, that intersection, rather than the Shannon signal. There's less going on there, so it's a better situation. It doesn't require, as was reported earlier, pedestrians to cross any more streets or anything; they're just sliding down closer to where they want to be anyway. So, that's an improvement by creating that, and that lane that's been eliminated, the third lane that just starts right there, only goes another couple of blocks and then it stops, it becomes a mandatory right turn lane, so there's no traffic capacity reduced as a result of that lane being taken away; it reduces the confusion at the intersection, in my opinion.

CHAIR HUDES: Okay, but there is a lane that is continuous from Shannon until the next large intersection.

CHRIS KINZEL: That's right, it's about three blocks.

CHAIR HUDES: So, for a portion of that, whatever the frontage is of this property, that lane will be

eliminated and then it will come back again, is that correct?

CHRIS KINZEL: That's correct, yes.

CHAIR HUDES: And is that a good practice for traffic flow, to eliminate a lane and then bring it back again?

CHRIS KINZEL: Well, in once sense it's not eliminating a lane, it's just extending the two lane section one more block.

CHAIR HUDES: But it's three lanes.

CHRIS KINZEL: No, I mean it's only two lanes approaching the intersection and three lanes beyond, and it's that third lane that's just been added that's being taken away, so through traffic just is unaffected by that. The only people that are affected by that are the people coming from Shannon and they still have the same number of lanes, one right and one left.

CHAIR HUDES: But there are several hundred feet of capacity on the boulevard that's being eliminated, correct?

CHRIS KINZEL: There's several hundred feet of pavement, yes, and you can call it capacity.

CHAIR HUDES: And have you seen the traffic there? Do you know whether that lane is actually used or

not, or are you saying that lane is not used, it doesn't matter?

CHRIS KINZEL: It's not heavily used, because there's nobody that would be using it other than the people that are coming from Shannon, and so when you're coming from Shannon and the lane is not there, there are still two lanes to turn into.

CHAIR HUDES: Okay. And when did you make that observation? Is that in the February 2018 part of the TIA, or was that in the October? I believe there were two…

CHRIS KINZEL: Our role was a peer review of the report itself.

CHAIR HUDES: Oh, okay, okay. So, again, my question is when did you observe that lack of traffic in that lane, that that lane was being…

CHRIS KINZEL: I personally… It was a staff person, person on my Staff, that did the field observation on it, so I did not observe it.

CHAIR HUDES: Okay. Yes, Commissioner O'Donnell.

COMMISSIONER O'DONNELL: I would just like the record to reflect that I've lived in this town, I don't know, 50 years. I drive that road all the time, and I use that third lane all the time whether I'm going to go straight ahead or whether I'm going to go right, so I will

not use that lane if it's not there, but if you remove part of it people will be moving over very quickly, because then they come to the right turn. So, what it's going to do is it's going cause a real problem with the right turn, and if you observe that and drive it every day, to say that taking that stretch of the road out will not have any impact except on the people turning right is not what is my observation for years.

CHAIR HUDES: I had a number of questions related to the TIA and the traffic study. Are you the right person to answer some of those questions?

CHRIS KINZEL: I could. The author of that study is here as well, Mr. Black.

CHAIR HUDES: Okay. Well, why don't I start with a couple of questions, then…

CHRIS KINZEL: See how far I can get.

CHAIR HUDES: Okay. When you do a traffic study, if there is a phenomenon that occurs on a periodic basis that's somewhat predictable but you don't know exactly what day, should you attempt to understand that traffic condition when you do the study?

CHRIS KINZEL: Yes.

CHAIR HUDES: Are you aware of the gridlock situation that occurs on some good weather days in the

summer and weekends that causes a backup that can extend from the downtown to approximately two miles away?

CHRIS KINZEL: I'm aware of that, yes.

CHAIR HUDES: Okay. If you included events like that in that traffic study could the LOS, which is I believe rated a C, be actually more like a D or an F if an event like that were included?

CHRIS KINZEL: It probably would. Most traffic studies, including the Town's requirements for a traffic study, are done during sort of standard, normal, everyday weekday time periods in order to not judge the absolute worst condition but to judge a more typical situation, so yes, there are times when conditions are worse than the typical weekday.

CHAIR HUDES: What's the right sample size for a traffic study? Is it one? Is it two? Is it five? What's the right sample size?

CHRIS KINZEL: Sample size in what sense?

CHAIR HUDES: Days that you evaluate the traffic as part of the study.

CHRIS KINZEL: Most traffic studies, when we do peak hour counts done during the cumulative periods a.m. and p.m., they're done on a single day, and that's a single weekday, and in fact usually a Tuesday, a Wednesday, or a

Thursday and not a Monday or a Friday or a weekend. The reason why one is typically acceptable is because the commute periods are somewhat repetitive, they're pretty similar from day to day. When we do weeklong counts with hoses and so on we can show that there's not much variation from day to day typically.

CHAIR HUDES: But would that also be the case if there are somewhat predictable events that are related to the weather and traffic routing? If you took it on a day that wasn't that particular day would you catch that fact that there's a gridlock situation going on?

CHRIS KINZEL: If you did it on one of those days, you certainly would. Again, the Town requirements say don't count when it's raining, and the main reason for that, I think, is because we only count during times when schools are in session, and school operations are affected by rainy weather. Traffic seems to be increased because more parents are dropping their kids off than typically, and they're moving more slowly because of the weather. So, if we did measure on those days, the conditions would be worse. If we used that as a guideline, that means we'd have a lower level of service and to correct that you'd do things that you might not want to do as a Town.

CHAIR HUDES: Right. My concern with this is that we have a situation that is somewhat predictable but is never captured in the traffic studies that we see, and my concern is that this isn't just an academic exercise but in fact a serious safety issue for the Town. If a gridlock occurs and is coincident with a fire or a personal safety emergency, we're going to have something that is much different than simply an academic exercise or a convenience factor. My understanding is that the methodology that was used is probably standard and adequate, but the sampling doesn't account for the kind of gridlock situations that we regularly have in town, and so unless I'm incorrect I think that the study misses that event that's occurring where the LOS may in fact be worse than what is reported in the report based on a sampling issue. Any reaction to that?

MIKE WEISS: The Traffic Impact Policy and the traffic impact analysis requires analysis of the traffic as generated by the project, and so what you're referring to is a regional issue. The traffic generated on warm weekends in the summer is not generated by the project, and the TIA studies what effect on traffic the project will have. When in compliance with the traffic impact policies it's been determined that this project does not create a significant

impact as defined by the Traffic Impact Policy in the General Plan.

CHAIR HUDES: But my understanding, and correct me if I'm wrong, is that under current ordinances there must be mitigation or a development cannot proceed if there is already an unacceptable level of service.

MIKE WEISS: The level of service as tabled in the traffic impact analysis shows that the project does not lessen the level of service below more than one level or below a D, and that's the measure by which we determine if there's a significant impact, and so by that, and by the General Plan, and by the Traffic Impact Policy, it's not a significant impact for the traffic that's generated by this specific project.

CHAIR HUDES: Okay. But we did hear testimony that the type of events that occur may not be reflected in the baseline that's being captured to start.

JOEL PAULSON: That's a hundred percent accurate, and if you're interested in that data, then we need to have the Town Council modify the Traffic Impact Policy.

CHAIR HUDES: Okay, thank you. I'm having trouble accepting a report with a sampling error like that. So, are there other comments or questions of Staff?

COMMISSIONER O'DONNELL: A comment. We're putting ourselves in, I think, a very difficult position because we have this matter before us and we're dealing with, as perhaps we should, other problems too. But simply dealing with their issues, which is what I came here tonight to do, some of the things I don't like about the project I balance against them telling me, gee whiz, we had to pay $900,000 because of something that I find out is questionable.

So, if we focus merely on… Merely is the wrong word. If we focus on their project tonight, which I think unless enough of us feel you can't do that, I'd kind of like to get back to just this project and to see if we could either approve it, or disapprove it, or approve it with some conditions, and I guess my concern is that I don't like the changes that we're making, i.e. the Town, to this project. For example, getting rid of that right turn and getting rid of that lane and moving the kids so they're going to… If you want to go to Fisher, you're going to go across the street, then go across another street, and then you're going to go to Fisher. That's what this is doing to it. I don't know that that's a good idea.

So, I would just simply invite my fellow Commissioners, if we can deal with this project how would we do it? And let's do it, or to say we can't do it because

something, and that will then bounce it up to the Council and they can figure out what they want to do.

CHAIR HUDES: Thank you. I believe the Town Attorney would like to speak.

LYNNE LAMPROS: Commissioner O'Donnell, you brought up some good questions and I wanted to try to address them a little bit better. As you know, Town Council doesn't sit in every meeting between an applicant and the Planning Department, and Town Council is not an applicant's attorney, it's the Town's attorney.

So, notwithstanding the characterization that came across tonight, I look to the evidence that's contained in Exhibit 6, which is the May 31, 2019 letter from STEM. In the last paragraph of the first page, the very last sentence, they note, "We have *agreed* to conform to the proposed offsite improvements for Safe Routes to School." It goes on to say they believe the cost will be higher than the Town's proposal, "However, if the Town of Los Gatos approves our project we will complete the work identified for the offsite improvements pertaining to Safe Routes. This is a major commitment and cost for a project this small," however they are doing it basically for the good of the community, safety of the children and families, and are willing to support the effort. So, there's a

voluntariness in this document that maybe didn't come across in the presentation.

COMMISSIONER O'DONNELL: I heard a quid pro quo. If you approve our project, we will pay you this. I mean, that could be called something else, but it isn't we'll do this for the community good, it is if you approve our project we will do it, if you don't approve our project we won't do it. Now, let me tell you, if it's mandatory, under what circumstances is it mandatory? I think we're hearing that it's kind of mandatory if you have a project. If you don't have a project, then it's not mandatory because you're not doing anything. So that's a classic, but usually that arises out of an ordinance where something is imposed. We don't have that, at least from what you've said. I don't disagree with what you've read and there it is, but it says if you approve this project we will do that, and that's a quid pro quo, and that's fine; that's the way I would read it too. (Inaudible) we get back to the question.

CHAIR HUDES: Commissioner Badame.

COMMISSIONER BADAME: I'll make a comment. I can't design this for the Applicant, and there appears to be some major siting issues and some financial parameters that what I'm hearing from the Applicant is they might not agree to what we might ask of them because it wouldn't

pencil out. So, for us trying to do a continuance and say do this, X, Y, and Z, which there might be a lot of X, Y, and Zs, the whole alphabet, that we might be better off denying it, but I'll look to my Commissioners for their comments.

CHAIR HUDES: Commissioner O'Donnell. Maybe one second.

SALLY ZARNOWITZ: Yes, I'd just like to remind the Commission that this is a recommendation to Council, so Council has the designation on this and the Planning Commission would make a recommendation. Thank you.

CHAIR HUDES: Thanks.

COMMISSIONER O'DONNELL: All I was going to say was it's conceivable to me to approve the project were it changed, right? I think that's sort of a simple statement, because obviously if something is changed it depends how it's changed, and if we could focus on what we would want changed then we could determine whether that's something likely to occur or not to occur or whether it's reasonable or not.

The project itself, under the zoning and everything else, they have a certain right to develop that property and they have a certain density that they can have. I believe they're coming within both of those things.

On the other hand, we have a right to ameliorate problems that would otherwise arise; that we're going to do. But if we believe that they're not putting in any more square footage that they would be allowed to put in, all those things, then we probably have to… Well, somebody will have to approve it. We have an opportunity now to condition it to make it better than it would otherwise be, or as you say, we can just say we recommend to the Council they deny it, but if I were the Council I'd say thank you very much and then I would deal with the problem. I wonder if we're avoiding the problem by saying oh goody, we can deny it and let the Council worry about it. It's a really tough problem. These people, I believe, have rights, but so does everybody else in town have rights, and our job I think is to see if we can balance those rights, and I kind of feel at the moment we're not doing that.

CHAIR HUDES: Commissioner Burch.

COMMISSIONER BURCH: That is part of why I was asking through different scenarios of what they researched to understand perhaps what we could ask for or where we could look at going. If you were going to ask me specifically if I were going to recommend denial it would be because of the setback issue very specifically, and the views, but I think those two maybe go a bit hand in hand

also, but I'm not sure. I don't think I can recommend how they fix it because I'm hearing also the conundrum they're in of it's a confined spot, we're on a corner, we've got parking spaces to square footage, so I don't know, having asked through some different scenario questions and understanding they had looked at them, and I don't know what else to recommend beyond that unless you've got a better way to word it.

CHAIR HUDES: Commissioner O'Donnell.

COMMISSIONER O'DONNELL: One thought I guess I have is if the Safe Routes didn't exist, and I realize it does, a lot of good work and it's a good thing, but let's just assume for the moment it didn't exist and they came in and said this is the project we want. I think we'd say we want a 15' setback and if you do the 15' setback that's moving towards approval, right? But, we're very concerned about visual. And then we could talk about how it would like to limit the visual. At the moment we're not getting past anything, and I think because we're in a conundrum because we don't know what to do with the Safe Routes. The Safe Routes will only be accepted by these people if the project is approved. That's going to cost them $900,000 and it will move the goalposts on the setback.

We're almost in an impossible situation. If we were to say we'd approve the project but for this problem with the setback, which is caused by what they've agreed to do, I mean, it gets very, very confusing. So maybe if we're unable to decide tonight, and it sure sounds like that, maybe what we ought to say is—and I'll defer to Counsel—you have to deny, or do you say we cannot reach a decision for the reasons we've stated, we just can't reach a decision. Some of those decisions are solely within the Council's purview. For example, is this a requirement? Isn't this a requirement? Why is it a requirement? I'm in no position to second guess them on that.

CHAIR HUDES: I would just maybe add a comment to that, that the elimination of a lane on the boulevard as a result of this project is something that may be an unintended consequence of the Safe Routes to School that maybe hasn't been fully thought through, but I would be very uncomfortable as a member of the Planning Commission with saying that we need to start doing this to implement this throughout the Town as well, and the reason for the 10', from what I can see, is to allow a reasonable setback to the building by moving that curb forward.

The issue that I have with that is that it's going to impact people way beyond the neighbors who have

been notified about this project, and I don't know whether there has been notification of everyone in Town who is going to be affected by the elimination of a lane there, and I haven't heard compelling evidence that says that that will improve traffic. I've heard some statement that it won't make it worse, but I'm not sure that that meets with my own personal experience, which is very frequent on that boulevard and on that corner.

So, I would be very uncomfortable with approving a project, and I don't know that there's a way to do that, but the one thing that does strike me is that one of the constraints on this is that the developer seems to be unwilling to do anything with that building in the back as part of the development, and perhaps there are configurations of a two-story, one-story building on that lot that might incorporate that space, because that stands alone and it has space around it. If that were part of a bigger building perhaps the parking wouldn't be as challenging, because there is some sort of dead space there that isn't being used for parking or anything else.

So, I'm not convinced that all of the scenarios have been explored and that we have one before us that's an alternative that we could even discuss. Commissioner O'Donnell.

COMMISSIONER O'DONNELL: Well, that would argue for sending it back, and I would not be in favor of sending it back. I empathize that if I were sitting out there I would have no clue what I'm being asked to do, and on the other hand, sitting where I'm sitting we have serious problems that we cannot solve, so I guess the question I have, there are four of us I guess if I counted correctly, so we need three votes that either says send it up and tell the Council we cannot make a decision for the reasons stated, turn it down, or send it back, which is somewhat suggested by what you're saying. I don't favor sending it back to them, because I don't think they've got enough guidance to do anything, so I personally would like to see us get a motion now, because I don't think we're getting anywhere. I personally think the things we've said have been very good and helpful, but I think we're now at a point where we ought to either send it on or redo it, and I am not in favor of asking them to redo anything.

So, is anybody inclined to make a motion? I mean, I will if…

COMMISSIONER BURCH: I will.

COMMISSIONER O'DONNELL: Okay.

COMMISSIONER BURCH: Well, I think Matthew (inaudible).

CHAIR HUDES: No, I would just say that I am not inclined to send it back because although I think the issue about the views and the boulevard are the big issues, I don't know as any suggestions that I could make to the Applicant would then result in something better.

COMMISSIONER O'DONNELL: Going to make a motion?

COMMISSIONER BURCH: Yeah. I'm going to make a motion, but I'm going to ask my fellow commissioners to weigh in with some of these, because I have not been able to capture…there are some very good points.

First off, I'm going to say we're definitely not going to ask you to come back, because I agree, I don't know what we'd ask you to come back with and I think that there are circumstances outside of your control that are driving some of the decisions that you're making, so for the sake of moving us on and potentially getting some answers from Council, I'm going to recommend denial of Planned Development Application PD-17-002 and Negative Declaration ND-19-002 located at 16212 Los Gatos Boulevard.

I'm recommending denial based on concerns for the setbacks, based on concerns for the hillside views, based on concerns that seem to stem around whether there is a requirement for the modifications that are being made based on Safe Routes to School, and then attached to those

requirements serious concerns about how that's going to impact traffic on Los Gatos Boulevard by losing a lane. Have I mostly captured what we've said here? Anybody have anything else?

CHAIR HUDES: Commissioner O'Donnell.

COMMISSIONER O'DONNELL: I suppose we should first find out if there's a second, it just occurred to me.

COMMISSIONER BURCH: Oh, sorry.

COMMISSIONER O'DONNELL: Is there a second? I'm not going to second.

CHAIR HUDES: Commissioner Badame.

COMMISSIONER BADAME: Second.

COMMISSIONER O'DONNELL: My feeling was that I could support a motion to send it up to Council without a decision being made, because I personally cannot make a decision. I think the Safe Routes to School is a very big issue here and we have no control over that. I don't even really understand it as applied here.

On the other hand, I don't see anything intrinsically wrong with the proposal to develop the property; there's nothing wrong with developing their property. They're troubled by the fact that they have to spend all this money and whatever. A simple thing would be to say build whatever you're going to build, have a 15'

setback, work it out. I mean, if you did that, you could do that, but we can't ignore the Safe Routes to School.

So, we can't say 50' setback, forget the Safe Routes to School, and come back. That doesn't fly. Therefore, I don't have enough information… I would not want to say to their project I want to deny your project, I want to say to the project I don't know how I can either intelligently deny it or approve it until we figure out what we're doing. Is the die cast with the Safe Routes to School so that we know there it is, you can't do anything about it, now we can decide do you want an additional setback in addition? It's a crazy setback, because depending on where you run the setback from, the property line or wherever it is, it gets very confusing. So, I personally would sure like some guidance from the Council as to what they want us to do with the Safe Routes to School, and as the Chair says, this probably won't be the last time we run into this problem.

I know a lot of work went into this, and a lot of good work went into it, but until you apply it in a factual situation like ours, you probably weren't able to deal with that problem.

CHAIR HUDES: Maybe just ask a question of Staff quickly. Is one of the options that's available the one

described by Commissioner O'Donnell, that is to send it forward with being unable to reach a recommendation?

LYNNE LAMPROS: I think that the effect of saying we're sending it forward with neither a yea or a nay is tantamount to a nay, and I think that the clean option is to simply recommend denial, the Council will review the minutes and will understand your concerns and reasons behind it, that it's not necessarily an outright no, it's more we cannot proceed.

COMMISSIONER O'DONNELL: Would it be possible to simply say, "I make a motion we deny the project," period, without stating a…and to say the reasons stated in the record? The problem I have with the motion before us is it states a very limited concept that I don't totally agree with because of my inability to deal with the Safe Routes to School, because no matter what people do after your motion, they can't rectify and satisfy, whereas if we get the Council to say you must observe that, or we see what the problem is, then something might be able to be done. In any event, I could support a motion that says, "We move to deny this matter on the basis stated in the record," period, and let them look at it.

LYNNE LAMPROS: I understand what you're saying, and again, the language would be that you recommend a

denial of the application, and you could say, "for the matters stated in the hearing". I think what you're articulating is that to attach any explanation almost limits the universe of the reason to that explanation; it might have missed something.

COMMISSIONER O'DONNELL: Right.

LYNNE LAMPROS: And I don't think you need it. It's not like you're attaching Conditions of Approval, but I'll defer to Staff on that also, if they have anything else to say.

CHAIR HUDES: Commissioner Badame.

COMMISSIONER BADAME: I have a question. So, would an alternative be, if that doesn't get approved by the Maker of the Motion to amend it, is just looking at Exhibit 3 we have to make a certain number of findings here, and just say we cannot make the findings for Exhibit 3, which is CEQA, consistency with the Town's General Plan, required compliance with Commercial Design Guidelines, compliance with the Los Gatos Boulevard Plan? I would also add in that you cannot make the finding for a Planned Development Overlay Zone, which wasn't included. That's just a thought and a question.

JOEL PAULSON: So, through the Chair, yes, obviously that is an option. Typically, we want to have,

and the Council will get verbatim minutes of the meeting tonight, whether it's in the motion or whether you just state because you can't make any of the findings without any supporting facts.

Those are definitely options. Obviously it's typically helpful to have some of those facts. I think Commissioner Burch has laid out a number of items that she has concerns. Commissioner O'Donnell doesn't feel that's encompassing enough for what his thoughts are, and so yes, there are many iterations of that, but the number three that you just mentioned is also an option.

COMMISSIONER BURCH: Well, I guess I feel like what I said did include that there is a domino effect based on the Safe Routes. I just highlighted a couple of them that have been brought up specifically in this meeting that dealt with the setback and the height, so I feel like if I was Council I would get that there may be a catalyst to the other points, and that catalyst being is the Safe Routes required or not? If they don't do it, what would the impact to the project be? I think I'm going to leave it that way because I have heard repeatedly from people two things as I was writing it down, and those seem to be the major components that got driven by this decision, maybe—and again, we don't really know how much that impacted the

project, we're assuming it's a massive change, we don't know—so that those two points are heard by the Council as some of the main concerns of what happened with this. I think I would leave it because I actually feel like I've covered that.

SALLY ZARNOWITZ: So, a question would be would the motion be including these things? Versus on the basis only of these, is the motion including these?

COMMISSIONER BURCH: Including the comments that we are unable to make a determination based on how the Safe Routes…

SALLY ZARNOWITZ: Sorry, as I heard the motion it was recommend denial on the basis of concerns for setbacks, hillside views, that stem on the question of Safe Routes to School, so is it on that basis or is it including?

COMMISSIONER BURCH: Yeah, including.

SALLY ZARNOWITZ: Okay.

COMMISSIONER BURCH: Yeah, I don't want it to be limited to that basis. I understand.

SALLY ZARNOWITZ: Thank you.

LYNNE LAMPROS: Including but not limited to, as we attorneys like to say.

CHAIR HUDES: And I want to be careful here that we're not involved in a punt to Council situation that

actually came up, I think, two years ago where there actually I thought were guidelines and standards that could have been followed, but we decided it was best just to go directly to Council. This one is different, and it's different because of the Safe Routes to School, and the implication of closing a lane of Los Gatos Boulevard for a single development without thinking through the rest of that concerns me that an issue that really needs to be looked at is the interaction of Safe Routes to School and the curb situation and the lane size of Los Gatos Boulevard that I think is beyond the purview of the Planning Commission. I'm differentiating in that situation, so I would be in support of a motion that includes but not limited to.

And the other reason I would state that is if there were things that were mentioned as well, such as the Applicant treating the rear building as a given and a constraint where maybe they could have ameliorated some of the other issues with the views and the setbacks if they had reconfigured the property as well. So, there were a number of other things in the record that I think can be brought in if it's an include type of a thing.

We need the seconder, I think, to accept that language.

COMMISSIONER BADAME: Yes, I accept the language.

CHAIR HUDES: Okay. Further discussion? Okay, I'll call the question. All in favor. Opposed? So, it passes 4-0. Are there appeal rights regarding this item?

SALLY ZARNOWITZ: Thank you. No, there are not as this is a recommendation to Council.

CHAIR HUDES: Okay, thank you very much.

ENGINEERS . SURVEYORS . PLANNERS

July 18, 2019

Ryan Safty
Associate Planner
Town of Los Gatos
110 E. Main Street
Los Gatos CA 95030

Subject: **16212 Los Gatos Blvd**
2017/2019 - Building Setback Exhibits

Dear Mr. Safty:

BKF prepared two setback exhibits associated with the proposed commercial development at 16212 Los Gatos Blvd. The purpose of the exhibits is to show that the proposed project is consistent with the setbacks of existing buildings along Los Gatos Blvd, in the general vicinity of the proposed project. The term "setback" in these exhibits refers to the dimension measured from the Los Gatos Blvd curb face to the closest ground-floor building face. The measurements were taken from the face of the buildings, excluding minor trim projections and roof eves. I personally performed the measurements June 11, 2019.

2017 EXHIBIT

The 2017 exhibit presents setbacks to existing buildings as well as setbacks to the proposed building as presented to the Town in 2017. The setback from Los Gatos Blvd to the proposed commercial building in 2017 was 24'-2". This exhibit also shows the public sidewalk widths along Los Gatos Blvd and Shannon Road prior to the implementation of the Safe-Routes-To-School initiative. Los Gatos Blvd included an 8' sidewalk with no landscape strip and Shannon Road included a 10' sidewalk with no landscape strip.

2019 EXHIBIT

The 2019 exhibit presents setbacks to existing buildings as well as setbacks to the proposed building as presented to the Town under the current proposal. The setback from Los Gatos Blvd to the proposed commercial building as presented in 2019 is 24'-8". This is 6" more than presented with the 2017 proposal. It should be pointed out that the setback along Los Gatos Blvd is measured from the proposed face of curb, which will shift 10' west (towards the median) due to the elimination of the outside travel lane. The removal of the travel lane is a requirement of the Safe-Routes-To-School initiative. The resultant setback of 24'-8" along Los Gatos Blvd is a greater setback than the three buildings to the north of the proposed project: Edward Jones, Magneson Loop Residential and KFC/Taco Bell as depicted on the exhibit.

This 2019 exhibit also shows the public sidewalk widths along Los Gatos Blvd and Shannon Road AFTER the implementation of the Safe-Routes-To-School initiative. Los Gatos Blvd and Shannon Road now include 10' sidewalks with a 4' landscape buffer to separate pedestrians from traffic. The sidewalk width along Los Gatos Blvd increased 2' in width compared to the 2017 proposal. Both Los Gatos Blvd and Shannon Road now include a 4' landscape buffer which was not part of the 2017 proposal.

1730 N. First Street, Suite 600, San Jose, CA 95112 | 408.467.9100

The Safe-Routes-To-School initiative also required reconfiguration of the traffic signal at Shannon Road and Los Gatos Blvd as presented in the 2019 Exhibit. The pork-chop island at the northeast corner of Los Gatos Blvd and Shannon Rd was eliminated as a result of the required lane drop on northbound Los Gatos Blvd. This is a much safer condition for pedestrians attempting to cross Los Gatos Blvd.

I hope this letter clarifies the setbacks and identifies the Safe-Routes-To-School improvements/benefits to the community.

Sincerely,

BKF Engineers

Scott R. Schork

Scott R. Schork, P.E.
Principal/VP

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

ORDINANCE

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE TOWN CODE EFFECTING A ZONE CHANGE FROM CH TO CH:PD FOR PROPERTY LOCATED AT 16212 LOS GATOS BOULEVARD (APNs: 523-06-010 and 523-06-011)

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning on property located at 16212 Los Gatos Boulevard (Santa Clara County Assessor Parcel Number 523-06-010 and 523-06-011) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from CH (Highway Commercial) to CH:PD (Highway Commercial, Planned Development).

SECTION II

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

A. A Negative Declaration (ND) was completed for the proposed development and no significant impacts are associated with the application. The ND is adopted.

SECTION III

The PD (Planned Development Overlay) zone established by this Ordinance authorizes the following construction and use of improvements:

1. Lot merger of two adjoining lots into one lot.
2. Construction of a two-story mixed-use commercial building.
3. Landscaping, parking, and right-of-way improvements shown and required on the Official Development Plans.
4. Dedication of easements to the Town of Los Gatos as shown on the Official Development Plans.
5. Uses permitted are those specified in the CH (Highway Commercial) zone by Sections 29.60.420 (Permitted Uses), as it exists at the time of the adoption of this Ordinance, or as they may be amended in the future.

SECTION IV

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS:

All provisions of the Town Code apply, except when the Official Development Plan specifically shows otherwise.

SECTION V

Architecture and Site Approval is required before construction of the new mixed-use commercial building, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.110 (PD Ordinance) of the Town Code.

SECTION VI

The attached Exhibit A (Map), and Exhibit B (Official Development Plans)**,** are part of the Official Development Plan. The following performance standards must be complied with before issuance of construction permits:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. OFFICIAL DEVELOPMENT PLANS. The Official Development Plans provided are conceptual in nature. Final building footprints and building designs shall be determined during the Architecture and Site approval process. Colors and building materials shown on the Official Development Plans are not approved and shall be reviewed during the Architecture and Site application approval process.
2. TOWN INDEMNITY. Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
3. ARCHITECTURE AND SITE APPROVAL REQUIRED. A separate Architecture and Site (A&S) application and approval is required for the mixed-use commercial building. The Architecture and Site applications shall be reviewed by the Development Review Committee. Architectural details shall be refined as part of this process with input from the Town's Consulting Architect.

4. FINAL LANDSCAPE PLAN. A final landscape plan shall be reviewed by the Town's Consulting Landscape Architect and approved as part of the Architecture and Site process.
5. WATER CONSERVATION ORDINANCE REQUIREMENT. The proposed landscaping shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review prior to the issuance of a building permit.
6. SETBACKS. The minimum setbacks are those specified by the CH zoning district or as otherwise shown on the Conceptual Development Plans.
7. BUILDING HEIGHT. The maximum height of the new mixed-use commercial building shall be 29 feet, 11 inches, as specified on the Conceptual Development Plans.
8. BUILDING FLOOR AREA. The maximum floor area for the project site, including the existing building to be retained, shall be 13,629 square feet, as specified on the Conceptual Development Plans.
9. OUTDOOR LIGHTING. All exterior building and outdoor lighting shall be shielded and directed away from neighboring properties, to shine on the project site only. Lighting shall be the minimum needed for pedestrian safety and security. Lighting specifications shall be reviewed as part of the Architecture and Site process.
10. TREE PRESERVATION: All recommendations of the Town's Consulting Arborist shall be followed. Refer to the report prepared by Walter Levison, dated November 20, 2017, for additional details. The Arborist Consultant shall reevaluate the plans for the new mixed-use commercial building during Architecture and Site review.
11. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for trees approved for removal prior to the issuance of building permits.
12. REPLACEMENT TREES. New trees shall be planted to mitigate the loss of trees being removed. The number of trees shall be determined using the canopy replacement table in the Tree Protection Ordinance. New trees shall be double staked and shall be planted prior to final inspection and issuance of occupancy permits.
13. TREE FENCING. Protective tree fencing shall be placed at the drip line of existing trees and shall remain through all phases of construction. Refer to the report prepared by Walter Levison, dated November 20, 2017, for requirements. Fencing shall be six-foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart. Include a tree protection fencing plan with the construction plans.
14. NESTING BIRDS: To avoid impacts to nesting birds, the removal of trees and shrubs

shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction starts, if work is scheduled to start or if work already occurring during the nesting season stops for at least two weeks and is scheduled to resume during the bird nesting season, then a qualified biologist shall conduct a pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project construction. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 14 days prior to start of construction, with the second survey conducted with 48 hours prior to start of construction. Appropriate minimum survey radius surrounding each work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

15. SPECIAL-STATUS BATS: Approximately 14 days prior to tree removal or structure demolition activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that may be disturbed by the project. These surveys will include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or

roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.

If no roosting sites or bats are found, a letter report confirming absence will be prepared and no further measures are required.

If bats or roosting sites are found, a letter report and supplemental documents will be prepared prior to grading permit issuance and the following monitoring, exclusion, and habitat replacement measures will be implemented:

a. If bats are found roosting outside of the nursery season (May 1 through October 1), they will be evicted as described under (b) below. If bats are found roosting during the nursery season, they will be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats will be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the CDFW) will be established around the roosting site within which no construction activities including tree removal or structure disturbance will occur until after the nursery season.

b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures scheduled to be disturbed by project activities, the individuals will be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction.

   If needed, other methods conducted under the direction of a qualified bat biologist could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or

snags and disturbance of any structures will be conducted no earlier than the following day (i.e., at least one night will be provided between initial roost eviction disturbance and tree removal/structure disturbance). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

16. ARCHAEOLOGICAL RESOURCES AND HUMAN REMAINS:
    a. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.
    b. If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines the remains are not subject to his authority, he will notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.
    c. If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in CEQA Guidelines Section 15064.5(e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.
    d. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
17. FINAL UTILITY LOCATIONS. The applicant shall submit plans showing the final locations and screening of all exterior utilities, including but not limited to, backflow preventers, Fire Department connections, transformers, utility boxes and utility meters. Utility devices shall be screened to the satisfaction of the Director of Community Development. The plans shall be submitted for review and approval prior to issuance of building permits for new construction.

18. PLAN INCONSISTENCY. Any inconsistencies between sheets shall be limited to whichever is more restrictive.
19. GENERAL PROVISIONS. This Planned Development shall comply with provisions in Article V of Chapter 29 Town Code, unless more restrictive provisions are required in other performance standards for the subject Planned Development.

Building Division

20. PERMITS REQUIRED: A Building Permit is required for the construction of the new two-story commercial building. An additional Building Permit is required for the renovation of the existing single-story commercial building.
21. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2017, are the 2016 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12. The Town of Los Gatos will be adopting the updated 2019 California Building Standards Code to be effective January 1, 2020. Any Building Permit application made after January 1, 2020 will be required to comply with the newly updated and adopted codes.
22. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
23. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
24. SIZE OF PLANS: Submit four sets of construction plans, minimum size 24” x 36”, maximum size 30” x 42”.
25. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the Air District’s J# Certificate, PG&E verification, and three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
26. AIR QUALITY: To limit the project’s construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-

recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:

a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes. Clear signage shall be provided for construction workers at all access points.

b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112.

c. Developer shall designate an on-site field supervisor to provide written notification of construction schedule to adjacent residential property owners and tenants at least one week prior to commencement of demolition and one week prior to commencement of grading with a request that all windows remain closed during demolition, site grading, excavation, and building construction activities in order to minimize exposure to NOx and PM10. The on-site field supervisor shall monitor construction emission levels within five feet of the property line of the adjacent residences for NOx and PM10 using the appropriate air quality and/or particulate monitor.

27. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.

28. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.

29. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:

a. Building pad elevation
b. Finish floor elevation
c. Foundation corner locations
d. Retaining wall(s) locations and elevations

30. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
31. SITE ACCESSIBILITY: At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance that they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect all accessible buildings, facilities, elements and spaces that are on the same site.
32. ACCESSIBLE PARKING: The parking lots, as well as the parking structure, where parking is provided for the public as clients, guests or employees, shall provide handicap accessible parking. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
33. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
34. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
35. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
36. BLUE PRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be

part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of $2 or at ARC Blue Print for a fee or online at www.losgatosca.gov/building.

37. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks & Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407
    e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

Engineering Division

38. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Developer's expense.
39. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
40. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for

any necessary work to establish the use and/or occupancy consistent with that intended.

41. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over $5,000 will require construction security. It is the responsibility of the Developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.

42. PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY (INDEMNITY AGREEMENT): The property owner shall enter into an agreement with the Town for all existing and proposed private improvements within the Town's right-of-way. The Owner shall be solely responsible for maintaining the improvements in a good and safe condition at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Director of Parks and Public Works, and subsequently recorded by the Town Clerk at the Santa Clara County Office of the Clerk-Recorder, prior to the issuance of any grading or building permits. Please note that this process may take approximately six to eight (6-8) weeks.

43. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.

44. PUBLIC WORKS INSPECTIONS: The Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of work that went on without inspection.

45. RESTORATION OF PUBLIC IMPROVEMENTS: The Developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or

replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

46. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
47. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
48. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
49. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any permits.
50. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Developer's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
51. PARKING: Any proposed parking restriction must be approved by The Town of Los Gatos, Community Development Department.
52. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Developer.
53. GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). After the preceding Architecture and Site Application has been approved by the respective deciding body, the grading permit application (with grading plans and associated required materials and plan check fees) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall

location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off and closing out on the issued grading permit, the Developer's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

54. DRIVEWAY: The driveway conforms to existing pavement on both Los Gatos Boulevard and Shannon Road shall be constructed in a manner such that the existing drainage patterns will not be obstructed.

55. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading or building permits, the Developer shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.

56. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.

57. PRECONSTRUCTION MEETING: Prior to the commencement of any site work, the general contractor shall:
    a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
    b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.

58. GENERAL: The Developer shall comply with all Town, County, State and Federal laws and regulations applicable to this land division.

59. CERTIFICATE OF LOT MERGER: A Certificate of Lot Merger shall be recorded. Two (2) copies of the legal description for exterior boundary of the merged parcel and a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure

calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded before any grading or building permits may be issued.

60. DEDICATIONS: The following shall be dedicated by separate instrument. The dedication shall be recorded before any permits are issued:
    a. Public Utility Easement (PUE): Five (5) feet wide, along to the property's Los Gatos Boulevard and Shannon Road frontages.
    b. Public Access Easement (PAE): Five (5) feet wide, along the property's Shannon Road frontage.

61. SOILS REPORT: One copy of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.

62. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, concrete slab-on-grade construction, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.

63. SOILS REVIEW: Prior to Town approval of a development application, the Developer's engineers shall prepare and submit a design-level geotechnical/geological investigation for review by the Town's consultant, with costs borne by the Owner/Applicant, and subsequent approval by the Town. The Developer's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The Developer's soils engineer must review the geotechnical elements of all final Plans and Specifications for conformance with the recommendations in their report and submit a Plan Review Letter which conveys their approval to the Town prior to issuance of grading or building permits.

64. SOILS ENGINEER CONSTRUCTION OBSERVATION AND TESTING: The Developer's soils engineer must provide observation and testing of the geotechnical elements of the project during construction. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Developer's soils engineer and submitted to the Town before a certificate of occupancy is granted.

65. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the project's design-level geotechnical/geological investigation as prepared by the Developer's engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Developer.

66. IMPROVEMENT AGREEMENT: The Owner/Applicant shall enter into an agreement to construct public improvements in accordance with Town Code Section 24.40.020. The Owner/Applicant shall supply suitable securities for all public improvements that are part of the development in a form acceptable to the Town in the amount of 100% performance and 100% labor and materials prior to the issuance of any encroachment, grading or building permit. The Owner/Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department. A copy of the executed agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any grading or building permits.

67. WATER METER: The proposed water meters, currently shown within the Shannon Road right-of-way, shall be located within the property in question, directly behind the public right-of-way line. The Owner/Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.

68. SANITARY SEWER CLEANOUT: A sanitary sewer lateral clean-out shall be installed at the property line, if one does not already exist within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town. The Owner/Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.

69. PUBLIC IMPROVEMENTS: The following improvements shall be installed by the Developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of any grading or building permit or the recordation of a map. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.

    a. Shannon Road

        i. Curb, gutter, sidewalk, street lights, signing, striping, traffic signal, storm

drainage and sanitary sewers along the property frontage as directed by the Town Engineer.

ii. Remove and replace the existing pavement section along the project frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the project (north) side, or alternative pavement rehabilitation measures as approved by the Town Engineer.

b. Los Gatos Boulevard

i. Curb, gutter, sidewalk, street lights, signing, striping, traffic signal, storm drainage and sanitary sewers along the property frontage as directed by the Town Engineer.

ii. Remove and replace the existing pavement section along the project frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the project (east) side.

70. SHANNON ROAD SIDEWALK AND PLANTER STRIP: The project will be required to provide a 10-foot sidewalk and 5-foot detached planter strip unless otherwise approved by the Town Engineer along the Shannon Road frontage in accordance with the Town's Pedestrian and Bicycle Master Plan. The developer will provide a 5-foot wide Public Access Easement (PAE) along the Shannon Road frontage to include the portion of the public sidewalk that is located on private property. No right-of-way dedication or public street easement will be required. Installation of a vertical curb at the back of walk may be necessary to separate the pedestrian zone from the stormwater treatment area immediately adjacent to the back of walk. Said curb will be located outside the 5-foot PAE. The proposed 5-foot Public Utility Easement (per COA 23) will overlap with the 5-foot PAE. Stormwater treatment will be permitted within 5 feet of the property line provided the bio-retention areas are lined to prevent seepage into the Town's property. The responsible engineer in charge will provide a stamped and signed letter stating facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, sidewalk, etc.) will not be adversely affected.

71. CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.

72. GREEN INFRASTRUCTURE MEASURES: Projects which propose work within the Town's right-of-way, including but not limited to pavement restoration, street widening, construction of curb, gutter and/or sidewalk, right-of-way dedication, etc., will be

evaluated by Staff to determine its potential for the implementation of Green Infrastructure measures and associated improvements.

73. FRONTAGE IMPROVEMENTS: The Developer shall be required to improve the project's public frontage (right-of-way line to centerline and/or to limits per the direction of the Town Engineer) to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approach(es), curb ramp(s), signs, pavement, raised pavement markers, thermoplastic pavement markings, storm drain facilities, traffic signal(s), street lighting (upgrade and/or repaint) etc. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

74. GREEN BICYCLE FACILITIES: The Developer shall install green bike lanes and bike boxes in all directions of improved streets and intersections as directed by the Town Engineer. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

75. ADA COMPLIANCE: The Developer shall be required to meet all ADA standards, which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. This may require additional construction measures as directed by the Town.

