



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
DECEMBER 07, 2021
TELECONFERENCE
7:00 P.M.**

*Marico Sayoc, Mayor
Rob Rennie, Vice Mayor
Mary Badame, Council Member
Matthew Hudes, Council Member
Maria Ristow, 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 follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period, by following the participation instructions on page 2 of this agenda. 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. Disruption of the meeting may result in a violation of Penal Code 403.

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/TownYouTube***

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]

COUNCIL MEETING AGENDA

DECEMBER 07, 2021

7:00 PM

IMPORTANT NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, this meeting will not be physically open to the public and the Council will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below).

PARTICIPATION

To provide oral comments in real-time during the meeting:

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join.
<https://us06web.zoom.us/j/82171583140?pwd=NGdiQVJlMDVqWHVGcmFTelN6Y3kwZz09> Passcode: 531072. You can also type in 821 7158 3140 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636-651-0008 US Toll. Conference code: 969184

When the Mayor 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, you will be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting. If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

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 received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is 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 microphone when directed to do so;
- repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker.

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

CLOSED SESSION REPORT

COUNCIL / MANAGER MATTERS

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Mayor asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard.)*

1. Approve Minutes of the November 16 Town Council Meeting.
2. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic.
3. Approve an Amendment to the Classification Plan for the Temporary Unit to Provide a Salary Increase, Add the Classification of Project Manager, Align the Temporary Police Officer Classification Salary Step with the Top Step of the Police Officer Classification Represented by the Police Officers Association, and Comply with the California Minimum Wage Increase Effective January 1, 2022.
4. Adopt a Resolution to Set a Date for Consideration of the Reorganization of an Uninhabited Area Designated as El Gato Lane No. 5, Approximately 0.789 Acres on Property Pre-Zoned R-1:8. APN 523-22-010. Annexation Application AN21-003. Project Location: **15605 El Gato Lane**. Property Owner/Applicant: Natasha Malisic.

5. Adoption of an Ordinance of the Town Council of the Town of Los Gatos, by Title Only, Amending Chapter 2 (Administration), Article V, Division 2 of the Town Code Regarding Purchasing.
6. Adopt a Resolution in Support of Seamless Transit Principles.
7. Accept Fiscal Year (FY) 2020/21 Status Report on Receipt and Use of Development Impact Fees.
8. Adopt a Resolution Declaring Certain Hazardous Vegetation Growing in the Town of Los Gatos to be a Public Nuisance, Describing Properties Where Such Nuisance Exists, and Setting a Public Hearing Date of January 18, 2022 to Consider Objections for Proposed Abatement.
9. Roadside Fire Fuel Reduction (Project 812-0130) and Tree Maintenance:
 - a. Authorize the Town Manager to Negotiate and Execute Two Agreements for Wildfire Vegetation Management and Tree Maintenance with West Coast Arborists; and
 - b. Authorize a Revenue and Expenditure Budget Adjustments in the Amount of \$100,000 from Available Tree Replacement Deposit Account (5999-48621) for Supplemental Tree Maintenance Services to Operating Budget 5401-62364.

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.)*

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

10. Staff Recommends the Following Actions:
 - a. Authorize the Town Manager to Execute Amendments to the Agreements with West Valley Community Services and Live Oak Senior Nutrition for Additional \$25,000 American Rescue Plan Act (ARPA) Grants for a total of \$50,0000; and
 - b. Authorize an Expenditure Budget Adjustment in the Amount of \$50,000 from Eligible ARPA Proceeds.
11. Approve Modifications to the Town Council Policy 2-11: Commission Appointments as Recommended by the Council Policy Committee.
12. Approve the Recommendations of the Council Policy Committee to:
 - a. Review and Adopt the Transportation Impact Policy;
 - b. Authorize the Release of a Request for Proposals for the Preparation of a Study to Guide the Update of the Transportation Impact Fee Program; and
 - c. Authorize the Town Manager to Negotiate and Execute a Consultant Agreement with the Highest Scored Proposer in an Amount Not to Exceed \$175,000.

PUBLIC HEARINGS (*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.*)

13. Consider an Appeal of a Planning Commission Decision Approving a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. Located at 17200 Los Robles Way. Subdivision Application M-20-012. APNS 532-36-075, -076, -077. Property Owners: Daran Goodsell, Trustee and Mark Von Kaenel. Applicant: Tony Jeans. Appellant: Alison and David Steer.

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 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: 12/07/2021

ITEM: 1

**Minutes of the Town Council Meeting
November 16, 2021**

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, November 16, 2021, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:02 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

A moment of silence was held in remembrance of prior Planning Commissioner Thomas O'Donnell who recently passed away.

- Mayor Sayoc stated she attended the Santa Clara County Cities Association Board and Legislative Action Committee meetings.
- Vice Mayor Rennie stated he volunteered at the West Valley Community Services (WVCS) food pantry; attended the Saratoga State of the City address; Silicon Valley Clean Energy Authority (SVCEA) Risk Oversight Committee and Board; Finance Commission with Council Member Hudes; Valley Transportation Authority (VTA) Policy Action Committee; United Against Hate march with all Council Members; and announced the Santa Clara County Board of Supervisors voted to move the redistricting map forward.
- Council Member Badame stated she met with West Valley Collection and Recycling Outreach Manager; attended the West Valley Clean Water Authority (WVCWA) Board; West Valley Solid Waste Management Authority (WVSWMA) Board; observed the Finance Commission meetings; attended the United Against Hate march; met with the Los Gatos Community Alliance; and observed the Santa Clara County Board of Supervisors Redistricting meeting.
- Council Member Hudes stated he attended the Finance Commission; next Police Chief community meeting; Senior Services Committee meeting; United Against Hate march; and met with Live Oak Nutrition Center clients.

Council Matters – continued

- Council Member Ristow stated she attended the West Valley Sanitation District (WVSD) Board; observed the Complete Streets and Transportation Committee (CSTC) meeting; next Police Chief Community meeting; and the United Against Hate walk; announced the Shannon Road community meeting will be taking place virtually on Wednesday, November 17; and met with residents regarding sewer connection fees and the Draft 2040 General Plan.

Manager Matters

- Announced an Interfaith Service will be held on November 18, 2021 from 7-8 p.m.
- Announced free valet parking service begins Friday, November 26 in downtown and the service runs on Fridays and Saturdays through the holiday season with additional days on the 22nd, 23rd, and 24th.
- Announced Small Business Saturday is November 27 and encouraged everyone to support Los Gatos businesses.
- Announced the annual Tree Lighting event will be held December 3rd at Town Plaza Park.
- Announced Board, Commission, and Committee recruitment is underway; the application period closes 4:00 p.m. on December 3.
- Announced the Town Council will hold a Study Session on December 7 to discuss the 2040 Draft General Plan.

CLOSED SESSION REPORT

Mayor Sayoc stated Council met in closed session November 9th as duly noted on the agenda and that there is no reportable action.

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

1. Approve Town Council Closed Session Meeting Minutes of November 1, 2021.
2. Approve Town Council Closed Session Meeting Minutes of November 2, 2021.
3. Approve Town Council Meeting Minutes of November 2, 2021.
4. Approve Town Council Closed Session Meeting Minutes of November 9, 2021.
5. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2021-048**
6. Adoption of an Ordinance of the Town of Los Gatos Amending the Los Gatos Town Code Section 18.50.100 to Prohibit Targeted Residential Picketing. **ORDINANCE 2323**
7. Adopt a Resolution Making Determinations and Approving the Reorganization of an Uninhabited Area Designated as Winterbrook No. 7, Approximately 0.95 Acres on Property Pre-Zoned R-1:8. APN 523-26-017. Annexation Application AN21-002. Project Location: **16010 Winterbrook Road**. Property Owner/Applicant: Drew and Kari Brown. **RESOLUTION 2021-049**

Consent Items - continued

8. Adoption of an Ordinance of the Town of Los Gatos Amending Chapter 11 Regarding Garbage, Refuse, and Weeds to Include Organic Waste Disposal Reduction and Amending Sections Conflicting with Ordinance Definitions and Requirements. **ORDINANCE 2324**
9. Authorize the Town Manager to Execute an Agreement for Software Support with Sun Ridge Systems, Inc.
10. Adopt a Resolution Accepting Funds from the California Supplemental Law Enforcement Service Fund (SLESF). **RESOLUTION 2021-050**
11. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Massol Intersection Improvements (CIP No. 813-0236), Completed by Tennyson Electric Inc., and Authorize the Town Clerk to File for Recordation.
12. Authorize the Town Manager to Purchase Three Police Patrol Vehicles from Folsom Lake Ford in and Amount Not to Exceed \$125,037.
13. Authorize the Town Manager to Execute an Amendment to a Consultant Agreement for Executive Recruitment Services with Teri Black & Company, LLC. in an Amount Not to Exceed \$83,500.
14. Receive the First Quarter Investment Report (July through September 2021) for Fiscal Year 2021/22.
15. Approve Addenda to the Town Employees' Association and the American Federation of State, County and Municipal Employees Memoranda of Understanding and Revisions to the Classification Plans for the Unrepresented Management and Confidential Units; and Authorize Salary and Benefits Budget Adjustments in the Amount of \$85,596 from Available General Fund Capital/Special Projects Reserve.
16. Authorize the Town Manager to Quitclaim a 1947 Sewer Line Easement at 101 Blossom Hill Road.

Opened public comment.

No one spoke.

Closed public comment.

**MOTION: Motion by Council Member Ristow to approve Consent Items 1 through 16.
Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Melissa Toren

- Commented on KCAT programs and showed a video of the United Against Hate march.

Verbal Communications – continued

John Shepardson

- Commented on conduct at previous Town Council meetings and in support of the United Against Hate march.

Rob Moore

- Thanked the Council, staff, Diane Fisher, and community partners for the United Against Hate march.

Ali Miano

- Commented in support of the United Against Hate march, and that public transportation and more affordable housing are needed to move the Town towards diversity, equity, and inclusion.

Kjirste Morrell

- Commented in support of the United Against Hate march and the State Redistricting Commission approved draft maps for the State Assembly and Senate for the next 10 years.

Giulianna Pendleton

- Commented in opposition of artificial turf at elementary schools.

OTHER BUSINESS

17. Approve an Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Manager Effective on the Anniversary Date.

18. Approve an Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Attorney.

Lisa Velasco, Human Resources Director, presented the staff report for items 17 and 18.

Opened public comment.

John Shepardson

- Commented in support of both items.

Closed public comment.

Council discussed the matter.

Other Business Items #17 and #18 – continued

MOTION: Motion by Council Member Badame to approve an amendment to the employment agreement between the Town of Los Gatos and the Town Manager effective on the anniversary date. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Badame to approve an amendment to the employment agreement between the Town of Los Gatos and the Town Attorney. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

19. Consider the Recommendation of the Arts and Culture Commission to Commission Artist Matt Babcock for the Second Gateway Sculpture to be Placed at Hwy 17 and Lark, and to Use the Same Artist and Same Design for Future Gateway Sites.

Ryan Baker, Library Director, presented the staff report.

Opened public comment.

Ellis Weeker, Arts and Culture Commission

- Commented in support of the item.

Maureen Cappon-Javey, Arts and Culture Commission

- Commented in support of the item.

John Shepardson

- Commented in support of public art; suggested the utility box art be rotated, and some type of public art be installed at N. Santa Cruz Avenue and Highway 9 that mentions the historic nature of the downtown.

Closed public comment.

Council discussed the matter.

Other Business Item #19 – continued

MOTION: Motion by Council Member Ristow to accept the recommendation of the Arts and Culture Commission (ACC) to commission artist Matt Babcock for the second gateway sculpture to be placed at Highway 17 and Lark Ave, to use the same artist and same design for future gateway sites, and the ACC to decide which color palette to use for this installation. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

20. Authorize the Town Manager to Negotiate and Execute a Donation Agreement for the Los Gatos Theater Donation Property and Issue a Request for Proposal (RFP) for the Management and Programming of the Theater.

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

Opened public comment.

John Shepardson

- Commented in support of the item; inquired if a plaque could be posted honoring the Goetz family.

Closed public comment.

Council discussed the matter.

MOTION: Motion by Council Member Hudes to authorize the Town Manager to negotiate and execute a donation agreement for the Los Gatos Theater donation property and issue an RFP for the management and programming of the theater. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

21. Discuss and Provide Direction on 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. Receive an Update on the Status and Progress of the Semi-Permanent Parklet Program;
 - b. Provide Direction on the Addition of Public Parklet Areas; and
 - c. Extend the Economic Recovery Resolution to December 31, 2022. **RESOLUTION 2021-051**

Monica Renn, Economic Vitality Manager, presented the staff report.

Other Business Item #21 – continued

Opened public comment.

Catherine Somers, Los Gatos Chamber of Commerce Executive Director

- Commented that the businesses could use more time to build their parklets and in support of the item.

Randi Chen, Chamber of Commerce

- Commented in support of the item.

Closed public comment.

Council discussed the matter.

MOTION: Motion by Council Member Badame to extend the economic recovery resolution to December 31, 2022. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Badame to receive the update on the status and progress of the Semi-Permanent Parklet Program. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Rennie to provide direction to:

- Utilize locations 2, 3, 4 to widen the sidewalk;
- Location 1 is kept as parking;
- Location 5 is split between bike corral and parking.

Seconded by Council Member Ristow.

VOTE: Motion passed 4-1, Council Member Hudes voting no.

MOTION: Motion by Council Member Hudes to provide Council with three (3) design options for Grays Lane that would include the possibility of the existing parklet design as well as other options and to present a couple of options to Council for consideration on ways to improve the attractiveness and vitality of Grays Lane. AMENDMENT: Utilize funds up to \$20,000 for the conceptual designs and exclude from the designs any areas that have already had building permits or designs approved for semi-permanent parklets. Seconded by Council Member Ristow.

VOTE: Motion passed 4-1, Mayor Sayoc voting no.

Recessed at 9:31 p.m.

Reconvened at 9:36 p.m.

PUBLIC HEARINGS

22. Staff Recommends the Following Actions Regarding Town Purchasing:

- a. Approve the Recommendation of the Council Policy Committee to Approve the Proposed Updates to the Town Purchasing Policy;
- b. Proceed with an Introduction and First Reading of an Ordinance of the Town Council of the Town of Los Gatos, by Title Only, Amending Chapter 2 (Administration), Article V, Division 2 of the Town Code Regarding Purchasing; and
- c. Adopt a Resolution of the Town Council of the Town of Los Gatos in the Matter of Uniform Public Construction Cost Accounting Procedures. **ORDINANCE 2325** and **RESOLUTION 2021-052**

Holly Zappala, Management Analyst, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the matter.

MOTION: Motion by **Council Member Badame** to approve the recommendation of the Council Policy Committee to approve the proposed updates to the Town Purchasing Policy; proceed with an introduction and first reading of an Ordinance of the Town Council of the Town of Los Gatos, by title only, amending Chapter 2 (Administration), Article V, Division 2 of the Town Code regarding purchasing; and adopt a resolution of the Town Council of the Town of Los Gatos in the matter of uniform public construction cost accounting procedures. **Seconded** by **Council Member Hudes**.

VOTE: Motion passed unanimously.

The Town Clerk read the title of the Ordinance.

23. Consider an Appeal of the Community Development Director Determination of Demolition on Property Zoned R-1:8. Located at 33 Walnut Avenue. APN 510-41-007. Building Permit B19-0482. Property Owner/Applicant/ Appellant: Jeffrey Siegel. Project Planner: Erin Walters. **RESOLUTION 2021-053**

Council Member Hudes recused himself due to proximity to the project and left the meeting.

Public Hearing Item #23 – continued

Erin Walters, Associate Planner, presented the staff report.

Jeffrey Siegel, appellant, provided opening statements.

Opened public comment.

Paul Fulton

- Commented on the ambiguity of Town codes and requested leniency with regard to fines.

Brandon Witicker

- Commented on the ambiguity of Town codes.

Bess Wiersema

- Commented on the ambiguity of Town codes.

Anette Seaborn

- Commented in support of the appellant.

Closed public comment.

Jeffrey Siegel, appellant, provided closing statements.

Council discussed the matter.

MOTION: Motion by Council Member Badame to approve an appeal of the Community Development Director determination of demolition on property zoned R-1:8. Located at 33 Walnut Avenue. **Seconded by Vice Mayor Rennie.**

VOTE: Motion failed 2-2-1, Mayor Sayoc and Council Member Ristow voting no, Council Member Hudes recused.

MOTION: Motion by Vice Mayor Rennie to deny an appeal of the Community Development Director determination of demolition on property zoned R-1:8. Located at 33 Walnut Avenue and reduce the penalty fees by half. **Seconded by Council Member Badame.**

VOTE: Motion passes 3-1-1, Mayor Sayoc voting no and Council Member Hudes recused.

PAGE **10** OF **10**

SUBJECT: Draft Minutes of the Town Council Meeting of November 16, 2021

DATE: November 16, 2021

ADJOURNMENT

The meeting adjourned at 10:33 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM NO: 2

DATE: November 30, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic

RECOMMENDATION:

Adopt a Resolution reaffirming Resolution 2021-044 and making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings due to health and safety concerns for the public.

BACKGROUND:

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allowed for relaxed provisions of the Ralph M. Brown Act (Brown Act) that allowed legislative bodies to conduct meetings through teleconferencing without having to meet the strict compliance of the Brown Act. All provisions of Executive Order N-29-20 concerning the conduct of public meetings expired on September 30, 2021.

DISCUSSION:

AB 361 was signed into law by the Governor on September 16, 2021, and went into effect immediately upon signing. It amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology after the September 30, 2021, expiration of the current Brown Act exemptions as long as there is a "proclaimed state of emergency" by the Governor. This allowance also depends on State or local officials imposing or recommending measures that promote social distancing or a legislative body finding that meeting in person would present an imminent safety risk to attendees.

PREPARED BY: Shelley Neis
Town Clerk

Reviewed by: Town Manager and Assistant Town Manager

PAGE 2 OF 2

SUBJECT: Adopt a Resolution Regarding Brown Act Compliance and Teleconferencing

DATE: November 30, 2021

DISCUSSION (Cont) :

AB 361 requires Public agencies to make findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency still exists and continues to directly impact the ability of the members to meet safely in person, or that officials continue to impose or recommend measures to promote social distancing.

Town Council adopted Resolution 2021-044 on October 5, 2021 regarding Brown Act compliance and teleconferencing pursuant to Government Code Section 54953, as amended by AB 361, on November 2, 2021 adopted Resolution 2021-046 reaffirming Resolution 2021-044, and on November 16, 2021 adopted Resolution 2021-048 reaffirming Resolution 2021-044.

CONCLUSION:

Adopt a Resolution reaffirming Resolution 2021-044 making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings. If adopted, virtual meetings may continue for all Town Boards, Commissions, and Committees.

COORDINATION:

This report was coordinated with the Town Attorney and Town Manager's office.

FISCAL IMPACT:

There will be no fiscal impact to the Town at this time.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Resolution

RESOLUTION 2021-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REAFFIRMING RESOLUTION 2021-044 REGARDING BROWN ACT COMPLIANCE AND TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, DURING THE COVID-19 PANDEMIC

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 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 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 et seq.) so that local legislative bodies can hold public meetings via teleconference (with audio or video communications, without a physical meeting location), as long as the meeting agenda identifies the teleconferencing procedures to be used; and

WHEREAS, on March 17, 2020, the Town Council of the Town of Los Gatos ratified the Proclamation of Local Emergency as set forth in Resolution 2020-008 and remains in full force and effect to date; and

WHEREAS, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provision of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as “AB 361”); and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361, which added subsection (e) to Government Code section 54953 of the Brown Act, and makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

ATTACHMENT 1

WHEREAS, the Town Council of the Town of Los Gatos approved Resolution No. 2021-044 on October 5, 2021 declaring the need for the Town Council, Committees, and Commissions to continue to meet remotely in order to ensure the health and safety of the public; and

WHEREAS, the Town Council has considered all information related to this matter, including the associated staff report and other information relating to COVID-19 provided at prior public meetings of the Town Council; and

WHEREAS, the Town Council now desires to adopt a Resolution finding that the requisite conditions continue to exist for the legislative bodies of the Town of Los Gatos, as defined in the Brown Act, to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE:

1. The Town Council hereby finds that the fact set forth in the above recitals and as contained in Resolution 2021-044 are true and correct, and establish the factual basis for the adoption of this Resolution;

2. There is an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19 and as a result of that emergency, meeting in person would present imminent risks to the health or safety of attendees of in-person meetings of this legislative body and all Town advisory bodies within the meaning of California Government Code section 54953(e)(1).

3. Under the present circumstances, including the risks mentioned in the preceding paragraph, the Town Council determines that authorizing teleconferenced public meetings consistent with Assembly Bill 361 is necessary and appropriate.

4. Staff are directed to take all actions necessary to implement this Resolution for all Town meetings in accordance with the foregoing provisions and the requirements of Government Code section 54953, as amended by Assembly Bill 361, including but not limited to returning for ratification of this Resolution every 30 days after teleconferencing for the first time pursuant to Assembly Bill 361 for so long as either of the following circumstances exists: (a) the state of emergency continues to directly impact the ability of this legislative body to meet in person; and/or (b) state or local officials, including but not limited to the County Health Officer, continue to impose or recommend measures to promote social distancing.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of December 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: 12/07/2021

ITEM NO: 3

DATE: December 1, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve an Amendment to the Classification Plan for the Temporary Unit to Provide a Salary Increase, Add the Classification of Project Manager, Align the Temporary Police Officer Classification Salary Step with the Top Step of the Police Officer Classification Represented by the Police Officers Association, and Comply with the California Minimum Wage Increase Effective January 1, 2022

RECOMMENDATION:

Approve an amendment to the classification plan for the Temporary unit to provide a salary increase, add the classification of Project Manager, align the Temporary Police Officer Classification salary step with the top step of the Police Officer classification represented by the Police Officers Association (Attachment 1), and comply with the California minimum wage increase effective January 1, 2022 (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 the 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 (CalPERS), 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.

The Temporary unit is an at-will, unrepresented unit of the Town. Unlike the Town's three bargaining groups who negotiate for reopeners in existing contracts as well as new contracts,

PREPARED BY: Lisa Velasco
Human Resources Director

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

BACKGROUND (continued):

recommendations for changes to the Temporary unit classification plan is at the discretion of the Town Manager, with the consent of Council, based on budget considerations and other factors at that time.

The Project Manager classification was authorized by Resolution 2001-16 (Attachment 3) during the February 20, 2001 Council meeting. The classification was described as a temporary at-will position to serve in a variety of capacities throughout the organization. The classification has continued to be used throughout the Town and the typical assignments include gathering and analyzing data, defining problems and solutions, creating proposals for improvements, and implementing work plans or special programs. The classification has also been used for the appointment of interim key management staff.

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. Should Council approve an amendment to the classification plan to provide a two percent (2%) salary increase for the Temporary unit effective in the pay period that includes July 1, 2021, the Town will still have several temporary/hourly classifications listed on the Temporary Classifications Salary Schedule that have minimum rates of pay still below \$15.00 per hour and those rates must be adjusted to the new California minimum wage.

DISCUSSION:

Temporary Classification Salary Increase Recommendation

During the November 16, 2021 Council meeting, the Town Manager received authorization to approve addenda to the Town Employees' Association (TEA) and the American Federation of State, County and Municipal Employees (AFSCME) Memoranda of Understanding and to revise the classification plans for the unrepresented Management and Confidential units. This authorization included a two percent (2%) salary increase for all classifications effective in the pay period that includes July 1, 2021.

To continue to provide the ability to attract and retain temporary employees to supplement the Town's full-time equivalent workforce, it is recommended that the two percent (2%) salary increase be applied to all Temporary classifications except for those classifications that align hourly rates with TEA and Police Officer Association classifications as identified on the Temporary Classifications Salary Schedule (Attachment 1).

DISCUSSION (continued):

Project Manager Classification Recommendation

In recent years CalPERS has amended its requirements to have salary schedules (the Town's classification plan) formally adopted by an agency's governing body and publicly available as well as implemented new rules related to the rehire of retired annuitants. Due to the required knowledge and complexity related to Project Manager assignments, the classification has typically been filled by retired public sector employees, such as CalPERS retired annuitants, to work on specific projects or to fill critical temporary management vacancies.

To ensure continued compliance with CalPERS rules and regulations as well as to promote transparency, staff recommends that the classification of Project Manager be identified on the Temporary Salary Schedule. The prior 2001 Council resolution provided a salary schedule range of \$25 - \$175 per hour. To continue to provide salary flexibility when hiring temporary management positions, staff is recommending a revised salary range of \$43 - \$113 per hour. The range spans the minimum and maximum hourly rates of pay (rounded up to the nearest dollar) equivalent to the current Town Council and Management Classification Salary Schedule (Attachment 4); specifically, the classifications that are within the Town Manager's authority to appoint. Current employees in the Project Manager classification have hourly rates that are within the proposed range and will also receive a two percent (2%) salary adjustment should Council provide the recommended Temporary Classifications Salary Schedule increase authority to the Town Manager. Future hires will be offered an hourly rate anywhere within the range commensurate with experience, education, and the body of work.

Temporary Police Officer Classification Recommendation

According to the Town's Municipal Code (Section 2.30.1015), Police Reserve Officers shall have the full powers and duties of a Peace Officer as provided by California Penal Code section 830.1. The Temporary Police Officer classification is used to backfill vacancies of full-time equivalent positions. The rates of pay for both classifications are aligned to the top step Police Officers' Association (POA) represented Police Officer classification. To ensure that the temporary classifications align with future proposed salary increases authorized for POA, staff is recommending that instead of identifying a specific pay range on the Temporary Classifications Salary schedule, that the range is identified by the verbiage "equal to the top step hourly rate for POA Police Officer".

State Minimum Wage Salary Schedule Recommendation

The proposed Temporary Classifications Salary Schedule, effective June 27, 2021, contains four classifications that have a minimum rate of pay that is less than \$15.00 per hour: Clerical Aide Temp/Hourly, Facility Attendant Temp/Hourly, Library Page Temp/Hourly, and Ticket Booth

DISCUSSION (continued):

Attendant. To remain in compliance with the State's minimum wage order, staff recommends increasing the Step 1 rate for the four classifications to \$15.00 per hour and maintaining the five percent (5%) differential between steps one through six. The increase would coincide with the pay period that includes January 1, 2022 and is reflected in Attachment 2.

CONCLUSION:

Staff is recommending approval of an amendment to the classification plan for the Temporary unit encompassing several revisions.

- The recommended revision to provide a two percent (2%) salary increase will assist with recruitment and retention efforts of the temporary workforce.
- Adding the classification of Project Manager to the Temporary Salary Schedule will ensure compliance with CalPERS rules by allowing the classification and salary range to be located easily on the Town's website. The proposed salary range is also aligned with the current management group's hourly pay rates for consistency.
- The recommendation to identify the temporary Police Officer Classification salary steps with the permanent Police Officer top step by including the verbiage "equal to the top step hourly rate for POA Police Officer" will confirm that the temporary rate of pay is consistently in line with the Police Officer classification represented by POA and will not require a separate Council action each time the POA salary schedule is revised.
- The Town is required to comply with the California minimum wage increase effective January 1, 2022. Should the two percent (2%) increase for the Temporary classifications not be authorized by Council, the Town will still be required to adjust the minimum hourly rate of previously identified Temporary unit classifications up to \$15.00 per hour.

FISCAL IMPACT:

The anticipated fiscal impact for the recommended temporary classifications salary increase in FY 2021/22 is \$12,428. The FY 2021/22 Operating Budget forecast included an anticipated two percent (2%) increase in all Town salaries and benefits, therefore, a budget adjustment is not necessary.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Temporary Classifications Salary Schedule Effective June 27, 2021
2. Temporary Classifications Salary Schedule Effective December 26, 2021
3. Project Manager Council Resolution
4. Town Council and Management Classifications Salary Schedule

Town of Los Gatos Temporary Classifications
Salary Schedule for Fiscal Year 2021/22
Effective June 27, 2021
Adopted by Town Council December 7, 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	\$24.77	\$26.01	\$27.31	\$28.68	\$30.11	\$31.62
9310	Account Technician Temp/Hourly	Hourly	TE2-10	\$29.76	\$31.25	\$32.81	\$34.45	\$36.17	\$37.98
9300	Accountant Temp/Hourly	Hourly	TE2-17	\$35.94	\$37.74	\$39.63	\$41.61	\$43.69	\$45.87
9010	Admin Analyst Temp/Hourly	Hourly	TE2-17	\$35.94	\$37.74	\$39.63	\$41.61	\$43.69	\$45.87
9100	Admin Specialist Temp/Hourly	Hourly	TE2-10	\$29.76	\$31.25	\$32.81	\$34.45	\$36.17	\$37.98
9580	Administrative Assistant Temp/Hourly	Hourly	TE2-05	\$27.06	\$28.41	\$29.83	\$31.32	\$32.89	\$34.53
9105	Administrative Secretary Temp/Hourly	Hourly	TE2-09	\$28.43	\$29.85	\$31.34	\$32.91	\$34.56	\$36.29
9656	Assistant Engineer Temp/Hourly	Hourly	TE2-23	\$40.73	\$42.77	\$44.91	\$47.16	\$49.52	\$52.00
9655	Associate Civil Engineer Temp/Hourly	Hourly	TE2-24	\$46.90	\$49.25	\$51.71	\$54.30	\$57.02	\$59.87
9400	Associate Planner Temp/Hourly	Hourly	TE2-22	\$40.57	\$42.60	\$44.73	\$46.97	\$49.32	\$51.79
9410	Building Inspector Temp/Hrly	Hourly	TE2-23	\$40.73	\$42.77	\$44.91	\$47.16	\$49.52	\$52.00
9112	Clerical Aide Temp/Hourly	Hourly	TE2-01	\$14.28	\$14.99	\$15.74	\$16.53	\$17.36	\$18.23
9430	Code Compliance Officer Temp/Hourly	Hourly	TE2-16	\$35.02	\$36.77	\$38.61	\$40.54	\$42.57	\$44.70
9530	Communication Dispatcher Temp/Hourly	Hourly	TE2-19	Equal to the hourly rate for TEA Communications Dispatcher					
9545	Crime Analyst Temp/Hourly	Hourly	TE2-18	\$36.38	\$38.20	\$40.11	\$42.12	\$44.23	\$46.44
9540	CSO Intern Temp/Hourly	Hourly	TE2-03	\$22.24	\$23.35	\$24.52	\$25.75	\$27.04	\$28.39
9532	CSO Temp/Hrly	Hourly	TE2-12	\$31.88	\$33.47	\$35.14	\$36.90	\$38.75	\$40.69
9190	Deputy Clerk Temp/Hourly	Hourly	TE2-04	\$24.77	\$26.01	\$27.31	\$28.68	\$30.11	\$31.62
9660	Engineering Technician Temp/Hourly	Hourly	TE2-13	\$32.69	\$34.32	\$36.04	\$37.84	\$39.73	\$41.72
9621	Equipment Mechanic Temp	Hourly	AF2-01	\$33.04	\$34.69	\$36.42	\$38.24	\$40.15	\$42.16
9720	Facility Attendant Temp/Hourly	Hourly	TE2-01	\$14.28	\$14.99	\$15.74	\$16.53	\$17.36	\$18.23
9109	Human Resources Specialist Temp/Hourly	Hourly	TE2-09	\$28.43	\$29.85	\$31.34	\$32.91	\$34.56	\$36.29
9041	Intern I Temp/Hourly	Hourly	TE2-02	\$17.41	\$18.28	\$19.19	\$20.15	\$21.16	\$22.22
9040	Intern II Temp/Hourly	Hourly	TE2-03	\$22.24	\$23.35	\$24.52	\$25.75	\$27.04	\$28.39
9200	IT Technician Temp/Hrly	Hourly	TE2-14	\$32.75	\$34.39	\$36.11	\$37.92	\$39.82	\$41.81
9605	Lead Parks & Maint Worker	Hourly	AF2-06	\$34.60	\$36.33	\$38.15	\$40.06	\$42.06	\$44.16
9015	Legal Assistant Temp/Hrly	Hourly	TE2-17	\$35.94	\$37.74	\$39.63	\$41.61	\$43.69	\$45.87
9810	Librarian Temp/Hourly	Hourly	TE2-15	\$34.67	\$36.40	\$38.22	\$40.13	\$42.14	\$44.25
9820	Library Assistant Temp/Hourly	Hourly	TE2-06	\$26.43	\$27.75	\$29.14	\$30.60	\$32.13	\$33.74

**Town of Los Gatos Temporary Classifications
Salary Schedule for Fiscal Year 2021/22
Effective June 27, 2021
Adopted by Town Council December 7, 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	\$24.77	\$26.01	\$27.31	\$28.68	\$30.11	\$31.62
9850	Library Page Temp/Hourly	Hourly	TE2-01	\$14.28	\$14.99	\$15.74	\$16.53	\$17.36	\$18.23
9830	Library Teen Services Specialist	Hourly	TE2-03	\$22.24	\$23.35	\$24.52	\$25.75	\$27.04	\$28.39
9600	Maintenance Assistant	Hourly	AF2-02	\$16.63	\$17.46	\$18.33	\$19.25	\$20.21	\$21.22
9900	Network Administrator	Hourly	TE2-21	\$38.79	\$40.73	\$42.77	\$44.91	\$47.16	\$49.52
9180	Office Assistant Temp/Hourly	Hourly	TE2-04	\$24.77	\$26.01	\$27.31	\$28.68	\$30.11	\$31.62
9645	Park Service Officer Aide Temp/Hourly	Hourly	TE2-03	\$22.24	\$23.35	\$24.52	\$25.75	\$27.04	\$28.39
9640	Park Service Officer Temp/Hourly	Hourly	TE2-12	\$31.88	\$33.47	\$35.14	\$36.90	\$38.75	\$40.69
9560	Parking Control Officer Temp/Hourly	Hourly	TE2-04	\$24.77	\$26.01	\$27.31	\$28.68	\$30.11	\$31.62
9620	Parks & Main Worker Temp	Hourly	AF2-04	\$27.83	\$29.22	\$30.68	\$32.21	\$33.82	\$35.51
9630	Parks & Main Worker Trainee Temp	Hourly	AF2-03	\$22.75	\$23.89	\$25.08	\$26.33	\$27.65	\$29.03
9440	Permit Technician	Hourly	TE2-11	\$30.67	\$32.20	\$33.81	\$35.50	\$37.28	\$39.14
9590	Police Officer Reserve (Top Step of Officer)	Hourly	TE2-25	Equal to the top step hourly rate for POA Police Officer					
9520	Police Officer Temp/Hourly	Hourly	TE2-25	Equal to the top step hourly rate for POA Police Officer					
9550	Police Records Specialist Temp/Hourly	Hourly	TE2-08	\$27.72	\$29.11	\$30.57	\$32.10	\$33.71	\$35.40
9000	Project Manager	Hourly	Mgmt	\$58.00					\$107.00
9650	Public Works Inspector Temp/Hourly	Hourly	TE2-20	\$38.49	\$40.41	\$42.43	\$44.55	\$46.78	\$49.12
9670	Senior Electrician Temp/Hourly	Hourly	TE2-23	\$40.73	\$42.77	\$44.91	\$47.16	\$49.52	\$52.00
9831	Senior Library Page	Hourly	TE2-02	\$17.41	\$18.28	\$19.19	\$20.15	\$21.16	\$22.22
9725	Special Event Attendant	Hourly	TE2-07	\$16.63	\$17.46	\$18.33	\$19.25	\$20.21	\$21.22
9610	Ticket Booth Attendant	Hourly	AF2-05	\$14.28	\$14.99	\$15.74	\$16.53	\$17.36	\$18.23

Reflects General Increase of 2%

Town of Los Gatos Temporary Classifications
Salary Schedule for Fiscal Year 2021/22
Effective December 26, 2021
Adopted by Town Council December 7, 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	\$24.77	\$26.01	\$27.31	\$28.68	\$30.11	\$31.62
9310	Account Technician Temp/Hourly	Hourly	TE2-10	\$29.76	\$31.25	\$32.81	\$34.45	\$36.17	\$37.98
9300	Accountant Temp/Hourly	Hourly	TE2-17	\$35.94	\$37.74	\$39.63	\$41.61	\$43.69	\$45.87
9010	Admin Analyst Temp/Hourly	Hourly	TE2-17	\$35.94	\$37.74	\$39.63	\$41.61	\$43.69	\$45.87
9100	Admin Specialist Temp/Hourly	Hourly	TE2-10	\$29.76	\$31.25	\$32.81	\$34.45	\$36.17	\$37.98
9580	Administrative Assistant Temp/Hourly	Hourly	TE2-05	\$27.06	\$28.41	\$29.83	\$31.32	\$32.89	\$34.53
9105	Administrative Secretary Temp/Hourly	Hourly	TE2-09	\$28.43	\$29.85	\$31.34	\$32.91	\$34.56	\$36.29
9656	Assistant Engineer Temp/Hourly	Hourly	TE2-23	\$40.73	\$42.77	\$44.91	\$47.16	\$49.52	\$52.00
9655	Associate Civil Engineer Temp/Hourly	Hourly	TE2-24	\$46.90	\$49.25	\$51.71	\$54.30	\$57.02	\$59.87
9400	Associate Planner Temp/Hourly	Hourly	TE2-22	\$40.57	\$42.60	\$44.73	\$46.97	\$49.32	\$51.79
9410	Building Inspector Temp/Hrly	Hourly	TE2-23	\$40.73	\$42.77	\$44.91	\$47.16	\$49.52	\$52.00
9112	Clerical Aide Temp/Hourly*	Hourly	TE2-01	\$15.00	\$15.75	\$16.54	\$17.37	\$18.24	\$19.15
9430	Code Compliance Officer Temp/Hourly	Hourly	TE2-16	\$35.02	\$36.77	\$38.61	\$40.54	\$42.57	\$44.70
9530	Communication Dispatcher Temp/Hourly	Hourly	TE2-19	Equal to the hourly rate for TEA Communications Dispatcher					
9545	Crime Analyst Temp/Hourly	Hourly	TE2-18	\$36.38	\$38.20	\$40.11	\$42.12	\$44.23	\$46.44
9540	CSO Intern Temp/Hourly	Hourly	TE2-03	\$22.24	\$23.35	\$24.52	\$25.75	\$27.04	\$28.39
9532	CSO Temp/Hrly	Hourly	TE2-12	\$31.88	\$33.47	\$35.14	\$36.90	\$38.75	\$40.69
9190	Deputy Clerk Temp/Hourly	Hourly	TE2-04	\$24.77	\$26.01	\$27.31	\$28.68	\$30.11	\$31.62
9660	Engineering Technician Temp/Hourly	Hourly	TE2-13	\$32.69	\$34.32	\$36.04	\$37.84	\$39.73	\$41.72
9621	Equipment Mechanic Temp	Hourly	AF2-01	\$33.04	\$34.69	\$36.42	\$38.24	\$40.15	\$42.16
9720	Facility Attendant Temp/Hourly*	Hourly	TE2-01	\$15.00	\$15.75	\$16.54	\$17.37	\$18.24	\$19.15
9109	Human Resources Specialist Temp/Hourly	Hourly	TE2-09	\$28.43	\$29.85	\$31.34	\$32.91	\$34.56	\$36.29
9041	Intern I Temp/Hourly	Hourly	TE2-02	\$17.41	\$18.28	\$19.19	\$20.15	\$21.16	\$22.22
9040	Intern II Temp/Hourly	Hourly	TE2-03	\$22.24	\$23.35	\$24.52	\$25.75	\$27.04	\$28.39
9200	IT Technician Temp/Hrly	Hourly	TE2-14	\$32.75	\$34.39	\$36.11	\$37.92	\$39.82	\$41.81
9605	Lead Parks & Maint Worker	Hourly	AF2-06	\$34.60	\$36.33	\$38.15	\$40.06	\$42.06	\$44.16
9015	Legal Assistant Temp/Hrly	Hourly	TE2-17	\$35.94	\$37.74	\$39.63	\$41.61	\$43.69	\$45.87
9810	Librarian Temp/Hourly	Hourly	TE2-15	\$34.67	\$36.40	\$38.22	\$40.13	\$42.14	\$44.25
9820	Library Assistant Temp/Hourly	Hourly	TE2-06	\$26.43	\$27.75	\$29.14	\$30.60	\$32.13	\$33.74

**Town of Los Gatos Temporary Classifications
Salary Schedule for Fiscal Year 2021/22
Effective December 26, 2021
Adopted by Town Council December 7, 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	\$24.77	\$26.01	\$27.31	\$28.68	\$30.11	\$31.62
9850	Library Page Temp/Hourly*	Hourly	TE2-01	\$15.00	\$15.75	\$16.54	\$17.37	\$18.24	\$19.15
9830	Library Teen Services Specialist	Hourly	TE2-03	\$22.24	\$23.35	\$24.52	\$25.75	\$27.04	\$28.39
9600	Maintenance Assistant	Hourly	AF2-02	\$16.63	\$17.46	\$18.33	\$19.25	\$20.21	\$21.22
9900	Network Administrator	Hourly	TE2-21	\$38.79	\$40.73	\$42.77	\$44.91	\$47.16	\$49.52
9180	Office Assistant Temp/Hourly	Hourly	TE2-04	\$24.77	\$26.01	\$27.31	\$28.68	\$30.11	\$31.62
9645	Park Service Officer Aide Temp/Hourly	Hourly	TE2-03	\$22.24	\$23.35	\$24.52	\$25.75	\$27.04	\$28.39
9640	Park Service Officer Temp/Hourly	Hourly	TE2-12	\$31.88	\$33.47	\$35.14	\$36.90	\$38.75	\$40.69
9560	Parking Control Officer Temp/Hourly	Hourly	TE2-04	\$24.77	\$26.01	\$27.31	\$28.68	\$30.11	\$31.62
9620	Parks & Main Worker Temp	Hourly	AF2-04	\$27.83	\$29.22	\$30.68	\$32.21	\$33.82	\$35.51
9630	Parks & Main Worker Trainee Temp	Hourly	AF2-03	\$22.75	\$23.89	\$25.08	\$26.33	\$27.65	\$29.03
9440	Permit Technician	Hourly	TE2-11	\$30.67	\$32.20	\$33.81	\$35.50	\$37.28	\$39.14
9590	Police Officer Reserve (Top Step of Officer)	Hourly	TE2-25	Equal to the top step hourly rate for POA Police Officer					
9520	Police Officer Temp/Hourly	Hourly	TE2-25	Equal to the top step hourly rate for POA Police Officer					
9550	Police Records Specialist Temp/Hourly	Hourly	TE2-08	\$27.72	\$29.11	\$30.57	\$32.10	\$33.71	\$35.40
9000	Project Manager	Hourly	Mgmt	\$58.00					\$107.00
9650	Public Works Inspector Temp/Hourly	Hourly	TE2-20	\$38.49	\$40.41	\$42.43	\$44.55	\$46.78	\$49.12
9670	Senior Electrician Temp/Hourly	Hourly	TE2-23	\$40.73	\$42.77	\$44.91	\$47.16	\$49.52	\$52.00
9831	Senior Library Page	Hourly	TE2-02	\$17.41	\$18.28	\$19.19	\$20.15	\$21.16	\$22.22
9725	Special Event Attendant	Hourly	TE2-07	\$16.63	\$17.46	\$18.33	\$19.25	\$20.21	\$21.22
9610	Ticket Booth Attendant*	Hourly	AF2-05	\$15.00	\$15.75	\$16.54	\$17.37	\$18.24	\$19.15

Reflects General Increase of 2%

***Approved 1/1/22 Minimum Wage Rate Increase, Effective 12/26/21**

RESOLUTION 2001 - 16

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING THE POSITION AND CLASSIFICATION PLAN TO ADD THE
CLASSIFICATION OF PROJECT MANAGER**

RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that the Position and Classification Plan is hereby amended as shown in Exhibit A, effective February 20, 2001.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 20TH day of February, 2001 by the following vote:


COUNCIL MEMBERS:

AYES: Randy Attaway, Steven Blanton, Sandy Decker, Steve Glickman,
Mayor Joe Pirzynski.

