



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
JANUARY 19, 2021
110 EAST MAIN STREET
LOS GATOS, CA**

*Marcia Jensen, Mayor
Barbara Spector, Vice Mayor
Rob Rennie, Council Member
Marico Sayoc, Council Member
Vacant, 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 Town Council. 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
JANUARY 19, 2021
7:00 PM**

IMPORTANT NOTICE REGARDING THE JANUARY 19, 2021 MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29- 20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at www.losgatosca.gov/AgendasAndVideos. **In accordance with Executive Order N-29- 20, the public may only view the meeting on television and/or online and not in the Council Chamber.**

PARTICIPATION

If you are not interested in providing oral comments in real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at www.LosGatosCA.gov/TownYouTube.

If you are interested in providing oral comments real-time during the meeting, you must join the Zoom webinar:

- Join from a PC, Mac, iPad, iPhone or Android device: click this link <https://us02web.zoom.us/j/84689202755?pwd=QXlFYU40bWRHUVhEd3VLMVBsYVNyUT09>. Password: 666956. You can also type in 84689202755 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- Join by telephone: Dial: 877 336 1839. Conference code: 969184

During the meeting:

- When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. The Mayor has the option to modify this action on items based on comments received.

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REMOTE LOCATION PARTICIPANTS

The following Council Members are listed to permit them to appear electronically or telephonically at the Town Council meeting: MAYOR MARICO SAYOC, VICE MAYOR ROB RENNIE, COUNCIL MEMBER MARY BADAME, COUNCIL MEMBER MATTHEW HUDES, and COUNCIL MEMBER MARIA RISTOW. All votes during the teleconferencing session will be conducted by roll call vote.

MEETING CALL TO ORDER

ROLL CALL

PRESENTATIONS

- i. Adult Commissioner End of Term Commendations

APPOINTMENTS

Conduct Appointments for Adult Commissioner Vacancies on Boards, Commissions, and Committees.

COUNCIL / MANAGER MATTERS

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. A member of the public may request to pull an item from Consent by following the Participation Instructions contained on Page 2 of this agenda. If an item is pulled, the Mayor has the sole discretion to determine when the item will be heard. 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 Minutes of the December 15, 2020 Town Council Meeting.
2. Approve an Amendment to the Temporary Classification Plan to Comply with the California Minimum Wage Increase Effective January 1, 2021 and Add the Confidential Classification of Legal Administrative Assistant.
3. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Retaining Wall Repairs (PPW Job No. 19-815-9930) Completed by Granite Rock Company and Authorize the Town Clerk to File for Recordation.
4. Smart Signals Field Improvements (CIP No. 813-0227 Traffic Signal Modernization):
 - a. Approve the Plans and Specifications;
 - b. Authorize Advertising the Project for Bid;
 - c. Authorize the Town Manager to Award and Execute a Construction Agreement in an Amount Not to Exceed \$750,000, Including Contingencies and Change Orders; and
 - d. Authorize Staff to Execute Future Change Orders in an Amount not to Exceed Ten Percent of the Contract Award Amount.
5. Adopt a Resolution to Extend the Term of the General Plan Update Advisory Committee.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda consistent with the Participation Instructions contained on Page 2 of this 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, their representatives, and members of the public wishing to address the Council on any Public Hearing item should register in advance to obtain the Zoom link for this meeting by following the Participation instructions contained on page 2 of this agenda. Applicants/Appellants and their representatives may be allotted up to a total of five 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 three minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

6. Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2021 Weed Abatement Program Commencement Report and Order the Abatement.
7. Consider a Request for an Exception to the Story Pole Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned R:PD. Located at 110 Wood Road. APN 510-47-038. Applicant: Frank Rockwood. Property Owner: Covia Communities. Project Planner: Jocelyn Shoopman.

OTHER BUSINESS *(Up to three minutes may be allotted for each comment on any of the following items consistent with the Participation Instructions contained on page 2 of this agenda.)*

8. Discuss and Approve the Following Actions to Continue the Town's Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic, Including:
 - a. Approve Continued Rent Forgiveness for Town-Owned Properties;
 - b. Approve Business License Forgiveness for Specific Commercial Sectors Unable to Operate Due to the Santa Clara county Public Health Order for the First Quarter of 2021 and the Second Quarter if the Orders Continue to Prohibit Those Sectors from Operating, and Suspend Late Fees on All Business Licenses through 2021;
 - c. Approve a Parklet Incentive Program for Semi-Permanent Parklets, Including:
 1. Approve a Maximum Grant of \$10,000 Per Business Who Would Like to Build a Semi-Permanent Parklet,
 2. Direct Staff to Work with Industry Professionals to Procure a Parklet Design or Set of Design Guidelines,
 3. Approve the Payment for the Town Pamphlet Application Fee from the Town Economic Recovery Fund for Any Semi-Permanent Parklet Application Received by June 30, 2021, with Construction Completed by March 31, 2022,
 4. Approve a Sunset Date of September 19, 2021 for the Temporary Krail Parklets to Further Incentivize the Construction of Semi-Permanent Parklets, and
 5. Continue the Grey's Lane Street Closure to Facilitate Placemaking and the Installation of Semi-Permanent Parklets in This Area; and

- d. Approve Additional Process Streamlining and Community Vitality Opportunities, Including
1. \$2,500 for Public Health Order Signage from the Town's Economic Recovery Fund,
 2. \$35,000 for Lighting Upgrades from the Town's Economic Recovery Fund,
 3. Continuing the Council's Previous Direction to Absorb 50% of Conditional Use Permit Fees through December 31, 2021,
 4. Providing New Direction that Removes the Limit of Ten Personal Service Businesses that May Open in the C-2 Zone Without a Conditional Use Permit Utilizing the Economic Recovery Agreement,
 5. Adopting a Revised Economic Recovery Resolution to Allow up to Five New Non-Restaurant Conditional Use Permits to be Approved at Development Review Committee,
 6. Convening a Joint Town Council/Planning Commission Study Session to Discuss Retail Trends with Local Experts, and
 7. Providing Direction on Other Ideas.

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.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 1/19/2021

APPOINTMENTS

DATE: January 6, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Conduct Appointments for Adult Commissioner Vacancies on Boards,
Commissions, and Committees

RECOMMENDATION:

Conduct the appointment process for the following vacancies: Building Board of Appeals (BOA), Community Health and Senior Services Commission (CHSSC), Complete Streets and Transportation Commission (CSTC), Finance Commission (FC), Personnel Board, and Planning Commission (PC).

DISCUSSION:

Council is scheduled to interview applicants for vacant Board, Commission, and Committee positions (Attachment 1) at a Special Meeting on January 19, 2021, at 5:00 p.m. via teleconference following the COVID-19 Shelter in Place guidelines. Per the Town's Commission Appointment Policy (Attachment 2), candidates may apply for multiple Commissions. One applicant has applied for two Commissions. Please consult the individual applications to learn of the candidates' priority preferences and areas of expertise.

As a result of the November 3, 2020 General Municipal Election, one vacancy on CSTC and two vacancies on the Planning Commission are open in addition to the remaining vacancies on the BOA, CHSSC, and Personnel Board.

With the passage of Measure A (Attachment 3), the new Finance Commission has five vacancies to be filled. Measure A sets forth the initial terms for the Commission. Pursuant to the Measure, two Commissioners will serve initial terms of four years each, one Commissioner will serve an initial term of three years, one Commissioner will serve an initial term of two years, and one Commissioner will serve one year. After the initial terms, Council Member(s) will appoint future Commissioners to four-year terms. Unlike other Town Boards, Commissions, and

PREPARED BY: Shelley Neis
Town Clerk

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

DISCUSSION (continued):

Committees that are appointed by a majority of Council, Measure A requires each Council Member to appoint one Commissioner.

To ensure, as much as possible, that the terms of the Finance Commissioners coincide with Council Member terms, Council Members Hudes and Ristow will select Finance Commissioners for four-year terms. The other terms and order of selection were selected randomly by staff and the order of selection and terms are as follows:

- | | |
|------------------|-------------|
| 1. Maria Ristow | 4-year term |
| 2. Matthew Hudes | 4-year term |
| 3. Rob Rennie | 1-year term |
| 4. Marico Sayoc | 3-year term |
| 5. Mary Badame | 2-year term |

Staff recommends Council appoint Commissioners for each Board/Commission/Committee per Council Policy 2-11 (Attachment 2) and the Measure A Ordinance (Attachment 3). Due to an insufficient number of applications, not all positions can be filled.

Building Board of Appeals (BOA)

One (1) partial term 3-year position set to expire December 31, 2023 is open due to an unexpired vacancy. No applications were received.

Community Health and Senior Services Commission (CHSSC)

One (1) full term 3-year position set to expire December 31, 2023 is open due to an unexpired vacancy. No applications were received.

Complete Streets and Transportation Commission (CSTC)

One (1) partial term 2-year position set to expire December 31, 2022 is open due to an unexpired vacancy. Two applications were received.

Finance Commission (FC)

One (1) partial term 1-year position set to expire December 31, 2021, one (1) partial term 2-year position set to expire December 31, 2022, one (1) partial term 3-year position set to expire December 31, 2023, and two (2) 4-year full terms set to expire December 31, 2024 are open. Ten applications were received.

Personnel Board

One (1) full term 5-year position set to expire December 31, 2024 and one (1) partial term 4-year position set to expire December 31, 2025 are open due to unexpired vacancies. One application was received.

DISCUSSION (continued):

Planning Commission (PC)

One (1) partial term 3-year position set to expire December 31, 2023 and one (1) partial term 1-year position set to expire December 31, 2021 are open due unexpired vacancies. Eight applications were received.

CONCLUSION:

It is recommended that Council appoint applicants to fill vacant Town Board, Commission, and Committee positions. Upon completion of the appointment process, direct the Town Clerk to re-advertise any vacant positions with the annual recruitment to begin in September 2021.

FISCAL IMPACT:

There is no fiscal impact with the appointments to the Town's Boards, Committees, and Commissions.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Adult Commissioner Applicants
2. Council Policy 2-11 Commission Appointments
3. Ordinance 2314 Establish a Finance Commission

Adult Commissioner Applicants

BUILDING BOARD OF APPEALS (BOA)

No applications received.

COMMUNITY HEALTH AND SENIOR SERVICES COMMISSION (CHSSC)

No applications received.

COMPLETE STREETS AND TRANSPORTATION COMMISSION (CSTC)

- Kevin Jones
- Rob Moore

FINANCE COMMISSION (FC)

- James Bertonis
- Ron Dickel
- Terry Duryea
- Loreen Huddleston
- Phil Koen
- Stephen Lewis
- Kyle Park
- Rick Tinsley
- Jak Van Nada
- Deborah Weinstein

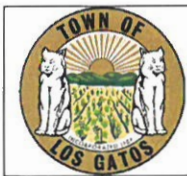
PERSONNEL BOARD

- Larry Maggio

PLANNING COMMISSION (PC)

- Gerard Abraham
- Sandrine Chaumette
- Rob Moore
- Steve Raspe
- Ryan Rosenberg
- Jeffrey Siegel
- Jeffrey Suzuki
- Emily Thomas

ATTACHMENT 1



TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing A Quorum

POLICY NUMBER: 2-11

EFFECTIVE DATE: 2/28/1990

PAGES: 7

ENABLING ACTIONS:

REVISED DATES: 6/13/1994; 6/16/2014;
4/7/2015; 10/18/2016; 2/21/2017;
2/6/2018; 3/19/19; 9/3/2019

APPROVED:

PURPOSE

To establish a policy to encourage participation by the Town's residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Board, Commission, and Committee and its respective members, providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided by this Policy.

SCOPE

This Policy applies to all applicants to Town Boards, Commissions and Committees.

POLICY

The Town Council encourages public participation in all decision-making and to be successful residents must be assured both that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Interviews of the applicants conducted in public by the Town Council demonstrates that it values these appointments and that all have an equal opportunity to be appointed. Applicants may apply to more than one Commission and shall rank their choices in their preferred order, during each recruitment cycle.

To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members serving as representatives of their Commission who have been appointed by the Town Council. (Revised on 4/07/15)

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing A Quorum	PAGE: 2 of 7	POLICY NUMBER: 2-11
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RESIDENCY REQUIREMENTS

Residency within the incorporated municipal limits of the Town of Los Gatos, California is required for appointment and continued membership on all Town of Los Gatos Boards, Commissions, and Committees, with the exception of the Youth Commission.

Youth Commission:

The members shall be students who are entering grades 8 through 12. Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Town Advisory Bodies should attend all regular and special meetings of said Advisory Bodies.
2. Any member not in attendance at a regular meeting of said Advisory Body for at least 70% of the meeting shall be considered absent.
3. Any member of an appointive Town Advisory Body who is absent from the number of regular meetings listed below appropriate to his or her Advisory Body shall, as a result, surrender his or her office on the Advisory Body and the office shall be considered vacant.
 - a. For an Advisory Body which holds six (6) or more regular meetings per a consecutive twelve (12) month period: three (3) regular meetings.
 - b. For an Advisory Body which holds five (5) or fewer regular meetings per a consecutive twelve (12) month period: two (2) regular meetings.
 - c. For an Advisory Body which holds sixteen (16) or more regular meetings per a consecutive twelve (12) month period: eight (8) regular meetings.
4. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town Advisory Body, but will not be treated as an incumbent in any subsequent application to the same Advisory Body.
5. If a Youth Commissioner liaison misses three meetings of a liaison Commission during a *consecutive twelve (12) month period, the Youth Commission shall appoint a different Youth Commissioner as liaison.

*Consecutive twelve (12) month period is defined as any consecutive twelve-month period beginning with the first absence. A regular meeting shall not be cancelled and replaced with a special meeting in order to alleviate an absence by an advisory body member.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing A Quorum	PAGE: 3 of 7	POLICY NUMBER: 2-11
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QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Advisory Body shall be a majority of the total number of filled seats.

PROCEDURES

The following procedures will be followed by the applicant, the Town Clerk and the Town Council for the appointment of applicants to Town Commissions:

Responsibility and Actions: Town Clerk

A. Annual Recruitments

Adult Commission members' terms begin on January 1st and end December 31st, Youth Commissioners' terms follow the academic year and begin on August 1 and end on June 30. The Town Clerk shall perform the following duties in conducting an annual recruitment for Commission members:

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.
2. Advertise the vacancies, including the application deadline and the interview date, which shall be set for no later than the second Town Council meeting in December for Adult Commissioners, and by the fourth Wednesday in May, no earlier than 4:00 p.m., for Youth Commissioners.
3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:
 - a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council. The applications of those not appearing will be held for the next recruitment.
 - b. If an incumbent Commissioner is requesting reappointment to the same Commission, the incumbent may submit a request to be interviewed by telephone, with their application, instead of attending the interview or must submit a letter prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
 - c. Submissions deadlines are mandatory; no exceptions are permitted.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing A Quorum	PAGE: 4 of 7	POLICY NUMBER: 2-11
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4. Applications:

- a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
- b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee prior to the interviews for appointment.

5. Notify the applicant by letter or email as to the date and time of the interview.

6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.

7. Applicants:

- a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.
- b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and "None of the above" for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot;
2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each

ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.

3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a "None of the above" option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to an Advisory Body which has vacancies for both full and partial, unexpired terms, the length of the appointee's term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for student commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment.
For student applicants: Attend the Council Selection Committee interview session.

3. If an incumbent Commission member is requesting reappointment to the same Commission, the incumbent may submit a request to be interviewed by telephone, with their application, instead of attending the interview or must submit a letter prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
4. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
5. Attend Advisory Body meetings once term begins.
6. Read the Commissioners' Handbook. The Handbook is to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
For youth applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

1. Failure to attend Advisory Body meetings.
2. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
 - a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
 - b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.

3. Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:


Robert Schultz, Town Attorney

ORDINANCE 2314

ORDINANCE OF THE PEOPLE OF THE TOWN OF LOS GATOS ADOPTING THE PROVISIONS OF AN INITIATIVE MEASURE ADDING ARTICLE V TO CHAPTER 2 AND AMENDING SECTION 25.60.140 OF THE TOWN CODE ESTABLISHING A TOWN FINANCE COMMISSION

WHEREAS, on November 3, 2020 the voters of the Town of Los Gatos approved Measure "A", an initiative Ordinance of the People of The Town of Los Gatos establishing a Town Finance Commission; and

WHEREAS, the results of the election were certified on December 8, 2020 and the Measure took effect immediately.

BE IT ORDAINED by the People of the Town of Los Gatos as follows:

Section 1. Title.

This measure shall be known and may be referred to as the "Town Finance Commission Initiative."

Section 2. Findings and Declarations.

WHEREAS, the Town's financial well-being is essential to ensuring that the Town can effectively provide services and fund all liabilities; and

WHEREAS, many residents of the Town possess substantial financial management experience and are eager to serve their community; and

WHEREAS, a Finance Commission consisting of qualified Town residents can help ensure the financial well-being of the Town and promote greater public understanding of Town financial matters; and

WHEREAS, a Finance Commission can increase citizen participation in Town governance and encourage greater resident engagement in Town financial decisions; and

WHEREAS, the People of Los Gatos wish to establish a Finance Commission to assist the Town Council in ensuring the financial well-being of the Town; and

WHEREAS, the People of Los Gatos do not wish to interfere with the budgetary authority or processes of the Town Council, but instead believe a Finance Commission can function as an advisory body and provide important guidance to the Town Council in carrying out its budgetary duties and establishing the Town's fiscal policies and priorities.

ATTACHMENT 3

NOW, THEREFORE, the People of the Town of Los Gatos do hereby amend the Los Gatos Town Code as follows:

Section 3. Amendment to the Los Gatos Town Code.

(New language is indicated by underlining, and
deleted language is indicated by ~~striketrough~~.)

1) A new Division is added to Article V of Chapter 2 of the Los Gatos Town Code to read in its entirety as follows:

Division 3. -Finance Commission.

Sec. 2.50.200. - Finance Commission established.

- (a) The Finance Commission shall be established to serve in an advisory capacity to the Town Council by reviewing Town finances, including but not limited to the annual budget, Comprehensive Annual Financial Report, and capital expenditures, and making recommendations about the Town's financial, budgetary and investment matters and operations related thereto to the Town Council and any other Town department, agency, committee, commission or other body as the Town Council directs.
- (b) The Council Finance Committee is disbanded.
- (c) The Sales Tax Oversight Committee established by section 25.60.140 of the Town Code is disbanded and all powers and duties of that Committee are transferred to the Finance Commission.

Sec. 2.50.205. - Composition, appointment, terms.

- (a) The Finance Commission shall consist of five (5) voting citizen members ("Citizen Appointees") and two (2) non-voting Council Liaisons.
- (b) Council Liaisons.
 - (1) The Town Council shall appoint two Town Council members as non-voting Council Liaisons.
 - (2) The Council Liaisons shall serve on the Finance Commission until replaced by the Town Council but shall not serve beyond their terms on the Town Council.
 - (3) One Council Liaison shall be the Mayor or Vice-Mayor of the Town.
- (c) Citizen Appointees.

- (1) Except with respect to initial appointments as provided for in section 2.50.25(c)(5), each member of the Town Council shall appoint one Citizen Appointee, upon expiration of terms described in section 2.50.205(c)(4).
 - (2) Citizen Appointees must be residents and registered voters of the Town.
 - (3) No member of the Town Council may serve as a Citizen Appointee.
 - (4) Citizen Appointees shall serve four-year terms, which shall expire on a staggered basis such that every year one term shall expire, except that once every four years, two terms shall expire. The term of each Citizen Appointee shall commence on the first day of January (or as soon as practicable after the effective date of this Division for initial Citizen Appointees) and shall expire on the thirty-first day of the fourth successive December.
 - (5) As soon as practicable after the effective date of this Division, the initial appointment of the first Citizen Appointees shall be carried out as follows: Town Council members shall draw lots to determine the order of expiration for the terms of the first five Citizen Appointees such that one Citizen Appointee's term shall expire each year for four years after the effective date of this Division, and one additional Citizen Appointee's term shall expire in the fourth year after the effective date of this Division. Following the expiration of each of the first five Citizen Appointees' terms, a Citizen Appointee shall be appointed to serve a four-year term.
 - (6) Citizen Appointees must be certified public accountants, chartered financial analysts, or have a business, finance, economics or accounting degree, and must have at least 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; or
 - (D) Finance or budget management.
 - (7) Should a Citizen Appointee resign or otherwise leave office prior to the end of his or her term, the appointing Town Council member for that Citizen Appointee shall, as soon as practicable, appoint a new Citizen Appointee to serve the remainder of the term.
- (d) Section 2.40.030 of the Town Code shall not apply to the Finance Commission.
- (e) Administrative support for the Finance Commission shall be provided by the Town Manager, the Director of Finance and by other Town staff as necessary.

Sec. 2.50.210. -Meetings and Records.

- (a) The Finance Commission shall hold at least one meeting per calendar quarter.
- (b) Meetings shall be held as required by the business needs of the Finance Commission in the Town Council chamber in the Town Hall or such other locations as allowed by the Ralph M. Brown Act, at a time that is convenient for the Finance Commission and the public to encourage public participation.
- (c) Meetings shall be subject to the Ralph M. Brown Act.
- (d) Nothing in this Division shall be construed as excluding any documents from the California Public Records Act.

Sec. 2.50.215. - Chair.

- (a) The Finance Commission shall appoint and prescribe the term of office for its Chair.
- (b) The Chair must be a Citizen Appointee.
- (c) All Finance Commission meetings shall be called by the Chair.
- (d) The Chair shall set all Finance Commission meeting agendas.

Sec. 2.50.220. - Quorum.

A majority of the Citizen Appointees of the Finance Commission shall constitute a quorum. Except as otherwise prescribed by ordinance or State law, a vote by a majority of a quorum shall be sufficient to transact business.

Sec. 2.50.225. - Duties.

- (a) The Finance Commission shall:
 - (1) Serve as an on-going, substantive and expert advisory body to the Town and Town Council so that the Town and Town Council can make informed decisions about the Town's financial, budgetary and investment matters and operations related thereto.
 - (2) Review the Town Manager's annual proposed budget prepared in accordance with section 2.30.295(6) of the Town Code. and provide written comments and recommendations to the Town Council.
- (A) The Finance Commission's comments and recommendations shall include a recommendation about whether the Town Council should approve or disapprove the proposed budget. The Finance Commission may make a recommendation of

approval of the budget conditional upon the Town Council's acceptance of me or more of the Finance Commission's recommendations.

(B) The Town Manager must provide a proposed budget to the Finance Commission at least twenty (20) business days before the first meeting at which the proposed budget is considered by the Town Council.

(3) Review the Town Manager's draft Comprehensive Annual Financial Report (CAFR) for the preceding fiscal year and provide written comments and recommendations to the Town Manager.

(A) The Town Manager shall respond in writing to the Finance Commission providing his or her rationale for accepting or rejecting each of the Finance Commission's comments and recommendations prior to presenting the CAFR to the Town Council for formal consideration.

(B) The Town Manager may not present the CAFR to the Town Council for formal consideration unless or until he or she considers and responds in writing to all of the Finance Commission's comments and recommendations.

(4) Review the Director of Finance's summary of the Town's financial report required by section 53891 of the California Government Code and prepared in accordance with section 2.50.010(c) of the Town Code. and provide written comments and recommendations to the Director of Finance prior to the publishing of the summary of the report.

(5) Review the financial policies and procedures manual developed in accordance with section 2.50.010(f) of the Town Code and provide written comments and recommendations to the Director of Finance.

(6) Prior to the Town's expenditure of any revenues from the tax authorized by sections 25.60.010 et seq. of the Town Code, review the proposed expenditures and advise the Town Council on whether such expenditures meet the Town Council's objectives for that tax:

(A) Maintaining and enhancing neighborhood police patrols and local crime prevention programs;

(B) Improving traffic flow to reduce congestion;

(C) Repairing potholes and maintaining the Town's streets, roads, and sidewalks; and

(D) Maintaining the Town's long-term financial stability.

(7) Issue an annual public report of the expenditures and appropriations of sales tax revenues approved by the Town Council during each fiscal year.

(8) Make recommendations to the Town Council about policies and programs:

(A) To maximize the Town's revenues consistent with existing taxation structures and inter-governmental funding opportunities;

(B) To maximize fee generation consistent with market rate charges for Town-provided services and market rate fees for utilization of Town-owned assets;

(C) To minimize the City's cost to provide core services and required activities. Consistent with the desired service level for residents and other internal and external customers;

(D) To set funding goals for reserves. and review on-going progress related thereto;

(E) To assess the risk associated with the structure and documentation of any proposed debt financing;

(F) To fund the Town's long-term compensation and benefit program liabilities in the most responsible and cost-effective way; and

(G) To monitor investment performance and make recommendations related to the Town's investment policy and performance.

(9) Provide written comments and recommendations regarding the selection of auditors for the CAFR.

(10) Participate in pre-audit meetings with auditors. provided that the Finance Commission shall not participate in those portions of any meetings which pertain to confidential employment or attorney- client privileged matters.

(11) Review and monitor any events or issues which may affect the financial status of the Town.

(b) The duties of the Finance Commission shall not be altered, abridged or abrogated in any way by any body except by a vote of the majority of the voters of the Town.

(c) The Town Council shall make changes to the budgetary and all other Town processes and calendars as necessary to allow for consideration of the comments and recommendations of the Finance Commission outlined herein.

Sec. 2.50.230. - Conflicting Provisions.

Should any provision of this Division be found to conflict with the Los Gatos Town Code, this Division shall prevail, consistent with the purposes of the Finance Commission as set forth herein.

2) Section 25.60.140 of the Los Gatos Town Code is hereby amended as follows:

Sec. 25.60.140. - Citizens' oversight and annual audit.

(a) ~~There shall be a committee appointed by the Town Council to~~ The Finance Commission established by sections 2.50.200 et seq. of the Town Code shall 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 Finance Commission ~~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 Finance Commission's ~~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. Town Council shall appoint the initial members of the committee no later March 1, 2019.~~

Section 4. Earliest Possible Election.

The People of Los Gatos hereby expressly request that, if not adopted by the Town Council, this measure be submitted to the voters of Los Gatos at a regular or special election at the earliest time allowable by law.

Section 5. Severability.

Should any provision of this measure, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that determination shall have no effect on any other provision, or the application of this measure to any other person or circumstance and, to that end, the provisions hereof are severable. By approving this measure, the voters express their intent that each section and subsection would have

been adopted irrespective of whether any one or more sections or subsections are found to be invalid or unconstitutional, and that each section and subsection is therefore explicitly severable, part-by-part, phrase-by-phrase, and word-by-word, and that if any portion is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that the least amount of language be severed from the ordinance. When possible, if any duty granted to the Finance Commission by this measure is found to conflict with powers specifically granted to the Town Council by the Legislature, or found to be otherwise unlawful, the offending section or subsection shall be amended or interpreted to allow the Finance Commission the maximum allowable duties under the law.

Section 6. Competing Initiatives/Measures.

This measure is intended to be comprehensive. It is the intent of the People of Los Gatos that, in the event this measure and one or more measures relating to the same subject shall appear on the same ballot, the provisions of the other measure or measures shall be deemed in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other measure or measures appearing on the same ballot regarding the same subject, then this measure shall take effect to the extent not in conflict with said other measure or measures.

Section 7. Effective Date.

This measure shall be considered adopted and become effective upon the date of the election which it was approved by the voters.

Section 8. Liberal Construction.

This measure is an exercise of the initiative power of the People of Los Gatos regarding the establishment of a Finance Commission and shall be liberally construed to effectuate its purposes.

Section 9. Legal Defense.

The People of Los Gatos desire that this measure, if approved by a simple majority of voters and thereafter challenged in court, be defended by the Town of Los Gatos. The People of Los Gatos, by approving this measure by a simple majority of voters, hereby declare that the proponent(s) of this measure have a direct and personal stake in defending this measure from constitutional or statutory challenges to the measure's validity or implementation. In the event the Town fails to defend this measure, or the Town fails to appeal an adverse judgment against the constitutionality, statutory

permissibility or implementation of this measure, in whole or in part, in any court of law, the measure's proponent(s) or the voters the Town of Los Gatos shall be entitled to assert his, her or their direct personal stake by defending the measure's validity and implementation in any court of law and shall be empowered by the People through this measure to act as agents of the People of Los Gatos, and the Town of Los Gatos shall indemnify the proponent(s) for reasonable expenses and other losses incurred by the proponent(s), as agent(s), in defending the validity and/or implementation of the challenged measure. The rate of indemnification shall be no more than the amount it would cost the Town to perform the defense itself.

I hereby certify that this "Town Finance Commission Initiative" Ordinance was PASSED, APPROVED, AND ADOPTED by the People of the Town of Los Gatos on the 3rd day of November 2020.


SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 12/9/20

ATTEST:



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

DATE: 12/30/2020

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/19/2020

ITEM NO: 1

**DRAFT
Minutes of the Town Council Meeting
December 15, 2020**

The Town Council of the Town of Los Gatos conducted a regular meeting via Teleconference via COVID-19 Shelter in Place Guidelines on December 15, 2020, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Mayor Marico Sayoc, Vice Mayor Rob Rennie, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Maria Ristow. (All participating remotely).

Absent: None

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Vice Mayor Rennie stated he attended the Valley Transportation Authority (VTA) Governance and Audit Committee and Board meetings, Silicon Valley Clean Energy Authority (SVCEA) virtual holiday event, Santa Clara County Cities Association virtual holiday event, SCVEA Risk Oversight Committee, Town Council Finance Committee, Los Gatos Meadows developer meeting, Conceptual Development Advisory Committee (CDAC), West Valley Sanitation District Board of Directors meeting, and SVCEA Board meeting.
- Council Member Badame stated she attended the Santa Clara County Cities Association virtual holiday event and has met with community members.
- Council Member Hudes stated he attended the Santa Clara County Cities Association virtual holiday event and met with constituents.
- Council Member Ristow met with community members.
- Mayor Sayoc stated she attended the Town Council Finance Committee, CDAC, and Mayor and County Elected Officials meeting regarding COVID-19 matters and that information is available to the public on the County dashboard and the Town website.

Manager Matters

- Announced Town Offices will be closed beginning December 24, 2020 and will re-open January 4, 2021.
- Announced the permit portal will be closing end-of-day December 23, 2020 through January 3, 2021.
- Announced adult Commissioner recruitments continue, and the application period ends at 4:00 p.m. on January 8, 2021.
- Announced free COVID-19 testing will take place on December 30 at the Adult Recreation Center; appointments are strongly advised and will be available beginning December 23.

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

1. Approve Minutes of the December 8, 2020 Special Town Council Meeting.
2. Reaffirm Town Council Code of Conduct Policy. **POLICY 2-04**
3. Adopt Council Committee Appointments Effective January 1, 2021.
4. Authorize the Issuance of the Request for Qualifications for On-Call Materials Testing and Special Inspection Services and Authorize the Town Manager to Negotiate and Execute a Consultant Services Agreement in an Amount Not-to-Exceed \$180,000 for the Services.
5. Approve the Street List for the Fiscal Year 2020/21 Street Repair and Resurfacing Project (CIP Number 811-9901).
6. Authorize the Town Manager to Amend an Agreement for Employee Safety Compliance and Training Consultant Services with BSI EHS Services and Solutions (West) Inc. (Attachment 1) to:
 - a. Extend the Term of the Agreement through June 2021,
 - b. Increase the Contract Amount by \$22,000 for a Total Amount not to Exceed \$197,350, and
 - c. Approve an Expenditure Budget Adjustment in the Amount of \$59,750 from Available Workers' Compensation Fund.
7. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$5,000 to Recognize Receipt and Expenditure of California State Library Grant Funds.

MOTION: Motion by Council Member Hudes to approve Consent Items 1-7. Seconded by Council Member Badame.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

David Weissman

- Requested the Town revise the fee schedule pertaining to illegal tree removal fees and increase protection of trees within hillside developments.

PUBLIC HEARINGS

8. Deny an Appeal of a Planning Commission Decision Approving a Request for a Zoning Consistency Determination and a Conditional Use Permit (U-20-009) for a Bank (Charles Schwab Community Banking and Investment Services) on Property Zoned C-2:LHP:PD Located at 35 University Avenue. APN 529-02-044. Property Owner: SRI Old Town, LLC. Applicant: Amber DeMaglio. Project Planner: Sean Mullin. **RESOLUTION 2020-050**

Sean Mullin, Associate Planner, presented the staff report.

Council Member Badame stated she spoke with Jim Foley and Catherine Somers.

Vice Mayor Rennie stated he spoke with Jim Foley and Catherine Somers.

Public Hearing Item #8 - continued

Council Member Hudes stated he spoke with Jim Foley and Catherine Somers and received an email from Federal Realty but did not speak with them.

Council Member Ristow stated she spoke with Federal Realty, business owners, and residents in the area.

Mayor Sayoc stated she spoke with Jim Foley and Federal Realty.

Opened public comment.

Catherine Somers, Executive Director of the Chamber of Commerce, and Jim Foley, Chamber of Commerce Board Member, Appellants

- Commented on the reasons for their appeal.

Jeff Kreshek and Michael Digeronimo, Federal Realty and Richard Zak, Charles Schwab, Applicants

- Commented on the application.

Randi Chen, Chamber of Commerce

- Commented in opposition of the recommendation due to location and requested the Town direct Charles Schwab to find another location that is not retail ground-floor space in downtown.

Rod Teague

- Commented in opposition of the recommendation due to location.

Jim and Kerry

- Commented in opposition of the recommendation due to location.

Jay Farwell

- Commented in opposition of the recommendation due to location.

Mark Millen

- Commented in opposition of the recommendation due to location.

Public Hearing Item #8 - continued

Michael Digeronimo and Jeff Kreshek, Federal Realty, Applicant

- Addressed comments.

Public Hearing Item #8 - continued

Jim Foley and Catherine Somers, Chamber of Commerce, Appellant

- Addressed comments.

Closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Rennie to adopt a resolution (Attachment 7) granting an appeal of the decision of the Planning Commission and denying the request for a zoning consistency determination and a Conditional Use Permit (U-20-009) for a Bank (Charles Schwab Community Banking and Investment Services) on property zoned C-2:LHP:PD located at 35 University Avenue. **Seconded** by Council Member Badame.

VOTE: Motion passed unanimously.

