



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
APRIL 07, 2020
110 EAST MAIN STREET
LOS GATOS, CA**

*Marcia Jensen, Mayor
Barbara Spector, Vice Mayor
Rob Rennie, Council Member
Marico Sayoc, Council Member
Vacant, Council Member*

PARTICIPATION IN THE PUBLIC PROCESS

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

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

Deadlines for Public Comment and Presentations are as follows:

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

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

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

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
APRIL 07, 2020
7:00 PM**

IMPORTANT NOTICE REGARDING APRIL 7, 2020 COUNCIL MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29- 20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at <https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0>. In accordance with Executive Order N-29- 20, the public may only view the meeting on television and/or online and not in the Council Chamber.

Submission of Public Comments: For those wishing to make public comments at the Council meeting, please submit your comments by email to be read aloud at the meeting using a time limit set by the Mayor consistent with Council Policy. Email comments must be submitted to the Town Clerk at PublicComment@losgatosca.gov. Email comments on matters not on the agenda (Verbal Communications) must be submitted prior to the time the Mayor calls the item for Verbal Communications. Email comments on agenda items must be submitted prior to the time the Mayor announces the beginning of the agenda item. All email comments shall be subject to the same rules as would otherwise govern speaker comments at the Council meeting. Electronic comments may only be submitted via email and comments via text and social media (Facebook, Twitter, etc.) are not accepted.

Reading of Public Comments: All email comments shall be read into the record, provided that the reading shall not exceed three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting. The email comments submitted shall become part of the record of the Council meeting.

REMOTE LOCATION PARTICIPANTS

VICE MAYOR BARBARA SPECTOR, COUNCIL MEMBER ROB RENNIE, COUNCIL MEMBER MARICO SAYOC

All votes during the teleconferencing session will be conducted by roll call vote.

MEETING CALLED TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

COUNCIL / MANAGER MATTERS

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

1. Approve Council Meeting Minutes of March 17, 2020.
2. Approve Special Meeting Minutes of March 24, 2020.
3. Approve Closed Session Meeting Minutes of March 24, 2020.
4. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion Accepting the Completed Work of SummerHill Prospect Avenue, LLC, for Improvements in the Public Right-of-Way for 100 Prospect Avenue and Authorize Recording by the Town Clerk.
5. Authorize the Following Actions for the Retaining Wall Repair Project (19-815-9930):
 - a. Approve the Plans and Specifications;
 - b. Authorize the Town Manager to Advertise the Project for Bid;
 - c. Authorize the Town Manager to Award and Execute a Construction Agreement in an Amount not to Exceed \$201,300, Including Contingencies and Change Orders; and
 - d. Authorize Staff to Execute Future Change Orders in an Amount not to Exceed Ten Percent of the Contract Award Amount.
6. Winchester Boulevard Class IV Protected Bike Lanes
 - a. Accept a Transportation Fund for Clean Air Grant in the Amount of \$293,900 from the Bay Area Air Quality Management District for the Winchester Boulevard Class IV Protected Bike Lane Project; and
 - b. Authorize the Town Manager to Negotiate and Execute All Grant Agreements with the Bay Area Air Quality Management District.
7. Transportation Fund for Clean Air (TFCA) Grants for the School Bus Pilot Program and East Main Street Raised Crosswalk/Speed Table Project
 - a. Accept a Transportation Fund for Clean Air (TFCA) grant in the amount of \$174,000 from the Santa Clara Valley Transportation Authority (VTA) for the School Bus Pilot Program;
 - b. Accept a TFCA grant in the amount of \$86,200 from the VTA for the East Main Street Raised Crosswalk/Speed Table project;
 - c. Authorize the Town Manager to negotiate and execute all grant agreements with VTA (Attachment 1); and
 - d. Authorize a revenue budget adjustment in the amount of \$87,000 in the Fiscal Year 2019/20 Capital Improvement Program (CIP) Budget for the School Bus Pilot Program to recognize receipt of grant funds. The second year of the grant proceed will be incorporated in the FY 2020/21 capital project budget.
8. Direct the Town Manager to implement a temporary public parklet on a portion of Grays Lane to promote community vitality and continue to gather information on possible options for the future downtown streetscape improvements.
9. Fee and Fine Schedules for Fiscal Year 2020/21
 - a. Adopt a resolution approving the Comprehensive Fee Schedule for FY 2020/21 to continue certain department fees, rates, and charges, and amending certain fees, rates, and charges for FY 2020/21.
 - b. Adopt a resolution approving the Comprehensive Fine Schedule for FY 2020/21 to continue certain department fines.

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

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

10. Authorize the Town Manager to Amend Existing Human Services Grant Agreements with West Valley Community Services, Counseling and Support Services for Youth, Next Door Solutions, and Live Oak Senior Nutrition to Donate an Additional \$10,000 to Each Organization, for a Total of \$40,000, to assist Town Residents with Needed Services Due to COVID-19 and Related Public Health Orders.

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.)*

11. Introduce an Ordinance, by Title Only, Effecting Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Family Daycare Home Regulations. Town Code Amendment Application A-20-002. Applicant: Town of Los Gatos.
12. Introduce an Ordinance, by Title only, Effecting Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Accessory Dwelling Units, Town Wide. Town Code Amendment Application A-20-001. Applicant: Town of Los Gatos.

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

13. Approve a Preferred Land Use Alternative Framework for the General Plan Update.

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

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

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 1

**DRAFT
Minutes of the Town Council Meeting
March 17, 2020**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Tuesday, March 17, 2020, at 7:00 p.m.

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

ROLL CALL

Present: Mayor Marcia Jensen, Vice Mayor Barbara Spector (Remote Participant), Council Member Rob Rennie (Remote Participant), Council Member Marico Sayoc (Remote Participant).
Absent: None

PLEDGE OF ALLEGIANCE

Mayor Jensen led the Pledge of Allegiance. The audience was invited to participate.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Rennie stated he attended the Local Government Commission Yosemite Policy Maker's Conference.
- Vice Mayor Spector stated she attended the General Plan Advisory Committee (GPAC) and the West Valley Sanitation District (WVSD) Board of Directors meetings.

Manager Matters

- Announced the closure of Town offices beginning Tuesday March 17, 2020 extending through the Santa Clara County Health Department Order of April 7, 2020.
- Announced the closure of the Library since Saturday, March 14, 2020.
- Announced the availability of limited Town services and advised the public to visit the Town's website for further information.
- Announced the partial activation of the Town's Emergency Services Center.

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

1. Approve Council Meeting Minutes of March 3, 2020.
2. Annual Progress Report for General Plan and Housing Element Implementation.
3. Authorize the Town Manager to Execute an Agreement for Consultant Services with Ruggeri-Jenson-Azar for Professional Design Services for the Guardrail Replacement Project 18-812-0120 in an Amount Not to Exceed \$130,000

4. Authorize the Following Actions for The Creek Trail, Park Pathway, and Parking Lot Seal Coat and Striping Project (18-831-4609):
 - a. Approve the Plans and Specifications;
 - b. Authorize the Town Manager to Advertise the Project for Bid;
 - c. Authorize the Town Manager to Award and Execute a Construction Agreement in an Amount not no Exceed \$212,000, Including Contingencies and Change Orders;
 - d. Authorize Staff to Execute Future Change Orders in an Amount not to Exceed Ten Percent of the Contract Award Amount.
5. Authorize the Town Manager to execute a first amendment to the agreement for financial auditing services with Badawi and Associates to extend the contract for two years for a total contract amount not to exceed \$167,985.
6. Adopt a Resolution Ratifying the Director of Emergency Services' Proclamation on March 12, 2020 of the Existence of a Local Emergency Resulting from Community Spread of the Coronavirus, also Known as COVID-19 in the County of Santa Clara. **RESOLUTION 2020-008**
7. *Introduce an Ordinance, by Title Only, Effecting Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Family Daycare Home Regulations. Town Code Amendment Application A-20-002. Applicant: Town of Los Gatos. **(continued to April 7, 2020)**
8. *Introduce an Ordinance, by Title only, Effecting Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Accessory Dwelling Units, Town Wide. Town Code Amendment Application A-20-001. Applicant: Town of Los Gatos. **(continued to April 7, 2020)**
9. *Approve a Preferred Land Use Alternative Framework for the General Plan Update. **(continued to April 7, 2020)**
10. *Fee and Fine Schedules for Fiscal Year 2020/21 **(continued to April 7, 2020)**
 - a. Adopt a resolution approving the Comprehensive Fee Schedule for FY 2020/21 to continue certain department fees, rates, and charges, and amending certain fees, rates, and charges for FY 2020/21.
 - b. Adopt a resolution approving the Comprehensive Fine Schedule for FY 2020/21 to continue certain department fines.

MOTION: Motion by Council Member Sayoc to approve the Consent Items. Seconded by Council Member Rennie.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Jeffrey Siegal

- Commented on wildfire safety and began to read an open letter to the Town Council regarding wildfire safety and the preservation of Los Gatos homes in Glenridge Park.

Verbal Communications – continued

Paul Fulton

- Commented on the Mills Act and wildfire prevention by continuing to read the open letter to the Town Council.

MaryPat Power

- Commented on the Mills Act and wildfire safety by continuing to read the open letter to the Town Council.

Cristin Reichmuth

- Commented on wildfire safety by continuing to read the open letter to the Town Council.

Eddie Morris

- Commented on Mills Act by finishing the reading of the open letter to the Town Council.

ADJOURNMENT

The meeting adjourned at 7:28 p.m.

Submitted by:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 2

**DRAFT
Minutes of the Town Council Special Meeting - Closed Session
March 24, 2020**

The Town Council of the Town of Los Gatos conducted a Special Meeting via Teleconference, due to COVID-19 Shelter in Place guidelines, on Tuesday, March 24, 2020, to hold a Closed Session at 6:00 p.m.

MEETING CALLED TO ORDER AT 6:07 P.M.

ROLL CALL

Present (all participating remotely): Mayor Marcia Jensen, Vice Mayor Barbara Spector, Council Member Rob Rennie, Council Member Marico Sayoc.

Absent: None

VERBAL COMMUNICATIONS

None.

THE TOWN WILL MOVE TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)
To meet with Town Negotiators listed below in closed session pursuant to Government Code §54957.6 regarding negotiations with the Employee Organizations listed below:

Town Negotiators:

Donna Williams, Liebert Cassidy Whitmore
Arn Andrews, Assistant Town Manager
Lisa Velasco, Human Resources Director

Employee Organizations:

American Federation of State, County and Municipal Employees (AFSCME)
Town Employees Association (TEA)
Police Officers' Association (POA)

ADJOURNMENT

Closed Session adjourned at 6:58 p.m.

Attest:

Submitted by:

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SUBJECT: Draft Minutes of the Town Council Special Meeting of

DATE: i.e. March 17, 2016

Shelley Neis, Town Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 3

**DRAFT
Minutes of the Town Council Special Meeting
March 24, 2020**

The Town Council of the Town of Los Gatos conducted a Special Meeting via Teleconference, due to COVID-19 Shelter in Place guidelines, on Tuesday, March 24, 2020, at 7:00 p.m.

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

ROLL CALL

Present: Mayor Marcia Jensen, Vice Mayor Barbara Spector (remote participant), Council Member Rob Rennie (remote participant), Council Member Marico Sayoc (remote participant).
Absent: None

PUBLIC HEARING

1. Adopt an Interim Urgency Ordinance Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential Tenants where the Failure to Pay Rent Results from Income Loss Resulting from the Novel Coronavirus (COVID-19) and Suspending All Deadlines Related to Land Use Entitlements. **ORDINANCE 2305**

Robert Schultz, Town Attorney, presented the staff report.

Council discussed the matter.

Mayor Jensen stated public comment that was received was included in the Desk Item as Attachment 2.

MOTION: Motion by Council Member Sayoc to adopt an urgency ordinance enacting a temporary moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from the Novel Coronavirus (COVID-19) and suspending all deadlines related to land use entitlements, with the deletion of the second sentence in Section 12 of the draft ordinance. **Seconded by Vice Mayor Spector.**

VOTE: Motion passed unanimously.

The Town Clerk read the title of the report.

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Town Council Special Meeting of March 24, 2020

DATE: March 24, 2020

CLOSED SESSION REPORT

Robert Schultz, Town Attorney, stated Council met in Closed Session as duly noted on the agenda and there is no report.

MANAGER MATTERS

Town Manager Prevetti provided an update on availability of Town services and that the Town's website has a direct link to information on COVID-19.

MEETING ADJOURNED

Meeting adjourned at 7:14 p.m.

Respectfully submitted:

Shelley Neis, Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 4

DATE: April 1, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion Accepting the Completed Work of SummerHill Prospect Avenue, LLC, for Improvements in the Public Right-of-Way for 100 Prospect Avenue and Authorize Recording by the Town Clerk

RECOMMENDATION:

Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion (Attachment 1) accepting the completed work of SummerHill Prospect Avenue, LLC, for improvements in the public right-of-way for 100 Prospect Avenue and authorize recording by the Town Clerk.

BACKGROUND:

On March 24, 2014, the Town Council certified the Environmental Impact Report, adopted the Mitigation Monitoring and Reporting Plan, and adopted a Resolution to approve Subdivision Application M-13-003, subdividing the 10.3-acre property into 17 lots. The adopted ordinance also allowed for the construction of the improvements as outlined in the Planned Development.

On January 20, 2015, the Town Council approved the Final Map for Tract No. 10275 – 100 Prospect Avenue, accepting the dedications and authorized the Town Manager to execute the Subdivision Improvement Agreement for the construction of public improvements.

Subsequent to approval of said Map, in March 2015, SummerHill Prospect Avenue, LLC, entered into a Subdivision Improvement Agreement with the Town, provided the three required bonds (Faithful Performance Bond, Labor and Materials Bond, and Monumentation Bond) to guarantee the construction of all improvements, and paid the appropriate fees to fully comply with the previously imposed development conditions and Town ordinances.

PREPARED BY: Lisa Petersen
Assistant Director of Parks and Public Works/Town Engineer

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

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion Accepting the Completed Work of SummerHill Prospect Avenue, LLC, for Improvements in the Public Right-of-Way for 100 Prospect Avenue and Authorize Recording by the Town Clerk

DATE: March 20, 2020

BACKGROUND (continued):

The following public improvements were required to be completed by SummerHill Prospect Avenue, LLC:

1. Provide a full-street right-of-way width of 40 feet for the court at 100 Prospect Avenue (now referred to as Sisters Court);
2. Create a new cul-de-sac terminus at the end of Prospect Avenue;
3. Provide a curvilinear right-of-way on Prospect Avenue.

DISCUSSION:

SummerHill Prospect Avenue, LLC has satisfactorily completed all of the work for the project and staff recommends project acceptance. Five percent of the faithful performance bond will remain in effect for a period of one year as guarantee for any needed repair or replacement caused by defective materials and workmanship. The execution and recordation of the Certificate of Acceptance is now required to finalize the Town's acceptance of the project.

CONCLUSION:

Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion accepting the completed work of SummerHill Prospect Avenue, LLC, for improvements in the public right-of-way for 100 Prospect Avenue and authorize recording by the Town Clerk.

FISCAL IMPACT:

There is no fiscal impact associated with accepting these public improvements. Once accepted, these improvements become part of the Town's infrastructure which must be maintained.

ENVIRONMENTAL ASSESSMENT:

An Environmental Impact Report (EIR) was previously prepared for the project as required by the California Environmental Quality Act (CEQA). The Environmental Impact Report was certified and the Mitigation Monitoring and Reporting Program adopted by Town Council on March 24, 2014.

Attachment:

1. Certificate of Acceptance and Notice of Completion

PAGE 3 OF 3

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion Accepting the Completed Work of SummerHill Prospect Avenue, LLC, for Improvements in the Public Right-of-Way for 100 Prospect Avenue and Authorize Recording by the Town Clerk

DATE: March 20, 2020

Distribution:

Mike Keaney, SummerHill Homes – 777 South California Ave, Palo Alto, CA 94304

Derrick Csimma, SummerHill Homes – 18840 Saratoga Los Gatos Road, Los Gatos, CA 95030

Recording Requested by:

TOWN OF LOS GATOS

WHEN RECORDED MAIL TO:

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

(SPACE ABOVE BAR FOR RECORDER'S USE)

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

TYPE OF RECORDING

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION

100 PROSPECT AVENUE, LOS GATOS, CA

TO WHOM IT MAY CONCERN:

I do hereby certify that **SummerHill Prospect Avenue, LLC**, completed the work called for in the Subdivision Improvement Agreement located in the TOWN OF LOS GATOS, County of Santa Clara, State of California dated March 2015 and the public improvement requirements identified in Resolution 2014-015, dated March 24, 2014. The work was completed in February 2020, and approved and accepted **April 7, 2020**.

Bond No.: 0675270

Date: January 28, 2015

Bond No.: 0675271

Dated: January 28, 2015

TOWN OF LOS GATOS

By: _____
Laurel Prevetti, Town Manager

Acknowledgement Required

AFFIDAVIT
To Accompany Certificate of Acceptance and Notice of Completion
100 Prospect Avenue, Los Gatos, CA

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

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

LAUREL PREVETTI, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

Matt Morley
Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

Date: _____

Notary Jurat Required



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 5

DATE: April 1, 2020

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Following Actions for the Retaining Wall Repair Project (19-815-9930):

- a. Approve the Plans and Specifications;
- b. Authorize the Town Manager to Advertise the Project for Bid;
- c. Authorize the Town Manager to Award and Execute a Construction Agreement in an Amount not to Exceed \$201,300, Including Contingencies and Change Orders; and
- d. Authorize Staff to Execute Future Change Orders in an Amount not to Exceed Ten Percent of the Contract Award Amount.

RECOMMENDATION:

Authorize the following actions for the Retaining Wall Repair Project (19-815-9930):

- a. Approve the plans and specifications;
- b. Authorize the Town Manager to advertise the project for bid;
- c. Authorize the Town Manager to award and execute a construction agreement in an amount not to exceed \$201,300, including contingencies and change orders; and
- d. Authorize staff to execute future change orders in an amount not to exceed ten percent of the contract award amount.

BACKGROUND:

The adopted FY 2019/20-2023/24 Capital Improvement Program (CIP) designates funding for retaining wall repair (Project 19-815-9930). Previous retaining wall repair projects have focused on repair of walls in the Town's hillside area where these walls are typically located. This year's project will focus on another hillside area with the repair of two deteriorating wall segments near the bottom of Wooded View Drive.

PREPARED BY: Lisa Petersen
Assistant Director of Parks and Public Works/Town Engineer

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

DISCUSSION:

Retaining walls are common on hillside roadways throughout the Town. These walls were installed to stabilize roadways and the adjacent hillsides, and their upkeep is an important safety component of general road maintenance and hillside evacuation ingress/egress.

This year's Retaining Wall Repair Project will focus on two wall segments on Wooded View Drive. The lower of the two wall segments requires complete wall replacement. This wall was constructed entirely of wood and both the posts and lagging are failing. The new wall will be constructed with steel beams and pressure-treated lumber, which is typical for newly installed Town retaining walls. This wall type is cost effective with a rustic look that blends with the surrounding area. The second wall segment involves replacement of the wood lagging, while protecting and reusing the existing concrete posts.

The base bid engineer's estimate for this project is \$227,500 including a 10% contingency and project delivery costs, all within the project budget. The project plans and specifications can be viewed on the Town website at <https://www.losgatosca.gov/108/CapitalImprovementProgram>.

CONCLUSION:

Approval of the recommendations will allow this project to move forward for bidding and award.

COORDINATION:

This report has been coordinated with the Finance Department.

FISCAL IMPACT:

The Parks and Public Works Department continues to plan for and track costs associated with capital improvement projects. Where projects can be delivered within the workload of staff already budgeted in the Department's operating budget, no staff costs will be associated with the project. Where supplemental staffing is required, the costs will be attributed to the project. Staff anticipates additional assistance will be necessary with this project.

FISCAL IMPACT (continued):

| Retaining Wall Repair Project 815-9930 | | |
|---|-------------------|-------------------|
| | Budget | Costs |
| GFAR | \$ 436,436 | |
| Total Budget | \$ 436,436 | |
| | | |
| Project Construction (Including 10% Contingency) | | \$ 201,300 |
| Staff Costs (temporary staffing -13%) | | \$ 26,200 |
| Total Expenditures | | \$ 227,500 |
| | | |
| Remaining Balance | | \$ 208,936 |

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorical Exempt [Section 15301(c) Existing streets, sidewalks, trails and similar facilities]. A Notice of Exemption will be filed.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 6

DATE: April 1, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Winchester Boulevard Class IV Protected Bike Lanes
a. Accept a Transportation Fund for Clean Air Grant in the Amount of \$293,900 from the Bay Area Air Quality Management District for the Winchester Boulevard Class IV Protected Bike Lane Project; and
b. Authorize the Town Manager to Negotiate and Execute All Grant Agreements with the Bay Area Air Quality Management District

RECOMMENDATION:

Staff recommends that the Town Council:

- a. Accept a Transportation Fund for Clean Air (TFCA) grant in the amount of \$293,900 from the Bay Area Air Quality Management District (Air District) for the Winchester Boulevard Class IV Protected Bike Lanes project; and
- b. Authorize the Town Manager to negotiate and execute all grant agreements with the Air District (Attachment 1).

BACKGROUND:

Winchester Boulevard is a major arterial street parallel to Highway 17, which borders both the Town of Los Gatos and the City of Monte Sereno. The Los Gatos Bicycle and Pedestrian Master Plan (BPMP) identifies the construction of Class IV bike lanes along Winchester Boulevard as improvement projects.

At the October 1, 2019 Council meeting, the Town Council authorized the submittal of a grant application to the Air District for the Winchester Boulevard Class IV Protected Bike Lanes Project between Blossom Hill Road and Albright Way.

At the December 17, 2019 meeting, the Town Council authorized an Agreement for Consultant Services for the Winchester Boulevard Complete Streets Design and an expenditure budget

PREPARED BY: Ying Smith
Transportation and Mobility Manager

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

BACKGROUND (continued):

transfer of \$280,000 to a new project of Winchester Boulevard Complete Streets Improvements (411-813-0238). On January 29, 2020, the Air District Board of Directors approved a grant award of \$293,900 from the TFCA Regional Fund for the Winchester Boulevard Class IV Protected Bike Lanes Project. The TFCA funds will be applied to the construction phase.

DISCUSSION:

The project scope includes a significant amount of pavement work on Winchester Boulevard south of Lark Avenue. The existing Pavement Condition Index (PCI) of this section of roadway is below 50, which is in the “Poor” condition category. Similar to the Blossom Hill Road Bicycle and Pedestrian project, the pavement reconstruction will be coordinated to coincide with the construction of the new Class IV bicycle lanes.

By combining the pavement work and the construction of the Class IV bike lanes, the Town can realize cost savings and less interruption to traffic operations. The work for the combined projects will be constructed in Fiscal Year 2020/2021.

Staff is recommending tracking separate Capital Improvement Program (CIP) projects for two related projects, Winchester Boulevard Class IV Protected Bike Lanes (this project) and Winchester Boulevard Complete Streets Design, to ensure proper tracking and reporting. The Winchester Boulevard Class IV Protected Bike Lanes project can be constructed within eighteen months and will provide immediate improvements to the street. Winchester Boulevard Complete Streets Design will likely recommend treatments such as enhanced bike lanes with more expensive features, pedestrian crossings, sidewalk improvements, pedestrian refuge islands, landscaped medians, intersection modifications, and stormwater retention. These additional elements would leverage the design experiences from the earlier project. Town staff is preparing a grant application in the Measure B program for funding for final design of Complete Streets improvements and if successful, the complete streets improvements would be constructed over a longer time period.

CONCLUSION:

Authorize the Town Manager to accept the TFCA grant and execute the agreement for Winchester Boulevard Class IV Protected Bike Lanes project to facilitate it moving into the construction phase.

COORDINATION:

This project has been coordinated with Finance Department and Air District staff.

PAGE 3 OF 3

SUBJECT: Winchester Boulevard Class IV Protected Bike Lanes

DATE: April 1, 2020

FISCAL IMPACT:

If the Council approves this agenda item, the Town will receive grant revenue of \$293,900 for the construction of the project. The Winchester project is being combined with the annual street maintenance paving project due to similar work. The total budget for the annual street maintenance paving project includes final design, preparation of a bid ready document, bid service support, and construction.

ENVIRONMENTAL ASSESSMENT:

The recommended actions are not a project as defined under CEQA, and no further action is required. The construction of improvements is a project as defined under CEQA and is Categorically Exempt, Section 15064.3 (2). A Notice of Exemption was filed on September 5, 2019.

Attachment:

1. TFCA Funding Agreement between the Bay Area Air Quality Management District and Town of Los Gatos Project Number 20R11

TRANSPORTATION FUND FOR CLEAN AIR FUNDING AGREEMENT

BETWEEN

THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

AND

TOWN OF LOS GATOS

PROJECT NUMBER: 20R11

This funding agreement (“Agreement”) is made and entered into between Town of Los Gatos, hereinafter referred to as “Project Sponsor,” and the Bay Area Air Quality Management District, hereinafter referred to as the “Air District” (and hereinafter referred to jointly as the “Parties”).

**SECTION I
RECITALS**

- 1) California Health and Safety Code Sections 44223 and 44225 authorize the Air District to levy a fee on motor vehicles registered within its jurisdiction and to use those fees to implement mobile source and transportation control projects that result in surplus emission reductions.
- 2) The Air District has established a grant fund, entitled the Transportation Fund for Clean Air (“TFCA”) to implement such projects. Under the TFCA’s Regional Fund Program, the Air District may issue TFCA funds to public agencies and, for certain vehicle-based projects, to other entities for projects within the Air District’s jurisdiction (“TFCA Program”).
- 3) California Health and Safety Code Section 44241 lists the permissible types of projects, all of which must conform to the transportation control measures and mobile source measures that are included in the Air District’s air quality plan(s) adopted pursuant to California Health and Safety Code Sections 40233, 40717, and 40919 and are in effect as of the date of execution of this Agreement.
- 4) On May 1, 2019, the Air District’s Board of Directors approved funding allocations for the TFCA Program for Fiscal Year Ending (FYE) 2020, under California Health and Safety Code Section 44241, and authorized the Executive Officer/Air Pollution Control Officer (APCO) to execute Grant Agreements for eligible projects funded by the TFCA Program, with individual grant awards up to \$100,000.
- 5) On June 5, 2019, the Air District’s Board of Directors approved the *FYE 2020 TFCA Regional Fund Program Policies* (“*Program Policies*”), which sets forth requirements for projects that are eligible for funding through the TFCA Program.
- 6) On August 6, 2019, the Air District released the *Application Guidance for Vehicle Trip Reduction Program for FYE 2020*, dated November 2019 (“*Program Guidance*”), which includes the Program Policies and sets forth additional requirements for eligible trip reduction projects.
- 7) On January 29, 2020, the Air District’s Board of Directors approved an award of TFCA Program funds to the Project Sponsor to implement an eligible mobile source or transportation control project to improve air quality in the San Francisco Bay Area Air Basin based on the Program Guidance and the information provided in Project Sponsor’s application (“Project”).
- 8) The Project Sponsor affirms that the Project has not commenced, would not have otherwise commenced without TFCA Program funding, and will result in surplus emission reductions.
- 9) The Parties desire to enter into this Agreement to implement the Project in accordance with the terms and conditions of this Agreement, including all attachments thereto.

NOW, THEREFORE, pursuant to California Health and Safety Code Section 44241, the Parties hereby agree as follows:

SECTION II PROJECT SPONSOR OBLIGATIONS

- 1) The Project Sponsor hereby agrees to implement the Project, which is described in “Project Information” (Attachment A), in accordance with the costs, terms, and conditions in the “Project Budget and Payment Process” (Attachment B), and all applicable provisions of federal, state, and local law and regulations. Failure to implement the Project in accordance with the terms and conditions set forth in this Agreement and all attachments thereto shall be deemed a breach of this Agreement and may result in the Air District’s enforcement of the Agreement, termination of the Agreement, a reduction in the amount of the Project’s TFCA Funds Awarded that are specified in Attachment B, a required reimbursement from the Project Sponsor to the Air District of TFCA Funds already awarded, or other remedies sought by the Air District at its sole discretion.
- 2) The Project Sponsor shall be responsible for all Project costs necessary to complete the Project prior to submission of the Final Invoice to the Air District for reimbursement. Air District’s funding obligation under this Agreement is limited to reimbursement of Eligible Costs, as specified in Attachment B, the amount of which shall not exceed the TFCA Funds Awarded, also as specified in Attachment B. The Project Sponsor shall be solely responsible for all costs that exceed the TFCA Funds Awarded.
- 3) The Project Sponsor is responsible for assuring that all funds received under this Agreement and Matching Funds are expended only in accordance with the requirements of the TFCA Program, this Agreement, and all applicable provisions of law and regulations.
- 4) The Project Sponsor shall allow the Air District and its authorized representatives to conduct performance and fiscal audits of the Project at any time during the Term of this Agreement. The Project Sponsor shall cooperate with such audits and shall make available to the Air District all records relating to Project performance and expenses incurred in the implementation of the Project.

The Project Sponsor shall allow the Air District or its authorized representatives to inspect the Project at any time during the Project Operational Period. The Project Sponsor shall cooperate with such inspections.

- 5) The Project Sponsor shall prepare and maintain all necessary Project Records to document Project activities and performance, including invoicing documentation set forth in Section 5 of Attachment B, documentation to support the Project reporting requirements set forth in Attachment C, and insurance documentation set forth in Attachment D (all of which comprise “Project Records”). Project Records shall also include documentation that verifies compliance with the requirements set forth in Section II.8. The Project Sponsor shall keep Project Records in one central location for a period of three (3) years after the later of a) the date of the Air District’s final payment, or b) the end of the Project Operational Period.
- 6) The Project Sponsor shall submit the reports specified in Attachment C to the Air District by the due dates specified in Attachment C. These reports are public documents. At its discretion, the Air District may accept and process a late-submitted report, without thereby waiving or amending the submission deadline of any or all subsequent reports.
- 7) The Project Sponsor shall implement and operate the Project for the duration of the Project Operational Period. The Project Sponsor may not make any changes to the operational status of the Project without the prior approval of the Air District. Failure to obtain prior approval is a breach of this Agreement.

For purposes of this Agreement, a “change to the operational status” occurs whenever any portion of the Project is removed from active service other than for routine maintenance, relocated to a different location than what is specified in this Agreement (Attachment A), rendered inoperable, sold, or transferred to another entity, before full completion of the Project Operational Period.

If the Project Sponsor intends to make a change to the Project’s operational status, the Project Sponsor must seek a modification of this Agreement in advance to allow for a change pursuant to Section IV.3.

- 8) The Project Sponsor shall acknowledge, and require any third party that implements any portion of the Project (“Sub-awardee”) to also acknowledge, the Air District as a Project funding source at all times throughout the Project Operational Period as specified in Attachment A. The Project Sponsor shall use, and

require any Sub-awardee to use, the Air District's approved logo for the Project. The required documentation and materials are specified in Attachment C.

- 9) Beginning when the Project starts and throughout the Project Operational Period, the Project Sponsor shall obtain, maintain, and comply, and require any Sub-awardee to also obtain, maintain, and comply, with the insurance coverage specified in Attachment D, "Insurance Requirements," and with all insurance requirements set forth therein, including the provision of documentation of said insurance coverage.
- 10) To the extent not otherwise prohibited by law, and to the extent required by the California Public Records Act (Government Code section 6250 et seq.), the Project Sponsor shall place in the public domain any software, written document, or other product developed with TFCA Program funds as part of the Project and shall require recipients of any TFCA Program funds, if any, to do the same.
- 11) The Project Sponsor shall use TFCA Program funds only for the implementation of a project that will result in surplus motor vehicle emission reductions and clean air benefits within the Air District's jurisdiction and be responsible for demonstrating the emission reductions and benefits achieved. Surplus emission reductions are those that exceed the requirements of applicable regulations or other legal obligations (including contracts) as of the Effective Date of this Agreement.
- 12) The Project Sponsor shall comply with all TFCA Program requirements set forth in the Air District's Application Guidance for Vehicle Trip Reduction Program for FYE 2020, dated November 2019 ("Program Guidance"), which are incorporated herein and made a part hereof by this reference as if fully set forth herein.

SECTION III AIR DISTRICT OBLIGATIONS

- 1) The Air District will provide TFCA Program funds for this Project in an amount not to exceed the TFCA Funds Awarded, in accordance with the formula set forth in Attachment B. In the event that the Total Project Cost is less than the amount listed in Attachment B, the Air District shall recalculate its contribution to the Project in accordance with the provisions of Section 3 of Attachment B.
- 2) The Air District will endeavor to pay the undisputed amount of an approved invoice within thirty (30) calendar days of the date of Air District's approval of such invoice and in accordance with the Invoice and Payment Schedule set forth in Section 5 of Attachment B.
- 3) The Air District will provide timely notice to the Project Sponsor prior to conducting any audits of the Project. Also, the Air District makes reasonable efforts to conduct audits and inspections during normal business hours of the Project Sponsor.
- 4) The Air District will provide the Project Sponsor a copy of the fiscal audit of the Project as specified in California Health and Safety Code Section 44242.
- 5) The Air District will provide the Project Sponsor all applicable Air District-approved reporting and invoice forms.
- 6) The Air District will make its logo available to Project Sponsor solely for use to fulfill the Project Sponsor's obligation under Section II.8 of this Agreement.

SECTION IV GENERAL PROVISIONS

- 1) Effective Date: The effective date of this Agreement is the date the Air District Executive Officer/Air Pollution Control Officer executes this Agreement ("Effective Date").
- 2) Term: The term of this Agreement shall commence on the Effective Date of this Agreement and end three (3) years from the later of either 1) the date of the Air District's final payment, or 2) the last day of the Project Operational Period, unless this Agreement is terminated or amended as provided below, or the Term is extended pursuant to Special Conditions, Attachment A.

- 3) Amendment: This Agreement may not be modified except in writing, signed by both Parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect. Any change in Project scope shall require an Amendment under this Agreement.
- 4) Project Liaison: Within thirty (30) calendar days from the Effective Date of this Agreement, the Project Sponsor shall notify the Air District of the Project Sponsor's Project Liaison and of the Liaison's address, telephone number, and email address. The Project Liaison shall be the liaison to the Air District pertaining to implementation of this Agreement and shall be the day-to-day contact about the Project. All correspondence shall be addressed to the Project Liaison. The Project Liaison shall notify the Air District of a change of Project Liaison or of the Liaison's contact information in writing no later than thirty (30) calendar days from the date of the change.
- 5) Notices: Any notice that may be required under this Agreement shall be in writing, shall be effective when received, and shall be given by personal service, by U.S. Postal Service first class mail, or by certified mail (return receipt requested). Within thirty (30) calendar days of the Effective Date of this Agreement, the Parties shall inform the other Party of the addressee for notice. Each Party shall promptly inform the other of any changes for notice. All correspondence shall reference the Project Number.
- 6) Project Due Dates: If any Project act or task must be performed by a specific deadline or date, which day falls on a Saturday or holiday (which includes Sunday), that act or task may be performed by the next business day, except where otherwise noted in Special Conditions, Attachment A.
- 7) Breach and Termination:

- A. Voluntary. Either Party may terminate this Agreement by giving written notice to the other Party. The notice of termination shall specify the effective date of termination. The terminating party shall provide notice that is a minimum of forty-five (45) calendar days from the mailing date of the notice. However, if any payments are due to either party, this Agreement may not be terminated earlier than the date that all parties have received all payments they are due under this Agreement. In this circumstance, each party shall notify the other party of having received all payments due and the date of receipt. The notice of the termination shall be delivered as provided for in Section IV.5.

If the Project Sponsor terminates this Agreement, the Project Sponsor shall not be entitled to the full amount of the TFCA Funds Awarded. The Air District will calculate the amount of funds to which the Project Sponsor is entitled, based on the Air District's determination of what funds are Eligible Costs and the formula set forth in Attachment B, Section 3. If the Air District has paid the Project Sponsor more than the amount of funds to which the Project Sponsor is entitled, the Project Sponsor shall reimburse any funds owed to the Air District prior to the effective date of termination, which may include all or a portion of the TFCA funds that Project Sponsor has already received but is not entitled to retain.

If the Air District terminates this Agreement pursuant to this provision, any costs incurred on the Project following the effective date of termination shall be ineligible for reimbursement of TFCA funds, except costs for any work that the Air District has specified in the notice of termination that the Project Sponsor may continue to perform for the specified period of time. The Air District will reimburse Project Sponsor for all Eligible Costs that were expended prior to the date specified in the notice of termination based on the formula set forth in Attachment B.

The Agreement cannot be terminated unless all payments have been fully made.

- B. Breach. In the case of Project Sponsor's breach of this Agreement, the Air District will deliver a written notice of breach. The notice will specify the nature of the breach and will direct the Project Sponsor to cease all work immediately upon receipt of the notice, except as specifically provided for in the notice. At its discretion, the Air District may allow the Project Sponsor to cure the breach; in that instance, the notice of breach will specify the date by which such breach must be cured ("Cure Period"). As one of its remedies, the Air District may terminate this Agreement. In that event, the notice of breach will specify the date of termination, which shall be no less than thirty (30) calendar days from the date of mailing of such notice of breach.

The notice of breach will also notify the Project Sponsor that the Project Sponsor may not be entitled to the full amount of the TFCA Funds Awarded. The notice will specify the amount of the TFCA Funds Awarded; the amount of funds the Air District has paid to date, if any; and that some or all of the TFCA Funds Awarded may be subject to reimbursement to, or withholding by, the Air District. In no event shall the Agreement terminate prior to the Project Sponsor's reimbursement of any funds owed to the Air District.

- 8) Additional Provisions and Additional Acts and Documents: Each Party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents that are reasonably required to carry out the provisions, intent and purpose of this Agreement. All attachments to this Agreement are expressly incorporated herein by this reference and made a part hereof as though fully set forth.
- 9) Indemnification: The Project Sponsor shall indemnify, defend, and hold harmless, and shall require any third party who operates, controls or implements any portion of the Project to indemnify, defend, and hold harmless, the Air District, its officers, employees, agents, representatives, and successors-in-interest against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury or damages arising out of the Project Sponsor's performance of the Project or the Project Sponsor or any third party's operation, implementation or use of any portion of the Project. The Project Sponsor's obligations, including the obligation to cooperate as described herein and the obligation to have applicable third parties indemnify the Air District shall survive expiration or termination of this Agreement.
- 10) Independent Contractor: Neither the Project Sponsor nor its officers, employees, agents, or representatives shall be considered employees or agents of the Air District. This Section does not apply to elected officials serving concurrently on the governing boards of both the Project Sponsor and the Air District.
- 11) Assignment: Neither Party shall assign, sell, license, or otherwise transfer any rights or obligations under this Agreement to a third party without the prior written consent of the other Party. All of the terms, provisions and conditions of this Agreement will be binding upon and inure to the benefit of the Parties and their respective successors, assigns and legal representatives.
- 12) Waiver: No waiver of a breach, of failure of any condition, or of any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the Party waiving the breach, failure, right or remedy. No waiver of any breach, failure, right or remedy shall be deemed a waiver of any other breach, nor shall any waiver constitute a continuing waiver unless the writing so specifies. Further, the failure of a Party to enforce performance by the other Party of any term, covenant, or condition of this Agreement, and the failure of a Party to exercise any rights or remedies hereunder, shall not be deemed a waiver or relinquishment by that Party to enforce future performance of any such terms, covenants, or conditions, or to exercise any future rights or remedies.
- 13) Severability: If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them, will not be affected.
- 14) Force Majeure: Neither the Air District nor the Project Sponsor shall be liable for, or deemed to be in default for, any delay or failure in performance under this Agreement or interruption of services resulting, directly or indirectly, from acts of God, enemy or hostile governmental action, civil commotion, strikes, lockouts, labor disputes, fire or other casualty, judicial orders, governmental controls, regulations or restrictions, inability to obtain labor or materials or reasonable substitutes for labor or materials necessary for performance of the Project, or other causes, except financial, that are beyond the reasonable control of the Air District or the Project Sponsor, for a period of time equal to the period of such force majeure event, provided that the Party failing to perform notifies the other Party within fifteen (15) calendar days of discovery of the force majeure event, and provided further that that Party takes all reasonable action to mitigate the damages resulting from the failure to perform. Notwithstanding the above, if the cause of the force majeure event is due to a Party's own action or inaction, then such cause shall not excuse that Party from performance under this Agreement.

- 15) Governing Law: Any dispute that arises under or relates to this Agreement shall be governed by California law, excluding any laws that direct the application of another jurisdiction's laws. Venue for resolution of any dispute that arises under or relates to this Agreement, including mediation, shall be San Francisco, California.
- 16) Public Entities - Conflict of Interest: The Project Sponsor warrants that neither Project Sponsor nor its operators, employees, or elected officials, if any, are subject to the conflict of interest provisions of California Government Code sections 1090 et seq. or 87100 et seq. during the performance of this Agreement.
- 17) Integration: This Agreement, including all attachments hereto, represents the final, complete, and exclusive statement of the agreement between the Air District and the Project Sponsor related to the Parties' rights and obligations and subject matter described in this Agreement, and supersedes all prior and other contemporaneous understandings and agreements of the parties. No Party has been induced to enter into this Agreement by, nor is any Party relying upon, any representation or warranty outside those expressly set forth herein.
- 18) Survival of Terms: Any terms of this Agreement that by their nature extend beyond the term (or termination) of this Agreement shall remain in effect until fulfilled and shall apply to both Parties' respective successors and assigns. Such terms include the requirements set forth in Sections IV.9 and II.5.
- 19) Each of the undersigned expressly affirms that he or she is authorized to execute this Agreement on behalf of the Party whom he or she represents.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement by their duly authorized officers.

SIGNATURES:

by: _____
Jack P. Broadbent
Executive Officer/APCO
Bay Area Air Quality Management District

by: _____
Matt Morley
Parks and Public Works Director
Town of Los Gatos

Date: _____

Date: _____

Approved as to form:

Approved as to form (optional):

by: _____
Brian C. Bunger
District Counsel
Bay Area Air Quality Management District

by: _____
Legal Counsel

**ATTACHMENT A
PROJECT INFORMATION**

(Note: The section numbers shown in parentheses below refer to sections in the Agreement.)

1. **Project Number (Section IV.5):** 20R11
2. **Project Sponsor:** Town of Los Gatos
3. **Project Title:** Install 1.58 miles of Class IV bikeway in Los Gatos
4. **Project Description:** Project Sponsor shall construct and maintain the approved bicycle facility components accessible to the general public at the approved installation locations, as further described in Sections 9 and 10.
5. **Project Goal:** The goal of this Project is to reduce motor vehicle emissions and thereby improve air quality by constructing, installing, and maintaining new bicycle facilities to help commuters and residents to mode shift to cycling and walking as alternatives to driving for short and first- and last-mile trips.
6. **Project Operational Period:** Begins when the Project is made available to the public and lasts for ten (10) years.
7. **Project Schedule:**

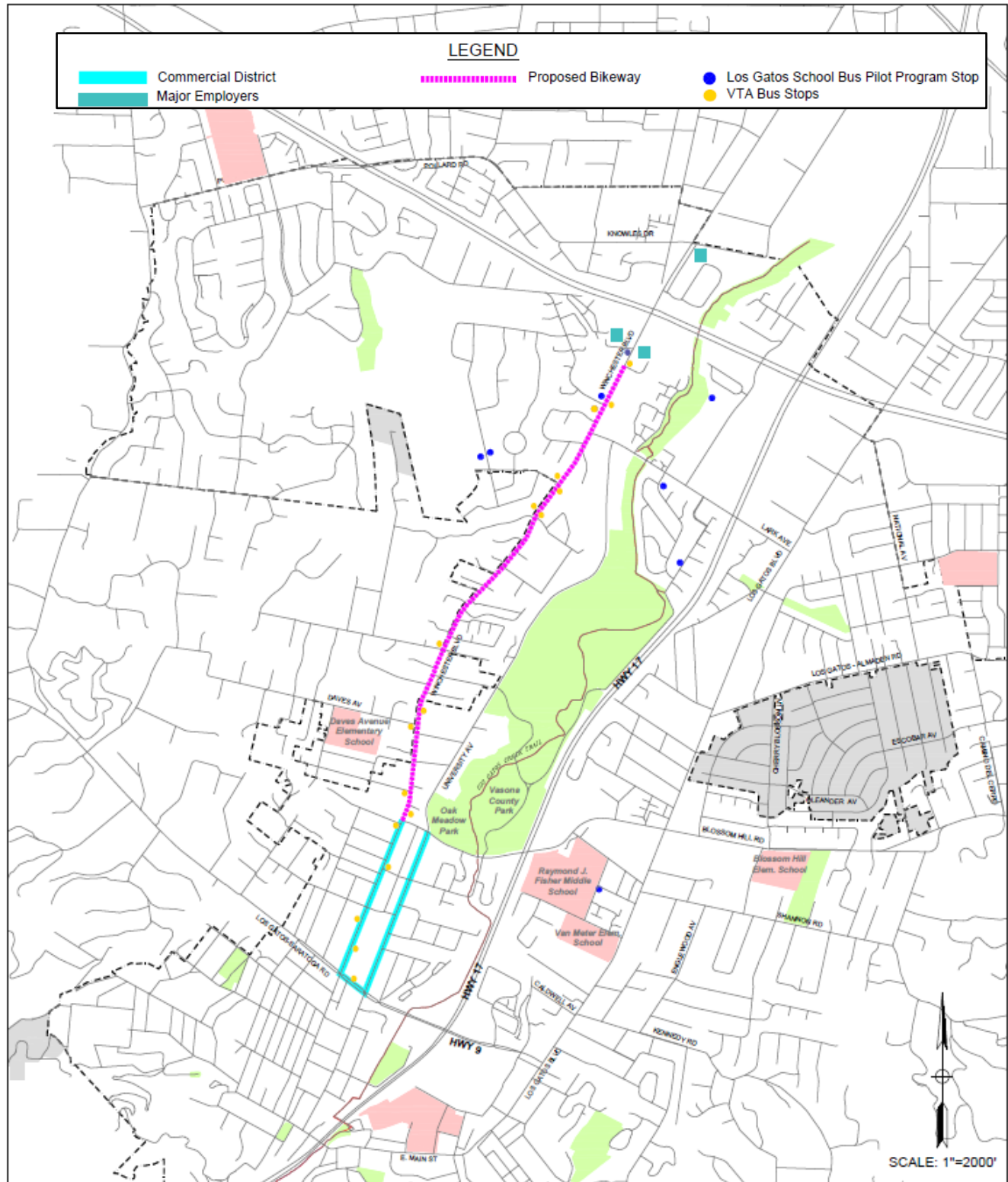
| <u>Milestone</u> | <u>Date</u> |
|---|---|
| Project commences | Effective Date of Agreement |
| All bicycle facilities are placed into service/Project Operational Period commences | By October 1, 2021 |
| Post-completion bicycle count completed | By October 1, 2022 |
| Project Operational Period ends | Ten (10) years from the date Project Operational Period commences |

8. **Special Conditions:**
 - A. Project Sponsor shall maintain all bikeways and equipment funded under this Agreement for the Project Operational Period and in accordance with the manufacturer's specifications, if applicable. Project Sponsor must ensure that all Project equipment complies with all applicable requirements of the Americans with Disabilities Act (ADA) and that service is available to all members of the public throughout the Project Operational Period and at least during the peak commute hours (5 AM-10 AM and 3 PM-7 PM on weekdays).
 - B. Project Sponsor shall ensure that any construction work is fully permitted and performed by a contractor licensed in the State of California.
 - C. [Reserved]
 - D. Project Sponsor must conduct a post-completion bicycle count (count) within the first twelve months of the Project Operational Period using the Air District-approved count form, unless the Air District notifies Project Sponsor in advance that this requirement is waived. The last day to conduct the count is listed in Section 7 of this Attachment A. Project Sponsor may propose to provide alternative data, which must be approved by the Air District, for the Air District's evaluation of air quality benefits.
 - E. Project Sponsor shall allow the Air District, and its authorized representatives, to collect and share usage information about the Project. Additionally, Project Sponsor agrees to provide information it has collected regarding usage of the Project upon request.

9. Approved Project Components

| Component ID | Facility Location | Class I or IV | Minimum Length (miles) | Maximum TFCA Funds Per Mile | Maximum TFCA Funds Awarded |
|---------------------|--|----------------------|-------------------------------|------------------------------------|-----------------------------------|
| 20R11-1 | Winchester Blvd between Blossom Hill Rd and Albright Way | IV | 1.58 | \$186,013 | \$293,900 |
| | Total | | 1.58 | | \$293,900 |

10. Maps showing routes of approved Project:



ATTACHMENT B
PROJECT BUDGET AND PAYMENT PROCESS

(Note: The section numbers shown in parentheses below refer to sections in the Agreement.)

1. **Total Project Cost (Section II.2):** The Total Project Cost is the sum of the Eligible Costs that are listed in Section 4 of Attachment B.
2. **Matching Funds (Sections II.2, 3):** The Project Sponsor is responsible for all project costs that are not covered by the TFCA Funds Awarded and at least 10% of the Total Project Cost.
3. **TFCA Funds Awarded (Sections II.2, II.11, III.1, IV.7):** A maximum of \$293,900
 - A. The Air District will determine the final TFCA Funds Awarded based on the actual eligible costs for each Project component, which will not exceed the Maximum TFCA Funds Awarded specified in Section 9 of Attachment A, or 90% of actual eligible costs, whichever is lower.
 - B. If the scope of the Project is modified, the Air District will recalculate the Maximum TFCA Funds Awarded for each approved Project component to ensure the Project meets the cost-effectiveness limits and that the percentage of Maximum TFCA Funds Awarded for Eligible Costs do not exceed 90% for each Project component. The Air District will cancel this Agreement if the TFCA Funds Awarded is reduced to below \$50,000.
 - C. If this Agreement is terminated pursuant to Section IV.7 of this Agreement, the Air District will calculate the funds to which the Project Sponsor is entitled for each Project component, which will be the lesser of the following:
 - a. 90% of the actual eligible project costs; or
 - b. The Maximum TFCA Funds Awarded, as specified in Section 9 of Attachment A, divided by the number of weekdays during the Project Operational Period specified in Section 6 in Attachment A, then multiplied by the actual number of weekdays completed during the Project Operational Period, during which the Project is in compliance with the Agreement.
4. **Eligible Costs:** Eligible Costs may only be incurred on or after the Effective Date of this Agreement and must be directly and solely related to the implementation of the Project.

For the purposes of determining eligibility of Project costs, the date for equipment costs incurred shall be the date the Project Sponsor submits a signed purchase order or other document that commits the order, and for direct labor costs incurred shall be the date such services were rendered.

Eligible Costs may include:

- A. Material that is directly related to construction of the Project (e.g., concrete, asphalt);
- B. Equipment rental that is directly related to construction of the Project (e.g., dump truck);
- C. Documented labor charges (i.e., salaries, wages, and benefits) directly and solely related to the site preparation and construction of the protected bikeway(s) (e.g. trenching, painting) at the Project location; and
- D. Permit fees directly related to the Project.

Costs that are not included in the list above are not Eligible Costs, for example:

- A. Any work conducted prior to the full execution of a funding agreement, including work that was required for the application;
- B. Feasibility and planning studies;
- C. Costs associated with non-essential (i.e., not directly related to the operations of the service) hardware/equipment or labor; and
- D. [Reserved]

- E. Costs related to grant administration (e.g., salaries, wages, benefits, supplies, equipment and other office expenses); including but not limited to the following types of expenses:
 - a. Time required to monitor and report on project status, prepare reimbursement requests and account for project and TFCA funds, maintain records, participate in audit proceedings and workgroup activities required by this grant program, and any other requirements specified in the funding agreement, and
 - b. Indirect administrative costs, including management fees and overhead (e.g., costs of utilities, office supplies, property fees/leases).
- 5. **Invoice and Payment Schedule (Section III.2):** The Project Sponsor shall submit a single invoice (Final Invoice) for reimbursement to the Air District along with the Expenditure Report as specified in Attachment C.

The Final Invoice shall be prepared on the Air District's General Invoice Form and shall include:

- A. The Project Number;
- B. The total funds being requested;
- C. An itemized list of all expenses incurred by the Project Sponsor, specifying which are Eligible Costs and the dates labor was performed;
- D. Supporting documentation of all Eligible Costs incurred, including payments made by the Project Sponsor, and other documents the Air District deems necessary. Documentation of Eligible Costs incurred may include invoices from vendors, consultants, or contractors, with an explanation of line-item costs incurred for the Project, or other types of documentation provided by the Project Sponsor. Documentation of payments made by the Project Sponsor may include copies of receipts for payments made, copies of checks issued to vendors, or other types of proof of payment made by Project Sponsor.

The Air District will not process the Final Invoice until Project Sponsor is current on all Project reporting obligations.

The Air District shall retain fifteen percent (15%) of the final TFCA Funds Awarded until the Air District receives and approves the first Operations Report and the post-completion bicycle count, as specified in Attachment C.

ATTACHMENT C
MONITORING OF PROJECT PERFORMANCE

(Note: The section numbers shown in parentheses below refer to sections in the Agreement.)

1. **Progress Reports (Section II.6):** The Project Sponsor shall submit Progress Reports to the Air District summarizing Project progress. Progress Reports shall be prepared on the Air District's Progress Report form.

Due Dates: Beginning sixty (60) calendar days after the Effective Date, every March 1 and September 1 until the start of the Project Operational Period.

The Progress Report shall include at least the following information:

- A. Project costs (as specified in Attachment A), project costs incurred to date, and project costs incurred during the applicable reporting period.
 - B. A summary of project activity during the reporting period.
 - C. Information about the implementation status of the project, including if Project is adhering to the Project Schedule as specified in Attachment A, and if delays are anticipated or have occurred, the reasons for the delays and the proposed new schedule for Project implementation.
 - D. If applicable, copies of any press releases, newsletter articles, or other public information materials regarding the Project produced during the reporting period. Include use of the Air District's logo and any other acknowledgment of the Air District as the Project funding source.
2. **Expenditure Report (Section II.6):** The Project Sponsor shall submit an Expenditure Report along with the Final Invoice to the Air District to request reimbursement. The Expenditure Report shall be prepared on the Air District's Expenditure Report form.

Due Date: By sixty (60) calendar days after the start of the Project Operational Period.

The Expenditure Report shall include at least the following information:

- A. A table that contains the applicable information for each of the Project bicycle facilities:
 - a. Activity centers or transit stops serviced by, and the distance from, the bicycle facility;
 - b. Date construction or installation completed, and bicycle facilities are placed into public service;
 - c. Length and cross section of the bikeways, and page and section numbers of Chapter 1000 of the California Highway Design Manual pertaining to the design of the Project bikeways, and two (2) or more days of pre-project bicycle count data using methodology and count forms from the National Bicycle and Pedestrian Documentation Project;
- B. Maps showing the locations of each of the installed Project bicycle facilities.
- C. Photographs with date-stamps that demonstrate that all the bicycle facilities are installed or constructed.
- D. Documentation that the Project Sponsor has acknowledged the Air District as a Project funding source, such as photographs of the funded bicycle facilities with Air District logos attached; documentation of use of the Air District's logo on promotional materials, brochures, handbooks, and maps that promote or inform the public about the Project services; and copies of press releases and newsletter articles related to the Project.
- E. A discussion of any pertinent issues or problems experienced with the Project to date.

3. **Operations Reports (Section II.6):** The Project Sponsor shall submit the Operations Reports listed below to the Air District. Operations Reports shall be prepared on the Air District's Operations Report form.

| Report # | Period Covered | Due Date |
|------------|---|---|
| 1 | Project Operational Period commences to December 31, 2021 | By March 1, 2022 |
| 2 | January 1, 2022 to December 31, 2022 | By March 1, 2023 |
| 3 | January 1, 2023 to December 31, 2023 | By March 1, 2024 |
| 4 | January 1, 2024 to December 31, 2024 | By March 1, 2025 |
| 5 | January 1, 2025 to December 31, 2025 | By March 1, 2026 |
| 6 | January 1, 2026 to December 31, 2026 | By March 1, 2027 |
| 7 | January 1, 2027 to December 31, 2027 | By March 1, 2028 |
| 8 | January 1, 2028 to December 31, 2028 | By March 1, 2029 |
| 9 | January 1, 2029 to December 31, 2029 | By March 1, 2030 |
| 10 | January 1, 2030 to December 31, 2030 | By March 1, 2031 |
| 11 & Final | January 1, 2031 to End of Project Operational Period | Within 60 days from the end of Project Operational Period |

Operations Reports shall include the following information:

- A. A discussion of any pertinent issues or problems experienced with the Project to date.
- B. If applicable during the reporting period, documentation that the Project Sponsor has acknowledged the Air District as a Project funding source. Examples of documentation and material acknowledgement may include the following: photographs of facilities operated as part of the Project with Air District logos attached; documentation of use of the logo on the Project Sponsor's website, promotional materials, and on Project brochures, handbooks, and maps that promote or inform the public about the Project; and copies of press releases and newsletter articles related to the Project (Section II.8). A discussion of any pertinent issues or problems experienced with the Project to date.
- C. If this is the first Operations Report, also include the following additional information:
 - a. A description of the Project.
 - b. Two (2) or more days of bikeway post-completion bicycle count data using methodology and count forms from the National Bicycle and Pedestrian Documentation Project. The post-completion bicycle count should be conducted within the timeframe specified in the Project Schedule and include raw data (in Excel) and a summary of the count for each bikeway listed in Attachment A of the Agreement (if more than one route, use a table to display information).
 - i. If the first Operations Report is due prior to the completion of the post-completion bicycle count, as specified in the Project Schedule, then the summary of the post-completion bicycle count is instead due in the Operations Report immediately due after the first Operations Report.

- c. If providing alternative data, include a summary of that data for each component listed in Attachment A of the Agreement (if more than one route/component, use a table to display information).
 - d. A Map for each component listed in Attachment A of the Agreement.
- D. If this is the Final Operations Report, specify this in the report.

**ATTACHMENT D
INSURANCE REQUIREMENTS**

Verification of Coverage

Project Sponsor shall provide, and require any sub-awardee to provide, the Air District with certificates and/or other evidence of the insurance coverage required below. The Air District reserves the right to require Project Sponsor to provide complete, certified copies of any insurance offered in compliance with these specifications. Certificates, policies, and other evidence provided shall specify that the Air District shall receive thirty (30) calendar days advanced notice of cancellation from the insurers.

The Project Sponsor may submit evidence that listed insurance is not required for the Project.

Acceptability of Insurers

Insurance is to be placed with insurers that have a current A.M. Best's rating of no less than A: VII. The Air District may, at its sole discretion, waive or alter this requirement or accept self-insurance in lieu of any required policy of insurance.

Minimum Scope of Insurance

Throughout the Project Operational Period, Project Sponsor shall obtain and maintain in full force and effect the insurance as set forth below and shall require any third party to obtain and maintain in full force and effect all of the insurance as set forth below. Project Sponsor must initial next to each insurance requirement to confirm understanding and agreement with the applicable Project insurance requirements:

1. Liability Insurance

Corporations/Private and Public Entities - a limit of not less than \$1,000,000 per occurrence. Such insurance shall be of the type usual and customary to the business of the Project Sponsor and/or third-party who owns, operates, controls or implements any portion of the Project, and to the operation of the vehicles, engines or equipment operated by the Project Sponsor and/or third-party.

Initial

2. Workers Compensation Insurance.

Workers Compensation Insurance – for any third-party who owns, operates, controls, or implements any portion of the project, as required by California law.

Initial

3. Property Insurance.

Property Insurance - in an amount of not less than the insurable value of Project Sponsor's vehicles, engines or equipment funded under the Agreement, and covering all risks of loss, damage or destruction of such vehicles, vessels, engines or equipment.

Initial



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 7

DATE: April 2, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Transportation Fund for Clean Air (TFCA) Grants for the School Bus Pilot Program and East Main Street Raised Crosswalk/Speed Table Project

- a. Accept a Transportation Fund for Clean Air (TFCA) grant in the amount of \$174,000 from the Santa Clara Valley Transportation Authority (VTA) for the School Bus Pilot Program;
- b. Accept a TFCA grant in the amount of \$86,200 from the VTA for the East Main Street Raised Crosswalk/Speed Table project;
- c. Authorize the Town Manager to negotiate and execute all grant agreements with VTA (Attachment 1); and
- d. Authorize a revenue budget adjustment in the amount of \$87,000 in the Fiscal Year 2019/20 Capital Improvement Program (CIP) Budget for the School Bus Pilot Program to recognize receipt of grant funds. The second year of the grant proceed will be incorporated in the FY 2020/21 capital project budget.

RECOMMENDATION:

Staff recommends that the Town Council:

- a. Accept a Transportation Fund for Clean Air (TFCA) grant in the amount of \$174,000 from the Santa Clara Valley Transportation Authority (VTA) for the School Bus Pilot Program;
- b. Accept a TFCA grant in the amount of \$86,200 from the VTA for the East Main Street Raised Crosswalk/Speed Table project;
- c. Authorize the Town Manager to negotiate and execute all grant agreements with VTA (Attachment 1); and
- d. Authorize a revenue budget adjustment in the amount of \$87,000 in the Fiscal Year 2019/20 Capital Improvement Program (CIP) Budget for the School Bus Pilot Program to recognize receipt of grant funds. The second year of the grant proceed will be incorporated in the FY 2020/21 capital project budget.

PREPARED BY: Ying Smith
Transportation and Mobility Manager

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

SUBJECT: Transportation Fund for Clean Air (TFCA) Grants for the School Bus Pilot Program and East Main Street Raised Crosswalk/Speed Table Project
DATE: April 2, 2020

BACKGROUND:

The Town began a two-route pilot school bus service on January 7, 2019. Currently the Town is providing the service in its second year, serving three schools, including Los Gatos High School, Fisher Middle School, and Blossom Hill Elementary School. The initial 18-month pilot is included in the Fiscal Year 2019/20 Capital Improvement Program (CIP) Budget. At its March 3, 2020 meeting, Town Council directed staff to continue the School Bus Pilot Program for one additional year and to return to Council with options to transition the service to a different model.

The East Main Street Raised Crosswalk/Speed Table project was identified in the Bicycle and Pedestrian Master Plan. Town staff completed a conceptual design and cost estimate in 2018.

DISCUSSION:

In March of 2019, staff submitted two grant applications to VTA seeking funding for these two projects in the TFCA County Program Manager Fund. At the October 3, 2019 meeting, the VTA Board approved the award of grant funds for these two projects. This was the second time the Town applied for grant funds for both projects. The acceptance of these applications demonstrated that these projects would provide a significant reduction in automobile trips and air quality benefits.

The funding agreements for all award projects were delayed due to a request by other agencies to modify the agreement language. However, the funds became available on July 1, 2019 and all eligible expenses are reimbursable retroactively from that date.

The School Bus Pilot Program received an award in the TFCA program's new pilot trip reduction category, which funds emerging mobility projects to reduce single occupancy commute-hour vehicle trips. The TFCA grant fund will be applied to the School Bus Pilot Program in Fiscal Years 2019/20 and 2020/21. At this time, the pilot trip reduction category only allows projects up to two years of funding with no extension.

The design for the East Main Street Raised Crosswalk/ Speed Tables is nearly complete. Prior to bringing this project back to the Town Council for approval of the plans and specifications, staff plans on hosting a public outreach meeting to fully introduce the public to the project and discuss the benefits as well as the impacts. Staff will present the final design to the Town Council prior to bidding, with construction tentatively scheduled for summer of 2021 during the school recess.

PAGE 3 OF 3

SUBJECT: Transportation Fund for Clean Air (TFCA) Grants for the School Bus Pilot Program and East Main Street Raised Crosswalk/Speed Table Project

DATE: April 2, 2020

CONCLUSION:

The recommended actions will advance funding for both projects.

COORDINATION:

This project has been coordinated with Finance Department and VTA staff.

FISCAL IMPACT:

If Council approves this item, the Town will receive grant revenue of \$174,000 for two years of service of the School Bus Pilot Program and \$86,200 for the construction of the East Main Street project. Even with these grants, the proposed Capital Improvement Program for next year includes additional requests to complete the required funding for one more year of school busing (\$165,124) and complete the raised sidewalk project (\$86,200). Both grants are awarded on a reimbursement basis and the Town will be eligible for reimbursement once the service has been provided or the infrastructure has been installed.

ENVIRONMENTAL ASSESSMENT:

The recommended actions are not a project as defined under CEQA, and no further action is required. The construction of the East Main Street project is a project as defined under CEQA and is Categorically Exempt, Section 15064.3 (2).

Attachment:

1. TFCA Funding Agreement between the Santa Clara Valley Transportation Authority and Town of Los Gatos FY 2019/20

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
CONGESTION MANAGEMENT PROGRAM
TRANSPORTATION FUND FOR CLEAN AIR
AGREEMENT
FY 2019/20**

This agreement (“Agreement”) by and between the Santa Clara Valley Transportation Authority (“VTA”) and the Town of Los Gatos (“Sponsor”) shall be effective on the date that this Agreement is fully executed by the parties hereto (“Effective Date”).

RECITALS

This Agreement is made with reference to the following facts:

- A. VTA has been designated by resolutions of the County of Santa Clara, as well as a majority of the cities within Santa Clara County, as the Program Manager for Santa Clara County Transportation Fund for Clean Air (“TFCA”) County Program Manager under the State of California Health and Safety Code Section 44241.
- B. Pursuant to that designation, VTA is responsible for allocating and administering the County of Santa Clara’s TFCA County Program Manager Fund (“County Program Manager Fund”) to eligible project sponsors in accordance with its agreement with the Bay Area Air Quality Management District (“BAAQMD”).
- C. On October 3, 2019, the VTA Board approved the programming of Fiscal Year (“FY”) 2019/20 Transportation Fund for Clean Air Program Manager funds for the Los Gatos School Bus Route A, Los Gatos School Bus Route B and East Main Street Raised Sidewalk/Speed Table projects (“Projects”).
- D. This Agreement specifies the conditions under which VTA will allocate and administer a grant from the County Program Manager Fund to Sponsor for FY 2019/20.

Now, therefore the parties agree as follows:

AGREEMENT

Section 1. Grant of TFCA Funds; Description of Projects

- A. Subject to appropriation and receipt of TFCA funds (as further set forth in Section 9, below), VTA hereby agrees to allocate to Sponsor a TFCA grant in an amount not to exceed two hundred sixty thousand two hundred dollars (\$260,200) (the “Grant Funds”) in consideration for Sponsor’s agreement to implement and complete the Projects (as further set forth in the Project summaries attached hereto as **Attachment A**), in accordance with the terms and conditions set forth in this Agreement.
- B. In consideration of VTA’s providing Sponsor with the Grant Funds, Sponsor hereby agrees to implement and complete the Projects in conformance with the terms of this Agreement. In implementing the Projects, Sponsor shall comply with the Project schedule and monitoring requirements, as described in **Attachment A**.

Section 2. Proper Expenditure; Return of Funds

- A. Sponsor shall assure that all Grant Funds received under this Agreement are expended only in accordance with all applicable provisions of federal, state and local laws, and Sponsor shall require any other sub-recipients of Grant Funds for the Projects to do the same.
- B. Sponsor shall comply with: (i) all TFCA Project requirements, as set forth in the BAAQMD's "County Program Manager Fund Expenditure Plan Guidance Fiscal Year Ending (FYE) 2020," the Funding Agreement between VTA and BAAQMD for FY 2019/20 (FYE 2020); and (ii) the TFCA County Program Manager Fund Policies for FYE 2020 (hereinafter "Policies"). These documents, including appendices and revisions, are incorporated herein and made a part hereof by this reference as if fully set forth herein.
- C. Sponsor shall expend no more than six and a quarter percent (6.25%) of Grant Funds received hereunder on administrative costs, per California Health and Safety Code Section 44233.
- D. Sponsor shall return to VTA all Grant Funds that are not expended in accordance with applicable provisions of law.
- E. In addition, Sponsor shall return the Grant Funds to VTA if the Projects are not maintained and/or operated throughout and until the conclusion of the "Number of Years of Effectiveness" ("Project Life"). This is the default value stated in Appendix H of BAAQMD's "County Program Manager Fund Expenditure Plan Guidance Fiscal Year Ending 2020" for the applicable project type, unless a different value was approved by VTA and shown to yield a Project that meets the cost-effectiveness requirement in the Policies by the Program Manager. The amount of Grant Funds returned to the Program Manager shall be calculated on a prorated basis based on the length of the Project Life.

Section 3. Term

- A. The term of this Agreement shall commence July 1, 2019 and shall continue until either the Projects are completed or terminated in accordance with Section 15C, but no later than June 30, 2021 without written approval.
- B. Any requests for additional time to complete a Project beyond June 30, 2021 must be submitted in writing to VTA no later than sixty (60) days prior to that date. VTA may approve or deny, in writing, two 12-month requests in its sole discretion. In order to approve any time extensions, sponsor must prove to VTA that significant progress has been made on implementing the Project. Any subsequent schedule extensions for the Project can only be approved in writing by BAAQMD on a case-by-case basis, if BAAQMD finds that Sponsor has made significant progress on the Project. A formal amendment to this agreement is not required.
- C. In addition to the specific term of this Agreement, Sponsor must maintain each Project for the term prescribed in Section 2(E) herein.

Section 4. Work Product

Sponsor shall place in the public domain any software, written document, or other product developed with funds received through this Agreement, to the extent not otherwise prohibited by law, and to the extent required by the California Public Records Act (California Government Code Sections 6250 et seq.).

Section 5. Acknowledgement of Funding Sources

- A. Sponsor shall acknowledge both VTA and BAAQMD as Project's funding sources during the implementation of the Projects and shall use the VTA and the BAAQMD approved logos as specified below:
- (1) The logos shall be used on signs posted at the site of any Project construction;
 - (2) The logos shall be displayed on any vehicles or equipment operated with or obtained as part of the Projects;
 - (3) The logos shall be used on any material intended for public consumption associated with the Projects, such as websites and printed materials, including Project-related transit schedules, brochures, handbooks, maps created for public distribution, and promotional material; and
 - (4) Sponsor will demonstrate to VTA, through evidence such as photographs of vehicles, equipment, construction signs, and copies of press releases, that the logos are used and displayed as required by this Section.
- B. VTA shall provide a copy of BAAQMD and VTA logos to Sponsor solely for use in fulfilling Sponsor's obligations under this Section.
- C. Sponsor shall acknowledge VTA and BAAQMD as a funding source in any related articles, news releases, or other publicity materials for the Projects that are produced or caused to be produced by Sponsor.