76. PARKING LOTS: Parking lots and other impervious areas shall be designed to drain stormwater runoff to vegetated drainage swales, filter strips, and/or other Low Impact Development (LID) treatment devices that can be integrated into required landscaping areas and traffic islands prior to discharge into the storm drain system and/or public right-of-way. The amount of impervious area associated with parking lots shall be minimized by utilizing design features such as providing compact car spaces, reducing stall dimensions, incorporating efficient parking lanes, and using permeable pavement where feasible, and adhering to the Town's Parking Development Standards. The use of permeable paving for parking surfaces is encouraged to reduce runoff from the site. Such paving shall meet Santa Clara County Fire Department requirements and be structurally appropriate for the location.

77. UTILITIES: The Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply

approval for final alignment or design of these facilities.

78. TRENCHING MORATORIUM: Trenching within a newly paved street will be allowed subject to the following requirements:
    a. The Town standard "T" trench detail shall be used.
    b. A Town-approved colored controlled density backfill shall be used.
    c. All necessary utility trenches and related pavement cuts shall be consolidated to minimize the impacted area of the roadway.
    d. The total asphalt thickness shall be a minimum of three (3) inches, meet Town standards, or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of one-half (½) inch medium asphalt. The initial lift(s) shall be of three-quarter (¾) inch medium asphalt.
    e. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
    f. A slurry seal topping may be required by the construction inspector depending their assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend five (5) feet beyond the longitudinal limits of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations. All pavement restorations shall be completed and approved by the Inspector before occupancy.

79. SIDEWALK REPAIR: The Developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

80. CURB AND GUTTER REPAIR: The Developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of

stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

81. DRIVEWAY APPROACH: The Developer shall install two (2) Town standard commercial driveway approaches. The new driveway approaches shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.

82. CURB RAMPS: The Developer shall construct four (4) curb ramps in compliance with ADA Standards and remove an existing curb ramp, all of which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.

83. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.

84. FRONTAGE IMPROVEMENTS (TRAFFIC): The Developer shall construct improvements including and may not be limited to signage, striping, curb/gutter/sidewalk, ADA ramps, pedestrian crosswalk, street lights, and traffic signals at the project frontage as directed by the Town Engineer. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.

85. FRONTAGE IMPROVEMENTS (SIGNALIZED INTERSECTION): The Developer shall upgrade existing traffic signals to current Town standards including, and may not be limited to, LED signal indication, ADA pedestrian signal and pushbuttons, video detection system, signal controller, fiber optic traffic communication, Emtrac fire preemption device, LED intersection lighting as directed by the Town Engineer. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance

of any grading or building permits unless otherwise allowed by the Town Engineer.

86. TRAFFIC IMPROVEMENTS (OFF-SITE IMPROVEMENT): Traffic improvements may be required as determined by the required traffic study. Construct off-site improvements as required. Plans shall be prepared by the Developer's design professionals and submitted to the Town Engineer for approval prior to construction. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.

87. TRAFFIC IMPROVEMENTS (COMPLETE STREET): The Developer shall be required to improve the Los Gatos Boulevard/Shannon Road/Roberts Road intersection as delineated in the Los Gatos Safe Routes to School Plan, Bicycle and Pedestrian Master Plan and General Plan Complete Street elements. These improvements may include but are not limited to:

    a. Reduction of the northbound travel lanes on Los Gatos Boulevard between Shannon Road and Magneson Loop from three (3) lanes to two (2).
    b. Widening of the sidewalk along northbound Los Gatos Boulevard to a width of ten (10) feet between Shannon Road and Magneson Loop and installation of separated sidewalk, with the final configuration approved by the Town Engineer.
    c. Widening of the sidewalk along westbound Shannon frontage to a width of ten (10) feet between Los Gatos Boulevard and eastern project limits and installation of sidewalk as a shared pedestrian/bicycle path, with the final configuration approved by the Town Engineer.
    d. Removal of the pork chop island at the northeast corner of the Los Gatos Boulevard/Shannon Road intersection.
    e. Relocation of the crosswalk across Los Gatos Boulevard from the northeast corner of the Los Gatos Boulevard/Shannon Road intersection to the southwest corner of the Los Gatos Boulevard/Roberts Road intersection (as determined by the Traffic Impact Analysis).
    f. A protected green bike lane along the project's Los Gatos Boulevard frontage.
    g. A minimum 40-foot curb to curb street width along the project's Shannon Road frontage.

    Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.

88. STREET LIGHTS AND TRAFFIC SIGNAL INSPECTION FEES: The Developer shall pay $3,000.00 for the Town's inspection of street lights and traffic signal-related work installed by the Developer. The fees shall be due at time of building permit application.

89. TRAFFIC SIGNAL MODIFICATION PLAN: A Traffic Signal Modification Plan is required and must be submitted and approved prior to issuance of any grading or building permits. This plan shall be prepared by a licensed traffic engineer.

90. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM): The Developer shall prepare a Transportation Demand Management Plan for the Town of Los Gatos approval prior to the issuance of ant grading or building permits. The TDM shall include measures, including but not limited to, bicycle facility provisions, shower and clothes locker facilities, local shuttle service, transit passes and subsidies, carpool incentive, designated car share parking, and other measures that may be required by the Town Engineer. The TDM shall also include a TDM coordinator and identify the requirement for an annual TDM effectiveness report to the Town of Los Gatos.

91. TRAFFIC STUDY: Any development of land use that generates greater traffic impacts than those assumed in the traffic study report may require an updated traffic study in accordance with the Town's Traffic Impact Policy.

92. TRAFFIC IMPACT MITIGATION FEE: The Developer shall pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The amount based on the current resolution is $311,550.00. The fee shall be paid before issuance of any building permits. The final traffic impact mitigation fee for this project will be based upon the Town Council resolution in effect at the time the building permit is issued, shall be calculated from the final plans using the current fee schedule and rate schedule in effect at the time the building permit is issued (using a comparison between the existing and proposed uses), and shall be paid before issuance of a building permit.

93. CONSTRUCTION VEHICLE PARKING: No construction vehicles, trucks, equipment and worker vehicles shall be allowed to park on the portion of any public (Town) streets without written approval from the Town Engineer.

94. TRAFFIC CONTROL PLAN: A traffic control plan is required and must be submitted and approved prior to the issuance of an Encroachment, Grading or Building Permit. This plan shall include, but not be limited to, the following measures:

    a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic

disruption.

b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.

c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.

95. CONSTRUCTION TRAFFIC CONTROL: All construction traffic and related vehicular routes, traffic control plan, and applicable pedestrian or traffic detour plans shall be submitted for review and approval by the Town Engineer prior to the issuance of an Encroachment, Grading or Building Permit.

96. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.

97. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of an Encroachment, Grading or Building Permit, the Developer shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off of the project site. This may include, but is not limited to provisions for the Developer to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.

98. CONSTRUCTION HOURS: All construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.

99. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances

as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

100. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of an Encroachment, Grading or Building Permit, the Developer's design professional shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information. In addition, the developer shall submit a construction traffic flow map with estimation of construction vehicle volumes, flow patterns, and schedule of operation.

101. WVSD (West Valley Sanitation District): A Sanitary Sewer Clean-out is required for each property at the property line, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town.

102. STORMWATER MANAGEMENT: Construction activities including but not limited to clearing, stockpiling, grading or excavation of land, which disturbs one (1) acre or more which are part of a larger common plan of development which disturbs less than one (1) acre are required to obtain coverage under the construction general permit with the State Water Resources Control Board. The Developer is required to provide proof of WDID# and keep a current copy of the storm water pollution prevention plan (SWPPP) on the construction site and shall be made available to the Town of Los Gatos Engineering Division of the Parks and Public Works Department and/or Building Department upon request.

103. BEST MANAGEMENT PRACTICES (BMPs): The Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.

104. STORMWATER DEVELOPMENT RUNOFF: All new development and redevelopment projects are subject to the stormwater development runoff requirements. The Developer shall submit a stormwater control plan and implement conditions of approval that reduce stormwater pollutant discharges through the construction,

operation and maintenance of treatment measures and other appropriate source control and site design measures. Increases in runoff volume and flows shall be managed in accordance with the development runoff requirements.

105. REGULATED PROJECT: The project is classified as a Regulated Project per Provision C.3.b.ii. and is required to implement LID source control, site design, and stormwater treatment on-site in accordance with Provisions C.3.c. and C.3.d..

106. SITE DESIGN MEASURES: All projects shall incorporate at least one (1) of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.
    d. Use permeable pavement surfaces on the driveway, at a minimum.
    e. Use landscaping to treat stormwater.

107. BIORETENTION SYSTEM: The bioretention systems shall be designed to have a surface area no smaller than what is required to accommodate a 5 inches/hour stormwater runoff surface loading rate, infiltrate runoff through bioretention soil media at a minimum of 5 inches per hour, and maximize infiltration to the native soil during the life of the project. The soil media for bioretention systems shall be designed to sustain healthy, vigorous plant growth and maximize stormwater runoff retention and pollutant removal. Bioretention soil media that meets the minimum specifications set forth in Attachment L of Order No. R2-2009-0074, dated November 28, 2011, shall be used.

108. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.

109. LANDSCAPING: In finalizing the landscape plan for the bioretention basins, it is recommended that the landscape architect ensure that the characteristics of the selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.

110. LANDSCAPE MAINTENANCE AGREEMENT: The Developer shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the Developer agrees to maintain the vegetated areas along the project's Los Gatos Boulevard and Shannon

Road frontages located within the public right-of-way. The agreement must be completed and accepted by the Town Attorney prior to the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.

111. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

112. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.

113. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-

recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.

b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.

c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.

d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.

e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.

f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.

g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.

j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

114. DETAILING OF STORMWATER MANAGEMENT FACILITIES: Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted plans, reviewed by the Engineering Division of the Parks and

Public Works Department, and approved for implementation.

115. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.

116. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facilities may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.

117. STORM WATER MANAGEMENT PLAN: A storm water management shall be included with the grading permit application. The plan shall delineate source control measures and BMPs together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that the storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit.

118. STORM WATER MANAGEMENT PLAN NOTES: The following note shall be added to the storm water management plan: "The biotreatment soil mix used in all stormwater treatment landscapes shall comply with the specifications in Attachment L of the MRP. Proof of compliance shall be submitted by the Contractor to the Town of Los Gatos a minimum of thirty (30) days prior to delivery of the material to the job site using the Biotreatment Soil Mix Supplier Certification Statement."

119. STORM WATER MANAGEMENT PLAN CERTIFICATION: Certification from the biotreatment soils provider is required and shall be given to Engineering Division Inspection staff a minimum of thirty (30) days prior to delivery of the material to the job site. Additionally deliver tags from the soil mix shall also be provided to Engineering Division Inspection staff. Sample Certification can be found here:

120. http://www.scvurppp-w2k.com/nd_wp.shtml?zoom_highlight=BIOTREATMENT+SOIL.

121. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS: The property owner shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by the Town's Stormwater Discharge Permit and all current amendments or modifications. The agreement shall specify that certain routine maintenance shall be performed by the property owner and shall specify device maintenance reporting requirements. The agreement shall also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded, and a copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to the release of any occupancy permits.

122. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.

123. GREASE TRAPS: The Developer shall meet all requirements of the Santa Clara County Health Department and West Valley Sanitation District for the interception, separation or pretreatment of effluent.

124. GREASE INTERCEPTOR: Food service facilities (including restaurants and grocery stores) shall have a sink or other area for cleaning floor mats, containers, hood filters and equipment that is connected to a grease interceptor prior to discharging into the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned and shall be plumbed to the sanitary sewer whether it is located indoors or is a covered outdoor area.

125. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Developer's expense.

126. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: Prior to the issuance of an Encroachment, Grading or Building Permit, the Developer shall initiate a weekly neighborhood email notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.
127. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
128. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

129. FIRE SPRINKLERS REQUIRED: *Noted on page A0.0 of the plans for the new building.* Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.19 whichever is the more restrictive. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. In other than residential buildings which require the installation of fire sprinklers for all new buildings according to the California Residential Code, an automatic sprinkler system shall be provided throughout all new buildings and structures. CRC Sec. 903.2 as adopted and amended by LGTC.
130. TURN RADIUS (CIRCULATING): The minimum outside turning radius is 42 feet for required access roadways. Greater radius up to 60 feet may be required where the Fire Department determines that Ladder Truck access is required. Circulating refers to travel along a roadway without dead ends. Identify the above required turn radius entering the site from Shannon and Los Gatos Blvd.
131. TIMING OF INSTALLATION: When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2 CFC Sec. 501.4.
132. EMERGENCY RADIO RESPONDER COVERAGE: Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public

safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. Refer to CFC Sec. 510 for further requirements.

133. FIRE ALARM REQUIREMENTS: Refer to CFC Sec. 907 and the currently adopted edition of NFPA 72.

134. THIS TWO WAY COMMUNICATION SYSTEM: Two-way communication systems shall be designed and installed in accordance with NFPA 72 (2016 edition), the California Electrical Code (2013 edition), the California Fire Code (2016 edition), The California Building Code (2016 edition), and the city ordinances where two way system is being installed, policies, and standards. Other standards also contain design/installation criteria for specific life safety related equipment. These other standards are referred to in NFPA 72.

135. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and out Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.

136. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

137. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road forting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be

viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

SECTION VII

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on _____, 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 _____, and becomes effective 30 days after it is adopted.

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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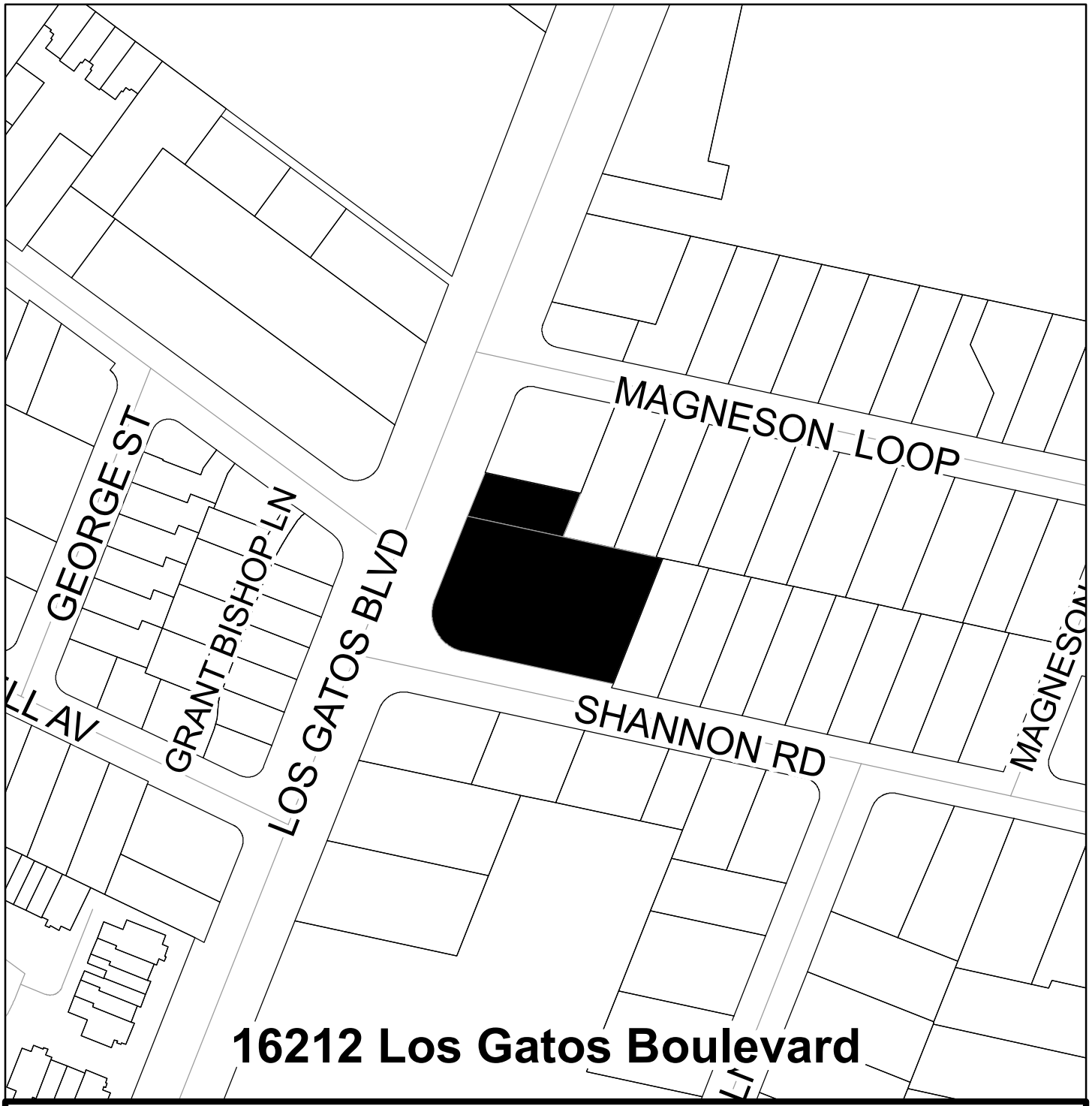

TOWN OF LOS GATOS

Application No. PD-17-002 **A.P.N. #** 523-06-010 and 523-06-011

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: CH** **To: CH:PD**

☐ **Prezoning**

Forwarded by Planning Commission **Date:**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator **Mayor**

EXHIBIT A

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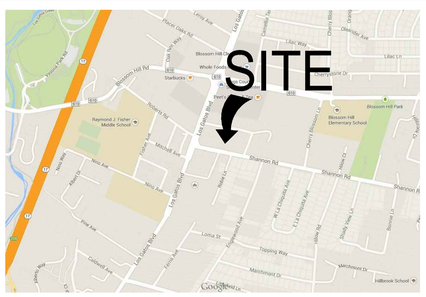
LOS GATOS COMMERCIAL

NEW COMMERCIAL BUILDING AND REMODEL OF EXISTING

16212 LOS GATOS BLVD., LOS GATOS, CA

VICINITY MAP



SCOPE OF WORK

REMODEL EXISTING ONE STORY 2,312 S.F. COMMERCIAL BUILDING, AND NEW CONSTRUCTION OF A 2 STORY COMMERCIAL BUILDING WITH 11,317 S.F, TOTALING 13,629 S.F.
58 PARKING STALLS ARE PROPOSED IN THE DEVELOPMENT.

PROJECT SUMMARY

Assessor's Parcel No.	**523-06-011, 523-06-010**
Zoning:	**CH**
Jurisdiction:	**Town of Los Gatos**
Type of Construction:	**TYPE V-B, SPRINKLERED**
Building Occ. Groups:	**Group B**
Max. Allowed Building Height:	**35'-0"**
Proposed Building Height	**29'-11"**
Lot Area:	**41,038.0**
Existing Commercial Floor Area	**2,312.0**
Proposed First Floor	**7,047.0**
Proposed Second Floor	**4,270.0**
Total Gross Floor Area	**13,629.0**
Existing Lot Coverage Percentage	**9.9%**
Proposed Lot Coverage	**9,359.0**
Lot Coverage Percentage	**22.8%**

SHEET INDEX

ARCHITECTURAL
A0.0 COVER SHEET
A0.3a EXTERIOR PERSPECTIVES
A0.3b EXTERIOR PERSPECTIVES
A0.3c EXTERIOR PERSPECTIVES
A0.4a SOLAR STUDY JUNE 21ST
A0.4b SOLAR STUDY DECEMBER 21ST
A0.5 EXISTING BUILDING TO BE REMODELED
A0.6 HILLSIDE VIEWS
A1.0 SITE PLAN
A1.0B OFFICIAL DEVELOPMENT PLAN
A2.0 DEMO PLAN
A2.1 FLOOR PLANS
A3.0 SCHEMATIC ELEVATIONS & CROSS SECTIONS
A3.1 SCHEMATIC ELEVATIONS & CROSS SECTIONS
A3.2 ELEVATIONS
A3.3 ELEVATIONS
A3.4 ELEVATIONS
A3.5 ELEVATIONS
A3.6 EXISTING ELEVATIONS
A5.0 SECTIONS

CIVIL
C-1 TITLE SHEET
C-2 DEMOLITION & TREE REMOVAL PLAN
C-3 SITE PLAN
C-4 PRELIMINARY GRADING AND DRAINAGE PLAN
C-5 PRELIMINARY UTILITY PLAN
C-6 PRELIMINARY STORMWATER MNGMNT PLAN
C-7 PRELIMINARY INTERIM EROSION CONTROL PLAN
C-8 EROSION CONTROL DETAILS
C-9 POLLUTION PREVENTION--IT'S PART OF THE PLAN
C-10 TRUCK VEHICLE CIRCULATION
C-11 FIRE ACCESS EXHIBIT

LANDSCAPE
L1.1 LANDSCAPE PLAN
L1.2 LANDSCAPE PLAN
L2.1 LANDSCAPE DETAILS
L2.2 LANDSCAPE DETAILS
L3.1 PLANTING PLAN
L3.2 PLANTING PLAN

LIGHTING
E1.1P PHOTOMETRIC PLAN

NOTES

FIRE SPRINKLERS SYSTEM WILL BE INSTALLED IN PROPOSED NEW BUILDING TO COMPLY WITH CODE REQUIREMENTS

PROJECT TEAM

GEOTECHNICAL ENGR.
Milstone Geotechnical
17020 Melody Lane
Los Gatos, CA 95033
Attn: Barry Milstone

ph: 408-353-5528
fx: 408-353-9690
email: bsm@milstonegeo.com

LANDSCAPE ARCHITECT
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email: rjd@designfocus.com

TRAFFIC CONSULTANT
Hexagon Transportation Consultants, Inc.
4 North Second Street, Suite 400
San Jose, California 95113
Attn: Gary Black
ph: 408 971 6100

OWNER
STEM
SUSTAINABLE DEVELOPMENT
d/b/a/
16212 Los Gatos Boulevard, LLC
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Los Gatos, CA 95033

phone: 408 655 2326
e-mail: ScottPlautz@gmail.com

ARCHITECT
Studio S Squared Architecture, Inc.
1000 S Winchester Blvd
San Jose, CA 95128
Attn: Eugene H. Sakai, AIA, LEED AP

ph: 408 998 0983
fx: 408 404 0144
email: esakai@studios2arch.com

CIVIL ENGINEER
BKF Engineers
Civil Engineers, Land Surveyors, Planners
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San Jose, CA 95110
Attn: Isaac Kontorovsky, PE, QSD/P.
Project Manager

Direct (408) 467-9187
Fax (408) 467-9199

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LOS GATOS COMMERCIAL
NEW COMMERCIAL BUILDING AND REMODEL OF EXISTING
16212 LOS GATOS BLVD, LOS GATOS, CA
16212 LOS GATOS BOULEVARD, LLC
A COMMUNITY PROJECT BY STEM DEVELOPMENT

"FOR PLANNING APPROVAL ONLY--NOT FOR CONSTRUCTION"

LICENSED ARCHITECT
EUGENE H. SAKAI, AIA, LEED AP
C27,719
12-31-19
STATE OF CALIFORNIA

PROJECT NO. 13-011

REVISION	DATE	DESCRIPTION	DRAWN BY
	02.10.2017	PLANNING SUBMITTAL SET	JA
	08.18.2017	PLANNING RESUBMITTAL SET	JA & HC
	11.01.2017	PLANNING RESUBMITTAL SET 2	HC
	02.09.2018	PLANNING RESUBMITTAL SET 3	HC
	05.31.2018	PLANNING RESUBMITTAL SET 4	HC
	10.15.2018	PLANNING RESUBMITTAL SET 5	HC
	01.23.2019	PLANNING RESUBMITTAL SET 6	HC
	04.12.2019	PLANNING RESUBMITTAL SET 6--PW COMMENTS	HC

COVER SHEET

TRUE N
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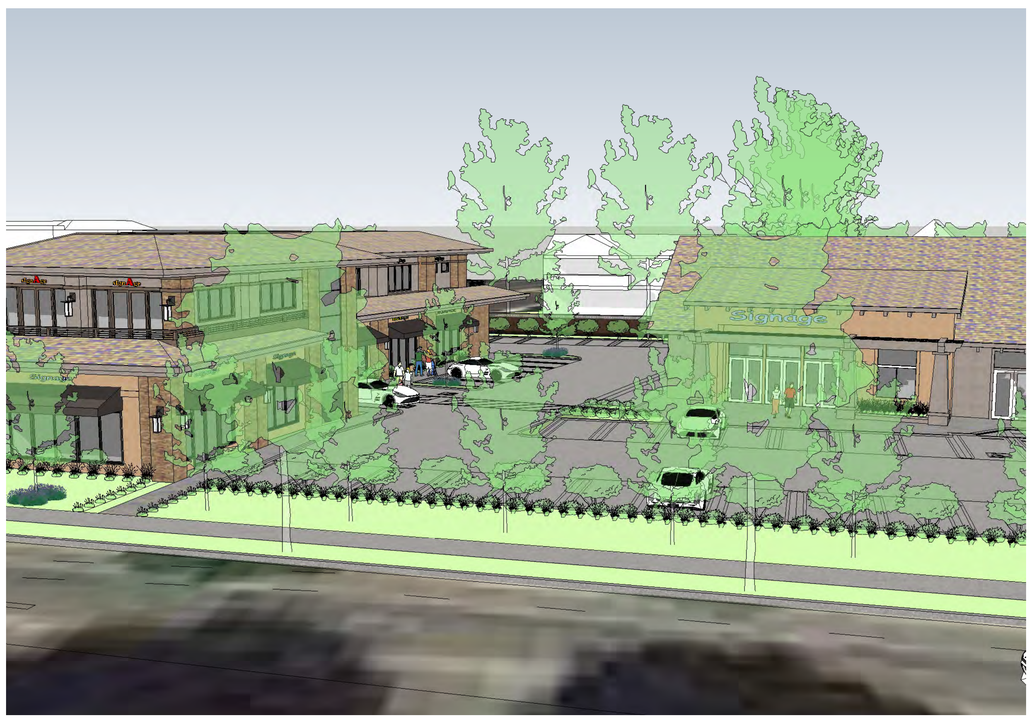
EXHIBIT B

EXTERIOR PERSPECTIVE | - | 3

EXTERIOR PERSPECTIVE | - | 1



EXTERIOR PERSPECTIVE | - | 4

EXTERIOR PERSPECTIVE | - | 2

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LOS GATOS COMMERCIAL

RETAIL AND OFFICE SPACES

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	10.14.2018	PLANNING RESUBMITTAL SET 5	HC

EXTERIOR PERSPECTIVES

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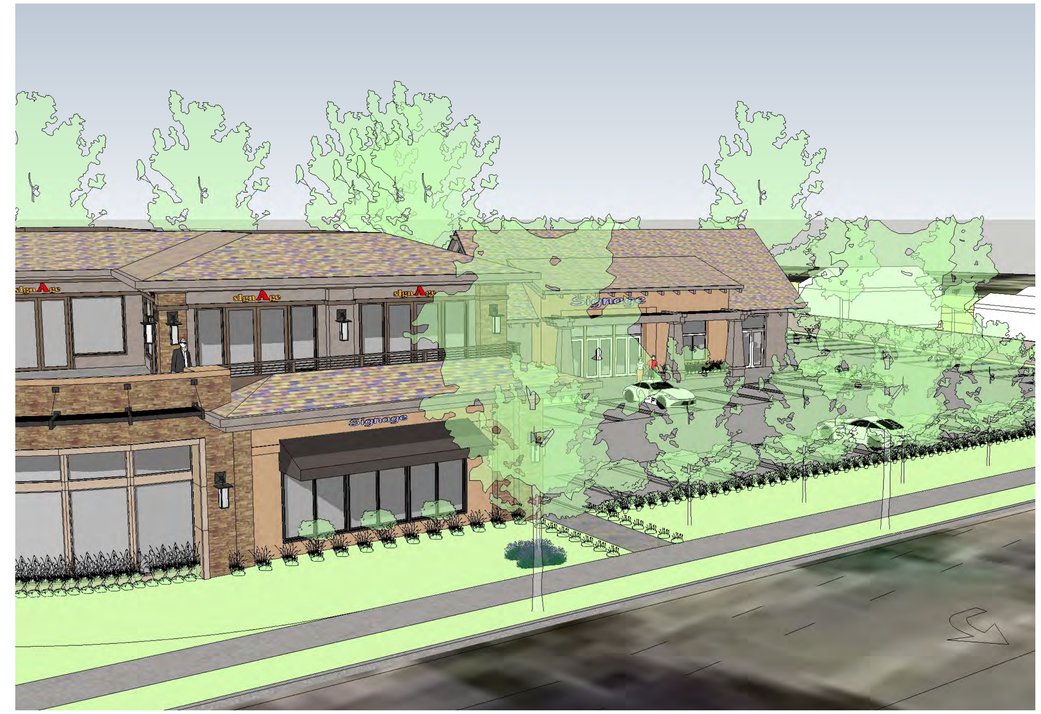

EXTERIOR PERSPECTIVE - 1

EXTERIOR PERSPECTIVE - 4

EXTERIOR PERSPECTIVE - 2

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EXTERIOR PERSPECTIVES

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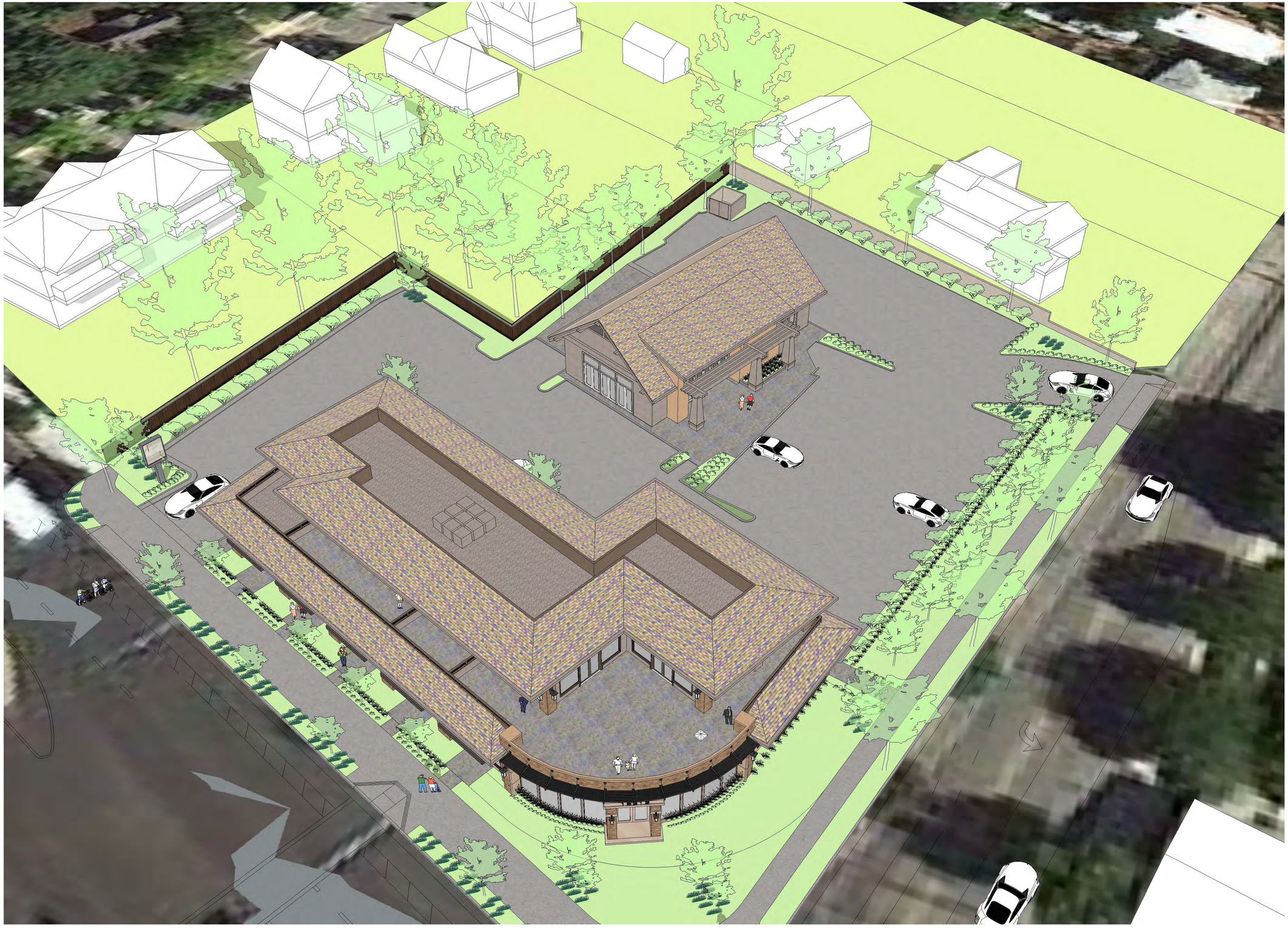

EXTERIOR PERSPECTIVE | - | 1

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EXTERIOR PERSPECTIVES

TRUE N

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SOLAR STUDY JUNE 21ST, 9:00 AM -- PERSPECTIVE | - | 4

SOLAR STUDY JUNE 21ST, 9:00 AM -- PERSPECTIVE | - | 1

SOLAR STUDY JUNE 21ST, 12:00 PM -- PERSPECTIVE | - | 5

SOLAR STUDY JUNE 21ST, 12:00 PM -- PERSPECTIVE | - | 2

SOLAR STUDY JUNE 21ST, 3:00 PM -- PERSPECTIVE | - | 6

SOLAR STUDY JUNE 21ST, 3:00 PM -- PERSPECTIVE | - | 3

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SOLAR STUDY
JUNE
21ST

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SOLAR STUDY DECEMBER 21ST, 9:00 AM -- PERSPECTIVE | - | 4

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SOLAR STUDY DECEMBER 21ST, 12:00 PM -- PERSPECTIVE | - | 5

SOLAR STUDY DECEMBER 21ST, 12:00 PM -- PERSPECTIVE | - | 2

SOLAR STUDY DECEMBER 21ST, 3:00 PM -- PERSPECTIVE | - | 6

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SOLAR STUDY
DECEMBER
21ST

TRUE N

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FRONT-LEFT VIEW

EXISTING BUILDING TO BE REMODELED - PHOTOS | - | 1

FRONT VIEW

EXISTING BUILDING TO BE REMODELED - PHOTOS | - | 2

RIGHT SIDE VIEW

EXISTING BUILDING TO BE REMODELED - PHOTOS | - | 3

EXISTING BUILDING TO BE REMODELED - ROOF PHOTO | - | 4

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	10.15.2018	PLANNING RESUBMITTAL SET 5	HC

EXISTING BUILDING TO BE REMODELED

TRUE N

A0.5

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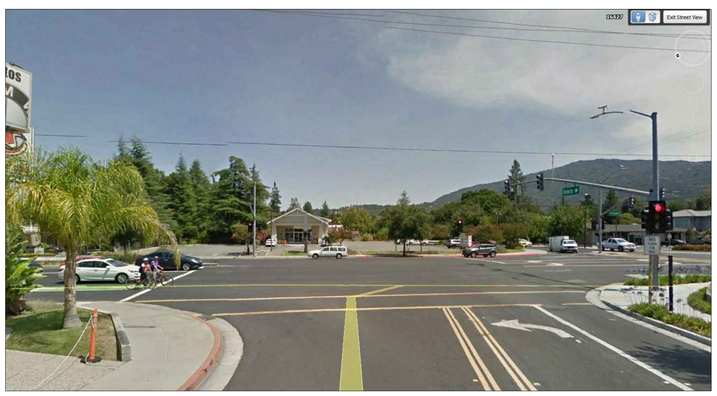
EXISTING VIEWS

EXISTING VIEW FROM 16185 LOS GATOS BOULEVARD



EXISTING VIEW FROM ROBERTS ROAD

EXISTING VIEW FROM 16254 LOS GATOS BOULEVARD

PROPOSED BUILDING

PROPOSED VIEW FROM 16185 LOS GATOS BOULEVARD

PROPOSED VIEW FROM ROBERTS ROAD

PROPOSED VIEW FROM 16254 LOS GATOS BOULEVARD

HILLSIDE VIEW - PHOTOS | - | 1

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16212 LOS GATOS BLVD, LOS GATOS, CA
16212 LOS GATOS BOULEVARD, LLC
A COMMUNITY PROJECT BY STEM DEVELOPMENT

"FOR PLANNING APPROVAL ONLY--NOT FOR CONSTRUCTION"

LICENSED ARCHITECT
EUGENE H. SAKAI, AIA, LEED AP
C27,719
12-31-19
STATE OF CALIFORNIA

PROJECT NO. 13-011

REVISION	DATE	DESCRIPTION	DRAWN BY
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	02.09.2018	PLANNING RESUBMITTAL SET 3	HC
	05.31.2018	PLANNING RESUBMITTAL SET 4	HC
	10.15.2018	PLANNING RESUBMITTAL SET 5	HC

HILLSIDE VIEWS

TRUE N

A0.6

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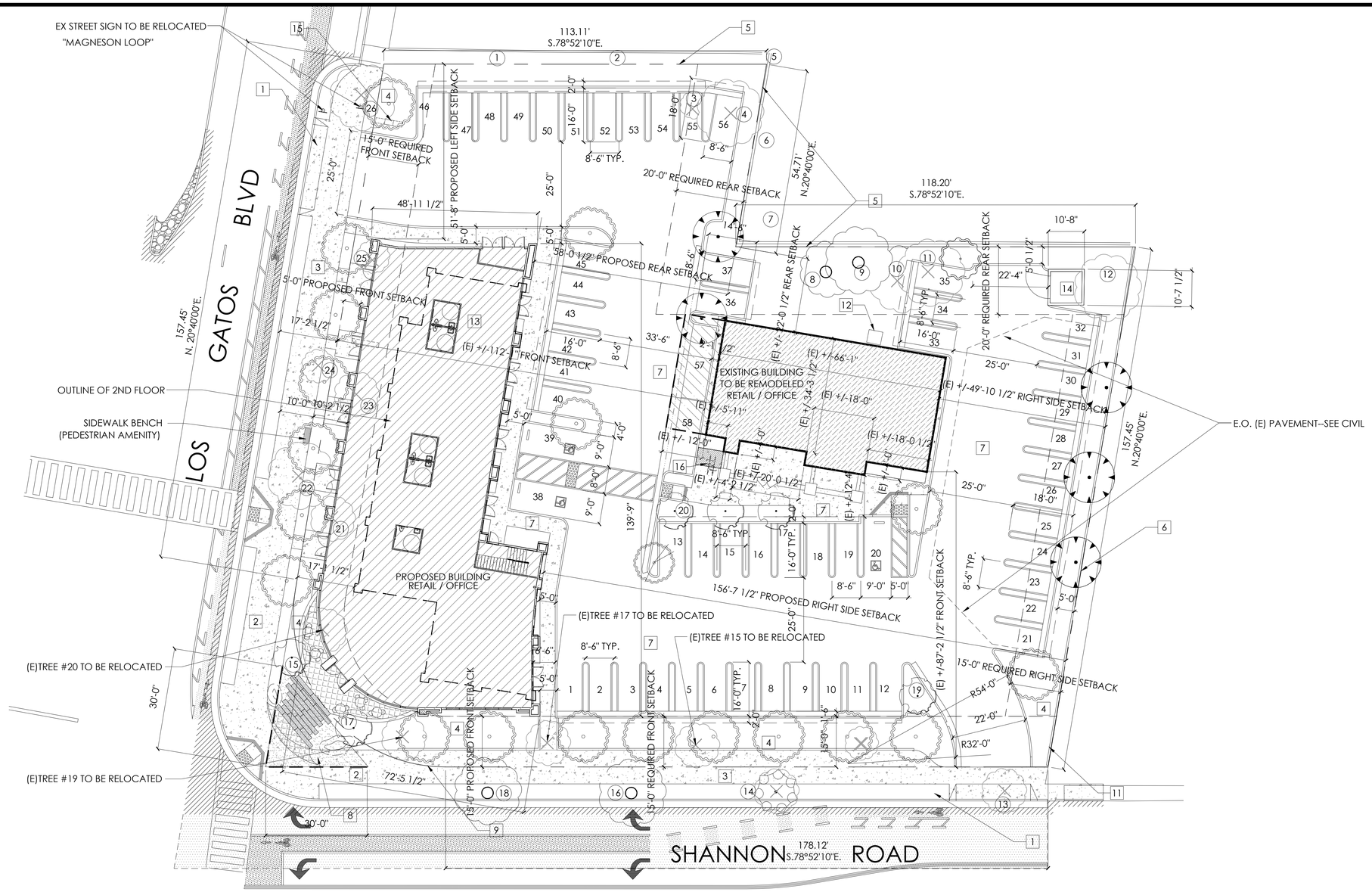

SITE PLAN | 1/16" | 1

= NUMBER OF KEYNOTE BELOW

1. CURB CUT PER PUBLIC WORKS STANDARDS--SEE CIVIL PLANS
2. WALKWAY--SEE LANDSCAPE PLANS
3. EXISTING SIDEWALK
4. LANDSCAPING--SEE LANDSCAPE PLANS
5. EXISTING 6' FENCE
6. EXISTING CMU WALL TO REMAIN
7. HARDSCAPE AREAS -- SEE LANDSCAPE AND CIVIL PLANS
8. VISION TRIANGLE AREA - 3'-0" MAX. HEIGHT IN THIS AREA
9. PROPERTY LINE
10. ADJACENT BUILDING
11. (E) TREE TO REMAIN OR PROPOSED NEW TREE -- SEE LANDSCAPE DRAWINGS FOR SPEC. AND CIVIL DRAWINGS ON TM-2 FOR EXISTING TREES TO BE REMOVED
12. (E) A/C UNIT TO REMAIN
13. (N) A/C UNIT CONDENSER PAD(S) TO BE PLACED ON ROOF
14. (E) TRASH CONTAINER AREA TO REMAIN
15. (E) MONUMENT SIGNAGE TO BE RELOCATED--NOT PART OF THIS PERMIT
16. BICYCLE PARKING AREA--SEE LANDSCAPE SHEETS FOR MORE INFO

