



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
SEPTEMBER 28, 2022
110 EAST MAIN STREET
LOS GATOS, CA**

Melanie Hanssen, Chair
Jeffrey Barnett, Vice Chair
Kylie Clark, Commissioner
Kathryn Janoff, Commissioner
Steven Raspe, Commissioner
Reza Tavana, Commissioner
Emily Thomas, Commissioner

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

Effective Proceedings: The purpose of the Planning Commission 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 Planning Commission 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 Commissioners without first being recognized; interrupting speakers, Commissioners 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 Planning Department by 1 p.m. or the Clerk’s Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
 - For inclusion in any Addendum: by 11:00 a.m. the day before the meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m. Live and Archived Planning Commission meetings can be viewed by going to:
www.LosGatosCA.gov/TownYouTube

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

IMPORTANT NOTICE REGARDING PLANNING COMMISSION MEETING

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

PARTICIPATION

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

<https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg>.

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

<https://losgatosca-gov.zoom.us/j/83660098188?pwd=K05ER2twa2FKWWd5Qnh6UIBOdGl6Zz09>.

Passcode: 724840.

Please be sure you have the most up-to-date version of the Zoom application should you choose to provide public comment during the meeting. Note that participants cannot turn their cameras on during the entire duration of the meeting.

During the meeting:

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

If you are unable to participate in real-time, you may send an email to

PlanningComment@losgatosca.gov with the subject line “Public Comment Item # ” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.”

Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

REMOTE LOCATION PARTICIPANTS

The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR MELANIE HANSEN, VICE CHAIR JEFFERY BARNETT, COMMISSIONER KYLIE CLARK, COMMISSIONER KATHRYN JANOFF, COMMISSIONER STEVEN RASPE, COMMISSIONER REZA TAVANA, AND COMMISSIONER EMILY THOMAS. All votes during the teleconferencing session will be conducted by roll call vote.

**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
SEPTEMBER 28, 2022
7:00 PM**

MEETING CALL TO ORDER

ROLL CALL

RULES OF DECORUM AND CIVILITY

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

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- Addressing the Planning Commission without first being recognized;
- Interrupting speakers, Planning Commissioners, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repeatedly addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

VERBAL COMMUNICATIONS *(Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)*

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

1. Draft Minutes of the September 14, 2022 Planning Commission Meeting

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 the Commission's consent at the meeting.)*

2. Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence on Property Zoned R-1:8. **Located at 15602 Benedict Lane.** APN 424-22-008. Architecture and Site Application S-21-036. PROPERTY OWNER: Alireza Mirbagheri and Shadi Zomorodi. APPLICANT: Azadeh Masrour. PROJECT PLANNER: Jocelyn Shoopman.

3. Consider Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Permanent Regulations to Comply with the Requirements of Senate Bill 9. Town Code Amendment Application A-22-002. Location: Townwide.
Applicant: Town of Los Gatos.

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

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT *(Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time)*

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission 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
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/28/2022

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
SEPTEMBER 14, 2022**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, September 14, 2022, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, all planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

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

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Jeffrey Barnett, Commissioner Kylie Clark, Commissioner Kathryn Janoff, Commissioner Steve Raspe, Commissioner Reza Tavana, and Commissioner Emily Thomas

Absent: None.

VERBAL COMMUNICATIONS

None.

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

1. Approval of Minutes – August 24, 2022

MOTION: Motion by Commissioner Thomas to approve adoption of the Consent Calendar. **Seconded** by Commissioner Tavana.

VOTE: Motion passed unanimously with Vice Chair Barnett recused.

PUBLIC HEARINGS

2. 755 Blossom Hill Road

Fence height Exception Application FHE-21-003

APN 523-04-043

Applicant: Nina Guralnic

Property Owner: David and Ilana Kohanchi

Project Planner: Savannah Van Akin

Consider an Appeal of a Community Development Director decision to deny a fence height exception request for construction of six-foot tall fencing located within the required front yard setback and construction of a vehicular gate with reduced setbacks on property zoned R-1:10.

Chair Hanssen indicated that the applicant had requested that Item 2, 755 Blossom Hill Road, be continued to the Planning Commission meeting of November 9, 2022.

MOTION: **Motion by Commissioner Raspe** to continue the public hearing for 755 Blossom Hill Road to a date certain of November 9, 2022. **Seconded** by **Vice Chair Barnett.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

3. Review and Recommendation of the Draft Objective Standards to the Town Council

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Lee Quintana

- The architects say the illustrations are line drawings, however, the line drawings provided in the draft standards are hard for lay people to understand and they appear to favor very boxy construction. Palo Alto uses line drawings only for illustrating the standard that is being stated, not an entire building, so it is more neutral toward architecture and mass and scale. Photos are helpful for the general public to understand and I suggest a collage page with different buildings that meet the intent of the standards. I'm confused on the private and common open space and landscaping. If landscaping doesn't count for the common space, and there is landscaping in that space, how does that work? There seems to be a dichotomy of opinion among the architects regarding the size of private and common open space. I think the architects want more leeway to appeal to the high end of the housing market, and the other architect is addressing his remarks to smaller units, which is the intent of this process.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Janoff** to recommend the Objective Standards Draft to the Town Council with the changes and recommendations made by the Planning Commission. **Seconded by Commissioner Tavana.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Jennifer Armer, Planning Manager

- The initial public review draft of the Housing Element has been released and is available for public comment for a 30-day period ending at 5:00 p.m. on September 27, 2022. Written comments are invited, and there will be an opportunity for verbal comments at the September 15, 2022 HEAB meeting at 7:00 p.m. via Zoom.
- The process to institute a permanent Senate Bill 9 Ordinance is moving ahead. An initial draft will be available online by the end of the week, and community meeting via Zoom will be held on September 21, 2022, at 7:00 p.m. The ordinance draft, with any comments received at the community meeting, will be brought to the Planning Commission for consideration at its September 28, 2022 meeting.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

None.

ADJOURNMENT

The meeting adjourned at 9:58 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 14, 2022 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/28/2022

ITEM NO: 2

DATE: September 23, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence on Property Zoned R-1:8. **Located at 15602 Benedict Lane.** APN 424-22-008. Architecture and Site Application S-21-036. PROPERTY OWNER: Alireza Mirbagheri and Shadi Zomorrodi. APPLICANT: Azadeh Masrour. PROJECT PLANNER: Jocelyn Shoopman.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8 (Single-Family Residential – 8,000 square-foot minimum lot size)
Applicable Plans & Standards: General Plan, Residential Design Guidelines
Parcel Size: 9,645 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential and Mixed Use Commercial	R-1:8, C-1, and CH
East	Residential	Mixed Use Commercial	C-1 and CH
West	Residential	Low Density Residential	R-1:8

PREPARED BY: JOCELYN SHOOPMAN
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

FINDINGS:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- As required for compliance with the Residential Design Guidelines.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the east side of Benedict Lane (Exhibit 1). The property is approximately 9,645 square feet and is developed with an existing 1,387-square foot, single-story residence with a 620-square foot attached garage.

The project is being considered by the Planning Commission due to concerns related to the project's consistency with the Residential Design Guidelines in terms of neighborhood compatibility and the recommendations provided by the Town's Consulting Architect.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the east side of Benedict Lane, approximately 150 feet north of Chirco Drive (Exhibit 1). The property is developed with a single-family residence and attached garage. Single-family residential development abuts the property to the north, south, and west. Commercial development abuts the property to the east.

PROJECT DESCRIPTION (continued):

B. Project Summary

The applicant proposes to demolish the existing 1,387-square foot residence and construct a new 2,882-square foot, one-story single-family residence with an attached 436-square foot garage (Exhibit 9).

C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The proposed residence is in compliance with the allowable floor area, building coverage, setbacks, parking, and height requirements for the property. No exceptions are requested.

DISCUSSION:

A. Architecture and Site Analysis

The applicant is proposing to demolish the existing one-story 1,387-square foot ranch style residence and 620-square foot attached garage.

The applicant proposes the construction of a modern style one-story single-family home with 2,882 square feet of house floor area and a 436-square foot attached garage. The height of the proposed building would be approximately 17 feet where a maximum of 30 feet is allowed. The applicant has provided a Letter of Justification summarizing the project (Exhibit 4). The proposed Development Plans are included in Exhibit 9.

The proposed project materials include: smooth stucco walls; a black metal standing seam roof; a wood siding feature above the front entry; aluminum windows; and a metal trellis over the front entry and garage. The Color and Materials Board is included on Sheet A-05.01 of Exhibit 9.

B. Building Design

The proposed residence would be of a modern style, with a black standing seam metal roof, smooth stucco siding, a wood siding feature above the front entry, aluminum windows, and a metal trellis over the front entry and garage (Exhibit 9). In their Letter of Justification (Exhibit 4), the applicant cites an eclectic mix of styles of homes within the immediate neighborhood, which includes ranch, contemporary, and modern styles. The applicant's

DISCUSSION (continued):

letter details their efforts to discuss the project with their neighbors. Lastly, the letter describes the consideration given to the surrounding neighborhood in designing a project that is architecturally compatible.

The Town's Consulting Architect reviewed the proposed residence on April 8, 2022 (Exhibit 5). The Consulting Architect noted that the proposed home is designed in a traditional Eichler-like architectural style. The Consulting Architect identified several issues with the project that were inconsistent with the Residential Design Guidelines. In response, the applicant made two modifications to the design of the residence and provided written responses to the remaining issues and recommendations of the Consulting Architect (Exhibit 6). The recommendations identified by the Consulting Architect are provided below, followed by the applicant's response in *italics*.

1. Lower the height of the entry and roof eaves to bring the design more into scale with its human occupants and the proposed architectural style.

The garage mass measurement is 13 feet and has been designed to this height to provide a visual cover to the roof form behind it. As noted in the Consulting Architect's report, the overall scale of the house is well within the building height of the immediate neighborhood. A metal overhang above the proposed garage was added to reduce the visual scale of the garage mass.

2. Reevaluate all window types and proportions to be consistent with the proposed architectural style.

Window types and proportions were modified to be consistent with the proposed architectural style.

3. Add trim to all windows.

Residential Design Guideline 3.7.4 states that wood trim is encouraged on stucco houses unless the window frames are recessed at least six inches. The proposed window design will be recessed two inches. In addition, there are several other homes in the immediate neighborhood with similar windows to the proposed design.

4. Increase all roof overhangs.

The roof overhang on the left-hand side of the residence was increased to two feet; however, the other section of the roof on the right-hand side was not increased in order to ensure the overall height of the residence is not increased.

DISCUSSION (continued):

5. Consider adding translucent windows adjacent to the entry door.

The proposed floor plan has a closet behind the wall adjacent to the front door. From the interior of the residence, the space is intended as a needed closet which does not allow for a window to be added on the wall. From the outside visual, the plan is to have a large plant or something else visually to cover the blank exterior wall.

6. If additional wall materials such as stone or wood siding are proposed on the front elevation, carry those materials consistently around all sides of the house.

The stone material on the rear elevation is not at the same plane of the stucco, resulting in a plane change between the two materials. In addition, the same stone material is used on both the front and rear elevation of the residence which is consistent with Residential Design Guideline 3.2.2.

In addition to the recommendations identified by the Consulting Architect, two approaches for design revisions were identified to provide traditional variations to the proposed roof form to be more compatible with the immediate neighborhood and consistent with the Town's Residential Design Guidelines. The Consulting Architect provided two approaches to a refined roof form, Approach #1, a hip roof, or Approach #2, a single gable roof, as these were consistent roof forms seen on residences within the immediate neighborhood.

The applicant responded to the Consulting Architect's recommendation to a modified roof form for the residence below:

There are several homes in the greater neighborhood with styles similar to the proposed residence. Therefore, considering the greater neighborhood, the proposed plan is not different from the other homes and complies with the Residential Design Guidelines.

As detailed above, the applicant has made two of the recommended modifications to the design in response to the recommendations made by the Consulting Architect and has provided justification for not making the additional recommended modifications.

C. Neighborhood Compatibility

The immediate neighborhood contains primarily one-story residences, with two, two-story residences. Based on Town and County records, the residences in the immediate area range in size from 1,056 square feet to 3,149 square feet. The floor area ratios (FARs) range from 0.11 to 0.31. The proposed residence would be 2,882 square feet with a FAR of 0.30. Pursuant to Town Code, the maximum allowable square footage for the 9,645-square foot

DISCUSSION (continued):

lot is 3,017 square feet with a maximum FAR of 0.31. The table below reflects the current conditions of the immediate neighborhood.

Address	Zoning	House SF	Garage SF	Total SF	Site SF	Building FAR	Stories
15624 Benedict	R-1:8	3,149	720	3,869	16,515	0.19	1
15588 Benedict	R-1:8	2,992	437	3,429	9,659	0.31	1
15572 Benedict	R-1:8	1,056	400	1,456	9,643	0.11	1
15625 Benedict	R-1:8	1,118	480	1,598	13,941	0.08	1
15603 Benedict	R-1:8	1,545	320	1,865	9,375	0.16	1
15589 Benedict	R-1:8	2,308	400	2,708	9,375	0.25	2
15573 Benedict	R-1:8	1,154	324	1,478	9,375	0.12	1
155651 Benedict	R-1:8	2,104	976	3,080	9,373	0.22	2
15602 Benedict (N)	R-1:8	2,882	436	3,318	9,645	0.30	1
15602 Benedict (E)	R-1:8	1,387	620	2,007	9,645	0.14	1

The proposed residence would comply with the maximum allowed floor area and height for the property and would not be the largest home in the immediate neighborhood in terms of square footage or FAR.

D. Tree Impacts

The Consulting Arborist reviewed the development plans, visited the property, and prepared a report for the project, noting that there are eight protected trees, adjacent to the development, with three of the eight trees being located on neighboring properties (Exhibit 7). The report recommends removal of tree #37 due to its direct conflict with the proposed footprint of the residence. No other trees on the site are proposed for removal. The Draft Conditions of Approval include a condition that all recommendations of the Town Arborist be implemented by the applicant prior to issuance of a Building Permit (Exhibit 3).

E. Neighbor Outreach and Public Comments

The applicant’s Letter of Justification provides a summary of their efforts to communicate with their neighbors (Exhibit 4). Story poles and project signage were installed on site by August 29, 2022. Public comments received by 11:00 a.m., Friday, September 23, 2022, are included as Exhibit 8.

DISCUSSION (continued):

F. Environmental Review

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for construction of a new 2,882-square foot single-family residence and a 436-square foot attached garage (Exhibit 9). The project is in compliance with the objective standards of the Town Code related to allowable floor area, height, setbacks, lot coverage, and on-site parking requirements. The project was reviewed by the Town's Consulting Architect who provided recommendations for the project to refine the design to be more compatible with the immediate neighborhood and the Town's Residential Design Guidelines (Exhibit 5). In response to the recommendations of the Consulting Architect, the applicant responded to two of the issues identified in the report through revision of the proposed residence and provided justification for not making the additional recommended modifications (Exhibit 6).

B. Recommendation

Based on the analysis above, staff recommends denial of the Architecture and Site application based on concerns related to the project's compatibility with the immediate neighborhood and consistency with the Residential Design Guidelines, as discussed in this report.

C. Alternatives

Alternatively, the Commission can:

1. Approve the application by taking the following actions:
 - a. Make the finding that the proposed project is categorically exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 2);
 - b. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
 - c. Make the finding that the project complies with the Town's Residential Design Guidelines (Exhibit 2); and

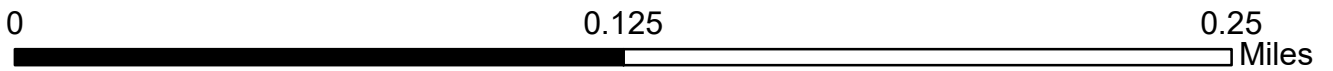
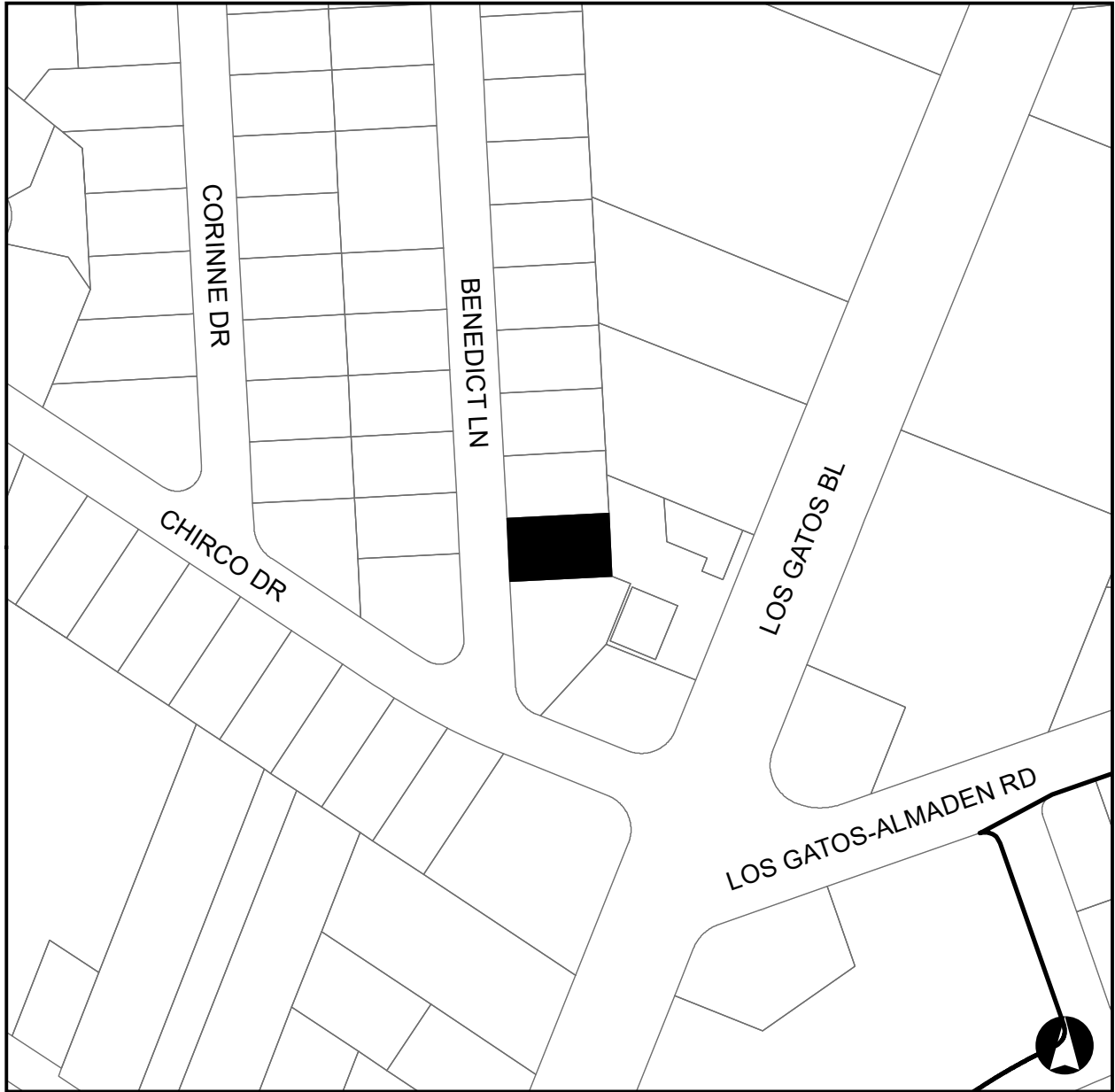
CONCLUSION (continued):

- d. Approve Architecture and Site application S-21-036 with the conditions contained in Exhibit 3 and the development plans in Exhibit 9.
2. Approve the application with additional and/or modified conditions; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Letter of Justification
5. Consulting Architect Report
6. Applicant's Response to Consulting Architect Report
7. Consulting Arborist Report
8. Public Comments received prior to 11:00 a.m., Friday, September 23, 2022
9. Development Plans

15602 Benedict Lane



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PLANNING COMMISSION – September 28, 2022
REQUIRED FINDINGS AND CONSIDERATIONS FOR:

15602 Benedict Lane
Architecture and Site Application S-21-036

Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence on Property Zoned R-1:8. Located at 15602 Benedict Lane. APN 424-22-008.

PROPERTY OWNER: Alireza Mirbagheri and Shadi Zomorodi
APPLICANT: Azadeh Masrou
PROJECT PLANNER: Jocelyn Shoopman

FINDINGS

Required Finding for CEQA:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

Required Compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).

Required Compliance with the Residential Design Guidelines:

- The project is in compliance with the Residential Design Guidelines for single-family residences not in hillside areas.

CONSIDERATIONS

Required Considerations in Review of Architecture and Site Applications:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

EXHIBIT 2

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PLANNING COMMISSION – September 28, 2022
CONDITIONS OF APPROVAL

15602 Benedict Lane
Architecture and Site Application S-21-036

Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence on Property Zoned R-1:8. Located at 15602 Benedict Lane. APN 424-22-008.

PROPERTY OWNER: Alireza Mirbagheri and Shadi Zomorodi
APPLICANT: Azadeh Masrou
PROJECT PLANNER: Jocelyn Shoopman

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. **EXPIRATION:** The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. **STORY POLES:** The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
4. **OUTDOOR LIGHTING:** Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
5. **TREE REMOVAL PERMIT:** A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
6. **EXISTING TREES:** All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
7. **ARBORIST REQUIREMENTS:** The developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.
8. **TREE FENCING:** Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.

EXHIBIT 3

9. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
10. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
11. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
12. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
13. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

Building Division

14. PERMITS REQUIRED: A Demolition Permit is required for the demolition of the existing single-family residence and detached garage. A separate Building Permit is required for the construction of the new single-family residence and attached garage. An additional Building Permit will be required for the PV System if the system is required by the California Energy Code.
15. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
16. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
17. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
18. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
19. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the Air District's J# Certificate, PG&E verification, and three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
20. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with

the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.

21. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to the Cal/OSHA regulations.
22. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
23. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
24. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
 - a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
 - b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
 - c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
 - d. A door buzzer, bell or chime shall be hard wired at primary entrance.
25. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
26. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
27. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.

28. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.
29. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: (408) 354-6874
 - b. Engineering/Parks & Public Works Department: (408) 399-5771
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

Engineering Division

30. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner and/or Applicant's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner and/or Applicant's expense.
31. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
32. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are [available for download from the Town's website](#).
33. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the Owner/Applicant to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the

Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.

34. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner and/or Applicant or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner and/or Applicant or their representative's operations. Improvements such as, but not limited to: curbs, gutters, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner and/or Applicant or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
35. STREET CLOSURE: Any proposed blockage or partial closure of the street requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
36. DRIVEWAY: The driveway conform to existing pavement on Benedict Lane shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
37. PUBLIC IMPROVEMENTS: The following improvements shall be installed by the Owner and/or Applicant. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town before the issuance of any grading or building permits or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
38. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
39. PUBLIC WORKS INSPECTIONS: The Owner and/or Applicant or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
 - a. Benedict Lane: Rolled curb, and tie-in paving along the property frontage.
 - b. Benedict Lane: 2" overlay from the centerline to the eastern lip of gutter, or alternative pavement restoration measure as approved by the Town Engineer.
40. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
41. GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). After the preceding Architecture and Site Application has been

approved by the respective deciding body, the grading permit application (with grading plans and associated required materials and plan check fees) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off and closing out on the issued grading permit, the Owner's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

42. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner and/or Applicant's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
43. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any studies imposed by the Planning Commission or Town Council shall be funded by the Owner and/or Applicant.
44. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading/improvement permits, the Owner and/or Applicant shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.
45. PRECONSTRUCTION MEETING: Prior to the commencement of any site work, the general contractor shall:
 - a. Along with the Owner and/or Applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
46. SOILS REPORT: One electronic copy (PDF) of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
47. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the project's design-level geotechnical/geological

investigation as prepared by the Owner and/or Applicant's engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Owner and/or Applicant.

48. WATER METER: The water meter shall be relocated within the property in question, directly behind the public right-of-way line. The Owner and/or Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
49. CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.
50. FRONTAGE IMPROVEMENTS: The Owner and/or Applicant shall be required to improve the project's public frontage (right-of-way line to centerline and/or to limits per the direction of the Town Engineer) to current Town Standards. These improvements may include but not limited to curb, gutter, driveway approach(es), signs, pavement, raised pavement markers, thermoplastic pavement markings, etc. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
51. UTILITIES: The Owner and/or Applicant shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner and/or Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
52. SIDEWALK IN-LIEU FEE: A sidewalk in-lieu fee of **\$5,544.00** shall be paid prior to issuance of a grading or building permit. This fee is based on 346.5 square feet of 4.5-foot wide sidewalk at \$16.00 per square foot in accordance with Town policy and the Town's Comprehensive Fee Schedule. The final curb and sidewalk in-lieu fee for this project shall be calculated using the current fee schedule and rate schedule in effect at the time the fee is paid.
53. ROLLED CURB REPAIR: The Owner and/or Applicant shall repair and replace to existing Town standards any rolled curb damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

54. FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town Code Section §23.10.080.
55. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
56. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
57. CONSTRUCTION TRAFFIC CONTROL: All construction traffic and related vehicular routes, traffic control plan, and applicable pedestrian or traffic detour plans shall be submitted for review and approval by the Town Engineer prior to the issuance of an encroachment, grading or building permit.
58. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Cover all trucks hauling soil, sand and other loose debris.
59. CONSTRUCTION HOURS: All construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, holidays excluded. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner and/or Applicant shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
60. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
61. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Project Schedule, employee parking, construction staging area, materials storage area(s), concrete washout(s) and proposed outhouse location(s). Please refer to the Town's [Construction Management Plan Guidelines](#) document for additional information.
62. WVSD (West Valley Sanitation District): A Sanitary Sewer Clean-out is required for each property at the property line, within one foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town.
63. SANITARY SEWER BACKWATER VALVE: Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the

- backwater valve, unless first approved by the Building Official. The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
64. BEST MANAGEMENT PRACTICES (BMPs): The Owner and/or Applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
65. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
- a. Protect sensitive areas and minimize changes to the natural topography.
 - b. Minimize impervious surface areas.
 - c. Direct roof downspouts to vegetated areas.
 - d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
 - e. Use landscaping to treat stormwater.
66. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
67. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place

between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.

68. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
 - b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
 - c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
 - d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
 - e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
 - f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
 - g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
 - i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
 - j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
69. DETAILING OF STORMWATER MANAGEMENT FACILITIES: Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.

70. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
71. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
http://www.scvurppp-w2k.com/nd_wp.shtml?zoom_highlight=BIOTREATMENT+SOIL.
72. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
73. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner and/or Applicant's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner and/or Applicant's expense.
74. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

75. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
76. FIRE SPRINKLERS REQUIRED: (As noted on Sheet A-00.01) An automatic residential fire sprinkler system shall be installed in all new one- and two-family dwellings as follows.
77. REQUIRED FIRE FLOW: The fire flow for this project is 500 GPM at 20 psi residual pressure since an automatic fire sprinkler system will be installed. Note: The minimum required number and spacing of the hydrants shall be in accordance with CFC Table C102.1. Provide a fire flow letter from a local water purveyor (San Jose Water) confirming the required fire flow of 500 GPM @ 20 psi residual from a fire hydrant located within 600' of the farthest exterior corner of the structure. Letter shall be submitted before or with the building permit plan set.

78. **WATER SUPPLY REQUIREMENTS:** Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
79. **ADDRESS IDENTIFICATION:** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
80. **CONSTRUCTION SITE FIRE SAFETY:** All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
81. **GENERAL:** This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance [CFC, Ch.1, 105.3.6].

September 12, 2022

Subject:
15602 Benedict Ln
Los Gatos, CA 95032
PRE21-01290
Property Owners: Alireza Mirbagheri & Shadi Zomorrodi
Architect: Azadeh Masrouf (AMS design LLP)

To:
Ms. Jocelyn Shoopman
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

Hello,

As described briefly on the cover sheet of the drawing (sheet A-00.01/scope of the work), the project proposes to demolish an existing single-family home and a detached garage, and to build a 2882 sf new single story home with an attached garage.

The property is located on a flat land. The existing home is a single story approximately 1387 sf with a 620 sf detached garage.

The neighborhood is eclectic in style, with the immediate neighbors being a mix of ranch, contemporary and modern styles. The proposed home is a contemporary style with a minimalistic approach design, to optimize for energy efficiency, as well as looks that will blend well with the immediate neighborhood. We believe the proposed design provides a perfect transition between the two immediate neighbors next door and fits well overall with the neighborhood.

We have reached out to every one of our neighbors within the immediate neighborhood (and even beyond) to inform them about our proposed plan for the construction. We have provided print outs of our plans and handed to them. The outreach effort also included having some of our neighbors over at our house and walking them through the installed story poles, so that they can picture very clearly how the proposed plan will look like.

As a result of this outreach, we were pleased to find out that all the neighbors that we spoke to are fully supportive of our plans. They in fact believe that not only the proposed plan will blend very well with the immediate neighborhood, but it'll also help to improve the neighborhood overall. Some of these neighbors that we have spoken to in detail include the following (but not limited to this list):

1. Tammy and Robert Gore at [REDACTED]
2. Don and Jennifer at [REDACTED]
3. Mark and Alyssa at [REDACTED]
4. Mohammad and Elaheh at [REDACTED]
5. Troy and Jubi at [REDACTED]

Best Regards,

Alireza Mirbagheri (Property Owner)
Shadi Zomorrodi (Property Owner)
Azadeh Masrouf (Designer)

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April 8, 2022

Ms. Jocelyn Shoopman
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

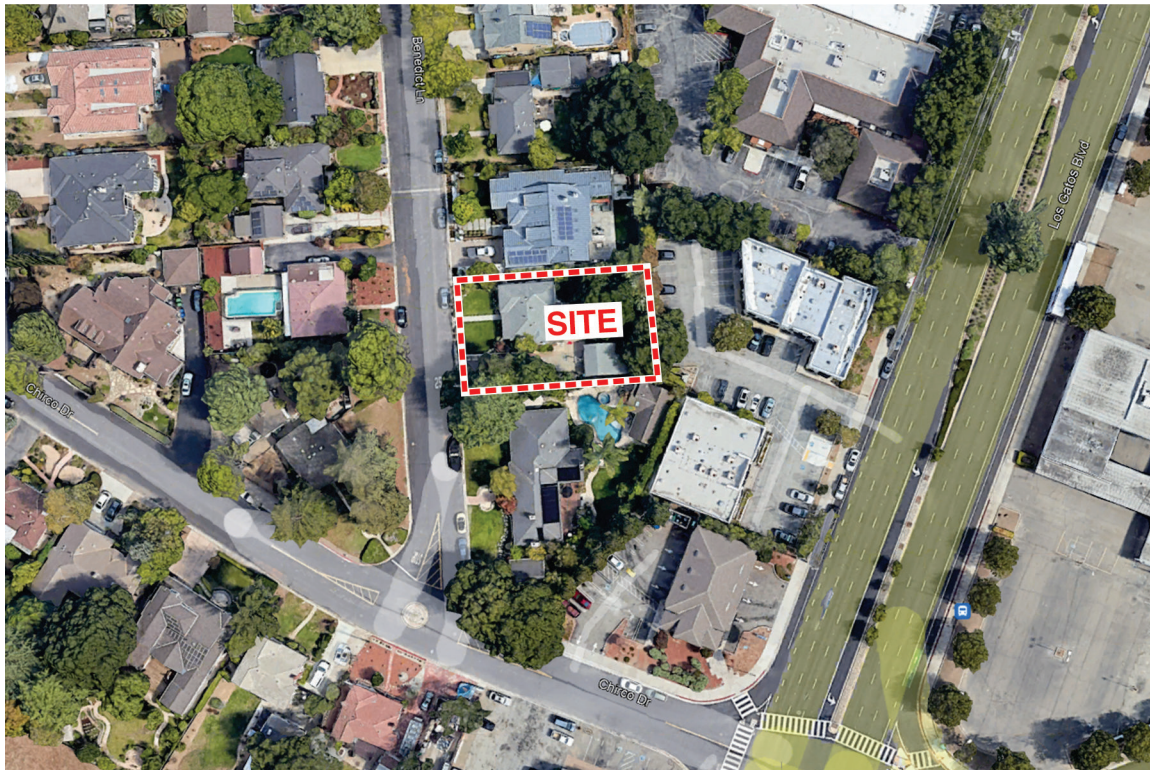
RE: 15602 Benedict Lane

Dear Jocelyn:

I reviewed the drawings and evaluated the site context. My comments and recommendations are as follows:

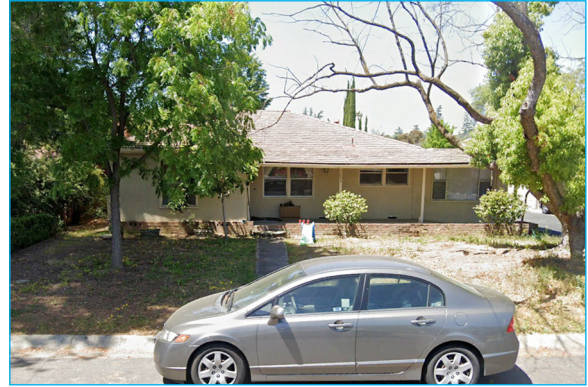
NEIGHBORHOOD CONTEXT

The site is located in an established neighborhood of traditional Ranch Style homes. Houses are all one-story in height with one home having a substantially set back second story. Photos of the site and its surrounding neighborhood are shown on the following page.

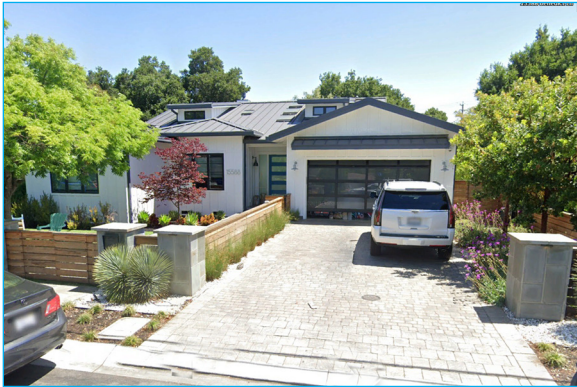




THE SITE



House immediately across Benedict Lane



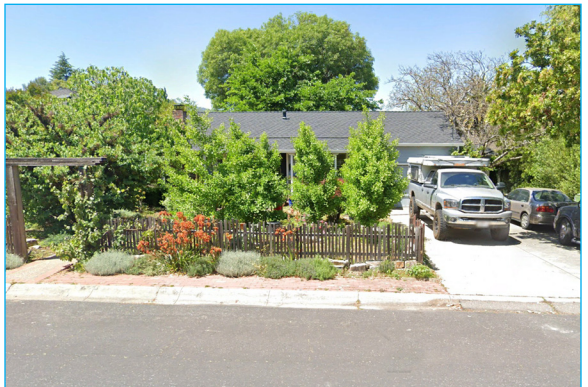
Home to the immediate left



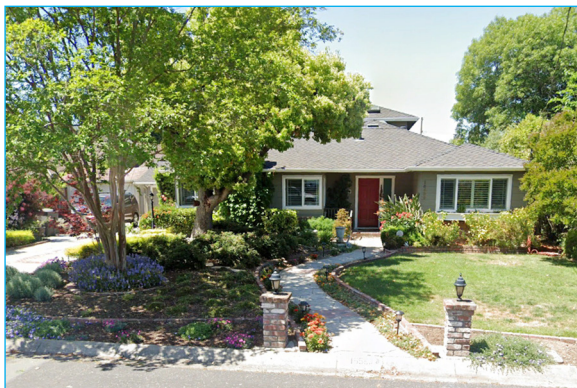
Home to the immediate right



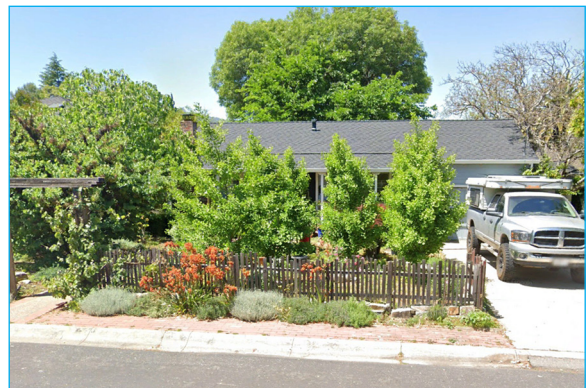
Nearby home to the left on Benedict Lane



Nearby home to the left on Benedict Lane



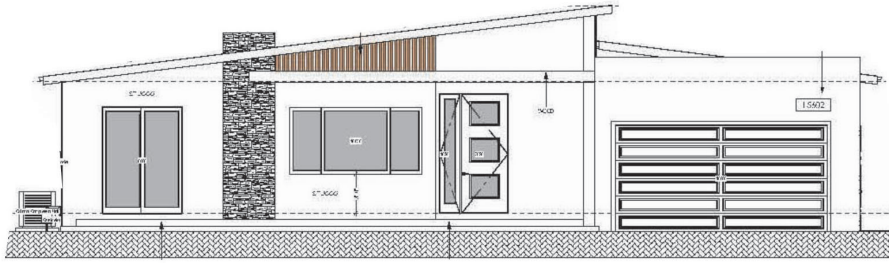
Nearby home across Benedict Lane



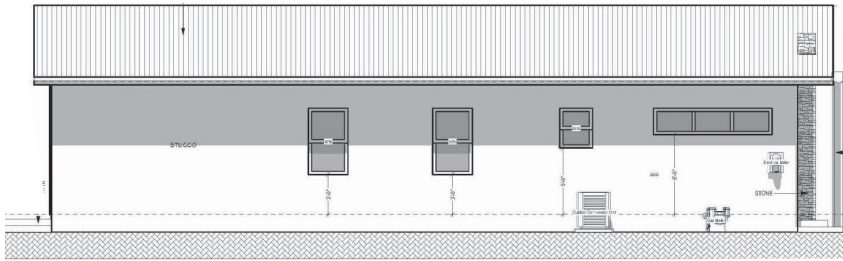
Nearby home across Benedict Lane

PROPOSED DESIGN

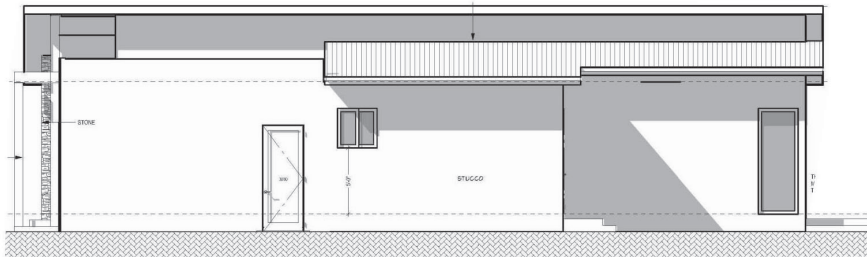
The proposed home is designed in a traditional Eichler-like architectural style - see proposed elevations below.



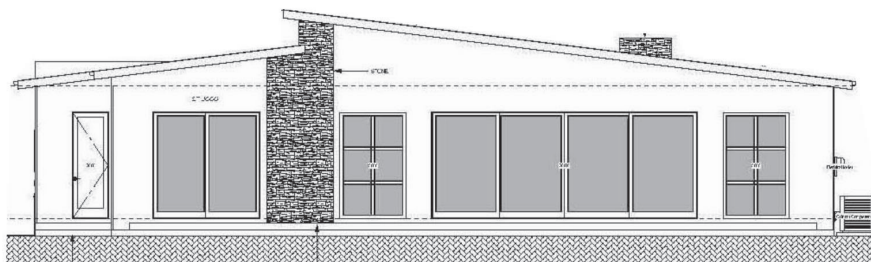
Proposed Front Elevation



Proposed Left Side Elevation



Proposed Right Side Elevation



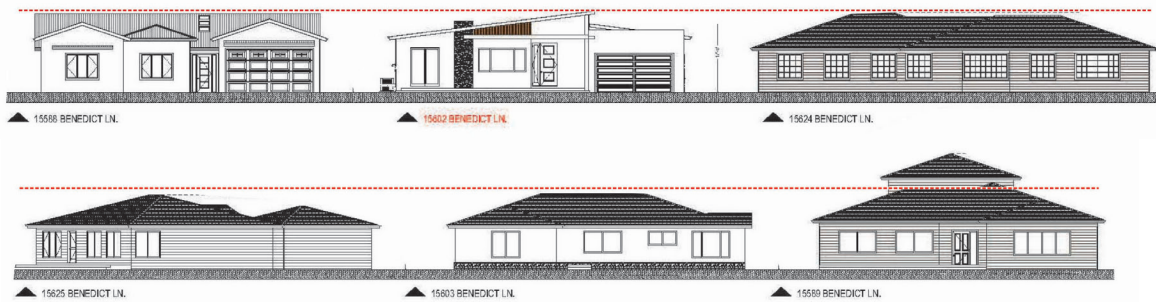
Proposed Rear Elevation



Proposed Streetscape

ISSUES AND CONCERNS

The proposed one-story house would be consistent with the scale and overall building height of the immediate neighborhood - see comparative streetscale illustrations below.



There are, however, several issues worthy of further design discussion.

1. The proposed architectural style is heavily influenced by and is a somewhat stripped down version of a typical low-sloped roof Eichler Home of the 1960s. Normally one sees issues with new homes blending into an older Eichler neighborhood rather than designing an Eichler-like home for a traditional Ranch Style neighborhood with a preponderance of hip roofs. The proposed house design would not be consistent with *Residential Design Guideline 3.2.1*

3.2.1 Select an architectural style with sensitivity to the surrounding neighborhood

- *Avoid selecting an architectural style which typically has roof pitches that are substantially different from others in the nearby neighborhood.*



Architectural style, roof forms and roof slopes are quite a departure from other homes in the immediate neighborhood and not consistent with Residential Design Guideline 3.2.1

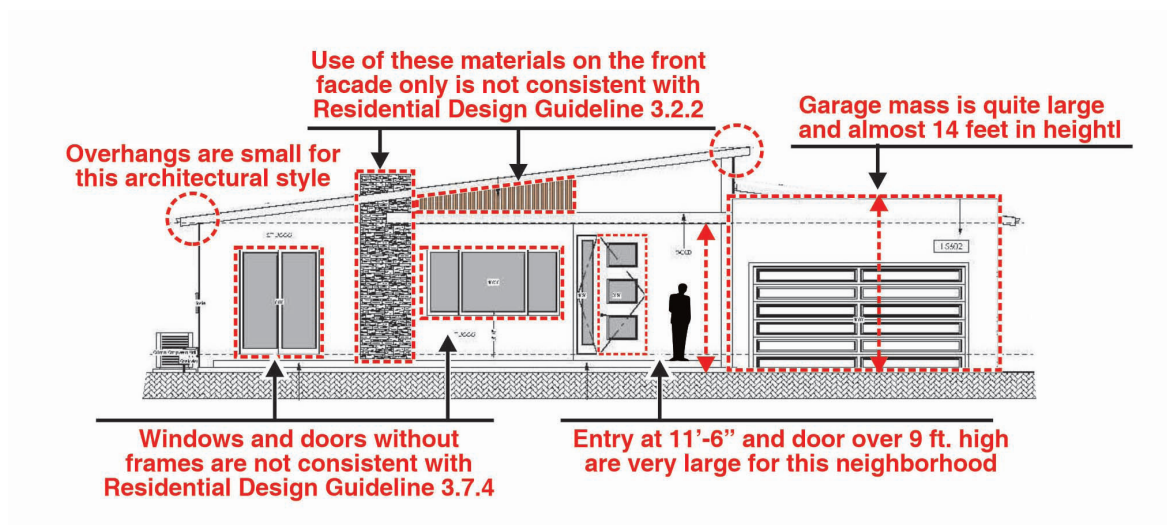
The proposed design in this neighborhood is also not consistent with the *General Design Principles* set forth in the Residential Design Guidelines.

GENERAL DESIGN PRINCIPLES

The following principles have been used in the development of these guidelines, and will be used by the Town to evaluate plans and designs that are not covered by a specific design guideline.

- Encourage a diversity of architectural styles consistent with the neighborhood context
- Design to blend into the neighborhood rather than stand out
- Utilize roof forms and pitches similar to those in the immediate neighborhood

2. The front elevation is quite monumental in scale for the proposed architectural style. The recessed entry is approximately 11'-6" in height with an entry door of over 9 feet, and the flat-roofed garage is almost 14 feet in height .



3. Stone and wood siding is proposed on the front elevation without carrying those materials consistently around to all other elevations which is not consistent with *Residential Design Guideline 3.2.2*.

3.2.2 Design for architectural integrity

- Carry wall materials, window types and architectural details around all sides of the house. Avoid side and rear elevations that are markedly different from the front elevation.

4. Windows and doors without trim are not consistent with *Residential Design Guideline 3.7.4*.

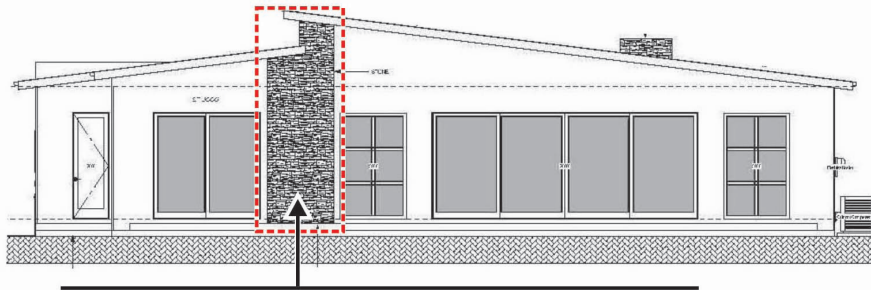
3.7.4 Design the windows with attention to matching the traditional details of the architectural style

- Most architectural styles - except Mission, Spanish Eclectic or Modern - should have wood trim around the windows. The trim width should be matched to the style, but in general, should not be less than 3 1/2 inches wide.
- Wood trim is also encouraged on stucco houses unless the window frames are recessed at least 6 inches from the outside face of the wall. The use of stucco covered foam trim is strongly discouraged.

5. The roof overhangs are rather small for the proposed architectural style - see photo example below.



6. The change of materials in the same plane on the rear elevation would not be consistent with *Residential Design Guideline 3.8.4*.



A change of material in the same plane as the stucco is not consistent with Residential Design Guideline 3.8.4

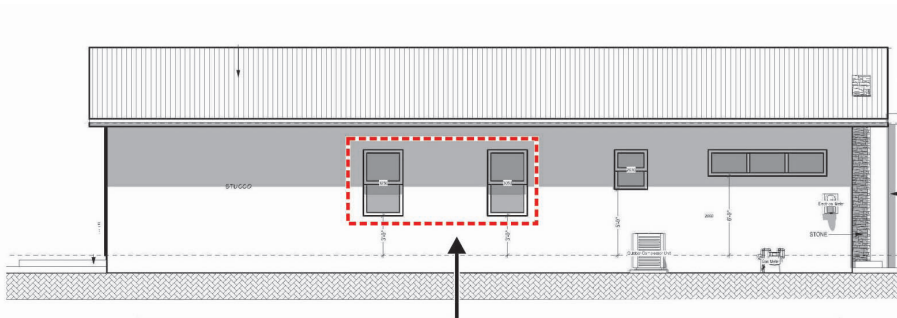
3.8.4 Materials changes

- *Make materials and color changes at inside corners rather than outside corners to avoid a pasted on look.*

7. The windows styles and proportions lack consistency which is not consistent with *Residential Design Guideline 3.7.2*.

3.7.2 Match window types and proportions to the architectural style and to the surrounding neighborhood

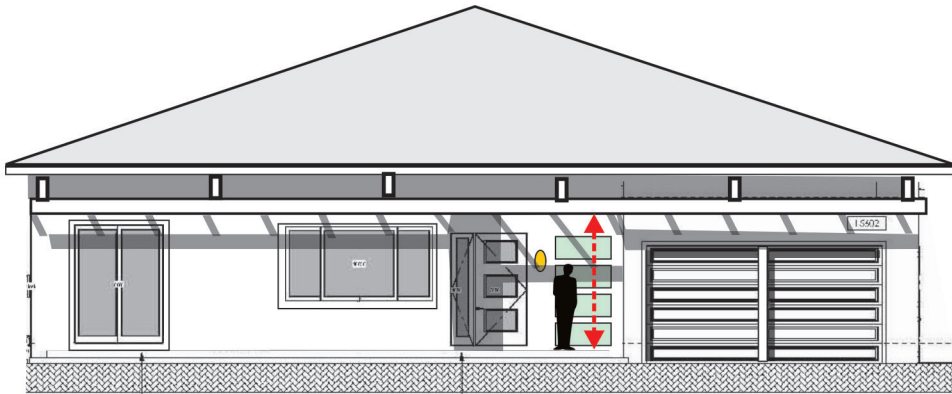
- *Select window types to complement the style of the house. Each architectural style generally has one or two window types that are traditional to the style. Double hung windows, for example, are common features of Victorian and Craftsman Styles while casement windows are seen frequently in Mission and Spanish Eclectic styles.*
- *Most architectural styles feature windows that have either vertical or square proportions. Avoid horizontal window proportions unless the style (e.g., Modern or Ranch Style) is clearly supportive of that shape. Horizontal groupings of vertical and square windows are one means of providing visual balance to a facade design.*
- *Limit the number of different window types and proportions to enhance the visual unity of the house design.*



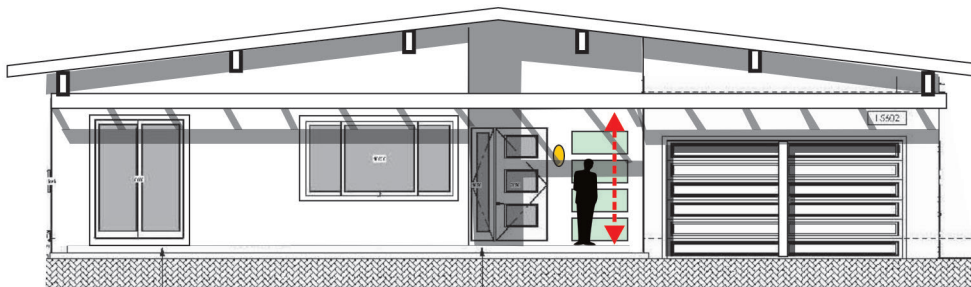
Varied window types are not consistent not consistent with the architectural style and Residential Design Guideline 3.7.2

RECOMMENDATIONS

Staff should work with the applicant to refine the design to be more compatible with the immediate neighborhood and the Town's Residential Design Guidelines. There are some traditional variations to the proposed Eichler-like design that I believe would be more compatible with the immediate neighborhood and more consistent with the Town's Residential Design Guidelines. Two illustrations and photo examples of similar homes are shown below.



HIP ROOF



SINGLE GABLE ROOF

TRADITIONAL GABLE and HIP ROOFS



SINGLE WIDE GABLE ROOFS



In preparing revised designs for the house, the applicant should address the following which are identified as being issues with the current design and likely to be noted again in the future unless addressed in the revised application.