Section 6. Insurance Coverage

Sponsor shall obtain and maintain, throughout the term of this Agreement, the insurance coverage specified in Attachment B "Insurance Requirements," and shall comply with all insurance requirements set forth therein, including the provision regarding documentation of said insurance coverage. Failure to obtain and maintain the insurance coverage and to comply with all insurance requirements shall be deemed a breach of this Agreement. The Sponsor shall forward a copy of the required insurance documentation to VTA to the email address insurance.certificates@vta.org with a copy to VTA Programming and Grants.

Section 7. Invoicing

Sponsor shall submit invoices at quarterly intervals to VTA for reimbursement of costs incurred to implement the Projects. Sponsor shall send requests for reimbursement to VTA Accounts Payable at 3331 North 1st Street, Building A, San José, CA 95134-1927. Sponsor shall include relevant, auditable back-up documentation (time sheets, bills, etc.) with each invoice.

Section 8. Reimbursement

- A. All funds allocated by VTA to Sponsor shall be on a cost-reimbursement basis only. VTA shall pay no funds in advance.
- B. Upon review and approval of invoices and documentation, VTA shall, within fifteen (15) days of receipt of an invoice that conforms to the requirements set forth in this Agreement, reimburse Sponsor for all eligible expenditures up to the maximum amount described in Section 1 of this Agreement. Only those Project costs incurred by Sponsor on or after July 1, 2019 shall be considered reimbursable expenditures.
- C. Funds for the Projects described in this Agreement, which are not submitted for reimbursement prior to June 30, 2021, shall not be available to reimburse Project costs unless a Project schedule, which extends the Project completion date beyond June 30, 2021, has been approved by VTA and BAAQMD, as set forth in Section 3, above.

Section 9. Funds Subject to Appropriation/Allocation of Funds Contingent on Appropriation

VTA's obligations under the terms of this Agreement are contingent upon and subject to the allocation of TFCA funds to VTA by BAAQMD under VTA's "20-SC" agreement with BAAQMD for approved projects during Fiscal Year 2019/20.

Section 10. Audit

This Agreement shall be subject to the examination and audit of the California State Auditor pursuant to California Government Code Section 8546.7 for a period of five (5) years after final payment. Audits may also be conducted by an auditor chosen by BAAQMD or VTA.

Section 11. Sponsor's Record Keeping

Sponsor shall:

- A. Allow VTA and BAAQMD staff, authorized representatives and independent auditors, during the term of this Agreement and for five (5) years following completion of each Projects, to conduct performance and financial audits of the Projects and to inspect the Projects. During audits, the Sponsor shall make available to the auditor, in a timely manner, all records relating to Sponsor's implementation of the Projects. During inspections, Sponsor will provide, at the request of VTA or BAAQMD, access to inspect the Projects and related records.
- B. Maintain employee time sheets documenting those hourly labor costs incurred in the implementation of the Projects, including both administrative and Project implementation costs, or to establish an alternative method to document staff costs charged to the funded Projects.
- C. Keep all financial and Project implementation records necessary to demonstrate compliance with this Agreement and the TFCA Program. Such records shall include documentation that demonstrates significant progress made for those TFCA Program Projects seeking extensions to the completion date. Sponsor shall keep such documents in a central location for a period of five (5) years following completion of the Projects.

- D. Submit a mid-year progress report to VTA one (1) month after the end of the second quarter of each fiscal year (“fiscal year” means the period starting July 1 and ending June 30). The report shall itemize: (a) the expenditure of the funds; and (b) progress to-date in the implementation of each funded Project.
- E. Submit a year-end report within one (1) month of the end of each fiscal year until each Project is completed and all monitoring requirements have been fulfilled. The report shall itemize: (a) the expenditure of the funds; (b) progress to-date in the implementation of each funded Project; and (c) the results of the monitoring of the performance of the Projects as specified in Attachment A.

Section 12. Indemnity

- A. Sponsor shall comply with the indemnity provision set forth in Attachment B.

Section 13. Review

- A. VTA shall review Sponsor’s progress in implementing the Projects at the end of the sixth (6th) quarter following execution of this Agreement. If progress at the sixth (6th) quarter review is insufficient to implement the Projects or to expend the funds within the period described in Section 3, VTA shall develop an action plan with the Sponsor to ensure that the Grant Funds are not required to be repaid to VTA and/or BAAQMD, and the action plan may include reprogramming funds to other projects within Santa Clara County to ensure their expenditure prior to the term expiration date described in Section 3.
- B. VTA shall provide Sponsor with all BAAQMD-approved Program Manager reporting forms required pursuant to this Agreement.

Section 14. Non-Performance

- A. If Sponsor causes all or part of these Grant Funds to be subject to repayment to the County Program Manager Fund as a result of failure to complete the Projects according to the work scope described in Attachment A, Sponsor’s next grant allocation of any kind that is from or passes through VTA shall be reduced by the amount that VTA repaid to the County Program Manager Fund.
- B. Sponsor shall be ineligible for future funding under this program if Sponsor has five (5) or more projects greater than two (2) years old on BAAQMD’s annual “Less than 100% complete” list.

Section 15. General Terms and Conditions

- A. **Notices.** Any notice required to be given by either Party, or which either Party may wish to give, shall be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows:

| | |
|---------|---|
| To VTA: | Santa Clara Valley Transportation Authority Director, Planning & Programming 3331 North 1st Street San José, CA 95134-1906 |
|---------|---|

To SPONSOR: Town of Los Gatos
 Town Manager
 110 E. Main Street
 Los Gatos, CA 95030

B. Program Liaison. Within thirty (30) days from the Effective Date of this Agreement, Sponsor shall notify VTA of Sponsor's "Program Liaison" and of the Program Liaison's address, telephone number, and email address. The Program Liaison shall be the liaison to VTA pertaining to implementation of this Agreement and shall be the contact for information about the Projects. Sponsor shall notify VTA of the change of Program Liaison or of the Program Liaison's contact information in writing no later than thirty (30) days from the date of any change.

C. Termination.

Voluntary. Either Party may terminate this Agreement and/or a Project at any time by giving written notice of termination to the other Party which shall specify the effective date thereof. Notice of termination under this paragraph shall be given at least ninety (90) days before the effective date of such termination, unless the Parties mutually agree to an earlier termination date. This Agreement shall also terminate at the end of the fiscal year during which the Santa Clara Valley Transportation Authority loses its designation as County Program Manager for Santa Clara County.

If VTA terminates this Agreement and/or a Project pursuant to this provision, the Sponsor shall cease all work under this Agreement and cease further expenditures of Grant Funds received under this Agreement for the terminated Project immediately upon receipt of the notice of termination, excepting any work permitted to continue that is specified in the notice of termination. VTA will reimburse Sponsor for eligible costs on the Project expended up to the effective date of the termination and no further Grant Funds will be provided for that Project.

If Sponsor terminates this Agreement and/or a Project pursuant to this provision, the Sponsor must return all Grant Funds provided by VTA for the specific Project up to and including the date of termination.

After Breach. VTA may terminate this Agreement and/or a Project for breach. VTA will deliver a written notice of breach that specifies the date of termination, which will be no less than ten (10) business days from delivery of such notice and will provide the Sponsor the opportunity to contest such breach within that period of time. If Sponsor contests the notice of termination for breach, VTA shall deliver a new written notice providing VTA's determination of Sponsor's contestation. If the termination for breach is upheld, the written notice shall specify the effective date of termination and Sponsor will have ten (10) business days to cure. If the breach is not cured within the allotted time, VTA will pursue the termination. The notice of termination will specify the Total Grant Funds VTA has paid to the Sponsor, which Sponsor must reimburse to the VTA within thirty (30) days of the effective date of termination.

D. Non-Waiver. The failure of either party to insist upon the strict performance of any of the terms, covenants, and conditions of this Agreement shall not be deemed a waiver of any right or remedy that either party may have, and shall not be deemed a waiver of their right to require strict performance of all of the terms, covenants, and conditions thereafter.

E. Assignment: Sponsor shall not assign, sell, license, or otherwise transfer any rights or

obligations under this Agreement without the prior written consent of VTA.

- F. **Integration.** This Agreement, including all attachments and references, constitutes the entire Agreement between the Parties pertaining to the subject matter contained herein and supersedes all prior or contemporaneous agreements, representations, and understandings of the Parties relative thereto.
- G. **Amendments.** Future amendments and modifications to this Agreement shall be made in writing and signed by both parties.
- H. **Attachments.** Each attachment hereto is incorporated into this Agreement as if fully set forth herein.
- I. **Severability.** If any term, covenant, condition, or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the terms, covenants, conditions, and provisions of this Agreement, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.
- J. **Warranty of Authority to Execute Agreement.** Each Party to this Agreement represents and warrants that each person whose signature appears hereon has been duly authorized and has the full authority to execute this Agreement on behalf of the entity that is a Party to this Agreement.
- K. **Survival.** Any provision that, by its nature, extends beyond the term or termination of this Agreement shall survive the expiration or termination of this Agreement.

Signatures of Parties on following page.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date shown below.

Town of Los Gatos
(Sponsor)

Santa Clara Valley Transportation Authority
(VTA)

Dated: _____

Dated: _____

Laurel Prevetti,
Town Manager

Nuria I. Fernandez, General Manager/CEO
VTA

Approved as to Form:

Approved as to Form:

Robert Schultz, Town Attorney

VTA Counsel

ATTACHMENT A: PROJECT INFORMATION SUMMARY

- A. Project Number: 20SC03
- B. Project Title: Los Gatos School Bus Route A
- C. TFCA Program Manager Funds Allocated: \$44,000.00
- D. TFCA Regional Funds Awarded (if applicable): \$0
- E. Total TFCA Funds Allocated (sum of C and D): \$44,000.00
- F. Total Project Cost: \$289,846.00
- G. Project Description:

Grantee will use TFCA funds to provide a school bus service from North Los Gatos to Fisher Middle School.

- H. Final Report Content: Final Report Form for trip reduction projects and final Cost Effectiveness Worksheet.
- I. Attach a completed Cost-effectiveness Worksheet and any other information used to evaluate the proposed project.
- J. Comments (if any): None.

ATTACHMENT A: PROJECT INFORMATION SUMMARY

- A. Project Number: 20SC04
- B. Project Title: Los Gatos School Bus Route B
- C. TFCA Program Manager Funds Allocated: \$130,000.00
- D. TFCA Regional Funds Awarded (if applicable): \$0
- E. Total TFCA Funds Allocated (sum of C and D): \$130,000.00
- F. Total Project Cost: \$289,846.00

G. Project Description:

Grantee will use TFCA funds to provide a school bus service from the Santa Cruz Mountains to Los Gatos High School and Fisher Middle School.

- H. Final Report Content: Final Report Form for trip reduction projects and final Cost Effectiveness Worksheet.
- I. Attach a completed Cost-effectiveness Worksheet and any other information used to evaluate the proposed project.
- J. Comments (if any): None.

ATTACHMENT A: PROJECT INFORMATION SUMMARY

A. Project Number: 20SC05

B. Project Title: Los Gatos East Main Street Raised Sidewalk/Speed Table

C. TFCA Program Manager Funds Allocated: \$86,200.00

D. TFCA Regional Funds Awarded (if applicable): \$0

E. Total TFCA Funds Allocated (sum of C and D): \$86,200.00

F. Total Project Cost: \$169,100.00

G. Project Description:

Grantee will use TFCA funds to install two “speed tables” on East Main Street in front of Los Gatos High School, combined with raised crosswalks, and the construction of bulb outs at all three crosswalks.

H. Final Report Content: Final Report Form for trip reduction projects and final Cost Effectiveness Worksheet.

I. Attach a completed Cost-effectiveness Worksheet and any other information used to evaluate the proposed project.

J. Comments (if any): None.

ATTACHMENT B

INSURANCE REQUIREMENTS

I. INDEMNITY

The Sponsor must indemnify, defend, and hold harmless Santa Clara Valley Transportation Authority (hereinafter, “VTA”), the Bay Area Air Quality Management District, their respective officers, agents, employees, representatives, and successors-in-interest from any claim, liability, loss, expense, including reasonable attorneys’ fees, or claims for injury or damage arising out of, or in connection with, performance of this Agreement by Sponsor and/or its agents or employees or subcontractors, excepting only loss, injury or damage caused by the gross negligence or willful misconduct of personnel employed by VTA.

II. INSURANCE

Without limiting the Sponsor’s obligation to indemnify VTA, the Sponsor must procure and maintain for the duration of the Contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Sponsor, its agents, representatives, or employees, or subcontractors. The cost of such insurance must be included in the Sponsor’s Bid/Proposal. The Sponsor must furnish complete copies of all insurance policies, within three (3) business days of any such request by VTA.

A. Liability and Workers’ Compensation Insurance

1. Minimum Scope of Coverage

Coverage must be at least as broad as:

- a. Insurance Services Office General Liability coverage (“occurrence” form CG 0001). General Liability insurance written on a “claims made” basis is not acceptable.
- b. Insurance Services Office Business Auto Coverage, Insurance Services Office form number CA 0001, covering Automobile Liability, code 1 “any auto.” Auto Liability written on a “claims-made” basis is not acceptable.
- c. Workers’ Compensation insurance as required by the Labor Code of the State of California and Employers Liability insurance
- d. Property insurance covering all risks of loss, damage, or destruction of vehicles, vessels, engines or equipment funded under this Agreement.

2. Minimum Limits of Insurance

Sponsor must maintain limits no less than:

- a. General Liability: \$1,000,000 limit per occurrence for bodily injury, personal injury, and property damage. If a General Liability or other form with a general aggregate limit is used, either the general aggregate limit must apply separately to this project/location or the general aggregate limit must be twice the required occurrence limit.
- b. Automobile Liability: \$1,000,000 limit per accident for bodily injury and property damage.
- c. Workers' Compensation and Employers Liability: Statutory Workers' Compensation limits and Employers Liability limits of \$1,000,000 per accident.
- d. Property insurance in an amount not less than the replacement cost value (RCV) of vehicles, vessels, engines, or equipment funded under this Agreement.

3. Self-Insured Retention

Any self-insured retention or deductible in excess of \$50,000 (\$100,000 if Sponsor is a publicly-traded company) must be declared to and approved by VTA. If Sponsor is a governmental authority such as a state, municipality or special district, self-insurance is permitted. To apply for approval for a level of retention or deductible in excess of \$50,000, Sponsor must provide a current financial report including balance sheet and income statement for the past three years, so that VTA can assess Sponsor's ability to pay claims falling within the self-insured retention or deductible. Upon review of the financial report, if VTA, in its sole discretion, deems it necessary, VTA may elect one of the following options: to accept the existing self-insured retention or deductible; require the insurer to reduce or eliminate the self-insured retention or deductible as respects VTA, its directors, officers, officials, employees and volunteers; or to require Sponsor to procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses. Applicable costs resulting therefrom must be borne solely by the Sponsor.

B. Claims Made Provisions (not applicable to General Liability or Auto Liability)

Claims-made coverage is never acceptable for General Liability or Auto Liability. Claims-made may be considered for Professional, Environmental/Pollution, or Cyber Liability. If coverage is written on a claims-made basis, the Certificate of Insurance must clearly state so. In addition to all other coverage requirements, such policy must provide that:

1. The policy retroactive date must be no later than the date of this Agreement.
2. If any policy is not renewed or the retroactive date of such policy is to be changed, the Sponsor must obtain or cause to be obtained the broadest extended reporting

period coverage available in the commercial insurance market. This extended reporting provision must be of at least two (2) years.

3. No prior acts exclusion may be added to the policy during the contract period.
4. Policy allows for reporting of circumstances or incidents that might give rise to future claims.

C. Other Provisions

The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability

- a. VTA, its directors, officers, officials, employees and volunteers are to be named as additional insureds as respects: liability arising out of activities performed by or on behalf of the Sponsor, including VTA's general supervision of the Sponsor; products and completed operations of the Sponsor or subcontractors; premises owned, occupied or used by the Sponsor; or automobiles owned, leased, hired or borrowed by the Sponsor. The coverage must contain no special limitations on the scope of protection afforded to VTA, its directors, officers, officials, employees, or volunteers. Additional Insured endorsements must provide coverage at least as broad as afforded by the combination of ISO CG 20 10 10 01 and CG 20 37 10 01.
- b. Any failure to comply with reporting provisions of the policies may not affect coverage provided to VTA, its directors, officers, officials, employees, or volunteers.
- c. The Sponsor's insurance must apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- d. The General Liability General Aggregate limit must apply per project, not per policy.

2. All Coverages

- a. The insurer must agree to waive all rights of subrogation against VTA, its directors, officers, officials, employees, and volunteers for losses arising from work performed by the Sponsor and its subcontractors for VTA.
- b. The Sponsor's insurance coverage must be primary insurance as respects VTA, its directors, officers, officials, employees, and volunteers. Self-insurance or insurance that may be maintained by VTA, its directors, officers, officials,

employees, or volunteers may apply only as excess to the Sponsor's insurance. Sponsor's insurance must not seek contribution from VTA's insurance program.

3. Other Insurance Provisions

- a. The Certificate must disclose the actual amount of the Deductible or Self-Insured Retention.
- b. If any coverage forms or endorsements required by this Contract are updated by their publishers, whether they be the insurance carrier(s), the Insurance Services office, or the American Association of Insurance Services, during the duration of this Contract, VTA reserves the right to require the Sponsor to procure said coverage forms or endorsements using the updated versions upon the next renewal cycle.

D. Acceptability of Insurers

Insurance and bonds must be placed with insurers with an A.M. Best's rating of no less than A VII (financial strength rating of no less than A and financial size category of no less than VII), unless specific prior written approval has been granted by VTA.

E. Certificates of Insurance

Sponsor must furnish VTA with a Certificate of Insurance. The certificates for each insurance policy are to be signed by an authorized representative of that insurer. The certificates must be issued on a standard ACORD Form. The Sponsor must instruct their insurance broker/agent to submit all insurance certificates and required notices electronically in PDF format to Insurance.certificates@vta.org.

The certificates must (1) identify the insurers, the types of insurance, the insurance limits, the deductibles, and the policy term, (2) include copies of all the actual policy endorsements required above, and (3) in the "Certificate Holder" box include:

Santa Clara Valley Transportation Authority ("VTA")
3331 North First Street
San Jose, CA 95134-1906

In the Description of Operations/Locations/Vehicles/Special Items Box, the VTA Contract number must appear, the list of policies scheduled as underlying on the Umbrella policy must be listed, Certificate Holder should be named as additional insured, and Waiver of Subrogation must be indicated as endorsed to all policies as stated in the Contract Documents.

All certificates and endorsements are to be received and approved by VTA before work commences. VTA reserves the rights to require complete, certified copies of all required insurance policies, at any time.

If the Sponsor receives any notice that any of the insurance policies required by this Exhibit may be cancelled or coverage reduced for any reason whatsoever, Sponsor or insurer must immediately provide written notice to VTA that such insurance policy required by this Exhibit is canceled or coverage is reduced.

F. Maintenance of Insurance

If Sponsor fails to maintain such insurance as is called for herein, VTA, at its option, may suspend payment for work performed and/or may order the Sponsor to suspend work at Sponsor's expense until a new policy of insurance is in effect.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 8

DATE: March 31, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Direct the Town Manager to implement a temporary public parklet on a portion of Grays Lane to promote community vitality and continue to gather information on possible options for the future downtown streetscape improvements.

RECOMMENDATION:

Direct the Town Manager to implement a temporary public parklet on a portion of Grays Lane to promote community vitality and continue to gather information on possible options for the future downtown streetscape improvements.

BACKGROUND:

During the summer of 2019 the Town implemented a pilot program on North Santa Cruz Avenue that included a variety of elements including angled parking, one-way traffic patterns, and community parklets. The parklets provided the feeling of wider sidewalks and offered community members a place to gather and connect while shopping, dining, and walking through downtown. Of the elements implemented during the pilot, the parklets were the most well-received for encouraging placemaking. Many community members appreciated the opportunity to gather in various locations along North Santa Cruz Avenue.

In addition to the North Santa Cruz Avenue pilot, the Council also adopted a pilot parklet program that offered businesses the opportunity to enter into a public-private partnership to convert a street parking space(s) into curbside seating for restaurant guests during business hours and a public space when the restaurant is closed. To date, four public-private parklets are either under construction or completed.

PREPARED BY: Monica Renn
Economic Vitality Manager

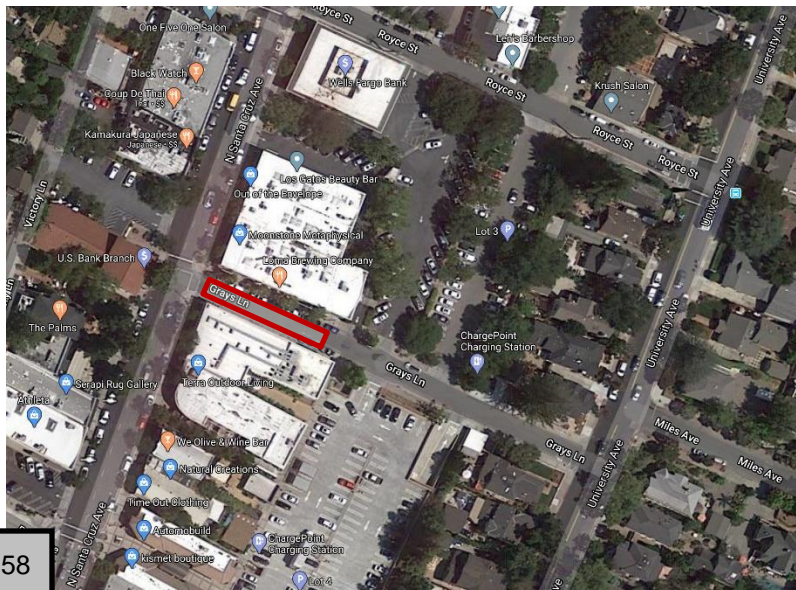
Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

As conversations evolve around the parklets, and as the Town Council moves forward with its discussion on the future of the downtown streetscape, staff believes adding a temporary public parklet to downtown could enhance community vitality and provide the opportunity for further information gathering on how the community uses public spaces. The Chamber of Commerce presented a similar idea to staff in January of 2020 based on its conversations with local businesses and community stakeholders; however, the Chamber did not have the funding or capacity to construct and maintain the space. As a result, Town staff from multiple Departments met to consider some of the options and developed the recommendation contained in this report.

The Grays Lane space could be utilized as a “pop-up” park space as well as a space to support community events through the Town’s special event permit process. Placemaking continues to be a necessity for shopping and dining districts as more goods become available online, a public parklet would also support downtown placemaking. In addition, as the Town navigates the unprecedented events caused by the COVID-19 crisis, and plans for a return to normalcy following the shelter-in-place order, providing an open, outdoor gathering space should encourage the community to reconnect and visit downtown.

Using information gathered from experiences and feedback during the one-way pilot program last year, and looking at placement options throughout downtown, staff recommends the following for a temporary public parklet:

Location- As pictured below, the proposed location is on Grays Lane, on the one-way portion west of the driveway for the private and muni parking lots. This would require through traffic from University Avenue to use either Royce Street or Elm Street to circulate, while still providing access to the one private and two muni parking lots located off of Grays Lane. This location requires the least amount of traffic detours and parking stall removal as compared to other side streets in downtown.



DISCUSSION (continued):

Timing and Duration- While the timing and duration can remain fluid, staff is recommending that the parklet be implemented in May, or as early as allowable based on staff workload and the shelter in place order by the County and State governments. Following implementation, staff recommends planning to keep the parklet in place through the fall of 2020, with the flexibility to alter or remove it at any point if deemed appropriate by the Council.

Construction of the Parklets- To construct the parklet, staff recommends using boulders placed at each end of the parklet to allow continued pedestrian access via the sidewalk, and pedestrian access between the boulders into the parklet. The use of boulders provides a strong concrete like barrier from cars on the road, in a more aesthetic manner than the k-rail which was previously used and often not well received by the community. The asphalt would be coated with a lighter shade to reduce the heat absorbed and radiated during the summer heat.

Furniture- Staff recommends using only Adirondack chairs with umbrellas. In an effort to reduce the costs and frequency associated with cleaning the parklet, staff has not included tables in the recommendation. The goal is not to create a dining experience, rather a pop-up park setting. Extra Town trash and recycling receptacles could be added in the parklet as needed.

Programming- It is recommended that the piano and extra-large chess set the Town already owns be placed in the space to provide impromptu entertainment for the community. Both were elements the community reported enjoying from the prior pilot program.

Maintenance- Based on the recommendation in this staff report, staff believes the parklet would need to be cleaned twice a week including debris removal, spot cleaning, and reorganization of the furniture.

Signage- Detour and placemaking signage would be installed.

Costs- Staff estimates the total cost to put the parklet in place and maintain it through the fall at \$15,000. Equipment remaining from last year could be repurposed for this year, including chairs, piano, and chess set with augmentations for additional elements like umbrellas. The greatest expense will be in the asphalt coating, estimated at \$10,000. Staff considers this is a necessary expense to reduce the heat and make the space attractive. The proposed approach allows Parks and Public Works to absorb the maintenance costs.

CONCLUSION:

Staff recommends that Council considers implementing a temporary parklet on Grays Lane for the summer and fall of 2020. The costs associated with the construction and maintenance would be managed by the Town. Should third parties wish to utilize the space for events, staff recommends this be allowed subject to the provisions and fees associated with the special event permit process.

Providing physical options that cannot be experienced virtually create interest and vitality associated with placemaking and encourage the community to connect with one another and local businesses.

COORDINATION:

This report was prepared with collaboration between the Town Manager's Office, Town Attorney's Office, Community Development Department, Parks and Public Works Department, and Police Department.

FISCAL IMPACT:

The cost associated with the implementation of a public parklet are estimated at \$15,000 for the duration of the summer/fall of 2020 and can be absorbed in the existing Operating Budget.

ENVIRONMENTAL ASSESSMENT:

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/17/2020

ITEM NO: 9

DATE: February 27, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Fee and Fine Schedules for Fiscal Year 2020/21
a. Adopt a resolution approving the Comprehensive Fee Schedule for FY 2020/21 to continue certain department fees, rates, and charges, and amending certain fees, rates, and charges for FY 2020/21.
b. Adopt a resolution approving the Comprehensive Fine Schedule for FY 2020/21 to continue certain department fines.

REMARKS:

Town staff requests that the item be continued to the May 5, 2020 meeting.

Attachments:

1. March 17, 2020 Town Council Staff Report with Attachments 1 – 3
2. March 17, 2020 Town Council Addendum

PREPARED BY: Stephen Conway
Finance Director

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/17/2020

ITEM NO: 10

DATE: February 27, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Fee and Fine Schedules for Fiscal Year 2020/21
a. Adopt a resolution approving the Comprehensive Fee Schedule for FY 2020/21 to continue certain department fees, rates, and charges, and amending certain fees, rates, and charges for FY 2020/21.
b. Adopt a resolution approving the Comprehensive Fine Schedule for FY 2020/21 to continue certain department fines.

RECOMMENDATION:

Fee and Fine Schedules for Fiscal Year 2020/21

- a. Adopt a resolution approving the Comprehensive Fee Schedule for FY 2020/21 to continue certain department fees, rates, and charges, and amending certain fees, rates, and charges for FY 2020/21.
- b. Adopt a resolution approving the Comprehensive Fine Schedule for FY 2020/21 to continue certain department fines.

BACKGROUND:

The Town's financial policies require that certain fees, rates, and charges for services be maintained to allow for cost recovery based on the actual cost to provide Town services. "Fee" activities are services and functions provided by the Town to individuals who receive some direct material benefit above and beyond services offered to residents at general taxpayer expense. "Fines" are the amounts of the penalties for code violations imposed pursuant to Section 1.30.025 of the Los Gatos Town Code.

PREPARED BY: Stephen Conway
Finance Director

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

BACKGROUND (continued):

Staff periodically reviews the cost of providing such services and recommends appropriate increases in fees when supported by actual cost data. The Town's last comprehensive cost allocation and user fee study concluded last fiscal year and the recommendations were incorporated in the FY 19/20 Fee Schedule.

DISCUSSION:

The Comprehensive Fee Schedule allows for an annual adjustment of fees by the average increase in the Consumer Price Index (CPI) for the previous calendar year. The average increase in the CPI for 2019 was 3.2%. Attached for Council reference is an updated FY 2020/21 Comprehensive Fee Schedule (Exhibit A to Attachment 1) reflecting all Town fees (including proposed changes) and an itemized list of recommended FY 2020/21 fee adjustments, reclassifications, and deletions, including those to be adjusted by the average CPI (Attachment 3). The proposed FY 2020/21 Comprehensive Fee Schedule accounts for modifications to fees as explained below:

Administrative Services

1. Credit Card Processing Fee – Proposing 2.2% fee on all transactions to reflect actual costs to the Town.

Development Services

1. Community Benefit – The Town no longer has a Community Benefit Policy so it should be removed from the Fee Schedule.
2. Street Improvement in-lieu fees – Proposing to increase these two fees to reflect current costs as determined by bids for recent CIP projects.

Library Services

1. Overdue Fees – Revenues from overdue fines have dropped to the point where the administration of collecting those fines now outweighs the revenue it generates. This is due primarily to utilization of auto-renewals for items on library patron accounts which now allows up to nine weeks of item use before fines start accruing. Administratively, it now makes more sense for us to invoice an item as lost by the patron if it is not returned after this time period, rather than hold the item record open to accrue fines.

Parks and Public Works Services

1. Tree Removal Permit Application – Proposing to add a note to this fee indicating that the fee will be waived when the tree removal is done to implement or maintain Defensible Space.

DISCUSSION (continued):

Police Services

1. Massage Permit Fees – State law has created a statewide permitting system administered by the California Massage Therapy Council for issuing massage worker permits. Therefore, the Police Department no longer incurs the costs that the fees in items 10 and 11 were imposed to cover.

The Comprehensive Fine Schedule sets forth the administrative penalty amounts for code violations. Attached for Council reference is an updated FY 2020/21 Comprehensive Fine Schedule (Exhibit A to Attachment 2) reflecting all Town fines.

CONCLUSION:

It is recommended that Town Council approve the proposed adjustments to the Comprehensive Fee Schedule and the Comprehensive Fine Schedule effective July 1, 2020.

FISCAL IMPACT:

The Town's financial policies require that fees be maintained to provide for the recovery of costs associated with Town services. The proposed fee adjustments reflect an increase in the CPI, and, therefore, better represent the cost to deliver services. If approved by the Town Council, staff will incorporate the fee changes into the Town's FY 2020/21 Operating and Capital Budget using conservative activity projections.

COORDINATION:

The preparation of the Fee and Fine Schedules was coordinated with all Town Departments and Offices.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Resolution approving Comprehensive Fee Schedule FY 2020/21, including Exhibit A Proposed FY 2020/21 Comprehensive Fee Schedule (Redline)
2. Resolution approving Comprehensive Fine Schedule FY 2020/21, including Exhibit A Proposed FY 2020/21 Comprehensive Fine Schedule
3. Proposed FY 2020/21 Fee Adjustment, Reclassification, and Deletions

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RESOLUTION 2020-
RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
CONTINUING DEPARTMENT FEES, RATES, AND CHARGES, AND AMENDING CERTAIN
FEES, RATE, AND CHARGES FOR FY 2020/21

WHEREAS, The Town of Los Gatos follows best municipal financial practices that require the Town to establish and maintain all user charges and fees based on the cost of providing services; and

WHEREAS, the last update of the Town of Los Gatos Comprehensive Fee Schedule was adopted on March 19, 2019; and

WHEREAS, those fees currently in effect will remain in effect without interruption, certain of these shall be increased, and certain new services shall have fees.

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

1. That Resolution 2019-010, "Resolution of the Town Council of the Town of Los Gatos Continuing Department Fees, Rates, and Charges, and Amending Certain Fees, Rates, and Charges for FY 2019/20" is hereby rescinded; and
2. The Town of Los Gatos Comprehensive Fee Schedule, attached hereto as Exhibit A, shall become effective July 1, 2020.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 17th day of March 2020 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

CALIFORNIA



Comprehensive Fee Schedule (Redlined)

Cover Photos: Constantino, Evie Julian

TOWN OF LOS GATOS FEE SCHEDULE

The following Fee Schedule is effective July 1, 2020 through June 30, 2021, unless updated by the Town Council. The Fee Schedule will be adjusted annually by the average Consumer Price Index (Bureau of Labor Statistics, U.S. Department of Labor for the San Francisco/Oakland/San Jose Metropolitan Statistical Area) for the calendar year and/or by the percentage increase in actual operating costs for the current year – whichever is greater. This Fee Schedule also provides for minimum annual adjustments for those fees that are directly related to personnel costs. Other adjustments may be made to maintain consistency with the surrounding municipalities within the Town of Los Gatos region but in no case are fees charged in excess of service delivery costs.

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ADMINISTRATIVE SERVICES

Town Facilities Use

Town approved non-profit fundraising activities are allowed in/on Town facilities with an appropriate permit, or license issued by the Town, or provided in an agreement or Conditional Use Permit with the Town. Private events are not allowed in the Council Chambers with the exception of approved events hosted by the tenants of 106 and 108 East Main Street as stated in tenant lease agreements. The available Town facilities are listed below:

- Civic Center Lawn, Deck and Stairs
- Civic Center West Patio
- Council Chambers
- Council Chambers Lobby (as a stand-alone facility)
- Civic Facilities Conference and Meeting Rooms

| | | |
|----------|----------------------------------|-----------------------------|
| 1 | Fee for Town Hall Facilities Use | Non Profit: \$0.00 per hour |
| 2 | Building Attendant | \$20.00 per hour |

Copy and Printing Charges

| | | |
|-----------|--|----------------|
| 3 | Copy of Town Code | Actual Cost |
| 4 | 8 1/2 x 11 and 8 1/2 x 14 | \$.25 per page |
| 5 | 11 x 17 | \$.35 per page |
| 6 | Oversized or Large Productions | Actual Cost |
| 7 | Annual Subscription for Town Code Supplements | Actual Cost |
| 8 | Copying of Zoning Ordinance | Actual Cost |
| 9 | Annual Subscription for Zoning Ordinance Supplements | Actual Cost |
| 10 | Certification of Town Records | \$2.00 |
| 11 | Annual Financial Report | Actual Cost |
| 12 | Annual Budget | Actual Cost |
| 13 | Capital Improvement Plan | Actual Cost |

Special Events

| | | |
|-----------|---|-----------------------|
| 14 | Special Event Application Fee, For-Profit | New Event \$910.00 |
| | | Repeat Event \$680.00 |
| 15 | Special Event Application Fee, Not-For Profit | New Event \$227.00 |
| | | Repeat Event \$170.00 |
| 16 | Special Event Road Closure Review Fee | \$225.00 |
| 17 | Block Party Permit | \$55.00 |

ADMINISTRATIVE SERVICES

Business License

| | | |
|----|---|---------------------------------|
| 18 | Business License Processing Fee - New | Out of Town \$20.00 |
| | | In Town \$40.00 |
| 19 | Business License Processing Fee - Renewal | Out of Town and In Town \$30.00 |

Other Services

| | | |
|----|---|--|
| 20 | Compact Disk or Tape of Council and Planning Commission Meetings (plus actual mailing costs, if applicable) | \$20.00 per DVD for meetings under 2 hours |
| | | \$30.00 per DVD for meetings over 3 hours |
| 21 | Copy - Digital | \$10 per device |
| 22 | Initial Returned Check Fee | \$25.00 |
| 23 | Subsequent Return Check Fees [CA Civil Code Section 1719(a) (1)] | \$35.00 |
| 24 | Election Filing Fee | \$25.00 |
| 25 | Credit Card Processing Fee for all transactions above \$30.00 | 2.4% 2.2% |
| 26 | Request for Service Not Covered by any Other Fee | Fully allocated hourly rates for all personnel |

ATTORNEY SERVICES

| | | |
|---|---|--|
| 1 | Conditions, Covenants & Restrictions (CC&R) Review and Approval | Fully allocated hourly rates for all personnel |
| 2 | Simple Covenant/Deed Restriction | Fully allocated hourly rates for all personnel |
| 3 | Subdivision Improvement Agreements | Fully allocated hourly rates for all personnel |
| 4 | Encroachment Agreements | Fully allocated hourly rates for all personnel |
| 5 | Miscellaneous (Legal Agreements, Real Property, etc.) | Fully allocated hourly rates for all personnel |

DEVELOPMENT SERVICES

General Development Fees

| | | |
|----|--|--|
| 1 | Reproduction (sent out) plus actual mailing costs, as applicable. Maps, plans, etc. (larger than 11" x 17") | Actual Cost - sent to San Jose Blueprint |
| 2 | Data Duplication service and fee for partial or full copies of each digital standard Town data file on one-time request basis. 8 1/2" x 11" copy, standard | \$.25 per page |
| 3 | Document Storage Fee - Laserfiche | Actual Cost |
| 4 | Duplicate Plans Set | \$154.00/hr. (1/2 hr. minimum) |
| 5 | Research Records Charge for Staff Research beyond 30 minutes | Fully allocated hourly rate for all personnel |
| 6 | Address Processing Fee - per address | \$160.00 -\$165.00 |
| 7 | Computer Surcharge on all Building/Plumbing/Mechanical/Electrical/Grading/Encroachment/Planning Permits/Applications and any other Permits/ Applications except Park Permit/Applications | 4% of development application fee |
| 8 | Engineering Development Review Service Fee - Building Permit and Building Plan Check* | 5% of permit or plan check |
| 9 | Request for Service Not Covered by Any Other Fee | Actual Cost |
| 10 | Pre-application Conference Fee | Courtesy meeting |
| 11 | Applications for Work Unlawfully Completed | Double current application fee |
| 12 | BMP Document Processing Fee | \$575.00 \$593.00 |
| 13 | Community Benefit | No standard schedule, as offered and applied per project |

****These fees are applied to permits or plan checks that require engineering services.***

Reports, Agendas, and Minutes

| | | |
|----|--|--------------------|
| 14 | Development Review Committee Agendas | \$37.00 |
| 15 | Planning Commission Agendas | \$25.00 |
| 16 | Planning Commission Minutes | Actual Cost |
| 17 | Plan Copies - microfiche or other reprints sent to an outside firm | \$31.00 plus costs |
| 18 | Plan Copies - blueprint reproduction in house | \$3.00 per page |
| 19 | Copy of Subdivision Ordinance | \$26.00 |
| 20 | General Plan (including maps) | \$26.00 |
| 21 | Hillside Specific Plan | \$5.80 |
| 22 | Hillside Development Standards and Design Guidelines | \$19.45 |

DEVELOPMENT SERVICES

Reports, Agendas, and Minutes (continued)

| | | |
|----|--|---------|
| 23 | Commercial Design Guidelines | \$20.50 |
| 24 | Subdivision Ordinance | \$26.00 |
| 25 | General Plan/Zoning Maps (24" x 36") - Black & White | \$9.00 |
| 26 | General Plan/Zoning Maps (24" x 36") - Color | \$42.00 |
| 27 | Blossom Hill Open Space Study | \$14.00 |
| 28 | Commercial Specific Plan Report | \$12.00 |
| 29 | Residential Design Guidelines | \$21.50 |
| 30 | Housing Element Technical Appendix | \$24.75 |
| 31 | 2015-2023 Housing Element | \$39.00 |
| 32 | Los Gatos Boulevard Plan | \$9.50 |
| 33 | North Forty Specific Plan (adopted June 2015) | \$45.25 |

Landscape

Final occupancy clearance (new construction or remodel)

| | | |
|----|--|-----------|
| 34 | Park Staff Time Spent for Major Development Applications | \$543.00* |
|----|--|-----------|

Basis:

Development Review Committee Meetings – 1.5 hrs. (estimate)

Site Visits – 4.0 hrs. (estimate)

Review Plan – 4.0 hrs. (estimate)

****Note: Time spent over and above the initial application fee will be billed at the current employee billing rate plus equipment hourly rate.***

Annexation Fees

| | | |
|----|---------------|-----------------------------------|
| 35 | 1 Lot | \$3,010.00 \$3106.00* |
| 36 | 2 Lots | \$1,505.00 \$1,553.00* |
| 37 | 3 Lots | \$1,005.00 \$1037.00* |
| 38 | 4 Lots | \$755.00 \$779.00* |
| 39 | 5 Lot or more | \$600.00 \$619.00* |

****Annexation Advertising Deposit (varies as to size of map) - \$1,000.00 to \$2,200.00***

Any remaining deposit will be refunded to the applicant and amounts exceeding the deposit amount will be paid by applicant.

DEVELOPMENT SERVICES

Seismic Hazards Mapping Program Fee (SMIP)

For residential construction of three stories and less (Category 1), the permit fee is \$13.00 per \$100,000. For all other construction (Category 2), the permit fee is \$28.00 per \$100,000. This fee is required by the State of California to identify and map zones of particular seismic hazards. Five percent of the fee is retained by the Town to be used solely for earthquake preparedness.

Capital Improvement Tax (Construction)

Based on \$0.18 for each square foot of building addition or alteration, which increases floor area of an existing building.

Underground Utility Tax (Utilities)

Based on \$0.18 for each square foot of building addition or alteration, which increases floor area of existing building.

Park Fund Tax (Parks)

Based on \$0.04 for each square foot of building addition or alteration, which increases floor area of an existing building.

Building Division

Building Permit Fees

| | | |
|-----------|---|---|
| 40 | Fee for issuing/reinstating a Building Permit | \$55.00 \$57.00 |
| 41 | Additional Building Permit Fee | \$30.00 \$31.00 |
| 42 | Demolition Permit | Residential: \$265.00 \$273.00 |
| | | Commercial: \$465.00 \$480.00 |

Building Permit Fees for New Construction and Addition

The fee for each building permit shall be based upon the 1997 Uniform Building Code as amended by the 2010 California Building Code.

A building valuation regional modifier of 2.32 shall be used in conjunction with the Building Valuation Data provided in the publication, Building Valuation Data, published by the International Code Council – February 2012. Hillside Homes shall use a modifier of 3.246 and Commercial Office Tenant Improvements shall use a modifier of 1.16. The Building Valuation Data will be increased ~~by the February~~ yearly by the Engineering News Record (ENR) Annual Building Cost Index (BCI) for every year thereafter.

DEVELOPMENT SERVICES

Building Permit Fees for New Construction and Addition

| | Total Valuation | Fee |
|----|--------------------------------|---|
| 43 | \$1.00 to \$500.00 | \$32.99 \$33.58 |
| 44 | \$501.00 to \$2,000.00 | \$32.99 \$33.58 for the first \$500.00 plus \$4.28 \$4.36 for each additional \$100.00 or fraction thereof, to and including \$2,000.00 |
| 45 | \$2,001.00 to \$25,000.00 | \$97.23 \$98.98 for the first \$2,000.00 plus \$19.66 \$20.01 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00 |
| 46 | \$25,001.00 to \$50,000.00 | \$549.32 \$559.21 for the first \$25,000.00 plus \$14.18 \$14.44 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00 |
| 47 | \$50,001.00 to \$100,000.00 | \$903.83 \$920.10 for the first \$50,000.00 plus \$9.83 \$10.01 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00 |
| 48 | \$100,001.00 to \$500,000.00 | \$1,395.23 \$1,420.34 for the first \$100,000.00 plus \$7.86 \$8.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00 |
| 49 | \$500,001.00 to \$1,000,000.00 | \$4,540.19 \$4,621.91 for the first \$500,000.00 plus \$6.67 \$6.79 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00 |
| 50 | \$1,000,001.00 and over | \$7,874.69 \$8,016.43 for the first \$1,000,000.00 plus \$4.42 \$4.50 for each additional \$1,000.00 or fraction thereof |

DEVELOPMENT SERVICES

Building Permit Fees for Remodels, Alterations, and Repairs

The Building Official shall establish the valuation of said improvements, and fees will be assessed as per Valuation Schedule above.

Special Services & Inspections

| | | |
|----|---|--------------------------------------|
| 51 | Inspection outside normal business hours (4 hr. minimum) | \$192.00/hr. \$198.00/hr. |
| 52 | Re-inspection fees | \$160.00/hr. \$165.00/hr. |
| 53 | Inspections for which no fee is specifically indicated (2 hr. minimum) | \$160.00/hr. \$165.00/hr. |
| 54 | Additional plan review required by changes, additions or revisions to plans (1 hr. minimum) | \$152.50/hr. \$157.00/hr. |
| 55 | For use of outside consultants for plan checking and/or inspections | Actual Cost |
| 56 | Services for which no fee is specifically indicated (1/2 hr. minimum) | \$160.00/hr. \$165.00/hr. |
| 57 | Permit/Plan check time extension (per permit) (applies to permits that have not expired) | \$78.00 \$80.00 |
| 58 | Express plan review or initial review (1 hr. minimum) | \$160.00/hr. \$165.00/hr. |
| 59 | Application for the Appeals Building Board Review | \$273.00 \$282.00 |
| 60 | Temporary Certificate of Occupancy | \$1,095.00 \$1,130.00 |

Plan Review Fee

A plan review fee shall be charged at the time of filing application. This fee is separate from and shall be in addition to the building permit fee. This fee is calculated at sixty-five percent (65%) of the building permit fee as per the valuation schedule starting on page 6.

Other Miscellaneous Factors to Determine Construction Valuation

| | | |
|----|---|---|
| 61 | Convert Garage to habitable space | \$117.00/sq. ft. \$121.00/sq.ft. |
| 62 | Convert unfinished basement or attic to habitable | \$127.00/sq. ft. \$131.00/sq.ft. |
| 63 | Pools/Spas (gunite) | \$76.00/sq. ft. \$78.00/sq.ft. |
| 64 | Siding - aluminum/vinyl/wood | \$32.00/sq. ft. \$33.00/sq.ft. |
| 65 | Antennas & Towers | Const.Value As Applied under valuation schedule on page 6 |
| 66 | Commercial Awning or Canopy | Aluminum \$32.00/sq. ft. \$33.00/sq.ft. |
| | | Canvas \$24.00/sq. ft. \$25.00/sq.ft. |

DEVELOPMENT SERVICES

Other Miscellaneous Factors to Determine Construction Valuation (continued)

| | | |
|----|---|--|
| 67 | Fence or Freestanding Wall (over 6" high) | Wood or metal \$49.00/lf. \$51.00/sq.ft. |
| | | Masonry \$85.00/lf. \$88.00/sq.ft. |
| 68 | Decks/Balcony | \$47.00/sq. ft. \$49.00/sq.ft. |
| 69 | Wood Deck | \$20.00/sq. ft. \$21.00/sq.ft. |
| 70 | Re-roofs | \$3.00/sq. ft. \$3.10/sq.ft. |
| 71 | Retaining Walls | \$107.00/lf. \$110.00/sq.ft. |

Special Systems Fees

| | | |
|----|--|--|
| 72 | Emergency generation, wind power, special HVAC systems, etc. | Plan Review (1 hr. minimum) \$152.50/hr. \$157.00/hr. |
| | | Field Inspection (2 hr. minimum) \$160.00/hr. \$165.00/hr. |
| 73 | Photovoltaic - Roof & Ground Mounted - Residential | Plan Review (1/4 hr. minimum) \$152.50/hr. \$157.00/hr. |
| | | Field Inspection (1 hr. minimum) \$160.00/hr. \$165.00/hr. |
| 74 | Photovoltaic - Roof & Ground Mounted - Commercial | Plan Review (1 hr. minimum) \$152.50/hr. \$157.00/hr. |
| | | Field Inspection (2 hr. minimum) \$160.00/hr. \$165.00/hr. |

Electrical Permit Fees

| | | |
|----|--|----------------------------|
| 75 | Fee for issuing/reinstating an Electrical Permit | \$55.00 \$57.00 |
| 76 | Additional Electrical Permit Fee | \$25.00 \$26.00 |
| 77 | New Residential Construction (new buildings only, including garages) | \$.11 sq. ft |
| 78 | Commercial Construction | \$.08 sq. ft |

Plan Review & Re-inspection Fees

| | | |
|----|------------------------|--------------------------------------|
| 79 | Plan review fee | 25% of Electrical Permit Fee |
| 80 | Additional plan review | \$152.50/hr. \$157.00/hr. |
| 81 | Re-inspection fee | \$160.00/hr. \$165.00/hr. |

DEVELOPMENT SERVICES

System Fee Schedule

| | | |
|-----------|--|------------------------------|
| 82 | Private swimming pools | \$63.00 \$65.00 |
| 83 | Public swimming pools | \$114.00 \$118.00 |
| 84 | Temporary power poles | \$78.00 \$80.00 |
| 85 | Temporary distribution system & temporary lighting | \$38.00 \$39.00 |
| 86 | Installation of illuminated signs (each) | \$101.00 \$104.00 |

For alterations to existing pools, use Unit Fee Schedule fees listed on page 10.

Unit Fee Schedule

| | | |
|-----------|---|---|
| 87 | Receptacle, switch and lights | \$2.00 \$2.06 |
| 88 | Residential appliances/new circuits (cook top, oven, range, disposals, clothes dryers, or other motor operated appliances not exceeding one horsepower) | \$6.00 \$6.19 |
| 89 | Nonresidential appliances/new circuits (medical & dental devices, food, beverage, drinking fountains, laundry machines, or other similar equipment) NOTE: for other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Generators/Motors | \$8.00 \$8.26 |
| 90 | Photovoltaic system (residential) | \$90.00 |
| 91 | Solar systems (including controls) | \$90.00 |
| 92 | Power apparatus (generators, transformers, A/C, heat pumps, baking equipment) | Up to 10 KV, each \$16.00 \$17.00 |
| | | Over 10 KV not over 50 KV, each \$32.00 \$33.00 |
| | | Over 50 KV and not over 100 KV, each \$63.00 \$65.00 |
| | | Over 100 KV, each \$84.00 \$87.00 |
| 93 | Motors | Up to 10 hp \$16.00 \$17.00 |
| | | Up to 25 hp \$32.00 \$33.00 |
| | | Up to 55 hp \$63.00 \$65.00 |
| | | Over 55 hp \$92.00 \$95.00 |
| 94 | Transformers | Up to 5 KVA \$16.00 \$17.00 |
| | | Up to 10 KVA \$32.00 \$33.00 |
| | | Up to 50 KVA \$53.00 \$55.00 |
| | | Over 50 KVA \$77.00 \$79.00 |
| 95 | Busways/conduits (per 100 ft) | \$8.00 \$8.26 |

DEVELOPMENT SERVICES

Unit Fee Schedule (continued)

| | | |
|----|--------------------------------|--|
| 96 | Service equipment | 200 amps or less \$78.00 \$80.00 |
| | | 201 to 999 amps \$108.00 \$111.00 |
| | | Sub-panels \$38.00 \$39.00 |
| 97 | Installation of spas or saunas | \$38.00 \$39.00 |

Other Electrical Fees

| | | |
|----|---|----------------------------|
| 98 | Duplicate job card | \$25.00 \$26.00 |
| 99 | Permit extension (applies to permits that have not expired) | \$78.00 \$80.00 |

Mechanical Permit Fees

| | | |
|-----|--|----------------------------|
| 100 | Fee for issuing/reinstating a Mechanical Permit | \$55.00 \$57.00 |
| 101 | Additional Mechanical Permit Fee | \$25.00 \$26.00 |
| 102 | New Residential Construction (new buildings only, including garages) | \$.11 sq. ft |
| 103 | Commercial Construction | \$.08 sq. ft |

Plan Review & Re-inspection Fees

| | | |
|-----|------------------------|--------------------------------------|
| 104 | Plan review fee | 25% of Mechanical Permit Fee |
| 105 | Additional plan review | \$152.50/hr. \$157.00/hr. |
| 106 | Re-inspection fee | \$160.00/hr. \$165.00/hr. |

Unit Fee Schedule

| | | |
|-----|---|---|
| 107 | Installation, of each heating system, A/C, boiler, compressor or air handler | \$38.00 \$39.00 |
| 108 | Each duct repair or alteration | \$11.00 \$11.35 |
| 109 | Each fireplace appliance | \$32.00 \$33.00 |
| 110 | Each ventilating fan | \$11.00 \$11.35 |
| 111 | Installation of separate flue or vents not included with the installation of an appliance | \$11.00 \$11.35 |
| 112 | Installation of each hood with mechanical exhaust | Residential \$32.00 \$33.00 |
| | | Commercial \$114.00 \$118.00 |
| 113 | Each new or repair of gas piping system | \$70.00 \$72.00 |
| 114 | Each additional gas outlet | \$23.00 \$24.00 |
| 115 | Installation of evaporative cooler | \$32.00 \$33.00 |

DEVELOPMENT SERVICES

Other Mechanical Fees

| | | |
|------------|---|----------------------------|
| 116 | Duplicate job card | \$25.00 \$26.00 |
| 117 | Permit extension (applies to permits that have not expired) | \$78.00 \$80.00 |

Plumbing Permit Fees

| | | |
|------------|--|----------------------------|
| 118 | Fee for issuing/reinstating a Plumbing Permit | \$55.00 \$57.00 |
| 119 | Additional Plumbing Permit Fee | \$25.00 \$26.00 |
| 120 | New Residential Construction (new buildings only, including garages) | \$.11 sq. ft |
| 121 | Commercial Construction | \$.08 sq. ft |

Plan Review & Re-inspection Fees

| | | |
|------------|------------------------|--------------------------------------|
| 122 | Plan review fee | 25% of Plumbing Permit Fee |
| 123 | Additional plan review | \$152.50/hr. \$157.00/hr. |
| 124 | Re-inspection fee | \$160.00/hr. \$165.00/hr. |

System Fee Schedule

| | | |
|------------|---|------------------------------|
| 125 | Private swimming pools (including heater, water piping, gas piping) | \$92.00 \$95.00 |
| 126 | Public swimming pools (including heater, water piping, gas piping) | \$138.00 \$142.00 |
| 127 | Lawn sprinkler system on one meter | \$38.00 \$39.00 |
| 128 | Each new or repair of gas piping system | \$70.00 \$72.00 |
| 129 | Each drainage, sewer system | \$38.00 \$39.00 |
| 130 | Radiant floor heating system | \$114.00 \$118.00 |

Unit Fee Schedule

| | | |
|------------|--|------------------------------|
| 131 | Each plumbing fixture or trap or set of fixtures on one trap | \$11.00 \$11.35 |
| 132 | Each sewer cleanout, backflow device | \$11.00 \$11.35 |
| 133 | Each septic system abatement | \$114.00 \$118.00 |
| 134 | Rainwater systems - per drain (inside building) | \$11.00 \$11.35 |
| 135 | Each water heater, water softener | \$32.00 \$33.00 |
| 136 | Each grease interceptor (750 gallon capacity) | \$78.00 \$80.00 |
| 137 | Each grease trap (1-4 fixtures) | \$44.00 \$45.00 |
| 138 | Residential water re-piping | \$114.00 \$118.00 |

DEVELOPMENT SERVICES

Unit Fee Schedule (continued)

| | | |
|------------|--|----------------------------|
| 139 | Each ejector/sump pump | \$38.00 \$39.00 |
| 140 | Each vacuum breaker/hose bib | \$11.00 \$11.35 |
| 141 | Each water piping system repair or replacement | \$24.00 \$25.00 |
| 142 | Each additional gas outlet | \$24.00 \$25.00 |

Other Plumbing Fees

| | | |
|------------|---|----------------------------|
| 143 | Duplicate job card | \$25.00 \$26.00 |
| 144 | Permit extension (applies to permits that have not expired) | \$78.00 \$80.00 |

Other Building Fees

| | | |
|------------|---|----------------------------|
| 145 | Duplicate Inspection Card | \$30.00 \$31.00 |
| 146 | NPDES Inspection Fee (Charged on all building permits with the potential to generate non-point source storm water runoff during construction) | \$70.00 \$72.00 |

State of California Title 24 Part 2 Energy and Accessibility Code and Regulation Plan Review and Inspection Fees

A surcharge shall be added to the building permit fee for the cost to plan review and inspect for compliance with State of California Title 24 Regulations. This fee is calculated at fifteen percent (15%) of the building permit fee. This fee is applied whenever a plan review is assessed.

State of California Mandated Building Standards Fee – SB 1473

A surcharge shall be added to all building permits at the rate of four dollars (\$4) per one hundred thousand dollars (\$100,000) in valuation, with appropriate fractions thereof, but not less than one dollar (\$1). These funds will be available to the California Building Standards Commission, the Department of Housing and Community Development, and the Office of the State Fire Marshall for expenditure in carrying out the provisions of the State Building Standards Law and provisions of State Housing Law that relate to building standards. Up to ten percent (10%) shall be retained for related administrative costs and for code enforcement education.

DEVELOPMENT SERVICES

Planning Division

The fees listed below constitute all fees imposed by the Planning Division. Certain types of applications must be reviewed / processed by other departments/agencies, which may impose separate fees. Applicants are advised that the fees for those services are not included in the Planning Department's fees. Where the term "actual cost" is used here, it shall mean: materials, supplies (including any costs of noticing or publication), outside consultants, employee cost will be billed at the top step, plus benefits, plus overhead. The following fee schedule is established for applications filed pursuant to the Town Code. The fees are collected by the Community Development Department at the time the application is filed unless otherwise noted.

- Fees for Additional Processing - In the event additional processing services by the Town are required due to changes, modifications, additions, errors, omissions, or discrepancies caused by the applicant or his/her agents or representatives, the applicant shall pay an additional fee as determined by the Director of Community Development to cover the actual cost.
- Fees for Lack of Progress - If additional information is required by the Town for an application and the requested information is not submitted within 180 days, the applicant will be required to pay a fee of 10 percent of the current application fee at the time the requested information is submitted. Any re-submittal after one year will be processed as a new application, subject to new fees.
- Fees for Major Projects - If it is anticipated that the application processing costs of selected major projects will significantly exceed the following fees, the Director of Community Development may collect a deposit and charge actual time spent to process the applications based upon current hourly rates.
- Surcharges - All of the following applications are subject to the surcharge fees as set forth in General Development Services and in the Zoning Research section of Planning Division.

DEVELOPMENT SERVICES

Zoning Approvals - Architecture and Site Applications – Development Review Committee (DRC) Approval

| | | |
|------------|---|----------------------------------|
| 147 | New single family detached (HR and RC zones) <i>Engineering Development Review Service Fee</i> | \$8,978.00 \$9,265.00 |
| | | \$4,151.00 \$4,284.00 |
| 148 | New non-custom single family detached (HR and RC zones) per unit/model, as part of a Planned Development** <i>Engineering Development Review Service Fee</i> | \$6,235.00 \$6,435.00 |
| | | \$4,148.00 \$4,281.00 |
| 149 | New single family or two family units <i>Engineering Development Review Service Fee</i> | \$6,187.00 \$6,385.00 |
| | | \$4,149.00 \$4,282.00 |
| 150 | New single family or two family (any other zone) per unit/model new nonresidential or multiple family per building as part of a Planned Development** <i>Engineering Development Review Service Fee</i> | \$4,421.00 \$4,562.00 |
| | | \$4,153.00 \$4,286.00 |
| 151 | Minor projects (a development proposal that does not significantly change the size, mass, appearance or neighborhood impact of a structure, property or parking lot) <i>Engineering Development Review Service Fee</i> | \$2,243.00 \$2,315.00 |
| | | \$3,186.00 \$3,288.00 |

Zoning Approvals – Architecture and Site Applications – Planning Commission Approval

| | | |
|------------|---|------------------------------------|
| 152 | Supplemental fee DRC applications as determined with fee #146 or minor residential development applications or applications that are part of a Planned Development that require Planning Commission approval <i>Engineering Development Review Service Fee</i> | \$3,168.00 \$3,269.00 |
| | | \$1,157.00 \$1,194.00 |
| 153 | New two family unit <i>Engineering Development Review Service Fee</i> | \$9,437.00 \$9,739.00 |
| | | \$4,151.00 \$4,284.00 |
| 154 | New nonresidential (includes conceptual Planned Development elevations) <i>Engineering Development Review Service Fee</i> | \$10,832.00 \$11,179.00 |
| | | \$4,151.00 \$4,284.00 |
| 155 | New multiple family (includes conceptual Planned Development elevations) <i>Engineering Development Review Service Fee</i> | \$9,847.00 \$10,162.00 |
| | | \$4,149.00 \$4,282.00 |

DEVELOPMENT SERVICES

Zoning Approvals – Architecture and Site Applications – Planning Commission Approval (continued)

| | | |
|-----|---|----------------------------------|
| 156 | All other (i.e. exceed FAR, major grading, etc.) <i>Engineering Development Review Service Fee</i> | \$5,491.00 \$5,667.00 |
| | | \$4,151.00 \$4,284.00 |

****Aside from the fees noted above, no additional Architecture and Site application fees will be assessed for projects that involve a historic structure or site.***

*****Any changes proposed to model homes, nonresidential, or multiple family buildings, a supplemental fee shall be based on a time and materials basis to review the changes.***

Conditional Use Permits

| | | |
|-----|---|---|
| 157 | Conditional Use Permit <i>Engineering Development Review Service Fee</i> | \$6,351.00 \$6,554.00 |
| | | \$1,351.00 \$1,394.00 |
| 158 | Conditional Use Permit (when consolidated with another application for new development) <i>Engineering Development Review Service Fee</i> | \$1,056.00 \$1,090.00 |
| | | \$774.00 \$799.00 |
| 159 | Conditional Use Permit for Minor Restaurant (DRC Approval) <i>Engineering Development Review Service Fee</i> | \$3,865.00 \$3,989.00 |
| | | \$1,160.00 \$1,197.00 |
| 160 | Conditional Use Permit for Major Restaurant (PC Approval) Tier 1 <i>Engineering Development Review Service Fee</i> | \$6,351.00 \$6,554.00 |
| | | \$1,736.00 \$1,792.00 |
| 161 | Conditional Use Permit for Major Restaurant (PC Approval) Tier 2 includes alcohol and/or entertainment (must pay #159 below with this application) <i>Engineering Development Review Service Fee</i> | \$7,506.00 \$7,746.00 |
| | | \$1,735.00 \$1,791.00 |
| 162 | Applications that require Town Council Approval (these fees supplement the above established fees) <i>Engineering Development Review Service Fee</i> | \$3,012.00 \$3,108.00 |
| | | \$1,158.00 \$1,195.00 |
| | | Transcription of Planning Commission minutes - Actual cost and minimum \$500.00 deposit |

Rezoning (other than Planned Development)

| | | |
|-----|--|--|
| 163 | Without General Plan or Specific Plan Amendment | Actual Cost (\$5,000.00 minimum) |
| 164 | With General Plan or Specific Plan Amendment | Actual Cost (\$7,000.00 minimum) |
| 165 | Transcription fee of Planning Commission minutes | Actual Cost and minimum \$500.00 deposit |

DEVELOPMENT SERVICES

Planned Development

| | | |
|------------|--|--|
| 166 | Without General Plan or Specific Plan Amendment | Actual Cost |
| 167 | Without General Plan or Specific Plan Amendment (HR or RC Underlying Zone) | Actual Cost |
| 168 | With General Plan or Specific Plan Amendment | Actual Cost |
| 169 | With General Plan or Specific Plan Amendment (HR or RC Underlying Zone) | Actual Cost |
| 170 | Town Council Modification to a Planned Development | Actual Cost (\$5,000.00 minimum) |
| 171 | DRC Modification to a Planned Development | Actual Cost (\$3,000.00 minimum) |
| 172 | Publication costs for the planned development ordinance shall be paid by the applicant | |
| 173 | Transcription fee of Planning Commission minutes | Actual Cost and minimum \$500.00 deposit |

Planning Division Certificates of Use and Occupancy

| | | |
|------------|---|------------------------------|
| 174 | Change of use | \$230.00 \$237.00 |
| 175 | Change of occupancy (excluding change of proprietor of a continuing business enterprise) | \$155.00 \$160.00 |
| 176 | Use/occupancy clearance if Conditional Use Permit is required or occupancy of a new accessory dwelling unit | No fee |

Sign Application

| | | |
|------------|-------------------------------|----------------------------------|
| 177 | New permanent sign | \$310.00 \$320.00 |
| 178 | Temporary nonresidential sign | \$99.00 \$102.00 |
| 179 | Change of face only | \$155.00 \$160.00 |
| 180 | Sign program | \$2,075.00 \$2,141.00 |

Administrative Land Use Permit

| | | |
|------------|---|----------------------------------|
| 181 | Minor telecommunications facility (i.e. microcell, 8,021 lb. or equivalent) | \$1,535.00 \$1,584.00 |
| 182 | Major telecommunications facility which do not require a Conditional Use Permit | \$3,681.00 \$3,799.00 |

DEVELOPMENT SERVICES

Other Zoning Approvals Fees

| | | |
|------------|---|---|
| 183 | Variance <i>Engineering Development Review Service Fee</i> | \$4,671.00 \$4,820.00 |
| | | \$1,351.00 \$1,394.00 |
| 184 | Minor Residential Development (see #151) | \$2,243.00 \$2,315.00 |
| 185 | Agricultural Preserve Withdrawal | \$3,810.00 \$3,932.00 |
| 186 | Hazardous Materials Storage Facility Application | Fully allocated rate of all personnel, plus noticing fees |
| 187 | Home Occupation Permit | \$155.00 \$160.00 |
| 188 | Accessory Dwelling Unit | \$1,340.00 \$1,383.00 |
| 189 | Mobile Home Park Conversion Permit | Fully allocated rate of all personnel with initial deposit of \$5,000.00 |
| 190 | General Plan/Town Code Amendments | Fully allocated rate of all personnel with initial deposit of \$5,000.00 plus additional fees |

Subdivisions

| | | |
|------------|---|--|
| 191 | Lot Line Adjustment (DRC Approval) <i>Engineering Development Review Service Fee</i> | \$2,128.00 \$2,196.00 |
| | | \$3,571.00 \$3,685.00 |
| 192 | 4 Lots or Less (DRC Approval) <i>Engineering Development Review Service Fee</i> | \$8,575.00 \$8,849.00 |
| | | \$3,960.00 \$4,087.00 |
| 193 | 4 Lots or Less (as part of a Planned Development) (DRC Approval) <i>Engineering Development Review Service Fee</i> | \$3,541.00 \$3,654.00 |
| | | \$4,153.00 \$4,286.00 |
| 194 | 5 Lots or More <i>Engineering Development Review Service Fee</i> | \$9,660.00 \$9,969.00 |
| | | \$5,115.00 \$5,279.00 |
| 195 | 5 Lots or More (as part of a Planned Development) (DRC Approval) <i>Engineering Development Review Service Fee</i> | \$4,152.00 \$4,285.00 |
| | | \$5,118.00 \$5,282.00 |
| 196 | Vesting Tentative Map (VTM) | Actual Cost plus \$500.00 deposit and additional fees |
| 197 | Lot Merger and Reversion to Acreage (DRC Approval) <i>Engineering Development Review Service Fee</i> | \$1,055.00 \$1,089.00 |
| | | \$3,570.00 \$3,684.00 |
| 198 | Condominium | \$7,445.00 \$7,683.00 |
| 199 | Condominium (as part of a Planned Development) | \$3,541.00 \$3,654.00 |
| 200 | Certificate of Compliance (DRC Approval) <i>Engineering Development Review Service Fee</i> | \$3,076.00 \$3,174.00 |
| | | \$2,219.00 \$2,290.00 |
| 201 | VTM applications that require Town Council approval, Subdivision and/or DRC applications that require Planning Commission approval. This fee supplements the above-established fees. | \$2,824.00 \$2,914.00 |

DEVELOPMENT SERVICES

Miscellaneous Application Fees

| | | |
|-----|--|--|
| 202 | Time Extensions to Approved Application | 50% of current fee (excluding fees based on actual cost) |
| 203 | Modification to Approved Application | 75% of current fee (excluding fees based on actual cost) |
| 204 | Conceptual Development Advisory Committee Review | \$2,966.00 |
| | | Special Noticing - Actual Cost (minimum \$500.00 deposit) |
| 205 | Push Cart Permit | \$492.00 \$508.00 |
| 206 | Auto Dealer Events | Smaller Promotional Events \$82.00 \$85.00 |
| | | Large Promotional Events \$401.00 \$414.00 |
| 207 | News rack Permit Fee | \$390.00 \$402.00 |
| 208 | Firearms Dealer Permit (Town Ordinance 2217 dated 6/17/2013) | Fully allocated hourly rate of all personnel plus any necessary outside costs and initial \$2,000.00 deposit |

Environmental Assessment Fees

| | | |
|-----|---|---|
| 209 | Categorical Exemption | No fee |
| 210 | Initial Study Deposit*** | Fully allocated hourly rate of all personnel with initial \$5,000.00 deposit |
| 211 | Draft Initial Study Review Fee (or actual cost if part of a Planned Development, General Plan and/or Town Code Amendment) | \$2,786.00 \$2,875.00 |
| | <i>Engineering Development Review Service Fee</i> | \$1,931.00 \$1,993.00 |
| 212 | Environmental Impact Report | Consultant's fee |
| 213 | Draft EIR Review Fee | Fully allocated hourly rate of all personnel plus any necessary outside costs |
| 214 | Impact Monitoring Program (AB3180) | Fully allocated hourly rate of all personnel plus any necessary outside costs |

*****The \$5,000 fee is a deposit only. The specific cost of the Initial Study and any required special studies shall be borne by the applicant. The deposit shall be increased before the Town will authorize work exceeding the amount on deposit. Any deposit balance will be refunded.**

DEVELOPMENT SERVICES

Surcharges

| | | |
|------------|-------------------------------|---|
| 215 | General Plan update surcharge | .5% of building valuation for new construction and additions/10% of zone change and subdivision fee |
| 216 | Advanced Planning projects | 10% of application fee |

Appeals

| | | |
|------------|--|---|
| 217 | Fee to appeal Planning Commission decision to Town Council | Per Residential \$438.00 \$452.00 |
| | | Per Commercial, multi-family or tentative map \$1,763.00 \$1,819.00 |
| 218 | Fee to remand applications from Town Council to Planning Commission | Fully allocated hourly rate for all personnel plus additional fees |
| 219 | Fee to appeal Director of Community Development or Development Review Committee decision to Planning Commission | Per Residential \$221.00 \$228.00 |
| | | Per Commercial \$882.00 \$910.00 |
| 220 | Tree appeals | \$90.00 \$93.00 |
| 221 | Appeal transcription fee of Planning Commission minutes (only applies to appeals from Planning Commission to Town Council) | Actual Cost - minimum \$500.00 deposit |

Zoning Research

| | | |
|------------|---|-------------------------------------|
| 222 | Basic Zoning Letter | \$155.00 \$160.00 |
| 223 | Legal non-conforming verification | \$650.00 \$671.00 |
| 224 | Reconstruction of legal non-conforming structures (Burndown Letter) | \$276.00 \$285.00 |

DEVELOPMENT SERVICES

Other Planning Division Fees

| | | |
|------------|---|--|
| 225 | Fence Height Exceptions | \$276.00 \$285.00 |
| 226 | Peer/Technical Review - any remaining deposit will be refunded to the applicant and amounts exceeding the deposit amount will be paid by applicant | Fully allocated hourly rate of all personnel plus any necessary outside costs and initial \$2,000.00 deposit |
| 227 | Fees For Additional Tech Review and/or DRC Review - DRC beyond three meetings, Planning Commission hearing beyond two meetings, Town Council hearing beyond one meeting | Fully allocated hourly rate of all personnel involved plus additional fees |
| 228 | Consultation | Actual cost on an hourly basis |
| 229 | Research Services Minimum Charge | Fully allocated hourly rate for all personnel with initial \$200.00 deposit |
| 230 | Building Permit Plan Check Fee | 20% of building fee |
| 231 | Below Market Price Housing Program In-Lieu Fee | 6% of the building permit valuation for the entire project |
| 232 | Outdoor Seating Permit | Fully allocated hourly rate for all personnel with initial \$1,000.00 deposit |
| 233 | Valet Parking Permit | Fully allocated hourly rate for all personnel with initial \$1,000.00 deposit |
| 234 | Parklet Program | Fully allocated hourly rate for all personnel with initial \$1,000.00 deposit |

Payment of Application Fees

All application fees are to be paid at the time the applications are submitted to the Community Development Department. If the applicant withdraws an application, which requires a hearing by the Planning Commission, prior to processing the application for the hearing, 40% of the paid application fee shall be refunded to the applicant at the discretion of the Director of Community Development. All other fees are non-refundable.