KEYNOTES | -

TREE TABLE

#	SIZE	SPECIES	(E)GRADE AT BASE	NOTES
1	15"	DEODAR CEDAR	379.61'	TO REMAIN
2	15"	DEODAR CEDAR	380.00'	TO REMAIN
3	4"	COAST LIVE OAK	371.04'	TO BE REMOVED
4	12"	DEODAR CEDAR	371.04'	TO BE REMOVED
5	24"	COAST LIVE OAK	370.86'	TO REMAIN
6	15"	DEODAR CEDAR	381.07'	TO REMAIN
7	15"	DEODAR CEDAR	379.87'	TO REMAIN
8	10"	DEODAR CEDAR	370.86'	TO REMAIN
9	11"	DEODAR CEDAR	370.78'	TO REMAIN
10	10"	DEODAR CEDAR	370.91'	TO BE REMOVED
11	12"	DEODAR CEDAR	370.99'	TO BE REMOVED
12	9"	HOLLY OAK	370.22'	TO REMAIN
13	7"	HOLLY OAK	369.32'	TO BE REMOVED
14	7"	HOLLY OAK	369.59'	TO BE REMOVED
15	6"	CRAPE MYRTLE	369.93'	TO BE TRANSPLANTED
16	12"	HOLLY OAK	370.18'	TO REMAIN
17	6"	CRAPE MYRTLE	369.97'	TO BE TRANSPLANTED
18	8"	HOLLY OAK	370.03'	TO REMAIN
19	6"	CRAPE MYRTLE	370.18'	TO BE TRANSPLANTED
20	6"	CRAPE MYRTLE	370.76'	TO BE TRANSPLANTED
21	6"	CRAPE MYRTLE	370.34'	TO BE REMOVED
22	8"	HOLLY OAK	369.96'	TO BE REMOVED
23	6"	CRAPE MYRTLE	370.45'	TO BE REMOVED
24	4"	HOLLY OAK	369.78'	TO BE REMOVED
25	4"	CRAPE MYRTLE	370.14'	TO BE REMOVED
26	10"	HOLLY OAK	369.38'	TO BE REMOVED

TREE TABLE | -

- # — TREE NUMBER
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO REMAIN
- VISION TRIANGLE AREA -- 3'-0" MAX. HEIGHT IN THIS AREA
- EXISTING BUILDING TO BE REMODELED
- PROPOSED NEW BUILDING
- EXISTING PORCH TO BE REMOVED
- ADA HANDICAP PARKING SPACE

LEGEND | -

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LICENSED ARCHITECT EUGENE H. SAKAI, AIA, LEED AP — C27,719 12-31-19 — STATE OF CALIFORNIA

PROJECT NO. 13-011

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	10.15.2018	PLANNING RESUBMITTAL SET 5	HC
	01.23.2019	PLANNING RESUBMITTAL SET 6	HC
	04.12.2019	PLANNING RESUBMITTAL SET 6--PW COMMENTS	HC

SITE PLAN

TRUE N

A1.0

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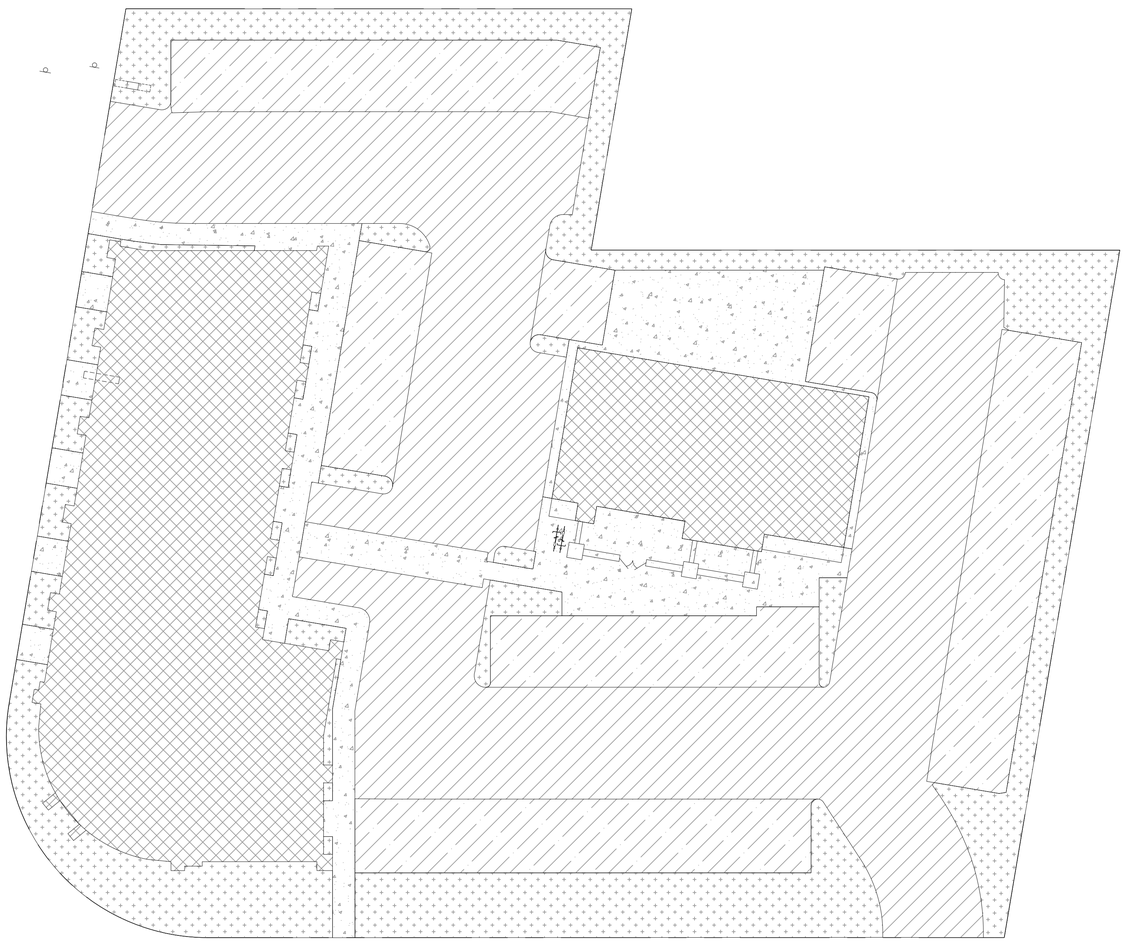

BUILDING FOOT PRINT

LANDSCAPED AREAS

HARDSCAPED AREAS

PARKING SPACE AREAS

WALKWAYS/PATHS

TABULATION OF LAND AREA

		SF	%
A	ENTIRE PLANNED DEVELOPMENT	41038	
B	PUBLIC STREETS	0	0%
C	PRIVATE STREETS	0	0%
D	SIDEWALKS AND PATHS	4467	11%
E	PARKING AREAS	7798	19%
F	VEHICULAR CIRCULATION	0	0%
G	MAJOR FEATURES ON ADJACENT PROPERTY WHICH AFFECT THE DEVELOPMENT PROPOSAL OR ARE POTENTIALLY AFFECTED BY IT	0	0%
H	HARDSCAPE AREAS	12162	30%
I	LANDSCAPE AREA	7252	18%
J	BUILDING FOOTPRINT (EXISITNG AND PROPOSED)	9,359	23%
	TOTAL	**41038**	**100%**

NOTE:
TOTAL RETAIL SQUARE FOOTAGE= 9359 SQ.FT (7047 SQ.FT (NEW RETAIL)+ 2312 SQ.FT (EXISTING RETAIL))

TOTAL OFFICE SQUARE FOOTAGE= 3891 SQ.FT
TOTAL SECOND FLOOR STAIR = 379 SQ.FT

LAND USE PLAN | 1/16" | 1

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OFFICIAL DEVELOPMENT PLAN

TRUE N

A1.0B

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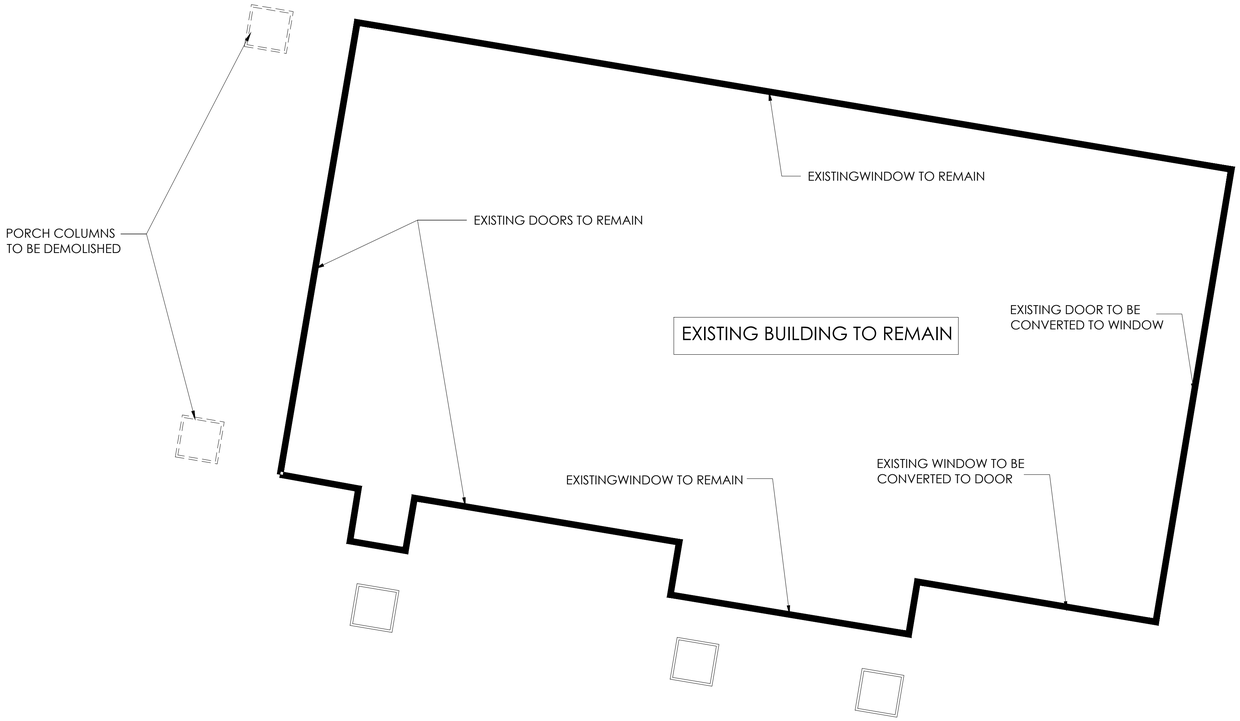

NOTE: ALL EXISTING WALLS TO REMAIN

EXISTING BUILDING - FLOOR PLAN | 3/16" | 1

LEGEND | -

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EXTG. BUILDING DEMO PLAN

TRUE N

A2.0

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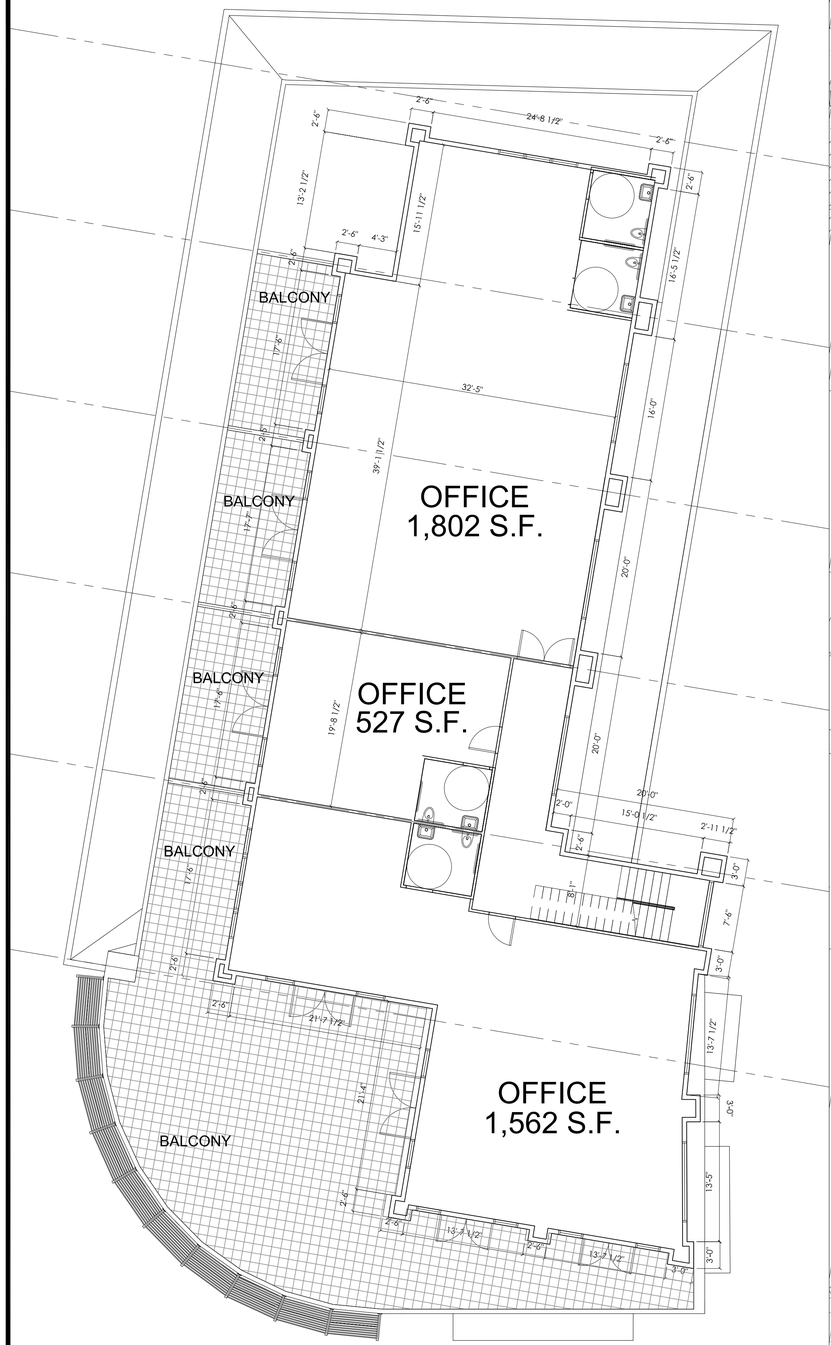
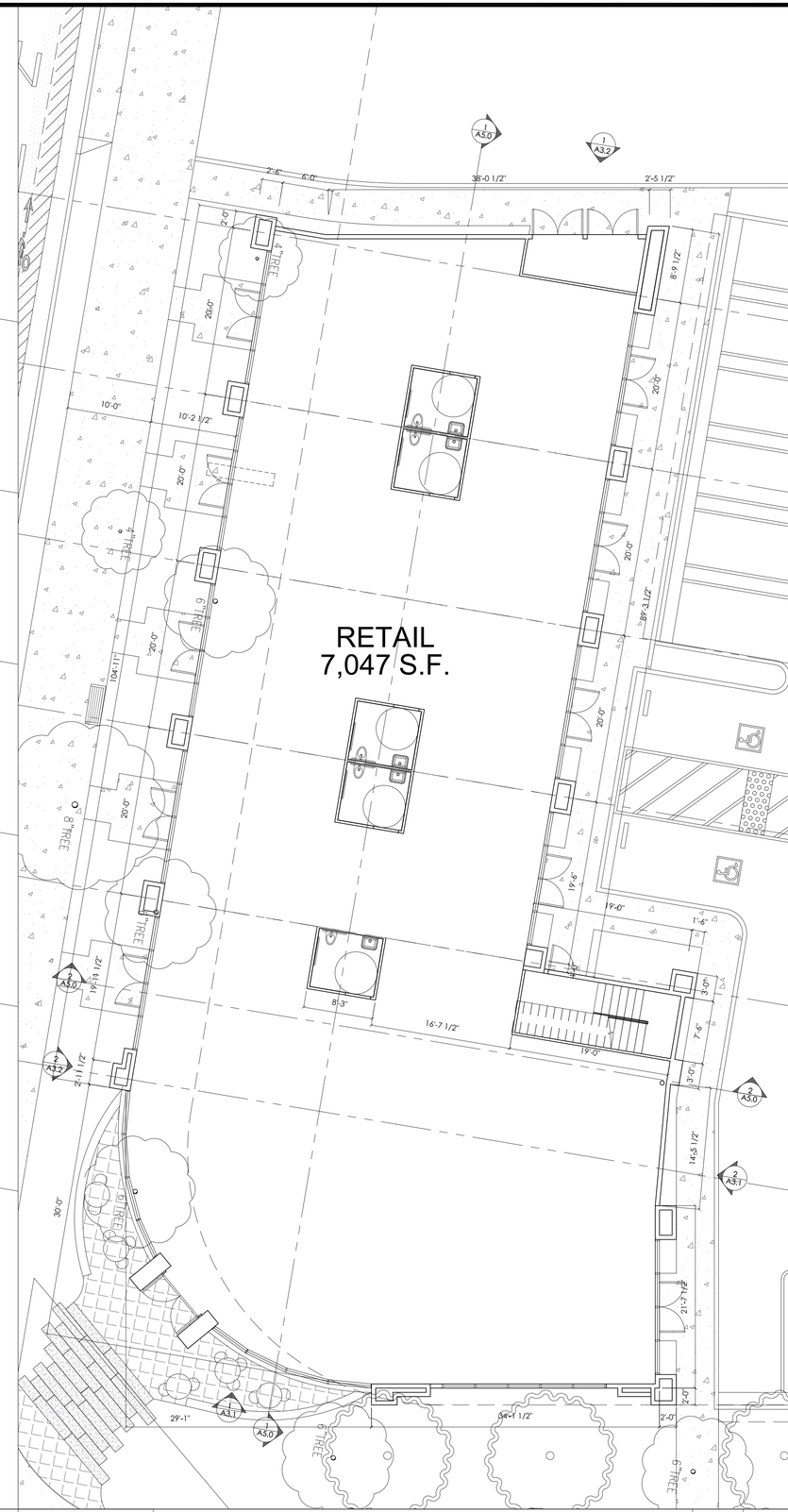


1 2 4 6 8 feet

SECOND FLOOR PLAN | 3/16" | 2



1 2 4 6 8 feet

FIRST FLOOR PLAN | 3/16" | 1

NOTE:
TOTAL RETAIL SQUARE FOOTAGE= 9359 SQ.FT (7047 SQ.FT (NEW RETAIL)+ 2312 SQ.FT (EXISTING RETAIL))

TOTAL OFFICE SQUARE FOOTAGE= 3891 SQ.FT
TOTAL SECOND FLOOR STAIR = 379 SQ.FT

KEYNOTES | -

Assessor's Parcel No.	523-06-011, 523-06-010
Zoning:	CH
Jurisdiction:	Town of Los Gatos
Type of Construction:	TYPE V-B, SPRINKLERED
Building Occ. Groups:	Group B
Max. Allowed Building Height:	35'-0"
Proposed Building Height	29'-11"
Lot Area:	41,038.0
Existing Commercial Floor Area	2,312.0
Proposed First Floor	7,047.0
Proposed Second Floor	4,270.0
Total Gross Floor Area	13,629.0
Existing Lot Coverage Percentage	9.9%
Proposed Lot Coverage	9,359.0
Lot Coverage Percentage	22.8%

FLOOR AREA TABULATION | -

LEGEND | -

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FLOOR PLANS
PROPOSED
BUILDING

TRUE N

A2.1

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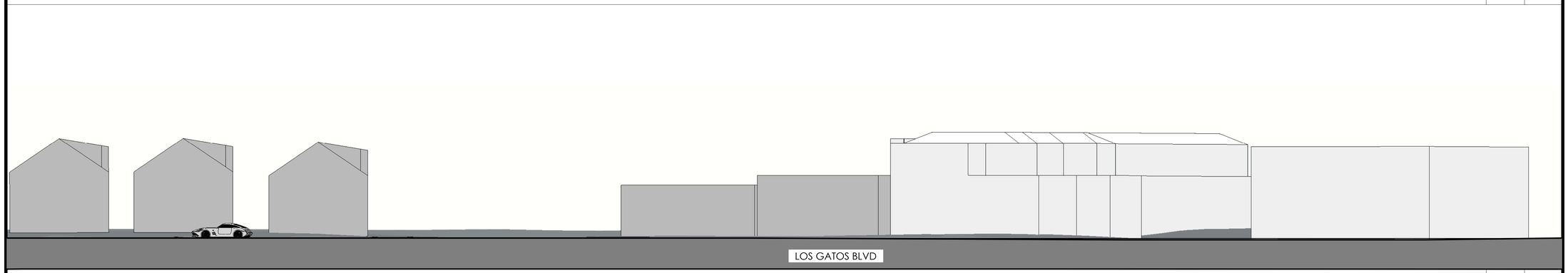
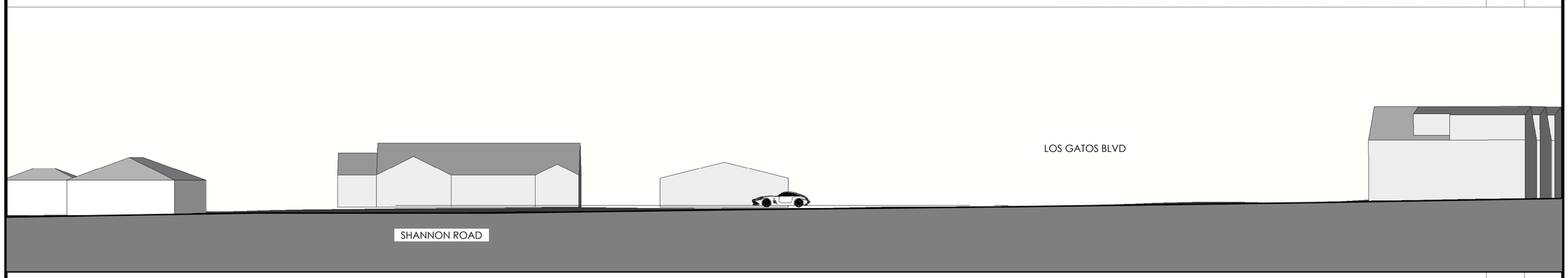
SCHEMATIC ELEVATION -- LOS GATOS BLVD -- PROPOSED PROJECT | 1/16" | 1



SCHEMATIC ELEVATION -- LOS GATOS BLVD -- OPPOSITE SIDE OF STREET OF PROPOSED PROJECT | 1/16" | 2

SCHEMATIC ELEVATION -- SHANNON ROAD -- PROPOSED PROJECT | 1/16" | 3



SCHEMATIC ELEVATION -- SHANNON ROAD -- OPPOSITE SIDE OF STREET OF PROPOSED PROJECT | 1/16" | 4

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SCHEMATIC ELEVATIONS AND CROSS SECTIONS

TRUE N

A3.0

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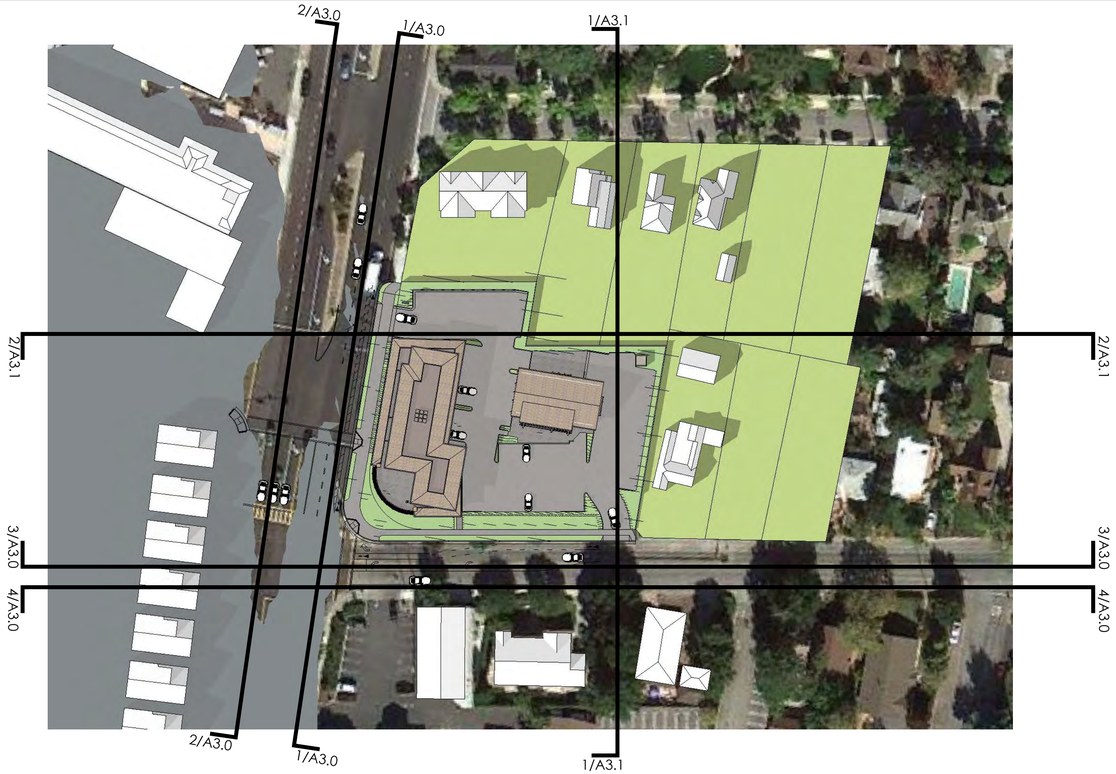
SCHEMATIC ELEVATION -- BACK | 1/16" | 1

SCHEMATIC ELEVATION -- LEFT | 1/16" | 2



LEGEND FOR SCHEMATIC ELEVATIONS | 1'=60' | 3

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SCHEMATIC ELEVATIONS AND CROSS SECTIONS

TRUE N

A3.1

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FRONT ELEVATION | 1/8" | 1

RIGHT ELEVATION | 1/8" | 2

= NUMBER OF KEYNOTE BELOW

1 MAX. HEIGHT AS DEFINED BY JURISDICTION
2 ASPHALT COMP SHINGLES TO MATCH ROOFING AT (E) BUILDING--SEE ROOF PLAN FOR MORE INFO
3 INTEGRAL COLOR STEEL TROWELED IGNITION RESISTANT CEMENT PLASTER SYSTEM (SMOOTH FINISH) - 7/8" CEMENT PLASTER O/ METAL LATH O/ 2 LAYERS GRADE 'D' OR BETTER BUILDING PAPER, 3 COAT SYSTEM WITH 26 ga. WEEP SCREED AT WALL BASE AT LEAST 4" ABOVE GRADE OR 2" ABOVE HARDSCAPE
4 NOT USED
5 ADHERED LIGHTWEIGHT STONE VENEER (<15 LBS/SF)
6 "VERISTONE" BELLY BAND TRIM
7 METAL TRELLIS, POWDER COATED
8 BRONZE ANODIZED ALUMINUM STOREFRONT WINDOWS AND ENTRY DOORS, DOUBLE CLEAR GLAZING
9 EXTERIOR LIGHT, INSTALL PER MANUF. INSTRUCTIONS -- 30" HIGH; FINISH:BRONZE; FIXTURE TO BE NIGHT SKY COMPLIANT.
10 PIN MOUNTED LED ILLUMINATED ADDRESS SIGNAGE, CLEARLY VISIBLE FROM ADJACENT STREET
11 NOT USED
12 POWDER COATED METAL GUARDRAIL
13 WALL-MOUNTED CABLE SYSTEM FOR ESPALIER
14 GLAZING SYSTEM AT STAIRCASE
15 FABRIC AWNING BELOW STORE SIGNAGE

PAINT SCHEDULE
P1 -- BENJAMIN MOORE, YELLOW HAZE COLOR
P2 -- BENJAMIN MOORE, VINTAGE PEWTER

ELEVATION GRID LINE KEY -- PROPOSED BUILDING
A EXISTING / PROPOSED ADJACENT GRADE= +/- 370.25'
B 1ST FLOOR FINISH FLOOR = +/- 370.33'
C 1ST FLOOR CEILING HEIGHT (U.N.O.) = +/- 383.83'
D SECOND FLOOR FINISH FLOOR = +/- 385.08'
E SECOND FLOOR CEILING HEIGHT = +/- 395.08'
F MAX. BUILDING HEIGHT PROPOSED = +/- 400.16'
G MAX BUILDING HEIGHT ALLOWED = 35'-0" +/- 405.25'

NOTES:
1. EXISTING BUILDING EXTERIOR FINISHES TO REMAIN--PAINT ONLY

KEYNOTES | - | -

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ELEVATIONS

TRUE N

A3.2

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1 4 8 12 feet

REAR ELEVATION | 1/8" | 1

1 4 8 12 feet

LEFT ELEVATION | 1/8" | 2

#	= NUMBER OF KEYNOTE BELOW
1	MAX. HEIGHT AS DEFINED BY JURISDICTION
2	ASPHALT COMP SHINGLES TO MATCH ROOFING AT (E) BUILDING--SEE ROOF PLAN FOR MORE INFO
3	INTEGRAL COLOR STEEL TROWELED IGNITION RESISTANT CEMENT PLASTER SYSTEM (SMOOTH FINISH) - 7/8" CEMENT PLASTER O/ METAL LATH O/ 2 LAYERS GRADE 'D' OR BETTER BUILDING PAPER, 3 COAT SYSTEM WITH 26 ga. WEEP SCREED AT WALL BASE AT LEAST 4" ABOVE GRADE OR 2" ABOVE HARDSCAPE
4	NOT USED
5	ADHERED LIGHTWEIGHT STONE VENEER (<15 LBS/SF)
6	"VERISTONE" BELLY BAND TRIM
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15	FABRIC AWNING BELOW STORE SIGNAGE

PAINT SCHEDULE
P1 -- BENJAMIN MOORE, YELLOW HAZE COLOR
P2 -- BENJAMIN MOORE, VINTAGE PEWTER

ELEVATION GRID LINE KEY -- PROPOSED BUILDING

A	EXISTING / PROPOSED ADJACENT GRADE= +/- 370.25'
B	1ST FLOOR FINISH FLOOR = +/- 370.33'
C	1ST FLOOR CEILING HEIGHT (U.N.O.) = +/- 383.83'
D	SECOND FLOOR FINISH FLOOR = +/- 385.08'
E	SECOND FLOOR CEILING HEIGHT = +/- 395.08'
F	MAX. BUILDING HEIGHT PROPOSED = +/- 400.16'
G	MAX BUILDING HEIGHT ALLOWED = 35'-0" +/- 405.25'

NOTES:
1. EXISTING BUILDING EXTERIOR FINISHES TO REMAIN--PAINT ONLY

KEYNOTES | - | -

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LOS GATOS COMMERCIAL

RETAIL AND OFFICE SPACES

16212 LOS GATOS BLVD, LOS GATOS, CA

16212 LOS GATOS BOULEVARD, LLC
A COMMUNITY PROJECT BY STEM DEVELOPMENT

"FOR PLANNING APPROVAL ONLY--NOT FOR CONSTRUCTION"

LICENSED ARCHITECT
EUGENE H. SAKAI, AIA, LEED AP
C27.719
12-31-19
STATE OF CALIFORNIA

PROJECT NO. 13-011

REVISION	DATE	DESCRIPTION	DRAWN BY
	02.10.2017	PLANNING SUBMITTAL SET	JA
	08.18.2017	PLANNING RESUBMITTAL SET	JA & HC
	11.01.2017	PLANNING RESUBMITTAL SET 2	HC
	02.09.2018	PLANNING RESUBMITTAL SET 3	HC
	05.31.2018	PLANNING RESUBMITTAL SET 4	HC
	10.14.2018	PLANNING RESUBMITTAL SET 5	HC

ELEVATIONS

TRUE N

A3.3

© STUDIO S SQUARED ARCHITECTURE, INC.

1 4 8 12 feet

EXISTING BUILDING TO BE REMODELED -- FRONT ELEVATION | 1/8" | 1

= NUMBER OF KEYNOTE BELOW

1 MAX. HEIGHT AS DEFINED BY JURISDICTION
2 ASPHALT COMP SHINGLES TO MATCH ROOFING AT (E) BUILDING--SEE ROOF PLAN FOR MORE INFO
3 INTEGRAL COLOR STEEL TROWELED IGNITION RESISTANT CEMENT PLASTER SYSTEM (SMOOTH FINISH) - 7/8" CEMENT PLASTER O/ METAL LATH O/ 2 LAYERS GRADE 'D' OR BETTER BUILDING PAPER, 3 COAT SYSTEM WITH 26 ga. WEEP SCREED AT WALL BASE AT LEAST 4" ABOVE GRADE OR 2" ABOVE HARDSCAPE
4 NOT USED
5 ADHERED LIGHTWEIGHT STONE VENEER (<15 LBS/SF)
6 "VERISTONE" BELLY BAND TRIM
7 METAL TRELLIS, POWDER COATED
8 BRONZE ANODIZED ALUMINUM STOREFRONT WINDOWS AND ENTRY DOORS, DOUBLE CLEAR GLAZING
9 EXTERIOR LIGHT, INSTALL PER MANUF. INSTRUCTIONS -- 30" HIGH; FINISH:BRONZE; FIXTURE TO BE NIGHT SKY COMPLIANT.
10 PIN MOUNTED LED ILLUMINATED ADDRESS SIGNAGE, CLEARLY VISIBLE FROM ADJACENT STREET
11 NOT USED
12 POWDER COATED METAL GUARDRAIL
13 WALL-MOUNTED CABLE SYSTEM FOR ESPALIER
14 GLAZING SYSTEM AT STAIRCASE
15 FABRIC AWNING BELOW STORE SIGNAGE

PAINT SCHEDULE
P1 -- BENJAMIN MOORE, YELLOW HAZE COLOR
P2 -- BENJAMIN MOORE, VINTAGE PEWTER

1 4 8 12 feet

EXISTING BUILDING TO BE REMODELED -- RIGHT ELEVATION | 1/8" | 2

ELEVATION GRID LINE KEY -- PROPOSED BUILDING
A EXISTING AND PROPOSED ADJACENT GRADE FOR EXISTING BUILDING = +/- 370.80'
B EXISTING 1ST FLOOR FINISH FLOOR = +/- 371.18'
C EXISTING MAX. BUILDING HEIGHT = +/- 399.80'
D MAX BUILDING HEIGHT ALLOWED = 35'-0" +/- 405.80'

NOTES:
1. EXISTING BUILDING EXTERIOR FINISHES TO REMAIN--PAINT ONLY

KEYNOTES | - | -

STUDIO S SQUARED ARCHITECTURE

1000 S. Winchester Blvd.
San Jose, CA 95113
P : (408) 998 - 0983
F : (408) 404 - 0144

LOS GATOS COMMERCIAL
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	05.31.2018	PLANNING RESUBMITTAL SET 4	HC
	10.14.2018	PLANNING RESUBMITTAL SET 5	HC

ELEVATIONS

TRUE N

A3.4

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1 4 8 12 feet

EXISTING BUILDING TO BE REMODELED -- REAR ELEVATION | 1/8" | 1

= NUMBER OF KEYNOTE BELOW

1 MAX. HEIGHT AS DEFINED BY JURISDICTION
2 ASPHALT COMP SHINGLES TO MATCH ROOFING AT (E) BUILDING--SEE ROOF PLAN FOR MORE INFO
3 INTEGRAL COLOR STEEL TROWELED IGNITION RESISTANT CEMENT PLASTER SYSTEM (SMOOTH FINISH) - 7/8" CEMENT PLASTER O/ METAL LATH O/ 2 LAYERS GRADE 'D' OR BETTER BUILDING PAPER, 3 COAT SYSTEM WITH 26 ga. WEEP SCREED AT WALL BASE AT LEAST 4" ABOVE GRADE OR 2" ABOVE HARDSCAPE
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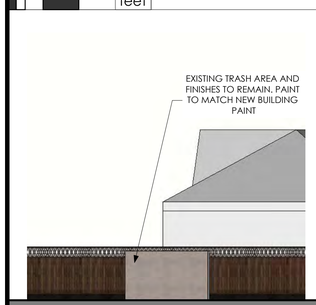
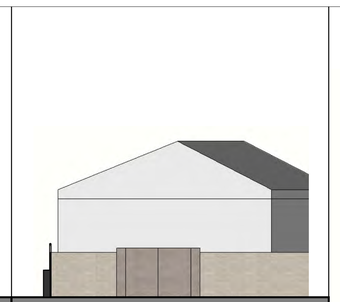
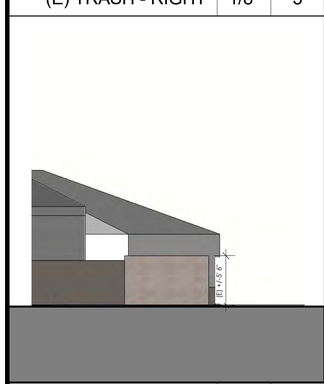
PAINT SCHEDULE
P1 -- BENJAMIN MOORE, YELLOW HAZE COLOR
P2 -- BENJAMIN MOORE, VINTAGE PEWTER



(E) TRASH - RIGHT | 1/8" | 5

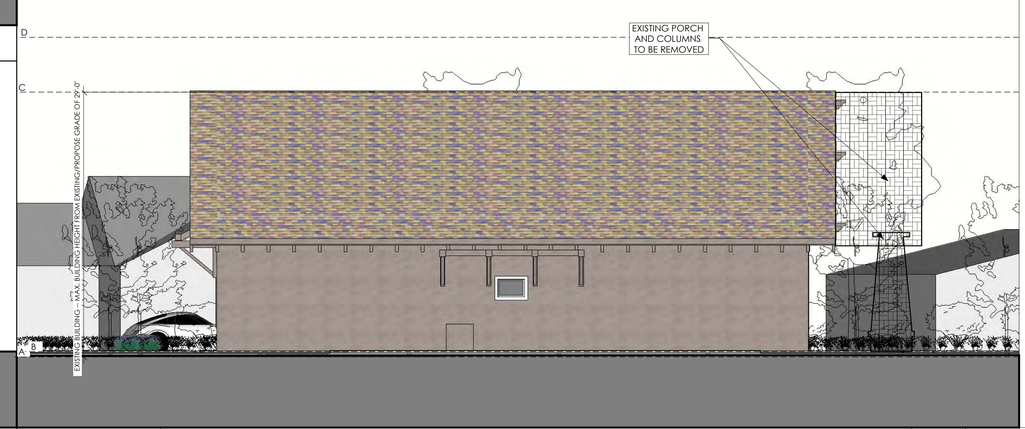


(E) TRASH - FRONT | 1/8" | 3



(E) TRASH - LEFT | 1/8" | 6

(E) TRASH - REAR | 1/8" | 4



1 4 8 12 feet

EXISTING BUILDING TO BE REMODELED -- LEFT ELEVATION | 1/8" | 2

ELEVATION GRID LINE KEY -- PROPOSED BUILDING
A EXISTING AND PROPOSED ADJACENT GRADE FOR EXISTING BUILDING = +/- 370.80'
B EXISTING 1ST FLOOR FINISH FLOOR = +/- 371.18'
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D MAX BUILDING HEIGHT ALLOWED = 35'-0" +/- 405.80'

NOTES:
1. EXISTING BUILDING EXTERIOR FINISHES TO REMAIN--PAINT ONLY

KEYNOTES | - | -

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	10.14.2018	PLANNING RESUBMITTAL SET 5	HC