1. Lower the height of the entry and roof eaves to bring the design more into scale with its human occupants and the proposed architectural style.
2. Reevaluate all window types and proportions to be consistent with the proposed architectural style.
3. Add trim to all windows.
4. Increase all roof overhangs.
5. Consider adding translucent windows adjacent to the entry door.
6. If additional wall materials such as stone or wood siding are proposed on the front elevation, carry those materials consistently around all sides of the house.

If you would like to discuss this further, I am available at your convenience.

Sincerely,
CANNON DESIGN GROUP

A handwritten signature in black ink that reads "Larry L. Cannon".

Larry L. Cannon

September 12, 2022

Subject:

15602 Benedict Ln
Los Gatos, CA 95032
PRE21-01290

Property Owners: Alireza Mirbagheri & Shadi Zomorodi

Architect: Azadeh Masrour (AMS design LLP)

To:

Ms. Jocelyn Shoopman
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

Hello,

This is to provide a response to the Consulting Architecture Report dated April 8, 2022 signed by Larry L. Cannon from Cannon Design Group regarding the project referenced above. Several items were identified by the consulting architect to be addressed, and our response for each item can be found in the following pages.

Can you please review our responses and provide your feedback? We'd be glad to provide any additional information that might be needed.

Best Regards,



Alireza Mirbagheri (Property Owner)



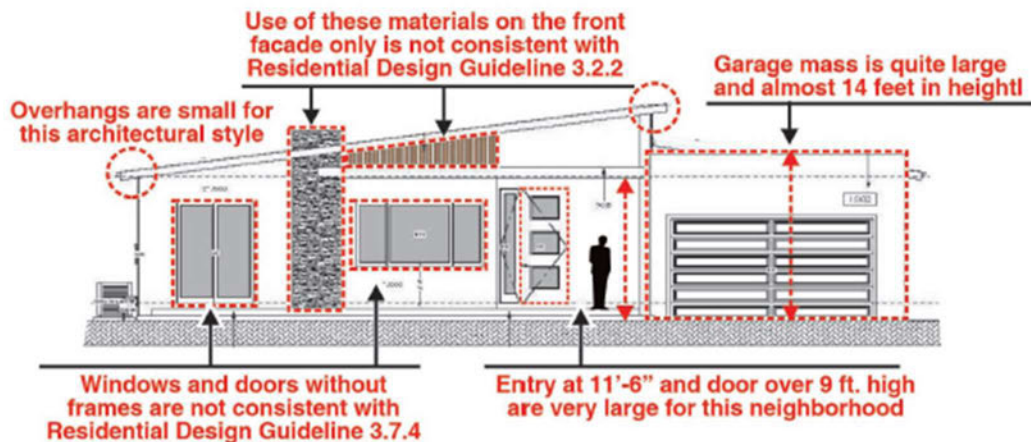
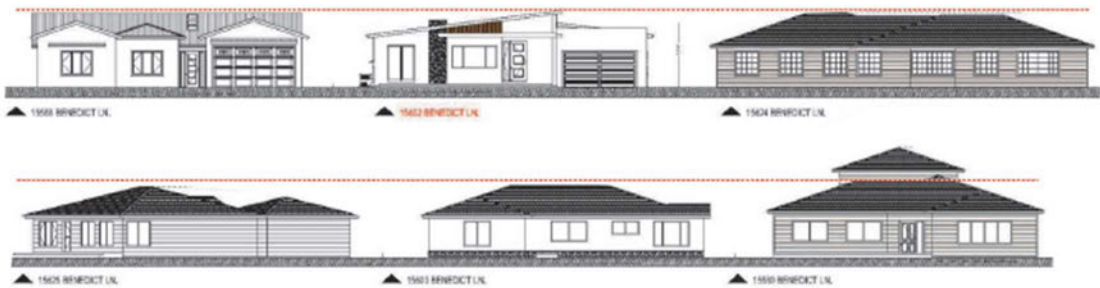
Shadi Zomorodi (Property Owner)

1. Lower the height of the entry and roof eaves to bring the design more into scale with its human occupants and the proposed architectural style.

Consulting Architect's Comments:

The front elevation is quite monumental in scale for the proposed architectural style. The recessed entry is approximately 11'-6" in height with an entry door of over 9 feet, and the flat-roofed garage is almost 14 feet in height.

The proposed one-story house would be consistent with the scale and overall building height of the immediate neighborhood - see comparative streetscale illustrations below.



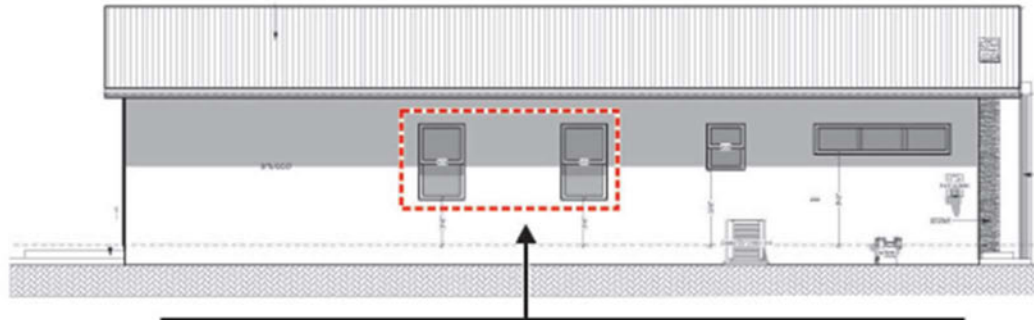
Response:

The garage mass actual measurement is approximately 13 feet (and not 14 feet as noted in the report). It has been designed to this height in order to visually cover the roof behind it. As the consulting architect has also mentioned in their report, the overall scale of the house is well within building height of the immediate neighborhood. To further assist with visuals and the consulting architect's concern, we will plan to add a minimalistic and cosmetics metal overhang in that garage mass space, which should help with the overall look of the garage mass not standing out as too large.

2. Reevaluate all window types and proportions to be consistent with the proposed architectural style.

Consulting Architect's Comments:

The windows styles and proportions lack consistency which is not consistent with Residential Design Guideline 3.7.2.



Varied window types are not consistent not consistent with the architectural style and Residential Design Guideline 3.7.2

Response:

These recommendations were reflected in the new plans submitted.

3. Add trim to all windows

Consulting Architect's Comments:

Windows and doors without trim are not consistent with Residential Design Guideline 3.7.4.

Response:

Per residential design guideline 3.7.4, window trims are encouraged on stucco houses unless the window frames are recessed. Since our windows design will be recessed, additional trims will not be added. We currently plan to have a maximum of two inches of recess on the windows. It's also worth mentioning that there are several other homes in the neighborhood with very similar windows to our planned design (frameless and with recess much smaller than six inches). Pictures of some of these examples can be found below:



Nearby home on a street behind Benedict Ln (104 Oak Park Dr)

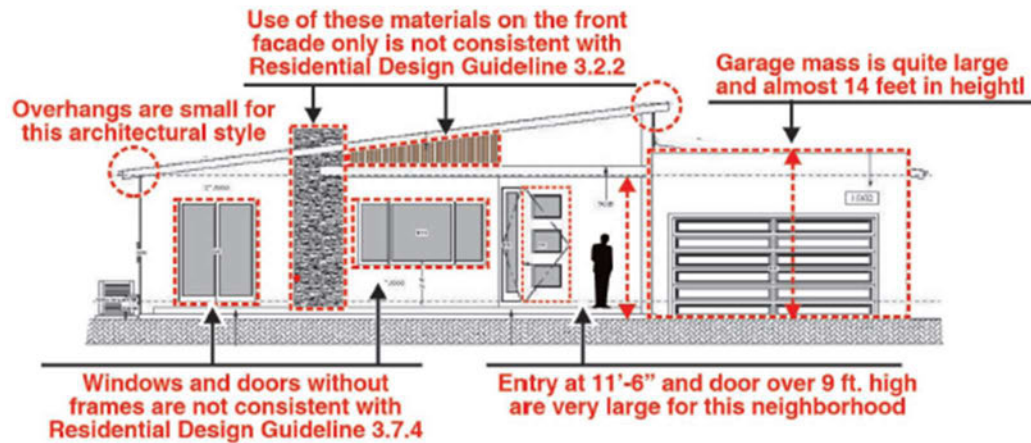


Nearby home on a street behind Benedict Ln (221 Oak Wood Way)

4. Increase all roof overhangs

Consulting Architect's Comments:

The roof overhangs are rather small for the proposed architectural style.



Response:

Per consulting architect's recommendation, we will increase the roof overhang on the left side of the house. The other section of the roof to the right will not be changed in order to ensure the overall height of the house is not increased (addressing the other concern of the architect regarding the overall height of the house to match the immediate neighborhood homes).

5. Consider adding translucent windows adjacent to the entry door

Consulting Architect's Comments:

Consider adding translucent windows adjacent to the entry door.

Response:

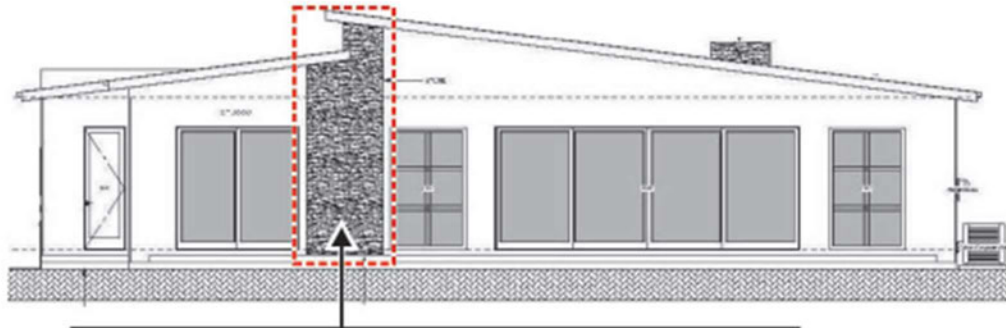
Per current plans, there is a closet behind the wall next to the entry door. From inside of the house, this space in the closet is needed, which doesn't allow adding a window on this wall. From the outside, our plan is to have something in front of this wall adjacent to the entry door to cover the empty space of this wall (such as a large plant, etc.). Therefore, having a window on this wall won't be planned to be implemented at this time.

6. If additional wall materials such as stone or wood siding are proposed on the front elevation, carry those materials consistently around all sides of the house.

Consulting Architect's Comments:

Stone and wood siding is proposed on the front elevation without carrying those materials consistently around to all other elevations which is not consistent with Residential Design Guideline 3.2.2.

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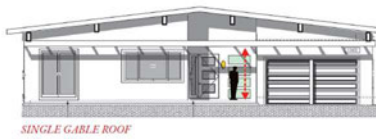
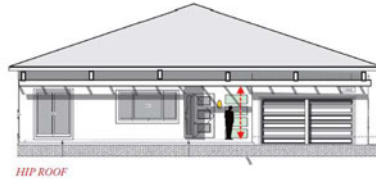
Response:

The highlighted material above is not at the same plane as the stucco, and there is a level change between the two. Further, the same stone material is used both in the front and back of the house, which is consistent with the residential design guidelines.

Additional Recommendations

Consulting Architect's Comments:

Staff should work with the applicant to refine the design to be more compatible with the immediate neighborhood and the Town's Residential Design guidelines. There are some traditional variations to the proposed Eichler-like design that I believe would be more compatible with the immediate neighborhood and more consistent with the Town's Residential Design Guidelines. Two illustrations and photo examples of similar homes are shown below.



Architectural style, roof forms and roof slopes are quite a departure from other homes in the immediate neighborhood and not consistent with Residential Design Guideline 3.2.1

Response:

There are several homes in the neighborhood with styles similar to our proposed plan. A few examples of these homes are shown below. These examples include references to similar styles, windows without trims and small roof overhangs. Therefore, considering the big picture of this neighborhood, we don't believe our proposed plan is radically different from other homes in the neighborhood or violates any of the residential design guidelines. In addition, we have paid close attention to our proposed design, to ensure it fits well within the immediate neighborhood. Our proposed minimalistic contemporary style provides a nice transition between the two adjacent homes to us, and blends well within the neighborhood. We have also reached out to every one of our neighbors within the immediate neighborhood (and even beyond) to inform them about our proposed plan, and they all have supported this proposal and believe that the design fits well with the neighborhood. Additional details about neighborhood outreach can be found in the last section of this letter.



Nearby home on a street behind Benedict Ln
(104 Oak Park Dr)



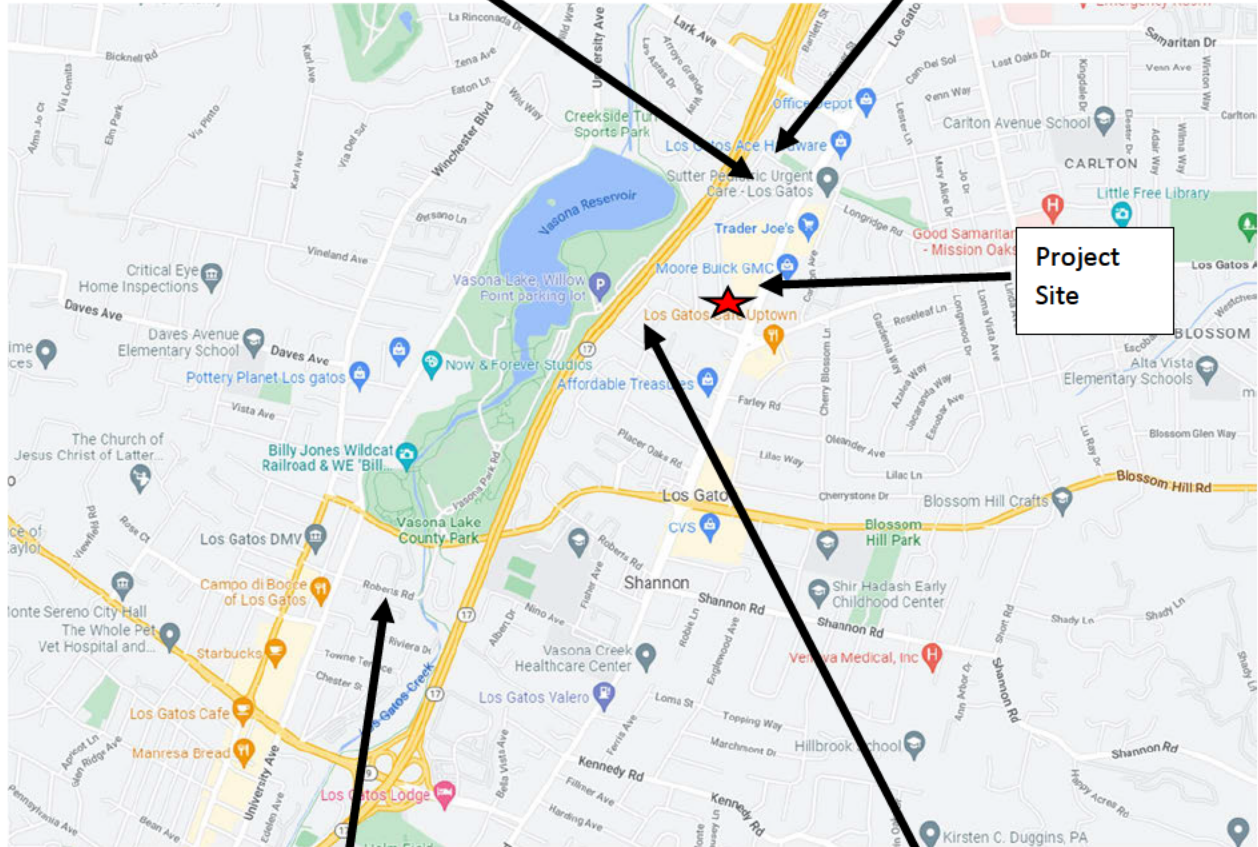
Nearby home on a street behind Benedict Ln
(221 Oak Wood Way)



Nearby home on a street behind Benedict Ln
(30 Roberts Rd)



Nearby home on a street behind Benedict Ln
(15621 Flintridge Dr)



Neighborhood Outreach Efforts

We have reached out to every one of our neighbors within the immediate neighborhood (and even beyond) to inform them about our proposed plan for the construction. We have provided print outs of our plans and handed to them. The outreach effort also included having some of our neighbors over at our house and walking them through the installed story poles, so that they can picture very clearly how the proposed plan will look like.

As a result of this outreach, we were pleased to find out that all the neighbors that we spoke to are fully supportive of our plans. They in fact believe that not only the proposed plan will blend very well with the immediate neighborhood, but it'll also help to improve the neighborhood overall. Some of these neighbors that we have spoken to in detail include the following (but not limited to this list):

1. Tammy and Robert Gore at [REDACTED]
2. Don and Jennifer at [REDACTED]
3. Mark and Alyssa at [REDACTED]
4. Mohammad and Elaheh at [REDACTED]
5. Troy and Jubi at [REDACTED]

Revision History:

- April 26, 2022: initial draft submitted

- September 12, 2022:
 - Comment#1 (Page2): specified the material for the added cosmetic overhang to be metal
 - Comment#3 (Page3) regarding the window trims: added more details for the plan (recess windows), with additional supporting examples from the neighborhood
 - Additional recommendations section (Pages 6-8): modified with supporting pictures, map and explanations
 - Neighborhood outreach efforts (Page 9): added section (did not exist in the first draft)
 - Revision history (Page 10): added this section for tracking changes easier if compared to old letter

**Assessment of Eight (8) Protected-Size Trees
At and Adjacent to
15602 Benedict Lane
Los Gatos, California**

Prepared for:
Ms. Jocelyn Shoopman, Associate Planner
Town of Los Gatos Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Field Visit:
Walter Levison, Contract Town Arborist (CTA)
2/1/2022

Report by CTA
2/7/2022

Table of Contents

1.0 Summary	3
2.0 Assignment & Background	8
3.0 Town of Los Gatos – What Trees are Protected?	9
4.0 Recommendations	11
5.0 Tree Protection and Maintenance Directions per Town Code	19
6.0 Tree Replacement Standards – Los Gatos Town Code	22
7.0 Author’s Qualifications	25
8.0 Assumptions and Limiting Conditions	26
9.0 Certification	27
10.0 Digital Images	28
11.0 Tree Data Table	34
12.0 Tree Location & Protection Fence Map Mark-up	40
13.0 Attached: CTA Tree Appraisal Worksheet per <i>10th Edition Guide for Plant Appraisal</i>	40

1.0 Summary

- a. Below is a matrix style overview of protected-size trees (non-exempt species, 4-inches diameter at 4.5 feet above grade). In the table, the CTA (Contract Town Arborist) has outlined expected impacts to each tree, along with suggestions for adjustments to the plan set (if applicable) that will optimize tree survival over the long term.

Mitigation replacement rate and size is noted for each tree in the case that removal or damage to trees occurs.

Note: Only trees within relatively close proximity of proposed work are included in this tree study (e.g. tree trunks located between approximately zero and 30 linear feet of current proposed new grading, utility trenching, excavation, haul routes, landscaping, etc. as shown on proposed plans, and trees with canopy driplines that encroach over the subject property lot line.

Adjacent to this site (15602 Benedict Lane), there are various “exempt” trees such as privet specimens along the south boundary area, on neighbor property, near to survey trees #34 and #35, that were appropriately excluded from this CTA tree study. Similarly, there are a large number of fern pine (*Podocarpus gracilior*) specimens located along the west edge of the neighbor property, with canopies that slightly encroach into the 15602 Benedict site project area, which were also excluded from the study, given that they were small diameter trees in the +/- 3” to 4” diameter trunk class (not verified, not accessible), growing east of the property line wooden fence, assumedly with irrigation, arranged in a dense hedge formation on private property in an area that is not accessible for close inspection.

New Staff Protocols 2021 Onward / High Risk Trees & Extreme Risk Trees & Dead Trees

Per my communications with Town Planning Division Staff in 2021, all trees with a TRAQ risk rating of “high” or “extreme”, and all trees in “dead” (i.e. 0 to 5% overall condition ratings) are allowed to be removed as no-fee removals, without any canopy replacement fees or plantings required, when a site is undergoing entitlement review. The reference for this no-fee/no-replacement removal standard is tree ordinance section 29.10.0985.

Table 1.0(a) (REFER TO THE CTA’S TREE MAP MARKUP WHEN REVIEWING THIS MATRIX)

Note that this property at 15602 Benedict Lane is slightly under 10,000 square feet, and has the option to mitigate per the “single family residence option” by using smaller mitigation tree plantings of 15 gallon size, rather than the standard 24” box size.

Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to “less than significant”	Replacement Rate Per Canopy Lost	Replacement Size Tree
1	31	Coast live oak	No	\$1,490.	No changes necessary if fencing is erected along edge of proposed new driveway footprint.	3	15 gallon or 24” box
2	32	Coast live oak	No	\$520.	No changes necessary if fencing is erected along edge of proposed new driveway footprint.	3	15 gallon or 24” box

Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
3	33	Deodar cedar	No	\$32,200.	No changes necessary if fencing is erected along edge of proposed new driveway footprint.	6	24" box
4	34	Coast live oak	No	\$40.	This is actually a "tall stump" due to severe topping pruning that was performed to essentially remove the entire tree down to a stump of 9 feet elevation, which then grew slightly to a height of 14 feet. No changes necessary to plans, if fencing erected along edge of proposed new driveway footprint.	2	15 gallon or 24" box
5	35	Coast live oak	No	\$3,630.	No changes necessary to plans, if fencing erected along edge of proposed new driveway footprint. The proposed new driveway will encroach to just outside of the tree's "critical root zone" calculated at 6 x trunk diameter as a horizontal offset radius where no activity should theoretically occur, to maintain tree stability.	3	15 gallon or 24" box

Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
6	36	Coast live oak	No	\$5,100.	<p>Critical root zone is 6 x diameter, which is 6 x 17" = 8.5 feet as an absolute no activity zone for stability preservation for the tree. Health preservation requires usually 1.5 x the CRZ distance (approximately). This means that the proposed residence footprint at 6 feet from trunk edge is well inside the CRZ distance, violating the minimum recommended offset distance for construction. Also note that because the exterior work requires a construction buffer area of at least 4 or 5 horizontal feet around the edge of the proposed new residence, the actual distance of fencing from trunk edge is going to be ~2 feet offset from trunk edge, which will further negatively impact the tree's root system unless a soil protection buffer of geotextile and wood chips is piled up over the ground to further protect against foot traffic related soil compaction and/or machinery related soil compaction of the tree root zone.</p> <p>The CTA suggests pushing the residence to at least a total of 14 feet north offset from trunk edge so that fencing can be erected at 9 feet north of tree.</p>	4	15 gallon or 24" box
7	37	Pyracantha (shrub)	No	\$330.	<p>(Tree to be removed due to direct conflict with proposed residence footprint).</p> <p>Note that the applicant does <u>not</u> show replacement plantings in their submittal set of plans.</p> <p>It will be up to Staff whether the site project will be required to mitigate using on-site plantings (three trees), or will be allowed to pay in-lieu fees to some extent.</p>	3	15 gallon or 24" box

Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
8	38	Coast live oak	Yes	\$17,300.	<p>ROOF: Per the applicant's plans, the south (rear) elevation of the sloping roof will peak at 15'8", and slope down northward to 10'-0". Given that roofers will need at least 5 feet of additional head clearance to install the roof, this therefore effectively requires a "working height" of ~15 feet at the north end, and 21 feet elevation at the southwest portion of the tree #38 canopy.</p> <p>The CTA shot elevations of the tree #38 canopy using a hypsometer and found its elevations to be roughly between 12 feet and 17 feet in height above grade, with presence of a 6 inch diameter limb that extends westward over the proposed roof footprint.</p> <p>The entire 6 inch diameter limb extending westward over the proposed roof will need to be removed at its attachment point at 7 feet above grade on the tree #38 mainstem, to clear the roof and roofer activity. This is acceptable, and is not expected to have a significant negative effect on the tree's long term health or structure.</p> <p>CRITICAL ROOT ZONE VS. RESIDENCE FOUNDATION WORK:</p> <p>The critical root zone of tree #38 is 6 x 30" = 15 feet. The distance from trunk edge to new foundation of residence is roughly 12 feet, which means the encroachment will be 3 feet into the CRZ no-dig area. This is still OK, given that the tree's north, south, and east root zone quadrants will essentially remain as open soil intact. However, it will mean that the applicant will be required to install a SOIL PROTECTION BUFFER between the RPZ chain link fencing and the new residence foundation, to prevent unnecessary soil compaction. See the CTA's tree map for this graphic.</p>	10	24" box

2017 Town of Los Gatos In-lieu fee equivalent = \$250 per each required 24" box mitigation tree planting not installed on the site.

(This project is on a lot that is slightly less than 10,000 square feet, and is allowed to use 15 gallon size trees for on-site replacement plantings. However, the value of each of those (smaller) mitigation plantings in terms of dollar value equivalency, is still \$250 per tree).

1.0 (b) Summary of tree disposition and tree issues, based on the set of (revised) plans submitted to planning division in 2021:

1. TREE IMPACTS / "MODERATE TO SEVERE" EXPECTED:

Trees #36 and #38 may experience moderate to severe negative impacts from proposed work, if the site plan is built out as currently shown on the applicant's plan set submitted to planning division.

To mitigate or offset some of the root loss associated with the current plan, the CTA suggests (assuming that both trees #36 and #38 are to be preserved):

- Pushing the proposed new residence to 14 feet north of the trunk edge of tree #36, such that fencing can be erected at 9 feet north of trunk edge.
- Installing a soil protection buffer between the tree #38 protection fence and the proposed new residence foundation edge, per the **green** highlighted strip shown on the CTA's tree map markup below at the end of this report.