DEVELOPMENT SERVICES

Engineering Division

The following fees constitute a comprehensive listing of the various fees charged by the Engineering Program. Certain types of application/permits must be reviewed and/or processed by other Town departments or public agencies, which may charge separate fees. Applicants are advised that the fees for those services are not included in the Engineering Program's fees. Where the term "actual cost (s)" is used here it shall mean: materials, supplies (including any costs of noticing or publication), outside consultants and employee cost, (including salary, benefits and overhead).

Engineering Plan Check Fee (Public Improvements & Grading Permits) *

| | | |
|------------|---|---|
| 235 | Application Fee | \$490.00 \$505.00 |
| 236 | Under \$20,000.00 | 15.5% of valuation |
| 237 | \$20,000.00 to \$80,000.00 | \$3,100.00 \$3,199.00 plus 9% of valuation |
| 238 | Greater than \$80,000 | \$8,500.00 \$8,772.00 plus 8.5% valuation |
| 239 | Each additional plan check beyond three reviews | Fully allocated hourly rate for all personnel |

Inspection Fee (Public Improvements & Grading Permits)

| | | |
|------------|----------------------------|---|
| 240 | Under \$20,000.00 | 7.5% of valuation |
| 241 | \$20,000.00 to \$80,000.00 | \$1,500.00 \$1,548.00 plus 6.5% of valuation |
| 242 | Greater than \$80,000.00 | \$5,400.00 \$5,573.00 plus 4.0% of valuation |

DEVELOPMENT SERVICES

Work In or Use of Public Right-of-Way *

| | | |
|-----|--|---|
| 243 | Encroachment Permit - Residential | Work up to \$4,000.00 - \$305.00 \$315.00 |
| | | Each additional \$2,000.00 - \$160.00 \$165.00 |
| 244 | Encroachment Permit - Collector/Arterial Streets** | Work up to \$4,000.00 - \$1,580.00 \$1,631.00 |
| | | Each additional \$2,000.00 - \$345.00 \$356.00 |
| 245 | Outside contractor underground utility locating surcharge (actual cost for outside contractor inspection fee may change) | \$95.00 |
| 246 | Temporary Encroachment Permit | \$150.00 \$155.00 |
| 247 | Dumpster Permit | \$150.00 \$155.00 |
| 248 | Storage Permit | \$150.00 \$155.00*** |

*** Work done at night or on weekends shall be charged the actual costs of staff**

**** Single-family residences located along collector and arterial streets to be charged the residential fees above**

***** \$500.00 refundable Storage Unit Removal Deposit, to cover cost of removal, if abandoned**

NPDES

| | | |
|-----|--|---|
| 249 | Inspection Fee - Grading Permits | Single Family Residential \$730.00 \$753.00 |
| | | Commercial or Multi Family Residential \$1,135.00 \$1,171.00 |
| 250 | Inspection Fee - Encroachment Permits and Some Storage Permits | Single Family Residential \$200.00 \$206.00 |
| | | Commercial or Multi Family Residential \$325.00 \$335.00 |
| | | Plus \$485.00 \$501.00 per LID facility |
| 251 | Inspection of Storm Water Treatment Measures | \$500.00 \$516.00 per facility |
| 252 | Annual Stormwater/Limited Impact Development (LID) Permit | Per Visit and 1st facility inspection \$485.00 \$501.00 |
| | | Every additional facility inspection \$160.00 \$165.00 |
| 253 | C-3 Permit Hydrologic Calculation | Fully allocated hourly rate for all personnel plus any outside cost and initial deposit of \$3,750.00 |

DEVELOPMENT SERVICES

Engineering Subdivision Map Checking

| | | |
|------------|----------------|--|
| 254 | 1-4 lots | \$2,855.00 \$2,946.00* |
| 255 | 5 or more lots | \$3,995.00 \$4,123.00* |

****Plus, initial \$3,000 surveyor deposit. Additional deposit(s) of actual surveyor costs may be required for larger projects than 5 or more lots, additional map check review(s), or overall complexity of the map.***

Traffic Impact Analysis or Parking Study

| | | |
|------------|---|---|
| 256 | Development Review (staff traffic impact analysis or Parking Study) | Actual Cost |
| | | Consultant Report - Consultant Fee |
| 257 | Staff Review Fee | \$664.00 \$685.00 plus 10% of the traffic consultant report cost |
| 258 | Site Distance Analysis | \$178.00 \$184.00 per review not to exceed two hours. Actual cost for staff time when analysis exceeds two hours. |
| 259 | Traffic Impact Mitigation Fee | \$958.00 \$989.00 per new average daily trip generated |

Storm Drainage Fees

| | | |
|------------|---|---|
| 260 | Development Projects | <p>Single family lots Section 24.60.035(b) (3): For subdivision whose lots exceed one acre, the fee shall not exceed that of one acre per lot \$4,228.00 \$4,363.00/ac.</p> <p>Multiple family dwelling units - initial unit \$4,228.00 \$4,363.00/ac.</p> <p>Multiple family dwelling units - each unit after initial (not to exceed \$4,622.00/ac.) \$159.00 \$164.00</p> <p>Commercial, industrial, hospitals, churches, schools, and others \$5,286.00 \$5,455.00/ac.</p> |
| 261 | Building/Grading Permits (Building, Structures, & impervious areas) | New impervious surface area, per sq. ft. \$1.00/sq. ft. |

DEVELOPMENT SERVICES

Street Improvement In-Lieu Fee

| | | |
|------------|-----------------|---|
| 262 | Sidewalks | \$16.00/sq. ft. \$20.00/sq.ft. |
| 263 | Curb and Gutter | \$68.00/lf. \$100.00/lf. |

Other In-Lieu Fee

| | | |
|------------|--------------------|---|
| 264 | Trail Improvements | \$16.00/per sq. ft. or determined by Director |
|------------|--------------------|---|

Hauling Permits

| | | |
|------------|-------------------------------------|-----------------------------------|
| 265 | House Moving Fee | \$3,490.00 \$3,602.00* |
| 266 | Hauling (Overweight Vehicle) Permit | Daily \$16.00** |
| | | Annual \$90.00 |

**Plus initial deposit of \$5,000 for facilities damage*

***The current State mandated fee is \$16.00 for Hauling Permit. If the State fee changes, the Hauling Permit fee will change to reflect the same.*

Construction Activities Mitigation Fee (Ordinance 2189)

| | | |
|------------|-----------------------------|---|
| 267 | New Buildings and Additions | Residential (per square foot added) \$1.17/sq.ft. \$1.19/sq.ft.* |
| | | Non-residential (per square foot added) \$1.17/sq.ft. \$1.19/sq.ft.* |

**These two fees are adjusted based on the Building Cost Index*

Other Engineering Fees

| | | |
|------------|--|---|
| 268 | Engineering Reversion to Acreage | \$2,395.00 \$2,472.00 plus initial deposit of \$2,500 for surveyor |
| 269 | Engineering Lot Merger | \$3,480.00 \$3,591.00 plus surveyor deposit |
| 270 | Engineering Lot Line Adjustments | \$3,480.00 \$3,591.00 plus surveyor deposit |
| 271 | Certificate of Compliance | \$3,480.00 \$3,591.00 plus surveyor deposit |
| 272 | Abandon Excess Public Right-of-Way & Public Easement | \$4,345.00 \$4,484.00 plus surveyor and valuation consultant and planning services |

DEVELOPMENT SERVICES

Other Engineering Fees (continued)

| | | |
|------------|--|--|
| 273 | Geotechnical Peer Review Fees | Fully allocated hourly rate of all personnel plus any outside costs and initial \$2,500 deposit. Larger projects require an initial deposit of \$4,500 to allow for a site visit by the geotechnical peer review consultant. |
| 274 | Separate Instrument Dedication Fee (for dedication via grant deeds and not maps) | \$720.00 \$743.00 plus initial deposit of \$2,500 for surveyor |
| 275 | Slurry Seal Fee | \$2.50 per sq.ft. |
| 276 | Flood Review Fee | Consultant Cost plus 25% Admin Fee |
| 277 | Miscellaneous Review Fee* | Actual Cost |

****This fee will be implemented for services including, but not limited to, wet weather inspections, annual inspections, review of operations and maintenance reports, coordination with property owner(s) and/or homeowner associations, etc.***

LIBRARY SERVICES

Lost or Damaged Items

| | | |
|---|---|--|
| 1 | Replacement of Adult book/AV item | Cost of item plus \$10.00 processing fee |
| 2 | Replacement of Teen/Children's book/AV item | Cost of item plus \$5.00 processing fee |
| 3 | Replacement of Adult paperback | Cost of item plus \$5.00 processing fee |
| 4 | Replacement of magazine | Cost of item plus \$5.00 processing fee |

In lieu of above, account holder may replace lost/damage item with new identical copy plus \$2.00 processing fee.

Internet printing and copies

| | | |
|---|--|--------|
| 5 | Printing per page - Black and White Copies | \$0.15 |
| 6 | Printing per page - Color Copies | \$0.25 |

History Project Digital Image

| | | |
|---|---------------------------------------|---------------------------------------|
| 7 | Fair Use Fees (for personal use only) | Free – Downloaded via History Website |
| 8 | Commercial Use Fees | \$25.00 per high resolution image |

Overdue Fees

| | | |
|----|---------------------------|--|
| 9 | Adult Library materials- | \$.30/day \$10.00 max/per item |
| 10 | Children's/Teen materials | \$5.00 per item after six weeks overdue |
| 11 | Periodicals- | \$.30/day \$5.00 max/per item |

Senior citizens may request an exemption from overdue fees.

PARKS AND PUBLIC WORKS SERVICES

Parks Division

Oak Meadow Park

Picnic Areas (1 through 9)

| | | |
|---|----------------------------------|--------------------------------|
| 1 | Facility Fee | Resident \$95.00 per site |
| | | Non-Resident \$150.00 per site |
| 2 | Facility fee w/Jump House Permit | Resident \$190.00 per site |
| | | Non-Resident \$300.00 per site |

Bandstand/Gazebo

| | | |
|---|----------------------|--------------------------------|
| 3 | Non-Profit Event | Resident \$65.00 per hour |
| | | Non-Resident \$120.00 per hour |
| 4 | Public Event | Resident \$95.00 per hour |
| | | Non-Resident \$150.00 per hour |
| 5 | Deposit (refundable) | \$500.00 |

Minimum two-hour reservation required.

Special Use Permit – Single Use

| | | |
|---|----------------------|-------------------------------|
| 6 | Permit Fee | Resident \$95.00 per day |
| | | Non-Resident \$150.00 per day |
| 7 | Deposit (refundable) | \$100.00 |

Special Use Permit – Multi-Use

| | | |
|----|----------------------|---|
| 8 | Non Profit | Resident \$95.00 per day |
| | | Non-Resident \$150.00 per day |
| 9 | Additional Day | Resident \$25.00 per additional day |
| | | Non-Resident \$40.00 per additional day |
| 10 | Deposit (refundable) | \$100.00 |

Multi-Use Permit for recreational/educational purposes only.

PARKS AND PUBLIC WORKS SERVICES

Other Oak Meadow Park Fees

| | | |
|-----------|----------------------|---------------------------------|
| 11 | Bocce Ball Court Fee | Resident \$95.00 per day |
| | | Non-Resident \$150.00 per day |
| 12 | Parking Fee | Resident No Charge |
| | | Non-Resident \$6.00 per vehicle |
| 13 | Vehicle Escort Fee | Resident \$75.00 |
| | | Non-Resident \$100.00 |

Creekside Sports Park

Special Use Permit – Single Use

| | | |
|-----------|----------------------|-------------------------------|
| 14 | Permit Fee | Resident \$95.00 per day |
| | | Non-Resident \$150.00 per day |
| 15 | Deposit (refundable) | \$500.00 |

Special Use Permit – Multi-Use

| | | |
|-----------|----------------------|---|
| 16 | Non Profit | Resident \$95.00 per day |
| | | Non-Resident \$150.00 per day |
| 17 | Additional Day | Resident \$55.00 per additional day |
| | | Non-Resident \$75.00 per additional day |
| 18 | Deposit (refundable) | \$500.00 |

Multi-Use Permit for recreational/educational purposes only.

Belgatos, Blossom Hill, La Rinconada, and Live Oak Manor (Groups of 25+ and/or Jump House)

Single Use Permit

| | | |
|-----------|----------------------|-------------------------------|
| 19 | Permit Fee | Resident \$95.00 per day |
| | | Non-Resident \$150.00 per day |
| 20 | Deposit (refundable) | \$100.00 |

PARKS AND PUBLIC WORKS SERVICES

Multi-Use Permit

| | | |
|----|----------------------|---|
| 21 | Permit Fee | Resident \$95.00 per day |
| | | Non-Resident \$150.00 per day |
| 22 | Additional Day | Resident \$25.00 per additional day |
| | | Non-Resident \$40.00 per additional day |
| 23 | Deposit (refundable) | \$100.00 |

Multi-Use Permit for recreational/educational purposes only.

Town Plaza Use Permit

A permit fee is \$55.00 per hour for events that close the Town Plaza entirely to the public. This fee will be charged for the number of hours the Town Plaza cannot be used safely by the public due to the event. Additional fees or deposits may be charged for lawn repair, street closures, and/or additional maintenance, as determined by the Parks and Public Works Director and/or Maintenance Superintendent.

Civic Center Lawn Use Permit

A permit fee is \$55.00 per hour for events that restrict the use of the Civic Center Lawn. Additional fees or deposits may be charged for lawn repair, street closures, and/or additional maintenance, as determined by the Parks and Public Works Director and/or Maintenance Superintendent.

Turf Maintenance Fee

Additional fee added to any Park Use or Special Event Permit, when a permit's scheduled activity or event will negatively impact the park turf, (locations including but not limited to Oak Meadow, Town Plaza, and Civic Center lawn areas). The fee amount is to be based upon best estimate of turf repair cost, as determined by the Director of Parks and Public Works and/or Maintenance Superintendent.

PARKS AND PUBLIC WORKS SERVICES

Tree Related Fees

| | | |
|----|---|---|
| 24 | Tree Removal Permit Application* | One Tree \$250.00 |
| | | Additional Tree \$125.00/each |
| | | If application is denied 50% refund |
| 25 | Illegal Tree Removal Administrative Fee | \$330.00 |
| 26 | Replacement Trees - Town Forestry Fund Per Tree Ordinance Section 29.10.0985 | Tree cost for each 24", 36", and/or 48" box size will be the Market Price plus the installation cost, determined by the Director |

**Fee will be waived if tree removal is done to implement or maintain Defensible Space.*

Equipment Hourly Rates as Follows

| | | |
|----|-----------------------------|----------|
| 27 | Pick-up Truck | \$32.00 |
| 28 | 1 Ton Flatbed Truck | \$42.00 |
| 29 | Utility Truck | \$57.00 |
| 30 | Dump Truck (10 Wheel) | \$85.00 |
| 31 | Dump Truck (Bobtail) | \$63.00 |
| 32 | Paint Truck | \$85.00 |
| 33 | Line Remover | \$26.00 |
| 34 | Tractor Loader | \$63.00 |
| 35 | Backhoe | \$85.00 |
| 36 | Rubber-tired Loader | \$85.00 |
| 37 | Roller | \$63.00 |
| 38 | Van | \$37.00 |
| 39 | Concrete Saw | \$32.00 |
| 40 | Air Compressor | \$32.00 |
| 41 | Arrowboard | \$32.00 |
| 42 | Generator | \$26.00 |
| 43 | Chainsaw | \$20.00 |
| 44 | Blower | \$10.00 |
| 45 | Paving Box | \$63.00 |
| 46 | Rodder | \$63.00 |
| 47 | High Pressure Sewer Cleaner | \$117.00 |
| 48 | Brush Chipper | \$42.00 |
| 49 | Chipper Truck | \$63.00 |
| 50 | Aerial Unit | \$92.00 |
| 51 | Street Sweeper | \$92.00 |
| 52 | Forklift | \$42.00 |
| 53 | Trailer | \$42.00 |
| 54 | Message Board | \$10.81 |
| 55 | Barricades | \$0.23 |

PARKS AND PUBLIC WORKS SERVICES

Equipment Hourly Rates as Follows (continued)

| | | |
|-----------|---------------------|---------|
| 56 | Cones | \$0.15 |
| 57 | Portable Generators | \$28.04 |

Streets Division

Hazard and/or Debris Removal

| | | |
|-----------|---|---|
| 58 | Staff time spent to conduct hazard and or debris removal caused by citizen negligence | Fully allocated hourly rate of all personnel plus any outside costs |
|-----------|---|---|

Special Events Fees

| | | |
|-----------|--|--|
| 59 | Staff and equipment for special event requests | Fully allocated hourly rate of all personnel |
|-----------|--|--|

Electric Vehicle Charging Fee

| | | |
|-----------|-------------------------------|-------------|
| 60 | System Connection Fee | \$1.00 |
| 61 | Hourly Charge - 1- 4 hours | \$1.00/hour |
| 62 | Hourly Charge - after 4 hours | \$5.00/hour |

POLICE SERVICES

Printing and Copying Charges

| | | |
|---|-----------------------------|--------------------|
| 1 | 8 1/2" x 11 and 8 1/2" x 14 | \$.25 per page |
| 2 | Copy - Digital | \$10.00 per device |

Photographs

| | | |
|---|-----------------|---------|
| 3 | For the first 3 | \$42.00 |
| 4 | Each Additional | \$13.00 |

Concealed Weapons

| | | |
|---|------------------------------------|----------|
| 5 | Permit Fee, DOJ Fee, and Admin Fee | \$100.00 |
| 6 | Renewal Permit | \$25.00 |
| 7 | Amended Permit | \$10.00 |

Tow Trucks

| | | |
|---|---------------|----------|
| 8 | Tow Permit | \$95.00 |
| 9 | Driver Permit | \$370.00 |

Massage Permit Fees

| | | |
|----|---|---------------------|
| 10 | Initial Application for each Therapist | \$213.00 |
| 11 | Annual Renewal for each Therapist | \$107.00 |
| 12 | Massage Establishment Permit (initial and subsequent renewals) (Ord 14.110.075) | \$415.00 |

Fee covers staff time to process application, review pertinent documents, arrange for fingerprints and photographs to be taken and obtain all necessary approvals.

Special Events

| | | |
|----|------------------|--|
| 13 | ABC Application | No charge |
| 14 | No Parking Signs | \$0.46/each |
| 15 | Officer Staffing | Fully allocated hourly rate of all personnel |
| 16 | Bingo Permit | \$170.00 |

Other Special Police Services – Pursuant to Agreement between Police Chief and Requestor.

POLICE SERVICES

Motion Picture/Television/Commerical Still Photo

| | | |
|-----------|------------------------------|------------|
| 17 | For-Profit Groups (each) | \$1,609.00 |
| 18 | Non-For-profit Groups (each) | \$579.00 |

Emergency Response Caused By

| | | |
|-----------|---|---|
| 19 | DUI Emergency Accident Response (Government Code Section 53155) | Actual costs incurred up to \$12,000.00 |
| 20 | Second Response due to Disturbances | At current billing rate |

Alarm Fees

| | | |
|-----------|-----------------------------------|---|
| 21 | Commercial Alarm Registration Fee | \$95.00 |
| 22 | Second False Alarm* | \$170.00 |
| 23 | Third False Alarm* | \$170.00 |
| 24 | Fourth False Alarm* | \$170.00 |
| 25 | Fifth False Alarm* | No response, no charge, at the Chief's discretion |

****Within a six-month period within a calendar year***

Citation issued for failure to display appropriate Permit or placard. Dismissal fee in lieu of full Bail Amount

| | | |
|-----------|------------------------------|---------|
| 26 | Handicap CVC22507.8/22500(1) | \$37.00 |
| 27 | Parking Permits | \$10.00 |

Parking Permit Fees

Residential Parking Permit

| | | |
|-----------|---|---|
| 28 | Annual residential parking permit/per vehicle (Limit 4 per residence) | \$42.00 |
| 29 | Visitor guest passes | Two (2) complimentary with the purchase of the primary permit |
| 30 | Special Event Permit -First permit (one day) | \$10.00 |
| 31 | Special Event Permit -Each Additional (one day) | \$2.00 |
| 32 | Replacement permit for vehicle change (within calendar year) | \$10.00 |
| 33 | Lost permit replacement | \$37.00 |
| 34 | Damaged permit replacement (with return of permit) | \$18.00 |

POLICE SERVICES

Parking Permit Fees (continued)

Business Parking Permit

| | | |
|-----------|--|----------|
| 35 | Standard Employee annual | \$248.00 |
| 36 | Lost permit replacement | \$37.00 |
| 37 | Damaged permit replacement (with return of permit) | \$18.00 |

Construction Parking Permit

| | | |
|-----------|---|---------|
| 38 | One day parking permit per construction vehicle | \$32.00 |
| 39 | Each additional day per vehicle | \$5.00 |

Other Police Fees

| | | |
|-----------|--|--|
| 40 | Fingerprinting - per each Livescan application (Plus additional DOJ or FBI fees which are based on the level of service for the application) Fingerprint fees are subject to increase based on DOJ or FBI fees | \$80.00 |
| 41 | Subpoena Duces Tecum | Per California Evidence Code Section 1563 |
| 42 | Solicitor/Peddler's Permit | \$55.00 plus fingerprinting |
| 43 | Bicycle Licenses (each) | \$3.00 |
| 44 | Taxicabs Permit | \$185.00 per business |
| 45 | Clearance Letter | \$25.00 |
| 46 | Horse Drawn Vehicle Permit | \$270.00 |
| 47 | Firearms Storage Fee | \$245.00 Admin Fee plus \$1.00 per firearm per day for storage |
| 48 | Vehicle Release | \$235.00 |
| 49 | Vehicle Repossession Release Fee (Government Code Section 41612) | \$15.00 |
| 50 | Non-Los Gatos Cite Sign Off | \$27.00 |
| 51 | Feral Cat Feeder/Trap Permit | \$42.00 |



RESOLUTION 2020-

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
CONTINUING DEPARTMENT FINES, AND AMENDING CERTAIN FINES FOR FY 2020/21**

WHEREAS, per resolution 2004-97 penalties for violation of the Los Gatos Town Code shall be set forth in a schedule; and

WHEREAS, the last update of the Town of Los Gatos Comprehensive Fine Schedule was adopted on March 19, 2019; and

WHEREAS, those fines currently in effect will remain in effect without interruption, and certain of these shall be increased to reflect best municipal practices.

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

1. That Resolution 2019-011, "Resolution of the Town Council of the Town of Los Gatos Continuing Department Fines, Amending Certain Fines for FY 2019/20" is hereby rescinded; and
2. The Town of Los Gatos Comprehensive Fine Schedule, attached hereto as Exhibit A, shall become effective July 1, 2020.

ATTACHMENT 2

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 17th day of March 2020 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

CALIFORNIA



Comprehensive Fine Schedule

Fiscal Year 2020/21

Cover Photos: Constantino, Evie Julian

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FINES/PENALTIES – TOWN CODE VIOLATION

Per resolution 2004-97 penalties for violation of the Los Gatos Town Code shall be set forth as the below schedule, except:

The penalties for all violations of the Town Code not specifically set forth in the below schedule and do not involve violations of local building and safety codes shall be:

1. one hundred dollars (\$100) for first violation;
2. two hundred and fifty dollars (\$250) for second violation;
3. five hundred dollars (\$500) for each additional violation within one year.

The penalties for all violations of the Town Code not specifically set forth in the below schedule and that involve violations of local building and safety codes and are not otherwise designated as misdemeanors shall be:

1. one hundred dollars (\$100) for first violation;
2. five hundred dollars (\$500) for second violation within one year;
3. one thousand dollars (\$1,000) for each additional violation within one year.

The penalties for all knowing and willful violations of the Town Code shall be:

1. five hundred dollars (\$500) for first violation;
2. one thousand dollars (\$1,000) for each additional violation within thirty-six month thereafter.

For all California Vehicle Code violations, please contact the Superior Court of California County of Santa Clara.

FINES/PENALTIES – TOWN CODE VIOLATION

| | | |
|---------------|--|--------------|
| 1.30.025(c) | Late Payment of Fines/Penalties | 100% of fine |
| 4.10.030(a) | Animal bites, failure to report | \$150.00 |
| 4.10.030(c) | Quarantine violation | \$500.00 |
| 4.10.075 | Animals and Vehicles | |
| | First offense | \$100.00 |
| | Second offense within 2 years | \$200.00 |
| | Third subsequent offense within 2 years | \$500.00 |
| 4.40.005 | Restraint of Dogs | \$100.00 |
| 4.40.015 | Vaccination of dogs and cats | \$250.00 |
| 4.40.020 | Registration of dangerous dogs | \$250.00 |
| 4.80.050 | Penalty, abatement | \$100.00 |
| 6.20.155 | Building permit requirements | \$50.00 |
| 6.40.010 | Order to vacate or abate | \$100.00 |
| 6.80.010 | Order to vacate | \$100.00 |
| 9.30.015 | Storage of certain substances (populated area) | \$100.00 |
| 11.40.060 | Illegal dumping (outside park) | \$200.00 |
| 11.40.060 | Single use carry-out bags | |
| | First violation | \$100.00 |
| | Second violation within 1 year | \$200.00 |
| | For each additional violation within 1 year | \$500.00 |
| 13.20.010 | Improper storage of hazardous material | \$100.00 |
| 13.20.885 | Hazardous material | \$100.00 |
| 14.40.105 | Peddlers / Solicitors | \$100.00 |
| 14.100.020(a) | Special event | \$100.00 |
| 14.140.085 | Short-term rentals | |
| | First offense | Warning |
| | Second offense | \$250.00 |
| | Third offense within 12-month period incurs fine and immediate revocation of the short-term rental license | \$500.00 |
| 15.10.025 | Roller skating in street | \$100.00 |
| 15.10.030 | Skateboarding or roller skating | \$100.00 |
| 15.10.035 | Driving on private property | \$100.00 |
| 15.30.035 | Entering intersections, etc., without sufficient space on other side | \$135.00 |
| 15.30.115 | Cruising | |
| | First offense | \$100.00 |
| | Second offense | \$200.00 |
| | Third or subsequent offense within 2 years | \$250.00 |
| 15.40.015 | Overtime Parking | \$42.00 |
| 15.40.060 | Sleeping in vehicle after being warned | \$50.00 |
| 15.40.065 | Vehicle Storage on Street | \$67.00 |
| 15.40.070 | Commercial Vehicles in Residential Zones | \$67.00 |
| 15.40.075 | For Sale/Non Emergency Repair | \$42.00 |
| 15.40.080 | Preferential Parking | \$52.00 |
| 15.40.080(b) | Permit Required Area | \$52.00 |
| 15.40.080(c) | Fraudulent use of Permit | \$107.00 |

FINES/PENALTIES – TOWN CODE VIOLATION

| SECTION | OFFENSE | AMOUNT |
|-------------------|---|----------|
| 15.40.085 | Posted no Parking Special Events | \$42.00 |
| 15.40.090 | Parking on Parkway | \$42.00 |
| 15.40.095 | Marked Parking Space | \$42.00 |
| 15.40.100 | Parking on Grade | \$42.00 |
| 15.40.105 | Designated Parking VC22507.8 | \$292.00 |
| 15.40.110 | Marked Curb | \$42.00 |
| 15.40.275 | Parking in Alleys Restricted to Loading or Unloading | \$42.00 |
| 15.50.015 | Use of crosswalk by pedestrian | \$25.00 |
| 15.50.020 | Pedestrian other than right angle | \$25.00 |
| 15.50.025 | Standing in roadway | \$25.00 |
| 16.20.010 | Curfew noise disturbance | \$500.00 |
| 16.20.015 | Exterior noise levels for residential zones | \$500.00 |
| 16.20.020 | Exterior noise levels for multi-family residence | \$500.00 |
| 16.20.025 | Noise levels for commercial / industrial zones | \$500.00 |
| 16.20.030 | Public property noise limits | \$500.00 |
| 16.20.035 | Construction | \$500.00 |
| 16.20.040 | Amplified sound | \$500.00 |
| 16.20.045 | Street sales | \$500.00 |
| 16.20.050 | Animals and birds | |
| | First offense | \$50.00 |
| | Second offense within 2 years | \$200.00 |
| | Third or subsequent offense within 2 years | \$500.00 |
| 16.20.055 | Motor vehicles | \$500.00 |
| 16.20.060 | Powered equipment | \$500.00 |
| 16.30.010 | Noise limits | \$500.00 |
| 18.10.015(a) | Drinking in public | \$100.00 |
| 18.10.015(b) | Open container in public | \$100.00 |
| 18.10.020 | Meetings (disturbing) | \$100.00 |
| 18.10.025(2) | Enter / remain in public while intoxicated | \$100.00 |
| 18.30.010(a) | Minor possession alcohol at social gathering | \$100.00 |
| 18.30.010(b) | Party host allow minor possession of alcohol | \$500.00 |
| 18.30.055 | Adults, responsibility for juvenile | \$500.00 |
| 18.50.010 | Crowds, dispersement | \$100.00 |
| 18.70.010 | Discharge of firearm, etc. in Town | \$200.00 |
| 18.70.035 | Sling shot | \$200.00 |
| 19.10.020(1)-(5) | Certain acts prohibited within park property | \$100.00 |
| 19.10.025(1)-(5) | Behavior of persons within park property | \$100.00 |
| 19.10.025(6) | Possess or ignite explosive, fireworks, rockets, etc | \$200.00 |
| 19.10.025(7) | Make or kindle a fire except in approved locations | \$100.00 |
| 19.10.025(8)-(17) | Behavior of persons within park property | \$100.00 |
| 19.10.027(1) | Animals in Parks – Dogs off leash | \$100.00 |
| 19.10.027(2)-(6) | Animals in parks – Other provisions | \$100.00 |
| 19.10.030(1)-(2) | Sanitation requirements | \$100.00 |
| 19.10.035(1)-(9) | Use of vehicles in parks (not subject to CVC or other Town Codes) | \$100.00 |

FINES/PENALTIES – TOWN CODE VIOLATION

| SECTION | OFFENSE | AMOUNT |
|------------------|---|----------|
| 19.10.037(1)-(6) | Use of bicycles in parks (not subject to CVC or other Town Codes) | \$100.00 |
| 19.10.037(1)-(6) | Use of skateboards, skates, scooters | \$100.00 |
| 19.10.040 | Swimming or wadings in parks | \$100.00 |
| 19.10.050(1)-(3) | Advertising, sale of merchandise in parks | \$100.00 |
| 19.10.055(1)-(2) | Closing hours for parks, overnight activities prohibited | \$100.00 |
| 19.10.060 | Closing sections of park | \$100.00 |
| 22.30.040 | Storm water protections | \$100.00 |
| 28.20.030 | Non-permit fine Taxicabs | \$100.00 |

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

| SECTION | OFFENSE | AMOUNT |
|----------|---|------------|
| 106.2.1 | Failure to obtain inspection-new installation | \$200.00 |
| 109.3.2 | Failure to comply with notice / order | \$1,000.00 |
| 109.3.4 | Destruction of signs - Unauthorized Tampering | \$200.00 |
| 301.1 | Fire hazard prohibited (citations) | \$100.00 |
| 110 | Unsafe buildings | \$200.00 |
| 401.8 | Interference with Fire Department | \$200.00 |
| 105.1. 1 | Unlawful to operate institutions without occupancy permit | \$200.00 |
| 503.2 | Plans for access roads | \$100.00 |
| 507.5 | Plans for fire hydrant systems | \$100.00 |
| 501.4 | Access road and fire hydrant installation timing | \$100.00 |
| 507 | Hydrant identification-reflective markers | \$100.00 |
| 505 | Premises identification | \$100.00 |
| 901.6 | Fire protection in recreational vehicle and mobile home parks | \$100.00 |
| 503.4 | Closure of fire roads; obstruction-access road | \$200.00 |
| 504.2 | Posting of signs on exterior doors blocked by storage | \$100.00 |
| 506.1 | Key box | \$100.00 |
| 901.7 | Notification of Fire Department for fire alarm servicing | \$100.00 |
| 901.8 | Tampering with fire equipment | \$200.00 |
| 901.8 | Tampering with fire hydrant or fire equipment | \$200.00 |
| 901.8.1 | Tampering with barriers, etc. | \$200.00 |
| 507.5.4 | Obstructing fire protection equipment | \$100.00 |
| 507.5.5 | Clear space around hydrants | \$100.00 |
| 509.2 | Fire extinguishing equipment obstruction | \$100.00 |
| 509.2 | Fire alarm equipment obstruction | \$100.00 |
| 509.1 | Identification of fire protection equipment | \$100.00 |
| 906 | Sale of defective fire extinguishers | \$200.00 |
| 907 | Fire alarm systems | \$200.00 |
| 307.1 | Open burning | \$100.00 |
| 307.4.1 | Bonfires | \$100.00 |
| 304.1.1 | Accumulation of waste material | \$150.00 |
| 315.1 | Storage and handling of readily combustible materials | \$100.00 |
| 315.3.4 | Combustible storage in attics | \$100.00 |
| 807.1 | Decorative material | \$100.00 |
| 801 | Atrium furnishings | \$150.00 |
| 603.9 | Protection of gas meters | \$100.00 |
| 603 | Heating appliances | \$100.00 |
| 308 | Use of open flame restricted | \$100.00 |
| 305.2 | Discarding burning objects | \$100.00 |
| 305.2 | Hot ashes and other dangerous materials | \$100.00 |
| 311.1 | Vacant building (maintenance) | \$100.00 |
| 1003.6 | Exit obstruction | \$200.00 |

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

| SECTION | OFFENSE | AMOUNT |
|------------|--|----------|
| 1010.1 | Exit doors | \$200.00 |
| 1013 | Exit illumination | \$200.00 |
| 1008.1 | Lighting requirements-exit | \$200.00 |
| 3309 | Reporting of fires | \$100.00 |
| 202 | False alarms | \$100.00 |
| 1018.1 | Aisles | \$150.00 |
| 1024.1 | Use of exit ways | \$200.00 |
| 1013.1 | Marking and lighting of exits | \$150.00 |
| 107.6 | Overcrowding | \$200.00 |
| 308.1 | Open flame | \$100.00 |
| 2311.2 | Storage and use of flammable and combustible liquids in repair garages | \$100.00 |
| 2311.2.3.1 | Liquids drained from vehicles | \$150.00 |
| 2311.3 | Source of ignition | \$100.00 |
| 2311.2.2 | Oily waste materials | \$100.00 |
| 2803.1 | Open yard storage | \$100.00 |
| 2803.2 | Dust control | \$100.00 |
| 3103.8 | Location of tents and air-supported structures | \$100.00 |
| 3103.9 | Anchorage required | \$100.00 |
| 3104.2 | Flame-retardant treatment | \$200.00 |
| 3104.12/13 | Fire extinguishers and other fire protection equipment | \$100.00 |
| 3104.14 | Occupant load | \$100.00 |
| 3103.12 | Exits / Means of Egress | \$100.00 |
| 3103.12.8 | Maintenance of exit ways | \$100.00 |
| 3103.12.7 | Exit illumination | \$100.00 |
| 3104.6 | Smoking | \$100.00 |
| 3104.7 | Open Flame | \$100.00 |
| 3104.15 | Heating and cooking equipment | \$100.00 |
| 3104.17.2 | Storage of flammable or combustible liquid | \$150.00 |
| 3104.19 | Generators | \$100.00 |
| 2108.1 | Fire protection | \$100.00 |
| 2107.3 | Solvent storage | \$100.00 |
| 2105.1.5.4 | Public access Customer area | \$100.00 |
| 2105.1.1 | Warning label and signs | \$50.00 |
| 2403.2.6 | Smoking prohibited | \$100.00 |
| 2403.2.7 | Welding warning signs | \$100.00 |
| 2403.2.1 | Electrical wiring and equipment | \$100.00 |
| 2404.2 | Location of spray-finishing operations | \$200.00 |
| 2404.3.2 | Spray booths | \$100.00 |
| 2404.6.1.2 | Dry filters – Drying Apparatus | \$100.00 |
| 2404.6 | Sources of ignition | \$150.00 |

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

| SECTION | OFFENSE | AMOUNT |
|------------|--|----------|
| 2404.7 | Ventilation of spray booths and spraying areas | \$100.00 |
| 2404.9 | Limited spraying areas | \$50.00 |
| 2403.3 | Storage and handling of flammable or combustible liquids | \$75.00 |
| 2404.4 | Fire protection equipment | \$50.00 |
| 2404.5 | Operation and maintenance | \$50.00 |
| 2404.6.1.2 | Drying apparatus | \$50.00 |
| 2405.2 | Location of dip tank operations | \$150.00 |
| 2405.7 | Ventilation of vapor areas | \$100.00 |
| 2405.6 | Sources of ignition | \$150.00 |
| 2405.4.1 | Fire extinguishing equipment | \$100.00 |
| 2405.3.4 | Dip tank covers | \$100.00 |
| 2405.9 | Hardening and tempering tanks | \$100.00 |
| 2405.11 | Coating operations | \$100.00 |
| 2407 | Electrostatic apparatus | \$150.00 |
| 2408 | Organic peroxides and dual-component coatings | \$100.00 |
| 2408.5 | Source of ignition | \$100.00 |
| 5906.5.7 | Fire extinguishing materials | \$100.00 |
| 5906.1 | Handling of magnesium fines (fine magnesium scrap) | \$100.00 |
| 202 | Hot work area | \$100.00 |
| 202 | Location of cylinders | \$100.00 |
| 2905 | Process building | \$100.00 |
| 2909 | Storage of raw material and finished products | \$100.00 |
| 2906 | Process mills, mixers and kettles | \$100.00 |
| 2904.1 | Electrical equipment | \$100.00 |
| 2904.3 | Protection against static electricity and lighting | \$100.00 |
| 2903.4 | Fire protection | \$100.00 |
| 2901.3 | Maintenance | \$100.00 |
| 2703.1 | Emergency control station and alarms | \$100.00 |
| 2703.2.3 | Piping and tubing | \$100.00 |
| 2703.4 | Emergency plan | \$100.00 |
| 2703.13 | Gas detection | \$100.00 |
| 2703.10 | Fire protection | \$100.00 |
| 2703.15.1 | Electrical equipment | \$100.00 |
| 2703.15.2 | Ventilation requirements | \$100.00 |
| 2704 | General storage requirements | \$100.00 |
| 2704.3.1 | Inside HPM storage | \$100.00 |
| 2704.3.3 | Separation of HPM | \$100.00 |
| 2705.3 | Handling HPM in existing buildings | \$100.00 |
| 2705.3 | Requirements for HPM gases | \$100.00 |
| 2705.3.2 | Transportation of HPM in service corridors | \$100.00 |
| 2705.3.4 | Design of carts and trucks | \$100.00 |

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

| SECTION | OFFENSE | AMOUNT |
|----------|--|----------|
| 2303.1 | Location of dispensing operations | \$100.00 |
| 2303.1 | Installation of dispensing devices | \$100.00 |
| 2304.1 | Supervision of dispensing operations | \$100.00 |
| 2305.4 | Sources of ignition | \$100.00 |
| 2305.6 | Signs | \$100.00 |
| 2305.5 | Fire protection | \$100.00 |
| 2305.7 | Clearance of combustibles | \$100.00 |
| 2305.2 | Maintenance | \$100.00 |
| 2306.2 | Storage of fuel | \$100.00 |
| 2306.7 | Dispensing | \$100.00 |
| 2301.5 | Electrical equipment | \$100.00 |
| 2301.6 | Heating equipment | \$100.00 |
| 2305.5 | Fire protections | \$100.00 |
| 2306.7.9 | Vapor recovery | \$100.00 |
| 2307.3 | Attendants | \$100.00 |
| 2307.4 | LPG dispensing location | \$100.00 |
| 2307.5 | LPG dispensing equipment | \$100.00 |
| 2308.3 | Location for CNG dispensing operations | \$100.00 |
| 2308.4 | Private fueling of vehicles | \$100.00 |
| 2308.6 | Manual shut off valve | \$100.00 |
| 2308.8 | Discharge of CNG from vehicle fuel containers | \$100.00 |
| 3003.1 | Ventilation | \$100.00 |
| 606.12.5 | Ammonia discharge | \$100.00 |
| 606.7 | Emergency signs and labels | \$100.00 |
| 5303.1 | Compressed gas containers, cylinders and tanks | \$100.00 |
| 5303.4 | Marking | \$100.00 |
| 5303.5 | Security | \$100.00 |
| 5303.6 | Valve protection | \$100.00 |
| 5303.7 | Separation from hazardous conditions | \$100.00 |
| 5303.8 | Wiring and equipment | \$100.00 |
| 5303.9 | Service repair | \$100.00 |
| 5303.10 | Unauthorized use | \$100.00 |
| 5303.11 | Exposure to fire | \$100.00 |
| 5303.12 | Leaks, damage or corrosion | \$100.00 |
| 5303.13 | Surface or unprotected storage areas | \$100.00 |
| 5303.15 | Lightning | \$100.00 |
| 5304 | Storage | \$100.00 |
| 5305 | Use and handling | \$100.00 |
| 5306 | Medical gas systems | \$100.00 |
| 5503.1 | Construction of containers | \$100.00 |
| 5503.1 | Containers | \$100.00 |

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

| SECTION | OFFENSE | AMOUNT |
|--------------|--|----------|
| 5503.2 | Pressure relief devices | \$100.00 |
| 5503.4 | Marking | \$100.00 |
| 5503.60 | Electrical equipment | \$100.00 |
| 5505.1.2 | Piping materials and construction | \$100.00 |
| 5505.4 | Piping materials and construction | \$100.00 |
| 5505.5 | Handling | \$100.00 |
| 2203.2 | Housekeeping | \$100.00 |
| 2203.1 | Smoking and open flames | \$100.00 |
| 5701.4 | Permit and plans for flammable and combustible liquid storage electrical | \$100.00 |
| 5703.2 | Fire protection | \$100.00 |
| 5703.4 | Spill control and secondary containment | \$100.00 |
| 5703.5 | Labeling and signs | \$100.00 |
| 5704.2.1 | Change of tank contents | \$100.00 |
| 5704.2.3 | Labeling and signs | \$100.00 |
| 5704.2.4 | Sources of ignition | \$100.00 |
| 5704.2.5 | Explosion control | \$100.00 |
| 5704.2.6 | Separation from incompatible materials | \$100.00 |
| 5704.2.7 | Design of tanks, containers and equipment | \$100.00 |
| 5704.2.8 | Below grade vaults | \$100.00 |
| 5704.2.7.6 | Inspection, repair, alteration or reconstruction of tanks and piping | \$100.00 |
| 5704.2.8.2 | Seismic design | \$100.00 |
| 5704.2.7.3 | Tank vents for normal venting | \$100.00 |
| 5704.2.9.6.1 | Prohibited locations of above ground tanks | \$200.00 |
| 5704.2.9.6.2 | Separation of tanks | \$100.00 |
| 5704.2.7.4 | Emergency of relief venting for tanks | \$100.00 |
| 5704.2.7.5 | Tank openings other than vents | \$100.00 |
| 5704.2.10 | Drainage control and diking | \$100.00 |
| 5704.3 | Container and portable tank storage outside of buildings | \$100.00 |
| 5704.2.9.5 | Stationary above ground tank storage inside buildings | \$100.00 |
| 5704.3.3 | Container and portable tank storage inside buildings | \$100.00 |
| 5704.2.11 | Underground tank storage | \$100.00 |
| 5705.2 | Liquid transfer | \$100.00 |
| 5705.3.6 | Cleaning with Class I or II liquids | \$150.00 |
| 5706.2 | Storage and dispensing at construction sites | \$100.00 |
| 5706.2.8 | Tank vehicles and vehicle operation | \$100.00 |
| 5001.5 | Permits required for hazardous materials | \$200.00 |
| 5001.5.1 | Hazardous material management | \$100.00 |
| 5003.2.1 | Design of containers, cylinders and tanks | \$100.00 |
| 5003.2.2 | Piping, tubing, valves and fittings | \$100.00 |

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

| | | |
|----------|--|------------|
| 5003.2.3 | Suitability of equipment | \$100.00 |
| 5003.2.4 | Installation of tanks | \$100.00 |
| 5003.2.5 | Empty containers and tanks | \$100.00 |
| 5003.2.6 | Maintenance | \$100.00 |
| 5003.3 | Release of hazardous material | \$1,000.00 |
| 5003.4 | Material safety data sheets | \$100.00 |
| 5003.5 | Identification signs | \$100.00 |
| 5003.6 | Signs | \$100.00 |
| 5003.7 | Sources of ignition | \$100.00 |
| 5003.8 | Construction requirement | \$100.00 |
| 5003.9 | General safety precautions | \$100.00 |
| 5003.10 | Handling and transportation | \$100.00 |
| 5001.6 | Facility closure | \$100.00 |
| 5001.4 | Retail and wholesale storage and display | \$100.00 |
| 5001.1 | Exempt amounts | \$100.00 |
| 5004 | Storage, general | \$100.00 |
| 6004 | Toxic and highly toxic compressed gases | \$100.00 |
| 6303 | Oxidizers | \$100.00 |
| 6203 | Organic peroxides | \$100.00 |
| 6403 | Pyrophoric materials | \$100.00 |
| 6703 | Water relative solids and liquids | \$100.00 |
| 6003 | Highly toxic and toxic solids and liquids | \$100.00 |
| 6603 | Radioactive materials | \$100.00 |
| 5403 | Corrosives | \$100.00 |
| 5005.1.1 | Separation from hazardous material storage | \$100.00 |
| 5004.2 | Spill control | \$100.00 |
| 5005.1.5 | Emergency power | \$100.00 |
| 5005.1.6 | Supervision | \$100.00 |
| 5005.1.7 | Lighting | \$100.00 |
| 5005.1.8 | Fire extinguishing systems | \$100.00 |
| 5005.1.9 | Ventilation | \$100.00 |
| 5304.1 | Container position for gases | \$100.00 |
| NFPA 55 | Bulk oxygen systems | \$100.00 |
| NFPA 55 | Liquid transfer | \$100.00 |
| 6405.3 | Silane | \$100.00 |
| 5005.2 | Indoor dispensing and use | \$100.00 |
| 5005.3 | Outdoor dispensing and use | \$100.00 |
| 5005.4 | Handling | \$100.00 |
| 3205.2 | Ignition sources | \$100.00 |
| 3205.4 | Aisle maintenance | \$100.00 |
| 3206.3 | Separation of high-piled storage areas | \$100.00 |

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

| | | |
|---------|---|----------|
| 3206.4 | Fire sprinklers | \$100.00 |
| 3206.5 | Fire detection | \$100.00 |
| 3206.6 | Building access | \$100.00 |
| 3206.7 | Smoke and heat removal | \$100.00 |
| 3206.8 | Hose stations and hose connections | \$100.00 |
| 3206.9 | Aisles | \$100.00 |
| 3206.10 | Portable fire extinguishers | \$100.00 |
| 3207.2 | Fire protection for solid-piled and shelf storage | \$100.00 |
| 3207.3 | Pile dimensions and height limitations | \$100.00 |
| 3208.2 | Fire protection for rack storage | \$100.00 |
| 3208.3 | Flue spaces | \$100.00 |
| 3208.5 | Extra-high rack storage systems | \$100.00 |
| 6103 | Installation of equipment | \$100.00 |
| 6104 | Location of containers | \$100.00 |
| 6105 | Prohibited use of Lp-gas | \$100.00 |
| 6106 | Dispensing | \$100.00 |
| 6107 | Safety devices | \$100.00 |
| 6107.2 | Smoking and other sources of ignition | \$100.00 |
| 6107.3 | Clearance to combustibles | \$100.00 |
| 6107.4 | Protecting containers from vehicles | \$100.00 |
| 6108 | Fire protection | \$100.00 |
| 6109 | Storage of portable containers awaiting use or resale | \$100.00 |
| 6110 | Containers not in service | \$100.00 |
| 6111 | Parking and garaging tank vehicles | \$100.00 |
| 4811.6 | Smoking | \$100.00 |
| 6504 | Film storage | \$100.00 |
| 605.9 | Use of temporary wiring | \$100.00 |
| 605.1 | Abatement of electrical hazards | \$100.00 |
| 605.8 | Electrical motors | \$100.00 |
| 605.5 | Extension cords | \$100.00 |
| 605.4 | Multi plug adaptors | \$100.00 |
| 605.4.1 | Power taps | \$100.00 |
| 605.3 | Access to switchboards and panel boards | \$100.00 |
| 3301 | Fire safety during construction | \$100.00 |
| 3304 | Precautions against fire | \$100.00 |
| 5104 | Storage of aerosol products | \$100.00 |
| 5106 | Retail display of aerosol products | \$100.00 |



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| FY 2020/21 Fee Consumer Price Index (CPI) and Building Cost Index (BCI) Adjustments | | |
|---|---|---|
| Fee Name | FY 2019/20 Adopted | FY 2020/21 Proposed |
| General Development Fees | | |
| Address Processing Fee - per address | \$160.00 | \$165.00 |
| BMP Document Processing Fee | \$575.00 | \$593.00 |
| Annexation Fees | | |
| 1 Lot | \$3,010.00 | \$3,106.00 |
| 2 Lots | \$1,505.00 | \$1,553.00 |
| 3 Lots | \$1,005.00 | \$1,037.00 |
| 4 Lots | \$755.00 | \$779.00 |
| 5 Lot or more | \$600.00 | \$619.00 |
| Building Permit Fees | | |
| Fee for issuing/reinstating a Building Permit | \$55.00 | \$57.00 |
| Additional Building Permit Fee | \$30.00 | \$31.00 |
| Demolition Permit | Residential: \$265.00 | \$273.00 |
| | Commercial: \$465.00 | \$480.00 |
| New Construction and Addition | | |
| Construction Valuation | | |
| \$1.00 to \$500.00 | \$32.99 | \$33.58 |
| \$501.00 to \$2,000.00 | \$32.99 for the first \$500.00 plus \$4.28 for each additional \$100.00 or fraction thereof, to and including \$2,000.00 | \$33.58 for the first \$500.00 plus \$4.36 for each additional \$100.00 or fraction thereof, to and including \$2,000.00 |
| \$2,001.00 to \$25,000.00 | \$97.23 for the first \$2,000.00 plus \$19.66 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00 | \$98.98 for the first \$2,000.00 plus \$20.01 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00 |
| \$25,001.00 to \$50,000.00 | \$549.32 for the first \$25,000.00 plus \$14.18 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00 | \$559.21 for the first \$25,000.00 plus \$14.44 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00 |
| \$50,001.00 to \$100,000.00 | \$903.83 for the first \$50,000.00 plus \$9.83 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00 | \$920.10 for the first \$50,000.00 plus \$10.01 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00 |
| \$100,001.00 to \$500,000.00 | \$1,395.23 for the first \$100,000.00 plus \$7.86 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00 | \$1,420.34 for the first \$100,000.00 plus \$8.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00 |
| \$500,001.00 to \$1,000,000.00 | \$4,540.19 for the first \$500,000.00 plus \$6.67 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00 | \$4,621.91 for the first \$500,000.00 plus \$6.79 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00 |
| \$1,000,001.00 and over | \$7,874.69 for the first \$1,000,000.00 plus \$4.42 for each additional \$1,000.00 or fraction thereof | \$8,016.43 for the first \$1,000,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof |
| Special Services & Inspections | | |
| Inspection outside normal business hours (4 hr. minimum) | \$192.00/hr. | \$198.00/hr. |
| Re-inspection fees | \$160.00/hr. | \$165.00/hr. |
| Inspections for which no fee is specifically indicated (2 hr. minimum) | \$160.00/hr. | \$165.00/hr. |
| Additional plan review required by changes, additions or revisions to plans (1 hr. minimum) | \$152.50/hr. | \$157.00/hr. |

| FY 2020/21 Fee Consumer Price Index (CPI) and Building Cost Index (BCI) Adjustments | | |
|---|--|--|
| Fee Name | FY 2019/20 Adopted | FY 2020/21 Proposed |
| Services for which no fee is specifically indicated (1/2 hr. minimum) | \$160.00/hr. | \$165.00/hr. |
| Permit/Plan check time extension (per permit) (applies to permits that have not expired) | \$78.00 | \$80.00 |
| Express plan review or initial review (1 hr. minimum) | \$160.00/hr. | \$165.00/hr. |
| Application for the Appeals Building Board Review | \$273.00 | \$282.00 |
| Temporary Certificate of Occupancy | \$1,095.00 | \$1,130.00 |
| Other Miscellaneous Factors to Determine Construction Valuation | | |
| Convert Garage to habitable space | \$117.00/sq. ft. | \$121.00/sq.ft. |
| Convert unfinished basement or attic to habitable | \$127.00/sq. ft. | \$131.00/sq.ft. |
| Pools/Spas (gunite) | \$76.00/sq. ft. | \$78.00/sq.ft. |
| Siding - aluminum/vinyl/wood | \$32.00/sq. ft. | \$33.00/sq.ft. |
| Commercial Awning or Canopy | Aluminum \$32.00/sq. ft. | \$33.00/sq.ft. |
| | Canvas \$24.00/sq. ft. | \$25.00/sq.ft. |
| Fence or Freestanding Wall (over 6" high) | Wood or metal \$49.00/lf. | \$51.00/sq.ft. |
| | Masonry \$85.00/lf. | \$88.00/sq.ft. |
| Decks/Balcony | \$47.00/sq. ft. | \$49.00/sq.ft. |
| Wood Deck | \$20.00/sq. ft. | \$21.00/sq.ft. |
| Re-roofs | \$3.00/sq. ft. | \$3.10/sq.ft. |
| Retaining Walls | \$107.00/lf. | \$110.00/sq.ft. |
| Special Systems Fees | | |
| Emergency generation, wind power, special HVAC systems, etc. | Plan Review (1 hr. minimum) \$152.50/hr. | Plan Review (1 hr. minimum) \$157.00/hr. |
| | Field Inspection (2 hr. minimum) \$160.00/hr. | Field Inspection (2 hr. minimum) \$165.00/hr. |
| Photovoltaic - Roof & Ground Mounted - Residential | Plan Review (1/4 hr. minimum) \$152.50/hr. | Plan Review (1/4 hr. minimum) \$157.00/hr. |
| | Field Inspection (1 hr. minimum) \$160.00/hr. | Field Inspection (1 hr. minimum) \$165.00/hr. |
| Photovoltaic - Roof & Ground Mounted - Commercial | Plan Review (1 hr. minimum) \$152.50/hr. | Plan Review (1 hr. minimum) \$157.00/hr. |
| | Field Inspection (2 hr. minimum) \$160.00/hr. | Field Inspection (2 hr. minimum) \$165.00/hr. |
| Electrical Permit Fees | | |
| Fee for issuing/reinstating an Electrical Permit | \$55.00 | \$57.00 |
| Additional Electrical Permit Fee | \$25.00 | \$26.00 |
| Plan Review & Re-inspection Fees | | |
| Plan review fee | 25% of Electrical Permit Fee | |
| Additional plan review | \$152.50/hr. | \$157.00/hr. |
| Re-inspection fee | \$160.00/hr. | \$165.00/hr. |
| System Fee Schedule | | |
| Private swimming pools | \$63.00 | \$65.00 |
| Public swimming pools | \$114.00 | \$118.00 |
| Temporary power poles | \$78.00 | \$80.00 |
| Temporary distribution system & temporary lighting | \$38.00 | \$39.00 |
| Installation of illuminated signs (each) | \$101.00 | \$104.00 |
| Unit Fee Schedule | | |
| Receptacle, switch and lights | \$2.00 | \$2.06 |
| Residential appliances/new circuits (cook top, oven, range, disposals, clothes dryers, or other motor operated appliances not exceeding one horsepower) | \$6.00 | \$6.19 |

| FY 2020/21 Fee Consumer Price Index (CPI) and Building Cost Index (BCI) Adjustments | | |
|--|--|--|
| Fee Name | FY 2019/20 Adopted | FY 2020/21 Proposed |
| Nonresidential appliances/new circuits (medical & dental devices, food, beverage, drinking fountains, laundry machines, or other similar equipment) NOTE: for other types of air conditioners and other motor-driven appliances having larger electrical ratings, see <u>Generators/Motors</u> | \$8.00 | \$8.26 |
| Power apparatus (generators, transformers, A/C, heat pumps, baking equipment) | Up to 10 KV, each \$16.00 | Up to 10 KV, each \$17.00 |
| | Over 10 KV not over 50 KV, each \$32.00 | Over 10 KV not over 50 KV, each \$33.00 |
| | Over 50 KV and not over 100 KV, each \$63.00 | Over 50 KV and not over 100 KV, each \$65.00 |
| | Over 100 KV, each \$84.00 | Over 100 KV, each \$87.00 |
| Motors | Up to 10 hp \$16.00 | Up to 10 hp \$17.00 |
| | Up to 25 hp \$32.00 | Up to 25 hp \$33.00 |
| | Up to 55 hp \$63.00 | Up to 55 hp \$65.00 |
| | Over 55 hp \$92.00 | Over 55 hp \$95.00 |
| Transformers | Up to 5 KVA \$16.00 | Up to 5 KVA \$17.00 |
| | Up to 10 KVA \$32.00 | Up to 10 KVA \$33.00 |
| | Up to 50 KVA \$53.00 | Up to 50 KVA \$55.00 |
| | Over 50 KVA \$77.00 | Over 50 KVA \$79.00 |
| Busways/conduits (per 100 ft) | \$8.00 | \$8.26 |
| Service equipment | 200 amps or less \$78.00 | 200 amps or less \$80.00 |
| | 201 to 999 amps \$108.00 | 201 to 999 amps \$111.00 |
| | Sub-panels \$38.00 | Sub-panels \$39.00 |
| Installation of spas or saunas | \$38.00 | \$39.00 |
| Other Electrical Fees | | |
| Duplicate job card | \$25.00 | \$26.00 |
| Permit extension (applies to permits that have not expired) | \$78.00 | \$80.00 |
| Mechanical Permit Fees | | |
| Fee for issuing/reinstating a Mechanical Permit | \$55.00 | \$57.00 |
| Additional Mechanical Permit Fee | \$25.00 | \$26.00 |
| Plan Review & Re-inspection Fees | | |
| Plan review fee | 25% of Mechanical Permit Fee | |
| Additional plan review | \$152.50/hr. | \$157.00/hr. |
| Re-inspection fee | \$160.00/hr. | \$165.00/hr. |
| Unit Fee Schedule | | |
| Installation, of each heating system, A/C, boiler, compressor or air handler | \$38.00 | \$39.00 |
| Each duct repair or alteration | \$11.00 | \$11.35 |
| Each fireplace appliance | \$32.00 | \$33.00 |
| Each ventilating fan | \$11.00 | \$11.35 |
| Installation of separate flue or vents not included with the installation of an appliance | \$11.00 | \$11.35 |
| Installation of each hood with mechanical exhaust | Residential \$32.00 | Residential \$33.00 |
| | Commercial \$114.00 | Commercial \$118.00 |
| Each new or repair of gas piping system | \$70.00 | \$72.00 |
| Each additional gas outlet | \$23.00 | \$24.00 |
| Installation of evaporative cooler | \$32.00 | \$33.00 |

| FY 2020/21 Fee Consumer Price Index (CPI) and Building Cost Index (BCI) Adjustments | | |
|---|--------------------|---------------------|
| Fee Name | FY 2019/20 Adopted | FY 2020/21 Proposed |
| Other Mechanical Fees | | |
| Duplicate job card | \$25.00 | \$26.00 |
| Permit extension (applies to permits that have not expired) | \$78.00 | \$80.00 |
| Plumbing Permit Fees | | |
| Fee for issuing/reinstating a Plumbing Permit | \$55.00 | \$57.00 |
| Additional Plumbing Permit Fee | \$25.00 | \$26.00 |
| Plan Review & Re-inspection Fees | | |
| Additional plan review | \$152.50/hr. | \$157.00/hr. |
| Re-inspection fee | \$160.00/hr. | \$165.00/hr. |
| System Fee Schedule | | |
| Private swimming pools (including heater, water piping, gas piping) | \$92.00 | \$95.00 |
| Public swimming pools (including heater, water piping, gas piping) | \$138.00 | \$142.00 |
| Lawn sprinkler system on one meter | \$38.00 | \$39.00 |
| Each new or repair of gas piping system | \$70.00 | \$72.00 |
| Each drainage, sewer system | \$38.00 | \$39.00 |
| Radiant floor heating system | \$114.00 | \$118.00 |
| Unit Fee Schedule | | |
| Each plumbing fixture or trap or set of fixtures on one trap | \$11.00 | \$11.35 |
| Each sewer cleanout, backflow device | \$11.00 | \$11.35 |
| Each septic system abatement | \$114.00 | \$118.00 |
| Rainwater systems - per drain (inside building) | \$11.00 | \$11.35 |
| Each water heater, water softener | \$32.00 | \$33.00 |
| Each grease interceptor (750 gallon capacity) | \$78.00 | \$80.00 |
| Each grease trap (1-4 fixtures) | \$44.00 | \$45.00 |
| Residential water re-piping | \$114.00 | \$118.00 |
| Each ejector/sump pump | \$38.00 | \$39.00 |
| Each vacuum breaker/hose bib | \$11.00 | \$11.35 |
| Each water piping system repair or replacement | \$24.00 | \$25.00 |
| Each additional gas outlet | \$24.00 | \$25.00 |
| Other Plumbing Fees | | |
| Duplicate job card | \$25.00 | \$26.00 |
| Permit extension (applies to permits that have not expired) | \$78.00 | \$80.00 |
| Other Fees | | |
| Duplicate Inspection Card | \$30.00 | \$31.00 |
| NPDES Inspection Fee (Charged on all building permits with the potential to generate non-point source storm water runoff during construction) | \$70.00 | \$72.00 |
| Architecture and Site Applications - Development Review Committee (DRC) Approval* | | |
| New single family detached (HR and RC zones) | \$8,978.00 | \$9,265.00 |
| <i>Engineering Development Review Service Fee</i> | \$4,151.00 | \$4,284.00 |
| New non-custom single family detached (HR and RC zones) per unit/model, as part of a Planned Development** | \$6,235.00 | \$6,435.00 |
| <i>Engineering Development Review Service Fee</i> | \$4,148.00 | \$4,281.00 |
| New single family or two family units | \$6,187.00 | \$6,385.00 |
| <i>Engineering Development Review Service Fee</i> | \$4,149.00 | \$4,282.00 |

| FY 2020/21 Fee Consumer Price Index (CPI) and Building Cost Index (BCI) Adjustments | | |
|--|--------------------|---------------------|
| Fee Name | FY 2019/20 Adopted | FY 2020/21 Proposed |
| New single family or two family (any other zone) per unit/model new nonresidential or multiple family per building as part of a Planned Development** | \$4,421.00 | \$4,562.00 |
| <i>Engineering Development Review Service Fee</i> | \$4,153.00 | \$4,286.00 |
| Minor projects (a development proposal that does not significantly change the size, mass, appearance or neighborhood impact of a structure, property or parking lot) | \$2,243.00 | \$2,315.00 |
| <i>Engineering Development Review Service Fee</i> | \$3,186.00 | \$3,288.00 |
| Architecture and Site Applications - Planning Commission Approval | | |
| Supplemental fee DRC applications as determined with fee #146 or minor residential development applications or applications that are part of a Planned Development that require Planning Commission approval | \$3,168.00 | \$3,269.00 |
| <i>Engineering Development Review Service Fee</i> | \$1,157.00 | \$1,194.00 |
| New two family unit | \$9,437.00 | \$9,739.00 |
| <i>Engineering Development Review Service Fee</i> | \$4,151.00 | \$4,284.00 |
| New nonresidential (includes conceptual Planned Development elevations) | \$10,832.00 | \$11,179.00 |
| <i>Engineering Development Review Service Fee</i> | \$4,151.00 | \$4,284.00 |
| New multiple family (includes conceptual Planned Development elevations) | \$9,847.00 | \$10,162.00 |
| <i>Engineering Development Review Service Fee</i> | \$4,149.00 | \$4,282.00 |
| All other (i.e. exceed FAR, major grading, etc.) | \$5,491.00 | \$5,667.00 |
| <i>Engineering Development Review Service Fee</i> | \$4,151.00 | \$4,284.00 |
| Conditional Use Permits | | |
| Conditional Use Permit | \$6,351.00 | \$6,554.00 |
| <i>Engineering Development Review Service Fee</i> | \$1,351.00 | \$1,394.00 |
| Conditional Use Permit (when consolidated with another application for new development) | \$1,056.00 | \$1,090.00 |
| <i>Engineering Development Review Service Fee</i> | \$774.00 | \$799.00 |
| Conditional Use Permit for Minor Restaurant (DRC Approval) | \$3,865.00 | \$3,989.00 |
| <i>Engineering Development Review Service Fee</i> | \$1,160.00 | \$1,197.00 |
| Conditional Use Permit for Major Restaurant (PC Approval) Tier 1 | \$6,351.00 | \$6,554.00 |
| <i>Engineering Development Review Service Fee</i> | \$1,736.00 | \$1,792.00 |
| Conditional Use Permit for Major Restaurant (PC Approval) Tier 2 includes alcohol and/or entertainment (must pay #159 below with this application) | \$7,506.00 | \$7,746.00 |
| <i>Engineering Development Review Service Fee</i> | \$1,735.00 | \$1,791.00 |
| Applications that require Town Council Approval (these fees supplement the above established fees) | \$3,012.00 | \$3,108.00 |
| <i>Engineering Development Review Service Fee</i> | \$1,158.00 | \$1,195.00 |
| Planning Division Certificates of Use and Occupancy | | |
| Change of use | \$230.00 | \$237.00 |
| Change of occupancy (excluding change of proprietor of a continuing business enterprise) | \$155.00 | \$160.00 |

| FY 2020/21 Fee Consumer Price Index (CPI) and Building Cost Index (BCI) Adjustments | | |
|--|------------------------------------|------------------------------------|
| Fee Name | FY 2019/20 Adopted | FY 2020/21 Proposed |
| Sign Application | | |
| New permanent sign | \$310.00 | \$320.00 |
| Temporary nonresidential sign | \$99.00 | \$102.00 |
| Change of face only | \$155.00 | \$160.00 |
| Sign program | \$2,075.00 | \$2,141.00 |
| Administrative Land Use Permit | | |
| Minor telecommunications facility (i.e. microcell, 8,021 lb. or equivalent) | \$1,535.00 | \$1,584.00 |
| Major telecommunications facility which do not require a Conditional Use Permit | \$3,681.00 | \$3,799.00 |
| Other Zoning Approvals Fees | | |
| Variance | \$4,671.00 | \$4,820.00 |
| <i>Engineering Development Review Service Fee</i> | \$1,351.00 | \$1,394.00 |
| Minor Residential Development (see #151) | \$2,243.00 | \$2,315.00 |
| Agricultural Preserve Withdrawal | \$3,810.00 | \$3,932.00 |
| Home Occupation Permit | \$155.00 | \$160.00 |
| Accessory Dwelling Unit | \$1,340.00 | \$1,383.00 |
| Subdivisions | | |
| Lot Line Adjustment (DRC Approval) | \$2,128.00 | \$2,196.00 |
| <i>Engineering Development Review Service Fee</i> | \$3,571.00 | \$3,685.00 |
| 4 Lots or Less (DRC Approval) | \$8,575.00 | \$8,849.00 |
| <i>Engineering Development Review Service Fee</i> | \$3,960.00 | \$4,087.00 |
| 4 Lots or Less (as part of a Planned Development) (DRC Approval) | \$3,541.00 | \$3,654.00 |
| <i>Engineering Development Review Service Fee</i> | \$4,153.00 | \$4,286.00 |
| 5 Lots or More | \$9,660.00 | \$9,969.00 |
| <i>Engineering Development Review Service Fee</i> | \$5,115.00 | \$5,279.00 |
| 5 Lots or More (as part of a Planned Development) (DRC Approval) | \$4,152.00 | \$4,285.00 |
| <i>Engineering Development Review Service Fee</i> | \$5,118.00 | \$5,282.00 |
| Lot Merger and Reversion to Acreage (DRC Approval) | \$1,055.00 | \$1,089.00 |
| <i>Engineering Development Review Service Fee</i> | \$3,570.00 | \$3,684.00 |
| Condominium | \$7,445.00 | \$7,683.00 |
| Condominium (as part of a Planned Development) | \$3,541.00 | \$3,654.00 |
| Certificate of Compliance (DRC Approval) | \$3,076.00 | \$3,174.00 |
| <i>Engineering Development Review Service Fee</i> | \$2,219.00 | \$2,290.00 |
| VTM applications that require Town Council approval, Subdivision and/or DRC applications that require Planning Commission approval. This fee supplements the above-established fees. | \$2,824.00 | \$2,914.00 |
| Miscellaneous Application Fees | | |
| Push Cart Permit | \$492.00 | \$508.00 |
| Auto Dealer Events | Smaller Promotional Events \$82.00 | Smaller Promotional Events \$85.00 |
| | Large Promotional Events \$401.00 | Large Promotional Events \$414.00 |
| News rack Permit Fee | \$390.00 | \$402.00 |
| Environmental Assessment Fees | | |
| Draft Initial Study Review Fee (or actual cost if part of a Planned Development, General Plan and/or Town Code Amendment) | \$2,786.00 | \$2,875.00 |
| <i>Engineering Development Review Service Fee</i> | \$1,931.00 | \$1,993.00 |

| FY 2020/21 Fee Consumer Price Index (CPI) and Building Cost Index (BCI) Adjustments | | |
|---|--|--|
| Fee Name | FY 2019/20 Adopted | FY 2020/21 Proposed |
| Appeals | | |
| Fee to appeal Planning Commission decision to Town Council | Per Residential \$438.00 | Per Residential \$452.00 |
| | Per Commercial, multi-family or tentative map \$1,763.00 | Per Commercial, multi-family or tentative map \$1,819.00 |
| Fee to remand applications from Town Council to Planning Commission | Fully allocated hourly rate for all personnel plus additional fees | Fully allocated hourly rate for all personnel plus additional fees |
| Fee to appeal Director of Community Development or Development Review Committee decision to Planning Commission | Per Residential \$221.00 | Per Residential \$228.00 |
| | Per Commercial \$882.00 | Per Commercial \$910.00 |
| Tree appeals | \$90.00 | \$93.00 |
| Zoning Research | | |
| Basic Zoning Letter | \$155.00 | \$160.00 |
| Legal non-conforming verification | \$650.00 | \$671.00 |
| Reconstruction of legal non-conforming structures (Burndown Letter) | \$276.00 | \$285.00 |
| Other Planning Division Fees | | |
| Fence Height Exceptions | \$276.00 | \$285.00 |
| Engineering Plan Check Fee | | |
| Application Fee | \$490.00 | \$505.00 |
| \$20,000.00 to \$80,000.00 | \$3,100.00 plus 9% of valuation | \$3,199.00 plus 9% of valuation |
| Greater than \$80,000 | \$8,500.00 plus 8.5% valuation | \$8,772.00 plus 8.5% valuation |
| Inspection Fee | | |
| \$20,000.00 to \$80,000.00 | \$1,500.00 plus 6.5% of valuation | \$1,548.00 plus 6.5% of valuation |
| Greater than \$80,000.00 | \$5,400.00 plus 4.0% of valuation | \$5,573.00 plus 4.0% of valuation |
| Work In or Use of Public Right of Way | | |
| Encroachment Permit - Residential | Work up to \$4,000.00 - \$305.00 | Work up to \$4,000.00 - \$315.00 |
| | Each additional \$2,000.00 - \$160.00 | Each additional \$2,000.00 - \$165.00 |
| Encroachment Permit - Collector/Arterial Streets** | Work up to \$4,000.00 - \$1,580.00 | Work up to \$4,000.00 - \$1,631.00 |
| | Each additional \$2,000.00 - \$345.00 | Each additional \$2,000.00 - \$356.00 |
| Temporary Encroachment Permit | \$150.00 | \$155.00 |
| Dumpster Permit | \$150.00 | \$155.00 |
| Storage Permit | \$150.00*** | \$155.00*** |
| NPDES | | |
| Inspection Fee - Grading Permits | Single Family Residential \$730.00 | Single Family Residential \$753.00 |
| | Commercial or Multi Family Residential \$1,135.00 | Commercial or Multi Family Residential \$1,171.00 |
| Inspection Fee - Encroachment Permits and Some Storage Permits | Single Family Residential \$200.00 | Single Family Residential \$206.00 |
| | Commercial or Multi Family Residential \$325.00 | Commercial or Multi Family Residential \$335.00 |
| | Plus \$485.00 per LID facility | Plus \$501.00 per LID facility |
| Inspection of Storm Water Treatment Measures | \$500.00 per facility | \$516.00 per facility |
| Annual Stormwater/Limited Impact Development (LID) Permit | Per Visit and 1st facility inspection \$485.00 | Per Visit and 1st facility inspection \$501.00 |
| | Every additional facility inspection \$160.00 | Every additional facility inspection \$165.00 |
| Engineering Subdivision Map Checking | | |
| 1-4 lots | \$2,855.00* | \$2,946.00* |
| 5 or more lots | \$3,995.00* | \$4,123.00* |

| FY 2020/21 Fee Consumer Price Index (CPI) and Building Cost Index (BCI) Adjustments | | |
|---|---|---|
| Fee Name | FY 2019/20 Adopted | FY 2020/21 Proposed |
| Traffic Impact Analysis or Parking Study | | |
| Staff Review Fee | \$664.00 plus 10% of the traffic consultant report cost | \$685.00 plus 10% of the traffic consultant report cost |
| Site Distance Analysis | \$178.00 per review not to exceed two hours. Actual cost for staff time when analysis exceeds two hours. | \$184.00 per review not to exceed two hours. Actual cost for staff time when analysis exceeds two hours. |
| Traffic Impact Mitigation Fee | \$958.00 per new average daily trip generated | \$989.00 per new average daily trip generated |
| Storm Drainage Fees | | |
| Development Projects | Single family lots Section 24.60.035(b) (3): For subdivision whose lots exceed one acre, the fee shall not exceed that of one acre per lot \$4,228.00/ac. | Single family lots Section 24.60.035(b) (3): For subdivision whose lots exceed one acre, the fee shall not exceed that of one acre per lot \$4,363.00/ac. |
| | Multiple family dwelling units - initial unit \$4,228.00/ac. | Multiple family dwelling units - initial unit \$4,363.00/ac. |
| | Multiple family dwelling units - each unit after initial (not to exceed \$4,622.00/ac.) \$159.00 | Multiple family dwelling units - each unit after initial (not to exceed \$4,622.00/ac.) \$164.00 |
| | Commercial, industrial, hospitals, churches, schools, and others \$5,286.00/ac. | Commercial, industrial, hospitals, churches, schools, and others \$5,455.00/ac. |
| Street Improvement in-lieu fee | | |
| Sidewalks | \$16.00/sq. ft. | \$20.00/sq.ft. |
| Curb and Gutter | \$68.00/lf. | \$100.00/lf. |
| Hauling Permits | | |
| House Moving Fee | \$3,490.00* | \$3,602.00** |
| Construction Activities Mitigation Fee | | |
| New Buildings and Additions | Residential (per square foot added) \$1.17/sq.ft.* | Residential (per square foot added) \$1.19/sq.ft.* |
| | Non-residential (per square foot added) \$1.17/sq.ft.* | Non-residential (per square foot added) \$1.19/sq.ft.* |
| Other Engineering Fees | | |
| Engineering Reversion to Acreage | \$2,395.00 plus initial deposit of \$2,500 for surveyor | \$2,472.00 plus initial deposit of \$2,500 for surveyor |
| Engineering Lot Merger | \$3,480.00 plus surveyor deposit | \$3,591.00 plus surveyor deposit |
| Engineering Lot Line Adjustments | \$3,480.00 plus surveyor deposit | \$3,591.00 plus surveyor deposit |
| Certificate of Compliance | \$3,480.00 plus surveyor deposit | \$3,591.00 plus surveyor deposit |
| Abandon Excess Public Right-of-Way & Public Easement | \$4,345.00 plus surveyor and valuation consultant and planning services | \$4,484.00 plus surveyor and valuation consultant and planning services |
| Separate Instrument Dedication Fee (for dedication via grant deeds and not maps) | \$720.00 plus initial deposit of \$2,500 for surveyor | \$743.00 plus initial deposit of \$2,500 for surveyor |

| FY 2020/21 Fee Adjustments, Reclassifications, Deletions and Additions | | |
|--|--|--|
| Fee Name | FY 2019/20 Adopted | FY 2020/21 Proposed |
| Other Services | | |
| Credit Card Processing Fee for all transactions above \$30.00 | 2.40% | 2.20% |
| General Development Fees | | |
| Community Benefit | No standard schedule, as offered and applied per project | Delete Fee |
| Overdue Fees | | |
| Adult Library materials | \$.30/day \$10.00 max/per item | Delete Fee |
| Children’s/Teen materials | \$5.00 per item after six weeks overdue | Delete Fee |
| Periodicals | \$.30/day \$5.00 max/per item | Delete Fee |
| Tree Related Fees | | |
| Tree Removal Permit Application | One Tree \$250.00 | Add a note that fee will be waived when tree removal is done to implement or maintain Defensible Space |
| | Additional Tree \$125.00/each | |
| | If application is denied 50% refund | |
| Massage Permit Fees | | |
| Initial Application for each Therapist | \$213.00 | Delete Fee |
| Annual Renewal for each Therapist | \$107.00 | Delete Fee |



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/17/2020

ITEM NO: 10

ADDENDUM

DATE: February 27, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Fee and Fine Schedules for Fiscal Year 2020/21
a. Adopt a resolution approving the Comprehensive Fee Schedule for FY 2020/21 to continue certain department fees, rates, and charges, and amending certain fees, rates, and charges for FY 2020/21.
b. Adopt a resolution approving the Comprehensive Fine Schedule for FY 2020/21 to continue certain department fines.