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED: 
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

EXHIBIT A

POSITION AND CLASSIFICATION PLAN AMENDMENT
EFFECTIVE FEBRUARY 20, 2001

Temporary Position

Salary Range

Project Manager

\$25 - \$175 per hour

S:\Mgr0220.07.wpd

Town of Los Gatos Town Council and Management Classifications
Salary Schedule for Fiscal Year 2021/22
Effective June 27, 2021 (unless otherwise noted)
Adopted by Town Council November 16, 2021

Class Code	Classification Title	Annual Salary Minimum	Annual Salary Maximum
2615	Assistant Parks & Public Works Director/Town Engineer	\$ 141,787	\$ 191,413
2110	Assistant Town Manager	\$ 168,540	\$ 227,529
2420	Chief Building Official	\$ 128,453	\$ 173,411
2400	Community Development Director	\$ 164,425	\$ 221,974
2180	Community Outreach Coordinator	\$ 88,692	\$ 119,734
2130	Economic Vitality Manager	\$ 122,262	\$ 165,054
2310	Finance and Budget Manager	\$ 128,453	\$ 173,411
2300	Finance Director	\$ 160,419	\$ 216,565
2200	Human Resources Director	\$ 148,965	\$ 201,103
2900	Information Technology Manager	\$ 128,453	\$ 173,411
2800	Library Director	\$ 148,965	\$ 201,103
2820	Library Division Manager	\$ 97,899	\$ 132,163
2600	Parks & Public Works Director	\$ 164,425	\$ 221,974
2645	Parks & Public Works Operations Manager	\$ 110,764	\$ 149,531
2630	Parks & Public Works Superintendent	\$ 128,453	\$ 173,411
2412	Planning Manager	\$ 128,453	\$ 173,411
2510	Police Captain	\$ 152,689	\$ 206,130
2500	Police Chief	\$ 172,753	\$ 233,217
2545	Police Records & Communication Manager	\$ 119,280	\$ 161,028
2140	Senior Administrative Analyst	\$ 95,511	\$ 128,940
2650	Senior Civil Engineer	\$ 122,262	\$ 165,054
2000	Town Attorney - Council Appointed (<i>Effective 9/19/21, Adopted by Town Council 11/16/21</i>)		\$ 249,900
2190	Town Clerk	\$ 128,453	\$ 173,411
2100	Town Manager - Council Appointed (<i>Effective 8/22/21, Adopted by Town Council 11/16/21</i>)		\$ 267,750
2655	Transportation & Mobility Manager	\$ 119,280	\$ 161,028
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 2%



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/7/2021

ITEM NO: 4

DATE: December 2, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution to Set a Date for Consideration of the Reorganization of an Uninhabited Area Designated as El Gato Lane No. 5, Approximately 0.789 Acres on Property Pre-Zoned R-1:8. APN 523-22-010.
Annexation Application AN21-003. Project Location: 15605 El Gato Lane.
Property Owner/Applicant: Natasha Malisic.

RECOMMENDATION:

Adopt a resolution (Attachment 1) to set a date for consideration of the reorganization of an uninhabited area designated as El Gato Lane No. 5, approximately 0.789 acres, located at 15605 El Gato Lane (APN 523-22-010).

BACKGROUND:

The Town has an agreement with Santa Clara County that requires annexation of any property located within the Town's Urban Service Area boundary that is either contiguous to a Town boundary or within 300 feet of a Town maintained roadway if a use is proposed to intensify. The subject property is within 300 feet of a Town boundary. Annexation has been requested in conjunction with a proposal to demolish an existing single-family residence and construct a new single-family residence on the property. The total annexation area (0.789 acres) includes 0.602 acres of County street right-of-way.

Section 56757 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 gives cities in Santa Clara County the authority to annex territory without application to and hearing by the Santa Clara County Local Agency Formation Commission (LAFCO).

PREPARED BY: Ryan Safty
Associate Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Department Director

BACKGROUND (continued):

The Town is required to hold a protest proceeding even if the area proposed for annexation is uninhabited (less than twelve registered voters) and all property owners have consented to the annexation. This first meeting and resolution sets the date for the consideration of the annexation and the protest proceeding.

DISCUSSION:

The Town has received a petition requesting annexation to the Town of Los Gatos from Natasha Malisic, owner of the property at 15605 El Gato Lane. The property is located on the west side of El Gato Lane in an unincorporated County pocket.

The property is in the Town's Urban Service Area, is within 300 feet of a Town boundary, and is pre-zoned R-1:8 (Single-Family Residential, 8,000 square foot minimum lot size). Annexation would allow Town services to be extended to the property and reduce an existing County pocket. Santa Clara County Planning, County Lighting Service Area, and the County Library Service Area have been notified in writing of the annexation request. This agenda item, if approved, would set the date for consideration of the annexation application for December 21, 2021.

COORDINATION:

The preparation of this report was coordinated with the Santa Clara County Library District, Santa Clara County Lighting Service Area, County of Santa Clara Infrastructure Development Division, LAFCO, County of Santa Clara Assessor, County of Santa Clara Surveyor, and the County of Santa Clara Planning Division.

FISCAL IMPACT:

Once the annexation is certified by the State Board of Equalization, the Town will receive approximately 9.3 percent of the property taxes.

ENVIRONMENTAL ASSESSMENT:

The project is exempt pursuant to the California Environmental Quality Act Guidelines under Section 15061(b)(3): Review for Exemption, in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. A Notice of Exemption will not be filed.

PAGE 3 OF 3

SUBJECT: El Gato Lane No. 5/AN21-003

DATE: December 2, 2021

Attachments:

1. Resolution, with Exhibits A and B
2. Location Map

***This Page
Intentionally
Left Blank***

RESOLUTION 2021-

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
TO SET A DATE FOR CONSIDERATION OF THE REORGANIZATION
OF AN UNINHABITED TERRITORY DESIGNATED AS
EL GATO LANE NO. 5**

**APN: 523-22-010
APPROXIMATELY 0.789 ACRES
ANNEXATION APPLICATION: AN21-003
PROPERTY LOCATION: 15605 EL GATO LANE
PROPERTY OWNER/APPLICANT: NATASHA MALISIC**

WHEREAS, the Town Council of the Town of Los Gatos has received a request for annexation of territory designated El Gato Lane No. 5 from Natasha Malisic; and

WHEREAS, the property, is approximately 0.789 acres and includes 0.602 acres of County street right-of-way located at 15605 El Gato Lane, APN: 523-22-010, is within 300 feet of a Town boundary and within the Town's Urban Service Area; and

WHEREAS, the following special districts would be affected by the proposal: Santa Clara County Lighting Service Area; and Santa Clara County Library Service Area; and

WHEREAS, the annexation would provide for use of Town services; and

WHEREAS, the Town Council enacted Ordinance 1267 in 1975 pre-zoning the subject territory with an R-1:8 (single-family residential, 8,000 square foot minimum lot size) zoning designation; and

WHEREAS, the Town of Los Gatos, as Lead Agency for environmental review for the reorganization, has determined annexation of the subject property is exempt from the California Environmental Quality Act guidelines, pursuant to Section 15061(b)(3); and

ATTACHMENT 1

WHEREAS, the County Surveyor of Santa Clara County has found the description and map (Exhibit A and B) to be in accordance with Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with LAFCO's road annexation policies; and

WHEREAS, as provided in Government Code Section 56757, the Town Council of the Town of Los Gatos shall be the conducting authority for a reorganization including an annexation to the Town; and

WHEREAS, the territory is uninhabited and all owners of land included in the proposal have consented to this annexation; and

WHEREAS, Government Code Section 56663(a) provides that if a petition for annexation is signed by all owners of land within the affected territory the Town Council may approve or disapprove the annexation without a public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Los Gatos hereby initiates annexation proceedings and will consider annexation of the territory designated as El Gato Lane No. 5 at its regular meeting on December 21, 2021.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los

Gatos, California, held on the 7th day of December 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: _____

***This Page
Intentionally
Left Blank***

EXHIBIT A

EL GATO LANE NO. 5

ANNEXATION TO THE TOWN OF LOS GATOS

GEOGRAPHIC DESCRIPTION

All that certain real property lying in the Rancho Rinconada De Los Gatos, County of Santa Clara, State of California, being more particularly described as follows:

Beginning at the southeast corner of Lot 57 of Tract 1168, Recorded March 2, 1954 in Book 48 of Maps at Page 13, in the Office of the County Recorder of said Santa Clara County, said **Point of Beginning** being on the southerly line of the El Gato Lane Number One Annexation per Ordinance No. 605 as passed and adopted August 14, 1961, said **Point of Beginning** also being North 77°33'45" East, 149.00 feet from the southwest corner of said Lot 57 and the southwest corner of said El Gato Lane Number One Annexation; thence

- 1) South along the westerly line of El Gato Lane as shown on said Map of Tract 1168 South 12°26'15" East, 382.20 feet to the northeast corner of Lot 49 of said Map of Tract 1168; thence
- 2) Along the northerly line of said Lot 49 South 77°33'45" West, 149.00 feet to the northwest corner of said lot 49; thence
- 3) Along the westerly line of said Lot 49 South 12°26'15" East, 54.60 feet to the southwest corner of said lot 49; thence
- 4) North 77°33'45" East, 209.00 feet to a Point on the East Line of El Gato Lane as shown on said Map of Tract 1168; thence
- 5) Along the easterly line of said El Gato Lane North 12°26'15" West, 330.10 feet to the southwest corner of Lot 3 of said Tract 1168, said southwest corner also being the southwest corner of El Gato Lane Annexation Number 2 per Resolution No. 2014-042 as passed and adopted June 2, 2014; thence
- 6) Along the westerly line of said Lot 3 and said El Gato Lane Annexation Number 2 North 12°26'15" West, 53.35 feet to the northwest corner of said Lot 3 and said El Gato Lane Annexation Number 2; thence
- 7) Along the easterly line of said El Gato Lane and the westerly line of Lot 2 as shown on the Map of said Tract 1168 North 12°26'15" West, 53.35 to the northwest corner of said Lot 2 and the southerly line of said El Gato Lane Number One Annexation; thence
- 8) Along said southerly line of El Gato Lane Number One Annexation South 77°33'45" West, 60.00 to the **Point of Beginning**.

Area of Proposed Annexation: 33,349 sq. ft. of land, more or less (0.789 acres)

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as a basis for an offer for the sale of the land described.

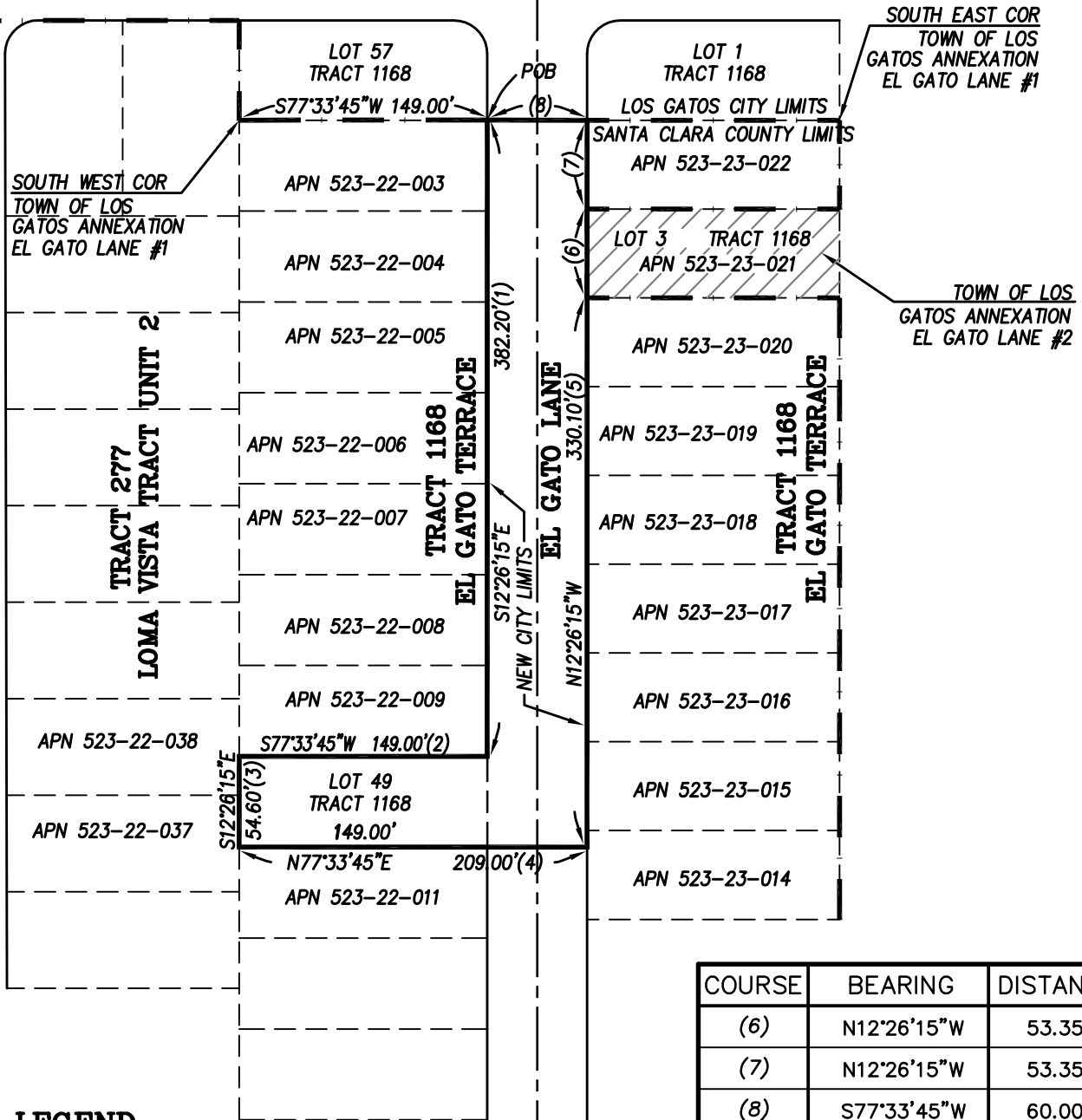


Helmut R. Korstick (PLS 7739)

 AUGUST 13, 2021 (Date)



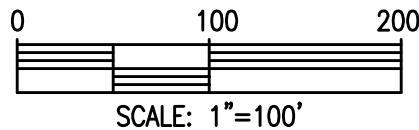
LOS GATOS ALMADEN ROAD



LEGEND

- (#) COURSE PER GEOGRAPHIC DESCRIPTION
- APN ASSESSOR'S PARCEL NUMBER
- POB POINT OF BEGINNING
- EXISTING LOT LINE
- - - EXISTING CENTERLINE
- — — EXISTING TOWN BOUNDARY
- — — PROPOSED TOWN BOUNDARY
- ////// TOWN OF LOS GATOS ANNEXATION EL GATO LANE #2

COURSE	BEARING	DISTANCE
(6)	N12°26'15"W	53.35'
(7)	N12°26'15"W	53.35'
(8)	S77°33'45"W	60.00'



PREPARED BY:



46560 FREMONT BLVD, UNIT NO. 205

FREMONT, CA 94538

1st Page 41 Email: [redacted]@gmail.com PHONE: 510.344.8956

EXHIBIT B

PLAT TO ACCOMPANY GEOGRAPHIC DESCRIPTION
EL GATO LANE NUMBER 5 ANNEXATION
SANTA CLARA COUNTY RECORDS

CITY OF LOS GATOS - PUBLIC WORKS DEPARTMENT
41 MILES AVENUE, LOS GATOS, CA 95030. PH (408) 399-5770

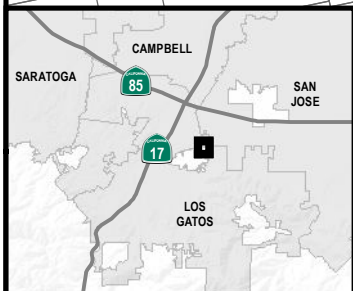
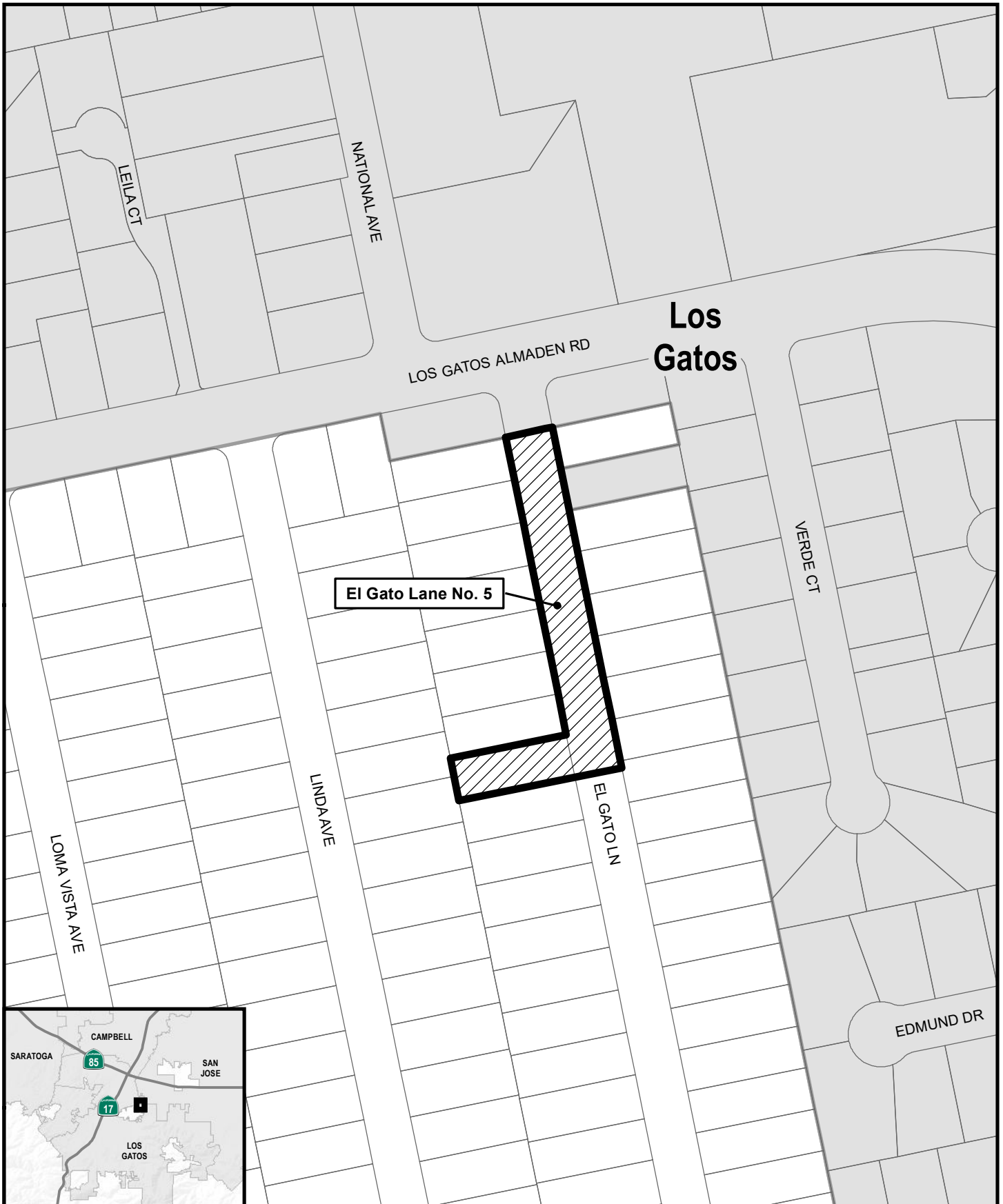
SCALE: 1"=100'

DATE: AUGUST 13, 2021

PAGE: 1 of 1

DWG BY: DSK
CHK: HRK




EXHIBIT B

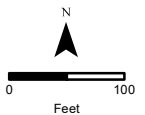


County of Santa Clara
 Department of Planning and Development
 County Government Center, East Wing
 70 West Hedding St., 7th Floor
 San Jose, California 95110

EXHIBIT A
Los Gatos - El Gato Lane No. 5
0.789 acres +/-

Prepared for the Office of the County Surveyor
 October 27, 2021
 August Hanks, County Surveyor

-  Area of Annexation
-  City Limits
-  Unincorporated Lands



***This Page
Intentionally
Left Blank***



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM NO: 5

DATE: November 19, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adoption of an Ordinance of the Town Council of the Town of Los Gatos, by Title Only, Amending Chapter 2 (Administration), Article V, Division 2 of the Town Code Regarding Purchasing

RECOMMENDATION:

Adopt an Ordinance that was introduced at the Town Council meeting of November 16, 2021 amending Chapter 2 (Administration), Article V, Division 2 of the Town Code regarding purchasing.

DISCUSSION:

At its November 16, 2021 meeting, the Town Council voted 5-0 to approve amending Chapter 2 (Administration), Article V, Division 2 of the Town Code regarding purchasing.

Staff recommends that the Town Council adopt the Ordinance amending Chapter 2 (Administration), Article V, Division 2 of the Town Code regarding purchasing.

COORDINATION:

This report was coordinated with the Town Attorney's Office and the Town Manager's Office.

FISCAL IMPACT:

As with any Ordinance change, the Town incurs Municode costs to incorporate the modifications into the online and hardcopy versions of the Code. These expected expenditures are budgeted annually.

PREPARED BY: Holly Zappala
Management Analyst

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

PAGE 2 OF 2

SUBJECT: Adoption of an Ordinance Amending Chapter 2 of the Town Code Regarding
Purchasing

DATE: December 7, 2021

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Draft Ordinance

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE V, DIVISION 2 OF THE TOWN CODE REGARDING PURCHASING

WHEREAS, Chapter 2, Article V, Division 2 of the Town Code regulates Purchasing; and

WHEREAS, on January 25, 2021, the Council Policy Committee held a public meeting and added updating the Town Purchasing Policy to its work plan for the year; and

WHEREAS, Chapter 2, Article V, Division 2 of the Town Code regarding Purchasing should be updated in tandem with the Purchasing Policy in order to ensure consistency; and

WHEREAS, staff prepared draft updates to the Town Purchasing Policy and amendments to Chapter 2, Article V, Division 2 of the Town Code regarding Purchasing; and

WHEREAS, on October 26, 2021, the Council Policy Committee held a public hearing to consider the draft updates to the Town Purchasing Policy and amendments to Chapter 2, Article V, Division 2 of the Town Code regarding Purchasing. The Committee recommended the Town Council review and approve the updates; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 16, 2021.

WHEREAS, on November 16, 2021, the Town Council reviewed and discussed the updates to the Town Purchasing Policy and amendments to Chapter 2, Article V, Division 2 of the Town Code regarding Purchasing and the Town Council voted to introduce the Ordinance; and

WHEREAS, on December 7, 2021, the Town Council voted to approve second reading of said Ordinance.

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

Section I

Chapter 2, Article V, Division 2 of the Town Code is hereby amended as follows:

DIVISION 2. - PURCHASING^[8]

Footnotes:

--- (8) ---

State Law reference— Purchasing of supplies and equipment by municipalities, Gov. Code § 54201 et seq.

Sec. 2.50.105. - Purchasing system adopted.

In order to establish efficient procedures for the purchase of goods and services for the Town at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted. Nothing in this chapter shall prevent the Town from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

(Code 1968, § 23-1)

Sec. 2.50.110. - Decentralized Purchasing Process.

There is hereby established a Decentralized Purchasing Process in which requesting Departments can directly solicit bids or proposals and place orders with vendors, subject to the limitations established in this section, the Town Purchasing Policy, and the approval of the appropriate awarding authority. The Town Finance Department and Town Manager shall oversee the procurement process.

(Code 1968, § 23-2)

Sec. 2.50.115. – Department Purchasing Representatives.

Department Directors shall designate one or more of their Department's employee(s) as a Department Purchasing Representative who will coordinate the procurement process in conjunction with the Finance Department and concurrence of the Town Manager. Department Purchasing Representatives shall have the authority to:

- (1) Purchase or provide for the purchase or lease of all goods and services for the use of their Town Departments in accordance with the provisions of this section, and such administrative rules and regulations put forth in the Purchasing Policy and/or prescribed by the Town Council.
- (2) Recommend execution of contracts for the purchase or lease of goods and services.
- (3) Act to procure the needed quality of goods and services at the least expense to the Town.
- (4) Keep informed of current developments in the field of purchasing, prices, market conditions, services, and new products.
- (5) Prescribe and maintain such policies and administrative forms as are reasonably necessary to the operation of this chapter and other rules and regulations.
- (6) Supervise the inspection of all goods and services purchased or leased to ensure performance with regulations.

- (7) When necessary, oversee the maintenance of a bidder's list and records needed for the efficient operation of purchasing.

(Code 1968, § 23-4)

Sec. 2.50.125. - Use of requisitions.

Town Departments shall submit requests for goods and services over a certain amount defined in the Purchasing Policy by standard electronic purchase requisition forms. A purchase requisition is required to be submitted in order for a purchase order to be issued when necessary.

(Code 1968, § 23-5)

Sec. 2.50.130. – Except as otherwise authorized or required by this chapter or under State or Federal law, purchases of goods and services shall be by bidding procedures.

- (a) When the expenditure required for the purchase of goods and services exceeds the amount defined in the Purchasing Policy, such purchases shall be contracted for and let to the lowest responsible bidder after notice pursuant to section 2.50.140. Purchases which do not exceed the specified amount shall be made by a Department Purchasing Representative only after an informal investigation of the sources of supply for the purpose of ascertaining the lowest price for which the commodities desired can be acquired and appropriate cost accounting principles are employed.
- (b) The letting of purchases to the lowest responsible bidder pursuant to section 2.50.140 may be dispensed with when any of the following circumstances exist, unless otherwise required by State or Federal law:
 - (1) An emergency situation exists as defined in the Purchasing Policy and separate Emergency Procurement Policy.
 - (2) The commodity can be obtained only from a sole or single source vendor due to its uniqueness or special characteristics, as defined in the Purchasing Policy.
 - (3) When it would be impractical, impossible, or would not be likely to result in a lower price to the Town from a responsible bidder, or would cause unnecessary expense or delay under the circumstances as determined by the awarding authority.
 - (4) The purchase is a public works project and falls under the Cost Accounting Policies and Procedures Manual of the California Uniform Public Construction Cost Commission and adopted by resolution.
 - (5) For professional services which require the exercise of professional discretion and independent judgment, based on an advanced or specialized knowledge, expertise, or training gained by formal studies or experience. Examples of professional service providers include appraisers, architects, attorneys, engineers, instructors, land

surveyors, physicians, information technology services, graphic designers, construction inspectors, etc.

- (6) Where the Town makes use of a cooperative purchasing agreement pursuant to the guidelines set forth in the Purchasing Policy.
- (7) When a Request for Proposal (or Request for Information, Request for Qualifications, etc.) process is utilized pursuant to the guidelines set forth in the Purchasing Policy.
- (8) When State or Federal law forbids selection on the basis of the lowest responsible bidder alone.
- (9) When no acceptable bids are received from any responsible bidder after following the procedures set forth in Section 2.50.140.
- (10) When the Town has elected to purchase goods or services directly from the State of California, County of Santa Clara, or any other California municipality.

(Code 1968, § 23-6; Ord. No. 1958, § I, 10-4-93; Ord. No. 2020, § X, 9-16-96)

Sec. 2.50.131. – Public Works Projects.

The Town has adopted the California Uniform Public Construction Cost Accounting Act for public works projects as defined in Section 22002 of the Public Contract Code.

(Ord. No. 1958, § II, 10-4-93; Ord. No. 2151, § A, 10-2-06)

Sec. 2.50.132. – Informal bid procedure for public works projects.

Public projects, as defined by the California Uniform Public Construction Cost Accounting Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

(Ord. No. 1958, § III, 10-4-93)

Sec. 2.50.133. – Contractors List for public works projects.

The Town shall comply with the requirements of Public Contract Code Section 22034.

(Ord. No. 1958, § IV, 10-4-93)

Sec. 2.50.134. – Notice Inviting Informal Bids for public works projects.

Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids shall be circulated using one or both of the following alternatives:

- (1) Notices inviting informal bids may be mailed, faxed, or emailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 2.50.133.
- (2) Notices inviting informal bids may be mailed to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the Department soliciting bids, provided however:
 - a. If the good or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

(Ord. No. 1958, § V, 10-4-93)

Sec. 2.50.135. – Award of contracts for public works projects.

The Town Manager is authorized to award informal contracts pursuant to this Section.

Sec. 2.50.136. – Formal bid procedure for public works projects.

Public projects of more than the amount specified in the Uniform Public Construction Cost Accounting Act shall, except as otherwise provided in this Section, be let to contract by formal bidding procedure in accordance with the applicable provisions of the Act and the Public Contract Code.

(Code 1968, § 23-8)

Sec. 2.50.140. - Formal bid procedure for goods.

Except as otherwise provided in the Uniform Public Construction Cost Accounting Act for public projects and Section 2.50.130, purchases for goods above an estimated value defined in the Purchasing Policy that are of standardized or uniform quality shall be by formal bidding procedure as follows:

- (1) Notice inviting bids. Notices inviting bids shall include a general description of the articles to be purchased, shall state where to obtain more information, where to submit bids, and the time and place for opening bids.

- (2) Published notice. Notice inviting bids shall be published by the Town Clerk at least ten (14) days before the date of opening of the bids. Notice shall be published at least twice in a newspaper of general circulation printed and published in the Town, or if there is none, it shall be posted in at least three (3) public places in the Town.
- (3) Bulletin board. Pending purchases shall also be advertised by a notice posted on the public bulletin boards at the Town Hall.
- (4) Website. Notice inviting bids shall be posted to the designated area of the Town website.
- (5) Bidders' list. The purchasing Department shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidders' list or who have requested their names to be added thereto.
- (6) Bidder's security. When deemed necessary by the purchasing Department, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided, that a successful bidder shall forfeit the bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award of contract has been mailed, unless the Town is responsible for the delay. The awarding authority may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest bidder, the amount of the lowest bidder's security being applied by the Town to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.
- (7) Bid-opening procedure. Sealed bids shall be submitted to the Town Clerk and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.
- (8) Rejection of bids. In its discretion, the awarding authority may reject any bids presented and readvertise for bids.
- (9) Award of contracts. Contracts shall be awarded to the lowest responsible bidder, except as otherwise provided herein.
- (10) Tie bids. If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the awarding authority may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening.
- (11) Performance bonds. The awarding authority shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interests of the Town. If a performance bond is required, the form and amount of the bond shall be described in the notice inviting bids.

(Code 1968, § 23-9; Ord. No. 1958, § VI, 10-4-93; Ord. No. 2151, § B, 10-2-06)

Sec.2.50.141. -Request for Proposal (RFP) process.

- (1) The Town may utilize the Request for Proposal (RFP) method for purchase of services and will apply to the purchase of goods above an estimated value defined in the Purchasing Policy when any of the following conditions exist:
 - a. Quality, capability, performance, or qualification is overriding in relation to price; or
 - b. Delivery, installation, service, maintenance, reliability, or replacement is overriding in relation to price; or
 - c. It is determined that the marketplace will respond better to a solicitation permitting a range of alternative proposals or evaluation and discussion of proposals before entering the contract.
- (2) The identity of persons responding to the Request for Proposals and the content of proposals submitted to the Town may be kept confidential during the process of negotiation and until a contract is awarded.
- (3) The format and procedures for Requests for Proposals shall be established in the Purchasing Policy.
- (4) The contract award shall be based upon the proposal determined by the Town to be the most advantageous to the Town, taking into consideration price and the evaluation factors set forth in the Request for Proposals.
- (5) The Town may reject any and all proposals if such rejection is deemed to be in the best interest of the Town.
- (6) The Town may utilize various other accepted requests for procurement in place of a Request for Proposal, including a Request for Information, Request for Qualifications, or others as deemed appropriate.

Sec. 2.50.143. – Procurement of paper products.

- (1) Definitions:
 - a. “Paper Purchase” means all purchases by a jurisdiction of items in the following categories: (1) Paper products. (2) Printing and writing papers.

- b. "Paper Products" include but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling.
- c. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications.

(2) All vendors providing paper products shall:

- a. If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of nonrecycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than nonrecycled items or at a total cost of no more than ten percent of the total cost for nonrecycled items.
- b. Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.
- c. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the Town. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
- d. Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the Town is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).
- e. Provide records to the Town's recordkeeping designee, in accordance with the Town's Recycled-Content Paper procurement policies of all Paper Products and Printing and Writing Paper purchases within thirty days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any Department or employee of the Town. Records shall include a copy (electronic or paper) of the invoice or other documentation of

purchase, written certifications for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.

Sec. 2.50.145. - Purchasing Policy.

In order to implement the provisions of this division, a Purchasing Policy shall be prepared and adopted by resolution of the Town Council. No amendments to the policy shall be made without Town Council approval.

(Code 1968, § 23-11)

Section II

The Town Council finds and determines that the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines under the General Rule (Section 15061(b)(3)), which sets forth that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that the proposed Town Code text amendments will have no significant negative effect on the environment.

Section III

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The Town Council of the Town of Los Gatos hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

Section IV

This ordinance shall take effect immediately and will be enforced thirty (30) days after its adoption.

Section V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on November 16, 2021 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the December 7, 2021. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of December, 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: 12/07/2021

ITEM NO: 6

DATE: December 1, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution in Support of Seamless Transit Principles

RECOMMENDATION:

Adopt a resolution in support of Seamless Transit Principles (Attachment 1).

REMARKS:

The Seamless Transit Principles are a set of seven guiding principles developed to guide local, regional, and state decision-makers to pursue a seamlessly integrated, world-class transit system that works for all people. They are:

1. Run all Bay Area transit as one easy-to-use system
2. Put riders first
3. Make public transit equitable and accessible to all
4. Align transit prices to be simple, fair, and affordable
5. Connect effortlessly with other sustainable transportation
6. Plan communities and transportation together
7. Prioritize reforms to create a seamless network

The Principles were compiled by [Seamless Bay Area](#), a non-profit 501(c)3 group that advocates for a unified, world class public transit system, with the input of cities and transit advocacy groups, local leaders, transit agency staff, and local elected officials. They have been endorsed by over 27 organizations and 6 public agencies, including the cities of San Jose and Mountain View, and the Cities Association of Santa Clara County.

The purposes of Seamless Transit Principles are to build: (1) broad support among cities, transit agencies, employers, advocacy groups, mayors, local elected officials to the vision of seamless transportation and (2) public awareness and public support for reforms that promote greater regional transit integration; overcome resistance to change within transit agencies.

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

PAGE 2 OF 2

SUBJECT: Seamless Transit Principles

DATE: December 1, 2021

CONCLUSION:

The Town Council should adopt the resolution in support of the Seamless Transit Principles to demonstrate our commitment to viable and accessible transit in the Bay Region.

COORDINATION:

The preparation of this report was coordinated with the Department of Parks and Public Works.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the resolution.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Resolution

RESOLUTION 20 -xx

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS SUPPORTING SEAMLESS TRANSIT PRINCIPLES

WHEREAS, the San Francisco Bay Area, despite being an exceptional place to live, faces an uncertain future due to several interrelated crises -- decreasing housing affordability, increasing congestion, rising pollution, widening inequality, and the recent COVID-19 public health crisis – all of which are exacerbated by an inadequate and poorly-performing public transportation system;

WHEREAS, despite billions of dollars of investments in new transportation infrastructure over the past five decades, public transit in the Bay Area has failed to attract large numbers of new riders, and has never been used by more than 12% of the population for commute trips since 1970; by contrast automobiles have always been used for over 75% of commute trips;

WHEREAS, The quality of and usage of public transit in the Bay Area has declined in recent years, with transit trips per capita declining by 10%, average bus speeds declining by 9%, and transit commute times increasing by 11% between 2001 and 2016;

WHEREAS, the California Air Resources Board reported in 2018 that no California regions, including the Bay Area, are on track to meet their greenhouse gas reduction targets, with increasing Vehicle Miles Travelled (VMT) and declines in transit ridership cited as a primary factors;

WHEREAS, using public transit in the Bay Area is inconvenient and costly for many types of trips, requiring riders to: use multiple transit systems operated independently with little coordination; pay multiple separate fares; experience unpredictable transfers; and navigate different wayfinding systems and brand identities;

WHEREAS, low income people, many of whom have experienced displacement and have long commutes requiring multiple transit services, are among the most adversely affected the Bay Area's poorly integrated public transportation system, experiencing a significant financial burden from needing to pay multiple separate transit fares or being forced into costly vehicle ownership;

ATTACHMENT 1

WHEREAS, regions with high-ridership public transportation systems are, by contrast, characterized by highly integrated networks of quality local and regional transit services that make traveling without a private automobile convenient and easy for all types of trips, featuring aligned routes and schedules, coordinated transfers, high quality transit hubs, common branding and customer information, and other common regional customer experience standards.

WHEREAS, regions that have successfully integrated and simplified transit fares have experienced many broad social benefits, including a shift in travel from private cars to public transit, an increase in overall public transit usage, and expanded mobility options and cost savings for riders.

WHEREAS, a well-functioning and coordinated transit system plays a critical role in supporting public health and safety during an emergency, with 31% of Bay Area essential workers relying off public transit to get to work. It also plays a critical role in supporting an economic recovery. During and in the aftermath of major disruptions to our transit system, close coordination among agencies facilitates prioritization of the most critical needs, efficient deployment of resources, and clear communication to customers.

NOW, THEREFORE, BE IT RESOLVED:

The Town Los Gatos affirms its commitment to working collaboratively with State agencies, the Metropolitan Transportation Commission, and other municipalities and public agencies to develop a highly integrated regional transportation system that provides convenient, seamless, and affordable transit for customers.

The Town Council of the Town of Los Gatos supports the Seamless Transit Principles listed in Attachment A, and agrees for the Town to be publicly listed as a supporter.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of December, 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: _____



1) Run all Bay Area transit as one easy-to-use system

Public transit should work as one seamless, connected, and convenient network across the San Francisco Bay Area and beyond. Getting around on transit should be as fast and easy as driving a car. Coordinated bus, rail, and ferry routes and schedules should encourage effortless transfers. Consistent and clear customer information, branding, and maps should make using transit simple and dignified.



2) Put riders first

Riders should feel comfortable when using transit and be treated like valued customers. Public transit agencies must do more to listen to riders and continuously improve service. They must prioritize riders' needs above all else, and overcome all operational, political and bureaucratic barriers to provide an excellent and seamless customer experience.



3) Make public transit equitable and accessible to all

People of all income levels, ages, abilities, genders, and backgrounds should have access to world-class public transit. People who are the most reliant on transit are best served by a universal, inclusive, regionally integrated, connected system that is used by all. People with limited means to pay for transit should be provided with discounts.



4) Align transit prices and passes to be simple, fair, and affordable

Transit should provide good value for money. Fares across the region's 27 public transit agencies must be aligned into a consistent, fair, and affordable system that encourages using transit for all types of trips and doesn't punish riders for transferring. Cost-effective monthly passes should work across the Bay Area and should be widely available to individuals, employers, and schools.



5) Connect effortlessly with other sustainable transportation

A person's journey does not end when they get off a bus or exit a station. Excellent pedestrian, bicycle, and other pollution-free transportation options should seamlessly connect public transit to communities and destinations, supporting door-to-door trips that don't require a car.