Also note that this tree will require some pruning to clear the roof and roofer activity. **The limb required to be removed is a 6 inch diameter limb extending westward over the proposed roof footprint. The impact of this removal will be minor to moderate only. All pruning work will have to conform to the most current ANSI-A300 pruning standards, and either be performed by, or supervised directly (full-time supervision) by an ISA Certified Arborist.**

2. TREE IMPACTS / "MINOR" EXPECTED:

Trees #31, 32, 33, 34, and #38 are expected to remain with little or no negative impact from proposed new site plan construction work, if fencing is erected along the south edge of the proposed driveway footprint as indicated on the CTA's tree map markup as a heavy red dashed line.

3. TREE REMOVALS vs. REQUIRED MITIGATION / APPLICANT:

Value: The applicant is proposing to remove tree #37 (actually a shrub). The value of this tree in terms of Los Gatos canopy replacement requirement per planning division is installation of three (3) 15 gallon or 24" box size plantings on site with heavy irrigation, which is equivalent to $\$250 \times 3 = \750 , per the standard \$250 valuation of a single tree planting installed at site.

Location: Given that the applicant does not have a landscape plan or an irrigation plan, it is assumed that they have not yet determined a location for this tree installation of three (3) 15 gallon or 24" box size trees.

Combo Mitigation: Planning Staff can either require the applicant to install three trees on site, or have the applicant pay a combination of in-lieu fees plus install on-site mitigation tree plantings.

Mitigation Planting Species: Typical trees used for mitigation plantings include such pest and disease resistant trees as 'Columbia' plane tree, 'Roberts' sycamore, coast live oak, Chinese pistache, Swan Hill fruitless olive, wilson's fruitless upright olive, silver linden (*Tilia tomentosa*), blue Atlas cedar, and deodar cedar.

4. SECURITY BONDING:

The new 2015 iteration of the Town tree ordinance section 29.10.1000 (c)3 includes wordage that requires that all trees being retained on a development site need to be appraised for dollar value at the applicant's expense prior to building or grading permits being issued by the Town. Part 'f' of this same tree ordinance section states that the Town may condition a security bond prior to issuance of a permit, in the sum of \$5,000 per each tree being preserved, or \$25,000, whichever is less. In the case of this site, with six trees being retained (\$30,000), the minimum \$25,000 bond amount would kick in as the bond amount.

2.0 Assignment & Background

Walter Levison, Contract Town Arborist (CTA) was directed to tag and assess all Protected-Size (4 inch diameter and greater) trees in relatively close proximity to the proposed site plan project.

The trees were tagged with numeric tags "31" through "38", affixed to the mainstem of each tree at roughly eye-level. These tag numbers are noted on the CTA's tree map markup attached to the end of this written report.

The CTA summarized the tree situation from a long-term site manager's perspective, both in table form and in written form above, in section 1.0.

Specific recommendations for tree maintenance and protection are outlined below in section 4.0.

Digital images of the trees archived by the CTA are included below in this report for reference of existing pre-project conditions.

The tree data table with detailed tree information based on the CTA's field assessment on 2/1/2022 makes up section 11.0 of this report. The CTA used a forester's D-tape to determine trunk diameter at 4.5 feet above grade, or at a narrow point below a mainstem fork if the fork occurs at 4.5 feet above grade. The D-tape converts actual trunk circumference into diameter in inches and tenths of inches. Tree heights were measured using a digital Nikon forestry pro 550 hypsometer. Tree canopy spread was visually estimated.

The attached tree map mark-up prepared by the CTA was created using the applicant's site plan sheet A-00.01 dated September, 2021, marked up with various highlight coloration¹ as discussed in section 12.0.

The CTA reviewed the applicant's revised set of plan sheets from September, 2021.

3.0 Town of Los Gatos – What Trees are Protected?

Per the most recent (2015) iteration of the Town of Los Gatos tree ordinance (Town Code Chapter 29 – Zoning Regulations, Article 1), the following regulations apply to all trees within the Town's jurisdiction (wordage adjusted):

1. All trees with at least a single mainstem measuring four (4) inches diameter or greater at 4.5 feet above grade are considered "**Protected Trees**" when removal relates to any development review.
2. 12 inch diameter (18 inch multistem total) trees on developed residential property not currently subject to development review.
3. 8 inch diameter (8 inch multistem total) blue oak (*Quercus douglasii*), black oak (*Quercus kellogii*), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*) on developed residential lots not currently subject to development review.
4. 8 inch diameter (8 inch multistem total) trees on developed residential property not currently subject to development review, on lots in the designated **Hillside Area** per the official Town map.
5. All trees with a single mainstem or sum of multiple mainstems totaling 48 inches diameter or greater at 4.5 feet above grade are considered "**Large Protected Trees**" (LPT).
6. All oak species (*Quercus spp.*), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*) with one or more mainstems totaling 24 inches diameter or more at 4.5 feet above grade are considered "**Large Protected Trees**" (LPT).
7. Section 29.10.0965. Prohibitions: A **permit** is required to prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting 25% or more of any **Protected Tree** (including below ground root system).
8. Section 29.10.0965. Prohibitions: A **permit** is required to prune, trim, or cut any branch or root greater than four (4) inches in diameter of a **Large Protected Tree**.

¹ Adobe Pro was used to mark up the tree map. In order to "lock" the mark-ups, the CTA printed a PDF of the marked-up PDF sheet, which resulted on some loss of color intensity.

9. Section 29.10.0965. Prohibitions: A permit is required to conduct severe pruning on any protected tree. Severe pruning is defined in section 29.10.0955 as “topping or removal of foliage or significant scaffold limbs or large diameter branches so as to cause permanent damage and/or disfigurement of a tree, and/or which does not meet specific pruning goals and objectives as set forth in the current version of the International Society of Arboriculture Best Management Practices-Tree Pruning and ANSI A300-Part 1 Tree, Shrub, and Other Woody Plant Management-Standard Practices, (Pruning).”

10. Exceptions:

Severe Pruning Exception in Town Code section 29.10.1010(3) “.....except for pollarding of fruitless mulberry (*Morus alba*) or other species approved by the Town Arborist.....”.

Protected Tree Exceptions:

- a. Edible fruit or nut bearing trees less than 18 inches diameter (multistem total or single stem)
- b. *Acacia melanoxylon* (blackwood acacia) less than 24 inches (multistem total or single stem)
- c. *Liriodendron tulipifera* (tulip tree) less than 24 inches (multistem total or single stem)
- d. *Ailanthus altissima* (tree of heaven) less than 24 inches (multistem total or single stem)
- e. *Eucalyptus globulus* (Tasmanian blue gum) less than 24 inches (multistem total or single stem)
- f. *Eucalyptus camaldulensis* (River red gum) less than 24 inches (multistem total or single stem)
- g. *Other eucalyptus species* (E. spp.) not noted above, less than 24 inches (multistem total or single stem)

(REMOVAL O.K. ONLY AT HILLSIDE AREA LOCATIONS PER OFFICIAL TOWN MAP):

www.losgatosca.gov/documentcenter/view/176

- h. All palm species (except *Phoenix canariensis*) less than 24 inches (multistem total or single stem)
- i. *Ligustrum lucidum* (glossy privet) less than 24 inches (multistem total or single stem)

Note that per the exception in part ‘a’ above, fruiting olive trees with stems totaling less than 18 inches are considered non-protected.

4.0 Recommendations

1. Project Arborist ("PA"):

Initial Signoff

It is suggested that a third party ASCA registered consulting arborist or ISA Certified Arborist with good experience with tree protection during construction be retained by the applicant, to provide pre-project verification that tree protection and maintenance measures outlined in this section of the arborist report are adhered to. Periodic (e.g. monthly) inspections and summary reporting, if required as a project condition of approval, are suggested in order to verify contractor compliance with tree protection throughout the site plan project. This person will be referred to as the project arborist ("PA"). The PA should monitor soil moisture within the root protection zones of trees being retained, using a Lincoln soil moisture probe/meter or equivalent. If required, inspection reports shall be sent to Ms. Jocelyn Shoopman, Associate Planner, at rshoopman@losgatosca.gov.

Sample wordage for a condition of approval regarding monitoring of tree protection and tree condition:

"The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in a monthly site activity report sent to the Town. A mandatory Monthly Tree Activity Report shall be sent at least once monthly to the Town planner associated with this project (rshoopman@losgatosca.gov) beginning with the initial tree protection verification approval letter".

The PA is suggested to work with the project team to directly monitor a portion of the following items such as:

- a. Foundation work directly north of oak #36.
- b. Foundation work directly west of oak #38.

2. Project Team Pre-Project Clarifications or Changes Requested:

i. Residence Foundation / South Side of Residence:

The current proposed applicant plan shows the new residence foundation at 6 feet north of trunk edge of tree #36: a distance that is inside the critical root zone (CRZ) of the tree, calculated at 8.5 feet radius offset.

The CTA suggests that Staff consider requiring the applicant to push the new residence foundation to 14 feet north of trunk edge of oak #36, **(if this tree is to be retained)**, in order that TPZ chain link fencing can be erected at 9 feet north of trunk edge, thereby bringing the fenced off root zone area to just north of the calculated critical root zone offset distance from trunk edge. This will also allow for creation of a 5-foot wide construction corridor between the TPZ fence and the new foundation where construction personnel can walk and perform work without being blocked or hindered by the fencing.

ii. Removal Mitigation Fees vs. On-Site Plantings:

Locations: Verify with the applicant the location(s) of the required on-site mitigation trees.

Species: Typical trees used for mitigation plantings include such pest and disease resistant trees as 'Columbia' plane tree, 'Roberts' sycamore, coast live oak, Chinese pistache, Swan Hill fruitless olive, wilson's fruitless upright olive, silver linden (*Tilia tomentosa*), blue Atlas cedar, and deodar cedar.

Irrigation: Verify irrigation type (should be high flow, with two (2) ½" diameter flood bubblers each emitting a minimum of 1.0 gallon per minute.

Removal fee for tree #37 is \$750, or installation of three (3) 15 gallon or 24" box size trees on site, or a combination of plantings and fees to be determined by Town Planning Staff.

3. Security Bond:

It is suggested that Town Staff condition this project on receiving security bond monetary funds from the applicant in the amount of **\$25,000**, as a hedge against potential decline or death of one or more of the survey trees to remaining on-site or off-site in close proximity to the proposed site plan project. Staff may choose to reduce this fee to a lesser amount. See table 1.0(a) for individual tree appraised values.

4. Trunk Buffer Wrap Type III Protection:

Prior to demolition commencement, install a trunk buffer around the lowermost 8 to 10 feet of the mainstems of **trees #31, 32, 34, 35, 36, 38**.

Wrap approximately 10 to 15 wraps of orange plastic snow fencing around the trunk between grade and 8 feet above grade to create a padding at least 1 to 2 inches thickness. Each tree will require at least one (1) entire roll of orange plastic snow fencing wrap.

Stand 2x4 wood boards upright, side by side, around the entire circumference of the trunk. Affix using duct tape (do not use wires or ropes). See spec image at right.

5. Chain Link Fencing Type I and/or Type II Root Protection Zone (RPZ):

Prior to commencing site demolition, erect chain link fencing panels set on moveable concrete block footings. Wire the fence panels to iron layout stakes pounded 24 inches into the ground at the ends of each fence panel to keep the fence route stabilized and in its correct position. Do not wire the fence panels to the trunks of the trees.



Pre-construction fence: Per the red dashed lines on the tree map mark-up in the CTA's arborist report (routes may be subject to change, depending on the finalized alignments of work items).

Protection shall be at the farthest possible offset distances from trees #31, 32, 33, 34, 35, 36, 38.

This fencing must be erected prior to any heavy machinery traffic or construction material arrival on site.

The protective fencing must not be temporarily moved during construction. No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the root protection zone or "RPZ".

No storage, staging, work, or other activities will be allowed inside the RPZ except with PA monitoring. Note however that some RPZ fencing areas may need to be removed or moved to allow for final landscape plant and irrigation system installation to occur.

6. Signage: The RPZ fencing shall have one sign affixed with UV-stabilized zip ties to the chain link at eye level for every 15 linear feet of fencing, minimum 8"X11" size each, plastic laminated, with wordage that includes the Town Code section that refers to tree fence protection requirements (wordage can be adjusted):

**TREE PROTECTION ZONE FENCE
ZONA DE PROTECCION PARA ARBOLES**

**-NO ENTRE SIN PERMISO-
-LLAME EL ARBOLISTA-**

**REMOVAL OF THIS FENCE IS
SUBJECT TO PENALTY ACCORDING TO
LOS GATOS TOWN CODE 29.10.1025**

**PROJECT ARBORIST:
TELEFONO CELL:**

EMAIL:

NOTE: THE CTA IS NOT THE "PROJECT ARBORIST". The project arborist is a private arborist contracted by the applicant or applicant's team of professionals who then monitors the project and reports to Town of Los Gatos planning division on a monthly basis with tree condition and tree protection inspection reports.

7. Water Spray:

Spray off foliage of all trees **within 20 feet of construction** activity using a very high power garden hose or a pressure washer system set on low pressure to wash both the upper and lower surfaces of foliage. This helps keep the gas portals (stomata) unclogged for better gas exchange which is crucial for normal tree function.

Spray should be applied approximately **once-monthly**, or when ambient airborne dust concentration is unusually high.

8. TREE MAINTENANCE / REQUIRED:

8.1. Retain an ISA certified arborist to perform or directly supervise pruning per the following specifications and per all of the most current ANSI A300 pruning standards:

8.1.1 TREE #31 PRUNING:

Raise the canopy of oak #31 to 14 feet to provide minimum vehicle airspace clearance.

8.1.2 TREE #32 PRUNING:

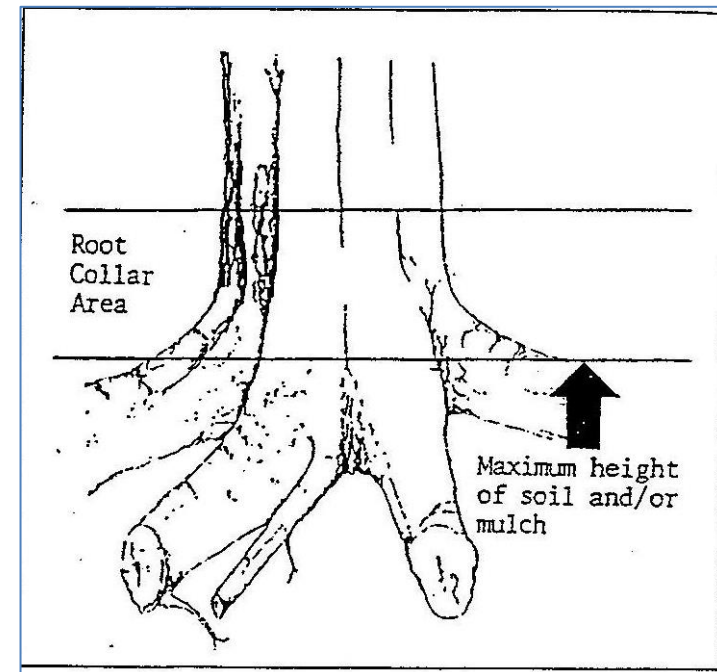
Raise the canopy of oak #32 to 14 feet to provide minimum vehicle airspace clearance.

8.1.3 TREE #36 PRUNING:

Remove branches and limbs to 2 inches diameter each on the north side of the oak #36 canopy, in order to clear vertical airspace to the proposed 15'8" finish roof elevation (this recommendation may not be needed, if the residence is pushed to 14 feet north of the trunk edge per the CTA's suggestion).

8.1.4 TREE #36 ROOT CROWN EXCAVATION:

Remove irrigation equipment, remove ivy, and remove soil, between zero (0) and 20 feet from the trunk edge of oak #36. See diagram at right for reference of correct hand-tool root crown excavation (RCX) finish height of soil in relation to buttress roots/root crown.



8.1.5 TREE #38 PRUNING: Remove one (1) 6 inch diameter limb that extends westward into the proposed finish roof area. Remove the limb at its attachment point on the main trunk at approximately 7 feet elevation above grade.

8.1.5 TREE #38 SOIL PROTECTION BUFFER:

Install a soil protection buffer between the oak #38 TPZ chain link fence and the new proposed residence foundation (i.e. between 7 feet and 12 feet west of the trunk edge of oak #38). See reference images below and right, showing various soil protection buffers on the CTA's past projects.

The minimum protection required is a layer of 6" to 12" thickness of coarse tree chipper truck type wood chips, laid down over a geotextile that is pinned down on bare soil (see image above right).

The standard heavy duty soil protection buffer is a layer of 12" thickness of wood chips, overlaid with full sheets of heavy duty exterior grade plywood strapped together using steel screw plates (see image at right).

Either the minimum spec or the standard heavy duty spec type of buffer is acceptable for this project.



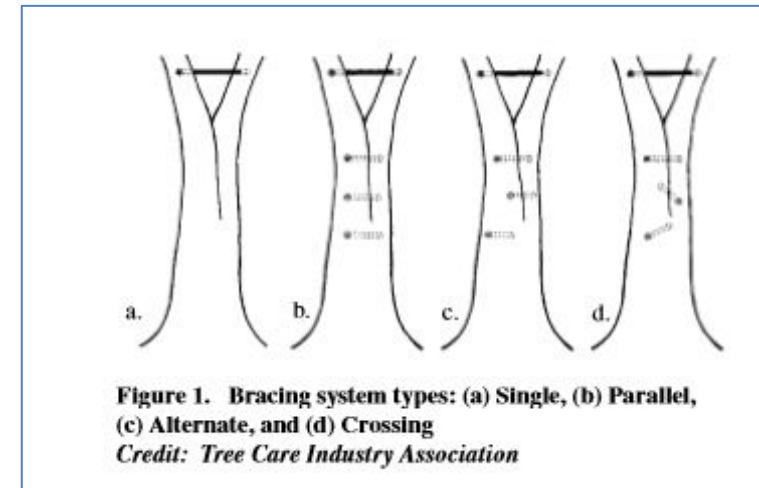
9. Maintenance of Trees / Optional:

The CTA suggests that the applicant consider optional installation of arborist cable systems and/or arborist through-bolt threaded brace rods in oak #38, as additional support systems for the tree's structure, given that there are multiple bark inclusion type forks at 5 to 8 feet elevation that reduce the tree's structure stability.

These types of support systems need to be installed by a qualified tree care company using the ANSI A300 standards for cable diameters, brace rod diameters, etc., to ensure the systems perform as they are supposed to.

Note that tree support systems such as cables, brace rods, and support posts are often false security, and may only work to slow down a failure of a tree limb or section of the tree. They cannot be considered full proof in terms of reducing risk of tree part failure and impact with persons or property. They should be considered risk reduction measures that have an unknown actual mitigation effect.

Right: sample of brace rod installation locations in a tree with a bark inclusion type narrow angle fork.



10. Temporary Irrigation During Construction:

If and when directed to do so by the project arborist (PA), provide native coast live oak trees being retained on site with temporary periodic heavy irrigation during the construction period.

Note that coast live oaks are dry summer regime adapted trees, and should only be irrigated on a construction site at the rate of 1x/month, at a distance as far as possible offset from the trunk (e.g. 20 feet from trunk).

Water application can be made using one or more of the following methods (see sample images):

- Soaker hoses.
- Emitter lines.
- Garden hoses.
- Fire truck hoses.
- Water trucks.
- Tow-behind spray tank apparatus (see image at right).
- On-site water tank with gravity feed.
- Over-grade PVC piping with spray heads wired to rebar or other steel stakes (see image at right).



11. New Plantings / Tree Installation Specs:

Ideally, **two (2) high flow type adjustable bubblers each emitting 1.0 to 2 gallons per minute (2GPM), depending on percolation rate of planting pit**, are set directly over the rootball of each single tree planting, and each tree is installed with two (2) wooden planting stakes (not the shipping stake), with a set of figure-8 Cinch Ties™. The diagram below illustrates correct form for a 24" box size tree planting pit and berm construction, per arboriculture Best Management Practices. The CTA marked up the original open-source diagram from Urban Tree Foundation (2014) to add the correct location for the ½" diameter flood bubblers and flex tubes set directly over the rootball.

Make sure to completely remove the shipping stake that is initially tied tightly against the trunk of each tree by the grower/nursery. This stake is only for transport, and cannot be left tied against the trunk. It must be completely removed from the trunk area in order to avoid causing damage to the tree trunk as it grows in girth.

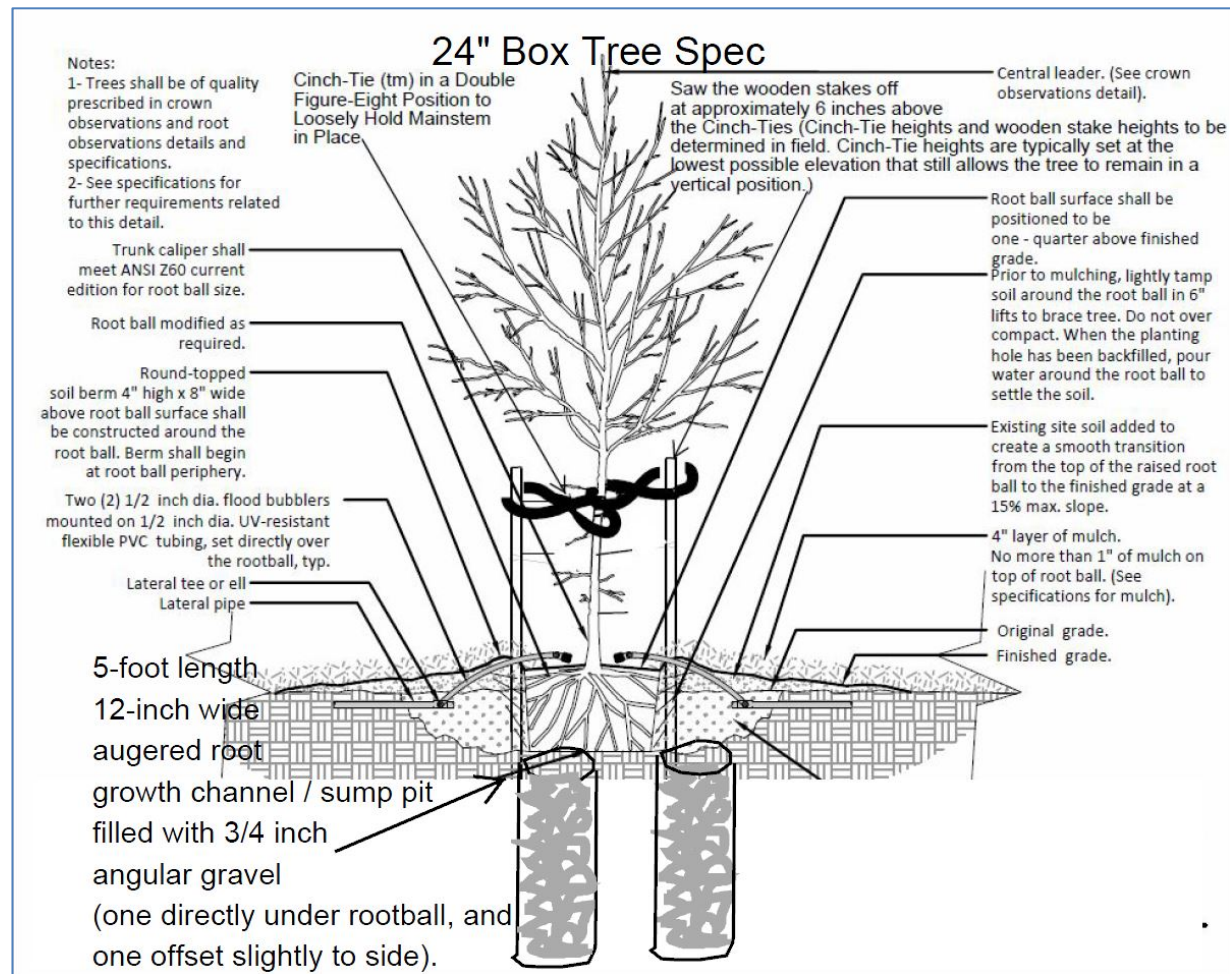
The tree stakes are cut to just above the elevation of the Cinch-Ties to avoid abrasion between the stakes and the limbs and trunk during wind movement.

A watering berm consisting of site soil is formed around the edge of the rootball to force irrigation water to pool up directly over the rootball. The berm should be approximately 4 to 6 inches in height, and 8 to 12 inches in width, set directly over the rootball edge (see spec diagram below).