REMARKS:

Town staff request that the item be continued to the April 7, 2020 meeting to allow for public discussion of this item.

PREPARED BY: Stephen Conway
Finance Director

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 10

DATE: April 2, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Amend Existing Human Services Grant Agreements with West Valley Community Services, Counseling and Support Services for Youth, Next Door Solutions, and Live Oak Senior Nutrition to Donate an Additional \$10,000 to Each Organization, for a Total of \$40,000, to assist Town Residents with Needed Services Due to COVID-19 and Related Public Health Orders.

RECOMMENDATION:

Authorize the Town Manager to amend existing human services grant agreements with West Valley Community Services, Counseling and Support Services for Youth, Next Door Solutions, and Live Oak Senior Nutrition to donate an additional \$10,000 to each organization, for a total of \$40,000, to assist Town residents with needed services due to COVID-19 and related Public Health Orders.

REMARKS:

The Town's community grant program included awards to several human services organizations that provide direct services to Los Gatos residents. Attachment 1 contains the grant awards that occurred in Fiscal Year (FY) 2019/20.

Some of the grant recipients are providing services that have become increasingly important to individuals and families that may be experiencing financial hardship, lack of food access, mental health challenges, domestic violence, and/or other effects associated with the COVID-19 pandemic and related Public Health Orders requiring sheltering in place. Specifically, West Valley Community Services provides food assistance, supplies, and rental assistance. Counseling and Support Services for Youth (CASSY) is providing mental health telehealth services to youth. Next Door Solutions is helping those who have experienced domestic violence. Live Oak Senior Nutrition is serving take out meals to the Los Gatos senior

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

SUBJECT: Additional Funding to Four Community-Based Organizations in Support of the COVID-19 Response

DATE: April 2, 2020

REMARKS (continued):

community. The Town understands that these organizations have had to retool their service delivery to adapt to the new requirements and meet the growing need for their services.

While there are many other wonderful efforts underway to help the vulnerable populations in Los Gatos, these four particular organizations already have a contractual relationship with the Town and the administrative capacity to document services provided to Los Gatos residents. In addition, the Town's dedicated COVID-19 website provides donation and volunteer recommendations for a broad spectrum of entities, including but not limited to Feed the Need, Silicon Valley Strong, and the Red Cross.

Given that the adopted Operating Budget for Fiscal Year (FY) 2019/20 has funds available for Town Council discretion, staff recommends amending the grant agreements with West Valley Community Services, Counseling and Support Services for Youth, Next Door Solutions, and Live Oak Senior Nutrition to donate an additional \$10,000 to each organization, for a total of \$40,000, to assist Town residents with needed services due to COVID-19 and related Public Health Orders.

ALTERNATIVES:

The Town Council may choose a different distribution of the \$40,000 to these or other organizations.

COORDINATION:

This report was coordinated with the Finance Department.

FISCAL IMPACT:

The Operating Budget for FY 2019/20 includes funds that can be used at the Council's discretion. There is no fiscal impact to this action.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. FY 2019/20 Grants Summary

ADMINISTRATIVE SERVICES
Town Manager's Office

GRANTS AND ARTS FUNDING SUMMARY

| | 2015/16 Actuals | 2016/17 Actuals | 2017/18 Actuals | 2018/19 Awarded | 2019/20 Adopted |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|
| Human Services Grants | | | | | |
| Counseling and Support Services for Youth | \$ 15,000 | \$ 15,000 | \$ 10,000 | \$ 10,000 | \$ 10,000 |
| LGS Recreation - 55+ Program | - | - | 10,000 | 15,000 | 15,000 |
| LGS Recreation - Clubhouse Scholarship | - | - | 11,000 | 9,000 | 7,000 |
| LGS Recreation - Summer Enrichment School Scholarship | - | - | - | 4,000 | 4,000 |
| Live Oak Adult Day Services | 13,000 | 13,000 | 13,000 | 13,000 | 13,000 |
| Live Oak Sr. Nutrition and Service | 26,500 | 28,500 | 29,000 | 29,000 | 25,000 |
| Los Gatos Community Concert Association | - | - | - | - | 500 |
| Next Door Solutions Dom. Violence | 15,000 | 15,000 | 6,000 | 3,000 | 5,000 |
| NUMU - Senior Explorer Program | - | - | - | - | 1,000 |
| Parents Helping Parents | 2,000 | - | 1,000 | - | 6,000 |
| Saratoga Area and Senior Coordinating Council | - | - | - | - | 5,000 |
| Support Network | 6,000 | 6,000 | - | - | - |
| United Way - 211 Funding | 2,500 | 2,500 | - | - | - |
| West Valley Community Services | 10,000 | 20,000 | 20,000 | 20,000 | 20,000 |
| West Valley Muslim Association | - | - | - | - | 1,000 |
| Total Human Services Grants | \$ 90,000 | \$ 100,000 | \$ 100,000 | \$ 103,000 | \$ 112,500 |
| Arts, Cultural & Educational Grants | | | | | |
| Art Docents of Los Gatos | \$ 3,000 | \$ 4,000 | \$ 4,000 | \$ 4,000 | \$ 3,000 |
| CatWalk | 3,000 | - | - | - | - |
| Los Gatos Community Concert | 1,000 | 3,800 | 5,000 | 5,000 | 4,000 |
| Los Gatos High School New Millennium Foundation - 2019 STEAM | - | - | - | - | 3,000 |
| Morning Rotary | - | - | 1,500 | - | 4,000 |
| NUMU - Cataloguing | - | - | 2,800 | - | - |
| NUMU - Youth Explorer Program | 5,000 | 7,000 | 6,500 | 6,500 | 6,000 |
| NUMU - Video Histories with KCAT Project | - | - | - | 3,000 | - |
| Veterans M & S F of LG - Veteran's Day Celebration | - | - | - | 1,500 | - |
| Youth Science Institute | - | 5,000 | - | - | - |
| Total Arts, Cultural & Educational Grants | \$ 12,000 | \$ 19,800 | \$ 19,800 | \$ 20,000 | \$ 20,000 |
| Special Events Grants | | | | | |
| Special Events Grants | \$ - | \$ - | \$ - | \$ 19,000 | \$ 10,000 |
| Total Special Events Grants | \$ - | \$ - | \$ - | \$ 19,000 | \$ 10,000 |
| Total Grant Funding | \$ 102,000 | \$ 119,800 | \$ 119,800 | \$ 123,000 | \$ 142,500 |
| Arts Funding | | | | | |
| Arts & Culture Commission | 2,000 | - | 5,000 | 5,000 | - |
| Forbes Mill | 5,800 | - | - | - | - |
| Total Arts Funding | \$ 7,800 | \$ - | \$ 5,000 | \$ 5,000 | \$ - |
| Grand Total | \$ 109,800 | \$ 119,800 | \$ 124,800 | \$ 128,000 | \$ 142,500 |



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 10

ADDENDUM

DATE: April 2, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Amend Existing Human Services Grant Agreements with West Valley Community Services, Counseling and Support Services for Youth, Next Door Solutions, and Live Oak Senior Nutrition to Donate an Additional \$10,000 to Each Organization, for a Total of \$40,000, to assist Town Residents with Needed Services Due to COVID-19 and Related Public Health Orders.

REMARKS:

Attachment 2 contains public comment received from 11:01 a.m. April 2 to 11:00 a.m. April 6, 2020.

Attachment received with Staff Report:

1. FY 2019/20 Grants Summary

Attachment received with Addendum:

2. Public Comment received 11:01 a.m. April 2 to 11:00 a.m. April 6, 2020

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

From: Josh Selo
Sent: Friday, April 03, 2020 4:42 PM
To: PublicComment <PublicComment@losgatosca.gov>
Cc: Sujatha Venkatraman
Subject: April 7 Town Council Meeting - Agenda Item #10

Dear Honorable Los Gatos Town Council Members.

Thank you for considering providing funding to service providers to use to help Los Gatos residents impacted by the COVID-19 pandemic.

At West Valley Community Services, we have seen an unprecedented increase in demand for food and rental assistance from clients throughout our service area - Los Gatos included. We have already seen an increase in layoffs and furloughs, which heavily impact low income households - and expect to see that continue for the foreseeable future. We have also seen both returning clients and new clients coming to us from the Town of Los Gatos for the first time as a result of COVID-19.

As a comparison - from July 2019-February 2020, 236 Town of Los Gatos residents received food assistance, and 21 Town of Los Gatos households received \$66,222 in emergency financial assistance.

Since the beginning of March, an additional 10 Town of Los Gatos households began receiving food assistance, and 7 Town of Los Gatos households received \$15,500 in emergency financial assistance.

Support from the Town of Los Gatos would enable West Valley Community Services to help even more Los Gatos residents struggling in the face of COVID-19.

With gratitude.

Josh

Josh Selo, MBA, CFRE
Executive Director
West Valley Community Services

ATTACHMENT 2



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 10

DESK ITEM

DATE: April 2, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Amend Existing Human Services Grant Agreements with West Valley Community Services, Counseling and Support Services for Youth, Next Door Solutions, and Live Oak Senior Nutrition to Donate an Additional \$10,000 to Each Organization, for a Total of \$40,000, to assist Town Residents with Needed Services Due to COVID-19 and Related Public Health Orders.

REMARKS:

Attachment 3 contains public comment received from 11:01 a.m. April 6 to 11:00 a.m. April 7, 2020.

Attachment received with Staff Report:

1. FY 2019/20 Grants Summary

Attachment received with Addendum:

2. Public Comment received 11:01 a.m. April 2 to 11:00 a.m. April 6, 2020

Attachment received with Desk Item:

3. Public Comment received 11:01 a.m. April 6 to 11:00 a.m. April 7, 2020

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

From: Kathy Mlinarich
Sent: Tuesday, April 7, 2020 10:54 AM
To: Laurel Prevetti
Subject: Additional funds to Live Oak Senior Center

Good morning Laurel,

During this challenging time, Live Oak continues to serve the senior citizens of Los Gatos. On March 16th we started our box lunch (drive-up/pick-up program) Monday through Friday between 11:00am and 12:30 pm.

The addition of boxes and preparation time adds about \$.40 per meal for packaging that is not included in our contract with the County of Santa Clara. Additionally, the quantity of lunches we serve has grown significantly during the Corona-virus crisis. Because of the "stay-at-home" order, many new clients have not been able to register with Live Oak. Although Live Oak is putting a process in place to resolve this issue, we have not and will not be able to receive funding reimbursement from Santa Clara County for these new members. However, we will not turn anyone away, so added resources from the Town of Los Gatos would be very welcomed.

Live Oak only has a small staff as we rely strongly on our volunteers to help with distributing meals. Since many of them are now sheltering in place, we have had to have a "all hands on deck" approach to get the job done. While we have succeeded in providing additional meals (including working with Flights restaurant) we have to incur additional set-up cost for staff to work from home cost including the purchase of an additional lap top computer and the software to handle County reports.to set up staff with home office supplies. In addition, the staff of Live Oak has had to put in additional hours.

We appreciate the opportunity to reach and serve this elderly and fragile population and are looking forward to the help and support of the Los Gatos community to meet this need.

Sincerely,

Kathy

--

Kathy Mlinarich
Executive Director
Live Oak Senior Nutrition Center
@ Los Gatos United Methodist Church

ATTACHMENT 3



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 11

DATE: April 1, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Introduce an Ordinance, by Title Only, Effecting Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Family Daycare Home Regulations. Town Code Amendment Application A-20-002. Applicant: Town of Los Gatos.

RECOMMENDATION:

Introduce an Ordinance (Attachment 4), by title only, effecting amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding family daycare home regulations.

BACKGROUND:

This item was previously scheduled for the March 17, 2020 Town Council meeting and the Town Council continued the item to the April 7, 2020 meeting.

In September of 2019, Governor Newsom signed Senate Bill 234 (Attachment 1, Exhibit 3), amending sections 1596.72 – 1597.543 of the Health and Safety Code regarding large family daycare homes.

On February 26, 2020, the Planning Commission considered and forwarded a recommendation to the Town Council for approval of the proposed amendments to Chapter 29 of the Town Code to align with new State law regarding family daycare homes. The new State law requires small and large family daycare homes to be allowed by right in all districts where residential uses are allowed. The new law also increases the number of participants in small and large family daycare homes (Attachment 1, Exhibit 1).

PREPARED BY: Diego Mora
Assistant Planner

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

DISCUSSION:

Planning Commission

On February 26, 2020, the Planning Commission reviewed the proposed Town Code amendments (Attachment 4). Details of the proposed Town Code amendments may be found in the staff report for the Planning Commission as Attachment 1, Exhibit 1. No public comment was received at the Planning Commission public hearing.

Attachment 2 contains the verbatim minutes for the Planning Commission meeting. The Planning Commission recommended approval of the draft Ordinance language with no changes.

PUBLIC OUTREACH:

Public input has been requested through the following media and social media resources:

- An eighth-page public notice in the newspaper;
- A poster at the Planning counter at Town Hall;
- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's NextDoor page.

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

Staff recommends that the Town Council:

1. Make the finding that the project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3) (Attachment 3);
2. Make the finding as required that the amendments to the Town Code (Zoning Regulations) are consistent with the General Plan (Attachment 3); and
3. Introduce the Ordinance of the Town of Los Gatos effecting the amendments of the Town Code regarding family daycare home regulations A-20-002 (Attachment 4), by title

CONCLUSION (continued):

only, with any specific changes identified and agreed upon by the majority of the Town Council.

ALTERNATIVES:

Alternatively, the Council may:

1. Continue this item to a date certain with specific direction to staff;
2. Refer the item back to the Planning Commission with specific direction; or
3. Take no action, leaving the Town Code unchanged.

ENVIRONMENTAL ASSESSMENT:

The project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment.

Attachments:

1. February 26, 2020 Planning Commission Staff Report with Exhibits 1-4
2. February 26, 2020 Planning Commission Verbatim Minutes
3. Required Findings
4. Draft Ordinance



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/26/2020

ITEM NO: 3

DATE: February 21, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding family daycare home regulations, Town Wide. Town Code Amendment Application A-20-002. Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding family daycare home regulations.

CEQA:

The project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment.

FINDINGS:

- The project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

BACKGROUND:

In September of 2019, Governor Newsom signed Senate Bill 234 (Exhibit 3), amending sections 1596.72 – 1597.543 of the Health and Safety Code regarding large family daycare homes. The new State law requires a large family daycare home to be considered a residential use by right,

PREPARED BY: Diego Mora
Assistant Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND (continued):

where residential uses are permitted.

DISCUSSION:

A. Town Code Amendments

Section 29.10.020. – Definitions

A family daycare home, as defined by State law, is a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day.

Existing Town Code Section 29.10.020 defines family daycare home as:

Family day care home means a dwelling where day care is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family day care home is for six (6) or fewer children and a large family day care home is for seven (7) to twelve (12) children. Both limitations include the number of children residing in the dwelling unit.

The draft Ordinance (Exhibit 2) would modify the definition for family daycare home in Section 29.10.020 – Definitions, to be consistent with the new State law as follows:

Family ~~day care~~ daycare home means a dwelling where ~~day care~~ daycare is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family ~~day care~~ daycare home is for ~~six eight~~ (6 8) or fewer children and a large family day care home is for ~~seven nine~~ (7 9) to ~~twelve fourteen~~ (12 14) children. Both limitations include ~~the number of children residing in the dwelling unit~~ children under 10 years of age who reside at the home.

Section 29.10.09050 – Large family daycare homes.

Existing Town Code Section 29.10.09050 currently requires a non-discretionary large family daycare home permit that must be approved by the Development Review Committee prior to issuance of a business license, as previously allowed by State law. The new State law removed that provision and requires large family daycare homes to be considered a residential use by right, where residential uses are permitted. The draft Ordinance (Exhibit 2) would remove Section 29.10.09050 of the Town Code to conform to the new State law.

DISCUSSION (continued):

Sections 29.20.745(10). – Development Review Committee.

Existing Town Code currently assigns the approval of large family daycare home permits to the Development Review Committee. The new State law allows a large family daycare home to be considered a residential use by right, where residential uses are permitted. The draft Ordinance (Exhibit 2) would amend Section 29.10.745(10) of the Town Code to conform to the new State law.

Sections 29.40.160 through 29.40.835. – Permitted Uses.

Existing Town Code currently identifies a small family daycare home as a permitted use in residential zones. The new State law allows both a small and large family daycare home to be considered a residential use by right, where residential uses are permitted. The draft Ordinance (Exhibit 2) would modify the permitted uses to permit any family daycare home in all residential zones to conform to the new State law.

PUBLIC OUTREACH:

Public input has been requested through the following media and social media resources:

- An eighth-page public notice in the newspaper;
- A poster at the Planning counter at Town Hall;
- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's NextDoor page.

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Recommendation

Based on the analysis above, staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval. The Commission should also include any comments or recommended changes to the draft Ordinance in taking the following actions:

PAGE 4 OF 4

SUBJECT: Family Daycare Home Regulations /A-20-002

DATE: February 21, 2020

CONCLUSION (continued):

1. Make the finding that the project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3) (Exhibit 1);
2. Make the required finding that the amendments to the Town Code (Zoning Regulations) are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the proposed amendments to Chapter 29 of the Town Code (Exhibit 2).

B. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the draft Ordinance with modifications; or
2. Forward a recommendation to the Town Council for denial of the draft Ordinance; or
3. Continue the matter to a date certain with specific direction.

Exhibits:

1. Required Findings
2. Draft Ordinance
3. California Government Sections 1596.72 – 15.97.543 as amended

PLANNING COMISSION – February 26, 2020
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-20-002

Consider Amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding family daycare home regulations.

FINDINGS

Required Findings for CEQA:

- The project is Exempt pursuant to the adopted Guidelines for Implementation of the California Environmental Quality Act, Section 15061(b)(3).

Required Findings for General Plan:

- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

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DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING FAMILY DAYCARE HOME REGULATIONS**

WHEREAS, in 2019, Senate Bill 234 amended Government Code Sections 1596.72 through 1597.543 regarding family daycare homes; to address the current shortage of regulated childcare; and

WHEREAS, the current definition of large family daycare home within the Town Code is for seven (7) to twelve (12) children; and

WHEREAS, the new State law requires family daycare homes to allow up to fourteen (14) children; and

WHEREAS, the current regulations of family daycare homes within the Town Code would require a large family daycare home to obtain approval of a discretionary large family daycare home permit from the Development Review Committee; and

WHEREAS, the new State law requires large family daycare homes to be considered a residential use by right; and

WHEREAS, the Town Council wishes to amend the Town Code, to consider a small or large family daycare home as a residential use by right, to comply with the new State law; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on February 26, 2020; and

WHEREAS, on February 26, 2020, the Planning Commission reviewed and commented on the proposed amendments regarding family daycare home regulations and forwarded a recommendation to the Town Council for approval of the proposed amendments; and

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

WHEREAS, on ____ , ____ , the Town Council reviewed and commented on the proposed amendments regarding family daycare home regulations and the Town Council voted to introduce the Ordinance.

EXHIBIT 2

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

SECTION I

Chapter 29 of the Town Code is hereby amended as follows:

ARTICLE I. DIVISION 1. - MISCELLANEOUS

Sec. 29.10.020. - Definitions.

...

Family ~~day-care~~ daycare home means a dwelling where ~~day-care~~ daycare is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family ~~day-care~~ daycare home is for ~~six~~ eight (6 8) or fewer children and a large family day care home is for ~~seven~~ nine (7 9) to ~~twelve~~ fourteen (12 14) children. Both limitations include ~~the number of~~ children residing in the dwelling unit children under 10 years of age who reside at the home.

...

~~Sec. 29.10.09050. - Large family day care homes.~~

~~(a) Scope. Large family day care homes are allowed in all residential zones subject to the following regulations:~~

- ~~(1) All perimeter gates must be self-latching and the latches shall be a minimum of four (4) feet above grade.~~
- ~~(2) The rear yard must be enclosed with a minimum five-foot high fence.~~
- ~~(3) Use of the garage for day care must meet Uniform Building Code for living space.~~
- ~~(4) Two (2) off-street parking spaces must be provided, plus one (1) space for each employee.~~
- ~~(5) No double key deadbolts may be used on exterior doors.~~
- ~~(6) A minimum of two (2) exits must be provided.~~
- ~~(7) A minimum of one hundred (100) square feet of habitable space as defined by Section 409 of the Uniform Building Code shall be provided for each child.~~
- ~~(8) No child care space is permitted on the second floor unless approved by the Building Official.~~

- ~~(9) No signs may be displayed.~~
- ~~(10) A minimum lot size of six thousand (6,000) square feet is required.~~
- ~~(11) A minimum of five hundred (500) feet between large family day care homes is required.~~
- ~~(12) The day care home operator must be a resident of the home.~~
- ~~(13) The large family day care home shall not alter the single-family residential character of the premises.~~
- ~~(b) Permit. A large family day care permit must be obtained from the Development Review Committee and all conditions identified must be satisfied prior to issuance.~~
- ~~(c) Inspection. Prior to issuance of a permit, the large family day care home is subject to an on-site inspection to insure compliance with all regulations to the satisfaction of the Building Official and Planning Director.~~
- ~~(d) Notification. All property owners within one hundred (100) feet shall be notified prior to the issuance that a large family day care home permit will be issued and the notification shall include the conditions under which the permit shall operate.~~
- ~~(e) Affidavit. All property owners of the property where the large family day care home is to be located shall sign an affidavit certifying that the property shall remain in compliance with the requirements of subsection 29.10.09050(a).~~
- ~~(f) Denial. The Planning Director may not issue a large family day care home permit where he finds the day care home will not comply with the provisions of this chapter.~~
- ~~(g) Revocation. The Planning Director may revoke large family day care home permits for violations of this chapter. Before revoking a large family day care home permit, the Planning Director shall give the permittee ten (10) days' notice in writing that revocation is under consideration, shall consider whatever evidence the permittee wishes to present to contest the revocation, and shall give the permittee written notice of this decision. Both notices shall be mailed to the address given by the permittee in his application for the large family day care home permit or such other address as the permittee has provided the Planning Director.~~

...

ARTICLE II. DIVISION 3. – APPROVALS

Sec. 29.20.185. – Table of conditional uses.

...

(4) Schools

...

| Table of Conditional Uses | | RC | HR | R1 | RD | R-M | R-1D | RMH | O | C-1 | C-2 | CH | LM | CM |
|---------------------------|---|----|----|----|----|-----|------|-----|---|-----|-----|----|----|----|
| d. | Small family day care daycare home | | | | | | | | X | X | X | X | | |
| e. | Large family day care home Reserved. | | | | | | | | | | | | | |

...

ARTICLE II. DIVISION 7. – ASSIGNMENT OF DUTIES

Sec. 29.20.745. – Development Review Committee.

...

(10) Reserved.

...

ARTICLE IV. DIVISION 2. – RC OR RESOURCE CONSERVATION ZONE

Sec. 29.40.160. – Permitted Uses.

...

(4) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 3. – HR OR HILLSIDE RESIDENTIAL ZONE

Sec. 29.40.235. – Permitted Uses.

...

(3) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 4. – R-1 OR SINGLE-FAMILY RESIDENTIAL ZONE

Sec. 29.40.385. – Permitted Uses.

...

(3) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 5. – R-D OR DUPLEX RESIDENTIAL ZONE

Sec. 29.40.510. – Permitted Uses.

...

(3) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 6. – R-M OR MULTIPLE-FAMILY RESIDENTIAL ZONE

Sec. 29.40.610. – Permitted Uses.

...

(3) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 7. – R-1D OR SINGLE-FAMILY RESIDENTIAL DOWNTOWN ZONE

Sec. 29.40.725. – Permitted Uses.

...

(3) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 8. – RMH OR MOBILE HOME RESIDENTIAL ZONE

Sec. 29.40.835. – Permitted Uses.

...

(6) Family daycare home.

SECTION II

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

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

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

SECTION III

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

SECTION IV

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

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of 2020, 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 ____ day of 2020. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

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SB-234 Family daycare homes. (2019-2020)

Disclaimer: The bill is compared here to the law that was in affect at the time. Note that the code section(s) in question may have been subsequently amended.

As Amends the Law on Nov 18, 2019

[As Amends the Law Today](#)

SECTION 1. Section 1596.72 of the Health and Safety Code is amended to read:

1596.72. The Legislature finds all of the following:

- (a) That child ~~day-care~~ *daycare* facilities can contribute positively to a child's emotional, cognitive, and educational development.
- (b) That it is the intent of this state to provide a comprehensive, quality system for licensing child ~~day-care~~ *daycare* facilities to ensure a quality ~~day-care~~ *childcare* environment.
- (c) That this system of licensure requires a special understanding of the unique characteristics and needs of the children served by child ~~day-care~~ *daycare* facilities.
- (d) That it is the intent of the Legislature to establish within the State Department of Social Services an organizational structure to separate licensing of child ~~day-care~~ *daycare* facilities from those facility types administered under Chapter 3 (commencing with Section 1500).
- (e) That good quality ~~child-day-care~~ *childcare* services are an essential service for working parents.
- (f) California has a tremendous shortage of regulated childcare, and only a small fraction of families who need childcare have it. Parents should be able to support their families without having to sacrifice their child's well-being.*
- (g) With childcare, families have more options for jobs and education to improve their prospects. Good, affordable childcare gives children a strong start and creates opportunities for families and communities.*

SEC. 2. Section 1596.73 of the Health and Safety Code is amended to read:

1596.73. The purposes of this act are to:

- (a) Streamline the administration of ~~child-care~~ *childcare* licensing and thereby increase the efficiency and effectiveness of this system.
- (b) Encourage the development of licensing staff with knowledge and understanding of children and ~~child-care~~ *childcare* needs.
- (c) Provide providers of ~~child-care~~ *childcare* with technical assistance about licensing requirements.
- (d) Enhance consumer awareness of licensing requirements and the benefits of licensed ~~child-care~~ *childcare*.
- (e) Recognize that affordable, quality licensed ~~child-care~~ *childcare* is critical to the well-being of parents and children in this state.
- (f) Promote the development and expansion of regulated childcare.*

SEC. 3. Section 1596.78 of the Health and Safety Code is amended to read:

EXHIBIT 3

1596.78. (a) "Family ~~day-care- daycare~~ home" means a ~~home facility~~ that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family ~~day-care- daycare~~ home or a small family ~~day-care- daycare~~ home.

(b) "Large family ~~day-care- daycare~~ home" means a ~~home facility~~ that provides ~~family-day-care- care, protection, and supervision~~ for 7 to 14 children, inclusive, including children under ~~the-age-of- 10 years of age~~ who reside at the home, as set forth in Section 1597.465 and as defined in regulations.

(c) "Small family ~~day-care- daycare~~ home" means a ~~home facility~~ that provides ~~family-day-care- care, protection, and supervision~~ for eight or fewer children, including children under ~~the-age-of- 10 years of age~~ who reside at the home, as set forth in Section 1597.44 and as defined in regulations.

(d) A small family daycare home or large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the daycare provider resides, and includes a dwelling or a dwelling unit that is rented, leased, or owned.

SEC. 4. Section 1597.30 of the Health and Safety Code is amended to read:

1597.30. The Legislature finds and ~~declares+~~ *declares all of the following:*

(a) ~~It-~~ *The Legislature* has a responsibility to ensure the health and safety of children in family homes that provide ~~day-care- daycare~~.

(b) ~~That there are insufficient numbers~~ *There is an extreme shortage* of regulated family ~~day-care-homes-in California- daycare homes in California, and the number has decreased significantly since 2008.~~

(c) There ~~will- continues to~~ be a growing need for child ~~day-care- daycare~~ facilities due to the ~~increase-in working-parents- increased number of working parents. Parents need childcare so they can work and attend school, and so their children can thrive.~~

(d) Many parents prefer ~~child-day-care- childcare~~ located in their neighborhoods in family homes.

(e) There should be a variety of ~~child-care- childcare~~ settings, including regulated family ~~day-care- daycare~~ homes, as suitable ~~alternatives~~ *choices* for parents.

(f) ~~That the~~ *The licensing* program to be operated by the state should be cost effective, streamlined, and simple to administer in order to ensure adequate care for children placed in family ~~day-care- daycare~~ homes, while not placing undue burdens on the providers.

(g) ~~That the~~ *The* state should maintain an efficient program of regulating family ~~day-care- daycare~~ homes that ensures the provision of adequate protection, supervision, and guidance to children in their homes.

(h) The state has a responsibility to promote the development and expansion of regulated family daycare homes to care for children in residential settings.

SEC. 5. Section 1597.40 of the Health and Safety Code is repealed.

~~1597.40. (a) It is the intent of the Legislature that family day care homes for children should be situated in normal residential surroundings so as to give children the home environment which is conducive to healthy and safe development. It is the public policy of this state to provide children in a family day care home the same home environment as provided in a traditional home setting.~~

~~The Legislature declares this policy to be of statewide concern with the purpose of occupying the field to the exclusion of municipal zoning, building and fire codes and regulations governing the use or occupancy of family day care homes for children, except as specifically provided for in this chapter, and to prohibit any restrictions relating to the use of single family residences for family day care homes for children except as provided by this chapter.~~

~~(b) Every provision in a written instrument entered into relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family day care home for children, is void and every restriction or prohibition in any such written instrument as the use or occupancy of the property as a family day care home for children is void.~~

~~(c) Except as provided in subdivision (d), every restriction or prohibition entered into, whether by way of covenant, condition upon use or occupancy, or upon transfer of title to real property, which restricts or prohibits directly, or indirectly limits, the acquisition, use, or occupancy of such property for a family day care home for children is void.~~

~~(d) (1) A prospective family day care home provider, who resides in a rental property, shall provide 30 days' written notice to the landlord or owner of the rental property prior to the commencement of operation of the family day care home.~~

~~(2) For family day care home providers who have relocated an existing licensed family day care home program to a rental property on or after January 1, 1997, less than 30 days' written notice may be provided in cases where the department approves the operation of the new location of the family day care home in less than 30 days, or the home is licensed in less than 30 days, in order that service to the children served in the former location not be interrupted.~~

~~(3) A family day care home provider in operation on rental or leased property as of January 1, 1997, shall notify the landlord or property owner in writing at the time of the annual license fee renewal, or by March 31, 1997, whichever occurs later.~~

~~(4) Notwithstanding any other provision of law, upon commencement of, or knowledge of, the operation of a family day care home on his or her property, the landlord or property owner may require the family day care home provider to pay an increased security deposit for operation of the family day care home. The increase in deposit may be required notwithstanding that a lesser amount is required of tenants who do not operate family day care homes. In no event, however, shall the total security deposit charged exceed the maximum allowable under existing law.~~

~~(5) Section 1596.890 shall not apply to this subdivision.~~

SEC. 6. Section 1597.40 is added to the Health and Safety Code, to read:

1597.40. (a) It is the intent of the Legislature that family daycare homes for children should be situated in normal residential surroundings so as to give children the home environment that is conducive to healthy and safe development. It is the public policy of this state to provide children in a family daycare home the same home environment as provided in a traditional home setting.

(b) The Legislature declares this policy to be of statewide concern with the purpose of occupying the field. This act, the state building code, and the fire code, and regulations promulgated pursuant to those provisions, shall preempt local laws, regulations, and rules governing the use and occupancy of family daycare homes. Local laws, regulations, or rules shall not directly or indirectly prohibit or restrict the use of a facility as a family daycare home, including, but not limited to, precluding the operation of a family daycare home.

SEC. 7. Section 1597.41 is added to the Health and Safety Code, to read:

1597.41. (a) Every provision in a written instrument relating to real property that purports to restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family daycare home is void, and every restriction in that written instrument as to the use or occupancy of the property as a family daycare home is void.

(b) An attempt to deny, restrict, or encumber the conveyance, leasing, or mortgaging of real property for use or occupancy as a family daycare home is void. A restriction related to the use or occupancy of the property as a family daycare home is void. A property owner or manager shall not refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential use to a person because that person is a family daycare provider.

(c) Except as provided in subdivision (d), a restriction, whether by way of covenant, contract, condition upon use or occupancy, or by transfer of title to real property, that restricts directly or indirectly limits the acquisition, use, or occupancy of a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential use as a family daycare home is void.

(d) A prospective family daycare home provider who resides in a rental property shall provide 30 days' notice to the landlord or owner of the rental property prior to the commencement of operation of the

family daycare home.

(2) A family daycare home provider who has relocated an existing licensed family daycare home program to a rental property on or after January 1, 1997, may provide less than 30 days' written notice when the department approves the operation of the new location of the family daycare home in less than 30 days, or the home is licensed in less than 30 days, so that service to the children served in the former location not be interrupted.

(3) A family daycare home provider in operation on rental or leased property as of January 1, 1997, shall notify the landlord or property owner in writing at the time of the annual license fee renewal, or by March 31, 1997, whichever occurs later.

(4) Notwithstanding any other law, upon commencement of, or knowledge of, the operation of a family daycare home on an individual's property, the landlord or property owner may require the family daycare home provider to pay an increased security deposit for operation of the family daycare home. The increase in deposit may be required notwithstanding that a lesser amount is required of tenants who do not operate family daycare homes. The total security deposit charged shall not exceed the maximum allowable under existing law.

(5) Section 1596.890 does not apply to this subdivision.

(e) During the license application process for a small or large family daycare home, the department shall notify the applicant that the remedies and procedures in Article 2 (commencing with Section 12980) of Chapter 7 of Part 2.8 of Division 3 of Title 2 of the Government Code relating to fair housing are available to family daycare home providers, family daycare home provider applicants, and individuals who claim that any of the protections provided by this section or Section 1597.40, 1597.42, 1597.43, 1597.45, 1597.455, or 1597.46 have been denied.

(f) For the purpose of this section, "restriction" means a restriction imposed orally, in writing, or by conduct and includes prohibition.

(g) This section does not alter the existing rights of landlords and tenants with respect to addressing and resolving issues related to noise, lease violations, nuisances, or conflicts between landlords and tenants.

SEC. 8. Section 1597.42 is added to the Health and Safety Code, to read:

1597.42. The use of a home as a family daycare home, operated under the standards of state law, in a residentially zoned area shall be considered a residential use of property for the purposes of all local ordinances, regulations, and rules, and shall not fundamentally alter the nature of the underlying residential use.

SEC. 9. Section 1597.45 of the Health and Safety Code is amended to read:

1597.45. ~~All of the following shall apply to small family day care homes:~~

(a) The use of a ~~single-family-residence- home~~ as a small ~~family-day-care-~~ or large family daycare home shall be considered a residential use of property ~~and a use by right~~ for the purposes of all local ordinances, including, ~~but not limited to, zoning~~ ordinances.

(b) ~~No~~ A local jurisdiction shall ~~not~~ impose a business license, fee, or tax for the privilege of operating a small ~~family-day-care- or large family daycare~~ home.

(c) Use of a ~~single-family-dwelling-for-purposes-of- home as~~ a small ~~family-day-care- or large family daycare~~ home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law) or for purposes of local building codes.

(d) A small ~~family-day-care- or large family daycare~~ home shall not be subject to ~~Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of Chapter 1 of Part 2 of Division 12, except that a small family-day-care home shall contain a fire extinguisher and smoke detector device that meet standards established by the State Fire Marshal and one or more functioning carbon monoxide detectors that meet the requirements of Chapter 8 the provisions of Division 13 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of the carbon monoxide detectors during inspections. 21000)~~ of the Public Resources Code.

(e) The provisions of this chapter do not preclude a city, county, or other local public entity from placing ~~restrictions on building heights, setback, or lot dimensions of a family daycare home, as long as those restrictions are identical to those applied to all other residences with the same zoning designation as the family~~

daycare home. This chapter does not preclude a local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity, as long as the local ordinance is identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter also does not prohibit or restrict the abatement of nuisances by a city, county, or city and county. However, the ordinance or nuisance abatement shall not distinguish family daycare homes from other homes with the same zoning designation, except as otherwise provided in this chapter.

(f) For purposes of this chapter, "small family daycare home or large family daycare home" includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the family daycare provider resides, and includes a dwelling or dwelling unit that is rented, leased, or owned.

SEC. 10. Section 1597.455 is added to the Health and Safety Code, to read:

1597.455. (a) A small family daycare home shall not be subject to Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of Chapter 1 of Part 2 of Division 12, except that a small family daycare home shall contain a fire extinguisher and smoke detector device that meet standards established by the State Fire Marshal.

(b) A small family daycare home for children shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.

SEC. 11. Section 1597.46 of the Health and Safety Code is repealed.

~~1597.46. All of the following shall apply to large family day care homes:~~

~~(a) A city, county, or city and county shall not prohibit large family day care homes on lots zoned for single-family dwellings, but shall do one of the following:~~

~~(1) Classify these homes as a permitted use of residential property for zoning purposes;~~

~~(2) Grant a nondiscretionary permit to use a lot zoned for a single-family dwelling to a large family day care home that complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to those homes, and complies with subdivision (c) and regulations adopted by the State Fire Marshal pursuant to that subdivision. Noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise level generated by children. The permit issued pursuant to this paragraph shall be granted by the zoning administrator or, if there is no zoning administrator, by the person or persons designated by the planning agency to grant these permits, upon the certification without a hearing;~~

~~(3) Require a large family day care home to apply for a permit to use a lot zoned for single-family dwellings. The zoning administrator or, if there is no zoning administrator, the person or persons designated by the planning agency to handle the use permits, shall review and decide the applications. The use permit shall be granted if the large family day care home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning the following factors: spacing and concentration, traffic control, parking, and noise control relating to those homes, and complies with subdivision (c) and regulations adopted by the State Fire Marshal pursuant to that subdivision. Noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise levels generated by children. The local government shall process a required permit as economically as possible.~~

~~Fees charged for review shall not exceed the costs of the review and permit process. An applicant may request a verification of fees, and the city, county, or city and county shall provide the applicant with a written breakdown within 45 days of the request. Beginning July 1, 2007, the application form for large family day care home permits shall include a statement of the applicant's right to request the written fee verification.~~

~~Not less than 10 days prior to the date on which the decision will be made on the application, the zoning administrator or person designated to handle the use permits shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100-foot radius of the exterior boundaries of the proposed large family day care home. A hearing on the application for a~~
~~issued pursuant to this paragraph shall not be held before a decision is made unless a hearing is~~

~~requested by the applicant or other affected person. The applicant or other affected person may appeal the decision. The appellant shall pay the cost, if any, of the appeal.~~

~~(b) In connection with an action taken pursuant to paragraph (2) or (3) of subdivision (a), a city, county, or city and county shall do all of the following:~~

~~(1) Upon the request of an applicant, provide a list of the permits and fees that are required by the city, county, or city and county, including information about other permits that may be required by other departments in the city, county, or city and county, or by other public agencies. The city, county, or city and county shall, upon request of an applicant, also provide information about the anticipated length of time for reviewing and processing the permit application.~~

~~(2) Upon the request of an applicant, provide information on the breakdown of any individual fees charged in connection with the issuance of the permit.~~

~~(3) If a deposit is required to cover the cost of the permit, provide information to the applicant about the estimated final cost to the applicant of the permit, and procedures for receiving a refund from the portion of the deposit not used.~~

~~(c) A large family day care home shall not be subject to the provisions of Division 12 (commencing with Section 21000) of the Public Resources Code.~~

~~(d) Use of a single family dwelling for the purposes of a large family day care home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law), or for purposes of local building and fire codes.~~

~~(e) A large family day care home shall have one or more functioning carbon monoxide detectors that meet the requirements of Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of the carbon monoxide detectors during inspections.~~

~~(f) Large family day care homes shall be considered as single family residences for the purposes of the State Uniform Building Standards Code and local building and fire codes, except with respect to any additional standards specifically designed to promote the fire and life safety of the children in these homes adopted by the State Fire Marshal pursuant to this subdivision. The State Fire Marshal shall adopt separate building standards specifically relating to the subject of fire and life safety in large family day care homes, which shall be published in Title 24 of the California Code of Regulations. These standards shall apply uniformly throughout the state and shall include, but not be limited to: (1) the requirement that a large family day care home contain a fire extinguisher or smoke detector device, or both, that meets standards established by the State Fire Marshal; (2) specification as to the number of required exits from the home; and (3) specification as to the floor or floors on which day care may be provided. Enforcement of these provisions shall be in accordance with Sections 13145 and 13146. No city, county, city and county, or district shall adopt or enforce a building ordinance or local rule or regulation relating to the subject of fire and life safety in large family day care homes that is inconsistent with those standards adopted by the State Fire Marshal, except to the extent the building ordinance or local rule or regulation applies to single family residences in which day care is not provided.~~

~~(g) The State Fire Marshal shall adopt the building standards required in subdivision (d) and any other regulations necessary to implement this section.~~

SEC. 12. Section 1597.46 is added to the Health and Safety Code, to read:

1597.46. (a) A large family daycare home shall abide by all standards, in addition to the requirements of the State Uniform Building Standards Code, that are specifically designed to promote fire and life safety in large family daycare homes. The State Fire Marshal shall adopt separate building standards specifically relating to the subject of fire and life safety in family daycare homes, which shall be published in Title 24 of the California Code of Regulations. These standards shall apply uniformly throughout the state and shall include, but not be limited to, all of the following:

(1) The requirement that a large family daycare home contain a fire extinguisher or smoke detector device, or both, that meets childcare standards established by the State Fire Marshal.

(2) Specification as to the number of required exits from the home.

Specification as to the floor or floors on which childcare may be provided and the number of required exits on each floor.

(b) A large family daycare home for children shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.

(c) Enforcement of this section shall be in accordance with Sections 13145 and 13146. A city, county, city and county, or district shall not adopt or enforce a building ordinance or local rule or regulation relating to the subject of fire and life safety in large family daycare homes that is inconsistent with those standards adopted by the State Fire Marshal, except to the extent the building ordinance or local rule or regulation applies to all residences with the same zoning designation in which childcare is provided.

SEC. 13. Section 1597.47 of the Health and Safety Code is repealed.

~~1597.47. The provisions of this chapter shall not be construed to preclude any city, county, or other local public entity from placing restrictions on building heights, setback, or lot dimensions of a family day care facility as long as such restrictions are identical to those applied to other single family residences. The provisions of this chapter shall not be construed to preclude the application to a family day care facility for children of any local ordinance which deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity. The provisions of this chapter also shall not be construed to prohibit or restrict the abatement of nuisances by a city, county, or city and county. However, such ordinance or nuisance abatement shall not distinguish family day care facilities from other single family dwellings, except as otherwise provided in this chapter.~~

SEC. 14. Section 1597.54 of the Health and Safety Code is amended to read:

1597.54. (a) All family ~~day-care~~ **daycare** homes for children, shall apply for a license under this chapter, except that any home ~~which that~~, on June 28, 1981, had a valid and unexpired license to operate as a family ~~day-care~~ **daycare** home for children under other provisions of law shall be deemed to have a license under this chapter for the unexpired term of the ~~license~~ **license**, at which time a new license may be issued upon fulfilling the requirements of this chapter.

(b) An applicant for licensure as a family ~~day-care~~ **daycare** home for children shall file with the department, pursuant to its regulations, an application on forms furnished by the department, which shall include, but not be limited to, all of the following:

~~(a)~~ (1) A brief statement confirming that the applicant is financially secure to operate a family ~~day-care~~ **daycare** home for children. The department shall not require any other specific or detailed financial disclosure.

~~(b)~~ (2) ~~(A)~~ Evidence that the small family ~~day-care~~ **daycare** home contains a fire extinguisher or smoke detector device, or both, ~~which that~~ meets standards established by the State Fire Marshal under ~~subdivision (d) of Section 1597.45, Section 1597.455,~~ or evidence that the large family ~~day-care~~ **daycare** home meets the standards established by the State Fire Marshal under subdivision ~~(d)~~ (a) of Section 1597.46.

~~(2)~~ (B) Evidence satisfactory to the department that there is a fire escape and disaster plan for the facility and that fire drills and disaster drills will be conducted at least once every six months. The documentation of these drills shall be maintained at the facility on a form prepared by the department and shall include the date and time of the drills.

~~(c)~~ (3) The fingerprints of any applicant of a family ~~day-care~~ **daycare** home license, and any other adult, as required under subdivision (b) of Section 1596.871.

~~(d)~~ (4) Evidence of a current tuberculosis clearance, as defined in regulations that the department shall adopt, for any adult in the home during the time that children are under care. This requirement may be satisfied by a current certificate, as defined in subdivision (f) of Section 121525, that indicates freedom from infectious tuberculosis as set forth in Section 121525.

~~(e)~~ (5) Commencing September 1, 2016, evidence of current immunity or exemption from immunity, as described in Section 1597.622, for the applicant and any other person who provides care and supervision to the children.

~~(f)~~ (6) Evidence satisfactory to the department of the ability of the applicant to comply with this chapter and Chapter 3.4 (commencing with Section 1596.70) and the regulations adopted pursuant to those chapters.

~~(g)~~ (7) Evidence satisfactory to the department that the applicant and all other persons residing in the home are of reputable and responsible character. The evidence shall include, but not be limited to, a criminal record clearance pursuant to Section 1596.871, employment history, and character references.

(8) Other information as required by the department for the proper administration and enforcement of the act.

~~(h)~~ (c) Failure of the applicant to cooperate with the licensing agency in the completion of the application shall result in the denial of the application. Failure to cooperate means that the information described in this section and in regulations of the department has not been provided, or not provided in the form requested by the licensing agency, or both.

~~(i) Other information as may be required by the department for the proper administration and enforcement of the act.~~

SEC. 15. Section 1597.543 of the Health and Safety Code is repealed.

~~1597.543. Every family day care home for children shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.~~

SEC. 16. Section 1597.543 is added to the Health and Safety Code, to read:

1597.543. (a) The State Fire Marshal shall update the building and fire standards necessary to implement the sections of this chapter relating to life and fire safety, including, but not limited to, Sections 1597.455 and 1597.46, and shall publish the updates in the California Code of Regulations (CCR) in the next Title 19 and Title 24 CCR adoption cycle.

(b) Prior to the publication of the updates required by subdivision (a), but not later than January 1, 2021, the State Fire Marshal shall issue guidance on implementing the sections listed in subdivision (a).

(c) The State Fire Marshal shall update the regulations at least every three years to conform to changes in this chapter. The State Fire Marshal may issue guidance on implementing this chapter annually in the years in which the regulations are not updated in Title 19 and Title 24 of the CCR.

A P P E A R A N C E S:

Los Gatos Planning
Commissioners: Melanie Hanssen, Chair
Kathryn Janoff, Vice Chair
Mary Badame
Jeffrey Barnett
Kendra Burch
Matthew Hudes
Reza Tavana

Town Manager: Laurel Prevetti

Community Development
Director: Joel Paulson

Town Attorney: Robert Schultz

Transcribed by: Vicki L. Blandin
(619) 541-3405

ATTACHMENT 2

1
2
3 P R O C E E D I N G S:
4

5 CHAIR HANSSEN: We will be moving on to Item 3,
6 which is the Town Code Amendment Application A-20-002.
7 Project location is Town Wide. The Applicant is the Town of
8 Los Gatos. We're asked to forward a recommendation to Town
9 Council for approval of the amendments to Chapter 29
10 (Zoning Regulations) of the Town Code regarding family
11 daycare home regulations.

12 We have a new Staff member, Mr. Mora, and I
13 understand you'll be giving the Staff Report this evening.

14 SALLY ZARNOWITZ: Yes, and I'd just like to
15 introduce Mr. Mora. He comes to us from the City of San
16 Jose. He has a degree from Santa Clara University and is
17 currently completing his Masters in Urban and Regional
18 Planning with San Jose State University. He's been with us
19 about six months and we're delighted to have him.

20 CHAIR HANSSEN: Great. Welcome.

21
22 DIEGO MORA: Thank you, Chair and Commissioners.
23 Before you tonight are consideration of amendments to
24 Chapter 29 of the Town Code regarding family daycare home
25 regulations.

1 In September of 2019 Governor Newsom signed
2 Senate Bill 234, Exhibit 3, amending Sections 1596.72
3 through 1597.543 of the Health and Safety Code regarding
4 large family daycare homes. The code amendments are related
5 to definition of family daycare home, including small and
6 large daycare home and family daycare home as a residential
7 use by right where residential uses are permitted.

8
9 Based on the evidence and discussion provided in
10 the Staff Report Staff recommends that the Planning
11 Commission forward a recommendation of approval to the Town
12 Council. The Commission should also include any comments or
13 recommended changes to the Draft Ordinance in Exhibit 2.

14 This concludes Staff's presentation and we are
15 happy to answer any questions you have.

16 CHAIR HANSSEN: Would any Commissioners like to
17 ask questions? Commissioner Burch.

18 COMMISSIONER BURCH: Just so I'm clear, we are
19 essentially updating our ordinance to match the current
20 state requirements, correct?

21 DIEGO MORA: That is correct.

22 COMMISSIONER BURCH: Thanks.

23 CHAIR HANSSEN: Commissioner Hudes.
24
25

1 COMMISSIONER HUDES: In the attachment there's a
2 text from the state that's today's law as amended, 1596.78,
3 and that seems to cover a lot of the definitions that we
4 have in our proposed code. Maybe you could correct me if
5 I'm wrong, but it seems like we didn't use that verbatim.
6 Is there a reason why we didn't just adopt that language
7 from the state for definitions and things like that? Or
8 maybe I missed it; maybe we did, I don't know.

9
10 SALLY ZARNOWITZ: No, I'll take a stab at that. I
11 think that we work with the ordinance as it stands for the
12 most part and try to amend that and make sort of surgical
13 amendments to that as much as possible rather than
14 rewriting a definition where we already have one. So, we
15 just adjusted it to cover the number of children in the
16 large family daycare.

17 COMMISSIONER HUDES: Okay. I mean, I think that's
18 obviously going to be within the purview of the Staff and
19 how they want to handle that. I just was surprised that we
20 didn't just cut and paste from the state.

21 SALLY ZARNOWITZ: Yeah, there was also the state
22 was a little bit ambiguous as to the numbers between the
23 small and the large family daycare, so that said also
24 probably made it a little bit more challenging to do that,
25

1 so it seemed clearer to work with the ordinance as it
2 stands.

3 CHAIR HANSSEN: I just wanted to ask a clarifying
4 question. As I understand it, whereas in the past we would
5 have them apply for a business license if they wanted to
6 have a family daycare, now they won't be able to do that
7 anymore because the state wants to really streamline things
8 and really promote the family daycare. So, that was one
9 question. Is that correct?
10

11 DIEGO MORA: That is correct. It will be
12 considered a permitted use by right where residential uses
13 are permitted.

14 CHAIR HANSSEN: Okay. And that basically this is
15 a necessary step that we need to take to be in compliance
16 with the state law and there aren't any options for us to
17 make any deviations from it?

18 DIEGO MORA: That is correct, unless you want to
19 change something in the Draft Ordinance to make comments or
20 verbiage to it, but in essence this is to conform to state
21 law.

22 CHAIR HANSSEN: Thank you. Do other Commissioners
23 have questions? And then if that's not the case then we
24 will open up the hearing to public comment. Is there anyone
25

1 in the audience that would like to speak on this item? If
2 so, then please fill out a speaker card and step up to the
3 podium. It doesn't look like we have any speaker or any
4 comments from the public. Okay, that being the case I will
5 close the public portion of the hearing and ask if any
6 Commissioners have additional questions for Staff, want to
7 make comments, or will introduce a motion for
8 consideration, and I would remind us that our objective is
9 to make a recommendation to the Town Council who will also
10 consider this following our recommendation. Commissioner
11 Burch.

12
13 COMMISSIONER BURCH: I'll make a motion. I will
14 move that we forward a recommendation to the Town Council
15 to approve the amendments to Chapter 29 of the Town Code
16 regarding family daycare home regulations. I can make the
17 required findings for CEQA and the required findings for
18 the General Plan.

19 CHAIR HANSSEN: Second? Commissioner Badame.

20 COMMISSIONER BADAME: So moved.

21 CHAIR HANSSEN: All right, are there any
22 additional comments or questions before we take a vote? All
23 right, seeing none, all in favor? Opposed? No abstentions.
24 It passes unanimously. Thank you.
25

1 Ms. Zarnowitz, just to clarify, there are no
2 appeal rights because we're making a recommendation to Town
3 Council.

4 SALLY ZARNOWITZ: That's correct.

5 CHAIR HANSSEN: Okay.
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TOWN COUNCIL – March 17, 2020
REQUIRED FINDINGS FOR:

TOWN CODE AMENDMENT APPLICATION A-20-002

Consider Amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding family daycare home regulations.

FINDINGS

Required Findings for CEQA:

- The project is Exempt pursuant to the adopted Guidelines for Implementation of the California Environmental Quality Act, Section 15061(b)(3).

Required Findings for General Plan:

- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

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DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING FAMILY DAYCARE HOME REGULATIONS**

WHEREAS, in 2019, Senate Bill 234 amended Government Code Sections 1596.72 through 1597.543 regarding family daycare homes; to address the current shortage of regulated childcare; and

WHEREAS, the current definition of large family daycare home within the Town Code is for seven (7) to twelve (12) children; and

WHEREAS, the new State law requires family daycare homes to allow up to fourteen (14) children; and

WHEREAS, the current regulations of family daycare homes within the Town Code would require a large family daycare home to obtain approval of a discretionary large family daycare home permit from the Development Review Committee; and

WHEREAS, the new State law requires large family daycare homes to be considered a residential use by right; and

WHEREAS, the Town Council wishes to amend the Town Code, to consider a small or large family daycare home as a residential use by right, to comply with the new State law; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on February 26, 2020; and

WHEREAS, on February 26, 2020, the Planning Commission reviewed and commented on the proposed amendments regarding family daycare home regulations and forwarded a recommendation to the Town Council for approval of the proposed amendments; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on March 17, 2020; and

WHEREAS, on March 17, 2020, the Town Council reviewed and commented on the proposed amendments regarding family daycare home regulations and the Town Council voted to introduce the Ordinance.

ATTACHMENT 4

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

SECTION I

Chapter 29 of the Town Code is hereby amended as follows:

ARTICLE I. DIVISION 1. - MISCELLANEOUS

Sec. 29.10.020. - Definitions.

...

Family ~~day care~~ daycare home means a dwelling where ~~day care~~ daycare is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family ~~day care~~ daycare home is for ~~six~~ eight (~~6~~ 8) or fewer children and a large family day care home is for ~~seven~~ nine (~~7~~ 9) to ~~twelve~~ fourteen (~~12~~ 14) children. Both limitations include ~~the number of children residing in the dwelling unit~~ children under 10 years of age who reside at the home.

...

~~Sec. 29.10.09050. — Large family day care homes.~~

~~(a) Scope. Large family day care homes are allowed in all residential zones subject to the following regulations:~~

- ~~(1) All perimeter gates must be self-latching and the latches shall be a minimum of four (4) feet above grade.~~
- ~~(2) The rear yard must be enclosed with a minimum five-foot high fence.~~
- ~~(3) Use of the garage for day care must meet Uniform Building Code for living space.~~
- ~~(4) Two (2) off-street parking spaces must be provided, plus one (1) space for each employee.~~
- ~~(5) No double key deadbolts may be used on exterior doors.~~
- ~~(6) A minimum of two (2) exits must be provided.~~
- ~~(7) A minimum of one hundred (100) square feet of habitable space as defined by Section 409 of the Uniform Building Code shall be provided for each child.~~
- ~~(8) No child care space is permitted on the second floor unless approved by the Building Official.~~

- ~~(9) No signs may be displayed.~~
- ~~(10) A minimum lot size of six thousand (6,000) square feet is required.~~
- ~~(11) A minimum of five hundred (500) feet between large family day care homes is required.~~
- ~~(12) The day care home operator must be a resident of the home.~~
- ~~(13) The large family day care home shall not alter the single family residential character of the premises.~~
- ~~(b) Permit. A large family day care permit must be obtained from the Development Review Committee and all conditions identified must be satisfied prior to issuance.~~
- ~~(c) Inspection. Prior to issuance of a permit, the large family day care home is subject to an on-site inspection to insure compliance with all regulations to the satisfaction of the Building Official and Planning Director.~~
- ~~(d) Notification. All property owners within one hundred (100) feet shall be notified prior to the issuance that a large family day care home permit will be issued and the notification shall include the conditions under which the permit shall operate.~~
- ~~(e) Affidavit. All property owners of the property where the large family day care home is to be located shall sign an affidavit certifying that the property shall remain in compliance with the requirements of subsection 29.10.09050(a).~~
- ~~(f) Denial. The Planning Director may not issue a large family day care home permit where he finds the day care home will not comply with the provisions of this chapter.~~
- ~~(g) Revocation. The Planning Director may revoke large family day care home permits for violations of this chapter. Before revoking a large family day care home permit, the Planning Director shall give the permittee ten (10) days' notice in writing that revocation is under consideration, shall consider whatever evidence the permittee wishes to present to contest the revocation, and shall give the permittee written notice of this decision. Both notices shall be mailed to the address given by the permittee in his application for the large family day care home permit or such other address as the permittee has provided the Planning Director.~~

...

ARTICLE II. DIVISION 3. – APPROVALS

Sec. 29.20.185. – Table of conditional uses.

...

(4) Schools

...

| Table of Conditional Uses | | RC | HR | R1 | RD | R-M | R-1D | RMH | O | C-1 | C-2 | CH | LM | CM |
|---------------------------|--|----|----|----|----|-----|------|-----|---|-----|-----|----|----|----|
| d. | Small family day care daycare home | | | | | | | | X | X | X | X | | |
| e. | Large family day care home <u>Reserved.</u> | | | | | | | | | | | | | |

...

ARTICLE II. DIVISION 7. – ASSIGNMENT OF DUTIES

Sec. 29.20.745. – Development Review Committee.

...

(10) ~~Issue large family day care home permits~~ Reserved.

...

ARTICLE IV. DIVISION 2. – RC OR RESOURCE CONSERVATION ZONE

Sec. 29.40.160. – Permitted Uses.

...

(4) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 3. – HR OR HILLSIDE RESIDENTIAL ZONE

Sec. 29.40.235. – Permitted Uses.

...

(3) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 4. – R-1 OR SINGLE-FAMILY RESIDENTIAL ZONE

Sec. 29.40.385. – Permitted Uses.

...

(3) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 5. – R-D OR DUPLEX RESIDENTIAL ZONE

Sec. 29.40.510. – Permitted Uses.

...

(3) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 6. – R-M OR MULTIPLE-FAMILY RESIDENTIAL ZONE

Sec. 29.40.610. – Permitted Uses.

...

(3) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 7. – R-1D OR SINGLE-FAMILY RESIDENTIAL DOWNTOWN ZONE

Sec. 29.40.725. – Permitted Uses.

...

(3) ~~Small family day care home~~ Family daycare home.

...

ARTICLE IV. DIVISION 8. – RMH OR MOBILE HOME RESIDENTIAL ZONE

Sec. 29.40.835. – Permitted Uses.

...

(6) Family daycare home.

SECTION II

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

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

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

SECTION III

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

SECTION IV

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

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 7th day of April 2020, 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 21st day of April 2020. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 12

DATE: April 1, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Introduce an Ordinance, by Title only, Effecting Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Accessory Dwelling Units, Town Wide. Town Code Amendment Application A-20-001. Applicant: Town of Los Gatos

RECOMMENDATION:

Introduce an Ordinance, by title only, effecting amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding accessory dwelling units.

BACKGROUND:

This item was previously scheduled for the March 17, 2020 Town Council meeting and the Town Council continued the item to the April 7, 2020 meeting.

In October of 2019, Governor Newsom signed new State law, including Senate Bill 13, Assembly Bill 68, and Assembly Bill 881, further amending land use regulations regarding accessory dwelling units. Changes to California Government Code Section 65852 expanded the ability of California homeowners to construct accessory dwelling units and junior accessory dwelling units on their properties.

The new State law includes substantive changes related to the minimum number, size, and location of accessory dwelling units required to be allowed on a lot. A local ordinance that does not wholly conform to the minimum requirements of the new State law for the creation of accessory dwelling units is superseded until amendments to the local ordinance are adopted; however, the new State law does not limit the authority of jurisdictions to adopt less restrictive regulations for the creation of accessory dwelling units.

PREPARED BY: Sally Zarnowitz, AIA, LEED AP
Planning Manager

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

DISCUSSION:

A. Planning Commission

On February 26, 2020, the Planning Commission considered a draft Ordinance incorporating amendments to Chapter 29 of the Town Code, Sections 29.10.305 – 29.10.400 (Accessory Dwelling Units). Attachment 1 includes the staff report for the Planning Commission meeting. The Planning Commission forwarded a recommendation to the Town Council for approval of the amendments which are required to conform to the new State law, and forwarded specific direction on options to adopt less restrictive regulations for the creation of accessory dwelling units, as outlined below (see also the draft Ordinance, Attachment 5). Attachment 3 contains the verbatim minutes for the Planning Commission meeting.

Section 29.10.320. (b) – Design and development standards.

Subsection (1) Number.

The Zoning Regulations currently state that only one accessory dwelling unit may be permitted on a lot. On single- or two-family lots, the new State law requires at least one junior accessory dwelling unit contained within the space of a proposed or existing primary dwelling, and one detached accessory dwelling unit to be allowed. On multiple-family lots, the new State law requires at least a number equal to 25 percent of the existing multiple-family dwelling units rounded-up to the next whole number, within the portions of an existing multi-family dwelling not used as livable space, and two detached accessory dwelling units to be allowed. These requirements have been incorporated into the draft Ordinance (Attachment 5, page 4) to conform to the new State law.