6) Plan communities and transportation together

High quality public transit should be at the heart of communities across the Bay Area. Transportation should be closely aligned with our region's land use, promoting a connected network of transit-oriented, walkable communities that expands access to affordable housing and job opportunities, and reduces car travel and greenhouse gas emissions.



7) Prioritize reforms to create a seamless network

A regionally integrated, world-class transit system won't happen on its own -- it will take leadership, unprecedented levels of cooperation, and changes to existing local, regional, and state policies. The cities, counties, public transit agencies, regional authorities, business leaders, advocacy groups and elected representatives of the San Francisco Bay Area and Northern California megaregion must prioritize the broad public interest and urgently work together collaboratively to advance critical reforms. Our future depends on it!



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/7/2021

ITEM NO: 7

DATE: November 23, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Accept Fiscal Year (FY) 2020/21 Status Report on Receipt and Use of
Development Impact Fees

RECOMMENDATION:

Accept Fiscal Year (FY) 2020/21 Status Report on Receipt and Use of Development Impact Fees.

BACKGROUND:

To ensure that mitigation fees associated with private land use development are spent in a timely manner and on projects for which they were being collected, the State Legislature passed a bill known as AB 1600 (the Mitigation Fee Act). This bill applies to developer fees which were increased or imposed on or after January 1, 1989.

The Mitigation Fee Act (California Government Code, §66000 et seq.) requires local agencies that impose Development Impact Fees to present an annual, consolidated report showing the receipt and use of those fees. The Annual Status Report (Attachment 1) must be reviewed by Council within 180 days after the close of the fiscal year represented.

The Town collects three Development Impact Fees that meet the AB 1600 reporting requirement: the Traffic Impact Mitigation Fee, Below-Market Priced Housing Program In-Lieu Fee, and the Construction Activity Impact Fee. Separate balances exist for each of these fees either as individual accounts or in the case of Traffic Impact Mitigation Fees, separate funds. As required by AB 1600, as of June 30, 2021, all accounts or funds with unspent balances have been credited interest revenue at the Town's current interest rate earned on its total.

PREPARED BY: Stephen Conway
Finance Director

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

DISCUSSION:

AB 1600 requires that a status report be prepared annually which must include the following:

- A brief description of the fee and the fund into which the fee was deposited;
- The amount of the fee;
- The associated fund's beginning and ending balances for the fiscal year;
- The total amount of fees collected and interest earned;
- Identification of each public improvement on which impact fees were expended and amount of expenditure on each improvement, including the total percentage of the cost of the public improvement that was funded with impact fees;
- Identification of approximate date by which construction of a public improvement will begin;
- Determination that sufficient funds have been collected to complete financing on an incomplete public improvement;
- Description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the loaned funds will be expended, and in the case of an inter-fund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan;
- Amount of any refunds made due to inability to expend impact fees once a determination is made that sufficient impact fees have been collected to finance a public improvement, the improvement remains incomplete, and the Town has not determined an approximate date by which construction will begin; and
- Whenever the funds are held five years or more, the Town must present plans or commitments to demonstrate intended future use of these funds.

This information is presented in the attached FY 2020/21 Annual Status Report on Receipt and Use of Development Impact Fees. The Report depicts balances and the intended use of balances, including decisions made after June 30, 2021 to demonstrate that the fees will be used for their respective purposes.

CONCLUSION:

Staff recommends Council accept the FY 2020/21 Annual Status Report on Receipt and Use of Development Impact Fees as required under the Mitigation Fee Act (AB 1600).

COORDINATION:

This report was coordinated with the Community Development and Park and Public Works Departments.

PAGE 3 OF 3

SUBJECT: Accept Fiscal Year (FY) 2020/21 Status Report on Receipt and Use of Development Impact Fees

DATE: November 23, 2021

FISCAL IMPACT:

There is no fiscal impact from this action.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. FY 2020/21 Annual Status Report on Receipt and Use of Development Impact Fees.

TOWN OF LOS GATOS
ANNUAL STATUS REPORT ON RECEIPT AND USE OF DEVELOPMENT IMPACT FEES
JUNE 30, 2021

Traffic Impact Mitigation Fee:

The Traffic Impact Mitigation Fee assures that each new development or expansion of use pays its fair share of the transportation improvements needed to accommodate the cumulative traffic impacts. The fee, \$958 per new average daily trip generated, is paid in full to the Town Building Department prior to issuance of the building permit for new development or expansion of use. The collected fee is held in the Traffic Mitigation Fee Fund. The Traffic Mitigation Fund should be used solely to fund transportation improvement projects related to mitigating the impacts of new development. The funds cannot be used for routine repair or maintenance.

TRAFFIC IMPACT MITIGATION FEES FUND

Beginning Cash Balance (07/01/2020)	2,636,215
Source of Funds	
Fees Collected FY 20/21	18,087
Interest Earned FY 20/21	32,658
Total Source of Funds	\$2,686,961
Use of Funds	
Capital Outlay:	
Traffic Signal Modernization	\$207,240
Highway 17 Bicycle & Pedestrian Bridge-Design	147,195
Traffic Mitigation (Admin Support)	10,000
Total Use of Funds	\$364,435
Expenses Occurred in FY 2020/21, Paid in July of FY 2021/22	122,158
Ending Cash Balance (6/30/2021) Pre-Final Audit	\$2,444,683
Designated Future Projects:	
Per FY 21/22 through 25/26 Capital Improvement Plan:	
Traffic Signal Modernization	\$870,949
Bicycle & Pedestrian Improvements	33,650
Total CIP and Operating Budget Commitments	\$904,599
Potential Project List (Estimates Only)	
Transportation Impact Fee Nexus Study (Future Project - Pending Funding)	\$400,000
Highway 9 – N. Santa Cruz Intersection Improvements (Future Project - Pending Funding)	1,260,000
Highway 17 at Highway 9 Interchange (Future Project - Pending Funding)	2,000,000
Complete Streets Improvements Pollard Ave (Future Project - Pending Funding)	1,000,000
Total Potential Project List	\$4,660,000
Total Designated and Unfunded Projects	5,564,599
Current Funding Shortfall	(\$3,119,916)

TOWN OF LOS GATOS
ANNUAL STATUS REPORT ON RECEIPT AND USE OF DEVELOPMENT IMPACT FEES
JUNE 30, 2021
(Continued)

Construction Impact Activity Fee:

Construction Impact Activity Fee is assessed on construction projects based on the square foot size of the project at a rate of \$1.17 per square foot. These fees are intended to recover the damage caused to Town streets by construction traffic. The collected fee is held in the General Fund Appropriated Reserves.

CONSTRUCTION IMPACT ACTIVITY FEE

Beginning Cash Balance (07/01/2020)	\$0
Source of Funds	
Fees Collected FY 20/21	425,170
Interest Earned FY 20/21 (Funds expended upon receipt)	-
Total Source of Funds	\$425,170
Use of Funds	
Business Services Charge	
Capital Outlay:	
Street Repair and Resurfacing Project FY 20/21	234,246
Total Use of Funds	234,246
Ending Cash Balance (6/30/2021) Pre-Final Audit	\$190,924
Designated Future Projects	
Per FY 21/22 through FY 25/26 Capital Improvement Plan:	
Street Repair and Resurfacing Project	\$7,725,803
Total Designated Future Projects	\$7,725,803
Current Funding Shortfall	(\$7,534,879)

TOWN OF LOS GATOS
ANNUAL STATUS REPORT ON RECEIPT AND USE OF DEVELOPMENT IMPACT FEES
JUNE 30, 2021
(Continued)

Below-Market Priced (BMP) Housing Program In-Lieu Fee:

BMP In-Lieu Fees are collected from residential development projects with five (5) or more units when the construction of the BMP unit is impractical or there are unusual circumstances that make the construction of the unit inconsistent with Town policy. The required in-lieu fee is to be paid to the Town prior to issuance of the certificate of occupancy. The BMP In-Lieu Fee is equal to the amount of six (6) percent of the building permit valuation for the entire project. The collected fees are held in the General Fund BMP Housing liability account and are restricted to be used solely for BMP Housing Program activities.

BELOW-MARKET PRICED HOUSING PROGRAM IN-LIEU FEES

Beginning Cash Balance (07/01/2020)	\$3,795,807
Source of Funds	
Fees Collected FY 20/21	-
Interest Earned FY 20/21	52,362
Total Source of Funds	\$3,848,168
Use of Funds	
Program Operating Expense	249,016
Staff Administration	23,000
Total Use of Funds	\$272,016
Ending Cash Balance (6/30/2021) Pre-Final Audit	\$3,576,152
Designated Future Projects:	
Affordable Housing Loans - Dittos Lane (11/3/2020 Council Meeting)	\$1,200,000
Anticipated Construction Permit Support	\$50,000
Total Designated Future Projects	\$1,250,000
Potential Future Projects	
Low and Moderate Income Housing (Future Project - Pending Funding)	\$3,000,000
Reacquisition of Distressed/Foreclosed Properties (Future Project - Pending Funding)	700,000
Hello Housing and House Keys Program Services (Future Project - Pending Funding -5 Year Total)	600,000
Total Potential Future Projects	\$4,300,000
Current Funding Shortfall	(\$1,973,848)

Other Required Disclosures:

As required by law, no inter-fund (loans/transfers) were made during the reporting period and no refund were necessary as all fees collected have a current funding short fall status as presented in the Annual Status Report.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM NO: 8

DATE: November 19, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Declaring Certain Hazardous Vegetation Growing in the Town of Los Gatos to be a Public Nuisance, Describing Properties Where Such Nuisance Exists, and Setting a Public Hearing Date of January 18, 2022 to Consider Objections for Proposed Abatement

RECOMMENDATION:

Adopt a resolution (Attachment 1) declaring certain hazardous vegetation growing in the Town of Los Gatos to be a public nuisance, describing properties where such nuisance exists (Attachment 2), and setting a public hearing date of January 18, 2022 to consider objections for proposed 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.

The Town's Weed Abatement program is in place to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials, as defined in the Town Code, Chapter 11, Article II, Section 11.20.010. This is a monitoring program and the primary objective is to mitigate the spread of wildland fire via voluntary compliance.

Typically, a property is placed in the program after a County inspector identifies a potential fire hazard on the premises. Fire Departments, Code Enforcement, Parks and Public Works, and other public agencies also submit complaints to the County's Consumer and Environmental Protection Agency - Weed Abatement Program (County).

PREPARED BY: Stefanie Hockemeyer
Administrative Assistant

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

SUBJECT: Adopt a Resolution Declaring Certain Hazardous Vegetation Growing in the Town of Los Gatos to be a Public Nuisance, Describing Properties Where Such Nuisance Exists and Setting a Public Hearing Date of January 18, 2022 to Consider Objections for Proposed Abatement

DATE: November 19, 2021

BACKGROUND (continued):

Once a parcel is placed in the program, it will remain until it displays compliance for three consecutive years, at which point it will be removed.

DISCUSSION:

The Weed Abatement program process consists of eight steps that begin in November and go through August of each year. Currently the process is at Step 2 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 a Commencement Report to the Town (Attachment 2) (November).
2. Town Council adopts resolution declaring weeds on such properties a public nuisance, sets a hearing date to consider objections for the proposed abatement (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 assessed by the County Tax Collector against the respective property (December).
4. Town Council holds the public hearing to consider objections for proposed abatement and adopts a resolution ordering 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 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).
7. Town notifies the property owners on the assessment report notifying them of the August public hearing date (July).

PAGE 3 OF 3

SUBJECT: Adopt a Resolution Declaring Certain Hazardous Vegetation Growing in the Town of Los Gatos to be a Public Nuisance, Describing Properties Where Such Nuisance Exists and Setting a Public Hearing Date of January 18, 2022 to Consider Objections for Proposed Abatement

DATE: November 19, 2021

DISCUSSION (continued):

8. Town Council holds a hearing, considers objections, and adopts a resolution confirming the assessment report, authorizing collection of the assessment charges (August).

CONCLUSION:

Adopt a resolution (Attachment 1) declaring properties (Attachment 2) as having potential fire hazards from weeds or other combustible debris and declare weeds on such properties as a public nuisance and set a hearing date of January 18, 2022 to consider objections for proposed abatement.

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 2021/22 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. Resolution Declaring Properties as Having Potential Fire Hazards from Weeds or Other Combustible Debris and Declare Weeds on Such Properties as a Public Nuisance and Set a Hearing Date of January 18, 2022 to Consider Objections for Proposed Abatement
2. 2022 Weed Abatement Program Commencement Report

RESOLUTION 2021-

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 18, 2022 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.

ATTACHMENT 1

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 18th day of January 2022 at a meeting of the Town Council beginning at 7:00 p.m. via Teleconference, 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 7th day of December 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: _____

2022 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
TOWN of LOS GATOS

	Situs		APN	Owner
831	POLLARD	RD	406-26-011	LAM MITCHELL
	CALLE MARGUERITA		409-04-049	GUPTA MOHIT AND APAN PARUL
			409-04-052	UNION PACIFIC CORPORATION
			409-08-001	UNION PACIFIC CORPORATION
17291	WEDGEWOOD	AV	409-14-013	KIM YOUNG CHANG AND TAI HYUN TRUSTEE
14330	LA RINCONADA	DR	409-14-020	GERA NICHOLAS TRUSTEE & ET AL
14341	BROWNS	LN	409-14-035	KOWITZ MICHAEL D TRUSTEE
14316	MULBERRY	DR	409-15-005	SAWHNEY CHANDANDEEP AND BHATIA MONTY
14298	LORA	DR	409-15-029	CLARK JOE TRUSTEE
17631	WEDGEWOOD	AV	409-17-010	BELCHER PHYLLIS TRUSTEE
14821	GOLF LINKS	DR	409-27-005	NEAL WALTER E JR TRUSTEE
16245	BURTON	RD	424-06-115	SWENSON C B TRUSTEE
	BURTON	RD	424-06-116	SWENSON C B TRUSTEE
14823	LOS GATOS	BL	424-07-065	14823 LGB LLC
14926	LOS GATOS	BL	424-10-009	TSAI DAVID Y AND UNDINE Y TRUSTEE
15545	BENEDICT	LN	424-20-008	NELSON VICTORIA A
15710	WINCHESTER	BL	424-27-013	DONNELLY TESSA I ET AL
	LAUREL	AV	510-41-068	GERTRIDGE JOHN H ET AL
72	FAIRVIEW PLAZA		510-43-010	MURPHY ROBERT J
110	WOOD	RD	510-47-038	COVIA COMMUNITIES
138	WOOD	RD	510-47-044	FRENKEL LILY M AND DRAA JUSTIN S
779	BLOSSOM HILL	RD	523-04-037	BLANTON LOUISE C TRUSTEE
15931	BLOSSOM HILL	RD	523-25-028	TERRY NAKA K
263	PINEHURST	AV	523-43-019	GORMAN ROBERT L AND THERESA A
15941	QUAIL HILL	RD	527-02-006	KHOSRAVI ARVIN AND MOZAFAR FIROUZEH J TRUST
72	DRYSDALE	DR	527-02-007	DIEP JOHN AND ALLISON
15790	BLOSSOM HILL	RD	527-07-006	TAI CHAIN CHANG AND HOH BAO LIAN
16084	GREENRIDGE	TR	527-15-002	LUU RICHARD T
	LARGA VISTA	DR	527-16-013	GUEVARA MARIA E TRUSTEE & ET AL
14960	LARGA VISTA	DR	527-16-016	PROUTY PAUL ROBERT AND KYMBERLY KAY TRUSTEE
14850	BLOSSOM HILL	RD	527-18-014	O'DEEGAN STEVE
401	SURMONT	DR	527-20-002	BATE ROSEMARY S
303	BELGATOS	LN	527-26-009	MICHAELIS MICHAEL W TRUSTEE & ET AL
175	BELWOOD GATEWAY		527-30-032	HOUGH JUSTIN TRUSTEE
	ALTA TIERRA	CT	527-55-042	OHM VICTOR J AND VANNA J
118	HARWOOD	CT	527-56-020	SIU MARIAN Y TRUSTEE
112	HARWOOD	CT	527-57-008	CHANG WEICHAU AND YISHAN Y
			529-06-072	CROSS CREEK LOS GATOS LLC
615	BLOSSOM HILL	RD	529-16-026	DUNN PROPERTIES LP ETAL
	BELLA VISTA	AV	529-21-010	MASTERSON ANTHONY D ET AL
	BELLA VISTA	AV	529-23-015	PETERS JAKE C AND KATHERINE H TRUSTEE
	BELLA VISTA	AV	529-23-016	ROSS DANIEL LEE TRUSTEE
401	ALBERTO	WY	529-23-018	LP ACQUISITIONS LLC
	BELLA VISTA	AV	529-23-019	HARLAN MARILYN S TRUSTEE
	BELLA VISTA	AV	529-23-020	SHANKER BENJAMIN J AND SHARI ET AL
			529-29-065	DOUGLAS-KIDDER VASILIKI TRUSTEE
	RESERVOIR	RD	529-29-066	DOUGLAS-KIDDER VASILIKI TRUSTEE

140	FOSTER	RD	529-37-015	GOETZ JAMES
	(VACANT)		529-39-047	ST WARD PROPS LP
16336	SHADY VIEW	LN	532-03-034	COULSON ALLAN A AND ADRIANA C TRUSTEE
16666	TOPPING	WY	532-09-018	LIN ARTHUR W AND CHANG CHRISTINE
	TWIN OAKS	DR	532-16-006	SURREY FARMS GROUP LLC
16510	KENNEDY	RD	532-17-025	TSAO WILLIAM AND PENG ANGELA
16461	S KENNEDY	RD	532-17-027	WALL RYAN COMFORT TRUSTEE & ET AL
16481	S KENNEDY	RD	532-17-028	HAKHU JAI K AND NALINI
17511	PHILLIPS	AV	532-39-009	UPLIFT FAMILY SERVICES
17435	PHILLIPS	AV	532-39-013	SCOTT JOHN C AND ELVIE E
17528	TOURNEY	RD	537-04-019	EBRAHIMI KEVIN A
15220	KENNEDY	RD	537-15-004	IYAR SUBRAH S TRUSTEE
14050	SHANNON	RD	537-17-027	LEIRER VON OTTO AND PERZOW CARRIE JOY TRUST
233	FORRESTER	RD	537-21-010	JACKSON STREET EQUITIES LLC
229	FORRESTER	RD	537-22-011	SATIA JAGAT B AND INDIRA
210	WOODED VIEW	DR	537-23-046	CUNNINGHAM JAMES F TRUSTEE
15876	SHANNON	RD	537-26-009	LIVE WELL HOMES INC
15760	SHANNON	RD	537-26-018	KELLERMANN MARC ET AL
16060	CERRO VISTA	DR	537-30-004	BREZOCZKY BLASIVUS TRUSTEE & ET AL



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM NO: 9

DATE: November 22, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Roadside Fire Fuel Reduction (Project 812-0130) and Tree Maintenance:
a. Authorize the Town Manager to Negotiate and Execute Two Agreements for Wildfire Vegetation Management and Tree Maintenance with West Coast Arborists; and
b. Authorize a Revenue and Expenditure Budget Adjustments in the Amount of \$100,000 from Available Tree Replacement Deposit Account (5999-48621) for Supplemental Tree Maintenance Services to Operating Budget 5401-62364

RECOMMENDATION:

Staff recommends that the Town Council take the following actions for Los Gatos Wildfire Vegetation Management and Tree Maintenance:

- a. Authorize the Town Manager to negotiate and execute two agreements for wildfire vegetation management and tree maintenance with West Coast Arborists; and
- b. Authorize a revenue and expenditure budget adjustments in the amount of \$100,000 from available tree replacement deposit account (5999-48621) for supplemental tree maintenance services to Operating Budget 5401-62364.

BACKGROUND:

On August 17, 2021, the Town Council authorized funding of \$500,000 for wildfire vegetation management activities to reduce fire risk in Wildland Urban Interface (WUI) areas. Staff issued a request for proposals (RFP) and received two submittals by the deadline. West Coast Arborists has been determined to be the contractor that can best meet the needs of the Town.

PREPARED BY: Jim Harbin
Superintendent of Streets and Parks

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

PAGE 2 OF 3

SUBJECT: Authorize the Town Manager to Negotiate and Execute Two Agreements for Wildfire Vegetation Management and Tree Maintenance with West Coast Arborists; and a Revenue and Expenditure Budget Transfer in the Amount of \$100,000

DATE: November 22, 2021

BACKGROUND (continued):

The Town has additional tree maintenance needs beyond the wildfire vegetation management efforts and the Town's current tree maintenance vendor has not been able to keep up with the workload. Staff proposes entering a second agreement in the amount of \$100,000 with an additional vendor, West Coast Arborists, to provide supplemental tree maintenance services for unmet tree maintenance needs.

DISCUSSION:

Execution of the recommended agreements will allow for the Town to address needed maintenance needs. West Coast Arborists has committed to meeting the wildfire vegetation management needs during the months of December and January. The additional tree maintenance funds will support response to urgent tree maintenance needs and regular maintenance pruning.

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to:

- a. Negotiate and execute two agreements for wildfire vegetation management and tree maintenance with West Coast Arborists; and
- b. Authorize a revenue and expenditure budget transfer in the amount of \$100,000 from available tree replacement deposit account (5999-48621) for supplemental tree maintenance services to Operating Budget 5401-62364.

FISCAL IMPACT:

The Adopted FY 2021/22-2024/25 Capital Improvement Program has sufficient funding for the wildfire vegetation management work. Staff recommends appropriating \$100,000 from the available Tree Replacement Deposit Account for the emergency response and maintenance agreement.

SUBJECT: Authorize the Town Manager to Negotiate and Execute Two Agreements for Wildfire Vegetation Management and Tree Maintenance with West Coast Arborists; and a Revenue and Expenditure Budget Transfer in the Amount of \$100,000

DATE: November 22, 2021

FISCAL IMPACT (continued):

Roadside Fire Fuel Reduction CIP No. 812-0130		
	Budget	Costs
GFAR	\$ 575,185	
Total Budget	\$ 575,185	
Wildfire Vegetation Management Agreement with West Coast Arborists		\$ 500,000
Total Costs		\$ 500,000
Remaining Balance		\$ 75,185.00

Operating Budget 5401-62364		
	Budget	Costs
Operating Budget	\$ 100,000	
Budget Requested with the Staff Report	\$ 100,000	
Total Budget	\$ 200,000	
Tree Maintenance Agreement with West Coast Arborist		\$ 100,000
Total Costs		\$ 100,000
Remaining Balance		\$ 100,000

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Agreement for Services

AGREEMENT FOR SERVICES

THIS AGREEMENT is dated for identification this ____ day of _____ 2021, and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and West Coast Arborists, INC., ("Service Provider"), whose address is 2200 E. Via Burton St., Anaheim, CA 92806. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 Town sought proposals for the services described in this Agreement, and Service Provider was found to be the most qualified service provider for this purchase.
- 1.2 Service Provider represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Town desires to engage Service Provider to provide (Services).
- 1.4 Service Provider warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Service Provider acknowledges Town has relied upon these warranties to retain Service Provider.

II. AGREEMENT

- 2.1 Scope of Services. Service Provider shall provide services as described in that certain Proposal sent to the Town on October 1, 2021, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. The effective date of this Agreement shall begin upon execution and will continue through June 30, 2022, subject to appropriation of funds, notwithstanding any other provision in this agreement.
- 2.3 Compliance with Laws. The Service Provider shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Service Provider represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Service Provider to practice its profession. Service Provider shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Service Provider shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

- 2.5 Information/Report Handling. All documents furnished to Service Provider by the Town and all reports and supportive data prepared by the Service Provider under this Agreement are the Town's property and shall be delivered to the Town upon the completion of services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Service Provider in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Service Provider shall not make any of these documents or information available to any individual or organization not employed by the Service Provider or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Service Provider pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Service Provider in connection with other projects shall be solely at Town's risk, unless Service Provider expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Service Provider which is and has been confirmed in writing by Service Provider to be a trade secret of Service Provider.
- 2.6 Compensation. Compensation for services shall not exceed \$500,000 inclusive of all costs. Payment shall be based upon Town approval of each task.
- 2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

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

Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

- 2.8 Availability of Records. Service Provider shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Service Provider shall make these records available to authorized personnel of the Town at the Service Provider offices during business hours upon written request of the Town.
- 2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Service Provider. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

- 2.10 Independent Contractor. It is understood that the Service Provider, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Service Provider may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Service Provider agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Service Provider shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Service Provider or is based on allegations of Service Provider's negligent performance or wrongdoing.
- 2.11 Conflict of Interest. Service Provider understands that its professional responsibilities are solely to the Town. The Service Provider has and shall not obtain any holding or interest within the Town of Los Gatos. Service Provider has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Service Provider warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Service Provider shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person Service Provider discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement Service Provider shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.12 Equal Employment Opportunity. Service Provider warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Service Provider nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

- i. Service Provider agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined

single limit per occurrence for bodily injury, personal injury and property damage.

- ii. Service Provider agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- iii. Service Provider shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Service Provider agrees that all certificates and endorsements are to be received and approved by the Town before work commences.

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Service Provider; products and completed operations of Service Provider, premises owned or used by the Service Provider.
- ii. The Service Provider's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Service Provider's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Service Provider's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

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

3.3 Workers' Compensation. In addition to these policies, Service Provider shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement.

Further, Service Provider shall ensure that all subcontractors employed by Service Provider provide the required Workers' Compensation insurance for their respective employees.

- 3.4 Indemnification. The Service Provider shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Service Provider, or any of the Service Provider's officers, employees, or agents or any subcontractor.

IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Service Provider shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Service Provider shall deliver to the Town all plans, files, documents, reports, performed to date by the Service Provider. In the event of such termination, Town shall pay Service Provider an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Prevailing Wages. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes: construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.
- 4.4.1 The applicable California prevailing wage rate can be found at www.dir.ca.gov and are on file with the Town of Los Gatos Parks and Public Works Department,

which shall be available to any interested party upon request. The contractor is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.

- 4.4.2 Specifically, contractors are reminded of the need for compliance with Labor Code Section 1774-1775 (the payment of prevailing wages and documentation of such), Section 1776 (the keeping and submission of accurate certified payrolls) and 1777.5 in the employment of apprentices on public works projects. Further, overtime, weekend and holiday pay, and shift pay must be paid pursuant to applicable Labor Code section.
- 4.4.3 The public entity for which work is being performed or the California Department of Industrial Relations may impose penalties upon contractors and subcontractors for failure to comply with prevailing wage requirements. These penalties are up to \$200 per day per worker for each wage violations identified; \$100 per day per worker for failure to provide the required paperwork and documentation requested within a 10-day window; and \$25 per day per worker for any overtime violation.
- 4.4.4 As a condition to receiving progress payments, final payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor agrees to present to the TOWN, along with its request for payment, all applicable and necessary certified payrolls (for itself and all applicable subcontractors) for the time period covering such payment request. The term "certified payroll" shall include all required documentation to comply with the mandates set forth in Labor Code Section 1720 et seq, as well as any additional documentation requested by the Agency or its designee including, but not limited to: certified payroll, fringe benefit statements and backup documentation such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable), and apprenticeship forms such as DAS-140 and DAS-142.
- 4.4.5 In addition to submitting the certified payrolls and related documentation to the TOWN, the contractor and all subcontractors shall be required to submit certified payroll and related documents electronically to the California Department of Industrial Relations. Failure to submit payrolls to the DIR when mandated by the project parameters shall also result in the withholding of progress, retention and final payment.
- 4.4.6 No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- 4.4.7 No contractor or subcontractor may be awarded a contract for public work on a public works project, unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. Contractors MUST be a registered "public works contractor" with the DIR AT THE TIME OF BID. Where the prime contract is less than \$15,000 for maintenance work or less than

\$25,000 for construction alternation, demolition or repair work, registration is not required.

- 4.4.8 Should any contractor or subcontractors not be a registered public works contractor and perform work on the project, Contractor agrees to fully indemnify the TOWN for any fines assessed by the California Department of Industrial Relations against the TOWN for such violation, including all staff costs and attorney's fee relating to such fine.
- 4.4.9 The TOWN shall withhold any portion of a payment; including the entire payment amount, until certified payroll forms and related documentation are properly submitted, reviewed and found to be in full compliance. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., the TOWN may continue to hold sufficient funds to cover estimated wages and penalties under the contract.
- 4.5 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Service Provider.
- 4.6 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.7 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:
- | | |
|---------------------|----------------------------|
| Town of Los Gatos | West Coast Arborists, INC. |
| Attn: Town Clerk | 2200 E. Via Burton Street |
| 110 E. Main Street | Anaheim, CA 92806 |
| Los Gatos, CA 95030 | |
- or personally delivered to Service Provider to such address or such other address as Service Provider designates in writing to Town.
- 4.8 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.9 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Service Provider. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Matt Morley, Director of Parks and Public
Works

Town of Los Gatos by:

West Coast Arborists Inc., by:

Laurel Prevetti, Town Manager

Recommended by:

Title

Approved as to Form:

Robert Schultz, Town Attorney

Attest:

Shelley Neis, MMC, CPMC, Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM NO: 10

DATE: November 30, 2021

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Staff Recommends the Following Actions:

- a. Authorize the Town Manager to Execute Amendments to the Agreements with West Valley Community Services and Live Oak Senior Nutrition for Additional \$25,000 American Rescue Plan Act (ARPA) Grants for a total of \$50,000; and
- b. Authorize an Expenditure Budget Adjustment in the Amount of \$50,000 from Eligible ARPA Proceeds.

RECOMMENDATION:

Staff recommends the following actions:

- a. Authorize the Town Manager to execute amendments to the agreements with West Valley Community Services (WVCS) and Live Oak Senior Nutrition for additional \$25,000 American Rescue Plan Act (ARPA) grants for a total of \$50,000; and
- b. Authorize an expenditure budget adjustment in the amount of \$50,000 from eligible ARPA proceeds.

BACKGROUND:

On April 7, 2020, in response to the immediate impacts of the COVID-19 pandemic, the Town Council authorized the use of the Council's budgeted discretionary funds for additional \$10,000 allocations to Live Oak Senior Nutrition, West Valley Community Services, and two other local providers (CASSY and NextDoor Solutions) for a total of \$40,000.

On April 6, 2021, the Town Council allocated \$15,000 in ARPA grants to West Valley Community Services and Live Oak Senior Nutrition due to continued food and housing insecurity as well as grants to CASSY and NextDoor Solutions to meet additional needs in the community, for a total of \$60,000.

PREPARED BY: Arn Andrews
Assistant Town Manager

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

DISCUSSION:

In the subsequent months since the April ARPA allocations, non-profit nutrition and food service providers continue to experience fiscal challenges due to continued high demand for their services. In addition, community-based organizations and other philanthropic organizations which have been consistent sources of funding have had to reduce their donations due to the inability to host traditional fundraising activities. Also, of note, recent inflationary pressures have escalated the cost of providing clients with balanced nutritional diets.

Attachment 1 summarizes the Council's ARPA allocations to date. Sufficient funds are available for these additional grants.

CONCLUSION:

Given the cumulative effects of increased client demand, cost escalation, and the temporary reduction in fundraising revenue sources staff recommends allocating additional \$25,000 grants to West Valley Community Services and Live Oak Senior Nutrition.

COORDINATION:

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

FISCAL IMPACT:

The requested additional funds are available from the ARPA proceeds and a budget adjustment is necessary to reflect the additional grants.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Council ARPA Allocations Summary

Council ARPA Allocation Summary

FY 2020/21 & FY 2021/22	
Estimated ARPA Funds	\$7,229,744
Replace Lost Revenue	\$3,275,446
Economic Development	
• Parklets	\$930,000
• CUP Fee waiver	\$50,000
• Destination Marketing	\$55,000
• K-Rail	\$40,000
• ADA	\$25,000
Totals	\$1,100,000
Nonprofit Assistance	
• Rent Waiver	\$341,452
• Direct Grants	\$60,000
• Enhanced Senior Services	\$500,000
Totals	\$901,452
Total Allocations	\$5,276,898
Total ARPA Funds Unallocated	\$1,952,846

ATTACHMENT 1



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM NO: 11

DATE: November 29, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve Modifications to the Town Council Policy 2-11: Commission Appointments as Recommended by the Council Policy Committee

RECOMMENDATION:

Approve modifications to the Town Council Policy 2-11: Commission Appointments as recommended by the Council Policy Committee.

BACKGROUND:

The Town Council Commission Appointment Policy sets forth procedures for a consistent recruitment, interview, and selection process for all Town Boards, Commissions, and Committees (hereafter Commissions). This Policy was most recently updated in June 2021 to improve consistency with the interview questions asked of applicants. During its use for the Housing Element Advisory Board appointments, a Council Member raised concerns about the handling of interview questions after staff followed the updated process outlined in the Policy (Attachment 1).

The specific concern was that the procedure for developing the interview questions could be considered a violation of the Brown Act. The Policy stipulates that the Council Members would communicate any input to the interview questions directly to the Town Clerk and not to one another, and therefore, there would not be a Brown Act violation.

On November 23, 2021, the Council Policy Committee discussed and recommended potential modifications to provide greater clarity regarding the interview questions. An email was sent to every Town Commissioner to encourage participation in the Committee's discussion. One Commissioner attended and did not offer comments.

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

SUBJECT: Approve Modifications to the Town Council Policy 2-11: Commission
Appointments as Recommended by the Council Policy Committee

DATE: November 29, 2021

DISCUSSION:

After consideration, the Council Policy Committee recommended that the Commission Appointment Policy be modified to include a standard list of questions to be used for all Commissions to ensure consistency in the interview process (see Attachment 2). The Council Policy Committee identified the following questions to be added to the Policy by order of importance:

1. If appointed, what ideas would you like to see the Commission explore?
2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.
3. Please elaborate on any written response provided in the application to assist the Council in learning more about you.
4. If you did not answer any of the questions on the application, please explain why.

During the preparation of this report, staff is recommending an additional standard question for those applicants who apply for more than one Commission: "If you applied for more than one Commission, which Commission your first choice and why?" If the Council agrees, this should be noted in the motion and the Policy document will be updated prior to signature.

Given that most interviews are only three to five minutes due to the size of the applicant pool, the standard questions are limited in number to allow an applicant sufficient time to respond. The Council may or may not ask all of the questions, in the same order regardless of the Committee's recommended order of importance, or by the same Council Member. The questions should be reviewed and updated annually by the Town Council prior to the Commission interview process.

CONCLUSION:

The Town Council should review the recommendation of the Council Policy Committee and approve the updated interview process for Town Boards, Committees, and Commissions.

COORDINATION:

This report was coordinated with the Town Clerk and Town Attorney.

FISCAL IMPACT:

Amendments to the Commission Appointment Town Council Policy have no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

PAGE 3 OF 3

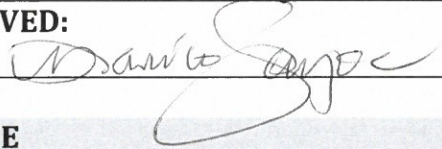
SUBJECT: Approve Modifications to the Town Council Policy 2-11: Commission
Appointments as Recommended by the Council Policy Committee

DATE: November 29, 2021

Attachments:

1. Town Council Policy 2-11: Commission Appointments (Existing)
2. Town Council Policy 2-11: Commission Appointments (Redline)

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; 6/1/2021

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 of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. 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.

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

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.

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 in the fall. 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.

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

*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.

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 1st and end on June 30th. 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
---	------------------------	-------------------------------

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, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), 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.

Interview Process

To ensure the interview process is fair and equitable, each applicant shall be asked the same core questions, provided to the Council by the Town Clerk, for the respective Commission(s) as outlined below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants. Council may modify the questions if a majority agrees.

- The Town Clerk will work with the Department Director or staff liaison for each Board, Commission, and Committee to develop appropriate core questions for each.
- The Town Clerk will provide the proposed questions to Council Members via email in advance of the interviews to review and provide any suggested edits to the Town Clerk.
- Council Members will each review and provide any edits to the Town Clerk via email.
- The Town Clerk will compile the edits received and provide the full list to the Council Members for review.
- Council Members will each advise the Town Clerk via email if they are in agreement with any or all of the edits.
- The Town Clerk will compile the responses and those edits receiving a majority agreement will be incorporated.
- Interview questions will be reviewed annually in this manner, in advance of the interview process, for any potential modifications.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 5 of 7	POLICY NUMBER: 2-11
---	------------------------	-------------------------------

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 Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 6 of 7	POLICY NUMBER: 2-11
---	------------------------	-------------------------------

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 student 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.

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

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

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; 6/1/2021; 12/7/21
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 of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. 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.

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

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.

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 in the fall. 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.

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

*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.

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 1st and end on June 30th. 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
---	------------------------	-------------------------------

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, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), 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.

Interview Process

To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same core standard questions, as provided ~~to the Council by the Town Clerk, for the respective Commission(s) as outlined~~ below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants. ~~Council may modify the questions if a majority agrees.~~

1. If appointed, what ideas would you like to see the Commission explore?
2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.
3. Please elaborate on any written response provided in the application to assist the Council learn more about you.
4. If you did not answer any of the questions on the application, please explain why.

Given that most interviews are only three to five minutes due to the size of the applicant pool, the standard questions are limited in number to allow an applicant sufficient time to respond. The Council may or may not ask all of the questions, in the same order, or by the same Council member. Interview questions will be reviewed annually by the Town Council in advance of the interview process for any potential modifications.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 5 of 7	POLICY NUMBER: 2-11
---	------------------------	-------------------------------

- ~~• The Town Clerk will work with the Department Director or staff liaison for each Board, Commission, and Committee to develop appropriate core questions for each.~~
- ~~• The Town Clerk will provide the proposed questions to Council Members via email in advance of the interviews to review and provide any suggested edits to the Town Clerk.~~
- ~~• Council Members will each review and provide any edits to the Town Clerk via email.~~
- ~~• The Town Clerk will compile the edits received and provide the full list to the Council Members for review.~~
- ~~• Council Members will each advise the Town Clerk via email if they are in agreement with any or all of the edits.~~
- ~~• The Town Clerk will compile the responses and those edits receiving a majority agreement will be incorporated.~~
- ~~• Interview questions will be reviewed annually in this manner, in advance of the interview process, for any potential modifications.~~

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.

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum	PAGE: 6 of 7	POLICY NUMBER: 2-11
---	------------------------	-------------------------------

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 Youth 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 student 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.

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

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM NO: 12

DATE: December 2, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve the Recommendations of the Council Policy Committee to:
a. Review and Adopt the Transportation Impact Policy
b. Authorize the Release of a Request for Proposals for the Preparation of a Study to Guide the Update of the Transportation Impact Fee Program; and
c. Authorize the Town Manager to Negotiate and Execute a Consultant Agreement with the Highest Scored Proposer in an Amount Not to Exceed \$175,000.

RECOMMENDATION:

Approve the recommendations of the Council Policy Committee to:
a. Review and adopt the Transportation Impact Policy (Attachment 1);
b. Authorize the release of a Request for Proposals (Attachment 2) for the preparation of a study to guide the update of the Transportation Impact Fee Program; and
c. Authorize the Town Manager to negotiate and execute a consultant agreement with the highest scored proposer in an amount not to exceed \$175,000.

BACKGROUND:

California Senate Bill (SB) 743, which was signed into law by Governor Brown in 2013, changes the way that public agencies evaluate the transportation impacts of projects under the California Environmental Quality Act (CEQA), recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact. At its November 17, 2020 meeting, the Town Council adopted a resolution designating the use of vehicle miles traveled (VMT) as the metric for conducting transportation analyses pursuant to CEQA and establishing the thresholds of significance to comply with SB 743.

PREPARED BY: Ying Smith
Transportation and Mobility Manager

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

BACKGROUND (continued):

The transition to using VMT as the metric for transportation analyses pursuant to CEQA has necessitated the proposed update to the Traffic Impact Policy. The draft 2040 General Plan Implementation Program identifies a program called Transportation Analysis Guidelines:

Develop and adopt transportation analysis (TA) guidelines that define the VMT analysis methods, significant impact thresholds, Transportation Demand Management (TDM) programs, and mitigation programs consistent with the requirements of Senate Bill 743.

Town Council Policy No. 1-05, currently known as the Traffic Impact Policy, is intended to provide guidance to Town staff and the development community in implementing the provisions of the Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees.

DISCUSSION:

The draft Transportation Impact Policy includes major updates to the current policy to designating the use of VMT in CEQA transportation analysis. The proposed revisions, including supporting documents, enhance the details used to determine what projects are subject to the draft policy and subsequently the technical requirements used in preparing transportation analyses.

The draft policy is updated and organized as follows:

Name: The policy name is changed to Transportation Impact Policy to accurately represent the purpose.

Section I. General Conditions and Applicability: This includes the language in the current Policy in sections II-1, II-2, VII-2, and VII-3. The Purpose was expanded to include “evaluating and mitigating CEQA transportation impacts.” Minor edits were provided for clarity and consistency.

Section II. Transportation Impact Mitigation Fees: This includes the original language in sections III-1, 2, 3, 4, and V.

Section III. VMT Mitigation Measures: This is a new addition specific to VMT.

Attachment 1 - Transportation Analysis (TA) Guidelines: This new document was prepared to reflect Resolution 2020-045, Designating the Use of Vehicle Miles Traveled as the Metric for Conducting Transportation Analyses Pursuant to the California Environmental Quality Act and Establishing the Thresholds of Significance to Comply with California Senate Bill 743. The Town continues to require level of service (LOS)

DISCUSSION (continued):

analysis to assess impacts from new developments on the local roadway performance. It provides detailed guidance in conducting analyses to meet different requirements in CEQA guidelines, Congestion Management Program (CMP), and multimodal transportation analysis per the Town's transportation policies in the draft General Plan.