OTHER BUSINESS

9. Comprehensive Annual Financial Report (CAFR):

- a. Receive the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2020, and
- b. Adopt a Resolution Confirming June 30, 2020 Fund Balances in Accordance with Fiscal Year 2019/20 Final Audit and Town Council General Fund Reserve Policy. **RESOLUTION 2020-051**

Steve Conway, Director of Finance, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

Public Hearing Item #9 - continued

MOTION: Motion by Vice Mayor Rennie to

- Receive the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2020, in Attachment 1; and
- Adopt a resolution confirming June 30, 2020 fund balances in accordance with fiscal year 2019/20 final audit and Town Council General Fund Reserve Policy.

Seconded by Council Member Ristow.

VOTE: Motion passed unanimously.

10. Receive a Fiscal Year (FY) 2020/21 Revenue and Expense Update.

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

Opened public comment.

Kerri (no last name provided)

- Inquired what the Town is doing to support local businesses, and requested the Town consider temporarily waiving business license fees.

Catherine Somers, Chamber of Commerce

- Requested the Town consider waiving business license fees for brick and mortar small businesses.

Closed public comment.

Council discussed the item.

Council received the Fiscal Year (FY) 2020/21 revenue and expense update.

ADJOURNMENT

The meeting adjourned at 10:40 p.m.

Submitted by:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/19/2021

ITEM NO: 2

DATE: January 13, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve an Amendment to the Temporary Classification Plan to Comply with the California Minimum Wage Increase Effective January 1, 2021 and Add the Confidential Classification of Legal Administrative Assistant

RECOMMENDATION:

Approve an amendment to the Temporary classification plan (Attachment 1) to comply with the California minimum wage increase effective January 1, 2021 and add the Confidential classification of Legal Administrative Assistant (Attachment 2).

BACKGROUND:

The Town of Los Gatos Personnel Rules and Regulations (Section 4.4) require that amendments and revisions to the classification plan are effective upon approval by Town Council. The Town's classification plan is represented in each of the six separate employee group salary schedules. The California Public Employees' Retirement System that administers the Town's employee pension plan and health plan benefits, also require that salary schedule changes be formally adopted by an agency's governing body. In most cases, changes are typically presented to Council for approval as part of the formal budget adoption or through the labor negotiations process.

In 2016, the California Governor amended the State's minimum wage orders to increase the minimum wage rate one dollar each year beginning on January 1, 2017 and continuing through January 1, 2022 until reaching the minimum wage rate goal of \$15.00 per hour. The new minimum wage rate effective January 1, 2021 is \$14.00 per hour. The Town currently has several temporary/hourly classifications listed on the Salary Schedule for Temporary Classifications that have minimum rates of pay below \$14.00 per hour.

PREPARED BY: Lisa Velasco
Human Resources Director

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

BACKGROUND (continued):

The Deputy Town Attorney classification became vacant in December 2020. As a result of the vacancy, the Town Attorney's Office reassessed the body of work within the Department to determine if a Deputy Town Attorney classification is the best suited to complete the various projects and tasks that are not an efficient use of the Town Attorney's time or expertise.

DISCUSSION:

The Salary Schedule for Temporary Classifications contains four classifications that have a minimum rate of pay that is less than \$14.00 per hour: Clerical Aide Temp/Hourly, Facility Attendant Temp/Hourly, Library Page Temp/Hourly, and Ticket Booth Attendant. One employee is assigned to the Facility Attendant classification and nine employees are assigned to the Library Page classification. Currently, there are not any employees assigned to the Clerical Aide or Ticket Booth Attendant classifications. To remain in compliance with the State's minimum wage order, staff recommends increasing the Step 1 rate for the four classifications to \$14.00 per hour and maintaining the five percent (5%) differential between steps one through six.

The outcome of the recent evaluation of duties in the Town Attorney's Office determined that reinstituting the classification of Legal Administrative Assistant is appropriate to address the current and anticipated future needs within the Department. The Town previously used the structure of a Town Attorney and Legal Administrative Assistant prior to the creation of the Deputy Town Attorney classification in 2013. If approved, the Confidential classification of Legal Administrative Assistant will be placed in a lower salary range than the current Management Deputy Town Attorney classification. The salary savings resulting from the change would allow the replacement of the vacant part-time Deputy Town Attorney position with a full-time Legal Administrative Assistant position.

CONCLUSION:

As a result of the State's hourly minimum wage increase to \$14.00 effective January 1, 2021, staff recommends an amendment to the temporary classification plan for those classifications that have a minimum hourly rate of pay less than \$14.00. Staff also recommends that the Confidential classification plan be amended to add Legal Administrative Assistant and the Management classification plan be amended to remove Deputy Town Clerk (Attachment 3).

FISCAL IMPACT:

The annual fiscal impact related to the minimum wage increase is anticipated to be minimal (less than \$3,500) and will be absorbed in the FY 2020/21 operating budget.

PAGE 3 OF 3

SUBJECT: Approve Amendments to the Classification Plans

DATE: January 13, 2021

FISCAL IMPACT (continued):

The annual fiscal impact related to the addition of a full-time Legal Administrative Assistant and the deletion of a part-time Deputy Town Clerk classification results in an anticipated budget savings of \$17,790.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Temporary Classifications Salary Schedule
2. Confidential Classifications Salary Schedule
3. Town Council and Management Classifications Salary Schedule

Town of Los Gatos Temporary Classifications
Salary Schedule for Fiscal Year 2020/21
Effective July 1, 2020
Adopted by Town Council January 19, 2021

Class Code	Classification Title	Rate Type	Range	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
9305	Account Clerk Temp/Hourly	Hourly	TE2-04	\$24.28	\$25.49	\$26.76	\$28.10	\$29.51	\$30.99
9310	Account Technician Temp/Hourly	Hourly	TE2-10	\$29.18	\$30.64	\$32.17	\$33.78	\$35.47	\$37.24
9300	Accountant Temp/Hourly	Hourly	TE2-17	\$35.24	\$37.00	\$38.85	\$40.79	\$42.83	\$44.97
9010	Admin Analyst Temp/Hourly	Hourly	TE2-17	\$35.24	\$37.00	\$38.85	\$40.79	\$42.83	\$44.97
9100	Admin Specialist Temp/Hourly	Hourly	TE2-10	\$29.18	\$30.64	\$32.17	\$33.78	\$35.47	\$37.24
9580	Administrative Assistant Temp/Hourly	Hourly	TE2-05	\$26.53	\$27.86	\$29.25	\$30.71	\$32.25	\$33.86
9105	Administrative Secretary Temp/Hourly	Hourly	TE2-09	\$27.87	\$29.26	\$30.72	\$32.26	\$33.87	\$35.56
9656	Assistant Engineer Temp/Hourly	Hourly	TE2-23	\$39.93	\$41.93	\$44.03	\$46.23	\$48.54	\$50.97
9655	Associate Civil Engineer Temp/Hourly	Hourly	TE2-24	\$45.98	\$48.28	\$50.69	\$53.22	\$55.88	\$58.67
9400	Associate Planner Temp/Hourly	Hourly	TE2-22	\$39.77	\$41.76	\$43.85	\$46.04	\$48.34	\$50.76
9410	Building Inspector Temp/Hrly	Hourly	TE2-23	\$39.93	\$41.93	\$44.03	\$46.23	\$48.54	\$50.97
9112	Clerical Aide Temp/Hourly*	Hourly	TE2-01	\$14.00	\$14.70	\$15.44	\$16.21	\$17.02	\$17.87
9430	Code Compliance Officer Temp/Hourly	Hourly	TE2-16	\$34.33	\$36.05	\$37.85	\$39.74	\$41.73	\$43.82
9530	Communication Dispatcher Temp/Hourly	Hourly	TE2-19	\$36.98	\$38.83	\$40.77	\$42.81	\$44.95	\$47.20
9545	Crime Analyst Temp/Hourly	Hourly	TE2-18	\$35.67	\$37.45	\$39.32	\$41.29	\$43.35	\$45.52
9540	CSO Intern Temp/Hourly	Hourly	TE2-03	\$21.80	\$22.89	\$24.03	\$25.23	\$26.49	\$27.81
9532	CSO Temp/Hrly	Hourly	TE2-12	\$31.25	\$32.81	\$34.45	\$36.17	\$37.98	\$39.88
9190	Deputy Clerk Temp/Hourly	Hourly	TE2-04	\$24.28	\$25.49	\$26.76	\$28.10	\$29.51	\$30.99
9660	Engineering Technician Temp/Hourly	Hourly	TE2-13	\$32.05	\$33.65	\$35.33	\$37.10	\$38.96	\$40.91
9621	Equipment Mechanic Temp	Hourly	AF2-01	\$32.39	\$34.01	\$35.71	\$37.50	\$39.38	\$41.35
9720	Facility Attendant Temp/Hourly*	Hourly	TE2-01	\$14.00	\$14.70	\$15.44	\$16.21	\$17.02	\$17.87
9109	Human Resources Specialist Temp/Hourly	Hourly	TE2-09	\$27.87	\$29.26	\$30.72	\$32.26	\$33.87	\$35.56
9041	Intern I Temp/Hourly	Hourly	TE2-02	\$17.07	\$17.92	\$18.82	\$19.76	\$20.75	\$21.79
9040	Intern II Temp/Hourly	Hourly	TE2-03	\$21.80	\$22.89	\$24.03	\$25.23	\$26.49	\$27.81
9200	IT Technician Temp/Hrly	Hourly	TE2-14	\$32.11	\$33.72	\$35.41	\$37.18	\$39.04	\$40.99
9605	Lead Parks & Maint Worker	Hourly	AF2-06	\$33.92	\$35.62	\$37.40	\$39.27	\$41.23	\$43.29
9015	Legal Assistant Temp/Hrly	Hourly	TE2-17	\$35.24	\$37.00	\$38.85	\$40.79	\$42.83	\$44.97
9810	Librarian Temp/Hourly	Hourly	TE2-15	\$33.99	\$35.69	\$37.47	\$39.34	\$41.31	\$43.38
9820	Library Assistant Temp/Hourly	Hourly	TE2-06	\$25.91	\$27.21	\$28.57	\$30.00	\$31.50	\$33.08

**Town of Los Gatos Temporary Classifications
Salary Schedule for Fiscal Year 2020/21
Effective July 1, 2020
Adopted by Town Council January 19, 2021**

Class Code	Classification Title	Rate Type	Range	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
9840	Library Clerk Temp/Hourly	Hourly	TE2-04	\$24.28	\$25.49	\$26.76	\$28.10	\$29.51	\$30.99
9850	Library Page Temp/Hourly*	Hourly	TE2-01	\$14.00	\$14.70	\$15.44	\$16.21	\$17.02	\$17.87
9830	Library Teen Services Specialist	Hourly	TE2-03	\$21.80	\$22.89	\$24.03	\$25.23	\$26.49	\$27.81
9600	Maintenance Assistant	Hourly	AF2-02	\$16.30	\$17.12	\$17.98	\$18.88	\$19.82	\$20.81
9900	Network Administrator	Hourly	TE2-21	\$38.03	\$39.93	\$41.93	\$44.03	\$46.23	\$48.54
9180	Office Assistant Temp/Hourly	Hourly	TE2-04	\$24.28	\$25.49	\$26.76	\$28.10	\$29.51	\$30.99
9645	Park Service Officer Aide Temp/Hourly	Hourly	TE2-03	\$21.80	\$22.89	\$24.03	\$25.23	\$26.49	\$27.81
9640	Park Service Officer Temp/Hourly	Hourly	TE2-12	\$31.25	\$32.81	\$34.45	\$36.17	\$37.98	\$39.88
9560	Parking Control Officer Temp/Hourly	Hourly	TE2-04	\$24.28	\$25.49	\$26.76	\$28.10	\$29.51	\$30.99
9620	Parks & Main Worker Temp	Hourly	AF2-04	\$27.28	\$28.64	\$30.07	\$31.57	\$33.15	\$34.81
9630	Parks & Main Worker Trainee Temp	Hourly	AF2-03	\$22.30	\$23.42	\$24.59	\$25.82	\$27.11	\$28.47
9440	Permit Technician	Hourly	TE2-11	\$30.07	\$31.57	\$33.15	\$34.81	\$36.55	\$38.38
9590	Police Officer Reserve (Top Step of Officer)	Hourly	TE2-25	\$62.57					
9520	Police Officer Temp/Hourly	Hourly	TE2-25	\$62.57					
9550	Police Records Specialist Temp/Hourly	Hourly	TE2-08	\$27.18	\$28.54	\$29.97	\$31.47	\$33.04	\$34.69
9650	Public Works Inspector Temp/Hourly	Hourly	TE2-20	\$37.74	\$39.63	\$41.61	\$43.69	\$45.87	\$48.16
9670	Senior Electrician Temp/Hourly	Hourly	TE2-23	\$39.93	\$41.93	\$44.03	\$46.23	\$48.54	\$50.97
9831	Senior Library Page	Hourly	TE2-02	\$17.07	\$17.92	\$18.82	\$19.76	\$20.75	\$21.79
9725	Special Event Attendant	Hourly	TE2-07	\$16.30	\$17.12	\$17.98	\$18.88	\$19.82	\$20.81
9610	Ticket Booth Attendant*	Hourly	AF2-05	\$14.00	\$14.70	\$15.44	\$16.21	\$17.02	\$17.87

Reflects General Increase of 1%

***Approved rate change January 19, 2021, effective January 1, 2021**

Town of Los Gatos Confidential Classifications
Salary Schedule for Fiscal Year 2020/21
Effective July 1, 2020
Adopted by Town Council January 19, 2021

Class Code	Classification Title	Rate Type	Range CF1	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
3300	Accountant/Finance Analyst	Hourly	07	\$42.79	\$44.93	\$47.18	\$49.54	\$52.02	\$55.20
3000	Administrative Analyst	Hourly	07	\$42.79	\$44.93	\$47.18	\$49.54	\$52.02	\$55.20
3518	Administrative Assistant	Hourly	09	\$29.42	\$30.90	\$32.45	\$34.07	\$35.77	\$38.14
3115	Administrative Technician	Hourly	04	\$36.90	\$38.75	\$40.69	\$42.72	\$44.86	\$47.68
3190	Deputy Clerk	Hourly	08	\$35.12	\$36.88	\$38.72	\$40.66	\$42.69	\$45.40
3500	Executive Assistant to Chief of Police	Hourly	03	\$35.12	\$36.88	\$38.72	\$40.66	\$42.69	\$45.40
3100	Executive Assistant to Town Manager	Hourly	05	\$36.90	\$38.75	\$40.69	\$42.72	\$44.86	\$47.68
3015	Human Resources Technician	Hourly	02	\$33.43	\$35.11	\$36.87	\$38.71	\$40.65	\$43.26
3200	Legal Administrative Assistant*	Hourly	02	\$33.43	\$35.11	\$36.87	\$38.71	\$40.65	\$43.26
3180	Office Assistant	Hourly	01	\$27.44	\$28.82	\$30.26	\$31.77	\$33.36	\$35.61
3301	Payroll Technician	Hourly	06	\$36.90	\$38.75	\$40.69	\$42.72	\$44.86	\$47.68

Reflects General Increase of 1% and includes 5% Confidential Premium

*Approval of Classification Addition January 19, 2021

Town of Los Gatos Town Council and Management Classifications
Salary Schedule for Fiscal Year 2020/21
Effective July 1, 2020 (unless otherwise noted)
Adopted by Town Council January 19, 2021

Class Code	Classification Title	Annual Salary Minimum	Annual Salary Maximum
2615	Assistant Parks & Public Works Director/Town Engineer	\$ 139,007	\$ 187,660
2110	Assistant Town Manager	\$ 165,235	\$ 223,067
2420	Chief Building Official	\$ 125,934	\$ 170,011
2400	Community Development Director	\$ 161,201	\$ 217,621
2180	Community Outreach Coordinator	\$ 86,953	\$ 117,386
2010	Deputy Attorney*	\$ 108,592	\$ 146,599
2130	Economic Vitality Manager	\$ 119,865	\$ 161,817
2310	Finance and Budget Manager	\$ 125,934	\$ 170,011
2300	Finance Director	\$ 157,273	\$ 212,319
2200	Human Resources Director	\$ 146,044	\$ 197,159
2900	Information Technology Manager	\$ 125,934	\$ 170,011
2800	Library Director	\$ 146,044	\$ 197,159
2820	Library Division Manager	\$ 95,979	\$ 129,572
2600	Parks & Public Works Director	\$ 161,201	\$ 217,621
2645	Parks & Public Works Operations Manager	\$ 108,592	\$ 146,599
2630	Parks & Public Works Superintendent	\$ 125,934	\$ 170,011
2412	Planning Manager	\$ 125,934	\$ 170,011
2510	Police Captain	\$ 149,695	\$ 202,088
2500	Police Chief	\$ 169,366	\$ 228,644
2545	Police Records & Communication Manager	\$ 116,941	\$ 157,870
2140	Senior Administrative Analyst	\$ 93,638	\$ 126,411
2650	Senior Civil Engineer	\$ 119,865	\$ 161,817
2000	Town Attorney - Council Appointed (<i>Effective 11/29/20, Adopted by Town Council 11/3/20</i>)		\$ 245,000
2190	Town Clerk	\$ 125,934	\$ 170,011
2100	Town Manager - Council Appointed (<i>Effective 8/23/20, Adopted by Town Council 11/3/20</i>)		\$ 262,500
2655	Transportation & Mobility Manager	\$ 116,941	\$ 157,870
1000	Town Council (<i>Effective 1/1/19 Pursuant to Ordinance Adopted by Town Council on 2/6/18</i>)	\$570 Stipend per month, for a total compensation of \$6,840 per year	

Management salaries reflect a spread of 35% to the top of the range.

Reflects a General Increase of 1%

**Approval of Classification Removal January 19, 2021*



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 1/19/2021

ITEM NO: 3

DATE: December 29, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Retaining Wall Repairs (PPW Job No. 19-815-9930) Completed by Granite Rock Company and Authorize the Town Clerk to File for Recordation

RECOMMENDATION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Retaining Wall Repairs (PPW Job No. 19-815-9930) completed by Granite Rock Company and authorize the Town Clerk to file for recordation.

BACKGROUND:

The Town's adopted FY 2019/20-2023/24 Capital Improvement Program (CIP) Budget appropriated funding for Retaining Wall Repairs on hillside areas near the bottom of Wooded View Drive. At the April 7, 2020 meeting, the Town Council approved the Plans and Specifications for the project and authorized the Town Manager to advertise the project for bid. Council also authorized the Town Manager to award and execute a construction contract for a total amount not to exceed \$201,300, including contingencies and change orders, to the lowest responsible bidder.

The project was advertised and the Town received six bids for the project on April 30, 2020 as outlined in the following table:

PREPARED BY: WooJae Kim
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director and Director of Parks and Public Works

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Retaining Wall Repairs (PPW Job No. 19-815-9930)
Completed by Granite Rock Company and Authorize the Town Clerk to File for Recordation

DATE: December 29, 2020

BACKGROUND (continued):

Granite Rock Company	\$157,000
Casey Construction	\$178,800
Redgwick Construction	\$229,250
Bellingham Marine Industries	\$240,602
Pacific Underground	\$342,140
Rehak General Engineering	Non-Responsive

Granite Rock Company was deemed the lowest responsive bidder with a bid of \$157,000.

DISCUSSION:

Granite Rock Company has satisfactorily completed all the work for the project for a final contract amount of \$165,606, and staff recommends acceptance of the Project.

Five percent of the faithful performance bonds will remain in effect for a period of two years as a guarantee for any needed repair or replacement caused by defective materials and/or workmanship for the project. The execution and recordation of the Certificate of Acceptance is now required to finalize the Town's acceptance of the Project.

CONCLUSION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Retaining Wall Repairs (PPW Job No. 19-815-9930) completed by Granite Rock Company and authorize the recording by the Town Clerk.

FISCAL IMPACT:

Staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of the project, recovery of costs for grant funded projects, and identification of future staffing needs. The project utilized both full-time budgeted and temporary staff. The costs for full-time staff are accounted for in the Department's Operating Budget. Only temporary staff costs incurred in FY2020/21, totaling \$7,166 will be charged to the project, and \$2,629 in temporary staff charges from FY 2019/20 have been absorbed in the Operating Budget. The Retaining Wall Repairs project carries over annually to fund any necessary repairs, so the balance will remain in the project for future use.

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Retaining Wall Repairs (PPW Job No. 19-815-9930)
Completed by Granite Rock Company and Authorize the Town Clerk to File for Recordation

DATE: December 29, 2020

FISCAL IMPACT (continued):

Retaining Wall Repairs Project 815-9930		
	Budget	Costs
GFAR	\$436,436	
Total Budget	\$436,436	
Granite Rock Company		\$ 165,606
Temporary Staff Costs		\$ 7,166
Consultant Services		\$4,493
Advertising		\$3,580
Blueprint/Copy/Postage		\$ 486
Total Expenditures		\$ 181,131
Remaining Balance		\$ \$255,105

Staff Costs		
Operating Budget		\$ 25,347
Total		\$ 25,347

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorical Exempt (Section 15301c). A Notice of Exemption was previously filed.

Attachment:

1. Certificate of Acceptance and Notice of Completion

Recording Requested by:

TOWN OF LOS GATOS

WHEN RECORDED MAIL TO:

CLERK ADMINISTRATOR
TOWN OF LOS GATOS
110 E MAIN ST
LOS GATOS, CA 95030

(SPACE ABOVE BAR FOR RECORDER'S USE)

(RECORD WITHOUT FEE UNDER GOVERNMENT CODE SECTIONS 27383 AND 6103)

TYPE OF RECORDING

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION

CIP NO. 815-9930 Retaining Wall Repairs

TO WHOM IT MAY CONCERN:

I do hereby certify that **Granite Rock Company** completed the work called for in the agreement with the Town of Los Gatos dated May 14, 2020. The work is outlined in the Town's bid process prepared by the Town of Los Gatos and generally consisted of furnishing all labor, materials, tools, equipment, and services required for completion of the PPW Job No. 19-815-9930 located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **November 3, 2020**.

Bond No.: 30081856

Date: June 11, 2020

TOWN OF LOS GATOS

By: _____
Laurel Prevetti, Town Manager

Acknowledgement Required

AFFIDAVIT
To Accompany Certificate of Acceptance and Notice of Completion
CIP NO. 815-9930 Retaining Wall Repairs

I, **LAUREL PREVETTI**, the Town Manager of the Town of Los Gatos, have read the foregoing CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION and know the contents thereof. The same is true of my own knowledge, except as to the matters which are therein alleged on information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on _____, 2020 at Los Gatos, California.

LAUREL PREVETTI, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

Matt Morley
Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

Date: _____

Notary Jurat Required



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 1/19/2021

ITEM NO: 4

DATE: January 4, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Smart Signals Field Improvements (CIP No. 813-0227 Traffic Signal Modernization):
a. Approve the Plans and Specifications;
b. Authorize Advertising the Project for Bid;
c. Authorize the Town Manager to Award and Execute a Construction Agreement in an Amount Not to Exceed \$750,000, Including Contingencies and Change Orders; and
d. Authorize Staff to Execute Future Change Orders in an Amount not to Exceed Ten Percent of the Contract Award Amount.

RECOMMENDATION:

Staff recommends that the Town Council authorize the following actions for the Smart Signals Field Improvements as part of the Traffic Signal Modernization Project (CIP No. 813-0227):

- a. Approve the Plans and Specifications;
- b. Authorize advertising the project for bid;
- c. Authorize the Town Manager to award and execute a construction agreement in an amount not to exceed \$750,000, including contingencies and change orders; and
- d. Authorize staff to execute future change orders in an amount not to exceed ten percent (10%) of the contract award amount.

BACKGROUND:

Town staff began the Traffic Signal Modernization Project in 2018, also referred to as the Smart Signals Project, which would upgrade the Town owned and operated traffic signals (31 in total) and enhance the signal systems with state-of-the-art adaptive technologies. The project is

PREPARED BY: WooJae Kim
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

BACKGROUND (continued):

funded by the Town's Traffic Mitigation Fee program and grants from the Santa Clara Valley Transportation Authority (VTA) and the Metropolitan Transportation Commission (MTC), including the Innovative Deployments to Enhance Arterials (IDEA) grant, for a total project budget of approximately \$2.9 million.

At the December 17, 2019 meeting, the Town Council authorized the Town Manager to proceed with a multi-step procurement process for various components of the project. Subsequently, staff issued two Requests for Proposals (RFPs), one for Adaptive Signal Control and Advanced Traffic Management Systems (ATCS-ATMS) and the other for the design of the Smart Signals Field Improvements. At the May 19, 2020 meeting, Council awarded the design contract for the field improvements to Iteris, Inc. The ATCS-ATMS vendor contract was awarded to Econolite Systems at the June 2, 2020 Town Council meeting.

Field improvements are necessary to upgrade the Town's traffic signals infrastructure and network connectivity to accommodate an adaptive system, which would allow monitoring and control of its operations and performance from a centralized location referred to as the Traffic Management Center (TMC). As part of the Smart Signals Field Improvements, the Town's TMC will be located within the Parks and Public Works Engineering Building at 41 Miles Avenue.

DISCUSSION:

The Plans and Specifications for the Smart Signals Field Improvements are now completed and ready for bid. The field improvements would improve the Town traffic signals infrastructure and network connectivity required to operate an adaptive systems technology to better coordinate signals along the arterials, reduce signalized intersection delays, and achieve higher overall performance. The scope of work for the proposed construction project will:

1. Furnish and install fiber optics cable and equipment to connect Town traffic signals to a high-speed communications network;
2. Provide cellular wireless connectivity for three (3) signaled intersections not connected to the fiber optics or copper signal interconnect network;
3. Enable the ATCS-ATMS to collect data, provide adaptive/responsive coordination to handle complex travel flow patterns, and allow centralized signal operations and monitoring from the Town's TMC in real-time;
4. Furnish and install new video detection systems at Blossom Hill Road and Cherry Blossom Lane and at Blossom Hill Road and Camellia Terrace intersections; and
5. Upgrade ten (10) pedestrian crossing signal heads along Los Gatos Boulevard to countdown display types.

The Plans and Specifications for the project can be viewed on the Town website at <http://www.losgatosca.gov/108/Capital-ImprovementProgram>.

SUBJECT: Smart Signals Field Improvements (CIP No. 813-0227 Traffic Signal Modernization)

DATE: January 4, 2021

DISCUSSION (continued):

The engineer's estimate for this project is \$750,000, including a 10% construction contingency, which is within the project budget. There are sufficient funds available for this project through the Town's adopted Fiscal Year (FY) 2020/21 – 2024/25 Capital Improvement Program (CIP) Budget. Field improvements is on the critical path of the Traffic Signal Modernization Projects and will be funded by non-federal project funds.

Once authorized by the Town Council to advertise for bid, the following is the anticipated schedule for the project:

<u>Milestones</u>	<u>Anticipated Timeline</u>
Advertise the Project for Bid	January 22, 2021
Bids Due	February 18, 2021
Award and Execute Agreement	March 2021
Start Construction	April 2021
Anticipated Completion	November 2021
Complete ATCS-ATMS Integration	Early 2022

CONCLUSION:

Approval of the recommendations will allow this project to move forward with the procurement and award process to start the field improvements component of the Traffic Signal Modernization.

COORDINATION:

This report was coordinated with the Town Attorney and the Finance Department.

SUBJECT: Smart Signals Field Improvements (CIP No. 813-0227 Traffic Signal Modernization)

DATE: January 4, 2021

FISCAL IMPACT:

Traffic Signal Modernization (CIP No. 813-0227) in the FY 2020/21 – 2024/25 CIP Budget has sufficient funds for the contract.

Traffic Signal Modernization Project 813-0227		
	Budget	Costs
Grant Fund	\$1,826,400	
Traffic Mitigation	\$1,103,289	
Total Project Budget	\$2,929,689	
Proposed Field Construction		\$750,000
ATCS-ATMS Vendor (Econolite)		\$581,649
Project Management (W- Trans)		\$200,000
Design of Field Elements (Iteris)		\$135,390
Staff Costs		\$129,280
Misc. Prior Year Expenditures		\$76,523
Project Costs Committed		\$1,936,817
Available Balance		\$992,872

ENVIRONMENTAL ASSESSMENT:

Alterations to existing roadway facilitates are defined under CEQA Section 15301(c) as Categorically Exempt. A Notice of Exemption is to be filed.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/19/2021

ITEM NO: 5

DATE: January 14, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution to Extend the Term of the General Plan Update Advisory Committee

RECOMMENDATION:

Adopt a resolution to extend the term of the General Plan Update Advisory Committee.

BACKGROUND:

On April 17, 2018, Town Council adopted a resolution (Attachment 1) to establish the General Plan Update Advisory Committee (GPAC) for the 2040 General Plan update. This resolution stated that the GPAC would sunset on July 2, 2020, unless extended by the Town Council.

DISCUSSION:

The GPAC has been working diligently, and additional time is necessary so that it can complete the work on the General Plan update. Attachment 2 contains a draft resolution to extend the term of the GPAC until July 2, 2021. The work of the GPAC will conclude with a recommendation of a Draft General Plan to the Planning Commission, expected in April. Following the public review of a Draft Environmental Impact Report (EIR), the Planning Commission and Town Council will conduct their public hearings. The Planning Commission makes a recommendation to the Town Council which is the final decision-making body for both the EIR and the General Plan.

FISCAL IMPACT:

The General Plan Update Fund has monies available to cover the additional GPAC meetings, the overall General Plan update, and its Environmental Impact Report.

PREPARED BY: Jennifer Armer, AICP
Senior Planner

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

PAGE 2 OF 2

SUBJECT: GPAC Extension

DATE: January 14, 2021

ENVIRONMENTAL ASSESSMENT:

These actions have no effect on the environment and are not subject to the California Environmental Quality Act.

Attachments:

1. Resolution 2018-015
2. Draft Resolution

RESOLUTION 2018-015

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ESTABLISHING THE GENERAL PLAN UPDATE ADVISORY COMMITTEE AS AN ADVISORY BODY TO THE TOWN COUNCIL AND APPROVING GUIDING PRINCIPLES TO GUIDE THE WORK OF THE COMMITTEE

WHEREAS, the existing General Plan of the Town of Los Gatos was adopted in late 2010;
and

WHEREAS, on February 20, 2018, the Town Council of the Town of Los Gatos approved the preliminary scope for an update to the General Plan that focuses on transportation, sustainability, fiscal stability/responsibility, diversity/inclusivity, compliance with the Governor's Office of Planning and Research 2017 General Plan Guidelines and State law, revisions of inconsistencies, gaps, and ineffective goals and policies, removal of completed action items, evaluation and potential modification of existing objective standards, and creation of new objective standards; and

WHEREAS, the General Plan Update Advisory Committee is intended to be an advisory committee created for the purpose of advising Town staff, providing a forum for public involvement, and making recommendations to the Planning Commission and Town Council on updates to the General Plan.

WHEREAS, the Town Council of the Town of Los Gatos desires to formalize the creation of the Town of Los Gatos General Plan Update Advisory Committee, including its purpose, and number, and terms, as set forth below, in this Resolution; and

NOW, THEREFORE, BE IT RESOLVED, the Town Council of the Town of Los Gatos establishes the General Plan Update Advisory Committee, which shall be advisory to the Town Council and shall operate in the manner hereinafter prescribed:

1. Appointment

The General Plan Update Advisory Committee (GPAC) shall consist of nine members of the General Plan Committee as established by Council resolution and up to five "at-large" members appointed by the Town Council. The "at-large" members shall represent various geographic areas, community interests and organizations, age groups,

residential interests, business interests, and other interests as identified by the Council at the time the appointments are made. The “at-large” members of the Advisory Committee may not belong to any other established Town Commission, Board, or Committee.

The General Plan Update Advisory Committee shall sunset on July 2, 2020 unless extended by the Town Council.

2. GPAC Role

The GPAC shall serve as an advisory body that provides input on specific tasks associated with the General Plan update. Unless authorized by the Town Council, the General Plan update shall be limited to the review of the issues previously identified by the Town Council and minor modifications of existing policies. The inclusion of additional issues or modification of the approved scope of work and timeline would require approval by the Town Council. Council input and direction will be sought at major milestones during the update. The role of the GPAC is to:

- Adhere to the Town Council approved Guiding Principles (Exhibit A);
- Provide guidance on the development of the General Plan;
- Provide an additional forum for public involvement;
- Forward milestone products to Town Council;
- Review the Draft General Plan and Environmental Impact Report (EIR); and
- Make recommendations to the Planning Commission and Town Council.

3. Meetings

The Chair of the General Plan Committee shall serve as Chair of the GPAC. The GPAC will determine its schedule (it is anticipated that the Committee will meet no more than twice a month). GPAC members are expected to regularly attend meetings and public workshops. However, it is understood that on occasion, a Committee member may not be able to attend a meeting. Three absences in a calendar year may subject the member to expulsion from the GPAC.

4. Conflict of Interest

Upon appointment to the Committee, members are required to file Conflict of Interest forms with the Town Clerk for Disclosure Categories 2, 3 and 4 as listed in Town Code Sec. 2.30.615.

5. Powers of Town Council and Planning Commission

Nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council or Planning Commission, or as a delegation to the GPAC of any of the authority or discretionary powers vested and imposed by law in such bodies.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 17th day of April, 2018, by the following vote:

COUNCIL MEMBERS:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

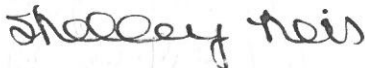
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 4/17/18

ATTEST:



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

DATE: 4/24/18

GENERAL PLAN UPDATE ADVISORY COMMITTEE

GUIDING PRINCIPLES

The Los Gatos Town Council provides the following Guiding Principles to the General Plan Update Advisory Committee to guide and focus the update of the Town's General Plan.

Transportation – Provide a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.

Sustainability – Manage, conserve, and preserve Los Gatos' natural environment for present and future generations. Identify opportunities to enhance the Town's sustainability policies and practices.

Fiscal Stability/Responsibility – Provide high quality municipal services to the Los Gatos community while addressing the Town's long term fiscal obligations.

Community Vitality – Invigorate downtown Los Gatos as a special place for community gathering, commerce, and other activities for residents and visitors. Foster the economic vitality of other Los Gatos business locations. Protect the Town's historic resources that contribute to community identity and pride.