ELEVATIONS

TRUE N

A3.5

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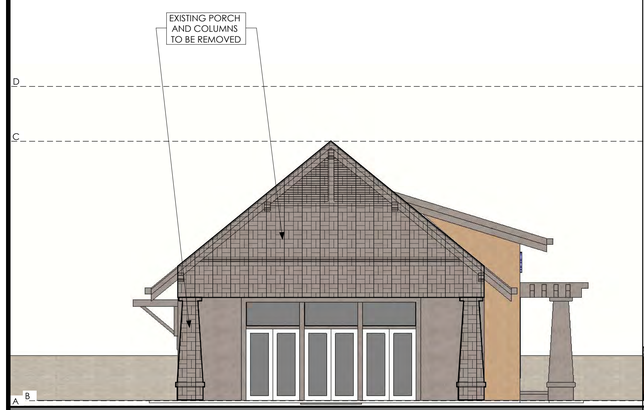
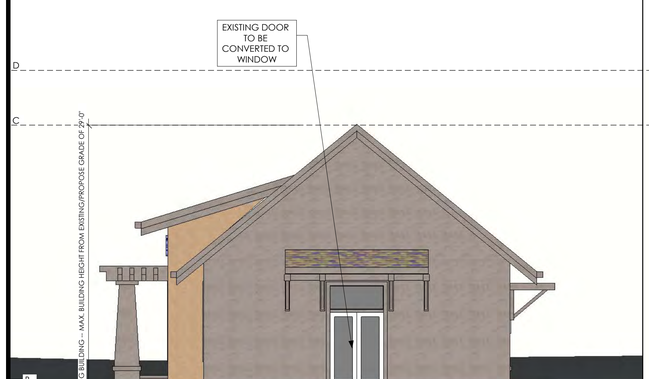
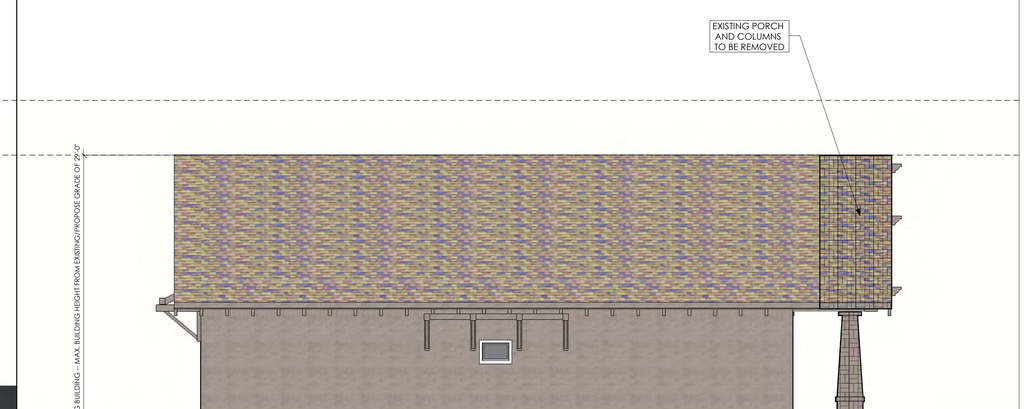


1 4 8 12 feet | EXISTING BUILDING -- FRONT ELEVATION | 1/8" | 2

1 4 8 12 feet | EXISTING BUILDING -- RIGHT ELEVATION | 1/8" | 1



1 4 8 12 feet



1 4 8 12 feet | EXISTING BUILDING -- LEFT ELEVATION | 1/8" | 2

= NUMBER OF KEYNOTE BELOW

PAINT SCHEDULE
P1 -- BENJAMIN MOORE, YELLOW HAZE COLOR
P2 -- BENJAMIN MOORE, VINTAGE PEWTER

-- ELEMENT TO BE DEMOLISHED

ELEVATION GRID LINE KEY -- PROPOSED BUILDING
A EXISTING AND PROPOSED ADJACENT GRADE FOR EXISTING BUILDING = +/- 370.80'
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NOTES:
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KEYNOTES | - | -

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EXISTING ELEVATIONS

TRUE N

A3.6

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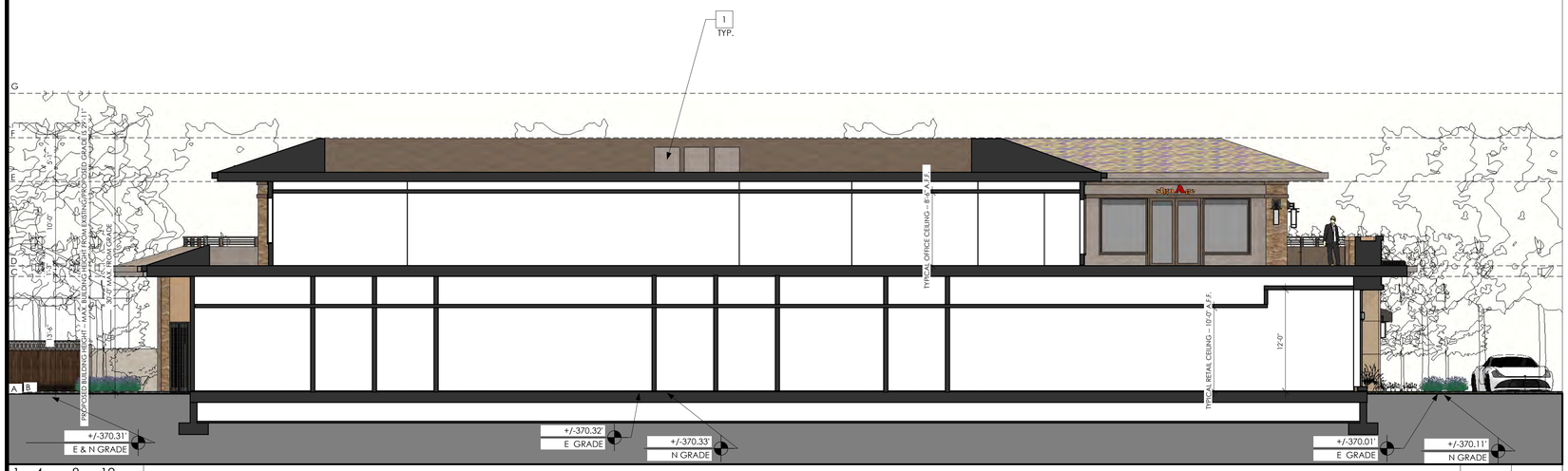
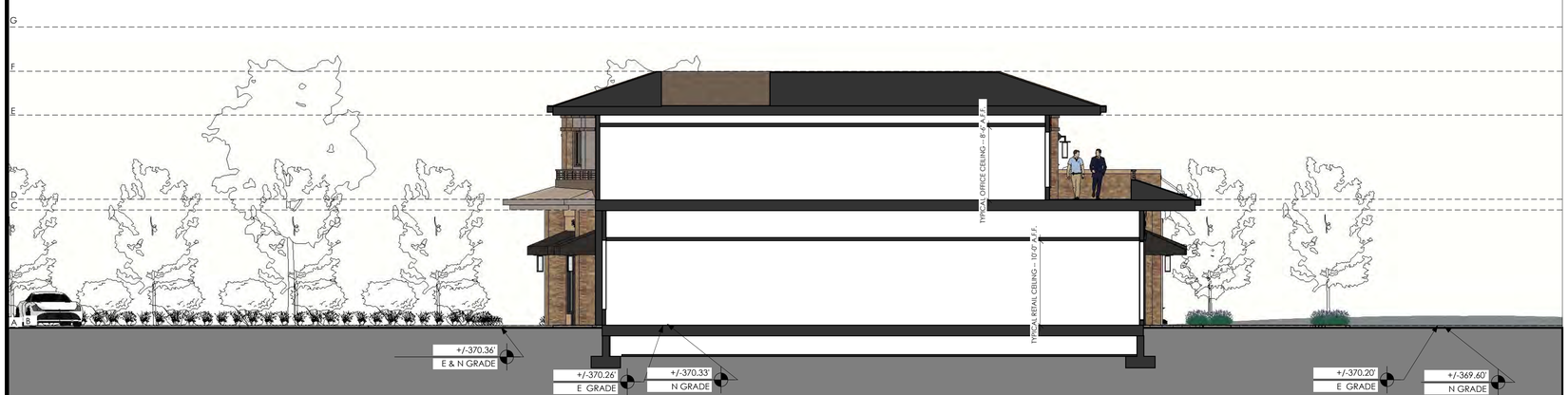


SECTION 1 | 1/8" | 1



SECTION 2 | 1/8" | 2

= NUMBER OF KEYNOTE BELOW

1 ROOFTOP MECHANICAL UNITS--T.O.UNIT TO BE BELOW MANSARD PARAPET

ELEVATION GRID LINE KEY -- PROPOSED BUILDING

A EXISTING / PROPOSED ADJACENT GRADE= +/- 370.25'
B 1ST FLOOR FINISH FLOOR = +/- 370.33'
C 1ST FLOOR CEILING HEIGHT (U.N.O.) = +/- 383.83'
D SECOND FLOOR FINISH FLOOR = +/- 385.08'
E SECOND FLOOR CEILING HEIGHT = +/- 395.08'
F MAX. BUILDING HEIGHT PROPOSED = +/- 400.16'
G MAX BUILDING HEIGHT ALLOWED = 35'-0" +/- 405.25'

KEYNOTES | - | -

STUDIO S SQUARED
ARCHITECTURE

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	10.14.2018	PLANNING RESUBMITTAL SET 5	HC

SECTIONS

TRUE N

A5.0

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© BKF ENGINEERS

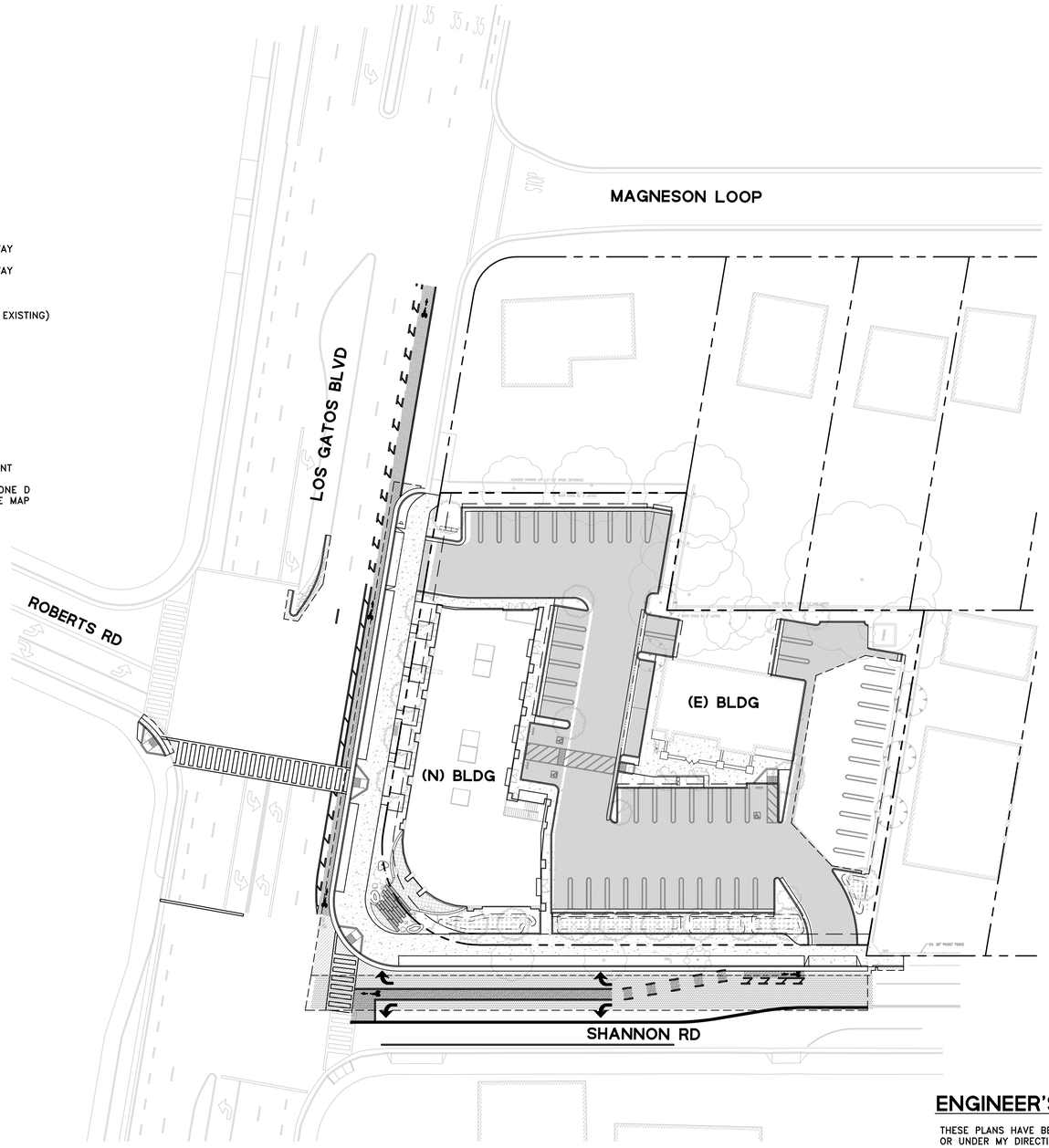
ARCHITECTURAL AND SITE REVIEW

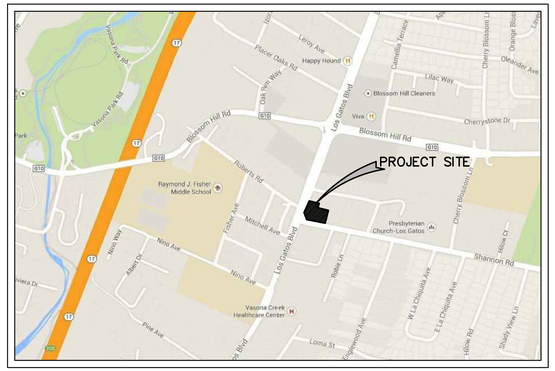
16212 LOS GATOS BOULEVARD

TOWN OF LOS GATOS, SANTA CLARA COUNTY, CALIFORNIA

PROJECT DATA

OWNER AND SUBDIVIDER:	16212 LOS GATOS BOULEVARD, LLC CONTACT: SCOTT PLAUTZ (408) 655-2326
ENGINEER:	BKF ENGINEERS 1730 N. FIRST STREET, SUITE 600 SAN JOSE, CA 95112 CONTACT: ISAAC KONTOROVSKY (408) 467-9100
APN:	523-06-010,011
AREA:	0.94± ACRES
EXISTING ZONE:	CH – RESTRICTED COMMERCIAL HIGHWAY
PROPOSED ZONING:	CH – RESTRICTED COMMERCIAL HIGHWAY
EXISTING USE:	COMMERCIAL
PROPOSED USE:	2 COMMERCIAL UNITS (1 NEW AND 1 EXISTING)
WATER SUPPLY:	SAN JOSE WATER COMPANY
SEWAGE DISPOSAL:	WEST VALLEY SANITATION DISTRICT
STORM DRAIN:	TOWN OF LOS GATOS
GAS & ELECTRIC:	PACIFIC GAS & ELECTRIC
TELEPHONE:	SBC TELEPHONE COMPANY
CABLE:	COMCAST
FIRE PROTECTION:	SANTA CLARA COUNTY FIRE DEPARTMENT
FLOOD ZONE:	THIS PROPERTY IS LOCATED WITHIN ZONE D AS SHOWN IN FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 06085C0377H, DATED MAY 18, 2009.





VICINITY MAP

N.T.S.

SHEET INDEX

C-1 TITLE SHEET
C-2 DEMOLITION & TREE REMOVAL PLAN
C-3 SITE PLAN
C-4 PRELIMINARY GRADING AND DRAINAGE PLAN
C-5 PRELIMINARY UTILITY PLAN
C-6 PRELIMINARY INTERIM EROSION CONTROL PLAN
C-7 EROSION CONTROL DETAILS
C-8 STORMWATER POLLUTION PREVENTION PROGRAM
C-9 PRELIMINARY STORMWATER MANAGEMENT PLAN
C-10 TRASH VEHICLE CIRCULATION
C-11 FIRE ACCESS EXHIBIT

BASIS OF BEARING

THE BEARING, N20°40'00"E, OF THE CENTER LINE OF LOS GATOS BLVD (FORMERLY LOS GATOS AND SAN JOSE ROAD), AS SHOWN ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA, IN BOOK C OF MAPS AT PAGE 41, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

ENGINEER'S STATEMENT

THESE PLANS HAVE BEEN PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE.

REGISTERED PROFESSIONAL ENGINEER SCOTT SCHORK PE 47813 12-31-19 CIVIL STATE OF CALIFORNIA

Scott R. Schork

SCOTT R. SCHORK, P.E. DATE
BKF ENGINEERS
R.C.E. NO. 47813

GRAPHIC SCALE
30 0 30 60
SCALE: 1"=30'

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SAN JOSE, CA 95112
(408) 467-9100
www.bkf.com

COMMERCIAL BUILDING
16212 LOS GATOS BOULEVARD
TITLE SHEET
TOWN OF LOS GATOS SANTA CLARA COUNTY CALIFORNIA

No.	Date	Revisions
	02/09/2018	PLANNING RESUBMITTAL SET 3
	05/31/2018	PLANNING RESUBMITTAL SET 4
	10/15/2018	PLANNING RESUBMITTAL SET 5
	01/23/2019	PLANNING RESUBMITTAL SET 6
	03/22/2019	PLANNING SET 6 – PUBLIC WORKS

Date: 01/23/2019
Scale: AS NOTED
Design: MC
Drawn: MG/CT
Approved: SS
Job No: 20160685-20

Drawing Number:
C-1
1 OF 11

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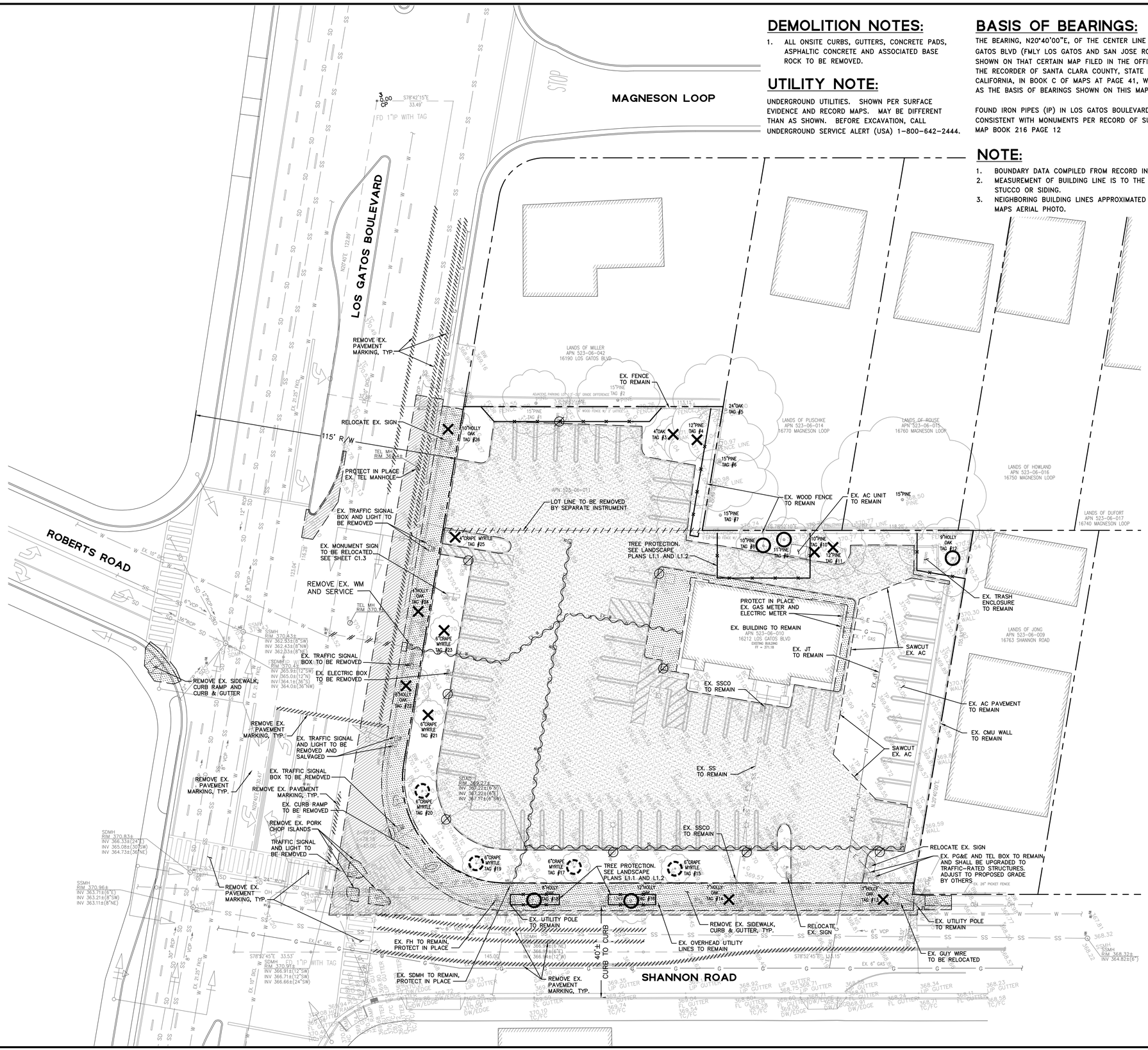

DEMOLITION NOTES:

1. ALL ONSITE CURBS, GUTTERS, CONCRETE PADS, ASPHALTIC CONCRETE AND ASSOCIATED BASE ROCK TO BE REMOVED.

UTILITY NOTE:

UNDERGROUND UTILITIES. SHOWN PER SURFACE EVIDENCE AND RECORD MAPS. MAY BE DIFFERENT THAN AS SHOWN. BEFORE EXCAVATION, CALL UNDERGROUND SERVICE ALERT (USA) 1-800-642-2444.

BASIS OF BEARINGS:

THE BEARING, N20°40'00"E, OF THE CENTER LINE OF LOS GATOS BLVD (FMLY LOS GATOS AND SAN JOSE ROAD), AS SHOWN ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA, IN BOOK C OF MAPS AT PAGE 41, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

FOUND IRON PIPES (IP) IN LOS GATOS BOULEVARD AREA CONSISTENT WITH MONUMENTS PER RECORD OF SURVEY MAP BOOK 216 PAGE 12

NOTE:

1. BOUNDARY DATA COMPILED FROM RECORD INFORMATION.
2. MEASUREMENT OF BUILDING LINE IS TO THE FACE OF STUCCO OR SIDING.
3. NEIGHBORING BUILDING LINES APPROXIMATED BY BING MAPS AERIAL PHOTO.

LEGEND:

AC	ASPHALT CONCRETE
BC	BUILDING CORNER
BW	BACK OF WALK
CB	CATCH BASIN
CMP	CORRUGATED METAL PIPE
CO	CLEAN OUT
CRN	CROWN
DW	DRIVEWAY
EC	EDGE OF CONCRETE
EM	ELECTRIC METER
EP	EDGE OF PAVEMENT
FCOR	FENCE CORNER
FD	FOUND
FF	FINISHED FLOOR
FL	FLOW LINE
FH	FIRE HYDRANT
FW	FRONT OF WALK
G	GROUND
GC	GARAGE CORNER
GF	GARAGE FACE/FRONT
GFC	GROUND AT FENCE
GM	GAS METER
HCR	HANDICAP RAMP
INV	INVERT
IP	IRON PIPE
JP	JOINT POLE
LG	LIP OF GUTTER
O/H	OVERHEAD
PC	PROPERTY CORNER
RW	RETAINING WALL
R/W	RIGHT-OF-WAY
SL	STREET LIGHT
SSCO	SANITARY SEWER CLEANOUT
SSMH	SANITARY SEWER MANHOLE
SDMH	STORM DRAIN MANHOLE
TBC	TOP BACK ROLLED CURB
TC	TOP OF CURB
TOB	TOP OF BANK
TOE	TOE OF BANK
TP	TOP OF PAVEMENT
TRC	TOP OF ROLLED CURB
TW	TOP OF WALL
U/G	UNDERGROUND
VCP	VITRIFIED CLAY PIPE
WV	WATER VALVE
WM	WATER METER BOX
-CTV-	CABLE TELEVISION LINE
-E-	ELECTRICAL LINE
-G-	GAS LINE
-SS-	SANITARY SEWER LINE
-SD-	STORM DRAIN LINE
-T-	TELEPHONE LINE
-W-	WATER LINE
	PROPERTY LINE
	ADJACENT LOT LINE
	EX. TREE TO BE REMOVED, SEE LANDSCAPE PLANS
	EX. TREE TO BE RELOCATED, SEE LANDSCAPE PLANS
	EX. TREE TO REMAIN, SEE LANDSCAPE PLANS
	EX. TREE PROTECTION, SEE LANDSCAPE PLANS
	REMOVE SITE LIGHTING AND ASSOCIATED FOOTING
	EXISTING UTILITY TO BE REMOVED
	EXISTING UTILITY TO BE ABANDONED
	REMOVE EXISTING PAVEMENT MARKING
	REMOVE AC PAVEMENT
	REMOVE CURB, GUTTER, AC PAVEMENT CONCRETE WALKWAY
	REMOVE SIDEWALK AND CURB & GUTTER

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COMMERCIAL BUILDING
16212 LOS GATOS BOULEVARD
DEMOLITION & TREE REMOVAL PLAN

TOWN OF LOS GATOS SANTA CLARA COUNTY CALIFORNIA

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	03/22/2019	PLANNING SET 6 - PUBLIC WORKS

Date: 01/23/2019
Scale: 1"=20'
Design: MC
Drawn: MC/CT
Approved: SS
Job No: 20160805-20

Drawing Number:
C-2
2 OF 11

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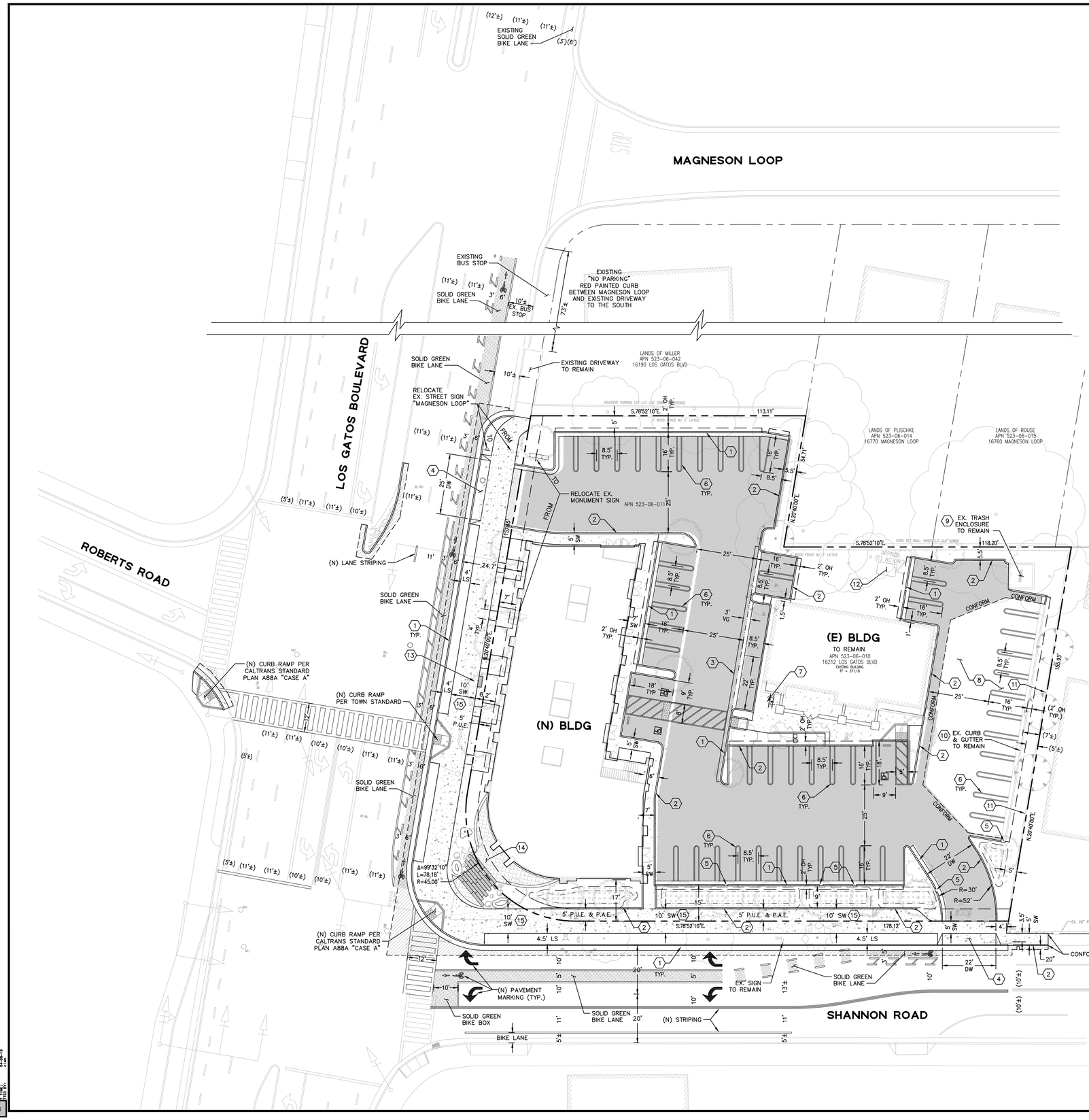


ABBREVIATIONS

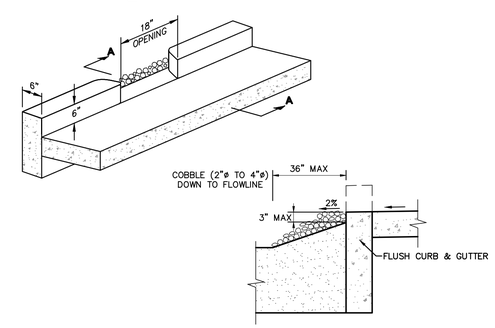
BC	= BACK TOP OF CURB
BCV	= BACK CHECK VALVE
BW	= FINISHED GRADE AT BOTTOM OF WALL
CB	= CATCH BASIN
℄	= CENTER LINE
EG	= EXISTING GRADE
(EX), EX.	= EXISTING
FC	= FACE OF CURB
FF	= FINISHED FLOOR
FG	= FINISHED GRADE
FL	= FLOW LINE ELEVATION
GB	= GRADE BREAK
GF	= GARAGE FLOOR
HP	= HIGH POINT
LS	= LANDSCAPE
(N)	= NEW
OFD	= OVERFLOW DRAIN
℘	= PROPERTY LINE
P.A.E.	= PUBLIC ACCESS EASEMENT
P.U.E.	= PUBLIC UTILITY EASEMENT
R	= RADIUS
RIM	= RIM OF GRATE ELEVATION
SD	= STORM DRAIN
SDAD	= STORM DRAIN AREA DRAIN
SDJB	= STORM DRAIN JUNCTION BOX
SSMH	= SANITARY SEWER MANHOLE
SLP	= SEE LANDSCAPE PLANS
SSCO	= SANITARY SEWER CLEANOUT
SW	= SIDEWALK
TYP	= TYPICAL
TC	= TOP OF CURB
TW	= TOP OF WALL

LEGEND

- PROPERTY LINE
- ADJACENT LOT LINE
- SAWCUT LINE
- VEHICULAR OVERHANG
- VERTICAL CURB AND GUTTER
- VERTICAL CURB
- BIORETENTION BASIN
- CONCRETE VALLEY GUTTER
- ASPHALT CONCRETE (AC)
- CONCRETE SIDEWALK
- CONCRETE DRIVEWAY
- PUBLIC AC – DEEPLIFT
- SOLID GREEN BIKE LANE
- DRIVEWAY PER TOWN OF LOS GATOS STDS.
- ADA CURB RAMP

KEY NOTES

1. CONCRETE VERTICAL CURB AND GUTTER, SEE TOWN STD PLAN NO. 210
2. CONCRETE VERTICAL CURB, SEE TOWN STD PLAN NO. 211
3. CONCRETE VALLEY GUTTER, SEE TOWN STD PLAN NO. 212
4. CONCRETE DRIVEWAY, SEE TOWN STD PLAN NO. 218
5. 18" CURB OPENING, SEE DETAIL THIS SHEET
6. PARKING STRIPING, SEE TOWN STD PLAN NO. 264
7. BIKE RACK, SEE LANDSCAPE PLANS SHEET L1.2
8. EXISTING AC PAVEMENT TO REMAIN
9. EXISTING TRASH ENCLOSURE TO REMAIN
10. EXISTING CURB AND GUTTER TO REMAIN
11. EXISTING CMU WALL TO REMAIN
12. EXISTING AC UNIT TO REMAIN, VERIFY IN FIELD
13. BENCH, SEE LANDSCAPE PLANS SHEETS L1.1 & L1.2
14. PATIO AREA WITH 18" SEAT WALL. SEE ARCHITECTURAL AND LANDSCAPE PLANS
15. CONCRETE SIDEWALK, SEE TOWN STD PLAN NO. 216



SECTION A–A

18" CURB OPENING DETAIL

NTS

GRAPHIC SCALE

20 0 20 40

SCALE: 1"=20'

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16212 LOS GATOS BOULEVARD
SITE PLAN

TOWN OF LOS GATOS SANTA CLARA COUNTY CALIFORNIA

No.	Date	Revisions
	02/09/2018	PLANNING RESUBMITTAL SET 3
	05/31/2018	PLANNING RESUBMITTAL SET 4
	10/15/2018	PLANNING RESUBMITTAL SET 5
	01/23/2019	PLANNING RESUBMITTAL SET 6
	03/22/2019	PLANNING SET 6 – PUBLIC WORKS

Date: 01/23/2019
Scale: 1"=20'
Design: MC
Drawn: MC/CT
Approved: SS
Job No: 20160805-20

Drawing Number:
C-3
3 OF 11

FILE NAME: V:\DWG-SJ\civil\20811\11000 Cimarron Shannon RD\DWG\PLANS\HCS\SHEET(S)-2-5-6-11TE.dwg
PLOT DATE: 04-08-19
PLOT BY: Chris Tofflemire

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EARTHWORK

CUT: 400 CUBIC YARDS = BUILDING 200 CY; PARKING 120 CY; LANDSCAPING 80 CY (1 1/2" ACROSS SITE)
FILL: 300 CUBIC YARDS = BUILDING 50 CY; PARKING 180 CY; LANDSCAPING 70 CY (3/4" ACROSS SITE)

EXPORT: 100 CUBIC YARDS

EARTHWORK QUANTITIES ARE APPROXIMATE QUANTITIES AND ARE FURNISHED FOR INFORMATION ONLY. THE ACTUAL AMOUNT OF EARTH MOVED WILL VARY DEPENDING ON THE PROPERTIES OF THE SOILS ENCOUNTERED, THE CONTRACTOR'S METHOD OF OPERATION, ETC. BIDDERS ARE RESPONSIBLE FOR DOING THEIR OWN QUANTITY TAKEOFF.

MAXIMUM GRADED CUTS AND FILLS

SITE ELEMENT	CUT	FILL
BUILDING	1.5'	1.0'
PARKING	1.5'	0.5'
LANDSCAPING	1.0'	0.5'

LEGEND

- PROPERTY LINE
- ADJACENT LOT LINE
- SAWCUT LINE
- VERTICAL CURB AND GUTTER
- VERTICAL CURB
- BIORETENTION BASIN
- CONCRETE VALLEY GUTTER
- ASPHALT CONCRETE (AC)
- CONCRETE SIDEWALK
- CONCRETE DRIVEWAY
- REMOVE & REPLACE PAVEMENT TO CENTER LINE OR ALTERNATIVE PAVEMENT REHABILITATION MEASURES AS APPROVED BY THE TOWN ENGINEER
- PUBLIC AC – DEEPLIFT
- OVERLAND DRAINAGE RELEASE PATH
- TC 369.87 — PROPOSED GRADE
- (EG 370.3±) — EXISTING GRADE
- SDMH — STORM DRAIN MANHOLE
- OFD — OVERFLOW DRAIN
- AD — AREA DRAIN
- JB — JUNCTION BOX
- BB — BUBBLER BOX
- SDCO — STORM DRAIN CLEANOUT

ABBREVIATIONS

BC	=	BACK TOP OF CURB
BCV	=	BACK CHECK VALVE
BW	=	FINISHED GRADE AT BOTTOM OF WALL
CB	=	CATCH BASIN
℄	=	CENTER LINE
EG	=	EXISTING GRADE
(EX), EX.	=	EXISTING
FC	=	FACE OF CURB
FF	=	FINISHED FLOOR
FG	=	FINISHED GRADE
FL	=	FLOW LINE ELEVATION
GB	=	GRADE BREAK
GF	=	GARAGE FLOOR
HP	=	HIGH POINT
LS	=	LANDSCAPE
(N)	=	NEW
OFD	=	OVERFLOW DRAIN
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P.A.E.	=	PUBLIC ACCESS EASEMENT
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SSCO	=	SANITARY SEWER CLEANOUT
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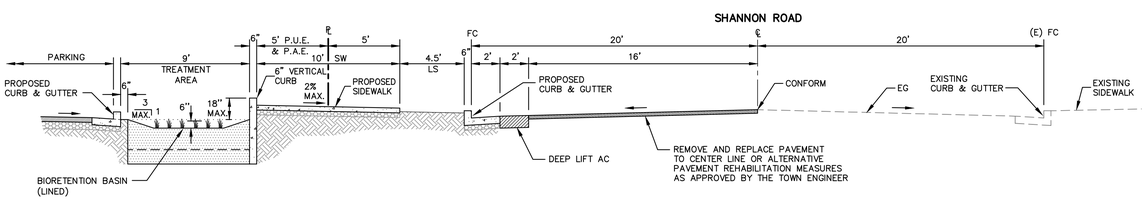
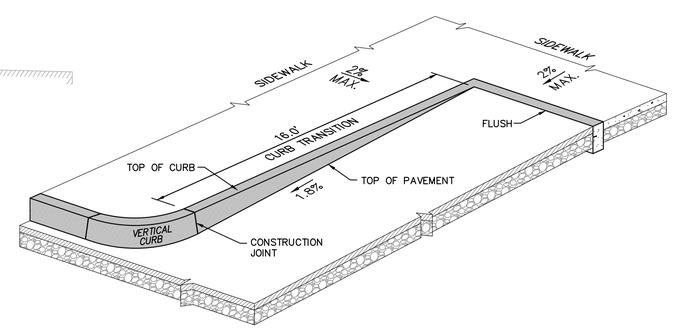


SECTION A-A

NTS



CURB TRANSITION DETAIL

NTS

GRAPHIC SCALE
20 0 20 40
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TOWN OF LOS GATOS — SANTA CLARA COUNTY — CALIFORNIA

No.	Date	Revisions
	02/09/2018	PLANNING RESUBMITTAL SET 3
	05/31/2018	PLANNING RESUBMITTAL SET 4
	10/15/2018	PLANNING RESUBMITTAL SET 5
	01/23/2019	PLANNING RESUBMITTAL SET 6
	03/22/2019	PLANNING SET 6 – PUBLIC WORKS

Date: 01/23/2019
Scale: AS NOTED
Design: MC
Drawn: MC/CT
Approved: SS
Job No: 20160805-20

Drawing Number:
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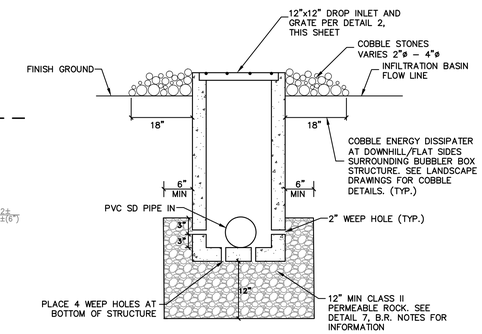
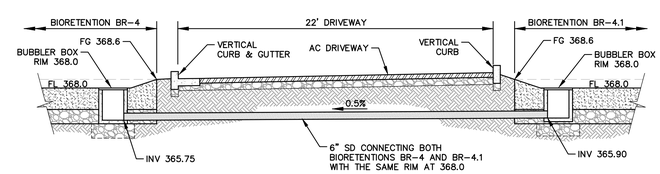
LEGEND

- PROPERTY LINE
- ADJACENT LOT LINE
- SAWCUT LINE
- VERTICAL CURB AND GUTTER
- VERTICAL CURB
- BIORETENTION BASIN
- CONCRETE VALLEY GUTTER
- STORM DRAIN LINE (TREATED)
- SD — STORM DRAIN LINE (UNTREATED)
- SS — SANITARY SEWER LINE
- W — DOMESTIC WATER LINE
- FW — FIRE WATER/SERVICE LINE
- IRR — IRRIGATION WATER LINE
- E — ELECTRICAL LINE
- JT — JOINT TRENCH LINE (DESIGN BY OTHERS)
- SDMH — STORM DRAIN MANHOLE
- OFD — OVERFLOW DRAIN
- AD — AREA DRAIN
- JB — JUNCTION BOX
- BB — BUBBLER BOX
- SDCO — STORM DRAIN CLEANOUT
- SSMH — SANITARY SEWER MANHOLE
- SSCO — SANITARY SEWER CLEANOUT
- DCDA — DOUBLE CHECK DETECTOR ASSEMBLY
- RPDA — REDUCED PRESSURE DETECTOR ASSEMBLY
- WM — WATER METER
- WM — WATER VALVE
- BFP — BACK FLOW PREVENTER
- BO — BLOW OFF VALVE
- FDC — FIRE DEPARTMENT CONNECTION
- FH — PROPOSED FIRE HYDRANT
- (E) FH — EXISTING FIRE HYDRANT



BUBBLER BOX DETAIL

NTS



SECTION B-B

NTS

GRAPHIC SCALE

20 0 20 40

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PRELIMINARY UTILITY PLAN

TOWN OF LOS GATOS — SANTA CLARA COUNTY — CALIFORNIA

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	10/15/2018	PLANNING RESUBMITTAL SET 5
	01/23/2019	PLANNING RESUBMITTAL SET 6
	03/22/2019	PLANNING SET 6 – PUBLIC WORKS

Date: 01/23/2019
Scale: 1"=20'
Design: MC
Drawn: MC/CT
Approved: SS
Job No: 20116085-20

Drawing Number:

C-5

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TABLE A

PERVIOUS AND IMPERVIOUS SURFACES COMPARISON TABLE				
PROJECT PHASE NUMBER (N/A, 1, 2, 3, ETC):				N/A
TOTAL SITE (ACRES):	0.94		TOTAL AREA OF SITE DISTURBED (ACRES):	0.79
IMPERVIOUS SURFACES	EXISTING CONDITION OF SITE AREA (SQUARE FEET)	EXISTING CONDITION OF SITE AREA TO REMAIN (SQUARE FEET)	PROPOSED CONDITION OF SITE AREA DISTURBED (SQUARE FEET)	
			REPLACED	NEW
ROOF AREA(S)	2,351	2,351	0	7,046
PARKING	28,211	3,363	17,191	0
SIDEWALKS, PODIUM, PATHS, ETC.	1,950	782	1,950	486
STREETS (PUBLIC)	0	0	0	0
STREETS (PRIVATE)	0	0	0	0
TOTAL IMPERVIOUS SURFACES:	32,512	6,496	19,141	7,532
PERVIOUS SURFACES				
LANDSCAPE AREA	8,526		7,869	0
PERVIOUS PAVING	0		0	0
OTHER PERVIOUS SURFACES (GREEN ROOF, ETC)	0		0	0
TOTAL PERVIOUS SURFACES:	8,526		7,869	0
TOTAL EXISTING TO REMAIN + PROPOSED REPLACED + NEW IMPERVIOUS SURFACES:				33,169
TOTAL PROPOSED REPLACED + NEW PERVIOUS SURFACES:				7,869

TABLE B

SITE CONDITIONS	
SOIL TYPE:	SILTY SAND WITH GRAVEL AND SILTY GRAVEL WITH SAND
DEPTH TO GROUNDWATER:	GROUNDWATER WAS NOT ENCOUNTERED
100-YEAR FLOOD ELEVATION:	ZONE D
RECEIVING WATER BODY:	LOS GATOS CREEK
POLLUTANTS: (INCLUDING, BUT NOT LIMITED, TO THE FOLLOWING)	SEDIMENT & TRASH GREASE & OIL HEAVY METALS HAZARDOUS WASTE
POLLUTANT SOURCE AREAS:	-ROOF -PARKING AREA -DRIVEWAY
SOURCE CONTROL MEASURES:	-BENEFICIAL LANDSCAPING; -MAINTENANCE; -STORM DRAIN LABELING; -FIRE SPRINKLER/HYDRANT/AC CONDENSER DISCHARGE TEST, WATER TO LANDSCAPE
SITE DESIGN MEASURES:	-MINIMIZE IMPERVIOUS SURFACES; -CLUSTER STRUCTURES/PAVEMENT; -DIRECT RUNOFF TO VEGETATED AREAS; -DISCONNECTED DOWNSPOUTS/DIRECT ROOF RUNOFF TO VEGETATED AREAS:

TABLE C

TREATMENT CONTROL MEASURE SUMMARY

DRAINAGE AREAS	DRAINAGE AREA SIZE (SQ. FT.)	PERVIOUS SURFACE (SQ. FT.)	TYPE OF PERVIOUS SURFACE	IMPERVIOUS SURFACE (SQ. FT.)	IMPERVIOUS SURFACE TYPE (SQ. FT.)			TREATMENT REQUIRED (SQ. FT.)	TREATMENT PROVIDED (SQ. FT.)	PROPOSED TREATMENT CONTROLS
					ROOF (C=0.90)	CONCRETE (C=0.80)	ASPHALT (C=0.70)			
A-1	9,293	1,476	LANDSCAPE (C=0.10)	7,817	7,046	771	0	313	313	BIORETENTION B.R. 1 (313)
A-2	15,623	3,616	LANDSCAPE (C=0.10)	12,007	0	1,257	10,750	480	480	BIORETENTION B.R. 2 (480)
A-3	6,130	791	LANDSCAPE (C=0.10)	5,339	0	1,030	4,309	214	214	BIORETENTION B.R. 3 (214)
A-4	9,992	1,986	LANDSCAPE (C=0.10)	8,006	2,351	160	5,495	320	320	BIORETENTION B.R. 4 (196) & B.R. 4.1 (124)
TOTAL	41,038	7,869		33,169*	9,397*	3,218*	20,554*			

SIZING IS BASED OFF OF SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM'S SIZING FOR VOLUME-BASED TREATMENT MEASURES WORKSHEET IN APPENDIX B OF THE C.3 STORMWATER HANDBOOK.