The TA guidelines have many technical details therefore it is more appropriate to be included as an attachment to the draft policy. The key elements and changes from the current policy are:

1. Explains the different requirements for transportation analyses for different project types: land use entitlements, land use projects; and transportation improvements.
2. Establishes different analysis guidelines per the CEQA Guidelines, CMP compliance, and Town's transportation policies.
3. Establishes the different procedures to evaluate land use projects that are compliant with the General Plan and those that are not.
4. Establishes the VMT analysis methods and provides guidance for projects to propose VMT mitigation measures.
5. Establishes the guidelines for CEQA analysis for transportation projects.
6. Enhances the guidelines for multimodal analysis for land use projects and provides guidance on proposing transportation improvements to address a deficiency caused by a project.

Attachment 2 - Town of Los Gatos Transportation Mitigation Improvements Project List: No change was made to the current Attachment 1. The attachment was re-numbered.

Attachment 3 - VMT Reduction Actions for the Town of Los Gatos: This new attachment provides supporting documentation for mitigation actions projects will need to take. This attachment is not all inclusive, but rather provides categories and examples.

Attachment 4 - Definitions: This list of definitions was expanded and modified to be consistent with the definitions in the Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees, and Resolution 2020-045. The definitions were moved from the main document to an attachment.

The Town is in the process of updating the General Plan and the Draft Environmental Impact Report (DEIR) for the 2040 General Plan which was released for public review in July 2021. The 2040 General Plan DEIR identifies significant but unavoidable transportation impacts and the mitigation measures. The Town is taking a Town-wide approach for VMT impact mitigation.

DISCUSSION (continued):

The Draft Policy includes the VMT Reduction Actions that provides a framework for mitigating VMT in the Town.

One of the implementation actions would be to update the transportation impact fee program to incorporate the VMT reduction strategies. As an immediate next step, staff is recommending issuing a Request for Proposals to select a consultant to prepare a study to guide the update to the transportation impact fee program.

The Town's impact fee program must comply with the Mitigation Fee Act (California Government Code Section 66000 et seq., also known as AB 1600). It is envisioned that the new fee program would have either one combined fee including the LOS-based traffic impact mitigation fee and a new VMT-based fee, or two separate fees. The study will evaluate these two different approaches and other alternatives, develop a list of improvement projects, estimate project costs, and prepare the five statutory findings required for adoption of the fee program. The new fee program would be designed to help achieve the goals of reducing vehicle trips and vehicle miles of travel within the Town by avoiding or minimizing the need to expand existing roadway capacity.

The new fee program will provide a path for land use projects to complete CEQA clearance. The study will be completed in 2022, leading to a recommended fee program for the Town Council's consideration. If adopted, the Transportation Impact Fee Program will replace the Town's current Traffic Impact Mitigation Fees.

CONCLUSION:

Staff recommends the Town Council adopt the proposed Transportation Impact Policy (Attachment 1), authorize the release of the RFP for a Transportation Impact Fee Study (Attachment 2), and authorize the Town Manager to enter into a contract for the Fee Study for an amount up to \$175,000.

COORDINATION:

This report was coordinated with the Community Development Department and the Town Attorney. At its November 10 meeting, the Planning Commission reviewed the Draft Policy and provided feedback.

The consultant on this project, Fehr & Peers, provided comments on the Draft Policy and technical guidelines. Input from the Planning Commission was incorporated in the final Draft Transportation Impact Policy. The Council Policy Committee reviewed the Draft Transportation

COORDINATION (continued):

Impact Policy and attachments, had no suggested revisions, and recommended that the Town Council approve the documents.

FISCAL IMPACT:

There is no fiscal impact as a result of adopting the Transportation Impact Policy.

Project 812-0133 VMT Mitigation Program in the Fiscal Year 2021/22 – 2025/26 Capital Improvement Program Budget has sufficient budget for the consultant contract.

VMT Mitigation Program CIP No. 812-0133		
	Budget	Costs
GFAR	\$ 250,000	
Total Budget	\$ 250,000	
Proposed Consultant Contract		\$ 175,000
Total Costs		\$ 175,000
Remaining Balance		\$ 75,000

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Draft Transportation Impact Policy
2. Draft RFP for a Transportation Impact Fee Study



TITLE: Transportation Impact Policy		POLICY NUMBER:
EFFECTIVE DATE: December xx, 2021		PAGES: 3
ENABLING ACTIONS: 1991-174; 2014-017, 2016-068; 2017-011; 2021-xx		REVISED DATES: 8/5/91; 3/24/14; 12/6/16; 3/21/17; xx/xx/21
APPROVED:		

PURPOSE

To provide guidance to Town staff and the development community in implementing the provisions of the Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees, and evaluating and mitigating California Environmental Quality Act (CEQA) transportation impacts.

SCOPE

This Policy is applicable to all land use entitlements, land use projects, and transportation improvements Town-wide.

POLICY

I. GENERAL CONDITIONS AND APPLICABILITY

1. Projects that are determined by the Town to generate one or more new net Average Daily Trips (ADT) are subject to this Policy.
2. An Accessory Dwelling Unit (ADU) shall be exempted from the requirements of Transportation Analysis and the Traffic Impact Fees.
3. The Town Council may exempt housing developments for very low, low, and moderate income residents (as defined by Town Ordinance, General Plan, or statute) from all or a portion of the traffic impact mitigation fee upon making a finding that the development provides a significant community benefit by meeting current needs for affordable housing.

TITLE: Transportation Impact Policy	PAGE: 2 of 3	POLICY NUMBER:
--	------------------------	-----------------------

4. Attachment 1 - Transportation Analysis (TA) Guidelines establish a process to comprehensively and accurately analyze potential project effects (adverse and beneficial) on transportation facilities and services in the Town of Los Gatos and other jurisdictions. The TA Guidelines serve three primary purposes:
 - Provide an evaluation for the California Environmental Quality Act (CEQA) significant impacts and mitigation as a part of the environmental analysis process.
 - Evaluate a project's consistency with the Town's General Plan.
 - Evaluate a project's consistency with the Santa Clara County Congestion Management Program (CMP).

II. TRANSPORTATION IMPACT FEES

1. All Projects that generate one or more new Average Daily Trips are required to pay Transportation Impact Fees, previously known as Traffic Impact Mitigation Fees.
2. All required Transportation Impact Fees shall be paid in full to the Town in association with and prior to issuance of a building permit. If no building permit is required, the fee shall be paid in full prior to issuance of a certificate of use and occupancy, or similar entitlement. The amount due shall be calculated based on the fee in place as approved by the Town Council by resolution at the time the fee is paid.
3. The per trip amount of the fee shall be as set forth by the Town Council by resolution, pursuant to Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees.
4. Fees shall be calculated by multiplying net new ADT by the per trip amount in place at the time the fees are paid.
5. Credit against Transportation Impact Fees due shall be granted up to the amount of the Estimated Project Cost shown on Attachment 2, Town of Los Gatos Traffic Mitigation Improvements Project List, for any listed projects for which the developer, as a condition of approval, is required to either construct at the developer's sole cost or contribute a fixed or percentage amount of funding toward future construction of the listed improvement. Where construction is fully funded and completed by the developer, said credit shall be equal to the Project Cost as shown in Attachment 2. Where payment is a fixed amount or a percentage of Project Cost, credit shall be equal to the actual amount due, whether the project is constructed by the developer or others.
6. No credit shall be given for any public right-of-way dedication required for

TITLE: Transportation Impact Policy	PAGE: 3 of 3	POLICY NUMBER:
--	------------------------	-----------------------

completion of projects listed on Attachment 2.

7. Credit will be given on a case-by-case basis and shall not exceed the impact fee payable. Any request for credit shall be made prior to the payment of the Transportation Impact Fees. No credit shall be given for installation of Town-standard frontage improvements, Project access improvements, or internal circulation improvements.
8. Credit shall only be granted for payment of costs or construction of projects listed in Attachment 2, unless otherwise approved by the Town Council.

III. VEHICLE MILES TRAVELLED MITIGATION MEASURES

1. To mitigate VMT impacts, the project shall be conditioned for implementation of mitigation measures in the following categories:
 - Modify the project's built environment characteristics to reduce VMT generated by the project;
 - Implement transportation Demand Management (TDM) measures to reduce VMT generated by the project; and/or
 - Participate in a VMT fee program and/or VMT mitigation exchange/banking program (if they exist) to reduce VMT from the project or other land uses to achieve acceptable levels.
2. The Town is taking a Townwide approach for VMT impact mitigation. Attachment 3, VMT Reduction Actions for the Town of Los Gatos, provides a framework for mitigating VMT in the Town.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

TITLE: Transportation Impact Policy Attachment 1 - Transportation Analysis Guidelines	PAGE:	POLICY NUMBER:
---	--------------	-----------------------

Town of Los Gatos

Transportation Analysis Guidelines

(final draft)

Table of Contents

1. Introduction	1
1.1 Intent of TA Guidelines	1
1.2 Environmental Evaluation	2
1.3 Project Types	2
1.4 CEQA and Non-CEQA Terminology	3
2. Determining the Level of Transportation Analysis	3
2.1 CEQA Relief for Projects Consistent with General Plan or Zoning	4
2.2 CMP Consistency Screening	4
2.3 Recommended Process and Documentation	4
2.4 Contact with Appropriate Town Staff	4
2.5 Consultation with Other Jurisdictions	5
2.6 Project Trip Generation and Trip Reductions	5
2.6.1 Vehicle Trips	6
2.6.2 Person Trips	6
2.6.3 Establishing Trip Generation Rates for an Unspecified Use	6
2.6.4 Credit for Existing Trips – Local Analysis	6
2.6.4 Credit for Existing Trips – VMT Analysis	7
2.7 Vehicle Miles Traveled Methods	7
3. Transportation Analysis (CEQA) for Land Use Projects	8
3.1 VMT Analysis Methods	8

3.1.1 Regional Transportation Plan/Sustainable Communities Strategy and General Plan Consistency	9
3.1.2 VMT Assessment.....	9
3.2 VMT Significance Thresholds	11
3.3 VMT Mitigation Measures	11
4. Transportation Analysis (CEQA) for Transportation Projects	12
5. Transportation Analysis per the Town’s Transportation Policies.....	12
5.1 Study Area.....	13
5.2 Key Study Elements.....	13
5.3 Data Collection.....	14
5.4 Project Site Access and Circulation Review	16
5.5 Analysis Scenarios	16
5.6 Analysis Time Periods	17
5.7 Multimodal Analysis Methods.....	18
5.8 Traffic Operations Analysis	19
5.9 Mobility Deficiency Criteria	19
5.10 CMP Deficiency Criteria	20
5.11 Mitigation Improvements.....	21

1. Introduction

Transportation Analysis (TA) Guidelines are routinely established by jurisdictions to assess potential transportation effects of proposed projects on the local transportation system. These guidelines are intended to provide a clear and consistent technical approach to evaluating both land use and transportation infrastructure projects within Los Gatos.

These guidelines establish a process to comprehensively and accurately analyze potential project effects (adverse and beneficial) on transportation facilities and services in the Town of Los Gatos and other jurisdictions. This information is essential for decision-makers and the public when evaluating land use development and transportation infrastructure projects. These TA Guidelines serve three primary purposes:

- Provide an evaluation for the California Environmental Quality Act (CEQA) significant impacts and mitigation as a part of the environmental analysis process.
- Guide the Local Transportation Analysis in evaluating a project's consistency with the Town's General Plan Mobility Goals.
- Evaluate a project's consistency with the Santa Clara County Congestion Management Program (CMP).

1.1 Intent of TA Guidelines

The Town of Los Gatos General Plan 2040 seeks to “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.” The TA Guidelines support this goal by evaluating new projects against the policies of the latest General Plan.

For CEQA-based environmental analysis, these TA Guidelines incorporate the use of vehicle miles traveled (VMT) to disclose the effects of the project on the surrounding environment. Town staff completed an SB 743¹ implementation process, which included the preparation of the *SB 743 Implementation for the Town of Los Gatos* (July 2020) document package. The document package provides detailed technical information pertaining to the options and data considered by the Town of Los Gatos to implement VMT as an impact criterion.

The TA Guidelines present the Town's approach for determining the need for a transportation analysis, its content, and identifying acceptable transportation improvements for land use and transportation projects proposed within Los Gatos. The TA Guidelines establish a transportation analysis protocol for the following:

- Environmental analysis

¹ Senate Bill 743 (SB 743) changed some of the transportation significance criteria under the California Environmental Quality Act (CEQA). Specifically, vehicle level of service (LOS) is no longer used as a determinant of significant environmental impacts, and a vehicle miles traveled (VMT) analysis is required.

- General Plan consistency
- Congestion Management Program (CMP) evaluation
- Mobility deficiency criteria and thresholds
- Guidance on acceptable transportation improvements

Town staff will review transportation studies and reports based on the process presented in the TA Guidelines. However, each project is unique, and the TA Guidelines are not intended to be prescriptive beyond practical limits. Not all criteria and analyses described in the TA Guidelines will apply to every project. Early and consistent communication with Town staff is encouraged to confirm the type and level of analysis required for each study.

1.2 Environmental Evaluation

The TA Guidelines outline the methods and thresholds with which to evaluate projects consistent with the latest *CEQA Statute & Guidelines*.

The latest *CEQA Statute & Guidelines* include revised Appendix G Checklist questions for transportation impact evaluation. The four questions are as follows:

Would the project:

- Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*
- Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- Result in inadequate emergency access?*

1.3 Project Types

A TA is prepared for a project before a discretionary action is taken. The following types of projects, which involve development activity or infrastructure changes in and around the Town of Los Gatos and affect the adjacent transportation system, should be evaluated for TA requirements.

- **Land use entitlements** or changes in use requiring discretionary approval by Los Gatos, which include General Plan amendments, specific plans (and related amendments), zoning changes, use permits, planned developments, and tentative subdivision maps; or any modifications of use that would generate 20 or more new Peak Hour (vehicle) Trips or at the discretion of the Town's Traffic Engineer
- **Land use activity** advanced by agencies other than Los Gatos that is subject to jurisdictional review under state and federal law, such as school districts, Santa Clara Valley Transportation Authority (VTA) Board of Directors, and others; or advanced within Los Gatos by agencies other than the Town and inconsistent with the Town's General Plan.

- **Transportation infrastructure modification or expansion**, including capital improvement projects on Town roads, county roads, and state highways that may impact Town facilities and services.

1.4 CEQA and Non-CEQA Terminology

To distinguish the CEQA analysis from the non-CEQA analysis (i.e., the local transportation analysis) the analyses apply different terminologies as summarized below in **Table 1**.

Table 1: Comparison of Select CEQA and Non-CEQA Terms	
CEQA Term	Non-CEQA Term
CEQA Transportation Analysis	Local Transportation Analysis
Significance criteria	Threshold or performance standard
Significant impact	Deficiency
Mitigation measure	Mitigation improvement
Baseline Conditions	Existing Conditions and Background Conditions
Future Year Cumulative Conditions	Cumulative Conditions

2. Determining the Level of Transportation Analysis

Unless explicitly waived by the Town, a TA may be required when any one of the following conditions is met.

- A project has the potential to create a significant transportation environmental impact under CEQA.
- A project has the potential to generate daily vehicle miles traveled greater than the Town's General Plan future year VMT projections.
- For local transportation analysis, a project has the potential to generate 20 or more new Peak Hour (vehicle) Trips.
- A project that is not consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report (EIR) was certified, per *CEQA Statue & Guidelines Section 15183*.
- A project will alter physical or operational conditions on a Town pedestrian facility, bicycle facility, transit facility or service, or other transportation facility.
- An Accessory Dwelling Unit (ADU) shall be exempted from the requirements of Transportation Analysis and the Transportation Impact Fees.

In general, a TA is applicable for two to five years. After two or more years of inactivity, a TA may need to be updated to reflect changes in the study environment, including traffic growth and other circulation issues.

Nothing in the Transportation Impact Policy shall prohibit or restrict a Project applicant from completing a local transportation study for a Project anticipated to generate less than 20 new Peak Hour trips.

2.1 CEQA Relief for Projects Consistent with General Plan or Zoning

Per *CEQA Statue & Guidelines Section 15183*, projects consistent with a general plan, zoning action, specific plan, and certified environmental impact report (EIR) would not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects. Additionally, projects consistent with a general plan, zoning action, or specific plan where cumulative impact(s) were adequately addressed in a prior EIR would not require further CEQA transportation analysis.

2.2 CMP Consistency Screening

Projects should reference the most recent *VTA Transportation Impact Analysis (TIA) Guidelines* to determine the need for a transportation impact analysis. In most cases, projects that generate fewer than 100 net new peak hour vehicle trips are not required to conduct VTA's CMP transportation analysis.

2.3 Recommended Process and Documentation

In coordination with Town staff, the project applicant shall retain a transportation professional to conduct the TA. The transportation consultant should seek Town acceptance of the scope of work before initiating the analysis. In some cases, review by other affected jurisdictions will be required. **Appendix A: Transportation Analysis Report Format Outline** contains a recommended outline for the TA document.

Each TA will begin by preparing a scope of work that describes the project description, site location, analysis methods, area-wide assumption, study elements, study time periods, and traffic data collection methods. To finalize a TA scope of work for the local transportation analysis, the project applicant will provide an estimate of the project trip generation and trip distribution. These estimates and scope of work should be shared with Town staff to finalize the scope of services. Overall, the TA report will address: 1) environmental analysis, 2) project site access and circulation, and 3) other transportation impacts and traffic deficiencies.

2.4 Contact with Appropriate Town Staff

To minimize the potential for delays in project processing, it is important for the TA to be prepared in coordination with Town staff. Timely coordination will also ensure that potential transportation improvements and environmental consequences are considered as early as

possible in the planning process, as deficiencies and corresponding improvement costs can have a substantial effect on project costs. Coordination should include the following:

- A pre-application meeting, which will include a discussion of the TA requirements.
- Development of an approved scope of work, which includes trip generation, study area, analysis scenarios and parameters, data requirements, and provisions for pedestrians, bicyclists, and transit users.
- Approval of the project trip generation (person and vehicle) and trip distribution.
- Review of all assumptions and the results of Existing Conditions analysis.
- Review of the administrative draft report, with adequate time for comments.
- Review of a draft report, with adequate time for comments.

If the TA report information will be incorporated into the transportation and circulation section of an environmental document (e.g., Initial Study, Mitigated Negative Declaration, or Environmental Impact Report), the format of this report may need to be discussed with the environmental consultant, a peer reviewer, and/or Town staff. Upon circulation of the draft environmental document, the format of the final TA report may need to be discussed with the environmental consultant.

2.5 Consultation with Other Jurisdictions

If the study area overlaps with other jurisdictions, staff from other jurisdictions must be consulted to verify study locations, the impact significance criteria, and to consider any current development applications. Section 15086 of the *CEQA Statute & Guidelines*² shall be followed as the basis for satisfying consultation requirements. In most cases, overlap will occur for roadway system analysis, but may also include impact analysis of active transportation modes (bicycling and walking), as well as transit system facilities and services.

2.6 Project Trip Generation and Trip Reductions

Person and vehicle trip generation rates are a way to estimate the number of expected pedestrian, bicycle, transit, and vehicle trips that a proposed development will generate. These rates establish the basis of analysis for a proposed project and its effects on the transportation network. Person trip generation should be reported for walking, bicycle, and pedestrian trips, and vehicle trip generation should be reported for single-occupant, and carpool.

Methodologies to estimate project trip generation and trip reductions shall be prepared consistent with the latest *VTA TIA Guidelines*, with the exceptions described in this document.

² *California Environmental Quality Act Statute & Guidelines, 2020.*

2.6.1 Vehicle Trips

Consistent with the *VTA TIA Guidelines*, pass-by trips shall not be considered in calculating the 20 new Peak Hour Trip threshold that triggers the requirement for conducting a comprehensive local transportation analysis report.

The Institute of Traffic Engineers (ITE) *Trip Generation Manual* trip generation rates for Specialty Retail Center shall apply to all Specialty Retail.

Uses within the Central Business District (C-2 Zone) are expected to change periodically as part of the natural business cycle. For the purpose of Transportation Impact Fees, changes in use without changes in net building square footage within the C-2 Zone shall not be considered to create a traffic deficiency, shall be exempt from this policy, and no fees shall be charged for a change in use. Any increases in building square footage shall pay impact fees at the ITE Shopping Center rate or comparable equivalent rate for the expanded area, as determined by the Town Traffic Engineer.

The Town reserves the right to require the project sponsor to conduct local trip generation surveys for select projects, depending on land use and conditions in the field.

2.6.2 Person Trips

Person trip generation rates should be developed from empirical studies, person travel survey data, or conversion of vehicle trip rates to person trip rates using a vehicle occupancy factor. In addition, person trip generation by mode may be derived using an approved analysis tool that incorporates data from local trip generation surveys or published trip generation rate data.

2.6.3 Establishing Trip Generation Rates for an Unspecified Use

For projects where the ultimate land use is not certain (for example, a large subdivision of flexible commercial-industrial parcels), there are two options for establishing the trip generation rates.

- Option 1: Town staff will recommend the use of the highest traffic intensity among all permitted uses to establish traffic deficiencies.
- Option 2: Estimates can be made using a lower traffic intensity use if the Town and developer establish a maximum trip allowance. Once a proposed land use has been identified, then: 1) the subdivision trip generation allowance must be monitored by the Town as development occurs; and 2) the TA report may need to be updated.

2.6.4 Credit for Existing Trips – Local Analysis

The estimate of new trips generated by the proposed development project may include credit for trips associated with existing uses on the site. Uses are considered as existing if they are actively present on the project site at the time that data is gathered for the transportation impact analysis. Similarly, if a planned (but not constructed) use was already permitted for the site and an improvement(s) was identified and funded, the new TA only needs to assess the

effects of additional trips above and beyond the trips for the permitted use. Additionally, certain commercial land uses attract vehicle traffic that currently exists on the roadway, rather than generating new trips.

Understanding there are permitted reductions that may be taken under the circumstances listed above, the Town requires that any reductions in project vehicle trip generation are applied according to the latest *VTA TIA Guidelines*.

In calculating new Peak Hour Trips for purposes of determining whether or not a TA report is required pursuant to this Policy, trip credit shall be granted for an existing use or the most recent former use.

In calculating new Average Daily Trips for purposes of determining the amount of the Transportation Impact Mitigation Fee due, trip credit shall be granted for an existing use or the most recent former use.

Where the property is vacant, the most recent former use shall be used.

Where a portion of the space is changing use, credit will apply to the proportionate square footage of the space under review.

Where the change in use results in fewer trips than the existing or former use, no credit or refund will be due the applicant.

2.6.4 Credit for Existing Trips – VMT Analysis

For the evaluation of vehicle miles of travel, VMT credit for the prior use depends on how the project changes the baseline condition, if the project sponsor had ownership and control of the previous land use, and the reason for stopping the previous land use. Baseline conditions are typically defined at the beginning of an environmental analysis and a CEQA analysis needs to isolate the effects of the project to clearly define the project's effect on the baseline condition. To receive VMT credit, the project sponsor needs to demonstrate continuous ownership of site, with on-site occupancy paused only due to the redevelopment activity and not because of some economic or other condition outside the control of the project sponsor. However, this credit should only be applied to total project generated VMT and should not be included when calculating a VMT rate.

2.7 Vehicle Miles Traveled Methods

Although the calculation of VMT is simply the number of cars multiplied by the distance traveled by each car, VMT performance measures can be reported differently. At a minimum, the VMT analysis for Los Gatos will be prepared for two purposes:

- Greenhouse gas and air quality analysis using project generated VMT on a VMT per service population basis (residents + employment).
- Environmental evaluation by land use and/or transportation project.

The project generated VMT from new population and employment growth and the boundary (total) VMT for a specific geographic area will be prepared using the latest Santa Clara Valley Transportation Authority (VTA)-City/County Association of Governments of San Mateo County (C/CAG) Bi-County Model (“VTA Travel Model”). Because emissions rates vary by vehicle speed, the project generated VMT and total VMT should be disaggregated by speed bin (typically in five mile an hour increments of speed from 0 to ~80 miles per hour) to allow different emissions factors to be applied at different speeds, which allows for the preparation of a more refined emissions analysis.

3. Transportation Analysis (CEQA) for Land Use Projects

For an environmental analysis, these TA Guidelines incorporate the use of vehicle miles traveled (VMT) to disclose the effects of the project on the environment. Town staff completed an SB 743 implementation process, which included the preparation of the *SB 743 Implementation for the Town of Los Gatos* (July 2020) document package. The document package provides detailed technical information pertaining to the options and data considered by the Town of Los Gatos to implement VMT as an impact criterion.

At its November 17, 2020 meeting, the Town Council adopted Resolution 2020-045, Designating the Use of Vehicle Miles Traveled as the Metric for Conducting Transportation Analyses Pursuant to the California Environmental Quality Act and Establishing the Thresholds of Significance to Comply with California Senate Bill 743.

The *CEQA Statute & Guidelines* allow exemptions to projects meeting certain criteria. Project applicant may review the exemptions before preparing CEQA analysis for projects.

Based on the Town’s implementation of SB 743, the following methods should be used to determine VMT impact thresholds and mitigation requirements for land use projects.

3.1 VMT Analysis Methods

The Town elected to conduct a complete VMT analysis consistent with the General Plan future year VMT projections based on long-term expectations for air quality and GHG expectations as part of its General Plan EIR, so that it could make specific use of *CEQA Statute & Guidelines* Section 15183 to streamline project-specific CEQA analysis that is consistent with its General Plan and other Town documents. For the Town of Los Gatos, addressing transportation VMT impacts in the Town General Plan EIR is a useful way of understanding VMT impacts and how VMT reduction should be balanced against other community values related to the environment, social justice, and the community. By conducting a Town-wide VMT impact analysis, the Town is able to develop a program-based VMT mitigation approach. The concept of a ‘program’ approach to impact mitigation is commonly used in a variety of technical subjects, including

transportation, air quality, GHG, and habitat. Absent a new program-level VMT mitigation approach, there are limited feasible mitigation options for project sites, and as a result limited ability to reduce VMT. Also, practically speaking, without feasible mitigation, significant VMT impacts would be significant and unavoidable (SAU). Under these circumstances, a project must prepare an EIR, thus adding time and cost to environmental review compared to an initial study/negative declaration (IS/ND) that relies on streamlining offered in the *CEQA Statute & Guidelines*.

Should a project not be consistent with the General Plan, or for some other reason unable to benefit from streamlined CEQA review under *CEQA Statute & Guidelines* Section 15183, the following sections provide details on how to conduct a complete VMT analysis for land use plans and projects in the Town of Los Gatos.

3.1.1 Regional Transportation Plan/Sustainable Communities Strategy and General Plan Consistency

The first step in assessing project impacts is to determine if the project land use is contained within the Town of Los Gatos residential and non-residential land use allocations in the current Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and if the project is consistent with the latest General Plan. If the project is not consistent with the RTP/SCS and/or the latest General Plan, amendments to those documents or the project would be needed prior to proceeding with the project review.

3.1.2 VMT Assessment

Projects not consistent with the current RTP/SCS or the latest General Plan are required to complete a VMT analysis using the VTA Travel Model to determine if there would be a significant VMT impact. The tools and methodology of the VMT analysis shall be approved by PPW Director (or Traffic Engineer). The impact analysis includes two types of VMT:

1. **Total Project Generated VMT** – Daily VMT of all vehicle trips, vehicle types, and trip purposes for all project land uses, presented as a total project generated VMT.
2. **Project's Effect on VMT within the Town of Los Gatos.** VMT that occurs within the Town of Los Gatos by any type of vehicle. This captures all on-road vehicle travel on a roadway network for any purpose, and includes local trips as well as trips that pass through the area without stopping.

If the land use control totals increase between the without and with project conditions in the travel model, these VMT metrics will need to be expressed on a per service population (residents, employees, and other populations generating the VMT) basis to understand the effects of the project between scenarios.

The types of VMT analysis are evaluated for the following scenarios:

- **Baseline Conditions** – Conditions in the baseline year for the CEQA analysis, which is most often chosen as the time of notice of preparation (NOP) of an environmental document, but may be chosen as the baseline year of the VTA Travel Model, if land use and transportation network conditions can be considered largely unchanged between the model baseline year and the date of the NOP. For compliance with the *CEQA Statute & Guidelines* Section 15125(a), the transportation impact analysis must include a description of the physical environmental conditions near the project, as they exist at the time the NOP is published, or if no NOP is published, at the time environmental analysis is commenced, from both a local and regional perspective. Baseline VMT estimates will be prepared using the most recent base year VTA Travel Model.
- **Baseline with Project Conditions** – The project land use is added to the project Transportation Analysis Zone (TAZ), or a separate TAZ may be created to contain the project land uses. A full model run is performed and VMT changes (by metric of choice) are isolated for the project TAZ and across the full model network. The model output must include reasonableness checks of the production and attraction balancing to ensure the project effect is accurately captured. If this scenario results in a less-than-significant impact, then additional cumulative scenario analysis may not be required.
- **Future Year Cumulative Conditions** – Conditions requiring an RTP/SCS and/or General Plan amendment are also required to evaluate the project effect on VMT under Future Year Cumulative Conditions. This scenario buildout of the region's land use and transportation system also provides the long-range view of future travel patterns. Future Year Cumulative Conditions VMT estimates should be based on the horizon year of the most recent VTA Travel Model, ensuring the model does not already contain the land uses or transportation improvements associated with the project.
- **Future Year Cumulative with Project Conditions** – The project land use is added to the project TAZ, or a separate TAZ is created to contain the project land uses. The addition of project land uses may be accompanied by a reallocation of a similar amount of land use from other TAZs throughout the model area (focusing on Santa Clara County), especially if the proposed project is significant in size such that it would potentially reduce the potential for development throughout the rest of the model area. Land use projects will generally not change the Future Year Cumulative Conditions control totals for population and employment growth within the model area. Instead, they will influence the land use supply through changes in General Plan land use designations and zoning. If project land uses are simply added to the Future Year Cumulative Conditions scenario, then the analysis should reflect this limitation in the methods and acknowledge that the analysis may overestimate the project's effect on VMT. A full model run is performed and VMT changes (by metric of choice) would be isolated for the project TAZ and across the full model network. The model output must include reasonableness checks of the production and attraction balancing to ensure the project effect is accurately captured.

The model output should include the two VMT metrics listed earlier: 1) total project generated VMT, and 2) project's effect on VMT using the total boundary VMT. Emissions vary by speed bin; disaggregating VMT by speed bin allows different emissions factors to be applied at

different speeds, which allows for the preparation of a more refined emissions analysis. The total boundary VMT is needed as an input for air quality, greenhouse gas (GHG), and energy impact analysis, while the project generated VMT metrics are used for the transportation impact analysis.

Both “with project” scenarios noted above will summarize the two types of VMT and be compared to the without project condition.

Project generated VMT should be extracted from the VTA Travel Model by combining either the origin-destination (for total VMT) or production-attraction (for the other metrics) trip matrices and congested skims (travel distances for each origin-destination pair in the travel mode) from final assignment. The VMT should be adjusted to reflect trips that extend beyond the model boundary. The project’s effect on VMT should be estimated using the Town limit boundary and extracting the total link-level VMT for both the without and with project conditions. Additional VMT metric specifications may be found in the *SB 743 Implementation for the Town of Los Gatos* (July 2020) document package.

If a project is mixed-use (i.e., composed of both residential and retail/office uses), project generated VMT should be extracted for both the total VMT and VMT per service population (residents and employees).

3.2 VMT Significance Thresholds

The Town Council adopted Resolution 2020-045, Designating the Use of Vehicle Miles Traveled as the Metric for Conducting Transportation Analyses Pursuant to the California Environmental Quality Act and Establishing the Thresholds of Significance to Comply with California Senate Bill 743. The thresholds balance the Town’s priorities with respect to competing objectives, including Los Gatos’s geographic and transportation context, greenhouse gas reduction goals, interest in achieving the state’s greenhouse gas reduction goals, and the latest General Plan goals and policies related to land use mix, economic development, and housing provision.

VMT analyses shall evaluate a project’s VMT impacts based on the thresholds established in the latest Council-adopted resolution.

3.3 VMT Mitigation Measures

To mitigate VMT impacts, the project shall be conditioned for implementation of mitigation measures in the following categories::

1. Modify the project’s built environment characteristics to reduce VMT generated by the project;
2. Implement transportation Demand Management (TDM) measures to reduce VMT generated by the project; and/or
3. Participate in a VMT fee program and/or VMT mitigation exchange/banking program (if they exist) to reduce VMT from the project or other land uses to achieve acceptable levels.

The Town is in the process of updating the General Plan and the Draft Environmental Impact Report (DEIR) for the 2040 General Plan was released for public review in July 2021. The 2040 General Plan DEIR identifies significant but unavoidable transportation impacts and the mitigation measures. The Town is taking a Town-wide approach for VMT impact mitigation. Attachment 3, VMT Reduction Actions for the Town of Los Gatos, provides a framework for mitigating VMT in the Town. Attachment 2, Transportation Mitigation Improvements Project List, has many improvements that are consistent with the VMT Reduction Strategies.

Evaluation of VMT reductions should be conducted using state-of-the-practice methods, recognizing that many of the TDM strategies are dependent on building occupant performance over time. As such, actual VMT reduction cannot be reliably predicted, and monitoring may be necessary to gauge performance related to mitigation expectations.

4. Transportation Analysis (CEQA) for Transportation Projects

Transportation Analysis for transportation projects shall follow the latest CEQA Guidelines and related technical advisories from the Governor's Office of Planning and Research (OPR).

The Thresholds of Significance for all transportation projects are established in the latest Council-adopted resolution.

Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact.

In 2020 Caltrans adopted its guidance under SB 743. The department's *Transportation Analysis Framework* and *Transportation Analysis for CEQA* provide guidance for assessing induced travel impacts from prospective projects on the State Highway System. CEQA analysis for proposed transportation projects on the State Highway System should also follow Caltrans guidance.

5. Transportation Analysis per the Town's Transportation Policies

The contents and extent of a local transportation analysis per the Town's General Plan depend on the location and size of the proposed development, the prevailing transportation conditions in the surrounding area, and questions from decision-makers and the public. The Town is committed to a well-connected transportation system that enables safe access for all modes of travel. The methods presented in this chapter include robust data collection and analysis techniques for pedestrian, bicycle, and transit networks, in addition to vehicle circulation.

The local transportation analysis shall be prepared consistent with the latest VTA TIA Guidelines, with the exceptions described in this document.

5.1 Study Area

The study area is determined by evaluating the project location and how it may affect all transportation modes and facilities. It is not simply a map showing where the project is located. Rather, the study area is the area of influence of a project. Each local transportation analysis will consider the adjacent transportation system for site access and circulation of land development projects and street modifications for transportation projects. To properly assess the site access, the Town may require off-site intersection analysis and/or other multimodal analysis.

The study area may include the nearest CMP facility to evaluate the proposed project's conformity with the CMP facilities.

Applicants should consult with Town staff early regarding the need for a local transportation analysis based on local or site-specific issues, especially those related to pedestrians, bicyclists, and transit users.

5.2 Key Study Elements

The extent and complexity of a local transportation analysis will vary on the project attributes. **Table 2** summarizes the basic requirements for a local transportation analysis for every project requiring a complete transportation analysis. Specific significance criteria for each of the listed elements are described in further detail in *the Transportation Analysis (CEQA) for Land Use Projects* and *Transportation Analysis (CEQA) for Transportation Projects* sections. To avoid substantial off-site improvements or changes to the project site plan/description after the transportation analysis is completed, a preliminary site plan shall be included for a "fatal flaw" evaluation.

Table 2: Local Transportation Analysis – Evaluation Criteria	
Study Element	Evaluation Criteria
General Plan Consistency	Evaluate the project against goals, policies, and actions set forth in the latest General Plan and other applicable Town plans.
Parking	Compare the project parking plan with Town and local specific plan standards and discuss how the proposed supply will affect demand for walking, bicycling, and transit modes. If a mix of land uses is proposed on site, or complements adjacent land uses, justify how the development will make use of shared on-site parking.
On-Site Circulation	Review and evaluate site access locations, turning radii, truck loading areas, emergency access, and other site characteristics with respect to operations and safety for all modes of transportation.
Pedestrian Facilities	Identify any existing or planned pedestrian facilities that may be affected by the project. Document how the project will affect local pedestrian circulation (e.g., disclose how widening a road or adding a driveway will affect pedestrian safety and walking time).

Table 2: Local Transportation Analysis – Evaluation Criteria	
Study Element	Evaluation Criteria
Bicycle Facilities	Identify any existing or planned facilities that may be affected by the project.
Transit	Identify any existing or planned transit facilities that may be affected by the project. If appropriate, document how the project improves access to or utilization of transit. For system planning, use crush load as capacity, not seated capacity.
Safety Assessment	Evaluate project trips added to safety enhancement projects within the study area that are proposed as part of other future safety studies by the Town or other agencies.
Trucks (or Other Large Vehicles)	For relevant industrial projects, identify the number of truck trips that will be generated, and design facilities necessary to accommodate these trucks.
Automated Vehicles or Transportation Network Company Pick-up/Drop-Off	For projects where automated vehicles and/or transportation network companies may have a large concentration of pick-up/drop-off, the project site circulation and pick-up/drop-off areas must be reviewed to identify opportunities and constraints of the project site. Modifications to the site circulation and/or pick-up/drop-off may be recommended.
Off-Site Traffic Operations	All roadway facility analysis and Level of Service should be conducted using the latest version of the <i>Highway Capacity Manual</i> (HCM).
Intersection Traffic Control	Evaluate unsignalized intersections located within the study area to determine appropriate traffic control. Analysis should include documentation of the appropriateness of a roundabout as an alternative or replacement to a traffic signal.
Other Issues	Consider other issues on a case-by-case basis (e.g., construction deficiencies, queuing between closely spaced intersections, emergency access, special event traffic)
Other Jurisdictional Requirements	In situations where several agencies must approve a development or are responsible for affected roadways, the applicant must contact lead and responsible agencies to determine issues to be addressed, scope of study, etc. In general, the applicant will be responsible for analyzing project impacts against appropriate jurisdictional thresholds; however, the analysis method will be determined by the Town in compliance with CEQA, and the impacts will be mitigated consistent with Town standards.

5.3 Data Collection

Accurate data is essential to achieve a high level of confidence in local transportation analysis results. Existing transportation data shall be collected using the requirements set forth below. Data should be presented on maps or figures where appropriate. To address the specific needs of each project, the extent of data collected shall be at the discretion of Town staff.

- **Pedestrian/Bicycle Facilities** – Document the existing pedestrian and bicycle facilities serving the project site. Elements will include presence and width of sidewalks, curb ramps, crosswalks, or other pedestrian facilities providing access to the nearest attractors of the project site, such as transit stops, neighborhood attractors and/or complimentary land uses, and bicycle facilities (e.g., routes, lanes, or shared-use paths) within a two-mile bicycling distance of the project site. Document barriers, deficiencies, and high pedestrian-demand land uses, including schools, parking, senior housing facilities, and transit stops or centers. The report will note any deficiencies or enhancements planned or recommended in the latest General Plan or future planning documents.
- **Transit Facilities and Ridership** – Document transit lines nearest to the project site, including stop locations, frequency of service, and any capacity issues. It will also describe transit stop amenities (e.g., benches, shelters, etc.).
- **Multimodal Peak-Period Turning Movement Counts** – Turning movement counts, including vehicles, bicycles, and pedestrians, will be collected for each study time period at all study intersections. The following parameters will be followed (fall and spring days while school is in session are preferred):
 - Data collection will cover at least two hours to ensure the peak hour is observed.
 - As applicable, 48-hour machine counts will be used to identify the peak period before conducting other counts or analysis.
 - Traffic volumes should not be influenced by a holiday, weather, construction, or other temporary change.
 - The percent of traffic that consists of heavy trucks will be noted/estimated during data collection.
 - Some projects may require vehicle classification or occupancy counts. Consult with Town staff on a case-by-case basis.
 - Traffic counts that are older than two years at study initiation will not be used without consultation and approval by Town staff. These counts may need to be adjusted to reflect current year traffic volumes.
- **Daily Traffic Counts** – Collect data for all study roadway segments using the parameters described above for peak period turning movement counts, with the exception of bicycle and pedestrian volumes. Daily counts are used to size facilities (e.g., 2-lane vs. 4-lane) and to identify temporal changes in traffic.
- **Roadway Geometry** – Document existing roadway and intersection geometries and lane configurations. Information from aerial photography and street views should be verified based on a site visit(s).
- **Intersection Controls and Signal Timings** – For use in intersection analysis, intersection control types and signal timings and phasing should be based on signal timing sheets (available from Los Gatos or Caltrans) and verified during site visits.
- **Five-Year Collision Data** – Obtain Statewide Integrated Traffic Records System (SWITRS) through the local California Highway Patrol or through the following web site: www.chp.ca.gov/switrs.

- **Mode Split** – Summarize daily and peak hour mode split for the study area land uses. Data could include U.S. Census journey-to-work data, empirical surveys, or any other available surveys.

5.4 Project Site Access and Circulation Review

A detailed site plan review is required for all projects. The local transportation analysis should include a review and summary of findings of the following qualitative and quantitative features.

- Consideration of roundabouts are encouraged. Conduct roundabout analysis as required by Town staff.
- Existence of any current traffic problems in the local area, such as a high-collision location, non-standard intersection or roadway, or an intersection in need of a traffic signal or a roundabout.
- Applicability of context-sensitive design practices compatible with adjacent neighborhoods or other areas that may be impacted by the project traffic.
- Proximity of proposed site driveway(s) to other driveways or intersections.
- Adequacy of the project site design to convey all vehicle types.
- Number and type of parking provided, including vehicle and bicycle parking.
- On- and off-street loading requirements.
- Adequacy of on-site vehicle, bicycle, and pedestrian circulation and provision of direct pedestrian paths from residential areas to school sites, public streets to commercial and residential areas, and the project site to nearby transit facilities.