Options for Junior Accessory Dwelling Unit Configurations

On single- or two-family lots, the new State law does not require a junior accessory dwelling unit contained within the space of a proposed or existing primary dwelling, to be allowed with an attached accessory dwelling unit; nor does the new State law require a junior accessory dwelling unit to be allowed within the space of a proposed or existing detached accessory dwelling unit. The Planning Commission recommended allowing these options for the creation of junior accessory dwelling units with attached accessory dwelling units or within detached accessory dwelling units. These recommendations have been incorporated into the draft Ordinance (Attachment 5, page 4).

Subsection (3) Setbacks.

Option for Accessory Dwelling Unit Construction in front of Historic Resources

The Planning Commission supported the incorporation of a standard clarifying that no accessory dwelling unit may be constructed in front of a primary dwelling that is a historic

DISCUSSION (continued):

resource, to prevent adverse impacts on historic resources. The proposed standard has been incorporated into the draft Ordinance (Attachment 5, page 5).

New attached accessory dwelling units in all residential zones and detached accessory structures that exceed a floor area of 800 square feet in the HR and RC zones would continue to be required to comply with the setbacks of the zone for a primary dwelling. However, notwithstanding other standards, the new State law [Section 65852.2(e)] allows at least one detached accessory dwelling unit that does not exceed a floor area of 800 square feet and a height of 16 feet, with minimum rear and side setbacks of four feet. The draft Ordinance (Attachment 5, page 5) revises the minimum detached accessory dwelling unit rear and side setback standards to four feet to conform to the new State law.

Option for Reduced Setbacks for Attached Accessory Dwelling Units

The new State law does not require attached accessory dwelling units to be allowed minimum rear and side setback standards of four feet. The Planning Commission did not recommend allowing this option for the creation of attached accessory dwelling units. The draft Ordinance (Attachment 5, page 4) continues to require new attached accessory dwelling units to comply with the setbacks of the zone for a primary dwelling.

Subsection (4) Height.

Option for Second Story Accessory Dwelling Units on Historic Resources

The Planning Commission supported the incorporation of a standard clarifying that an accessory dwelling unit may not be added to an existing second story of a primary dwelling that is a historic resource, to prevent adverse impacts on historic resources. The proposed standard has been incorporated into the draft Ordinance (Attachment 5, page 5).

The draft Ordinance (Attachment 5, page 5) revises the maximum height standard for detached accessory dwelling units to 16 feet to conform to the new State law.

Subsections (5) Maximum unit size, (6) Floor area (FAR) standards, and (7) Lot coverage.

The proposed amendments would continue to regulate the size of accessory dwelling units up to a maximum of 1,200 square feet through floor area ratio (FAR) and lot coverage standards. However, notwithstanding FAR and lot coverage standards, the new State law allows at least an accessory dwelling unit that does not exceed a floor area of 800 square feet. The draft Ordinance (Attachment 5, pages 5-6) incorporates this minimum allowance to conform to the new State law.

DISCUSSION (continued):

Subsection (8) Parking.

The new State law states that in cases where a garage is demolished, or rebuilt in the same location, in conjunction with the construction of an accessory dwelling unit, replacement spaces shall not be required. The draft Ordinance (Attachment 5, page 6) would remove the requirement for replacement spaces in these cases to conform to the new State law.

Subsection (13) Conversion of existing floor area.

The previous State law allowed an accessory dwelling unit to be contained within the space of an existing structure. The new State law also allows an accessory dwelling unit to be contained within the space of a structure that is rebuilt in the same location as an existing structure. The new State law further allows an expansion of 150 square feet beyond the physical dimensions of the existing structure, to accommodate for ingress and egress. The draft Ordinance (Attachment 5, page 7) incorporates these provisions to conform to the new State law.

PUBLIC OUTREACH:

Public input has been requested through the following media and social media resources:

- An eighth-page public notice in the newspaper;
- A poster at the Planning counter at Town Hall;
- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's NextDoor page.

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any additional public comments.

CONCLUSION:

Staff recommends that the Town Council:

1. Make the finding that the project is exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment (Attachment 4);
2. Make the finding as required that the amendments to Chapter 29 of the Town Code in the draft Ordinance are consistent with the General Plan (Attachment 4); and
3. Introduce the Ordinance of the Town of Los Gatos effecting the amendments to Chapter 29 of the Town Code (Attachment 5), by title only, with any specific changes identified and agreed upon by the majority of the Town Council.

ALTERNATIVES:

Alternatively, the Council may:

1. Continue this item to a date certain with specific direction to staff;
2. Refer the item back to the Planning Commission with specific direction; or
3. Take no action, leaving the Town Code unchanged.

ENVIRONMENTAL ASSESSMENT:

The project is exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

Attachments:

1. February 26, 2020 Planning Commission Staff Report with Exhibits 1-3
2. February 26, 2020 Planning Commission Desk Item Report with Exhibit 4
3. February 26, 2020 Planning Commission Verbatim Minutes
4. Required Findings
5. Draft Ordinance



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/26/2020

ITEM NO: 4

DATE: February 21, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding accessory dwelling units, Town Wide. Town Code Amendment Application A-20-001. Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding accessory dwelling units.

CEQA:

The project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3); in that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment.

FINDINGS:

- The project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

BACKGROUND:

In October of 2019, Governor Newsom signed new State law, including Senate Bill 13, Assembly Bill 68, and Assembly Bill 881, further amending land use regulations regarding accessory dwelling units. Changes to California Government Code Section 65852 expanded the ability of California homeowners to construct accessory dwelling units and junior accessory dwelling

PREPARED BY: Sally Zarnowitz, AIA, LEED AP
Planning Manager

Reviewed by: Planning Manager and Community Development Director

BACKGROUND (continued):

units on their properties. The new State law includes substantive changes related to the minimum number, size, and location of accessory dwelling units required to be allowed on a lot. A local ordinance that does not wholly conform to the minimum requirements of the new State law for the creation of accessory dwelling units is superseded until amendments to the local ordinance are adopted; however, the new State law does not limit the authority of jurisdictions to adopt less restrictive regulations for the creation of accessory dwelling units.

Below is a discussion of a draft Ordinance incorporating amendments to Chapter 29 of the Town Code (Zoning Regulations), Sections 29.10.305 – 29.10.400 (Accessory Dwelling Units), which are required to conform to the new State law. The discussion includes options to adopt less restrictive regulations for the creation of accessory dwelling units.

DISCUSSION:

A. Town Code Amendments

Section 29.10.310. - Definitions

The Zoning Regulations currently define accessory dwelling units in Section 29.10.020. The draft Ordinance would relocate the accessory dwelling unit definition from Section 29.10.020 (Definitions) to Section 29.10.310 (Accessory Dwelling Units - Definitions) of the Town Code.

The Zoning Regulations do not currently allow junior accessory dwelling units; however, the new State law requires jurisdictions to allow junior accessory dwelling units. State law defines a junior accessory dwelling unit as a dwelling unit that does not exceed a floor area of 500 square feet and is contained within the space of a proposed or existing primary dwelling. A junior accessory dwelling unit must include a small food preparation area; however, it may share sanitation facilities with the primary dwelling. The draft Ordinance (Exhibit 2) includes a junior accessory dwelling unit definition to conform to the new State law.

Section 29.10.320.(b) – Design and development standards

Subsection (1) Number

The Zoning Regulations currently state that only one accessory dwelling unit may be permitted on a lot. On single- or two-family lots, the new State law requires at least one junior accessory dwelling unit and one detached accessory dwelling unit to be allowed. On multi-family lots, the new State law requires at least a number equal to 25 percent of the existing multi-family dwelling units rounded-up to the next whole number, within the portions of an existing multi-family dwelling not used as livable space, and two detached

DISCUSSION (continued):

accessory dwelling units to be allowed. These requirements have been incorporated into the draft Ordinance (Exhibit 2) to conform to the new State law.

Option

On single- or two-family lots, the new State law does not require a junior accessory dwelling unit to be allowed with an attached accessory dwelling unit; nor does the new State law require a junior accessory dwelling unit to be allowed within a detached accessory structure or accessory dwelling unit. The Planning Commission may recommend allowing these options for the creation of junior accessory dwelling units with attached accessory dwelling units or within detached accessory structures or accessory dwelling units.

Subsection (3) Setbacks

Option

A standard has been included in the draft Ordinance clarifying that no accessory dwelling unit may be constructed in front of a primary dwelling that is a historic resource, to prevent adverse impacts on historic resources.

The Planning Commission may recommend allowing this option for the creation of accessory dwelling units in front of historic resources.

New attached accessory dwelling units in all residential zones and detached accessory structures that exceed a floor area of 800 square feet in the HR and RC zones would continue to be required to comply with the setbacks of the zone for a primary dwelling. However, notwithstanding other standards, the new State law [Section 65852.2(e)] allows at least one detached accessory dwelling unit that does not exceed a floor area of 800 square feet and a height of 16 feet, with minimum rear and side setbacks of four feet. The current Zoning Regulations have minimum detached accessory dwelling unit rear and side setback standards of five feet. The draft Ordinance (Exhibit 2) revises the minimum detached accessory dwelling unit rear and side setback standards to four feet to conform to the new State law.

Option

The new State law does not require attached accessory dwelling units to be allowed minimum rear and side setback standards of four feet. The Planning Commission may recommend allowing this option for the creation of attached accessory dwelling units with minimum rear and side setback standards of four feet.

DISCUSSION (continued):

Subsection (4) Height

Option

A standard has been included in the draft Ordinance clarifying that an accessory dwelling unit may not be added to an existing second story of a primary dwelling that is a historic resource, to prevent adverse impacts on historic resources. The Planning Commission may recommend allowing this option for the creation of second story accessory dwelling units on historic resources.

The Zoning Regulations currently limit the height of detached accessory dwelling units to 15 feet. The new State law allows a detached accessory dwelling unit that does not exceed a floor area of 800 square feet to have a maximum height of 16 feet. The draft Ordinance (Exhibit 2) revises the maximum height standard for detached accessory dwelling units to 16 feet to conform to the new State law.

Subsections (5) Maximum unit size, (6) Floor area (FAR) standards, and (7) Lot coverage

The proposed amendments would continue to regulate the size of accessory dwelling units up to a maximum of 1,200 square feet through floor area ratio (FAR) and maintain lot coverage standards. However, notwithstanding FAR and lot coverage standards, on a single- or two-family lot, the new State law allows at least an attached accessory dwelling unit that does not exceed a floor area of 800 square feet, or a junior accessory dwelling unit that does not exceed a floor area of 500 square feet; or a detached accessory dwelling unit that does not exceed a floor area of 800 square feet, and a junior accessory dwelling unit that does not exceed 500 square feet. On a multi-family lot, the new State law allows at least two detached accessory dwelling units that do not exceed a floor area of 800 square feet; and an accessory dwelling unit that does not exceed a floor area of 800 square feet that is contained within the portions of an existing multi-family dwelling that are not used as livable space. The draft Ordinance (Exhibit 2) incorporates these minimums to conform to the new State law.

Subsection (8) Parking

The Zoning Regulations currently address parking for accessory dwelling units in Section 29.10.150 (Number of off-street spaces required) and Section 29.10.320. The draft Ordinance would remove parking for accessory dwelling units from Section 29.10.150 (Number of off-street spaces required) and they would only be located in Section 29.10.320 of the Town Code.

The new State law allows that when a garage is demolished, or rebuilt in the same location, in conjunction with the construction of an accessory dwelling unit, replacement spaces cannot be required. The draft Ordinance (Exhibit 2) will remove the requirement for replacement spaces to conform to the new State law.

DISCUSSION (continued):

Subsection (13) Conversion of existing floor area

The current State law allows an accessory dwelling unit to be contained within the space of an existing structure. The new State law also allows an accessory dwelling unit to be contained within the space of a structure that is reconstructed in the same location and to the same dimensions as an existing structure. The new State law further allows an expansion of 150 square feet beyond the physical dimensions of the existing structure, to accommodate ingress and egress. The draft Ordinance (Exhibit 2) incorporates these provisions to conform to the new State law.

B. Public Outreach

Public input has been requested through the following media and social media resources:

- A poster at the Planning counter at Town Hall;
- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's Next Door page.

PUBLIC COMMENTS:

At the time of this report's writing, the Town has not received any public comment.

CONCLUSION:

A. Recommendation

Staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the draft Ordinance. The Commission should also include any comments or recommended changes to the draft Ordinance in taking the following actions:

1. Make the finding that the project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3) (Exhibit 1);
2. Make the required finding that the amendments to Chapter 29 of the Town Code in the draft Ordinance are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the draft Ordinance (Exhibit 2).

CONCLUSION (continued):

B. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the draft Ordinance with modifications; or
2. Forward a recommendation to the Town Council for denial of the draft Ordinance; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Findings
2. Draft Ordinance
3. California Government Code Section 65852

PLANNING COMMISSION – February 26, 2020
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-20-001

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding accessory dwelling units.

FINDINGS

Required Findings for CEQA:

- It has been determined that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3).

Required Findings for General Plan:

- The proposed amendments to Chapter 29 of the Town Code regarding accessory dwelling units are consistent with the General Plan.

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DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING ACCESSORY DWELLING UNITS**

WHEREAS, effective January 1, 2020, Assembly Bill 881, Assembly Bill 68, and Senate Bill 13 amended Government Code Section 65852 regarding accessory dwelling unit and junior accessory dwelling unit regulations, to further address barriers to the development of accessory dwelling units and junior accessory dwelling units; and

WHEREAS, the Town of Los Gatos 2015-2023 Housing Element Enhanced Second Unit Program identified amending the Town Code to allow new second units to be affordable to lower income households on nonconforming residential lots and in the Hillside Residential Zone (Action HOU-1.2) as a strategy to accommodate the Town's Regional Housing Needs Allocation (RHNA); and

WHEREAS, the Town Council wishes to amend the Town Code to comply with State law and to address Action HOU-1.2 of the Town of Los Gatos 2015-2023 Housing Element; and

WHEREAS, on February 26, 2020, the Planning Commission reviewed and commented on the proposed amendments regarding accessory dwelling units; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on February 26, 2020; and

WHEREAS, on February 26, 2020, the Planning Commission reviewed and commented on the proposed amendments regarding accessory dwelling units and forwarded a recommendation to the Town Council for approval of the proposed amendments; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and come before the Town Council for public hearing on _____, _____; and

WHEREAS, on _____, _____, the Town Council reviewed and commented on the proposed amendments regarding family daycare home regulations and the Town Council voted to introduce the Ordinance.

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

SECTION I

Chapter 29 of the Town Code is hereby amended to read as follows:

ARTICLE I. DIVISION 1. MISCELLANEOUS

Sec. 29.10.020. - Definitions.

.....

~~Accessory dwelling unit means a detached or attached dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is generally smaller and located on the same parcel as the primary dwelling unit. An accessory dwelling unit also includes efficiency units and manufactured homes.~~

~~(1) A detached accessory dwelling unit is physically separate from the primary dwelling unit.~~

~~(2) An attached accessory dwelling unit is physically attached to the primary dwelling unit.~~

.....

ARTICLE I. DIVISION 4. PARKING

Sec. 29.10.150 (c). Number of off-street spaces required.

.....

~~(2) Accessory dwelling units . One parking space per unit or bedroom, whichever is less, shall be provided in addition to the required minimum number of parking spaces for the primary dwelling unit. These spaces may be provided in a front setback on a driveway (provided that it is feasible based on specific site or fire and life safety conditions) or through tandem parking.~~

~~When a garage is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, any lost off-street parking spaces required for the primary residence may be located in any configuration on the same lot as the accessory dwelling unit, including as tandem spaces, or by the use of mechanical automobile parking lifts.~~

~~a. Exceptions. No parking spaces shall be required if the accessory dwelling unit meets any of the following criteria:~~

~~1. The accessory dwelling unit is located within one-half mile of a public transit stop.~~

- ~~2. The accessory dwelling unit is located within an architecturally and historically significant historic district.~~
- ~~3. The accessory dwelling unit is within the existing space of a primary residence or an existing accessory structure.~~
- ~~4. When on street parking permits are required but not offered to the occupant of the accessory dwelling unit.~~
- ~~5. When there is a car share vehicle (as defined by the California Vehicle Code) located within one block of the accessory dwelling unit.~~
- ~~6. When the Director finds that the lot does not have adequate area to provide parking.~~

.....

ARTICLE I. DIVISION 7. ACCESSORY DWELLING UNITS

Sec. 29.10.305. Intent and authority.

This division is adopted to comply with amendments to State Law § 65852.2 and 65852.22 which mandates that applications for accessory dwelling units be considered ministerially without a public hearing; and sets Town standards for the development of accessory dwelling units in order to increase the supply of affordable housing in a manner that is compatible with existing neighborhoods.

Sec. 29.10.310. Definitions.

Accessory dwelling unit. An accessory dwelling unit is a detached or attached dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is generally smaller and located on the same parcel as a proposed or existing primary dwelling. An accessory dwelling unit also includes efficiency units and manufactured homes.

(1) A detached accessory dwelling unit is physically separate from a primary dwelling.

(2) An attached accessory dwelling unit is contained within the space of and/or physically attached to a proposed or existing primary dwelling.

.....

Junior accessory dwelling unit. A junior accessory dwelling unit is a dwelling unit that does not exceed a floor area of 500 square feet and is contained within the space of a proposed or existing single-family or two-family primary dwelling. It shall include a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. It may include separate sanitation facilities or may share sanitation facilities with the primary dwelling.

.....

~~*New accessory dwelling unit.* A new accessory dwelling unit is an attached (with either an interior or exterior entrance) or a detached unit, created after December 31, 1987, which includes permanent provisions for living, sleeping, eating, cooking, and sanitation, and is generally smaller and located on the same parcel as the dwelling unit. An accessory dwelling unit also includes efficiency units and manufactured homes.~~

Sec. 29.10.315. Reserved.

Sec. 29.10.320. New accessory dwelling units.

(a) *Incentive program.* Any accessory dwelling unit developed under an Incentive Program which may be established by Resolution of the Town Council shall be made affordable to eligible applicants pursuant to the requirements of the Incentive Program. A deed restriction shall be recorded specifying that the accessory dwelling unit shall be offered at a reduced rent that is affordable to a lower income renter (less than 80 percent AMI) provided that the unit is occupied by someone other than a member of the household occupying the primary dwelling unit.

(b) *Design and development standards.*

- (1) *Number.* ~~Only~~ Not more than either one (1) attached accessory dwelling unit or one (1) junior accessory dwelling unit; or a combination of one (1) detached accessory dwelling unit and one (1) junior accessory dwelling unit; may be permitted on a lot with a proposed or existing primary dwelling.

Not more than a number equal to 25 percent of the existing multi-family dwelling units rounded-up to the next whole number, within the portions of an existing multi-family dwelling not used as livable space, and two (2) detached accessory dwelling units, may be permitted on a lot with a proposed or existing multi-family dwelling. No additional accessory dwelling unit is allowed upon a lot with an existing accessory dwelling unit.

- (2) *Permitted zones.* Accessory dwelling units are allowed on lots in the R-1, R-D, R-M, R-1D, RMH, HR, and RC zones, or include an existing primary dwelling.
- (3) *Setbacks.* Attached accessory dwelling units shall comply with the setbacks of the zone for a primary dwelling ~~unit~~.

No accessory dwelling unit may be constructed in front of a primary dwelling that is a historic resource.

No detached accessory dwelling unit may be placed in front of the primary dwelling ~~unit~~ in the R-1, R-D, R-M, RMH, and R-1D zones.

Detached accessory dwelling units shall comply with the following minimum setbacks:

- a. Front and side setbacks abutting a street of the zone for a primary dwelling ~~unit~~.
- b. Rear and side setbacks of ~~five (5)~~ four (4) feet in the R-1, R-D, R-M, RMH, and R-1D zones.
- c. Setbacks from any other structure located on the same lot of five (5) feet.
- d. Setbacks for a primary dwelling and located within the Least Restrictive Development Area (LRDA), in the HR and RC zones.

(4) *Height.* Accessory dwelling units shall not exceed one (1) story ~~in height~~, and shall not exceed ~~fifteen (15)~~ sixteen (16) feet in height, unless the accessory dwelling unit is contained within the existing ~~two-second~~ story space of a primary dwelling ~~unit~~ or accessory structure; added to an existing ~~two-second~~ story of a primary dwelling unit that is not a historic resource; or added directly above an existing one-story accessory structure on a property with an existing two-story primary dwelling ~~unit~~ in the R-1, R-D, R-M, RMH, and R-1D zones.

(5) *Maximum unit size and maximum number of bedrooms.* The maximum floor area of an accessory dwelling unit is 1,200 square feet. The maximum number of bedrooms is two (2).

Detached accessory dwelling units exceeding a combined square footage of 450 square feet in the R-1, R-D, R-M, RMH, and R-1D zones shall not be subject to the Administrative Procedure for Minor Residential Projects. Detached accessory dwelling units exceeding a combined square footage of 600 or 1,000 square feet in the HR and RC zones shall not be subject to Development Review Committee or Planning Commission approval.

(6) *Floor area ratio (FAR) standards.* All accessory dwelling units (attached or detached) are allowed a ten (10) percent increase in the floor area ratio standards for all structures, excluding garages; except, notwithstanding the FAR standards in this subsection, an accessory dwelling unit that does not exceed a floor area of 800 square feet shall be permitted.

(7) *Lot coverage.* Accessory dwelling units must comply with lot coverage maximums for the zone; ~~except, with regard to the.~~ notwithstanding the lot coverage standards in this subsection, an accessory dwelling unit that does not exceed a floor area of 800 square feet shall be permitted.

- (8) *Parking.* One (1) accessory dwelling unit parking space per unit or bedroom, whichever is less, shall be provided in addition to the required minimum number of parking spaces for the primary dwelling. These spaces may be provided in a front or side setback abutting a street on a driveway (provided that it is feasible based on specific site or fire and life safety conditions) or through tandem parking.

In addition to parking otherwise required for units as set forth in section 29.10.150 of the Town Code, the number of off-street parking spaces required by this chapter for the primary dwelling ~~unit~~ shall be provided prior to the issuance of a building permit or final inspection, for a new accessory dwelling unit. When a garage is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, any lost off-street parking spaces required for the primary dwelling shall not be required to be replaced. ~~may be located in any configuration on the same lot as the accessory dwelling unit, including as tandem spaces, or by the use of mechanical automobile parking lifts.~~

- a. *Exceptions.* No parking spaces shall be required if the accessory dwelling unit meets any of the following criteria:
1. The accessory dwelling unit is located within one-half mile walking distance of a public transit stop.
 2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 3. The accessory dwelling unit is within the existing space of a primary dwelling or an existing accessory structure.
 4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 5. When there is a car share vehicle (as defined by the California Vehicle Code) located within one block of the accessory dwelling unit.
 6. When the Director finds that the lot does not have adequate area to provide parking.
- (9) *Design, form, materials, and color.* The design, form, roof pitch, materials, and color of a new accessory dwelling unit shall be compatible with the primary dwelling ~~unit~~ and the neighborhood. Entrances serving the accessory dwelling unit shall not be constructed on any elevation facing a public street. Accessory dwelling units shall retain the ~~single-family~~ residential appearance of the property.
- (10) *Town codes and ordinances.* All accessory dwelling units shall comply with all the provisions of this chapter and other applicable Town codes.

- (11) *Building codes.* The accessory dwelling unit shall comply with applicable building, health and fire codes. The accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling unit.
- (12) *Denial.* An application may be denied if it does not meet the design and development standards. An application may also be denied if the following findings are made:
- a. Adverse impacts on health, safety, and/or welfare of the public.
- (13) *Conversion of existing floor area .* An attached accessory dwelling unit or a junior accessory dwelling unit shall be permitted if the ~~accessory dwelling unit~~ is contained within the existing space of a primary dwelling, or constructed in substantially the same location and manner as an existing primary dwelling unit or. A detached accessory dwelling unit shall be permitted if contained within the existing space of an accessory structure, or constructed in substantially the same location and manner as an existing accessory structure. The following provisions shall apply:
- a. The accessory dwelling unit shall be located on a lot zoned to allow single-family, two-family, or multi-family residential ~~within a zone for a single family~~ use.
 - b. The accessory dwelling unit shall have separate entrance from the primary dwelling unit.
 - c. The accessory dwelling unit shall have existing side and rear setbacks sufficient for fire safety.
 - d. No parking spaces shall be required for the accessory dwelling unit.
 - e. An expansion of 150 square feet beyond the physical dimensions of the existing structure, limited to accommodating ingress and egress, shall be permitted.
 - f. When an existing structure is non-conforming as to setback standards and converted to an accessory dwelling unit, any expansion of that structure may not be nearer to a property line than the existing building in accordance with section 29.10.245.

.....

SECTION II

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

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

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

SECTION III

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

SECTION IV

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

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of _____ 2020, 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 ____ day of _____ 2020. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

(AB 881, AB 68 and SB 13 Accessory Dwelling Units)

(Changes noted in strikeout, underline/italics)

Effective January 1, 2020, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on ~~criteria that may include, but are not limited to,~~ the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, ~~lot coverage,~~ landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, ~~buy~~ but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing ~~single-family~~ dwelling.

(iii) The accessory dwelling unit is either attached to, or located ~~within the living area of the~~ within, the proposed or existing primary dwelling or dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) ~~The total area of floorspace of. If there is an existing primary dwelling, the total floor area of~~ an attached accessory dwelling unit shall not exceed 50 percent of the ~~proposed or existing primary dwelling living area or 1,200 square feet.~~ existing primary dwelling.

(v) The total floor area ~~of floorspace~~ for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ four feet from the side and rear lot lines shall be required for an accessory dwelling

unit that is ~~constructed above a garage.~~ not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, ~~and the local agency requires~~ shall not require that those ~~offstreet~~ offstreet parking spaces be replaced, ~~the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).~~ replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application~~ A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, ~~within 120 days after receiving the application.~~ permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs ~~that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature,~~ incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency ~~subsequent to the effective date of the act adding this paragraph~~ shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. ~~In the event that~~ If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this

subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the *delay or* denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot ~~zoned for residential use~~ that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be ~~utilized~~ *used* or imposed, *including any owner-occupant requirement*, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision ~~(a)~~ *within 120 days after receiving the application.* *(a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.*

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

~~(c) (C)~~ A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum *Any other minimum* or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance *or limits on lot coverage, floor area ratio, open space, and minimum lot size*, for either attached or detached dwellings that does not permit at least an efficiency-unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. *800 square*

foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) ~~Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process. within a residential or mixed-use zone to create any of the following:~~

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) ~~Accessory-~~ An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer ~~service-~~ service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

~~(A)~~ (4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge- charge, unless the accessory dwelling unit was constructed with a new single-family home.

~~(B)~~ (5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size-square feet or the number of its plumbing fixtures- drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) ~~Local (1) -agencies-~~ A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. ~~The department may review and comment on this submitted ordinance.~~ After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the shall notify the local agency and shall provide the local agency with a reasonable time,

no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) (1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which ~~that~~ provides complete independent living facilities for one or more persons. persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(A) (3) An efficiency unit, "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(B) (4) A manufactured home, as defined in Section 18007 of the Health and Safety Code, "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(5) (8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

~~(6)~~ (11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(j) (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

Effective January 1, 2020, Section 65852.22 of the Government Code is amended to read (changes noted in strikeout, underline/italics) (AB 68 (Ting)):

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence ~~already built~~ built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the ~~existing~~ walls of the structure, and ~~require the inclusion of an existing bedroom.~~ proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, ~~with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.~~ proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

~~(A) A sink with a maximum waste line diameter of 1.5 inches.~~

~~(B) (A) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~ appliances.

~~(C) (B)~~ (B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine ~~whether if~~ if the junior accessory dwelling unit ~~is in compliance~~ complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. ~~A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section.~~ The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory unit shall still be considered ministerially without discretionary review or a hearing. If the

applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

~~(g)~~ (h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within ~~an existing~~ a single-family structure. residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/26/2020

ITEM NO: 4

DESK ITEM

DATE: February 26, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding accessory dwelling units, Town Wide. Town Code Amendment Application A-20-001. Applicant: Town of Los Gatos.

REMARKS:

Exhibit 4 includes additional public comments received between 11:01 a.m., Friday, February 21, 2020 and 11:00 a.m., Wednesday, February 26, 2020.

Exhibits:

Previously received with February 26, 2020 Staff Report:

1. Findings
2. Draft Ordinance
3. California Government Code Section 65852

Received with this Desk Item:

4. Public comments received between 11:01 a.m., February 21, 2020 and 11:00 a.m., February 26, 2020

PREPARED BY: Sally Zarnowitz, AIA, LEED AP
Planning Manager

Reviewed by: Planning Manager and Community Development Director

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Sally Zarnowitz

From: Bonnie Noehr <bbnoehr@gmail.com>
Sent: Wednesday, February 26, 2020 9:08 AM
To: Sally Zarnowitz
Subject: ADU discission

Hi Sally,

I'm not sure that my comments are relevant for tonight's meeting as I live in Monte Sereno. Nevertheless, I am very interested in this subject as we have lived here since 1983 and, now that we are retired and on a fixed income, we do not want to leave this expensive area. An ADU would allow us space for a caregiver should that need arise. In the meantime, we could provide a low rent option to someone working in the community. We have worked (18 years at Los Gatos Saratoga HS District for me) and volunteered in this community for a long time and do not like facing the prospect of having to leave. I would hope that the fees to obtain a permit would not be prohibitive.

Sincerely,
Bonnie (and Rolf) Noehr
17445 Pleasant View Avenue
Monte Sereno, CA 95030

408 354-3223

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A P P E A R A N C E S:

| | |
|-----------------------------------|--|
| Los Gatos Planning Commissioners: | Melanie Hanssen, Chair Kathryn Janoff, Vice Chair Mary Badame Jeffrey Barnett Kendra Burch Matthew Hudes Reza Tavana |
| Town Manager: | Laurel Prevetti |
| Community Development Director: | Joel Paulson |
| Town Attorney: | Robert Schultz |
| Transcribed by: | Vicki L. Blandin (619) 541-3405 |

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3 P R O C E E D I N G S:
4

5 CHAIR HANSSEN: Now we will move on to Agenda
6 Item 4, which is Town Code Amendment Application A-20-001,
7 project location Town Wide. Project Applicant is the Town
8 of Los Gatos. We are asked to forward a recommendation to
9 the Town Council for approval of amendments to Chapter 29
10 (Zoning Regulations) of the Town Code this time regarding
11 Accessory Dwelling Units, and Ms. Zarnowitz, I understand
12 you'll be giving the Staff Report this evening.

13 SALLY ZARNOWITZ: Yes, thank you. Also in October
14 2019 new law was passed regarding Accessory Dwelling Units,
15 or ADUs, and the laws pertained particularly to the sizes,
16 locations, number of ADUs allowed, and the parking.

17 Before you tonight is a Draft Ordinance which
18 addresses those changes and amends the zoning regulations
19 to address those changes. Also in the discussion there are
20 options for less restrictive regulations should the
21 Commission recommend those to the Town Council.
22 Jurisdictions have the right to be less restrictive than
23 the state would even require, and so there are several of
24
25

1 those options in the Staff Report pertaining primarily to
2 locations and setbacks.

3 That concludes Staff's report and we are here to
4 answer questions.

5 CHAIR HANSSEN: Do any Commissioners have
6 questions of Staff? Commissioner Badame.

7 COMMISSIONER BADAME: Do we have any regulations
8 to prevent ADUs from being used as an Airbnb?
9

10 SALLY ZARNOWITZ: Yes, the Airbnb, or the Short-
11 term Rental Ordinance that went through recently prohibited
12 new ADUs from being used as a short-term rental.

13 COMMISSIONER BADAME: Thank you.

14 CHAIR HANSSEN: Any other questions for Staff?
15 All right, seeing none then I will invite comments from
16 members of the public. Is there anyone that would wish to
17 make comments on this item? It appears not, so then I will
18 close... Oh, I'm sorry. I apologize. So, please step to the
19 podium and state your name and address, and you'll have up
20 to three minutes.

21 JENNIFER KRETSCHMER: Hello, my name is Jennifer
22 Kretschmer, AIA. I live at 101 Old Blossom Hill Road. I'm a
23 resident and a business owner. I am also the vice president
24 of the AIA Silicon Valley Chapter and on the board of
25

1 directors for the AIA California, although I'm here to
2 speak primarily on behalf as a resident and business owner
3 in Los Gatos.

4 The main item that I would like to address is the
5 decision to not allow Accessory Dwelling Units in front of
6 primary residences, primarily because the state does
7 require cities or towns to allow existing buildings to be
8 converted into ADUs. We have a situation in this town where
9 we do have a lot of older homes that are small enough to be
10 considered an ADU, and rather than seeing those smaller
11 homes demolished in order to build a larger home and then
12 they still put an ADU in the back, I would like to propose
13 that the Commission here consider existing infrastructure
14 to be allowed to be a detached ADU in front of a primary
15 residence.
16

17 The other thing that I'd like you to consider is
18 that the current amendments are allowing four setbacks of
19 4'. That is quite adequate but we could go so far as 3' and
20 still comply to building codes and still have space to go
21 around the structure, and therefore leave more open space
22 in the yards of properties if the detached ADU is pushed
23 all the way towards the back of the property. It still
24 allows for preventative fire measures, so that is one other
25

1 consideration that I'd like you to think about, and that's
2 it.

3 CHAIR HANSSEN: Do any of the Commissioners have
4 questions for the speaker? Commissioner Hudes.

5 COMMISSIONER HUDES: I had two questions. With
6 regard to the setback, would changing the setback in any
7 way allow certain ADUs to be larger than they otherwise
8 would be?

9 JENNIFER KRETSCHMER: No, it should not as long
10 as the Town is complying to the state regulations as far as
11 size.
12

13 COMMISSIONER HUDES: But there's a difference
14 between the distance in some small lots, whereby having
15 more setback the structure would be farther away and
16 potentially could be larger because of the distance from
17 the main structure, correct?

18 JENNIFER KRETSCHMER: I think you could end up
19 making it larger one way or another depending on the space
20 that's allocated. There are distances that are required
21 from the existing primary structure so you can't build
22 them, even for fire code, right up next to each other, so
23 that also limits how large an ADU can be.
24
25

1 COMMISSIONER HUDES: Okay. I had another
2 questions, if I may?

3 CHAIR HANSSEN: For the speaker?

4 COMMISSIONER HUDES: Yeah.

5 CHAIR HANSSEN: Sure.

6 COMMISSIONER HUDES: The first point that you
7 made about putting an ADU in front of a primary dwelling,
8 does that apply to historic as well?

9 JENNIFER KRETSCHMER: I think that that's
10 actually one of the best ways to utilize that. We have a
11 few structures where I know people are considering adding
12 almost what I would call a Frankenhouse. In order to keep
13 the existing character of the original small, historic home
14 they're adding a giant addition onto the back. If they
15 would have the option of keeping that smaller, historic
16 home still in the front area, and if they have of course
17 enough lot size and enough FAR to build the main structure
18 behind, then the existing neighborhood character of the
19 street could remain without that existing historic
20 structure being demolished or being altered in such a way.

21 COMMISSIONER HUDES: So, are you referring
22 specifically to the language that says, "An option. A
23 standard has been included in the Draft Ordinance
24
25

1 clarifying that no Accessory Dwelling Unit may be
2 constructed in front of a Primary Dwelling Unit that is a
3 historic resource," and are you suggesting that we should
4 adopt that option?

5 JENNIFER KRETSCHMER: Correct. I am specifically
6 speaking to Section 29.10.320(b)(3).

7 COMMISSIONER HUDES: Okay, thank you.

8 CHAIR HANSSEN: Vice Chair Janoff.

9 VICE CHAIR JANOFF: Just a question about the
10 setback. The option that I'm reading is not speaking to a
11 detached Accessory Dwelling Unit but an attached Accessory
12 Dwelling Unit and it's asking about whether essentially to
13 limit it from the current, which is a 5' setback, to allow
14 a four foot setback. The question I have for you is we
15 currently require a 5' distance between a primary residence
16 and an Accessory Dwelling Unit, so if we use the term
17 "circulation" what's your thought about not having a 5'
18 circulation, which is generally the requirement for a
19 detached? It's not a setback from the property line.

20 JENNIFER KRETSCHMER: Right.

21 VICE CHAIR JANOFF: So, if you're suggesting
22 this... And again, this is referring to attached, that's what
23 the option language before us...
24
25

1 JENNIFER KRETSCHMER: Right.

2 VICE CHAIR JANOFF: I understand your point about
3 the detached.

4 JENNIFER KRETSCHMER: Right.

5 VICE CHAIR JANOFF: Would you also say that you
6 would advocate either the 4' or even the 3' setback if it's
7 an attached ADU?

8 JENNIFER KRETSCHMER: No, I think if it's
9 attached it needs to be attached; there shouldn't be any
10 breezeway. I mean, if they want to design a breezeway they
11 could be allowed a breezeway, but it should not be
12 required.
13

14 VICE CHAIR JANOFF: No, I'm not talking about the
15 breezeway, I'm saying... Let's say it's right smack against
16 the primary dwelling unit. What kind of setback are you
17 advocating for that Accessory Dwelling Unit on the
18 property?

19 JENNIFER KRETSCHMER: Got it. The setback that is
20 for the new writing in the code is acceptable; it's the 5'.
21

22 VICE CHAIR JANOFF: Five feet.

23 JENNIFER KRETSCHMER: Yeah.

24 VICE CHAIR JANOFF: Thank you.
25

1 CHAIR HANSSEN: Any other questions for the
2 speaker? Thank you very much for your comments; it was very
3 helpful. Is there anyone else from the public that would
4 like to speak on this item? Sure I didn't miss anyone?
5 Okay, seeing none, then I will close the public portion of
6 the hearing and then ask if any of the Commissioners would
7 like to ask any additional questions of Staff?

8
9 Before we proceed forward with any motions or
10 anything I did want to make a comment that in the Staff
11 Report there is the request to forward a recommendation to
12 Council for adopting the changes that the state has
13 designated, and then as Ms. Zarnowitz mentioned there are
14 several options that we could also consider that would be
15 more lenient than the state code if we want to facilitate
16 the development of ADUs.

17 What I'd like to do in terms of process is have
18 the Commission vote first on the recommendation to adopt
19 the state law changes and then consider each of the options
20 separately, and we don't need to reopen the public hearing
21 for that but we can discuss each one and then vote as to
22 whether we'd like to go in that direction or not in the
23 recommendation. So, that being the case are there any
24 additional questions for Staff, comments that Commissioners
25

1 would like to make, or would anyone like to make a motion
2 on the first item, which would be to adopt the state law
3 changes? Commissioner Barnett.

4 COMMISSIONER BARNETT: I had a very small nit to
5 pick on pages six and seven of the Draft Ordinance and that
6 is that Item 8 at the top of page 6 requires one parking
7 unit per unit for an Accessory Dwelling Unit and then it's
8 followed by six exceptions, and I was proposing an
9 additional exception to tie in or to make consistent
10 paragraph 13(d) on page seven. So the import of this is
11 that it would harmonize the Draft Ordinance Section
12 29.10.320(b)(8) on page six with Section
13 29.10.320(b)(13)(d) on page seven. In other words, that
14 there would be no parking spaces required for Accessory
15 Dwelling Units.
16

17 CHAIR HANSSEN: So, you're suggesting to make a
18 correction to the Draft Ordinance?

19 COMMISSIONER BARNETT: Correct.

20 CHAIR HANSSEN: Could Staff...

21 SALLY ZARNOWITZ: Yes, I think the understanding
22 was that that might relate to Junior Accessory Dwelling
23 Units was the consistency that the Commissioner might be
24 looking for. Section 13 is about the conversion of existing
25

1 floor area, and so the conversion does exist. Maybe it's
2 number 3 under A, (8)(a)(3), "The ADU is within the
3 existing space of a primary dwelling or an existing
4 accessory structure," and did you want to add "Junior" to
5 that, or "Junior ADU"?

6 CHAIR HANSSEN: Commissioner Barnett.

7 COMMISSIONER BARNETT: Yeah, that was the intent
8 and I did discuss it with Ms. Zarnowitz.

9 CHAIR HANSSEN: Okay, so you would be comfortable
10 if they made that change that you recommended with the
11 language in the ordinance?
12

13 COMMISSIONER BARNETT: Yes, to harmonize those
14 two sections.

15 SALLY ZARNOWITZ: Yes, and to clarify, we can go
16 back to make sure those two sections match, which was, I
17 believe, the Commissioner's concern.

18 CHAIR HANSSEN: Other comments from
19 Commissioners? Would anyone like to make a motion for the
20 Draft Ordinance, and then keeping in mind that we'll
21 discuss the different options that were presented in the
22 Staff Report subsequent? Commissioner Badame.

23 COMMISSIONER BADAME: I'll try a motion. I move
24 to forward a recommendation to the Town Council for Town
25

1 Code Amendment Application A-20-001, amendments to Chapter
2 29 of the Town Code regarding Accessory Dwelling Units,
3 with the addition of the changes as recommended by
4 Commissioner Barnett. I can make the required findings for
5 CEQA, and I can make the required findings for the General
6 Plan per Exhibit 1.

7 CHAIR HANSSEN: Is there a second? Commissioner
8 Hudes.

9 COMMISSIONER HUDES: Second.

10 CHAIR HANSSEN: Would anyone else like to make
11 comments on the motion before we take a vote? Seeing none,
12 all in favor? Opposed? Passes unanimously. And are there
13 appeal rights for the motion?
14

15 SALLY ZARNOWITZ: No, there are not because it's
16 a recommendation to Town Council.

17 CHAIR HANSSEN: Thank you. All right, so having
18 done that I thought we ought to go through the different
19 options that are in the Staff Report and make a
20 recommendation as to whether we would wish to recommend to
21 Council to be more lenient then the language in the state
22 law.

23 The first option, and I might ask Staff to give
24 additional explanation. I mean, it's described here but the
25

1 first option is on page 3, and as I understand it, it has
2 to do with whether or not... There is a limit of two ADUs
3 that can be had, but the state law says detached or an
4 additional Junior ADU inside the house, and then do we want
5 to add an attached ADU as one of the possibilities, and so
6 if you could comment on that, if I got that right.

7 SALLY ZARNOWITZ: That's correct, and I have a
8 sketch if you want to see an example of an attached or a
9 detached with the Junior. So the Junior ADU as defined by
10 the state as within the primary residence.

11 CHAIR HANSSEN: I think we would like to see the
12 drawing.

13 SALLY ZARNOWITZ: The Junior ADU is within the
14 residence and we'll have an example of a Junior ADU in the
15 residence and then a detached Accessory Dwelling Unit,
16 which is what the state requires, and then we also have an
17 example of attached, which the state does not require that
18 jurisdictions allow it. So, this is what the state would
19 require to be allowed and that's what the ordinance allows
20 right now, a detached. The Junior ADU is within the primary
21 dwelling plus 150 square feet are allowed for egress.
22 That's what the state is allowing and then the question is
23 would the Town want to allow the Junior ADU on the bottom
24
25

1 and then the attached ADU all in one structure? So, it
2 wouldn't increase the numbers. One could still have one ADU
3 and one Junior ADU, it's just a question of whether or not
4 you would allow that second ADU to be attached.

5 CHAIR HANSSEN: Do any Commissioners have
6 questions or comments on that? Commissioner Burch first.

7 COMMISSIONER BURCH: I definitely think we should
8 support that. I think that that's going to be easier on a
9 homeowner to provide... That's a much simpler modification or
10 construction than a completely detached unit that has to be
11 built. I don't see anything wrong with that.

12 CHAIR HANSSEN: Other comments? Vice Chair
13 Janoff.

14 VICE CHAIR JANOFF: Yeah, I would agree with
15 Commissioner Burch. We do want to increase the housing
16 units, and so this is a good way to do it and giving
17 homeowners the flexibility to accommodate the nuances of
18 their property makes good sense.

19 Question for Staff. Is there also an option, if
20 you go back to the first diagram, that the Junior ADU could
21 be associated with the ADU?

22 SALLY ZARNOWITZ: Yeah, there should be another
23 one where there's a Junior ADU. There we go. That is the
24
25

1 second question in this option. Yes, would the Town like to
2 allow a Junior ADU not just within the primary but within
3 the space of an accessory structure or a larger ADU?

4 VICE CHAIR JANOFF: So, before us is the option
5 to allow for both, this as well as the prior slide?

6 SALLY ZARNOWITZ: Right, still with the same
7 number of one ADU and one Junior ADU.

8 VICE CHAIR JANOFF: Okay. My general comment is
9 yes. I mean, why make it more difficult for homeowners to
10 manage efficient building of their property and allow for
11 these additional units?

12 CHAIR HANSSEN: Question for Staff. Allowing this
13 option they wouldn't be able to have additional square
14 footage, or would they? Because there's a limit on the
15 total square footage for a detached ADU, so if the Junior
16 is... Does that imply that you add the... It could be larger
17 than it was before?

18 SALLY ZARNOWITZ: There are all these kinds of
19 questions. The detached ADU would have a certain size up to
20 the 1,200, and then the Junior ADU would come out of that
21 one would assume, which would reduce the size of the ADU
22 just as the Junior ADU reduces the size of the primary
23 dwelling, the main house.
24
25

1 CHAIR HANSSEN: Okay.

2 SALLY ZARNOWITZ: And the Junior ADU still
3 wouldn't be able to be more than 500 square feet. The
4 Junior ADU doesn't necessarily have to have its own
5 restroom; it can share a restroom with the main dwelling,
6 and it just has a little counter and appliance for cooking.

7 CHAIR HANSSEN: Vice Chair Janoff.

8 VICE CHAIR JANOFF: So, do we need to specify
9 that? It may be our understanding, but do we need to say
10 that in this scenario where you have a detached ADU and the
11 Junior ADU in one building the total does not exceed 1,200
12 square feet?

14 SALLY ZARNOWITZ: I'm seeing that that might be a
15 good idea from the attorney.

16 VICE CHAIR JANOFF: I'm just concerned that we
17 might have a 1,200 ADU and a 500 Junior ADU in that
18 scenario, which is not our intent.

19 SALLY ZARNOWITZ: Right, and the state requires
20 that you allow up to an 800 square foot ADU, so that would
21 be 1,300.

22 VICE CHAIR JANOFF: Would we need to say up to
23 1,300 if it's joined? Can we have two Junior ADUs?

24 SALLY ZARNOWITZ: Well, no. No, you can't.
25

1 VICE CHAIR JANOFF: Well, I'm just wondering if
2 there's a minimum ADU and a maximum or a set Junior. Then
3 if this is the scenario that's brought before the Town we
4 might want to say yes to 1,300 square foot total. I mean,
5 considering that these are ministerial decisions and
6 there's no discretion, the more that we bound that envelope
7 to make it perfectly clear seems reasonable.

8 SALLY ZARNOWITZ: It does, and I think we can
9 take that direction and look at it more closely as well,
10 because there are other regulations pertaining to accessory
11 structures on lots and so we could look at that and see how
12 that would play out, but the main idea of the Junior ADU is
13 that it is within the existing space or proposed space—
14 which becomes, I know, complicated—of a structure.

15 JOEL PAULSON: If the Commission is ultimately
16 interested in providing that direction we can carry that
17 information forward to the Council and then provide them
18 with our findings and then they can make that decision.

19 CHAIR HANSSEN: One more question for Staff.
20 Relative to Vice Chair Janoff's question though, by
21 definition a Junior ADU is then a primary dwelling, so you
22 can't have a Junior ADU within a Junior ADU, right?
23
24
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1 SALLY ZARNOWITZ: Well, the state allows the
2 jurisdiction to limit it to that definition, but should you
3 wish to take it beyond that we can revise that definition
4 if that's the direction you're giving. As Mr. Paulson said,
5 we can look at that and move it forward.

6 JOEL PAULSON: But you theoretically could have a
7 499 square foot Junior ADU and a 480 square foot detached
8 ADU, so just because it's less than 500 does not make it a
9 Junior ADU, so ultimately it's kind of semantics but
10 technically you could have a detached ADU that's less than
11 500 and an attached that's within the existing home that's
12 less than 500 and one of them is going to be a Junior ADU
13 and one of them is going to be a regular detached ADU.

14 CHAIR HANSSEN: Right, okay. I'm thinking we
15 should make... I'm going to ask Staff. Would you like us to
16 make a motion and vote on these or just have comments about
17 whether we think it's a good idea or not?

18 JOEL PAULSON: I think it would be helpful for
19 Council's discussion to actually have a motion.

20 SALLY ZARNOWITZ: Yeah, since it's not in the
21 first motion, then just have individual motions.

22 CHAIR HANSSEN: All right, and I think we can do
23 this fairly quickly, so let's do that. So, this option is
24
25

1 two different options, which is kind of the A and B.
2 There's the adding the attached ADU as an option and then
3 the Junior ADU within the detached. So, would someone be
4 willing to make a motion about whether we want to do that
5 or not? Commissioner Burch.

6 COMMISSIONER BURCH: I'm going to make a motion
7 that based on the diagrams shown by Staff for the two
8 options I would move to forward a recommendation of
9 approval to Council and note some of the conversation that
10 has occurred based on the configuration of square footage.
11

12 CHAIR HANSSEN: Is there a second? Commissioner
13 Tavana.

14 COMMISSIONER TAVANA: I'll second that.

15 CHAIR HANSSEN: Are there any comments from
16 Commissioners on this item? Seeing none, I will call the
17 question. All in favor? Opposed? Passes unanimously.

18 The next option says no Accessory Dwelling Unit...
19 It's in the Draft Ordinance and do we want to be more
20 lenient that, "No Accessory Dwelling Unit may be
21 constructed in front of a primary dwelling that is a
22 historic resource to prevent adverse impacts on historic
23 resources." But we could recommend allowing this option to
24 create Accessory Dwelling Units in front of historic
25

1 resources to add more flexibility. So, comments on that?
2 And I don't know if Staff wants to clarify any more than
3 that.

4 SALLY ZARNOWITZ: I would just say that
5 pertaining to the public comment that we got that it's not
6 the intent that this language would preclude the conversion
7 of existing accessory structures or square footage to an
8 ADU in front of a historic resource, so if there's a
9 gatehouse or some sort of structure in front of it or that
10 that could be converted to an ADU.

11
12 CHAIR HANSSEN: So, this questions is whether we
13 allow people to construct a new ADU that isn't there right
14 now in front of a historic resource?

15 SALLY ZARNOWITZ: Yes.

16 CHAIR HANSSEN: Okay. Commissioner Burch.

17 COMMISSIONER BURCH: I just want to make sure
18 before I make my other comments I'm clear. We do have some
19 properties downtown that are these very tiny, original
20 little bungalows but that are existing, so would this say
21 that for the sake of keeping historic we would allow that
22 to become an ADU just like... Is that semantics correct?

23 SALLY ZARNOWITZ: That correct, because it's
24 existing.
25

1 COMMISSIONER BURCH: Okay. All right, thank you.

2 CHAIR HANSSEN: I just want to ask a clarifying
3 question, then Commissioner Hudes. We can't prevent that
4 anyway, or is this something we need to vote on, where they
5 have a detached Accessory Dwelling Unit, or it's not a
6 dwelling unit but an accessory unit in front, we have to
7 vote whether to allow that or not, or they can
8 automatically do it because of the state law?
9

10 SALLY ZARNOWITZ: They can convert the existing
11 floor area; that would be allowed by the state law and by
12 the ordinance as it's written. The question would be could
13 they build a new ADU in front of the small bungalow?

14 CHAIR HANSSEN: Commissioner Hudes.

15 COMMISSIONER HUDES: I would strongly oppose that
16 option. I think it would decrease the value of historic
17 resources and it would also decrease the value of the
18 neighborhoods and the Town to put new construction in front
19 of historic resources. I think we would be getting some
20 additional dwellings but we would be outright attacking our
21 historic character of the Town.

22 CHAIR HANSSEN: Vice Chair Janoff.

23 VICE CHAIR JANOFF: Yeah, I agree with
24 Commissioner Hudes except that I think what's proposed is
25

1 the reverse. It currently says that no accessory dwelling
2 may be constructed, and so we're advocating that language
3 continue.

4 But I did want to comment that the benefit of
5 having public testimony is I hadn't really thought about
6 the concept of these small historic properties being
7 converted to the ADU intact and allowing a new primary
8 residence to be constructed. I would just like to say,
9 having served on the Historic Preservation Committee, it's
10 a brilliant idea to allow that because there have been
11 many, many applications that are asking to tear down the
12 historic because it doesn't accommodate the big new house
13 that the whole family needs and we're saying no, you can't
14 do that but you've got to make it look the same because
15 that's Los Gatos' way, and to allow those beautiful little
16 structures to shine and be purposeful is something I think
17 is just really brilliant and I thank you for bringing that
18 concept. I know Staff has it but I hadn't in my mind, so I
19 appreciate that, and I think anything we can do to preserve
20 the historic integrity of the Town by not cluttering the
21 front of these properties with an Accessory Dwelling Unit
22 that obscures the elevation I think is a great idea.
23
24
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1 CHAIR HANSSEN: Commissioner Hudes, you had
2 additional?

3 COMMISSIONER HUDES: Just to clarify, those are
4 two separate concepts. The concept that we heard in public
5 testimony has nothing to do with this option. This option,
6 it says would you allow the creation of Accessory Dwelling
7 Units in front of historic resources and I think that would
8 be a big mistake.

9 CHAIR HANSSEN: Okay, so would someone like to
10 make a motion?

11 COMMISSIONER HUDES: I would move to make a
12 recommendation to Council that we do not adopt this option.

13 CHAIR HANSSEN: Second? Commissioner Badame.

14 COMMISSIONER BADAME: Second.

15 CHAIR HANSSEN: Does anyone else want to make a
16 comment before we vote? All right, all in favor? Opposed?
17 None. Passes unanimously. Okay, so that's that option.

18 There are four options total. Option 3 is the new
19 state law does not require attached Accessory Dwelling
20 Units to be allowed minimums and rear and side setbacks of
21 4' and we could recommend this option for having it go from
22 5' to 4' even though the detached, it's already stated by
23 state law that it's 4', and correct me if I'm wrong, Staff,
24
25

1 we could also allow the attached to have 4' instead of 5'.
2 So the question on the table is do we want to allow
3 attached to go down to 4'?

4 SALLY ZARNOWITZ: Maybe just to clarify right
5 now, the attached ADU would need to meet the setbacks of
6 the primary dwelling, so 8' in the R-1:8, 10' in the R-1:10
7 for a side setback. So, this would be allowing even the
8 attached ADU to go down to 4' on the side or the rear.

9 CHAIR HANSSEN: Vice Chair Janoff.

10 VICE CHAIR JANOFF: For the reasons I commented
11 on before I think reducing that setback to 4' may not make
12 sense from a general circulation standpoint, so I
13 personally would not be in favor of reducing it to the 4'
14 setback this time.

15 CHAIR HANSSEN: Commissioner Hudes.

16 COMMISSIONER HUDES: Yeah, I would agree with
17 that. I think that an attached ADU by definition gives you
18 greater contiguous façade area and so the perception of
19 greater mass encroaching on space the neighbors assumed
20 they had would be an issue to me, so again, I don't think
21 that one is worth it.

22 CHAIR HANSSEN: Okay, would someone like to..
23 First of all, does anyone else want to comment, and if not
24
25

1 would someone like to make a motion on this option?

2 Commissioner Burch.

3 COMMISSIONER BURCH: It sounds like I am going to
4 move that we do not adopt this option.

5 CHAIR HANSSEN: Is there a second? Commissioner
6 Hudes.

7 COMMISSIONER HUDES: Second.

8 CHAIR HANSSEN: Any additional comments? Then
9 I'll call the question. All in favor of the motion? Anyone
10 opposed? No. Passes unanimously.
11

12 All right, we have one more. It's on page four.
13 An option has been included in the Draft Ordinance
14 clarifying that an Accessory Dwelling Unit may not be added
15 to an existing second story of a primary dwelling that is
16 an historic resource to prevent adverse impacts on historic
17 resources. We could be more lenient and allow people to
18 create second story Accessory Dwelling Units on historic
19 resources. Comments or questions? Okay, we have a picture.
20 Commissioner Burch has a question.

21 COMMISSIONER BURCH: I don't think I understand
22 why adding a second story ADU means it has to be higher.
23 What drove that particular option?
24
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1 SALLY ZARNOWITZ: The ordinance currently allows
2 for a second floor ADU only in the case where there's
3 already a second floor on a primary dwelling. I think I
4 said that right. And so in this case when we have a
5 historic structure, such as the one on the left, that has a
6 big sloping roof but in the rear there's a second story, so
7 then when you go to the right the new ADU is put on the
8 front of the structure on the second story and it has the
9 potential to change the shape of the house, the primary
10 dwelling, fairly significantly. So that's in order to get
11 the plate height in order to stand...to create more plate
12 height to get the square footage basically, because while a
13 lot of it could be fit under a gable in order to get more
14 square footage the plate height goes up.

16 CHAIR HANSSEN: Vice Chair Janoff.

17 VICE CHAIR JANOFF: Just again, recognizing what
18 the Historic Preservation Committee is trying to do in the
19 Town, we don't readily allow a second story addition even
20 if the historic property has a second story that
21 substantially changes the overall appearance of the
22 historic house, and so I'm not sure why we would be
23 entertaining adding an ADU which essentially does the same
24

1 thing to alter the historic appearance of a home; I'm not
2 sure that makes sense for us to do that.

3 CHAIR HANSSEN: Commissioner Badame.

4 COMMISSIONER BADAME: I agree with Vice Chair
5 Janoff. I'm strongly opposed to this one. I think it has
6 the potential to impact the character of the historic
7 neighborhood.

8 CHAIR HANSSEN: And Commissioner Hudes, I thought
9 you had (inaudible).

10 COMMISSIONER HUDES: I agree.

11 CHAIR HANSSEN: You agree. All right, then if no
12 one else has a comment would someone like to make a motion
13 on this item? Maybe Commissioner Burch.

14 COMMISSIONER BURCH: I'm on a roll tonight. I am
15 going to move that we do not recommend this option either.

16 CHAIR HANSSEN: Is there a second? Commissioner
17 Hudes.

18 COMMISSIONER HUDES: Second.

19 CHAIR HANSSEN: Okay. If there are no other
20 comments, and seeing none, I will call the question. All in
21 favor? Anyone opposed? No. It passes unanimously. Okay,
22 great.
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1 So, that is all the options that Staff had in
2 their Staff Report for us to consider, and we already
3 talked about whether there are appeal rights and I don't
4 think there would be on the other options either.
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TOWN COUNCIL – March 17, 2020

REQUIRED FINDINGS FOR:

Town Code Amendment Application A-20-001

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding accessory dwelling units.

FINDINGS

Required Findings for CEQA:

- The project is exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

Required Findings for General Plan:

- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING ACCESSORY DWELLING UNITS**

WHEREAS, effective January 1, 2020, Assembly Bill 881, Assembly Bill 68, and Senate Bill 13 amended Government Code Section 65852 regarding accessory dwelling unit and junior accessory dwelling unit regulations, to further address barriers to the development of accessory dwelling units and junior accessory dwelling units; and

WHEREAS, the Town of Los Gatos 2015-2023 Housing Element Enhanced Second Unit Program identified amending the Town Code to allow new second units to be affordable to lower income households on nonconforming residential lots and in the Hillside Residential Zone (Action HOU-1.2) as a strategy to accommodate the Town's Regional Housing Needs Allocation (RHNA); and

WHEREAS, the Town Council wishes to amend the Town Code to comply with State law and to address Action HOU-1.2 of the Town of Los Gatos 2015-2023 Housing Element; and

WHEREAS, on February 26, 2020, the Planning Commission reviewed and commented on the proposed amendments regarding accessory dwelling units; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on February 26, 2020; and

WHEREAS, on February 26, 2020, the Planning Commission reviewed and commented on the proposed amendments regarding accessory dwelling units and forwarded a recommendation to the Town Council for approval of the proposed amendments; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and come before the Town Council for public hearing on March 17, 2020; and

WHEREAS, on March 17, 2020, the Town Council reviewed and commented on the proposed amendments regarding accessory dwelling units and the Town Council voted to introduce the Ordinance.

ATTACHMENT 5

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

SECTION I

Chapter 29 of the Town Code is hereby amended to read as follows:

ARTICLE I. DIVISION 1. MISCELLANEOUS

Sec. 29.10.020. - Definitions.

.....

~~*Accessory dwelling unit* means a detached or attached dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is generally smaller and located on the same parcel as the primary dwelling unit. An accessory dwelling unit also includes efficiency units and manufactured homes.~~

~~(1) A detached accessory dwelling unit is physically separate from the primary dwelling unit.~~

~~(2) An attached accessory dwelling unit is physically attached to the primary dwelling unit.~~

.....

ARTICLE I. DIVISION 4. PARKING

Sec. 29.10.150 (c). Number of off-street spaces required.

.....

~~(2) *Accessory dwelling units*. One parking space per unit or bedroom, whichever is less, shall be provided in addition to the required minimum number of parking spaces for the primary dwelling unit. These spaces may be provided in a front setback on a driveway (provided that it is feasible based on specific site or fire and life safety conditions) or through tandem parking.~~

~~When a garage is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, any lost off-street parking spaces required for the primary residence may be located in any configuration on the same lot as the accessory dwelling unit, including as tandem spaces, or by the use of mechanical automobile parking lifts.~~

~~a. Exceptions. No parking spaces shall be required if the accessory dwelling unit meets any of the following criteria:~~

~~1. The accessory dwelling unit is located within one-half mile of a public transit stop.~~

- ~~2. The accessory dwelling unit is located within an architecturally and historically significant historic district.~~
- ~~3. The accessory dwelling unit is within the existing space of a primary residence or an existing accessory structure.~~
- ~~4. When on street parking permits are required but not offered to the occupant of the accessory dwelling unit.~~
- ~~5. When there is a car share vehicle (as defined by the California Vehicle Code) located within one block of the accessory dwelling unit.~~
- ~~6. When the Director finds that the lot does not have adequate area to provide parking.~~

.....

ARTICLE I. DIVISION 7. ACCESSORY DWELLING UNITS

Sec. 29.10.305. Intent and authority.

This division is adopted to comply with amendments to State Law § 65852.2 and 65852.22 which mandates that applications for accessory dwelling units be considered ministerially without a public hearing; and sets Town standards for the development of accessory dwelling units in order to increase the supply of affordable housing in a manner that is compatible with existing neighborhoods.

Sec. 29.10.310. Definitions.

Accessory dwelling unit. An accessory dwelling unit is a detached or attached dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is generally smaller and located on the same parcel as a proposed or existing primary dwelling. An accessory dwelling unit also includes efficiency units and manufactured homes.

(1) A detached accessory dwelling unit is physically separate from a primary dwelling.

(2) An attached accessory dwelling unit is contained within the space of and/or physically attached to a proposed or existing primary dwelling.

.....

Junior accessory dwelling unit. A junior accessory dwelling unit is a dwelling unit that does not exceed a floor area of 500 square feet and is contained within the space of a proposed or existing primary dwelling or detached accessory dwelling unit. It shall include a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. If the junior accessory dwelling unit is contained within the proposed or existing space of a primary dwelling, it may include separate sanitation facilities, or it may share sanitation facilities with the primary dwelling. If the junior accessory dwelling unit is contained within the proposed or

existing space of a detached accessory dwelling unit, it shall include separate sanitation facilities.

.....

~~*New accessory dwelling unit.* A new accessory dwelling unit is an attached (with either an interior or exterior entrance) or a detached unit, created after December 31, 1987, which includes permanent provisions for living, sleeping, eating, cooking, and sanitation, and is generally smaller and located on the same parcel as the dwelling unit. An accessory dwelling unit also includes efficiency units and manufactured homes.~~

Sec. 29.10.315. Reserved.

Sec. 29.10.320. New accessory dwelling units.

(a) *Incentive program.* Any accessory dwelling unit developed under an Incentive Program which may be established by Resolution of the Town Council shall be made affordable to eligible applicants pursuant to the requirements of the Incentive Program. A deed restriction shall be recorded specifying that the accessory dwelling unit shall be offered at a reduced rent that is affordable to a lower income renter (less than 80 percent AMI) provided that the unit is occupied by someone other than a member of the household occupying the primary dwelling unit.

(b) *Design and development standards.*

- (1) *Number.* ~~Only~~ Not more than one (1) junior accessory dwelling unit contained within the space of a proposed or existing primary dwelling or detached accessory dwelling unit, and one (1) accessory dwelling unit, may be permitted on a lot with a proposed or existing primary dwelling.

Not more than a number equal to 25 percent of the existing multi-family dwelling units rounded-up to the next whole number, within the portions of an existing multi-family dwelling not used as livable space, and two (2) detached accessory dwelling units, may be permitted on a lot with a proposed or existing multi-family dwelling. ~~No additional accessory dwelling unit is allowed upon a lot with an existing accessory dwelling unit.~~

- (2) *Permitted zones.* Accessory dwelling units are allowed on lots in the R-1, R-D, R-M, R-1D, RMH, HR, and RC zones, or include an existing primary dwelling.
- (3) *Setbacks.* Attached accessory dwelling units shall comply with the setbacks of the zone for a primary dwelling ~~unit~~.

No accessory dwelling unit may be constructed in front of a primary dwelling that is a historic resource.

No detached accessory dwelling unit may be placed in front of the primary dwelling unit in the R-1, R-D, R-M, RMH, and R-1D zones.

Detached accessory dwelling units shall comply with the following minimum setbacks:

- a. Front and side setbacks abutting a street of the zone for a primary dwelling unit.
- b. Rear and side setbacks of ~~five (5)~~ four (4) feet in the R-1, R-D, R-M, RMH, and R-1D zones.
- c. Setbacks from any other structure located on the same lot of five (5) feet.
- d. Setbacks for a primary dwelling unit and located within the Least Restrictive Development Area (LRDA), in the HR and RC zones.

~~An accessory dwelling unit with existing side and rear setbacks sufficient for fire safety shall be permitted if the accessory dwelling unit is contained within the existing space of a primary dwelling unit or accessory structure.~~

- (4) *Height.* Accessory dwelling units shall not exceed one (1) story in height, and shall not exceed ~~fifteen (15)~~ sixteen (16) feet in height, unless the accessory dwelling unit is contained within the existing ~~two-second~~ story space of a primary dwelling unit or accessory structure; added to an existing ~~two-second~~ story of a primary dwelling unit that is not a historic resource; or added directly above an existing one-story accessory structure on a property with an existing two-story primary dwelling unit in the R-1, R-D, R-M, RMH, and R-1D zones.

- (5) *Maximum unit size and maximum number of bedrooms.* The maximum floor area of an accessory dwelling unit is 1,200 square feet. The maximum number of bedrooms is two (2).

Detached accessory dwelling units exceeding a combined square footage of 450 square feet in the R-1, R-D, R-M, RMH, and R-1D zones shall not be subject to the Administrative Procedure for Minor Residential Projects.

Detached accessory dwelling units exceeding a combined square footage of 600 or 1,000 square feet in the HR and RC zones shall not be subject to Development Review Committee or Planning Commission approval.

- (6) *Floor area ratio (FAR) standards.* All accessory dwelling units (attached or detached) are allowed a ten (10) percent increase in the floor area ratio standards for all structures, excluding garages; except, notwithstanding the FAR standards in this subsection, an accessory dwelling unit that does not exceed a floor area of 800 square feet shall be permitted.
- (7) *Lot coverage.* Accessory dwelling units must comply with lot coverage maximums for the zone; ~~except, with regard to the addition of a single efficiency unit.~~ notwithstanding the lot coverage standards in this subsection,

an accessory dwelling unit that does not exceed a floor area of 800 square feet shall be permitted.

- (8) *Parking.* One (1) accessory dwelling unit parking space per unit or bedroom, whichever is less, shall be provided in addition to the required minimum number of parking spaces for the primary dwelling. These spaces may be provided in a front or side setback abutting a street on a driveway (provided that it is feasible based on specific site or fire and life safety conditions) or through tandem parking.

In addition to parking otherwise required for units as set forth in section 29.10.150 of the Town Code, the number of off-street parking spaces required by this chapter for the primary dwelling ~~unit~~ shall be provided prior to the issuance of a building permit or final inspection, for a new accessory dwelling unit. When a garage is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, any lost off-street parking spaces required for the primary dwelling shall not be required to be replaced. ~~unit may be located in any configuration on the same lot as the accessory dwelling unit, including as tandem spaces, or by the use of mechanical automobile parking lifts.~~

- a. *Exceptions.* No parking spaces shall be required if the accessory dwelling unit meets any of the following criteria:
1. The accessory dwelling unit is located within one-half mile walking distance of a public transit stop.
 2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 3. The accessory dwelling unit or junior accessory dwelling unit is contained within the existing space of or constructed in substantially the same location and manner as an existing primary dwelling ~~unit~~ or ~~an existing~~ accessory structure.
 4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 5. When there is a car share vehicle (as defined by the California Vehicle Code) located within one block of the accessory dwelling unit.
 6. When the Director finds that the lot does not have adequate area to provide parking.
- (9) *Design, form, materials, and color.* The design, form, roof pitch, materials, and color of a new accessory dwelling unit shall be compatible with the primary dwelling ~~unit~~ and the neighborhood. Entrances serving the accessory dwelling unit shall not be constructed on any elevation facing a public street. Accessory dwelling units shall retain the ~~single-family~~ residential appearance of the property. Detached junior accessory dwelling units shall be

- (10) *Town codes and ordinances.* All accessory dwelling units shall comply with all the provisions of this chapter and other applicable Town codes.
- (11) *Building codes.* The accessory dwelling unit shall comply with applicable building, health and fire codes. The accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling ~~unit~~.
- (12) *Denial.* An application may be denied if it does not meet the design and development standards. An application may also be denied if the following findings are made:
- a. Adverse impacts on health, safety, and/or welfare of the public.
- (13) *Conversion of existing floor area.* An accessory dwelling unit shall be permitted if the accessory dwelling unit is contained within the existing space of or constructed in substantially the same location and manner as an existing primary dwelling ~~unit~~ or accessory structure. The following provisions shall apply:
- a. The accessory dwelling unit shall be located on a lot zoned to allow single-family, two-family, or multi-family residential ~~within a zone for a single family~~ use.
 - b. The accessory dwelling unit shall have separate entrance from the primary dwelling ~~unit~~.
 - c. The accessory dwelling unit shall have existing side and rear setbacks sufficient for fire safety.
 - d. No parking spaces shall be required for the accessory dwelling unit.
 - e. An expansion of 150 square feet beyond the physical dimensions of an existing structure, limited to accommodating ingress and egress, shall be permitted.
 - f. When an existing structure is non-conforming as to setback standards and converted to an accessory dwelling unit, any expansion of that structure may not be nearer to a property line than the existing building in accordance with section 29.10.245.