Unique Neighborhoods – In recognition of the variety of neighborhoods within the Town, foster appropriate investments to maintain and enhance housing opportunities and infrastructure needs to meet the needs of all economic segments of the community.

Diversity/Inclusivity – Cultivate ethnic, cultural, and socio-economic diversity and equity to enhance the quality of life for Los Gatos residents of all ages.

EXHIBIT A

RESOLUTION 2021-

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS EXTENDING THE TERM OF
THE GENERAL PLAN UPDATE ADVISORY COMMITTEE.**

Draft Resolution to
be modified by Town
Council deliberations
and direction.

WHEREAS, the General Plan Update Advisory Committee (GPAC) is intended to be an advisory committee created for the purpose of advising Town staff, providing a forum for public involvement, and making recommendations to the Planning Commission and Town Council on updates to the General Plan; and

WHEREAS, the GPAC was established by Town Council on April 17, 2018 by Resolution 2018-015; and

WHEREAS, the GPAC has worked diligently on their progress in reviewing the updated Elements for the 2040 General Plan; and

WHEREAS, additional time is needed for the GPAC to complete their review of all of the updated General Plan Elements.

NOW, THEREFORE, BE IT RESOLVED, the Town Council of the Town of Los Gatos extends the term of the General Plan Update Advisory Committee to July 2, 2021 unless extended by the Town Council.

ATTACHMENT 2

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 19th day of January, 2021, 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: 01/19/2021

ITEM NO: 6

DATE: January 5, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2021 Weed Abatement Program Commencement Report and Order the Abatement

RECOMMENDATION:

Open and close a public hearing to consider objections to the proposed abatement of hazardous vegetation (weeds) for properties listed on the 2021 Weed Abatement Program Commencement Report (Attachment 1) and order the abatement.

BACKGROUND:

Chapter 11, Article II, Section 11.20.015 of the Town of Los Gatos Municipal Code requires property owners to remove or destroy weeds on their property for fire protection. On November 5, 2019, the Town Council adopted amendments to Chapter 11 to expand the definition of weeds to include other dead vegetation, fallen limbs, and combustible trash on private property and add additional language to clarify and strengthen the Town's weed abatement program.

The weed abatement process is in place to notify the property owners of this responsibility, authorize the County to remove the weeds if the property owner does not, and allow the County to recover the costs of the abatement. The primary objective of the program is voluntary compliance. The weed abatement program is administered through a contract with the Santa Clara County Department of Agriculture and Environmental Management (County).

PREPARED BY: Stefanie Hockemeyer
Executive Assistant, Parks and Public Works

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

SUBJECT: Open and Close a Public Hearing to Consider Objections to the Proposed
Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2021
Weed Abatement Program Commencement Report and Order the Abatement

DATE: January 5, 2021

DISCUSSION:

On December 1, 2020, the Town Council passed Resolution 2020-046 (Attachment 2) declaring weeds to be a public nuisance and set a public hearing date of January 19, 2021 to consider objections for proposed removal and to order the abatement. On December 7, 2020, the County mailed informational weed abatement program packets to all property owners, including the schedule and price list (Attachment 3).

The weed abatement process consists of eight steps that begin in November and go through August of each year. Currently the process is at Step 4 on the list as illustrated below.

1. When properties are identified as having hazardous weeds, they are placed in the program, monitored, and must be compliant for three consecutive years in order to be removed from the program. County prepares a report of all properties that have been identified and provides the report to the Town (Attachment 1) (November).
2. Town Council adopts resolution declaring weeds a nuisance and sets a hearing date to hear objections by property owners to having their property listed on the report (Attachment 2) (December).
3. County sends notice to property owners on the report notifying them of the hearing date, along with guidelines on the Weed Abatement Program explaining that they must remove weeds by the abatement deadline or it will be done for them and the cost of the abatement plus administrative costs will be assessed by the County Tax Collector against the respective property (Attachment 3) (December).
4. Town Council holds a public hearing to consider objections by property owners and orders abatement (January).
5. County sends a courtesy letter to property owners on the report notifying them again of the abatement deadline (January).
6. After the April parcel abatement deadline, the properties are inspected by the County to verify that weeds were removed and proceeds with abatement if the inspection fails. County creates an assessment report of all costs associated with the abatement and provides that report to the Town (June-July).

PAGE 3 OF 3

SUBJECT: Open and Close a Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2021 Weed Abatement Program Commencement Report and Order the Abatement

DATE: January 5, 2021

DISCUSSION (continued):

7. Town notifies the property owners on the assessment report notifying them of the hearing date (July).
8. Town Council holds a public hearing, notes any disputes, and adopts a resolution confirming the assessment report, authorizing collection of the assessment charges (August).

CONCLUSION:

Open and close a public hearing to consider objections to the proposed abatement of hazardous vegetation (weeds) for properties listed on the 2021 Weed Abatement Program Commencement Report (Attachment 1) and order the abatement. At the time of this report's preparation, staff had not been contacted regarding potential objections.

COORDINATION:

This program has been coordinated with the Santa Clara County Department of Agriculture and Environmental Management.

FISCAL IMPACT:

The County's Weed Abatement Program administers services for 13 local agencies under a cost recovery model paid for by fees imposed on the parcel owners. The estimated program cost related to each agency is based on the number of parcels per agency. Funds are provided in the FY 2020/21 Operating Budget to cover the cost of publishing all required legal notices.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. 2021 Weed Abatement Program Commencement Report
2. Resolution 2020-046
3. Abatement Program Packet Mailed to Parcel Owners

**2021 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
TOWN OF LOS GATOS**

Exhibit A

	Situs		APN			CITY/STATE			
1	831	POLLARD	406-26-011	LAM, MITCHELL	831 POLLARD RD	LOS GATOS	CA	95032-0000	03-
2	0	CALLE	409-04-049	GUPTA, MOHIT AND APAN, PARUL	4708 GRIMSBY DR	SAN JOSE	CA	95130-2037	03-
3	rail	WEDGEWOOD	409-04-052	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747	03-
4	0		409-08-001	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747	03-
5	935	CASTLEWOOD	409-11-021	YAMAGUCHI, JUDY C TRUSTEE	PO BOX 3390	SARATOGA	CA	95070-1390	03-
6	17291	WEDGEWOOD	409-14-013	SAFFARIAN, BABAK TRUSTEE & ET	48817 DEER VIEW TR	FREMONT	CA	94539	03-
7	14316	MULBERRY	409-15-005	SAWHNEY, CHANDANDEEP AND	14316 MULBERRY DR	LOS GATOS	CA	95032-0000	03-
8	14311	MULBERRY	409-15-038	LEE, KWANGHO AND YUNSUN	14311 MULBERRY DR	LOS GATOS	CA	95032-0000	03-
9	16245	BURTON	424-06-115	SWENSON, C B TRUSTEE	777 1ST STN FL 5	SAN JOSE	CA	95112	03-
10	0	BURTON	424-06-116	SWENSON, C B TRUSTEE	777 1ST STN FL 5	SAN JOSE	CA	95112	03-
11	14823	LOS GATOS	424-07-065	14823 LGB LLC	965 PAGE MILL RD	PALO ALTO	CA	94304	03-
12	15545	BENEDICT LN CA	424-20-008	NELSON VICTORIA S	133 WESTCHESTER ST	MORAGA	CA	94566	03-
13	15710	WINCHESTER	424-27-013	DONNELLY, TESSA I ET AL	15710 WINCHESTER BL	LOS GATOS	CA	95030-3305	03-
14	18481	OVERLOOK	510-40-019	ZHAN, LUCY AND ABRAHAMSSON,	461 CHAGALL ST	MOUNTAIN VIEW	CA	94041-0000	03-
15	0	LAUREL	510-41-068	GERTRIDGE, JOHN H ET AL	1080 COLLEGE AV	MENLO PARK	CA	94025	03-
16	110	WOOD	510-47-038	COVIA COMMUNITIES	2185 CALIFORNIA BLN STE	WALNUT CREEK	CA	94596-3508	03-
17	138	WOOD	510-47-044	FRENKEL, LILY M AND DRAA, JUSTIN	138 WOOD RD	LOS GATOS	CA	95030-6740	03-
18	779	BLOSSOM HILL	523-04-037	BLANTON, LOUISE C TRUSTEE	779 BLOSSOM HILL RD	LOS GATOS	CA	95032-3502	03-
19	15931	BLOSSOM HILL	523-25-028	TERRY, NAKA K	15931 BLOSSOM HILL RD	LOS GATOS	CA	95032-4808	03-
20	16009	STEPHENIE	523-26-006	CAPRIOLA, JOAN C TRUSTEE	1466 SUTTER CREEK DR	EL DORADO HILLS	CA	95762	03-
21	263	PINEHURST	523-43-019	GORMAN, ROBERT L AND THERESA A	263 PINEHURST AV	LOS GATOS	CA	95032-3917	03-
22	15941	QUAIL HILL	527-02-006	KHOSRAVI, ARVIN AND MOZAFAR,	15941 QUAIL HILL RD	LOS GATOS	CA	95032-4819	03-
23	72	DRYSDALE	527-02-007	DIEP, JOHN AND ALLISON	5950 COUNTRY CRUZ PY	SAN JOSE	CA	95138	03-
24	145	DRYSDALE	527-03-003	ZUKIN, MARGARET S TRUSTEE	145 DRYSDALE DR	LOS GATOS	CA	95032-4847	03-

**2021 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
TOWN OF LOS GATOS**

Exhibit A

Situs				APN		CITY/STATE				
25	0	GUM TREE		527-03-007	QUINT, ROBERT A TRUSTEE & ET AL	15775 GUM TREE LN	LOS GATOS	CA	95032-0000	03-
26	15790	BLOSSOM HILL		527-07-006	TAI, CHAIN CHANG AND HOH, BAO	2941 BANNISTER AV	GILROY	CA	95020-0000	03-
27	16200	GREENRIDGE		527-15-001	ORMANDY, ROMAN AND BIBIANA	16200 GREENRIDGE TR	LOS GATOS	CA	95032-4914	03-
28	16084	GREENRIDGE		527-15-002	LUU, RICHARD T	952 5TH STN	SAN JOSE	CA	95112-4411	03-
29	0	LARGA VISTA		527-16-013	GUEVARA, MARIA E TRUSTEE & ET	14975 LARGA VISTA DR	LOS GATOS	CA	95032-4917	03-
30	14960	LARGA VISTA		527-16-016	PROUTY, PAUL ROBERT AND	14960 LARGA VISTA DR	LOS GATOS	CA	95032-4918	03-
31	14850	BLOSSOM HILL		527-18-014	O'DEEGAN, STEVE	14850 BLOSSOM HILL RD	LOS GATOS	CA	95032-4901	03-
32	401	SURMONT	DR	527-20-002	BATE, ROSEMARY S	110 BELVALE DR	LOS GATOS	CA	95032	03-
33	LAND	ALTA TIERRA		527-55-042	OHM VICTOR J AND VANNA J	3802 AINSLEY CT	CAMPBELL	CA	95008	03-
34		NO SITUS		529-06-072	CROSS CREEK LOS GATOS LLC	3553 MEADOWLANDS LN	SAN JOSE	CA	95135-0000	03-
35	615	BLOSSOM HILL	RD	529-16-026	DUNN PROPERTIES LP ETAL	301 ALTA LOMA LN	SANTA CRUZ	CA	95062	03-
36	0	BELLA VISTA		529-21-010	MASTERSON, ANTHONY D ET AL	385 BELLA VISTA AV	LOS GATOS	CA	95032-5416	03-
37	0	BELLA VISTA		529-23-003	CHOI, HYUNG MEE AND RUNYAN,	331 BELLA VISTA AV	LOS GATOS	CA	95032-5416	03-
38	0	BELLA VISTA	AV	529-23-015	PETERS, JAKE C AND KATHERINE H	P O BOX 3486	KETCHUM	ID	83340	03-
39	0	BELLA VISTA	AV	529-23-016	ROSS, DANIEL LEE TRUSTEE	188 VILLA AV	LOS GATOS	CA	95030-0000	03-
40	0	BELLA VISTA	AV	529-23-019	HARLAN, MARILYN S TRUSTEE	4168 RIVA RIDGE	FAIR OAKS	CA	95628-6429	03-
41	0	BELLA VISTA	AV	529-23-020	SHANKER, BENJAMIN J AND SHARI	15949 CERRO VISTA CT	LOS GATOS	CA	95032-4700	03-
42	0	RESERVOIR		529-29-066	KIDDER, VASILIKI	RESERVOIR RD	LOS GATOS	CA	95030-0000	03-
43	148	CLELAND		529-34-043	HATTAR, MARIE C	148 CLELAND AV	LOS GATOS	CA	95030-0000	03-
44	0	(VACANT)		529-39-047	ST WARD PROPS LP	107 FOSTER RD	LOS GATOS	CA	95030-0000	03-
45	16336	SHADY VIEW		532-03-034	COULSON, ALLAN A AND ADRIANA C	5366 KUNKEL DR	SAN JOSE	CA	95124-6013	03-
46	16386	HILOW		532-04-080	GOVINDASWAMY, GANAPATHY AND	16386 HILOW RD	LOS GATOS	CA	95032-4604	03-
47	16541	ENGLEWOOD		532-07-020	DENISON, MICHAEL R	16541 ENGLEWOOD AV	LOS GATOS	CA	95032-5622	03-
48	16666	TOPPING		532-09-018	LIN, ARTHUR W AND CHANG,	4100 MOORPARK AV STE 205	SAN JOSE	CA	95117	03-

**2021 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
TOWN OF LOS GATOS**

Exhibit A

Situs			APN	CITY/STATE					
49	0	TWIN OAKS	532-16-006	SURREY FARMS GROUP LLC	401 CARMELINA AVN	LOS ANGELES	CA	90049	03-
50	16510	KENNEDY	532-17-025	MCKENZIE, JACLYN J TRUSTEE	16510 KENNEDY RD	LOS GATOS	CA	95032-6431	03-
51	16461 S	KENNEDY	532-17-027	WALL, RYAN COMFORT TRUSTEE &	15650 LINDAAV	LOS GATOS	CA	95032-3714	03-
52	16481 S	KENNEDY	532-17-028	HAKHU, JAI K AND NALINI	7 SHORE PINE DR	NEWPORT COAST	CA	92657	03-
53	248	JARED	532-34-071	PAN, SAM SHIWEI	1901 NOBILI AV	SANTA CLARA	CA	95051-2229	03-
54	17511	PHILLIPS	532-39-009	UPLIFT FAMILY SERVICES	251 LLEWWLLYN AV	CAMPBELL	CA	95008	03-
55	17528	TOURNEY	537-04-019	EBRAHIMI, KEVIN A	4459 WINDSOR PARK DR	SAN JOSE	CA	95136-2048	03-
56	17652	TOURNEY	537-04-043	YU, MARGARET AND ROLANDI,	17652 TOURNEY RD	LOS GATOS	CA	95030-7166	03-
57	15220	KENNEDY	537-15-004	IYAR, SUBRAH S TRUSTEE	15292 KENNEDYRD	LOS GATOS	CA	95032-0000	03-
58	14050	SHANNON	537-17-027	LEIRER, VON OTTO AND PERZOW,	14050 SHANNON RD	LOS GATOS	CA	95032-0000	03-
59	233	FORRESTER	537-21-010	JACKSON STREET EQUITIES LLC	PO BOX 27421	SAN FRANCISCO	CA	94127	03-
60	229	FORRESTER	537-22-011	SATIA, JAGAT B AND INDIRA	229 FORRESTER RD	LOS GATOS	CA	95032-6508	03-
61	155	WOODED VIEW	537-23-028	OWNBEY, DOUGLAS V TRUSTEE	P.O. BOX 9277	SAN JOSE	CA	95157	03-
62	210	WOODED VIEW	537-23-046	CUNNINGHAM, JAMES F TRUSTEE	210 WOODED VIEW DR	LOS GATOS	CA	95032-5738	03-
63	15876	SHANNON	537-26-009	LIVE WELL HOMES INC	409 CASSELINO DR	SAN JOSE	CA	95136-0000	03-
64	15760	SHANNON	537-26-018	KELLERMANN, MARC ET AL	15760 SHANNON RD	LOS GATOS	CA	95032-5759	03-
65	16060	CERRO VISTA	537-30-004	BREZOCZKY, BLASIUS TRUSTEE &	16060 CERRO VISTA DR	LOS GATOS	CA	95032-0000	03-

RESOLUTION 2020-046

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DECLARING CERTAIN HAZARDOUS VEGETATION GROWING IN THE TOWN OF LOS GATOS TO BE A PUBLIC NUISANCE, DESCRIBING PROPERTIES WHERE SUCH NUISANCE EXISTS; ORDERING ABATEMENT AND SETTING A PUBLIC HEARING DATE OF JANUARY 19, 2021 TO CONSIDER OBJECTIONS FOR PROPOSED 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 owner's 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 II, 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 II, 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 19th day of January, 2021 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 1st day of December 2020 by the following vote:

COUNCIL MEMBERS:

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

NAYS: None

ABSENT: None

ABSTAIN: None

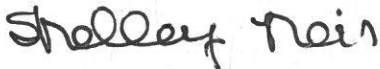
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 12/2/20

ATTEST:



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

DATE: 12/4/2020

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460



AFFIDAVIT OF MAILING

Notice of Public Hearing for the Jurisdictions of: Los Gatos

Milton Kumre, declares as follows: That he is a citizen of the United States, over the age of 18 years, that at all times herein mentioned was an employee/agent of the County of Santa Clara.

Milton Kumre, deposited in the United States Post Office, California, a Notice of Hearing, a copy of which is attached hereto. That said mailing list has been provided by the applicant and lists the owners of property who are entitled to Notice of Hearing. That on said day, there was a regular communication by United States mail between San Jose, California and the addresses shown on the attached mailing list.

I declare under penalty of perjury that
the foregoing is true and correct.

Date: 12/7/2020

By: 

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3123

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460



December 7, 2020

IMPORTANT NOTICE TO ABATE WEEDS

Dear Property Owner:

To protect your property and the surrounding area from possible fire, your jurisdiction (city or County if in unincorporated areas) contracts with the County of Santa Clara to operate a Weed Abatement Program. You are receiving this notice and information because our staff has determined that your parcel is part of this Program. Please read the information carefully and contact us for clarification or additional information.

Your jurisdiction has or will adopt a resolution declaring your property as one that may contain fire hazards from weeds or other debris. Following this action, your jurisdiction will conduct a public hearing to consider an abatement order, which would require you to remove any hazardous vegetation or combustible debris prior to the deadline in the attached abatement schedule. The public hearing will be held on the date and location stated in the attached notice and provides an opportunity for you to raise any objections or concerns with this requirement.

If you believe your parcel includes an environmentally sensitive habitat, please check the box and provide additional information on the reply form to assist us in determining the best approach to abating your property.

If, after the public hearing, the Weed Abatement Program is approved for your property, the County is authorized by your city and the California Health and Safety Code sections 14875-14922 to inspect your property to confirm that the property has been cleared of hazards according to Minimum Fire Safety Standards (see enclosed brochure). Inspections will begin after the abatement deadline for your jurisdiction. This notice does not relieve you of your responsibility to complete the necessary work prior to the deadline for your jurisdiction. You will be responsible for an annual fee of \$84 to cover the cost of this compliance inspection.

If you fail to complete the abatement work prior to our inspection of your property, you will be responsible for an inspection fee of \$466 per parcel; and your property will be scheduled for abatement by the County contractor. You will be assessed a County administrative fee of \$809 per parcel plus the County's cost of abatement if the County completes this work. If you complete the abatement work before the County contractor, you will not incur further charges.

The County will use the least costly method of abatement considering the physical characteristics of your property and any other environmental or related concerns. Fees are detailed in the attached price list. The total amount will be included as a special assessment on your property tax bill following confirmation of the charges by your city or the County if parcel is not in a city at a public hearing?. This hearing would be scheduled in late spring/summer 2021 with the exact date determined by your jurisdiction. Jurisdictions

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith

post hearing information at a physical location (typically at a city hall building or other government center and most jurisdictions also publish this information on their websites) at least three days prior to the meeting.

You can avoid all costs, other than the annual compliance fee, by completing the abatement work yourself according to Minimum Fire Safety Standards (see enclosed brochure) prior to the abatement deadline for your jurisdiction and maintaining the Minimum Fire Safety Standards for the duration of fire season, which typically runs March Through October. Parcels will be removed from the program after three consecutive years of voluntary compliance (work completed by property owner prior to the deadline and confirmed by our inspection).

In preparation for this program, please complete and return the enclosed Reply Form by January 15, 2021 so we are notified of your plans for abating your property.

If you designate in your reply that you intend to abate the weeds yourself, you need to complete the abatement before the deadline listed on the attached abatement schedule and maintain fire-safe conditions for the duration of the fire season. Responding that you intend to provide maintenance yourself does not release you from this responsibility to have the maintenance *completed* before your deadline and *repeated* as necessary to maintain Minimum Fire Safe Standards. The County will abate hazardous vegetation as required after the deadline for your jurisdiction at your cost.

Enclosed you will find the following information:


- ✓ **Reply Form specific to your property. Please complete and return by January 15, 2021.**
- ✓ **Notice to Destroy Weeds informing you of an upcoming public meeting (that you must attend if you have any objections to the proposed removal of hazardous vegetation or debris from your property. Your Jurisdiction may offer the ability for you to participate in this meeting virtually; please confirm directly with your jurisdiction.**
- ✓ **Weed Abatement Program Schedule for your city with current County abatement fees.**
- ✓ **County of Santa Clara Weed Abatement Brochure.**

Please be aware that any abatement performed by the County must comply with all applicable regulations. If your property falls within an area designated as a possible habitat for burrowing owls or any other protected species of bird or animal, the methods used to remove vegetation may be regulated by specific laws or local ordinances.

If you are no longer the owner of the property identified by this mailing, please notify us immediately at (408) 282-3145. If you sell your property after the date of this letter, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be responsible for all-hazard abatement charges assessed to the property.

Our goals are voluntary compliance with the Minimum Fire Safety Standards and all properties remain safe from fire. If you have any questions or need on-site advice to help you achieve compliance with the Minimum Fire Standards, please call us at (408) 282-3145.

Sincerely,

DocuSigned by:

 23BC95461D52437...
 Jo Zientek, Director
 Consumer and Environmental Protection Agency

Notice to Destroy Weeds

NOTICE IS HEREBY GIVEN that on December 1, 2020, pursuant to the provisions of Section 11.20.020 of the Town Code of the Town of Los Gatos, the Town Council of said Town adopted a Resolution declaring that all weeds growing upon any private property or in any street, sidewalk or alley, as defined in Section 11.20.020 of such code, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall within thirty days after the adoption of such resolution, or within the time specified in a written agreement with the Director of Parks and Pubic Works of the Town of Los Gatos, or the Director of Parks and Pubic Works' representative, whichever time shall be later, remove all such weeds from their property, the abutting sidewalks, and the abutting half of the street in front, and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or removed and such nuisance abated by the Town of Los Gatos, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Town Council of such Town to be held in the Council Chambers of said Town at 110 East Main Street, Los Gatos, California, on **Tuesday, January 19, 2021 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, when their objections will be heard and given due consideration. *The language and format for this notice is required by California Health and Safety Code Sections 14891 Et. Seq.*

LOS GATOS WEED ABATEMENT PROGRAM SCHEDULE

January 19, 2021	Public hearing to consider objections to Abatement List.
April 15, 2021	<u>PARCEL ABATEMENT DEADLINE</u> Parcel must be free from hazardous vegetation by this date or Inspector will order abatement.
July-August, 2021	Assessment Hearing to protest abatement charges (Date subject to change, please confirm with City Clerk)

2021 COUNTY WEED ABATEMENT FEES

Properties in the Weed Abatement Program, you will be responsible for an annual inspection fee of \$84.00 per parcel.

Please be advised that the property owner of any parcel found to be non-compliant on or after the March 1st deadline will be charged a processing fee of \$466.00 and the property will be scheduled for abatement by the County contractor. If you complete the abatement work before the County contractor performs the abatement, you will not incur further charges. Should the abatement work be performed by a County contractor, you will be assessed the contractor's charges plus a County administrative fee of \$809.00 per parcel.

2021 COUNTY CONTRACTOR'S WEED ABATEMENT PRICE LIST

A) Disc Work**

PARCEL SIZE:	1 st Disc	+	2 nd Disc	= Total Discs
0-12,500 sq.ft.	<u>\$399.80</u>		<u>\$160.73</u>	<u>\$560.53</u>
12,501sq.ft.- 43,560sq.ft.	<u>\$399.80</u>		<u>\$160.73</u>	<u>\$560.53</u>
Larger than 1 Acre	<u>\$290.41</u>		<u>\$141.83</u>	<u>\$432.24</u> (PER ACRE)

** It is required that parcels be disced twice a year. The cost for the first discing is higher due to additional work normally required during the first discing.

B) HANDWORK	<u>\$5.40 PER 100 Square Feet (SF)</u>
C) FLAIL	<u>6 Foot Mower \$6.89 PER 1,000 SF</u>
MOWING	<u>12 Foot Mower \$6.89 PER 1,000 SF</u>
D) LOADER WORK	<u>\$165.20 PER HOUR</u>
E) DUMP TRUCK	<u>\$152.49 PER HOUR</u>
F) BRUSH WORK	<u>\$5.16 PER 100 SF</u>
G) DEBRIS REMOVAL	<u>\$52.49 PER HOUR</u>
H) DUMP FEE	<u>100%</u>

Added to orders with debris removal at 100% of the dump site charge.

***Please note this program does not offer herbicide application as a method of abatement.**

2021 Return Reply Form

PATEL JITENDRAKUMAR M

IMPORTANT: Please complete this form and mail back to the Weed Abatement Program **within 15 days of receipt of this notice.** Thank you.

TRA: 02000

PATEL JITENDRAKUMAR M
39625 FREMONT BLVD
FREMONT CA 94538

841-03-063

841-03-063

Please check the box that
applies for each parcel
(see explanations below):

Parcel Number	Site Address	A	B	C
841-03-063	341 LEWIS ST GILROY CA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A I am no longer the owner of this property, and the new owner information is listed below. Please return Reply Form immediately.

B I intend to maintain this parcel in a manner consistent with the Minimum Fire Safety Standards from **May 15, 2020 through the end of the fire season (typically runs through October)**. All parcels on the abatement list will be subject to inspection to ascertain compliance. Non-compliance by the deadline will result in an Inspection fee or the abatement of weeds by the County contractor and the resulting charges added to the property tax.

C I request that the County Contractor perform weed abatement work on this parcel. Charges for this work will be added to my property tax bill. **(All County fees Apply)**

Please provide any additional information such as new owners, presence of piping, irrigation, crops or other improvement. If your property is fenced/locked, please provide instructions on how to enter the property. If you are no longer the owner of the property identified by this mailing, please notify the County immediately. If you sell your property after December 1st, 2020, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be liable for all hazard abatement charges assessed to the property.

Thank You

☐ Please check if you feel this parcel is environmentally sensitive

Signature

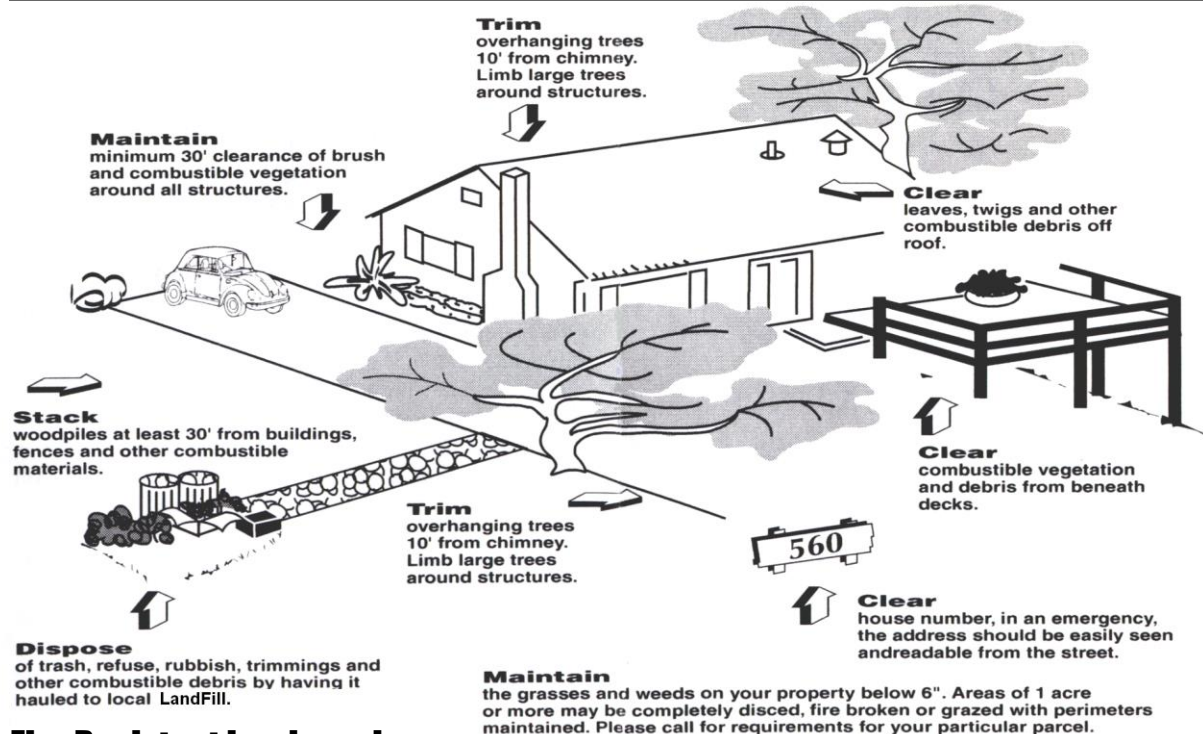
Name (please print)

Date

()
Day time phone

MINIMUM FIRE SAFETY STANDARDS

1. **Vegetation must not exceed 6 inches in height any time after the compliance deadline.**
2. Maintain grasses and weeds below 6 inches for 10 feet horizontally on both sides of all roadways, including driveways and access routes. Roads and Driveways must maintain a clearance of 10' W by 13'6" H for all vegetation
3. Clear flammable vegetation a minimum of 30 feet around any structure, occupied or not. Ornamental vegetation should be kept clear of dead material. Some conditions, such as slopes, may require up to a 100-foot clearance.
4. Parcels one acre or less shall be completely abated. Parcels over one acre up to five acres require 30-foot clearance around structures and perimeter property lines. Additional 30-foot cross fuel breaks may also be required.
5. Parcels larger than five acres require 30-foot clearance around structures and perimeter property lines in addition to 30-foot cross fuel breaks as needed to separate the remaining vegetation into sections no larger than five acres.
6. Keep property clear of accumulation of combustible debris, such as trash, wood, and dead vegetation. Stacked firewood and neatly piled yard waste is not considered to be combustible debris.
7. Keep vegetation cleared from under the eaves of houses.
8. Trim tree branches to at least 10 feet away from chimney.
9. Clear leaves, pine needles and debris from roof and gutters.



Fire Resistant Landscaping

The following is a partial list of fire resistant plants that you may choose to use around your home to reduce the risk of fire. Contact your local nursery for selections appropriate to your area. All grasses, including those purportedly fire resistant, must be maintained below 6" in height.

Trees:

African Sumac
Sycamore

Shrubs:

Bearberry
Carmel Creeper
Carolina Cherry
Catalina Cherry

Escallonia

Hopseed Bush
Lemonade Berry

Groundcover:

Aaron's Beard
Australian Daisy
Candytuft
Sterile Capeweed

Freeway Daisy

Rock rose (except Gum Variety)

Fire Safety Through Vegetation Management

Santa Clara County

Consumer and Environmental
Protection Agency

Weed Abatement Program



1553 Berger Drive #1

San Jose, Ca 95112

Phone (408) 282-3145

Fax: (408) 286-2460

SCC.WeedAbatement@cep.sccgov.org

The Santa Clara County Weed Abatement Program

The Santa Clara County Consumer and Environmental Protection Agency and your city are working together to protect your community from fire. We need your help. Please read and follow the directions provided in this brochure regarding fire prevention on your property. The purpose of the Weed Abatement Program is to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials.

The Weed Abatement program is entirely funded from fees charged to residents. Fees will be assessed for any property in the program. This is to cover the cost of the compliance inspection for the property. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement. If the property requires abatement by the County contractor, the property owner will be responsible for the actual cost of abatement plus an administrative fee. Properties that meet and maintain the minimum fire safety standards will not be charged other than the annual fee.

Program staff annually inspect parcels at the beginning of the fire season, which is typically in March or April depending on your jurisdiction. If the parcel is not in compliance at the time of inspection, the property owner will be charged a failed inspection fee, and the owner will be sent a courtesy notice as a reminder to abate the weeds. If the weeds are not abated by the property owner, the work will be completed by the County contractor. The property owner will pay the contractor's fees plus a County administrative fee. All fees will be included in your property tax bill.

Our Goal Is Voluntary Compliance

Property Owner's Responsibilities

- Do not allow a fire hazard to exist on your property. The Minimum Fire Safety Standards (MFSS) in this brochure give you guidelines to follow in order to maintain your property and protect against a fire hazard. **Please contact our office if you need guidance or have any questions regarding the requirements!**
- Make arrangements to have your property maintained throughout the year. Contractors can be found in the yellow pages. You may choose to have the County contractor maintain your property. A current price list is included in your packet.
- Please complete and return the Reply Form provided in your mailing packet by the date on the form. Indicate your preference regarding performance of weed abatement services.

Program Staff Responsibilities

- Weed Abatement Inspectors will perform periodic inspections on all parcels included in the Santa Clara County Weed Abatement Program. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement.

- Inspectors will order the County contractor to perform all necessary abatement work on any parcel where the MFSS are not met. An attempt will be made to give the owner a courtesy notice prior to releasing the work order.
- The County contractor uses several methods of abatement including discing and handwork. The property owner is free to select whatever method they choose, provided the MFSS of all federal, state and local laws are met.
- The Weed Abatement Program will place inspection costs and the charges for County contractor services plus a County administrative fee on the property owner's tax bill during the next fiscal year.