An important aspect of a TA is to provide sufficient information for the Town to determine that a project is consistent with the latest General Plan and other applicable Town policies, plans, and standards. As such, individual projects must be reviewed against relevant policies contained in the latest General Plan or other plans and policies. Applicants should review the full policy statements in the latest General Plan Mobility Element.

If the study area extends into an adjacent jurisdiction, the applicant may be responsible for analyzing project generated operational impacts in these jurisdictions. These include intersection or segment locations in any other jurisdiction, including Caltrans-maintained facilities. The applicant shall refer to current policies in the respective jurisdiction to identify the appropriate significance criteria.

5.5 Analysis Scenarios

The range of scenarios includes Existing Conditions, Background Conditions, and Cumulative Conditions. Projects consistent with the latest General Plan will only be required to complete the Existing and Background conditions analysis; where Existing Conditions looks at the effect of the proposed project on the existing system within the next year or two, Background Conditions typically looks at a longer time frame of about three to five years. Inclusion of all three analysis conditions (e.g., Existing, Background, and Cumulative), would typically occur for large development projects, General Plan amendments, specific plans (and related amendments), with Cumulative Conditions having a time horizon of 10 to 20 years.

The following analysis scenarios will document existing or future conditions, any deficiencies, and identify deficiencies that will result from the addition of the project. Each scenario will include a qualitative description of transportation facilities for all modes (and any planned enhancements), traffic volumes, and a quantitative analysis of intersection LOS. Key study elements are identified in the *Multimodal Analysis Methods* section of this chapter. Details regarding each local transportation analysis scenario are presented below.

- **Existing Conditions** – These conditions are based on recent field observations and recent traffic count data.
- **Existing with Project Conditions** – Traffic volume forecasts for roadway analysis reflecting Existing Conditions with traffic generated by the proposed project. For reuse or conversion projects, this may involve accounting for any existing use of the site that remains or will be removed. It should also qualitatively describe how the project will affect transportation for other modes, including compliance or relation to other Town documents.
- **Background Conditions** – Traffic volume forecasts for roadway segment and intersection analysis should reflect Existing Conditions with growth due to approved development that is expected to be operational before or concurrently with the proposed project. This scenario may not be needed if the study area has limited or no approved developments.
- **Background with Project Conditions** – This scenario represents the Background Conditions with vehicle trips added by the proposed project. It provides decision-makers and the public with a view of conditions with all recently approved development and physical improvements, including the proposed project.
- **Future Year Cumulative Conditions** – This scenario represents transportation conditions for all travel modes in the study area reflecting all approved projects, pending projects, or expected development of other areas of Los Gatos designated for growth under the latest General Plan or specific plan. In most cases, the project site will likely be vacant under this scenario. In some cases, this scenario may need to account for any existing uses on the site that could continue, and potential increases in development allowed by ministerial approvals.
- **Cumulative with Project Conditions** – This scenario represents the cumulative future transportation conditions with anticipated changes to the transportation system and the additions of project trips, and provides the long-range view of future traffic operations.

5.6 Analysis Time Periods

Based on the land use of the proposed project and upon consultation with Town staff, the study shall analyze traffic operations during the peak one hour of the following time periods:

- Weekday morning peak (7:00 – 10:00 AM)
- Weekday evening peak (4:00 – 7:00 PM)

For some projects, the Town may substitute or require additional peak hour analysis for the following time periods as approved or requested by the Town's Traffic Engineer:

- Weekday afternoon peak (2:00 – 4:00 PM)
- Friday evening peak (4:00 – 7:00 PM)
- Weekend midday peak (11:00 AM – 1:00 PM)
- Sunday or holiday evening peak (4:00 – 7:00 PM)

For example, retail commercial projects should evaluate operations for Saturday midday peak hour conditions, in addition to the standard weekday morning and evening peak periods. The determination of study time periods should be made separately for each proposed project, based upon the peaking characteristics of the project generated traffic and peaking characteristics of the adjacent street system and land uses.

5.7 Multimodal Analysis Methods

The report should provide a quantitative and/or qualitative evaluation of the project's potential adverse or beneficial effects on transportation facilities and services related to pedestrians, bicyclists, and transit users.

For some projects, more detailed multimodal analysis may be required. Such analysis shall be decided upon in consultation with Town staff and consider new tools, methods, and performance measures, such as those listed below.

- **Multimodal LOS** – The latest *Highway Capacity Manual* (6th Edition) contains methods for multimodal LOS.
- **Person Delay** – Simulation models can be used to measure system performance in terms of overall person-delay for all modes within a transportation network. This method provides a better decision-making tool for developing improvements to promote efficient movement of people, rather than a particular type of vehicle.
- **Safety Assessment** – Evaluate whether the project adds vehicle trips to a safety improvement identified within the study area. (If a project may affect a Caltrans facility, a safety assessment may be needed for CEQA purposes as well.)
- **Bicycle Level of Stress (LTS)** – Evaluate LTS for all bicycle facilities within a two-mile bicycling distance of the project site. There are several methods for evaluating LTS for bicycle facilities, which generally rely on street widths/number of vehicle lanes, vehicle speeds, daily volumes, and type of bicycle facility to evaluate “low stress” bike networks. The *Low-Stress Bicycling and Network Connectivity* (2012) report and the National Association of City Transportation Officials (NACTO) *Urban Bikeway Design Guide, Second Edition* (2014) contains methods for LTS.
- **Pedestrian Level of Stress (LTS)** – Evaluate LTS for all pedestrian facilities providing access to the nearest attractors (e.g., transit stops, neighborhood attractors and/or complimentary land uses) of the project site. Compared to bicycle LTS, there are parallel methods for calculating pedestrian comfort using best practiced from the NACTO *Urban*

Street Design Guide (2013) and pedestrian safety research. As with bicycle comfort, pedestrian comfort is based on a variety of factors ranging from the quality and presence of sidewalks to the conditions of the adjacent roadway (speed, number of travel lanes, frequency of trucks).

- **Activity Connectedness** – Travel time for each mode (e.g., walking, bicycles, transit, and vehicles) between the project and surrounding land uses can be used to gauge the degree of accessibility for a project. The Town desires to minimize travel time to necessary destinations while minimizing unnecessary vehicle travel. Tools such as geographic information systems or online tools (e.g., Index and Walk Score) can be used to gauge this measure specifically for walking. The main idea is to evaluate activity centers and destinations around projects to ensure that walk times to necessary destinations are minimized and the walking experience is comfortable.

5.8 Traffic Operations Analysis

Traffic operational deficiencies shall be analyzed using standard or state-of-the-practice professional procedures. The main issues related to traffic operations analysis are the method, input data, and assumptions. These three items influence the level of confidence and the associated level of defensibility of the local transportation analysis. For traffic operations, this requires following the procedures and techniques published in the most recent *Highway Capacity Manual* (HCM).

Traffic Operations Analysis should be conducted according to the latest *VTA Traffic Level of Service Guidelines*.

5.9 Mobility Deficiency Criteria

The overall guiding principal of the General Plan 2040 Mobility Element is to, “[p]rovide 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.” Los Gatos evaluates each transportation mode to identify deficiencies. Local transportation analyses evaluate intersection operations focused on specific traffic issues such as queuing and safety. A greater emphasis is placed on pedestrian, bicycle, and transit facilities and services, in part to reduce traffic congestion and air quality impacts associated with automobile use. **Table 5** outlines deficiency criteria for each mode. The mobility deficiency criteria can be used to identify conflicts with existing or planned multimodal facilities.

Table 5: Mobility Deficiency Criteria	
Study Element	Deficiency Determination
Parking	Project increases off-site parking demand above a level required by the Town Zoning Code and/or desirable by the Town.
On-Site Circulation	Project designs for on-street circulation, access, and parking fail to meet Town standards. Where Town standards are not defined, industry standards [<i>Highway Design Manual, California Manual on Uniform Traffic Control Devices (MUTCD)</i> , etc.] should be referenced, as appropriate.

Table 5: Mobility Deficiency Criteria	
Study Element	Deficiency Determination
	Failure to provide adequate accessibility for service and delivery trucks on site, including access to loading areas. Project will result in a hazard or potentially unsafe conditions without improvements.
Pedestrian Facilities	Project fails to provide safe and accessible pedestrian connections between project buildings and adjacent streets, trails, and transit facilities.
Bicycle Facilities	Project disrupts existing or planned bicycle facilities or is otherwise inconsistent with the latest General Plan, Bicycle and Pedestrian Master Plan, or other related plans. Project adds bicycle trips along project frontage to an existing facility that needs improvements per the latest BPMP.
Transit	Project disrupts existing or planned transit facilities and services or conflicts with Town adopted plans, guidelines, policies, or standards.
Heavy Vehicles (Trucks and Buses)	A project fails to provide adequate accommodation of forecasted heavy traffic or temporary construction-related truck traffic consistent with Town or industry standards (<i>Highway Design Manual</i> , MUTCD, etc.).
Off-Site Traffic Operations	95 th percentile vehicle queues exceed the existing or planned length of a turn pocket. The proposed project introduces a design feature that substantially increases safety hazards.
Signalized Intersection Traffic Control	Addition of project traffic causes a signalized intersection to 1) drop more than one level overall or at the worst individual approach delay if it is at LOS A, B, or C or 2) drop at all overall or at the worst individual approach delay if it is at LOS D or below.
Unsignalized Intersection Traffic Control	Addition of project traffic causes an all-way stop-controlled or side street stop-controlled intersection to 1) operate at LOS E or F overall or the worst-case movement, and 2) meets the Caltrans signal warrant criteria.
General Plan Consistency	Evaluate the project against mobility, safety, and other related goals, policies, and actions set forth in the latest General Plan.
Other Subject Areas	Consider other areas on a case-by-case basis (e.g., construction impacts, queuing between closely spaced intersections, emergency access, special event traffic, etc.).
Requirements for Other Jurisdictions	The project exceeds established deficiency thresholds for transportation facilities and services under the jurisdiction of other agencies.

5.10 CMP Deficiency Criteria

To determine consistency with the CMP, off-site intersection analysis may be needed and should be applied according to the latest *VTA TIA Guidelines*.

5.11 Mitigation Improvements

All project deficiencies should be addressed consistent with the policies of the latest General Plan Mobility Element. Under these circumstances, the applicant should meet with Town staff to identify transportation improvements that address the deficiencies. **Table 6** shows example types of improvements to address transportation deficiencies.

Potential improvements may require a more detailed review, often including traffic operations, to demonstrate how they address a specific deficiency.

Selected improvements should be identified whether they will be implemented under Existing Conditions, Background Conditions, or Cumulative Conditions. Background Conditions generally reflect conditions at the time of full occupancy of a project.

If a transportation improvement is selected to address a deficiency, it should include a description of the benefit to traffic reduction generated by a proposed development and how the improvement contributes to the multimodal transportation system in Los Gatos. In addition, all transportation improvements need to consider whether they have secondary effects to VMT [i.e., whether the improvement is VMT inducing per guidance in the OPR *Technical Advisory* (December 2018, Pages 20-21)].

The improvement shall not unreasonably degrade bicycle, pedestrian or transit access, and circulation. If a project proposes improvements in response to auto LOS deficiency involving a change to existing roadway or intersection geometry, or changes to signal operations, the TA shall analyze and disclose secondary effects on other modes, i.e., whether the mitigation would affect pedestrian or bicycle conditions or increase transit vehicle delay, per the methodologies in 5.7.

Table 6: Example Improvements	
Study Element	Improvement
Project Modifications and Transportation Demand Management	<ul style="list-style-type: none">• Alter density or diversity of project uses or integrate affordable housing• Encourage telecommuting and alternative work schedules• Provide ride-sharing programs to encourage carpooling and vanpooling• Provide local shuttle service• Provide employer-sponsored vanpools or shuttles• Provide pedestrian network improvements• Provide traffic calming measures and low-stress bicycle network improvements• Implement car-sharing (e.g., ZipCar) program• Limit parking supply• Unbundle parking costs from property costs• Institute on-street market pricing for parking

Pedestrian and Bicycle Facilities	<ul style="list-style-type: none"> • Provide for access to, from, and through the development for pedestrians and bicyclists • Construct Class I bicycle paths, Class II bicycle lanes, and other facilities • Provide secure bicycle parking and shower amenities • Reduce travel lanes on a street to install a two-way left-turn lane and Class II bicycle lanes • Add corner bulbouts, reduce curb radii, add pedestrian refuges, or implement other walking-related improvements
Transit Facilities	<ul style="list-style-type: none"> • Provide bus turnouts, bus shelters, additional bus stops, and park-and-ride lots • Fund increases in transit service
Parking Facilities	<ul style="list-style-type: none"> • Design parking facilities to allow free-flow access to and from the street • Provide off-street parking per Town standards or recommendations • Implement shared parking among complementary land uses
Traffic Control Modifications	<ul style="list-style-type: none"> • Provide for yield or stop control • Evaluate unsignalized intersections with substandard LOS for conversion to roundabout intersection control or for signalization • Provide coordination/synchronization of traffic signals along a corridor • Provide turn-lane channelization through raised islands • Restrict selected turning movements
Street Operations Modifications	<ul style="list-style-type: none"> • Optimize location of access driveway(s) • Provide improvements to traffic signal phasing, or lengthen existing turning pocket • Provide additional through traffic lane(s), right-turn lane(s), and left-turn lane(s) if they do not adversely impact other modes or induce additional vehicle travel • Reduce travel lanes on a street to install a two-way left-turn lane • Address congestion pricing on roads or within a specific area

Appendix A: Transportation Analysis Report Format Outline

Note: Not all sections are required for all projects. The project applicant shall consult with the Town Traffic Engineer to determine the required sections.

1. Introductory Items

- Front Cover/Title Page
- Table of Contents, List of Figures, and List of Tables
- Executive Summary

2. Introduction

- Project description
- Project sponsor/contact info
- Type and size of development
- Site plan (include proposed driveways, roadways, traffic control, parking facilities, emergency vehicle access, and internal circulation for vehicles, bicyclists, and pedestrians)
- Location map (include major streets, study intersections, and neighboring zoning and land uses)
- Scope of transportation analysis

3. Current Conditions

- Description of existing street system within project site and surrounding area
- Location and routes of nearest public transit system serving the project
- Location and routes of nearest pedestrian and bicycle facilities serving the project
- Vehicle Miles Traveled Assessment
 - Description of baseline VMT estimates (may include site and regional VMT estimates)
- Intersection Analysis for Site Access and Circulation Evaluation and CMP Evaluation
 - Figure of study intersections with peak hour turning movement counts, lane geometries, and traffic control

- Map of study area showing average daily traffic (ADT) of study roadways
 - Table of existing peak hour average vehicle delay and level of service (LOS)
4. Project Trip Generation
- Table of project generated trip estimate
 - Figure/map of trip distribution (in percent)
5. Project Site Access and Circulation Evaluation
- Summary of a detailed site review for all modes of travel
 - Mobility deficiency analysis and summary to vehicle, transit, bicycle, and pedestrian facilities (under Project Conditions and Cumulative Conditions)
 - Summary of transportation improvements

CEQA Transportation Analysis Report Section

6. Vehicle Miles Traveled Assessment
- Summary of project generated VMT under Baseline Conditions
 - Summary of project's effect on VMT under Future Year Cumulative Conditions
 - Identification of significant impacts
 - Discussion of mitigation measures
 - Evaluation of impacts of mitigation measures
7. Other CEQA Requirements
- Summary of conflicts with a plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths. Present mitigation measures, as needed.
 - Evaluation of hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Present mitigation measures, as needed.
 - Emergency access evaluation. Present mitigation measures, as needed.

Local Transportation Analysis Report Section

8. Existing with Project Conditions

- Maps of study area with applicable peak hour turning movements (Project Only and Existing with Project Conditions)
- Table of Existing Conditions and Existing with Project Conditions intersection peak hour average vehicle delay and LOS (or other multimodal performance measure)
- Traffic signal and other warrants
- Changes/Deficiencies to bike, pedestrian, and transit networks
- Findings of project deficiencies
- Improvements for project deficiencies (include a map showing physical improvements)
- Scheduling and implementation responsibility of improvements
- Deficiencies of proposed improvements

9. Background Conditions

- Table of trip generation for approved project(s)
- Figure and/or table of approved projects trip distribution (in percent)
- Map of study area with applicable peak hour turning movements (Background Conditions)
- Table of intersection peak hour average vehicle delay and LOS (or other multimodal performance measure) (including queue lengths, etc)
- Changes/deficiencies to bike, pedestrian, and transit networks
- Traffic signal and other warrants

10. Background with Project Conditions

- Similar content to Existing with Project Conditions

11. Cumulative Conditions and Cumulative with Project Conditions

- Map of study area with Cumulative Conditions peak hour turning movements
- Map of study area with Cumulative with Project Conditions peak hour turning movements
- Table of Cumulative Conditions and Cumulative with Project Conditions intersection peak hour average vehicle delay and LOS (or other multimodal performance measure)
- Changes/Deficiencies to bike, pedestrian, and transit networks
- Traffic signal and other warrants

- Findings of project deficiencies
- Improvements for project deficiencies (include a map showing physical improvements)
- Scheduling and implementation responsibility of improvements
- Deficiencies of proposed improvements

Additional Sections for Transportation Analysis Report

12. Construction Deficiencies

- Trips due to construction workers
- Truck trips and truck access routes

13. Phasing Deficiencies (For Large Projects Only)

14. Appendices

- List of references
- List of authors
- Pedestrian, bicycle, and vehicle counts
- Technical calculations for all analyses

Town of Los Gatos Traffic Mitigation Improvements Project List

Source	Description	Estimated Project Cost (2014 \$)	Growth Related Project Cost Share	Mitigation Impact Fee Eligible Cost
GP/VTP 2035	Blossom Hill Rd and Union Ave Intersection Improvements	\$ 1,200,000	90.00%	\$ 1,080,000
GP/VTP 2035	Los Gatos - Almaden Rd Improvements	\$ 3,000,000	50.00%	\$ 1,500,000
GP/VTP 2035	Los Gatos Blvd Widening - Samaritan Dr to Camino Del Sol - Road widening, new sidewalks and bike lanes	\$ 4,000,000	50.00%	\$ 2,000,000
GP/VTP 2035	Union Ave Widening and Sidewalks - complete ped and bike routes	\$ 3,000,000	50.00%	\$ 1,500,000
GP/VTP 2035	Wood Rd Gateway on Santa Cruz Ave - roundabout	\$ 1,200,000	50.00%	\$ 600,000
GP/VTP 2035	Central Traffic Signal Control System	\$ 750,000	9.68%	\$ 72,600
GP/VTP 2035	Hwy 9 Los Gatos Creek Trail connector - new path and bridge for ped/bike	\$ 1,000,000	50.00%	\$ 500,000
GP/VTP 2035	Hwy 9/N. Santa Cruz Ave Intersection Improvements	\$ 1,400,000	90.00%	\$ 1,260,000
CIP	Roberts Road Improvements from bridge to University	\$ 600,000	50.00%	\$ 300,000
CIP	Pollard Road Widening from Knowles to York Avenue	\$ 2,500,000	50.00%	\$ 1,250,000
CIP	Sidewalks infill - Van Meter, Fischer and Blossom Hill Schools	\$ 1,000,000	50.00%	\$ 500,000
CIP	Winchester Blvd/Lark Avenue Intersection Improvements	\$ 850,000	90.00%	\$ 765,000
CIP	Westbound Lark to Hwy 17 northbound ramps - add two right-turn lanes	\$ 3,750,000	90.00%	\$ 3,375,000
CIP	Unfunded Deferred Street Maintenance (Annual PMS Survey)	\$ 10,500,000	9.68%	\$ 1,016,400
GP	Lark/Los Gatos Intersection Improvements - Add Third Left Turn Lanes for Eastbound and Northbound Approaches	\$ 1,200,000	90.00%	\$ 1,080,000
GP	Complete Street Improvements - Lark from Garden Hill to Los Gatos Blvd	\$ 2,100,000	50.00%	\$ 1,050,000
GP	Complete Street Improvements - SR 9 from University to Los Gatos Blvd	\$ 650,000	50.00%	\$ 325,000
GP	Complete Street Improvements - Blossom Hill Road from Old Blossom Hill Road to Regent Drive	\$ 3,000,000	50.00%	\$ 1,500,000
GP	Complete Street Improvements - Knowles from Pollard to Winchester	\$ 2,000,000	50.00%	\$ 1,000,000
GP	Complete Street Improvements - Winchester from Blossom Hill to Lark	\$ 1,500,000	50.00%	\$ 750,000
GP	Blossom Hill Road widening over Highway 17	\$ 2,000,000	50.00%	\$ 1,000,000
GP	Local Bikeway Improvements	\$ 750,000	50.00%	\$ 375,000
Notes:		Total	\$ 47,950,000	\$ 22,799,000

VTP = Valley Transportation Plan, 2035 by Santa Clara Valley Transportation Authority.

Town CIP = Town of Los Gatos, Capital Improvement Program and pending construction project list.

Source: Town of Los Gatos.

VMT REDUCTION STRATEGIES

For projects that would generate Vehicle Miles Traveled (VMT), one or more VMT reduction strategies shall be required to reduce VMT of the project. Examples of VMT reduction strategies are provided below. The VMT reduction strategies are organized by their relative scale for implementation (i.e., individual site level, Town-wide level, and regional level).

INDIVIDUAL SITE LEVEL

- **Encourage Telecommuting and Alternative Work Schedules:** This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. This strategy would reduce commute VMT but also result in a change in VMT for other travel purposes; thus, this strategy should consider the net change in the Town's project-generated VMT.
- **Provide Ride-Sharing Programs:** This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants.
- **Implement Car-Sharing Program:** This strategy reduces the need to own a vehicle or reduce the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Examples include programs like ZipCar, Car2Go, and Gig.
- **Provide Employer-Sponsored Vanpool/Shuttle:** This strategy relies on employers purchasing or leasing vans or shuttles, and often subsidizing the cost of at least program administration, if not more. Vanpools typically service employee's commute to work, while shuttles service nearby transit stations and surrounding commercial centers. Scheduling and rider charges, if any, are within the employer's purview. A supplemental strategy may include facilitating or enhancing the service by improving the shuttle stops and biking/walking paths to the stops.

TOWN-WIDE LEVEL

- **Provide Bicycle and Pedestrian Network Improvements:** This strategy focuses on creating a comprehensive bicycle and pedestrian network within the project and connecting to nearby destinations. Projects in Los Gatos tend to be smaller so the emphasis of this strategy would likely be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee program or benefit/assessment district based on regional or local plans such as the *Bicycle and Pedestrian Master Plan*.
- **Provide Local Transit or Microtransit Solutions:** This strategy focuses on providing transit solutions that serve the local circulation needs and connections to key regional destinations. The service would connect to transit hubs, schools, commercial centers, and residential areas to improve transit connectivity and address the "first/last mile" problems. The service may be in the form of a local shuttle, microtransit service using dynamic routing and scheduling, fare subsidies to private transportation network companies (TNCs) or taxi companies, or other service delivery methods. The service may be open to all or target a special population, such as seniors, disabled or students. The implementation of this strategy may require regional or private partnership.

- **Provide Transit Signal Priority:** This strategy would upgrade the Town’s traffic signals along transit corridors to provide transit signal priority to improve transit bus travel time.
- **Improve Biking and Walking Paths to Bus Stops and Transit Amenities:** This strategy improves the biking and walking paths to bus stops, enhances amenities at bus stops such as shelters, benches, and ADA accessible loading areas.
- **Provide Traffic Calming Measures:** This strategy combines the California Air Pollution Control Officers Association (CAPCOA) research focused on traffic calming with new research on providing a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Building a low-stress bicycle network produces a similar outcome. One potential change in this strategy over time is that ebikes (and e-scooters) could extend the effective range of travel on the bicycle network, which could enhance the effectiveness of this strategy.
- **Limit Parking Supply:** When combined with companion TDM measures, reduced parking supply discourages driving by limiting easy and convenient parking options. Implementation of this strategy may require reducing (or removing) minimum parking requirements and allowing developers to use shared parking strategies.
- **Unbundle Parking Costs from Property Cost:** Unbundling separates parking costs from property cost, for instance by not including a parking space in a residential unit’s rent, or by requiring employers to lease each parking space separately from the building owner. This strategy ensures that the user understands that the cost of driving includes parking and can encourage people to use an alternative mode to save money.
- **Implement Market Price Public Parking (On-Street):** This strategy focuses on implementing a pricing strategy for parking by pricing all on-street parking in central business districts, employment centers, and retail centers. Priced parking would encourage “park once” behavior and may also result in area-wide mode shifts.

REGIONAL LEVEL

- **Increase Density:** This strategy focuses on increasing density of land uses, where allowed by the General Plan and/or Zoning Ordinance, to reduce distances people travel and provide more travel mode options. This strategy also provides a foundation for many other strategies. For example, densification increases transit ridership, which justifies enhanced transit service.
- **Increase Diversity of Urban and Suburban Developments:** This strategy focuses on inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travel in terms of both the number of trips and the length of those trips.
- **Increase Transit Accessibility:** This strategy focuses on encouraging the use of transit by locating a project with high density near transit. A project with a residential/commercial center designed around a bus station is referred to as a transit-oriented development (TOD).
- **Integrate Affordable and Below Market Rate Housing:** This strategy provides greater opportunities for lower income families to live closer to job centers since

income effectsprobability that a commute will take transit or walk to work.

- **Increase Transit Service Frequency/Speed:** This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given existing land use density in LosGatos, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations, or it may require new forms of demand-responsive transit service. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to current transit practices, and would not likely be applicable for individual development projects.
- **Implement Area or Cordon Pricing:** This strategy focuses on implementing a cordon (i.e., boundary) pricing scheme, where a cordon is set around a specific area to charge a toll to enterthe area by vehicle. The cordon location is usually the boundary of an area with limited points of access. The cordon toll may be constant, applied during peak periods, or be variable, with higher prices during congestion peak periods. The toll can also be based on a fixed schedule or be dynamic, responding to real-time congestion levels. Note that implementation of this strategy requires alternative modes of travel that are available and reliable, such as high-qualitytransit infrastructure.

TITLE: Transportation Impact Policy Attachment 4 - Definitions	PAGE: 1 of 2	POLICY NUMBER:
--	------------------------	-----------------------

DEFINITIONS:

Land use entitlements shall mean entitlement changes in use requiring discretionary approval by Los Gatos, which include General Plan amendments, specific plans (and related amendments), zoning changes, use permits, planned developments, and tentative subdivision maps.

Land Use Projects or Development shall mean residential or nonresidential improvements on a site.

Existing development shall mean any already existing habitable residential or nonresidential building or projects which rebuild or remodel the existing development without increasing the trips generated. No fee shall be charged for development already existing.

Expansion of use, to determine traffic increases, shall include any increase in the number of living units, gross floor area in a nonresidential development and/or any intensification of use which increases trips generated.

Transportation improvements shall mean those improvements to the transportation facilities and related actions necessary to implement the transportation element of the Town's general plan and any applicable specific plan.

Site shall mean a plot of ground consisting of one (1) or more lots or parcels on which a common improvement is proposed or exists.

Trip generation rate shall mean the number of vehicle trips over a weekday twenty-four-hour period generated by a particular type of land use and shall be expressed in terms of the number of acres or square feet of land for each land use category. The Town Engineer may exercise reasonable discretion to establish recommended trip generation rates for land use categories consisting of groupings of land uses having similar use and functional characteristics. When the trip generation rate is multiplied by the amount of land, the number of trips, both incoming and outgoing, shall be estimated.

Average Daily Trips (ADT) shall mean the total number of trips, both in-bound and out-bound, within a 24-hour weekday period, generated by a particular use or development.

Pass-By Trip: Trips generated by the proposed Project that would be attracted from traffic passing the proposed project site on an adjacent street that contains direct access to the Project.

Peak Hour Trips shall mean vehicle trips, both in-bound and out-bound, occurring during a 60-minute period either during the A.M. Peak (7 A.M. to 9 A.M.) or the P.M. Peak (4 P.M. to 6 P.M.), generated by a particular use or Project.

TITLE: Transportation Impact Policy Attachment 4 - Definitions	PAGE: 2 of 2	POLICY NUMBER:
--	------------------------	-----------------------

Specialty Retail. Specialty Retail uses are defined as walk-in and impulse businesses such as juice bars, yogurt shops, coffee shops, donut shops, and similar uses which do not generally serve meals and have limited or no seating. Specialty Retail uses are defined under this policy for purposes of establishing trip generation data and this definition does not provide any land use or zoning guidance.

Use shall mean the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged or for which either a site or a structure is or may be occupied or maintained.

Vehicle Trip End shall mean an incoming or outgoing trip going to or coming from anywhere within the Town or outside the Town.

CEQA shall mean the California Environmental Quality Act. These terms are reserved for definitions per the CEQA Guidelines: significance criteria, significant impact, and mitigation measures.

Local Transportation Analysis shall mean analysis to assess potential mobility deficiencies caused by new developments on the local roadway performance, following the Town's transportation policies. These terms are reserved for Local Transportation Analysis: threshold or performance standard, deficiency, and mitigation improvement.

Vehicle Miles Traveled (VMT) is a metric that accounts for the number of vehicle trips generated times the length or distance of those trips. VMT is an accessibility performance metric that evaluates the changes in land use patterns, regional transportation systems, and other built environment characteristics.

Level of Service (LOS) is a metric that assigns a letter grade to network performance. The typical application is to measure the average amount of delay experienced by vehicle drivers at an intersection during the most congested time of day and assign a report card range from LOS A (fewer than 10 seconds of delay) to LOS F (more than 80 seconds of delay). Vehicle level of service is used to measure vehicle mobility.

TOWN OF LOS GATOS
DEPARTMENT OF PARKS AND PUBLIC WORKS
41 MILES AVENUE, LOS GATOS, CA 95030

REQUEST FOR PROPOSALS

Transportation Impact Fee Study

RFP RELEASE DATE:

December 8, 2021

PROPOSAL SUBMITTAL DEADLINE:

12:00 pm, January 21, 2022



REQUEST FOR PROPOSALS

1. INTRODUCTION AND PROJECT BACKGROUND

The Town of Los Gatos (Town) is requesting proposals from qualified firms to prepare a Transportation Impact Fee Study develop a Transportation Impact Fee Program. The recommended program will be presented to the Town Council for its consideration. If adopted, the Transportation Impact Fee Program will replace the Town's current Traffic Impact Mitigation Fees.

California Senate Bill (SB) 743, which was signed into law by Governor Brown in 2013, changes the way that public agencies evaluate the transportation impacts of projects under the California Environmental Quality Act (CEQA), recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact. The Town of Los Gatos (Town) started the process of transitioning to using Vehicle Miles Traveled (VMT) as a metric in conducting CEQA transportation analysis in 2019. The Town Council has made several decisions leading to the completion of the efforts.

The transition to using VMT as the metric for transportation analyses pursuant to CEQA has necessitated the update to the Traffic Impact Policy. Policy No. 1-05, currently known as the Traffic Impact Policy, is intended to provide guidance to Town staff and the development community in implementing the provisions of the Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees. The new Transportation Impact Policy, adopted by the Town Council at its December 7, 2021 meeting, superseded Policy No. 1-05 and expanded the purpose to include "evaluating and mitigating CEQA transportation impacts".

The Transportation Impact Policy identifies a framework of VMT mitigation measures, named VMT Reduction Strategies, to mitigate Townwide and project-level CEQA transportation impacts. The Town intends to update the current Traffic Impact Mitigation Fees to incorporate the VMT mitigation measures. To support the update, the Town will prepare a Nexus Study that will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Code Government Section 66000 et seq. The established procedures under AB 1600 require that a "reasonable relationship", or nexus, exist between the traffic infrastructure improvements required to mitigate the traffic impacts and the proposed development project.

The study shall satisfy the statutory requirements:

- Identify the purpose of the fee.
- Identify the use to which the fee will be put.
- Determine that there is a reasonable relationship between the fee's use and the type of development on which the fee is to be imposed.
- Identify reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

2. SCOPE OF WORK

The Town is requesting proposals from qualified firms to prepare a Transportation Impact Fee Study develop a Transportation Impact Fee Program. The Town's impact fee must comply with the Mitigation Fee Act (California Government Code Section 66000 et seq., also known as AB 1600). The consultant should review the Town's enabling legislation (ordinances) establishing the Transportation Impact Policy.

The proposal shall include a minimum of the following tasks and deliverables:

Task 1: Project Management and Stakeholder Engagement

Deliverables

- Final project scope and schedule
- Project Team meetings and materials
- Public meetings: prepare and attend meetings with the public, stakeholders, Town Commissions, and Town Council.

Task 2: Fee Program Approach and Scope

The Consultant will advise staff on the relationship between Level of Service-based and Vehicle-Miles-Traveled (VMT)-based fees. The Transportation Impact Policy requires land use projects to mitigate CEQA transportation impacts and provide mitigation improvements, as applicable. Town staff is considering two possible approaches in the new fee program:

- A. Two fees: maintain the current LOS-based traffic impact mitigation fee and establish a new VMT-based fee
- B. A combined fee: combine the current traffic impact mitigation fee and the new VMT-based fee

The Town is interested in the Consultant's input on these two and possibly other approaches and the recommendation on the best practice. It is anticipated that the new fee program would be designed to reduce vehicle trips and vehicle miles of travel per capita within the Town to avoid or minimize the need to expand existing roadway capacity.

Deliverables

- Report: summarizes the considerations in the approach and provides a recommendation on the preferred approach

Task 3: Transportation Improvements Project List

The benefit zone of the fee program would be Townwide.

In the update to the Transportation Impact Policy, no change was made to the Transportation Mitigation Improvements Project List. This project list already has many improvements that are

consistent with the VMT Reduction Strategies. It is the Town's intent to update the project list to emphasize the VMT-reducing improvements and fund a broader range of project types.

The Consultant should review the Mobility Element of the Draft General Plan 2040 and other Town's plans and policies and formulate a draft Project List. The Consultant should identify the transportation improvements and facilities needed to serve this growth and achieve the General Plan VMT goals.

The Consultant should prepare order-of-magnitude project cost estimates and propose timing of project implementation.

Deliverables:

- Report: confirms the benefit zone, proposes criteria for capital improvement projects used to develop the fee program.
- Map and list depicting the preliminary set of projects to be considered in this study.
- Report: identifies draft capital improvement projects based on the project selection criteria.
- Project cost estimates and proposed timing for the need projects

Task 4: Fee Revenue Estimation

The Consultant should evaluate different fee calculation options and recommend a preferred option based on staff and stakeholder input. Consequently, the Consultant should develop an estimation of overall fee revenues based on the General Plan growth forecasts and the project list.

Deliverables:

- Report: fee calculation options and fee revenue estimation.

Task 5: Nexus Study

The purpose of this task is to allocate the expected unfunded costs of the transportation improvement projects in the draft project list by land use type. A portion of each project's cost must be allocated to the correction of existing deficiencies (if appropriate) and to growth in new trips and VMT.

Once the project list is refined the allocated project costs will be used to construct a fee schedule by land use type. Recommendations will be provided on different strategies for allocating the fees among residential, retail, and other commercial development.

Deliverables

- Technical Memorandum: documents the nexus analysis methods, quantification of the nexus and burden, proposed fee schedule, and an assessment of the relative economic burden imposed by the preliminary fee schedule on local residential and commercial markets. The proposed fee schedule shall include a comparative analysis for nearby like sized jurisdictions.

Task 9: Draft and Final Nexus Study Reports

The Consultant shall prepare the draft and final reports containing background information, methodology, findings, and recommendations. The report should explain the purpose of the transportation impact fee, provide sufficient information and the necessary findings to determine the appropriate development impact fees based on the proposed infrastructure requirements to support the Town's General Plan growth projections. The report shall include calculations that demonstrate the legal nexus between the recommended fees and the impact created by new development.

Deliverables

- Draft Nexus Study Report
- Final Report and recommendations

Task 10: Additional Services

The Consultant shall include in the proposal, as a separate line item, a section for Additional Services. These work items are optional depending on the project budget and the Town's needs.

3. MINIMUM QUALIFICATIONS OF PERSONNEL

The Consultant shall meet, at a minimum, the appropriate professional qualifications as required to complete the scope of work as required by State Law and the contract. qualified consultants that have demonstrated verifiable experience in assessing a comprehensive list of development impact fees, in order to identify and recommend a program of impact fees to been acted in Foster City that meet the requirements of the Mitigation Fee Act. Specifically, the study should include detailed and legally defensible justification and analysis, including nexus studies, demonstrating the financial connection between the need for each proposed fee and new development or redevelopment.

4. ADDITIONAL INFORMATION AND RELEVANT PROJECTS

The Town's Vehicle Miles Traveled (VMT) project webpage includes all relevant documents and the Town Council's past decisions:

<https://www.losgatosca.gov/2563/Vehicle-Miles-Traveled---VMT>

Town of Los Gatos Draft 2040 General Plan and DEIR: www.losgatos2040.com

2016 Santa Clara County Measure B: <https://www.vta.org/projects/funding/2016-measure-b>

Connect Los Gatos: <https://www.losgatosca.gov/ConnectLG>

Town of Los Gatos Bicycle and Pedestrian Master Plan (BPMP):
<https://www.losgatosca.gov/2347/Bicycle-and-Pedestrian-Master-Plan>

5. INSTRUCTIONS TO PROPOSERS

5.1 Schedule

The tentative schedule is provided in Table 1. The Town may, at its own discretion, conduct interviews and other evaluations of some, all, or none of the applicants prior to selection. The performance period is no greater than twenty-four (24) months, with a project schedule determined by the Town and the select Consultant.

Table 1 - RFP Schedule (Tentative):

Task	Schedule
Request for Proposal	December 8, 2021
Questions from Proposer	December 20, 2021
Town Response to Questions from Proposers	December 30, 2021
Deadline for Proposal Submittals	Noon, January 21, 2022
Virtual Interview (if necessary)	Feb. 1 - 3, 2022
Scope Refinement and Negotiation	Feb. 7 - 11, 2022
Notice to Proceed (tentative)	February 14, 2022

5.2 Town of Los Gatos Standard Agreement: Included in Attachment A.

5.3 Examination of Proposal Documents

The submission of a proposal shall be deemed a representation and certification by the Proposer that they:

- Have carefully read and fully understand the information that was provided by the Town to serve as the basis for submission of this proposal.
- Have the capability to successfully undertake and complete the responsibilities and obligations of the proposal being submitted.
- Represent that all information contained in the proposal is true and correct.
- Did not, in any way, collude, conspire to agree, directly or indirectly, with any person, firm, corporation or other Proposer in regard to the amount, terms or conditions of this proposal.
- Acknowledge that the Town has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by Proposer, and Proposer hereby grants the Town permission to make these inquiries, and to provide any and all related documentation in a timely manner.

5.4 The Proposer bears all costs of preparing and submitting its proposal consistent with the requirements outlined in this RFP.

5.5 Questions Regarding the RFP

Any questions by the Proposer regarding this RFP or the attachment(s) must be put in writing and received by the deadline shown on Table 1. Correspondence shall include in the email subject line: Transportation Impact Fee Study and be addressed to:

Ying Smith, Transportation and Mobility Manager

E-mail: ysmith@losgatosca.gov

The Town shall not be responsible for nor be bound by any oral instructions, interpretations, or explanations issued by the Town or its representatives.

Responses from the Town to questions by any Proposer will be communicated in writing to all recipients of this RFP. Questions received after the date and time stated above will not be accepted or responded. No oral questions or inquiries to other individuals about this RFP shall be accepted.

5.6 Addenda

Addenda to this RFP, if issued, will be sent to all prospective Consultants the Town of Los Gatos - Parks and Public Works Department has specifically e-mailed a copy of the RFP to and will be posted on the Town of Los Gatos - Parks and Public Works Department website at: <https://www.losgatosca.gov/2258/RFPFRQ>

5.7 Submittal of Proposals

Proposers are requested to submit the proposal by the deadline in Table 1 in electronic format in one of the following ways: send the proposals via email (file size is limited to 25MB); or Upload to your own file sharing website or FTP site and send a link via email. The email address for electronic submittals is: YSmith@LosGatosCA.gov.

No request for modification of the proposal shall be considered after its submission on grounds that Proposer was not fully informed of any fact or condition. Hard copies of the proposals will not be accepted.

5.8 Withdrawal of Proposals

A Proposer may withdraw its proposal at any time before the expiration of the time for submittal of proposals as provided in the RFP by delivering a written request for withdrawal signed by, or on behalf of, the Proposer.

5.9 Project Funding

This phase of the project is funded with Town of Los Gatos dollars, requiring the Consultant to follow all pertinent local regulations.

6 RIGHTS OF THE TOWN OF LOS GATOS

This RFP does not commit the Town to enter into a contract, nor does it obligate the Town to pay for any costs incurred in preparation and submittal of proposals or in anticipation of a contract. The Town reserves the right to:

- Make the selection based on its sole discretion;
- Reject any and all proposals;
- Issue subsequent Requests for Proposals;
- Postpone opening proposals for its own convenience;

- Remedy errors in the Request for Proposals process;
- Approve or disapprove the use of particular subconsultants;
- Negotiate with any, all or none of the Proposers regarding project scope;
- Accept other than the lowest cost offer;
- Waive informalities and irregularities in the Proposals; and/or
- Enter into an agreement with another Proposer in the event the originally selected Proposer defaults or fails to execute an agreement with the Town.

An agreement shall not be binding or valid with the Town unless and until it is executed by authorized representatives of the Town and of the Proposer.

7 INFORMATION TO BE SUBMITTED

These guidelines govern the format and content of the proposal. The intent of the RFP is to encourage responses that clearly communicate the Proposer's understanding of the Town's requirements and the firm's ability to meet those requirements.