.....

SECTION II

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

- A. These Town Code amendments are not subject to review under CEQA

pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code would have significant impact on the environment; and

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

SECTION III

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

SECTION IV

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

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 7th day of April 2020, 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 21st day of April 2020. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 12

DESK ITEM

DATE: April 7, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Introduce an Ordinance, by Title only, Effecting Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Accessory Dwelling Units, Town Wide.

REMARKS:

Attachment 6 includes public comments received between 11:01 a.m. Thursday March 12, 2020 and 11:00 a.m. Tuesday, April 7, 2020.

Attachments previously received with Staff Report:

1. February 26, 2020 Planning Commission Staff Report with Exhibits 1-3
2. February 26, 2020 Planning Commission Desk Item Report with Exhibit 4
3. February 26, 2020 Planning Commission Verbatim Minutes
4. Required Findings
5. Draft Ordinance

Attachment received with this Desk Item:

6. Public comments received between 11:01 a.m. Thursday March 12, 2020 and 11:00 a.m. Tuesday, April 7, 2020.

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

March 17, 2020

Dear Town Council,

I am writing to encourage you to adopt 4 foot setbacks for attached ADUs. I do this because it is in the best interest of our town and also it is the law.

The State is very clear that the new law requires cities to have four foot setbacks for attached ADUs.

¹They wrote, "... (N)o jurisdiction can require a setback of more than four feet from the side and rear lots for ADUs, in accordance with state statute. Any jurisdictions' policies that exceed these setback requirements for ADUs shall be deemed void and unenforceable." They are equally clear that it is illegal to require a variance for four foot setbacks, "The jurisdiction in this scenario would not be able to require a variance and associated fee to facilitate policies that exceed state minimums."

If the Town does not adopt a four foot setback, the state will rule it invalid and the Town Council will have to revisit this issue soon. The state is required by law to review all ordinances and they are clear they will find the current ordinance unenforceable. Neither staff nor the Planning Commission knew HCD's opinion when they made their recommendations. I suspect if they knew the ordinance would be found "null and void" they would have made a separate recommendation.

Equally importantly, it is in our town's interest to promote attached ADUs, rather than detached ones.

The current proposal is more permissive of detached ADUs, because detached ADUs have four foot setbacks while attached require 10+ foot setbacks. This means more detached ADUs will be built if the current proposal is adopted. But really, we want people to build attached ADUs rather than detached ones. Because they share a wall with the main house, homeowners will have a stronger incentive for ensuring noise levels are moderate. Also, attached ADUs are less likely to shadow or impact a neighbor's property. Attached ADUs are great for family members, which is just what we want to encourage.

Overall, ADUs are a good way to add new housing for Los Gatos. They can be housing for our parents, our children or even us as we age. They fit in and complement the small town feel of Los Gatos. It is a personal matter for my family as we look for housing for my elderly mother. She has become increasingly disabled, using a walker and always with assistance as her eyesight and hearing have failed her. She is mentally sharp, however. It is our desire for our mother to live her remaining time on Earth surrounded by her family who can care for her 24X7.

Again, I encourage you to allow **adopt 4 foot setbacks for attached ADUs**

Sincerely,

Laurence and MaryAnn Berkowitz 104 Bella Vista Court, LG 95032

¹ The law reads as follows " No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, **and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.**"

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/07/2020

ITEM NO: 13

DATE: April 1, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve a Preferred Land Use Alternative Framework for the General Plan Update.

RECOMMENDATION:

Approve a Preferred Land Use Alternative Framework for the General Plan update.

BACKGROUND:

This item was previously scheduled for the March 17, 2020 Town Council meeting and the Town Council continued to the April 7, 2020 meeting.

The Town of Los Gatos is in the process of updating its long range, comprehensive General Plan that looks forward to the year 2040. The Town Council appointed a General Plan Update Advisory Committee (GPAC) consisting of two Council Members, three Planning Commissioners, members of the General Plan Committee, and other residents. The GPAC is an advisory body to the Planning Commission and Town Council. All GPAC staff reports are available online:

www.losgatosca.gov/13/Agendas-Minutes

Key General Plan update milestones are brought to the Planning Commission and Town Council for consideration and approval. The purpose of this agenda item is for the Town Council to consider the Planning Commission's recommendation of approval of the GPAC recommended preferred land use alternative framework. This report focuses on the development of the preferred land use alternative recommended by the GPAC and Planning Commission.

PREPARED BY: Jennifer Armer, AICP
Senior Planner

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

DISCUSSION:

The identification of a preferred land use alternative framework is an important step in the General Plan update. The preferred alternative becomes the framework for the preparation of the 2040 General Plan Land Use Element and informs the other required Elements, including Open Space, Sustainability, and Mobility. The alternative provides high level guidance regarding the type and location of land uses, in combination with the Town Vision and Guiding Principles (approved by Town Council on August 20, 2019) to guide the development of General Plan goals, policies, and implementation programs through the conclusion of the update process (Attachment 1, Exhibit 6).

On June 20, 2019, July 18, 2019, and August 15, 2019, the GPAC met to discuss and provide direction for draft land use alternatives. As part of the materials provided for these discussions, the GPAC received an excerpt of the 2020 General Plan land use designations (Attachment 1, Exhibit 1), an excerpt of the Background Report, Section 3.3: Existing General Plan Land Use Designations (Attachment 1, Exhibit 2), a summary of the Regional Housing Needs Allocation (RHNA) objectives and factors (Attachment 1, Exhibit 3), information about Missing Middle Housing (Attachment 1, Exhibit 4), and a booklet of housing type examples (Attachment 1, Exhibit 5).

The GPAC discussed the importance of maintaining the Town's diverse economy, commercial and industrial businesses, and potential for new enterprises. As such, most of the GPAC discussions and direction focused on how the Town could meet its expected State mandates to plan for significant amounts of new housing in a way that would implement the Town Vision and Guiding Principles for the Town's General Plan 2040. The specific goal, as determined by the GPAC, was to provide 2,000 new residential units.

On December 12, 2019, the GPAC met to discuss the proposed land use alternatives and provide guidance on an upcoming Community Workshop. The consultants provided four land use alternative concepts (A, B, C, and D) designed to accommodate future housing growth. The description and analysis of the alternatives was provided to the GPAC in a Land Use Alternatives Report (available online: www.losgatos2040.com/documents.html).

The four alternatives vary based on certain assumptions, including height, density, and the redevelopment rate for each of the land use designations included in the analysis. In addition, the consultant identified seven opportunity areas where there is capacity to accommodate additional residential density due to the proximity of commercial services and/or employment centers to support additional development. The allowed density and redevelopment rates are set at a higher level for properties within the opportunity areas.

As described in the Land Use Alternatives Report, the preferred land use alternative could be one of the four alternatives described in the report (Alternative A, B, C, or D), or could be a combination of features from different alternatives.

DISCUSSION (continued):

On January 16, 2020, the Town hosted the second Community Workshop for the General Plan update process. The Community Workshop was held to inform the community about the

General Plan update process and obtain feedback regarding the land use alternatives. A summary of the Community Workshop and online feedback collected over the following two weeks is included as Attachment 1, Exhibit 10.

On January 30, 2020, the GPAC met to develop a preferred land use alternative recommendation. The GPAC received comparison tables for the four land use alternatives (Attachment 1, Exhibits 7, 8, and 9) to assist with its deliberations.

The GPAC had a robust discussion regarding the alternatives and the implications for development within Los Gatos. The GPAC considered eliminating Alternatives A and D from consideration because A did not achieve the housing target and D was too aggressive. Major topics of the discussion included:

- The need to meet the housing target by providing opportunities for a variety of housing strategies;
- The density range for the Low Density Residential land use designation;
- Compatible interface of development on major corridors with adjacent neighborhoods;
- Whether an entire opportunity area had redevelopment potential;
- Historic preservation;
- The additional regulatory controls in the Town's Zoning Code that would work in concert with implementation of the General Plan to maintain the Town's urban form in existing residential neighborhoods; and
- Opportunities for mixed-use in downtown.

The GPAC passed a motion (7-2 with Committee Members Quintana and Rosenberg opposed, and Committee Members Burch and Jarvis absent) to recommend Alternative C as a framework for the General Plan update with the addition of downtown as an eighth opportunity area. The General Plan update consultants have created a description of the recommended GPAC land use alternative framework (Attachment 1, Exhibit 11).

The GPAC recommendation is the outcome of their discussions and consideration of the approved Vision and Guiding Principles. The overarching framework provides Los Gatos with more housing opportunities and a menu of housing strategies. In this way, particular housing types would be available to and appropriate in certain geographic locations. For example, a duplex could be accommodated within the "shell" of an existing single-family home in a predominately single-family neighborhood, while vertical mixed use development might be more fitting for commercial corridors, such as Los Gatos Boulevard.

DISCUSSION (continued):

This approach maintains the unique character of Los Gatos, its historic neighborhoods, and business areas while creating opportunities to adapt to State requirements, create housing choices for seniors, millennials, and others to live in Town, and better integrate land use and transportation.

The preferred alternative is a framework. As the GPAC works on the Land Use Element and other content of the General Plan update, the GPAC may refine the specific application of height and density increases within and outside the identified Opportunity Areas.

On February 26, 2020, the Planning Commission met to discuss the GPAC preferred land use alternative framework recommendation. The Planning Commission received public comments that included concerns about increased heights and traffic, and support for missing middle type density and more housing downtown. The Planning Commission had a robust discussion regarding the alternatives and the implications for development within Los Gatos. Major topics of the discussion included:

- The General Plan timeframe, and why this plan has a 20-year timeframe;
- The order of the General Plan update process, particularly how the preferred land use alternative supports updates of the land use goals and policies;
- Height limits, and the potential for State density bonuses that could allow greater heights;
- The RHNA requirements, and the Town's housing needs; and
- The characterization of the potential traffic impacts of the alternatives.

Verbatim minutes are included as Attachment 2. The Planning Commission voted unanimously to recommend approval of the GPAC recommended preferred land use alternative, with a comment that the Planning Commission expects that further analysis and discussion on these topics will be part of the goals and policy development.

On March 4, 2020, the League of California Cities published an article online describing a housing production proposal supported by the League's board of directors by a near-unanimous vote in February 2020. The article is available online here:

<https://www.cacities.org/Top/News/News-Articles/2020/March/League-of-California-Cities-Unveils-Bold-Housing-P>

PUBLIC COMMENTS:

No written public comments have been received.

CONCLUSION:

Based on the recommendation of the GPAC and Planning Commission, staff recommends that the Town Council review and approve the Preferred Land Use Alternative Framework described in Attachment 1, Exhibit 11.

ALTERNATIVES:

Alternatively, Town Council can:

1. Approve the draft Preferred Land Use Alternative Framework with modifications; or
2. Remand the Preferred Land Use Alternative Framework to the GPAC or Planning Commission with specific direction; or
3. Deny the Preferred Land Use Alternative Framework and keep the existing General Plan land use regulations; or
4. Continue the matter to a date certain with specific direction.

COORDINATION:

This report has been coordinated with the Town Manager's Office.

FISCAL IMPACT:

This action has no fiscal impact. Funding for the General Plan update comes from the General Plan update fund. Sufficient funds are available in this account.

PUBLIC OUTREACH:

The Los Gatos General Plan update process has so far included the following outreach activities and other opportunities for community participation:

- All-hands kick-off meeting (August 23, 2018);
- Launch of the General Plan update website: losgatos2040.com (early September 2018);
- EngagementHQ (Topics and surveys opened October 1, 2018);
- Newsletter #1 General Plan Overview (October 1, 2018);
- Community Workshop #1: Assets, Issues, Opportunities, and Vision (October 17, 2018);
- GPAC Meeting #1 (October 30, 2018);
- GPAC Meeting #2 (December 11, 2018);
- Democracy Tent Presentation (March 14, 2019);
- Background Report (March 15, 2019);
- Newsletter #2: Background Report Summary (March 20, 2019);
- Spring into Green Booth (April 14, 2019);

PUBLIC OUTREACH (continued):

- GPAC Meeting #3 (April 23, 2019);
- GPAC Meeting #4 (April 30, 2019);
- GPAC Meeting #5 (May 23, 2019);
- GPAC Meeting #6 (June 20, 2019);
- Planning Commission Meeting on Vision Statement and Guiding Principles (July 10, 2019);
- GPAC Meeting #7 (June 18, 2019);
- GPAC Meeting #8 (August 15, 2019);
- Town Council Meeting on Vision Statement and Guiding Principles (August 20, 2019);
- Land Use Alternatives Report (December 2019);
- GPAC Meeting #9 (December 12, 2019);
- Community Workshop #2: Land Use Alternatives (January 16, 2019);
- GPAC Meeting #10 (January 30, 2020);
- Planning Commission Meeting on Preferred Land Use Alternative Framework (February 26, 2020); and
- GPAC Meeting #11 (March 5, 2020).

Additional outreach activities have included informational booths at the Farmers Market, the Library, and Music in the Park during Summer 2019.

ENVIRONMENTAL ASSESSMENT:

The Planning Commission's recommendation to the Town Council has no effect on the environment and is not subject to the California Environmental Quality Act (CEQA). A final decision on the preferred land use alternative will be considered as part of the approval of the 2040 General Plan. An Environmental Impact Report will be prepared as part of the General Plan update process.

Attachments:

1. February 26, 2020 Planning Commission Staff Report with Exhibits 1 - 11
2. February 26, 2020 Planning Commission Verbatim Minutes



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/26/2020

ITEM NO: 2

DATE: February 21, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Recommend a Preferred Land Use Alternative Framework for the General Plan Update to the Town Council.

RECOMMENDATION:

Recommend a preferred land use alternative framework for the General Plan update to the Town Council.

BACKGROUND:

The Town of Los Gatos is in the process of updating its long range, comprehensive General Plan that looks forward to the year 2040. The Town Council appointed a General Plan Update Advisory Committee (GPAC) consisting of two Council Members, three Planning Commissioners, members of the General Plan Committee, and other residents. The GPAC is advisory to the Planning Commission and Town Council. All GPAC staff reports are available online: www.losgatosca.gov/13/Agendas-Minutes

Key milestones are brought to the Planning Commission for its recommendation(s) to the Town Council. The purpose of this agenda item is for the Planning Commission to consider forwarding the GPAC's recommendation on a preferred land use alternative to the Town Council. This report focuses on the development of the preferred land use alternative through the work of the GPAC.

DISCUSSION:

The identification of a preferred land use alternative is an important step in the General Plan update. The preferred alternative becomes the framework for the preparation of the 2040 General Plan Land Use Element and informs the other required Elements, including Open Space, Sustainability, and Mobility. The alternative provides high level guidance regarding the

PREPARED BY: Jennifer Armer, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

DISCUSSION (continued):

type and location of land uses, in combination with the Town Vision and Guiding Principles (approved by Town Council on August 20, 2019) to guide the development of General Plan goals, policies, and action items through the conclusion of the update process.

On June 20, 2019, July 18, 2019, and August 15, 2019, the GPAC met to discuss and provide direction for draft land use alternatives. As part of the materials provided for these discussions, the GPAC received an excerpt of the 2020 General Plan land use designations (Exhibit 1), an excerpt of the Background Report, Section 3.3: Existing General Plan Land Use Designations (Exhibit 2), a summary of the Regional Housing Needs Allocation (RHNA) objectives and factors (Exhibit 3), information about Missing Middle Housing (Exhibit 4), and a booklet of housing type examples (Exhibit 5).

In addition, the Town Council approved the Vision and Guiding Principles in August 2019 (Exhibit 6) which also informed the development of the preferred land use alternative.

The GPAC discussed the importance of maintaining the Town's diverse economy, its commercial and industrial businesses, and potential for new enterprises. As such, most of the GPAC discussions and direction focused on how the Town could meet its expected State mandates to plan for significant amounts of new housing in a way that would implement the Town Vision and Guiding Principles for the Town's General Plan 2040. The specific goal, as determined by the GPAC, was to provide 2,000 new residential units.

On December 12, 2019, the GPAC met to discuss the proposed land use alternatives and provide guidance on an upcoming Community Workshop. The consultants put forward four land use alternative concepts (A, B, C, and D) designed to accommodate future housing growth. The description and analysis of the alternatives was provided to the GPAC in a Land Use Alternatives Report (available online: www.losgatos2040.com/documents.html).

The four alternatives vary based on certain assumptions, including height, density, and the redevelopment rate for each of the land use designations included in the analysis. In addition, the consultant identified seven opportunity areas where there is capacity to accommodate additional residential density due to the proximity of commercial services and/or employment centers to support additional development. The allowed density and redevelopment rates are set at a higher level for properties within the opportunity areas.

As described in the Land Use Alternatives Report, the preferred land use alternative could be one of the four alternatives described in the report (Alternatives A, B, C, or D), or could be a combination of features from several alternatives.

On January 16, 2020, the Town hosted the second Community Workshop for the General Plan update process. The Community Workshop was held to inform the community about the

DISCUSSION (continued):

General Plan update process and obtain feedback regarding the land use alternatives. A summary of the Community Workshop and online feedback collected over the following two weeks is included as Exhibit 10.

On January 30, 2020, the GPAC met to develop a preferred land use alternative recommendation. The Committee received a comparison table of the four land use alternatives (Exhibits 7, 8, and 9) to assist with its deliberations.

The GPAC had a robust discussion regarding the alternatives and the implications for development within Los Gatos. The Committee eliminated Alternatives A and D from consideration because A did not achieve the housing target and D was too aggressive. Major features of the discussion included:

- The need to meet the housing target by providing opportunities for a variety of housing strategies;
- The density range for the Low Density Residential land use designation;
- Compatible interface of development on major corridors with adjacent neighborhoods;
- Whether an entire opportunity area had redevelopment potential;
- Historic preservation;
- The additional regulatory controls in the Town's Zoning Code that would work in concert with implementation of the General Plan to maintain the Town's urban form in existing residential neighborhoods; and
- Opportunities for mixed use in downtown.

The GPAC passed a motion (7-2 with Quintana and Rosenberg opposed, and Burch and Jarvis absent) to recommend Alternative C as a framework for the General Plan update with the addition of downtown as an eighth opportunity area. The General Plan update consultants have created a description of the recommended GPAC land use alternative framework (Exhibit 11).

The GPAC recommendation is a logical outcome of the Committee's discussions and consideration of the approved Vision and Guiding Principles. The overarching framework provides Los Gatos with more housing opportunities and a menu of housing strategies. In this way, particular housing types would be available to and appropriate in certain geographic locations. For example, a duplex could be accommodated within the "shell" of an existing single-family home in a predominately single-family neighborhood, while vertical mixed use development might be more fitting for commercial corridors, such as Los Gatos Boulevard.

This approach maintains the unique character of Los Gatos, its historic neighborhoods, and business areas while creating opportunities to adapt to State requirements, create housing

DISCUSSION (continued):

choices for seniors, millennials, and others to live in Town, and better integrate land use and transportation.

The preferred alternative is a framework. As the GPAC works on the Land Use Element and other content of the General Plan update, the GPAC may refine the specific application of height and density increases within and outside the identified Opportunity Areas.

CONCLUSION:

Based on the recommendation of the GPAC, staff recommends that the Planning Commission review the GPAC recommended preferred land use alternative framework included as Exhibit 11 and forward a recommendation to the Town Council for approval.

ALTERNATIVES:

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the GPAC recommended preferred land use alternative framework with modifications; or
2. Forward a recommendation to the Town Council for a different land use alternative; or
3. Continue the matter to a date certain with specific direction.

PUBLIC COMMENTS:

No written public comments have been received.

PUBLIC OUTREACH:

The Los Gatos General Plan update process has so far included the following outreach activities and other opportunities for community participation:

- All-hands kick-off meeting (August 23, 2018)
- Launch of the General Plan update website: losgatos2040.com (early September 2018)
- EngagementHQ (Topics and surveys opened October 1, 2018)
- Newsletter #1 General Plan Overview (October 1, 2018)
- Community Workshop #1: Assets, Issues, Opportunities, and Vision (October 17, 2018)
- GPAC Meeting #1 (October 30, 2018)
- GPAC Meeting #2 (December 11, 2018)
- Democracy Tent Presentation (March 14, 2019)
- Background Report (March 15, 2019)

PUBLIC OUTREACH (continued):

- Newsletter #2: Background Report Summary (March 20, 2019)
- Spring into Green Booth (April 14, 2019)
- GPAC Meeting #3 (April 23, 2019)
- GPAC Meeting #4 (April 30, 2019)
- GPAC Meeting #5 (May 23, 2019)
- GPAC Meeting #6 (June 20, 2019)
- Planning Commission Meeting on Vision Statement and Guiding Principles (July 10, 2019)
- GPAC Meeting #7 (June 18, 2019)
- GPAC Meeting #8 (August 15, 2019)
- Town Council Meeting on Vision Statement and Guiding Principles (August 20, 2019)
- Land Use Alternatives Report (December 2019)
- GPAC Meeting #9 (December 12, 2019)
- Community Workshop #2: Land Use Alternatives (January 16, 2019)
- GPAC Meeting #10 (January 30, 2020)

Additional outreach activities have included informational booths at the Farmers Market, the Library, and Music in the Park during Summer 2019.

CEQA:

The Planning Commission's recommendation to the Town Council has no effect on the environment and is not subject to the California Environmental Quality Act (CEQA). A final decision on the preferred land use alternative will be considered as part of the approval of the 2040 General Plan. An Environmental Impact Report will be prepared as part of the General Plan update process.

EXHIBITS:

1. 2020 General Plan Land Use Designations
2. Background Report Section 3.3: Existing General Plan Land Use Designations
3. RHNA Objectives and Factors
4. Missing Middle Housing Information
5. Booklet of Housing Type Examples
6. Council Approved Vision and Guiding Principles
7. Master Land Use Alternatives Comparison Table
8. Opportunity Area Dwelling Units by Alternatives Comparison Table
9. Assumptions, Development Standards, and Net New Dwelling Unit Comparison Table
10. Community Workshop #2 Summary
11. GPAC Recommended Preferred Land Use Alternative Summary

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playgrounds and neighborhood parks, country clubs, and natural open spaces. After Residential – Single Family land use, Open Space/Recreation comprises the second highest percentage of total land in Los Gatos. There are approximately 1,624 acres of open space in the Town and approximately 2,218 acres in the SOI. Much of this acreage is contained in four large facilities: St. Joseph’s Hill and Sierra Azul Open Space to the south of Los Gatos, and Vasona Lake County Park and La Rinconada Country Club to the north.

10. Vacant

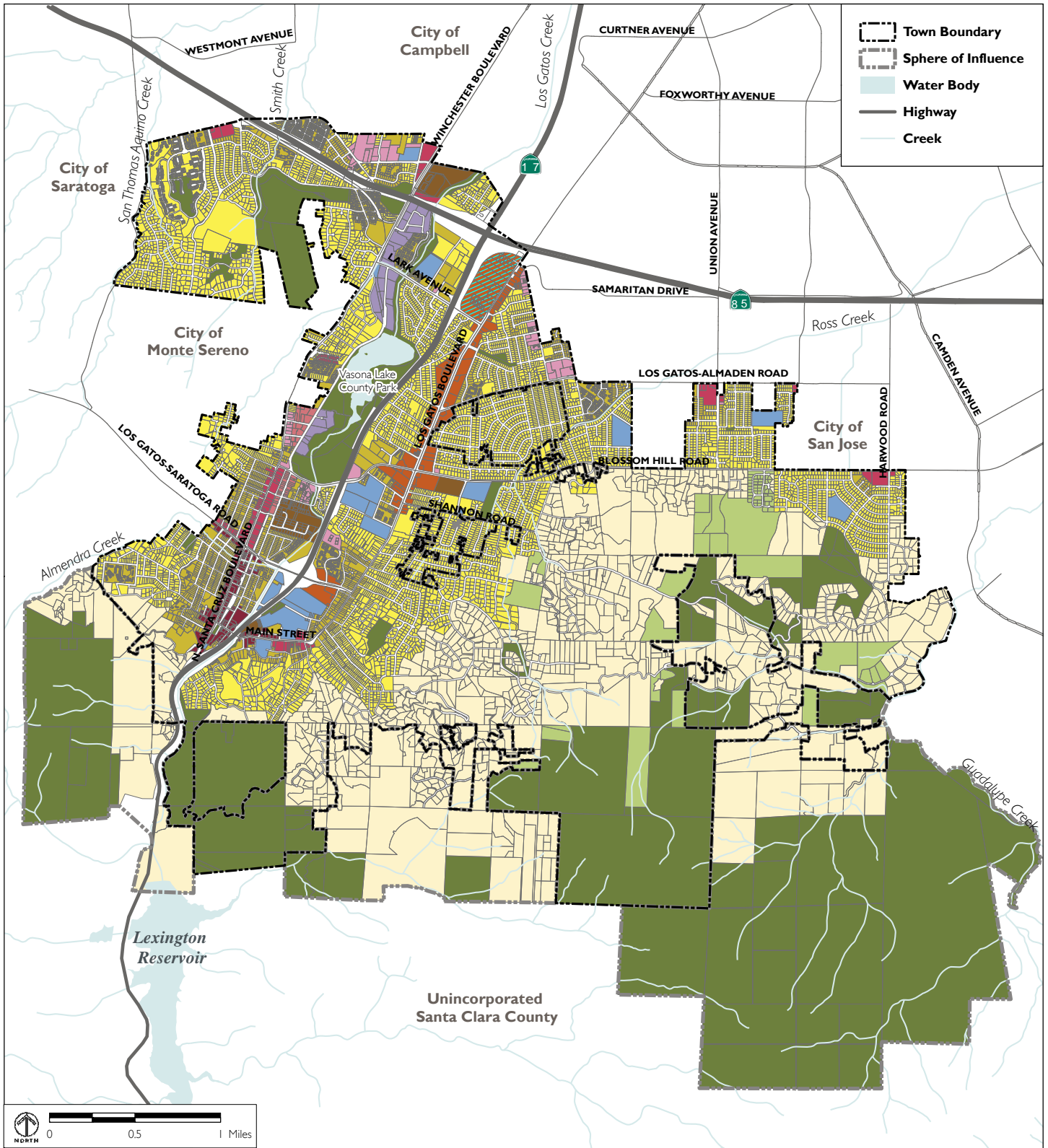
Approximately 292 acres within the Town are vacant parcels of varying sizes that are scattered throughout the Town. Most of the vacant acreage in Los Gatos is located in the single-family residential area on the eastern side of the Town. Parcels here are generally larger than they are elsewhere in Los Gatos, and a number of significantly sized parcels are vacant. Generally, vacancies are more common in residential areas of Los Gatos than in commercial areas, although a few small, isolated commercial vacancies exist. Additionally, the SOI contains approximately 107 acres of vacant property.

E. General Plan Land Use Designations

The Land Use Element is the basis for physical development in Los Gatos. The land use map and designations identify the general location, density, and extent of land available for residential and non-residential uses. Land use designations do not necessarily reflect the existing land use of each parcel. Figure LU-3 presents a map of the land use designations in Los Gatos. Each land use designation is listed and described below.

1. Residential Land Use Designations

This section provides a brief description of each residential land use designation and the desirable range of density for each designation.



Source: Town of Los Gatos, 2008; Santa Clara County Office of the Assessor, 2008.

| | | | |
|---------------------------------|----------------------------------|----------------------------|--|
| General Plan Land Use | High Density Residential | Service Commercial | Agriculture |
| Hillside Residential | Mixed-Use Commercial | Office Professional | Open Space |
| Low Density Residential | Central Business District | Light Industrial | North Forty Specific Plan Overlay |
| High Density Residential | Neighborhood Commercial | Public | |

FIGURE LU-3

- a. Hillside Residential: 0-1 dwelling units per net acre

Up to 3.5 persons per acre

The Hillside Residential designation provides for very low density, rural, large lot or cluster, single-family residential development. This designation allows for development that is compatible with the unique mountainous terrain and vegetation of parts of Los Gatos.

- b. Low Density Residential: 0-5 dwelling units per net acre

Up to 17.5 persons per acre

The Low Density Residential designation provides for single-family residential properties located on generally level terrain. It encourages single-family residential development in either the standard development established by traditional zoning or by innovative forms obtained through planned development.

- c. Medium Density Residential: 5-12 dwelling units per net acre

Up to 24 persons per acre

The Medium Density Residential designation provides for multiple-family residential, duplex, and/or small single-family homes.

- d. High Density Residential: 12-20 dwellings per net acre

Up to 40 persons per acre

The High Density Residential designation provides for more intensive multi-family residential development. Its objective is to provide quality housing in close proximity to transit or a business area.

- e. Mobile Home Park: 5-12 dwellings per net acre

Up to 24 persons per acre

The Mobile Home Park designation provides for mobile home parks. The intent is to provide and preserve Mobile Home Parks as a source of affordable housing. This designation is described in this Element; however, it is not represented on the accompanying General Plan Land Use Map.

2. Non-Residential Land Use Designations

For non-residential land uses, the specific uses mentioned are illustrative, and other compatible uses, including those authorized in any other Zoning District within the Town, may be permitted where authorized by a Conditional Use Permit or Planned Development Overlay Zone. In a mixed-use project residential uses may be permitted in conjunction with other permitted uses in non-residential Zoning Districts with the exception of the Commercial Industrial and Controlled Manufacturing Zoning Districts. For non-residential land uses, building intensity limits are indicated by either allowable land coverage or floor area ratio(FAR) and a maximum height limit.

- ◆ Office Professional: Up to 50 percent land coverage with a 35-foot height limit

The Office Professional designation provides for professional and general business offices. This designation applies to various locations throughout the Town, often in close proximity to neighborhood- or community-oriented commercial facilities, or as a buffer between commercial and residential uses. The intent of this designation is to satisfy the community's need for general business and professional services and local employment.

- ◆ Central Business District: 0.6 FAR with a 45-foot height limit

The Central Business District designation applies exclusively to the downtown and accomplishes the following:

- ◆ Encourages a mixture of community-oriented commercial goods, services and lodging unique in its accommodation of small-town style merchants and maintenance of small-town character.
- ◆ Maintains and expands landscaped open spaces and mature tree growth without increasing setbacks.
- ◆ Integrates new construction with existing structures of historical or architectural significance and emphasizes the importance of the pedestrian.

- ◆ Mixed-Use Commercial: Up to 50 percent land coverage with a 35-foot height limit

The Mixed-Use Commercial designation permits a mixture of retail, office, and residential in a mixed-use project, along with lodging, service, auto-related businesses, non-manufacturing industrial uses, recreational uses, and restau-

rants. Projects developed under this designation shall maintain the small-town, residential scale and natural environments of adjacent residential neighborhoods, as well as provide prime orientation to arterial street frontages and proper transitions and buffers to adjacent residential properties. This designation should never be interpreted to allow development of independent commercial facilities with principal frontage on the side streets.

- d. Neighborhood Commercial: Up to 50 percent land coverage with a 35-foot height limit

The Neighborhood Commercial designation provides for necessary day-to-day commercial goods and services required by the residents of the adjacent neighborhoods. This designation encourages concentrated and coordinated commercial development at easily accessible locations.

- e. Service Commercial: Up to 50 percent land coverage with a 35-foot height limit

The Service Commercial designation provides for service businesses necessary for the conduct of households or businesses. These include auto repair, building materials sales, paint suppliers, janitorial services, towing businesses, contractors offices and yards, launderers and dry cleaners, as well as wholesaling and warehousing activities.

- f. Light Industrial: Up to 50 percent land coverage with a 35-foot height limit

The Light Industrial designation provides for large-scale office developments and well-controlled research and development, industrial-park-type and service-oriented uses subject to rigid development standards. These uses should respond to community or region-wide needs.

- g. Public

The Public designation identifies public facilities in the Town such as the Civic Center, courthouse, schools, parks, libraries, hospitals, churches, and fire stations.

h. Agriculture

The Agricultural designation identifies areas for commercial agricultural crop production.

i. Open Space

The Open Space designation identifies the location of public parks, open space preserves, private preserves, and stream corridors.

F. Special Planning Areas

Development in Los Gatos can be targeted to achieve a more specific outcome by designating specific overlay zones and special planning areas. These areas have more detailed development guidelines that remain consistent with existing policies. Los Gatos has three overlay zones that implement land use policies through the Town Code, five Historic Districts, three Specific Plans, and one Redevelopment Project Area.

1. Overlay Zones

There are three overlay zones in the Town Code, the Landmark and Historic Preservation, Planned Development, and Public School Overlay Zones.

- ◆ **Landmark and Historic Preservation (LHP) Overlay Zone.** This zone is designated by Town Council and is applied to individual sites and structures or small areas deemed of architectural and/or historical significance. The structure(s) in LHP overlays are subject to special standards regarding their appearance, use, and maintenance.
- ◆ **Planned Development (PD) Overlay Zone.** The PD overlay zone is intended to ensure orderly planning and quality design that will be in harmony with the existing or potential development of the surrounding neighborhood. The Planned Development Overlay is a specially tailored development plan and ordinance which designates the zoning regulations for the accompanying project, sets specific development standards, and ensures that zoning and the General Plan are consistent. Commercial,

residential or industrial property or a mixture of these uses may be considered for a Planned Development Overlay.

- ◆ **Public School (PS) Overlay Zone.** The PS overlay zone is intended to allow school buildings to be used, without extensive exterior modifications, in ways which will make it unnecessary to sell school facilities. The overlay permits a variety of community-related and education-related uses, including, but not limited to, museums, community centers, playgrounds, and nursery schools. Any land owned by a public school district (regardless of underlying zone) may be zoned PS.

2. Historic Districts

The Town has established five historic districts to preserve neighborhoods deemed significant to the history of Los Gatos.

- ◆ **Almond Grove Historic District.** An approximately 40-acre area that constitutes the largest subdivision following incorporation of the Town of Los Gatos. This District was established by ordinance in 1980.
- ◆ **Broadway Historic District.** An approximately 100-acre area that is the site of the first residential subdivision and first residential street in the Town of Los Gatos. This District was established by ordinance in 1985.
- ◆ **Los Gatos Historic Commercial District.** Bounded by Elm Street to the north, Main Street to the south, Los Gatos Creek to the east, and North Santa Cruz Avenue to the west. The Town's only concentration of intact historic commercial buildings. It was established by ordinance in 1991.
- ◆ **Fairview Plaza Historic District.** Limited to the cul-de-sac termination of Fairview Plaza, part of an historic subdivision originally surveyed in 1885 known as the "Fairview Addition." The District retains the same configuration as originally mapped and contains a rare collection of Victorian and Craftsman homes, unique in their compact scale and proximity to one another. This District was established by ordinance in 1992.
- ◆ **University/Edelen Historic District.** Bounded by Saratoga Avenue to the north, Main Street to the south, Los Gatos Creek to the east, and the

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3.3 Existing General Plan Land Use Designations

The Los Gatos General Plan guides how land in the Town may be developed and used by designating each parcel of land for a particular use or combination of uses, as well as, by establishing broad development policies. Land use designations identify both the types of development (e.g., residential, commercial, industrial) that are permitted and the density or intensity of allowed development, such as the minimum or maximum number of housing units permitted on an acre of land, or the amount of building square footage allowed. This section identifies existing general plan land use designations, as outlined in the Town of Los Gatos 2020 General Plan.

Major Findings

- Hillside residential is the most common land use, accounting for approximately 40.0 percent (4257.1 acres) of the total land designated in the existing 2020 General Plan.
- Open space represents 28.9 percent (3091.2 acres) of the current 2020 General Plan land use area. Four large tracts in the southern half of the SOI account for a majority of open space land.
- Low-density residential is the third largest land use in the Town, accounting for 17.7 percent (1890.3 acres) of the total 2020 General Plan land use area.
- Commercial uses (Office, Neighborhood Commercial, Mixed-Use Commercial, Service Commercial, Central Business District, and Light Industrial) make up 3.4 percent (362.2 acres) of the land use area designated in the 2020 General Plan.

Existing Conditions

The 2020 General Plan includes 15 land use designations, which are relatively broad and intended to indicate the general type of activity that may occur on a site. Figure 3.3-1 shows the land use designations throughout the Town. Table 3.3-1 shows the total acreage per land use designation.

The 2020 General Plan designations, as described in the Land Use Element, are summarized below.

Hillside Residential District

The purpose of this designation is to allow for very-low density, rural, large lot, or cluster, single-family residential development that is compatible with the mountainous parts of the Town.

Density/Intensity

- Up to one dwelling unit per net acre
- Up to 3.5 persons per acre

Low-Density Residential

The purpose of this designation is to allow for low-density single-family residential development formed through standard zoning or through planned development.

Density/Intensity

- Up to five dwelling units per net acre
- Up to 17.5 persons per acre

Medium-Density Residential

The purpose of this designation is to allow for multi-family residential, duplex, and/or small single-family homes.

Density/Intensity

- Up to five to 12 dwelling units per net acre
- Up to 24 persons per acre

High-Density Residential

The purpose of this designation is to allow for intensive multi-family residential and to provide quality business and transit-oriented development.

Density/Intensity

- Up to 12 to 20 units per net acre
- Up to 40 persons per acre

Mobile Home Park

The purpose of this designation is to allow for affordable housing within mobile home parks. This designation is not represented on the 2020 General Plan Land Use Map.

Density/Intensity

- Five to 12 dwelling units per acre
- Up to 24 persons per acre

Office Professional

The purpose of this designation is to allow for professional and general business office uses. This designation applies to various locations throughout the Town. Locations are often near neighborhood or commercial-orientated facilities or serve as a buffer between commercial and residential uses. The intent of the designation is to meet community needs for general business and commercial services and provide local employment.

Density/Intensity

- Up to 50 percent land coverage
- 35-foot height limit

Neighborhood Commercial

The purpose of this designation is to allow for necessary day-to-day goods and services within close proximity of neighborhoods. This designation encourages concentrated and coordinated commercial development at easily accessible locations.

Density/Intensity

- 50 percent land coverage
- 35-foot height limit

Mixed-Use Commercial

The purpose of the Mixed-Use designation is to provide for a combination of residential, office, retail, commercial, non-manufacturing industrial, and recreation uses. This designation is for sites that are centrally located in Town and will not conflict with existing land uses.

Density/Intensity

- 50 percent land coverage
- 35-foot height limit

Service Commercial

The purpose of this designation is to allow for service-oriented businesses. Types of businesses allowed include auto repair, building materials sales, paint suppliers, janitorial services, towing businesses, contractors offices and yards, launderers and dry cleaners, as well as wholesaling and warehousing activities.

Density/Intensity

- 50 percent land coverage
- 35-foot height limit

Central Business District

The purpose of this designation is to encourage a mixture of community-orientated commercial goods and services within the downtown. This designation applies exclusively to the downtown, with the goal to accommodate and retain small-town merchants and preserve the Town's character. The District shall maintain and expand open spaces and mature tree growth without increasing setbacks, as well as, integrate new construction with existing structures of archeological and historical significance.

Density/Intensity

- 0.6 FAR
- 45-foot height limit

Light Industrial

The purpose of this designation is to allow for large-scale office developments, well-controlled research and development facilities, industrial parks and service-oriented uses subject to rigid development standards. These uses shall respond to the community and regional-wide needs.

Density/Intensity

- Up to 50 percent land coverage
- 35-foot height limit.

Public

The purpose of this designation is to allow for public facilities within the Town such as the Civic Center, courthouse, schools, parks, libraries, hospitals, churches, and fire stations.

Agriculture

The purpose of this designation is to allow for commercial agricultural crop production.

Open Space

The purpose of this designation is to allow for public parks, open space preserves, private preserves, and stream corridors.

Albright Specific Plan

The purpose of this designation is to provide land for the Albright Specific Plan as described in Section 3.5.

North 40 Specific Plan

The purpose of this designation is to provide land for the North 40 Specific Plan as described in Section 3.5.

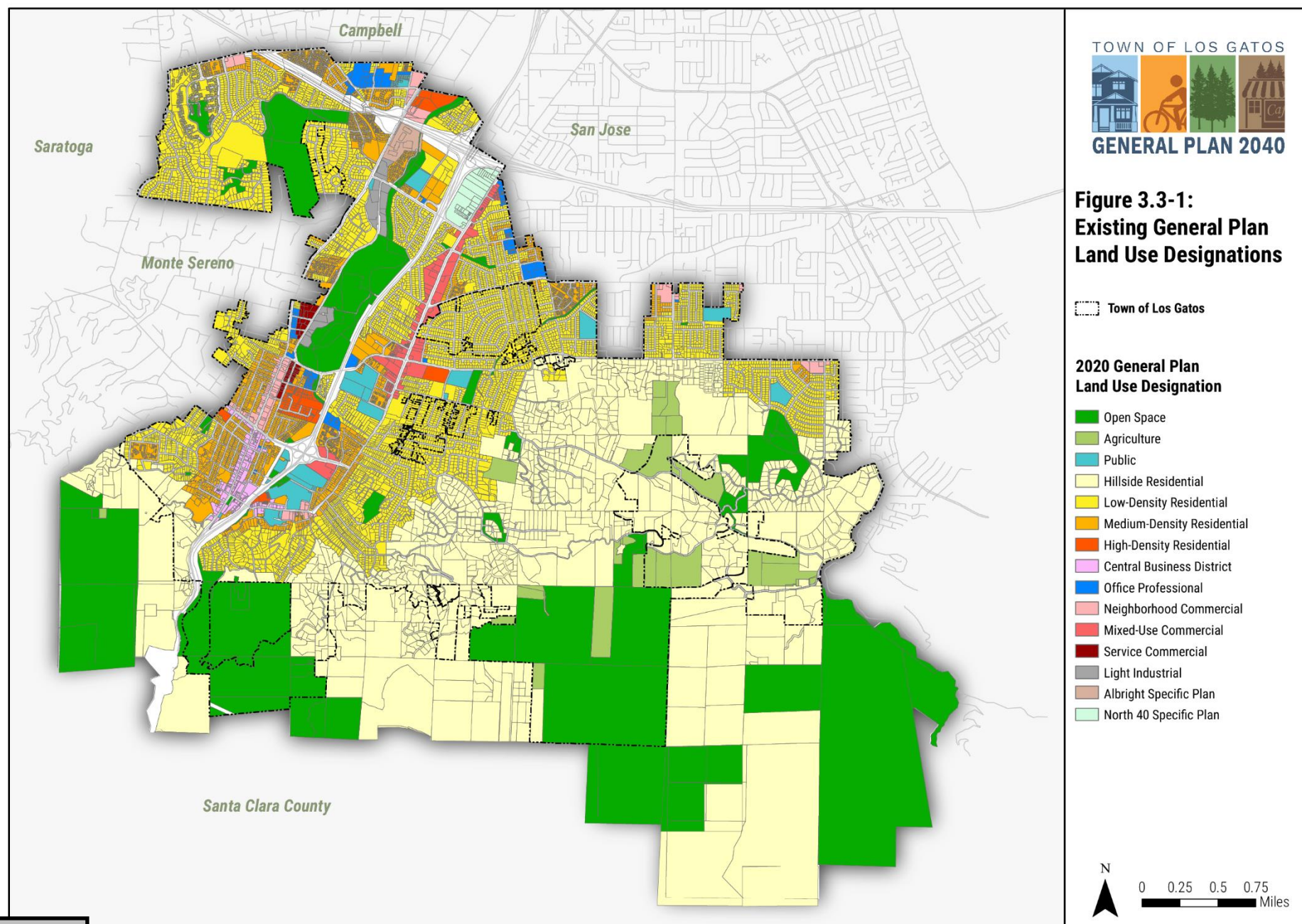


Table 3.3-1 General Plan Land Use Designation Summary

| Land Use Designation | | Density/Intensity | Acres | Percent of Total |
|------------------------|----------------------------|--|-----------------|------------------|
| HR | Hillside Residential | 0-1 du/ac | 4257.07 | 39.91% |
| LDR | Low-Density Residential | 0-5 du/ac | 1890.35 | 17.72% |
| MDR | Medium-Density Residential | 5-12 du/ac | 514.45 | 4.82% |
| HDR | High-Density Residential | 12-20 du/ac | 60.29 | 0.57% |
| MHP¹ | Mobile Home Park | 5-12 du/ac | 0.00 | 0.00% |
| O | Office Professional | Up to 50 percent land coverage 35-foot height limit | 65.05 | 0.61% |
| NC | Neighborhood Commercial | Up to 50 percent land coverage 35-foot height limit | 68.32 | 0.64% |
| MUC | Mixed-Use Commercial | Up to 50 percent land coverage 35-foot height limit | 100.11 | 0.94% |
| SC | Service Commercial | Up to 50 percent land coverage 35-foot height limit | 17.93 | 0.17% |
| CBD | Central Business District | 0.6 FAR 45-foot height limit | 48.50 | 0.45% |
| LI | Light Industrial | Up to 50 percent land coverage 35-foot height limit | 39.91 | 0.37% |
| P | Public | N/A | 135.40 | 1.27% |
| A | Agriculture | N/A | 311.88 | 2.92% |
| OS | Open Space | N/A | 3088.56 | 28.96% |
| A SP | Albright Specific Plan | | 24.99 | 0.23% |
| NF SP | North 40 Specific Plan | 0-20 | 43.70 | 0.41% |
| Total | | | 10666.51 | 100.00% |

Source: Town of Los Gatos, 2018; Mintier Harnish, 2018.

¹ The Town of Los Gatos has two mobile home parks that are designated Medium-Density Residential in the 2020 General Plan. The mobile home parks are currently not designated Mobile Home Park in the current General Plan as noted above in Table 3.1-1. The underlying zoning for both mobile home parks is Mobile Home Park Residential Zone (RMH) shown in Table 3.3-2.

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RHNA Objectives and Factors

Summary of RHNA Objectives *(from Government Code §65584(d) and (e))*

The regional housing needs allocation plan shall further all of the following objectives:

- (1) Increase housing supply and mix of housing types, tenure, and affordability all cities and counties within the region in an equitable manner
- (2) Promote infill development and socioeconomic equity, protect environmental and agricultural resources, encourage efficient development patterns, and achieve GHG reduction targets
- (3) Promote improved intraregional jobs-housing relationship, including balance between low-wage jobs and housing units affordable to low-wage workers in each jurisdiction
- (4) Balance disproportionate household income distributions (more high-income RHNA to lower-income areas and vice-versa)
- (5) Affirmatively further fair housing

Summary of RHNA Factors *(from Government Code §65584.04(d))*

- (1) Existing and projected jobs and housing relationship, particularly low-wage jobs and affordable housing
- (2) Lack of capacity for sewer or water service due to decisions outside the jurisdiction's control.
- (3) The availability of land suitable for urban development.
- (4) Lands protected from urban development under existing federal or state programs
- (5) County policies to preserve prime agricultural land.
- (6) The distribution of household growth assumed for regional transportation plans and opportunities to maximize use of public transportation and existing transportation infrastructure.
- (7) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county
- (8) The loss of units in assisted housing developments as a result of expiring affordability contracts.
- (9) The percentage of existing households paying more than 30 percent and more than 50 percent of their income in rent.
- (10) The rate of overcrowding.
- (11) The housing needs of farmworkers.
- (12) The housing needs generated by the presence of a university within the jurisdiction.
- (13) The loss of units during a state of emergency that have yet to be rebuilt or replaced at the time of the analysis.
- (14) The region's greenhouse gas emissions targets provided by the State Air Resources Board.

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What is Missing Middle Housing?

Opticos Design founder Daniel Parolek inspired a new movement for housing choice in 2010 when he coined the term “Missing Middle Housing,” a transformative concept that highlights a time-proven and beloved way to provide more housing and more housing choices in sustainable, walkable places.

Missing Middle Housing:

House-scale buildings
with multiple units
in walkable neighborhoods

These building types, such as duplexes, fourplexes and bungalow courts, provide diverse housing options to support walkable communities, locally-serving retail, and public transportation options. We call them “Missing” because they have typically been illegal to build since the mid-1940s and “Middle” because they sit in the middle of a spectrum between detached single-family homes and mid-rise to high-rise apartment buildings, in terms of form and scale, as well as number of units and often, affordability.



Missing Middle Housing is primarily about the form and scale of these buildings, designed to provide more housing choices in low-rise walkable neighborhoods, although it also tends to be more affordable than other new housing products currently being built.

And while they are “missing” from our new building stock, these types of buildings from the 1920s and 30s are beloved by many who have lived in them. Ask around, and your aunt may have fond memories of living in a fourplex as a child, or you might remember visiting your grandmother as she grew old in a duplex with neighbors nearby to help her out. And today, young couples, teachers, single, professional women and baby boomers are among those looking for ways to live in a walkable neighborhood, but without the cost and maintenance burden of a detached single-family home. Missing Middle Housing helps solve the mismatch between the available U.S. housing stock and shifting demographics combined with the growing demand for walkability.

We need a greater mix of housing types to meet differing income and generational needs. This is where Missing Middle Housing can change the conversation.”

— Debra Bassert, National Association of Home Builders

Opticos Design is driving a radical paradigm shift, urging cities, elected officials, urban planners, architects and builders to fundamentally rethink the way they design, locate, regulate, and develop homes. Americans want and need more diverse housing choices in walkable neighborhoods; homes that are attainable, sustainable, and beautifully designed.

This website is designed to serve as a collective resource for elected officials, planners and developers seeking to implement Missing Middle projects. You will find clear definitions of the types of housing that are best for creating walkable neighborhoods, as well as information on the unifying characteristics of these building types. You’ll also find information on how to integrate Missing Middle Housing into existing neighborhoods, how to regulate these building types, and pin-point the market demographic that demands them.

“If there’s one thing Americans love, it’s choices: what to eat, where to work, who to vote for. But when it comes where we live or how to get around, our choices can be limited. Many people of all ages would like to live in vibrant neighborhoods, downtowns, and Main Streets—places where jobs and shops lie within walking distance—but right now those places are in short supply. ‘Missing Middle’ Housing provides more housing choices. And when we have more choices, we create living, thriving neighborhoods for people and businesses.

— Lynn Richards, President and CEO of the Congress for the New Urbanism

What does the market want?

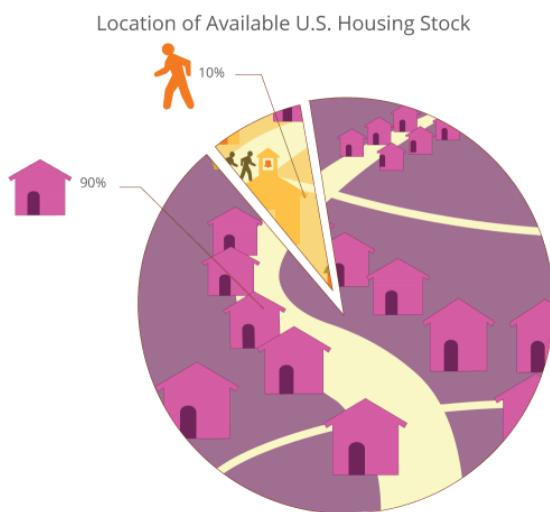
Demand for Housing Choice

A greater variety of household sizes and demographics require a greater variety of housing choices.

Young, highly educated, technology-driven **millennials** desire mobile, walkable lifestyles. They are willing to exchange space for shorter commutes, mixed-use neighborhoods, and shared open spaces that foster community interaction.

At the same time, **baby boomers** are working and living longer. They want to stay mobile and active in their later years, but they won't drive forever and don't want to be dependent on their family members to get around. They also want to find ways to stay in their community without having to care for a large home and yard.

Multigenerational homes have increased by 17% since 1940, and that number continues to rise. The growing senior population, more families with multiple working parents, diverse family cultures, and an increased desire to live in intergenerational neighborhoods all contribute to the growing demand for multigenerational and even multi-family households. Affluent seniors seek to downsize from their large suburban homes to more convenient, easy-to-care-for townhouses, apartments, or condos, while others need quality, affordable housing that won't break their limited budget. Many retirees would like to move close to, but not live with, their children and grandchildren.



The growing demand for a walkable lifestyle has the potential to transform sprawling suburbs into walkable communities.

90% of available housing in the U.S. is located in a conventional neighborhood of single-family homes, adding up to a 35 million unit housing shortage. Source: Dr. Arthur C. Nelson, "Missing Middle: Demand and Benefits," Utah Land Use Institute conference, October 21, 2014.

Walkable and Accessible Amenities

Up to 85% of households will be childless by 2025.

“This country is in the middle of a structural shift toward a walkable urban way of living. After 60 years of almost exclusively building a drivable suburban way of life ... the consumer is now demanding the other alternative,” wrote Christopher Leinberger in the *New York Times* article [“Car-Free in America? Bottom Line: It’s Cheaper.”](#)

By 2020, 34% of all American households will consist of a single person, and many of these will be women, or older persons. By 2025, up to 85% of households will be childless as millennials choose to marry later and have fewer children and the number of empty nester households continues to grow.

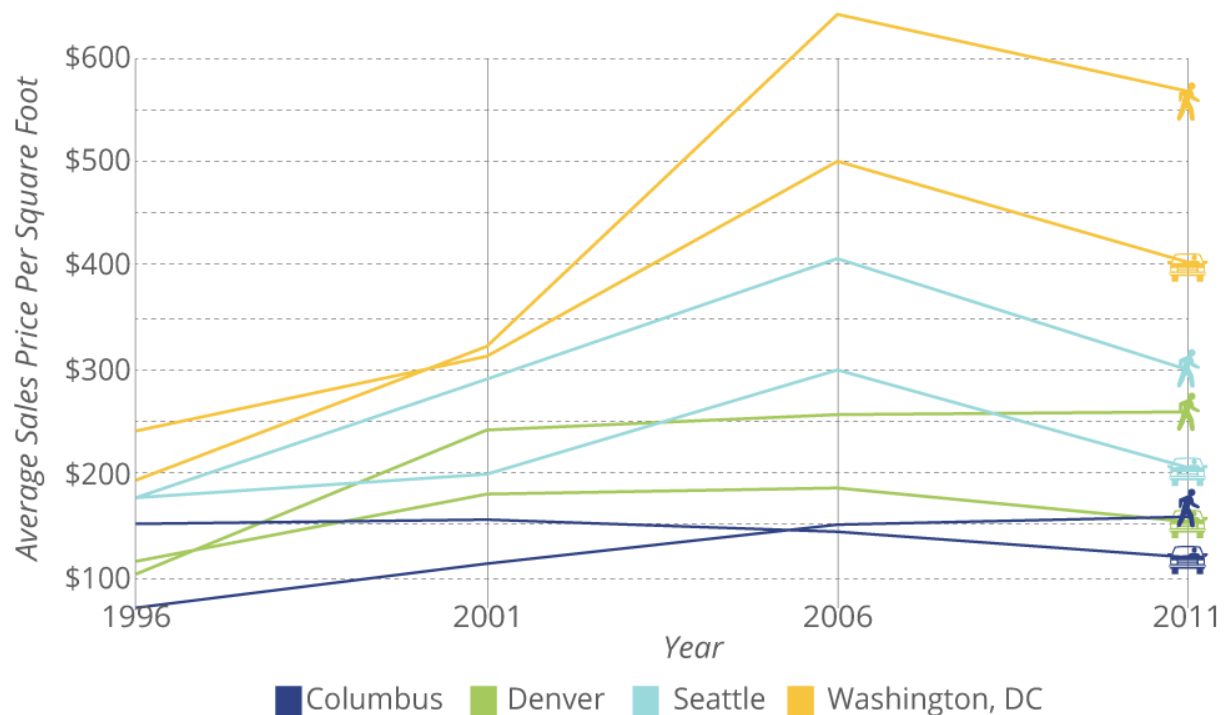
Housing trends show singles demand more amenities, and women and older persons who live alone generally seek housing options that offer better security. They also drive less, reducing the need for off-street parking in private garages or lots, and increasing the need for accessible public transportation.

“The present economic research finds that business wants talent, but talent wants place—so more businesses are relocating to places. When drilled further the research finds Missing Middle Housing is the fastest growing preference because it has the ‘place’ quality talent seeks. Hence development of Missing Middle is now recognized as a housing AND economic development strategy.”

— James Tischler, Michigan State Housing Development Authority

According to the National Association of Realtors, walkability is fast becoming one of the most important factors in choosing where to live. People want of all ages want easy access to amenities such as stores, businesses, cultural center, and transit. Homebuyers are seeking locations within walking distance to shopping, cultural amenities, jobs, and open space and the value of homes in these types of neighborhoods has increased at a much faster pace than homes in driveable suburban neighborhoods. “In a scenario where two houses are nearly identical, the one with a five-foot-wide sidewalk and two street trees not only sells for up to \$34,000 more, but it also sells in less time,” wrote J. Cortright, in CEOs for Cities’ [Walking the Walk: How Walkability Raises Home Values in U.S. Cities](#). But, as the chart at the right shows, now you don’t have to live in a dense urban center to live a walkable lifestyle. Some 70% of upcoming, walkable places in Washington D.C. are quaint neighborhoods located outside of the urban core.

Home Price Comparison Walkable vs. Drivable Neighborhoods



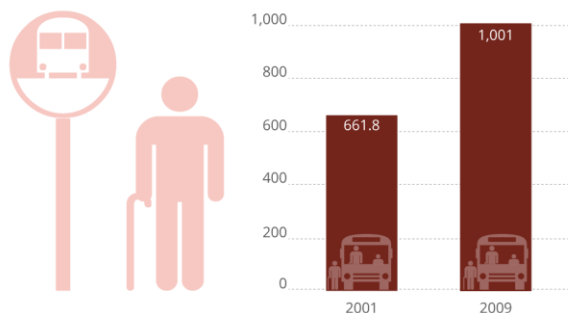
70% of walkable places in Washington D.C. are located outside the urban core.

Variety of Transportation

Accessibility to useful multimodal transit—public transportation, bike friendly streets, and car share—is needed by baby boomers and desired by millennials. But there is an economic argument, too.

“American families who are car-dependent spent 25% of their household income on their fleet of cars, compared to just 9% for transportation for those who live in walkable urban places,” [says Leinberger.](#)

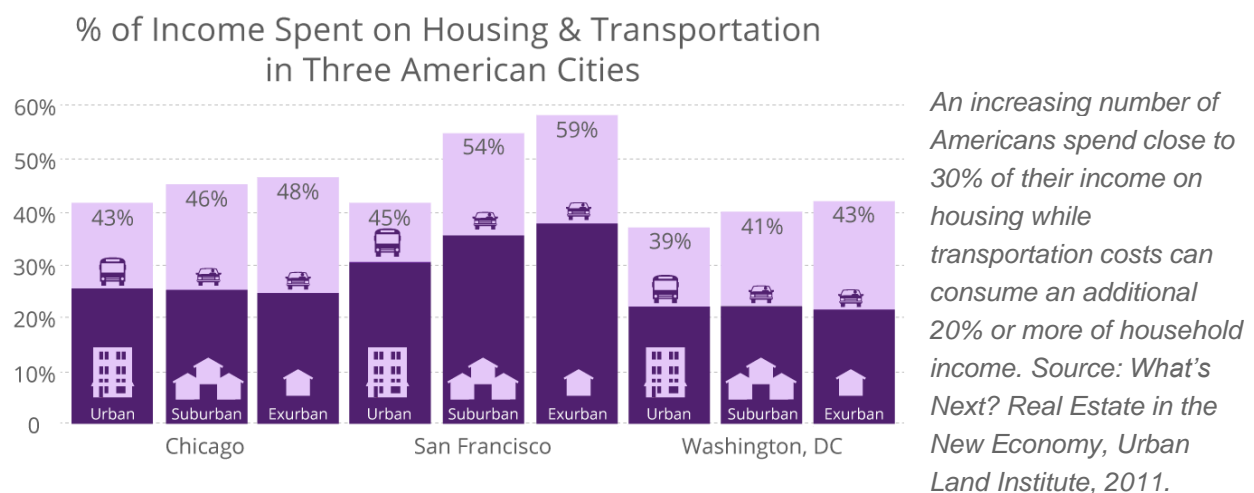
Trips by Seniors on Public Transportation in the U.S.



Walkable neighborhoods are now a top priority for seniors, along with access to transportation, and connectivity. Source: *What's Next? Real Estate in the New Economy*, Urban Land Institute, 2011; *Transportation for America*.

The same is true for bike friendly cities. According to the [Livable Street Alliance](#), as reported on the [AARP Livability Fact Sheet](#), the average American household spends more than \$8,000 a year on cars while the cost to maintain a bicycle is only about \$300 per year. These savings, which could amount into the billions if trends were widely adopted, could be reinvested into transit-oriented development and infrastructure, education, and health care.

Cities and property owners benefit from less car dependent zoning too. “An off-street parking space costs between \$3,000 and \$27,000 to build, and about \$500 a year to maintain and manage. On-street parking is more efficient and can bring in as much as \$300,000 per space in annual revenues,” writes Prof. Donald Shoup, in [Instead of Free Parking](#).



Affordability

Housing affordability is a primary concern for many Americans across the country ranging from blue-collar workers to early-career singles, young families and seniors. There is an increasing segment of the population that spends more than 30% of their income on housing, reducing their purchasing power for other amenities (*Source: What's Next? Real Estate in the New Economy, Urban Land Institute, 2011*).

Smaller homes and apartments cost less to rent or purchase and maintain, while urban neighborhoods provide services and amenities within walking distance as well as a variety of affordable transportation options.

Cities and towns that want to retain or attract these household types need to focus on providing diverse, affordable housing options near jobs, schools, and other amenities within walkable communities. In addition, suburbs that want to retain their aging populations and attract newer, younger families, will need to

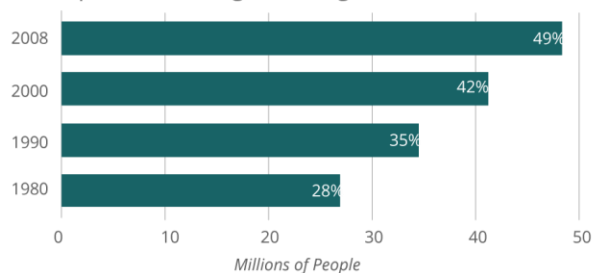
create new, walkable urban environments and encourage the construction of Missing Middle Housing through rezoning and by providing public transportation options.

Sense of Community

More and more, Americans say living in a diverse community that includes people at all stages of life is an important factor in determining where to live.

Seniors want to live near family and friends, but not with them. Missing Middle building types allow people to stay in their community throughout their lives because of the variety of sizes available and an increased accessibility to services and amenities.

% U.S. Population Living in Multigenerational Households



Almost 49% of Americans are living in a multigenerational household. Source: Pew Research Center analysis of U.S. Decennial Census and American Community Surveys.

According to Chris Leinberger in his article [“The Next Slum?” for The Atlantic](#), elements that used to draw families into the suburbs—better schools and safer communities—are now becoming the norm in cities, while these elements could worsen in suburbs that are dependent on home values and new development.

Housing market projections suggest that construction in the near future will accelerate only moderately for single-family housing but will greatly increase for multifamily housing (Source: Jordan Rappaport, [“The Demographic Shift From Single-Family to Multifamily Housing,” Economic Review, Kansas City: Federal Reserve Bank of Kansas City, 2013](#)). Implemented in both urban and rural contexts, Missing Middle Housing allows people to stay in their community during different stages of life because of the wide variety of sizes, housing levels, and accessibility it provides.

What are the characteristics of Missing Middle Housing?

Missing Middle Housing is not a new type of building. It is a range of building types that exist in cities and towns across the country and were a fundamental building block in pre-1940s neighborhoods. They are most likely present on some of your favorite city blocks—you may even have them in your own neighborhood.

Combined together (and usually with detached single-family homes), Missing Middle building types help provide enough households within walking distance to support public transit and local businesses, and they are found within many of the most in-demand communities in places like Denver, Cincinnati, Austin and San Francisco.

So what do Missing Middle building types have in common?



Development patterns in walkable urban neighborhoods make walking and biking convenient and support robust public transit. (Bouldin Creek neighborhood in Austin, TX.)

Walkable Context

Missing Middle housing types are best located in a walkable context. Buyers and renters of these housing types are often trading space (housing and yard square footage) for place (proximity to services and amenities).

Small-Footprint Buildings

These housing types typically have small- to medium-sized footprints, with a body width, depth and height no larger than a detached single-family home. This allows a range of Missing Middle types—with varying densities but compatible forms—to be blended into a neighborhood, encouraging a mix of socioeconomic households and making these types a good tool for compatible infill.



Missing Middle housing types generally have a similar size footprint to detached single-family homes.

Lower Perceived Density

Due to the small footprint of the building types and the fact that they are usually mixed with a variety of building types even on an individual block, the perceived density of these types is usually quite low—they do not look like dense buildings.

But one of the primary benefits of Missing Middle Housing is that it helps provide the number of households needed for transit and neighborhood-serving local businesses to be viable (typically about 16 dwelling units per acre).

“From the perspective of my work, Missing Middle Housing has a natural complement in MMP (missing middle plan), a.k.a. a ‘hybrid grid’ or as named it in my work, a Fused Grid ... The Fused Grid proposes a set of neighborhood modular layouts (reminiscent of Savannah) that incorporate all the desirable elements—livability, safety, security, sociability, and delight—as do MMH buildings.”

— Fanis Grammenos, Director of Urban Pattern Associates and author of “Remaking the City Street Grid – A Model for Urban and Suburban Development”

Smaller, Well-Designed Units

Most Missing Middle housing types have smaller units. The challenge is to create small spaces that are well designed, comfortable, and usable. The ultimate unit size will depend on the context, but smaller-sized units can help developers keep their costs down and attract a different market of buyers and renters who are not being provided for in all markets.



One characteristic of Missing Middle Housing is smaller, well-designed units. Courtesy: [The Cottage Company](#)

Fewer Off-street Parking Spaces

Because they are built in walkable neighborhoods with proximity to transportation options and commercial amenities, Missing Middle housing types do not need the same amount of parking as suburban housing. We typically recommend no more than one parking spot per unit, and preferably less. In fact, requiring more than one parking space per unit can make Missing Middle Housing infeasible to build. For example, if your zoning code requires two parking spaces per unit, a fourplex would require eight parking spaces, which would never fit on a typical residential lot. In addition, providing that much off-street parking for each fourplex would create a neighborhood of small parking lots rather than the desired neighborhood of homes. Finally, requiring too much parking means that fewer households can fit in the same amount of land, lessening the viability of transit and local businesses.

Simple Construction

Missing Middle Housing is simply constructed (wood-frame/Type V), which makes it a very attractive alternative for developers to achieve good densities without the added financing challenges and risk of more complex construction types. This aspect can also increase affordability when units are sold or rented.

As providing single family detached sub-\$200,000 starter homes is becoming increasingly out of reach for builders across the country, Missing Middle Housing can provide [an attractive and affordable alternative starter home](#).

Creates Community

Missing Middle Housing creates community through the integration of shared community spaces within the building type (e.g. [bungalow court](#)), or simply from being located within a vibrant neighborhood with places to eat, drink, and socialize.



This is an important aspect in particular considering the growing market of single-person households (nearly 30% of all households) that want to be part of a community.

Missing Middle housing types help to create walkable communities.

Marketable

Because of the increasing demand from baby boomers and millennials, as well as shifting household demographics, the market is demanding more vibrant, sustainable, walkable places to live. These Missing Middle housing types respond directly to this demand.

In addition, the scale of these housing types makes them more attractive to many buyers who want to live in a walkable neighborhood, but may not want to live in a large condominium or apartment building.

If there is land for beautifully-designed homes that fill a gap between stand-alone houses and mid-rise apartments, the smart thing to do is to fill it with housing types we've been missing in our market for so long."

— Heather Hood, Deputy Director, Northern California, Enterprise Community Partners

How does Missing Middle Housing integrate into blocks?

Missing Middle Housing [types](#) typically have a footprint not larger than a large detached single-family home, making it easy to integrate them into existing neighborhoods, and serve as a way for the neighborhood to transition to higher-density and main street contexts. There are a number of ways in which this can be accomplished:

Distributed throughout a block

Missing Middle Housing types are spread throughout the block and stand side-by-side with detached single-family homes. This blended pattern of detached single-family homes and Missing Middle Housing types, with densities up to 40 dwelling units per acre, works well because the forms of these types are never larger than a large house.



“For us, mixing housing types is important in today’s market. Buyers want choices, the investors and lenders want more flexibility in the projects, and planning officials expect a more thoughtful integration into the existing neighborhoods. The mixing of product provides a diverse community, enhances value, and it helps create the type of place our buyers are looking for today.”

— David Leazenby, Onyx+East

Placed on the end-grain of a block

Missing Middle Housing types are placed on the end-grain of a block with detached single-family homes, facing the primary street, which is often a slightly busier corridor than the streets to which the detached single-family homes are oriented. The most common condition is to have several [fourplex](#) units on the end grain lots facing the primary street. This configuration is usually located on the end grain of several continuous blocks adjacent to a neighborhood main

street, which increases the blended density to achieve the 16 dwelling units/acre necessary to support small, locally-serving commercial and service amenities.

This configuration allows for the use of slightly larger buildings because the Missing Middle housing types are not sitting next to detached single-family homes. In this block type, the alley to the rear of the lots also allows for a good transition in scale to the detached single-family home lots behind them. Often you will see a similar block configuration with one or two fourplexes on the corners of the end grain lots on the block.



Transitioning to a commercial corridor

Missing Middle Housing is excellent to transition from a neighborhood to a Main Street with commercial and mixed-use buildings. These types are generally more tolerant and better able to effectively mitigate any potential conflicts related to the proximity to commercial/retail buildings or parking lots behind commercial buildings.



Transitioning to higher-density housing

Smaller-scale Missing Middle Housing types are placed on a few of the lots that transition from the side street to the primary street, providing a transition in scale to the larger buildings on the end grain of the block along the primary street.



What's the best way to regulate Missing Middle Housing?

Hint: Conventional Zoning Doesn't Work

Conventional (Euclidean) zoning practice regulates primarily by land use or allowed activities, dividing neighborhoods into single-family residential, multifamily residential, commercial, office, etc. This separation of uses is the antithesis of mixed-use walkable neighborhoods. Along with use, the zones are often defined and controlled by unpredictable numeric values, such as floor area ratio (FAR) and density, which create all sorts of barriers to Missing Middle Housing.