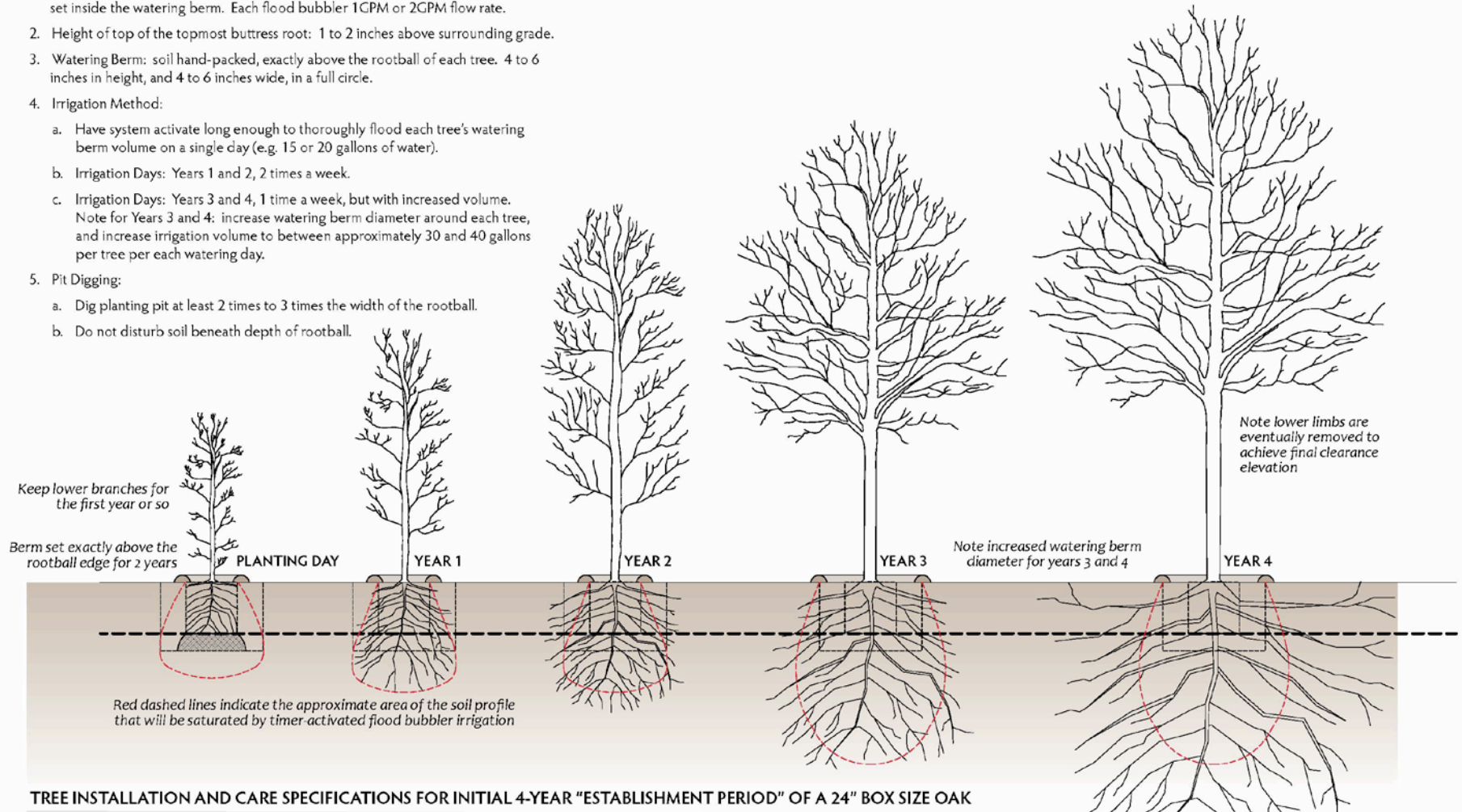
The spec image at right shows the rootball being set at 25% above surrounding finish grade elevation of the soil. This is for “poorly drained” soil situations where flooding of the planting pit may occur. Given that a large percentage of the south bay and peninsula planting sites contain clay based construction pad type soil that is very slow draining, this “poorly drained soil” specification should actually be considered the norm for most planting sites encountered in the Bay Area. At a very minimum, the rootball should be two to three inches raised above surrounding grade to encourage proper drainage away from the top of ball.

Also note that the spec image below shows the correct “shallow bowl” type of planting pit dig, where the pit is at least 3X to 4X the width of the tree rootball, (and only approximately 3/4X) the rootball depth, which means that the bottom of the rootball will be sitting securely on solid, non-decompacted parent soil, without threat of being destabilized or sinking down into a previously-dug pit depth deeper than the rootball depth. The purpose of this type of “shallow bowl” pit dig is to stabilize the rootball and prevent it from sinking, while also encouraging fast growth of lateral woody roots radiating outward from the rootball into the surrounding soil outside of the pit.

A second image is provided by the CTA, which is a planting and irrigation spec developed for the author’s private practice, indicating correct irrigation of a 24” box size tree over time in terms of volume, frequency, berm location, etc. for optimal growth development of the tree. This is the newest iteration of the planting specification, which now shows a recommended subdrain/root channel which is augered into the ground using a 12 inch diameter auger bore, for a distance of 5 feet depth below the bottom elevation of the planting pit:



1. Irrigation Feed: 1/2" diameter flex tubing with two flood bubblers per each tree, set inside the watering berm. Each flood bubbler 1CPM or 2GPM flow rate.
2. Height of top of the topmost buttress root: 1 to 2 inches above surrounding grade.
3. Watering Berm: soil hand-packed, exactly above the rootball of each tree. 4 to 6 inches in height, and 4 to 6 inches wide, in a full circle.
4. Irrigation Method:
 - a. Have system activate long enough to thoroughly flood each tree's watering berm volume on a single day (e.g. 15 or 20 gallons of water).
 - b. Irrigation Days: Years 1 and 2, 2 times a week.
 - c. Irrigation Days: Years 3 and 4, 1 time a week, but with increased volume. Note for Years 3 and 4: increase watering berm diameter around each tree, and increase irrigation volume to between approximately 30 and 40 gallons per tree per each watering day.
5. Pit Digging:
 - a. Dig planting pit at least 2 times to 3 times the width of the rootball.
 - b. Do not disturb soil beneath depth of rootball.



TREE INSTALLATION AND CARE SPECIFICATIONS FOR INITIAL 4-YEAR "ESTABLISHMENT PERIOD" OF A 24" BOX SIZE OAK

(c) Copyright 2020 Walter Levison, Dave Muffly, & Roma Design Group San Francisco

RIGHT: Proper installation of a new 24" box size tree with two (2) high flow type 1.0 GPM to 2.0 GPM (gallon-per-minute) flood bubblers seen inside a steeply-sloped watering berm built using site soil. The berm is built up directly over the rootball edge, which forces irrigation water directly downward into the rootball via gravity.

12. Temporary Irrigation During Construction (If Any):

To be determined by the project arborist (PA), which is not the CTA.

5.0 Tree Protection and Maintenance Directions per Town Code

The following is excerpted directly from the 2015 iteration of the Town of Los Gatos tree ordinance sections which provide specific tree protection directions and limitations on root pruning and above-ground pruning:

Sec. 29.10.1000. New property development.

(a) A tree survey shall be conducted prior to submittal of any development application proposing the removal of or impact to one or more protected trees. The development application shall include a Tree Survey Plan and Tree Preservation Report based on this survey. The tree survey inventory numbers shall correspond to a numbered metal tag placed on each tree on site during the tree survey. The tree survey plan shall be prepared by a certified or consulting arborist, and shall include the following information:

- (1) Location of all existing trees on the property as described in section 29.10.0995;
- (2) Identify all trees that could potentially be affected by the project (directly or indirectly- immediately or in long term), such as upslope grading or compaction outside of the dripline;
- (3) Notation of all trees classified as protected trees;
- (4) In addition, for trees four (4) inches in diameter or larger, the plan shall specify the precise location of the trunk and crown spread, and the species, size (diameter, height, crown spread) and condition of the tree.

(b) The tree survey plan shall be reviewed by the Town's consulting arborist who shall, after making a field visit to the property, indicate in writing or as shown on approved plans, which trees are recommended for preservation (based on a retention rating of high/moderate/low) using, as a minimum, the Standards of Review set forth in section 29.10.0990. This plan shall be made part of the staff report to the Town reviewing body upon its consideration of the application for new property development;



(c) When development impacts are within the dripline of or will affect any protected tree, the applicant shall provide a tree preservation report prepared by a certified or consulting arborist. The report, based on the findings of the tree survey plan and other relevant information, shall be used to determine the health and structure of existing trees, the effects of the proposed development and vegetation removal upon the trees, recommendations for specific precautions necessary for their preservation during all phases of development (demolition, grading, during construction, landscaping); and shall also indicate which trees are proposed for removal. The tree preservation report shall stipulate a required tree protection zone (TPZ) for trees to be retained, including street trees, protected trees and trees whose canopies are hanging over the project site from adjacent properties. The TPZ shall be fenced as specified in section 29.10.1005:

- (1) The final approved tree preservation report shall be included in the building permit set of development plans and printed on a sheet titled: Tree Preservation Instructions (Sheet T-1). Sheet T-1 shall be referenced on all relevant sheets (civil, demolition, utility, landscape, irrigation) where tree impacts from improvements may be shown to occur;
- (2) The Town reviewing body through its site and design plan review shall endeavor to protect all trees recommended for preservation by the Town's consulting arborist. The Town reviewing body may determine if any of the trees recommended for preservation should be removed, if based upon the evidence submitted the reviewing body determines that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property as described in section 29.10.0990;
- (3) Approval of final site or landscape plans by the appropriate Town reviewing body shall comply with the following requirements and conditions of approval:
 - a. The applicant shall, within ninety (90) days of final approval or prior to issuance of a grading or building permit, whichever occurs first, secure an appraisal of the condition and value of all trees included in the tree report affected by the development that are required to remain within the development using the Tree Value Standard methodology as set forth in this Chapter. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (CTLA) and the Species and Group Classification Guide published by the Western Chapter of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraisal shall be subject to the Director's approval.
 - b. The site or landscape plans shall indicate which trees are to be removed. However, the plans do not constitute approval to remove a tree until a separate permit is granted. The property owner or applicant shall obtain a protected tree removal permit, as outlined in section 29.10.0980, for each tree to be removed to satisfy the purpose of this division.

(d) Prior to acceptance of proposed development or subdivision improvements, the developer shall submit to the Director a final tree preservation report prepared by a certified or consulting arborist. This report shall consider all trees that were to remain within the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant will then be responsible for the loss of any tree not previously approved for removal. For protected trees, which were removed, the developer shall pay a penalty in the amount of the appraised value of such tree in addition to replacement requirements contained in section 29.10.0985 of this Code. The applicant shall remain responsible for the health and survival of all trees within the development for a period of five (5) years following acceptance of the public improvements of the development or certificate of occupancy.

(e) Prior to issuance of any demolition, grading or building permit, the applicant or contractor shall submit to the Building Department a written statement and photographs verifying that the required tree protection fence is installed around street trees and protected trees in accordance with the tree preservation report.

(f) If required by the Director and conditioned as part of a discretionary approval, a security guarantee shall be provided to the Town. Prior to the

issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the Director, in the penal sum of five thousand dollars (\$5,000.00) for each tree required to be preserved, or twenty-five thousand dollars (\$25,000.00), whichever is less. The cash, bond or other security shall be retained for a period of one (1) year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to five thousand dollars (\$5,000.00) per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or severely damaged.

(g) An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done using directional boring, air-spade excavation or by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified or consulting arborist.

(h) It shall be a violation of this division for any property owner or agent of the owner to fail to comply with any development approval condition concerning preservation, protection, and maintenance of any protected tree.

(Ord. No. 2114, §§ I, II, 8-4-03)

Sec. 29.10.1005. Protection of trees during construction.

(a) Protective tree fencing shall specify the following:

- (1) Size and materials. Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than 10-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
- (2) Area type to be fenced. Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone (TPZ), when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with 2-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.
- (3) Duration of Type I, II, III fencing. Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.
- (4) Warning sign. Each tree fence shall have prominently displayed an 8.5 x 11-inch sign stating: "Warning—Tree Protection Zone-this fence shall not be removed and is subject to penalty according to Town Code 29.10.1025".

(b) All persons, shall comply with the following precautions:

- (1) Prior to the commencement of construction, install the fence at the dripline, or tree protection zone (TPZ) when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials, equipment cleaning, or parking of vehicles within the TPZ. The dripline shall not be altered in any way so as to increase the encroachment of the construction.
- (2) Prohibit all construction activities within the TPZ, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree unless approved by the Director.

- (3) Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in drainage channels, swales or areas that may lead to the dripline of a protected tree.
- (4) Prohibit the attachment of wires, signs or ropes to any protected tree.
- (5) Design utility services and irrigation lines to be located outside of the dripline when feasible.
- (6) Retain the services of a certified or consulting arborist who shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project arborist shall be present whenever activities occur which may pose a potential threat to the health of the trees to be preserved and shall document all site visits.
- (7) The Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.

(Ord. No. 2114, §§ I, II, 8-4-03)

Sec. 29.10.1010. Pruning and maintenance.

All pruning shall be in accordance with the current version of the International Society of Arboriculture Best Management Practices—Tree Pruning and ANSI A300-Part 1 Tree, Shrub and Other Woody Plant Management—Standard Practices, (Pruning) and any special conditions as determined by the Director. For developments, which require a tree preservation report, a certified or consulting arborist shall be in reasonable charge of all activities involving protected trees, including pruning, cabling and any other work if specified.

- (1) Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a protected tree shall obtain permission from the Director before performing any work, including pruning, which may cause injury to a protected tree. (e.g. cable TV/fiber optic trenching, gas, water, sewer trench, etc.).
- (2) Pruning for clearance of utility lines and energized conductors shall be performed in compliance with the current version of the American National Standards Institute (ANSI) A300 (Part 1)- Pruning, Section 5.9 Utility Pruning. Using spikes or gaffs when pruning, except where no other alternative is available, is prohibited.
- (3) No person shall prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting twenty-five percent or more of the crown of any protected tree without first obtaining a permit pursuant to this division except for pollarding of fruitless mulberry trees (*Morus alba*) or other species approved by the Town Arborist. Applications for a pruning permit shall include photographs indicating where pruning is proposed.
- (4) No person shall remove any Heritage tree or large protected tree branch or root through pruning or other method greater than four (4) inches in diameter (12.5" in circumference) without first obtaining a permit pursuant to this division.

(Ord. No. 2114, §§ I, II, 8-4-03)

6.0 Tree Replacement Standards – Los Gatos Town Code

(Excerpted from Town Code 29.10.0985 and 29.10.0987)

- (1) Two (2) or more replacement trees, of a species and size designated by the Director, shall be planted on the subject private property. Table 3-1 The Tree Canopy—Replacement Standard shall be used as a basis for this requirement. The person requesting the permit shall pay the cost of purchasing and planting the replacement trees.

- (2) If a tree or trees cannot be reasonably planted on the subject property, an in-lieu payment in an amount set forth by the Town Council by resolution shall be paid to the Town Tree Replacement Fund to:
- a. Add or replace trees on public property in the vicinity of the subject property; or
 - b. Add or replace trees or landscaping on other Town property; or
 - c. Support the Town's urban forestry management program. (Ord. No. 2114, §§ I, II, 8-4-03)

Table 3-1 - Tree Canopy - Replacement Standard

Canopy Size of Removed Tree ¹	(Staff is using 24" box size as the Replacement Standard for SFR Projects as of 2016) ^{2,4}	Single Family Residential Replacement ^{3,4}
10 feet or less	Two 24 inch box trees	Two 15 gallon trees
More than 10 feet to 25 feet	Three 24 inch box trees	Three 15 gallon trees
More than 25 feet to 40 feet	Four 24 inch box trees; or Two 36 inch box trees	Four 15 gallon trees
More than 40 feet to 55 feet	Six 24 inch box trees; or Three 36 inch box trees	Not Available
Greater than 55 feet	Ten 24 inch box trees; or Five 36 inch box trees	Not Available

Notes

¹To measure an asymmetrical canopy of a tree, the widest measurement shall be used to determine canopy size.

²Often, it is not possible to replace a single large, older tree with an equivalent tree(s). In this case, the tree may be replaced with a combination of both the Tree Canopy Replacement Standard and in-lieu payment in an amount set forth by Town Council resolution paid to the Town Tree Replacement Fund.

³Single Family Residential Replacement Option is available for developed single family residential lots under 10,000 square feet that are not subject to the Town's Hillside Development Standards and Guidelines. All 15-gallon trees must be planted on-site. Any in-lieu fees for single family residential shall be based on 24" box tree rates as adopted by Town Council.

⁴Replacement Trees shall be approved by the Town Arborist and shall be of a species suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy and other relevant factors. Replacement with native species shall be strongly encouraged. Replacement requirements in the Hillside Development Standards and Guidelines Appendix A and Section 29.10.0987 Special Provisions--Hillsides.

Sec. 29.10.0987. Special Provisions—Hillsides

The Town of Los Gatos recognizes its hillsides as an important natural resource and sensitive habitat which is also a key component of the Town's identity, character and charm. In order to maintain and encourage restoration of the hillside environment to its natural state, the Town has established the following special provisions for tree removal and replacement in the hillsides:

- (1) All protected trees located 30 or more feet from the primary residence that are removed shall be replaced with native trees listed in *Appendix A Recommended Native Trees for Hillside Areas of the Town of Los Gatos Hillside Development Standards and Guidelines* (HDS&G).
- (2) All protected trees located within 30 feet of the primary residence that are removed shall be replaced as follows:
 - (a) If the removed tree is a native tree listed in Appendix A of the HDS&G, it shall only be replaced with a native tree listed in Appendix A of the HDS&G.
 - (b) If the removed tree is not listed in Appendix A, it may be replaced with a tree listed in Appendix A, or replaced with another species of tree as approved by the Director.
 - (c) Replacement trees listed in Appendix A may be planted anywhere on the property.
 - (d) Replacement trees not listed in Appendix A may only be planted within 30 feet of the primary residence.
- (3) Replacement requirements shall comply with the requirements in Table 3-1 Tree Canopy Replacement Standard of this Code.
- (4) Property owners should be encouraged to retain dead or declining trees where they do not pose a safety or fire hazard, in order to foster wildlife habitat and the natural renewal of the hillside environment.

7.0 Author's Qualifications

- Continued education through The American Society of Consulting Arborists, The International Society of Arboriculture (Western Chapter), and various governmental and non-governmental entities.
- Contract Town Arborist, Town of Los Gatos, California
Community Development Department / Planning Division
2015-present
- Tree Risk Assessment Qualified (ISA TRAQ Course Graduate, Palo Alto, California)
- Millbrae Community Preservation Commission (Tree Board)
2001-2006
- ASCA Registered Consulting Arborist #401
- ASCA Arboriculture Consulting Academy graduate, class of 2000
- Associate Consulting Arborist
Barrie D. Coate and Associates
4/99-8/99
- Contract City Arborist, City of Belmont, California
Planning and Community Development Department
5/1999-5/2020 (21 years)
- ISA Certified Arborist #WC-3172
- Peace Corps Soil and Water Conservation Extension Agent
Chiangmai Province, Thailand 1991-1993
- B.A. Environmental Studies/Soil and Water Resources
UC Santa Cruz, Santa Cruz, California 1990

UCSC Chancellor's Award, 1990

(My full curriculum vitae is available upon request)

8.0 Assumptions and Limiting Conditions

Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownership to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised and evaluated as through free and clean, under responsible ownership and competent management.

It is assumed that any property is not in violation of any applicable codes, ordinance, statutes, or other government regulations.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.

The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.

Unless required by law otherwise, the possession of this report or a copy thereof does not imply right of publication or use for any other purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.

Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initiated designation conferred upon the consultant/appraiser as stated in his qualifications.

This report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

Sketches, drawings, and photographs in this report, being intended for visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by engineers, architects, or other consultants on any sketches, drawings, or photographs is for the express purpose of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by Walter Levison to the sufficiency or accuracy of said information.

Unless expressed otherwise:

- a. information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection; and
- b. the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

Loss or alteration of any part of this report invalidates the entire report.

Arborist Disclosure Statement:

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborist cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

9.0 Certification

I hereby certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.



Signature of Consultant

DIGITAL BADGES:

ISA CERTIFIED ARBORIST CREDENTIAL:

https://certificates.isa-arbor.com/f1918723-df46-48cc-ace2-c12625530fec?record_view=true



ISA TREE RISK ASSESSMENT QUALIFIED (TRAQ):



https://certificates.isa-arbor.com/d180515f-ab75-440b-9c66-106005e3cf10?record_view=true#gs.hpb30w



10.0 Digital Images



WLCA archived new digital images of the trees on 2/1/2022:


Tree Tag	Image	Tree Tag	Image
31	 <p>A large, mature tree with a thick trunk and dense green canopy. A white picket fence runs along the base of the tree. A speed limit sign on a metal post is visible in the foreground, reading 'SPEED LIMIT 2.5'. A dark SUV is parked on the street behind the fence.</p>	32	 <p>A large tree with a thick trunk and dense green canopy. A white picket fence runs along the base of the tree. A dark SUV is parked on the street behind the fence. The license plate of the car is visible and reads 'BEY0183'.</p>

Tree Tag	Image	Tree Tag	Image
33		34	

Tree Tag	Image	Tree Tag	Image
35		36	 <p data-bbox="1199 906 2053 966">Flux at the base of this oak (#36) appears to be caused by chronic moist or wet conditions at the base.</p> <p data-bbox="1199 998 2053 1088">Removal of irrigation, ivy, and soil to expose the root flare may allow the tree to normalize and reduce or stop flux exudation. See recommendations for details.</p>

Tree Tag	Image	Tree Tag	Image
37		38	 <p data-bbox="1213 1304 2045 1451"> Note the very tight fork conditions where mainstems are squeezed together in an unusual formation. The only viable maintenance solution for this situation is to install through-bolt type threaded brace rods per ANSI A300 specs, to attempt to mitigate risk to some degree. Arborist cable installations may or may not also be warranted. </p>

Tree Tag	Image	Tree Tag	Image
38	 <p data-bbox="235 902 1045 935">Tree 38 has been overpruned, but is still a viable and important tree.</p>	38	

Tree Tag	Image	Tree Tag	Image
38	 <p>Looking northwestward at the open soil root zone between tree 38 trunk at right edge of image, and the existing residence footprint at the left edge of image.</p> <p>The proposed new residence will encroach to roughly 12 feet from the trunk edge. This means that if the current plan is built as proposed, the chain link TPZ/RPZ fencing would be erected at 7 feet out from the trunk of the tree, in order to leave a 5 foot wide construction corridor between fence and residence foundation edge.</p> <p>Soil protection buffer installation will be required, in order to avoid soil compaction from foot traffic and/or machinery use in the construction corridor. The buffer consists typically of a layer of wood chips 6" to 12" thickness, laid over a geotextile pinned down over the bare soil. This type of buffer helps mitigate soil compaction and root zone damage to woody and absorbing roots that extend out a great distance from the tree trunk, typically as far as 2x to 5x the canopy dripline radius.</p>	---	-----

11.0 Tree Data Table

NOTE 1: Fruit and nut trees measuring less than 18” diameter (total of all mainstems) both on the site and on adjacent neighbor properties were excluded from this study as “exemption trees” per the Town tree ordinance.

NOTE 2: Tree preservation suitability ratings (TPS) are determined independently from and irrespective of current proposed site construction work.

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)remove Tree	(S)lave Tree	(D)isposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
31	<i>Quercus agrifolia</i> NEIGHBOR TREE	Coast live oak	13.2	--	--	13.2	25/18	50/40	45% Fair		X		Mod	West	West			Tree was hack pruned below PG&E high voltage wires. Needs to be pruned to raise canopy to 14 foot min. for vehicle clearance.	Fence off at the edge of the proposed driveway footprint.	TB, TPZ, prune to clear 14 feet of vertical airspace.
32	<i>Quercus agrifolia</i> NEIGHBOR TREE	Coast live oak	7.4	--	--	7.4	22/18	60/50	53% Fair		X		Mod	North	North			Harp form (bow form) canopy leans over driveway. Requires clearance pruning.	Fence off at the edge of the proposed driveway footprint.	TB, TPZ, prune to clear 14 feet of vertical airspace.
33	<i>Cedrus deodara</i> NEIGHBOR TREE	Deodar cedar	34.9	--	--	34.9	60/50	80/65	72% Good		X		Good					Has been pruned to clear the PG&E high voltage wires. Located in irrigated turf = good. Fence off at edge of driveway.	Fence off at the edge of the proposed driveway footprint.	-----
34	<i>Quercus agrifolia</i>	Coast live oak	6.7	--	--	6.7	14/7	10/10	10% Very Poor		X		Poor		North			Tree was topped at 9 feet, and grew again to 14 feet. Tree is basically a tall cut stump.	Fence off at the edge of the proposed driveway footprint.	TB, TPZ
35	<i>Quercus agrifolia</i>	Coast live oak	12.5	---	---	12.5	40/20	70/70	70% Good		X		Good	North	North			Extends far over driveway, but at a high elevation with no conflicts expected. Will need to protect root system with chain link fencing.	Fence off at the edge of the proposed driveway footprint.	TB, TPZ

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)remove Tree	(S)lave Tree	(D)isposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
36	<i>Quercus agrifolia</i>	Coast live oak	17.2	--	--	17.2	40/35	60/60	60% Fair		X		Poor if current site plan built. Moderate if site plan adjusted to push residence to 14 feet from trunk edge.	East	East			Black flux exudations from lower trunk bark indicate likely Phytophthora infection from wet or moist conditions caused by ivy, irrigation, and soil mound presence over root crown. Needs root crown excavation (RCX). Note proposed south roof is 15'8", and canopy hangs to 12' at low point where conflicts. Need to prune to raise canopy elevation to 16 feet by cutting 1" and 2" dia branches.	Suggest push proposed residence to 14 feet from trunk edge, and fence off the tree at 9 feet from trunk edge.	Remove ivy, remove irrigation within 20 feet of tree, and hand-dig out the soil around base of trunk to expose the natural flaring buttress roots ("root crown excavation" or "RCX"). Remove 1" and 2" diameter branches from north side of the canopy to clear airspace to 16 feet elevation above grade for new south roof finish elev.
37	<i>Pyracantha sp.</i> (shrub)	Pyracantha species	7.3	--	--	7.3	15/16	40/30	32% Poor	X			n/a					This is actually a shrub, but is still regulated by Town of Los Gatos.	To be removed.	Mitigate at 3:1 (install three (3) 15 gallon or 24" box size tree plantings on site per Town canopy replacement requirement.