In addition to the items included within this RFP, including Attachments A and B, the proposal should include the following information referenced by letter for ease of identification:

- 7.1 Consultant Qualifications and Experience: Provide details of the team's qualifications and experience, including any specific qualifications in the same type of projects in similar California Cities and Towns. Provide Examples of projects with similar scope.
- 7.2 Organization and Approach: Describe the roles and organization of your proposed team for this project. Describe your project and management approach and identify the Project Manager. Describe the roles of key individuals on the team. Provide resumes and references for all key team members.
- 7.3 Scope of Services: Prepare a detailed Scope of Services. Describe project deliverables for each phase of your work.
- 7.4 Schedule of Work: Provide a detailed schedule for all tasks/phases of the project and the proposed Consultant's services, including time for reviews and approvals. The schedule shall meet the performance period identified by the Town or shall be modified with explanation as to why an alternate schedule is being proposed.
- 7.5 Cost Proposal: All labor costs, overhead costs, sub-consultant costs, and direct expenses should be included. Costs must be shown in a matrix format, by task grouping (as negotiated), and show hours per staff member, base labor rates, and overhead and profit rates.
- 7.6 Identify any exceptions taken to Attachment A – Standard Agreement.
- 7.7 Additional supporting documentation as the proposer's discretion.

8 EVALUATION CRITERIA AND SELECTION PROCESS

Based on the proposals and interviews, proposers will be evaluated according to each Evaluation Criteria. The Evaluation Criteria Summary and their respective weights are shown on Table 2:

Table 2 - Evaluation Criteria

No.	Written Evaluation Criteria	Weight
0	Completeness of Response	Pass/Fail
1	Consulting Firm's Experience	10
2	Team Qualifications & Experience	20
3	Organization & Approach	10
4	Scope of Services to be Provided	20
5	Schedule of Work	5
6	Cost	20
7	References	5
Subtotal:		90
No.	Interview Evaluation Criteria	Weight
8	Presentation by team	5
9	Q&A Response to panel questions	5
Subtotal:		10
Total:		100

After proposal evaluation and interviews, Town staff will meet with the top-rated firm(s) to discuss and develop a final scope of services and an updated cost proposal. If the Town is unable to reach agreement with the top-rated firm, the Town may choose to negotiate with additional firms.

9 CONTRACT TYPE AND METHOD OF PAYMENT

It is anticipated that the agreement resulting from this RFP, if awarded, will be an Agreement for Services.

Proposers shall be prepared to accept the terms and conditions of the Agreement, including Insurance Requirements. If a Proposer desires to take exception to the Agreement, Proposer shall provide the following information of their submittal package.

- Proposer shall clearly identify each proposed change to the Agreement, including all relevant Attachments.
- Proposer shall furnish the reasons for each proposed change, as well as specific recommendations for alternative language.

The above factors will be taken into account in evaluating proposals.

The Town pays net 30 days of invoice for work performed.

10 INSURANCE REQUIREMENTS

The selected Proposer(s), at Proposer's sole cost and expense and for the full term of the agreement or any extension thereof, shall obtain and maintain, at a minimum, all of the insurance requirements as outlined in the Town Standard Agreement.

All policies, endorsements, certificates and/or binders shall be subject to the approval of the Town of Los Gatos as to form and content. These requirements are subject to amendment or waiver, if so approved in writing by the Town of Los Gatos. The selected Proposer agrees to provide the Town with a copy of said policies, certificates and/or endorsement upon award of Agreement.

11 PUBLIC NATURE OF PROPOSAL MATERIAL

Responses to this RFP become the exclusive property of the Town of Los Gatos. At such time as the Town awards a contract, all proposals received in response to this RFP become a matter of public record and shall be regarded as public records, with the exception of those elements in each proposal which are defined by the Proposer as business or trade secrets and plainly marked as "Confidential," "Trade Secret," or "Proprietary." The Town shall not in any way be liable or responsible for the disclosure of any such proposal or portions thereof, if they are not plainly marked as "Confidential," "Trade Secret," or "Proprietary," or if disclosure, in the Town's sole discretion, is required under the California Public Records Act as addressed below. Any proposal which contains language purporting to render all or significant portions of the proposal "Confidential," "Trade Secret," or "Proprietary" shall be regarded as non-responsive.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the Town of Los Gatos may determine, in its sole discretion that the information that a Proposer submits is not a trade secret. If a request is made for information marked "Confidential," "Trade Secret," or "Proprietary," the Town shall provide the Proposer who submitted the information reasonable notice to allow the Proposer to seek protection from disclosure by a court of competent jurisdiction, at the Proposer's sole expense.

12 COLLUSION

By submitting a proposal, each Proposer represents and warrants that its proposal is genuine and made in the interest of or on behalf of any person named therein; that the Proposer has not directly induced or solicited any other person to submit a sham proposal or any other person to refrain from submitting a proposal; and that the Proposer has not in any manner sought collusion to secure any improper advantage over any other person submitting a proposal.

13 DISQUALIFICATION

Factors, such as, but not limited to, any of the following, may disqualify a proposal without

further consideration:

- Evidence of collusion, directly or indirectly, among Proposers in regard to the amount, terms or conditions of this proposal;
- Any attempt to improperly influence any member of the evaluation team;
- Existence of any lawsuit, unresolved contractual claim or dispute between Proposer and the Town;
- Evidence of incorrect information submitted as part of the proposal;
- Evidence of Proposer's inability to successfully complete the responsibilities and obligations of the proposal; and
- Proposer's default under any previous agreement with the Town.

14 NON-CONFORMING PROPOSAL

A proposal shall be prepared and submitted in accordance with the provisions of these RFP instructions and specifications. Any alteration, omission, addition, variance, or limitation of, from or to a proposal may be sufficient grounds for non-acceptance of the proposal, at the sole discretion of the Town.

15 GRATUITIES

No person shall offer, give or agree to give any Town employee any gratuity, discount or offer of employment in connection with the award of contract by the Town. No Town employee shall solicit, demand, accept or agree to accept from any other person a gratuity, discount or offer of employment in connection with a Town contract.

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on **DATE** by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and _____ ("Consultant"), whose address is xxxxx. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desires to engage Consultant to provide services to **(Insert)**.
- 1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in that certain proposal sent to the Town on **DATE** which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect upon execution to **DATE**. Consultant shall perform the services described in this agreement as described in Exhibit A.
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of these documents or information available to any

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

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

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

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

Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

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

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

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

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

- 2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

- 3.1 Minimum Scope of Insurance:
- i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
 - ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
 - iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all

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

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

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.
- ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

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

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

- 3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
- 4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

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

Consultant
address
city st zip

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

- 4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos by:

Consultant, by:

Laurel Prevetti, Town Manager

Recommended by:

Matt Morley, Parks and Public Works Director

Printed Name and Title

Approved as to Form:

Robert Schultz, Town Attorney

Attest:

Shelley Neis, MMC, CPMC, Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM NO: 13

DATE: December 2, 2021
TO: Town Council
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Planning Commission Decision Approving a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. Located at 17200 Los Robles Way. Subdivision Application M-20-012. APNS 532-36-075, -076, -077. Property Owners: Daran Goodsell, Trustree and Mark Von Kaenel. Applicant: Tony Jeans. Appellant: Alison and David Steer.

RECOMMENDATION:

Deny an appeal of a Planning Commission decision approving a Lot Line Adjustment application (M-20-012) between three adjacent lots on properties zoned R-1:20, located at 17200 Los Robles Way.

BACKGROUND:

On November 2, 2021, the Town Council opened the public hearing, listened to public testimony, and discussed the project. Following Town Council discussion, the Town Council continued the matter to the December 7, 2021 meeting with the following direction:

- Include clarified project plans that show conceptual access and potential building locations;
- Include information on compliance with the General Plan, Zoning Ordinance, and Building Code; and
- Include information on potential landslide, flooding, and fire hazards associated with the property and surrounding areas.

PREPARED BY: Ryan Safty
Associate Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

BACKGROUND (continued):

An analysis of this direction, including the applicant's responses (Attachments 16 and 18), is detailed in the Discussion section below. The applicant has also provided a historical summary of the property and proposed lot line adjustment application (Attachment 17).

DISCUSSION:

A. Clarified Project Plans

The applicant has provided clarified project plans (Attachment 18, Slide 1) showing the proposed lot-line configuration and conceptual locations of future development. The plans are color-coded, showing the conceptual driveway locations in blue, conceptual house locations in purple, conceptual yard areas in light pink, and conceptual roadway improvements in dark pink. The Least Restrictive Development Area (LRDA) is shown with a dashed line, and all conceptual development areas shown are within the LRDA. The plan also specifies how many potential tree removals would be associated with the conceptual improvement and development locations, showing that over 90 percent of the existing trees on-site could be retained with the conceptual development locations.

B. General Plan, Zoning Ordinance, and Building Code Compliance

The applicant's response packet (Attachment 18) provides a summary of compliance with the General Plan, Zoning Ordinance, and Building Code.

General Plan Compliance:

The subject parcels have a General Plan designation of Low Density Residential, which allows 0-5 dwelling units per acre. The three parcels at 17200 Los Robles Way are 3.1 acres combined, which would allow a density of up to 15 dwelling units. The applicant is proposing to take three existing, legal parcels and modify the lot-lines. Density is not increasing as this is not a subdivision application.

Attachment 18 provides responses illustrating how the proposed lot-line adjustment, as well as the future conceptual development, complies with the applicable goals and policies of the General Plan. The appellant provided additional information following the November 2, 2021 Town Council hearing (Attachment 15), citing four policies in the General Plan that conflict with the proposal. Each of the four policies, including staff's analysis and a summary of the applicant's responses (Attachment 16), are provided below:

DISCUSSION (continued):

- **Land Use Element – Policy LU-1.3:** *To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments.*

The subject application is for a lot-line adjustment between three existing, legal parcels. No construction, grading, or tree removals are proposed with this application. As noted by the applicant in Attachments 16 and 18, the conceptual development plans show that 153 of the 165 existing trees on the property can be preserved. Additionally, the applicant has conceptually shown that the proposed access and driveway locations could be constructed to comply with the Hillside Development Standards and Guidelines, and the conceptual building footprints could be located within the LRDA.

- **Safety Element – Policy SAF-1.1:** *Require reliable evaluations of the existing geologic conditions of site proposed for development where conditions indicate the possibility of weak supporting soils or geologic structures.*
- **Safety Element – Policy SAF-1.2:** *Restrict new development and redevelopment based on the levels of acceptable risk and potential severity of geologic hazards.*
- **Safety Element – Policy SAF-1.3:** *Preserve as open space property that is unbuildable due to geologic conditions.*

The subject application is for a lot-line adjustment between three existing, legal parcels. No development is proposed with this application. As noted by the applicant on slides 6-8 of Attachment 18, the subject property is not in a Liquefaction Zone pursuant to Figure SAF-2 of the Los Gatos General Plan. Per Figure SAF-2, the western corner of the property is within a Landslide Zone. At time of Architecture and Site application for the future development activities, the applicant will be required to provide geologic and geotechnical studies for the property, which are then reviewed by staff and the Town's consultants to determine any required conditions to address possible hazards. These reviews and identification of potential conditions do not occur during the lot line adjustment process.

Zoning Ordinance Compliance:

The applicant has provided a breakdown of compliance with applicable Zoning Ordinance requirements associated with the proposed lot-line adjustment (Attachment 18, Slide 2). There are four existing non-conformities associated with the three parcels: the existing residence on Parcel 1 does not meet the required 15-foot side yard setback, Parcel 1 does

DISCUSSION (continued):

not meet the minimum frontage requirement of 100 feet for lots not fronting on a cul-de-sac bulb, Parcel 2 does not meet the minimum lot size of 20,000 square feet, and Parcel 2 does not meet the minimum frontage requirement of 100 feet for lots not fronting on a cul-de-sac bulb. The proposed lot-line adjustment would remedy all existing non-conformities, except the Parcel 1 frontage on Los Robles Way which will continue to be non-conforming.

Building Code Compliance:

The applicant has provided a summary of compliance with the Building Code in Attachment 18. The California Building Code contains building standards to protect against seismic, fire, flooding, and other hazards based on recent disasters experienced from all parts of California. Although compliance with the Building Code is not applicable for a lot-line adjustment application, the future Architecture and Site applications and future building permits for development will need to comply with the Building Code.

C. Potential Hazards

The applicant's response packet (Attachment 18) provides additional information related to geologic hazards, flooding hazards, and fire hazards.

The JCP report that was referenced during the November 2, 2021 Town Council hearing has been provided (Attachment 18, Slide 6) with the location of the subject property highlighted. Per the JCP report, the property is located within the Very High Fire Hazard Severity Zone and partially within the Landslide Seismic Hazard Zone, but is not within the Special Flood Hazard Area, Area of Potential Flooding and Dam Failure, Substantial Forest Fire Risk Wildland Area, Earthquake Fault Zone, or the Liquefaction Seismic Hazard Zone.

In addition to the JCP report, the applicant has included information from the General Plan related to Seismic Hazards (Attachment 18, Slides 7 and 8), Wildland Urban Interface Fire Area (Attachment 18, Slides 9 and 10), and FEMA Flood Zones (Attachment 18, Slides 11 and 12).

The Seismic Hazards map, Figure SAF-2 of the General Plan, shows that the property is not within the Liquefaction Zone. However, the western corner of the property (portions of existing Parcels 1 and 3) is within an area of potential seismic susceptibility (Landslide Zone). The applicant will be required to provide geologic and geotechnical reports at time of Architecture and Site applications for the proposed development, which would then be peer reviewed by the Town's consultants and evaluated by Town staff to determine potential conditions for the proposed development.

DISCUSSION (continued):

The Wildland Urban Interface Fire Area map, Figure SAF-3 of the General Plan, shows that the subject property is within the State Mandated Very High Fire Hazard Area. Close to half of the Town is within this fire hazard area. As with the other Town properties located in a fire hazard area, any new development is subject to current Building and Fire Code requirements for Wildland Urban Interface compliance.

The FEMA Flood Zones map, Figure SAF-4 of the General Plan, shows that the property is not within the 100-year or 500-year flood zones. The adjacent properties to the north, south, and east are within the 500-year flood zone. Future construction activities will be subject to the required storm-water management techniques to ensure that future construction and development will not increase run-off from these properties.

PUBLIC COMMENTS:

Written notice of the November 2, 2021 Town Council hearing was sent to property owners and tenants within 300 feet of the subject property. The Town Council continued the item to a date certain. No additional notices were sent for the December 7, 2021 hearing. The appellant submitted additional information related to the appeal following the November 2, 2021 hearing, which is included as Attachment 15. The applicant has provided a written response to the additional information received from the appellant, which is included as Attachment 16.

COORDINATION:

The Community Development Department coordinated with the Town Attorney's Office in the review of the appeal.

CONCLUSION:

A. Recommendation

For the reasons stated in this report and the November 2, 2021 report, it is recommended that the Town Council uphold the decision of the Planning Commission and adopt a resolution (Attachment 6) denying the appeal and approving the application with the required findings (Attachment 6, Exhibit A), conditions of approval (Attachment 6, Exhibit B), and development plans (Attachment 1, Exhibit 13).

CONCLUSION (continued):

B. Alternatives

Alternatively, the Town Council could:

1. Adopt a resolution (Attachment 7) to grant the appeal and remand the application back to the Planning Commission with specific direction;
2. Adopt a resolution granting the appeal and denying the application (Attachment 8); or
3. Continue the application to a date certain with specific direction.

Attachments Previously Received with the November 2, 2021 Staff Report:

1. September 8, 2021 Planning Commission Staff Report, with Exhibits 1-14
2. September 8, 2021 Planning Commission Verbatim Minutes
3. Appeal of the Planning Commission Decision, received September 20, 2021
4. Applicant's Response to Appeal, received October 8, 2021
5. Additional Information from the Appellant, received October 21, 2021
6. Draft Resolution to Deny Appeal and Approve Project, with Exhibits A and B
7. Draft Resolution to Grant Appeal and Remand Project to Planning Commission
8. Draft Resolution to Grant Appeal and Deny Project
9. Public Comments received between 11:01 a.m., September 8, 2021 and 11:00 a.m., October 28, 2021
10. Applicant's Response to Public Comments received between 11:01 a.m., September 8, 2021 and 11:00 a.m., October 28, 2021

Attachments Previously Received with the November 2, 2021 Addendum Report:

11. Additional Information from the Appellant, received November 1, 2021

Attachments Previously Received with the November 2, 2021 Desk Item Report:

12. Applicant's Presentation from the September 8, 2021 Planning Commission hearing
13. Additional Information from the Appellant, received November 2, 2021
14. Appellant's Presentation for the November 2, 2021 Town Council hearing

Attachments Received with this Staff Report:

15. Additional Information from the Appellant, received November 12, 2021
16. Applicant's Response to Appellant's letter, received November 17, 2021
17. Applicant's Historical Summary of the property, received November 17, 2021
18. Applicant's Response to Town Council Questions, received November 19, 2021

***This Page
Intentionally
Left Blank***

Los Gatos Town Council
Town of Los Gatos
110 E. Main St., Los Gatos CA 95030

Date: Nov 12th, 2021

RE: Appeal of 17200 Los Robles Way Lot Line Adjustment (LLA) Application

Dear Town Council Members,

In light of the information of the Town Attorney's untimely resignation, we are requesting the Town Council directly consider the information presented below and the evidence already submitted with regard to our Town's Lot Merger ordinance.

It's clear that other California towns, cities and counties have lot line adjustment and merger ordinances or procedures which state in various ways and forms that you cannot use a lot line adjustment procedure to make a non-buildable parcel, buildable. When I questioned the Santa Clara County ordinance, found [here](#), our Town Attorney responded that their ordinance is not in conflict with the subdivision maps act. It does state that there can be no increase in the number of developable parcels as a result of the lot line adjustment, and it goes on to describe how to determine whether a parcel is developable. In bullet (iii) it states

(iii) Be a whole lot on a numbered tract map (recorded on or after February 3, 1931) or a whole lot on a parcel map issued pursuant to a legal subdivision, and also be an approved building site.

This would appear to be putting a condition on the existing parcel as to its buildability, and not on how the resulting parcels will look with respect to conformance to the General Plan, and zoning and building ordinances. So, what is the Town of Los Gatos missing in our interpretation of the application of our lot merger ordinance relative to all these other ordinances that are in existence?

As we know, APN 532-36-077 has no approved building site. If you consider setback requirements there is nowhere to build inside of the LRDA, making it unbuildable per our Hillside Development Standards & guidelines. But most importantly, the land has no legal access. Per Town Code Sec 29.10.070, it does not meet the criteria for using our lot line adjustment procedure, and mandates that land shall be merged.

Regarding the comments surrounding whether a new ROW could be created to access the landlocked property, per the merger doctrine, you cannot create an easement over your own land. More details can be found here:

<https://schorr-law.com/property-owner-cannot-create-easement-over-own-land/>

How exactly would a new ROW from Los Robles Way to the landlocked parcel be implemented?

It is unusual that the enforceability of our ordinance is still being questioned, and that there is a discussion around whether to enforce it or not. We have established that it can be enforced in compliance with SMA 66451.11 per our lot merger procedure. The statement that the landowner might sue the Town for enforcing a lot merger isn't grounds to not enforce an ordinance that is written as mandatory, especially with respect to the economic damage to numerous residents that abut the property if this LLA is approved. APN 532-36-077 is clearly a landlocked parcel and the Merger Doctrine prescribes that no new access could be created.

If the Town Council is reviewing the lot line adjustment application per our [2020 General Plan](#) we have a Land Use Element and a Safety Element that both need to be taken into consideration with respect to this property and its future use. Policy LU-1.3 requires we preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats. With respect to this, it's clear from the conceptual plans that the additional building sites with access from Worcester Lane would result in significant removal of protected trees and unnecessary grading and scarring of the hillside to install retaining walls and additional impervious surface, that would not occur if the access remains for APN 532-36-075 from Los Robles Way. In addition, wildlife frequent the property and it houses a coyote den. Please see photo taken from our backyard of a family of 6 coyotes living on the hillside right where the new residence would be placed. This coyote population helps manage the ground squirrel problem on the land and subsequent neighboring properties



Policy LU-1.3



To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments.

Goal SAF-1 from the Safety Element also seems very clear on the restrictions of approving development where there are potential geologic hazards, including slope instability etc.

2. Goals, Policies, and Actions

Goal SAF-1	To minimize exposure to geologic hazards, including slope instability, subsidence, and expansive soils, and to seismic hazards, including groundshaking, fault rupture, liquefaction and landslides.
------------	--

Policies

Policy SAF-1.1	Require reliable evaluations of the existing geologic conditions of sites proposed for development where conditions indicate the possibility of weak supporting soils or geologic structures.
Policy SAF-1.2	Restrict new development and redevelopment based on the levels of acceptable risk and potential severity of geologic hazards.
Policy SAF-1.3	Preserve as open space property that is unbuildable due to geologic conditions.

We ask the Town Council to reconsider the request for lot merger of APNs 532-36-076 and 532-36-077 which we believe is clearly supported based on the evidence provided to date.

Yours Sincerely,

Alison and David Steer

304 Harding Ave

From: [Alison Steer](#)
To: [Ryan Safty](#)
Cc: [Jennifer Armer](#); [Robert Schultz](#)
Subject: Re: Lot Line Adjustment Application M-20-012 -Letter for Town Council
Date: Wednesday, December 1, 2021 11:07:18 AM

EXTERNAL SENDER

Hi Ryan,

I have reviewed the conceptual drawings that you shared with me today. This does not show how a 12ft driveway and turnaround would be implemented on the existing configuration that would be adequate for emergency vehicle access. This would also need review from the Fire Prevention Department. Otherwise this lot is in fact required to be merged involuntarily.

I would request this be submitted for Town Council review ahead of the Dec 7th meeting.

Please submit this email for public record also.

Thank you,
Alison

From: [Alison Steer](#)
To: [Ryan Safty](#)
Cc: [Robert Schultz](#); [Jennifer Armer](#)
Subject: Re: Lot Line Adjustment Application M-20-012 -Letter for Town Council
Date: Tuesday, November 30, 2021 5:03:04 PM

EXTERNAL SENDER

Hi Ryan,
Yes, please save them to public record, Thank you for checking.

Alison

On Nov 30, 2021, at 15:59, Ryan Safty <RSafty@losgatosca.gov> wrote:

Hi Alison,

Please confirm if you would like your emails saved to the public record.

Respectfully,

Ryan Safty • Associate Planner

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

Ph: 408.354.6802 • rsafty@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

COMMUNITY DEVELOPMENT HOURS:

Counter Hours: 8:00 AM – 1:00 PM, Monday – Friday/

Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday

Town offices are now open. In accordance with the Santa Clara County Public Health Office Order, we REQUIRE masks indoors regardless of vaccination status. All permit submittals are to be done online via our Citizen's Portal platform. All other services can be completed at the counter. For more information on permit submittal, resubmittal, and issuance, please visit the [Building](#) and [Planning](#) webpages.



Think Green, please consider the environment before printing this e-mail.

From: Robert Schultz <RSchultz@losgatosca.gov>
Sent: Tuesday, November 30, 2021 1:22 PM
To: Alison Steer <alison.steer@gmail.com>; Ryan Safty <RSafty@losgatosca.gov>
Cc: Jennifer Armer <JARmer@losgatosca.gov>
Subject: RE: Lot Line Adjustment Application M-20-012 -Letter for Town Council

Alison,

Although I stated " Nothing contained within the Santa Clara county ordinance violates SMA", the Santa Clara county ordinance has absolutely no legal standing in the Town nor do any other ordinances from other cities and towns that may or may not violate the SMA.

<image001.png>

From: Alison Steer <alison.steer@gmail.com>
Sent: Tuesday, November 30, 2021 12:49 PM
To: Ryan Safty <RSafty@losgatosca.gov>
Cc: Jennifer Armer <JArmer@losgatosca.gov>; Robert Schultz <RSchultz@losgatosca.gov>
Subject: Re: Lot Line Adjustment Application M-20-012 -Letter for Town Council

EXTERNAL SENDER

Hi Ryan,

Actually what I heard at the Town Council meeting from our Town Attorney is that the Lot Merger ordinance can be enforced, including requesting a soils report, however he believes that if enforced the owner would put in a new ROW in such that the land would have legal access. Putting the merger doctrine aside, which says they couldn't do this, Tony Jeans and planning department have failed to show that APN 532-36-077 has legal access which is adequate for vehicular and safety equipment access and maneuverability. The DRC should confirm that the existing parcel could implement a turnaround suitable for the fire department, per the attached. If this can be done then it seems there would be no issue, if they can show where the 12ft wide driveway to access the parcel would go. This is a mandatory ordinance that requires the Town to do an involuntary lot merger should the parcel not meet any of the 8 requirements.

Secondarily, the Town Attorney has stated via email to the Town Council that " Nothing contained within the Santa Clara county ordinance violates SMA". The Santa Clara County Lot line adjustment ordinance copied below puts a condition on the existing parcel that it must be an approved building site. This contradicts what the Town is saying. I find it surprising that our Town believes that all these other Towns, Cities and Counties have incorrectly interpreted the wording of the subdivision maps act, given they all are putting conditions on the existing site before a lot line

adjustment procedure can be used. The lot merger ordinance takes precedence. In fact, failure to follow the guidance of the Town's own Lot Merger ordinance will certainly lead to more situations where lot line adjustment will be used to create new buildable parcels such as in this case.

https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITCCODELAUS_APXIZO_ART5PRAD_CH5.55LOLIAD_S5.55.010PU

Category 1 - No Increase in Number of Developable Parcels.

- 1.a.No substandard parcel may be reduced in area by more than 20,000 square feet or ten percent of its original lot area, whichever is less.
- b.Each adjusted lot must retain at least 90 percent of the real property included in the parcel prior to the proposed lot line adjustment.
- c.The lot line adjustment would not result in any additional developable parcels or a greater allowable density than existed prior to the lot line adjustment. **In determining if a parcel is developable, the parcel must meet at least one of the following criteria:**
 - (i)pursuant to and in compliance with a validly issued Building Site Approval, Architecture and Site Approval (ASA) or Use Permit;
 - (ii)Be subject to a valid, unexpired Building Site Approval, ASA, or Use Permit for the parcel, including a grading approval, if one is required. The owner must demonstrate ability to comply with all conditions of approval and County requirements and standards, including the issuance of the project clearance form from the County Office of Development Services; or
 - (iii)Be a whole lot on a numbered tract map (recorded on or after February 3, 1931) or a whole lot on a parcel map issued pursuant to a legal subdivision, and **also be an approved building site.**

Sincerely,
Alison

On Tue, Nov 30, 2021 at 10:27 AM Ryan Safty <RSafty@losgatosca.gov> wrote:

Hi Alison,

The response packet from the applicant, which was forwarded to you last week, shows how driveway and emergency vehicle access can be provided on each parcel configuration resulting from the lot line adjustment.

As clarified by the Town Attorney during the Planning Commission and Town Council hearings, the Town Code Section you have referenced (29.10.070-a-5) is not enforceable. See excerpt from the Planning Commission staff report below.

A. Town Attorney's Office

Part (b) of Town Code Section 29.10.070, requiring involuntary lot mergers, was adopted in 1976 and amended in 1988. However, this provision of the Town Code is unenforceable as it is inconsistent with the SMA. The SMA has

contained express merger provisions since 1976 and the current SMA merger provisions were enacted in 1986. Government Code Section 66451.10 states that, “two or more contiguous parcels or units of land which have been created under the provisions of this division [...] shall not be deemed merged by virtue of the fact that contiguous parcels or units are held by the same owner.” The SMA’s current merger provisions reflect two overall concerns. First, they provide landowners with elaborate procedural safeguards of notice and opportunity to be heard before their lots can be involuntarily merged (*Morehart v. County of Santa Barbara*). Second, they reveal, “a state concern over local regulation of parcel merger for purposes of development,” as well as for purposes of sale, lease, or financing. In addition, California Civil Code Section 1093 requires an, “express written statement of the grantor,” of their intent to alter or affect the separate and distinct nature of the parcels described therein. Therefore, the legal merger of two parcels occurs only through the express written statement of the grantor (*ibid.*) or through a local agency’s compliance with the merger procedures contained in Sections 66451.10 and 66451.11 of the SMA, including the due process requirements contained therein (See *Morehart v. County of Santa Barbara*, *supra*, 7 Cal. 4th at p. 761 [SMA preempts the field for parcel mergers]).

Additionally, part (b) of Town Code Section 29.10.070, disallowing a, “parcel to be modified through a lot line adjustment procedure in order to meet the criteria listed above,” is also unenforceable as it is inconsistent with the SMA.

The SMA states that for a lot line adjustment, “a local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.” Therefore, the Town cannot impose as conditions to a lot line adjustment that the current configuration of the lots meet certain criteria. Instead, the Town must confine its approval of a lot line adjustment on its conformance to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances resulting from the lot line adjustment.

Respectfully,

Ryan Safty • Associate Planner

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

Ph: 408.354.6802 • rsafty@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

COMMUNITY DEVELOPMENT HOURS:

Counter Hours: 8:00 AM – 1:00 PM, Monday – Friday/

Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday

Town offices are now open. In accordance with the Santa Clara County Public Health Office

Order, we REQUIRE masks indoors regardless of vaccination status. All permit submittals are to be done online via our Citizen's Portal platform. All other services can be completed at the counter. For more information on permit submittal, resubmittal, and issuance, please visit the [Building](#) and [Planning](#) webpages.



Think Green, please consider the environment before printing this e-mail.

From: Alison Steer <alison.steer@gmail.com>

Sent: Tuesday, November 30, 2021 7:36 AM

To: Ryan Safty <RSafty@losgatosca.gov>

Subject: Re: Lot Line Adjustment Application M-20-012 -Letter for Town Council

EXTERNAL SENDER

Thanks Ryan,

For access to the landlocked parcel, can we request conceptual drawings for the Town Council to review on how the driveway and emergency vehicle turnaround would be implemented to APN 532-32-077? Additionally the building site it would access? Can Kenny Ip from the DRC please provide comment on whether this parcel access meets bullet 5 of our mandatory ordinance?

(5) Has legal access which is adequate for vehicular and safety equipment access and maneuverability.

Thank you,
Alison

On Wed, Nov 24, 2021 at 8:58 AM Ryan Safty <RSafty@losgatosca.gov> wrote:

Hi Alison,

Please see attached response letter from the applicant.

Respectfully,

Ryan Safty • Associate Planner

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

Ph: 408.354.6802 • rsafty@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

COMMUNITY DEVELOPMENT HOURS:

Counter Hours: 8:00 AM – 1:00 PM, Monday – Friday/

Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday

Town offices are now open. In accordance with the Santa Clara County Public Health Office Order, we REQUIRE masks indoors regardless of vaccination status. All permit submittals are to be done online via our Citizen's Portal platform. All other services can be completed at the counter. For more information on permit submittal, resubmittal, and issuance, please visit the [Building](#) and [Planning](#) webpages.

***This Page
Intentionally
Left Blank***

Town of Los Gatos
110 E Main St,
Los Gatos CA 95030
Attn: Town Council

November 17th, 2021

17200 Los Robles Way, Los Gatos
Rebuttal Appellant Ltr: 11-12-21

Council-members:

I am writing this letter to respond to certain points from the Appellant's Letter 11-12-21. Most of these points I have discussed before, but I will do so again here for clarity. They center around 3 areas, which I emphatically refute. **[Appellant Comments in Red]**:

1. That the Lot is not a Buildable Lot – primarily due to legal access.
2. That approval of the LLA would economically impact the neighboring properties.
3. That the General Plan [Land Use and Safety] does not allow the LLA.

BUILDABLE LOT ARGUMENT:

Appellant: “. . .most importantly the land has no legal access. . . there is no easement to 532-36-077 and you cannot create an easement over your own land.”

Response:

1. Legal access to 532-36-076 is undisputed along the Los Robles Way extension.
2. There is a further easement across 532-36-075 for access and EV turnaround.
3. A landowner who owns an adjacent parcel does not need an easement to cross his own land. He has right of passage [legal access] through common ownership.
4. Common ownership of 532-36-076 and 077 is undisputed.

Thus there is no restricted access to 532-36-077 and its access is legal. 532-36-077 would only be landlocked if a second party owned the adjacent parcel [532-36-076].

Appellant: “How exactly would a new ROW from Los Robles Way be implemented?”

Response:

It is true that a landowner would need to create such an easement by map or grant deed if the property were to be sold – but that is not the case here and so it is not relevant.

ECONOMIC IMPACT ARGUMENT:

Appellant: “This LLA should not be approved . . . especially with respect to the economic damage to numerous residents that abut the property if it were.”

Response:

An LLA does not cause economic damage. Nor is it fair on other neighbors to suggest that: “all the development should be at Los Robles Way rather than Worcester Lane”. I believe that the end result could be both attractive and appropriate to the neighborhood.

GENERAL PLAN ARGUMENT:

The Appellant has focused on 2 areas of the General Plan as areas of Conflict. I have responded separately to the request from the Council where I show overall General Plan compliance, so I will here just address the areas of Conflict singled out by the Appellant:

1. Land Use Element [Specifically LU-1.3]
2. Safety Element [Specifically Geologic Hazards SAF-1.1, 1.2, 1.3]

Land Use Element:

The section singled out by the Appellant is one of 6 Goals & Policies on Page 21 of 34.

LU-1.3 To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well designed, environmentally sensitive, and diverse landscaping in new and existing developments.

Appellant: "Significant removal of protected trees will occur, wildlife frequent the property and a family of 6 coyotes living on the hillside help manage the ground squirrel problem on the land and subsequent neighboring properties"

Response:

1. I have shown that 90% of the trees on the property can be retained [150 of 165] with the suggested LLA configuration.
2. The coyotes have killed numerous neighborhood dogs and might better be relocated out of this semi-urban area to a more rural location.
3. The Land Use Designation at Low Density Residential calls for up to 5 housing units per acre. This property is 3.1 acres gross with 26% slope, or 1.6 acres net. Retaining an average of 50 mature trees per parcel, plus additional plantings is entirely consistent with this Land Use category.

SAFETY ELEMENT:

The sections singled out by the Appellant relate to possible Geologic issues.

SAF-1.1 Require reliable evaluations of the existing geologic conditions of sites proposed for development where conditions indicate the possibility of weak supporting soils or geologic structures.

SAF-1.2 Restrict new development and redevelopment based on the levels of acceptable risk and potential severity of geologic hazards.

SAF-1.3 Preserve as open space property that is unbuildable due to geologic conditions.

Appellant: "The JCP Report mentions a possible Landslide Hazard Area"

Response:

1. I have separately addressed the 'landslide/JCP' factor in my submitted response.
2. The Town requires significant geologic and geotechnical studies for an application to Build. These are peer reviewed by the Town Consultant Geologist. This is undertaken later, after the lot configurations are known and not before an LLA.
3. If the Town, or the Appellant, wanted to preserve this property as open space, they could have chosen to do so. To require it as such would be a taking.

The Owner has the right to develop their property according to the tenets of the Town of Los Gatos 2020 General Plan. The Appellant's letter shows no inconsistencies with this.

Tony Jeans

Town of Los Gatos
110 E Main St,
Los Gatos CA 95030
Attn: Town Council

November 17th, 2021

17200 Los Robles Way, Los Gatos
A Little Bit of History

Council-members:

When we were asked by the Town to provide documentation towards Certificates of Compliance for the parcels of land that comprise this property, the research went back to the mid 1940's. The Thompson family has lived here since 1953 and the "children" have held it in trust since their parents died [Nancy in 2017 and Jim in 2020]. After one year of time + expense, the Town formally certified that three parcels were created legally and can be sold, or otherwise transferred independently, which they have chosen to do, because some of them have moved out of the area and started their own families.

Jim, as the family patriarch, might have asked to talk with you too [members of the council], had he been alive now, in the same way that some of the neighbors did. Yes – the 3 parcels comprise a wonderful piece of land that the neighbors have enjoyed for nearly 70 years [43 of them in Los Gatos] – so it is understandable why they do not want to lose their extended back-yards and their privacy to uncertainty.

But we have to respect the rules by which Los Gatos is governed and the precedent, which we should follow. I have, separately, provided a response, which I hope answers the questions you posed to me at the council hearing on November 2nd. Amongst other things I have shown is that the Proposed LLA complies with the Town of Los Gatos General Plan, that it suggests suitable building sites for homes and is significantly more R1:20 Zoning compliant than the current configuration. This alone should be sufficient to require you to follow the mandates of the Subdivision Map Act and Approve the LLA.

Approvals of this nature are common in the history of Los Gatos. I myself, going back to the eras of Bud Lortz, as CDD and Randy Attaway as Mayor, am unaware of any similarly compliant request being rejected. I am also unaware of any "forced merger" of approved legal parcels being pursued by the Town over the last few decades.

This LLA proposal is a simple request – to approve the reconfiguration of 3 legal parcels according to the rules and established precedent of the Town of Los Gatos. The DRC and the Planning Commission have both voted in favor, and it is now up to you to enforce the Subdivision Map Act's rules and Town's standards for Lot Line Adjustments. Future development of homes can then move forward per the Town's A&S process.

Thank you for your consideration of this matter.

Tony Jeans

***This Page
Intentionally
Left Blank***

Town of Los Gatos
110 E Main St,
Los Gatos CA 95030
Attn: Town Council

November 19th, 2021

17200 Los Robles Way, Los Gatos
Request for Clarification Info: LLA M 21-001

Councilmembers:

At the Council Hearing on November 2nd, 2021 I was asked to provide clarification on several points discussed at the hearing. This letter addresses that request.

1. Break out plans from the plan set to show more clearly the proposed driveways and house locations in relation to access and trees.
2. Show how the Proposal conforms to the General Plan, Zoning Ordinance and Building Code.
3. The JCP report is difficult to read [as to safety concerns]. Please clarify the issues so that they can be understood better [Landslides, Flooding and Fire].

This narrative should be read in conjunction with the **ATTACHED SLIDES** for reference purposes as it refers to individual slides.

1. SITE PLAN WITH HOUSES, ACCESS, DRIVEWAYS & TREES. [POSSIBLE DEVELOPMENT]

Parcel 1: [SLIDE 1 – TOP OF SLIDE]

[THIS PARCEL NOT REQUIRED FOR LLA – SHOWN TO ANSWER COUNCIL QUESTIONS]

A [Future] A&S application will provide this information, which is not required now, because there is an existing house. The property features 66 trees – mostly oak and redwood - of which I propose to ask for 4 to be removed. [2 oaks at the fire turnaround area, One Pine Tree and one Eucalyptus as fire hazards].

The proposed Plan shows a simple Fire Truck Turnaround [Dashed red] within a larger turning circle [Shaded blue] so that I can preserve 2 nice oak trees at the front of the property. The access driveway, in an easement across neighboring properties, would also be upgraded [Shaded pink]. The A&S development process would evaluate this upgrade to the termination of Los Robles Way. Any Approval would be at the discretion of Planning, Engineering, Public Works and Fire as would be the lightly shaded yard areas.

A new house will also be requested at that time [A&S]. The existing house does not comply with current fire and safety standards.

Parcel 2: [SLIDE 1 – BOTTOM RIGHT OF SLIDE]

Parcel 2 is the smallest of the 3 at just over ½ and acre. There are 25 trees on it and the house and driveway do not require any removals. I would, however, propose the removal of the eucalyptus trees in any submission as a fire safety prevention measure. I have not made revisions to this Parcel for the Council, because I have been unable to talk to all the immediate neighbors, but have colorized the House purple and the driveway blue for clarity. A potential entertaining area/yard is also lightly shaded. What is shown is HSD&G compliant.

This plan simply shows that a house could be designed to reasonably fit this new Parcel 2 – and not what is proposed to be built, as there are no immediate plans for this property.

Parcel 3: [SLIDE 1 – BOTTOM LEFT OF SLIDE]

There are 74 trees on this parcel and I am proposing to remove 1 modest California live oak plus one dead oak. What I am providing here is not New Information. The submitted plans are fully compliant and showed that the site can be suitably developed with a conforming driveway, fire truck turnaround and house placement. This minor revision is simply an improvement.

I was able to talk to the immediate neighbors to the west on Worcester Lane and Worcester Loop, who were very helpful, so I have taken the opportunity to revise the house and driveway placement to provide greater privacy. [They are in an R1:8 zoning district and have lesser setbacks]. This revised house/driveway placement also saves 3 oak trees, retains the existing drainage swale from Worcester Park, mentioned by the neighbors, and remains conforming with the Town HS&DG, so these next-door neighbor conversations were beneficial to all.

Note: This is what I would propose for any future development of the property, but that would be the responsibility of the owner/applicant at such a time.

Worcester Lane Cul-de-Sac: [SLIDE 1 – BOTTOM CENTER OF SLIDE]

This is my initial proposal for a compliant termination to the street, which presently just dies at a fence and is neither a Fire nor a Town standard. It requires some grading, but would comply with the HSD&G as to retaining walls [which would be needed]. It is also where 3 additional oak trees will need to be removed [One is on Parcel 2 and two are on Parcel 3] as shown on the plan.

This would not be addressed in final detail until either Parcel 2 or Parcel 3 submits for an A&S application.

2. CONFORMANCE TO ZONING, GENERAL PLAN AND BUILDING CODES.

R1:20 Zoning Code: [SLIDE 2]

An LLA does not consider all aspects of the zoning code as many of the requirements become relevant only when an A&S application is submitted. The primary compliance areas for an LLA are Lot Size, Depth and Frontage/Access, together with setbacks to existing structures.

The Existing lot configurations show a total of 4 areas of non-compliance, which the Current LLA Proposal reduces to 1, so it will be substantially more compliant. Two of these relate to Parcel 2 and 2 to Parcel 1 as shown in the **Zoning Compliance Table**. Parcel 2 will become fully compliant, but the non-compliant frontage for Lot 1 will remain. The planned A&S application will improve Fire Access and add a turnaround as an emergency street termination for Los Robles Way and be reviewed by all departments as to suitability. Not adding additional Houses to the sub-standard street that is Los Robles Way was a conscious decision for configuring the LLA as was the use of Worcester Lane for 2 Parcels.