Burrowing Owls

These small owls nest in abandoned ground squirrel burrows. Discing collapses the burrows and kills the young. These owls are listed as a state Species of Special Concern and are protected by the federal Migratory Bird Treaty Act. If you suspect burrowing owls on your property you **must** use another form of weed abatement such as mowing or weed-eating. If you request the County perform abatement services, please notify program staff or your City if burrowing owls are known to exist on your property.

Frequently Asked Questions

Q. Why have I received an Abatement Notice?

A. Typically, a property is placed on the program if a Weed Abatement Inspector identified a potential fire hazard on the property. Fire Departments and other agencies also submit complaints to the Weed Abatement Program.

Q. What is required of me now that I am in the Program?

A. All property owners are required to maintain their property free of fire hazards throughout the year.

Q. The grasses planted on my property are fire resistant. Are they exempt from the Weed Abatement program?

A. No. Even grasses that possess some fire resistant qualities are not fire proof, and they can add fuel to any site that is subject to a fire. Additionally, fire resistant grasses are rarely found in a pure, homogenous stand but rather are usually found to occur mixed with other common introduced annual grasses that are highly flammable and hazardous in a fire event. Finally, many grasses occur in Santa Clara County and species identification is difficult in the field, especially after the spring when the reproductive portions required for identification have dried and dispersed. Weed Abatement Inspectors can only focus on the presence of grasses and weeds on your property and the Minimum Fire Safety Standards, and not on grass species identification. Therefore, all grasses are required to be below 6 inches in height.

Q. What is the SC County Weed Abatement Program?

A. This is a monitoring program and our primary objective is voluntary compliance. See the first two paragraphs of this brochure for further specifics.

More FAQ:

Q. How long will I be on the Program?

A. Your property will remain on the Program for three years. If no hazards are found during that time, your property may be removed from the program.

Q. How much will this cost me?

A. There will be an annual fee to cover the cost of the compliance inspection. If the parcel does not meet the MFSS when it is first inspected in the spring, or if work is required by the County contractor, you will be charged additional fees. Our goal is to ensure that the MFSS are met at the lowest possible cost to the property owner.

Q. How will I be billed?

A. Any charges for the inspection and any abatement work performed will appear as a special assessment on your next property tax bill.

Q. Why have you performed work on my property while the vegetation is still green?

A. Grass, weeds or piles of combustible debris have been declared a public nuisance by your jurisdiction. Abating fire hazards in the spring minimizes the volume of combustible material before the hazards increase and dries out completely during the peak fire season.

Q. Will you notify me prior to beginning abatement work?

A. Property owners are responsible for preventing fire hazards on their property. If the MFSS have been met, but further work is necessary, you will receive notice prior to the County contractor performing the work. If the MFSS have **not** been met, an attempt will be made to give the owner a courtesy notice prior to initial abatement.

Q. Where can I find someone to provide abatement services?

A. Weed Abatement contractors can be found in the Yellow Pages under "Weed Control Services" or "Discing Services". You may have the County contractor perform the necessary work; see your mailing packet for a current price list as administrative costs are charged.

Q. How can I get additional information or assistance regarding the specific requirements for my property?

A. Weed Abatement Inspectors are available to assist you and answer your questions. Please call our Customer Service line at (408) 282-3145 to schedule a consultation with program staff or to obtain additional information.

Q. I have Grazing Animals do I need to perform abatement?

A. Grazing animals do not absolve you of your responsibilities to provide a fire safe condition on your property. You will need to check with our office to determine if grazing is adequate or if additional work is required.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/19/2021

ITEM NO: 7

DATE: January 14, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a Request for an Exception to the Story Pole Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned R:PD. Located at 110 Wood Road. APN 510-47-038. Applicant: Frank Rockwood. Property Owner: Covia Communities. Project Planner: Jocelyn Shoopman

RECOMMENDATION:

Consider a request for an exception to the Story Pole Policy to allow an alternative to standard story pole installation to illustrate and provide notice of the proposed project on property zoned R:PD located at 110 Wood Road.

BACKGROUND:

Historically, story poles have been used for two purposes. The primary purpose is to help illustrate proposed building locations and heights for pending development applications. Additionally, the story poles help alert the community of development applications that are scheduled for consideration at a public hearing.

The existing Story Pole Policy was approved by the Town Council on August 5, 2013 (Attachment 1). The existing Policy specifies the conditions and process for a possible story pole exception. Specifically, the Policy identifies that the applicant must clearly demonstrate to the Town that the installation of story poles would: (a) cause a threat to public health and safety; or (b) impair the use of existing structures or the site to the extent it would not be able to be occupied and the business or residential use would be infeasible. A Planned Development (PD) application with multiple detached commercial structures and/or residential units may request to erect story poles on the locations where the key structures will be placed. The deciding body will take into account the density of the development when considering an exception request.

PREPARED BY: Jocelyn Shoopman
Associate Planner

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

BACKGROUND (continued):

The Policy requires the story poles to be installed on all corner structures and the structures with the greatest height and mass.

The Policy requires the Town Manager to determine if at least one of two criteria is met before the Council can consider requests for exceptions to the story pole installation requirements. The Council is the deciding body for story pole exceptions.

DISCUSSION:

The subject site is an approximately 10.84-acre parcel at the intersection of Wood Road and South Santa Cruz Avenue. The site has been occupied by the Los Gatos Meadows, a senior living development since 1971. In February 2019, the Los Gatos Meadows facility initiated a month's long closure and transition process to relocate all residents. By September 2019, the facility was vacant. While the property owner, Covia Communities, has completed the closure process, the property continues to be staffed to provide on-going maintenance and to ensure security of the property.

An application has been filed by Frank Rockwood requesting a new Planned Development zoning for the property for the purpose of rebuilding a new senior living development. The existing zoning is Residential, Planned Development (R:PD) and the General Plan land use designation is Medium Density Residential.

The applicant, Frank Rockwood, has submitted a request for the following exceptions from the Story Pole Policy requirements to minimize nuisance to the neighbors and damage to the existing structures:

1. To install story poles only at the corners of perimeter buildings for five of the proposed eight buildings that are visible from public views (Attachment 2).
2. To install rope flags connecting the story poles, in lieu of netting (Attachment 2).
3. To provide additional scale visualizations utilizing photo simulations of the proposed project from the following three locations: Broadway and Farwell Lane (secondary access road to the site off of Broadway), Wood Road and South Santa Cruz Avenue, and East Main Street and Church Street (Exhibit B, Attachment 2).
4. To install the story poles for a maximum of 20 days from the completion of installation and circulation of additional scale visualizations (Attachment 2).

Exhibits A-1 through A-3 of Attachment 2 contain the proposed site plan and story pole plan for the new senior living buildings. The applicant has proposed to install the story poles for 20 days once the application has been scheduled for a Planning Commission hearing to overlap with the

DISCUSSION (continued):

public notice period (Attachment 2). A Planning Commission hearing has not been scheduled given technical analysis that needs to be completed for environmental review.

PUBLIC COMMENTS:

Pursuant to the Policy, notice of the Town Council hearing was sent to property owners and tenants within 300 feet of the subject property. Notice was also published in the Los Gatos Weekly, posted under “What’s New” on the Town’s website, and posted on the Town’s social media platforms. Public comments received by 11:00 a.m., January 14, 2021 are included in Attachment 3.

CONCLUSION:

Staff recommends approval of the proposed exception to install the story poles with rope flags in lieu of netting for a maximum of 20 days once the application has been scheduled for a Planning Commission hearing to overlap with the public notice period to minimize the potential nuisance to the neighbors and damage to the existing structures.

If the Town Council determines that the story pole exception request is appropriate, staff recommends that the Town Council limit the approval to the proposed story pole exception request and plan in Attachment 2. A request to modify the proposed story pole plan would be required to return to the Town Council for consideration of a new story pole exception.

ALTERNATIVES:

1. Continue the request to a date certain with specific direction; or
2. Approve the request with modified requirements; or
3. Deny the request.

COORDINATION:

The Community Development Department coordinated with the Town Manager’s Office in the review of the application.

ENVIRONMENTAL REVIEW:

Action on the requested exception does not constitute a “project” as defined by section 15378 of the CEQA Guidelines because it is not an action which has a potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment.

PAGE 4 OF 4

SUBJECT: 110 Wood Road/Story Pole Exception Request

DATE: January 14, 2021

Attachments:

1. Story Pole Policy
2. Exception Request and Proposed Story Pole Plan from the Applicant, received November 13, 2020
3. Public Comments received by 11:00 a.m., Thursday, January 14, 2021

Height Pole and Netting Policy For Additions and New Construction

I. Purpose:

It is a policy of the Town of Los Gatos Town Council to have story poles and project identification signs installed on the sites of an active development application. The placement of story poles is extremely helpful and important during the course of Town's review of applications for new development. Proper and accurate placement of story poles demonstrates the planned rooflines and heights and provides some indication of the potential massing of the proposed structure. Story poles enhance understanding of the project for Town residents, staff, advisory bodies, and decision making bodies. Story poles also provide a visual notice to the community of a forthcoming land use public hearing.

Project identification signs present both written and graphical information that will further communicate the proposed project to the community as well as provide the public hearing dates for the development application.

This policy is for the benefit of the Town and community and is not intended to create a requirement under the California Environmental Quality Act (CEQA).

II. Height Poles and Netting:

Height story poles and netting shall be used for the following types of Community Development Department, Planning Division, land use applications:

- New residential (excluding single-story accessory structures) and non-residential buildings.
- Residential second story additions.
- Nonresidential additions exceeding 100 square feet.

The terms height poles and story poles are used interchangeably.

A. Procedure:

When it is determined that story poles are required, the applicant's engineer, architect or building designer may be required to prepare a "Story Pole Plan" to indicate the locations where the poles will be installed. The Story Pole Plan shall be approved by the project planner prior to the placement of the poles on the site. Once approved, the applicant shall inform the project planner when the placement of the story poles is complete and submit photographs showing installation. The story poles shall be installed consistent with the following requirements:

Residential: The height poles and netting shall be installed prior to the neighborhood notification process and shall remain in place until the project has been acted upon and the appeal period has ended. If the project is appealed, the height poles and netting shall remain until final action is taken. If final consideration of the project is substantially delayed or the project is substantially modified, staff may direct removal or modification of the story poles.

Projects that Require Planning Commission or Town Council Action: The height poles and netting shall be installed prior to the public noticing of the matter and shall be kept in place until the project has been acted upon and the appeal period has ended. If the project is appealed, the height poles and netting shall remain until final action is taken. If final consideration of the project is substantially delayed or the project is substantially modified, staff may direct removal or modification of the story poles.

B. Timing

Public notices will not be mailed and/or application(s) shall not be advertised until a Story Pole Plan has been approved by the project planner, the height poles and netting have been installed, and photographs have been submitted to the project planner, as required in Section II.A.

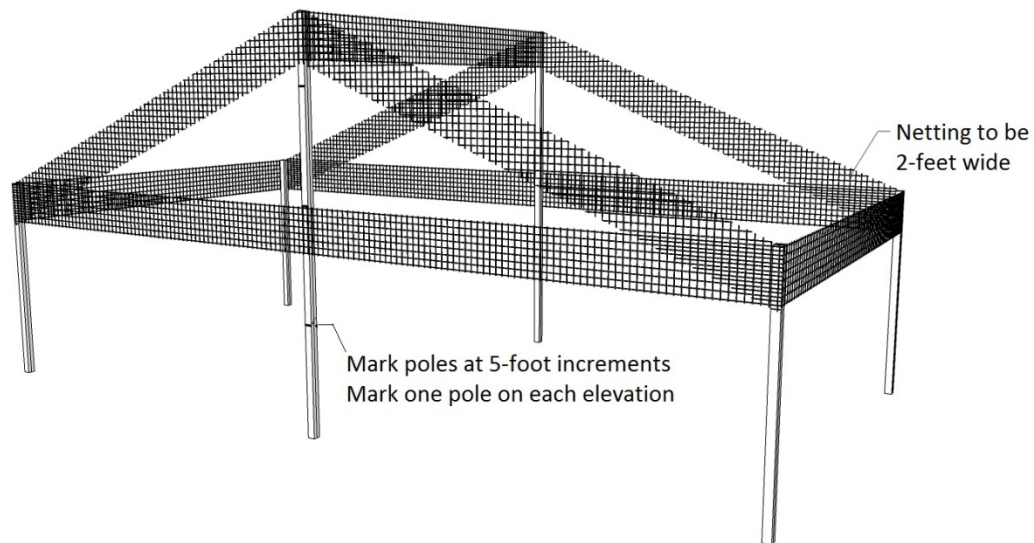
C. Location and Number:

The number of story poles may vary with each specific project. At the discretion of the project planner, story pole locations shall adequately demonstrate the height, mass, and bulk of the project requiring review. At a minimum, story poles shall be placed at all outside building corners of the building wall (excluding eaves) and along the rooflines of the proposed structure(s) or addition. Architectural elements such as towers, spires, elevator and mechanical penthouses, cupolas, mechanical equipment screening and similar elements not used for human activity or storage which are visible from the streetscape shall be represented by the story poles. Pursuant to Section 29.10.1005 of the Tree Protection Ordinance, the attachment of wires, signs, or ropes to any protected tree is prohibited. Trees may not be "flagged" or used as a substitute for the erection of story poles. After the placement of the story poles on-site, the applicant shall provide the project planner with photographs of the story poles taken from a variety of vantage points. The vantage point from where the photograph was taken shall be indicated on each photograph.

A licensed surveyor or civil engineer shall submit written verification that the height and position of the poles and netting accurately represents the height and location of the proposed structure(s) or addition.

D. Materials:

The material of the story poles shall be indicated on the Story Pole Plan. Story poles shall be constructed of 2"x4" lumber, metal poles, or other sturdy building material acceptable to the project planner. Telephone poles; mechanical equipment, such as cranes; or other materials may be acceptable for higher structures if the Community Development Director determines that the material will adequately portray the height, bulk, and mass of the proposed structure(s) or addition and withstand the wind and weather. At least two foot (2') wide orange woven plastic snow fencing (netting) must be erected to represent the rooflines of the proposed structure(s) or addition. Netting must be supported by height poles that are strong enough to accurately maintain the outlines and height of the structure(s). One of the height poles on each elevation must be clearly marked and labeled in five foot (5') increments measured from existing or finished grade, whichever creates a higher profile, and consistent with the approved Story Pole Plan on file at the Community Development Department.



E. Story Pole Plan and Public Safety:

All story poles shall be placed, braced and supported to ensure the health, safety and general welfare of the public. The Story Pole Plan shall include the methods used to secure the poles. Applicants shall sign an agreement that holds the Town harmless for any liability associated with the construction of, or damage caused by the story poles. If at any time, the Town determines the story poles to be unsafe, they shall be repaired and reset immediately by the project applicant or, at the Town's discretion, removed. Depending on the scope of the poles, the applicant may be requested to

verify with the Building Division of the Community Development Department that no permits and/or inspections are required for the poles.

F. Exceptions:

In the event there are justifiable reasons why story poles cannot be accommodated for all structures proposed to be constructed on the project site, the applicant shall submit a letter to the Community Development Director no later than 45 days prior to the required installation date, clearly articulating the reasons why an exception to the Story Pole requirement is warranted. Requests for an exception and alternative plan will only be considered if the applicant can clearly demonstrate to the Town, and the Town agrees, that the installation of the story poles would: (1) cause a threat to public health and safety or (2) would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the business or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project will be required, even if an exception is granted.

Planned Development applications with multiple detached commercial structures and/or residential units may request to erect story poles on the locations where the key structures will be placed. The deciding body will take into account the density of the development when considering an exception request. The story poles shall be installed on all corner structures and the structures with the greatest height and mass. An exception to providing story poles for all structures in a Planned Development application with multiple commercial structures and/or residential units shall follow the same procedures as outlined below.

The Town Manager will review all justifiable requests for an exception to the Story Pole requirement within 14 days of receipt of the request and shall place the matter on the next available Town Council agenda for consideration by the Council. Written notice of the exception request shall be mailed to property owners and residents of properties within 300 feet of the project site. All requested and approved exceptions shall be posted on the Town's Web site under "What's New," in agenda posting locations at Town Hall and the Library, and in the online development activity report when established.

If an exception is approved, the applicant will be required to demonstrate the proposed structure height and mass using alternative means as outlined in Section II.H.

G. Alternatives: If an exception is granted to the Story Pole requirements, the applicant shall provide digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the Story Pole requirements. Simulations may either be prepared by the applicant for technical review by the Town's consultant or the applicant may elect to have the Town's consultant prepare the materials. In either case, the applicant shall be responsible for all technical review(s), materials and cost of the Town's evaluation and/or preparation process. To ensure accuracy, visual simulations shall comply with the following standards:

- Establishing accuracy of the visual simulation: The applicant shall demonstrate that the dimension and scale of the visual simulation and project setting are equivalent. This is accomplished by examining screen views of the model in plan and elevation views for accurate scaling. The visual simulation must also include reference objects corresponding to known objects in the simulated scene, such as buildings, curbs, utility poles, trees, or any other reference points visible in the simulated scene, whose location is known from surveys or, at a minimum aerial imagery. There shall be a minimum of two reference objects outside of the project in different parts of the photo frame.
- Establishing the equivalence of the virtual and actual camera focal setting: The camera lens focal setting or angle of view for each simulation base photo shall be stated. The camera model shall be provided since the angle of the focal view varies with different cameras. The preparer of the photo simulations shall provide the manufacturer specifications indicating the 35 mm film SLR lens correspondence, or other means to calculate the angle of view.
- Depict the accurate location of the photo and establish the correspondence of the virtual camera with the visual simulation: The photo location shall be indicated accurately on a map or aerial photo, and the correspondence within the visual simulation should be demonstrated. Simulated views should not employ cropping, or if they must, the original, uncropped rendered image shall be provided. Once the images are cropped, it is impossible to validate their accuracy.
- Other Information: The Town's consultant may require other information to assess the accuracy of the visual simulation.

H. Removal:

Once a final action has been taken and the appeal period is over, the height poles and netting shall be removed at the applicant's expense within 30 days. If not removed, the height poles and netting will be considered rubbish and will be in violation of Section 11.10.020 of the Town Code and the matter will be forwarded to Code Compliance for enforcement action.

III. Project Identification Signs:

All development applications that must comply with the story pole and netting requirements shall also provide project identification signs on the development site consistent with the following requirements.

A. Timing:

Public notices will not be mailed and/or application(s) shall not be advertised until project identification sign(s) have been installed. The location of the project identification sign(s) shall be shown on the Story Pole Plan. The applicant shall submit a signed declaration confirming that the project identification sign(s) were installed. The applicant shall also submit a photo showing the on-site sign(s) installed on the subject property prior to the distribution of the public notices.

B. Size:

- New Residential Structures: One, 2'x2' sign placed on the street frontage. The top of the sign shall be five feet (5') from existing grade and visible from the main street frontage. The sign shall indicate the scheduled public hearing date and the availability of plans for review at the Community Development Department.
- Commercial/Industrial Remodels or New Construction: One 4'x8' sign on each of the property frontages that are visible to surrounding public right of ways, including pedestrian trails such as the Los Gatos Creek Trail. The top of the signs shall be six feet (6') from existing grade. The Community Development Director may require additional signs for development sites that have large frontages.
- Downtown (C-2 Zone) Remodels or New Commercial Development: One 2' by 3' vertical sign constructed of metal frame with water resistant plastic or laminated face. In cases where it is infeasible to install a free-standing sign, the posting of a durable, all weather sign on or inside the window of a building is permitted, provided the sign is visible from public locations outside the building. Requests for an exception to the free-standing sign requirements shall be made to the Community Development Department in writing no less than 30 days prior to the public hearing for the project.

C. Number and Placement of Signs:

With one exception, on-site signs shall be placed on each street frontage of the site. The exception is for permits related to an individual new single family dwelling. In this case, only one sign on the street frontage is required. The signs shall be oriented towards the street, within one foot (1') of the front property line or two feet (2') of the back of the sidewalk.

D. Materials:

Signs shall be constructed of durable materials, such as foam core or plywood, and shall be laminated during the rainy season (October through April). The sign colors shall be a white background with black printing, and color graphics (excluding single family, which may have black and white graphics). As noted under Section III.B., signs in the Downtown C-2 Zone shall be constructed of higher grade materials, including a metal frame and a plastic or laminated poster board face.

E. Sign Content:

Up to 75% of the overall sign area must be used to provide a general description of the project; including number of residential units or commercial buildings and square footage; a color perspective drawing, three-dimensional image or photographic simulation and the name and contact information of the project applicant. Single family remodel projects are not required to provide a rendering on the sign. The public notice portion of the sign message must constitute 25 percent of the overall sign area and notify the community of the public hearing date and time and contain the following message "For more information about this project, please contact the Town of Los Gatos Planning Division at 110 E. Main Street, Los Gatos, (408) 354-6872. The project address and application number shall be included on the notice.

F. Duration of Sign Posting:

Project identification signs shall be placed on site consistent with the timing of installation of the story poles (See Section II.B.) and shall be removed within 30 days of the final actions (See Section II.H.).

G. Maintenance:

The applicant is responsible for replacement of any missing, damaged or vandalized signs within five days of request by the Town. The Town may cease processing of the application if the signs are not replaced and/or maintained.

IV. Definitions:

Height: As defined by the Zoning Ordinance, height is determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar (refer to Section 29.10.020 of the Zoning Ordinance for definition of cellar), the height measurement for that portion of the structure shall be measured as the plumb vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade.

Roofline or edge: The contour or shape of a roof.

This policy was adopted by Town Council on August 5, 2013 (Resolution 2013-032)

N:\DEV\Web Documents\Policies\Story Pole Policy Resolution.7-13-17.docx

**** VIA EMAIL ****

November 13, 2020

Joel Paulson, Community Development Director
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030
e: jpaulson@losgatosca.gov

**Request for Minor Exception to Height Pole and Netting Policy for Rebuild of Los Gatos
Meadows Planned Development Application PD-20-001**

Dear Mr. Paulson:

Per our prior conversations, Rockwood Pacific hereby formally requests a minor exception to the Los Gatos Height Pole and Netting Policy ("HPNP").

Proposed Minor Exception:

1. Erect story poles only at the corners of all perimeter buildings that affect public views of the project (see Exhibits A-1, A-2, and A-3, attached).
2. In lieu of framing and netting, connect poles with rope flags.
3. Provide additional scale visualizations. These proposed visualizations would utilize 50 mm photographs taken with poles in place overlaid with previously provided photo simulations of The Rebuild Project from the intersection of Broadway and Farwell Lane, the intersection of Wood Road and Santa Cruz Avenue, and from Main Street near Church Street (see Exhibit B for illustrative exhibit of Main Street view).
4. Shorten the duration of viewing period to 20 days from the later of (i) completion of installation and (ii) circulation of the additional scale visualizations. However, to be clear, we are proposing that the story poles would be installed after the applicable Planning Commission meeting has been scheduled, and accordingly, the poles would be up during the public noticing period.

Rationale for Proposed Minor Exception: The project team for the Rebuild of Los Gatos Meadows proposes to meet the intent of the Town's Height Pole and Netting Policy while minimizing nuisances and damage to existing structures.

1. **Minimize Nuisance:** Due to the existing structures remaining in place, placement of poles will not be as effective as visual simulations in conveying precisely how the structures will be tucked into the hillside and set within the context of the existing topography. Combined with the existing, now vacant, structure, it is our view that the poles would result in an unnecessary nuisance to our neighbors.
2. **Minimize Damage to Existing Structures:** In the event that the application is denied, the intent is to reuse the existing buildings in conformance with the existing land use approval. Strict adherence to the HPNP would unnecessarily cause damage to the existing improvements.

The project team does not believe that the use of rope flags will undermine the intent of the current HPNP. Furthermore, our proposal to provide additional visualization exhibits (Exhibit B) will arguably provide better information to evaluate the project than would strict adherence to the HPNP.

Sincerely,

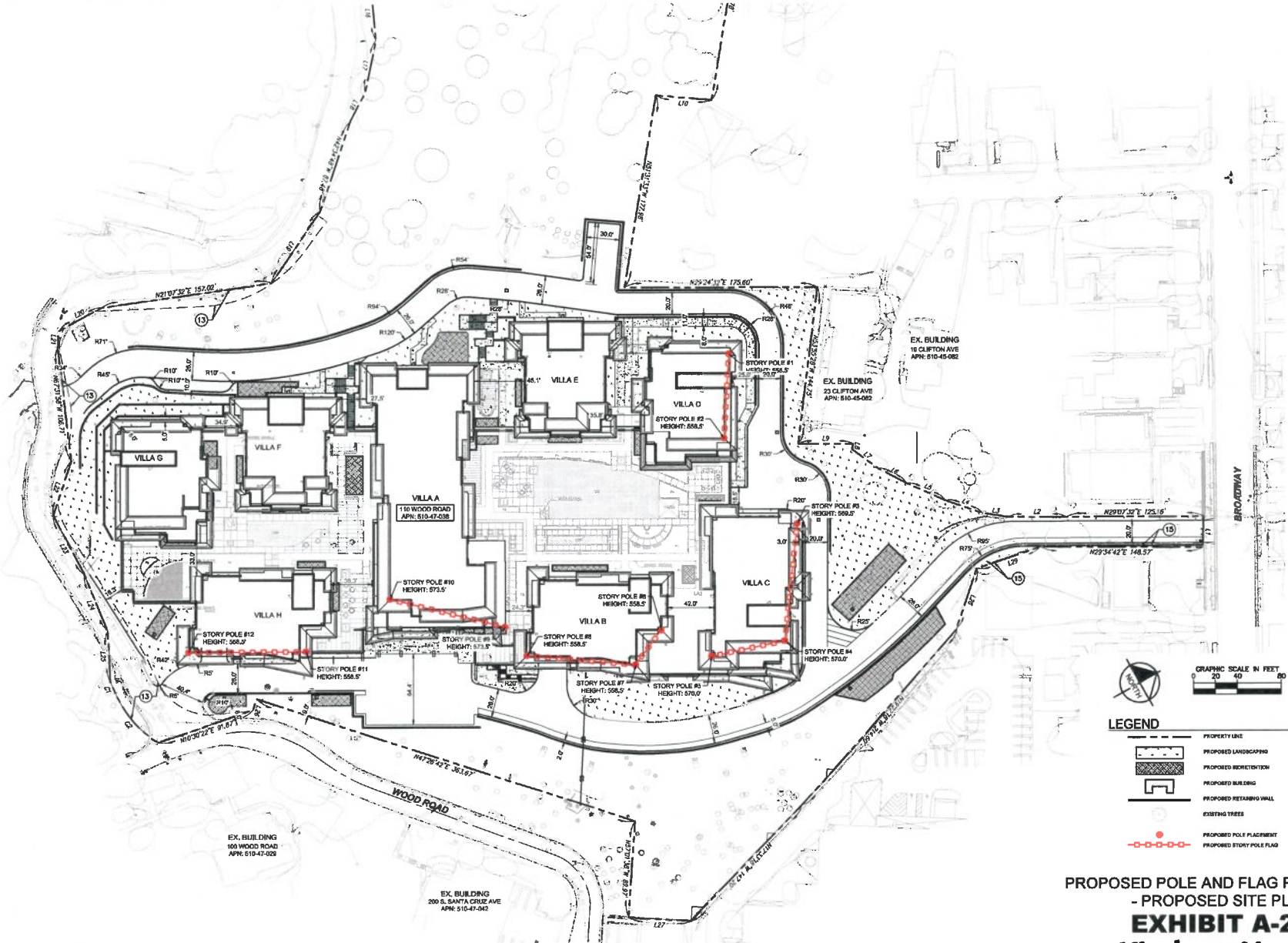


Frank J. Rockwood, President
Rockwood Pacific Inc., Applicant

Attachments:

- Exhibit A-1 – Comprehensive Pole Placement – Proposed Site Plan
- Exhibit A-2 – Proposed Pole and Flag Placement – Proposed Site Plan
- Exhibit A-3 – Proposed Pole and Flag Placement – Existing Survey Outline
- Exhibit B – Illustration of Proposed Additional Visualizations

cc: Laurel Prevetti, Town of Los Gatos
Jocelyn Shoopman, Town of Los Gatos
Chris Ichien, Covia Communities



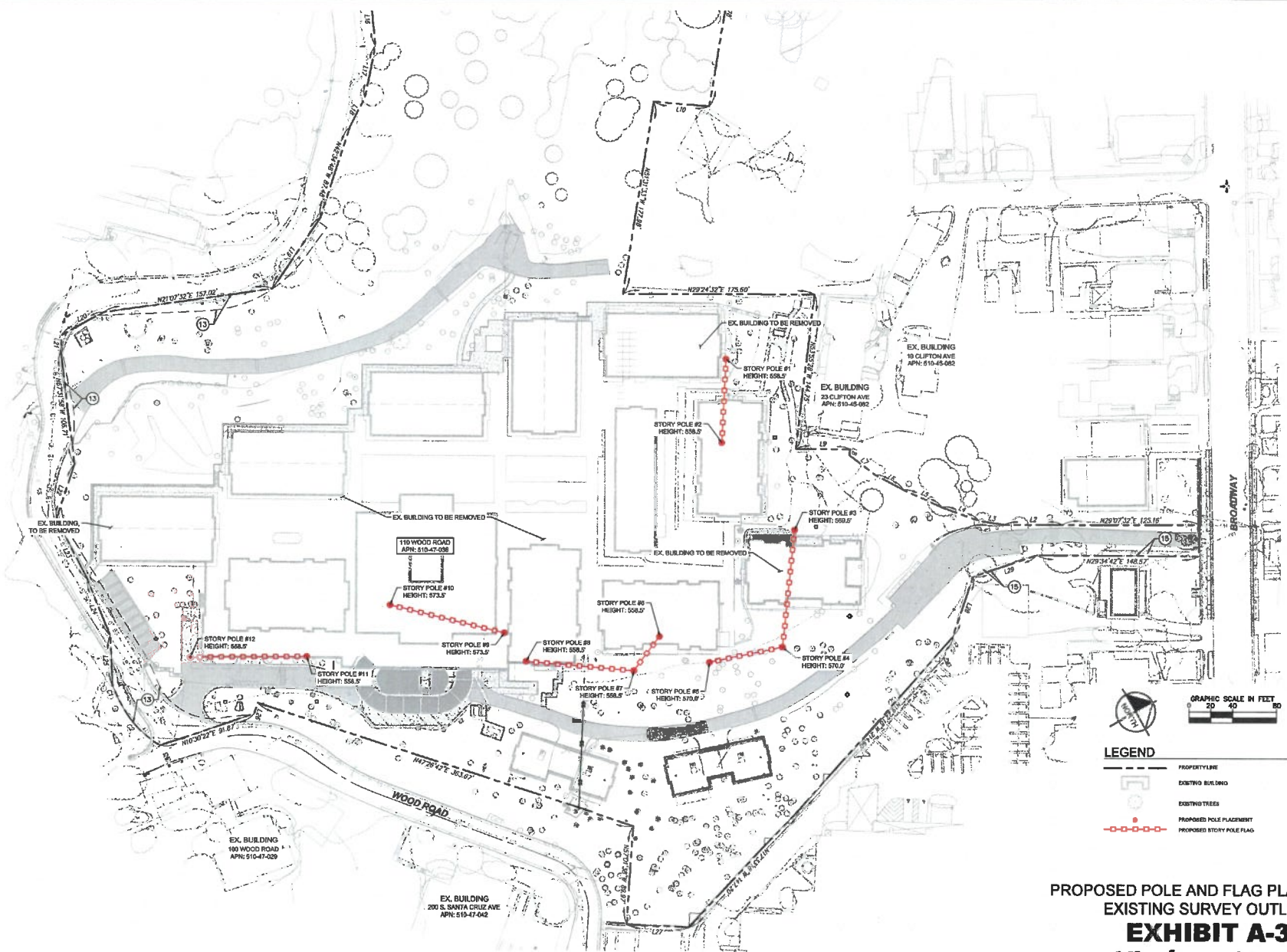


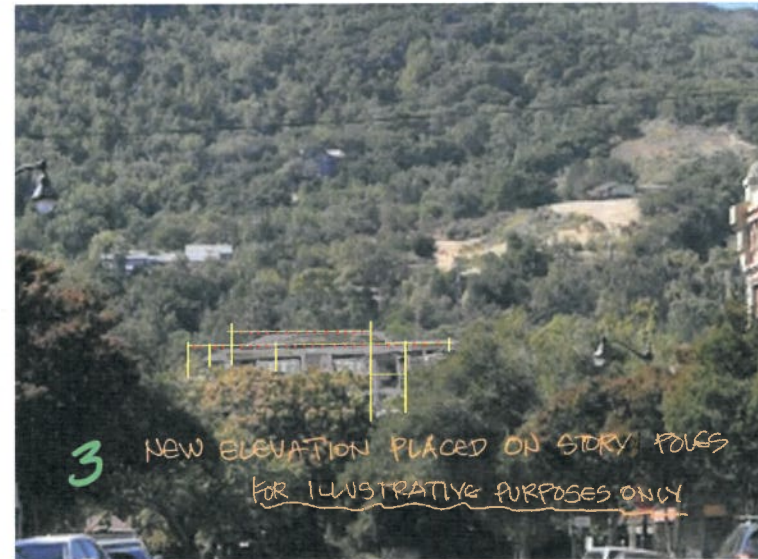
EXHIBIT B



1. Existing Condition (note: for illustrative purpose only)



2. Story Pole In Position (note: for illustrative purpose only)



3. New Elevation Placed On Story Poles (note: for illustrative purpose only)



4. New Final Elevation (note: for illustrative purpose only)

From: Clare Southern
Sent: Tuesday, January 12, 2021 9:17 PM
To: Jocelyn Shoopman <jshoopman@losgatosca.gov>
Subject: 110 Wood Road Story Pole | No Policy Exemption

Hello Jocelyn,

I am a Los Gatos resident living next to the planned development at 110 Wood Road.

Bypassing this policy threatens to significantly dampen both Town and community trust in the multi-year development. Making such a large exception invalidates the purpose of regulating these things in the first place.

Considering the large scale-- over the legally required 100 square feet + multiple stories-- and proposed changes and new structures in the development, the height pole and netting policy seems to not only adequately fit the proposed plans, but require it.

The "Story poles enhance understanding of the project for Town residents, staff, advisory bodies, and decision making bodies. Story poles also provide a visual notice to the community of a forthcoming land use public hearing."