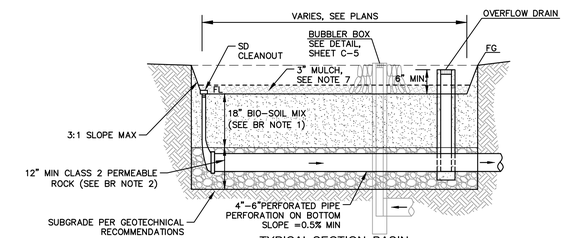
*THESE AREAS INCLUDE EXISTING IMPERVIOUS AREAS AS FOLLOWS: ROOF (2,351 SF), ASPHALT (3,363 SF) AND CONCRETE (782 SF).

LEGEND

- PROPERTY LINE
- ADJACENT LOT LINE
- VERTICAL CURB AND GUTTER
- VERTICAL CURB
- BIORETENTION BASIN
- VALLEY GUTTER
- A-X DRAINAGE AREA BOUNDARY
- POINT OF TREATMENT OF DRAINAGE AREA
- POINT OF STORM WATER DISCHARGE FROM TREATMENT
- BR-# BIORETENTION DESIGNATION
- DIRECTION OF FLOW

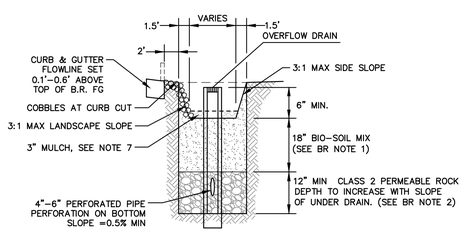
BIORETENTION(B.R.) NOTES

1. SOIL MIX SHALL MEET REQUIREMENTS AS SPECIFIED IN BASMAA REGIONAL BIOTREATMENT SOIL SPECIFICATION FOUND IN APPENDIX C OF THE SCVURPPP C.3 HANDBOOK. SEE BIORETENTION NOTE 2 BELOW.
2. CLASS 2 PERMEABLE ROCK SHALL BE 1 TO 3/4-INCH ROCK PER CALTRANS RECOMMENDATIONS, WASHED AND FREE FROM CLAY OR ORGANIC MATERIAL. DEPTH OF ROCK TO INCREASE WITH SLOPE OF PIPE.
3. PERFORATED PIPE SHALL BE PVC SDR 35, WITH 1/2" PERFORATIONS ON THE BOTTOM WITH SLOPE OF 0.5% MIN.
4. IT IS RECOMMENDED THAT THE BIORETENTION AREA BE SIZED TO BE 4% OF THE IMPERVIOUS SURFACE AREA ON THE PROJECT SITE. THE AREA OF TRIBUTARY IMPERVIOUS SURFACE MULTIPLIED BY THE 0.04 SIZING FACTOR WILL EQUAL THE REQUIRED SURFACE AREA OF THE BIORETENTION AREA.
5. SEE SHEETS C-4 & C-5 FOR FG, FL, OR RIM ELEVATIONS FOR BIORETENTION AREA.
6. THE SECTION BASIN WIDTH VARIES FROM 0'-75' FT WIDE.
7. INSTALL 3 INCHES OF FLOAT RESISTANT (COMPOSTED) MULCH ON THE SURFACE OF THE BIOTREATMENT SOIL TO PROTECT THE SOIL.



TYPICAL SECTION: BASIN

HORIZ: 1"=10'
VERT: 1"=2'



TYPICAL SECTION: OVERFLOW DRAIN

HORIZ: 1"=10'
VERT: 1"=2'

BIORETENTION BASIN DETAIL

NTS

NO DUMPING! DRAINS TO CREEK

NOTE:

STENCILING LOCATION: CONTRACTOR SHALL STENCIL ALL STORM DRAIN INLETS AND CATCH BASINS WITH THE "NO DUMPING! DRAINS TO CREEK" STENCIL. THE "NO DUMPING!" MESSAGE SHOULD BE APPLIED TO BOTH THE TOP OF THE CURB AND THE FACE OF THE CURB NEXT TO THE STORM DRAIN INLET, PREFERABLY ON THE LEFT SIDE. IF THIS IS NOT FEASIBLE, PLACE THE MESSAGE IN THE STREET IN FRONT OF THE INLET.

STORM DRAIN LABELING DETAIL

NTS

GRAPHIC SCALE

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PRELIMINARY STORMWATER MANAGEMENT PLAN

TOWN OF LOS GATOS SANTA CLARA COUNTY CALIFORNIA

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	01/23/2019	PLANNING RESUBMITTAL SET 6
	03/22/2019	PLANNING SET 6 - PUBLIC WORKS

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Approved: SS
Job No: 20160835-20

Drawing Number:
C-6
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INTERIM EROSION CONTROL MEASURES

(USE AS APPLICABLE TO YOUR PROJECT.)

NOTES:

1. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO INSURE THAT NO MUD OR SILTATION LEAVES THE PROJECT SITE.
2. INTERIM EROSION CONTROL MEASURES MUST BE COMPLETED AND IN PLACE BY OCTOBER 1.
3. ALL INTERIM EROSION CONTROL MEASURES MUST BE CONTINUOUSLY MAINTAINED THROUGHOUT THE OCTOBER 1 TO APRIL 15 RAINY SEASON.
4. CALL THE INSPECTION LINE AT (408) 399–5760 BY SEPTEMBER 15 FOR INSPECTION OF EROSION CONTROL DEVICES. CALL 24 HOURS IN ADVANCE. INCLUDE GRADING PERMIT NUMBER.
5. IF EROSION CONTROL MEASURES ARE NOT IN PLACE AS REQUIRED OR NOT MAINTAINED, ALL WORK SHALL CEASE UNTIL EROSION CONTROL MEASURES ARE REMEDIED.

MEASURES:

1. INSTALL SILT FENCE. PROVIDE DETAIL, SHOW LOCATION ON PLANS AND ADD NOTES AS NEEDED.
2. SEED EXPOSED AREAS PER TOWN SPECIFICATIONS. SEE BELOW.
3. INSTALL DRAINAGE MEASURES INCLUDING CATCH BASINS, ENERGY DISSIPATORS, ETC. PROVIDE DETAIL, SHOW LOCATIONS ON PLANS, AND ADD NOTES AS NEEDED.
4. INSTALL CHECK DAMS, SEDIMENT TRAPS AND BASINS, TEMPORARY SWALES.
5. INSTALL JUTE NETTING OVER SEEDED AND MULCHED SLOPES.
6. COVER BARE SLOPES WITH STRAW BLANKETS.

SEEDING SPECIFICATIONS:

1. SEED AND MULCH WILL BE APPLIED BY OCT 1 TO ALL DISTURBED SLOPES AND TO ALL CUTS AND FILL SLOPES WITHIN OR ADJACENT TO PUBLIC RIGHTS–OF–WAY AS DIRECTED BY TOWN ENGINEER
2. SEED AND FERTILIZER WILL BE APPLIED HYDRAULICALLY OR BY HAND AT THE RATES SPECIFIED BELOW. ON SLOPES, STRAW WILL BE APPLIED BY BLOWER OR BY HAND AND ANCHORED IN PLACE BY PUNCHING OR WITH JUTE NETTING.

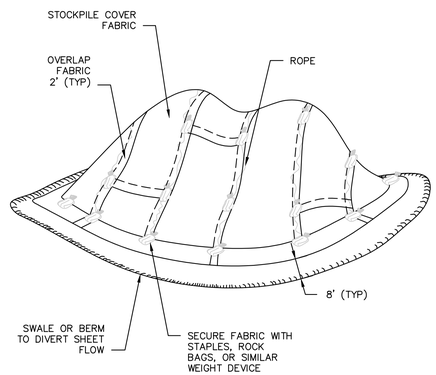
ITEM	POUNDS/ACRE
"Blando" brome	30
Annual rye grass	20
Fertilizer (16–20–0 & 15% sulfur)	500
Straw	4,000

3. SEEDED AREAS WILL BE REPAIRED, RESEEDED AND MULCHED, IF DAMAGED.

APPROVED BY	DATE		INTERIM EROSION CONTROL NOTES	STD. PLAN NO
	JUNE 2004			255
TOWN ENGINEER				

INTERIM EROSION CONTROL NOTES

N.T.S.



PERSPECTIVE

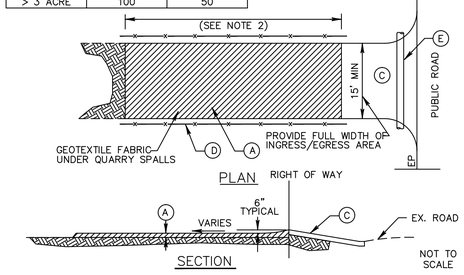
APPROVED BY	DATE		TEMPORARY STOCKPILE COVER	STD. PLAN NO
	JUNE 2004			257
TOWN ENGINEER				

ST–257.DWG

TEMPORARY STOCKPILE COVER

N.T.S.

PROJECT SIZE	LENGTH OF	
	CRUSHED ROCK	ATB
<1/4 ACRE	30	0
<1 ACRE	50	0
<3 ACRE	100	0
>3 ACRE	100	50



Ⓐ 4" CRUSHED ROCK WITH GEOTEXTILE MATERIAL UNDERNEATH.

Ⓑ THE MINIMUM LENGTH SHALL BE LENGTHENED AS NECESSARY TO ENSURE MATERIAL IS NOT TRACKED INTO THE PUBLIC RIGHT–OF–WAY. ALTERNATE CONSTRUCTION ENTRANCES WILL BE ALLOWED WITH APPROVAL OF THE CITY ENGINEER ON A CASE BY CASE BASIS, WHERE PHYSICAL SITE CONDITIONS AND SIZE DICTATE.

Ⓒ ATB DRIVEWAY RAMP, OR SITE ACCESS ROAD 20' WIDE MIN. SEE TABLE ABOVE FOR REQUIRED LENGTH.

Ⓓ INSTALL ORANGE BARRIER FENCE TO DIRECT TRAFFIC ONTO CONSTRUCTION ENTRANCE

Ⓔ INSTALL 12" MIN. DIA. CULVERT IF A ROADSIDE DITCH IS PRESENT.

NOTES:

1 SURFACE WATER – ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.

2 MAINTENANCE – THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT–OF–WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT–OF–WAY MUST BE REMOVED IMMEDIATELY.

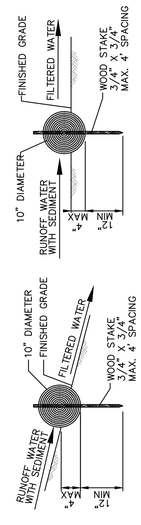
3 WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHT–OF–WAY. WHEN WASHING IS USED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.

4 PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

APPROVED BY	DATE		STABILIZED CONSTRUCTION ENTRANCE	STD. PLAN NO.
	JUNE 2004			250
TOWN ENGINEER				

STABILIZED CONSTRUCTION ENTRANCE

N.T.S.



NOTES:

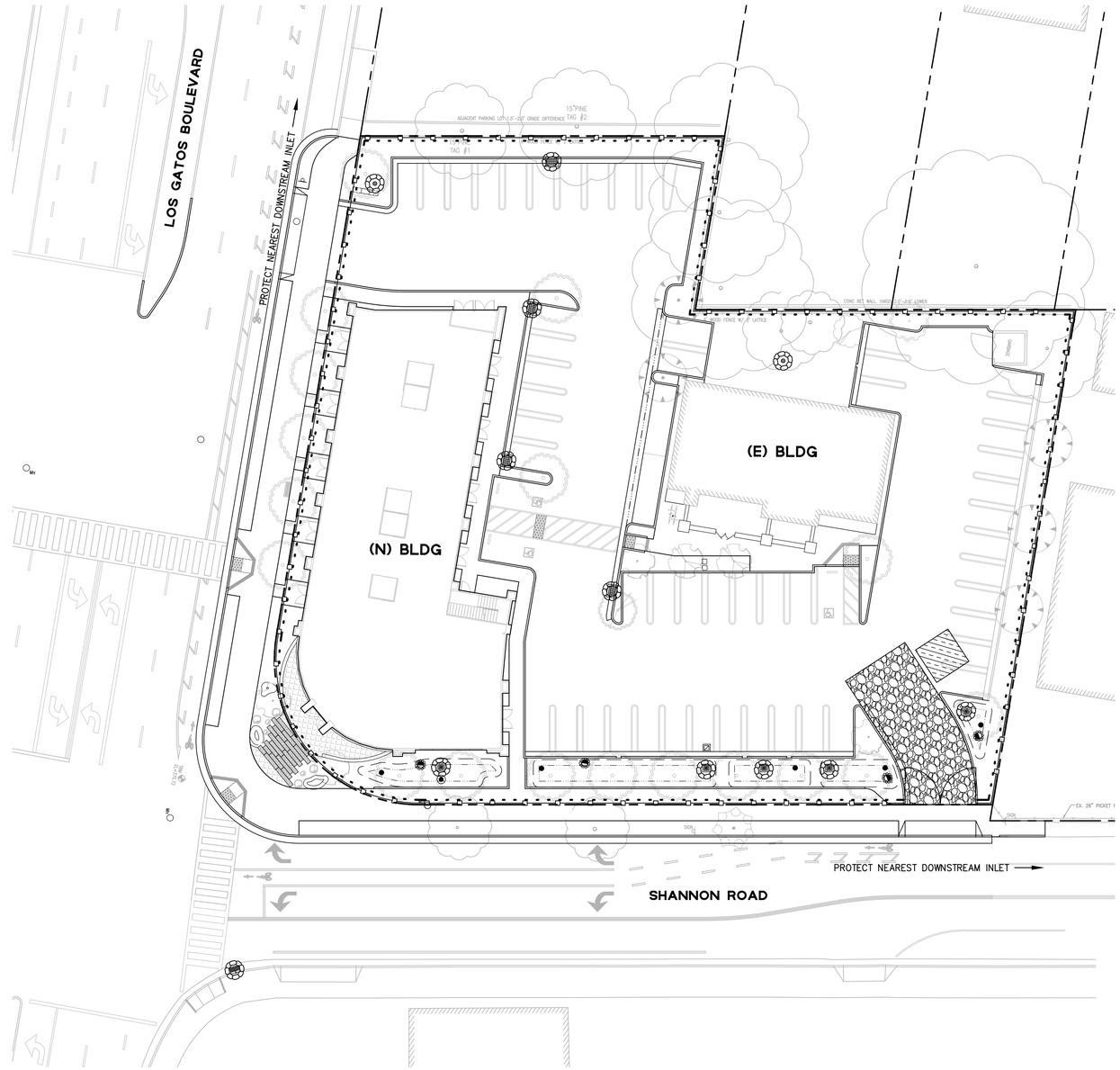
1. STRAW ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH, 3" TO 4" DEEP.
2. ADJACENT ROLLS SHALL TIGHTLY ABUT.
3. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND STRAW ROLL.
4. STRAW ROLLS SHALL BE PLACED ON SLOPES @ MAX. 25' SPACING.

NOT TO SCALE

APPROVED BY	DATE		STRAW ROLL	STD. PLAN NO.
	JUNE 2004			253
TOWN ENGINEER				

STRAW ROLL

N.T.S.



EROSION CONTROL NOTES

1. THIS SHEET IS INTENDED FOR EROSION CONTROL ONLY.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO IMPLEMENT ALL REQUIREMENTS SET FORTH IN THE STATE WATER RESOURCES CONTROL BOARD (SWRCB) ORDER NO. R2–2009–0009–DWQ, NPDES GENERAL PERMIT NO. CAS000002, STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES, SEPTEMBER 02, 2009, ALSO KNOWN AS THE CONSTRUCTION GENERAL PERMIT (CGP) AND THE PROJECT STORM WATER POLLUTION PREVENTION PLAN (SWPPP).
3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO RETAIN A QUALIFIED STORM WATER POLLUTION PREVENTION PLAN PRACTITIONER (QSP) THAT WILL MONITOR THE SITE, IN ACCORDANCE WITH THE CGP.
4. SEE POLLUTION PREVENTION – IT'S PART OF THE PLAN SHEET TM–8 FOR ADDITIONAL REQUIREMENTS.
5. THIS PLAN MAY NOT COVER ALL THE SITUATIONS THAT ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. IN GENERAL, THE CONTRACTOR IS RESPONSIBLE FOR KEEPING ANY SEDIMENT FROM LEAVING THE SITE, FIBER ROLLS, SAND BAGS AND ADDITIONAL SILT FENCES SHALL BE USED BY THE CONTRACTOR ON AN AS NEEDED BASIS TO INHIBIT SILT FROM LEAVING THE SITE AND ENTERING THE STORM DRAIN SYSTEM. ALL EXISTING, TEMPORARY OR PERMANENT CATCH BASINS SHALL USE THE SEDIMENT BARRIERS SHOWN ON THIS PLAN.

LEGEND

- STRAW ROLL PER DETAIL 253, SHEET C–7
- TEMPORARY CONSTRUCTION FENCE
- STORM DRAIN INLET PROTECTION PER DETAIL SE–10, SHEET C–8
- STABILIZED CONSTRUCTION ENTRANCE/EXIT PER DETAIL 250, SHEET C–7
- CONCRETE WASHOUT PER DETAIL 256, SHEET C–8

GRAPHIC SCALE

20 0 20 40

SCALE: 1"=20'

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COMMERCIAL BUILDING
16212 LOS GATOS BOULEVARD
PRELIMINARY INTERIM EROSION CONTROL PLAN

TOWN OF LOS GATOS — SANTA CLARA COUNTY — CALIFORNIA

No.	Date	Revisions
	02/09/2018	PLANNING RESUBMITTAL SET 3
	05/31/2018	PLANNING RESUBMITTAL SET 4
	10/15/2018	PLANNING RESUBMITTAL SET 5
	01/23/2019	PLANNING RESUBMITTAL SET 6
	03/22/2019	PLANNING SET 6 – PUBLIC WORKS

Date: 01/23/2019
Scale: AS NOTED
Design: MC
Drawn: MC/CT
Approved: SS
Job No: 20160685–20

Drawing Number:
C-7
7 OF 11

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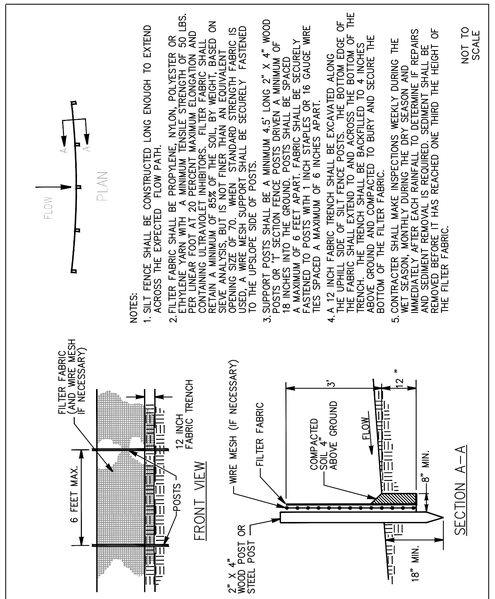
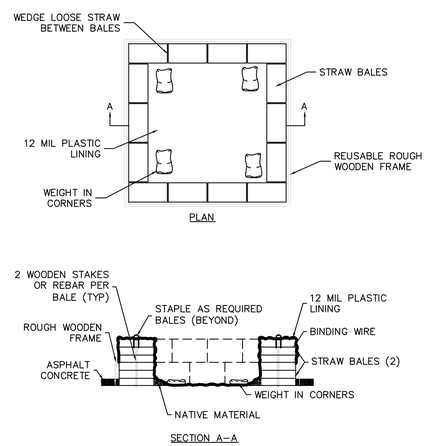


NOTES:
1. SILT FENCE SHALL BE CONSTRUCTED LONG ENOUGH TO EXTEND ACROSS THE EXPECTED FLOW PATH.
2. FILTER FABRIC SHALL BE PROPYLENE, NYLON, POLYESTER OR ETHYLENE YARN WITH A MINIMUM TENSILE STRENGTH OF 50 LBS. PER LINEAR FOOT AND MINIMUM PERCENT OF 85% OF THE SOIL BY WEIGHT CONTAINING ULTRAVIOLET INHIBITORS. FILTER FABRIC SHALL RETAIN A MINIMUM OF 85% OF THE SOIL BY WEIGHT, BASED ON SIEVE ANALYSIS, BUT MUST PASS THAN ENOUGH WATER TO ALLOW OPENING SIZE OF 70 WHEN STANDARD STRENGTH FABRIC IS USED. A WIRE MESH SUPPORT SHALL BE SECURELY FASTENED TO THE UPSLOPE SIDE OF POSTS.
3. SUPPORT POSTS SHALL BE A MINIMUM 4.5' LONG 2" X 4" WOOD POSTS OR STEEL POSTS WITH A MINIMUM WEIGHT OF 1.35 LBS. PER LINEAR FOOT. POSTS SHALL BE SPACED A MAXIMUM OF 6 FEET APART. FABRIC SHALL BE SECURELY FASTENED TO POSTS WITH WIRE MESH SUPPORT OR 16 GAUGE WIRE TIES SPACED A MAXIMUM OF 6 INCHES APART.
4. A 12 INCH FABRIC TRENCH SHALL BE EXCAVATED ALONG THE UPHILL SIDE OF SILT FENCE POSTS. THE BOTTOM EDGE OF THE FABRIC SHALL EXTEND TO AND ACROSS THE BOTTOM OF THE TRENCH. THE TRENCH SHALL BE BACKFILLED WITH 12 INCHES OF THE ABOVE GROUND AND COMPACTED TO BURY AND SECURE THE BOTTOM OF THE FILTER FABRIC.
5. CONTRACTER SHALL MAKE INSPECTIONS WEEKLY DURING THE WET SEASON AND WITHIN 24 HOURS OF A STORM EVENT IMMEDIATELY AFTER EACH RAINFALL TO DETERMINE IF REPAIRS AND SEDIMENT REMOVAL IS REQUIRED. SEDIMENT SHALL BE REMOVED BEFORE IT HAS REACHED ONE THIRD THE HEIGHT OF THE FILTER FABRIC.

NOT TO SCALE

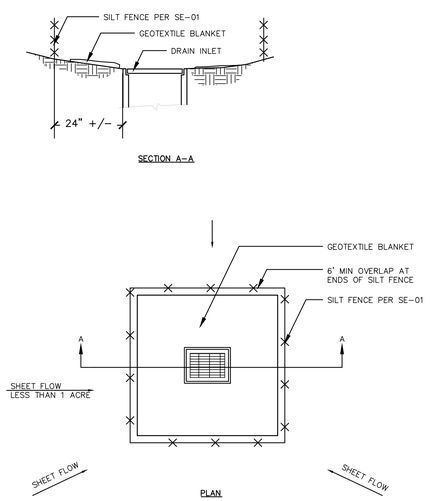
APPROVED BY	DATE		SILT FENCE	STD. PLAN NO.
	JUNE 2004			251
TOWN ENGINEER				

SILT FENCE
N.T.S.



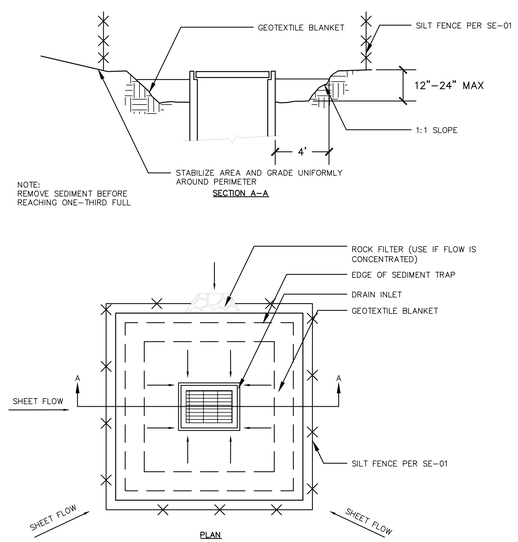
APPROVED BY	DATE	TEMPORARY CONCRETE WASHOUT FACILITY	STD. PLAN NO.
	JUNE 2004		256
TOWN ENGINEER			

TEMPORARY CONCRETE WASHOUT FACILITY
N.T.S.



NOTES:
1. FOR USE IN AREAS WHERE GRADING HAS BEEN COMPLETED AND FINAL SOIL STABILIZATION AND SEEDING ARE PENDING SHAPE BASIN SO THAT LONGEST INFLOW AREA FACES LONGEST LENGTH OF TRAP
2. NOT APPLICABLE IN PAVED AREAS
3. NOT APPLICABLE WITH CONCENTRATED FLOWS

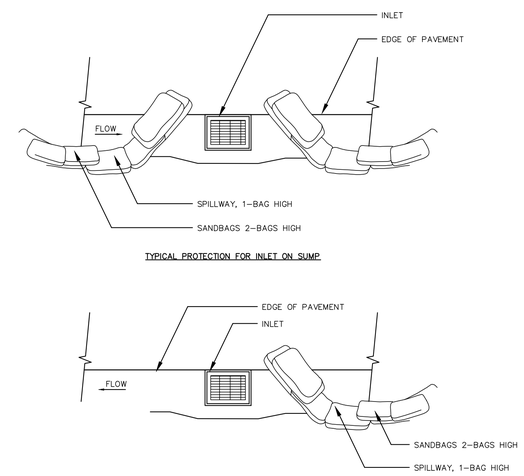
SE–10 STORM DRAIN INLET PROTECTION – TYPE 1
N.T.S.



NOTE:
REMOVE SEDIMENT BEFORE REACHING ONE–THIRD FULL

NOTES:
1. FOR USE IN CLEARED AND GRUBBED AND IN GRADED AREAS
2. SHAPE BASIN SO THAT LONGEST INFLOW AREA FACES LONGEST LENGTH OF TRAP
3. FOR CONCENTRATED FLOWS SHAPE BASIN IN 2:1 RATIO WITH LENGTH ORIENTED TOWARDS DIRECTION FLOW

SE–10 STORM DRAIN INLET PROTECTION – TYPE 2
N.T.S.



NOTES:
1. INTENDED FOR SHORT TERM USE
2. USED TO INHIBIT STORM WATER FLOW
3. ALLOW FOR PROPER MAINTENANCE AND CLEANUP
4. BAG MUST BE REMOVED AFTER ADJACENT OPERATION IS COMPLETED
5. NOT APPLICABLE IN AREAS WITH HIGH SILTS AND CLAYS WITHOUT FILTER FABRICS

SE–10 STORM DRAIN INLET PROTECTION – TYPE 3
N.T.S.

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COMMERCIAL BUILDING
16212 LOS GATOS BOULEVARD
EROSION CONTROL DETAILS

TOWN OF LOS GATOS, SANTA CLARA COUNTY, CALIFORNIA

No.	Date	Revisions
	02/09/2018	PLANNING RESUBMITTAL SET 3
	05/31/2018	PLANNING RESUBMITTAL SET 4
	10/15/2018	PLANNING RESUBMITTAL SET 5
	01/23/2019	PLANNING RESUBMITTAL SET 6
	03/22/2019	PLANNING SET 6 – PUBLIC WORKS

Date: 01/23/2019
Scale: AS NOTED
Design: MC
Drawn: MC/CT
Approved: SS
Job No: 20160685-20

Drawing Number:
C-8
8 OF 11

DWG NAME: V:\BKF-SJ\civil\20160685 Cinelite at Shannon Rd\DWG\PLANS\DWG\SHEETS\1.2-1. E-C8-EROSEC1.dwg
LTD BY: 04-08-19
LTD BY: C. Tran

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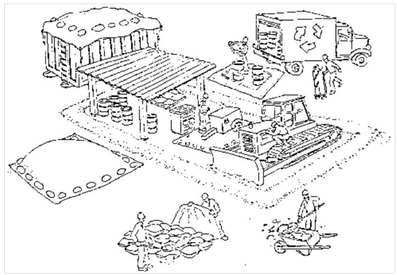
Pollution Prevention — It's Part of the Plan



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution in San Francisco Bay. Construction activities can directly affect the health of the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines will ensure your compliance with local ordinance requirements.

Materials storage & spill cleanup

Non-hazardous materials management

- ✔ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✔ Use (but don't overuse) reclaimed water for dust control as needed.
- ✔ Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✔ Recycle all asphalt, concrete, and aggregate base material from demolition activities.
- ✔ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

Hazardous materials management

- ✔ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, state, and federal regulations.
- ✔ Store hazardous materials and wastes in secondary containment and cover them during wet weather.
- ✔ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ✔ Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- ✔ Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- ✔ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✔ Report any hazardous materials spills immediately! Dial 911 or your local emergency response number.

Vehicle and equipment maintenance & cleaning

- ✔ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✔ Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✔ If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinsewater to run into gutters, streets, storm drains, or creeks.
- ✔ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

Earthwork & contaminated soils

- ✔ Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.
- ✔ Use hay bales, silt fences, or other control measures to minimize the flow of silt off the site.

- ✔ Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- ✔ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✔ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place hay bales down-slope until soil is secure.
- ✔ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call your local fire department for help in determining what testing should be done.
- ✔ Manage disposal of contaminated soil according to Fire Department instructions.

Dewatering operations

- ✔ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✔ Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✔ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

Saw cutting

- ✔ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, hay bales, sand bags, or fine gravel dams to keep slurry out of the storm drain system.
- ✔ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✔ If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work

- ✔ Do not pave during wet weather or when rain is forecast.
- ✔ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✔ Place drip pans or absorbent material under paving equipment when not in use.
- ✔ Protect gutters, ditches, and drainage courses with hay bales, sand bags, or earthen berms.
- ✔ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✔ Do not use water to wash down fresh asphalt concrete pavement.

Concrete, grout, and mortar storage & waste disposal

- ✔ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.
- ✔ Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.

- ✔ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.
- ✔ If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.

Painting

- ✔ Never rinse paint brushes or materials in a gutter or street!
- ✔ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✔ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✔ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

BASMAA Bay Area Stormwater Management Agencies Association (BASMAA)
1-888-BAYWISE

Storm drain polluters may be liable for fines of up to $10,000 per day!

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COMMERCIAL BUILDING
16212 LOS GATOS BOULEVARD
STORMWATER POLLUTION PREVENTION PROGRAM
TOWN OF LOS GATOS SANTA CLARA COUNTY CALIFORNIA

No.	Date	Revisions
	02/09/2018	PLANNING RESUBMITTAL SET 3
	05/31/2018	PLANNING RESUBMITTAL SET 4
	10/15/2018	PLANNING RESUBMITTAL SET 5
	01/23/2019	PLANNING RESUBMITTAL SET 6
	03/22/2019	PLANNING SET 6 – PUBLIC WORKS

Date: 01/23/2019
Scale: AS NOTED
Design: MC
Drawn: MC/CT
Approved: SS
Job No: 20160085-20

Drawing Number:
C-9

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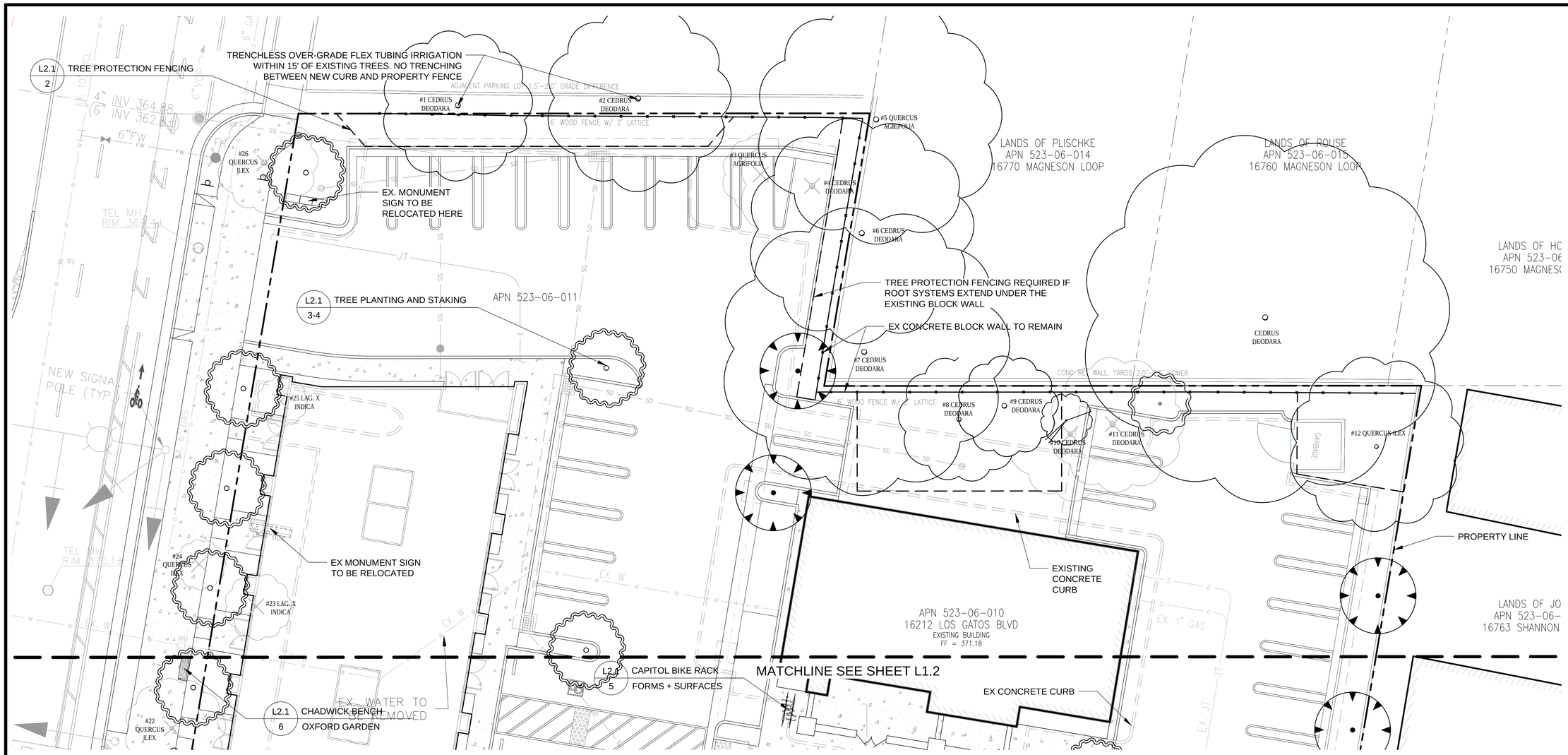
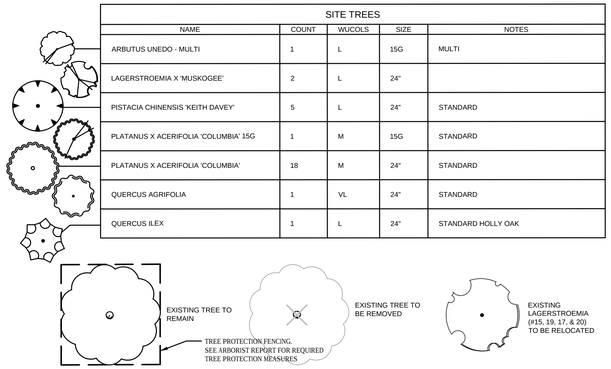
PLOT DATE: 04-08-19



SITE TREES				
NAME	COUNT	WUCOLS	SIZE	NOTES
ARBUTUS UNEDO - MULTI	1	L	15G	MULTI
LAGERSTROEMIA X 'MUSKOGEE'	2	L	24"	
PISTACIA CHINENSIS 'KEITH DAVEY'	5	L	24"	STANDARD
PLATANUS X ACERIFOLIA 'COLUMBIA' 15G	1	M	15G	STANDARD
PLATANUS X ACERIFOLIA 'COLUMBIA'	18	M	24"	STANDARD
QUERCUS AGRIFOLIA	1	VL	24"	STANDARD
QUERCUS ILEX	1	L	24"	STANDARD HOLLY OAK



COMMERCIAL BUILDING
16212 LOS GATOS BLVD.
LOS GATOS, CA

LANDSCAPE PLAN

DESIGN

PO BOX 485
BEN LOMOND, CA 95005
(831) 336-3100

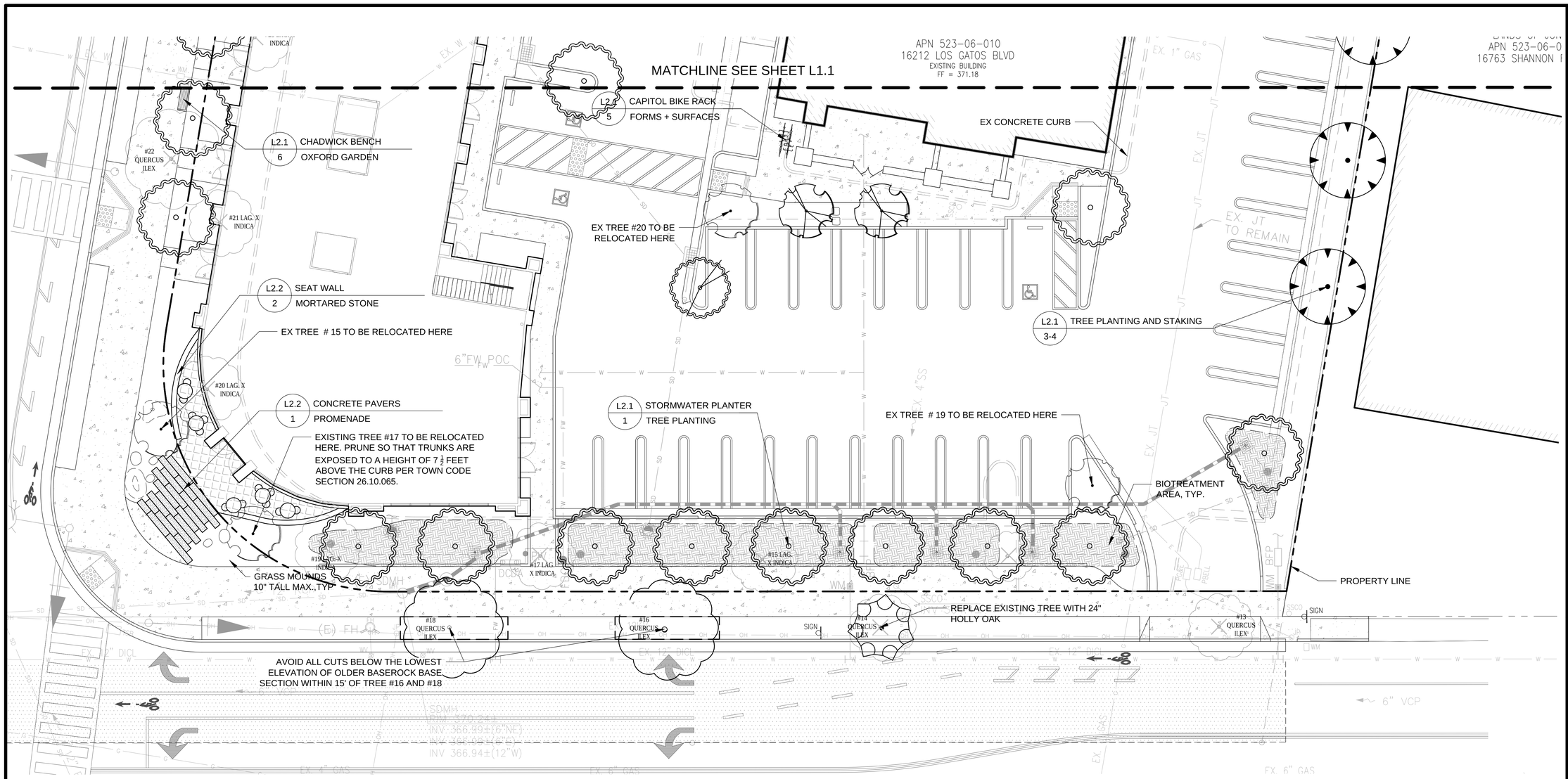
FOCUS

DESIGN FOCUS
LANDSCAPE ARCHITECTURE & CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
REBECCA J. DYER
No. 3763
10/17/2018
STATE OF CALIFORNIA

REVISED: 4/12/2019
DESIGN BY: RJD
DRAWN BY: KH
SCALE: 1"=10'-0"

L1.1



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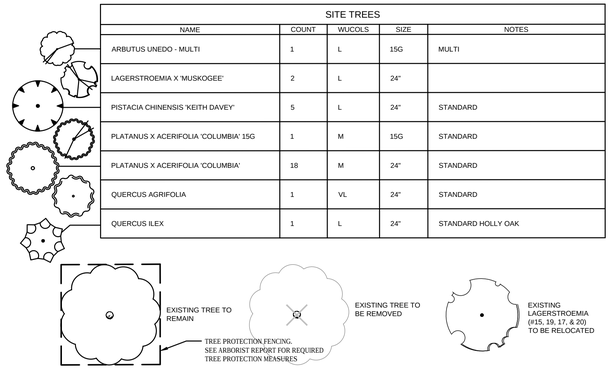


COMMERCIAL BUILDING
16212 LOS GATOS BLVD.
LOS GATOS, CA

LANDSCAPE PLAN

DESIGN

PO BOX 485
BEN LOMOND, CA 95005
(831) 336-3100

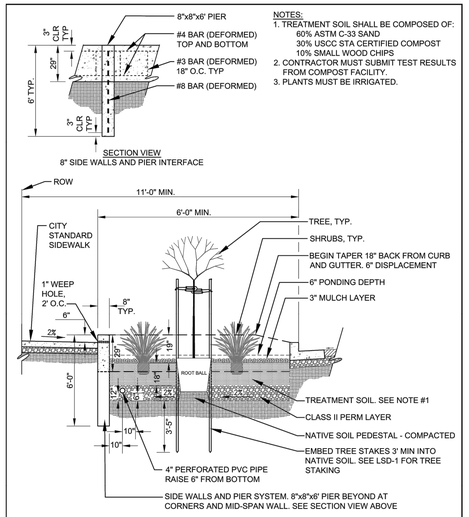
FOCUS

DESIGN FOCUS
LANDSCAPE ARCHITECTURE
& CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
REBECCA J. DIX
No. 3763
10/17/2018
STATE OF CALIFORNIA

REVISED: 4/12/2018
DESIGN BY: RJD
DRAWN BY: KH
SCALE: 1"=10'-0"

L1.2

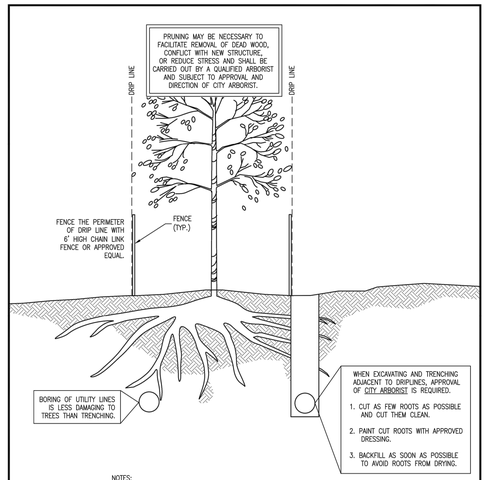


NOTES:
1. TREATMENT SOIL SHALL BE COMPOSED OF:
   60% ASTM C-33 SAND
   30% USCC STA CERTIFIED COMPOST
   10% SMALL WOOD CHIPS
2. CONTRACTOR MUST SUBMIT TEST RESULTS FROM COMPOST FACILITY.
3. PLANTS MUST BE IRRIGATED.