Town of Los Gatos 2020 General Plan: [SLIDE 3]

There are 4 Elements of the General Plan, which would appear to be applicable – and these are really in conjunction with future A&S applications, because the LLA in itself does not directly impact the General Plan, for the most part:

3 Land Use Element

- Good Street Design** Land Use Element: Introduction [pg LU-1]
Cul-de-Sac at Worcester Lane **[SLIDE 1]**
- Land Use Designation Low Density Residential Compliance
[SLIDE 4: LU-3 from the GP + SLIDE 5/DETAIL]

** The subsequent A&S Applications for these proposals can be modified, but the LLA application shows what is possible with careful design planning.

4 Housing Element

- Housing Needs This LLA can supply 2 of the 619 required RHNA units when eventually built out.

9 Environment & Sustainability Element

- Trees [ENV1.1] LLA could save 150 of the 165 trees.

12 Safety Element

- Geologic Hazards Areas of Geologic instability within the Town
- Fire Hazards Areas susceptible to fires within the Town
- Flood Hazards Areas prone to flooding within the Town

I have addressed these in more detail in the JCP Report Section [3.] because much was made of Landslides, Fire and Flooding during the Appellant's argument and subsequent Council discussion of the JCP Report.

Town of Los Gatos Building Codes

The Town Building Code is updated regularly [every three years] as to the necessary design and construction techniques that must be used in new home projects and additions. A significant portion of this reflects recent information learned from fires, earthquakes and other disasters from all parts of California. The State updates the California Building Code and the Town incorporates it into the Building standards as to Seismic, Fire and Flood control protections, as well as other areas. It should be understood that these more recent homes would be better prepared to resist calamities in the future than homes built in earlier years which do not have the benefit of this knowledge. This is not relevant for an LLA, but would be considered in detail at a subsequent A&S and Building Application.

3. THE JCP REPORT AND SAFETY CONCERNS

A JCP report for a property is an advisory document, used in relation to a Sales Transaction and is intended to indicate to the buyer [as a seller disclosure] what potential safety issues they should consider when evaluating their purchase. It is prepared without a visit to the property, but rather from State, County and Town maps and is consolidated into a report with a Summary Map **[SLIDE 6]**.

The Appellant referenced this map and I marked it up to indicate the location of the property. It is not very clear, so I have incorporated the underlying maps that are more professionally shown in the Safety Element of the Town General Plan. The JCP Report and the Town General Plan draw on the exact same data.

- **GEOLOGIC HAZARDS [SLIDE 7: SF-2 from GP + SLIDE 8/DETAIL]**
The JCP report on the property indicates that a region of “potential landslide susceptibility” exists in the Los Robles/Hollywood street areas and intersects a very small corner of the parcel. This is addressed more clearly in the General Plan Safety Slide SF-2. I have also ‘blown up’ a detail slide, which indicates where concerns might exist in this area – primarily off the property in the Los Robles Way and Hollywood areas.
- **FIRE HAZARDS [SLIDE 9: SF-3 from GP + SLIDE 10/DETAIL]**
The JCP Report also indicates this as an area of potential high fire hazard severity. Looking at the corresponding GP Safety Slide SF-3, which shows it more clearly, one can see that half of Los Gatos is in such a zone. In the ‘blow up’ the Fire Hazard area extends into the surrounding neighborhood.
- **FLOOD HAZARDS [SLIDE 11: SF-4 from GP + SLIDE 12/DETAIL]**
The JCP report also shows areas of potential flooding. The corresponding GP Safety Slide SF-4 and associate ‘blow up’ shows that the property is not in a Flood Zone. Because of required storm water management techniques, future construction of homes and associated grading will not increase run-off from these properties.

I will answer any questions related to these clarifications on December 7th.

Tony Jeans

LEGEND

EXISTING	PROPOSED

PARCEL 1
66 TREES
(REMOVE 4)
(C+S APPL)

165 TREES ±
ON PROPERTY
MOST WILL BE
RETAINED
(A+S APPLICATION)

PARCEL 2
25 TREES
(REMOVE 4)

PARCEL 3
74 TREES
(REMOVE 4)

SLIDE 1.

GOODSELL SUCCESSOR TRUSTEE OF THE JNT
CELL@CSUCHICO.EDU
CA 95913
21-6754

ER:
LL ENGINEERS, INC.
BIG BASIN WAY
OAK, CA 95070
37-0244

S:
- SAN JOSE WATER COMPANY
RY SEWER - WEST VALLEY SANITATION DISTRICT
ID ELECTRIC - P.G.&E.
ONE - ATT
COMCAST

SEASONAL
DRAINAGE
SWALE

Page 191	REVISION	BY	DATE	DATE: November, 2021
				SCALE: HOR. 1"=20'
				VERT.
				DESIGNED: HB
				BY: HARRY BABICKA, LS 4953

WESTFALL ENGINEERS, INC.

PROPOSAL FOR LOT LINE ADJUSTMENT

JOB NO.
2020-021
SHEET 2

BENCH MARK:
LGH42, BRASS DISK IN MONUMENT BOX,
AT INTERSECTION OF VISTA DEL MONTE AND
VISTA DEL MAR, ELEVATION = 443.31'.



Harry Babicka



VICINITY MAP

R1:20 Zoning Compliance [Pre & Post LLA]

	Required	Existing	Complies	Proposed	Complies
Lot Size [SF]					
Parcel 1	20,000sf	74,832sf	Yes	64,300sf	Yes
Parcel 2	20,000sf	11,226sf	NO	27,073sf	Yes
Parcel 3	20,000sf	50,239sf	Yes	44,925sf	Yes
Lot Depth [Ft]					
Parcel 1	140'	211'	Yes	225'	Yes
Parcel 2	140'	174'	Yes	200'	Yes
Parcel 3	140'	245'	Yes	210'	Yes
Frontage [Ft]					
Parcel 1	100'	37'	NO	33'	NO
Parcel 2	100'	None	NO	40' Cul de Sac	Yes
Parcel 3	100'	115' Easement	Yes	60' Cul de Sac	Yes
Setbacks [Ft]					
- Front					
Parcel 1	30'	90'	Yes	90' Ex Bldg	Yes
Parcel 2	30'	N/A	Yes	30'	Yes
Parcel 3	30'	N/A	Yes	3'0	Yes
- Rear					
Parcel 1	25'	200'	Yes	153' Ex Bldg	Yes
Parcel 2	25'	N/A	Yes	25'	Yes
Parcel 3	25'	N/A	Yes	25'	Yes
- Left Side					
Parcel 1	15'	-	NO	65' Ex Bldg	Yes
Parcel 2	15'	N/A	Yes	15'	Yes
Parcel 3	15'	N/A	Yes	15'	Yes
- Right Side					
Parcel 1	15'	153'	Yes	200' Ex Bldg	Yes
Parcel 2	15'	N/A	Yes	15'	Yes
Parcel 3	15'	N/A	Yes	15'	Yes

**The Existing Parcels have 4 Zoning Non-Compliance items.
This will be reduced to 1 with the LLA Proposal as submitted.**

SLIDE 2.

2020 General Plan Compliance [Applicable Elements]

3. Land Use Element:

Good Street Design

Cul-de-Sac at street termination at Worcester Lane

Land Use Designation:

Low Density Residential:

See Attached Map and Detail

0-5 units per net acre

Acreage is 3.129 @26% = 1.63 acres net = 0 - 8 units.

5. Housing Element

Housing Needs Summary:

Adds 2 housing units [eventually]

2 of 619 RHNA units required

9. Environment & Sustainability Element

Trees:

[ENV1.1] Retains over 150 of 165 trees [with Proposed Design]

11. Safety Element

Geologic Hazards

See Attached Map and Detail

Flood Hazards

See Attached Map and Detail

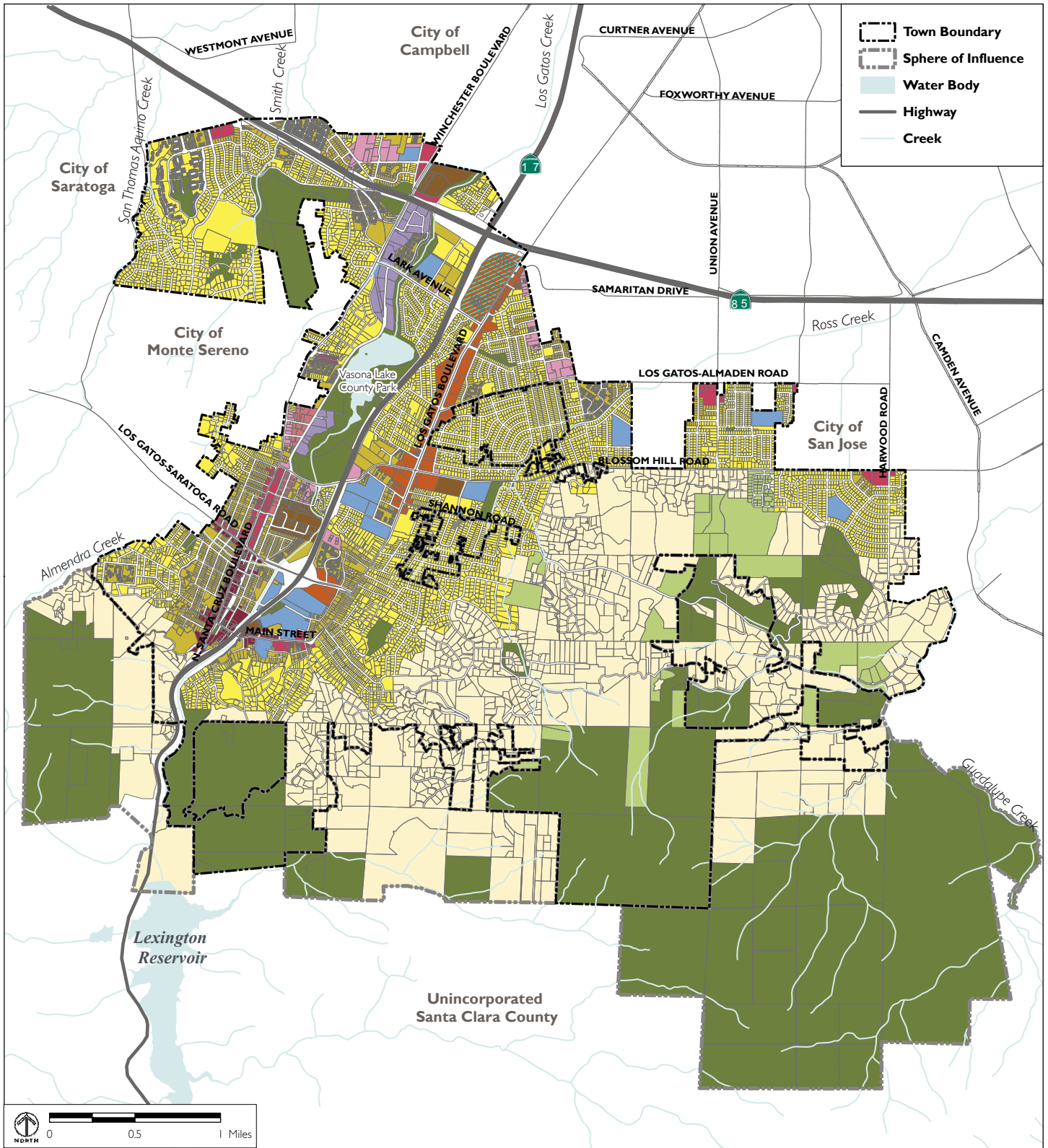
Fire Hazards *

See Attached Map and Detail

*** Fire Hazards are Mitigated w/ WUI Building Code Compliance.**

SLIDE 3.

SLIDE 4.



Source: Town of Los Gatos, 2008; Santa Clara County Office of the Assessor, 2008.

General Plan Land Use			
Hillside Residential	High Density Residential	Service Commercial	Agriculture
Low Density Residential	Mixed-Use Commercial	Office Professional	Open Space
Medium Density Residential	Central Business District	Light Industrial	North Forty Specific Plan Overlay
	Neighborhood Commercial	Public	

FIGURE LU-3

SLIDE 5.

LOS ROBLES WAY

AREA OF LOW DENSITY RESIDENTIAL

HARDING AVE

PROPERTY

WORCESTER LANE

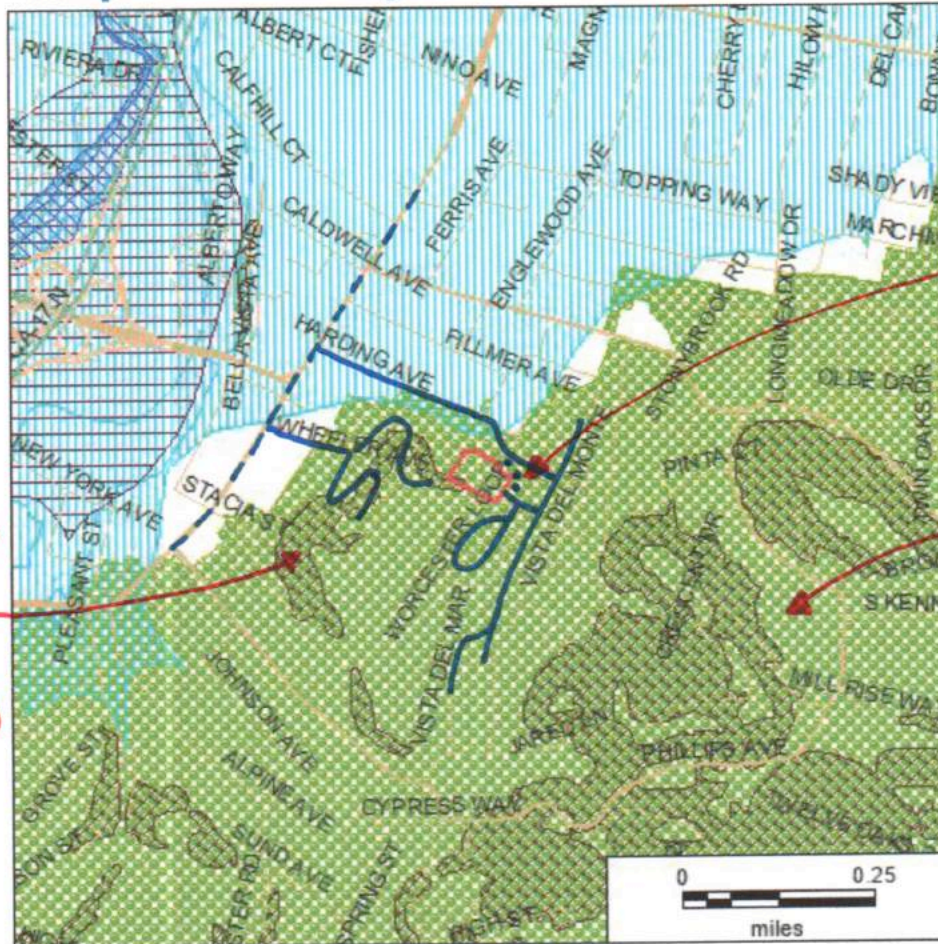
VISTA DEL MONTE

Map of Statutory Natural Hazards For SANTA CLARA County

Property Address: 17200 LOS ROBLES WAY
LOS GATOS, SANTA CLARA COUNTY, CA 95030
("Property")

APN: See Addendum
Report Date: 04/17/2020
Report Number: 2642519

Map of Statutory Natural Hazard Zones



Subject Property

NO	Special Flood Hazard Area
NO	Area of Potential Flooding, Dam Failure
YES	<u>Very High Fire Hazard Severity Zone</u>
NO	Wildland Area, Substantial Forest Fire Risk
NO	Earthquake Fault Zone
PARTIAL	<u>Seismic Hazard Zone, Landslide</u>
NO	Seismic Hazard Zone, Liquefaction

This map is provided for convenience only to show the approximate location of the Property and is not based on a field survey.

SLIDE 6.

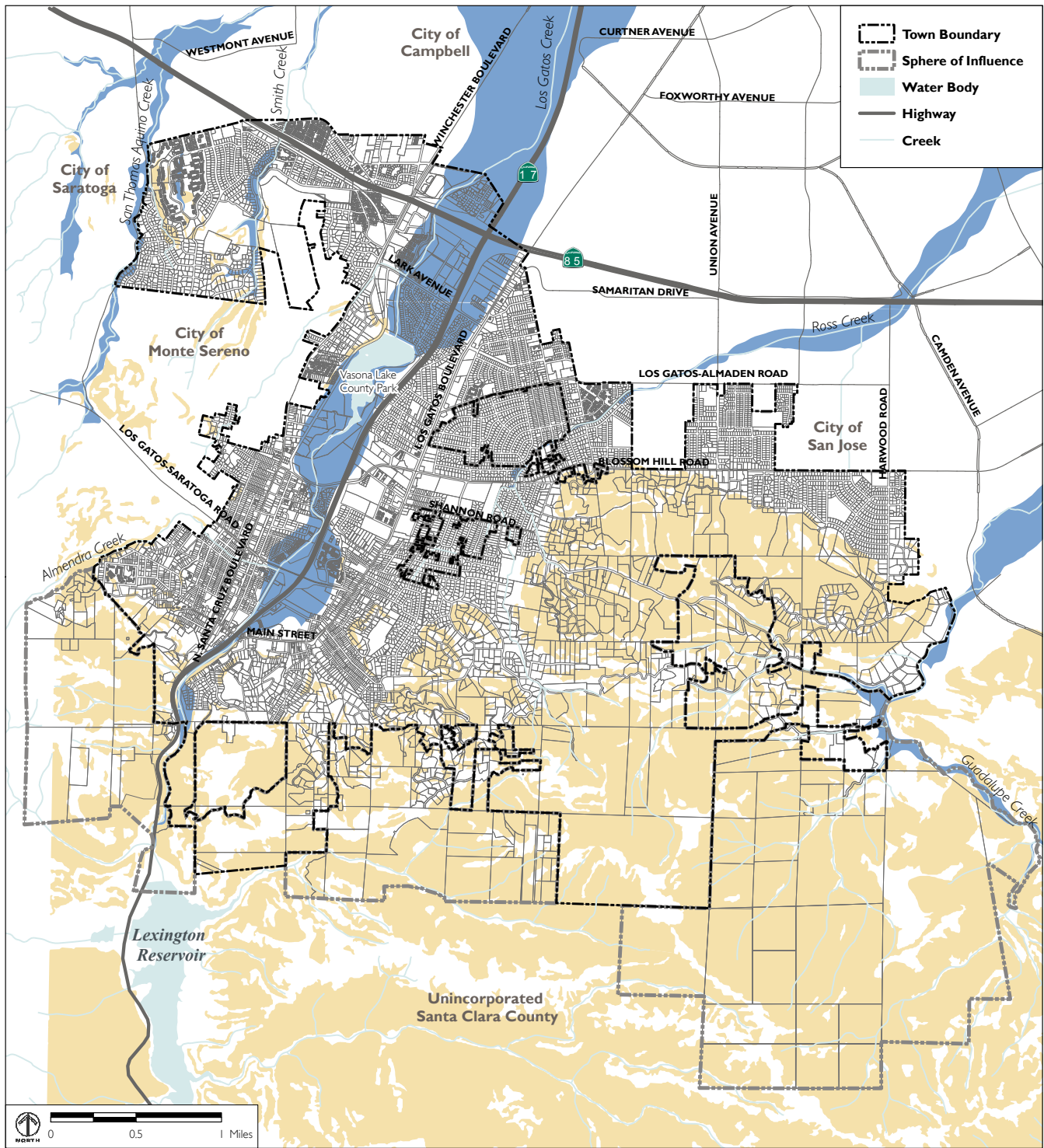
Received Pg 1-50:

Sign DATE

Sign DATE

SLIDE 7.

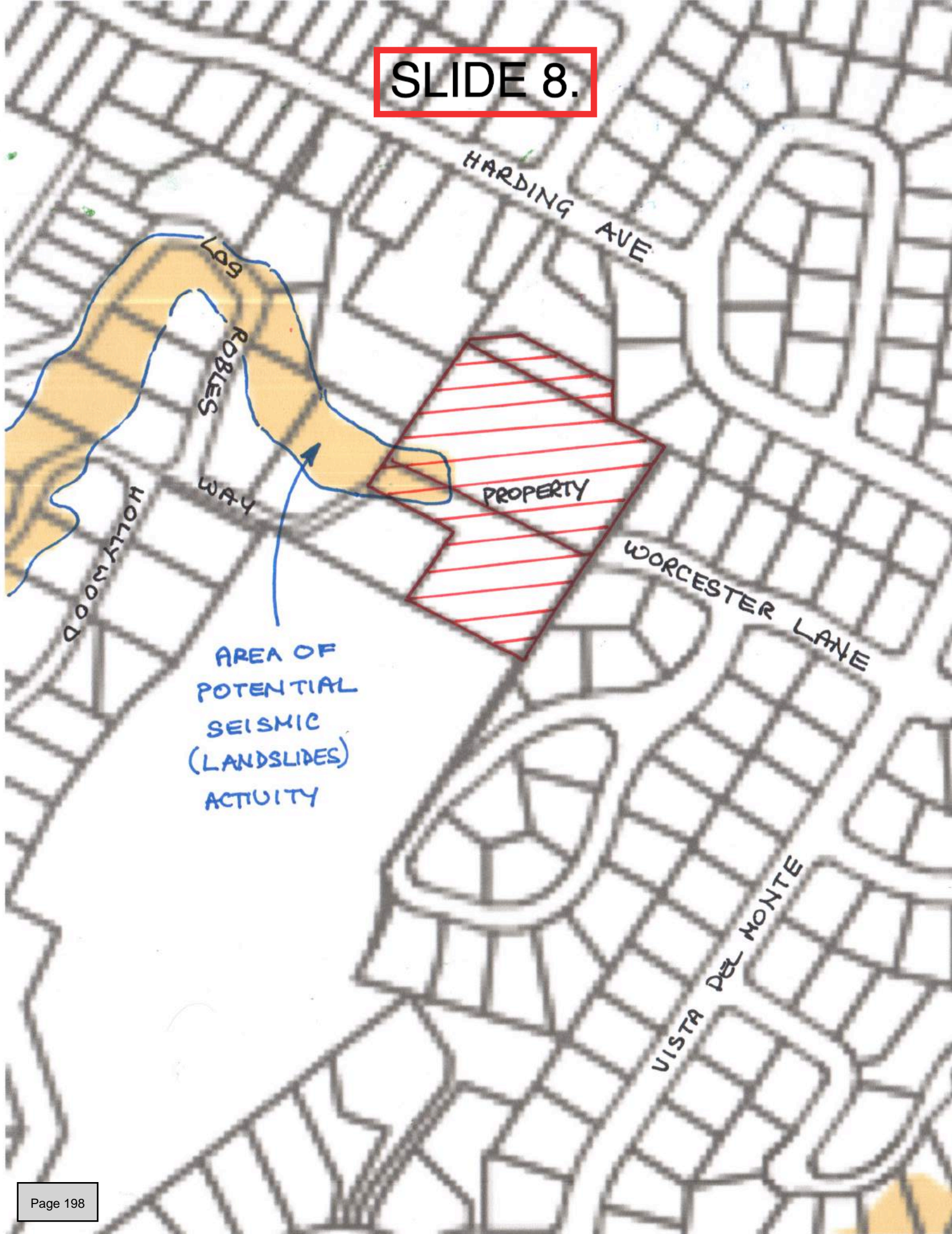
TOWN OF LOS GATOS
2020 GENERAL PLAN
SAFETY ELEMENT

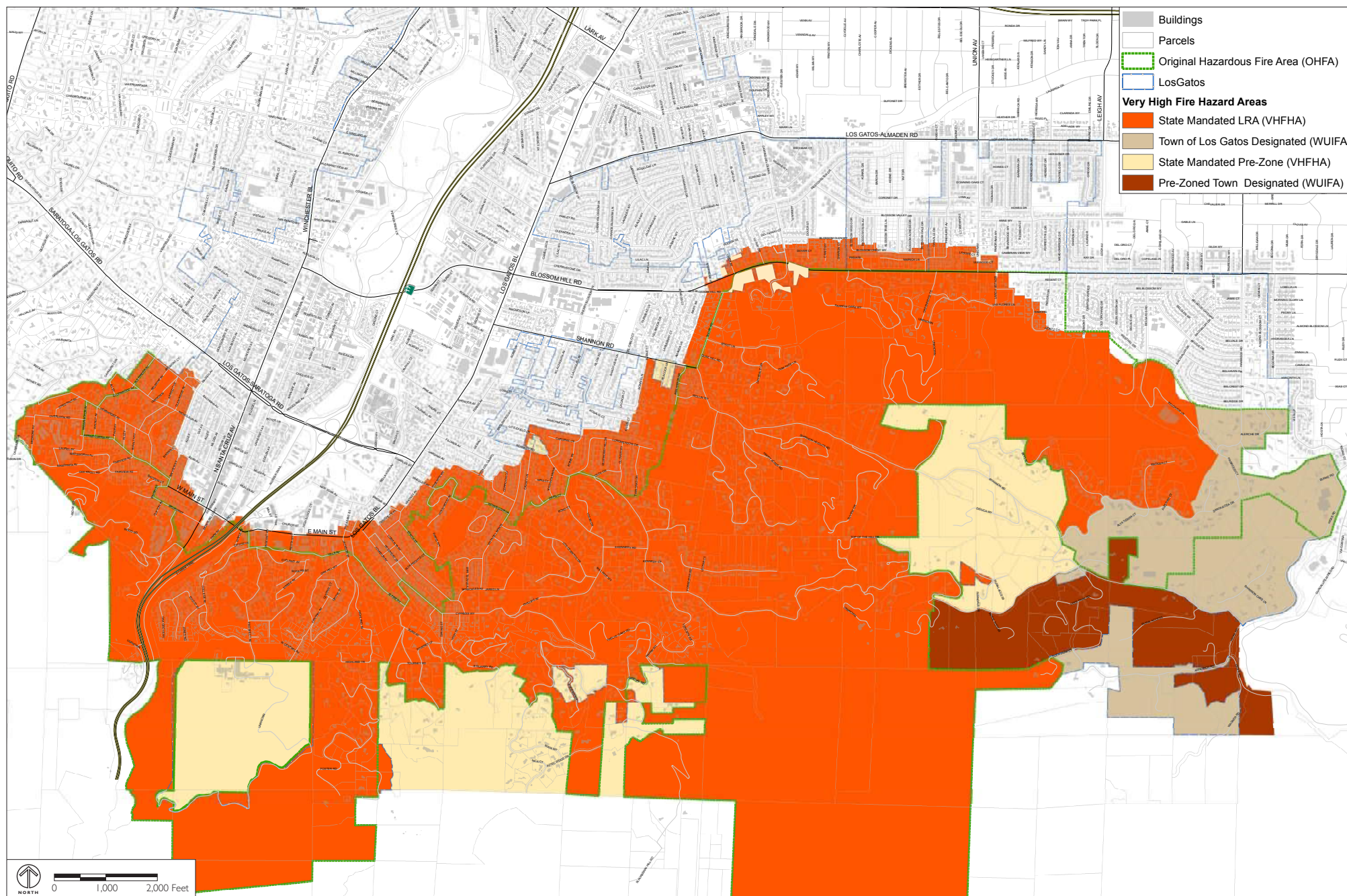


Source: California Geologic Survey, 2002.

FIGURE SAF-2
SEISMIC HAZARDS

SLIDE 8.





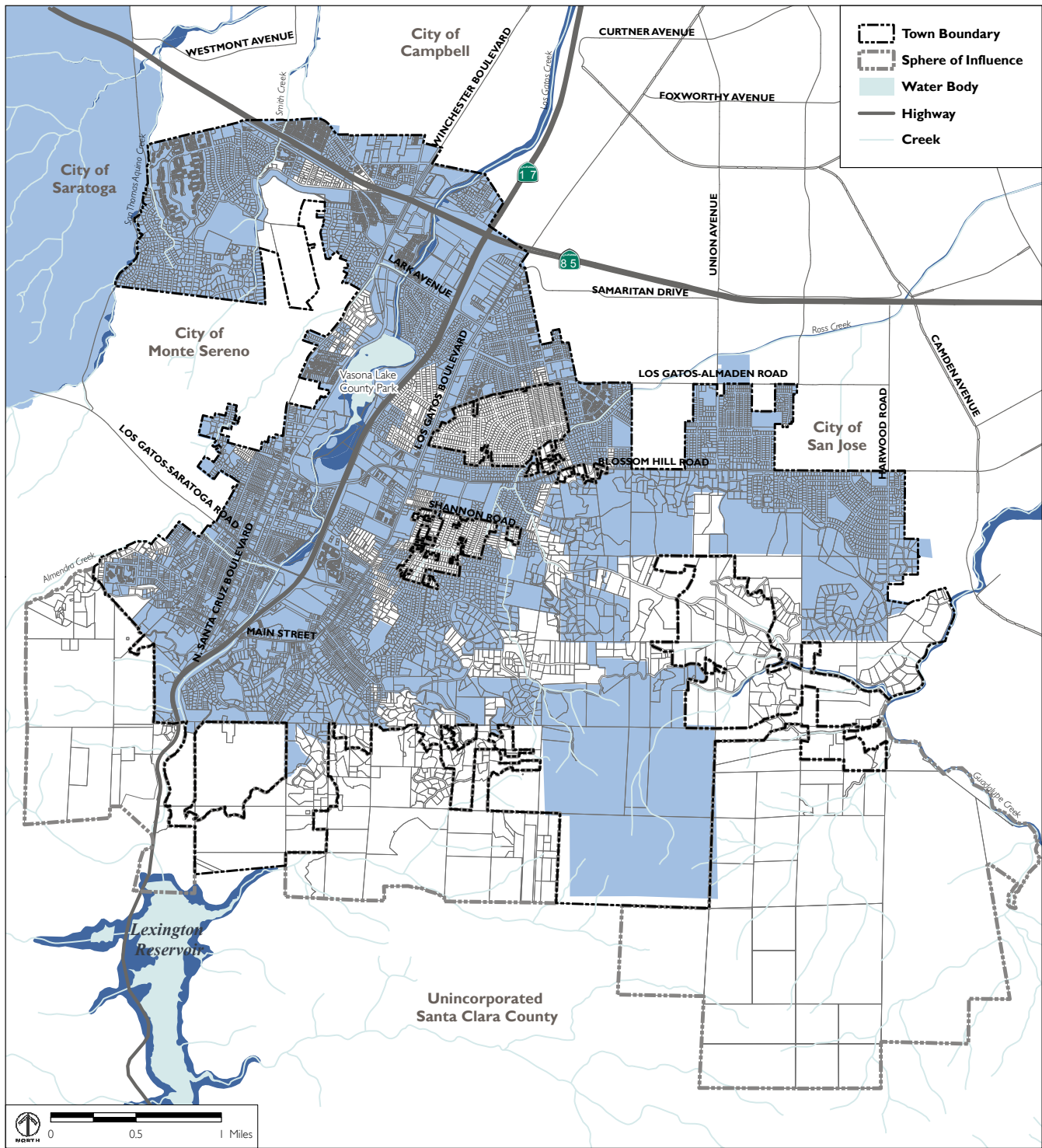
Source: Town of Los Gatos and Santa Clara County Fire Department, 2009.

SLIDE 10.



SLIDE 11.

TOWN OF LOS GATOS
2020 GENERAL PLAN
SAFETY ELEMENT

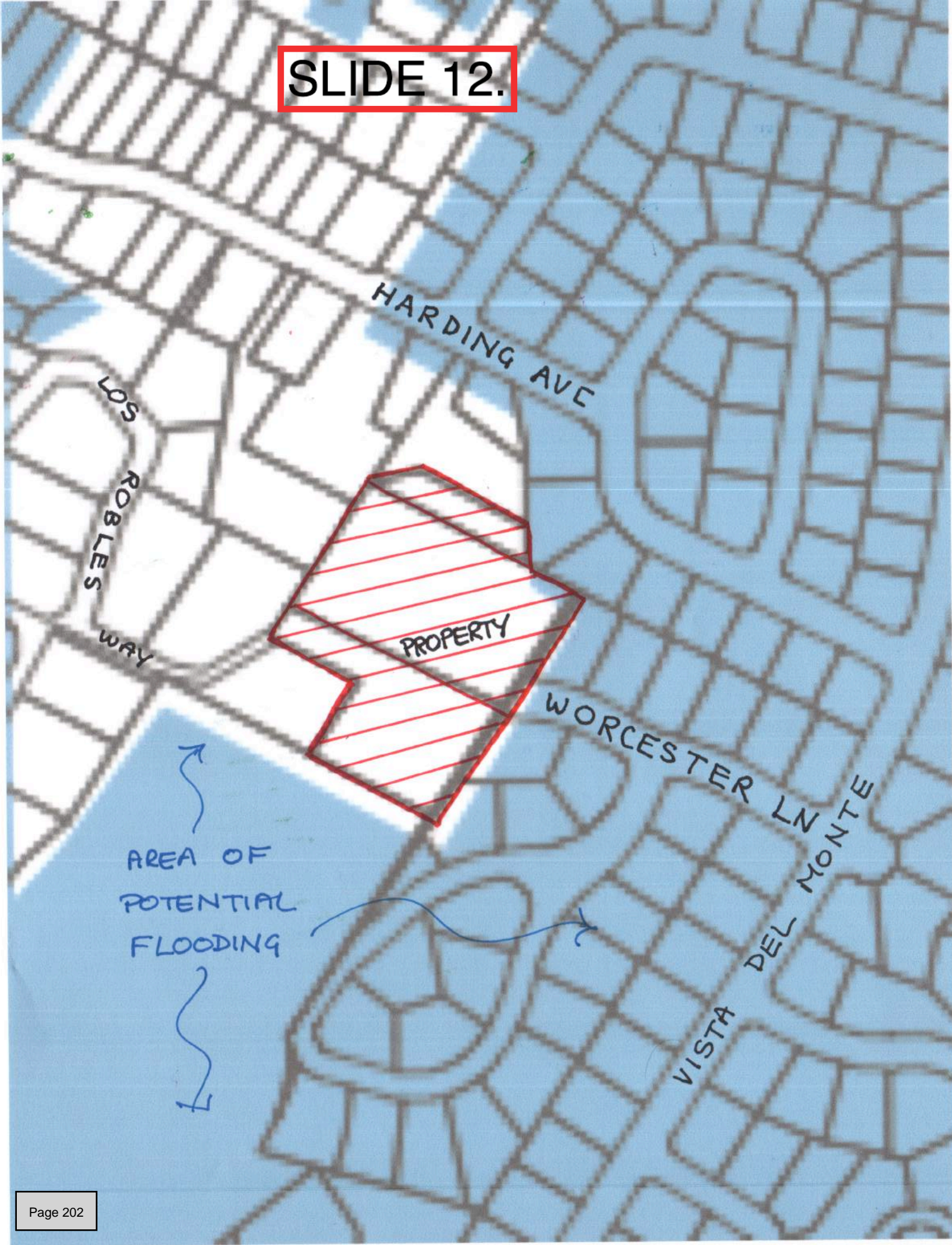


Source: DC&E, 2010; Town of Los Gatos, 2009; Federal Emergency Management Agency, 2009.

- 100-year flood zone
- 500-year flood zone

FIGURE SAF-4
FEMA FLOOD ZONES

SLIDE 12.





**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM NO: 13

ADDENDUM

DATE: December 6, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider an Appeal of a Planning Commission Decision Approving a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. Located at 17200 Los Robles Way. Subdivision Application M-20-012. APNS 532-36-075, -076, -077. Property Owners: Daran Goodsell, Trustree and Mark Von Kaenel. Applicant: Tony Jeans. Appellant: Alison and David Steer. Project Planner: Ryan Safty.

REMARKS:

Attachment 19 includes additional information from the appellant received on December 6, 2021.

ATTACHMENTS:

Previously received with the November 2, 2021 Staff Report:

1. September 8, 2021 Planning Commission Staff Report, with Exhibits 1-14
2. September 8, 2021 Planning Commission Verbatim Minutes
3. Appeal of the Planning Commission Decision, received September 20, 2021
4. Applicant's Response to Appeal, received October 8, 2021
5. Additional Information from the Appellant, received October 21, 2021
6. Draft Resolution to Deny Appeal and Approve Project, with Exhibits A and B
7. Draft Resolution to Grant Appeal and Remand Project to Planning Commission
8. Draft Resolution to Grant Appeal and Deny Project
9. Public Comments received between 11:01 a.m., September 8, 2021 and 11:00 a.m., October 28, 2021
10. Applicant's Response to Public Comments received between 11:01 a.m., September 8, 2021 and 11:00 a.m., October 28, 2021

PREPARED BY: Ryan Safty
Associate Planner

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

PAGE 2 OF 2

SUBJECT: 17200 Los Robles Way/M-20-012

DATE: December 6, 2021

Previously received with the November 2, 2021 Addendum Report:

11. Additional Information from the Appellant, received November 1, 2021

Previously received with the November 2, 2021 Desk Item Report:

12. Applicant's Presentation from the September 8, 2021 Planning Commission hearing

13. Additional Information from the Appellant, received November 2, 2021

14. Appellant's Presentation for the November 2, 2021 Town Council hearing

Previously received with the December 6, 2021 Staff Report:

15. Additional Information from the Appellant, received November 12, 2021

16. Applicant's Response to Appellant's letter, received November 17, 2021

17. Applicant's Historical Summary of the property, received November 17, 2021

18. Applicant's Response to Town Council Questions, received November 19, 2021

Received with this Addendum:

19. Additional Information from the Appellant, received December 6, 2021

From: [Alison Steer](#)
To: [Marico Sayoc](#); [Rob Rennie](#); [Matthew Hudes](#); [Mary Badame](#); [Maria Ristow](#); [Robert Schultz](#)
Cc: [Ryan Safty](#); [Jennifer Armer](#); [Terry Rinehart](#); [Bob Rinehart](#); [Nancy Neipp](#); [James Neipp](#); [Defeo Home](#); [Gary Gysin](#); [Michelle](#)
Subject: Lot Line Adjustment Application and ROW access for Parcel 3 (APN 532-36-077)
Date: Sunday, December 5, 2021 9:07:29 PM
Attachments: [HDSG-ConformanceChecklist_201303071343183916 \(3\).pdf](#)
[Appeal LLA - 17200 Los Robles Way - Driveway Access .pptx](#)

EXTERNAL SENDER

Dear Mayor, Vice Mayor, and Councilmembers,

We are coming up on the final appeal meeting for the LLA application for Los Robles Way on Tuesday Dec 7th. At the last meeting we established that our Lot Merger ordinance for involuntary lot merger is enforceable. However, the claim that it has no legal access today was put to question based on the premise that the owner could put in a new ROW while the involuntary lot merger is in process.

We are now submitting clear and factual evidence as to why it is not possible to create a new ROW in the current configuration. APN 532-36-076 (Parcel 1) is at the terminus of the Los Robles Way extension. This ROW has been considered vacated by the Town of Los Gatos; we expect due to the merger doctrine. The Los Robles way extension is 91.96', with an additional 169.5' driveway to access the property. This makes the driveway to APN 532-36-076 over 261' in length. The width of APN 532-36-076 is a little over 207', which would result in a driveway to access APN 532-36-077 greater than 468', not including the issue with how to negotiate a driveway around the existing premises and pool.

The Hillside Development standards and guidelines, checklist attached, require that no driveway be greater than 300'. In addition, it cannot exceed 15% grade, and must be able to implement an emergency vehicle turnaround with 5% grade. This would not be possible on APN 532-36-077 due to its distance from Los Robles Way itself, and that the land has slopes in excess of 30%, and, while requested, no proof to the contrary has been provided by the Planning Department or property developer to the Town Council.

Our General Plan 2020 has a land use element that requires the preservation of existing trees, natural vegetation, natural topography, and promotes high quality, well-designed, environmentally sensitive and diverse landscaping in new developments. There is a conservation element goal to encourage tree preservation and limited grading. The uninspired design of the privacy screening proposed by Tony Jeans for both 304 Harding Ave and 111 Worcester Lane is not in keeping with our Land Use Element for natural vegetation, and in fact would be placing unnaturally positioned trees right on top of a 10ft sanitary sewer and storm drain easement where they would need to be removed when repairs are needed, or which in themselves could damage the pipes! Where would these screening trees be placed then for the new residence beside 111 Worcester Lane, when

there is a driveway proposed next to the easement?

In addition, the removal of the eucalyptus trees on Parcel 1 per the conceptual plan, and shown in the photograph on slide 6, would remove any privacy from the hilltop residence into our yards, while bringing the residence significantly closer to our line of sight. Why would these trees not be topped instead, or where is the plan to replace them with large native trees that would provide screening to our private yards?

Regarding slope instability and geologic hazards, when was the last time a soils report was performed on this property? Is it stable enough to allow for replacement of large new trees to ensure the natural vegetation (per our General Plan) is preserved?

Per slide 8 of the attached, if the access is maintained from Los Robles Way, the house on Parcel 3 can be located higher on the hillside, not only improving the view from the property but avoiding any tree removal whatsoever compared to the plan by Tony Jeans which removes 4 trees on that parcel. Additionally, it will avoid the significant grading which would change the natural topography, again in conflict with our General Plan. Note that the level of grading required for this LLA is not shown in the conceptual plans that have been submitted to the Town.