For the sake of the Town and community, I see no reason why there should be an exception to the rule here-- especially at such a critical area in the town where other, much smaller regulations have not been bypassed.

Thank you for your consideration. I will lookout for more detail regarding the proposed exceptions.

Clare

From: Matthew Southern
Sent: Monday, January 11, 2021 4:53 PM
To: Jocelyn Shoopman <jshoopman@losgatosca.gov>
Subject: 110 Wood Road Development

Hello there Jocelyn -

As a resident of Wood Road who values their view of the town and the surrounding hillsides, I would like to see story poles erected so that we can gauge the true height of the new development at 110 Wood Road.

Considering the size of this proposed development and clear visibility from downtown, I think it would be proper that no story pole exemption be given.

It would be a shame for Los Gatos to approve something without the same reviews that other residents of the town would otherwise have to go through themselves.

In addition, I think it would be wise to evaluate any fire evacuation plans this potential development would have.

Thank you very much.

Matthew Southern
123 Wood Road
Los Gatos



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/19/2021

ITEM NO: 7

DESK ITEM

DATE: January 19, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a Request for an Exception to the Story Pole Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned R:PD. Located at 110 Wood Road. APN 510-47-038. Applicant: Frank Rockwood. Property Owner: Covia Communities. Project Planner: Jocelyn Shoopman

REMARKS:

The following discussion includes questions asked by Council Member's and staff's responses in *italics*.

- What projects in Town have been granted an exception to the Story Pole Policy since its adoption by the Town Council on August 5, 2013?

North 40 Phase I

On February 16, 2016, the Town Council granted a request for an exception to the required installation and timing of the Story Pole Policy for the North Forty Phase I development proposal. The exception requested by the applicant included installing story poles for structures along the perimeter of the development area only, using flag rope for structures over 40 feet, retaining the proposed story poles for four weeks after the mailing of notices regarding the Planning Commission public hearing, and creating a scale model of the entire proposed Phase I application to be displayed in the Town Library for public viewing. The Council approved the applicant's request with the following modifications:

- *The story poles are required to remain in place for 60 days from the date the notices are sent for the Planning Commission public hearing; and*
- *Six additional buildings proposed towards the center of the site must have story poles to provide a more complete representation of the project.*

PREPARED BY: Jocelyn Shoopman
Associate Planner

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

REMARKS (continued):

On April 5, 2016, the Town Council considered a request to modify the approved exception to the Story Pole Policy and the matter was continued to April 19, 2016. The applicant requested a modification to the original story pole exception because they were not able to install all of the poles and netting due to access concerns for existing residential and commercial properties. The applicant's requested modification included installation of poles with orange flags. On April 19, 2016, the Town Council denied the request to modify the approved exception to the Story Pole Policy. The project was requesting approval for construction of a new multi-use, multi-story mixed use development, and on-site and off-site improvements on the southern 20.7 acres of the North 40 Specific Plan area and was approved by the Town Council on August 1, 2017.

16212 Los Gatos Boulevard

On January 16, 2018, the Town Council granted a request for an exception to the required timing of the Story Pole Policy for the property located at 16212 Los Gatos Boulevard. The exception requested by the applicant included installing the story poles for a maximum of 10 days based on public safety and the use of the site by existing tenants. On January 16, 2018, the Town Council approved the exception to the Story Pole Policy. The project was 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 and was approved by the Town Council on August 6, 2019.

- Please clarify staff's recommendation with respect to all four requested exceptions to the Story Pole Policy by the 110 Wood Road applicant.

Staff recommended approval of the proposed exceptions to the Story Pole Policy due to the potential to cause a threat to public health and safety based on the proposed number, size, and height of the buildings. However, the Council is the ultimate deciding body for story pole exceptions.

Attachment 4 includes public comments received between 11:01 a.m., Thursday, January 14, 2021 and 11:00 a.m., Tuesday, January 19, 2021.

Previously received with the January 19, 2021 Staff Report:

1. Story Pole Policy
2. Exception Request and Proposed Story Pole Plan from the Applicant, received November 13, 2020
3. Public Comments received by 11:00 a.m., Thursday, January 14, 2021

PAGE 3 OF 4

SUBJECT: 110 Wood Road/Story Pole Exception Request

DATE: January 19, 2021

Attachment received with this Desk Item Report:

4. Public Comments received by 11:00 a.m., Tuesday, January 19, 2021

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From: Maria Ristow
Sent: Saturday, January 16, 2021 10:05:00 AM
To: Mark Regoli
Cc: Joel Paulson; Maria Ristow
Subject: Re: 110 Wood Road, Los Gatos - PD-20-001

Hi Mark,

Thank you for sharing your concerns about this project just above and adjacent to our street. I have copied our Town Community Development Director, Joel Paulson, to ensure your concerns are known. I hope you have also contacted other members of the Town Council (email to: council@losgatosca.gov). As I am within 500 feet of the project, it falls within my conflict-of-interest zone. I will have to recuse myself from any hearings on this project.

I am happy to meet with you, and am available much of the weekend. Regarding specific points, I believe Farwell Lane, the road that leads into the middle of Broadway, will be closed to regular traffic per Meadows plans. I understand from the neighborhood presentations I have attended over the past couple of years that the road will be a paved path for bikes, pedestrians and possibly some sort of resident transport, like autonomous pods. Emergency vehicle would have access when necessary. As the process moves forward, conditions will be set and solidified, so your input is important.

Regarding the story poles, it appears the request is not to eliminate story poles, but to modify the time and extent. Whether these modifications are acceptable is the question. Again, public input is important, as it's critical folks can understand what is being proposed.

Definitely looking forward to a better 2021!

Thanks,
Maria

On 1/15/21 10:45 AM, Mark Regoli wrote:

Maria,

I hope you are doing well and fully recovered from COVID.

I have reviewed the development plan for the Wood Road and in general I believe this a good plan and positive for the community. However, here are a few issues that I wanted to point out to you:

1. Ingress and egress onto Broadway should be reserved for emergency vehicles only. Historically, this is a hazard for people walking, because this exiting plan crosses a sidewalk. The vehicles instinctively stop on the road and not at the stop sign before the sidewalk. Also given the cement wall it is difficult for drivers and walkers to see each other and this creates a significant life safety issue. I have included a few photos for your reference.
2. I think not requiring story poles is a mistake. We have developed over 5 million square feet of space in the valley and even with this experience is difficult to tell the massing of a project from plans. Story poles are a great resource for planning and the community to understand the magnitude of the project. The cost of using story poles is insignificant in the scope of a project like this and worth their weight in gold for preventing planning mistakes.

Happy to discuss this further if you have any questions.

Have a great and much better New Year.

Mark



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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/19/2021

ITEM NO: 8

DATE: January 12, 2021

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Discuss and Approve the Following Actions to Continue the Town's Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic, Including:

- a. Approve Continued Rent Forgiveness for Town-Owned Properties;
- b. Approve Business License Forgiveness for Specific Commercial Sectors Unable to Operate Due to the Santa Clara County Public Health Order for the First Quarter of 2021 and the Second Quarter if the Orders Continue to Prohibit Those Sectors from Operating, and Suspend Late Fees on All Business Licenses through 2021;
- c. Approve a Parklet Incentive Program for Semi-Permanent Parklets, Including:
 - 1. Approve a Maximum Grant of \$10,000 Per Business Who Would Like to Build a Semi-Permanent Parklet,
 - 2. Direct Staff to Work with Industry Professionals to Procure a Parklet Design or Set of Design Guidelines,
 - 3. Approve the Payment of the Town Pamphlet Application Fee from the Town's Economic Recovery Fund for Any Semi-Permanent Parklet Application Received by June 30, 2021, with Construction Completed by March 31, 2022,
 - 4. Approve a Sunset Date of September 19, 2021 for the Temporary Krail Parklets to Further Incentivize the Construction of Semi-Permanent Parklets, and
 - 5. Continue the Grey's Lane Street Closure to Facilitate Placemaking and the Installation of Semi-Permanent Parklets in This Area; and
- d. Approve Additional Process Streamlining and Community Vitality Opportunities, Including:
 - 1. \$2,500 for Public Health Order Signage from the Town's Economic Recovery Fund,

PREPARED BY: Monica Renn
Economic Vitality Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Police Chief, Finance Director, Community Development Director, and Parks and Public Works Director.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

2. \$35,000 for Lighting Upgrades from the Town's Economic Recovery Fund,
3. Continuing the Council's Previous Direction to Absorb 50% of Conditional Use Permit Fees through December 31, 2021,
4. Providing New Direction that Removes the Limit of Ten Personal Service Businesses that May Open in the C-2 Zone Without a Conditional Use Permit Utilizing the Economic Recovery Agreement,
5. Adopting a Revised Economic Recovery Resolution to Allow up to Five New Non-Restaurant Conditional Use Permits to be Approved at Development Review Committee,
6. Convening a Joint Town Council/Planning Commission Study Session to Discuss Retail Trends with Local Experts, and
7. Providing Direction on Other Ideas.

RECOMMENDATION:

Discuss and approve the following actions to continue the Town's support of economic recovery and community vitality in response to the ongoing COVID-19 pandemic, including:

- a. Approve continued rent forgiveness for Town-owned properties;
- b. Approve business license forgiveness for specific commercial sectors unable to operate due to the Santa Clara County Public Health Order for the first quarter of 2021 and the second quarter if the Orders continue to prohibit these sectors from operating, and suspend late fees on all business licenses through 2021;
- c. Approve a Parklet Incentive Program for semi-permanent parklets, including:
 1. Approve a maximum grant of \$10,000 per business who would like to build a semi-permanent parklet,
 2. Direct staff to work with industry professionals to procure a parklet design or set of design guidelines,
 3. Approve the payment of the Town Parklet Application fee from the Town's Economic Recovery Fund for any semi-permanent parklet application received by June 30, 2021, with construction completed by March 31, 2022.
 4. Approve a sunset date of September 19, 2021 for the temporary krail parklets to further incentivize the construction of semi-permanent parklets, and
 5. Continue the Grey's Lane street closure to facilitate placemaking and the installation of semi-permanent parklets in this area; and

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

RECOMMENDATION (continued):

- d. Approve additional process streamlining and Community Vitality opportunities, including:
 1. \$2,500 for Public Health Order signage from the Town's Economic Recovery Fund,
 2. \$35,000 for lighting upgrades from the Town's Economic Recovery Fund,
 3. Continuing the Council's previous direction to absorb 50% of Conditional Use Permit fees through December 31, 2021,
 4. Providing new direction that removes the limit of ten personal service businesses that may open in the C-2 zone without a Conditional Use Permit utilizing the Economic Recovery Agreement,
 5. Adopting a revised Economic Recovery Resolution to allow up to five new non-restaurant Conditional Use Permits to be approved at Development Review Committee,
 6. Convening a joint Town Council/Planning Commission study session to discuss retail trends with local experts, and
 7. Providing direction on other ideas.

BACKGROUND:

The COVID-19 pandemic has created a truly unprecedented set of circumstances for the Los Gatos community and beyond. Since March 2020, the Town Council has been working to remain supportive and adaptive to the community's stakeholders, delicately balancing competing interests and continuing to consider how to provide available assistance. Without a doubt, the health and safety of the community remain a top priority.

Some of the steps taken to support stakeholders include rent forgiveness for Town-owned properties, expanded support through community grants, and community and economic vitality support including:

- April 7, 2020 - Amended existing human services grant agreements with West Valley Community Services, Counseling and Support Services for Youth, Next Door Solutions, and Live Oak Senior Nutrition to donate an additional \$10,000 to each organization, for a total of \$40,000, to assist Town residents with needed services due to COVID-19 and related Public Health Orders.
- April 21, 2020 - Approved the waiver of rent and utilities for the Town of Los Gatos lessees New Museum of Los Gatos (NUMU), Friends of the Library, Billy Jones Railroad, Soccer and Little Leagues, and Los Gatos-Saratoga Community Education and Recreation (LGS Rec) for the duration of the Santa Clara County shelter-in-place order due to significant business disruption.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

BACKGROUND (continued):

- June 2020 – Funded \$2,800 toward protein purchases for House of Hope food pantry.
- May – November -Funded \$6,475 toward deep COVID cleaning for the LG Methodist Church Shower Ministry to maintain weekly showers for the Homeless.

Specifically related to economic vitality, the Town has been working to streamline and update business processes to provide modernized provisions with greater flexibility and opportunity for businesses to locate and thrive in Los Gatos for several years. This has been an ongoing effort with various streamlining and process modifications taking place pre-COVID. Attachment 1 provides an overview and timeline of these efforts from 2015 through 2019.

When the COVID-19 pandemic took effect in March of 2020 and the business community was required to drastically modify or close their operations, economic vitality efforts remained strong to support the Los Gatos businesses community including:

- June 2, 2020 - Adopted an Economic Recovery Resolution (Attachment 2) to create further streamlining and flexibility for businesses to adapt to the dynamic economic environment which included the implementation of parklets to accommodate outdoor retail and dining, and curbside parking spaces for quick turn and pick up customer parking. Since June, the Town has provided several krail installations and moves to support the changing needs of the businesses. Additionally, businesses with private outdoor property (e.g., parking lots) have been able to implement parklets and outdoor service areas of their own.
- June 10, 2020 - Moved to a subsidy-based model for the Chamber of Commerce's contract for services related to the Visitor Information and Experience Los Gatos services to allow for more support as their service model and deliverables adapted to the pandemic.
- October 6, 2020 - Approved the continuation of the Economic Recovery parklet program (temporary with krail) through March of 2021, adopted a grant match program for businesses who make ADA accommodations to these temporary parklets, extended the duration of the pilot parklet program (adopted in February of 2019) to a semi-permanent timeframe with no set end date, and directed staff to return to Council in January 2021 with a semi-permanent parklet incentive program.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

BACKGROUND (continued):

- September 15, 2020 - Granted the Chamber of Commerce up to \$150,000 to partner on a holiday lights campaign that installed light features throughout the Town.

Over the duration of the pandemic, the Town Council has authorized the use of the streetscape funds previously allocated for a potential downtown project to fund the parklet krail rental, installation, maintenance, and holiday light campaign. Approximately \$1.5 million remains available. For the Council's reference, krail rental remains an ongoing cost at the rate of \$10,000 per month. If the Council so chooses, these funds could also be used to support the initiatives outlined in this report or other recovery efforts.

DISCUSSION:

Continued Rent Forgiveness for Town-Owned Properties

Given the continued significant disruption to the business models of the Town's lessees, staff recommends the continuation of rent forgiveness for the entire fiscal year 2020/21. Tenants understand that as updated guidelines make their businesses operable again rent will resume on a prorated basis proportionate to building utilization and programming. Each quarter of rent and utility forgiveness equates to an estimated donation of \$85,000. If approved, the Mid-Year Budget report will include a budget adjustment to backfill this revenue from the Economic Recovery Project Fund. Total rent forgiveness since March 2019 shelter in place order until this fiscal year end estimated to be approximately \$433,000.

Options for Business License Forgiveness for Specific Commercial Sectors Unable to Operate Due to the Santa Clara County Public Health Order, and the Suspension of Late Fees on All Business Licenses through 2021.

The Town requires all businesses located within Los Gatos and/or those that operate within Los Gatos to obtain a business license. The amount of business license tax paid by each business is based on its business activity. Fees for activities such as wholesale sales and manufacturing are charged on a sliding scale based on gross receipts, as is retail, with retail being capped at \$975. These gross receipt activities account for approximately 25% of annual business licenses, while the remaining 75% are flat fee businesses. Annual renewal payments are due on January 2 of each year. Payments for new flat-fee-based businesses are pro-rated by quarter.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

DISCUSSION (continued):

Many business sectors continue to thrive during the pandemic and collecting business license fees remains appropriate, while others have been completely shut down by the provisions set forth in the State and County Public Health Orders. In such cases, the businesses are technically not operating. It is important to note that the business license taxes were approved by ballot measure and most changes would likely need to be approved by a ballot measure, so the options to modify what is paid are limited for Council action.

All of this considered, the Council may wish to offer business license forgiveness on a quarterly basis for specific business sectors that are completely unable to operate during the current shutdown. Staff is recommending that the Council consider a first quarter 2021 forgiveness of business license fees for sectors required to be closed at this time, given that they are legally unable to provide their services in their Los Gatos location. Such sectors include professional business licenses for hair stylist, nail technicians, and other similar personal service industries. Should the shutdown remain in effect through the second quarter of 2021, staff recommends that the Council allow the forgiveness to continue for this quarter as well.

Business License taxes, budgeted to generate \$1.2 million in FY 2020/21, is a general tax that provides services an infrastructure Town-wide for businesses and residents. Staff estimates a reduced revenue of \$20,000 per quarter if personal service businesses unable to operate are granted forgiveness.

In addition, staff is recommending that all late fees for business licenses be suspended for 2021. The combined effect of decreased gross receipts, business closures, quarterly business license exemption, and late fee suspension will be reflected in the amount of the business license tax collected at the end of current fiscal year.

A Parklet Incentive Program for semi-permanent parklets

It has become apparent that outdoor dining and business services are going to be a crucial component to economic recovery and business success for the foreseeable future. It also seems that many customers will be more comfortable in an outdoor environment for some time, even after the pandemic comes to an end. Thus, providing businesses with the ability to utilize outdoor space is an opportunity for the Town to support the businesses further through economic recovery and provide the community with comfortable options to patronize Los Gatos businesses.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

DISCUSSION (continued):

On October 6, 2020, the Council received an update on the parklets in downtown. For this conversation, there are two types of parklets: (1) krail parklets and (2) semi-permanent parklets. The krail parklets are those implemented on a temporary basis as a part of the Town's Economic Recovery efforts from COVID-19 using krail, at no cost to the business. The semi-permanent parklets are those that started as a part of the parklet pilot program, adopted in February 2019 as a three-year pilot for downtown. At its October 6 meeting, the Council voted to extend the timeline of the semi-permanent parklets to a date uncertain, stopping just short of calling them permanent.

With each semi-permanent parklet, the Town and sponsoring business and/or property owner enter into a private-public partnership agreement. The agreement allows the business to construct the parklets at their expense, use the public land and parklet space for their private business, maintain the space at all times, and have it available to the public during any hours when the business is not open, while the Town provides its public property for the parklet at no expense.

The Council also voted unanimously to extend the krail parklets until at least March of 2021 and directed staff to return to the Council in January with a recommendation for a semi-permanent parklet program.

The semi-permanent process requires the business to submit a parklet application (Attachment 3) and work with industry professionals to draw, engineer, and build the parklet after gaining approval from the Town. Depending on scope and size, staff understands these parklets to cost between \$40,000 and \$90,000. Approximately \$10,000 - \$15,000 of this cost goes toward Town's application fee and the cost to have the space designed.

Staff is recommending that the Town Council (1) approve an incentive program offering grants to businesses who would like to build a semi-permanent parklet; (2) direct staff to work with industry professionals to procure a design, or set of design guidelines that make it easier on businesses to implement a parklet by reducing the design costs to each business/property owner for each location; (3) Approve the payment of the Town Parklet Application fee for any semi-permanent parklet applications received by June 30, 2021 from the Economic Recovery Fund; (4) approve a sunset date for the temporary krail parklets to further incentivize the construction of semi-permanent parklets; and (5) approve the continued closure of Grey's Lane to facilitate placemaking and the installation of semi-permanent parklets in this area.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

DISCUSSION (continued):

First, for the grant, staff is recommending an amount of \$10,000 to each business who builds a semi-permanent parklet to be issued following the approval of the parklet application. In the case where two or more businesses are located in close proximity to one another and would like to combine resources to build one larger parklet that is divided, staff would like to still award each business the \$10,000 to encourage the build-out of larger parklets that include multi businesses rather than trying to squeeze in individual parklets or set up a scenario where businesses are competing for spaces. In such a case, businesses would need to come together to file one parklet application that provides space for each contributing business to operate.

Second, staff is recommending that the Council provide direction for them to explore the option of buying a set of standards, guidelines, or plans from an architect or engineer that could be provided to applicants at no charge. This would reduce the soft costs for each business, and the investment made by the Town would be one that could benefit multiple businesses, ultimately making the incentive program more valuable for businesses. Additionally, using such a set of guidelines could reduce the amount of staff time and review necessary to approve the parklets. The Town could potentially buy the rights to at least one design if continuity is important, or multiple designs if the Council prefers to offer options to the businesses. If the designs can be procured under the Manager's authority of \$50,000, then the Council would not need to take subsequent action. Alternatively, the Council could direct that the design options return to Council as well as the consideration of the contract with the vendor.

Third, to further incentivize semi-permanent parklets, staff recommends that the Town pay for the Town Parklet Application fee for any semi-permanent parklet applications received and approved by June 30, 2021. Funds to support this recommendation would come from the Economic Recovery Fund.

Fourth, to make this incentive process most successful and allow for funds to be redirected from the kral rental to the semi-permanent parklets, staff is recommending a sunset date for the temporary kral parklets of Sunday, September 19, 2021. This would allow the temporary parklets to remain in place through the summer to support recovery.

Finally, as the Council considers the semi-permanent parklet program as a whole, staff is recommending that the temporary Grey's Lane closure continue to facilitate placemaking and encourage the adjacent businesses to install semi-permanent parklet(s). Any semi-permanent parklets would reduce the public space area to, at a minimum, a walkway being preserved through the center of the Lane as a pedestrian connection between the parking lots and N. Santa Cruz Avenue.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

DISCUSSION (continued):

What would these actions mean for a long-term streetscape project in downtown?

As the Council considers a parklet incentive program and the addition of semi-permanent parklets as a part of the current and immediate term downtown streetscape, it may wish to think about a future, long-term streetscape upgrade project. While such a project would likely be at least ten years out due to the need to accumulate approximately \$10M to have the resources for a comprehensive streetscape project, the Council may wish to identify a specific amount to seed such an effort from the Economic Recovery project fund. As a reminder, in 2020, the Town Council repurposed the Downtown Streetscape Capital Project to fund COVID Economic Recovery. Alternatively, the Council may wish to consider the identification of other revenue sources in future budget cycles to save for a downtown streetscape redesign.

What about businesses with private property/parking lots, or those outside of downtown?

The Economic Recovery Resolution allows for outdoor business use of private parking lots. This is especially useful for businesses outside of the downtown, including shopping centers. If Council would like to provide additional opportunities, staff appreciates Council input and direction on the following ideas:

- For businesses outside of downtown with available on-street parking, similar to areas in the C-1 zone, just North of Los Gatos-Saratoga Road on N. Santa Cruz Avenue, a similar semi-permanent parklet incentive program could be extended to these businesses and staff could work with them individually to decide if the parking space placement could support an on-street parklet.
- For businesses with private commercial parking lots, the Town Council could consider allowing the parklets or similar outdoor service areas that are allowed as a part of the Economic Recovery Resolution to become semi-permanent rather than sunsetting with the Economic Recovery Resolution.
- As an alternative to one or both of the options above, the Council could allow the temporary parklets and patio areas in private parking lots and commercial centers to continue as long as the Economic Recovery Resolution is in place, as previously directed by the Council, or consider a sunset date at a later point in time.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

DISCUSSION (continued):

Additional Process Streamlining and Community Vitality Opportunities

The Town was an early adopter of an Economic Recovery Resolution, creating opportunities for existing businesses to adapt their business models frequently and attracting new businesses to fill vacancies. As the time of the pandemic lengthens, there may be a need to increase flexibility on a temporary basis to continue to promote retention and attraction. Staff recommends considering the following:

- Given that full economic recovery is deeply dependent on adherence of Public Health safety guidelines (e.g., mask wearing), staff is requesting funding of \$2,500 for increased public safety signage throughout Town.
- After experiencing the attraction of tree lights and holiday lights, staff is requesting that \$35,000 be allotted to additional holiday lights on street poles, and the electrical upgrades that would be required to support them.
- At the Town Council's special meeting on May 26, 2020 discussing Economic Recovery, Council moved to absorb 50% of all commercial Conditional Use Permit (CUP) fees for a period of one year. This incentive has been especially attractive for new and existing businesses. Staff recommends that the Council consider extending this incentive through the end of the calendar year, December 31, 2021.
- During the Council's discussion on May 26, 2020, staff recommended removing the need for personal service businesses to require a CUP during the period of Economic Recovery starting with a limit of ten Personal Service businesses that may open in downtown (the C2 zone) without a CUP to understand the impact this change may have. The Council agreed to a limit of ten in the discussion, however it was not adopted in the resolution or captured in the motion. While the limit of ten has not been reached yet, we are close, at about eight businesses with little to no impact on the retail vacancies. Before allowing additional personal service businesses beyond ten, staff felt it was appropriate to raise the question with the Council. It is important to note that the Economic Recovery Agreements are not transferable and do not run with the land as a CUP does. Thus, they are meant to assist a specific business operator with recovery during this time and this provision would sunset with the Economic Recovery Resolution.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

DISCUSSION (continued):

- Currently only restaurants and group classes are heard by the Development Review Committee (DRC) while bars, markets, and other commercial CUP uses are assigned to the Planning Commission and Town Council, creating a time and cost hurdle that is less than attractive at this time. Staff recommends expanding the business use types that the DRC may hear to include markets, bars, and/or other miscellaneous type CUPs on a temporary basis as a part of the revised Economic Recovery Resolution (Attachment 4). There has been an increase in interest for businesses to open to-go style markets with the option to sell beer, wine, and other craft cocktails as a part of the to-go meals. Because they are not defined as a restaurant use by the Town Code, such a use would require Town Council approval, increasing the time and cost significantly. To take a cautious approach, the proposed revision to the Economic Recovery Resolution limits up to five new non-restaurant CUPs to be approved at DRC before further review by the Town Council.
- Staff recommends that the Council consider a joint study session with the Planning Commission at which retail industry professionals would be invited to explain what it takes to attract and lease spaces in the changing economic environment. This could provide the opportunity for those doing the work in Los Gatos to share real time examples of trends, thus giving the Council insight for future streamlining decisions.

CONCLUSION:

Staff is recommending that the Council consider to public testimony, discuss the ideas contained in this report and those provided by the public, and take action on items to continue support of economic recovery and community vitality in response to the ongoing COVID-19 pandemic.

Discuss and approve the following actions to continue the Town's support of economic recovery and community vitality in response to the ongoing COVID-19 pandemic as noted in the Recommendation section of this report.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

PUBLIC OUTREACH:

Though email, What's New, and other social media outlets, staff provided outreach and welcomed input from the community regarding this agenda item. It is anticipated that there will be some written and verbal comment ideas that come forward not contained within this report. Those received before 11:00 a.m. on Thursday, January 14 have been included with this report as Attachment 5. Staff is available at the direction of the Council to explore the feasibility of any additional ideas. See public comments in Attachment 5.

COORDINATION:

This report was drafted in collaboration with the Town Manager and Town Attorney's Offices, and the Finance, Police, Community Development, and Parks and Public Works Departments.

FISCAL IMPACT:

If Council were to approve all of the proposed recommendations contained in this report, the costs will be dependent upon the number of parklet grants provided, and should be funded from remaining \$1.5 million in the former streetscape bucket unless otherwise specified by the Council. An estimated summary of the major costs of the recommendations in this report are:

Rent Forgiveness	\$ 433,000
Business License Recommendation (\$20k per quarter)	40,000
Semi-Permanent Parklet Grants (30 @ \$10k each)	300,000
Health Order Signs	2,500
Light Upgrades	<u>35,000</u>
TOTAL	\$ 810,500

Some of these costs may be reimbursable through future federal or state COVID-19 recovery funding.

ENVIRONMENTAL ASSESSMENT:

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

PAGE **13** OF **13**

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 12, 2021

Attachments:

1. Economic Vitality and Land Use Streamlining
2. Economic Recovery Resolution
3. Parklet Application
4. Proposed Revised Economic Recovery Resolution
5. Public Comment received before 11:00 a.m. on Thursday, January 14.

ECONOMIC VITALITY & LAND USE STREAMLINING



The Town of Los Gatos is proud to be the home of a variety of premium shopping and dining experiences. Our downtown is one of the most charming and beautiful places around, while Los Gatos Boulevard and surrounding shopping centers provide neighborhood convenience and other fantastic shopping, dining, and service businesses against the back drop of the picturesque foothills. The Town Council is committed to creating opportunities for existing and new businesses to thrive throughout Los Gatos, and as a result have adopted a strategic priority to continue to support our business community through streamlining processes, policies, and ordinances.

The list below highlights much of the work that has been completed to date, and we will continue to make strides in creating an environment that allows our business community to continue to be the very best. Please click on any of the items below to learn more about what was adopted:

- Flexible [outdoor seating](#) regulations on public and private property (9/1/15, Town Council Meeting, Item 11)
- Allowance for paid private [Downtown valet parking](#) (11/3/15, Town Council Meeting, Item 13)
- Allowance for [entertainment](#) by right before 10 P.M. and late-night entertainment with a permit (6/21/16, Town Council Meeting, Item 19)
- Significantly reducing the Traffic Impact Fees that are applied to existing commercial space in Downtown and Shopping Centers ([11/17/16](#) and [2/16/17](#), Policy Committee Meetings)
- Providing flexible [seating calculations for restaurants](#) guided by Maximum Fire Occupancy (3/20/18, Town Council Meeting, Item 9)
- Rescission of the [Town's Alcohol Beverage Policy](#) acknowledging that ample vetting and oversight is provided through the State of California's Alcohol Beverage Control (4/3/18, Town Council Meeting, Item 8)
- Resolution for a limited time suspending the Conditional Use Permit requirement for [Formula Retailers in Downtown](#) (6/5/18, Town Council Meeting, Item 18)
- Resolution for a limited time allowing [restaurants to modify their Conditional Use Permits at the Development Review Committee](#) level significantly reducing the time and cost related to a CUP modification (6/19/18, Town Council Meeting, Item 19)
- Elimination of [parking time limits](#) in public parking lots Downtown on Saturdays (11/6/18, Town Council Meeting, Item 8)
- Approval for a [one-way street pilot on N. Santa Cruz Avenue](#) for the Summer and Fall of 2019, offering more on street parking and greater opportunities for parklets and bike and pedestrian traffic (1/15/19, Town Council Meeting, Item 5)
- Approval of a [pilot program to allow parklets](#), also known as sidewalk cafes, on Main Street and N. Santa Cruz Avenue (2/5/19, Town Council Meeting, Item 11)
- Resolution for a limited time [suspending Ordinance 2021, and allowing new restaurants to obtain a CUP at the DRC](#) level until, and a resolution [allowing for minor exterior modifications to commercial buildings to be processed at building permit](#) 12/31/19 (3/5/19, Town Council Meeting, Item 7)
- Resolution for a limited time [allowing group classes without a CUP in commercial zones outside of downtown, and those within downtown to obtain a CUP at the DRC](#) level. (3/19/19, Town Council Meeting, Item 11)

RESOLUTION 2020-022

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS APPROVING TEMPORARY OUTDOOR PUBLIC SPACE EXPANSION AND TEMPORARY MODIFICATIONS TO SPECIFIC PROVISIONS RELATED TO BUSINESS PERMITS, PROCESSES, PROVISIONS, AND ACTIVITIES DURING THE COVID-19 PANDEMIC TO OFFER ECONOMIC RELIEF, RECOVERY, AND OPPORTUNITIES FOR COMMUNITY AND ECONOMIC VITALITY

WHEREAS, pursuant to the Town's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the Town Council has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the Town and its residents; and

WHEREAS, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster; and

WHEREAS, California Government Code Section 8634 states that "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property..."; and

WHEREAS, the purpose of a local emergency proclamation is to provide extraordinary powers to issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, obtain vital supplies, and require emergency services of employees; and

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on January 30, 2020, the World Health Organization declared the Covid-19 outbreak a Public Health Emergency of International Concern; and

WHEREAS, on January 30, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on January 31, 2020, the first case of COVID-19 was confirmed in Santa Clara County ("County"); and

WHEREAS, on February 10, 2020, the Santa Clara County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 an International Pandemic; and **WHEREAS**, on March 12, 2020, the Town Manager of Los Gatos acting in the capacity of Town of Director of Emergency Services, issued a Proclamation of Local Emergency; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Santa Clara County Department of Public Health directed all individuals in the County to Shelter in Place and mandated requirements, including but not limited to, social distancing, staying home if sick, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, on March 17, 2020, the Town Council of the Town of Los Gatos ratified the Proclamation of Local Emergency; and

WHEREAS, the pandemic and necessary federal, state and local public health orders requiring social distancing to prevent spread of COVID- 19 have had and will continue to have devastating economic impacts on the local community, including residents, businesses, employees and Town operations; and

WHEREAS, the longer the emergency order is in place, the more difficult it will be for small retail and restaurant operators to return and reopen their businesses; and

WHEREAS, although the Town continues to be in an emergency response phase, an emergency management principle has been established that recovery planning must begin as early as possible to strengthen community resilience while shortening the economic recovery timeline; and

WHEREAS, some of the actions that the Town has taken during this state of emergency to support local business are: eviction protections; suspension of rent for Town owned Facilities; a website with COVID 19 and business resources; and assistance for restaurants and food retailers by allowing sales of alcohol via delivery and takeout, providing flexibility for restaurants to sell groceries, and allowing curbside pickup; and

WHEREAS, due to the severe economic impacts of COVID- 19 and its economic impacts on the community and the Town organization, the Council deems it necessary to take additional action to suspend enforcement of certain provisions of the Town of Los Gatos Town Code and provide temporary process streamlining measures to facilitate the retention and attraction of Los Gatos businesses during the COVID-19 pandemic, reduce economic impacts, foster recovery, encourage economic vitality, and reduce commercial vacancies; and specified below to support social distancing requirements, effective public communication related to rapidly transitioning business re-opening status, and economic viability of businesses in adhering to permitted opening and social distancing requirements; and

WHEREAS, the below measures are intended to provide economic relief to businesses that are experiencing economic uncertainty while complying with State and County Orders. Accordingly, the Town will facilitate a temporary “ pilot” program, which will include the development and implementation of a plan to use the right- of-way, sidewalks and streets to help maintain social distancing during the first few phases (stages) of reopening consistent with the State’s Resilience Roadmap and continued economic support of businesses for uses such as walking space, outdoor dining, and pick- up/delivery areas. The program would provide for residents to receive the health and wellness benefits of being outdoors and support businesses with enough space to safely physically distance; and

WHEREAS, the program is established for the purpose of supporting and facilitating the recovery of business and economic activity in the Town by expanding the spaces available for the safe conduct of such activities for Town businesses and their customers and patrons to create more physical distance for pedestrians and business patrons to maintain physical distancing; and nothing herein is intended to nor shall be deemed to create open gathering places or public fora unrelated to the intended business support and recovery purpose; and

WHEREAS, Over the years, the Town’s conservative budgeting practices have resulted in healthy reserves and frequent annual budgetary surplus with a balanced Operating Budget for Fiscal Year 2020-2021 with no reductions to service, despite significant revenue and other economic impacts from sheltering-in-place. Those reserves and surpluses are now paying the Town huge dividends during the COVID 19 crisis; and

WHEREAS, on May 26, 2020, the Town Council reallocated \$1,900,000 in prior surpluses reserved for downtown streetscape revitalization toward COVID-19 economic stimulus recovery efforts. This is one of the single largest economic recovery packages ever proposed in the Town’s history; and

WHEREAS, time is of the essence to quickly implement a program to allow for safe physical distancing consistent with the State's Resilience Roadmap and County Guidelines in order to address both public health and economic impacts of COVID- 19, as residents have been primarily indoors since the initiation of the State and County Orders, this will be a dynamic temporary program, receiving input from the Town Council, and shall be subject to administrative modification by the Town, as authorized herein, as necessary in response to emerging issues or concerns of public, health, safety or convenience; and

NOW, THEREFORE, BE IT PROCLAIMED AND RESOLVED by the Town Council of the Town of Los Gatos that:

SECTION 1. All recitals set forth above, and all recitals included in support of Federal, State and County actions referenced herein, are adopted as though fully set forth herein as findings in support of this Resolution and, after considering all such findings and current local circumstances the Council hereby declares the continuing existence of a local emergency related to the continued threat of COVID- 19 as it relates to public health and economic impacts; and

SECTION 2. In order to support the re-opening of restaurants and other businesses in accordance with the State Executive Order N-60-20, the Town Council hereby directs and authorizes the Town Manager to implement the following strategies that may be used independently or in combination. as outlined below:

1. As identified by the Town generally along N. Santa Cruz Avenue (south of Highway 9/Los Gatos-Saratoga Road) and Main Street, private businesses in the C-2 Zone are permitted to utilize public street parking spaces in proximity to their business for expanded dining and alcohol service, retail, or business use space to facilitate safely distanced pedestrian circulation, expanded outdoor dining and alcohol service, and customer queuing, pickup and waiting areas associated with permitted business activities and pursuant to the terms agreed upon in an Economic Recovery Agreement between the business and the Town;
2. Suspend parking requirements in private commercial lots to allow some parking spaces to be utilized for restaurant seating or business activities given sufficient parking remains available for customer use, and to allow for such to facilitate safely distanced pedestrian circulation, expanded outdoor dining and alcohol service, customer queuing, and pickup and waiting areas associated with permitted business activities and pursuant to the terms of agreed upon in an Economic Recovery agreement between the business and the Town;

3. Allow pop-up patios, parklets, and other areas to encourage and support additional ideas for outdoor space such as use of parts of the sidewalk for signage, merchandise and queueing, where adequate sidewalk width exists consistent with disabled access requirements and public safety; and
4. Current Los Gatos businesses may relocate, expand, or open an additional business location without obtaining a new Conditional Use Permit provided the business enters into an Economic Recovery agreement with the Town, documenting that any change of ownership is subject to a new Conditional Use Permit or Conditional Use Permit modification consistent with the existing Town Code;
5. The requirement for personal service businesses to obtain a Conditional Use Permit in the C-2 zone is suspended provided the business enters into an Economic Recovery agreement with the Town, documenting that any change of ownership is subject to a new Conditional Use Permit consistent with the existing Town Code;
6. The cost for a new Conditional Use Permit is reduced by 50% with the Town paying the balance of the fees;
7. Alcohol consumption is permitted with meals in Town parks, temporary pop-up parks, temporary patio dining, and parklets; and
8. The expiration date for all building permits and planning entitlements shall be extended by two years.