For starters, Missing Middle Housing (MMH) is intended to be part of low-rise residential neighborhoods, which are typically zoned as “single-family residential” in conventional zoning. However, because MMH contains multiple units, it is, by definition, not allowed in single-family zones. On the other hand, most multifamily zones in conventional codes allow much bigger buildings (taller and wider) and also typically encourage lot aggregation and large suburban garden apartment buildings. The environments created by these zones are not what Missing Middle Housing is intended for.

In addition, density-based zoning doesn't work with the blended densities that are typical in neighborhoods where Missing Middle Housing thrives. MMH are similar in form and scale to detached single-family homes, but because they include more units, they often vary dramatically in their densities, making them impossible to regulate with a density-based system. For example, a bungalow court can have densities of up to 35 dwelling units per acre even though the buildings are only one story tall, because the size of each cottage is only 25 feet by 30 feet. So if a zoning district sets a maximum density of 20 dwelling units per acre, it would not allow the bungalow court type. On the other hand, if the zoning district has a maximum density of 35 dwelling units per acre with few or no additional form standards, every builder/developer will max out a lot with a large, out-of-scale apartment building, rather than building the bungalow court the neighborhood would prefer.

And one more thing: density-based zoning treats all units the same regardless of size. This means that a 3,500-square-foot unit is considered the same as a 600-square-foot unit for calculations such as density, parking and open space, thus discouraging much-needed smaller units. For example, a fourplex with four 600sf units would require four times the parking and open space as a 2,400sf detached

single-family home, even though the size of the building is the same, typically making the fourplex infeasible to fit on a typical lot.



This Alameda, CA neighborhood has several Missing Middle housing types on each block.

The Alternative: Form-Based Coding

[Form-Based Coding](#) is a proven alternative to conventional zoning that effectively regulates Missing Middle Housing. Form-Based Codes (FBCs) remove barriers and incentivize Missing Middle Housing in appropriate locations in a community.

FBCs represent a paradigm shift in the way that we regulate the built environment, using physical form rather than a separation of uses as the organizing principal, to create predictable, built results and a high-quality public realm.

The Form-Based Approach to Regulating Missing Middle Housing

Regulating Missing Middle Housing starts by defining a range of housing types appropriate for the community based on the community's existing physical patterns, climate, and other considerations, as part of the early Community Character Analysis phase of a planning and Form-Based Coding project.

| Specific to Building Types | | 1703-3.30 | 1703-3.30 | Specific to Building Types | | | |
|---|---------------|-----------|-----------|---|---------------|--|--|
| Table 1703-3.30-A: Building Types General | | | | Table 1703-3.30-B: Building Types General (continued) | | | |
| Building Type | Transect Zone | | | Building Type | Transect Zone | | |
|  Carriage House. This building type is an accessory structure, typically located at the rear of a lot. It is typically provides either a residential home office space or other small commercial or service use that may be above a garage or on a ground level. This type is important for providing affordable housing opportunities and creating a vibrant business district within existing neighborhoods. | TBC | | |  Bungalow. This building type is a small, one-story detached structure that typically contains the contents of 2-4 bedrooms about 1,000 sq. ft. of living space, and a detached garage. The type may also be used for small-scale commercial or service use. The type is typically located in a residential neighborhood and is important for providing a variety of housing options and creating a vibrant business district within existing neighborhoods. | TBC | | |
|  Detached House, Medium. This building type is a medium-sized detached structure that typically contains the contents of 2-4 bedrooms, about 1,000 sq. ft. of living space, and a detached garage. The type is typically located in a residential neighborhood and is important for providing a variety of housing options and creating a vibrant business district within existing neighborhoods. | TBC | | |  Phillytown Row. This building type is a medium-sized detached structure that typically contains the contents of 2-4 bedrooms, about 1,000 sq. ft. of living space, and a detached garage. The type is typically located in a residential neighborhood and is important for providing a variety of housing options and creating a vibrant business district within existing neighborhoods. | TBC | | |
|  Detached House, Compact. This building type is a small detached structure that typically contains the contents of 2-4 bedrooms, about 1,000 sq. ft. of living space, and a detached garage. The type is typically located in a residential neighborhood and is important for providing a variety of housing options and creating a vibrant business district within existing neighborhoods. | TBC | | |  Phillytown Large. This building type is a medium-sized detached structure that typically contains the contents of 2-4 bedrooms, about 1,000 sq. ft. of living space, and a detached garage. The type is typically located in a residential neighborhood and is important for providing a variety of housing options and creating a vibrant business district within existing neighborhoods. | TBC | | |
|  Garage Court. This building type consists of a series of small detached structures, typically located at the rear of a lot. It is typically used for either a residential home office space or other small commercial or service use that may be above a garage or on a ground level. This type is important for providing affordable housing opportunities and creating a vibrant business district within existing neighborhoods. | TBC | | |  Rowed House. This building type is a medium-sized detached structure that typically contains the contents of 2-4 bedrooms, about 1,000 sq. ft. of living space, and a detached garage. The type is typically located in a residential neighborhood and is important for providing a variety of housing options and creating a vibrant business district within existing neighborhoods. | TBC | | |
|  Duplex. This building type is a small, two-story detached structure that typically contains the contents of 2-4 bedrooms, about 1,000 sq. ft. of living space, and a detached garage. The type is typically located in a residential neighborhood and is important for providing a variety of housing options and creating a vibrant business district within existing neighborhoods. | TBC | | |  Live/Work. This building type is a small, medium-sized detached structure that typically contains the contents of 2-4 bedrooms, about 1,000 sq. ft. of living space, and a detached garage. The type is typically located in a residential neighborhood and is important for providing a variety of housing options and creating a vibrant business district within existing neighborhoods. | TBC | | |

Key

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City of Cincinnati

Final Draft (2/15/21)

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Key

Table 1703-3.30-A

City of Cincinnati

Final Draft (2/15/21)

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Key

Table 1703-3.30-B

City of Cincinnati

Final Draft (2/15/21)

3-3

A building types page from Cincinnati's Form-Based Code

[illegible]

In addition for each type, there are typically supplemental form standards that are regulated to allow some of the individual aspects of certain MMH types while preventing overbuilding in terms of height and bulk. For example, a bungalow court type typically allows for more units, but has a maximum height of 1–1.5 stories, a maximum building footprint/unit size of around 800 square feet and a minimum size of courtyard. A Form-Based Code can regulate these fine-grained details, such that on a 100' by 100' lot, two fourplexes or a bungalow court with eight small, one-story units could be allowed, but not a single, larger eight-unit apartment building.

[illegible]

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“I want to thank you for your great work on Missing Middle Housing! It has been useful in my current research on policy reforms to support more affordable infill development in Victoria, B.C., and informing my report ‘Affordable Accessible Housing in a Dynamic City.’”

— Todd Litman, Victoria Transport Policy Institute

For more information about Form-Based Codes, see:

- *Form-Based Codes: A Guide to Planners, Urban Designers, Municipalities, and Developers*,
by Daniel Parolek, Karen Parolek, and Paul C. Crawford
- [Form-Based Codes Institute](#)
Form-Based Codes with Building Types to Reference:
- [Cincinnati, OH](#) (And read this [blog post](#) about the project)
- [Mesa, AZ](#) (Article 6: Form-Based Code)
- [Livermore, CA](#)

Or find out about our [Form-Based Coding services](#)

Illustration of the variety of places regulated by Flagstaff's Form-Based Code



HOUSING TYPE EXAMPLES

Los Gatos General Plan 2040 GPAC

EXHIBIT 5

Accessory Dwelling Units



Accessory dwelling units (ADUs) are an additional dwelling unit to a primary residence. They are known by many names: granny flats, in-law units, backyard cottages, secondary units, and more. ADUs are an innovative, affordable, effective option for adding much-needed housing. ADUs can be detached and newly constructed units, converted garages or basements, or built above a garage or workshop.



New Laws to Streamline ADU Construction

Over the past few years, the California legislature has made efforts to streamline ADU construction. This includes:

- Making ADU approval a ministerial action,
- Mandating that local governments approve ADU building permit requests if the ADU meets certain standards,
- Allowing ADUs to be built in all zoning districts that allow single-family uses,
- Eliminating ADU parking requirements, and
- Eliminating utility-related fee requirements.

Tiny Homes

The tiny-house movement is an architectural and social movement that promotes living simply, financial prudence, and safe, shared community experiences. Tiny homes are generally defined as residential structures **under 400 sq. ft.** They can be built on permanent foundations or trailers.

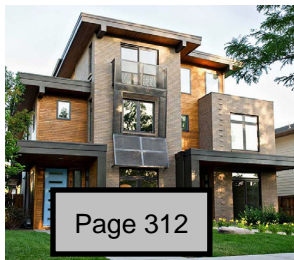


Duplexes



A duplex has **two** dwelling units **attached** to one another with separate entrances for each.

This includes two-story houses with a complete apartment on each floor and side-by-side apartments on a single lot that share a common wall.



Triplexes and Fourplexes

A triplex has **three** dwelling units **attached** to one another with separate entrances for each, while a fourplex has **four** dwelling units. This includes multi-story houses with a complete apartment on each floor and also side-by-side apartments on a single lot that share a common wall.



Townhouses



Townhouses are **single-family** dwelling units that usually have two or three floors that share a wall with another house. Unlike duplexes, triplexes, or fourplexes, each townhouse is **individually owned**.



Courtyard Apartment/Bungalow Court

A courtyard apartment consists of multiple side-by-side and/or stacked dwelling units that are centered around a shared outdoor open space or garden. Each unit may have its own individual entry, or several of the units may share a common entry.

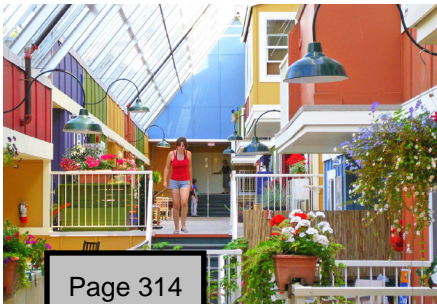
A bungalow court consists of a series of small, detached structures, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and is an important community-enhancing element.



Co-Housing



Co-housing is an intentional community of private homes clustered around shared space. Each attached or detached single-family home has traditional amenities, including a private kitchen. Shared spaces typically feature a common house, which may include a large kitchen and dining area, laundry, and recreational spaces.



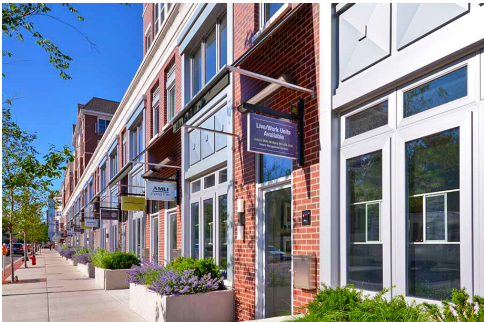
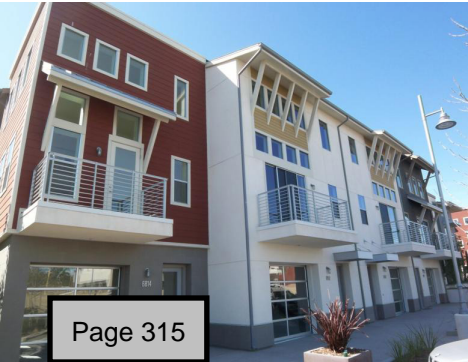
Micro Units



While there is no standard definition, a working definition of micro units is a small studio apartment, typically **less than 350 square feet**, with a fully functioning and accessibility compliant **kitchen and bathroom**. Under this definition, a 160-square-foot single-room-occupancy (SRO) unit that relies upon communal kitchen or bathroom facilities does not qualify as a micro unit.

Live/Work

Live/work units consist of a separate living space attached to a work space within the same unit that is occupied by the same tenant.



Single-Family Detached



A single-family detached home is a stand-alone structure that is maintained and used as a single dwelling unit.

Density Range: 1-5 dwelling units/acre
Height/Stories: 35 feet, 2 stories

Small Lot Single-Family Detached

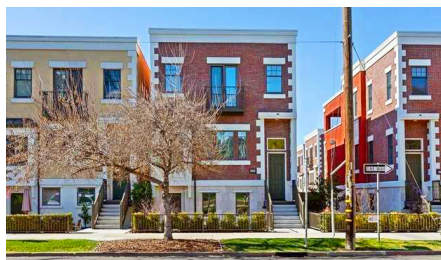


Small Lot Single-family detached homes with a smaller building footprint and lot size can accommodate more dwelling units per acre.



Density Range: 5-12 dwelling units/acre
Height/Stories: 35 feet, 2-3 stories

Compact Single-Family or Multifamily-Very Low



Compact Single-family detached homes with a smaller building footprint and lot size can be accommodate more dwelling units per acre. Similarly, multifamily-very low buildings can provide more dwelling units per acre.

Density Range: 12-20 dwelling units/acre
Height/Stories: 35-45 feet, 2-3 stories

Government Code Section 65583.2(c)(3)(B) allows the Town to use “**default density**” standards as a streamlined option to meet the **lower-income RHNA**. The default density for Los Gatos is **20 du/ac**.

Multifamily-Low



Multifamily buildings are designed to house several different families in separate housing units. They are commonly known as apartments or condominiums.

Density Range: 20-40 dwelling units/acre
Height/Stories: 35-50 feet, 2-4 stories

Multifamily-Medium

Multifamily buildings are designed to house several different families in separate housing units. They are commonly known as apartments or condominiums, depending on the ownership structure.

Density Range: 40-60 dwelling units/acre
Height/Stories: 40-60 feet, 3-5 stories



Multifamily-High



Multifamily buildings are designed to house several different families in separate housing units. They are commonly known as apartments or condominiums, depending on the ownership structure.

Density Range: 60+ dwelling units/acre
Height/Stories: 50-80 feet, 5-8 stories

Low-Intensity Mixed Use



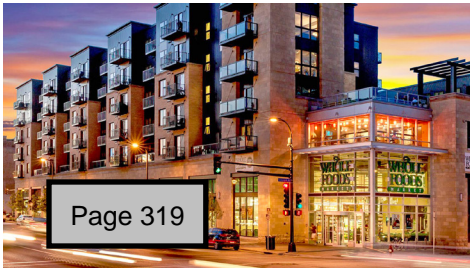
Mixed-use development blends two or more of the following land use types: residential, commercial, cultural, institutional, and/or industrial. Typically, these developments have commercial uses on the ground floor with residential units above.

- Density Range:** up to 60 dwelling units/acre
- Height/Stories:** 40-60 feet, 3-5 stories
- FAR Range:** 0.3 to 1.0

High-Intensity Mixed Use

Mixed-use development blends two or more of the following land use types: residential, commercial, cultural, institutional, and/or industrial. Typically, these developments have commercial uses on the ground floor with residential units above.

- Density Range:** 60+ dwelling units/acre
- Height/Stories:** 50-80 feet, 5-8 stories
- FAR Range:** 0.3 to 1.0



At their meeting on August 20, 2019, the Los Gatos Town Council approved a Vision Statement and set of Guiding Principles for the Los Gatos 2040 General Plan.

Vision

The Town of Los Gatos is a welcoming, family-oriented, and safe community nestled in the beautiful foothills of the Santa Cruz Mountains. The Town is a sustainable community that takes pride in its small-town character and provides a range of housing opportunities, historic neighborhoods, local culture and arts, excellent schools, and a lively and accessible downtown. Los Gatos offers a choice of mobility options, superior public facilities and services, and an open and responsive local government that is fiscally sound. Los Gatos has a dynamic and thriving economy that includes a mix of businesses throughout Town that serves all residents, workers, and visitors.

Guiding Principles

Transportation

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

Sustainability

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

Protect Natural Resources

Protect the natural resources and scenic assets that define Los Gatos, including open space preserves, recreational trails, surrounding hillsides, and natural waterways.

Fiscal Stability / Responsibility

Provide high quality municipal services to the Los Gatos community while sustaining the Town's long term fiscal health.

Government Transparency

Conduct governmental processes in an open manner and encourage public involvement in Town governance.

Community Vitality

Invigorate downtown Los Gatos as a special place for community gathering, commerce, and other activities for residents and visitors. Foster the economic vitality of all Los Gatos business locations. Preserve and enhance the Town's historic resources and character while guiding the community into the future.

Diverse Neighborhoods

Foster appropriate investments to maintain and enhance diverse neighborhoods, housing opportunities, and infrastructure to meet the needs of all current and future residents.

Inclusivity

Recognize the importance of and promote ethnic, cultural, and socio-economic diversity and equity to enhance the quality of life in Los Gatos.

Promote Public Safety

Maintain and enhance Los Gatos as a safe community through preparation and planning, education, and community design that is responsive to the full range of potential natural and man-made hazards and safety issues.

Master Land Use Alternatives Comparison Table

| | Alternative A | Alternative B | Alternative C | Alternative D |
|---|--|--|--|--|
| Population | | | | |
| Total Net New Population | 2,834 | 4,598 | 5,587 | 7,682 |
| Total Population | 3,974 | 5,738 | 6,727 | 8,822 |
| Total Projected 2040 Population | 34,969 | 36,733 | 37,722 | 39,817 |
| Housing | | | | |
| Net New Dwellings | 681 | 1,416 | 1,828 | 2,701 |
| Potential Net New Accessory Dwelling Units | 500 | 500 | 500 | 500 |
| Total Net New Dwelling Units | 1,181 | 1,916 | 2,328 | 3,201 |
| Pending/Approved Dwelling Units | 475 | 475 | 475 | 475 |
| Total Future Dwelling Units | 1,656 | 2,391 | 2,803 | 3,676 |
| Dwelling Units Per Land Use Designation | | | | |
| Low Density Residential (LDR) - in OA | 95 | 141 | 180 | 283 |
| Low Density Residential (LDR) - outside OA | 43 | 160 | 164 | 264 |
| Low Density Residential (LDR) - Total Dwelling Units | 138 | 301 | 344 | 547 |
| Medium Density Residential (MDR) - in OA | 129 | 166 | 166 | 258 |
| Medium Density Residential (MDR) - outside OA | 120 | 315 | 315 | 561 |
| Medium Density Residential (MDR) - Total Dwelling Units | 249 | 481 | 481 | 819 |
| High Density Residential (HDR) - in OA | 104 | 104 | 236 | 322 |
| High Density Residential (HDR) - outside OA | 54 | 81 | 98 | 98 |
| High Density Residential (HDR) - Total Dwelling Units | 158 | 185 | 334 | 420 |
| Neighborhood Commercial (NC) - in OA | 30 | 76 | 192 | 194 |
| Neighborhood Commercial (NC) - outside OA | 2 | 7 | 7 | 25 |
| Neighborhood Commercial (NC) - Total Dwelling Units | 32 | 83 | 199 | 219 |
| Mixed Use Commercial (MUC) - in OA | 91 | 345 | 21 | 630 |
| Mixed Use Commercial (MUC) - outside OA | 13 | 21 | 449 | 66 |
| Mixed Use Commercial (MUC) - Total Dwelling Units | 104 | 366 | 470 | 696 |
| Employment | | | | |
| Employment | 1,280 | 1,280 | 1,280 | 1,280 |
| Transportation | | | | |
| Traffic Congestion Increase Levels | Minimal Increase with 2 studied intersections seeing moderate increase in congestion | Minimal Increase with 3 studied intersections seeing moderate increase in congestion | Moderate increase with 4 studied intersections seeing moderate increase in | Moderate increase with 4 studied intersections seeing moderate increase in |
| Total Daily VMT (lower VMT better) | 1,245,000 | 1,259,000 | 1,267,000 | 1,284,000 |
| VMT per Service Population (lower VMT better) | 22.65 | 22.20 | 21.95 | 21.48 |
| Fiscal* | | | | |
| Annual Revenue | \$ 4,320,000.00 | \$ 5,796,000.00 | \$ 6,564,000.00 | \$ 8,378,000.00 |
| Annual Costs | \$ 3,710,000.00 | \$ 5,280,000.00 | \$ 6,264,000.00 | \$ 8,413,000.00 |
| Net Fiscal Impact | \$ 610,000.00 | \$ 516,000.00 | \$ 300,000.00 | \$ (35,000.00) |
| Residential Net Impact | \$ 190,000.00 | \$ 96,000.00 | \$ (121,000.00) | \$ (455,000.00) |
| Non-residential Net Impact | \$ 420,000.00 | \$ 420,000.00 | \$ 420,000.00 | \$ 420,000.00 |
| Urban Form | | | | |
| Range of allowable building heights | up to 35 feet | up to 40 feet | up to 50 feet | up to 60 feet |
| Maximum number of stories | 2 stories | 3-4 stories | 4 stories | 5 stories |

*There will be increases in property tax revenues associated with redevelopment of commercial space, which is not shown here

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Opportunity Area Dwelling Units by Alternative Comparison Table*

| | | Alternative A | | | | | Alternative B | | | | |
|----------------------------|---|---------------|--------------|-----|-----|-----|---------------|--------------|-----|-----|-----|
| | | HDR | MDR | MU | NC | LDR | HDR | MDR | MU | NC | LDR |
| Outside OA | 0 | 54 | 120 | 13 | 2 | 43 | 81 | 315 | 21 | 7 | 160 |
| Pollard Road OA | 1 | 0 | 8 | 0 | 4 | 2 | 0 | 10 | 0 | 9 | 5 |
| North Santa Cruz Avenue OA | 2 | 39 | 14 | 0 | 4 | 0 | 39 | 17 | 0 | 19 | 0 |
| Winchester Boulevard OA | 3 | 42 | 16 | 0 | 7 | 3 | 42 | 19 | 0 | 20 | 5 |
| Lark Avenue OA | 4 | 0 | 46 | 0 | 0 | 69 | 0 | 61 | 0 | 0 | 98 |
| Los Gatos Boulevard OA | 5 | 23 | 42 | 91 | 0 | 21 | 23 | 55 | 345 | 0 | 33 |
| Union Avenue OA | 6 | 0 | 1 | 0 | 11 | 0 | 0 | 2 | 0 | 17 | 0 |
| Harwood Road OA | 7 | 0 | 2 | 0 | 4 | 0 | 0 | 2 | 0 | 11 | 0 |
| | | 158 | 249 | 104 | 32 | 138 | 185 | 481 | 366 | 83 | 301 |
| | | Total | 681 | | | | Total | 1,416 | | | |
| | | Alternative C | | | | | Alternative D | | | | |
| | | HDR | MDR | MU | NC | LDR | HDR | MDR | MU | NC | LDR |
| Outside OA | 0 | 98 | 315 | 21 | 7 | 164 | 98 | 561 | 66 | 25 | 264 |
| Pollard Road OA | 1 | 0 | 10 | 0 | 21 | 13 | 0 | 17 | 0 | 21 | 25 |
| North Santa Cruz Avenue OA | 2 | 100 | 17 | 0 | 63 | 1 | 141 | 26 | 0 | 63 | 3 |
| Winchester Boulevard OA | 3 | 88 | 19 | 0 | 50 | 10 | 117 | 30 | 0 | 50 | 17 |
| Lark Avenue OA | 4 | 0 | 61 | 0 | 0 | 101 | 0 | 92 | 0 | 0 | 123 |
| Los Gatos Boulevard OA | 5 | 48 | 55 | 449 | 0 | 53 | 64 | 87 | 630 | 0 | 111 |
| Union Avenue OA | 6 | 0 | 2 | 0 | 32 | 1 | 0 | 3 | 0 | 34 | 3 |
| Harwood Road OA | 7 | 0 | 2 | 0 | 26 | 1 | 0 | 3 | 0 | 26 | 1 |
| | | 334 | 481 | 470 | 199 | 344 | 420 | 819 | 696 | 219 | 547 |
| | | Total | 1,828 | | | | Total | 2,701 | | | |

**The following net new dwelling units include only those new units produced under each land use alternative. The totals exclude assumed accessory dwelling units (500 units) and pending/approved Town projects (475 units).*

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Assumptions, Development Standards, and Net New Dwelling Unit Comparisons*

| Land Use Designation | Alternative A: Base Case - Low Growth | | | | | | | | |
|----------------------|---------------------------------------|-----------|-----------------------|------------|-------------------------|-----------|------|----------------|-----------|
| | Redevelopment | | Density Range (DU/AC) | | Typical Density (DU/AC) | | FAR | Dwelling Units | |
| | Outside OA | Inside OA | Outside OA | Inside OA | Outside OA | Inside OA | | Outside OA | Inside OA |
| LDR | 5% | 5% | 0 to 5 | 5 to 12 | 4 | 10 | 0.25 | 43 | 95 |
| MDR | 5% | 10% | 5 to 12 | 12 to 20 | 10 | 16 | 0.5 | 120 | 129 |
| HDR | 10% | 10% | 12 to 20 | 20 to 30 | 18 | 26 | 0.75 | 54 | 104 |
| NC | 5% | 5% | 0 to 20 | 10 to 20 | 18 | 18 | 0.5 | 2 | 30 |
| MU | 5% | 5% | 0 to 20 | 10 to 20 | 18 | 18 | 0.5 | 13 | 91 |
| | | | | | | | | | |
| Land Use Designation | Alternative B: Medium Growth | | | | | | | | |
| | Redevelopment | | Density Range (DU/AC) | | Typical Density (DU/AC) | | FAR | Dwelling Units | |
| | Outside OA | Inside OA | Outside OA | Inside OA | Outside OA | Inside OA | | Outside OA | Inside OA |
| LDR | 5% | 5% | 5 to 12 | 8 to 16 | 10 | 14 | 0.25 | 160 | 141 |
| MDR | 10% | 10% | 12 to 20 | 14 to 24 | 16 | 20 | 0.75 | 315 | 166 |
| HDR | 10% | 10% | 20 to 30 | 20 to 30 | 26 | 26 | 1 | 81 | 104 |
| NC | 10% | 10% | 0 to 20 | 10 to 20 | 18 | 18 | 0.75 | 7 | 76 |
| MU | 10% | 15% | 0 to 20 | 20 to 30 | 18 | 26 | 0.75 | 21 | 345 |
| | | | | | | | | | |
| Land Use Designation | Alternative C: Medium-High Growth | | | | | | | | |
| | Redevelopment | | Density Range (DU/AC) | | Typical Density (DU/AC) | | FAR | Dwelling Units | |
| | Outside OA | Inside OA | Outside OA | Inside OA | Outside OA | Inside OA | | Outside OA | Inside OA |
| LDR | 5% | 10% | 5 to 12 | 8 to 16 | 10 | 14 | 0.5 | 164 | 180 |
| MDR | 10% | 10% | 12 to 20 | 14 to 24 | 16 | 20 | 0.75 | 315 | 166 |
| HDR | 15% | 15% | 20 to 30 | 30 to 40 | 26 | 36 | 1.25 | 98 | 236 |
| NC | 10% | 15% | 0 to 20 * | 20 to 30 * | 18 | 26 | 0.75 | 7 | 192 |
| MU | 10% | 20% | 0 to 20 * | 30 to 40 * | 18 | 26 | 1 | 21 | 449 |
| | | | | | | | | | |
| Land Use Designation | Alternative D: High Growth | | | | | | | | |
| | Redevelopment | | Density Range (DU/AC) | | Typical Density (DU/AC) | | FAR | Dwelling Units | |
| | Outside OA | Inside OA | Outside OA | Inside OA | Outside OA | Inside OA | | Outside OA | Inside OA |
| LDR | 10% | 15% | 5 to 12 | 12 to 20 | 10 | 16 | 0.75 | 264 | 283 |
| MDR | 15% | 15% | 14 to 24 | 14 to 24 | 20 | 20 | 1 | 561 | 258 |
| HDR | 15% | 20% | 20 to 30 | 30 to 40 | 26 | 36 | 1.5 | 98 | 322 |
| NC | 15% | 15% | 20 to 30 * | 20 to 30 * | 26 | 26 | 1 | 25 | 194 |
| MU | 15% | 20% | 30 to 40 * | 30 to 40 * | 36 | 36 | 1.5 | 66 | 630 |

***The following net new dwelling units include only those new units produced under each land use alternative. The totals exclude assumed accessory dwelling units (500 units) and pending/approved Town projects (475 units).**

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Community Workshop #2: Land Use Alternatives

Thursday January 16, 2020
6:30 pm – 8:30 pm
Fisher Middle School Library
Los Gatos, CA

On Thursday, January 16, 2020, the Town hosted the second community workshop on the General Plan update to inform the community about the General Plan update process and solicit feedback related to the Land Use Alternatives Report. The Community Workshop included an introductory presentation by the consultant team on where we are in the General Plan update process, an overview of the Land Use Alternatives Report, and a discussion of the next steps.

Attendees were provided a similar presentation to that provided to the General Plan Advisory Committee (GPAC) on December 12, 2019. The presentation highlighted the importance of the land use alternatives process in the General Plan update and the steps the GPAC, Town staff, and Consultant team took to develop the set of alternatives and associated analysis presented in the Alternatives Report. At the conclusion of the presentation, attendees were able to ask questions on the process and results of the Land Use Alternatives Report. Attendees were then able to walk through a series of stations with informative boards and an interactive survey highlighting the process and results of the Land Use Alternatives Report.

This workshop format was set up as an open house which allowed for more one-on-one interaction and dialogue between attendees, Town staff, and the consultant team. Following the workshop, the PowerPoint presentation, informational posters, and the survey were uploaded to the General Plan website (logatos2040.com) to allow community members who were not able to attend in person the ability to participate and provide feedback. The online engagement exercises were active from January 17 – January 29, 2020.

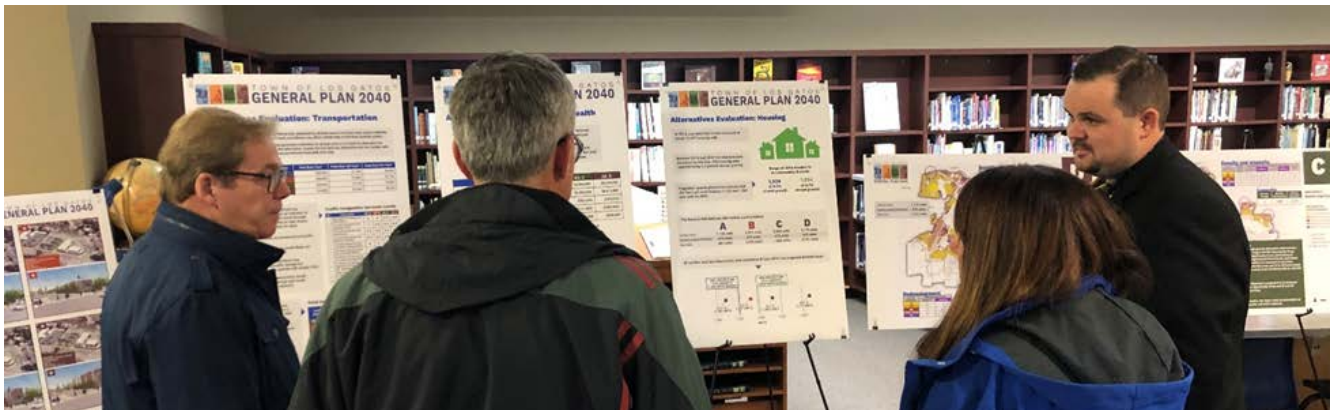
The following is an overview of the public comments and feedback from both the workshop and online engagement, as of January 29, 2020.

Community Workshop #2 Survey

The survey provided at the community workshop and on the General Plan website consisted of a series of 10 questions. These questions focused on the identification and selection of Opportunity Areas as well as input on the range of, allowable density, building height, and housing product types.

Community Workshop #2 Summary

January 30, 2020

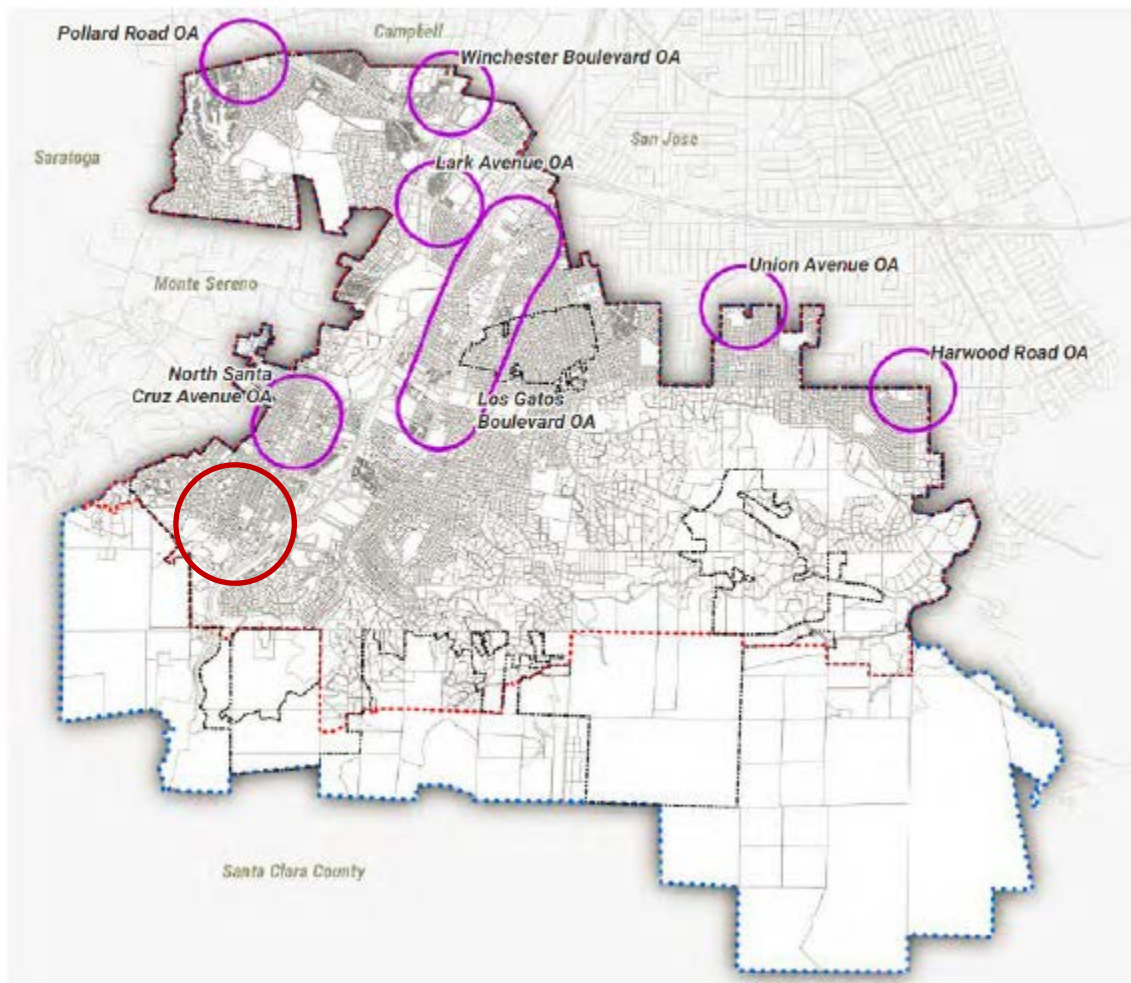


Community Workshop #2 Survey Results

The following includes all feedback collected at both the workshop and online related to the Land Use Alternatives Survey.

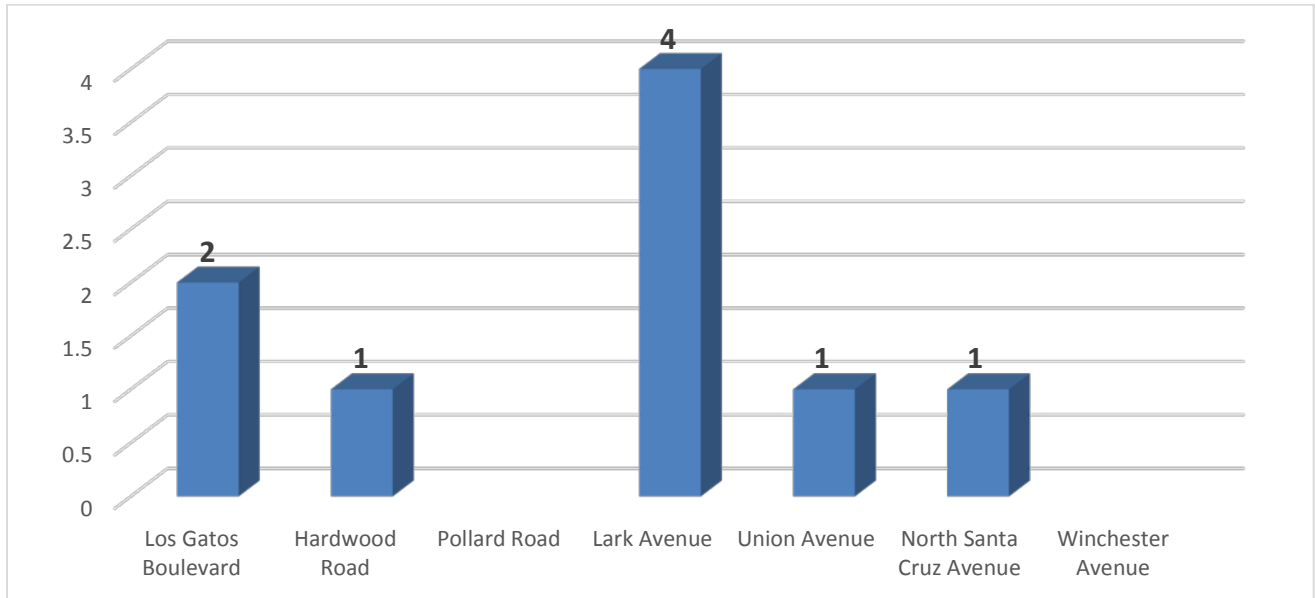
- 1. Are there any additional Opportunity Areas that you believe should be considered?**
Outline the new Opportunity Areas you propose on the map below.

The only additional area identified by attendees was inclusion of the Downtown area, highlighted in red below.



- 2.** Of the seven Opportunity Areas identified above, mark the opportunity areas you **DO NOT** agree should be included in the alternatives considered (you can check more than one box).

- | | | |
|--|---------------------------------------|--|
| <input type="checkbox"/> Los Gatos Boulevard | <input type="checkbox"/> Lark Avenue | <input type="checkbox"/> North Santa Cruz Avenue |
| <input type="checkbox"/> Harwood Road | <input type="checkbox"/> Union Avenue | <input type="checkbox"/> Winchester Boulevard |
| <input type="checkbox"/> Pollard Road | | |



The graph above shows the number of persons that thought that Opportunity Area should be removed from the alternatives considered.

3. What types of multi-unit housing are appropriate in Los Gatos?
You can select more than one choice below.

Townhomes



SELECTED: **7** times

Apartments



SELECTED: **5** times

Condominiums



SELECTED: **4** times

Duplex/Triplex/Fourplex



SELECTED: **4** times

Multiple Detached
Single-Family Units



SELECTED: **7** times

- 4.** Are you aware that under new State law, up to two Accessory Dwelling Units (a detached unit and an unit inside an existing residence) can be put on any residential lot in the Town?

☐ Yes, I was aware of that option

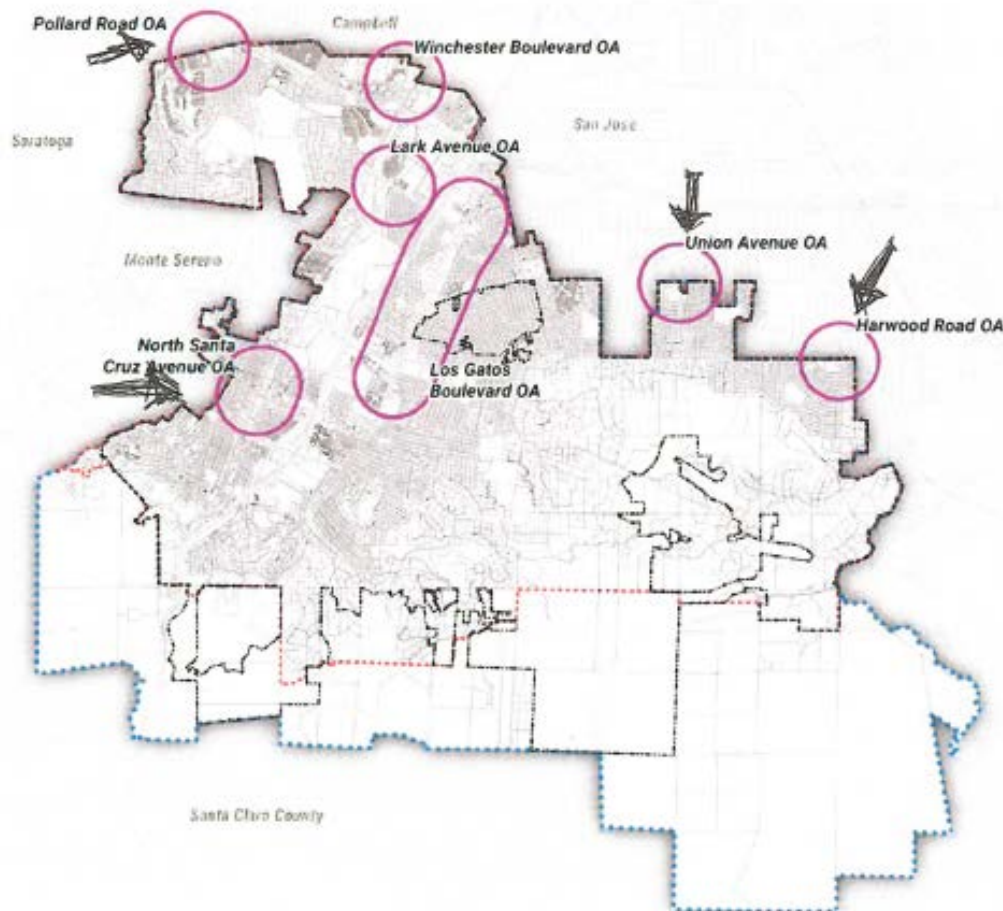
☐ No, I was not aware that was possible

SELECTED: 5 times

SELECTED: 3 times

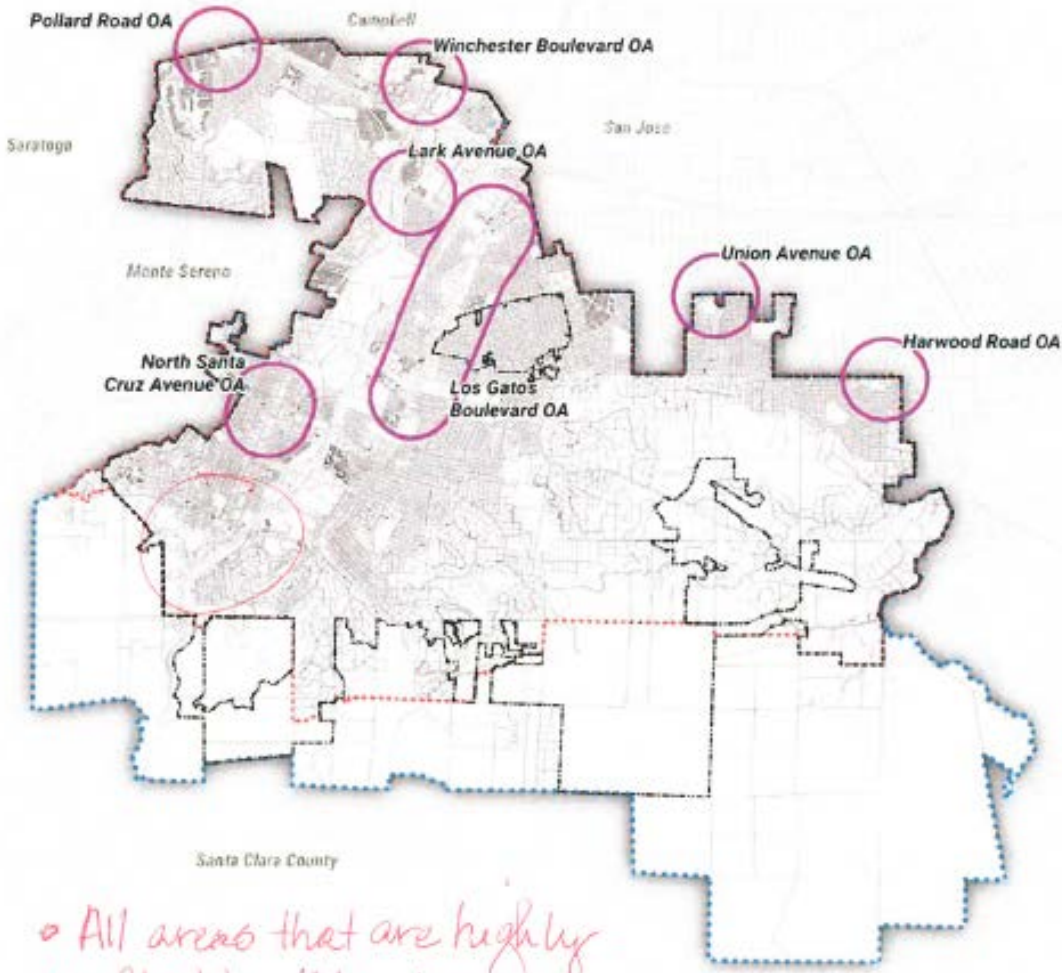
- 5.** State law is requiring all California communities to plan for more housing by right. This includes a range of housing, including multi-unit housing (condominiums, apartments, etc.). Where are the best locations for multi-unit housing in Los Gatos (outside of the Opportunity Areas)?

The following are the maps that attendees completed at the workshop. At the time of the completion of the Staff Report for the GPAC Meeting, no maps were completed as part of the online engagement.

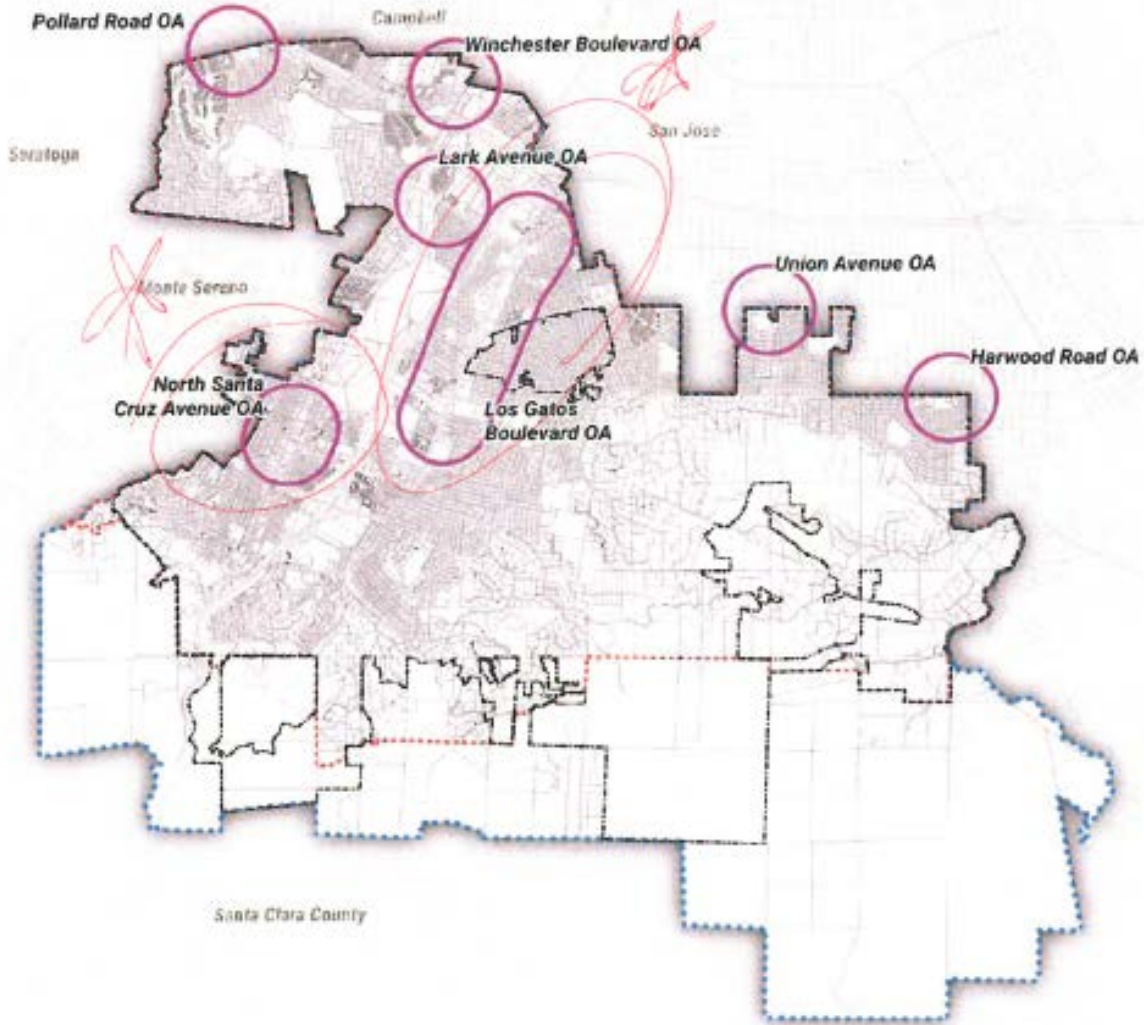


Community Workshop #2 Summary

January 30, 2020



• All areas that are highly walkable, like downtown + near shopping centers, + along bus lines



Community Workshop #2 Summary

January 30, 2020

- 6.** Do you support the inclusion of duplex/triplex/fourplex units in existing neighborhoods if designed for compatibility with existing homes?

| | | | |
|----------|------------------------------|-----------------------------|--|
| Duplex | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not sure/no opinion |
| Tripix | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not sure/no opinion |
| Fourplex | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not sure/no opinion |

The following numbers in the table show how many times the option was selected.

| | Yes | No | Not sure/no opinion |
|-----------------|----------|----------|---------------------|
| Duplex | 5 | 3 | 0 |
| Tripix | 4 | 4 | 0 |
| Fourplex | 2 | 6 | 0 |

- 7.** On the scale below, what is the highest density you feel could work in Los Gatos (mark one box)?

| | | | | |
|--|--|--|--|--|
| <input type="checkbox"/> 18 dwelling units per acre | <input type="checkbox"/> 24 dwelling units per acre | <input type="checkbox"/> 30 dwelling units per acre | <input type="checkbox"/> 36 dwelling units per acre | <input type="checkbox"/> 40 dwelling units per acre |
| SELECTED: 2 times | SELECTED: 2 times | SELECTED: 1 time | SELECTED: 1 time | SELECTED: 1 time |

- 8.** On the scale below, what is the maximum building height you feel could work in Los Gatos (mark one box)?

| | | | |
|---|---|--|--|
| <input type="checkbox"/> 2 stories maximum (35 feet) | <input type="checkbox"/> 3-4 stories maximum (35-40 feet) | <input type="checkbox"/> 4 stories maximum (40-50 feet) | <input type="checkbox"/> 5 stories maximum (50-60 feet) |
| SELECTED: 1 time | SELECTED: 4 times | SELECTED: 2 times | SELECTED: 1 time |

9. Do you prefer any of the presented land use alternatives as is (mark all that apply)?
- ☐ Alternative A ☐ Alternative B ☐ Alternative C ☐ Alternative D
- ☐ None of the above

The following numbers in the table show how many times the option was selected.

| | |
|--------------------------|----------|
| Alternative A | 3 |
| Alternative B | 2 |
| Alternative C | 1 |
| Alternative D | 2 |
| None of the Above | 0 |

10. Any other thoughts, suggestions, or recommendations relating to the land use alternatives?

- ☐ Please identify the Elks Lodge properly as High Density Residential (HDR). Currently the map shows it as Low Density Residential (LDR). What a coincidence it is located directly across from the "The Bay Club".
- ☐ Make the former lot high density residential at the corner of Los Gatos-Almaden at Los Gatos Blvd.
- ☐ There are current issues with traffic congestion, and I anticipate more upon the completion of the project at LG Boulevard and Lark. Parking is constrained at all stores. We do not have the infrastructure to accommodate large increases to the population. Los Gatos is a town, not a city with multi-storied buildings.

Summary of GPAC Preferred Alternative

On Thursday, January 30, 2020, the GPAC met to discuss the results of the community feedback received on the Land Use Alternatives Report. This meeting was a follow-up to the December 12, 2019, GPAC Meeting when the members discussed the findings of the Land Use Alternative Report. The Consultant team described the input received from those attending Community Workshop #2 on January 16, 2020 (7 members of public attended), as well as additional feedback collected through online engagement (input from 5 persons).

Following the discussion on community feedback, the Consultant team provided the GPAC with an expanded look at the land use alternative projections contained in the Alternatives Report (based on discussions with the GPAC from its December 2019 meeting). This new information addressed:

- The inclusion of projected accessory dwelling units (ADUs) into the projected dwelling units under each of the land use alternatives. This increase, which was assumed to be the same for each alternative, increased the unit production projected under each alternative; and
- Additional breakouts of each alternative by Opportunity Area for comparative purposes are provide in Table 2 (Land Use Alternatives Comparison). This was provided to allow the GPAC to develop hybrid alternatives by adding or removing components from a base alternative.

GPAC Direction

The GPAC deliberated on developing a recommendation of a preferred land use alternative to transmit to the Planning Commission and Town Council for their respective consideration. A majority of GPAC members agreed that both Alternative A and D did not adequately meet the direction from the GPAC. The consensus amongst members was to focus on both Alternatives B and C which resulted in close to or above 2,000 net new housing units. Nearing and/or exceeding the 2,000 net new dwelling units would provide the Town enough flexibility to plan for projected housing requirements from future Regional Housing Needs Allocation (RHNA) cycles.

The GPAC narrowed down the selection to Alternative C as the preferred land use alternative framework because it provided opportunities for a wider range of housing types to meet the needs of a diversifying community, while exceeding the 2,000 net new dwelling unit target. Alternative C included a variety of development assumptions pertaining to redevelopment percentage, allowable density range, typical density, and FAR (Table 1: GPAC Preferred Alternative Development Assumptions). These assumptions fluctuated depending on whether a parcel is located within one of the seven designated Opportunity Areas or not. Alternative C also allowed for the ability of development within specific areas in Town to have a potential maximum height of up to 50 feet or 4 stories. Increasing the allowable height would

potentially encourage the development of smaller multi-family units, which are needed to meet the housing target in the Alternative .

In addition to selecting Alternative C as the Preferred Land Use Alternative Framework, the GPAC directed Town staff and the Consultant team to retain the existing seven Opportunity Areas and include an eighth Opportunity Area for Downtown Los Gatos (Figure 1: Opportunity Areas and General Plan Land Use Designations). This new Opportunity Area would be restricted to only those parcels designated with the Central Business District Land Use Designation or C-2 Zoning Designation. The rationale behind including Downtown as a new Opportunity Area stems from community feedback as well as GPAC consensus that there is the potential to increase the number of dwelling units in Downtown to create an even more vibrant, walkable environment.

As the GPAC works on the Land Use Element and other content of the General Plan update, the GPAC may refine the specific application of height and density increases within and outside the identified Opportunity Areas.

GPAC Preferred Land Use Alternative

The following is the GPAC Preferred Land Use Alternative Framework depicted through a series of tables and maps. The GPAC Preferred Alternative reflects Alternative C as the base with the addition of the Downtown as an Opportunity Area. The assumptions used to calculate potential new dwelling units Downtown were based on the same assumptions used to calculate the potential new dwelling units for Neighborhood Commercial, shown in Table 1 (GPAC Preferred Alternative Development Assumptions).

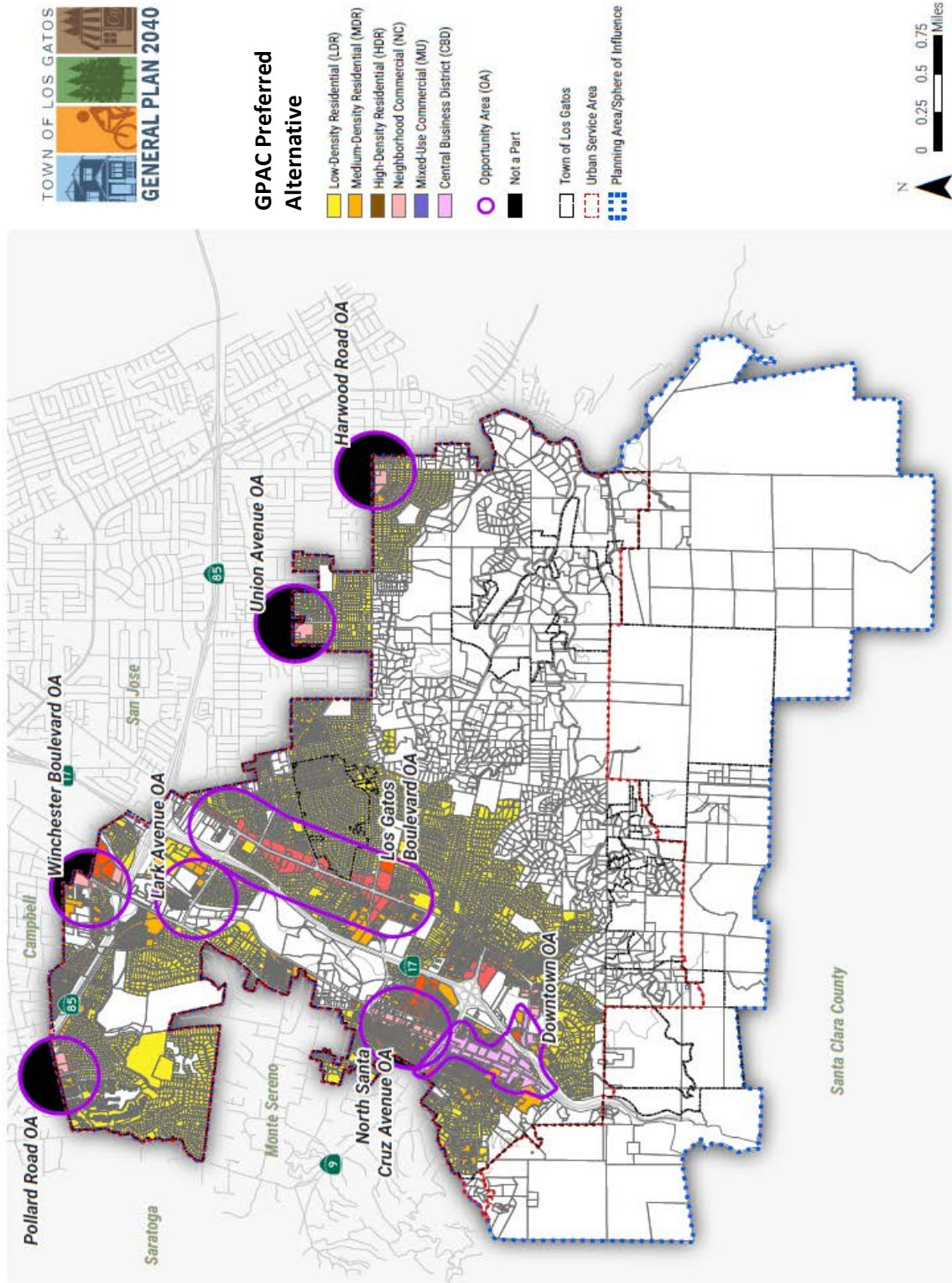
Table 1: GPAC Preferred Alternative Development Assumptions

| Land Use Designation | GPAC Preferred Alternative | | | | | | | | | |
|----------------------|--------------------------------|---------------|-----------|-----------------------|-----------|-------------------------|-----------|------|----------------|-----------|
| | Existing Density Range (DU/AC) | Redevelopment | | Density Range (DU/AC) | | Typical Density (DU/AC) | | FAR | Dwelling Units | |
| | | Outside OA | Inside OA | Outside OA | Inside OA | Outside OA | Inside OA | | Outside OA | Inside OA |
| LDR | 0 to 5 | 5% | 10% | 5 to 12 | 8 to 16 | 10 | 14 | 0.5 | 164 | 180 |
| MDR | 5 to 12 | 10% | 10% | 12 to 20 | 14 to 24 | 16 | 20 | 0.75 | 315 | 166 |
| HDR | 12 to 20 | 15% | 15% | 20 to 30 | 30 to 40 | 26 | 36 | 1.25 | 98 | 236 |
| NC | 0 to 20 | 10% | 15% | 0 to 20 | 20 to 30 | 18 | 26 | 0.75 | 7 | 192 |
| MU | 0 to 20 | 10% | 20% | 0 to 20 | 30 to 40 | 18 | 26 | 1 | 21 | 449 |
| CBD | 0 to 20 | N/A | 15% | N/A | 20 to 30 | N/A | 26 | 0.75 | 0 | 136 |

Table 2: Land Use Alternatives Comparison

| | Alternative A | Alternative B | Alternative C | Alternative D | GPAC Preferred Alternative |
|---|---------------|---------------|---------------|---------------|----------------------------|
| Population | | | | | |
| Total Net New Population | 2,834 | 4,598 | 5,587 | 7,682 | 5,914 |
| Total Population | 3,974 | 5,738 | 6,727 | 8,822 | 7,054 |
| Total Projected 2040 Population | 34,969 | 36,733 | 37,722 | 39,817 | 38,049 |
| Housing | | | | | |
| Net New Dwellings | 681 | 1,416 | 1,828 | 2,701 | 1,964 |
| Potential Net New Accessory Dwelling Units | 500 | 500 | 500 | 500 | 500 |
| Total Net New Dwelling Units | 1,181 | 1,916 | 2,328 | 3,201 | 2,464 |
| Pending/Approved Dwelling Units | 475 | 475 | 475 | 475 | 475 |
| Total Future Dwelling Units | 1,656 | 2,391 | 2,803 | 3,676 | 2,939 |
| Dwelling Units Per Land Use Designation | | | | | |
| Low Density Residential (LDR) - in OA | 95 | 141 | 180 | 283 | 180 |
| Low Density Residential (LDR) - outside OA | 43 | 160 | 164 | 164 | 164 |
| Low Density Residential (LDR) - Total Dwelling Units | 138 | 301 | 344 | 547 | 344 |
| Medium Density Residential (MDR) - in OA | 129 | 166 | 166 | 166 | 166 |
| Medium Density Residential (MDR) - outside OA | 120 | 315 | 315 | 561 | 315 |
| Medium Density Residential (MDR) - Total Dwelling Units | 249 | 481 | 481 | 819 | 481 |
| High Density Residential (HDR) - in OA | 104 | 104 | 236 | 322 | 236 |
| High Density Residential (HDR) - outside OA | 54 | 81 | 98 | 98 | 98 |
| High Density Residential (HDR) - Total Dwelling Units | 158 | 185 | 334 | 420 | 334 |
| Neighborhood Commercial (NC) - in OA | 30 | 76 | 192 | 194 | 192 |
| Neighborhood Commercial (NC) - outside OA | 2 | 7 | 7 | 25 | 7 |
| Neighborhood Commercial (NC) - Total Dwelling Units | 32 | 83 | 199 | 219 | 199 |
| Mixed Use Commercial (MUC) - in OA | 91 | 345 | 21 | 630 | 21 |
| Mixed Use Commercial (MUC) - outside OA | 13 | 21 | 449 | 66 | 449 |
| Mixed Use Commercial (MUC) - Total Dwelling Units | 104 | 366 | 470 | 696 | 470 |
| Central Business District (CBD) - Total Dwelling Units | - | - | - | - | 136 |
| Employment | | | | | |
| Employment | 1,280 | 1,280 | 1,280 | 1,280 | 1,280 |

Figure 1: Opportunity Areas and General Land Use Designations



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A P P E A R A N C E S:

| | |
|-----------------------------------|--|
| Los Gatos Planning Commissioners: | Melanie Hanssen, Chair Kathryn Janoff, Vice Chair Mary Badame Jeffrey Barnett Kendra Burch Matthew Hudes Reza Tavana |
| Town Manager: | Laurel Prevetti |
| Community Development Director: | Joel Paulson |
| Town Attorney: | Robert Schultz |
| Transcribed by: | Vicki L. Blandin (619) 541-3405 |

ATTACHMENT 2

1
2
3 P R O C E E D I N G S:
4

5 CHAIR HANSSEN: We have three public hearing
6 items on the agenda, all items related to the Town of Los
7 Gatos, and the first one is Item 2, which is to recommend a
8 preferred land use alternative framework for the General
9 Plan Update to Town Council.

10 This is a defined item in the process of updating
11 the General Plan through 2040. We are to consider the
12 recommendation of the GPAC from January 30th and determine
13 what recommendation we will make to the Town Council
14 regarding the preferred land use alternative framework and
15 the Town Council will consider this matter in March.

16 Ms. Armer, I understand you will be giving the
17 Staff Report this evening, and I would also like to say for
18 the audience that because this is a Town special project
19 over a two-year period we won't be using the five-minute
20 applicant time for speaking; the consultants will be
21 speaking a little longer.

22
23 JENNIFER ARMER: Good evening, Chair, Vice Chair,
24 Commissioners. The item in front of you is the preferred
25 land use alternative recommendation to you from the General

1 Plan Update Advisory Committee, and provided to you for
2 your review, consideration, and recommendation to Town
3 Council.

4 Tonight we have the Town's consultant, Rick Rust
5 of Mintier Harnish with a presentation for you before you
6 start your discussion of this item. Mintier Harnish is the
7 consultant that has worked with the Town and supports us
8 through this process. Their presentation will include a
9 discussion and summary of the General Plan Update process,
10 the land use alternatives process, and the GPAC preferred
11 alternative.
12

13 This concludes Staff's portion of the
14 presentation, but I will now hand it off to Rick Rust for
15 the consultant's presentation.

16 RICK RUST: Thank you. Good evening, Madam Chair
17 and Planning Commissioners and to the public. Tonight we'd
18 like to give you a brief overview of the land use
19 alternatives process and where we're at, and a little bit
20 about the General Plan too for the audience that is
21 watching this evening.
22

23 As we go through this we want to talk a little
24 bit about what is the General Plan for our audience
25 members. This is required by state law. Every jurisdiction,

1 city, or county in the state must have a General Plan to
2 represent its blueprint for the future, and it really
3 represents the community's vision for where they want to be
4 in the year 2040.

5 The Town Council at the beginning of this process
6 laid out five key issues they would like to have addressed:
7 land use, transportation and mobility, environmental
8 sustainability, evaluation and modification of objective
9 standards—that's relative to housing—and fiscal stability
10 and responsibility.

11 In addition to that we're also looking at the
12 entire General Plan and we'll be working with the GPAC over
13 the next few months to look at the individual elements that
14 make up that plan and talk about the policy components.
15 Tonight we're just talking about the actual land use
16 alternative.

17 As far as the state element, you now have to have
18 nine of them included in your document. You don't have to
19 have them specifically called out with these names, many
20 jurisdictions combine them, and we also talk about having
21 some optional elements that reflect the needs of the
22 locality.

1 As we do this one of the big changes that we'll
2 be going through is addressing new state laws. One of the
3 biggest guides to this is the new State Guidelines for
4 General Plans which was published in 2017. You can download
5 a copy by going to the project website for this project,
6 which is losgatos2040.com and you can obtain a copy of the
7 General Plan Guidelines, which gives you a great look at
8 what the state expects out of the different elements of
9 General Plans.

10
11 Part of this is looking at what laws have changed
12 over time, and there's a wide range of items that we're
13 going to have addressed: environmental justice, enhancing
14 the Complete Street components that are already in the
15 Town's planning, looking at vehicle miles travelled as far
16 as how we might change for transportation impacts going
17 forward, wildfire and how to better protect. This project
18 is partly supported by a grant from CAL FIRE and CAL FIRE
19 has been an active participant in providing us some
20 guidance on how to enhance the Town's policies regarding
21 protection from wildfire.

22 So, these are all things that we're going to have
23 to look at going forward in the overall planning process.
24 Now, that planning process, these aren't equivalent little
25

1 blocks so we're at least past the halfway point, but we're
2 starting to get into the important and exciting components
3 that make the plan move forward.

4 As I said, we're looking at the land use
5 alternatives. This is an opportunity, as we have throughout
6 the process, to update the Planning Commission and to
7 provide your guidance to the Town Council at key steps in
8 the process. The land use alternatives will guide a lot of
9 the combinations of what we have to do. Some of the things
10 that we do in policy though will affect the outcomes of the
11 land use alternatives, so this will be something you're not
12 one and done tonight. You're giving us your guidance for
13 where you'd like the land use alternatives to go.

15 This will get further refined as we do the policy
16 document and we'll come back for your approval again when
17 we have a public draft document for hearings and review at
18 that point. So, not a final decision, but we'd certainly
19 like to make sure we're in the right place. The next steps
20 are developing the policy, and as I mentioned, we'll be
21 doing that with the GPAC over the next couple of months.

22 Developing the document we have had a number of
23 public input events. There's a complete list starting at
24 the bottom of page 13 of your Staff Report. Spring into
25

1 Green was a great event we had last April 14th, which
2 brought a lot of people that don't normally get involved in
3 workshops and normal Planning Commission events, or Town
4 Council's for that matter, to be involved in the General
5 Plan and understand what we're doing and give their input.

6 We're expecting to be part of your Spring into
7 Green again this year, which is on April 19th this year, and
8 engage people in the discussion about the future and
9 alternatives and where we're going for these next steps.

10 Now let's look at our land use alternatives,
11 which is what we're here to for tonight. As everything, we
12 started off earlier looking at a Vision and Guiding
13 Principles. The Vision Statement provides what you
14 envision. What would the Town be like 20 years from now if
15 you were to report back and how would you describe the
16 community? What is it you're trying to achieve?

17 The Planning Commission reviewed this Vision
18 Statement as well as the Guiding Principles on July 10th and
19 moved them forward to Town Council who accepted them as
20 being in the right direction with their modifications on
21 August 20th. Again, all this is subject to change until the
22 final gavel comes down at the final document later in the
23 year, but they did give our blessing from the Planning
24
25

1 Commission and Town Council on direction. Won't read that
2 all for you tonight. It is available on the website if
3 anybody would like to look at the details.

4 There are nine Guiding Principles. The Guiding
5 Principles, as you look at this we start to get more
6 refined in what we look at. The vision is the broad
7 picture, the principles are some key directions that we'd
8 like to take, and then each of the elements has a set of
9 goals, policies, and implementations that get more and more
10 refined about how we achieve the vision that's stated on
11 that last slide.