We are asking the Town Council to request that the Development Review Committee proceed with the involuntary lot merger of APN 532-36-076 (parcel 1) and 532-36-077 (parcel 2), as provided by State Law; to do the job that the residents of the Town of Los Gatos are paying them to do, and stop making excuses to not execute on their ordinances. Failure to execute to our lot merger ordinance is setting the Town up for legal challenges. To date, we have submitted mountains of evidence in support of involuntary lot merger. We have been consulting with Land Use Attorneys that say you cannot make a non-buildable parcel buildable through lot line adjustment in California. I expect a developer and realtor working in California would know these specific rules and know what they are doing is "turning water into wine". The developer and owners have no legal leg to stand on with regard to the Town upholding their ordinance, which is in compliance with State Law.

Respectfully,

The neighbors at the bottom of the property known as 17200 Los Robles Way

Driveway access/ROW for APN 532-36-077 (Parcel 2)

Alison & David Steer

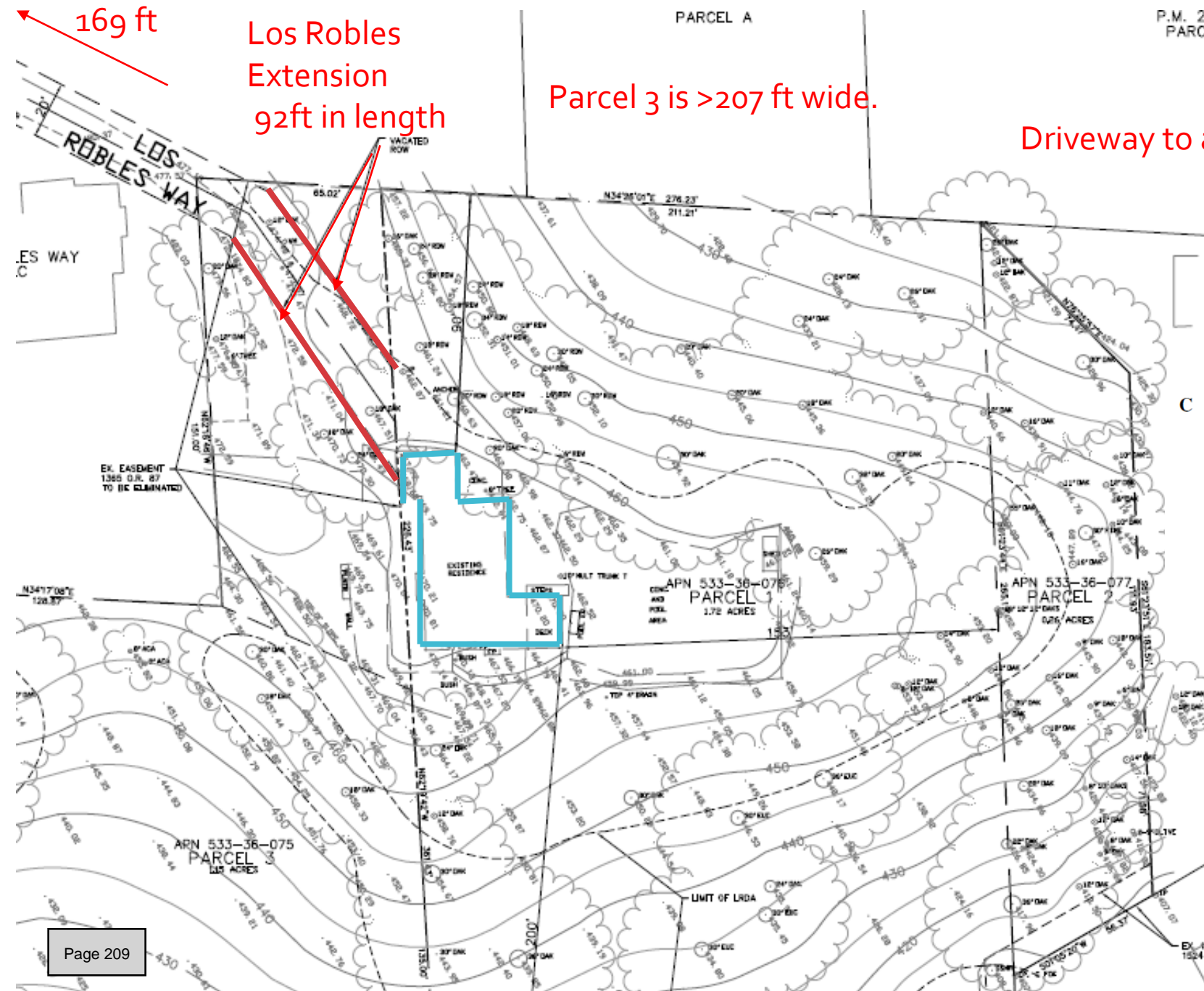
304 Harding Ave

A photograph of a residential property. In the background, a large, light-colored house with a curved facade and a prominent chimney is visible. The house has multiple windows and a well-manicured lawn in front of it. A yellow fire hydrant is located in the foreground on the right side of the driveway. The driveway is paved and leads towards the house. The property is surrounded by mature trees and landscaping.

17200 Los Robles Way Driveway Access is 261ft long
to APN 532-36-076

Los Robles
Extension
92ft in length

Driveway to access parcel 2 would be >300ft in length



C Driveways & Parking

- S1 Locate Driveways to Reduce Grading
- S2 Driveways prior to Occupancy
- S3 Gates set back min 25' from street
- S4 Driveways to receive All Weather surface
- S5 Max Driveway Slope to be 15%
- G1 Min [single house] Driveway width to be 12'
- G2 Max Driveway length 300'. Turnaround area slope < 5%.
- G3 Driveways min 20' apart or adjoining. Safe distance from Intersections
- G4 Shared Driveways: encouraged to reduce grading and impervious
- G5 Driveways located/maintained to ensure good line-of-sight.

Los Gatos HDS&G says no driveway >300ft.

Summary for Town Council Review

- Current driveway access to APN 532-36-076 is 261ft in length. Terminates at existing premises .
- Creating new driveway access for land locked parcel, APN 532-36-077 , would exceed 300ft which is not allowed per the Hillside Development Standards and Guidelines. How would it bypass existing premises and pool?
- Slopes on APN 532-36-077 are in excess of 30%, How to achieve 5% grade on hillside for emergency vehicle turnaround?
- Per above, APN 532-36-077 meets the criteria for merger. There is no way to add legal access that is adequate for vehicular and safety equipment access and maneuverability, and **no proof** to the contrary has been shown by the planning department or the developer.
- California Civil Code § 805 states that a servitude (i.e. an easement) cannot be held by the person who owns the servient tenement” ie, you can’t create easement over property you already own, this is a nonsensical easement. This is known as the merger doctrine.
- We have spoken to Land Use Attorneys in California who confirm that a non-buildable parcel cannot be made buildable through lot line adjustment.

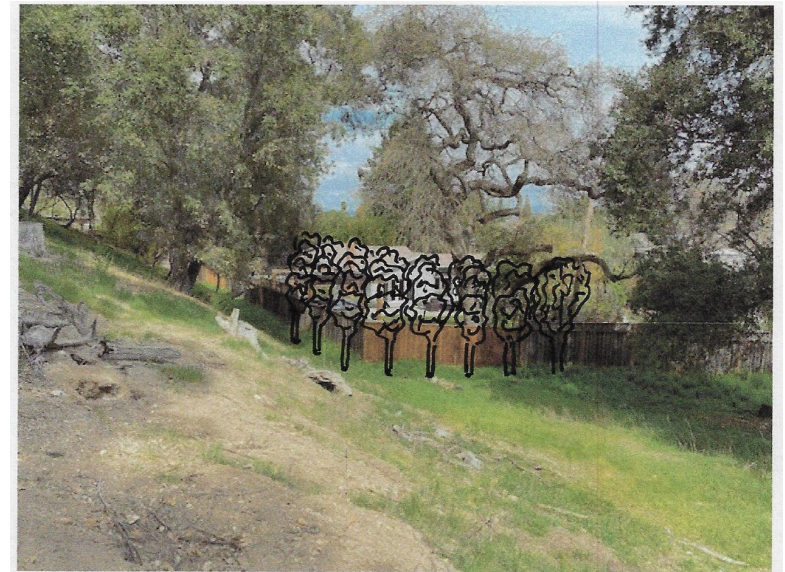
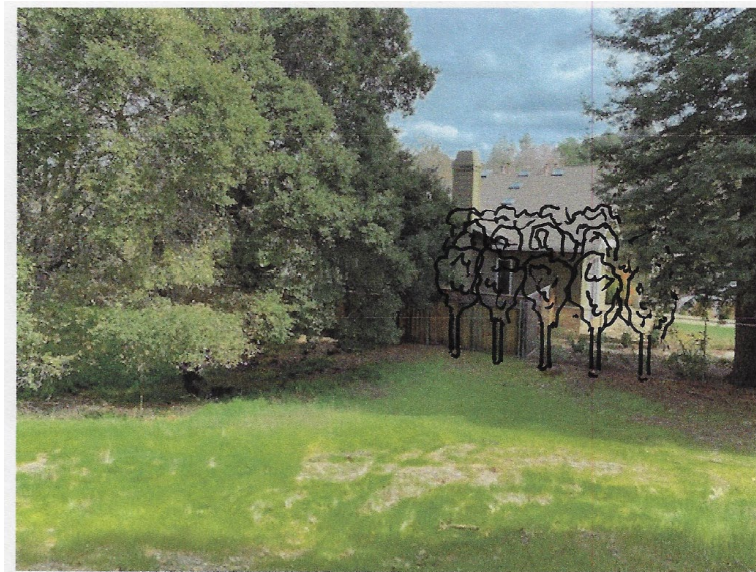
Land Use Element General Plan 2020

Policy LU-1.3



To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments.

- ◆ The Conservation Element goals address protecting and enhancing the natural environment. Programs that retain natural features such as tree preservation, limited grading, and water conservation maintain the natural character of Los Gatos.



4 Trees being removed, but we count 5 Eucalyptus
Most of the landscape will look like tree stumps

The eucalyptus trees are the only thing protecting our privacy from the house at top of the hill which appears is going to increase in height/size and move 37ft closer to our property



Proposed 2nd residence site

This house will increase in size and move 37ft closer to property line

General Plan
2020
Goal SAF-1

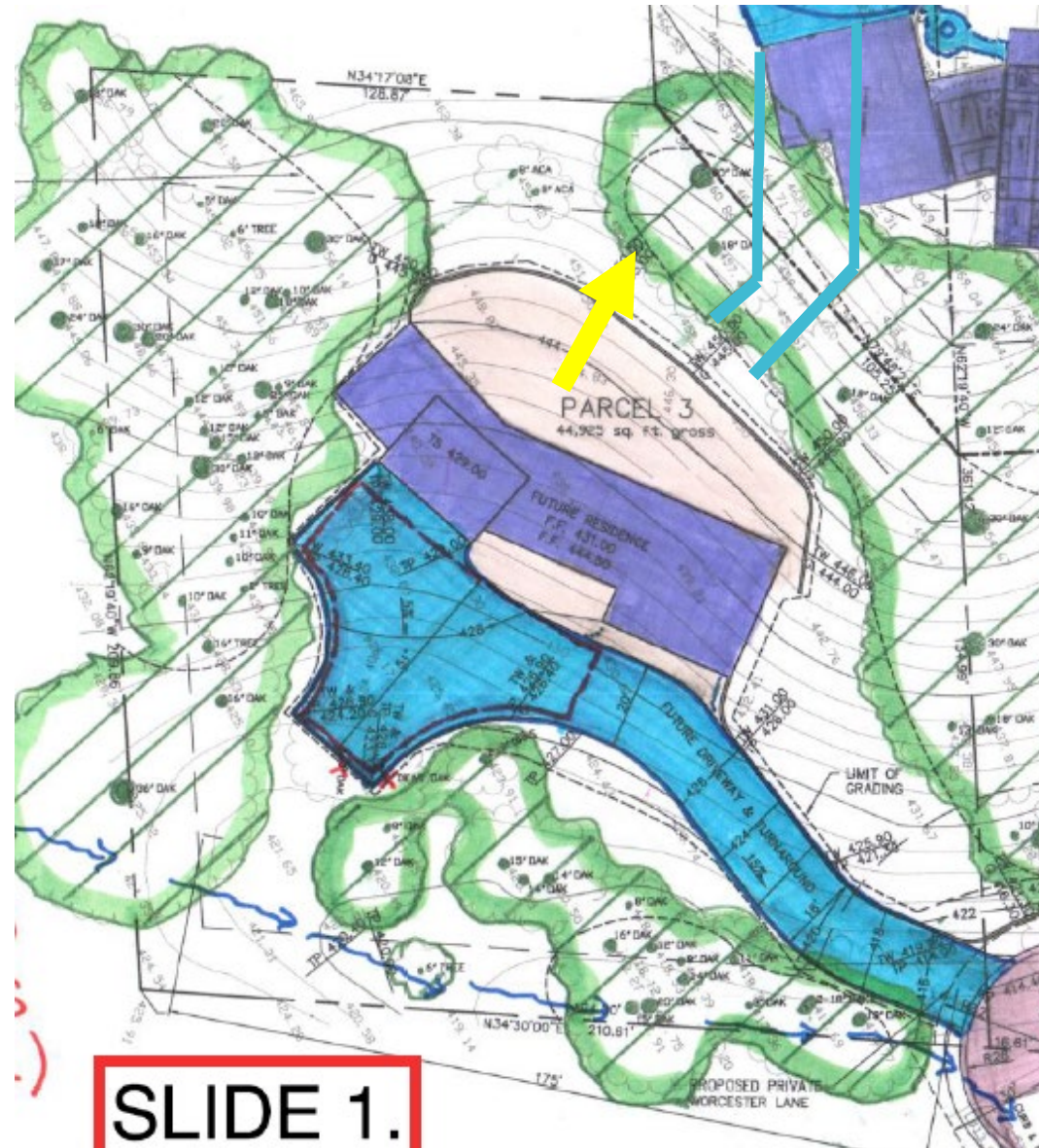
2. Goals, Policies, and Actions

Goal SAF-1	To minimize exposure to geologic hazards, including slope instability, subsidence, and expansive soils, and to seismic hazards, including groundshaking, fault rupture, liquefaction and landslides.
------------	--

Policies

- | | |
|----------------|---|
| Policy SAF-1.1 | Require reliable evaluations of the existing geologic conditions of sites proposed for development where conditions indicate the possibility of weak supporting soils or geologic structures. |
| Policy SAF-1.2 | Restrict new development and redevelopment based on the levels of acceptable risk and potential severity of geologic hazards. |
| Policy SAF-1.3 | Preserve as open space property that is unbuildable due to geologic conditions. |

Neighbors' proposal to conform to General Plan 2020



Maintain **ALL** access from Los Robles Way.
Move house up the hill to eliminate the grading of steeper slope below that would change the **natural topography** of the hillside. This would create a shared driveway with Parcel 1 to minimize impervious surface. **No trees** would need to be removed for this scenario compared to 4 trees on Tony Jeans plans. Improved view for house on Parcel 3, **increasing property value!**

Town of Los Gatos Lot Merger Procedures

Sec. 29.20.745. - Development Review Committee.



The Development Review Committee shall:

- (11) Under the provisions of [section 29.10.070](#) of this chapter and section 66424.2 of the Subdivision Map Act, determine whether lots have merged.



TOWN OF LOS GATOS LOT MERGER PROCEDURES

Lot mergers are reviewed according to Section 66451.11 of the Government Code of the State of California.

Town of Los Gatos Code of Ordinances

Zoning Regulations

Sec. 29.10.070. - Lot merger.

- (a) A parcel of land does lawfully exist separately from other land and is a lot when the parcel meets each of the following criteria:
 - (1) Comprises at least five thousand (5,000) square feet in area.
 - (2) Was created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - (3) Meets current standards for sewage disposal and domestic water supply.
 - (4) Meets slope stability standards.
 - (5) Has legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - (6) Development of the parcel would create no health or safety hazards.
 - (7) The parcel would be consistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.
 - (8) No structures are built over a common property line which is shared with another parcel under the same or substantially the same ownership.
- (b) Any parcels under the same or substantially the same ownership that do not meet the criteria listed above **shall** be considered **merged**. In addition, no parcel **shall** be modified through a lot line adjustment procedure in order to meet the criteria listed above.
- (Ord. No. 1316, § 3.10.010, 6-7-76; Ord. No. 1337, 11-1-76; Ord. No. 1432, 6-4-79; Ord. No. 1438, 8-6-79; Ord. No. 1756, § 1, 8-1-88)

SMA 66451.11

DIVISION 2. SUBDIVISIONS [66410 - 66499.38] (*Division 2 added by Stats. 1974, Ch. 1536.*)

CHAPTER 3. Procedure [66451 - 66472.1] (*Chapter 3 added by Stats. 1974, Ch. 1536.*)

ARTICLE 1.5. Merger of Parcels [66451.10 - 66451.24] (*Article 1.5 added by Stats. 1983, Ch. 845, Sec. 2.*)

66451.11.

A local agency **may**, by ordinance which conforms to and implements the procedures prescribed by this article, provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the local agency applicable to the parcels or units of land and if all of the following requirements are satisfied:

(b) With respect to any affected parcel, one or more of the following conditions exists:

- (1) Comprises less than 5,000 square feet in area at the time of the determination of merger.
- (2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
- (3) Does not meet current standards for sewage disposal and domestic water supply.
- (4) Does not meet slope stability standards.**
- (5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.**
- (6) Its development would create health or safety hazards.
- (7) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

The ordinance may establish the standards specified in paragraphs (3) to (7), inclusive, which shall be applicable to **parcels to be merged.**

Town of Los Gatos

Hillside Development Standards & Guidelines: Compliance Checklist

Address: _____

Section	Standards & Guidelines	Compliance
III	Site Planning	
A	Grading	
S1	Minimize Cut & Fill per Table	
S2	Define Earthwork Quantities [Access/House/Cellar/Other]	
S3	Locate Buildings to Minimize Grading	
S4	No Strip Grading	
S5	Grade footprint/access/guest parking/turnaround only	
S6	Restore to Original Topography	
S7	Utilize Contour Grading Techniques	
S8	Restore Vegetation at Cut/Fill Slopes	
S9	Erosion/Sediment Control Plan [Interim and Permanent]	
S10	Grading April - September	
B	Drainage	
S1	Runoff Dispersion On-Site	
S2	Upslope Drainage shall not Impact on Downslope Development	
S3	Preserve and Enhance Natural Drainage Courses	
S4	New Drainage Channels to be Naturalized [rock/vegetation]	
G1	New Drainage Channels to be placed in less visible Locations	
G2	Lining of Drainage Channels is Discouraged [bio-swale]	
G3	Dry Stream effects preferred over Undergrounding of Drainage.	
C	Driveways & Parking	
S1	Locate Driveways to Reduce Grading	
S2	Driveways prior to Occupancy	
S3	Gates set back min 25' from street	
S4	Driveways to receive All Weather surface	
S5	Max Driveway Slope to be 15%	
G1	Min [single house] Driveway width to be 12'	
G2	Max Driveway length 300'. Turnaround area slope < 5%.	
G3	Driveways min 20' apart or adjoining. Safe distance from Intersections	
G4	Shared Driveways: encouraged to reduce grading and impervious	
G5	Driveways located/maintained to ensure good line-of-sight.	
D	Safety	
	Geologic Hazards	
S1	Site Specific Geologic Investigation may be Required.	
S2	Site Specific Geologic Investigation concerns to be addressed	

Town of Los Gatos

Hillside Development Standards & Guidelines: Compliance Checklist

Address: _____

Section	Standards & Guidelines	Compliance
	Fire Hazards	
	S1 Locate and Design Structures to minimize exposure to wildfires	
	S2 Provide Landscape (Plan) to create defensible space around home	
	S3 Provide adequate Fire Access	
	S4 Ensure adequate water supply for fire prevention	
	S5 Water suppression available and labeled for fire prior to framing	
	S6 Above ground water storage tanks may not encroach into setbacks.	
	G1 Development should avoid areas subject to severe fire danger.	
	G2 Selectively reduce Fuel Load inside defensible space	
	G3 Ensure Fuel Sources are discontinuous.	
	G4 Landscape Defensible Space with fire prevention in mind.	
	G5 Minimize visibility of above ground water storage tanks.	
IV	Development Intensity	
	A Maximum Allowable Development	
	1 Adjust Lot for Slope per Table	
	2 Verify Max Gross floor area < FAR	
	B Exclusions	
	1 Cellars	
	2 Garages up to 400 sq ft	
	3 Stables that are not fully enclosed	
	4 Barns (size dependant on lot size: 500-2,500 ft.)	
	C Exceptions to maximum floor area	
	1 Will not be visible from established viewing platforms	
	2 No significant impact on trees, wildlife or movement corridors	
	3 Minimize grading area to accommodate buildings >FAR	
	4 All standards and applicable guidelines are being met	
	5 Compliance to Title 24 w/ margin of at least 10%	
	6 Pre-wire for future photovoltaic installation	
	7 A min of 25% of hardscape mat. is permeable	
	8 Include cellar element unless conflicts w/other standards	
	9 No significant visual impact to neighboring properties	
V.	Architectural Design	
	A Design Objectives	
	O1 Visually blends with natural environment	
	O2 Responsive to site constrains & opportunities	
	O3 Compatible with the neighborhood & respectful of neighbors	
	O4 Respect of the rural character of the hillside	

Town of Los Gatos

Hillside Development Standards & Guidelines: Compliance Checklist

Address: _____

Section	Standards & Guidelines	Compliance
B	Design to be neighbor friendly	
S1	Study site lines: place windows & outdoor areas to maintain privacy	
G1a	Minimize 2nd story windows facing close neighboring properties	
G1b	Orient windows, decks, & balconies to avoid privacy for neighbors	
G1c	Screening: solid retaining walls, lattice work, planters: obscure sight lines	
G1d	Limit decks & balconies to 6' depth in privacy areas.	
G1e	Use landscaping to screen views to your neighbors	
G1f	Existing vegetation that protects privacy should not be removed	
G1g	Screen noise sources: parking, outdoor activity, mechanical, pool	
G1h	Outdoor activity areas away from neighbors quiet areas (bedrooms)	
C	Design for Sustainability	
S1	None	
G1	Energy conservation & water saving techniques above min req of Title 24	
G2.a	<3,500 sf incorporate a variety of green building strategies + mat.	
G2.b	>3,500 sf - incorporate additional energy + resource saving features	
G3	Design for solar (space & water) & utilize natural cooling & lighting	
G4	Materials: use less natural resources; non-toxic; salvaged or reused.	
D	Design for fire safety	
S1	Structures shall be designed to maximize protections from wildfires	
S2	Roofs shall have a Class A covering or Class A roof assembly	
S3	Eaves & soffits: exposed underside - noncombustible or min 1-hr resist.	
S4	Gutters & downspouts: non combustibile material	
S5	Exterior walls: - noncombustible or min 1-hr resist.	
S6	Under floor & deck: enclosed to grnd - noncombustible or min 1-hr resist.	
S7	Attic + vents covered w/corrosion-resistant mesh not to exceed 1/4"	
S8	Automatic fire sprklr installed per National + Fire Depts Standards	
S9	Roof skylights shall be tempered or have multi-layered glazing	
G1	Exterior windows should be tempered glass.	
G2	Minimize windows on side of house exposed to an approaching fire	
G3	Design roof eaves with minimal overhang for heat & flames	
E	Building Height	
S1	Max height for hillside areas is 25 ft	
S2	Max overall height <35 ft.; <28 ft. if visible from viewing platform	
S3	Ridgeline & visible homes shall not exceed 18 feet above grade	
S4	Main level FF, excluding cellar, < 4 ft above existing grade	
S5	Three story elevations are prohibited	

Town of Los Gatos

Hillside Development Standards & Guidelines: Compliance Checklist

Address: _____

Section	Standards & Guidelines	Compliance
F	Minimize building bulk & Mass	
S1	Minimize bulk, mass & volume, from distance or surrounding properties	
S2	Design to conform to natural topography of site & run w/contours.	
G1.a	Keep building forms simple	
G1.b	Avoid architectural styles that are viewed as massive & bulky	
G1.c	Minimize square footage	
G1.d	Minimize volume; avoid large volume buildings	
G1.e	Avoid overhanging decks, staircases, & patios formed by retaining walls	
G1.f	Step the building foundation & roofs with natural slope	
G1.g	Use horizontal & vertical building components to reduce bulk.	
G1.h	Create light & shadow w/ modest overhangs, projections,alcoves,offsets	
G1.i	Vary elevations, stepping back second stories to conform with topo	
G1.j	Use below grade rooms. Use landscape & grading to reduce bulk	
G1.l	Use vaulted ceilings rather than high walls + attics to achieve 'volume'	
G	Roofs	
S1	Small [roofs, lines, components] to reflect irregular natural features	
S2	Slope of main roof to be oriented w/direction of natural terrain	
G1	large gable ends on downhill elevations should be avoided	
H	Architectural elements	
S1	Enclose w/ walls: ext struct. supports, under flrs & decks	
S2	Skylights to reduce night glare. No glazing on large dome-style	
S3	Arch detailing on all sides.	
G1	Minimize large windows & glass doors to prevent glare	
G2	Avoid massive, tall elements, 2-story entry, turrets, large chimneys	
I	Materials & Color	
S1	Minimize contrast between manmade buildings and environment	
S2	Exterior colors not to exceed reflectivity of 30 & blend w/vegetation	
S3	Variety of dark earthtone roofs that blend w/the environment	
S4	Should use copper on exposed metal surfaces or a paintable surface	
S5	Contrasting color accents kept to a minimum	
G1	Mat, textures, details used to mitigate visual impact of large wall areas	

Town of Los Gatos

Hillside Development Standards & Guidelines: Compliance Checklist

Address: _____

Section	Standards & Guidelines	Compliance
V. Site Elements		
A Fences and Walls		
S1	Min use of walls & fences. Maintain open views, rural + natural char.	
S2	Fences & walls shall not exceed 6' in height	
S3	Solid fencing mat shall not be used unless needed for privacy	
S4	Deer fence max of 8' & limited to ornamental landscaping.	
S5	Fences not to impede movement of wildlife	
S6	Temp construction fencing limited to building envelope	
G1	Wood rail-type fences and gates preferred	
G2	Chain link fences strongly discouraged	
G3	Chain link dark color, vinyl & supported with wood frame	
G4	Open fencing located within 20 ft of property line adjacent to street	
G5	Fences should follow topography	
B Driveway Entries		
S1	Blend w/ natural environment & maintain rural character of hillside	
S2	Entry gate set back from edge of street 25'	
S3	Direct lighting at entries downwards & not visible from street	
S4	Display street address to be visible from street at driveway	
S5	SCC Fire Dept to approve electronic or locking entry gates	
G1	Entryway gates and fencing should be an open design	
G2	Monumental entry gates are strongly discouraged	
C Retaining Walls		
S1	Use to substantially reduce amount of grading	
S2	Use natural stone, stained concrete, or tex surface if visible from street	
S3	Retaining walls & planters setback; or buffer of 5' adjacent to street	
S4	RW blend w/natural topo, not run in straight direction >50'	
S5	Landscape adjacent to RW with native trees + shrubs to screen wall	
S6	RW constructed of permanent materials (stone, concrete, etc) not wood	
D Outdoor Lighting		
S1	Outdoor lighting conform w/Town Zoning Ordinance	
S2	Not visible/glare to neighbors, low level, directed downward	
S3	Unshaded or non-recessed spotlights are prohibited	
S4	Decorative only lighting prohibited. No uplighting of trees	
S5	Lighting for sports courts prohibited	
G1	Use of energy-efficient lighting is encouraged	
G2	Outdoor lights above 4' should use cutoff fixtures	

Town of Los Gatos

Hillside Development Standards & Guidelines: Compliance Checklist

Address: _____

Section	Standards & Guidelines	Compliance
E	Accessory building, pools and sports courts	
S1	Accessory building have the same setbacks as main building	
S2	Acc. buildings integrated w/topo + use similar forms, colors,materials	
S3	No sports courts or pools on slopes greater than 30 percent	
S4	New caretaker units allowed when in compliance with the following:	
S4.a	Necessary/desirable to provide maint. or services to property/facilities	
S4.b	The lot is large enough to support second living structure	
S4.c	Maximum floor area for caretaker unit - 900 sq ft	
S4.d	Architecturally compatible w/main structure	
S4.e	Lot is not part of a Planned Development	
G	None	
F	Impervious Surfaces	
S	None	
G1	Minimize impervious. Use pavers, natural stone in sand, decomp. granite	
G2	Run off directed away from native trees and shrubs	
VII	Landscape Design	
A	Landscape design concepts	
S1	Maintain natural appearance of hillsides	
S2	Design for fire safety. Min vertical clear 13.5' over acc. roads & drive	
S3	No formal landscaping. Use native species indigenous to immediate area	
S4	Formal gardens + turf areas limited to areas adjacent to house	
S5	Irrigation design to conserve & protect existing native vegetation	
S6	Plant selection: water conservation, fire resistant & erosion control	
S7	Plants > 30' from primary house indigenous for immediate natural habitat	
G1	Arrange in random, informal groupings. Blend with natural hillside	
G2	Use to control exposure to sun and winds	
G3	Use to control erosion, screen building, privacy, create shade	
G4	Minimize use of impervious surfaces - use decomp granite, pavers in sand	
G5	Avoid landscaping adjacent to street, driveway entrance, trails	
G6	Plant trees & flammable vegetation 30' away from home	

Town of Los Gatos

Hillside Development Standards & Guidelines: Compliance Checklist

Address: _____

Section	Standards & Guidelines	Compliance
B	Plant Material	
	S1 Select native species that are adapted to climate & soil char. of site	
	S2 Ornamental landscaping no more than 30' from residence. Discouraged	
	S3 No spreading plant that will change the character of the hillside	
	S4 Turf grass & high water using plants are prohibited	
	G1 Drought tolerant, water conserving, fire resistant, erosion control	
	G2 Adaptable to climate & soil conditions of site	
	G3 Trees & shrubs should be selected from Town's list	
	G4 Plants adjacent to street & visible from public areas - Use Town's list	
	G5 Native shrubs for large slope plantings	
D	Tree Preservation	
	S1 Existing trees shall be preserved & protected	
	S2 When trees may be impacted by development, include tree info on plans	
	S3 Visual impact of tree removal shall be submitted with plans	
	S4 Pruning to be consistent w/ Best Management Practices	
	G1 No grading/constructing within drip line of an existing tree	
	G2 Limit pruning of existing trees	
	G3 Minimal pruning permitted for construction clearance	
	G4 Can remove branches up to 3" in dia for emergency situation	
VIII Subdivision and Planned Development Projects		
A	Purpose and intent: to reduce hillside impacts.	
B	Applicability of standards: PD applications in hillside areas	
C	Least restrictive development areas (LRDA)	
	S1 Preserve open space and significant natural features. Develop in LRDA	
	S2 LRDA = below ridge view; outside riparian areas; slope < 30%; min impact.	
	S3 Map LRDA (Sub-areas 2-9). Development outside LRDA is a last resort.	
	S4 Sub-area 1: LRDA is identified in Blossom Hill open space study.	
D	Exceptions to development within LRDA	
	1 Compliance w/ HDSG, Hillside Specific Plan, General Plan	
	2 Minimal grading, tree removal, landscape changes & more advantageous.	
	3 Development inside LRDA needs driveway outside LRDA	
	4 Project Visibility from viewing platform < if inside LRDA	
E	Development standards and guidelines	
1	Site Preparation	
	S1.a Min grading. Visually blend with adjacent natural areas	
	S1.b Elevation plans to show existing natural grade and proposed grade	
	S1.c Avoid sharp cuts & fills, long linear slopes that have a uniform grade	

Town of Los Gatos

Hillside Development Standards & Guidelines: Compliance Checklist

Address: _____

Section	Standards & Guidelines	Compliance
	G1 Avoid grading in areas where slope is greater than 25 percent	
	G2 Avoid pad & terrace grading.	
2	Drainage	
	S2.a Upslope development shall not negatively impact downslope drainage	
	S2.b Natural drainage course shall be preserved	
	G1.a Terrace drains, use landform slope. Down drains-least consp location	
	G1.b Native rock for drainage channels & brow ditches	
3	Lot configuration and building locations	
	S1 Layout/plan to adapt to existing topo	
	S2 Offer a variety of lot sizes & shapes influenced by topo	
	S3 Preserve open space, protect natural features, reduce repetitive designs	
	S4 Indicate Building footprint on grading plan & staked on site	
	S5 Mfct'd slopes located on uphill side of bldgs; hide slope behind bldg	
	G1 Preserve environmentally sensitive areas, natural features, open space	
4	Street layout and driveways	
	S1 Street & drainage shall reflect rural character, natural features	
	G1 Streets, drives, parking, emerg. veh. access be aligned to existing grades	
	G2 Joint driveways will have street addresses for all resid. Using driveway	
	G3 DW approach located to max on-street parking	
	G4 Limit road lighting to intersections, curves, dead ends, multi-use parking	
	G5 Road & driveway graded banks-plant with grasses & native trees & shrubs	
5	Trails	
	S1 Plans must be reviewed w/Trails section of Town & SC Cty General Plans	
	G1 Trail easement dedication & construction shall be a condition of approval	
	G2 Design trails for multiple use	
	G3 Form CC&R's or maint. Districts so trail expense will be borne by HO's	
	G4 Locate away from existing residential areas	
	G5 Cross -country type trails should be developed	
	G6 Place trails in dedicated open space + through trees and scenic areas	
	G7.a Limit trail use to pedestrian, bicycle, and equestrian use only	
	G7.b Prevent use by all motorized vehicles	
	G7.c Protect the natural environments	
	G7.d Promote safe recreational use	
	G7.e Determine appropriate width	
	G7.f Establish policies regarding fencing location & type	
	G7.g Incorporate erosion control measures	



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM NO: 13

DESK ITEM

DATE: December 7, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider an Appeal of a Planning Commission Decision Approving a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. Located at 17200 Los Robles Way. Subdivision Application M-20-012. APNS 532-36-075, -076, -077. Property Owners: Daran Goodsell, Trustree and Mark Von Kaenel. Applicant: Tony Jeans. Appellant: Alison and David Steer. Project Planner: Ryan Safty.

REMARKS:

Attachment 20 includes the applicant's response to the additional information from the appellant (Attachment 19) received on December 6, 2021.

ATTACHMENTS:

Previously received with the November 2, 2021 Staff Report:

1. September 8, 2021 Planning Commission Staff Report, with Exhibits 1-14
2. September 8, 2021 Planning Commission Verbatim Minutes
3. Appeal of the Planning Commission Decision, received September 20, 2021
4. Applicant's Response to Appeal, received October 8, 2021
5. Additional Information from the Appellant, received October 21, 2021
6. Draft Resolution to Deny Appeal and Approve Project, with Exhibits A and B
7. Draft Resolution to Grant Appeal and Remand Project to Planning Commission
8. Draft Resolution to Grant Appeal and Deny Project
9. Public Comments received between 11:01 a.m., September 8, 2021 and 11:00 a.m., October 28, 2021
10. Applicant's Response to Public Comments received between 11:01 a.m., September 8, 2021 and 11:00 a.m., October 28, 2021

PREPARED BY: Ryan Safty
Associate Planner

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

PAGE 2 OF 2

SUBJECT: 17200 Los Robles Way/M-20-012

DATE: December 7, 2021

Previously received with the November 2, 2021 Addendum Report:

11. Additional Information from the Appellant, received November 1, 2021

Previously received with the November 2, 2021 Desk Item Report:

12. Applicant's Presentation from the September 8, 2021 Planning Commission hearing

13. Additional Information from the Appellant, received November 2, 2021

14. Appellant's Presentation for the November 2, 2021 Town Council hearing

Previously received with the December 6, 2021 Staff Report:

15. Additional Information from the Appellant, received November 12, 2021

16. Applicant's Response to Appellant's letter, received November 17, 2021

17. Applicant's Historical Summary of the property, received November 17, 2021

18. Applicant's Response to Town Council Questions, received November 19, 2021

Previously received with the Addendum:

19. Additional Information from the Appellant, received December 6, 2021

Received with this Desk Item:

20. Applicant's Response to Additional Information from the Appellant, received between 11:01 a.m., December 6, 2021 and 11:00 a.m., December 7

Town of Los Gatos
110 E Main St,
Los Gatos CA 95030
Attn: Town Council

December 6th, 2021

17200 Los Robles Way, Los Gatos
Rebuttal Appellant Email: 12/6/21

Council-members:

I am writing this letter to respond to the Appellant's last minute email.

The primary focus would appear to be that it would not be possible to build a street termination at Los Robles Way sufficient to satisfy Parcel 2, if Parcel 2 were the Parcels to remain in their existing configuration.

Firstly – that is not what is in question here as the LLA will reconfigure the 3 legal lots. Secondly – it would be possible to do so, if that were what was planned. But it is not. Thirdly – Hillside Guidelines do not apply in their entirety for this project. But for those that would apply, we have shown conceptual house locations that obey them.

The owners have the right to request the LLA and we have shown that this improves compliance with the Town Zoning rules, adheres to the 2020 General Plan and abides by the Subdivision Map Act.

Furthermore, during the course of this review process, this project and its earlier iterations have undergone 4 independent reviews by SCCFD as the application went through Certificate of Compliance review and approval, Tech Review and finally Tech Review. I have attached these for completeness, but each review iteration has been APPROVED by the Fire Marshal.

I hope that this helps in your understanding of the matter.

Tony Jeans



SANTA CLARA COUNTY FIRE DEPARTMENT

14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN REVIEW No. **20 4161**

BLDG PERMIT No. _____

DEVELOPMENTAL REVIEW COMMENTS

Plans and Scope of Review:

This project shall comply with the following:

The California Fire (CFC) & Building (CBC) Code, 2019 edition, as adopted by the Town of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

The scope of this project includes the following:

Proposed Lot Line Adjustment, splitting one lot into three.

Plan Status:

Plans are **APPROVED as submitted**. Further review will be required upon development of each parcel. Please also note that the driveway for Parcel 1 will be required to meet the current SCCFD D -1 Standard at the time that the existing residence is rebuilt.

Plan Review Comments:

1. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
2. The fire department has no comments or conditions. The plans are approved as submitted.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].

City	PLANS	SPECS NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Town Of Los Gatos	12/07/2020	1 OF 1
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM		
			Residential Development				Lot Line Adjustment		
NAME OF PROJECT						LOCATION			
SFR						17200 Los Robles Way Los Gatos			
TABULAR FIRE FLOW					REDUCTION FOR FIRE SPRINKLERS		REQUIRED FIRE FLOW @ 20 PSI		BY
					<div></div>				Baker, Kathy



SANTA CLARA COUNTY FIRE DEPARTMENT

14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN
REVIEW No. 21 0113

BLDG
PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

Plans and Scope of Review:

This project shall comply with the following:

The California Fire (CFC) & Building (CBC) Code, 2019 edition, as adopted by the Town of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

The scope of this project includes the following:

Proposed Lot Line Adjustment, splitting one lot into three.

Plan Status:

Plans are **APPROVED as submitted**. Further review will be required upon development of each parcel. Please also note that the driveway for Parcel 1 will be required to meet the current SCCFD D-1 Standard at the time that the existing residence is rebuilt.

Plan Review Comments:

1. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
2. The fire department has no comments or conditions. The plans are approved as submitted.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lot line		Town Of Los Gatos	01/26/2021	1 OF 1
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
			Residential Development				LOT LINE ADJUSTMENT			
NAME OF PROJECT						LOCATION				
SFR						17200 Los Robles Way Los Gatos				
TABULAR FIRE FLOW						REDUCTION FOR FIRE SPRINKLERS	REQUIRED FIRE FLOW @ 20 PSI		BY	
									Flanagan, Caleb	



SANTA CLARA COUNTY FIRE DEPARTMENT

14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN REVIEW No. **21 0848**

BLDG PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

Plans and Scope of Review:

This project shall comply with the following:

The California Fire (CFC) & Building (CBC) Code, 2019 edition, as adopted by the Town of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

The scope of this project includes the following:

Proposed Lot Line Adjustment, splitting one lot into three.

Plan Status:

Plans are **APPROVED as submitted**. Further review will be required upon development of each parcel. Please also note that the driveway for Parcel 1 will be required to meet the current SCCFD D-1 Standard at the time that the existing residence is rebuilt.

Plan Review Comments:

1. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
2. The fire department has no comments or conditions. The plans are approved as submitted.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Town Of Los Gatos	03/09/2021	1 OF 1
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
			Residential Development				Lot Line Adjustment			
NAME OF PROJECT						LOCATION				
SFR						17200 Los Robles Way Los Gatos				
TABULAR FIRE FLOW						REDUCTION FOR FIRE SPRINKLERS		REQUIRED FIRE FLOW @ 20 PSI		BY
						<div></div>				Ip, Kenny



SANTA CLARA COUNTY FIRE DEPARTMENT

14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN
REVIEW No. 21 1625

BLDG
PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

Plans and Scope of Review:

This project shall comply with the following:

The California Fire (CFC) & Building (CBC) Code, 2019 edition, as adopted by the Town of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

The scope of this project includes the following:

Proposed Lot Line Adjustment, splitting one lot into three.

Plan Status:

Plans are **APPROVED as submitted**. Further review will be required upon development of each parcel. Please also note that the driveway for Parcel 1 will be required to meet the current SCCFD D-1 Standard at the time that the existing residence is rebuilt.

Plan Review Comments:

1. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
2. The fire department has no comments or conditions. The plans are approved as submitted.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Town Of Los Gatos	04/14/2021	1 OF 1
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
			Residential Development				Lot Line Adjustment			
NAME OF PROJECT						LOCATION				
SFR						17200 Los Robles Way Los Gatos				
TABULAR FIRE FLOW				REDUCTION FOR FIRE SPRINKLERS		REQUIRED FIRE FLOW @ 20 PSI		BY		
				<div></div>				Ip, Kenny		

***This Page
Intentionally
Left Blank***