SECTION 5. Environmental Review. As a result of the COVID- 19 public health emergency, the Town of Los Gatos proposes a temporary program to use the right- of-way, sidewalks and streets to help maintain social distancing during the first few phases (stages) of reopening consistent with the State’ s Resilience Roadmap and provide for residents to receive the health and wellness benefits of being outdoors and support businesses with enough space to safely physically distance. The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) as followed:

- A. The project is statutorily exempt under State CEQA Guidelines Section 15269 (Emergency Projects), because the temporary program includes specific actions that would allow for safe physical distancing consistent with the State’ s Resilience Roadmap and County and State Guidelines in order to mitigate the COVID- 19 public health emergency.

- B. The project is categorically exempt under State CEQA Guidelines Section 15301 (Existing Facilities) because the actions identified in the program are limited to the permitting, leasing, and minor alteration of existing public facilities, including existing streets, sidewalks, bicycle and pedestrian trails, which would not result in the creation of additional automobile lanes. The program would result in a negligible expansion of existing commercial uses and a negligible expansion of the public's use of Town right of-way, as the uses included in the temporary program would not vary from the current uses of commercial businesses, residential areas, or public access within the Town's right-of-way.

SECTION 6. Notwithstanding any other Town policy or procedure, the Town Engineer shall be authorized to review and approve on behalf of the Town any and all design and construction necessary as part of the temporary program herein and the Town Manager shall be authorized to enter into agreements on behalf of the Town to implement the strategies herein without further action of the Town Council.

SECTION 3. Any provision of the Los Gatos Town Code or any appendix thereto inconsistent with the provisions of this Resolution, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Resolution.

SECTION 7. All current and prior emergency and public health orders as currently enacted and in effect, or as subsequently amended or modified, issued by the Governor, the State or County Public Health Official or the Town or County Emergency Services Director are expressly adopted

SECTION 8. This Resolution is in effect for one year from its adoption with a six-month review by the Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 2nd day of June 2020 by the following vote:

COUNCIL MEMBERS:

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

NAYS: None

ABSENT: None

ABSTAIN: None

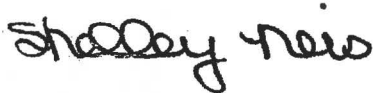
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 6/3/20

ATTEST:



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

DATE: 6-3-2020

REQUEST FOR PARTICIPATION IN PARKLET PROGRAM

TOWN OF LOS GATOS - COMMUNITY DEVELOPMENT DEPARTMENT

Civic Center: 110 E. Main Street, Los Gatos, CA 95030 Phone: (408) 354-6874 Fax: (408) 354-7593

1. PROPERTY DETAIL:

Commercial property address: _____

2. APPLICANT REQUEST: Request for participation in the Town's Parklet Program.

3. COMMERCIAL PROPERTY OWNER:

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

I hereby certify that I am the owner of record of the property described in Box #1 and that I approve of the action requested herein.

SIGNATURE OF PROPERTY OWNER: _____ **DATE:** _____

4. BUSINESS OWNER:

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

I hereby certify that I am the business owner at the property described in Box #1 and that I approve of the action requested herein.

SIGNATURE OF BUSINESS OWNER: _____ **DATE:** _____

5. APPLICANT: (If same as above, check here ☐)

Name: _____ Phone: _____

Email: _____ Address: _____

City: _____ State: _____ Zip: _____

I hereby certify by penalty of perjury that all application materials and plans are true and correct.

SIGNATURE OF CONTACT PERSON: _____ **DATE:** _____

6. SUBMITTAL REQUIREMENTS:

_____ 5 copies of letter describing project and detailing compliance with the Parklet Program requirements

_____ 5 copies of plans (11" x 17" or 24" x 36") showing existing and proposed improvements

_____ Photos of business frontage and parking spaces to be converted

Please note: Encroachment and Building Permits will be required to allow construction.

7. FEES: Actual Cost

An initial deposit of **\$1,000** is required for the processing of the Parklet Application. Staff time is billed hourly to the deposit amount. If cost of the review exceeds the deposit amount, the Town is authorized to request additional funds.

DO NOT WRITE BELOW THIS LINE (FOR DEPARTMENT AUTHORIZATION)

Date Received: _____ Received By: _____ Application #: _____ APN: _____

Approval granted: Yes ☐ No ☐ _____ Date: _____

Property Owner / Town Signature

Please note: The information contained in this application is considered part of the public record. Therefore, it will appear in both the public record file for the site address, which is available upon request, and on the permitting system on the official Town of Los Gatos website at www.losgatosca.gov.

Attached: A - Program Guidelines

B - Technical Requirements

C - Checklist for Preparation of Plans

2019-2021 - Parklet Pilot Program Guidelines

Overview

The intent of the parklet program is to create publicly accessible open spaces in the downtown (C-2 zone) to enhance the attractiveness of the downtown for residents and visitors.

The Parklet

A space along the street within one or more parking spaces that provide an amenity for visitors.

The Applicant

The applicant should be the property or business owner most adjacent to the parking space(s). Community organizations are also eligible and need not have an adjacent location.

Application Process (Submit, Meet, Build)

Submit – Applicants will submit an application outlining the parklet concept as detailed in the Technical Requirements section of this application.

Meet – Town staff will review the parklet application and will request the applicant to meet at a future date to discuss the project details. Applicants are also encouraged to meet with Town staff prior to submittal to review the proposed parklet concepts and to explore project feasibility.

Build – Project construction will be authorized through issuance of an Encroachment Permit and Building Permit.

Use of Parklet

The parklet may be used exclusively by the adjacent businesses during hours of operation, and then open to the public during non-business hours.

Parklet Size

The ideal size for a parklet in the pilot program is two parking spaces in length. Alternative sizes and configurations will also be considered.

Design Guidance

Parklets are intended to be gathering areas for the public and should create a welcoming space with interactive elements to meet the needs of a variety of residents and visitors. Parklets must not obscure visibility at intersections or driveways.

Community Support and Outreach

The applicant must provide broad outreach and obtain support of nearby businesses and residences. The Town will assist the applicant in determining the businesses and properties to be contacted.

PARKLET PILOT PROGRAM – DESIGN REQUIREMENTS

The application will be reviewed by staff to ensure that the intent of the technical criteria is met. The applicant should provide documentation to support each of the following:

A. DESIGN REQUIREMENTS:

1. “Open-air” design. Shading or covers may be allowed if non-permanent and moveable.
2. Parklets shall be aligned with the interior edge of exiting parking space delineation. The finished width, including all ancillary elements, shall not protrude past the inside of the parking stall hash mark painted on the roadway (maximum of eight feet from the curb).
3. Parklets are not permitted within the following areas:
 - a. At red (no parking) or white (passenger loading zones) curbs;
 - b. To obstruct access to utilities (man holes, valve boxes, etc.); and
 - c. Along the bridge deck over Highway 17.
4. Limited signage acknowledging the sponsor is permitted, subject to approval by the Town.
5. Parklet applicants shall maintain insurance at levels approved by the Town.
6. Parklet applicants shall have or maintain a current business license with the Town.
7. High quality, durable materials capable of withstanding year-round use in an outdoor environment are required. No bolts or anchors shall penetrate the pavement or sidewalk.
8. Platform decking to be at height of curb. Platform not to exceed ½” distance from curb.
9. Platform shall allow for free flow of curb line storm water – subject to Town approval.
10. Platform shall allow for access for cleaning underneath the platform.
11. Platform design shall accommodate street cross slope and retain platform cross slope of less than two percent.
12. Parklet design shall fully comply with ADA requirements.
13. Physical barriers along the street sides to prevent users from stepping directly into the roadway.
14. Perimeter wall or rail must be 36 inches and must not obstruct views of traffic.
15. Platform ends and corners must be capable of withstanding 500 pounds of horizontal force.
16. Additional street side platform reinforcement capable of withstanding 500 pounds of horizontal force must be placed a minimum of every 15 feet.
17. Parking stops and reflective delineators must be placed at the traffic flow side of the parklet.

CHECKLIST FOR PREPARATION OF PARKLET PLANS

A. PLAT OR SITE PLAN:

1. All property lines with lengths and bearings and plottable easements.
2. All structures, existing and proposed, including:
 - a. Dimensioned floor plans;
 - b. Indication of the use of all areas; and
 - c. Grades, slopes, transitions and clearances.
3. Existing street markings showing crosswalks and parking space markers.
4. Existing trees, including size, location, existing grade at the base, and driplines.
5. Existing driveways, off-street parking, loading spaces, and curbs.
6. ADA accessibility including seating and travel ways at the parklet and on the sidewalk.
7. Public improvements, including sidewalk, street, curbs, gutters, street lighting, surfacing materials, drain inlets, fire hydrants, fire department connections, and fire department risers.

B. ELEVATIONS / SECTIONS:

1. Dimensioned elevations and/or sections showing location, height, materials, colors and landscaping associated with the proposed parklet.

C. DESIGN AND OPERATION:

1. Operations Plan, including:
 - a. Description of food and drink service, if any;
 - i. Food may be ordered in a restaurant and served at the parklet (take-out).
 - ii. Table side ordering is permitted.
 - iii. Alcohol service is permitted at the parklet subject to permit by the California Department of Alcoholic Beverage Control and subject to existing and required Town permits.
 - b. Proposed business hours the spaces would be utilized by adjacent business(es); and
 - c. Description on the allocation of public space, use of the spaces during business hours and non-business hours, and a management plan for shared and priority usage.
2. Maintenance Plan, including:
 - a. Daily maintenance and cleaning schedule and tasks;
 - b. Weekly enhanced cleaning schedule; and
 - c. As needed component repair and replacement.

D. COMMUNITY OUTREACH:

1. Documentation demonstrating support of adjacent businesses and property owners. Please contact the Town for assistance in determining the businesses and properties to be contacted.

E. PROJECT CONSTRUCTION AND APPROVAL:

1. Project construction will be authorized through issuance of an Encroachment and Building Permits.
2. Parklet must be completely constructed within three months of issuance of Encroachment Permit.

RESOLUTION 2021-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS APPROVING TEMPORARY OUTDOOR PUBLIC SPACE EXPANSION AND TEMPORARY MODIFICATIONS TO SPECIFIC PROVISIONS RELATED TO BUSINESS PERMITS, PROCESSES, PROVISIONS, AND ACTIVITIES DURING THE COVID-19 PANDEMIC TO OFFER ECONOMIC RELIEF, RECOVERY, AND OPPORTUNITIES FOR COMMUNITY AND ECONOMIC VITALITY

WHEREAS, pursuant to the Town’s police power, as granted broadly under Article XI, Section 7 of the California Constitution, the Town Council has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the Town and its residents; and

WHEREAS, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster; and

WHEREAS, California Government Code Section 8634 states that “During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property...”; and

WHEREAS, the purpose of a local emergency proclamation is to provide extraordinary powers to issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, obtain vital supplies, and require emergency services of employees; and

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on January 30, 2020, the World Health Organization declared the Covid-19 outbreak a Public Health Emergency of International Concern; and

WHEREAS, on January 30, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on January 31, 2020, the first case of COVID-19 was confirmed in Santa Clara County (“County”); and

ATTACHMENT 4

WHEREAS, on February 10, 2020, the Santa Clara County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 an International Pandemic; and **WHEREAS**, on March 12, 2020, the Town Manager of Los Gatos acting in the capacity of Town of Director of Emergency Services, issued a Proclamation of Local Emergency; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Santa Clara County Department of Public Health directed all individuals in the County to Shelter in Place and mandated requirements, including but not limited to, social distancing, staying home if sick, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, on March 17, 2020, the Town Council of the Town of Los Gatos ratified the Proclamation of Local Emergency; and

WHEREAS, the pandemic and necessary federal, state and local public health orders requiring social distancing to prevent spread of COVID- 19 have had and will continue to have devastating economic impacts on the local community, including residents, businesses, employees and Town operations; and

WHEREAS, the longer the emergency order is in place, the more difficult it will be for small retail and restaurant operators to return and reopen their businesses; and

WHEREAS, although the Town continues to be in an emergency response phase, an emergency management principle has been established that recovery planning must begin as early as possible to strengthen community resilience while shortening the economic recovery timeline; and

WHEREAS, some of the actions that the Town has taken during this state of emergency to support local business are: eviction protections; suspension of rent for Town owned Facilities; a website with COVID 19 and business resources; and assistance for restaurants and food retailers by allowing sales of alcohol via delivery and takeout, providing flexibility for restaurants to sell groceries, and allowing curbside pickup; and

WHEREAS, due to the severe economic impacts of COVID- 19 and its economic impacts on the community and the Town organization, the Council deems it necessary to take additional action to suspend enforcement of certain provisions of the Town of Los Gatos Town Code and provide temporary process streamlining measures to facilitate the retention and attraction of Los Gatos businesses during the COVID-19 pandemic, reduce economic impacts, foster recovery, encourage economic vitality, and reduce commercial vacancies; and specified below to support social distancing requirements, effective public communication related to rapidly transitioning business re-opening status, and economic viability of businesses in adhering to permitted opening and social distancing requirements; and

WHEREAS, the below measures are intended to provide economic relief to businesses that are experiencing economic uncertainty while complying with State and County Orders. Accordingly, the Town will facilitate a temporary “ pilot” program, which will include the development and implementation of a plan to use the right- of-way, sidewalks and streets to help maintain social distancing during the first few phases (stages) of reopening consistent with the State’s Resilience Roadmap and continued economic support of businesses for uses such as walking space, outdoor dining, and pick- up/delivery areas. The program would provide for residents to receive the health and wellness benefits of being outdoors and support businesses with enough space to safely physically distance; and

WHEREAS, the program is established for the purpose of supporting and facilitating the recovery of business and economic activity in the Town by expanding the spaces available for the safe conduct of such activities for Town businesses and their customers and patrons to create more physical distance for pedestrians and business patrons to maintain physical distancing; and nothing herein is intended to nor shall be deemed to create open gathering places or public fora unrelated to the intended business support and recovery purpose; and

WHEREAS, Over the years, the Town’s conservative budgeting practices have resulted in healthy reserves and frequent annual budgetary surplus with a balanced Operating Budget for Fiscal Year 2020-2021 with no reductions to service, despite significant revenue and other economic impacts from sheltering-in-place. Those reserves and surpluses are now paying the Town huge dividends during the COVID 19 crisis; and

WHEREAS, on May 26, 2020, the Town Council reallocated \$1,900,000 in prior surpluses reserved for downtown streetscape revitalization toward COVID-19 economic stimulus recovery efforts. This is one of the single largest economic recovery packages ever proposed in the Town’s history; and

WHEREAS, time is of the essence to quickly implement a program to allow for safe physical distancing consistent with the State's Resilience Roadmap and County Guidelines in order to address both public health and economic impacts of COVID- 19, as residents have been primarily indoors since the initiation of the State and County Orders, this will be a dynamic temporary program, receiving input from the Town Council, and shall be subject to administrative modification by the Town, as authorized herein, as necessary in response to emerging issues or concerns of public, health, safety or convenience; and

NOW, THEREFORE, BE IT PROCLAIMED AND RESOLVED by the Town Council of the Town of Los Gatos that:

SECTION 1. All recitals set forth above, and all recitals included in support of Federal, State and County actions referenced herein, are adopted as though fully set forth herein as findings in support of this Resolution and, after considering all such findings and current local circumstances the Council hereby declares the continuing existence of a local emergency related to the continued threat of COVID- 19 as it relates to public health and economic impacts; and

SECTION 2. In order to support the re-opening of restaurants and other businesses in accordance with the State Executive Order N-60-20, the Town Council hereby directs and authorizes the Town Manager to implement the following strategies that may be used independently or in combination. as outlined below:

1. As identified by the Town generally along N. Santa Cruz Avenue (south of Highway 9/Los Gatos-Saratoga Road) and Main Street, private businesses in the C-2 Zone are permitted to utilize public street parking spaces in proximity to their business for expanded dining and alcohol service, retail, or business use space to facilitate safely distanced pedestrian circulation, expanded outdoor dining and alcohol service, and customer queuing, pickup and waiting areas associated with permitted business activities and pursuant to the terms agreed upon in an Economic Recovery Agreement between the business and the Town;
2. Suspend parking requirements in private commercial lots to allow some parking spaces to be utilized for restaurant seating or business activities given sufficient parking remains available for customer use, and to allow for such to facilitate safely distanced pedestrian circulation, expanded outdoor dining and alcohol service, customer queuing, and pickup and waiting areas associated with permitted business activities and pursuant to the terms of agreed upon in an Economic Recovery agreement between the business and the Town;
3. Allow pop-up patios, parklets, and other areas to encourage and support additional ideas for outdoor space such as use of parts of the sidewalk for signage, merchandise

and queueing, where adequate sidewalk width exists consistent with disabled access requirements and public safety; and

4. Current Los Gatos businesses may relocate, expand, or open an additional business location without obtaining a new Conditional Use Permit provided the business enters into an Economic Recovery agreement with the Town, documenting that any change of ownership is subject to a new Conditional Use Permit or Conditional Use Permit modification consistent with the existing Town Code;
5. The requirement for personal service businesses to obtain a Conditional Use Permit in the C-2 zone is suspended provided the business enters into an Economic Recovery agreement with the Town, documenting that any change of ownership is subject to a new Conditional Use Permit consistent with the existing Town Code;
6. The requirement for up to a total of five (5) markets, bars and/or other miscellaneous commercial businesses to obtain a Conditional Use Permit in the C-2 zone is suspended provided the business enters into an Economic Recovery agreement with the Town, documenting that any change of ownership is subject to a new Conditional Use Permit consistent with the existing Town Code;
7. The cost for a new Conditional Use Permit is reduced by 50% with the Town paying the balance of the fees;
8. Alcohol consumption is permitted with meals in Town parks, temporary pop-up parks, temporary patio dining, and parklets; and
9. The expiration date for all building permits and planning entitlements shall be extended by two years.

SECTION 5. Environmental Review. As a result of the COVID- 19 public health emergency, the Town of Los Gatos proposes a temporary program to use the right- of-way, sidewalks and streets to help maintain social distancing during the first few phases (stages) of reopening consistent with the State’ s Resilience Roadmap and provide for residents to receive the health and wellness benefits of being outdoors and support businesses with enough space to safely physically distance. The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) as followed:

- A. The project is statutorily exempt under State CEQA Guidelines Section 15269 (Emergency Projects), because the temporary program includes specific actions that

would allow for safe physical distancing consistent with the State's Resilience Roadmap and County and State Guidelines in order to mitigate the COVID- 19 public health emergency.

- B. The project is categorically exempt under State CEQA Guidelines Section 15301 (Existing Facilities) because the actions identified in the program are limited to the permitting, leasing, and minor alteration of existing public facilities, including existing streets, sidewalks, bicycle and pedestrian trails, which would not result in the creation of additional automobile lanes. The program would result in a negligible expansion of existing commercial uses and a negligible expansion of the public's use of Town right of- way, as the uses included in the temporary program would not vary from the current uses of commercial businesses, residential areas, or public access within the Town's right- of-way.

SECTION 6. Notwithstanding any other Town policy or procedure, the Town Engineer shall be authorized to review and approve on behalf of the Town any and all design and construction necessary as part of the temporary program herein and the Town Manager shall be authorized to enter into agreements on behalf of the Town to implement the strategies herein without further action of the Town Council.

SECTION 3. Any provision of the Los Gatos Town Code or any appendix thereto inconsistent with the provisions of this Resolution, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Resolution.

SECTION 7. All current and prior emergency and public health orders as currently enacted and in effect, or as subsequently amended or modified, issued by the Governor, the State or County Public Health Official or the Town or County Emergency Services Director are expressly adopted

SECTION 8. This Resolution is in effect for one year from its adoption with a six-month review by the Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 19th day of January 2021 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: _____



NEW MUSEUM LOS GATOS

ART ■ INNOVATION ■ HISTORY ■ BAY AREA

408.354.2646 | 106 E. Main Street, Los Gatos CA 95030 | numulsgatos.org

Los Gatos Town Council

The Honorable Mayor Marico Sayoc, Vice Mayor Rennie, and Council Members Badame, Hudes, and Ristow
110 E. Main St.

Los Gatos, CA 95030

January 14, 2021

Dear Mayor Sayoc, Vice Mayor Rennie, and Council Members Badame, Hudes, and Ristow,

On behalf of New Museum Los Gatos | NUMU board and staff, I want to express our gratitude for forgiving our rent during the unprecedented events of 2020. 2020 began under dire projections for museums: American Alliance of Museums estimated 12,000, or 1 in 3, museums in the U.S. were at risk of closing forever due to the economic hardships of the pandemic. But with your support, the museum is positioned to weather the pandemic and build on the successes of our 55 years as the Museums of Los Gatos and now as New Museum Los Gatos. We have been able to retain essential staff members and begin an exciting series of virtual exhibitions and programs (free for Los Gatos residents). We kicked off the ambitious 18-month, 3-phase Los Gatos History Project, researching and sharing untold stories from Los Gatos and beyond, and were able to finish transforming our lower level space into a dedicated MakerSpace and Painting & Drawing Studios. **The Town's rent forgiveness has been a true lifeline for all of these efforts—thank you.**

All of us at NUMU dream about the day we can reopen and welcome our community in-person once more. Imagine this: with ongoing free admission for Los Gatos residents, NUMU will be positioned as a place of inspiration, creativity, and cultural understanding with thought-provoking exhibitions, art and history experiences, and gatherings for all that will help heal our community. Art and culture are the "second responders" in times of crisis, and can help our community recover from the trauma of the pandemic. NUMU will be on the frontline of this recovery and healing.

While the time we can reopen will surely be memorable, we need to pave the runway for this. Even after a COVID vaccine is rolled out, we will need time to recoup losses and work towards fiscal sustainability to continue serving Los Gatos and beyond. We'll have been closed to the public for at least a full year with almost no income from programs, resulting in an estimated \$78,000+ loss in revenue through December 2020. Continued rent forgiveness from the Town of Los Gatos will make a significant impact to sustain us and help us reopen as soon as possible. **We are asking for any updates about possible ongoing rent forgiveness, so we may plan our finances and build a sustainable future for NUMU.**

NUMU's relationship with the Town of Los Gatos is vital to us and our ongoing ability to serve our community. Thank you from all of us for your continued support.

In partnership,

Ami Davis | Executive Director

To: Los Gatos Town Council
From: Los Gatos Chamber of Commerce Board of Directors and Advisors
Date: January 14, 2021
Subject: Recommendations to Council to consider regarding Immediate COVID 19 Recovery Plans

Overview:

This global pandemic has highlighted even more some of the challenges facing our business community.

However, there are simple things we can do to stabilize our economy right now. There are plans we can implement to put ourselves on solid ground and start the process of recovery. By taking such steps we can ensure that we are in the "ready" position as soon as this crisis is over.

Early in the pandemic; those first 90 days, we took immediate action and benefitted because of the work we did together. Ten months later, it is time to reevaluate some of those early decisions and move into the next stage. Our state and particularly our County faced unusually strict rules that set our businesses back even further.

So what can we do right now to prepare for a swift recovery when the time comes? Also, one might ask what are the Town's long term action items on which to focus. We will undoubtedly feel the effects of this pandemic for years to come.

Three cheers again to the past Council and staff for stepping up back in March; for representing the people and listening to what they needed; for being a voice of unity, and for seizing the moment. We are better situated in a better position now than we would have been if you had not acted at that time.

While some people wanted to bail out local small businesses in those first few months, diverting public resources into them directly or indirectly would have been detrimental and costly. Instead, it has been exciting to watch the entrepreneurs among us as they adapt and pivot their business models. Unconsciously perhaps, we have created fertile ground for new businesses to emerge and to innovate. Those will be the businesses that succeed, will thrive but who also might need a little local financial assistance now.

While recovery when it happens might happen quickly, it is unlikely we will ever return to pre-coronavirus America. On top of the pandemic, we uncovered many long-standing tensions within our society. While these were nationwide, we acutely felt them here in Los Gatos. These tensions need consideration when planning for the future. Moving forward, the Town's financial resources will undoubtedly be stretched, so we will need to find ways must find ways to do more with what is likely to be much less.

Thanks Council for taking a look at the attached proposal. The Chamber staff has had multiple conversations with Board members and our advisors in recent weeks and have determined that at the January 19th Council meeting, you should focus on what we think are the top 5 priorities for moving into Recovery mode. We have \$1.4 million left in the Covid-19 Recovery Fund. Let's use that efficiently, effectively and wisely. We need to set plans into motion quickly once again to further enhance our previous economic vitality efforts.

Sincerely,

Catherine Somers
Executive Director

COVID-19 Economic and Community Recovery Initiatives

Proposed by the Los Gatos Chamber of Commerce
(with input from community members)

For Consideration @ January 19th Council Meeting

Most important:

1. Open for Business — *political pressure on SC County and State may be necessary*

As soon as we are able, all businesses in Town need to fully reopen. Town has done a great job of communicating with the public, encouraging but not mandating mask wearing, posting reminders, and implementing educational disciplinary action for those not in compliance with health orders.

Economic recovery is going to happen very quickly. We saw this happen when the economy opened back up in Summer of 2020, Town was buzzing. There is no need to create another discretionary deciding body to create more red tape or spend any Town funds on recovery programs.

The Chamber of Commerce and its various sub-committees are engaged with the County supervisors and representatives from the County DEH to push as hard as possible for the safe reopening of the economy.

The Town Council should align their efforts with the Chamber's to bolster the message. This is the single greatest thing the Town can do to help. The shutdown is not a justified response to the problem.

Additionally, Council may need to step up at some point soon and help with advocacy efforts themselves. As soon as California is given the green light, Santa Clara County must do the same. Dr. Sara Cody can no longer set her own rules. Once we begin to reopen, there is no going backwards. Our businesses need your commitment.

Message to the County:

- Retail – retail needs to be open more as quickly as possible. Due to the nature of the business model, you can control the environment and keep everyone safe.
- Restaurants – outdoor dining has had little to no correlation to increased cases. Dr. Anthony Fauci has stated publicly there is no connection between outdoor dining and increased cases. The County's argument is that it encourages people to leave their homes. There is no issue with people leaving their homes if they behave in a responsible manner. They need to trust the public and the restaurants to abide by the safety guidelines DEH has put in place the same way the police trust the public to abide by traffic safety rules.
- Salons –again there is no evidence suggested that increased cases are a result of salon practices. We need to reopen salons as soon as we possibly can.

2. COVID 19 Recovery Projects and Programs

Parklet program – The parklets had a tremendous impact on downtown vitality in Summer of 2020 and while we only were able to observe the sensation for a few regulated months – we saw the potential.

We propose to - Amend the parklet program to do the following:

- Establish a set of design guidelines that mirror the five original permanent parklets. We can create uniformity downtown and significantly reduce the cost of a future streetscape renovation.
- Establish a sunset on the existing temporary parklets. An application must be filed by 6/1/2020 for a conforming permanent parklet or the owner has until 10/1/2021 to remove the temporary parklet.
- Provide a 50% hard cost rebate from a Town 'recovery fund' once the parklet has been constructed according to the guidelines. Consider a loan program as well for 100% of the hard cost of a new permanent parklet, with 50% forgiveness upon completion. Provide a 50% hard cost rebate to the 5 original parklets as well to be fair and consistent.
- Once the permanent parklets are in place after 12-18 months, Town can re-visit the streetscape program and see certain areas where sidewalks could be wider or landscaping and planter boxes, etc. could be reimagined. A very costly and renovation of the entire streetscape is not needed at this time and may never be.
- Town Staff can handle the processing of applications, setting soft costs and ease the burden on the applicant. Staff will act as administrators only – removing that burden from the applicant and not having to take responsibility or have any liability for the construction.
- Chamber is prepared to handle the work with the pre-qualified contractors – those who built the original permanent parklets and a handful of others. Chamber staff can facilitate all logistics and details of the building process – taking the burden off the town and applicant. One design will be used to ensure a consistent look throughout.

Projects and Other downtown enhancements

It goes without saying that space is critical. –

- create space for people.
- Beautification and cleanliness go a long way.
- Planters, Garbage cans, tree trimming, sidewalk cleaning, parking lot upgrades need to be addressed and more funding needs to be allotted to these items.
- More lighting should be considered to enhance the ambiance in public spaces. We have been in discussion with a lighting company who helped the Chamber with the installation of the Holiday lights.
- Plan ahead for community building events and public art installations
- Plan ahead for adding to the Holiday lights now - make sure they are in the budget
- Be mindful of including the Boulevard and other commercial districts in plans to improve the overall ambiance of the whole town. ie: Welcome signage, street pole banners, consistent signage, etc.

3. Parking

Utilize Dixon report-

- Expedite this parking study implementation. We should be 100% ready for a surging economy when the time comes.
- Implement the new parking wayfinding signage, the new revised time limit districts, the employee parking areas, and the shuttles to underutilized parking.
- Combine this with messaging via social media and in physical form (ready to launch when appropriate) about "Park Once". Advertise new parking areas.
- No fees or fines or parking tickets issued until September of 2021

4. General Plan

Prioritize the finalization of the General Plan Update. The General Plan Update was scheduled to be complete by end of 2020. The new schedule, delayed due to the Pandemic, has the General Plan Update now being finished towards the end of this year.

- a. General Plan Update Advisory Committee needs to meet more frequently. B.
- b. The environmental document still needs to be prepared, reviewed, refined, and finalized. Perhaps, pay a consultant to expedite this work. This would be a good use of Town funds and an important measure to move towards recovery, as it will unlock new economic opportunities in Los Gatos. We should explore the concept of opportunity zones or tech hubs. Get the EIR done in 3 months instead of 6-8.
- c. Lastly, when it comes time for the deciding bodies to review and approve the documents, expedite the meetings. Call special meetings to vote and move forward as opposed to waiting for upcoming meeting schedules. Understanding there are time constraints for public comment and challenge, any measures to condense the schedule as permitted under CEQA should be taken.

5. Financial Relief Fund and Continue with Streamlining Efforts already in place

- Explore ways in which to offer certain industries (ie salons, restaurants, retail) can apply for a partial or full waiver of their 2021 town business license. This gesture in and of itself will have an impact and show that Town is trying to help small businesses.

Currently town's 20/21 budget is due to receive \$1.3 million from business license fees. To date no study has been as to how much Town would lose if it eliminated collection from the business sectors proposed above.