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)remove Tree	(S)lave Tree	(D)isposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
38	<i>Quercus agrifolia</i> LARGE PROTECTED TREE "LPT"	Coast live oak	30.0	--	--	30.0	45/60	80/50	58%		X		Mod, if site plan built as proposed.					<p>Bark inclusion type forks noted at 5 feet to 8 feet elevation, which will require installation of arborist cabling and/or through-bolt brace rods per ANSI A300 standards to reduce risk of splitout, though in reality, the risk rating may not be able to be reduced to "low" even with installation of these items.</p> <p>Proposed new residence is within critical root zone of tree at 12 feet offset from trunk, but is OK if use a soil protection buffer between residence and TPZ fence line.</p> <p>Canopy extends over roof by 15 horizontal feet, at an elevation of 12 and 17 feet elevation, so need to remove one (1) 6" diameter limb at the attachment point where it extends westward from trunk at 7 feet elevation on trunk, to clear the new roof which will be 15'8" at high point.</p>	<p>Fence off at 7 feet west of trunk edge, and then install soil protection buffer between 7 feet and 12 feet west of trunk edge, as indicated on the CTA tree map in green highlight.</p>	<p>TB, TPZ, and install RB (root buffer/soil buffer) between 7 feet and 12 feet west of trunk edge.</p>

Overall Tree Condition Ratings / Breakdown of Numeric Ranges (New, Per *Guide for Plant Appraisal, 10th Edition*):

00 - 05% = Dead

06 - 20% = Very Poor

21 - 40% = Poor

41 - 60% = Fair

61 - 80% = Good

81 - 100% = Exceptional

Tree Conservation Suitability (TCS) Ratings²

A tree's suitability for conservation is determined based on its health, structure, age, species and disturbance tolerances, proximity to proposed cutting and filling, proximity to proposed construction or demolition, and potential longevity, using a scale of good, fair, or poor (Fite, K, and Smiley, E. T., 2016). The following list defines the rating scale. Note that if proposed site work can be offset to farther linear distances from a tree's trunk edge, a tree's TCS rating may be elevated by one rating tier, given that there would be a corresponding reduction in expected future root zone impacts.

TPS Ratings	Range of values	
Good	80-100	Trees with good health, good structural stability and good expected longevity after construction.
Moderate	60-79	Trees with fair health and/or structural defects that may be mitigated through treatment. These trees require more intense management and monitoring, before, during, and after construction, and may have shorter life expectancy after development.
Poor	<59	Trees are expected to decline during or after construction regardless of management. The species or individual may possess characteristics that are incompatible or undesirable in landscape settings or unsuited for the intended use of the site.

TCS Ratings Worksheet Factors (Total Possible: 100 Points)

Health (1-15)
Root Cut/Fill Distance from Trunk (1-15)
Structure Defects (1-15)
Construction Tolerance of the tree species (1-15)
Age relative to typical species lifespan (1-10)
Location of construction activity (1-10)
Soil quality/characteristics (1-10)
Species desirability (1-10)

² Derived from Fite and Smiley, 2016. *Best Management Practices: Managing Trees During Construction, 2nd Edition*. International Society of Arboriculture.

Tree Maintenance and Protection Codes Used in Data Table:

RPZ: Root protection zone fence, chain link, with 2" diameter iron posts driven 24" into the ground, 6 to 8 feet on center max. spacing. Alternative material: chain link fence panels set over concrete block-type footings, with the fence panels wired to steel pins pounded 24 inches into the ground at both ends of each panel.

RB: Root buffer consisting of wood chip mulch lain over existing soil as a 12 inch thick layer, overlain with 1 inch or greater plywood strapped together with metal plates. This root buffer or soil buffer should be placed over the entire width of the construction corridor between tree trunks and construction.

RP: Root pruning. Prune woody roots measuring greater than or equal to 1 inch diameter by carefully back-digging into the soil around each root using small hand tools until an area is reached where the root is undamaged. Cleanly cut through the root at right angle to the root growth direction, using professional grade pruning equipment and/or a Sawzall with wood pruning blade. Backfill around the cut root immediately (same day), and thoroughly irrigate the area to saturate the uppermost 24 inches of the soil profile.

BDRP: Back-dig root pruning: Hand-dig around the broken root, digging horizontally into the open soil root zone until a clean, unbroken, unshattered section of the root is visible. Proceed as per 'root pruning'.

RCX: Root crown excavation. Retain an experienced ISA-Certified arborist to perform careful hand-digging using small trowels or other dull digging tools to uncover currently-buried buttress root flares. Digging shall occur between trunk edge and at least two (2) feet horizontal from trunk edge. The final soil elevation will be at a level such that the tree's buttress roots visibly flare out from the vertical trunk.

TB: Trunk buffer consists of 20-40 wraps of orange plastic snow fencing to create a 2 inch thick buffer over the lowest 8 feet of tree trunk (usually takes at least an entire roll of orange fencing per each tree). Lay 2X4 wood boards vertically, side by side, around the entire circumference of the trunk. Secure buffer using duct tape (not wires).

F: Fertilization with slow-release Greenbelt 22-14-14 tree formula, as a soil injection application using a fertilizer injection gun. This brand and formulation is commonly used by reputable tree care companies in the Bay Area. Apply at label rate and injection hole spacing.

M: 4-inch thick layer of chipper truck type natural wood chips (example source: Lyngso Garden Supply, self pick-up). Do not use bark chips or shredded redwood bark.

W: Irrigate using various methods to be determined through discussion with General Contractor. Irrigation frequency and duration to be determined through discussion and/or per directions in this report. Native oak species typically require 1x/month irrigation, while other tree species tend to prefer 2x/month or 4x/month moderate to heavy irrigation during construction.

P: Pruning per specifications noted elsewhere. All pruning must be performed only under direct site supervision of an ISA Certified Arborist, or performed directly by an ISA Certified Arborist, and shall conform to all current ANSI A300 standards.

MON: A Project Arborist must be present to monitor specific work as noted for each tree.

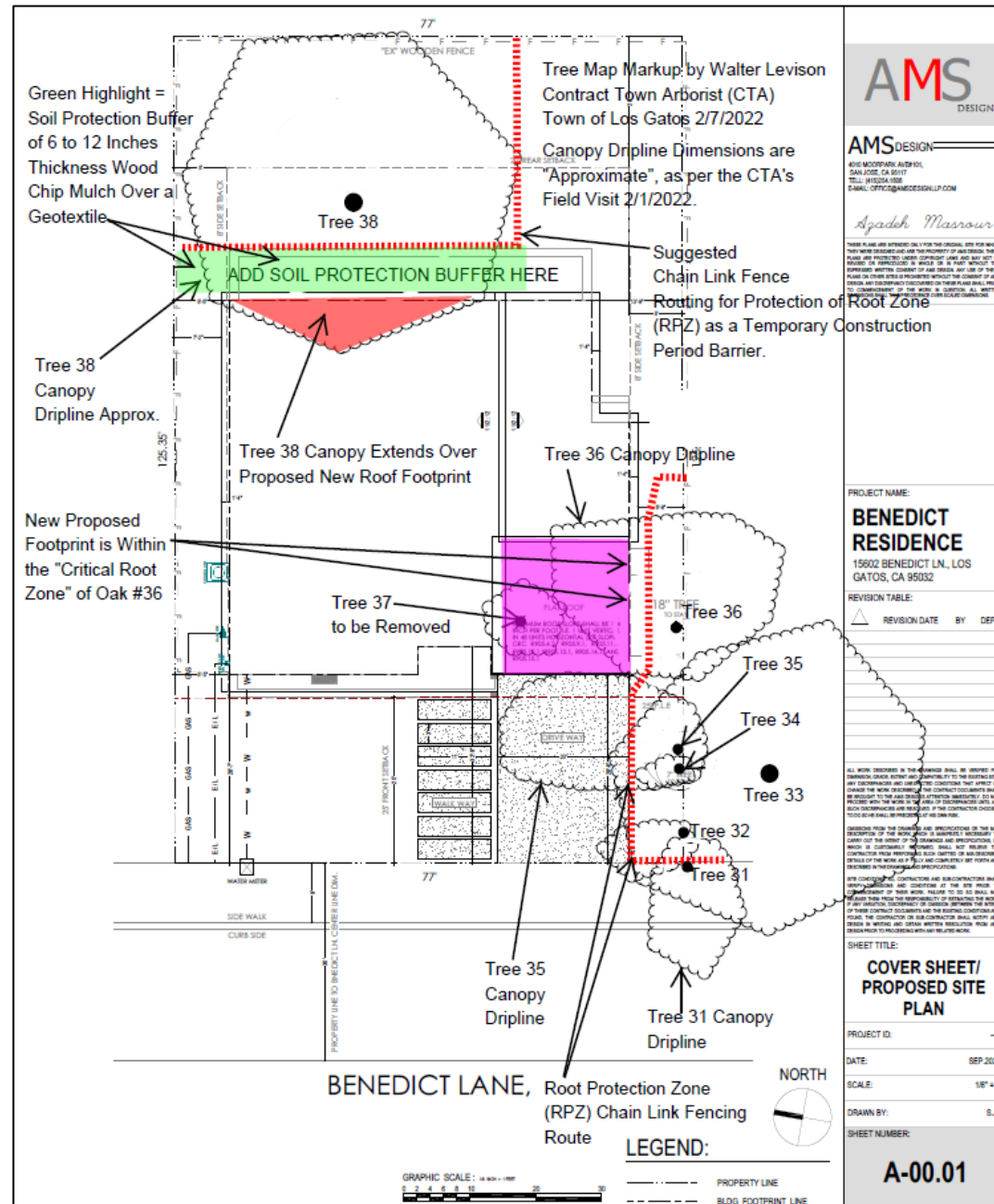
12.0 Tree Location & Protection Fence Map Mark-up

The CTA marked up the applicant's sheet A-00.01 "Proposed Site Plan" by AMS Design, dated September, 2021.

The markups added to the applicant's document include:

- Numeric tree tag numbers in large font size.
- Approximate canopy driplines shown in true scale, in relation to proposed new work.
- Purple highlight = proposed new residence massing inside the tree #36 critical root zone. Possible decline/death of tree if built out at this location.
- Green highlight = Author's suggested area to install a 6" to 12" thick soil protection buffer between the protective fence around tree #38, and the foundation edge of the proposed new residence, to prevent unnecessary soil compaction in the area of the tree #38 root zone where horizontally woody roots extend to great distance away from the trunk.
- Red highlight = Canopy dripline of tree #38 encroachment over the proposed new finish roof footprint.
- Red dashed heavy lines = the CTA's suggested root protection zone (RPZ) chain link fence routing for protection of horizontally-extended woody roots. The routing indicated is non-optimal, and would normally be routed at 15 to 25 feet radius offset from the trunk edge of each tree being retained to optimize tree survival and tree stability. Some redesign is recommended if trees #36 and #38 are to be retained in their current condition ratings.

13.0 Attached: CTA Tree Appraisal Worksheet per 10th Edition Guide for Plant Appraisal





Valuation Appraisal Worksheet Based on *Guide for Plant Appraisal, 10th Edition*, 2nd Printing (2019)

"Functional Replacement Method / Trunk Formula Technique"

15602 Benedict Lane, Los Gatos, California 2/7/2022

Tree Tag #	Name (Initials)	WCISA Species Group Classification Booklet Page	Health (Weighted 0.15)	Structure (Weighted 0.70)	Form (Weighted 0.15)	Overall Condition Rating (OCR) "Weighted Method"	Diameter Inches at 4.5 ft. Above Grade	Depreciation Factors		WCISA Species Group Number	Trunk Square Inches for Replacement-Size Specimen of This Species	Average SF Bay Area Cost of 24 Inch Box Tree (2019)	Line 9	Trunk Area (TA) ((dia. x dia.) x 0.785)	Line 10	Line 11	Rounded-off Appraised Values
								Functional Limitations	External Limitations				(UTC) Unit Tree Cost per Sq Inch (M Divided by L)		Basic Functional Replacement Cost (BFRC) = (OxN)	Depreciated Functional Replacement Cost (DFRC) = PxGxIxJ	
31	Qa	30	0.5	0.4	0.7	46%	13.2	40%	90%	3	3.8	\$250.00	\$65.79	136.78	\$ 8,999	\$ 1,490	\$1,490
32	Qa	30	0.6	0.5	0.5	52%	7.4	40%	90%	3	3.8	\$250.00	\$65.79	42.99	\$ 2,828	\$ 524	\$520
33	Cd	8	0.8	0.65	0.9	71%	34.9	80%	90%	3	3.8	\$250.00	\$65.79	956.14	\$ 62,904	\$ 32,156	\$32,200
34	Qa	30	0.1	0.1	0.1	10%	6.7	20%	90%	3	3.8	\$250.00	\$65.79	35.24	\$ 2,318	\$ 42	\$40
35	Qa	30	0.7	0.7	0.8	72%	12.5	70%	90%	3	3.8	\$250.00	\$65.79	122.66	\$ 8,069	\$ 3,635	\$3,630
36	Qa	30	0.6	0.6	0.7	62%	17.2	60%	90%	3	3.8	\$250.00	\$65.79	232.23	\$ 15,279	\$ 5,074	\$5,100



Valuation Appraisal Worksheet Based on *Guide for Plant Appraisal, 10th Edition*, 2nd Printing (2019)
 "Functional Replacement Method / Trunk Formula Technique"
 15602 Benedict Lane, Los Gatos, California 2/7/2022

Tree Tag #	Name (Initials)	WCISA Species Group Classification Booklet Page	Health (Weighted 0.15)	Structure (Weighted 0.70)	Form (Weighted 0.15)	Overall Condition Rating (OCR) "Weighted Method"	Diameter Inches at 4.5 ft. Above Grade	Depreciation Factors		WCISA Species Group Number	Trunk Square Inches for Replacement-Size Specimen of This Species	Average SF Bay Area Cost of 24 Inch Box Tree (2019)	Line 9	Line 10	Line 11	Rounded-off Appraised Values	
								(UTC) Unit Tree Cost per Sq Inch (M Divided by L)	Basic Functional Replacement Cost (BFRC) = (OxN)				Depreciated Functional Replacement Cost (DFRC) = PxGxIxJ				
37		(This is not a "tree" listed in the western chapter ISA database of tree species. It is considered a "shrub").	0.4	0.3	0.4	33%	7.3	40%	90%	3	3.8	\$250.00	\$65.79	41.83	\$ 2,752	\$ 327	\$330
38	Qa	30	0.8	0.5	0.8	59%	30	70%	90%	3	3.8	\$250.00	\$65.79	706.50	\$ 46,480	\$ 17,277	\$17,300



Valuation Appraisal Worksheet Based on *Guide for Plant Appraisal, 10th Edition*, 2nd Printing (2019)
 "Functional Replacement Method / Trunk Formula Technique"
 15602 Benedict Lane, Los Gatos, California 2/7/2022

Tree Tag #	Name (Initials)	WCISA Species Group Classification Booklet Page	Health (Weighted 0.15)	Structure (Weighted 0.70)	Form (Weighted 0.15)	Overall Condition Rating (OCR) "Weighted Method"	Diameter Inches at 4.5 ft. Above Grade	Depreciation Factors		WCISA Species Group Number	Trunk Square Inches for Replacement-Size Specimen of This Species	Average SF Bay Area Cost of 24 Inch Box Tree (2019)	Line 9 (UTC) Unit Tree Cost per Sq Inch (M Divided by L)	Trunk Area (TA) ((dia. x dia.) x 0.785)	Line 10 Basic Functional Replacement Cost (BFRC) = (OxN)	Line 11 Depreciated Functional Replacement Cost (DFRC) = PxGxIxJ	Rounded-off Appraised Values
<p>Notes:</p> <p>1. OVERALL CONDITION RATING RANGE per the new 10th edition, 2nd Printing, of <i>Guide for Plant Appraisal</i> (2019): Excellent: 81-100% Good: 61-80% Fair: 41-60% Poor: 21-40% Very Poor: 6-20% Dead: 0-5%</p> <p>2. MULTI STEM TREES: For trees with multiple mainstems, the total of all mainstem cross sectional areas was used as the "trunk area" calculation. For trees with mainstems larger than 30 inches diameter each, an "adjusted trunk area" or "ATA" value is used, from a table of values in the older 9th edition of the <i>Guide for Plant Appraisal</i>. The ATA value is smaller than the actual trunk diameter, and brings the tree's appraised dollar value down to a more "reasonable" level.</p> <p>3. NEIGHBOR TREES: For neighbor-owned trees that were not accessible by the CTA, the trunk diameter was estimated from a distance to the best of the CTA's ability.</p> <p>4. CONDITION RATINGS / APPRAISAL TABLE VS. DATA TABLE: Because of the new appraisal methods outlined in the 2019 edition of the <i>Guide for Plant Appraisal</i>, 10th edition 2nd printing, the condition ratings calculated in the "Overall Condition Rating / Weighted Method" column, and the data noted in the health and structure columns of this spreadsheet (with calculations embedded), may in some cases be slightly different from data in the CTA's arborist report tree data table. The CTA attempted to keep overall condition rating values as consistent as possible between the two data tables (i.e. the appraisal data table and the tree data table in the arborist report).</p>															<p>Total Appraised Value of the Study Trees Proposed to be Retained and Protected</p>		<p>\$60,610</p>

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From: ROBERT GORE <[REDACTED]>
Sent: Monday, September 19, 2022 9:56 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: 15602 Benedict Lane, Application S-21-036

Hello,

I am the owner of [REDACTED], which is the property next door to Alireza and Shadi. My wife and I had a nice meeting with them regarding their new house plans, and we are fully supportive of their new house. We are very excited for them, and wish for you allow them to proceed exactly as planned. The new house with our new neighbors will be a welcome addition for our street and neighborhood.

Respectfully yours,

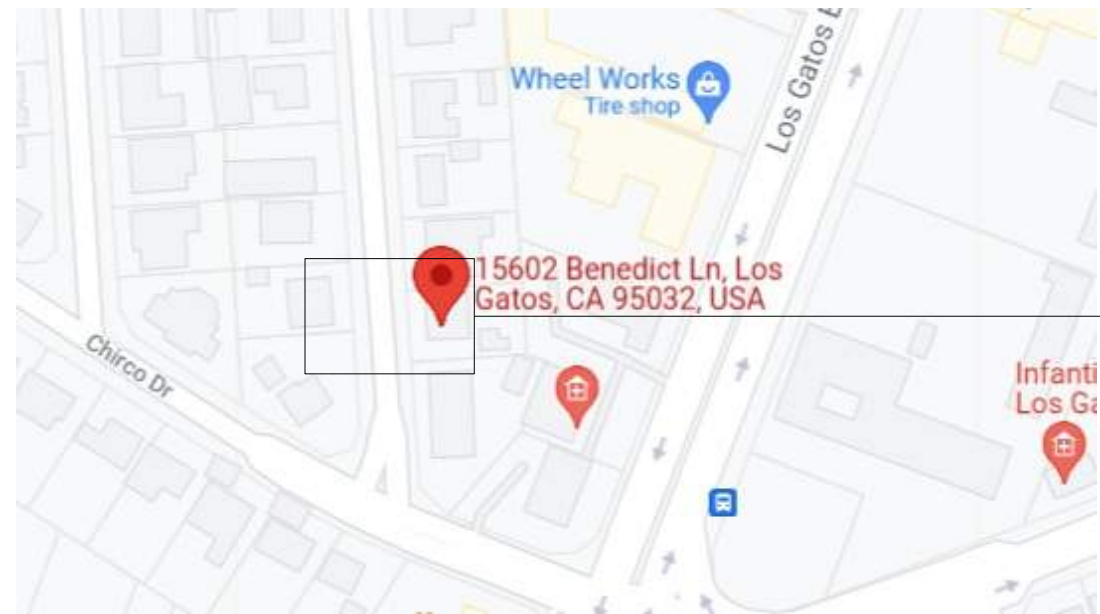
Robert L. Gore

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15602 BENEDICT LN.

LOS GATOS, CA 95032

VICINITY MAP:



PROPERTY LOCATION / NTS

DRAWING INDEX:

A-00.01:	COVER SHEET / PROPOSED SITE PLAN
A-00.01(A):	ARBORIST REPORT
A-00.01(B):	ARBORIST REPORT
BT1:	BOUNDARY AND TOPOGRAPHIC MAP
BT2:	BOUNDARY AND TOPOGRAPHIC MAP
C-1:	COVER SHEET / NOTE
C-2:	GRADING AND DRAINAGE PLAN
C-3:	DETAILS
C-4:	NOTES
C-5:	CONSTRUCTION MANAGEMENT & EROSION CONTROL PLAN
RA-01.01:	EXISTING FLOOR PLAN
RA-02.01:	EXISTING ELEVATIONS
A-01.01:	PROPOSED FLOOR PLAN
A-02.01:	PROPOSED ELEVATIONS
A-02.02:	PROPOSED ELEVATIONS
A-03.01:	PROPOSED SECTIONS / SCHEMATIC ELEVATIONS
A-04.01:	FLOOR AREA DIAGRAM
A-05.01:	EXTERIOR MATERIAL BOARD / STREET SCAP ELEVATION
CB-01:	CLEAN BAY BLUE PRINT

CODE EDITIONS:

A. CALIFORNIA RESIDENTIAL:	2019 EDITION
B. CALIFORNIA BUILDING:	2019 EDITION
C. CALIFORNIA MECHANICAL:	2019 EDITION
D. CALIFORNIA PLUMBING:	2019 EDITION
E. CALIFORNIA ELECTRICAL:	2019 EDITION
F. CALIFORNIA ENERGY:	2019 EDITION
G. CALIFORNIA FIRE:	2019 EDITION
H. CALIFORNIA GREEN BUILDING:	2019 EDITION
I. ANY OTHER APPLICABLE LOCAL AND STATE LAWS AND REGULATIONS.	

AREA CALCULATION:

LOT AREA:	9645	SQF
"E" LIVING AREA:	1387	SQF
"E" GARAGE:	620	SQF
"E" BUILDING AREA:	2007	SQF
"N" LIVING AREA:	2882	SQF
"N" GARAGE:	436	SQF
"N" TOTAL BUILDING:	3318	SQF
UNCOVERED PORCH:	438	SQF

THE ALLOWABLE LIVING FAR: $0.35 - ((A-5)/25) \times 0.20 = 0.35 - ((9.645-5)/25) \times 0.20 = 0.313 \times 9645 = 3,018.885$ SF.
 THE ALLOWABLE GARAGE FAR: $0.10 - ((A-5)/25) \times 0.07 = 0.10 - ((9.645-5)/25) \times 0.07 = 0.087 \times 9645 = 839.115$ SF.

"EX" LOT COVEARGE: $(2007/9645) \times 100 = 20.80$ %
 "N" LOT COVEARGE: $(3318/9645) \times 100 = 34.40$ %

SCOPE OF WORK:

- DEMO AN EXISTING ONE-STORY HOUSE.
- CONSTRUCT A NEW ONE-STORY CUSTOM HOME, INCLUDING 4 BEDROOMS, 3.5 BATH, 1 LAUNDRY AND 2CAR GARAGE.
- DEMO THE EXISTING SINGLE FAMILY RESIDENCE AND DETACHED GARAGE.

A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE PV SYSTEM THAT IS REQUIRED BY THE CALIFORNIA ENERGY CODE PERFORMANCE OR PRESCRIPTIVE STANDARDS. THE SEPARATE PV SYSTEM PERMIT MUST BE FINALED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

THIS RESIDENCE WILL COMPLY WITH THE TOWN'S ALL ELECTRIC APPLIANCE, ELECTRIC VEHICLE AND ENERGY STORAGE SYSTEM REQUIREMENTS IN ACCORDANCE WITH TOWN CODE SECTION 6.70.020 AND 6.120.020.

A SPRINKLER SYSTEM WILL BE INSTALLED AS A DEFERRED SUBMITTAL.

PROJECT CONTACT:

OWNER: SHADI ZOMORODI
 15602 BENEDICT LN., LOS GATOS, CA 95032
 SHADI_ZOMORODI@YAHOO.COM

DESIGNER: AMS DESIGN
 (415) 254-1606
 4010 MOORPARK AVE#101, SAN JOSE, CA 95117
 AZADEH@AMSDSIGNLLP.COM

STRUCTURAL: AMS DESIGN
 (415) 254-2634
 4010 MOORPARK AVE#101, SAN JOSE, CA 95117
 ARMIN@AMSDSIGNLLP.COM

PROJECT DATA:

ASSESSOR'S PARCEL NUMBER: 424-22-008
 PROJECT TYPE: NEW CONSTRUCTION
 PROJECT LOCATION: 15602 BENEDICT LN., LOS GATOS, CA 95032
 R-1.8
 R - 3 / U
 V - B

ZONING: R-1.8
 OCCUPANCY GROUP: V - B
 CONSTRUCTION TYPE: ONE (1) STORY
 NUMBER OF FLOORS: SPRINKLERED
 FIRE PROTECTION:

GENERAL NOTES:

ALL WORK DESCRIBED IN THE DRAWINGS SHALL BE VERIFIED FOR DIMENSION, GRADE, EXTENT AND COMPATIBILITY TO THE EXISTING SITE. ANY DISCREPANCIES AND UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE AMS DESIGN'S ATTENTION IMMEDIATELY. DO NOT PROCEED WITH THE WORK IN THE AREA OF DISCREPANCIES UNTIL ALL SUCH DISCREPANCIES ARE RESOLVED. IF THE CONTRACTOR CHOOSES TO DO SO HE SHALL BE PRECEDING AT HIS OWN RISK.

OMISSIONS FROM THE DRAWINGS AND SPECIFICATIONS OR THE MIS-DESCRIPTION OF THE WORK WHICH IS MANIFESTLY NECESSARY TO CARRY OUT THE INTENT OF THE DRAWINGS AND SPECIFICATIONS, OR WHICH IS CUSTOMARILY REFORMED, SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING SUCH OMITTED OR MIS-DESCRIBED DETAILS OF THE WORK AS IF FULLY AND COMPLETELY SET FORTH AND DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS.