			CITY OF FREMONT STANDARD DETAILS CITY STANDARD STORMWATER PLANTER SECTIONS	DATE APPROVED BY CITY COUNCIL 12/13/11		
				RESOLUTION NO. 2006-31		
	Council Revision	12/13/11				
APPR	REVISED	DATE				
	REVISIONS			CITY ENGINEER		
FILE NO. LSD-30.DWG	SCALE N.T.S.	DRAWN MM/CC	CHECKED RER	DATE DEC. 2011	DWG NO. LSD-30	2 OF 4

1 STORMWATER PLANTER TREE PLANTING

NTS



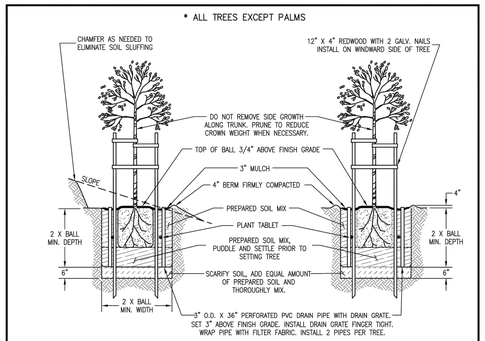
NOTES:
1. PROVIDE ADEQUATE RETAINING WALL – NO CLOSER THAN DRIP LINE. LARGE AMOUNTS OF FILL WILL INHIBIT DELICATE BALANCE BETWEEN ROOTS AND SOIL.
2. AVOID ANY PONDING BY DRAINING LOW POINTS.
3. PRIOR TO GRADING, INSTALL FENCES AND BARRICADES AROUND TREE.
4. FERTILIZE AND WATER TO MINIMIZE SHOCK AS DIRECTED BY QUALIFIED ARBORIST.

DRAWN BY: K. TRAN	TREE PROTECTION	LS-6	
CHECKED BY: C. QUANZ			
APPROVED BY: G. GOMEZ			
DATE: OCTOBER 2013	CITY OF SANTA CLARA	PAGE: 62	

2 TREE PROTECTION FENCING

NTS

NOTE:
- TREE PROTECTION FENCING AS SPECIFIED BY ARBORIST REPORT
- PRIOR TO DEMOLITION, INSTALL A TRUNK BUFFER WRAP TYPE III PROTECTION AROUND THE LOWERMOST 8-10' OF MAINSTEMS OF TREES #8, 9, 12, 16, AND 18
- PROTECTION SHALL BE AT THE FARTHEST POSSIBLE OFFSET DISTANCES FROM TREES #1, 2, 8, 9, 12, 16, AND 18
- NO STORAGE, STAGING, WORK, OR OTHER ACTIVITIES WILL BE ALLOWED INSIDE THE RPZ EXCEPT WITH PA MONITORING
- SIGNAGE AS SPECIFIED IN ARBORIST REPORT

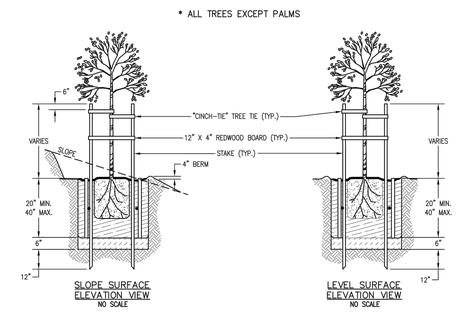


NOTES:
1. CONTACT UNDERGROUND SERVICE ALERT (USA) AT (800) 642–2444 AT LEAST 5 DAYS PRIOR TO BEGINNING EXCAVATION WORK TO LOCATE EXISTING UTILITIES.
2. BUILD SOIL BERM MIN. 4" HIGH AND 3' FROM TREE TRUNK IN PLANTER STRIP. PROVIDE LOAM TOPSOIL NEEDED TO FORM BERM AND FILL HOLES.
3. SOIL, CONCRETE AND OTHER MATERIALS SPILLED ON STREET, SIDEWALK, AND PLANTING AREA SHALL BE CLEANED UP IMMEDIATELY BY CONTRACTOR.
4. IF TREE PLANTING IS DELAYED AFTER TREE WELLS ARE CONSTRUCTED, HOLES WILL BE FILLED IN WITH SOIL UNTIL TREES ARE AVAILABLE.
5. TREE PLANTING PIT DRAINAGE TEST TO BE: AUGER HOLE 18" DEEP 6" DIA., FILL WITH WATER, LET DRAIN, FILL WITH WATER AGAIN AND HAVE CITY ARBORIST ON SITE TO REVIEW DRAINAGE AND MAKE ANY NECESSARY RECOMMENDATIONS AT THAT TIME.

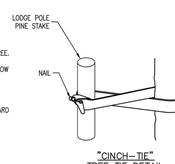
DRAWN BY: K. TRAN	TREE PLANTING	LS-2	
CHECKED BY: C. QUANZ			
APPROVED BY: G. GOMEZ			
DATE: OCTOBER 2013	CITY OF SANTA CLARA	PAGE: 58	

3 TREE PLANTING

NTS



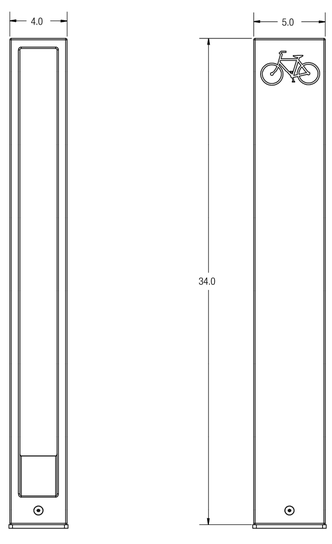
NOTES:
1. USE 2 STAKES AND 2 "CINCH–TIE" TREE TIES.
2. TIE TREE TRUNK 6" ABOVE BENDING MOMENT OF TREE.
3. TIE SHOULD ALLOW TRUNK FLEXIBILITY BUT NOT ALLOW THE STAKE TO RUB AGAINST THE TRUNK.
4. CUT STAKES 6" ABOVE TIES.
5. FOR SINGLE STAKE TREES, PLACE STAKE ON WINDWARD SIDE OF TREE.



DRAWN BY: K. TRAN	TREE STAKING	LS-3	
CHECKED BY: C. QUANZ			
APPROVED BY: G. GOMEZ			
DATE: OCTOBER 2013	CITY OF SANTA CLARA	PAGE: 59	

4 TREE STAKING

NTS



MODEL:SKCAP

5 CAPITOL BIKE RACK FORMS + SURFACES

NTS

CHADWICK 5' Bench

MATERIALS

Shorea is a tropical hardwood that grows naturally and plentifully in Southeast Asia. Heavy and dense, shorea is resistant to rot and will last for years in all weather conditions.

ASSEMBL WIDTH	ASSEMBL DEPTH	ASSEMBL HEIGHT	ASSEMBL WEIGHT lbs	SEAT HEIGHT
60.5"	26.5"	36.5"	78	17.25"
CARTON # of BOXES	CARTON WIDTH	CARTON DEPTH	CARTON HEIGHT	CARTON WEIGHT lbs
1	61"	27"	7"	83

SHIPPING
Ships via small parcel
Knocked down

ASSEMBLY
Some assembly required

CONSTRUCTION
Mortise & Tenon

HARDWARE
Stainless Steel

Coordinated cushion fabrics available using Sunbrella® 100% solution dyed acrylic. Customer's own material (COM) and Sunbrella® special order fabrics (SOF) are also available in even quantities with a minimum of 4 cushions. Go to www.oxfordgarden.com for fabric color options.

6 CHADWICK BENCH OXFORD GARDEN

NTS

COMMERCIAL BUILDING
16212 LOS GATOS BLVD.
LOS GATOS, CA

LANDSCAPE DETAILS

DESIGN
PO BOX 485
BEN LOMOND, CA 95005
(831) 336-3100

FOCUS

DESIGN FOCUS
LANDSCAPE ARCHITECTURE & CONSTRUCTION

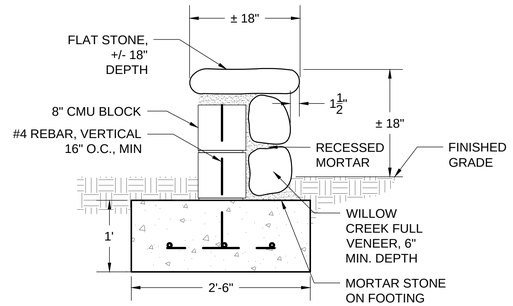
REGISTERED LANDSCAPE ARCHITECT REBECCA J. DYE No. 3763 10/12/2018 STATE OF CALIFORNIA

REVISED: 10/12/2018
DESIGN BY: RJD
DRAWN BY: KH
SCALE: AS NOTED

L2.1

1 CONCRETE PAVERS
PROMENADE

NTS



2 SEAT WALL
MORTARED STONE SCALE 1"=1'-0"

NTS

COMMERCIAL BUILDING
16212 LOS GATOS BLVD.
LOS GATOS, CA

LANDSCAPE DETAILS

DESIGN

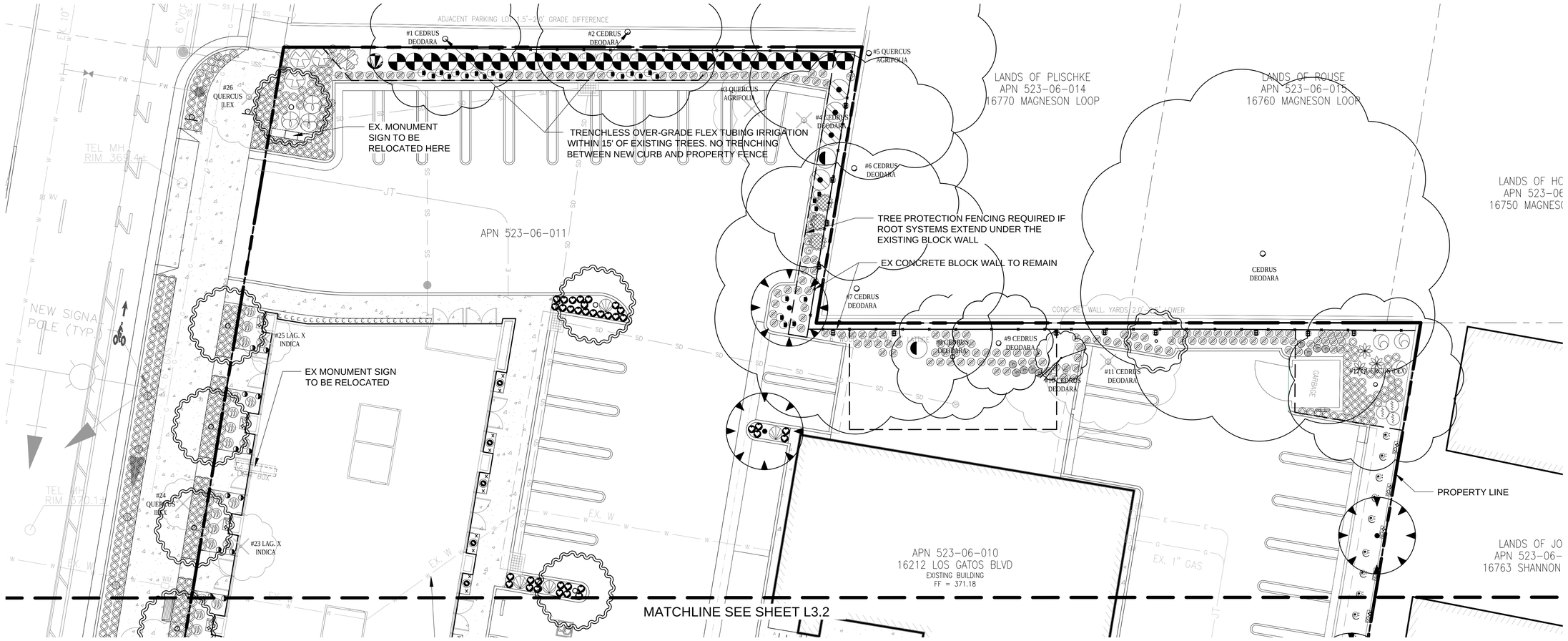
PO BOX 485
BEN LOMOND, CA 95005
(831) 336-3100

FOCUS

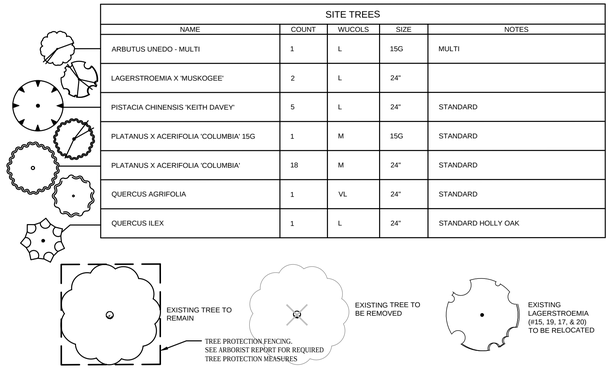
DESIGN FOCUS
LANDSCAPE ARCHITECTURE
& CONSTRUCTION

REVISED: 10/16/2018
DESIGN BY: RJD
DRAWN BY: KH
SCALE: AS NOTED

L2.2



SITE TREES				
NAME	COUNT	WUCOLS	SIZE	NOTES
ARBUTUS UNEDO - MULTI	1	L	15G	MULTI
LAGERSTROEMIA X 'MUSKOGEE'	2	L	24"	
PISTACIA CHINENSIS 'KEITH DAVEY'	5	L	24"	STANDARD
PLATANUS X ACERIFOLIA 'COLUMBIA' 15G	1	M	15G	STANDARD
PLATANUS X ACERIFOLIA 'COLUMBIA'	18	M	24"	STANDARD
QUERCUS AGRIFOLIA	1	VL	24"	STANDARD
QUERCUS ILEX	1	L	24"	STANDARD HOLLY OAK



PLANTING				
NAME	COUNT	SIZE	WUCOLS	NOTES
AGAPANTHUS 'BABY PETE'	1169	1G	L	18"O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE
ANIGOZANTHOS FLAVIDUS - DARK RED	6	5G	L	
ARCTOSTAPHYLOS UVA-URSI 'POINT REYES'	24	1G	VL	4' O.C.
BOUGAINVILLEA 'BARBARA KARST-TRACHELOSPERMUM JASMINOIDES	18	15G/5G	L/M	15G BOUGAINVILLEA AND 5GJASMINE STAKED
BUDDLEJA DAVIDII 'PETITE PLUM'	1	5G	L	
CALANDRINIA	20	1G	L	SUCCULENT
CAREX DIVULSA	208	1G	M	C. TUMULICOLA, HORT.
CHONDROPETALUM TECTORUM 'EL CAMPO'	4	5G	M	LOW WATER ACCORDING TO L.A. EXPERIENCE
CLEMATIS ARMANDII 'HENDERSONII RUBRA'	1	5G	M	LOW WATER ONCE ESTABLISHED
CLEMATIS X CARTMANII 'AVALANCHE'	12	5G	M	
CLIVIA MINIATA	8	2G	M	
FRAGARIA CHAVAL	131	1G	L	
GERANIUM X CANTABRIGIENSE 'BIOKOVO'	24	1G	L	15"O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE
GERANIUM X CANTABRIGIENSE 'CAMBRIDGE'	36	1G	L	18"O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE
GERANIUMS - LAVENDAR IVY	6	1G	L	LOW WATER ACCORDING TO L.A. EXPERIENCE
HARDENBERGIA VIOLACEA 'HAPPY WANDERER'	1	5G	M	
HELLEBORUS 'SPARKLING DIAMOND'	12	1G	M	18" O.C.
HELLEBORUS X HYBRIDUS 'BRIGHT DANCER	9	1G	L	LOW WATER ACCORDING TO L.A. EXPERIENCE
HESPERALOE PARVIFLORA	7	5G	VL	
HYDRANGEA ARBORESCENS 'ANNABELLE'	2	5G	L	LOW WATER ACCORDING TO L.A. EXPERIENCE
HYDRANGEA MACROPHYLLA 'BAILMER'	9	5G	M	
KERRIA JAPONICA 'PLENIFLORA'	3	5G	L	LOW WATER ACCORDING TO L.A. EXPERIENCE
KNIPHOFIA 'CHRISTMAS CHEER'	7	5G	L	LOW WATER ACCORDING TO L.A. EXPERIENCE
KNIPHOFIA 'THOMPSONII'	19	5G	M	
LIMONIUM PEREZII	12	1G	L	
LOMANDRA LONGIFOLIA BREEZE	37	1G	L	
MAHONIA AQUIFOLIUM	3	5G	M	
MUHLENBERGIA CAPILLARIS	7	1G	L	
MUHLENBERGIA 'PINK FLAMINGO'	3	1G	L	
MUHLENBERGIA RIGENS	3	5G	L	
OSMANTHUS HETEROPHYLLUS	27	15G	L	LOW WATER ACCORDING TO L.A. EXPERIENCE
PHORMIUM 'CHOCOLATE BABY'	14	5G	L	

PLANTING				
NAME	COUNT	SIZE	WUCOLS	NOTES
PHORMIUM 'PLATTS BLACK'	2	5G	L	DO NOT WATER LEAVES
RHAMNUS CALIFORNICA 'LEATHERLEAF'	3	5G	L	
RHAMNUS CALIFORNICA 'SEAVIEW'	4	5G	L	NOTES
RIBES SANGUINEUM 'CLAREMONT'	2	5G	L	
SALVIA CHIAPENSIS	1	5G	L	LOW WATER ACCORDING TO L.A. EXPERIENCE
SALVIA SPATHACEA	24	1G	L	
SARCOCOCCA RUSCIFOLIA	6	5G	L	
WOODWARDIA FIMBRIATA	3	5G	L	LOW WATER ACCORDING TO L.A. EXPERIENCE

BIORETENTION PLANTING				
NAME	COUNT	SIZE	WUCOLS	NOTES
CHONDROPETALUM TECTORUM 'EL CAMPO'	17	5G	M	LOW WATER ACCORDING TO L.A. EXPERIENCE
HEMEROCALLIS 'AZTEC CHALICE'	16	1G	M	2"O.C.
HEMEROCALLIS 'CRANBERRY BABY'	30	1G	M	18" O.C.
LOMANDRA LONGIFOLIA BREEZE	3	1G	L	
MIMULUS GUTTATUS	24	1G	M	
PENSTEMON X GLOXINIOIDES 'MIDNIGHT'	22	1G	M	LOW WATER ACCORDING TO L.A. EXPERIENCE

MEADOW GRASS - MOW FREE.
GRASS TO BE PLANTED BETWEEN ALL BIORETENTION PLANS

COMMERCIAL BUILDING
16212 LOS GATOS BLVD.
LOS GATOS, CA

PLANTING PLAN

DESIGN

PO BOX 485
BEN LOMOND, CA 95005
(831) 336-3100

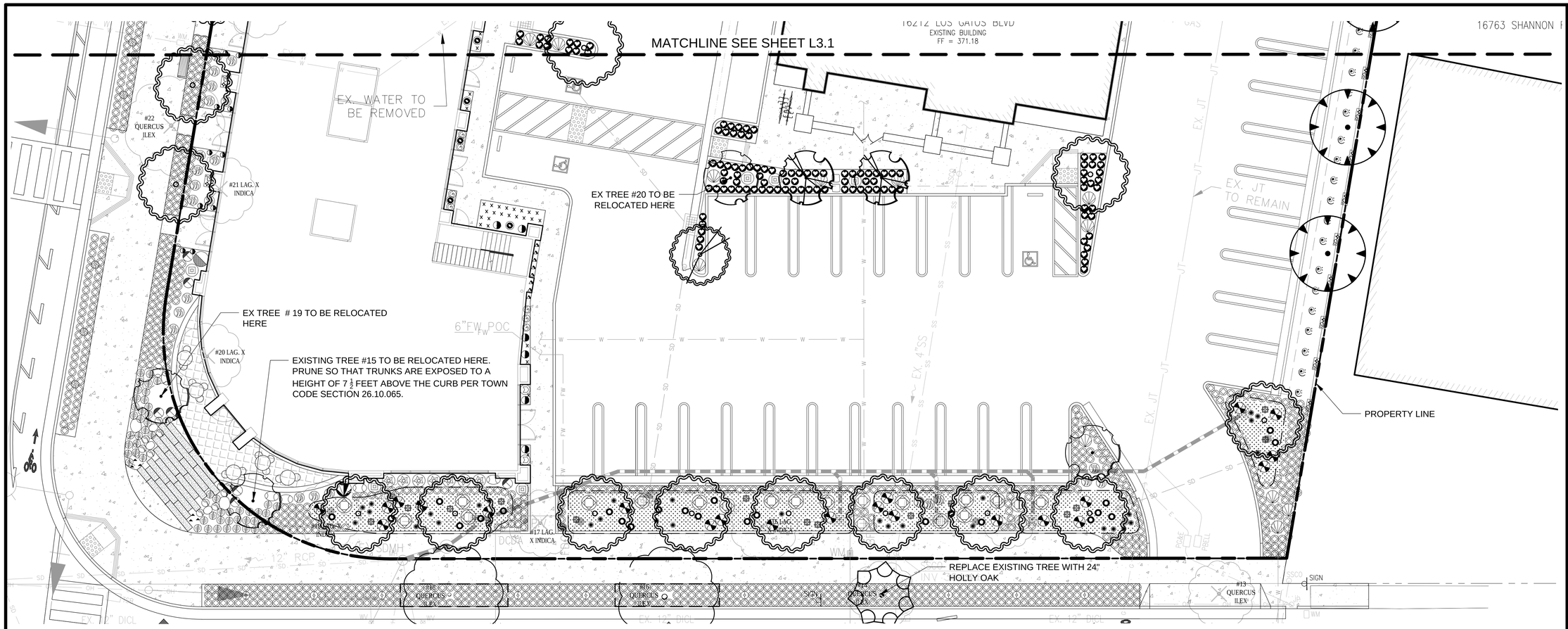
FOCUS

DESIGN FOCUS
LANDSCAPE ARCHITECTURE
& CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
REBECCA J. DIAZ
No. 3763
Expiration Date
10/31/2018
STATE OF CALIFORNIA

REVISED: 4/12/2019
DESIGN BY: RJD
DRAWN BY: KH
SCALE: 1"=10'-0"

L3.1



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PLATANUS X ACERIFOLIA 'COLUMBIA' 15G	1	M	15G	STANDARD
PLATANUS X ACERIFOLIA 'COLUMBIA'	18	M	24"	STANDARD
QUERCUS AGRIFOLIA	1	VL	24"	STANDARD
QUERCUS ILEX	1	L	24"	STANDARD HOLLY OAK

EXISTING TREE TO REMAIN

TREE PROTECTION FENCING, SEE ARBORIST REPORT FOR REQUIRED TREE PROTECTION MEASURES

EXISTING TREE TO BE REMOVED

EXISTING LAGERSTROEMIA (#15, 19, 17, & 20) TO BE RELOCATED

PLANTING				
NAME	COUNT	SIZE	WUCOLS	NOTES
AGAPANTHUS 'BABY PETE'	1169	1G	L	18"O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE
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CALANDRINIA	20	1G	L	SUCCULENT
CAREX DIVULSA	208	1G	M	C. TUMULICOLA, HORT.
CHONDROPETALUM TECTORUM 'EL CAMPO'	4	5G	M	LOW WATER ACCORDING TO L.A. EXPERIENCE
CLEMATIS ARMANDII 'HENDERSONII RUBRA'	1	5G	M	LOW WATER ONCE ESTABLISHED
CLEMATIS X CARTMANII 'AVALANCHE'	12	5G	M	
CLIVIA MINIATA	8	2G	M	
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HARDENBERGIA VIOLACEA 'HAPPY WANDERER'	1	5G	M	
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HELLEBORUS X HYBRIDUS 'BRIGHT DANCER	9	1G	L	LOW WATER ACCORDING TO L.A. EXPERIENCE
HESPERALOE PARVIFLORA	7	5G	VL	
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SARCOCOCCA RUSCIFOLIA	6	5G	L	
WOODWARDIA FIMBRIATA	3	5G	L	LOW WATER ACCORDING TO L.A. EXPERIENCE

BIORETENTION PLANTING				
NAME	COUNT	SIZE	WUCOLS	NOTES
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HEMEROCALLIS 'CRANBERRY BABY'	30	1G	M	18" O.C.
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MIMULUS GUTTATUS	24	1G	M	
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MEADOW GRASS - MOW FREE. GRASS TO BE PLANTED BETWEEN ALL BIORETENTION PLANS

COMMERCIAL BUILDING
16212 LOS GATOS BLVD.
LOS GATOS, CA

PLANTING PLAN

DESIGN

PO BOX 485
BEN LOMOND, CA 95005
(831) 336-3100

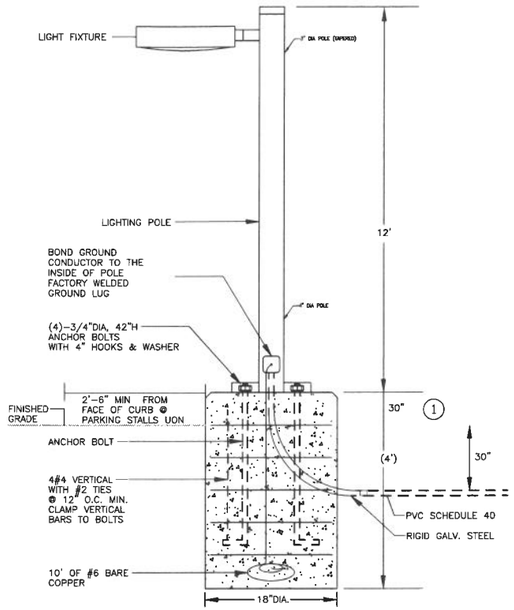
FOCUS

DESIGN FOCUS
LANDSCAPE ARCHITECTURE
& CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
REBECCA J. DIFFEY
No. 3763
Expires
10/31/2018
STATE OF CALIFORNIA

REVISED: 4/12/2019
DESIGN BY: RJD
DRAWN BY: KH
SCALE: 1"=10'-0"

L3.2

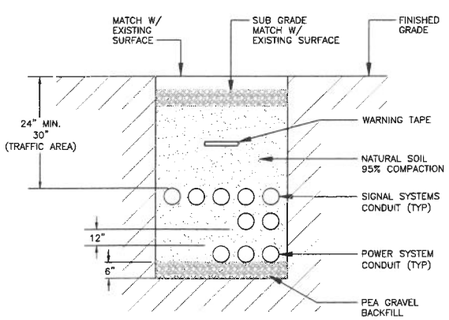


1 POLE LIGHTS WHICH ARE NOT SUBJECTED TO VEHICULAR DAMAGE SHALL BE MOUNTED AT FINISHED FLOOR ADJUST THE POLE HEIGHT TO MATCH OAH.

2 OVERALL HEIGHT OF THE LIGHT POLE FROM LIGHT SOURCE TO FINSHED GROUND SHALL NOT BE MORE THAN 16'

2 POLE LIGHT MOUNTING DETAIL

SCALE: NONE



3 UTILITY CONDUITS TRENCH DETAIL

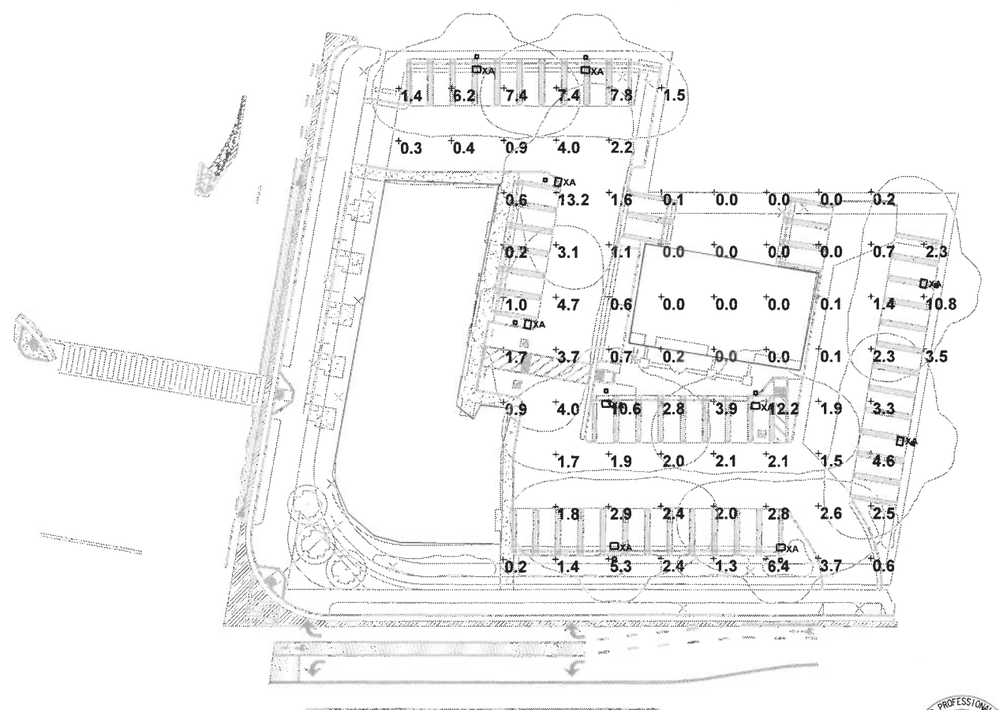
SCALE: NONE

Schedule

Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens per Lamp	LLF	Wattage
	XA	10	Visionaire Lighting LLC	VSX-1-T3-48LC-5-4K-UNV	23 in L x 12.5 in W x 8 in. H		48	VSX-1_T3_48LC_5_4K.IES	164	1	82

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #5	+	2.5 fc	13.2 fc	0.0 fc	N/A	N/A



1 SITE PLAN - PHOTOMETRICS

SCALE: NONE

REGISTERED PROFESSIONAL ENGINEER
ASIF ESFAHANI
No. 16082
Exp. 12/31/18
ELECTRICAL
STATE OF CALIFORNIA

ESFAHANI CONSULTING ENGINEERS
2070 Ocean Ave, # 200 San Lorenzo, CA 94580
mail@esfahani.us T: 925-556-0091
ece

"FOR PLANNING APPROVAL ONLY–NOT FOR CONSTRUCTION"

LOS GATOS COMMERCIAL
NEW COMMERCIAL BUILDING AND REMODEL OF EXISTING
16212 LOS GATOS BLVD, LOS GATOS, CA
16212 LOS GATOS BOULEVARD, LLC
A COMMUNITY PROJECT BY STEM DEVELOPMENT

PROJECT NO.	DATE	DESCRIPTION	DRAWN BY
13-011			
REVISION			

SITE PHOTOMETRICS

E1.1P

TRUE N

© STUDIO S SQUARED ARCHITECTURE, INC.

PROJECT INFORMATION SHEET
Engineering Division
August 6, 2019

ITEM: **16212 Los Gatos Boulevard; APN: 523-06-010 and 523-06-011**
Planned Development Application PD-17-002
Requesting approval of a Planned Development to re-zone two properties from CH to CH:PD to allow for construction of a new commercial building.
PROPERTY OWNER/APPLICANT: 16212 Los Gatos Blvd., LLC

Q: Where is the development project?
A: The proposed development project is located at the northeastern corner of the intersection of Los Gatos Boulevard and Shannon Road.

Q: What is the proposed use?
A: The proposed development would construct a new two-story mixed-use commercial building with a total of 11,317 square feet of commercial space in addition to the existing commercial building which will remain.

Q: How many additional trips will be generated by the project?
A: Utilizing data from the Institute of Transportation Engineering's (ITE) *Trip Generation Manual*, the project would generate 335 new average daily trips as compared to the current use as vacant land. This number includes 14 new trips during the AM peak hour and 34 new trips during the PM peak hour.

Q: Did the proposed project complete a traffic study?
A: Yes. In accordance with Town's Traffic Impact Policy, a traffic impact analysis (TIA) is required for any private development projects that are expected to add 20 or more trips in the AM or PM peak hours.

Q: How are AM and PM peak hours selected for any given intersection?
A: The Town's traffic consultants conduct traffic counts between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM during weekdays when schools are in session for studied intersections. The one-hour duration with the highest traffic concentration (based on traffic counts) during both these morning and evening periods are selected as the peak hours.

Q: How is the number of vehicle trips calculated?
A: The number of vehicle trips generated by a development project is determined by using the applicable trip generation rate from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* or alternative sources in accordance with the Town's Traffic Impact

Parks and Public Works Department • Engineering Division • 41 Miles Ave, Los Gatos, CA 95030
408.399.5771 • www.losgatosca.gov • www.facebook.com/losgatosca

Policy. Use of the ITE trip generation rates for estimating the number of vehicle trips is a standard practice, and is also consistent with the VTA's traffic impact analysis guidelines.

Q: What can be done to reduce the number of vehicle trips generated by the project?

A: Even though the project is not expected to cause significant traffic impacts, a TDM (Transportation Demand Management) plan would be required for the development. The TDM plan would include a list of measures for reducing single-occupant vehicle trips and encourage alternative transportation modes such as riding bicycles, carpooling, and riding transit.

Q: Is any increase in traffic from a new development considered a significant impact to the nearby traffic intersections and surrounding area?

A: No. The Town's General Plan (GP) and Traffic Impact Policy define a significant traffic impact based on changes to the intersection's Level of Service (LOS).

Q: What is LOS and how does it determine the impacts of project traffic on the Town?

A: Traffic engineering standards use LOS (Level of Service) to determine project traffic impacts. LOS represents traffic intersection congestion by a letter scale that ranges from LOS A to LOS F, with LOS A representing the least or no congestion. The Town's Traffic Impact Policy and General Plan (GP) do not allow for developments to drop the LOS at an intersection by more than one level or below LOS D without requiring the development to mitigate or provide a "fix" for the increased traffic delay. A project TIA analyzes LOS at impacted intersections as a function of the average vehicle delay and determines the impact significance and any required mitigation. *The impacts are only considered significant if the LOS drops more than one level or below a LOS D.*

Q: What are the TIA's findings of the LOS impact for this project?

A: For the currently proposed project, the TIA concluded that the intersections would not drop more than one level or below a LOS D. Therefore, the project would not create a significant impact on traffic. The intersections that were included in the analysis are: Blossom Hill Road and Roberts Road; Los Gatos Boulevard and Blossom Hill Road; Los Gatos Boulevard, Roberts Road and Shannon Road; and Los Gatos Boulevard and Nino Avenue.

Q: Does this project trigger traffic impact mitigation fees to be paid to the Town?

A: Yes. The Developer is required per Condition of Approval 92 to pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos as calculated using a comparison between the existing and proposed uses. The current amount based on the project plans is **$311,550.00**.

Q: The plans show extensive changes to the offset intersection of Los Gatos Boulevard (LGB), Shannon Road and Roberts Road – why is that?

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A: The development plans include changes to the intersection recommended by the Town's 2016 Safe Routes to School (SR2S) Report. These recommendations were included in the Town's Bicycle and Pedestrian Master Plan, which was adopted by the Town Council in March of 2017. The goal of the Master Plan improvements is to increase safety for the public and for schoolchildren who are walking and biking to Van Meter and Blossom Hill Elementary, Fisher Middle and Los Gatos High Schools. Town staff has also required added safety improvements where needed.

Q: Will the lane removed along the Los Gatos Boulevard (LGB) project frontage, with turn lanes remaining for Magneson Loop and Blossom Hill Road, result in the same functionality of the roadway as currently exists?