- The real estate brokerage community needs to be incentivized bring new businesses to Town. We must continue the streamlining efforts and continue the positive messaging. We need to strengthen relationships between the brokerage community, the Chamber of Commerce, and the Town Economic Vitality office to keep this effort on track. Together we can create a good commercial environment. We were just beginning to see the fruits of those long-term efforts right when the pandemic hit. They need a chance to play out further and spark even more opportunities in coming years.

To close, we recognize the Council has to make some tough choices here as to where and how to spend your time and money. You are tasked with setting priorities that will aid in the future health and well-being of the whole community. If we start small, keeping our end goals in sight, we will be able to see and feel the progress which will be rewarding to all residents. Knowing that we are in this together is most important for any plan's success.

Monica Renn

From: Willie Harmatz [REDACTED]
Sent: Tuesday, January 12, 2021 8:21 PM
To: Monica Renn
Subject: Re: Community & Economic Vitality Discussion: January 19 at 7 p.m.

Follow Up Flag: Follow up
Flag Status: Flagged

I would like to keep my parklet at Athletic Performance.
I would also like to see restaurants be able to eat outside, maybe 2-3 people only.
I would also like to see some type of a special weekend promotion for businesses downtown with an additional discount of some type.

Willie
Athletic Performance

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

From: Monica Renn <mrenn@losgatosca.gov>
To: Monica Renn <mrenn@losgatosca.gov>
Cc: <chamber@losgatoschamber.com> <chamber@losgatoschamber.com>
Sent: Tue, Jan 12, 2021 2:50 pm
Subject: Community & Economic Vitality Discussion: January 19 at 7 p.m.

Good afternoon Los Gatos Business Community- Happy New Year, I hope this email finds you in good health!

I'm connecting today to let you know that we are returning to the Town Council this coming **Tuesday, January 19, 2021 at 7 p.m. via Zoom** to continue our discussions on economic recovery, community vitality, and a semi-permanent parklet program. The Town continues to be committed to the health, safety, and recovery of Los Gatos and is seeking ways to support our entire community, including you, our valued businesses.

I'm seeking your input and ideas on tangible items or initiatives that the Council could consider that offer additional business and community support as we weather the pandemic and look towards recovery.

Currently, the staff report includes discussions around continued rent forgiveness for Town-owned properties, consideration for business license modifications for specific business sectors unable to operate due to the public health order, a semi-permanent parklet incentive program including grants to assist with the build-out of parklets, and a timeline for the temporary kiosk parklets.

If you have thoughts on these, other economic recovery, or community vitality initiatives, please email them to me directly.

- Comments received before 11 a.m. on Thursday, 1/14 will be included with the original staff report for the Council.
- Comments received between 11:01 a.m. on Thursday, 1/14 and 11 a.m. on Tuesday, 1/19 will be provided for the Town Council as a part of a written addendum or desk item.
- As always, we welcome you to join the conversation via Zoom at the Town Council meeting on Tuesday 1/19 at 7 p.m. where comments may be provided verbally. The zoom link will be available with the staff report that comes out this Thursday evening.

Thank you for your continued collaboration and resiliency. We have an incredible business community in Los Gatos and I remain optimistic for our future. I have tried to reach as many business stakeholders as possible with this email, however please feel free to share with other businesses so that we may reach as much of our community as possible.

Monica Renn

From: Alexander Hult [REDACTED]
Sent: Tuesday, January 12, 2021 3:33 PM
To: Monica Renn
Cc: chamber@losgatoschamber.com
Subject: Re: Community & Economic Vitality Discussion: January 19 at 7 p.m.

Follow Up Flag: Follow up
Flag Status: Flagged

1. A town fund where landlord can request rent to give the tenant free rent to weather this storm. Landlord applies shows they are not a wealthy big company and that they have taken a hit (only got 9 out of the last month payments or something like that)
Monthly rent is \$10,000. Landlord applies for 2 months worth of rent at 50% and then in return provides 2 months of free rent to tenant.

2. No business license fees. Plea to ABC and health dep to reduce or relief fees

3. Marketing plan for people to come out to LG when we are allowed to open back up.

Alex Hult
Flights Restaurants - Founder/President/CEO
Los Gatos Chamber of Commerce - Past President

On Jan 12, 2021, at 2:50 PM, Monica Renn <mrenn@losgatosca.gov> wrote:

Good afternoon Los Gatos Business Community- Happy New Year, I hope this email finds you in good health!

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Currently, the staff report includes discussions around continued rent forgiveness for Town-owned properties, consideration for business license modifications for specific business sectors unable to operate due to the public health order, a semi-permanent parklet incentive program including grants to assist with the build-out of parklets, and a timeline for the temporary krail parklets.

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Kindly,
Monica Renn
Economic Vitality Manager
Town of Los Gatos



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/19/2021

ITEM NO: 8
ADDENDUM

DATE: January 15, 2021

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Discuss and Approve the Following Actions to Continue the Town's Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic, Including:

- a. Approve Continued Rent Forgiveness for Town-Owned Properties;
- b. Approve Business License Forgiveness for Specific Commercial Sectors Unable to Operate Due to the Santa Clara County Public Health Order for the First Quarter of 2021 and the Second Quarter if the Orders Continue to Prohibit Those Sectors from Operating, and Suspend Late Fees on All Business Licenses through 2021;
- c. Approve a Parklet Incentive Program for Semi-Permanent Parklets, Including:
 - 1. Approve a Maximum Grant of \$10,000 Per Business Who Would Like to Build a Semi-Permanent Parklet,
 - 2. Direct Staff to Work with Industry Professionals to Procure a Parklet Design or Set of Design Guidelines,
 - 3. Approve the Payment of the Town Pamphlet Application Fee from the Town's Economic Recovery Fund for Any Semi-Permanent Parklet Application Received by June 30, 2021, with Construction Completed by March 31, 2022,
 - 4. Approve a Sunset Date of September 19, 2021 for the Temporary Krail Parklets to Further Incentivize the Construction of Semi-Permanent Parklets, and
 - 5. Continue the Grey's Lane Street Closure to Facilitate Placemaking and the Installation of Semi-Permanent Parklets in This Area; and
- d. Approve Additional Process Streamlining and Community Vitality Opportunities, Including:
 - 1. \$2,500 for Public Health Order Signage from the Town's Economic Recovery Fund,

PREPARED BY: Monica Renn
Economic Vitality Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Police Chief, Finance Director, Community Development Director, and Parks and Public Works Director.

SUBJECT: Discuss and Approve Actions Related to the Continued Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic

DATE: January 15, 2021

2. \$35,000 for Lighting Upgrades from the Town's Economic Recovery Fund,
3. Continuing the Council's Previous Direction to Absorb 50% of Conditional Use Permit Fees through December 31, 2021,
4. Providing New Direction that Removes the Limit of Ten Personal Service Businesses that May Open in the C-2 Zone Without a Conditional Use Permit Utilizing the Economic Recovery Agreement,
5. Adopting a Revised Economic Recovery Resolution to Allow up to Five New Non-Restaurant Conditional Use Permits to be Approved at Development Review Committee,
6. Convening a Joint Town Council/Planning Commission Study Session to Discuss Retail Trends with Local Experts, and
7. Providing Direction on Other Ideas.

REMARKS:

Attachment 6 contains public comment received between 11:01 a.m. on January 14, 2021 and 11:00 a.m. on January 15, 2021.

Attachments Previously Received with the Staff Report:

1. Economic Vitality and Land Use Streamlining
2. Economic Recovery Resolution
3. Parklet Application
4. Proposed Revised Economic Recovery Resolution
5. Public Comment received before 11:00 a.m. on Thursday, January 14.

Attachment Received with this Addendum:

6. Public Comment received between 11:01 a.m. January 14, 2021 and 11:00 a.m. January 15, 2021.

From: Sue Farwell
Sent: Thursday, January 14, 2021 3:03 PM
To: Monica Renn <mrenn@losgatosca.gov>
Subject: Re: Community & Economic Vitality Discussion: January 19 at 7 p.m.

Monica,

Please include the letter below into your presentation to the Council of the 1/19/21 meeting.

Thanks,
Sue

Esteemed Council Members,

I am writing to you today to implore you to move forward to help all our Los Gatos businesses survive these drastic closures and limited business openings during the enforced SIP. I believe our council should be a strong voice for our business community, you should be “bending the ear” of our Board of County Supervisors, the Health Director and ultimately our Governor to open outdoor dining and hair salons as well as championing our retail stores.

I will address the parklet program and the Grant monies proposed. I am a big believer and supporter of the parklets; I know more permanent parklets will only enrich our Town’s viability, survivability and ambience. The last motion approved by the Town only allows Grant money to those businesses that haven’t provided for ADA access to the temporary parklets, and Grant money to those businesses that haven’t built permeant parklets.

This is incredibly wrong and unfair to those business that have spent money to be sure their temporary parklet complied to ADA access standards and those business that have spent upwards of \$90,000 for permanent parklets. The Council should allow all businesses the same access and the same amount of funds for the parklets, regardless of their status as ADA compliant or permanent. Those monies for the permanent parklets already completed can be used to insure the construction of a safe canopy for inclement weather that is fire rated to allow for the placement of propane heaters. The money given should be equal for all, not just for those business that did nothing to insure safe access to the temporary parklets, that’s rewarding bad behavior.

The next issue is the future for new business. The council has done a great job of streamlining the planning side of opening a new business, but the building side of the equation is woeful at best. It can take months and months to get thru the building permitting phase and this can be devastating to a new business. The Council must act to expedite the building departments review of plans and approvals. By sending out all the plan check reviews instead of an in-house review the process is incredibly slow. The Council must review this procedure and develop a more efficient or expedited building permit process.

The other issue for the future are the fees charged by the Town. A business license waiver is a small but tangible benefit for existing businesses. If the Council is serious about having an immediate impact in revitalizing our Town’s shuttered and vacant buildings as more businesses fail due to the mandated SIP by California, then it is critical to reduce all the fees charged or planning and building permits. Cutting these fees drastically and expediting the process for new business is significant and essential.

ATTACHMENT 6

I appeal to you tonight to approve all Grant monies for temporary and permanent parklets to be available to all businesses, eliminate all business license fees for 2021, look at reducing the permitting fees on new business and create a committee to address the building department permitting process.

Thank you,
Sue Farwell

On Jan 12, 2021, at 2:50 PM, Monica Renn <mrenn@losgatosca.gov> wrote:

Good afternoon Los Gatos Business Community- Happy New Year, I hope this email finds you in good health!

I'm connecting today to let you know that we are returning to the Town Council this coming **Tuesday, January 19, 2021 at 7 p.m. via Zoom** to continue our discussions on economic recovery, community vitality, and a semi-permanent parklet program. The Town continues to be committed to the health, safety, and recovery of Los Gatos and is seeking ways to support our entire community, including you, our valued businesses

I'm seeking your input and ideas on tangible items or initiatives that the Council could consider that offer additional business and community support as we weather the pandemic and look towards recovery.

Currently, the staff report includes discussions around continued rent forgiveness for Town-owned properties, consideration for business license modifications for specific business sectors unable to operate due to the public health order, a semi-permanent parklet incentive program including grants to assist with the build-out of parklets, and a timeline for the temporary krail parklets.

If you have thoughts on these, other economic recovery, or community vitality initiatives, please email them to me directly.

- Comments received before 11 a.m. on Thursday, 1/14 will be included with the original staff report for the Council.
- Comments received between 11:01 a.m. on Thursday, 1/14 and 11 a.m. on Tuesday, 1/19 will be provided for the Town Council as a part of a written addendum or desk item.
- As always, we welcome you to join the conversation via Zoom at the Town Council meeting on Tuesday 1/19 at 7 p.m. where comments may be provided verbally. The zoom link will be available with the staff report that comes out this Thursday evening.

Thank you for your continued collaboration and resiliency. We have an incredible business community in Los Gatos and I remain optimistic for our future. I have tried to reach as many business stakeholders as possible with this email, however please feel free to share with other businesses so that we may reach as much of our community as possible.

Kindly,

Monica Renn
Economic Vitality Manager
Town of Los Gatos



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/19/2021

ITEM NO: 8

DESK ITEM

DATE: January 19, 2021

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

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Attachment Previously Received with the Addendum:

6. Public Comment received between 11:01 a.m. January 14, 2021 and 11:00 a.m. January 15, 2021.

Attachment Received with this Desk Item:

7. Public Comment received between 11:01 a.m. on January 15, 2021 and 11:00 a.m. January 19, 2021.

From: Phil Koen [REDACTED] >
Sent: Monday, January 18, 2021 8:10 AM
To: Marico Sayoc <MSayoc@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>
Cc: Catherine Somers <catherine@losgatoschamber.com>; Laurel Prevetti <LPrevetti@losgatosca.gov>
Subject: Agenda Item #8 - Parklet Incentive Program

Dear Council Members,

I am supportive of a time-bounded program for semi-permanent parklets which is focused on achieving the following goals:

- Re-imagine the potential of the Town's streets
- Encourages non-motorized transportation
- Encourages pedestrian safety and activity
- Fosters resident interaction
- Supports local businesses

These are the same goals that San Francisco adopted in developing their world class parklet program. If the Council or Staff have not had an opportunity to review San Francisco's parklet manual, you can do so by visiting <http://groundplaysf.org/wp-content/uploads/San-Francisco-Parklet-Manual.pdf> . Many of my comments have been liberally extracted from San Francisco's play book. We should learn from what has worked successfully for other cities that have implemented parklet programs.

The proposal before the Council to approve a Parklet Incentive Program for Semi-Permanent Parklets does not address several critical questions which if unanswered have the potential of creating unwanted, adverse consequences. The following questions should be answered before the Council takes any action.

How many semi-permanent parklets should be built and exactly where?

There needs to be an upper limit to this program. The proposal suggests that there will be 30 new parklets, which strikes me as too many and their locations unidentified. The Council should determine the maximum number and pre-approve locations for the new semi-permanent parklets. This needs to be a planned process. The location should be the Town's decision, not the local business's decision. In selecting the appropriate location, the Town should also establish the appropriate parklet size which would allow a minimum of a four-foot buffer zone between the parklet and car traffic. A number of the current kiosk parklets do not have a minimum four-foot buffer zone which did not allow for safe passage for bikes. The four-foot buffer zone is widely used by many cities as the appropriate distance between car traffic and the edge of a parklet.

What will the parklets look like?

The Town should retain an architectural firm experienced in the design of parklets to create 3 to 5 reference designs (each with a different look and size) which would be consistent with the downtown's look and feel. The parklet designs should enhance the downtown district, not distract from it. By having 3 to 5 reference architectures, business sponsors would be required to select one of the designs for installation. This would provide for savings on design and architectural fees, building costs and reduce the time for architectural review and installation. Additionally, having a professional design will ensure that the parklets comply with ADA and the Town's building-code requirements. Some of the current

temporary krail parklets are unsightly and detract from the historic look and feel of the downtown, and do not conform to ADA. We need to learn from this and avoid making this mistake again. By pre-identifying where parklets can be placed, and what they will look like, the Town can avoid the potential for unsightly “parklet sprawl”.

The cost to the Town to develop 3 or 5 parklet designs should be more economical than paying a \$10,000 incentive grant to every business wanting to build a parklet. If we assume that there will be 15 new parklets built (30 is excessive), and using \$10,000 for the design costs of each parklet, the Town would incur \$50,000 for the five designs vs. paying \$150,000 in incentive grants. Having a pre-approved, off the shelf design should be enough of an incentive for any business that is interested in building a parklet.

Who can use the parklets?

Since the parklets are being built on public land and with public money assistance, **the parklets should be free and open to all members of the public to use at all times, regardless of whether they patronize the business sponsoring the parklet.** The current proposal specifically states that a parklet “maybe used **exclusively by the adjacent businesses** during hours of operation and then open to the public during non-business hours”. This is inappropriate, and runs counter to the public’s right to use public property. A restaurant should not be allowed to ask someone to leave a parklet built on public land with public assistance to make space for customers who wish to sit there. These are public spaces for the enjoyment of everyone. Table service should be prohibited at these parklets. If the sponsoring business is a restaurant or café, customers will need to pick up their food and beverages inside at the counter rather than have wait-staff serve the parklet. The sponsoring business however will be responsible for busing tables and ensuring the parklet remains clean and well maintained. This is how the San Francisco parklet program works, and it should be adopted by our Town.

I realize the requirement to allow public access to parklets at all times will be an issue for the 5 existing semi-permanent parklets who spent their own money building ADA compliant parklets. I would recommend that the Town grandfather these 5 parklets and allow them to operate as outlined in the proposal. However, any new semi-permanent parklets should be required to abide by the open access policy and such policy needs to be reflected in the public easement agreement.

Who is responsible for upkeep and maintenance?

The parklet sponsors should be required to develop and submit a maintenance plan for keeping the parklet safe, free of debris, grime, and to keep all plants in good health. The Town needs to develop a strict enforcement program which would monitor upkeep and maintenance. The business sponsors should be required to sweep the area surrounding the parklet and keep it litter-free since the Town’s street sweeper will be unable to reach the curb-line immediately adjacent to the parklet. The Town would be responsible for deep cleaning the side walks on a regularly scheduled basis. As a general comment, the downtown area is badly in need of cleaning. The Council should make sure more funding is available in the FY 22 budget for increased cleaning cycles and maintenance of planter boxes.

What if the public objects to a proposed parklet?

If there is significant public concern about the installation or stewardship of a parklet, the Town should conduct a public hearing to determine if a parklet permit should be issued or removed. The parklets are for the benefit of the entire community, not just the local business.

What happens if a sponsoring business sells or ownership is transferred?

If the business changes ownership and the business received a grant (if there is a grant program), the selling business must immediately repay the grant and either remove the parklet or transfer the permit to the new owner. If the new owner refuses to agree to the permit, the selling owner must remove the parklet.

What happens if the sponsoring business fails to maintain the parklet?

Business sponsors who fail to properly maintain the cleanliness, safety, and accessibility of their parklet should be subject to violation and fines. If the maintenance issues are not resolved, the Town should have the legal right to remove the parklet at the business sponsor's expense.

I have also attached a the parklet approval process used by San Francisco. I would encourage staff to review their process and compare it to the Town's process for additional ideas.

In closing, the current proposal should be time bound, and limited to a maximum number of parklets, perhaps 15. The Town is still in a learning phase and as such it would be prudent to limit the new program to a period of 24 to 36 months. There also needs to be a sense of urgency for the Town to overhaul the current krail parklet program. There is no reason to extend the current program beyond June 30, 2021. A sunset date of June 30 provides sufficient time for businesses to decide to participate in the new program and the removal of the current temporary structures. Lastly this program should be contained to just the downtown area along North Santa Cruz between Main and Highway 9. There is still much to learn before expanding it further.

The Town needs to be a first-mover in capturing resurgent business demand as we move into the summer months and the impact of Covid hopefully recedes. An overhauled parklet program which is inviting and attractive can be a force multiplier and help accelerate the revitalization of the downtown area. This program would be an excellent investment in our Town, but needs additional specificity.

Thank you.

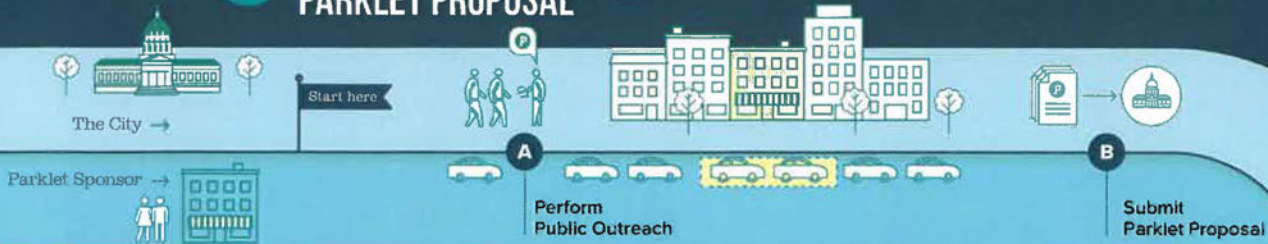
Phil Koen

Furthermore, I am advocating that all temporary krail parklets be removed by July 1, not September 19th. That still gives local businesses sufficient time to determine if they would like to pursue the temporary semi-permanent solution and will speed up the adoption of the new program. There needs to be a sense of urgency here for the Town to overhaul the current parklet program. The Town can be a first mover in capturing resurgent business demand as we move into the summer months and the impact of Covid slowly recedes. An overhauled parklet program would be an excellent kick-start campaign.

However, the following questions need to be answered before implementation:

PREPARING A PARKLET PROPOSAL

1



PROPOSAL REVIEW, SELECTION AND NOTICING

3 WEEKS MINIMUM



2

DESIGN DEVELOPMENT & PERMITTING

6 months maximum

SOMEONE APPEALS PERMIT

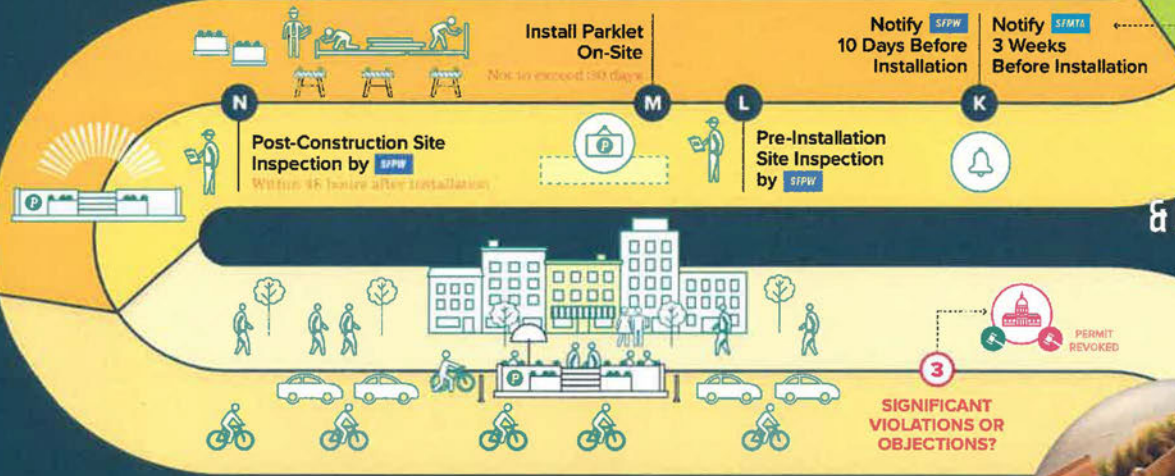
2

PERMIT REVOKED

3

FABRICATION & INSTALLATION

3 months maximum



ENJOY PARKLET!

Remember to keep it clean, water the plants, and renew permit yearly.



Parklet-O-Matic

A step-by-step process of implementing a parklet in San Francisco



San Francisco Department of Public Works

- A Refer to the Process Overview section for more information on each step.
- 1 Cause for possible public hearings

- SFPW San Francisco Planning Department
- SFMTA San Francisco Municipal Transportation Agency
- SFPW San Francisco Public Works

From: Phil Koen [REDACTED]
Sent: Monday, January 18, 2021 10:21 AM
To: Marico Sayoc <MSayoc@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>
Cc: Laurel Prevetti <LPrevetti@losgatosca.gov>
Subject: City of Philadelphia

Dear Council Members,

Sorry for filling up your mailbox, but I thought you might find this interesting background information as you discuss the Town's proposed parklet program. Let's build on what is working in other cities.

Please review page 8 of the document – Guidelines for Operations. The "uses" are reasonable and thoughtful. The Town should recognize that the parklets are public spaces and seating is open to the public.

Thank you.

Phil Koen



Image: Red Field Photography

CITY OF PHILADELPHIA PARKLETS GUIDELINES & APPLICATION

FEBRUARY 2016

Introduction

Parklets are small platforms that take the place of one or two on-street parking spaces during the spring, summer, and early fall. By providing space for seats and tables, parklets offer residents and visitors alike new opportunities to stop, sit, and enjoy the surrounding neighborhood street life. Parklets can increase street vibrancy and improve quality of life in Philadelphia's neighborhoods and commercial corridors. The Office of Transportation & Infrastructure Systems (OTIS) is pleased to partner with local business owners and community groups interested in bringing parklets to their communities.



Figure 1 | 43rd and Baltimore Parklet – Photo courtesy of the University City District, Conrad Erb Photographer



Figure 2 | Chinatown Parklet – Photo courtesy of the Chinatown Development Corporation, Red Field Photography



Figure 3 | South Street Parklet – Photo courtesy of the City of Philadelphia

Parklets are permitted by the City of Philadelphia through its Streets Department. Parklet hosts receive a one-year “Pedestrian Enhancement Permit” that is renewable for up to three years. Each year, the City will review the locations of returning parklets to check that any new construction or works will not compromise the safety of the parklet.

To receive a Pedestrian Enhancement Permit, submit an application (see page 13) demonstrating that the parklet is consistent with the guidelines established in this document. More specifically, applications must demonstrate that:

1. The parklet location is appropriate.
2. The parklet design is appropriate.
3. The parklet has support from abutting property owners and the community.
4. The parklet can be appropriately maintained.

Questions should be addressed to the Parklet Program Manager at:

Office of Transportation & Infrastructure Systems
1401 JFK Boulevard, Suite 1430
Philadelphia PA, 19102

Phone: [215-686-4421](tel:215-686-4421)
Email: completestreets@phila.gov

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Placement Guidelines

Parklet locations are subject to review by the City's Chief Traffic Engineer. Some of the guidance listed below is subject to the Chief Traffic Engineer's discretion and may be waived if the engineer feels the location and placement is appropriate.

Placement within the Neighborhood

- Parklets must be placed in the street (and not on the sidewalk).
- Parklets should be on streets with posted speed limits of 25 MPH.
- Parklets must not be located in a travel lane or peak hour clearance lane.
- Generally, parklets should be located on commercial corridors and in front of businesses or institutions that generate foot traffic and that can maintain and monitor the parklet. Parklets may be appropriate for some residential streets. However, parklets without an institution or business to attract pedestrians may not be as successful as those located on commercial corridors with high pedestrian activity.
- Parklets should not be directly located in front of establishments that serve alcohol.
- Parklets are not recommended for streets with historic paving materials.
- Parklets located on state roads may have additional requirements.

Placement on the Block

- The parklet zone may not be longer than the frontage of the applicant's or supporting property owner's property lines. Generally, parklets should take the space of two on-street parking spots long—although, both shorter and longer proposals will be considered. This length is inclusive of curb-stops and wheel lengths.
- Parklets should be placed such that at least 20 feet of the sidewalk-facing side of the proposed parklet is unobstructed (by utility poles, trees, etc.).
- Parklets should:
 - Have at least 5 feet of unobstructed clearance to utilities, loading zones or handicapped parking spaces;
 - Be at least 60 feet from any bus stop or shelter;
 - Be at least 15 feet away from any fire hydrant;
 - Be at least 20 feet from any marked crosswalk, or 32 feet from the block corner at intersections without a marked crosswalk; and
 - Not be in a travel lane or in a peak hour clearance lane.

Maintaining Access to Utilities

The parklet must not block access to utilities, including:

Manholes

Sewer grates/storm drains

Storm drain cleanouts

Water shutoff valves

Gas shutoff valves

Electric meters

Telephone switch boxes

Design Guidelines

Some of the guidance listed below is subject to review by the City's Chief Transportation Engineer and may be waived if the engineer feels the design is appropriate.

Accessing the Parklet

- The sidewalk-facing side of the parklet should be open to pedestrians.
- The entrance on the sidewalk-facing side of the parklet should be placed so as to avoid tree pits.
- Parklet decking must be flush with the curb and may not have more than a ½ inch gap from the curb. If this is impossible, the parklet must be ADA accessible. A minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets.

Maintaining Clear Space on the Sidewalk

- All intrusions onto the sidewalk shall be limited.

Visibility to Drivers

- Parklets must be built from or contain lightly-colored or reflective materials to aid nighttime visibility.
- Parklets must have some vertical elements (e.g., planters, etc.) to ensure visibility to passing vehicles. These elements may not however obstruct driver views.
- Parklets must have reflective soft hit posts. They must align with the end of the platform. They may not be in the travel lane.
- Parklets' street-side corners and other street-side protrusions must be lined with reflective tape.

Protection from Vehicles

- Wheel stops may be required by the Chief Traffic Engineer. Wheel stops are used to protect the parklet from turning movements associated with parking cars. Parklets may have wheel stops installed 4' from the curb. Wheel stops may be affixed to the asphalt using a drill and bolts, provided the holes are filled with a polyurethane caulk, epoxy, or a flat head screw (flush with the street), when the parklets are removed during the winter season.
- To withstand bumps, the outside edge of the parklet closest to the street should contain a beam of pressure-treated lumber with a cross-section of 6" x 6", or equivalent.

Attachment to the Street

- Parklet operators may not drill into the pavement but for the installation of wheel stops (see "Protection from Vehicles" above).
- The platform may not be attached to or damage the street and must be easily assembled and disassembled.

Parklet Dimensions

- Parklets should not be any wider than the parking lane. If no parking lane is striped, applicants shall consult with the Streets Department to obtain official parking lane width.
- The outside edge of the parklet railing must be 18" from the travel lane, creating an 18" clear zone.
- The outside edge of the parklet must be at least 6" high. A reduced curb height may be permitted if existing physical constraints limit the height provided that at least a minimum 3" curb height at the street edge is provided.
- Open guard rails are encouraged to reduce the risk that high winds will shift the parklet. No wall or rail may be higher than 3', as measured from the street.
- The platform should allow for easy access underneath the platform. Curbside drainage may not be impeded. A gap of 6" between the body of the deck and the curb must be maintained in order to facilitate the movement of water.

Load Requirements

- All rails must be capable of withstanding a 200-lb horizontal force.
- Parklets should be finished with quality materials and must be able to support 100-lbs per square foot of live load.
- The outside edge of the platform must support 50-lbs per linear foot of live load.

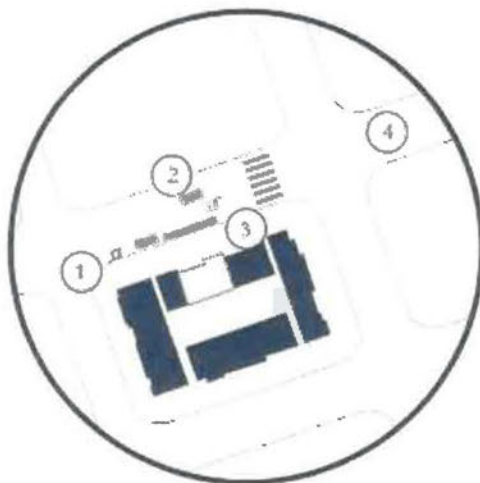
Components

- Parklets may use 4" x 4" metal plates as footings.
- Applicants interested in overhead structures, banners, fabric sails, or other architectural features that may catch wind must provide proof that the structures have the ability to withstand wind loads specified by the Streets Department. Applicants must prove that said structures and canopies pose no risk to the surrounding neighborhood during storms or other instances of severe weather conditions. The Streets Department may require overhead structures like canopies to be sealed by an engineer to ensure they are designed in accordance with building code wind load criteria.
- Any signage that contains a corporate logo shall be considered "Accessory Signage" and must receive Art Commission approval.

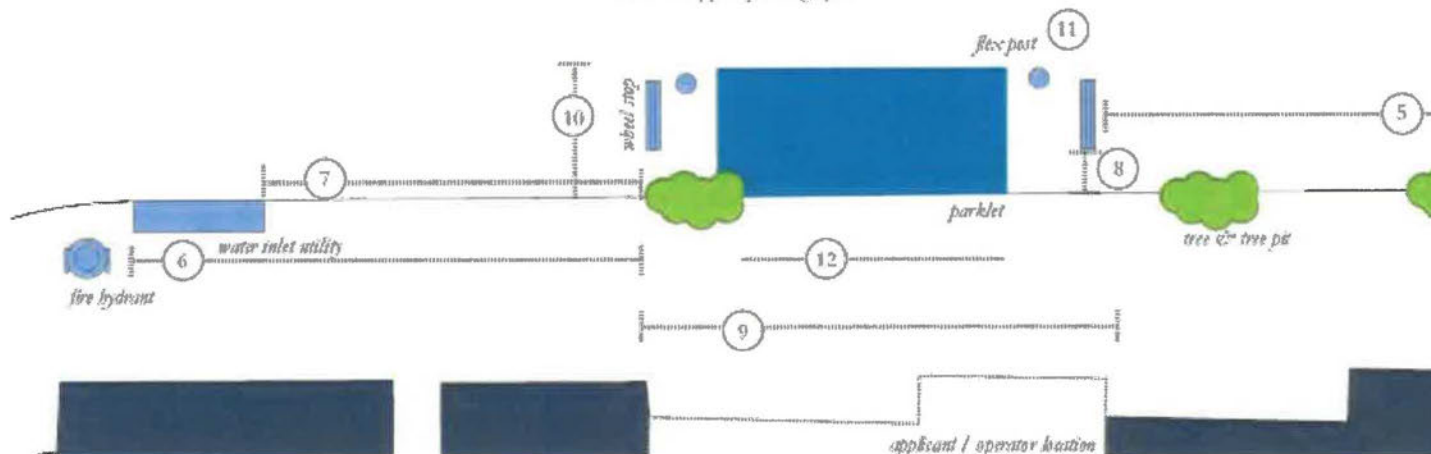
Other

- Bicycle parking can be incorporated into parklet design. The design must ensure that parked bicycles do not extend beyond the permitted width of the parklet, as determined by the frontage of the applicant's building.