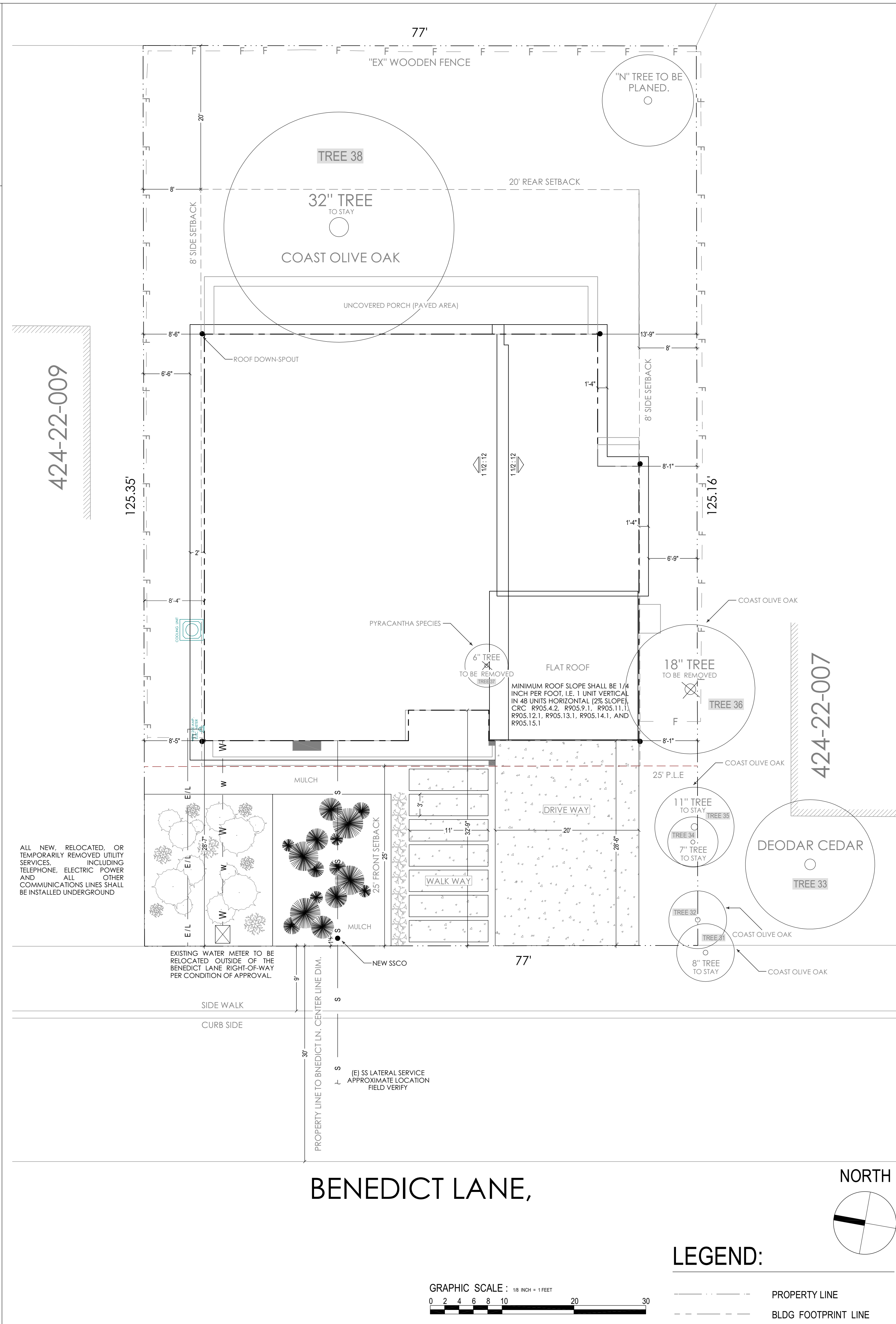
SITE CONDITIONS: ALL CONTRACTORS AND SUB-CONTRACTORS SHALL VERIFY DIMENSIONS AND CONDITIONS AT THE SITE PRIOR TO COMMENCEMENT OF THEIR WORK. FAILURE TO DO SO SHALL NOT RELEASE THEM FROM THE RESPONSIBILITY OF ESTIMATING THE WORK. IF ANY VARIATION, DISCREPANCY OR OMISSION (BETWEEN THE INTENT OF THESE CONTRACT DOCUMENTS AND THE EXISTING CONDITIONS ARE FOUND, THE CONTRACTOR OR SUB-CONTRACTOR SHALL NOTIFY AMS DESIGN IN WRITING AND OBTAIN WRITTEN RESOLUTION FROM AMS DESIGN PRIOR TO PROCEEDING WITH ANY RELATED WORK.

FIRE NOTES:

1. POTABLE WATER SUPPLIES SHALL BE PROTECTED FROM CONTAMINATION CAUSED BY FIRE PROTECTION WATER SUPPLIES. IT IS THE RESPONSIBILITY OF THE APPLICANT AND ANY CONTRACTORS AND SUBCONTRACTORS TO CONTACT THE WATER PURVEYOR SUPPLYING THE SITE OF SUCH PROJECT, AND TO COMPLY WITH THE REQUIREMENTS OF THAT PURVEYOR. SUCH REQUIREMENTS SHALL BE INCORPORATED INTO THE DESIGN OF ANY WATER-BASED FIRE PROTECTION SYSTEMS, AND/OR FIRE SUPPRESSION WATER SUPPLY SYSTEMS OR STORAGE CONTAINERS THAT MAY BE PHYSICALLY CONNECTED IN ANY MANNER TO AN APPLIANCE CAPABLE OF CAUSING CONTAMINATION OF THE POTABLE WATER SUPPLY OF THE PURVEYOR OF RECORD. FINAL APPROVAL OF THE SYSTEM(S) UNDER CONSIDERATION WILL NOT BE GRANTED BY THIS OFFICE UNTIL COMPLIANCE WITH THE REQUIREMENTS OF THE WATER PURVEYOR OF RECORD ARE DOCUMENTED BY THAT PURVEYOR AS HAVING BEEN MET BY THE APPLICANT(S). 2019 CFC SEC. 903.3.5 AND HEALTH AND SAFETY CODE 13114.7.

2. NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. WHERE REQUIRED BY THE FIRE CODE OFFICIAL, ADDRESS NUMBERS SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES (101.6 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH (12.7 MM). WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 505.1.

3. ALL CONSTRUCTION SITES MUST COMPLY WITH APPLICABLE PROVISIONS OF THE CFC CHAPTER 33 AND OUR STANDARD DETAIL AND SPECIFICATION S1-7. PROVIDE APPROPRIATE NOTATIONS ON SUBSEQUENT PLAN SUBMITTALS, AS APPROPRIATE TO THE PROJECT. CFC CHP. 33.



AMSDSIGN

4010 MOORPARK AVE#101,
 SAN JOSE, CA 95117
 TELL: (415)254-1606
 E-MAIL: OFFICE@AMSDSIGNLLP.COM

Azadeh Masrour

THESE PLANS ARE INTENDED ONLY FOR THE ORIGINAL SITE FOR WHICH THEY WERE DESIGNED AND ARE THE PROPERTY OF AMS DESIGN. THESE PLANS ARE PROTECTED UNDER COPYRIGHT LAWS AND MAY NOT BE REVISED OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF AMS DESIGN. ANY USE OF THESE PLANS ON OTHER SITES IS PROHIBITED WITHOUT THE CONSENT OF AMS DESIGN. ANY DISCREPANCY DISCOVERED ON THESE PLANS PRIOR TO COMMENCEMENT OF THE WORK IN QUESTION, ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.

PROJECT NAME:

BENEDICT RESIDENCE
 15602 BENEDICT LN., LOS GATOS, CA 95032

REVISION TABLE:

REVISION	REVISION DATE	BY	DEP
01	JAN.2022	S.A.	PLN

ALL WORK DESCRIBED IN THE DRAWINGS SHALL BE VERIFIED FOR DIMENSION, GRADE, EXTENT AND COMPATIBILITY TO THE EXISTING SITE. ANY DISCREPANCIES AND UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE AMS DESIGN'S ATTENTION IMMEDIATELY. DO NOT PROCEED WITH THE WORK IN THE AREA OF DISCREPANCIES UNTIL ALL SUCH DISCREPANCIES ARE RESOLVED. IF THE CONTRACTOR CHOOSES TO DO SO HE SHALL BE PRECEDING AT HIS OWN RISK.

OMISSIONS FROM THE DRAWINGS AND SPECIFICATIONS OR THE MIS-DESCRIPTION OF THE WORK WHICH IS MANIFESTLY NECESSARY TO CARRY OUT THE INTENT OF THE DRAWINGS AND SPECIFICATIONS, OR WHICH IS CUSTOMARILY REFORMED, SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING SUCH OMITTED OR MIS-DESCRIBED DETAILS OF THE WORK AS IF FULLY AND COMPLETELY SET FORTH AND DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS.

SITE CONDITIONS: ALL CONTRACTORS AND SUB-CONTRACTORS SHALL VERIFY DIMENSIONS AND CONDITIONS AT THE SITE PRIOR TO COMMENCEMENT OF THEIR WORK. FAILURE TO DO SO SHALL NOT RELEASE THEM FROM THE RESPONSIBILITY OF ESTIMATING THE WORK. IF ANY VARIATION, DISCREPANCY OR OMISSION (BETWEEN THE INTENT OF THESE CONTRACT DOCUMENTS AND THE EXISTING CONDITIONS ARE FOUND, THE CONTRACTOR OR SUB-CONTRACTOR SHALL NOTIFY AMS DESIGN IN WRITING AND OBTAIN WRITTEN RESOLUTION FROM AMS DESIGN PRIOR TO PROCEEDING WITH ANY RELATED WORK.

SHEET TITLE:

**COVER SHEET/
 PROPOSED SITE
 PLAN**

PROJECT ID: ---

DATE: SEP.2021

SCALE: 1/8" = 1'

DRAWN BY: S.A.

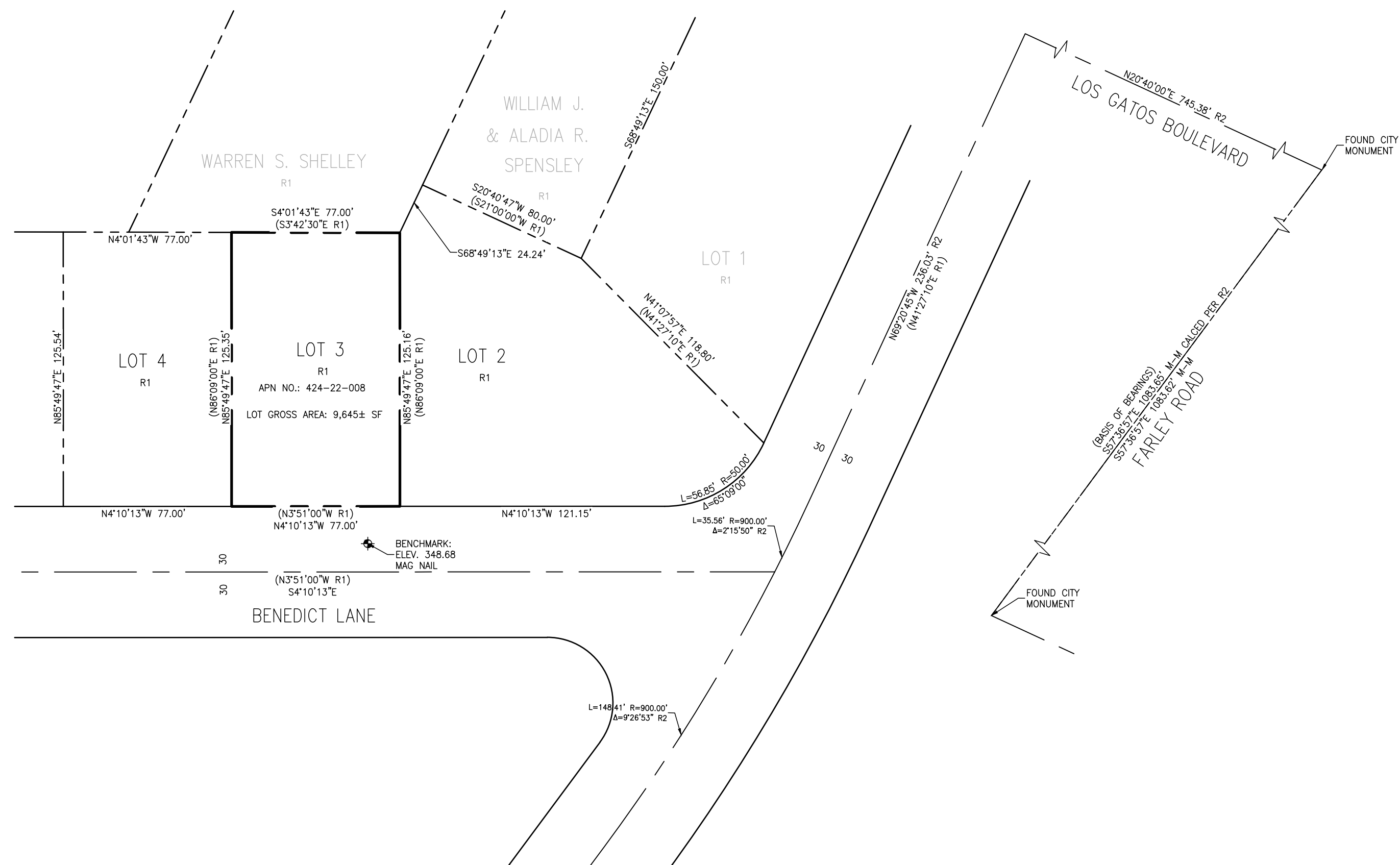
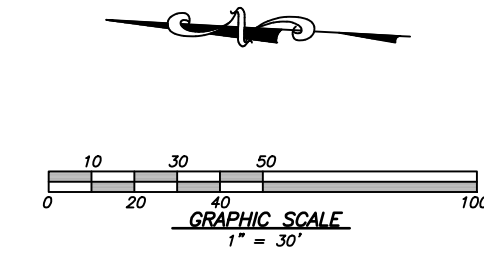
SHEET NUMBER:

A-00.01

EXHIBIT 9

LEGEND

- 200--- EXISTING CONTOUR LINE
- 200--- NATURAL GRADE CONTOUR LINE
- FOUND CITY MONUMENT BOX, OR AS NOTED
- BOUNDARY OF PROPERTY SURVEYED
- () RECORD INFORMATION
- CENTERLINE
- △ CURB INLET
- CURB LINE
- DRIVEWAY APRON
- ELECTROLUER
- FENCE
- ◇ FIRE HYDRANT
- FLAT GRATE INLET
- O.H. PWR OVERHEAD POWER LINE
- O.H. TEL OVERHEAD TELEPHONE LINE
- SS SANITARY SEWER LINE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SIGN
- SD STORM DRAIN LINE
- STORM DRAIN MANHOLE
- UTILITY BOX
- UTILITY POLE
- W WATER LINE
- ⊗ WATER METER
- ⊗ WATER VALVE
- ⊗ ELECTRIC METER
- ⊗ WATER HEATER
- ⊗ GAS



BASIS OF BEARINGS

THE BEARING SOUTH 57°36'57" EAST OF THE MONUMENT LINE OF LOS GATOS BOULEVARD & FARLEY ROAD AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN BOOK 847 OF MAPS PAGE 49, SANTA CLARA COUNTY RECORDS, AND AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS OF BEARING FOR THIS SURVEY.

REFERENCES:

- R1 TRACT NO. 391 15-M-12&13
- R2 PARCEL MAP 847-M-49

BENCH MARK

DESCRIPTION: ASSUMED BENCHMARK, MAG NAIL ON STREET, NEAR THE SOUTH-WESTERLY CORNER OF LOT AS SHOWN.
PROJECT BENCHMARK 348.68' (NAVD88 DATUM)

ABBREVIATIONS

APN	ASSESSOR'S PARCEL NUMBER
BM	BENCH MARK
CATV	CABLE TELEVISION OVERHEAD
D	CURVE DELTA
DRWY	DRIVEWAY
DS	DOWNSPOUT
FF	FINISH FLOOR
FL	FLOW LINE ELEVATION
GFF	GARAGE FINISH FLOOR
IP	IRON PIPE
L	CURVE LENGTH
R/#	REFERENCE DOCUMENT
M-M	MONUMENT TO MONUMENT
O.H. PWR	OVERHEAD POWER LINE
O.H. TEL	OVERHEAD TELEPHONE LINE
PCL	PARCEL
P.M.	PARCEL MAP
PTN	PORTION
R	RADIUS
SD	STORM DRAIN
SS	SANITARY SEWER
TC	TOP OF CURB ELEVATION
TEMP.	TEMPORARY
PUE	PUBLIC UTILITY EASEMENT
WLE	WATER LINE EASEMENT

NOTES:

1. DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
2. THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY.
3. TREES SPECIES NAMES ARE APPROXIMATE, AND LABELED BY THEIR COMMON NAME TO THE BEST OF OUR KNOWLEDGE. IT IS NOT BASED ON AN ARBORIST REPORT.
4. TOPOGRAPHY SHOWN ON THIS MAP REPRESENTS THE SURFACE FEATURES ONLY.
5. UNLESS SPECIFIED ON THIS MAP, LOCATIONS OF THE UNDERGROUND AND OVERHEAD UTILITIES ARE NEITHER INTENDED NOR IMPLIED. FOR THE LOCATIONS OF UNDERGROUND UTILITIES CALL "USA" (1-800-642-2440).
6. BUILDING FOOTPRINTS ARE SHOWN AT GROUND LEVEL.
7. FINISH FLOOR ELEVATION TAKEN AT DOOR THRESHOLD (EXTERIOR).
8. A TITLE REPORT FOR THE SUBJECT PROPERTY HAS NOT BEEN EXAMINED BY OSUNA ENGINEERING, INC. OTHER EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.

NO.	DATE	BY	CITY	REVISIONS

Porfirio Oscar Osuna
 PORFIRIO OSCAR OSUNA
 PLS 8921 EXP. 9-30-22

OSUNA

ENGINEERING INC.

Planning | Surveying | Civil Engineering

CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
 117 BERNAL RD., STE. 70-336
 SAN JOSE, CA 95119
 TEL. (408) 772-4381
 info@osunaeengineering.com

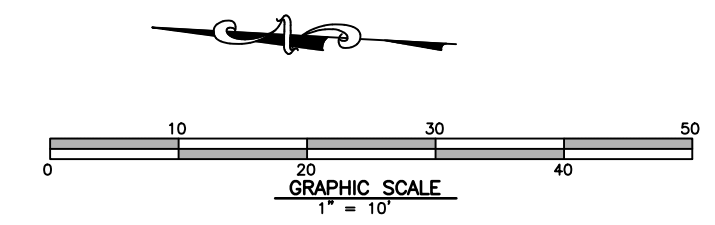
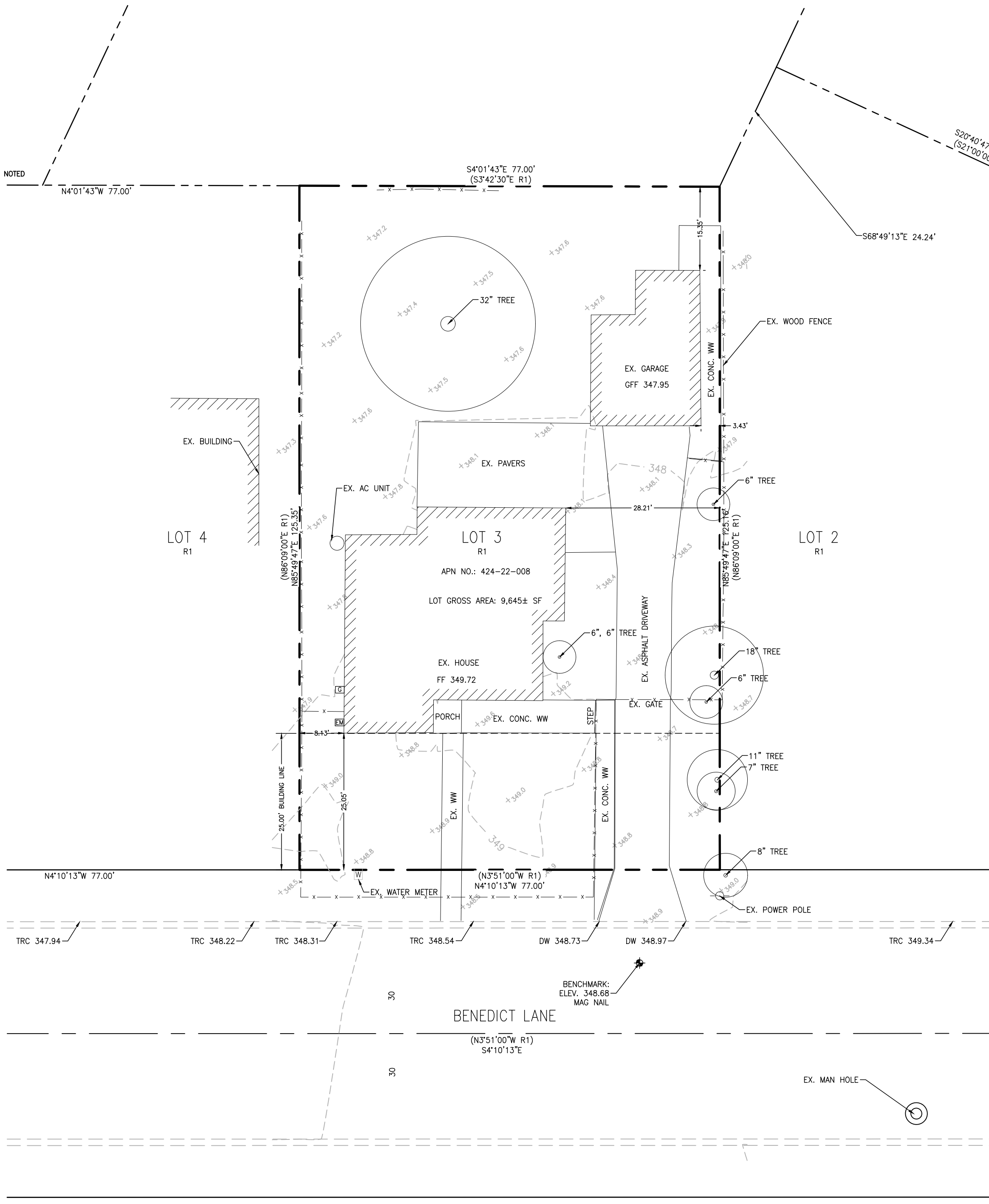
PRELIMINARY BOUNDARY & TOPOGRAPHIC SURVEY
 15602 BENEDICT LANE
 424-22-008
 LOS GATOS, CALIFORNIA
 Project No.: 2173 | Drawn By: JML | Checked: OJ | Date: 5-14-21

SHEET
BT1

OF 2 SHEETS

LEGEND

---200---	EXISTING CONTOUR LINE
- - -200-	NATURAL GRADE CONTOUR LINE
⊙	FOUND CITY MONUMENT BOX, OR AS NOTED
---	BOUNDARY OF PROPERTY SURVEYED
()	RECORD INFORMATION
---	CENTERLINE
△	CURB INLET
---	CURB LINE
---	DRIVEWAY APRON
⊙	ELECTROLIER
-X-X-	FENCE
⋄	FIRE HYDRANT
■	FLAT GRATE INLET
O.H. PWR	OVERHEAD POWER LINE
O.H. TEL	OVERHEAD TELEPHONE LINE
SS	SANITARY SEWER LINE
○	SANITARY SEWER MANHOLE
⊙	SANITARY SEWER CLEANOUT
⊙	SIGN
SD	STORM DRAIN LINE
⊙	STORM DRAIN MANHOLE
□	UTILITY BOX
○	UTILITY POLE
W	WATER LINE
⊙	WATER METER
⊙	WATER VALVE
⊙	ELECTRIC METER
⊙	WATER HEATER
⊙	GAS



BASIS OF BEARINGS
 THE BEARING SOUTH 57°36'57" EAST OF THE MONUMENT LINE OF LOS GATOS BOULEVARD & FARLEY ROAD AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN BOOK 847 OF MAPS PAGE 49, SANTA CLARA COUNTY RECORDS, AND AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS OF BEARING FOR THIS SURVEY.

REFERENCES:
 R1 TRACT NO. 391 15-M-12&13
 R2 PARCEL MAP 847-M-49

BENCH MARK
 DESCRIPTION: ASSUMED BENCHMARK, MAG NAIL ON STREET, NEAR THE SOUTH-WESTERLY CORNER OF LOT AS SHOWN:
 PROJECT BENCHMARK 348.68' (NAVD88 DATUM)

ABBREVIATIONS

APN	ASSESSOR'S PARCEL NUMBER
BM	BENCH MARK
CATV	CABLE TELEVISION OVERHEAD
D	CURVE DELTA
DRWY	DRIVEWAY
DS	DOWNSPOUT
FF	FINISH FLOOR
FL	FLOW LINE ELEVATION
GFF	GARAGE FINISH FLOOR
IP	IRON PIPE
L	CURVE LENGTH
R#	REFERENCE DOCUMENT
M-M	MONUMENT TO MONUMENT
O.H. PWR	OVERHEAD POWER LINE
O.H. TEL	OVERHEAD TELEPHONE LINE
PCL	PARCEL
P.M.	PARCEL MAP
PTN	PORTION
R	RADIUS
SD	STORM DRAIN
SS	SANITARY SEWER
TC	TOP OF CURB ELEVATION
TEMP.	TEMPORARY
PUE	PUBLIC UTILITY EASEMENT
WLE	WATER LINE EASEMENT

- NOTES:**
- DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
 - THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY.
 - TREES SPECIES NAMES ARE APPROXIMATE, AND LABELED BY THEIR COMMON NAME TO THE BEST OF OUR KNOWLEDGE. IT IS NOT BASED ON AN ARBORIST REPORT.
 - TOPOGRAPHY SHOWN ON THIS MAP REPRESENTS THE SURFACE FEATURES ONLY.
 - UNLESS SPECIFIED ON THIS MAP, LOCATIONS OF THE UNDERGROUND AND OVERHEAD UTILITIES ARE NEITHER INTENDED NOR IMPLIED. FOR THE LOCATIONS OF UNDERGROUND UTILITIES CALL "USA" (1-800-642-2440).
 - BUILDING FOOTPRINTS ARE SHOWN AT GROUND LEVEL.
 - FINISH FLOOR ELEVATION TAKEN AT DOOR THRESHOLD (EXTERIOR).
 - A TITLE REPORT FOR THE SUBJECT PROPERTY HAS NOT BEEN EXAMINED BY OSUNA ENGINEERING, INC. OTHER EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.