A: Yes. Los Gatos Boulevard (LGB) has two northbound through lanes coming up to the intersection with Shannon and these two through lanes continue past Blossom Hill Road. The existing lane on LGB next to the project frontage is called a "receiving lane" that effectively acts as an extension of the right turning lanes for both Magneson Loop and Blossom Hill Road. It does not add capacity for through traffic on Los Gatos Boulevard.

Q: Will removing the northeast "pork chop" island at Los Gatos Boulevard (LGB) and Shannon Road affect the right turn traffic flow from Shannon Road to Los Gatos Boulevard?

A: No. Currently, the right turn lane from Shannon has a "No Right on Red" sign posted so it provides no traffic flow benefits beyond what is proposed with the project. The "No Right Turn on Red" sign will remain after project completion. The project improvements include a new dedicated right turn lane from Shannon to LGB.

Q: Why is the crosswalk across Los Gatos Boulevard being moved from Shannon Road north to Roberts Road?

A: This change will increase pedestrian safety by moving the crosswalk from a busy crossflow traffic intersection to a higher visibility, lower crossflow intersection. Additionally, the change will reduce the crosswalk's length, which increases pedestrian safety. The new 10' sidewalk will provide a safe place for pedestrians to cross the street, with the extra space helping for a.m. school time periods.

Q: What additional public improvements will be completed with the project?

A: Additional public improvements include the following:

- Widening of the sidewalk along northbound Los Gatos Boulevard to a width of ten (10) feet between Shannon Road and Magneson Loop and separating the sidewalk from traffic with a planter strip for safety.
- Widening of the sidewalk along the westbound Shannon Road frontage and separating the sidewalk from traffic with a planter strip for safety.
- Installing a protected green bike lane along the project's Los Gatos Boulevard frontage.

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- Installing a bike box on westbound Shannon Road to allow for bicyclists to queue ahead of vehicular traffic for left turns onto southbound Los Gatos Boulevard.
- Removing and replacing the existing pavement section along the project's Shannon Road frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the north side of the street, or alternative pavement rehabilitation measures as approved by the Town Engineer.
- Removing and replacing the existing pavement section along the project's Los Gatos Boulevard frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the east side of the street.

The following schematic diagram of the improvements was included in the Town's 2016 SR2S Report:

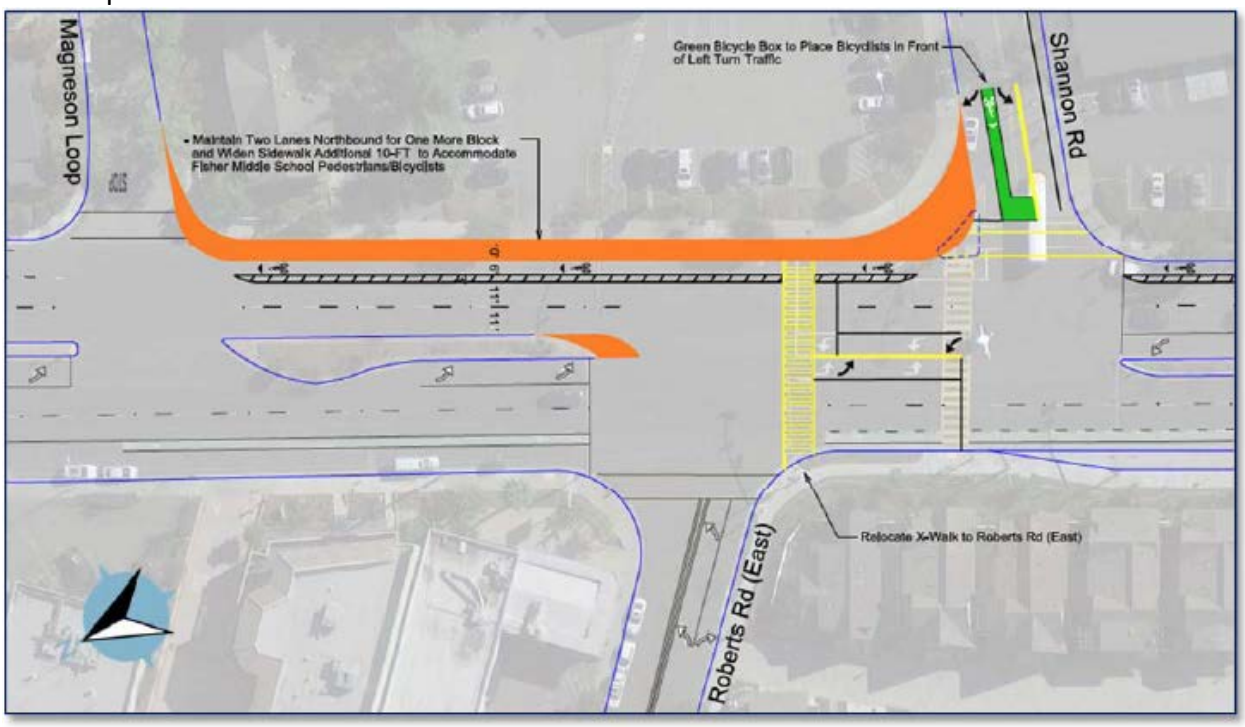

Figure 1: Concept Plan Line drawing, Safe Routes to School Report; accepted by Council 10/18/2016

Q: Does the Town Engineering staff or the Town's engineering consultants have concerns with the proposed project creating safety issues regarding traffic?

A: No. The project analysis for traffic was conducted by the developer's traffic consultant and subsequently reviewed by Town's engineering staff and the Town's traffic consultant. As currently designed, the proposed project meets the Town Code requirements as well as accepted engineering standards.

Ryan Safty

From: Joseph Prang <joe@artisanwinedepot.com>
Sent: Wednesday, June 12, 2019 5:34 PM
To: Ryan Safty
Cc: Joseph Prang; Scott Plautz
Subject: Support for Development Project at 16212 Los Gatos Boulevard

Follow Up Flag: Follow up
Flag Status: Flagged

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JUN 12 2019
TOWN OF LOS GATOS
PLANNING DIVISION

As the only tenant on the property at 16212 Los Gatos Blvd, we at Artisan Wine Depot Los Gatos want to document our support for the current proposed Development Project at the site. We have been the site Tenant for 5 years and seen several development proposals (and associated Story Poles!). We feel this proposal is the best use of the property, and the best outcome for the local community. Scott Plautz and the 16212 Los Gatos Blvd LLC team has made a strong solution proposal for the intersection "island" at Shannon Road and Los Gatos Blvd.

In summary, we recommend the support of the project by Planning Commission / Town Council.

Joseph A Prang
For
Artisan Wine Depot Los Gatos.
--
Joseph Prang
Wine Director / Certified Sommelier
408-497-7523
joe@artisanwinedepot.com
Artisan Wine Depot

*We have moved to a new location in Mountain View. Our updated address is now:
2495 Old Middlefield Way
Mountain View, CA 94043
Our websites and phone numbers are still the same.
Phone: (650) 917-8080
Website: www.artisanwinedepot.com

We are currently in our soft opening and doing personal concierge style service
Please inquire about our personal concierge service by emailing us at sales@artisanwinedepot.com or calling us at 650.917.8080

Artisan Wine Depot
Mountain View Location #1 2495 Old Middlefield Way, Mountain View, CA 94043 Phone: (650) 917-8080
Website: www.artisanwinedepot.com
Los Gatos Location #2 16212 Los Gatos Boulevard, Los Gatos, CA 95032 Phone: (408) 827-4127
Website: www.artisanwinedepotlg.com

Ryan Safty

From: Ron Tate <ron@tatedevelopment.com>
Sent: Wednesday, June 12, 2019 3:41 PM
To: Ryan Safty
Subject: I support the project and recommendation of approval for the development project at 16212 Los Gatos Blvd

RECEIVED
JUN 12 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Ryan

Please be advised that I strongly support the Los Gatos project known as at 16212 Los Gatos Blvd and encourage the approval as designed.

Ron Tate
22 South Santa Cruz
Los Gatos, Ca.
(408) 499-5302 cell
(408) 399-4960 fax
ron@tatedevelopment.com

Ryan Safty

From: Jim Foley <jimfoley@pennantproperties.com>
Sent: Wednesday, June 12, 2019 3:15 PM
To: Ryan Safty
Cc: scottplautz@gmail.com
Subject: Support for 16212 Los Gatos Blvd Redevelopment

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
JUN 12 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Dear Ryan,

I wanted to send in this note supporting and recommending approval of the proposed project at 16212 Los Gatos Blvd. The existing building and use has not provided any meaningful benefit or service to the Town in recent years. Even the prior use, as an automotive use, was not properly located on Los Gatos Blvd. As such, even though the building and structure are not in any egregious state of disrepair, I would almost consider this corner blighted given its history.

I have reviewed the proposed project and am in full support of moving it forward. Los Gatos needs a "re-balancing" of uses and a major part of that is increasing availability of office space to create local jobs which in turn can reduce traffic, which is a good thing. The project also allows for commercial/retail components along the boulevard which will be a great improvement over the existing, and also serve the surrounding businesses and neighborhoods. I also recognize the huge commitment the developer has made to Safe Routes to School which is critical given the proximity of schools to the project as well as it truly demonstrates the good intentions and community commitment the developer has.

Please pass this note along to the deciding bodies so that they may hear support to approve the project from me as a local business owner, property owner, and resident of Los Gatos.

Thank you,

Jim Foley
Principal
(408) 813-7490
Pennant Properties

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Ryan Safty

From: Ken Hoffman <ken@ehoffmanpm.com>
Sent: Wednesday, June 12, 2019 2:52 PM
To: Ryan Safty; Scott Plautz
Subject: 16212 Los Gatos Blvd., Los Gatos

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
JUN 12 2019
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PLANNING DIVISION

Dear Mr. Rafty,

I am a commercial property owner of 15827 Los Gatos Blvd., Los Gatos. My wife and I have been watching the proposals for the above property during the past few years.

We like the current design as a commercial property. We see residential developments going up everywhere, and traffic coming to a stand still. We believe that there should not be any residential developments on busy streets.

According to the website looked at, the proposed development appears to meet all of the Town of Los Gatos requirements. Without going into detail, we believe that the plan currently before the Town Council, is a solid project for this property and for the Town of Los Gatos.

We hope that it will be approved.

Ken and Carol Hoffman

Ryan Safty

From: peter olcott <polcott@gmail.com>
Sent: Wednesday, June 12, 2019 2:05 PM
To: Ryan Safty
Subject: I support the project and recommendation of approval for the development project at 16212 Los Gatos Blvd

Follow Up Flag: Follow up
Flag Status: Flagged

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TOWN OF LOS GATOS
PLANNING DIVISION

Ryan Safty

From: Deana Arnold <darnold@mac.com>
Sent: Wednesday, June 12, 2019 1:50 PM
To: Ryan Safty
Cc: Scott Plautz
Subject: 16212 Los Gatos Blvd.

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
JUN 12 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Dear Mr. Safty,

I am writing in support of the development project at 16212 Los Gatos Blvd. I feel that the plan being presented will not only meet the needs of the community and conform with local development plans, but will also improve the safety of school children as they walk to and from school. As a student teacher and long-term substitute at Los Gatos High School during the 2018/19 school year, student safety is a top priority to me, as I'm sure it is for the town of Los Gatos. I recommend and sincerely hope that the Town Council and Planning Commission approve this project.

Respectfully,
Deana Arnold, Ph.D., M.Ed.

Ryan Safty

From: David Taxin <DTaxin@moinc.net>
Sent: Wednesday, June 12, 2019 12:27 PM
To: Ryan Safty
Subject: 16212 LG Blvd.

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
JUN 12 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Hi, Congratulation's on coming to Los Gatos, Love Capitola though also. As a leasing agent on the street since 1987 I'm in complete support of the project located at 16212 Los Gatos Blvd. I have been involved with many projects on this street and believe this one will also be a success. Scott has worked to make a minimal impact on the Town residences. We haven't had any new retail built on the street for over 5 years. Thank you, David Taxin

David Taxin
Lic. #00983163
Partner- 30 Years in CRE
MEACHAM/OPPENHEIMER, INC.
CORFAC INTERNATIONAL
8 N. San Pedro St. Ste. 300
San Jose, CA 95110
(408) 378-5900 Main
(408) 966-5919 Cell

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Ryan Safty

From: John Longstreth <lgmountainfam@gmail.com>
Sent: Wednesday, June 12, 2019 12:24 PM
To: Ryan Safty
Subject: Support of Project at 16212 Los Gatos Blvd

Follow Up Flag: Follow up
Flag Status: Flagged

My wife and I own a business in downtown Los Gatos (Curls Hair Salon and Closet). We are very familiar with current businesses in our town and understand the need for additional commercial spaces for our community.
We support the project and recommendation of approval for the development project at 16212 Los Gatos Blvd.

Regards,

John & Marcela Longstreth
Curls Hair Salon and Closet

RECEIVED
JUN 12 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Ryan Safty

From: scott frolich <sfrolinda@yahoo.com>
Sent: Wednesday, June 12, 2019 11:53 AM
To: Ryan Safty
Subject: Development at Los Gatos Blvd at Shannon Road

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
JUN 12 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Hello,
My name is Scott Frolich and live at 173 Ivy Hill Way, Los Gatos 95032. I would like to see this project approved as it would add to the safety of the kids going to and from school and allow the wine store to stay in the same location along with other new businesses and offices.

Thanks, Scott

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Supplemental Opposition to Planned Development Application for 16212 Los Gatos Boulevard

Jeffrey A. Barnett

8.1.19

This Supplemental Opposition to the STEM application for approval of a commercial building at 16212 Los Gatos Boulevard augments the comments made in my opposition dated 6.9.19. I make these comments as a citizen of the Town, and not as a member of any Town committee or commission.

- The Five Foot Setback is not justified.

The Justification Letter dated May 31, 2019 does not support the reduction of the fifteen-foot setback to five feet. The letter explains that the Safe Routes to School standards required that the developer move the curb ten feet into the northbound lane of Los Gatos Boulevard. However, the sidewalk extension does not logically support a reduction of the required setback which amounts to a two-thirds degradation. See Letter, Page 1, Item a. The actual purpose of the requested five foot setback is to address proposed parking. See Letter, Page 1, Item b. It is the developer's responsibility to design and build in accordance with the Town's requirements, and the property/building size and related parking requirements are not an excuse for a dramatic loss of the setback.

The justification letter further states that the developer has maintained the required setback from the curb to the building and that it will achieve a greater setback than the minimum. However, the setback must be measured from the *property line* and not the curb.

- The Commercial Design Guidelines

The Justification letter acknowledges that under Section 5.A.2.1 of the Commercial Design Guidelines, setbacks should be substantially landscaped, including minimum landscape of fifteen feet from fronting sidewalks and large trees. The proposal does not address this requirement. The letter also does not explain the deviation from the general requirement of the Commercial Design Guidelines that buildings on corner locations should generally be limited to one story in height and that views to the surrounding hill should be maintained, especially at signalized intersections. See Sections 5A.1 and 5.A.2.6(a) on Page 44 of the Guidelines. The minimal setback, two story height, and lack of landscaping in the proper location would create a building mass that is inconsistent with the look and feel of the Boulevard. See Opposition dated 6.9.19, Pages 1-2.

- The Standards for Approval of a Planned Development Are Not Met.

Section 29.80.075 of the Town Code states that the purpose and intent of a planned development overlay zone is to preserve, enhance, and/or promote: (1) The Town's natural and historic resources; (2) the production of affordable housing; (3) the maximization for open space; and/or (4) a project that provides a public benefit to the citizens of the Town. None of these justifications apply to the submitted project. See Opposition date 6.9.19, Page 1.

- The Los Gatos Boulevard Plan Would Be Violated.

As noted, the proposed project is not consistent with the Los Gatos Boulevard Plan because it would conflict with the character of the neighborhood. See Opposition dated 6.9.19, Page 1.

- The General Plan Issue:

The proposal should be denied because it conflicts with the General Plan. Its architecture is not consistent with the immediate neighborhood. See Opposition dated 6.9.19, Page 2.

- The CEQA Issue:

A negative declaration should not be granted because of the adverse aesthetic impacts of the proposed building. See Opposition dated 6.9.19, Page 2.

In conclusion, it is the duty of the developer to propose construction that conforms to the General Plan, the Commercial Guidelines, the Boulevard Plan, the requirements for a PD overlay and CEQA. The Town should not set an adverse precedent by allowing a two-story building on a corner and particularly by concurrently permitting a PD overlay for the sole purpose of avoiding a reasonable setback requirement. The proposal does not provide a factual basis for the necessary findings by the Council.

Thank you for considering these points.

Jeffrey A. Barnett

.

TOWN OF LOS GATOS

COUNCIL AGENDA REPORT

MEETING DATE: 08/06/2019

ITEM NO: 11

ADDENDUM

DATE: August 5, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Planned Development Application PD-17-002 and Negative Declaration ND-19-002. Project Location: 16212 Los Gatos Boulevard.
Property Owner/ Applicant: 16212 Los Gatos Blvd. LLC.
Requesting approval of a Planned Development to re-zone two properties zoned CH to CH:PD to allow for construction of a new commercial building.
APN 523-06-010 and -011

REMARKS:

Attachment 1 - Part 1 and Part 2 (due to the size) was inadvertently not included with the original publication of the agenda and has now been added. Attachment 10 contains public comments received between 11:01 a.m., Thursday, August 1, 2019 and 11:00 a.m., Monday, August 5, 2019.

Attachment previously received under separate cover:

1. May 2019 Draft Initial Study and Negative Declaration

Attachments previously received with the August 6, 2019 Staff Report:

2. June 12, 2019 Planning Commission Staff Report (with Exhibits 2-11, and 13)
3. June 11, 2019 Planning Commission Addendum Report (with Exhibits 14-15)
4. June 12, 2019 Planning Commission Desk Item Report (with Exhibit 16)
5. June 12, 2019 Planning Commission Verbatim Minutes (86 pages)
6. Setback Exhibit from the Applicant, received July 18, 2019 (3 pages)
7. Planned Development Ordinance (31 pages) with Exhibit A Rezone Area (one page) and Exhibit B Development Plans received May 30, 2019 (38 sheets)
8. Project Information Sheet from Engineering Division (4 sheets)
9. Public Comments received 11:01 a.m. Wednesday, June 12, 2019 to 11:00 a.m. Thursday, August 1, 2019

PREPARED BY: Ryan Safty
Associate Planner

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

110 E. Main Street Los Gatos, CA 95030 ● 406-354-6832
www.losgatosca.gov

Attachments received with this Addendum:

10. Public Comments received between 11:01 a.m., Thursday, August 1, 2019 and 11:00 a.m., Monday, August 5, 2019

Ryan Safty

From: Maria Ristow <ristows@comcast.net>
Sent: Monday, August 5, 2019 10:16 AM
To: Ryan Safty; Council
Subject: Support of Ped/Bike improvements and project at 16212 Los Gatos Boulvard

Follow Up Flag: Follow up
Flag Status: Completed

Please reconsider and reject the Planning Commission's denial of the proposed project at 16212 Los Gatos Boulevard.

This project is completely compliant with all guidelines, with the exception of the setback. Given the applicant is required to extend the sidewalk and curb-line away from the property, the setback will be similar to surrounding buildings. No one walking past has any idea where the property line actually is, so the technical setback has no impact on the final outcome.

In terms of safety, going back to the August 8, 2016, CDAC meeting notes, one comment indicated, "The intersection of Shannon Road and Los Gatos Boulevard is very dangerous and well-used by bicyclists and pedestrians. Look for ways to make it safer for those that use it." This project addresses that concern in a very big way!

The project will be implementing some important and costly improvements set out in the town's Bike and Pedestrian Master Plan. This intersection is a critical location for hundreds of school children who bike and walk to school. Local residents also utilize the crosswalks and bike lanes. Moving the LGB crosswalk, eliminating the slip lane and right-turn porkchop island will make this entire intersection function better for all users. These improvements are called out in the town-funded Safe Routes to School study and incorporated into the Bike and Ped Master Plan, which was adopted by the Planning Commission and the Town Council in 2017. With the decision to make Safety a priority, the Town is committed to creating the new ped/bike-friendly infrastructure every time a road is paved, or a project is approved.

After many iterations and meetings with the neighbors over several years, the applicant has created a project that preserves an existing building, complies with the Boulevard guidelines and General Plan, and implements necessary improvements to a very tough intersection. This is a good project for Los Gatos in every respect.

Please approve this project.

Thank you,

Maria Ristow

TOWN OF LOS GATOS

COUNCIL AGENDA REPORT

MEETING DATE: 08/06/2019

ITEM NO: 11

DESK ITEM

DATE: August 6, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Planned Development Application PD-17-002 and Negative Declaration ND-19-002. Project Location: 16212 Los Gatos Boulevard.
Property Owner/ Applicant: 16212 Los Gatos Blvd. LLC.
Requesting approval of a Planned Development to re-zone two properties zoned CH to CH:PD to allow for construction of a new commercial building.
APN 523-06-010 and -011

REMARKS:

Attachment 11 contains public comments received between 11:01 a.m., Monday, August 5, 2019 and 11:00 a.m., Tuesday, August 6, 2019.

Attachment previously received under separate cover:

1. May 2019 Draft Initial Study and Negative Declaration

Attachments previously received with the August 6, 2019 Staff Report:

2. June 12, 2019 Planning Commission Staff Report (with Exhibits 2-11, and 13)
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4. June 12, 2019 Planning Commission Desk Item Report (with Exhibit 16)
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8. Project Information Sheet from Engineering Division (4 sheets)
9. Public Comments received 11:01 a.m. Wednesday, June 12, 2019 to 11:00 a.m. Thursday, August 1, 2019

Attachment previously received with the August 5, 2019 Addendum Report:

10. Public Comments received between 11:01 a.m., Thursday, August 1, 2019 and 11:00 a.m., Monday, August 5, 2019

PREPARED BY: Ryan Safty
Associate Planner

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

110 E. Main Street Los Gatos, CA 95030 ● 406-354-6832
www.losgatosca.gov

Attachment received with this Desk Item Report:

11. Public Comments received between 11:01 a.m., Monday, August 5, 2019 and 11:00 a.m., Tuesday, August 6, 2019

Ryan Safty

From: Joseph Prang <joe@artisanwinedepot.com>
Sent: Tuesday, August 6, 2019 8:49 AM
To: Ryan Safty
Cc: Joseph Prang; Scott Plautz
Subject: Re: Support for Development Project at 16212 Los Gatos Boulevard

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
AUG 06 2019
TOWN OF LOS GATOS
PLANNING DIVISION

8/6/19

As the only tenant on the property at 16212 Los Gatos Blvd, we at Artisan Wine Depot Los Gatos want to document our support for the current proposed Development Project at the site. We have been the site Tenant for 5 years and seen several development proposals (and associated Story Poles!). We feel this proposal is the best use of the property, and the best outcome for the local community. Scott Plautz and the 16212 Los Gatos Blvd LLC team has made a strong solution proposal for the intersection "island" at Shannon Road and Los Gatos Blvd.

In summary, we recommend the support of the project by Planning Commission / Town Council.

Joseph A Prang
For
Artisan Wine Depot Los Gatos.
--
Joseph Prang
Wine Director / Certified Sommelier
408-497-7523
joe@artisanwinedepot.com
Artisan Wine Depot

Artisan Wine Depot
Mountain View Location #12495 Old Middlefield Way, Mountain View, CA 94043Phone: (650) 917-8080
Website: www.artisanwinedepot.com
Los Gatos Location #216212 Los Gatos Boulevard, Los Gatos, CA 95032Phone: (408) 827-4127
Website: www.artisanwinedepotlg.com
--
Joseph Prang
Wine Director / Certified Sommelier
408-497-7523
joe@artisanwinedepot.com
Artisan Wine Depot

*We have moved to a new location in Mountain View. Our updated address is now:
2495 Old Middlefield Way
Mountain View, CA 94043
Our websites and phone numbers are still the same.

Phone: (650) 917-8080
Website: www.artisanwinedepot.com

We are currently in our soft opening and doing personal concierge style service
Please inquire about our personal concierge service by emailing us at sales@artisanwinedepot.com or calling us at 650.917.8080

Artisan Wine Depot
Mountain View Location #1 2495 Old Middlefield Way, Mountain View, CA 94043 Phone: (650) 917-8080
Website: www.artisanwinedepot.com
Los Gatos Location #2 16212 Los Gatos Boulevard, Los Gatos, CA 95032 Phone: (408) 827-4127
Website: www.artisanwinedepotlg.com

Ryan Safty

RECEIVED
AUG 06 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Subject: FW: Proposed Project at 16212 Los Gatos Blvd

On Aug 6, 2019, at 10:11 AM, Peter Hertan <phertan@yahoo.com> wrote:

The following represents my personal views and not the position of any of the various commissions of which I am a member.

I support the proposed Pedestrian & Bicycle elements of the project at 16212 Los Gatos Boulevard. I believe the improvements proposed by the developer substantially improve the safety of pedestrian and bicycle movement in the vicinity of the project without compromising the safety of automobile travel.

As Maria Ristow points out in her letter on this subject:

"The project will be implementing some important and costly improvements set out in the town's Bike and Pedestrian Master Plan. This intersection is a critical location for hundreds of school children who bike and walk to school. Local residents also utilize the crosswalks and bike lanes. Moving the LGB crosswalk, eliminating the slip lane and right-turn pork-chop island will make this entire intersection function better for all users. These improvements are called out in the town-funded (*and adopted*) Safe Routes to School study and incorporated into the Bike and Ped Master Plan, which was adopted by the Planning Commission and the Town Council in 2017. With the decision to make Safety a priority, the Town is committed to creating the new ped/bike-friendly infrastructure every time a road is paved, or a project is approved."

I urge you to recognize the benefits of this project and approve it tonight.

Peter Hertan

- Member of the original Los Gatos Bicycle and Pedestrian Advisory Commission
- Member of the current Los Gatos Transportation and Parking Commission
- Member of the current VTA Bicycle and Pedestrian Advisory Commission
- Member of the current County Roads Commission

TOWN OF LOS GATOS

COUNCIL AGENDA REPORT

MEETING DATE: 08/06/2019

ITEM NO: 12

DATE: July 31, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT:
a. Adopt a Resolution of Intention between the Board of Administration California Public Employees' Retirement System and the Town Council of the Town of Los Gatos to add Government Code Section 20516, Employees Sharing Additional Cost, for Classic Local Police Members in the Los Gatos Police Officers' Association
b. Introduce an Ordinance by title only between the Board of Administration California Public Employees' Retirement System and the Town Council to add Government Code Section 20516, Employees Sharing Additional Cost, for Classic Local Police Members in the Los Gatos Police Officers' Association

RECOMMENDATION:

Staff recommends that the Town Council:

a. Adopt a Resolution of Intention (Attachment 1) between the Board of Administration California Public Employees' Retirement System and the Town Council of the Town of Los Gatos to add Government Code Section 20516, Employees Sharing Additional Cost, for Classic Local Police Members in the Los Gatos Police Officers' Association.
b. Introduce an Ordinance (Attachment 2) by title only between the Board of Administration California Public Employees' Retirement System and the Town Council to add Government Code Section 20516, Employees Sharing Additional Cost, for Classic Local Police Members in the Los Gatos Police Officers' Association.

BACKGROUND:

On October 16, 2018, the Town Council approved a labor agreement between the Town of Los Gatos and the Police Officers' Association (POA). A provision of the agreement was to implement a cost-sharing provision of the California Public Employees' Retirement System (CalPERS) by increasing the employee pension contribution 3%, for a total employee

PREPARED BY: Lisa Velasco
Human Resources Director

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

110 E. Main Street Los Gatos, CA 95030 ● 406-354-6832
www.losgatosca.gov

contribution of 12% effective October 1, 2019 or as soon as administratively feasible following that date. CalPERS categorizes cost-sharing as Section 20516 (Employees Sharing Additional Cost) within the Optional Benefits listing available and applicable to retirement contracts. This contribution change will apply to employees within the POA bargaining group that are categorized as Classic members of CalPERS.

DISCUSSION:

A formal amendment (Attachment 3) to the retirement contract between the Town of Los Gatos and CalPERS is required to implement Section 20516 (Employees Sharing Additional Cost). The amendment process includes Town Council adoption of a Resolution of Intention, a first reading to introduce an Ordinance, a secret ballot election of the employees impacted by the change resulting in a majority approval, and a second reading to formally adopt the Ordinance. The second reading and recommendation to adopt the Ordinance will be placed on the September 3, 2019 Council meeting agenda if Council approves the recommendations on August 6. The effective date of the amendment and the commencement of the additional 3% contribution will be October 6, 2019.

CONCLUSION:

Town Council previously approved the proposal to increase POA Classic members pension contribution to a total of 12% (after the 3% cost-sharing increase is applied) in October 2018 as part of the new Memorandum of Understanding (MOU) between the POA and the Town of Los Gatos. CalPERS requires a formal retirement contract amendment process before the pension contribution change can be implemented. It is recommended that the Resolution of Intention be adopted, and the Ordinance introduced as the first steps in the amendment process to comply with the provisions of the current POA MOU.

FISCAL IMPACT:

There is no fiscal impact related to the recommended actions because the Town is complying with the provisions of the existing POA MOU and the related CalPERS procedures necessary to implement the pension contract amendment. The overall fiscal impact related to the approval of the POA MOU was outlined in the staff report presented at the October 16, 2018 Town Council meeting and is expected to be cost neutral.

SUBJECT: a. Adopt a Resolution of Intention between the Board of Administration California Public Employees' Retirement System and the Town Council of the Town of Los Gatos to add Government Code Section 20516, Employees Sharing Additional Cost, for Classic Local Police Members in the Los Gatos Police Officers' Association.

b. Introduction of an Ordinance by title only between the Board of Administration California Public Employees' Retirement System and the Town Council to add Government Code Section 20516, Employees Sharing Additional Cost, for Classic Local Police Members in the Los Gatos Police Officers' Association.

DATE: July 31, 2019

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Resolution of Intention Between the Board of Administration of the California Public Employees' Retirement System and the Town Council
2. Ordinance Between the Town Council and the Board of Administration of the California Public Employees' Retirement System

RESOLUTION OF INTENTION

TO APPROVE AN AMENDMENT TO CONTRACT

BETWEEN THE

BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

AND THE

TOWN COUNCIL
TOWN OF LOS GATOS

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

> To provide Section 20516 (Employees Sharing Additional Cost) of 3% for classic local police members in the Los Gatos Police Officers' Association.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: _____
Presiding Officer

_____
Title

_____
Date adopted and approved

ORDINANCE _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY ORDAIN AS FOLLOWS:

SECTION I
That an amendment to the contract between the Town Council of the Town of Los Gatos and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION II
The Mayor of the Town Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION III
This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 6th day of August 2019, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 3rd day of September 2019. This ordinance takes effect 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:

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

DATE: _____

CalPERS

EXHIBIT A

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Town Council
Town of Los Gatos

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective April 1, 1972, and witnessed March 1, 1972, and as amended effective August 2, 1972, June 1, 1976, July 1, 1976, October 1, 1976, January 4, 1990, December 16, 1992, August 6, 1997, June 24, 2001, June 29, 2008 and September 15, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 17 are hereby stricken from said contract as executed effective September 15, 2012, and hereby replaced by the following paragraphs numbered 1 through 19 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members entering membership in the miscellaneous classification on or prior to September 15, 2012, age 60 for classic local miscellaneous members entering membership for the first time in the miscellaneous classification after September 15, 2012, age 62 for new local miscellaneous members, age 50 for classic local safety members and 57 for new local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after April 1, 1972 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:

   (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

   (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.

   (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

   a. Local Police Officers (herein referred to as local safety members);

   b. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

a. **ALL PERSONS EMPLOYED ON OR PRIOR TO SEPTEMBER 15, 2012 WHO WERE MEMBERS OF THE LOCAL SYSTEM EXCEPT THOSE IN EMPLOYMENT ON SEPTEMBER 15, 2012 WHO WAIVED THEIR RIGHTS UNDER THE LOCAL SYSTEM AND THOSE PERSONS WHO WAIVED THEIR RIGHTS BETWEEN MARCH 18 AND MARCH 26, 1976.**

6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.

7. Assets heretofore accumulated with respect to members under the local retirement system who waived their rights under that system have been transferred to the Public Employees' Retirement System on April 1, 1972 or between March 18, and March 26, 1976 and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

8. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after June 29, 2008 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to June 30, 1976, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

9. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after June 29, 2008 and not entering membership for the first time in the miscellaneous classification after September 15, 2012, shall be determined in accordance with Section 21354.4 of said Retirement Law, subject to the reduction provided therein for service prior to June 30, 1976, termination of Social Security, for members whose service has been included in Federal Social Security (2.5% at age 55 Full and Modified).

10. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time in the miscellaneous classification after September 15, 2012 shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).

11. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).

12. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

13. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).

14. Public Agency elected and elects to be subject to the following optional provisions:

    a. Section 21536 (Local System Service Credit Included in Basic Death Benefit).

    b. Sections 21624 and 21626 (Post-Retirement Survivor Allowance).

    c. Section 21574 (Fourth Level of 1959 Survivor Benefits).

    d. Section 20042 (One-Year Final Compensation) for those classic local miscellaneous members entering membership on or prior to September 15, 2012 and for local safety members.

    e. Section 21024 (Military Service Credit as Public Service).

    f. Section 20475 (Different Level of Benefits): Section 21353 (2% at age 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time with this agency in the miscellanous classification after September 15, 2012.

    g. Section 20516 (Employees Sharing Additional Cost):

       From and after the effective date of this amendment to contract, 3% for classic local police members in the Los Gatos Police Officer's Association.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

15. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on July 1, 1976. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.

16. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

17. Public Agency shall also contribute to said Retirement System as follows:

    a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.

    b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

    c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

18. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

19. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY_____
ARNITA PAIGE, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

TOWN COUNCIL
TOWN OF LOS GATOS

BY_____
PRESIDING OFFICER

_____
Witness Date

Attest:

_____
Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"

PLEASE DO NOT SIGN "EXHIBIT ONLY"

AMENDMENT CalPERS ID #4589482285
PERS-CON-702A

DATE: July 22, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Open and Close a Public Hearing to Consider Objections to the 2019 Weed Abatement Program Assessment Report and Adopt a Resolution Confirming the Report and Authorizing Collection of the Assessment Charges

RECOMMENDATION:

Open and close a public hearing to consider objections to the 2019 Weed Abatement Program Assessment Report (Attachment 1) and adopt a resolution (Attachment 2) confirming the report and authorizing collection of the assessment charges.

BACKGROUND:

The purpose of the Weed Abatement program is to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials, as defined in the Town Code, Chapter 11, Article II, Section 11.20.010. This is a monitoring program and the primary objective is voluntary compliance.

The Program is administered through a contract with the Santa Clara County Department of Agriculture and Environmental Management (County) and is funded from fees charged to residents if the County contractor must perform weed abatement work on the property, or if the property is not in compliance with Minimum Fire Safety Standards when it is first inspected by the County in the spring. Properties that fail the initial inspection are charged an inspection fee, even if the resident completes the weed abatement.

Program staff annually inspect parcels at the beginning of the fire season, which is typically in March or April. If the parcel is not in compliance at the time of inspection, the property owner is charged the inspection fee and the owner is sent a courtesy notice as a reminder to abate the weeds. If the weeds are not abated by the property owner, the work is completed by the

PREPARED BY: Stefanie Hockemeyer
Executive Assistant, Parks and Public Works

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

BACKGROUND (continued):

County's contractor. The property owner pays a fee equal to the contractor's charges plus a County administrative fee. Properties remain on the Program for three years and are removed if no hazards are found during that time.

On December 7, 2018, the Town Council passed Resolution 2018-053 (Attachment 3) declaring hazardous vegetation (weeds) a public nuisance, providing for their abatement, and set January 15, 2019 as the public hearing date for the annual program.

The County mailed property owners a notice of the January 15, 2019 Public Hearing for the Los Gatos jurisdiction and guidelines on the Los Gatos Weed Abatement Program. Unfortunately, the letter contained incorrect dates and the notice was resent with the correct information. For this reason, the hearing was continued to the February 5, 2019 Council meeting.

DISCUSSION:

The 2019 Weed Abatement Assessment Report list includes assessment charges for initial inspection fees and for performing weed abatement. The attached resolution affirms these costs and acknowledges the costs will be assessed by the County Tax Collector against the respective properties.

The Town of Los Gatos mailed property owners a notice of the August 6, 2019 Public Hearing for the Los Gatos jurisdiction, along with the assessment charges. This public hearing is an opportunity for residents who received an assessment to object to that assessment.

CONCLUSION:

Open and close a public hearing to consider objections to the 2019 Weed Abatement Program Assessment Report and adopt a resolution confirming the report and authorizing collection of the assessment charges.

COORDINATION:

This program has been coordinated with the Santa Clara County Department of Agriculture and Environmental Management.

FISCAL IMPACT:

Funds are budgeted in the Operating Budget to cover the cost of publishing the legal notices for the program. The County's cost to administer and carry out the program are recovered through the tax roll assessment charges levied against the affected properties.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. 2019 Weed Abatement Program Assessment Report.
2. Resolution 2019-XX Confirming the Report and Authorizing Collection of the Assessment Charges.
3. Resolution 2018-053 Declaring Hazardous Vegetation (Weeds) a Public Nuisance and Providing for their Abatement.