12 But our principles cover things such as
13 transportation, sustainability, protecting natural
14 resources, fiscal sustainability and responsibility,
15 government transparency, community vitality, diverse
16 neighborhoods, inclusivity, and the promotion of public
17 safety. So, this provides a guide for where we're going
18 with our policies and these will be important as we look at
19 the policy documents in the next few months.

20 The land use alternatives we looked at, we
21 created four. The names aren't that important because
22 whether one is medium-high or low it's all relative to what
23
24
25

1 they actually say about your future rather than what it
2 might be named.

3 But we looked at developing some alternatives
4 with the GPAC. We talked originally about looking at the
5 2,000 unit as being a key factor for our future. Why is
6 that number there? Well, the state gives us a regional
7 housing needs allocation which states how much housing we
8 need to develop over given time periods. The Town does not
9 have the numbers that will be coming up in another year for
10 where the Town needs to go in its next cycle, but we're
11 looking at having about three cycles and the last cycle was
12 about 600 housing units, so for a 20-year period the 2,000
13 number kind of was in the right place.

15 And the alternatives report also talks about some
16 other projections from the Department of Finance as well as
17 our own economist looking at different growth rates, and
18 that 2,000 number is approximately correct in that context
19 as well.

20 When we looked at the land use alternatives we
21 were really looking at modifications to residential density
22 and infill potential that might occur in the Town. As
23 you're well aware, there's not a whole lot of vacant land
24 lying around to be developed. The North Forty was one of
25

1 your last big pieces and that's already been plotted out
2 for its use, so we're looking at more of a redevelopment
3 construct.

4 To do this we identified a number of opportunity
5 areas. These opportunity areas are areas that provide us
6 either through their location, their existing
7 infrastructure or access, roadway capacity, and
8 compatibility with adjacent uses, typically your
9 intersections or corridors. These are areas that might be
10 able to sustain a little higher development potential than
11 other parts of the community, and these are the seven areas
12 that were identified as part of that.

14 I want to note that in all of this we're looking
15 more at the residential, although we have looked at a lot
16 of mixed-use development as part of the community's future.
17 We have a zero loss assumed as far as commercial space
18 within our current commercial corridors. That is, if we're
19 going to build it we're going to replace the commercial
20 that's there with at least as much as is there today or
21 perhaps more as we add residential on top of those types of
22 units in a mixed-use construct.

24 The scope of what we looked at is the five land
25 use designations on the side. We looked at areas that are

1 designated low-density residential, medium-density
2 residential, and high-density residential. We also looked
3 at neighborhood commercial and mixed-use commercial, both
4 of which can provide residential components within those
5 designations. We looked at both inside the opportunity
6 areas, and again they had a higher amount of density
7 potential in the opportunity area, but we also looked at
8 some potential for redevelopment that might occur
9 throughout the rest of the Town only for these five
10 designations.
11

12 You will notice there are a number of
13 designations that aren't in this discussion, for instance,
14 hillside residential is kind of off the table, if you will.
15 We weren't looking at this as an opportunity to provide
16 future housing opportunities because of the wildfire risk
17 on the community's edge. I will note on our slide the
18 central business district downtown; we'll asterisk that
19 because the GPAC at this last meeting did request that we
20 add an opportunity area for the downtown as part of their
21 recommendation.
22

23 As I mentioned, we look at several factors. We
24 look at redevelopment percentage, that is how much do we
25 assume will change over the next 20 years? What percentage

1 of an area in this land area would change? And then we look
2 at density ranges, and we did look at how these might be
3 increased and that's how we achieved the 2,000 units, by
4 increasing some of the densities and looking at what the
5 redevelopment potential would be.

6 On a lot of the tables you'll also see something
7 called typical density. When we talked to the state about
8 housing production they don't allow us to look at maximum
9 density, we have to look at what would be typical within
10 that designation, and so you'll see on the tables a range
11 of typical densities in these columns here, and those are,
12 if you look at the simple math you look at the number of
13 acres times the percent redevelopment times the typical
14 densities, these get you towards the units that we're going
15 to be developing going forward. So, we've got lots of
16 tables in your Staff Report as well as available in the
17 alternatives reports that's online.

18 One of the things with density, to hit a certain
19 density you have to start going up in height, and so these
20 are the different height limits that would be associated
21 with some of the alternatives. For Alternative C in the
22 opportunity areas that's a four-story maximum in those
23 areas. Then in the alternatives report you had a series of
24
25

1 these maps. Now, the alternatives report does not include
2 the net Accessory Dwelling Units. The GPAC did ask us to
3 include that as a look for what might be in these future
4 options. Again, we're trying to look at what would be the
5 new land uses.

6 As you look at these tables in here, this is the
7 number, the net new dwelling units that came from doing
8 that math that I talked about. This is the net new
9 Accessory Dwelling Units. This is basically 20 Accessory
10 Dwelling Units per year, which is pretty in line with what
11 the Town has been seeing, plus an additional five Accessory
12 Dwelling Units that would be considered Junior unit, and
13 that is a unit that's inside of an existing home. This
14 gives us our total new, and this is the number that we're
15 really looking at as we compare different alternatives.
16 Four hundred and seventy five is a number that's consistent
17 throughout all the alternatives, and that's the number that
18 the Town currently has as pending or approved. For
19 instance, some of the part one of the North Forty are in
20 that number there, in fact 75-percent of those units come
21 from the North Forty first phase. So, these maps give you
22 that kind of look.
23
24
25

1 I do want to point out because we have this map
2 up here, when we talk about areas outside the opportunity
3 areas that would be the areas that are colored on this map.
4 Again, those are the designations we're looking at for
5 potential infills or redevelopments for the future but at a
6 much lower density and expectation for redevelopment
7 percentage. So again, we have 1,181 here. We have 1,916
8 here, so we're very close on B. We have 2,328 for
9 Alternative C. And 3,201.

10
11 We got some questions as to why did you perhaps
12 include even A, and we wanted to make sure that we provided
13 a look at what kind of staying the same and not doing a
14 whole lot would turn up, and it didn't turn up a whole lot
15 as you saw in meeting that 2,000 unit number, so again,
16 that's why we wanted to give the GPAC a good range to look
17 at in their considerations, and the GPAC did take time and
18 do a lot of consideration of this.

19 We had four meetings with the GPAC that addressed
20 different aspects of the alternatives development process,
21 whether it was looking at the opportunity areas and
22 identification of those, whether it was looking at the
23 different alternatives and the different assumptions that
24 would be used.
25

1 The last meeting the GPAC held concerning this
2 was on January 30th, at that time to discuss community
3 feedback. We did have a community workshop in mid-January
4 where we had some individuals come and have a look at the
5 different alternatives and provide some feedback that the
6 GPAC used in their final consideration on this. The
7 majority of the GPAC members agreed that Alternatives A and
8 D did not meet the direction, that is, Alternative A was
9 too low, it didn't hit that 2,000, and Alternative D was,
10 in a term, being too intense for what the Town needed.
11

12 So, the GPAC narrowed down on Alternative C as a
13 basis for looking forward. Alternative C does exceed the
14 2,000 net dwelling units that were required or part of
15 their original goal for the development of the
16 alternatives. It allows a maximum height of 50' or four
17 stories.

18 I will caveat this will be something we'll look
19 at this. These could be some of the pieces that could
20 change as we look at policies. For instance, we didn't have
21 a chance with the GPAC to talk about downtown, which has a
22 45' height right now and that may be considered to be
23 staying the same as we go to those areas. So, those are the
24
25

1 kinds of things where policy starts to come in and make
2 some tweaks as we move forward.

3 The big thing in the GPAC alternatives, as in all
4 the alternatives, is providing for a wider range of housing
5 types. A lot of the infill was seen as doing things like a
6 duplex where you might replace an older single-family home
7 with a duplex that reflects the same look and feel of the
8 neighborhood. You've got something in your document that
9 talks about the "missing middle" as far as housing. It
10 explains in good detail about how you can put infill where
11 you're using a duplex or a triplex to keep within the
12 character of the neighborhoods while at the same time
13 providing better affordability and better access to housing
14 for your entire population.
15

16 Now, in recommending the Alternative C as a
17 framework for the downtown, that was the one change they
18 made to Alternative C was to add the downtown area. The
19 downtown was defined as the area that's currently in your
20 General Plan as the central business district, also which
21 is the C-2 zoning designation, and the idea there was that
22 there was more opportunity for housing so the density in
23 the downtown area would be allowed to go up a little bit in
24 keeping with Alternative C. So, you might go up to about a
25

1 26 as a typical as opposed to a 20 dwelling units per acre
2 being typical in the downtown today. And again, the idea
3 with the higher densities and intensities was that would
4 encourage economic investment into these areas and thus
5 provide the incentive to do these redevelopment type
6 projects.

7
8 So, here are your final numbers then for the
9 GPAC. The 1,964, the 500, those all came from the original
10 Alternative C. The 136 is the potential that would come out
11 of doing the same kind of calculations in the downtown if
12 we have that as an opportunity area.

13 In your Staff Report and other materials one
14 thing the GPAC did ask in their considerations is they
15 wanted to see all the different breakdowns in case there
16 was an idea to do a hybrid type alternative, and so we
17 broke things down by looking at the different alternatives,
18 what were the different land use designations, etc., within
19 those item? And these tables kind of give you a breakdown
20 of some of that. I just wanted to point out here is the 26
21 we used for the central business district moving forward
22 with that item.

23
24 So, that was a quick overview of what took the
25 GPAC to go through eight hours and much studying on their

1 part to get through, but they've done a great job in
2 getting us to this stage of the effort and providing some
3 guidance for the Planning Commission's consideration. What
4 we're looking for is for you to make a recommendation to
5 the Town Council for their consideration and the Staff
6 Report lays out your considerations, which could be to
7 accept what the GPAC and forward that on, it could be to
8 modify that or to continue this all for some further
9 discussion as you feel appropriate.
10

11 And with that, any questions I'd be glad to help.

12 CHAIR HANSSEN: I will take questions from the
13 Commission in a second. Could you please explain to the
14 Commission what is going to happen after this meeting?

15 RICK RUST: As I was mentioning, this is just to
16 give us a nod we're going in the right direction. We will
17 take your recommendation up to the Town Council and convey
18 to them all this background: the alternatives report, the
19 GPAC actions, the public input, the Planning Commission's
20 recommendations, and take that to Town Council and get
21 their direction on what would be a preferred land use
22 alternative.
23

24 From that point we'll be working with the GPAC
25 over the next few months on looking at each of the elements

1 that are being proposed and look at the changes that are
2 being proposed and the actual elements, that is the goals,
3 the policies, and the implementations that make this
4 happen.

5 That document, once it comes back from the GPAC
6 then will be brought to the Planning Commission and you'll
7 have a chance to look at that document, and also to Town
8 Council to try to get a sense of we have a public draft and
9 then we can go off and do the environmental analysis on
10 that document, and then you'll have another set of hearings
11 to do the final approvals.
12

13 CHAIR HANSSEN: The reason I asked the question
14 is because a number of the GPAC members had questions about
15 what we had agreed to when we recommended Alternative C,
16 and as I was understanding it, and I'm asking you the
17 question, that we recommended a framework but we hadn't
18 voted on recommending specific policy changes at this time
19 because that will come later in the process.

20 RICK RUST: Right. We're just doing this idea
21 about the densities, the opportunity areas and locations,
22 and again, that all may have an effect by looking at the
23 policies that may make some tweaks. As I mentioned, you may
24 say the downtown will have a 45' height to stay consistent
25

1 with the CBD, other opportunity areas may be the 50'
2 height, and those are discussions of policy that the GPAC
3 has not weighed in on yet.

4 CHAIR HANSSEN: Okay, thank you. Now I'd like to
5 ask if any of the Commissioners have questions for the
6 consultants or Staff? Commissioner Hudes.

7 COMMISSIONER HUDES: I had a lot of questions but
8 one is related to overall questions about the process and
9 everything. I was a participant in the last round and so
10 some of this is familiar and some of this is different, and
11 so I wanted to make sure I understood.

12 First of all, the timeframe for this. Our last
13 General Plan was adopted with ten years left on the clock.
14 This one appears to have like 19 years or something like
15 that, is that correct?

16 RICK RUST: Well, the timeframe will start from
17 when the Town Council adopts it, and right now we're
18 looking towards the early part of 2021 for that adoption,
19 and then you'll have... Yeah, I guess we call it a 2040 plan,
20 so yeah, you'll have a little less than 20 years, but
21 that's the idea.

22 COMMISSIONER HUDES: Are there any implications
23 of dealing with a longer time horizon in a General Plan?
24
25

1 RICK RUST: The state actually encourages that
2 you do a long-term horizon, and typical in California is 20
3 to 25 years.

4 COMMISSIONER HUDES: Okay. I had a couple other
5 overall questions.

6 CHAIR HANSSEN: Go ahead.

7 COMMISSIONER HUDES: One of the other things I'm
8 not that familiar with is the detail that we're getting on
9 housing at this point. Some of that last time was in the
10 Housing Element that followed the General Plan here and
11 we're now down to tables and numbers and things like that.
12 I'm also just a little bit off kilter on how do you look at
13 and evaluate alternatives if you haven't developed goals?
14 And so it seems like we're trying to select between
15 alternatives, yet the goals are not there yet. For
16 instance, in the 2020 plan there was a goal, LU-4, to
17 provide for "well planned, careful growth that reflects the
18 Town's existing character and infrastructure," and while we
19 have some high-level goals we don't have anything that
20 specific in land use at this time, so the selection to me
21 is a little more challenging without goals.
22

23 RICK RUST: From that standpoint in some of the
24 land use pieces it could be a chicken and egg conversation
25

1 of which comes first, but for a lot of what goes into a
2 document anymore as far as environmental implications, as
3 far as traffic implications, you can't run \$70,000 traffic
4 models on multiple choice options and come back with the
5 right answers. We have to kind of get in a ballpark of
6 where we're going to look at before we turn loose all that
7 analysis that needs to go to support that.

8 Now, we did look at the different alternatives in
9 a broad sense from traffic impacts, and that was included
10 in the alternatives report. We had a small piece on fiscal,
11 which will be enhanced as we go forward in the next steps.
12 We did look at environmental protections, but because of
13 the designations used that was not a major issue. So, we
14 have incorporated some of those concepts in, and based upon
15 your old General Plan as far as looking at what it was
16 guiding as well as the new Vision and the new Guiding
17 Principles, so we didn't start from a plain sheet of paper,
18 but there are important things that we need to get in the
19 right ballpark.

21 Now, as I said, the GPAC, the Planning
22 Commission, and the Town Council will still have time to
23 modify and make corrections even before we start the
24 environmental document once we've gone to the next step of
25

1 preparing the policy refinements. In doing this, this
2 activity of doing the land use alternative and getting some
3 buy-in on direction has been typical in every plan I've
4 been involved in. Not to mean you couldn't do it the other
5 way, but that's not a typical.

6 COMMISSIONER HUDES: Thank you.

7 CHAIR HANSSEN: Commissioner Burch.

8 COMMISSIONER BURCH: So, this may not necessarily
9 be a question. I kind of wanted to address the question
10 from Commissioner Hudes from the GPAC side.
11

12 While we may not have technically written a land
13 use policy that was guiding this, it came from a careful
14 discussion of state housing requirements, where they stand
15 today and where we feel they are going to be moving into
16 the future and taking into account that number, then taking
17 a look at the Town as an overall and where we felt these
18 areas of designation where we could increase some density
19 without actually impacting the general character of our
20 town, or whereby increasing the density it created actually
21 a better impact on that area, such as perhaps loss in the
22 downtown. So while it wasn't like a written like what we
23 already had, I felt that the GPAC did a very good job of
24 saying these are characteristics that we like, this is
25

1 where we know the state needs us to be, so let's carefully
2 go through the Town and see where we may be able to add
3 another floor over a retail or something along those lines
4 to create those opportunity zones, so while it maybe wasn't
5 a written policy or goal yet, it actually was taken from
6 some very defined parameters. Does that help?

7 COMMISSIONER HUDES: Yes, thanks.

8 CHAIR HANSSEN: Thank you, Commissioner Burch. I
9 would add onto that for the benefit of the audience the
10 composition of the GPAC includes all of the members of the
11 General Plan Committee, which is comprised of two members
12 of Town Council as well as three Planning Commissioners,
13 Vice Chair Janoff, myself, and Commissioner Burch at the
14 present, and then we have a number of at-large members to
15 the General Plan Committee as well as there are
16 additionally three residents that were appointed by Town
17 Council to sit on the General Plan Advisory Committee
18 specifically.

19 So, there was a lot of discussion, as
20 Commissioner Burch mentioned, kind of going into this and
21 based on input from Staff and the knowledge of all of the
22 people on GPAC we felt like 2,000 was a good target number
23 because the numbers that we're hearing from some of the
24
25

1 jurisdictions that are on a different cycle than us are
2 going to have much, much bigger numbers than they've ever
3 had in the past, and they haven't gotten to Santa Clara
4 County yet where the housing crisis is about as bad as it
5 can be.

6 So, that being the case we're also relying very
7 closely on the process that's been set by our consultants
8 who work with many, many jurisdictions to do this. There
9 were a few questions from GPAC members about do you put the
10 cart before the horse, but you have to follow a process,
11 and so this is the process that we're following the
12 direction of our consultants to kind of move forward, and I
13 think as was mentioned it's an iterative process in that
14 any recommendation we make now, once we have more data and
15 what the implications are of that, we might go back and
16 make revisions.

18 So, having said that, are there other questions
19 for the consultants or Staff from the Commissioners before
20 I take public comment? Okay, so that being the case now we
21 will invite comments from members of the public. If you
22 have not already turned in a speaker card to Staff, please
23 do so at this time, and when you're called to speak
24 remember to state your name and address for the record and
25

1 adjust the microphone so that you speak directly into it,
2 and you'll have three minutes. Do we have any members of
3 the public that would like to make comments on this agenda
4 item? You could fill out your card later, so you could go
5 to the microphone, state your name and address for the
6 record, and then please fill out a speaker card when you're
7 completed.

8 KIMBERLYLY BRYAN: Okay. I'm Kim Bryan and I live
9 at 268 Marchmont Drive in Los Gatos.

10 I appreciate all the time and effort that many
11 people have put into this process and I admit freely that I
12 just saw the first of the information when this agenda came
13 out, and the reason I came to speak is because I was quite
14 alarmed at the delta that I see between the current town
15 and the buildings that were put forth as potentials with
16 Plan C in particular, which is the one that was going to be
17 recommended.

18 There was a lot of information in the Planning
19 Commission agenda tonight about the missing middle and the
20 housing choices that can make that possible like duplexes
21 and fourplexes and tiny houses, and all of those things
22 felt to me like a much better fit for Los Gatos to find
23
24
25

1 some areas in our town where we could maybe allow more
2 buildings on a lot or think of ways to incorporate that.

3 Even in the documentation provided one of the
4 things that they said is that conventional zoning doesn't
5 work and that a lot of the numbers we're using don't help
6 you to be able to add those buildings in, so I just wanted
7 to put that forth.

8 The other thing that I had in my head was that
9 when we got to the North Forty we had approved heights that
10 we thought were the maximum we wanted, but then based on
11 all the laws from California they were able to get bonuses
12 and make them taller and bigger and get more units, and it
13 seems to me like we are doing our best to go for a worst
14 case scenario of how many houses we need would be 2,000 and
15 to overcompensate for that, and then when it actually gets
16 to the developers they might come in and they might add
17 another floor and another number of units.

18 In particular the empty car lot, the drawing that
19 you had that was the options, the five- and six-story
20 buildings that are allowed in Option C seemed to me to be
21 much larger than anything anywhere near there, and
22 certainly if you anticipated a Los Gatos Boulevard where
23 there were many of those in a row, so I just wanted to
24
25

1 encourage you to maybe take a slightly more conservative
2 approach and take... Or not conservative but take the Option
3 B which was not quite to the 2,000 but was close and assume
4 that at least let's see what happens with people being able
5 to have secondary units on their property and maybe it will
6 be more than the 500 that you were anticipating and that
7 gets us to 1,800 and it keeps some of that height that to
8 me was the biggest problem.

9
10 I mean, when I looked at those drawings provided
11 of what high-density housing looks like, this is allowed in
12 Option C, so for me that was something that I was surprised
13 by and I did not expect to see, and I think that you will
14 get some of the same late-to-the-game anger that was there
15 for the North Forty when people start realizing that things
16 like that could be put on Los Gatos Boulevard. Thank you.

17 CHAIR HANSSEN: Thank you for your comments. Does
18 anyone have questions for the speaker? Commissioner Badame.

19 COMMISSIONER BADAME: All right, so you
20 referenced this missing middle housing study.

21 KIMBERLYLY BRYAN: Yes.

22 COMMISSIONER BADAME: When I read through it, it
23 talks about a number of housing styles that could fit into
24 what's called the missing middle study and one of those is
25

1 high-density housing, but you're opposed to that. Did you
2 say the duplexes or the ADUs, or you're not fond of the
3 high-density housing with the height, is that how I
4 understand?

5 KIMBERLYLY BRYAN: It's mostly the fact that right
6 now nothing in town is higher than 35' and the minimum for
7 these multi-densities is five-stories, which is clearly at
8 least 50'.

9 COMMISSIONER BADAME: If you did see that we had
10 to increase the stories, what would be the maximum that you
11 could see anywhere in town?

12 KIMBERLYLY BRYAN: Well, someone just mentioned
13 like putting a third floor on top of two floors of retail.
14 I mean, that seems to me like a much better fit than five
15 stories, so I would say three.

16 COMMISSIONER BADAME: And your thought process on
17 four stories?

18 KIMBERLYLY BRYAN: I mean, if we have to go to
19 four stories, we can, it's just I felt like when I was
20 taking part as much as I could in the North Forty process
21 that there are these bonuses that the developers were
22 getting based on following these rules that so even though
23 we had said the max was going to be 35' I think there are
24
25

1 places they go higher than that, so I just imagine that if
2 we are accepting that all along...

3 Like one of the opportunity areas is quite long,
4 so I think it's along Los Gatos Boulevard, so if they can
5 come in and tear down a one-story retail and put in five-
6 story high-density housing I can just imagine there would
7 be a lot of people that would think that would be
8 worthwhile and that would definitely change the Town, and
9 the traffic at that intersection is the one that we're most
10 worried about with the North Forty, so to me it was not a
11 good tradeoff.
12

13 COMMISSIONER BADAME: Thank you for your
14 comments.

15 CHAIR HANSSEN: Commissioner Burch.

16 COMMISSIONER BURCH: Yeah, thank you for your
17 comments. You're right, I feel like sometimes we get pretty
18 far in the process before people start reading up and
19 asking questions.

20 KIMBERLYLY BRYAN: And I apologize for that.

21 COMMISSIONER BURCH: No, I'm thanking you. I want
22 to point out a couple of things and then I'm going to ask a
23 couple of questions.
24
25

1 I do want to confirm for you that in Option C
2 that was the recommended it is limited to four-stories, and
3 during our discussions that we had in the General Plan
4 meeting was a confirmation I guess to those of us that sit
5 up here and the see the applications, that these
6 applications would still be coming to us to make sure that
7 while that may be like you're allowed four stories that
8 doesn't mean cart blanche along a whole long corridor. We
9 all have the same questions and comments that you had in
10 hoping we could anticipate state needs but also be very
11 sensitive to the Town.
12

13 So then my question for you is because it's a
14 little, I think, newer on the plate is I heard what you
15 said about the boulevard but I'm curious about what you
16 feel about the downtown option of taking some of our one-
17 or two-story retail and adding lofts on that? I don't know
18 if you saw that much.

19 KIMBERLYLY BRYAN: I mean, to me that's great
20 because I do support walking and biking and then there are
21 people that can live and eat and drink and get a more
22 vibrant downtown, so for me that is a much better fit for
23 what I would see for Los Gatos.
24

25 COMMISSIONER BURCH: Perfect. Thank you.

1 CHAIR HANSSEN: Again, thank you for your
2 comments. There are cards in the back. Thank you very much.
3 If you could hand your speaker...

4 LEE FAGOT: Lee Fagot, 845 Lilac Way in Los
5 Gatos.

6 I just want to say that I agree absolutely with
7 the previous speaker. She articulated very well, I think,
8 the sentiment of a lot of folks in town and I endorse what
9 she said.

10 The question of the height limit, downtown on the
11 plaza the height limit, I believe, is 45' only in that area
12 on the plaza. The rest of it is 40', and then in the
13 neighborhood it drops down. So, going to 45' downtown,
14 retail at the bottom, using the post office as an example
15 because that tenant may be leaving, the post office may be
16 moving out, if that is redeveloped, again with retail on
17 the bottom level and then housing above, it makes sense
18 going to that 45' height.

19 Los Gatos Boulevard, I think we saw the argument
20 on both sides on the Shannon Road interchange with Los
21 Gatos Boulevard and the developer there in trying to find
22 the right height and the right setbacks from the sidewalks
23 and so forth. I think using that discussion to help with
24
25

1 some guidance will be very instructive for the developers
2 coming in and helpful to keep the same look and feel, the
3 famous look and feel of Los Gatos so that it is not
4 obstructing the hillsides and the views and it is a more
5 inviting pathway going up and down Los Gatos Boulevard.

6 Again, I really endorse the previous speaker
7 because she articulated very well those points.

8 CHAIR HANSSEN: Thank you for your comments. Do
9 any Commissioners have questions? Thank you very much.
10 Would anyone else like to speak on this topic? If you could
11 give your speaker card to Staff.

12 JAN MURRAY: Hi, I'm Jan Murray. I live on Lasuen
13 Court and public speaking is not my thing, so I'll give
14 this a try.

15 I live near the development at 15975 Union
16 Avenue, Blossom Hill and Union. The Planning Commission
17 recommended against this development and the Town of Los
18 Gatos Council overrode the Planning Commission's
19 recommendation. Those homes do not meet the mass, bulk, and
20 height character of the Town. In addition, they are
21 elevated, so I agree with the previous speaker's commentary
22 that good intentions get modified when the developers come
23 in and talk and offer street redevelopment, stoplight
24
25

1 redevelopment, and things like this to incent the Town
2 Council to deviate.

3 I would highly recommend that when we talk about
4 height and stories we talk about not having 11' first
5 floors with the environmental impact of material use, long-
6 term power for heating and cooling these buildings so that
7 four people live in a 4,000 square foot home with 12'
8 ceilings on the first floor and 10' ceilings in the little
9 kids' bedrooms. They've changed the bulk of these spaces,
10 they're perpetuating the lifetime of the residents of that
11 home to waste electricity and heat. It's just
12 environmentally unfriendly.
13

14 Then, in addition the impermeable surface
15 deviations that they've gotten to impact the environment,
16 the ability to have carbon neutrals may be awfully strong
17 but they're the opposite and they don't have green space
18 around these homes, and for three homes they've put in 14
19 or 15 parking places. So, if you look at adding 2,300
20 dwelling units to this town it sounds like it's four cars
21 per dwelling unit and you are truly changing the traffic
22 just here.
23

24 Then when you expand that to the context of the
25 85 corridor you're negatively compounding life for the

1 local residents if you do not include parks, libraries,
2 restaurants, and all the retail into your lifestyle
3 planning that you have. You can't just increase density of
4 homes on Union Avenue and not increase lifestyle businesses
5 and environment, because then you've got everyone commuting
6 to the downtown and creating this incredible congestion in
7 the beautiful downtown. You've got to create neighborhood
8 pockets.

9
10 I'll just finish with I hope they're using
11 baselines for planned communities that have been done in
12 other parts of the country when creating this kind of a
13 lifestyle, and that's the character of Los Gatos.

14 CHAIR HANSSEN: Thank you for your comments. Do
15 any Commissioners have questions? Commissioner Burch.

16 COMMISSIONER BURCH: Sorry, I hope I'm not
17 commentating too much based on the GPAC meetings, but I
18 feel like it's important to share when people are bringing
19 up points that we discussed, is that okay?

20 CHAIR HANSSEN: I think that is very well said and
21 I think that there's really nowhere to characterize the
22 many, many, many hours of discussion on exactly these
23 points that the GPAC has had.
24
25

1 COMMISSIONER BURCH: Okay, a couple comments. I
2 hope that you will please pay attention then to the GPAC
3 meetings, because part of the requirements and the points
4 that we will be moving into have a lot to do with the
5 environment and sustainability. It's actually something the
6 GPAC has identified as something we care a lot about. We
7 have another GPAC member here in the audience that has felt
8 very passionately about creating the services that serve
9 the neighborhood to get people out of their cars and
10 walking to their local coffee and everything, so those are
11 points that whatever use we choose are aspects that we have
12 discussed pretty thoroughly and want to make sure that,
13 like you said, this isn't just a plan for housing, this is
14 a more robust plan on community. I liked your comments a
15 lot and they're very accurate on how the domino effect can
16 happen with decisions, so I hope you'll pay attention and
17 come back because I think as we get into those particular
18 aspects I think you'll have a lot to add to that. Thank
19 you.
20

21 CHAIR HANSSEN: Any other questions for the
22 speaker? Seeing none, is there anyone else... Oh,
23 Commissioner Barnett had a question. Commissioner Barnett
24 had a question for you; I apologize.
25

1 COMMISSIONER BARNETT: Good evening. In your last
2 comment in your presentation you mentioned common interest
3 developments or similar multi-family housing that is
4 included in the missing middle presentation. Did you have a
5 concept about the size of those types of residential
6 improvements.

7 JAN MURRAY: My mom retired to Texas with my
8 brother instead of Los Gatos after we looked at senior
9 living facilities in Los Gatos, just to be clear. So
10 there's an area in Texas called The Woodlands, which was a
11 planned community and they've made it so that people with
12 small children and 80-year-old little old ladies could walk
13 to the grocery and the park and the library along beautiful
14 corridors, but in addition they have these home areas with
15 beautiful kind of Monte Sereno homes, but sort of like
16 Baltimore where it's a bunch of townhouses. When I lived in
17 Maryland there were so many more—it's kind of like what you
18 think of a brownstone in New York—a series of townhouses so
19 that like the property at 15975 Union could have had five
20 townhouses and still had smaller bulk than what they've
21 done, and some green space around it. So it's that use of
22 other neighborhoods that have appealing planning I think as
23 a benchmark outside of Los Gatos to kind of compare what it
24
25

1 could be. Anyway, I think the use of townhouses is much
2 cleverer sometimes than even duplexes and triplexes.

3 COMMISSIONER BARNETT: Okay, thank you.

4 CHAIR HANSSEN: Any other questions? Okay, so the
5 next speaker. If there is anyone else that plans to speak
6 on this item, if you could bring your cards up to Staff now
7 that would be helpful.

8 EMERALD HATHAWAY: Good evening, my name is
9 Emerald Hathaway and I own 208 Carlester Drive in Los
10 Gatos. I've been here for over 50 years and I have watched
11 many, many changes in this beautiful town. One of the
12 reasons why so many people want to come here is because of
13 the ambiance, the beauty, the safety, and the beautiful
14 schools that we have that are top rated in the nation, and
15 the friendliness. In all the years that I've lived here, it
16 doesn't matter who you are or what you do, or your walk in
17 life, your business, whatever you're doing, people love you
18 here.

19
20 It's a beautiful town and I really feel badly
21 when I read that we're going to try to change the town into
22 four-story buildings all along Los Gatos Boulevard. It
23 doesn't make any sense. It should be easy to add 2,000
24 homes or dwellings without putting in four-story buildings.
25

1 Our town is not designed for it and never was, and people
2 want to come and live here.

3 I have watched the prices on our homes go up, and
4 up, and up. The reason why is because of the desirability
5 of wanting to live in this kind of a town, which is rare.
6 If you look at the national average, Los Gatos is one of
7 the safest places to live in the nation, and it's because
8 we have worked hard to have a good police force, to have
9 correct kinds of housing that works well for everyone. We
10 want to have a multi-use, multi-ethnic diversity in our
11 community of course, that's what our nation is built on,
12 but we don't want to destroy our town while we're trying to
13 be so diverse. We don't need to have that many stories.

15 Now, in the downtown area, when everyone was
16 talking I was thinking about how we have beautiful
17 buildings downtown that are at least three stories, but on
18 the boulevard, no. We don't want to turn into Campbell or
19 downtown San Jose, so I just ask you to please consider the
20 height and the amount of traffic that it would cause and
21 the change in the beauty of the Town; it just wouldn't look
22 the same. So, do you have any questions?

23 CHAIR HANSSEN: Thank you very much for your
24 comments. Do any Commissioners have questions for the
25

1 speaker? Again, thank you very much for your comments; it's
2 very helpful. Is there anyone else that would like to speak
3 on this item? Okay, yes.

4 MARK GRIMES: Hi, I'm Mark Grimes; I live at
5 15561 Corinne Drive, which is over near to Lark.

6 My question is I read some of this before I came
7 here and there was an assumption made on how many
8 additional cars would be added based on they thought more
9 folks would start using public transportation, and I'd like
10 to know the factors they used to come up with this
11 assumption that most people would start using public
12 transportation.
13

14 CHAIR HANSSEN: When we have comments from the
15 public we're not able to answer your questions in a
16 discussion format, so you can pose your questions and then
17 perhaps Staff could follow up with you later and when we're
18 having our discussion we might be able to answer your
19 question indirectly.

20 MARK GRIMES: Okay, right. Thanks.

21 CHAIR HANSSEN: Did you have anything else you
22 wanted to say? Okay.

23 MARK GRIMES: (Inaudible).
24
25

1 CHAIR HANSSEN: Thank you, it's a good question.
2 Thank you. Is there anyone else that would like to speak on
3 this topic? Seeing none, I'm going to close the public
4 portion of the hearing and we will ask if Commissioners
5 have questions of Staff, wish to comment on the item, or
6 introduce a motion for consideration by the Commission?

7 Before we do that I did want to suggest to my
8 fellow commissioners that... And this is a process that was
9 similar that GPAC took, and this was probably the biggest
10 point of discussion when we made the recommendation and
11 people were concerned. Am I agreeing to have 12 dwelling
12 units per acre in low-density residential? Am I agreeing to
13 force four-story buildings anywhere there's an opportunity
14 area? And so we gave the direction to the GPAC and I'm
15 giving you all the same direction, and I think as our
16 consultants mentioned, the policy part of this is going to
17 happen later. It's a general framework and so any vote to
18 support Alternative C doesn't imply that we're going to
19 allow four-story buildings anywhere in town.

20 But the other side of this is also that to get to
21 a certain number they have to put in more density somewhere
22 or more height somewhere, so if we take one thing away it
23 will have to come from somewhere else.
24
25

1 So, that being the case, we'll go into the
2 questions. I'm hoping that what we can do as a commission
3 is make a vote on the preferred land use alternative
4 framework, be it C or something else if that's the will of
5 the Commission, and then we can also vote to provide
6 additional recommendations to the Council on things that we
7 need to be wary of. For instance, we have to be really
8 careful about four stories and where we're going to put it
9 and how we would allow it and so on and so forth. So, that
10 being the case I want to put it to the Commission to ask
11 any questions, make any comments, or if you feel that
12 you're ready to make a motion, which you're probably not.
13 Commissioner Badame.
14

15 COMMISSIONER BADAME: I was hoping we'd get more
16 public testimony with the amount of people in the audience.
17 That being said, I see a member in the audience that was
18 part of the GPAC, so my question is two of those members,
19 one being here in the audience and one not unless I don't
20 recognize that person, they opposed Alternative C, so if I
21 could get some feedback possibly as to why they opposed
22 Alternative C and which alternative did they prefer?
23

24 CHAIR HANSSEN: You want to take that one, Staff?
25

1 JOEL PAULSON: Well, I will start off with I can
2 barely read my own mind, so I think obviously there are
3 concerns and this type of process is always difficult,
4 because as Commissioner Hudes mentioned before it's kind of
5 what comes first, and maybe you were comfortable with some
6 portions of the alternative but not all of them and since
7 that's how the motion was framed you're not comfortable
8 supporting it. I don't know if Jennifer or the consultant
9 remember anything specific from Mr. Rosenberg or Ms.
10 Quintana as far as what their concerns were. There were an
11 awful lot of questions and I'll let Ms. Armer provide any
12 additional information.
13

14 JENNIFER ARMER: In thinking back to the meeting
15 where the preferred alternative recommendation was made by
16 the GPAC, the concerns that kind of came to the forefront
17 there were some concerns about additional density within
18 the low-density residential areas. There were also concerns
19 about exactly how this would then be implemented as has
20 been discussed this evening and kind of what this framework
21 meant in term of how much flexibility there might be in the
22 future.
23

24 COMMISSIONER BADAME: The reason why I ask is we
25 have limited information, so unless we were actually on

1 this committee, the rest of us, we don't have any minutes
2 to read from, so unless we were part of the committee or
3 present during the hearing. I just wanted to know what some
4 of the thought process was, especially from the public.

5 CHAIR HANSSEN: I can comment. We had two
6 dissenting votes on the recommendation, and one of them was
7 Ms. Quintana who is here in the audience, and the other one
8 was Mr. Rosenberg. I personally spoke to Mr. Rosenberg
9 after the meeting and he stated his concern during the
10 meeting. It was actually the opposite of what some of the
11 public comments were. It was more about, as Ms. Armer said,
12 having any of the growth happen in low-density residential,
13 and I think it's simply because it's hard to visualize, so
14 he had this idea that in any typical single-family
15 neighborhood there might be 12 houses, or 16 or 20 houses,
16 in an acre and the reality of this thing is that if you say
17 12 dwelling units per acre and you have an 8,000 square
18 foot lot you may only be able to have one house on that
19 lot. So that's one thing.
20

21 And so he was actually preferring to have the
22 density go into, say, a mixed-use, and this is a discussion
23 that many of the GPAC members had is that mixed-use was a
24 great way to go because we would have neighborhood-serving
25

1 commercial and then we would have some housing above, but
2 there's still the concern about transition into the
3 neighborhoods that are nearby, so I'm going to go back to
4 what was said earlier that while we're agreeing to a
5 generalized framework we are not agreeing to any specific
6 changes in the General Plan use designations at this time,
7 and in addition there is another process that will take
8 place even after the General Plan is done.

9
10 One element that is not done with the current
11 General Plan Update is the Housing Element, and in the
12 Housing Element is where we get more into the zoning
13 implications of what we're doing, so when we're doing the
14 General Plan Update it's going to be followed by the
15 Housing Element, which when we start the Housing Element we
16 will actually have our regional housing needs allocation
17 from the state to help plan for specifically for that. So,
18 I hear that people are alarmed about this, but again, it's
19 sort of like the process is we aren't going to have all the
20 pieces of information that we need to go forward so we have
21 to kind of put a stake in the ground and there are no
22 decisions being made on exactly how Alternative C would be
23 implemented at this point. Commissioner Badame.

1 COMMISSIONER BADAME: Okay, thank you for that.
2 Going forward, would it be possible for us to get minutes
3 of the GPAC meetings?

4 JOEL PAULSON: We can give you GPAC minutes.
5 They're just action minutes, they are not verbatim minutes,
6 so I'm not sure they would be much more helpful. I know we
7 have at least one commissioner, if not more, that raised
8 those concerns that hasn't been modified, but they're not
9 typical minutes like verbatim minutes that would give you
10 the whole story.
11

12 COMMISSIONER BADAME: Thank you.

13 CHAIR HANSSEN: Commissioner Hudes.

14 COMMISSIONER HUDES: To follow up on a comment
15 from the public, or question from the public, the heights
16 that are indicated in Alternative C, will bonuses increase
17 the height over the maximums that are listed in the
18 alternatives now?

19 JOEL PAULSON: If someone proposes a bonus, then
20 yes, they could request that, as they can currently. I
21 think the speaker is completely accurate and I know the
22 Commission is well aware of we have at least two projects
23 that have used those types of exceptions in the past. The
24 state continues to take away local control and provide more
25

1 opportunities for developers. I don't see that slowing down
2 any time soon, so that will continue to be an option. I
3 think the challenge is once we get to our Housing Element
4 preparation we're not going to be able to put a comment in
5 there that says we're only going to plan for this many
6 units because we're going to plan that everyone is going to
7 do an exception or this many people are going to do an
8 exception. What we'll really ultimately do is when we get
9 down into the nuts and bolts of... There's really the areas,
10 the density, and the height.

11
12 COMMISSIONER HUDES: What are the numbers?
13 Currently what's the maximum and what's the maximum of the
14 bonus? And under Alternative C what would the maximum be
15 with a bonus?

16 JOEL PAULSON: I don't know that there is
17 technically a maximum, but ultimately that's going to be a
18 developer's decision and generally they don't go very much
19 higher. I think the North Forty it was in the 15-20' range.
20 Obviously, you hear a lot of conversations about
21 developments near transit being able to go up to four to
22 five stories automatically and if you do X, Y, and Z you
23 can go another story. We're not going to be able to
24 accommodate or plan for that.
25

1 What we're willing to do is ultimately once we
2 get through this discussion the GPAC goes through the Land
3 Use Element and the draft plan comes through with some
4 proposed densities and heights. That's going to be the time
5 we can have those conversations.

6 I know the general concern was specifically with
7 the low-density residential, so your R-1:Ds, your R-1:8s,
8 those properties. The numbers in and of themselves are
9 scary. It's not that this Alternative C is going to say you
10 can have 50' in R-1:8; it's not. Ultimately, you can have a
11 density. I think the low-density residential proposed now
12 in C is up to 16 units per acre. So, if you have an 8,000
13 square foot lot with a 16 unit max per acre you can only
14 have two units.

15 Now again, there are a lot of other caveats to
16 that because we're not talking about ADUs and those have
17 their own implications, but ultimately, regardless of the
18 density we can still control the urban form, as Chair
19 Hanssen was speaking about, through the zoning regulations.
20 I mean, there is technically a scenario where we change the
21 density for these designations but we don't change any of
22 our zoning regulations. Now, some may think that's too
23 restrictive, but ultimately that will maintain the urban
24
25

1 form of at least those single-family neighborhoods, but you
2 potentially will have more units in those areas.

3 COMMISSIONER HUDES: So, if I may, that raises a
4 question for the Town Attorney. Is it possible to
5 essentially describe and select an alternative that is
6 inconsistent with the zoning of the Town, or does the
7 zoning have to change to meet what's in the General Plan
8 and what's in the Housing Element?

9
10 JOEL PAULSON: Ultimately, when the General Plan
11 gets adopted, then there will be necessary modifications to
12 the Zoning Code that will have to take place. Those will be
13 implementation measures that will be done following the
14 General Plan.

15 COMMISSIONER HUDES: That's what I recall.

16 JOEL PAULSON: Yup.

17 COMMISSIONER HUDES: When we did the North Forty
18 Specific Plan a number of changes were made because we
19 couldn't be in a situation where the zoning didn't permit
20 what was permitted in the plan.

21 JOEL PAULSON: Correct.

22 COMMISSIONER HUDES: So I was a little confused
23 by your comment that the urban form might not allow what's
24 actually described in the General Plan.
25

1 JOEL PAULSON: Maybe you misunderstood me. It
2 would still allow it, but you don't have to change
3 setbacks, height, coverage, those types of things. You can
4 still accommodate an increased density in those same
5 parameters. You basically have what would otherwise look
6 like a single-family house but it has two, or three, or
7 four units which is that missing middle housing document
8 that you have. So there are ways to try to maintain some of
9 that, but again, some folks may say well if we're going to
10 allow increased density maybe we should allow, as we do
11 currently, I think the ADUs a 10-percent increase in FAR
12 because we're getting increased units. But ultimately,
13 whatever gets adopted in the General Plan, if there is
14 anything inconsistent in the zoning regulations they will
15 have to be modified.

17 COMMISSIONER HUDES: Okay, thank you.

18 CHAIR HANSSEN: Vice Chair Janoff.

19 VICE CHAIR JANOFF: Thank you. I wanted to step
20 back a little bit because the comments from the public and
21 the question from Commissioners not on the GPAC all speak
22 to a concern about how what we're talking about
23 recommending to Council fundamentally changes the Town.
24 What we are essentially doing is enabling the consultant by
25

1 giving them a framework of density and height specifically
2 targeting areas of town where it may be reasonable to have
3 higher density, higher height, in order for us to carefully
4 analyze how the Town can get from the number of units it
5 has today to responding to the increase in units over time
6 we anticipate the state will bring down to the Town.

7 So, we're not saying we're going to build... Well,
8 the Town can't build. The Town enables builders and
9 developers to build, so the Town isn't building, the Town
10 is saying if we have these requirements from the state and
11 we have to accommodate a number of units, how can the Town
12 absorb that increase without fundamentally changing the
13 look and character that we all cherish?

14 So, we understood that if we didn't give the
15 consultants a little bit larger number than we might feel
16 comfortable with, knowing that you may plan for 2,000 units
17 but you may only wind up seeing 800 built, usually, at
18 least from discussions with Staff, we're seeing an
19 underperformance against our target, so the fact that we
20 are shooting for a goal of 2,000, we could expect something
21 less typically in terms of an actual build.

22 This gives the Town the ultimate ability to
23 carefully analyze where those increases might occur. It
24
25

1 doesn't say they will occur and they don't say specifically
2 how high or how not high, it just gives the consultants the
3 framework to talk to us about can we get close to those
4 targets we think are going to be mandated, and if so, how?
5 That's all this framework does. It doesn't say it's going
6 to happen, it just gives us the details, the data, to be
7 able to make an informed decision for the Town.

8
9 If we adopt a framework that's less aggressive on
10 the number of units we're going to fall short of whatever
11 the state is mandating, and then we may see other problems
12 in terms of developers coming in and asking for exemptions
13 because the state is allowing it and we haven't provided
14 that, so we're trying to do just what I said, trying to
15 accommodate what we think the growth requirements are going
16 to be but also do it in a reflective, thoughtful, careful
17 way that is respectful of the Town and what we want to see
18 happen in it.

19 We recommended Alternative C generally
20 understanding that that was sort of the outer limits of the
21 framework. What we don't know is whether the consultants
22 will come back and say that framework gives you the
23 opportunity to create 6,000 units, in which case we might
24 say let's lower the height and change some of the areas of
25

1 opportunity. We just don't know what's possible yet and
2 we're looking forward to the consultant's input so that we
3 can make informed decisions going forward, so that's kind
4 of the overarching reason why we recommended Alternative C.

5 CHAIR HANSSEN: Commissioner Hudes.

6 COMMISSIONER HUDES: Thank you, that's very
7 helpful, and I really appreciate the work and the
8 involvement of my fellow commissioners and of everyone who
9 is on the GPAC, because it's not possible to dive in and
10 understand that in the snapshot that we're in now, so I
11 have a lot of respect for the recommendations and the
12 direction that's coming from fellow commissioners.
13

14 I had a question for the consultant though, who
15 is probably more up to speed on the housing numbers that
16 are going to be coming down from the state, and really the
17 question is does Alternative B meet the state mandated
18 housing requirements over the next 20 years? I want to hear
19 the consultant.

20 RICK RUST: Well, we're looking at doing the
21 2,000 as the basis for that, and that was based off past
22 performance. That doesn't even account for what the state
23 might do to you. What has happened in the state has been
24 all over the board and some areas have actually doubled or
25

1 tripled the RHNA numbers, some areas have only had a small
2 percentage increase. We were looking at just keeping yours
3 fairly similar to what has happened in the past with future
4 adjustments might as needed by Housing and Community
5 Development on the state side, so it was felt that this
6 2,000 number would get you through to this 20-year period.
7 If your RHNA does expand significantly you have time to
8 make readjustments as we go forward in the planning cycle,
9 because while your General Plan is supposed to have a 20-
10 year vision it's also supposed to be adjusted, and many of
11 our plans actually relook at themselves every five years to
12 see if there are any notable changes.
13

14 COMMISSIONER HUDES: My question was about
15 Alternative B.

16 RICK RUST: It falls just right around that 2,000
17 number as far as the totals that would be allowed; it's
18 1,916 as far as this number, so it's in the ballpark. I
19 think what had been explained is the GPAC wanted to make
20 sure we had a little wiggle room, for instance, some of the
21 public mentioned what if we go down a floor? Or what if we
22 don't let the downtown go as big? So, as we make those
23 changes, if we have no wiggle room to start with we've
24
25

1 already underperformed and we don't have the ability to
2 make those changes.

3 COMMISSIONER HUDES: Thank you.

4 CHAIR HANSSEN: I just want to make one more
5 comment and then Commissioner Badame. I think there's
6 something really important that wasn't said at this point
7 either that the GPAC discussed at great length. When we
8 started talking about the land use needs of our town
9 certainly the state requirements are part of it. We have to
10 address that, but probably more important than that is if
11 we have to grow we want to grow in a way that benefits our
12 residents and our future residents, and every member of the
13 GPAC felt that it was really important that we address the
14 housing needs of moving-down seniors as well as our young
15 Millennials that are unable to buy into town right now
16 because of the cost of single-family housing.

17
18 While we don't have the policies in place to make
19 this happen I think for all of us, our thinking was if
20 we're going to add 2,000 units we're not going to be adding
21 2,000 3,500 square foot housing, we're going to be adding
22 smaller townhouses, maybe taking a single-family home and
23 it becomes a duplex or a threeplex, but if we're going to
24 have mixed-use what we really would like to see is that
25

1 those units are going to be 500-1,000 square feet on top of
2 retail and it's something that a 25-year-old could afford
3 to live in, or there will places that would be appropriate
4 for move-down seniors that want to move out of those 3,500
5 square foot homes.

6 So, again, it kind of gets down to the policies
7 that make this happen. Where we are right now is really
8 just talking about an overall number and then we have to go
9 through that process and figure out how we can do it to
10 preserve what makes our town great as well as take care of
11 the people that are in our town right now.

12 I don't know if people in the audience are aware,
13 but we heard this when we did the Housing Element the last
14 time and we've continued to hear it through the process,
15 but something like 35- or 40-percent of our residents are
16 going to be over the age of 65 in this decade, so again, I
17 think it's really important to think in terms of growth
18 that we're not looking at adding the same kind of growth
19 that we had in the past, we're looking at much, much
20 smaller units and then we need to figure out how can we
21 make that happen.
22

23 Commissioner Badame, you had a question or
24 comment?
25

1 COMMISSIONER BADAME: My question was quick and
2 actually it's a continuation of questions for the
3 consultant pertaining to Commissioner Hudes' question, so
4 that was back to Alternative B versus C. So, B still meets
5 the criteria for the number of housing units, but the
6 primary difference, the major difference, between B and C
7 would be the difference between allowable height and number
8 of stories, is that correct?

9
10 RICK RUST: Alternative B only produces 1,916
11 units. The 475, if you look at 2,391 number, those are
12 existing approved and pending projects, so they do not go
13 towards the state's requirements for housing, because it's
14 expected they'll be built or permitted prior to your next
15 housing cycle.

16 COMMISSIONER BADAME: But what about the ADU
17 units that add to that? Five hundred?

18 RICK RUST: Yeah, that was in the 1,916.

19 COMMISSIONER BADAME: Okay. Thank you.

20 CHAIR HANSSEN: Commissioner Hudes.

21 COMMISSIONER HUDES: Question about the ADU
22 units. Does that assume the change that we'll be looking at
23 tonight on adding Junior ADU units to the inventory? And
24
25

1 you've got that as a constant across all the alternatives,
2 correct?

3 RICK RUST: Yes, it does, the short answer. We
4 looked at 20 units per year as a regular detached ADU and
5 we looked at five units per year as a Junior ADU over the
6 20-year period. That's what gives you the 500.

7 COMMISSIONER HUDES: Okay, thank you.

8 CHAIR HANSSEN: Are there other questions or
9 comments? Commissioner Burch.

10 COMMISSIONER BURCH: Would it be appropriate then
11 to direct towards the consultant the question concerning
12 the vehicle trips? It is one of the items that gets looked
13 at with the different alternatives. Or would that be
14 something that would maybe be more appropriate once an
15 alternative is selected? I'm asking the Chair that.

16 CHAIR HANSSEN: I think you can ask your
17 question.

18 COMMISSIONER BURCH: Okay. So, you've heard the
19 audience; I don't need to repeat their question. In our
20 GPAC packet, page 29, you go through the vehicle trip
21 estimates per alternative, and I know there were some
22 assumptions made with public transit, so I was wondering
23
24
25

1 if... We can't really have dialogue with the audience but
2 maybe you could assist in answering that question.

3 RICK RUST: In the phrasing of it at times it was
4 said most would go transit. That's certainly not the case.
5 The traffic estimates were done using the ITE estimations
6 for household sizes; that's the standard used across the
7 United States for generation as far as what would happen in
8 different kinds of land uses. Now, in the conversation
9 there's certainly discussion about the fact that if you
10 have a more walkable area, like your downtown; your
11 downtown has mixed-use components. It's not as much
12 residential as you might see in other places in the future
13 but it's a mixed-use area. You have a lot of people on
14 foot. You obviously have tourist traffic that parks there,
15 but the idea is that the people could live in that area,
16 walk around the shops and neighborhood shopping, and they
17 would have lesser need for automobiles.

18
19 Long-term how much parking is required is going
20 to be something that will change in the community. There's
21 not a requirement for four. I think that was mentioned at
22 one point and that wouldn't be the case in the future. Most
23 communities are actually looking to go down towards one
24 parking per unit, especially on smaller units because the
25

1 occupancies are typically single individuals in a lot of
2 cases, or they don't have a car so it balances out to that
3 one, and so a lot of places are finding that to be a sweet
4 spot moving forward. So parking numbers actually would go
5 down in the future.

6 We expect some transit to be enhanced over this
7 20-year period. It's not going to happen next year after we
8 approve this, but it will happen over the long term and as
9 we have some enhancements to density you'll be able to
10 better support transit, but we did consider the automobile
11 still as being a dominant player in the environment.

12 COMMISSIONER BURCH: Thank you.

13 CHAIR HANSSEN: Commissioner Hudes.

14 COMMISSIONER HUDES: I have some questions about
15 the chart on page 70, I think. It's the first large table.
16 So I had some questions. I'm trying to understand how the
17 numbers were developed. It talks about population first and
18 then it says, "total new population," and "total
19 population," and then "total projected 2040 population."
20 What does total population mean? That's a tenth of the size
21 of the Town.

22 RICK RUST: Total net new goes along with those
23 net units we've talked about before. The total population
24
25

1 is taking that net new and adding to it the population that
2 would come with the 475 pending and approved projects to
3 give you a total.

4 COMMISSIONER HUDES: Okay. The other question I
5 had is on the descriptions on the traffic congestion
6 increase levels. We're just beginning to use VMT and those
7 kinds of numbers. There's a description here that says,
8 minimal, minimal, moderate, and moderate. How confident are
9 you that that's what residents are going to experience with
10 this alternative, that it will be what they would
11 characterize as a moderate traffic increase or congestion
12 increase?
13

14 RICK RUST: The traffic engineers ran this based
15 on a preliminary model. Now, there's a difference in the
16 traffic engineering for what will be done now versus what
17 will be done for the Environmental Impact Report. These
18 were meant to be comparative analyses. As we go forward
19 with this we will do full traffic analyses to finding out
20 the actual impacts.
21

22 The VMT numbers, the big one to look at there is
23 the VMT per capita, because you'll see at the higher
24 alternatives the VMT per capita decreases and that's one of
25 the key indicators that your better performing

1 transportation system, you're traveling less per person
2 overall, and some of that again is that enhanced
3 walkability long term. But it is not a full scale traffic
4 model at this point, again going back to that is a
5 significant undertaking and not something you do for each
6 alternative.

7 COMMISSIONER HUDES: But my concern is about
8 standing behind the terminology "moderate" or "minimal"
9 that's in the report. I understand the differences and I
10 believe I understand the numbers, but I don't believe that
11 we have the experience to know whether that's the way we'll
12 perceive it and I am concerned about approving the General
13 Plan that causes unacceptable traffic and then somebody
14 pointing to this report that says it was only going to be
15 moderate.

17 RICK RUST: Well, when you actually make an
18 approval of a plan you'll have a detailed traffic analysis
19 that you can point to and know exactly numerically what
20 that means. This was done by Fehr & Peers, which is the
21 leader in transportation analysis in the State of
22 California and they've done traffic analyses all over the
23 state, and so they're characterizing this based on their
24 experience in looking to the future.

1 Now, traffic, I've worked in more than 200
2 communities. I could probably say 199 of them said traffic
3 was the biggest thing. Just finished a plan in South Dakota
4 and their idea of bad traffic was because they had to sit
5 behind a pickup at the light, so people's perception of
6 that. You obviously have a lot of traffic in town. You have
7 issues with your school system putting out on the streets
8 and what happens to the street during that half-hour pick
9 time. You've got issues with cut-through traffic on
10 weekends and other problems of overloading the highways, so
11 it's not that you don't have problems and not that it won't
12 make it more people will add more cars.

14 We likely do not have the ability to enhance your
15 transportation system significantly in town. We're not
16 adding lanes, in other words. So, we will get more people
17 into biking circumstances, more people into walking, more
18 on transit, but you're still going to have increases in the
19 overall traffic on your roadway systems and peoples'
20 perceptions of any increase in traffic will likely be not
21 happy, but they're all part of the tradeoff that you need
22 to make if you're going to meet the housing requirement.

23 COMMISSIONER HUDES: I'm just reacting to
24 approving a report that says things are going to be minimal
25

1 or moderate when we have no experience with VMT in reality
2 in town, and even less experience with these alternatives
3 and how that translates through to peoples' actual
4 experience, so I'm more reacting to that.

5 CHAIR HANSSEN: Vice Chair Janoff.

6 VICE CHAIR JANOFF: Thank you. In response to
7 Commissioner Hudes' concerns about traffic, there isn't a
8 person in this room, there isn't a person in town, there
9 isn't a person on GPAC who didn't start the conversation
10 with, "But what about traffic?" I guess that's not starting
11 the conversation, but we didn't view thinking of traffic as
12 our highest priority, although maybe it is the higher
13 priority for a lot of us today. The GPAC felt that in
14 itself couldn't be the reason to not call an increased
15 number of residential units. Don't like the traffic
16 situation we have. There need to be some changes. We hope
17 that there are changes in the works. We know that an
18 increase in the number of units will likely exacerbate the
19 problem, but we didn't feel it was our purview to say
20 sorry, we can't go to higher units because it's going to
21 make traffic worse.

22
23 So, I hope that reflects what the GPAC members
24 were thinking and discussing, but I just want to emphasize
25

1 that traffic is a concern and we all realize that and these
2 particular areas of opportunity are going to have a
3 negative impact potentially, but that's an outcome of the
4 increase in units, and again, what we are asking the
5 Planning Commission for today is a recommendation that the
6 alternative that the GPAC is recommending, recommended to
7 Town Council so that there can be approval for the full
8 analysis upon which we'll have much more information to
9 determine what the traffic impact might be and how many
10 units, where density, where height.

12 I think it's important to get all of these
13 concerns out and I would hope that tonight with whatever
14 the Planning Commission puts forward to Town Council,
15 whether it forwards the recommendation of GPAC, that if you
16 have concerns about the recommendation of Alternative C we
17 also provide a list of those bullets so that the Council
18 can see--well, they'll hear those concerns of course if they
19 listen to these transcripts--but they can see perhaps
20 Alternative C is the one of have a more complete analysis
21 of, but we're concerned about these things and that can
22 still be part of the recommendation going forward.

24 CHAIR HANSSEN: I would also add that we're not
25 approving anything, we're only making a recommendation to

1 Council, and if the Council goes forward with this
2 recommendation as Vice Chair Janoff stated, that will
3 initiate a process of more thorough analysis of the
4 preferred land use alternative, and there will be a full
5 Environmental Impact Report done for our General Plan
6 Update and that has to include transportation and all kinds
7 of issues.

8 We had some of this same discussion when we had
9 the GPAC meeting a few weeks ago about what are we
10 approving? We're not approving the General Plan yet, we're
11 approving a framework to move forward for doing more
12 analysis on the Land Use Element so that we can come up
13 with the right policies that would go with it. Commissioner
14 Hudes.

15
16 COMMISSIONER HUDES: I had a few questions. I
17 crunched some numbers and sometimes I get more comfortable
18 when I see numbers, so I wanted to just maybe make a
19 statement and then ask a question about it.

20 First I looked at the different alternatives in
21 terms of population increase, and then I compared it to the
22 historical population that was in the previous information
23 that was provided in the previous General Plan, and it
24 looked to me like from sort of modern times, 2008 to 2020,
25

1 overall there's been an annual population growth of 1.4-
2 percent in town, given the numbers in your chart and in
3 here, and that what is being suggested to accommodate for
4 in Alternative C is 0.9-percent increase. And I did see
5 that these percentages varied as I went back to 1963 and I
6 looked at each year, so I'm not uncomfortable with planning
7 for a population increase of 0.9-percent in Alternative C
8 given that we've experienced a 1.4-percent increase in sort
9 of recent history, so I don't find that C is out line.
10 Could you tell me if I'm right on my general understanding
11 of the population increases?
12

13 RICK RUST: Yeah, that's about right. Our numbers
14 originally started also with looking at what the California
15 Department of Finance projects using historic trends going
16 into the future as well as what our economics professional
17 looked at, and they were also in the sub-1-percent range.

18 COMMISSIONER HUDES: Now, to the question that I
19 had, I also looked at the number of new units per person
20 added under the four different alternatives, and I included
21 the ones that had been approved, all of them basically. I
22 think the population lives in all those places.

23 Then I also turned it around and looked at the
24 average number of people per unit added and I was
25

1 interested that between Alternative A we started at 1.7 per
2 unit and when we got to Alternative D we were at 2.09 per
3 person. Why would that be? Maybe you could explain why
4 there are more people per unit as we move up in the
5 options?

6 RICK RUST: I'm not sure of the math offhand, but
7 our factor we used was 2.4 persons per dwelling unit, which
8 is what the Town currently uses for projections.

9 COMMISSIONER HUDES: Okay, well, you may have
10 been using a different number. You may have been excluding
11 in the process and the ADUs maybe? What I found interesting
12 was that it changed from alternative to alternative. In
13 your analysis you kept it constant?

14 RICK RUST: Yes.

15 COMMISSIONER HUDES: Okay. So, those are the
16 questions that I had on the numbers. Like I said, one of
17 them gave me some sort of comfort that we're in the general
18 ballpark with Alternative C.

19 CHAIR HANSSEN: Commissioner Burch.

20 COMMISSIONER BURCH: I'm curious if it might be
21 appropriate for me to go ahead and venture a motion?
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24
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1 COMMISSIONER BADAME: I was about to suggest that
2 to the Commission, that we should attempt a motion to see
3 where we stand.

4 COMMISSIONER HUDES: If I could just ask one
5 question of Staff real quick on process.

6 CHAIR HANSSEN: Sure.

7 COMMISSIONER HUDES: This has been billed as the
8 land use alternatives but we haven't talked about anything
9 other than housing. Will we be talking about other land
10 uses at the Planning Commission?

11
12 JOEL PAULSON: Ultimately, when the GPAC
13 discusses land uses we probably will have some
14 conversation. I'm sure you noticed throughout the
15 commercial was kept constant; there wasn't an increase
16 shown. This really was to explore housing from a land use
17 perspective, and we will have to have some factors that go
18 into the Environmental Impact Report as far as what we
19 think future growth in office, commercial, various
20 commercial sectors will be over the next 20 years so that
21 that can also be plugged into the Environmental Impact
22 Report.

23 COMMISSIONER HUDES: Okay, because as I pointed
24 out before, I think we're ignoring some of the
25

1 opportunities to be more oriented toward the innovation
2 economy in town and I think that this discussion about the
3 middle points out something that's missing. I think in the
4 commercial and in hotels as well as office space that
5 there's something missing there that's pretty fundamental
6 and pretty important for the Town. I've written up
7 something on this topic I can provide to Staff and to the
8 GPAC, but I just feel like if we are going to do a motion
9 and we're not going to address that I want to have some
10 comfort that there will be some opportunity to address
11 something that I think is important and missing.

13 JOEL PAULSON: Absolutely. I think ultimately
14 that's been brought up in GPAC multiple times, so once we
15 get to goals and policies from the Environmental Impact
16 Report it's really a square footage, and so then that
17 equates to employee population and greenhouse gas and
18 traffic, so it would be some kind of cap from an individual
19 commercial standpoint, but those types of items we
20 definitely welcome; definitely send those to us. We will
21 get those to the GPAC and the consultant and make sure that
22 those are addressed prior to the Land Use Element coming
23 back before Planning Commission.

25 COMMISSIONER HUDES: Thank you.

1 CHAIR HANSSEN: And I'd like to add a comment to
2 that. Way back in the process when we talked about the
3 focus of the GPAC discussions it was decided that we needed
4 to focus most on the housing, but that doesn't mean as we
5 process through the Land Use Element that we can't add
6 goals and policies for commercial as well. I don't think
7 anyone on the GPAC wants to add 2,300 housing units and
8 then not have more commercial to support the neighbors, and
9 of course we want the people to have the jobs close to
10 them, so I'm sure that all that will be factored in later.
11 It's just it wasn't the focus of the land use alternatives
12 report, so I just want to make it clear that by making this
13 motion and recommendation to Council we're not saying we're
14 excluding commercial. So, Commissioner Burch, if you are
15 ready to make a motion.

17 COMMISSIONER BURCH: Yes, I am comfortable making
18 a motion that based on the recommendation of the GPAC we
19 will recommend approval... Or, I'm sorry, moving forward with
20 the study for land use Alternative C and the framework as
21 included in Exhibit 11.

22 I think I kind of butchered their recommendation,
23 but I'm comfortable making that although I've heard all the
24 discussion about the numbers, because truly this is really
25

1 just authorizing our consultant to start something. We have
2 to give him a line in the sand somewhere on how to start
3 with this. There will be many more discussions about what
4 this looks like. We've got Los Gatos Boulevard everywhere.
5 Will it be in pocket areas? And then as our Chair
6 mentioned, we will be having discussions about now what
7 does this impact as far as our retail or local services?
8 It's all one big package. We just need to move forward with
9 this to get to that point, so I'm very comfortable doing
10 that.
11

12 CHAIR HANSSEN: Do we have a second? Vice Chair
13 Janoff.

14 VICE CHAIR JANOFF: I'll second the motion.

15 CHAIR HANSSEN: Would any Commissioners like to
16 add comments for questions before we take a vote?
17 Commissioner Barnett.

18 COMMISSIONER BARNETT: We've discussed the fact
19 that there's going to be further time for analysis and
20 review and modification. I wonder if it would be
21 overreaching to say it would be appropriate to footnote in
22 the motion that we anticipate there will be that kind of
23 further input?
24
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1 COMMISSIONER BURCH: Yeah, I would be very
2 comfortable with that.

3 VICE CHAIR JANOFF: As would I.

4 CHAIR HANSSEN: I think I would also add that I
5 think even subsequent to taking a vote on moving forward
6 with the framework it's perfectly appropriate since we're
7 making a recommendation to Council to take suggestions from
8 Commissioners as to things that should be considered when
9 the Council considers this as well. But your motion is
10 amended to include Commissioner Barnett's comments? Okay.
11 And does the seconder agree?
12

13 VICE CHAIR JANOFF: Yes.

14 CHAIR HANSSEN: Okay, now is there anyone else
15 that wants to make comments before we take a vote.

16 COMMISSIONER HUDES: I've been wrestling with
17 this for some time, and better understanding the process
18 and better understanding the involvement of the public and
19 the members of the GPAC allows me to get more comfortable
20 with something I was not initially comfortable with, and
21 relative to having more input I believe that this really
22 should be done after we have developed goals. To me this is
23 the cart before the horse. It's very difficult to select
24 alternatives when you don't know what you're trying to
25

1 achieve, and so I would just sort of reserve the right to
2 come back, and when this does come back and when there are
3 goals, to really look to see does this alternative meet the
4 goals with the risk that maybe we do another round at that
5 point.

6 I will be supporting the motion and let me just
7 give you some of the reasons for my discomfort that maybe
8 we could think about as we start to develop this.

9 One is that this is a longer timeframe than we've
10 done before. Longer timeframe to me means we're dealing
11 with more uncertainty. There's also more uncertainty in the
12 environment that we're in today. We've just seen SB50 all
13 over the place and we have a lot of uncertainty in other
14 aspects of retail as well. So, given the longer timeframe
15 and the more uncertainty I would tend to more conservative
16 numbers rather than put down numbers that might allow more
17 development than would be normal.

18 I also didn't hear yet that Alternative C really
19 is necessary to meet state requirements and could we manage
20 with a fewer number, and I'd be looking for that as the
21 process goes on.

22 As well, I felt that the middle is still missing,
23 and the missing middle is missing from Alternative C. It
24
25

1 pushes us more toward the more dense and taller buildings
2 when perhaps it could be achieved more if we worked harder
3 at a smaller alternative focusing on that particular item.
4 Frankly, to me, I read the very interesting article on the
5 missing middle but then I didn't see the missing middle
6 that much in the actual proposals that were developed.

7 But like I said, I will be supporting the motion
8 because I think we need to move this forward and it is an
9 iterative process and this will give us the opportunity to
10 do that.

11 CHAIR HANSSEN: Commissioner Badame.

12 COMMISSIONER BADAME: I'll also be supporting the
13 motion, but I just wanted to add the comment that I work in
14 the downtown area, so adding that as an eighth opportunity
15 area I think was great and I fully support that. I
16 experience it downtown. I think the more mixed-use that we
17 can have adds to the vibrancy and the walkability, so I'll
18 be supporting the motion as well.

19 COMMISSIONER BADAME: Commissioner Tavana.

20 COMMISSIONER TAVANA: I would add that I'll be
21 supporting the motion as well, however, I did notice that
22 the GPAC preferred alternative is the only one that
23 includes the downtown district for the opportunity area, so
24
25

1 I would wonder if we could add that to the other
2 alternatives to see what the total number would be if we
3 can include that in future studies as well.

4 CHAIR HANSSEN: Okay. Any other comments?
5 Commissioner Hudes.

6 COMMISSIONER HUDES: One minor thing is I would
7 recommend taking out words that characterize traffic as
8 minimal or moderate before forwarding this recommendation.
9 I just don't think it's a great idea to do that.

10 CHAIR HANSSEN: Question for Staff. Will you be
11 taking the comments of the Commissioners and adding that to
12 the recommendation, or do we need to do that post the vote?

13 JENNIFER ARMER: The Town Council will have
14 verbatim minutes from this meeting as well as we will
15 provide a summary of what Staff has heard in the Staff
16 Report to Town Council.

17 CHAIR HANSSEN: Okay. That being the case, I will
18 call the question. All in favor? Opposed? No abstentions.
19 It passes unanimously. All right, thank you.
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