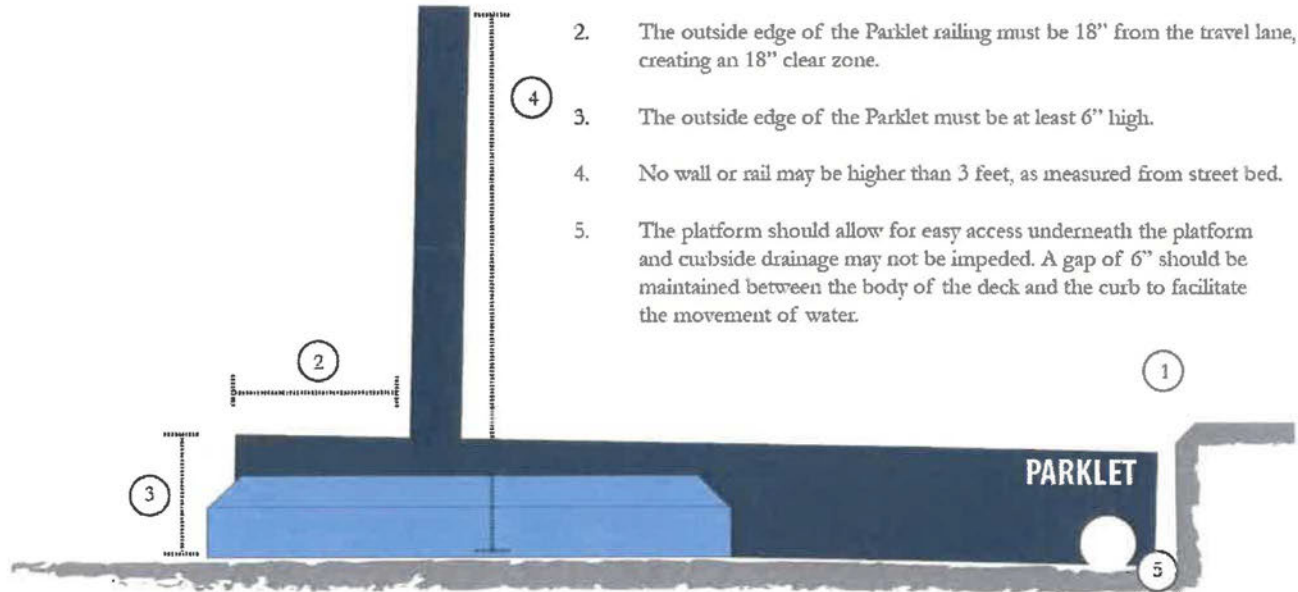
PARKLET DESIGN GUIDANCE



1. Parklets must be in the parking lane. They cannot be in a travel lane or in a peak hour clearance lane.
2. Parklets should be located in the middle of a block.
3. Parklets must be at least 20 feet from any marked crosswalk or 32 feet from the block corner at intersections without a marked crosswalk.
4. Parklets should be on streets with posted speed limits of 25 MPH.
5. Parklets must be no closer than 60 feet to any bus stop or shelter.
6. Parklets must be no closer than 15 feet from any fire hydrant.
7. Parklets must give at least 5 feet of clearance to utilities, loading zones or handicapped parking spaces.
8. Parklets may have wheel stops installed 4' from the curb.
9. The Parklet zone may not be longer than the frontage of the applicants' or supporting property owners' property line. This length is inclusive of curb-stops and wheel lengths.
10. Parklets should not be any wider than the parking lane.
11. Parklets must have reflective soft hit posts. They must align with the end of the platform.
12. The entrance on the sidewalk-facing side of the Parklet should be placed so as to avoid tree pins.



1. Parklet decking must be flush with the curb and may not have more than a 1/2 inch gap from the curb. If this is impossible, the parklet must be ADA accessible.
2. The outside edge of the Parklet railing must be 18" from the travel lane, creating an 18" clear zone.
3. The outside edge of the Parklet must be at least 6" high.
4. No wall or rail may be higher than 3 feet, as measured from street bed.
5. The platform should allow for easy access underneath the platform and curbside drainage may not be impeded. A gap of 6" should be maintained between the body of the deck and the curb to facilitate the movement of water.



Guidelines for Operations

General Guidelines

- Permittees may install and operate their parklets anytime from April 1st through November 30th.
- Parklet cleaning and maintenance are the responsibilities of the Permittee. These responsibilities are detailed in a set of permit special conditions (see page 16).
- Permittees should keep a copy of their permit and attached special conditions on hand. The permit need not be displayed outside on the parklet.
- Connecting parklets to nearby power sources for lighting purposes is discouraged by the City. Any electrical connections intended to provide power to the parklet must be approved by the appropriate engineers and may require separate operations and insurance agreements.

Using the Parklet

- Permittees are welcome to restrict the hours of parklet operation.
- Permittees are welcome and encouraged to host events at the parklet, so long as events are open to the public, comply with all existing regulations, and do not create a nuisance in the neighborhood.
- Alcohol may not be served in parklets.
- Table service is not allowed at parklets.
- Parklets are public spaces. Parklets must display a sidewalk-facing sign that says “Public Parklet | All seating open to the public.”

Parklet Relocation

- Permittees should be prepared to remove parklets with minimum notice in case of extreme weather events, emergency public works, or other unexpected events. The City does not expect to request parklet removal due to privately-organized street festivals unless otherwise specified on a permit; the City expects neighborhood groups to work with applicants and parklet operators to ensure that parklets are either integrated into any privately-organized street festival or removed. The cost of removal and re-installation are the responsibility of the Permittee. See permit special conditions on page 16.
- Parklets are permitted for only one location. If a Permittee would like to move a parklet so it can serve at multiple sites, the applicant must receive a separate permit for each location.

Parklet FAQs

How much does it cost to design and build a parklet?

Many parklets are built using a combination of donated design and construction services and cost owners from \$5,000 to \$10,000. Without any donated services, a parklet can cost up to \$20,000.

Can the City recommend a general contractor or an architect?

The City cannot recommend any architects or general contractors for parklets. The following groups have designed parklets; their inclusion on this list is not to be interpreted as an endorsement there-of.

- **DigSau**
<http://www.digsau.com/>
- **Johnston & Stromberg**
<http://johnstonstromberg.com/>
- **Philadelphia Chapter of the National Organization of Minority Architects**
<http://www.philanoma.org/>
- **ReVision Architecture**
<http://revisionarch.com>
- **Shift Space Design**
<http://www.shiftspacedesign.com>

Applicants can find a list of licensed contractors at the following website:
<http://www.phila.gov/li/Pages/FindLicensedProfessional.aspx>

Under what circumstances will the City request parklet removal?

The City takes traffic and construction safety seriously and will request parklet removal if construction, utility repairs or other similar activity poses a safety hazard. The City can revoke a Pedestrian Enhancement Permit if a Permittee is not abiding by City guidelines, if the parklet poses a hazard, or for other reasons. For more information about parklet removal, read the parklet Permit Special Conditions on page 16.

Can the City provide or assist with parklet funding, maintenance, or repair?

The City does not currently have the funds to support the design, construction, or maintenance of parklets.

If I would like to close and remove my parklet before the conclusion of my permit, what must I do?

Permittees must simply notify the City and detail the circumstances that necessitated parklet removal.

How long does a permit last?

Permits last for one parklet season (April through November) but are renewable for up to three years. Please see “Permit Renewal and Reapplication Process Overview” on the next page.

9 | Parklets Guidelines &
Application

Initial Pedestrian Enhancement Permit Application Process (Year One)

Who can apply?

Anyone can apply for a permit to install and operate a parklet. Partnerships are encouraged; several parklets are built, insured, maintained by, and permitted to non-profits but placed in front of small businesses. Note that the official parklet Permittee must be the same entity that holds required insurance (see page 22).

When must I apply?

The City will review parklet applications on a rolling basis; there is no fixed deadline. If planning to install a parklet with a new design into a new location on April 1st, consider submitting an initial application in October and designs in December of the previous year. This will ensure enough time for revisions to designs, if required. The Streets Department reviews can take several months.

What does the application process entail?

1. Contact the Parklet Program Manager
 - a. Write to completestreets@phila.gov or call 215-686-4421 to discuss your application, ask any questions, and learn about program updates.
2. Submit a Parklet Application
 - a. Fill out a parklet application form, including all required signatures (page 14).
 - b. Submit the application form along with required attachments (page 15):
 - i. Photos and a map of the proposed parklet location;
 - ii. Letters of support from property owners abutting the parklet (see sample on page 21). The City's Pedestrian Enhancement Ordinance requires "support, in writing, from two-thirds (2/3) of the owners and commercial tenants of properties abutting the Pedestrian Enhancement if there are three or fewer abutting properties, and three-fourths (3/4) of the owners and commercial tenants of properties abutting the Pedestrian Enhancement if there are four or more abutting properties."
3. Location Review
 - a. Streets Department staff will review the proposed parklet location to ensure it is consistent with the City's guidelines, will not conflict with upcoming public works or construction, and will not create conflicts with area public transportation.
 - b. The applicant will be notified upon approval.
4. Gather Evidence of Community Support (Concurrent to #5)
 - a. Once Applicants receive location approval from the Streets Department, they should collect a petition in support of the parklet. Please contact the Parklet Program Manager to discuss the scope. Generally, the signed by a representative of at least one-half of the addresses which are (a) within 75' of the proposed parklet and (b) in the Applicant's Block Face or the Applicant's opposite Block Face. Representatives include: Owner,

tenant, or property manager of either residential or commercial properties. Special circumstances—such as vacant buildings, active construction projects, and/or unconventional numbering, etc.—can be discussed. (See page 20 for an illustration of Block Face.)

- b. Applicants are highly encouraged, but not required, to also provide a letter of support from their local district council member as early in the application process as possible.
- c. Applicants are encouraged to submit parklet designs for review to the Project Manager while finalizing community support.

5. Design Review (Concurrent to #4)

- a. After location review, Applicants submit designs to the Program Manager for review by the Streets Department.
- b. Parklet designs do not need to be designed or drawn by a licensed architect or engineer.
- c. All plans must clearly articulate the spans and supports to be used for the body of the parklet.
- d. For some projects, design review entails multiple meetings over several months with the Streets Department to discuss changes, but for others, designs are approved very quickly. The program manager will contact the Applicant upon design approval.

6. Submit Pedestrian Enhancement Permit Application

- a. Fill out an application, available at http://www.philadelphiastreet.com/images/uploads/resource_library/Street_Closure_for_Equipment_Placement.pdf. The name of the applicant must match that of the organization that holds required insurance (see page 22). Indicate that “Pedestrian Enhancement- Parklet” is the purpose for the requested street closure.
- b. Prepare an application fee of \$125 to cover the cost of review and inspection. Methods of payment include check, money order, cash, and Epay.
- c. Submit your application (as a PDF) along with your application fee to the Parklet Program Manager as soon as possible and no later than 15 business days prior to planned installation.

7. Provide Proof of Insurance

- a. The City’s Risk Management Office requires permittees to obtain proof of required insurance in the form of certificate(s) of insurance issued to the City of Philadelphia. The City’s requirements are detailed on page 22.

8. Submit Evidence of Community Support

- a. Before a permit may be issued, applicants must submit the petition described in #4 above.

9. Submit application materials in PDF form to the Parklet Program Manager at:

Office of Transportation & Infrastructure Systems
1401 JFK Boulevard, Suite 1430
Philadelphia PA, 19102

Phone: 215-686-4421
Email: completestreets@phila.gov

Pedestrian Enhancement Permit Renewal (Year 2 and Year 3) and Reapplication Process (Year 4)

Pedestrian Enhancement Permit Renewal (Year 2 and Year 3)

Each Pedestrian Enhancement Permit lasts for the duration of that year's parklet season (April through November), however permits are renewable for up to three years. The City will fail to renew a parklet permit only if the parklet poses a safety hazard or if the Permittee has not complied with City guidelines in the past.

To renew a parklet permit for another year, follow the steps below:

1. Fill out a renewal application a Pedestrian Enhancement permit:
http://www.philadelphiastreet.com/images/uploads/resource_library/Street_Closure_for_Equipment_Placement.pdf.
 - a. The name of the applicant must match that of the organization that holds required insurance.
 - b. Indicate that "Pedestrian Enhancement – Parklet" is the purpose for the requested street closure.
 - c. In the upper left-hand corner, check "extend existing permit" and enter your permit number, which is indicated on the previous season's permit.
2. Submit a certificate of insurance demonstrating that the Permittee maintains required insurance (see page 22).

Pedestrian Enhancement Permit Reapplication (Starting Year 4)

The City of Philadelphia Pedestrian Enhancement Ordinance states that Pedestrian Enhancement Permits are renewable for up to three years. After three years, follow the procedures below to reapply for a Pedestrian Enhancement Permit.

Please note that you may resubmit materials used previously (such as maps, photos, etc) so long as they are still current, with the exception of (a) your initial application form with required signatures (b) letters of support from property owners abutting the parklet (c) a petition of support for the parklet (d) letter of support from your local council person (recommended, not required).

1. Contact the Parklet Program Manager
 - a. Write to completestreets@phila.gov or call 215-686-4421 to discuss your re-application, ask questions, and learn about program updates.
2. Submit Application and Design
 - a. Fill out an application form, including all required signatures (page 15).
 - b. Submit the form along with required attachments (page 16):
 - i. Pictures and a map of the proposed parklet location;

- ii. Letters of support from abutting property owners (see sample on page 21). The City's pedestrian enhancement ordinance requires *"support, in writing, from two-thirds (2/3) of the owners and commercial tenants of properties abutting the Pedestrian Enhancement if there are three or fewer abutting properties, and three-fourths (3/4) of the owners and commercial tenants of properties abutting the Pedestrian Enhancement if there are four or more abutting properties."*
 - c. Submit parklet design documents. Indicate if and how the design has changed since your last application.
 - i. Parklet designs do not need to be designed or drawn by a licensed architect or engineer.
 - ii. All plans must clearly articulate the spans and supports to be used for the body of the parklet.
3. Gather Evidence of Community Support
- a. Collect a petition signed petition of support signed by a representative of at least one-half of the addresses which are (a) within 75' of the proposed parklet and (b) in the Applicant's Block Face or the Applicant's opposite Block Face. Representatives include: Owner, tenant, or property manager of either residential or commercial properties. Special circumstances—such as vacant buildings, active construction projects, and/or unconventional numbering, etc.—can be discussed. (See page 20 for illustration of Block Face.) This petition must be submitted before a permit can be issued.
 - b. Applicants are highly encouraged, but not required, to also provide a letter of support from their local district council member as early in the application process as possible.
4. Submit Pedestrian Enhancement Permit Application
- a. Fill out an application, available at http://www.philadelphiastreet.com/images/uploads/resource_library/Street_Closure_for_Equipment_Placement.pdf. The name of the applicant must match that of the organization that holds required insurance. Indicate that "Pedestrian Enhancement-Parklet" is the purpose for the requested street closure.
 - b. Prepare an application fee of \$125 to cover the cost of review and inspection. Methods of payment include check, money order, cash, and Epay.
 - c. Submit your application (as a PDF) along with your application fee to the Parklet Program Manager as soon as possible and no later than 15 business days prior to planned installation.
5. Provide Proof of Insurance
- a. The City's Risk Management Office requires permittees to obtain proof of required insurance in the form of certificate(s) of insurance issued to the City of Philadelphia. The City's requirements are detailed beginning on page 22.

Parklet Application – II

Applications must include the following:

1. A site map, to scale, showing the location and dimensions of the parklet and other objects in the immediate area (same block). The map shall include (but not be limited to):
 - a. The street number addresses of nearby buildings;
 - b. The direction of traffic;
 - c. The presence and location of: vacant lots or buildings, driveways, fire hydrants, man-holes, stormwater inlets, bike parking, utilities (including, but not limited to tree grates, vault, covers, manholes, junction boxes, signs, lights, and poles), street furniture (including but not limited to bus shelters, honor boxes, and benches), cafe seating;
 - d. Existing parking regulations (including, but not limited to; handicap parking, loading zones and metered parking);
 - e. The length of the applicant's street frontage.
2. At least two photographs from different angles along the sidewalk/street where the pedestrian enhancement is to be installed. Applicants are encouraged to include photographs of potential location-related conflicts (proximity to other street utilities, street furniture, etc.) noted in the detailed site map.
3. Letter(s) of support from property owners abutting the parklet.

Email submissions preferred. Submit applications as a single PDF or a zipped folder not to exceed 8mb in size. Paper applications will also be accepted. Submit applications to the Parklet Program Manager at:

Office of Transportation & Infrastructure Systems
1401 JFK Boulevard, Suite 1430
Philadelphia PA, 19102

Phone: 215-686-4421
Email: completestreets@phila.gov

Permit Special Conditions

PEDESTRIAN ENHANCEMENT PERMIT EXHIBIT 1- SPECIAL CONDITIONS FOR PARKLETS

The City has established a Parklet Program to temporarily place a parklet in one or more parking spaces in accordance with the City's Parklet Guidelines. Any Permittee desiring to establish, operate and maintain a Parklet shall agree to be bound by the special conditions contained in this Exhibit.

1. Title. As-Is Condition of Parklet Location.

A. At all times, the Parklet Location shall remain a public right-of-way. No legal title or any other interest in real estate shall be deemed or construed to have been created by anything contained in this Agreement.

B. Permittee acknowledges and agrees that they accept this Permit to enter the Parklet Location in its "AS IS, WHERE-IS, AND WITH ALL FAULTS" condition, including all defects known or unknown, and the City makes no representation or warranty, express or implied, as to (a) any encumbrances, restrictions and conditions which may affect the Parklet Location, (b) the nature or condition of the Parklet Location for installation and operation of the Parklet, and (c) compliance of the Parklet with Applicable Law (defined below). Permittee is relying on its own independent investigation of the condition of the Parklet Location in entering this Agreement.

2. Maintenance Obligations. Use Restrictions. Approvals.

A. Permittee's Maintenance Obligations. Permittee hereby covenants and agrees, for itself, its successors, and assigns to be fully responsible for the costs of installing, operating and maintaining the Parklet as set forth in this Agreement. Permittee shall use and maintain the Parklet in a wholly safe condition; shall maintain any and all stands, tables, chairs, and other structures, and the grounds adjacent thereto in a clean and trim fashion, free of all waste, rubbish, accumulation of garbage, papers, and debris; shall provide and maintain adequate and proper drainage and not permit any drainage to fall or flow across the footways or roadways; shall permit free and unobstructed ingress and egress to, from, and around the Parklet for the protection or facilitation of pedestrian traffic; shall properly store and dispose of all waste matter and trash in accordance with the City's Recycling and Sanitation regulations and keep the Parklet and adjacent sidewalk free and clear of rubbish, trash and waste materials; and, except as approved in accordance with this Agreement or Applicable Law, shall not permit encroachments upon or obstructions of the streets.

B. City's Maintenance Obligations. The City shall not be required to furnish any services or facilities to the Parklet, or to make any repairs or alterations to the Parklet. The City shall not be responsible for any loss or damage to personal property on the Parklet. Permittee assumes sole responsibility for the operation, maintenance and management of the Parklet.

C. Use Restrictions. Permittee agrees that it shall not: permit any use of the Parklet except as specified in this Agreement; permit anything unlawful on the Parklet; permit a public or private nuisance on the Parklet; permit any Hazardous Substances (defined below) on the Parklet; permit an implied dedication of the Parklet; permit anything that disturbs or damages the surrounding properties; permit commercial advertising of any kind, or non-commercial advertising of any kind without the advance written approval of the Department; permit any structures on the Parklet unless specifically permitted by this Agreement; permit alcoholic beverages or illegal drugs on the Parklet Location; permit fires on the Parklet; permit personal property to be stored on the Parklet unless specifically permitted by this Agreement; or permit standing water to accumulate on the Parklet Area.

D. Approvals by City. Unless otherwise stated in this Agreement or in accordance with Applicable Law, any review, approval, permission, or consent that Permittee is required to obtain from the City under this Agreement shall not be valid or effective unless obtained from the Commissioner of the Department of Streets or the Commissioner's designee (the "Commissioner"). The review, approval, or consent by the Commissioner of any plans, specifications, work or materials submitted or performed by Permittee under this Agreement does not constitute any representation, warranty, or guarantee by the City as to the quality or substance of the matter reviewed or approved or its compliance with Applicable Laws. Permittee must use its own independent judgment as to the accuracy and quality of all such matters and its compliance with Applicable Laws. Review, approval, or consent by the Commissioner under this Agreement does not constitute any review, approval, consent, Permit or permit otherwise required under Applicable Laws by any City department, board, commission, or official.

3. **Compliance with Applicable Laws, Hazardous Substances.**

A. Applicable Laws. "Applicable Laws" shall mean all applicable present and future Federal, State and City laws, ordinances, orders, rules, regulations, guidelines and requirements.

B. Hazardous Substances. "Hazardous Substance" shall mean: (a) asbestos, flammables, volatile hydrocarbons, industrial solvents, explosives, chemicals, radioactive material, petroleum, petroleum products and by-products, natural gas, synthetic gas, and shall include but not be limited to, substances defined as "hazardous substances", "hazardous wastes", "toxic substances", "pollutants" or "contaminants" as those terms are defined in any of the Applicable Laws; and (b) any and all other materials or substances that any government entity shall determine from time to time are harmful, toxic, or dangerous.

4. **Entry on Parklet Location By City: City Inspection.** The City may enter the Parklet at any time, for any reason, including inspecting the Parklet and/or Parklet Area. Nothing contained in this Section shall create a duty on the City to make any repairs or do any work on the Parklet Location. City inspections shall not be a representation, guaranty, or warranty by the City to Permittee, as to Permittee's compliance with the terms of this Agreement or Applicable Laws.

5. **Insurance.** At all times during the Term of this Agreement, the Permittee shall maintain procure and maintain insurance in the types and amounts as specified below.

Permittee shall, at its sole cost and expense, procure and maintain in full force and effect, for the Term of the Permit Agreement, covering its obligations under this Agreement, the types and minimum limits of insurance specified below. All insurance shall be procured from reputable insurers authorized to do business in the Commonwealth of Pennsylvania and acceptable to the City. All insurance required herein shall be written on an "occurrence" basis and not a "claims-made" basis.

(i) **WORKERS COMPENSATION AND EMPLOYERS LIABILITY**

(a) Workers Compensation: Statutory limits

(b) Employers Liability: \$100,000 each Accident - Bodily Injury by Accident; \$100,000 Each Employee - Bodily Injury by Disease; and \$500,000 Policy Limit -Bodily Injury by Disease.All States coverage and Pennsylvania Endorsement.

(ii) **GENERAL LIABILITY INSURANCE**

(a) Limit of liability: \$1,000,000 per occurrence combined single limit for bodily injury (including death) and property damage liability;

(b) Coverage: Premises operations; blanket contractual liability; personal injury liability (employee exclusion deleted); products and completed operations; independent contractors; employees and volunteers as insureds; cross liability; and broad form property damage (including loss of use) liability.

(iii) AUTOMOBILE LIABILITY INSURANCE

(a) Limit of Liability: \$1,000,000 per occurrence combined single limit for bodily injury (including death) and property damage liability.

(b) Coverage: Owned, hired and non-owned vehicles.

The City of Philadelphia, its officers, employees, and agents, shall be named as additional insureds on the General Liability Insurance Policy. Also, an endorsement is required stating that the coverage afforded the City and its officers, employees and agents as additional insureds will be primary to any coverage available to them. The City reserves the right to require Permittee to furnish certified copies of the original policies of all insurance required hereunder at any time upon ten (10) days prior written notice to Permittee. All such policies shall include an endorsement stating that the coverage afforded to these parties as additional insureds will be primary to any other coverage available to them.

Certificates of insurance evidencing the required coverage shall be submitted to the City of Philadelphia, 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania 19102). Permittee shall furnish certified copies of the original policies of all insurance required under this Agreement, at any time, within ten (10) days after written request by the City.

All insurance policies shall provide for a least thirty (30) days prior written notice to be given to the City in the event coverage is materially changed, cancelled, or not renewed. At least ten (10) days prior to the expiration of each policy, Permittee shall deliver to the City a Certificate of Insurance evidencing a replacement policy to become effective immediately upon the termination of the previous policy.

The insurance requirements set forth herein shall in no way be intended to modify, limit or reduce the indemnifications made in this Agreement by Permittee to City, its officers, employees, and agents, or to limit Permittee's liability under this Agreement to the limits of the policies of insurance required to be maintained by Permittee hereunder.

6. **Indemnification: Release.**

A. Permittee agrees to defend, indemnify, and hold harmless the City, its departments, commissions, boards, officers, employees or agents, from and against all actions, causes, suits, demands, losses, and liabilities, including the cost of litigation and attorneys fees, by reason of injury (including death) to persons and damage to property in any way arising in connection with this Agreement or rights granted to Permittee hereunder; provided that nothing herein contained shall be deemed to confer upon any third person any right against City, or to vest in said third person any cause of action against City, or to authorize any such person to institute any such suit or suits against City, its departments, commissions, boards, officers, employees or agents. Permittee is not obligated to indemnify, defend, and hold harmless the City against losses, costs, claims, suits, actions, damages, liabilities, and expenses that arise exclusively from the gross negligence or willful misconduct of the City. This Section 8 shall survive the expiration or earlier termination of this Agreement.

B. In consideration of the Permit extended to Permittee by this Agreement, Permittee, and for Permittee's its contractors, and invitees and all persons claiming through any of them (collectively, including Permittee the "Releasing Parties") do hereby remise, quitclaim, release and forever discharge, the City, its departments, commissions, boards, officers, employees or agents, from any and all, and all manner of, actions

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Application

and causes of action, suits, claims, and demands whatsoever in law or in equity which the Releasing Parties may have against the City its departments, commissions, boards, officers, employees or agents, relating in any way whatsoever to any condition on the Parklet Location, or relating in any way to Permittee's entry onto the Parklet Location, or Permittee's use of the Parklet Location. Permittee voluntarily assumes all risk of loss, damage, or injury, including death that may be sustained by the Permittee, its contractors, or invitees, while in, on or about the Permitted Property. This Section 8 shall survive the expiration or earlier termination of this Agreement.

7. Relocation: Termination of this Agreement.

A. Relocation. Permittee understands and agrees that it shall, upon request of the City, relocate the Parklet, and/or remove the Parklet Location, property including chairs, tables, or underground structures, either publicly or privately owned, and that Permittee will absorb all costs and expenses necessary for the performance of such relocation work.

B. Termination.

i. Both the City and Permittee may terminate this Agreement upon thirty (30) days written notice to the non-terminating party at any time, with or without cause. Permittee shall further agree that upon receipt of such notice from the City, Permittee shall vacate the Parklet and leave it in a clean condition, clear of all property and debris and restore the Parklet Area to the satisfaction and approval of the City within thirty (30) days after receiving such notice. The City shall not be liable to Permittee for any compensation, reimbursement or other expenses related to this Agreement.

ii. Permittee agrees that in the event the Parklet is not removed from the Parklet Area and/or if the Parklet Area is not restored to its original condition, the City shall have the right and privilege, at its option, of removing said Parklet, and restoring the footway to its original condition and in event of the City so doing, Permittee shall pay to the City, within thirty (30) days written notice or demand, the costs expended by the City in such removal and/or restoration.

8. Miscellaneous.

A. Governing Law. This Agreement shall be governed in accordance with the laws of the Commonwealth of Pennsylvania. The parties to this Agreement agree to submit to the jurisdiction of the courts, whether federal or state, located in Philadelphia, Pennsylvania.

B. Assignment. Permittee must not transfer, assign, hypothecate, or sub-permit all or any part of its interest under this Agreement without the prior written consent of the City. Subject to the preceding sentence, this Agreement will be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Nothing in this Agreement may be construed to mean that the City gives its consent to Permittee to sub-permit this Agreement to another party.

C. Amendment. This Agreement may only be amended, modified or supplemented by an agreement in writing signed by City and Permittee.

D. Headings. The headings in this Agreement are for convenience only and are not a part of this Agreement. The headings do not in any way define, limit, describe or amplify the provisions of this Agreement or the scope or intent thereof.

E. Survival. Any and all agreements set forth in this Agreement which, by its or their nature, would reasonably be expected to be performed after the expiration or earlier termination of this Agreement shall survive and be enforceable after the expiration or earlier termination of this Agreement. Any and all liabilities, actual or contingent, which shall have arisen during the Term, shall survive any termination of this Agreement.

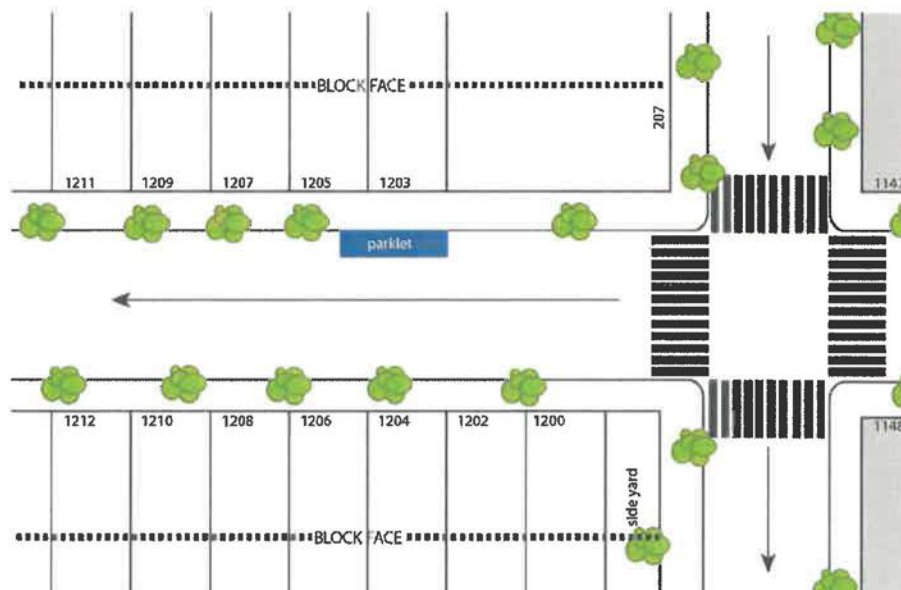
Sample Site Map

The following represents a sample site map to be submitted along with the application.

SAMPLE MAP



Illustrated Block Face



Sample Letter of Support

The following represents a sample letter of support that should be submitted along with the application. Applicants are not required to use the exact language below.

Office of Transportation & Infrastructure Systems
Suite 1430
1401 JFK Blvd
Philadelphia, PA 19102

To Whom It May Concern:

I am the owner of _____ [address and/or entity] and I am writing this letter in support of the parklet proposed for _____.

I have met with _____ [proposed Permittee] and understand the rules and special conditions governing the placement and operation of parklets in Philadelphia.

I am excited to see a parklet appear in my neighborhood. I understand that parklets add to the vitality of our neighborhood and support pedestrian activity. If you have any questions or concerns, please contact me at _____ or _____.

Sincerely,

Insurance Requirements

The City's Risk Management Office requires Permittees to maintain adequate insurance for parklets. The City's insurance requirements, listed below as an excerpt from the Permit Special Conditions, are considered to be industry standards for non-profits and small businesses. It is not intended for these requirements to necessitate the purchase of additional insurance. If you are unsure whether your policy meets the precise specifications below, please contact the Parklet Program Manager to see if you are covered sufficiently by other components of your insurance policy.

When submitting a certificate of insurance, make sure that:

- The certificate is issued to the City of Philadelphia (1515 Arch Street 14th Floor, Philadelphia 19102);
- The name of the insured matches the name of the Permittee;
- The certificate states that the parklet, clearly identified by its address or location, is covered by the policy;
- The certificate states that the City of Philadelphia, its officers, employees, and agents are named as additional insureds on the General Liability Insurance Policy, and that such coverage afforded the City and its officers, employees and agents as additional insureds will be primary to any coverage available to them (see below).

If you have any questions, or would like to see a sample certificate of insurance filled out to required specifications, please contact the Parklet Program Manager.

The following is excerpted from the City's Parklet Permit Special Conditions:

5. **Insurance.** At all times during the Term of this Agreement, the Permittee shall maintain procure and maintain insurance in the types and amounts as specified below.

Permittee shall, at its sole cost and expense, procure and maintain in full force and effect, for the Term of the Permit Agreement, covering its obligations under this Agreement, the types and minimum limits of insurance specified below. All insurance shall be procured from reputable insurers authorized to do business in the Commonwealth of Pennsylvania and acceptable to the City. All insurance required herein shall be written on an "occurrence" basis and not a "claims-made" basis.

(i) WORKERS COMPENSATION AND EMPLOYERS

LIABILITY

- (a) Workers Compensation: Statutory limits
- (b) Employers Liability: \$100,000 each Accident - Bodily Injury by
Accident; \$100,000 Each Employee - Bodily Injury by Disease;
and

\$500,000 Policy Limit -Bodily Injury by Disease.All States coverage and Pennsylvania Endorsement.

(ii) GENERAL LIABILITY INSURANCE

(a) Limit of liability: \$1,000,000 per occurrence combined single limit for bodily injury (including death) and property damage liability;

(b) Coverage: Premises operations; blanket contractual liability; personal injury liability (employee exclusion deleted); products and completed operations; independent contractors; employees and volunteers as insureds; cross liability; and broad form property damage (including loss of use) liability.

(iii) AUTOMOBILE LIABILITY INSURANCE

(a) Limit of Liability: \$1,000,000 per occurrence combined single limit for bodily injury (including death) and property damage liability.

(b) Coverage: Owned, hired and non-owned vehicles.

The City of Philadelphia, its officers, employees, and agents, shall be named as additional insureds on the General Liability Insurance Policy. Also, an endorsement is required stating that the coverage afforded the City and its officers, employees and agents as additional insureds will be primary to any coverage available to them. The City reserves the right to require Permittee to furnish certified copies of the original policies of all insurance required hereunder at any time upon ten (10) days prior written notice to Permittee. All such policies shall include an endorsement stating that the coverage afforded to these parties as additional insureds will be primary to any other coverage available to them.

Certificates of insurance evidencing the required coverage shall be submitted to the City of Philadelphia, 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania 19102). Permittee shall furnish certified copies of the original policies of all insurance required under this Agreement, at any time, within ten (10) days after written request by the City.

All insurance policies shall provide for a least thirty (30) days prior written notice to be given to the City in the event coverage is materially changed, cancelled, or not renewed. At least ten (10) days prior to the expiration of each policy, Permittee shall deliver to the City a Certificate of Insurance evidencing a replacement policy to become effective immediately upon the termination of the previous policy.

The insurance requirements set forth herein shall in no way be intended to modify, limit or reduce the indemnifications made in this Agreement by Permittee to City, its officers, employees, and agents, or to limit Permittee's liability under this Agreement to the limits of the policies of insurance required to be maintained by Permittee hereunder.

Checklist

Location Approval

- Parklet Application Form ☐
- Site Map ☐
- Site Photographs ☐
- Support Letter(s): Property Owner(s) Abutting Parklet ☐

Design Approval

- Parklet Designs ☐

Community Support

- Letter of Support: District Councilperson (rec.) ☐
- Petition of Support ☐

Final Approvals

- Certificate of Insurance ☐
- Pedestrian Enhancement Permit Application ☐