2019 WEED ABATEMENT PROGRAM
ASSESSMENT REPORT
TOWN OF LOS GATOS

	Situs		APN	OWNER ADDRESS				TAX ROLL AMT	TRA
1	101	Capistrano	409-02-013	**Henley, Stacey Trustee**	101 Capistrano Pl	LOS GATOS	95030-1103	$80.00	**3003**
2	0	Calle Marguerita	409-04-049	**Gupta, Mohit And Apan, Parul**	4708 Grimsby Dr	SAN JOSE	95130-2037	$80.00	**3003**
3	LAND	Wedgewood	409-08-001	**Union Pacific Corporation**	10031 Foothills Blvd	ROSEVILLE	95747	$2,790.30	**3003**
4	935	Castlewood	409-11-021	**Yamaguchi, Judy C Trustee**	14755 Fruitvale Av	SARATOGA	95070-6136	$80.00	**3003**
5	17291	Wedgewood	409-14-013	**Saffarian, Babak Trustee & Et Al**	706 Remington Drw	SUNNYVALE	94087	$80.00	**3003**
6	14325	Mulberry	409-15-020	**Khuong, Daniel And Nghiem,**	14325 Mulberry Dr	LOS GATOS	95032-0000	$80.00	**3003**
7	14333	Mulberry	409-15-022	**Bolandi, Hooman**	14333 Mulberry Dr	LOS GATOS	95032-0000	$80.00	**3003**
8	14311	Mulberry	409-15-038	**Lee, Kwangho And Yunsun**	14311 Mulberry Dr	LOS GATOS	95032-0000	$80.00	**3003**
9	15759	Oak Knoll	410-04-016	**Rokitta, Reid Trustee & Et Al**	15759 Oak Knoll Ct	LOS GATOS	95030-0000	$80.00	**3003**
10	16245	Burton	424-06-115	**Swenson, C B Trustee**	777 1st Stn Fl 5	SAN JOSE	95112	$80.00	**3003**
11	14823	Los Gatos	424-07-065	**14823 Lgb Llc**	965 Page Mill Rd	PALO ALTO	94304	$80.00	**3003**
12	15439	National	424-12-137	**15439 National Llc**	15439 National Av	LOS GATOS	95032-0000	$80.00	**3003**
13	18481	Overlook	510-40-019	**Dickinson, Patricia J**	19a Santa Cruz Avn	LOS GATOS	95030-5968	$80.00	**3003**
14	16	Pennsylvania	510-42-014	**Shafai, Farhad And Langroudi,**	16 Pennsylvania Av	LOS GATOS	95030-5925	$80.00	**3003**
15	110	Wood	510-47-038	**Episcopal Senior Communities**	2185 California Bln Ste 275	WALNUT CREEK	94596-3508	$575.00	**3003**
16	138	Wood	510-47-044	**Frenkel, Lily M And Draa, Justin S**	138 Wood Rd	LOS GATOS	95030-6740	$575.00	**3003**
17	16009	Stephenie	523-26-006	**Capriola, Edward R And Iris K**	1466 Sutter Creek Dr	EL DORADO HILLS	95762-4058	$80.00	**3003**
18	0	Union	523-42-011	**Robinson, Richard E Trustee**	0 Po Box 1789	DISCOVERY BAY	94514	$80.00	**3003**

2019 WEED ABATEMENT PROGRAM
ASSESSMENT REPORT
TOWN OF LOS GATOS

	Situs		APN		OWNER ADDRESS			TAX ROLL AMT	TRA
19	15941	Quail Hill	527-02-006	**Khosravi, Arvin And Mozafar,**	15941 Quail Hill Rd	LOS GATOS	95032-4819	$80.00	3003
20	15925	Quail Hill	527-02-007	**Diep, John And Allison**	5950 Country Cruz Py	SAN JOSE	95138	$575.00	3003
21	145	Drysdale	527-03-003	**Zukin, Margaret S Trustee**	145 Drysdale Dr	LOS GATOS	95032-4847	$80.00	3003
22	0	Gum Tree	527-03-007	**Quint, Robert A Trustee & Et Al**	0 Gum Tree Ln	LOS GATOS	95030-0000	$80.00	3003
23	16200	Greenridge	527-15-001	**Ormandy, Roman And Bibiana**	16200 Greenridge Tr	LOS GATOS	95032-4914	$80.00	3003
24	16084	Greenridge	527-15-002	**Croll, Jennifer**	34 Santa Cruz Avn	LOS GATOS	95030-5917	$80.00	3003
25	0	Larga Vista	527-16-013	**Guevara, Maria E Trustee & Et Al**	14975 Larga Vista Dr	LOS GATOS	95032-4917	$575.00	3003
26	14960	Larga Vista	527-16-016	**Prouty, Kymberly K And Paul R**	14960 Larga Vista Dr	LOS GATOS	95032-4918	$575.00	3003
27	401	Surmont	527-20-002	**Bate, Rosemary S**	110 Belvale Dr	LOS GATOS	95032	$575.00	3003
28	14741	Blossom Hill	527-41-047	**Demetry, Andrew E**	457 Vista Robles Dr	BEN LOMOND	95005	$80.00	3003
29	258	Union	527-44-012	**Cashmere Bouquet 1031 Llc**	15055 Los Gatos Blvd Ste 310	LOS GATOS	95032	$80.00	3003
30	258	Union	527-44-013	**Cashmere Bouquet 1031 Llc**	15055 Los Gatos Blvd Ste 310	LOS GATOS	95032	$80.00	3003
31	118	Harwood	527-56-020	**Siu, Marian Y Trustee**	118 Harwood Ct	LOS GATOS	95032-0000	$80.00	3003
32	615	Blossom Hill	529-16-026	**Dunn Properties Lp**	301 Alta Loma Ln	SANTA CRUZ	95062	$575.00	3003
33	0	Bella Vista	529-23-003	**Runyan, Peter And Choi, Hyung Mee**	331 Villa Vista Av	LOS GATOS	95032	$80.00	3003
34	0	Bella Vista	529-23-015	**Peters, Katherine H And Jake C**	0 P O Box 3486	KETCHUM	83340	$575.00	3003
35	0	Bella Vista	529-23-019	**Harlan, Marilyn S Trustee**	4168 Riva Ridge	FAIR OAKS	95628-6429	$80.00	3003
36	0	Bella Vista	529-23-020	**Hedberg, Pernilla And Claes J**	350 Bella Vista Av	LOS GATOS	95032-5400	$80.00	3003

2019 WEED ABATEMENT PROGRAM
ASSESSMENT REPORT
TOWN OF LOS GATOS

	Situs		APN	OWNER ADDRESS				TAX ROLL AMT	TRA
37		No Situs	529-29-065	**Douglas, Vasiliki**	10 Reservoir Rd	LOS GATOS	95032-7028	$80.00	3003
38		No Situs	529-29-066	**Kidder, Vasiliki**	10 Reservoir Rd	LOS GATOS	95030-0000	$80.00	3003
39	148	Cleland	529-34-043	**Hattar, Marie C**	148 Cleland Av	LOS GATOS	95030-0000	$80.00	3003
40	16421	Kennedy	532-17-023	**Fitzsimmons, John R And Helene J**	16421 Kennedy Rds	LOS GATOS	95030-0000	$80.00	3003
41	16510	Kennedy	532-17-025	**Mckenzie, Jaclyn J Trustee**	16510 Kennedy Rd	LOS GATOS	95032-6431	$80.00	3003
42	16461	Kennedy	532-17-027	**Chaudhry, Faisal And Reem C**	16461 Kennedy Rds	LOS GATOS	95030-0000	$80.00	3003
43	16481	Kennedy	532-17-028	**Hakhu, Jai K And Nalini**	7 Shore Pine Dr	NEWPORT COAST	92657	$575.00	3003
44	248	Jared	532-34-071	**Pan, Sam Shiwei**	1901 Nobili Av	SANTA CLARA	95051-2229	$575.00	3003
45	234	Harding	532-36-055	**Wu, Chao T**	991 Hedding Stw #103	SAN JOSE	95126	$80.00	3003
46	17511	Phillips	532-39-009	**Uplift Family Services**	251 Llewwllyn Av	CAMPBELL	95008	$80.00	3003
47	17528	Tourney	537-04-019	**Ebrahimi, Kevin A**	4459 Windsor Park Dr	SAN JOSE	95136-2048	$80.00	3003
48	17652	Tourney	537-04-043	**Yu, Margaret And Rolandi, Marco**	17652 Tourney Rd	LOS GATOS	95030-7166	$80.00	3003
49	14050	Shannon	537-17-027	**Perzow, Carrie And Leirer, Von Otto**	14050 Shannon Rd	LOS GATOS	95032-0000	$80.00	3003
50	233	Forrester	537-21-010	**Jackson Street Equities Llc**	0 Po Box 27421	SAN FRANCISCO	94127	$80.00	3003
51	227	Forrester	537-22-012	**Schiefelbein, Linda A And Lester W**	227 Forrester Rd	LOS GATOS	95032-6508	$80.00	3003
52	155	Wooded View	537-23-028	**Ownbey, Douglas V Trustee**	0 P.o. Box 9277	SAN JOSE	95157	$80.00	3003
53	210	Wooded View	537-23-046	**Adyn Investments Llc**	19841 Glen Una Dr	SARATOGA	95070-6414	$80.00	3003
54	105	Happy Acres	537-26-053	**George, Nancy Trustee**	105 Happy Acres Rd	LOS GATOS	95032-5704	$80.00	3003

2019 WEED ABATEMENT PROGRAM
ASSESSMENT REPORT
TOWN OF LOS GATOS

	Situs		APN	OWNER ADDRESS				TAX ROLL AMT	TRA
55	16060	Cerro Vista	537-30-004	**Brezoczky, Blasius Trustee & Et Al**	16060 Cerro Vista Dr	LOS GATOS	95032-0000	$80.00	3003
56	15975	Cerro Vista	537-30-007	**Tfr Management Group Inc**	14938 Camden Ave. #31	SAN JOSE	95124	$80.00	3003
57	15951	Cerro Vista	537-30-014	**Chen, Shenchang E And Tahn, Whei-**	15951 Cerro Vista Ct	LOS GATOS	95032-0000	$80.00	3003
58	0	Shannon	537-30-017	**Brown, Scott And Sara**	0 P O Box 213	LOS GATOS	95031-0213	$80.00	3003
							TOTAL	**$12,300.30**	

RESOLUTION 2019-

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING REPORT DESCRIBING PARCELS OF REAL PROPERTY,
AND SHOWING AMOUNT OF HAZARDOUS VEGETATION (WEEDS)
ABATEMENT ASSESSMENTS TO BE COLLECTED ON
THE SECURED PROPERTY TAX ROLL OF THE TOWN OF LOS GATOS
IN THE COUNTY OF SANTA CLARA,
FOR 2019**

WHEREAS, the Town Council of the Town of Los Gatos, pursuant to Sections 39501 and 39502 of the Government Code of the State of California, has adopted by ordinance a procedure for the abatement of hazardous vegetation (weeds) and the collection of the charges therefore on the tax roll, as contained in Chapter 11, Article II, Sections 11.20.010 through 11.20.45 of the Los Gatos Town Code; and

WHEREAS, pursuant thereto, Resolution No. 2018-053 declaring weeds a public nuisance and providing for their abatement, was adopted by the Town Council on December 7, 2018; and

WHEREAS, pursuant to notice duly and regularly given, the public hearing was held with respect thereto on February 5, 2019, overruling objections and ordering abatement of weeds as a public nuisance, was adopted by the Town Council; and

WHEREAS, a written report has been filed with the Town Clerk of the Town of Los Gatos, containing a description of each parcel of real property, and showing the amount of the charge to be collected on the secured property tax roll with respect thereto, computed in conformity with the charges prescribed by said ordinance; and

WHEREAS, the Town Clerk has set the 6th day of August 2019, in the Town Council Chambers, Town Hall, 110 East Main Street, Los Gatos, California, as the time and place when and where said Town Council would hear and consider all objections or protest, if any, to said report.

RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that the Town Council does hereby find and declare:

1. That notice of said public hearing was duly and regularly published and given as required by Section 11.20.035 of the Los Gatos Town Code and as otherwise required by law; and
2. All persons desiring to be heard during said hearing were given an opportunity to do so, all matters and things pertaining to said report were fully heard and considered by the Town Council, and all protests and objections, if any, are hereby overruled.

FURTHER RESOLVED, that said report, and each charge thereon, with any charges that may be noted on the face of said report pursuant to action taken by this Town Council, is hereby confirmed and approved.

FURTHER RESOLVED, that the charges are affirmed and shall be assessed against the real properties listed on the property tax bill if not sooner paid.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 6th day of August 2019, by the following vote:

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: _____

RESOLUTION 2018-053

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DECLARING HAZARDOUS VEGETATION (WEEDS) A PUBLIC NUISANCE AND PROVIDING FOR THEIR ABATEMENT

WHEREAS, Section 39501 and Section 39502 of the Government Code of the State of California authorize the Town of Los Gatos to prescribe a procedure for compelling the owner, lessees or occupant of buildings, grounds, or lots to remove hazardous vegetation (weeds) from such buildings or grounds and adjacent sidewalks, and, upon his failure to do so, to remove such hazardous vegetation (weeds) at his expense, making the cost thereof a lien upon such property; and

WHEREAS, the Town of Los Gatos, by ordinance, has adopted such a procedure, codified in Chapter 11, Article 2, Sections 11.20.010 through 11.20.045 of the Los Gatos Town Code.

NOW, THEREFORE, BE IT RESOLVED: that the Town Council hereby finds that hazardous vegetation "weeds," as that term is defined in Section 11.20.010, are growing upon and adjacent to private property within the Town of Los Gatos, and declares that all hazardous vegetation (weeds) growing upon any private property or properties, and in any sidewalk street, or alley within the Town of Los Gatos are a public nuisance and should be abated.

BE IT FURTHER RESOLVED that unless such nuisance be abated by the destruction or removal of such hazardous vegetation (weeds) within thirty (30) days after the adoption of this resolution, or within the time specified in a written agreement with the Town of Los Gatos Director of Parks and Public Works, or his representative, whichever time shall be later, as provided in Chapter 11, Article 2, of the Los Gatos Town Code, the Town of Los Gatos shall cause such nuisance to be abated, and the expense thereof assessed upon the lots and lands from which, or in the front and rear of which, such hazardous vegetation (weeds) shall have been destroyed or removed, such expense constituting a lien upon such lots or lands until paid, and to be collected upon the next tax roll upon which general municipal taxes are collected.

BE IT FURTHER RESOLVED that the Director shall execute a "Notice to Destroy Hazardous Vegetation (Weeds)" in the form set forth in Section 11.20.020(b) and shall cause same to be published and posted in the manner prescribed by Section 11.20.020(c).

BE IT FURTHER RESOLVED that on the 15th day of January, 2019, at a meeting of the Town Council beginning at 7:00 p.m. in the Council Chambers of the Civic Center, 110 E. Main Street, Los Gatos, California, a public hearing will be held during which all property owners in the Town of Los Gatos having any objections to the proposed destruction or removal of such hazardous vegetation (weeds) will be heard and given due consideration.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 4th day of December 2018 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None.

ABSENT: None.

ABSTAIN: None.

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 12/7/18

ATTEST:

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

DATE: 12/7/18

DATE: August 5, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Open and Close a Public Hearing to Consider Objections to the 2019 Weed Abatement Program Assessment Report and Adopt a Resolution Confirming the Report and Authorizing Collection of the Assessment Charges

REMARKS:

Attachment 4 contains public comments received between 11:01 a.m., Thursday, August 1, 2019 and 11:00 a.m., Monday, August 5, 2019.

Town Staff reviewed the two protests of the proposed assessments with the County and recommend the following:

APN: 537-22-012 – No fees will be assessed. The property complied with the requirements in 2018.

APN: 529-23-003 – $80 Administrative Fee should be assessed. The property was added to the Program in 2017, was non-compliant in 2018, but is compliant in 2019. This requires the property to remain in the Program and provide two more years of verified voluntary compliance to be removed from the Program.

Attachments previously received with the August 6, 2019 Staff Report:
1. 2019 Weed Abatement Program Assessment Report.
2. Resolution 2019-XX Confirming the Report and Authorizing Collection of the Assessment Charges.
3. Resolution 2018-053 Declaring Hazardous Vegetation (Weeds) a Public Nuisance and Providing for their Abatement.

PREPARED BY: Stefanie Hockemeyer
Executive Assistant, Parks and Public Works

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

110 E. Main Street Los Gatos, CA 95030 ● 406-354-6832
www.losgatosca.gov

SUBJECT: Open and Close a Public Hearing to Consider Objections to the 2019 Weed Abatement Program Assessment Report and Adopt a Resolution Confirming the Report and Authorizing Collection of the Assessment Charges
DATE: August 5, 2019

Attachment received with this Addendum:

4. Public Comments received between 11:01 a.m., Thursday, August 1, 2019 and 11:00 a.m., Monday, August 5, 2019.

From: Lester Schiefelbein <les@schiefelbeingdr.com>
Sent: Saturday, August 03, 2019 11:13 AM
To: Stefanie Hockemeyer <SHockemeyer@LosGatosCA.gov>; Lester W. Schiefelbein Jr. <lester.schiefelbein@gmail.com>
Subject: Protest of Proposed Assessment

RE: Schiefelbein, Linda A and Lester W
227 Forrester Road
Los Gatos, CA
APN 537-22-012

Dear Ms. Hockemeyer,

On August 1, 2019 I received a letter dated July 26, 2019, signed by you which informed me that I "may file a written protest of the proposed assessment." This email is my written protest, and the protest email is being sent to you following your direction.

Before detailing the reasons for the protest I wish to thank you for the time spent with me in your office on August 2, 2019, discussing the weed abatement program and the proposed assessment.

As an introductory comment I wish to state that weed abatement is an important homeowner obligation, and I believe that my property is in compliance with applicable Los Gatos Town Code and any administrative provisions directed by the Santa Clara County
Department of Agriculture and Environmental Management.

The July 26, 2019 letter from Ms. Hockemeyer contained the attachment "2019 Weed Abatement Program Assessment Report Town of Los Gatos" which lists a Tax Roll Amount of $80.00 for my property.

In my meeting with with Ms. Hockemeyer on August 2, 2019 I provided her with three pictures of my property which I took in the early evening of August 1. The pictures provide a front, side and rear view of my property. The pictures do not detail any weed abatement issues. Further, I provided Ms. Hockemeyer the Invoice from West Valley Tree Care which details the weed abatement work done on my property on April 16 and 17, 2019. The three pictures and Invoice are to be considered attachments to this protest email.

Bottom line--I do not see any basis for an assessment.

Please send me a reply email to indicate receipt of this written protest.

Cordially submitted,

Les Schiefelbein

From: Stefanie Hockemeyer
Sent: Monday, August 05, 2019 10:08 AM
To: Lester Schiefelbein <les@schiefelbeingdr.com>; Lester W. Schiefelbein Jr. <lester.schiefelbein@gmail.com>
Cc: Kumre, Moe (Moe.Kumre@cep.sccgov.org) <Moe.Kumre@cep.sccgov.org>; Matt Morley <MMorley@losgatosca.gov>
Subject: RE: Protest of Proposed Assessment

Dear Mr. Schiefelbein,

Thank you for providing your written protest as a follow-up to our meeting on Friday, August 2nd. I followed up with Moe Kumre, Manager of the County of Santa Clara Weed Abatement Program, and he confirmed that your property has been removed from the 2019 Weed Abatement Program Assessment Report, and that **no fees will be assessed on your 2019 property taxes**.

Once properties have been identified by an Inspector as a potential fire hazard, properties are monitored by the Program for three consecutive years of compliance. If no hazards are found and abated by the County during that time, properties may be removed from the program. If the Minimum Fire Safety Standards (MFSS) are met by the given deadline and maintained through the fire season, the only fee incurred is the initial inspection fee.

After researching your APN, it shows that your property had been in the Program during 2016, 2017, and 2018, in which you complied for three consecutive years, satisfying that requirement in 2018. Your parcel remained on the list for 2019, which was a mistake and we appreciate you bringing this to the attention of the Town and the County.

If you have any further questions about the Weed Abatement Program, please feel free to contact the County at (408) 282-3145, or myself.

Best,

Stefanie Hockemeyer • Executive Assistant
Parks and Public Works • 41 Miles Avenue, Los Gatos, CA 95030
Ph: 408.399.5761
www.losgatosca.gov

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April 16 & 17 work done

INVOICE

No.

CERTIFIED ARBORIST ISA

WEST VALLEY TREE CARE
Free Estimates
Professional Arborist

954 Henderson Ave. spc #87 • Sunnyvale, CA 94086

WE 9595A

(408) 390-0316

Contractor State License #1020435

Customer Lester SR Hilfeldein JR. Home Ph _____ Work Ph _____

Job Address 227 Forrester Rd City Los Gatos Zip _____

Cross Street or directions Kennedy Rd

Today's Date 7/1/2019 Preferred Work Date _____

Estimate Prepared By Juan

SERVICE CODES:

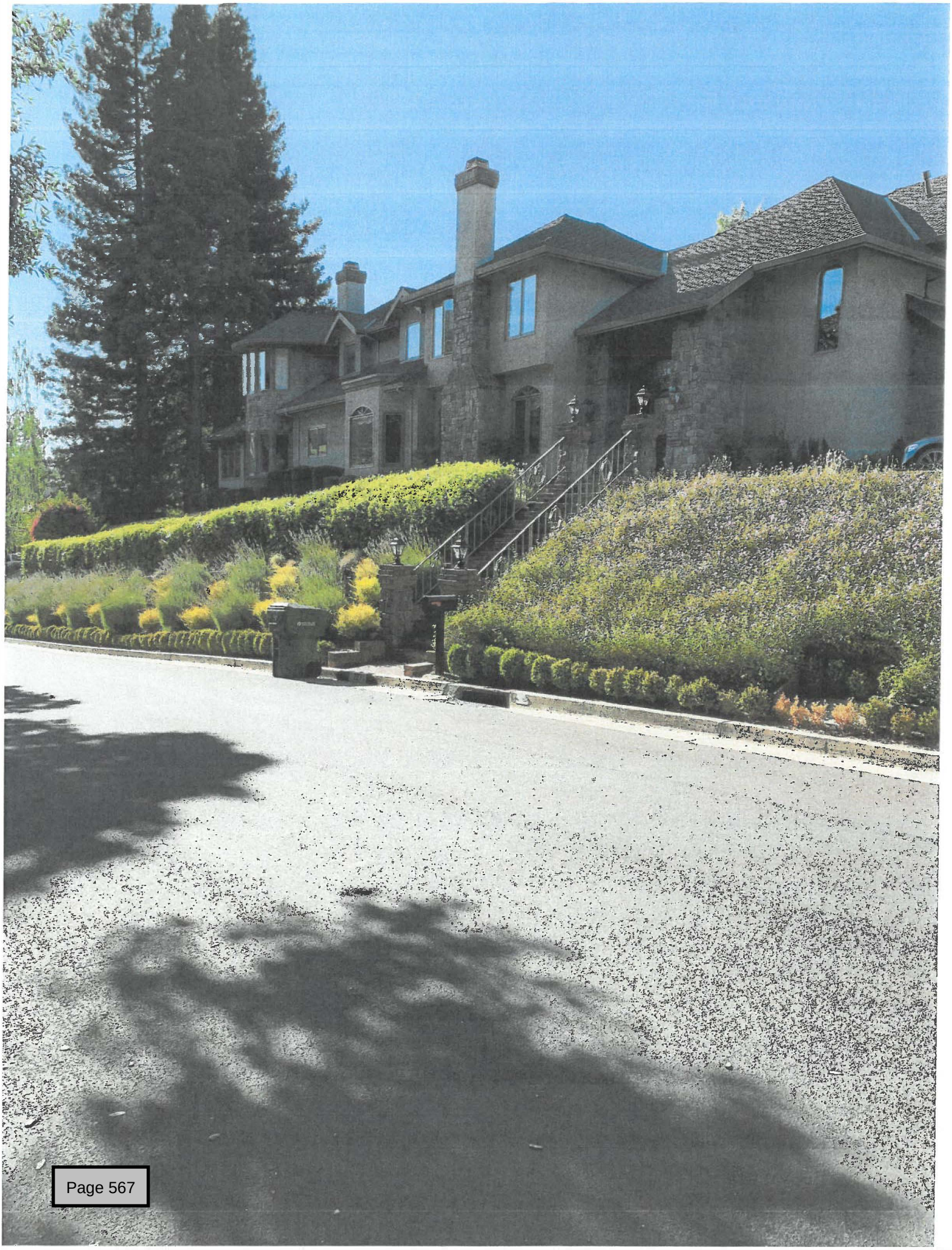
1. Prune / Shape Trees	4. Top Trees / Hedges	7. Remove Trees / Hedges	10. Clean Up
2. Remove Brush	5. Clear Out Weeds	8. Trimming / Thinning	11. Other
3. Remove Roots	6. Landscape Service	9. Grind Away Stump	12. Dump

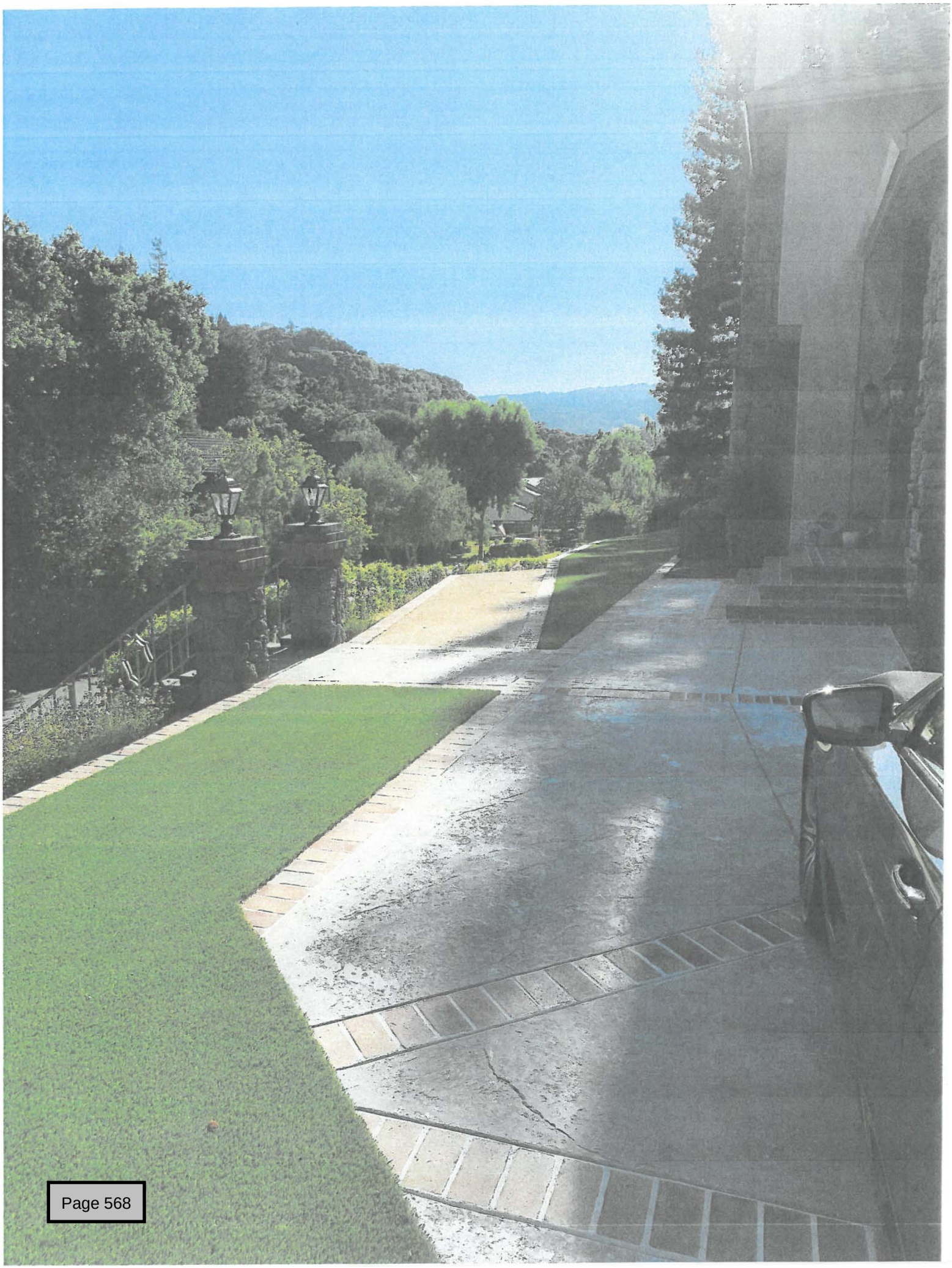
Code	Description of Work & Location on Property	Extras		Cost
	Removal the weeds			
	on the hill			
	30 feet away from House			
	Rake (bottom side)			
	Removal one loquat tree			
	trim back limbs over the		Total Labor	
	patio.		Total Material	
	Clean up the work area		Dump Fee	
	& Haulway away		Total Amount	$ 1600

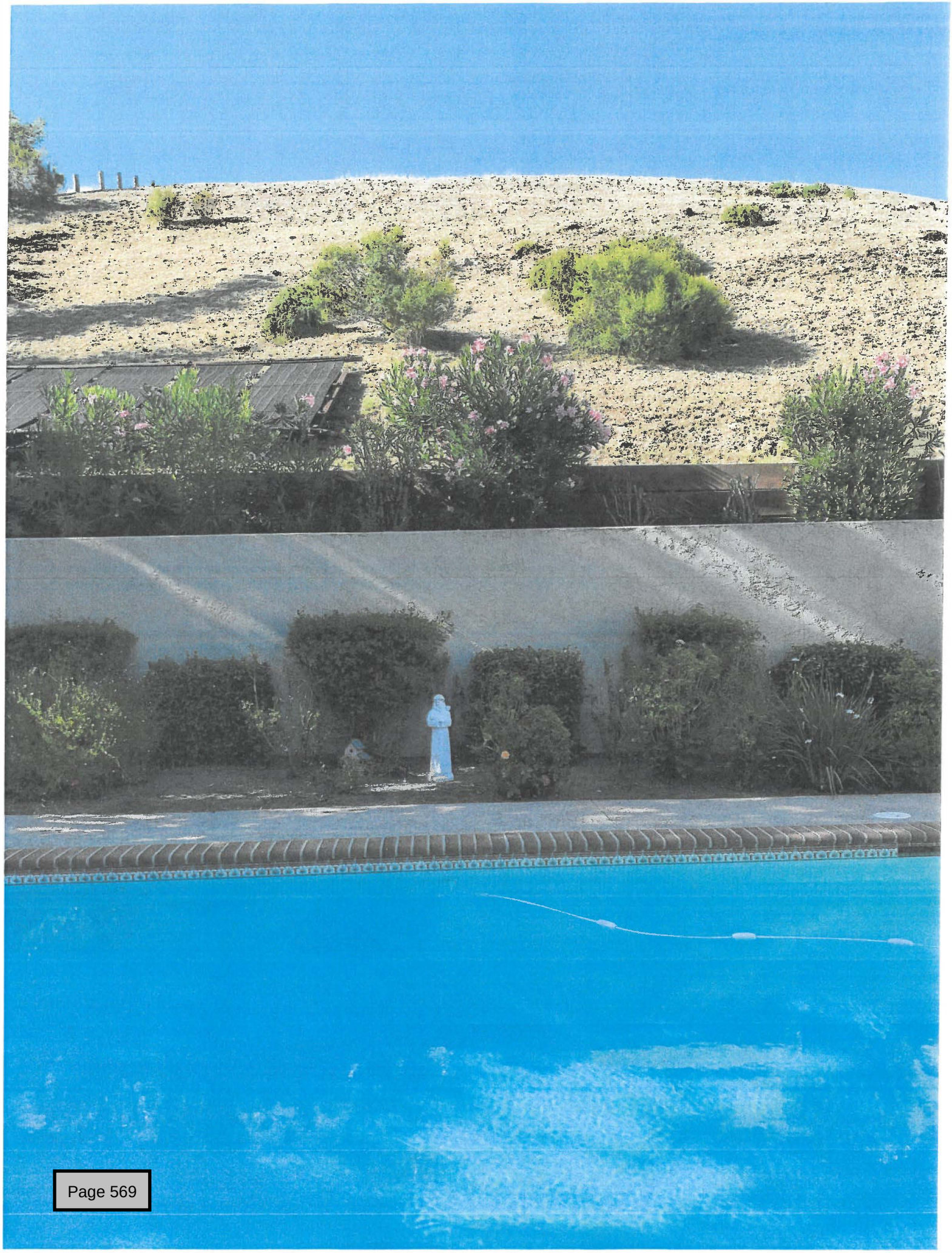
Paid fully
CK 9242

Automatic $25.00 Late Fee is added to all bills not paid as agreed. 1.5% Per month on past due balances

W[illegible]sible for damage to pipes or underground utilities due to root removal or stump grinding. If customer is not sure such work can be done safely, we recommend a professional utilities inspection before asking us to begin any such work







TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS DEPARTMENT
PHONE (408) 399-5770

SERVICE CENTER
41 MILES AVENUE
LOS GATOS, CA 95030

8/5/2019

VIA USPS

Peter Runyan & Hying Mee Choi
331 Bella Vista Avenue
Los Gatos, CA 95032

Dear Mr. Runyan,

This is to acknowledge receipt of your protest of the 2019 Weed Abatement Program Assessment Report. When properties are identified to have hazardous weeds they are placed in the Program and monitored and must be compliant for three consecutive years in order to be removed from the Program.

I contacted the County Weed Abatement Program to review your parcel (#529-23-003) and the proposed charges of $80. Moe Kumre, Director of the Program confirmed that the $80 charge shall be assessed, as your property was added to the program in 2017, was non-compliant in 2018, but is compliant this year. This will require two more years of voluntary compliance in order to be removed from the program. The $80 is an administrative fee that is assessed to every property that is in the Program for the initial inspection.

We have noted the address is erroneously listed and will correct it for future correspondence.

If you would like further information, please contact the County Weed Abatement Program at (408) 282-3145.

Sincerely,

Stefanie Hockemeyer

STEFANIE HOCKEMEYER
Executive Assistant

Cc: Moe Kumre, Weed Abatement Program Manager

Peter Runyan & Hyung Mee Choi
331 Bella Vista Ave.
Los Gatos, CA 95032

APN- 529-23-003

TOWN OF LOS GATOS
CLERK DEPARTMENT
RECEIVED
2019 AUG -5 A 8:01

August 2, 2019

Clerk Administrator
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: **Protest of 2019 Weed Abatement Program Assessment Report**

We have just received the above-referenced report. Our property located at 331 Bella Vista Avenue (the address is erroneously listed on the Assessment Report as "331 Villa Vista Av") is listed in the above-referenced report, and **we wish to protest the assessment (of $80).**

We purchased the property in mid 2018, and early this year we received a notice indicating an assessment for weed abatement could occur if we didn't clear weeds. Thereafter, we hired a landscaping service (Rojas Gardening) to do a massive property cleanup. It took several hours, and the cost was $800. The property (and much of the adjoining property, which we believe is owned by the Hedberg family) was completely cleared of brush, weeds, and debris.

Since we have already taken the time and spent considerable funds to completely achieve weed abatement, there is no valid basis for our property to be included on any such assessment.

Sincerely,

Peter Runyan & Hyung Mee Choi

DATE: August 6, 2019

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Open and Close a Public Hearing to Consider Objections to the 2019 Weed Abatement Program Assessment Report and Adopt a Resolution Confirming the Report and Authorizing Collection of the Assessment Charges

REMARKS:

Attachment 5 contains public comments received between 11:01 a.m., Monday, August 5, 2019 and 11:00 a.m., Tuesday, August 6, 2019.

Town Staff reviewed the following protests of the proposed assessments with the County and recommend the following:

APN: 409-02-013 –The property is compliant and was erroneously added; therefore, will be removed from the Program. No fees will be assessed.

APN: 527-16-016 – Given fire concerns and the integrity of the program staff recommends that the fees are appropriate and $575 should be charged.

APN: 532-17-028 – Given fire concerns and the integrity of the program staff recommends that the fees are appropriate and $575 should be charged.

PREPARED BY: Stefanie Hockemeyer
Executive Assistant, Parks and Public Works

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

110 E. Main Street Los Gatos, CA 95030 ● 406-354-6832
www.losgatosca.gov

SUBJECT: Open and Close a Public Hearing to Consider Objections to the 2019 Weed Abatement Program Assessment Report and Adopt a Resolution Confirming the Report and Authorizing Collection of the Assessment Charges
DATE: August 6, 2019

Attachments previously received with the August 6, 2019 Staff Report:

1. 2019 Weed Abatement Program Assessment Report.
2. Resolution 2019-XX Confirming the Report and Authorizing Collection of the Assessment Charges.
3. Resolution 2018-053 Declaring Hazardous Vegetation (Weeds) a Public Nuisance and Providing for their Abatement.

Attachment previously received with Addendum:

4. Public Comments received between 11:01 a.m., Thursday, August 1, 2019 and 11:00 a.m., Monday, August 5, 2019.

Attachment received with this Desk Item:

5. Public Comments received between 11:01 a.m., Monday August 5, 2019 and 11:00 a.m., Tuesday, August 6, 2019.

TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS DEPARTMENT
PHONE (408) 399-5770

SERVICE CENTER
41 MILES AVENUE
LOS GATOS, CA 95030

8/6/2019

VIA USPS

Stacey Henley
101 Capistrano Pl
Los Gatos, CA 95030

RE: APN 409-02-013

Dear Stacey,

This is to acknowledge receipt of your protest of the proposed 2019 Weed Abatement Program Assessment Report for your property located at 101 Capistrano Pl, Los Gatos.

I followed up with Moe Kumre, Manager of the County of Santa Clara Weed Abatement Program, and after researching your APN, it shows that your property is compliant and was erroneously added to the Program this year and shall be been removed from the 2019 Weed Abatement Program. No fees will be assessed on your 2019 property taxes.

If you have any further questions about the Weed Abatement Program, please feel free to contact the County at (408) 282-3145, or myself.

Sincerely,

Stefanie Hockemeyer

STEFANIE HOCKEMEYER
Executive Assistant

Cc: Moe Kumre, Weed Abatement Program Manager

August 2, 2019

TOWN OF LOS GATOS
CLERK DEPARTMENT
RECEIVED

2019 AUG -5 P 12: 17

To: Town of Los Gatos Clerk Administrator

From: Stacey Henley, Resident, Parcel #409-02-013

Re: 2019 Weed Abatement Assessment

I am writing this letter to object to the proposed assessment for my property located at 101 Capistrano Pl, Los Gatos, CA 95032. I am not understanding why I am receiving this assessment when my weeds are taken care of by my gardener and I returned the 2019 Reply Form stating that I would maintain the parcel in a manner consistent with the Minimum Fire Safety Standards.

Thank you,

Stacey Henley

408-318-7755

TOWN OF LOS GATOS
CLERK DEPARTMENT
RECEIVED

2019 AUG -6 A 10: 28

8-5-2019

Clerk Administrator
110 E. Main Street
Los Gatos, CA 95030

Re: WAP Fine
Paul & Kym Prouty
14960 Larga Vista Drive
Los Gatos, CA 95032
408-806-3393

APN- 527-16-016

Dear Clerk Administrator,

I am writing in protest of the fine of $575.00 that I am being assessed. I have included the photo evidence that the County WAP representative sent me along with my own photos.

The area in question that we were fined for is the area next to our house where we lost a large oak tree during the storm of May 18 and 19 this year. I have provided an overhead shot of the tree circled in red and another photo of the downed tree from the same position on the street that the county took their photo. This was a multi trunked Quercus Agrifolia, each of the four trunks fell a different direction.

We cleaned up the brush, slash and trunks over a three week period. You can see in the photo "evidence" provided by the County that only two of the trunks remain on the ground (outlined in red) on June 13th when they took the photo. In the three weeks after the storm during our clean up of the tree the weather turned warm and the newly sun exposed ground germinated the long shaded seeds.

So far this year I have personally mowed the entire acre parcel on April 12th and 13th again on May 25th and 26th and again on June 22nd and 23rd because the rain patterns this year kept the grasses growing. I received the violation notice the last week of June as the WAP inspected on June 13th. You can clearly see that the weeds in the photo that they provided are green and sparse. I am not and was not in violation of any code.

The fine is punitive and an outrage as we have never been in violation, have always kept our property clear of brush and weeds. This is, in my view, pure harassment by an over zealous County agency. The fine should be removed from our property tax bill. Please let us know if you have any questions.

My best,

Paul Prouty

Paul Prouty

8/6/19 @ 12:30pm - PPW Staff called resident to relay county's research, & recommendation.

Google Maps 14960 Larga Vista Dr

TREE THAT FELL

Pg 2 of 4

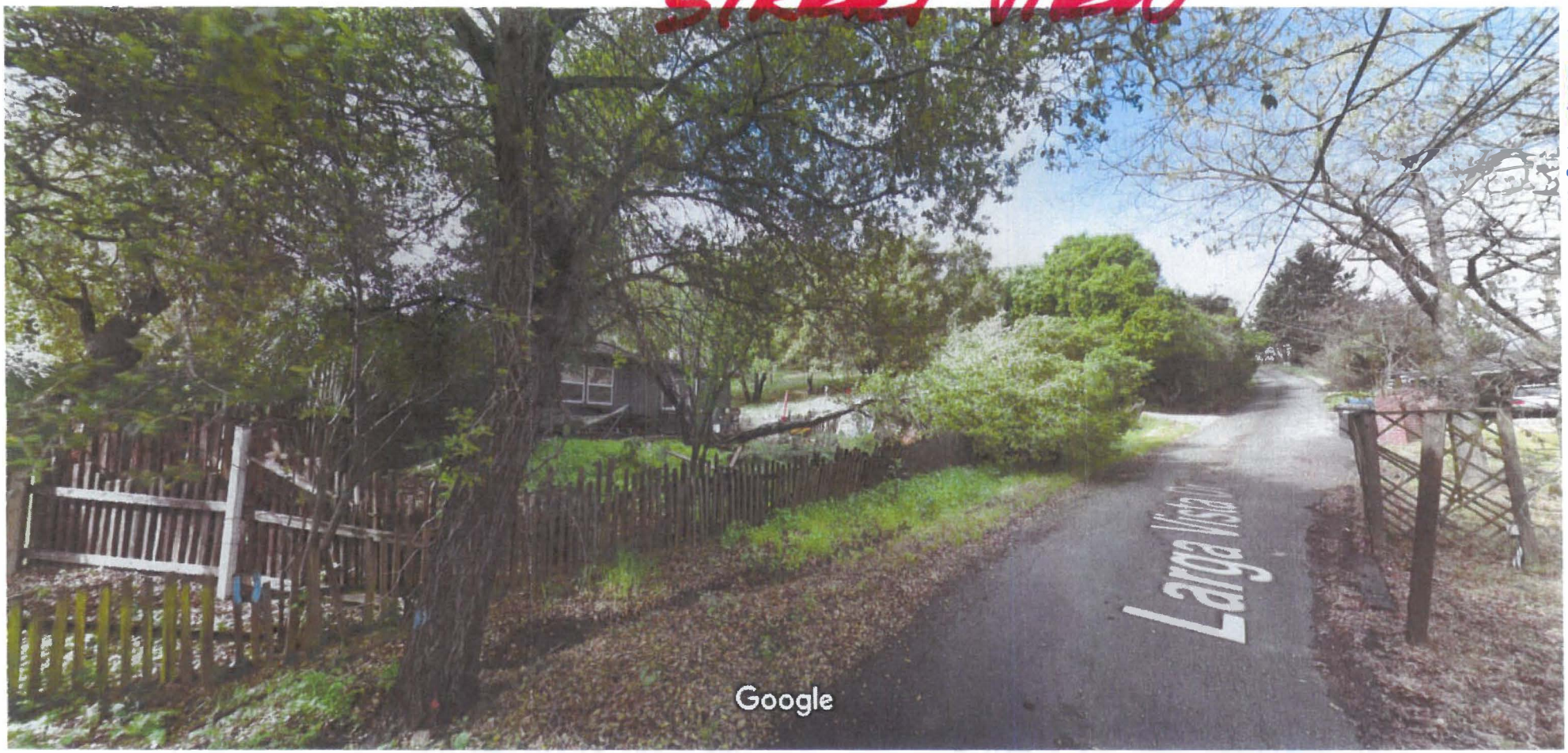
AAN 527-16-016

Imagery ©2019 Google, Map data ©2019 20 ft

Google Maps 14900 Larga Vista Dr

PHOTO TAKEN MAY 29 2019 STREET VIEW

APN 527-16-016 PG 3 of 4



Los Gatos, California

Google

APN 527-16-016 Pg 4 of 4

Subject: FW: Weed Abatement Assessment Inquiry

Importance: High

APN 532-17-028

From: Stefanie Hockemeyer
Sent: Tuesday, August 06, 2019 8:37 AM
To: Kumre, Moe (Moe.Kumre@cep.sccgov.org) <Moe.Kumre@cep.sccgov.org>
Subject: Weed Abatement Assessment Inquiry
Importance: High

Hi Moe,

I received a call from APN 532-17-028 (16481 Kennedy Rd) –Jai Hakhu. He is questioning the amount of his assessment ($575) and believes he cleared his weeds on time.

Can you call him this morning and let me know the outcome so that I can make notes for our meeting tonight? (408) 307-8807.

Stefanie Hockemeyer ● Executive Assistant
Parks and Public Works ● 41 Miles Avenue, Los Gatos, CA 95030
Ph: 408.399.5761
www.losgatosca.gov

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8/6/19 @ 12:45pm, PPW Staff called property owner to relay county's research & recommendation.