NO.	DATE	BY	REVISIONS

PROFESSIONAL LAND SURVEYOR
 PORFIRIO OSCAR OSUNA
 No. 8921
 Exp. 9-30-22
 STATE OF CALIFORNIA

P. Oscar Osuna
 PORFIRIO OSCAR OSUNA
 PLS 8921 EXP. 9-30-22

OSUNA ENGINEERING INC.
 Planning | Surveying | Civil Engineering

CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
 117 BERNAL RD. STE. 70-336 TEL. (408) 772-4381
 SAN JOSE, CA 95119 info@osunaeengineering.com

PRELIMINARY BOUNDARY & TOPOGRAPHIC SURVEY
 15602 BENEDICT LANE
 424-22-008

LOS GATOS, CALIFORNIA
 Project No.: 2173 Drawn By: JM Checked: DO Date: 5-14-21

SHEET
BT2
 OF 2 SHEETS

ABBREVIATIONS			
	DESCRIPTION	DESCRIPTION	
AB	AGGREGATE BASE	LIP	LIP OF GUTTER
AC	ASPHALT CONCRETE	LP	LOW POINT
AD	AREA DRAIN	MON	MONUMENT
BC	BACK OF CURB	MON (N)	NEW MONUMENT
BFP	BACKFLOW PREVENTOR	OG	ORIGINAL GROUND
BW	BOTTOM OF SIDEWALK	PB	PULL BOX
C&G	CURB AND GUTTER	PEV	PC&E VAULT
C.L.	CENTERLINE	R,P/L	PROPERTY LINE
CLS	CENTERLINE SWALE	PP	POWER POLE
CO	CLEANOUT	PPP	PLASTIC PERFORATED PIPE
CP	CONTROL POINT	PSE	PUBLIC SERVICE EASEMENT
DWY	DRIVEWAY	PVC	POLYVINYL CHLORIDE
DJ	DROP INLET	RCP	RIGHT OF WAY
DTL	DETAIL	SD	STORM DRAIN
ELCT	ELECTRIC	SDMH	STORM DRAIN MANHOLE
EP	EDGE OF PAVEMENT ELEVATION	STD	STANDARD
EUC	EUCALYPTUS TREE	SS	SANITARY SEWER
(E),EX	EXISTING	SSMH	SANITARY SEWER MANHOLE
FF	FINISH FLOOR	SW	SIDEWALK
FG	FINISH GRADE	TC	TOP OF CURB
FH	FIRE HYDRANT	TF	TOP OF FOUNDATION
FL	FLOWLINE	TC	TOP OF GRADE
FNC	FENCE	TOS	TOP OF SLAB
FOC	FACE OF CURB	TP	TOP OF PAVEMENT
GB	GRADE BREAK	TW	TOP OF WALL
GUY	GUY WIRE	(TYP)	TYPICAL
HP	HIGH POINT	VCP	VITRIFIED CLAY PIPE
DIP	DUCTILE IRON PIPE	WL	WHITE LINE STRIPE
INV	INVERT	WLK	WALKWAY
JP	JOINT POLE	WM	WATER METER
JB	JUNCTION BOX (UTILITY)	WV	WATER VALVE
CONC.	CONCRETE		

GRADING AND DRAINAGE PLANS

NEW SINGLE FAMILY HOME

15602 BENEDICT LN, LOS GATOS, CA 95032

APN: 424-22-008

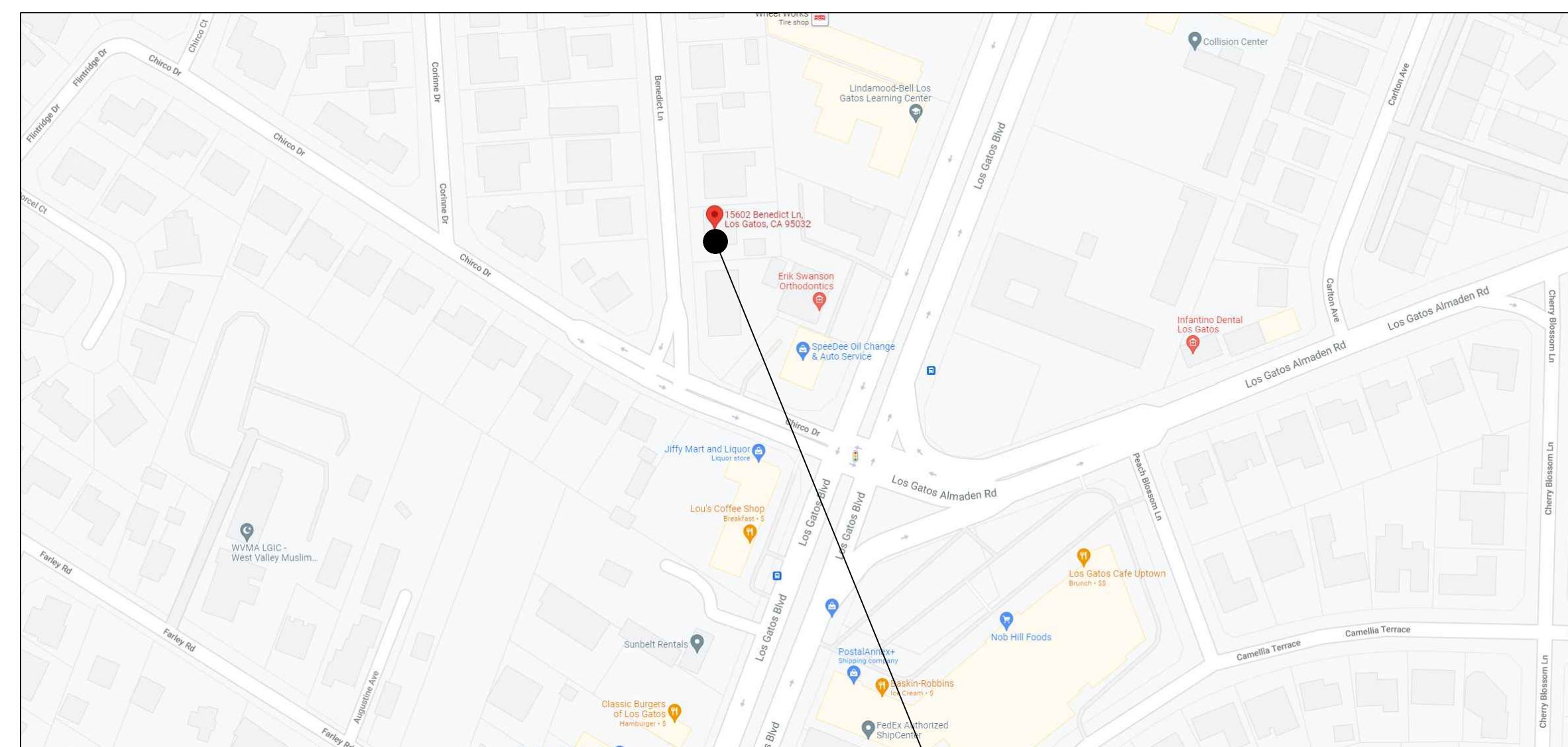
GRADING AND DRAINAGE NOTES:

- All work shall conform to Chapter 12 of The Code of the Town of Los Gatos, the adopted California Building Code and the latest edition of the Standard Specifications for Public Works Construction except as specified otherwise on these plans and details.
- No work may be started on-site without an approved Grading Plan and a Grading Permit issued by the Town of Los Gatos, Public Works Department located at 41 Miles Avenue, Los Gatos, CA 95030
- A Pre-Job meeting shall be held with the Town Engineering Inspector from the Department of Parks and Public Works prior to any work being done. The Contractor shall call the Inspections Line at (408) 399-5771 at least forty-eight (48) hours prior to any grading or onsite work. This meeting should include: a. A discussion of the project conditions of approval, working hours, site maintenance and other construction matters; b. Acknowledgement in writing that Contractor and Applicant have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.
- Approval of plans does not release the developer of the responsibility for the correction of mistakes, errors, or omissions contained therein. If, during the course of construction of the improvements, public interest and safety requires a modification or departure from the Town Specifications or these improvement plans, the Town Engineer shall have full authority to require such modification or departure and to specify the manner in which the same is to be made.
- Approval of this plan applies only to the grading, excavation, placement, and compaction of natural earth materials. This approval does not confer any rights of entry to either public property or the private property of others and does not constitute approval of any other improvements.
- Excavated material shall be placed in the fill areas designated or shall be hauled away from the site to be disposed of at approved location(s).
- It shall be the responsibility of the Permittee or Contractor to identify, locate and protect all underground facilities. Permittee or Contractor shall notify USA (Underground Service Alert) at 1-800-227-2600 a minimum of forty-eight (48) hours but not more than fourteen (14) days prior to commencing all work.
- All grading shall be performed in such a manner as to comply with the standards established by the Air Quality Management District for airborne particulates.
- The Contractor shall comply with all local, state and federal laws, codes, rules and regulations governing the work identified on these plans. These shall include, without limitation, safety and health rules and regulations established by or pursuant to the Occupational Safety and Health Act or any other applicable public authority.
- The General Contractor shall provide qualified supervision on the job site at all times during construction.
- Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items: a. Retaining wall: top of wall elevations and locations (all walls to be permitted separately and applied for at the Town of Los Gatos Building Department). b. Toe and top of cut and fill slopes.
- Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The Applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans. Soils Engineer: _____, Reference Report _____, dated: _____, Letter No. _____, dated: _____ shall be thoroughly complied with. Both the mentioned report and all updates/addendums/ letters are hereby appended and made a part of this grading plan.
- During construction, all excavations and grading shall be inspected by the Applicant's soils engineer. The Engineer shall be notified at least fortyeight (48) hours before beginning any grading. The Engineer shall be onsite to verify that the actual conditions are as anticipated in the designlevel geotechnical report and/or provide appropriate changes to the report recommendations, as necessary. All unobserved and/or unapproved grading shall be removed and replaced under soils engineer observation (the Town Inspector shall be made aware of any required changes prior to work being performed).
- The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted for the Town's review and acceptance before final release of any occupancy permit is granted.
- All private and public streets accessing Project Site shall be kept open and in a safe, drivable condition throughout construction. If temporary closure is needed, then formal written notice to the adjacent neighbors and the Town of Los Gatos Parks and Public Works Department shall be provided at least one (1) week in advance of closure and no closure shall be granted without the express written approval of the Town. No material or equipment shall be stored in the public or private right-of-way.
- The contractor shall install and maintain fences, barriers, lights and signs that are necessary to give adequate warning and/protection to the public at all times.

- Owner/Applicant: _____
- General Contractor (If available): _____ Phone: _____
- Grading Contractor (If available): _____
- Cut: 36 CY Export: 0 CY Fill: 54 CY Import: 18 CY
- Water shall be available on the site at all times during grading operations to properly maintain dust control.
- This plan does not approve the removal of trees. Appropriate tree removal permits and methods of tree preservation shall be required. Tree Removal Permits are required prior to the approval of all plans.
- A Town Encroachment Permit is required for any work within the public right-of-way. A State Encroachment Permit is required for any work within State right-of-way (if applicable). The Permittee and/or Contractor shall be responsible coordinating inspection performed by other governmental agencies.
- No cross-lot drainage will be permitted without satisfactory stormwater acceptance deed/facilities. All drainage shall be directed to the street or other acceptable drainage facility via a non-erosive method as approved by the Town Engineer.
- It is the responsibility of contractor and/or owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
- Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the developer's expense.
- Grading shall be undertaken in accordance with conditions and requirements of the project Storm Water Pollution Control Plan and/or Storm Water Pollution Prevention Plan (SWPPP), the Town of Los Gatos Storm Water Quality Management Program, National Pollutant Discharge Elimination System (NPDES) and any other permits/requirements issued by the State of California Regional Water Quality Control Board. Plans (including all updates) shall be on-site at all times. No direct stormwater discharges from the development will be allowed onto town streets or into the public storm drain system without treatment by an approved storm water pollution prevention device or other approved methods. Maintenance of private stormwater pollution prevention devices shall be the sole responsibility of the owner. Discharges or connection without treatment by an approved and adequately operating stormwater pollution prevention device or other approved method shall be considered a violation of the above referenced permit and the Town of Los Gatos Stormwater Ordinance.

UTILITY NOTE:

ALL NEW, RELOCATED, OR TEMPORARILY REMOVED UTILITY SERVICES, INCLUDING TELEPHONE, ELECTRIC POWER AND ALL OTHER COMMUNICATIONS LINES SHALL BE INSTALLED UNDERGROUND.



LOCATION MAP
N.T.S.

NPDES NOTES

- Sediment from areas disturbed by construction shall be retained on site using structural controls as required by the statewide General Construction Stormwater Permit.
- Stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking, or wind as required by the statewide General Construction Stormwater Permit.
- Appropriate best management practices (BMPs) for construction-related materials, wastes, spill or residues shall be implemented to minimize transport from the site to streets, drainage facilities, or adjoining property by wind or runoff as required by the statewide General Construction Stormwater Permit.
- Runoff from equipment and vehicle washing shall be contained at construction sites and must not be discharged to receiving waters or to the local storm drain system.
- All construction contractor and subcontractor personnel are to be made aware of the required best management practices (BMPs) and good housekeeping measures for the project site and any associated construction staging areas.
- At the end of each day of construction activity, all construction debris and waste materials shall be collected and properly disposed in trash or recycle bins.
- Construction sites shall be maintained in such a condition that a storm does not carry waste or pollutants off of the site. Discharges of material other than stormwater (non-stormwater discharges) are prohibited except as authorized by an individual National Pollutant Discharge Elimination System (NPDES) permit or the statewide General Construction Stormwater Permit. Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, solvents, detergents, glues, lime, pesticides, herbicides, fertilizers, wood preservatives and asbestos fibers, paint flakes or stucco fragments; fuels, oils, lubricants, and hydraulic, radiator or battery fluids; concrete and related cutting or curing residues; floatable wastes; wastes from engine/equipment steam cleaning or chemical degreasing; wastes from street cleaning; and superchlorinated potable water from line flushing and testing. During construction, disposal of such materials should occur in a specified and controlled temporary area on-site physically separated from potential stormwater runoff, with ultimate disposal in accordance with local, state and federal requirements.
- Discharging contaminated groundwater produced by dewatering groundwater that has infiltrated into the construction site is prohibited. Discharging of contaminated soils via surface erosion is also prohibited. Discharging noncontaminated groundwater produced by dewatering activities requires a National Pollutant Discharge Elimination System (NPDES) permit from the respective State Regional Water Quality Control Board.

NOTE:

DRAINAGE PIPING SERVING FIXTURES WHICH HAVE FLOOD LEVEL RIMS LESS THAN TWELVE (12) INCHES (304.8 MM) ABOVE THE ELEVATION OF THE NEXT UPSTREAM MANHOLE AND/OR FLUSHING INLET COVER AT THE PUBLIC OR PRIVATE SEWER SYSTEM SERVING SUCH DRAINAGE PIPING SHALL BE PROTECTED FROM BACKFLOW OF SEWAGE BY INSTALLING AN APPROVED TYPE BACKWATER VALVE. FIXTURES ABOVE SUCH ELEVATION SHALL NOT DISCHARGE THROUGH THE BACKWATER VALVE, UNLESS FIRST APPROVED BY THE BUILDING OFFICIAL. THE TOWN SHALL NOT INCUR ANY LIABILITY OR RESPONSIBILITY FOR DAMAGE RESULTING FROM A SEWER OVERFLOW WHERE THE PROPERTY OWNER OR OTHER PERSON HAS FAILED TO INSTALL A BACKWATER VALVE AS DEFINED IN THE UNIFORM PLUMBING CODE ADOPTED BY THE TOWN AND MAINTAIN SUCH DEVICE IN A FUNCTIONAL OPERATION CONDITION. EVIDENCE OF WEST SANITATION DISTRICT'S DECISION ON WHETHER A BACKWATER DEVICE IS NEEDED SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

EARTHWORK TABLE

	FILL (CY)	CUT (CY)	IMPORT (CY)	EXPORT (CY)
HOUSE/ GARAGE	5	31		
DRIVEWAY/PATIO PORCH	30	5		
SITE	19	0		
TOTAL	54	36	18	00

NOTE:

1. EARTHWORK QUANTITIES ON THIS TABLE ARE FOR INFORMATION ONLY. CONTRACTORS ARE TO PERFORM THEIR OWN QUANTITY TAKE OFFS.

SHEET INDEX:

C-1	COVER SHEET/ NOTES
C-2	GRADING AND DRAINAGE PLAN
C-3	DETAILS
C-4	NOTES
C-5	CONSTRUCTION MANAGEMENT & EROSION CONTROL PLAN

SURVEY MAP DISCLAIMER NOTE:

SMP ENGINEERS ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE TOPOGRAPHIC SURVEYING DEPICTED ON THIS PLAN SET. TOPOGRAPHIC SURVEYING MAP WAS PREPARED BY OTHERS AND FURNISHED TO SMP ENGINEERS BY THE OWNER.

NOTE:

GRADING AND DRAINAGE PLANS SHALL BE REVIEWED AND APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER.

SANITARY SEWER NOTE:

ANY EXISTING SANITARY SEWER LATERAL PROPOSED TO BE REUSED MUST BE TESTED BY WEST VALLEY SANITATION DISTRICT AND APPROVED BY THE TOWN BEFORE REUSED.

GRADING AND DRAINAGE NOTES:

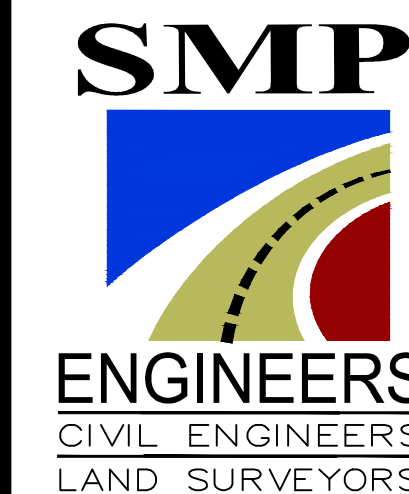
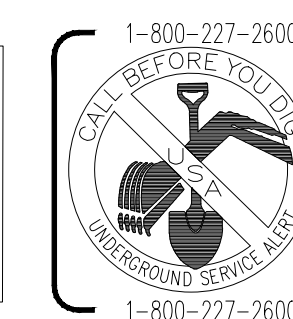
- Surface water shall be directed away from all buildings into drainage swales, gutters, storm drain inlets and drainage systems.
- All roof downspouts shall discharge to concrete splash pads draining away from the foundation. See architectural plans for roof downspout locations.
- On site storm drain lines shall consist of solid PVC-SCH 40 minimum or better. Use PVC SCH80 for pipes running under driveway.
- Storm drain inlets shall be precast concrete, Christy U23 type or equivalent.

NOTE:

IT IS THE RESPONSIBILITY OF CONTRACTOR AND HOMEOWNER TO MAKE SURE THAT ALL DIRT TRACKED INTO THE PUBLIC RIGHT-OF-WAY IS CLEANED UP ON A DAILY BASIS. MUD, SILT, CONCRETE AND OTHER CONSTRUCTION DEBRIS SHALL NOT BE WASHED INTO THE TOWN'S STORM DRAINS.

NOTICE TO CONTRACTORS

CONTRACTOR TO NOTIFY U.S.A. (UNDERGROUND SERVICE ALERT) AT 800-227-2600 A MINIMUM OF 2 WORKING DAYS BEFORE BEGINNING UNDERGROUND WORK FOR VERIFICATION OF THE LOCATION AND DEPTH OF UNDERGROUND UTILITIES.



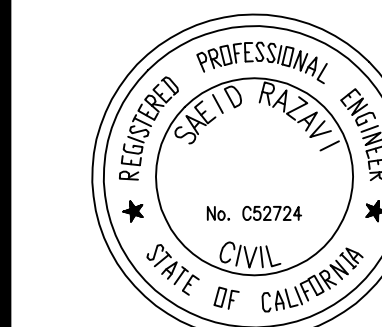
1534 CAROB LANE
LOS ALTOS, CA 94024
TEL: (650) 941-8055
FAX: (650) 941-8755

OWNER:

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SMP ENGINEERS
CIVIL ENGINEERS

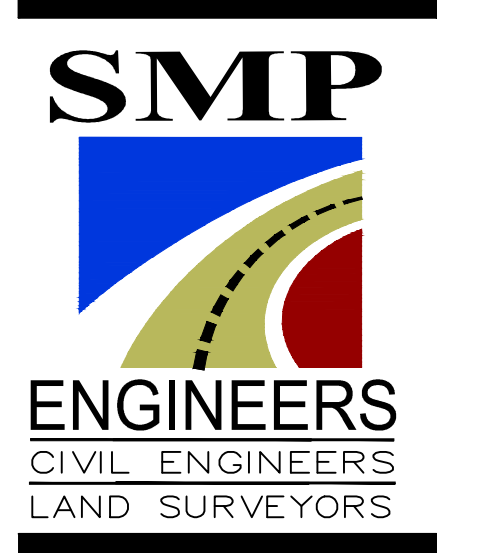
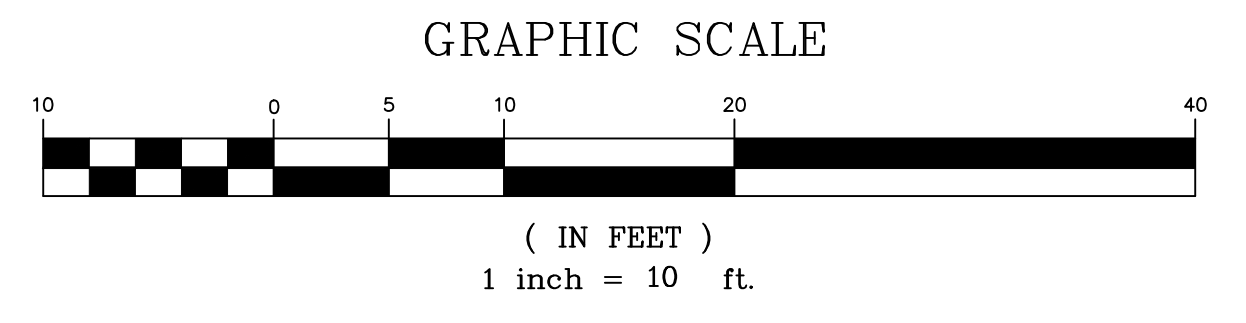
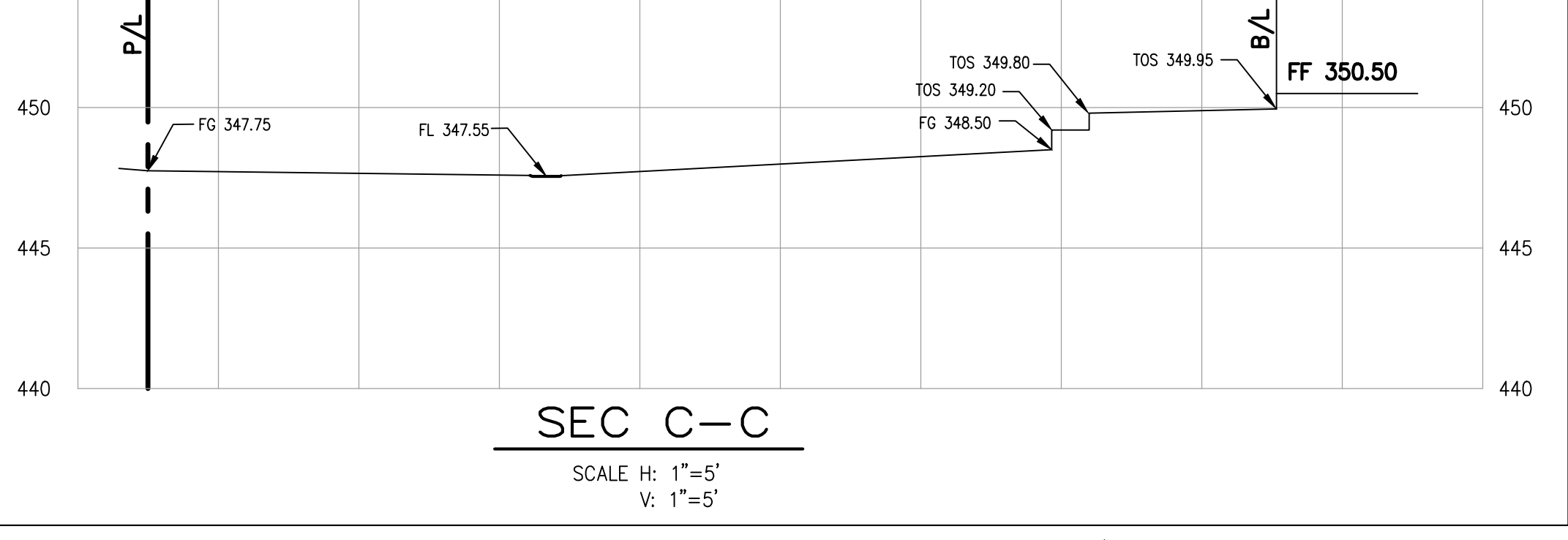
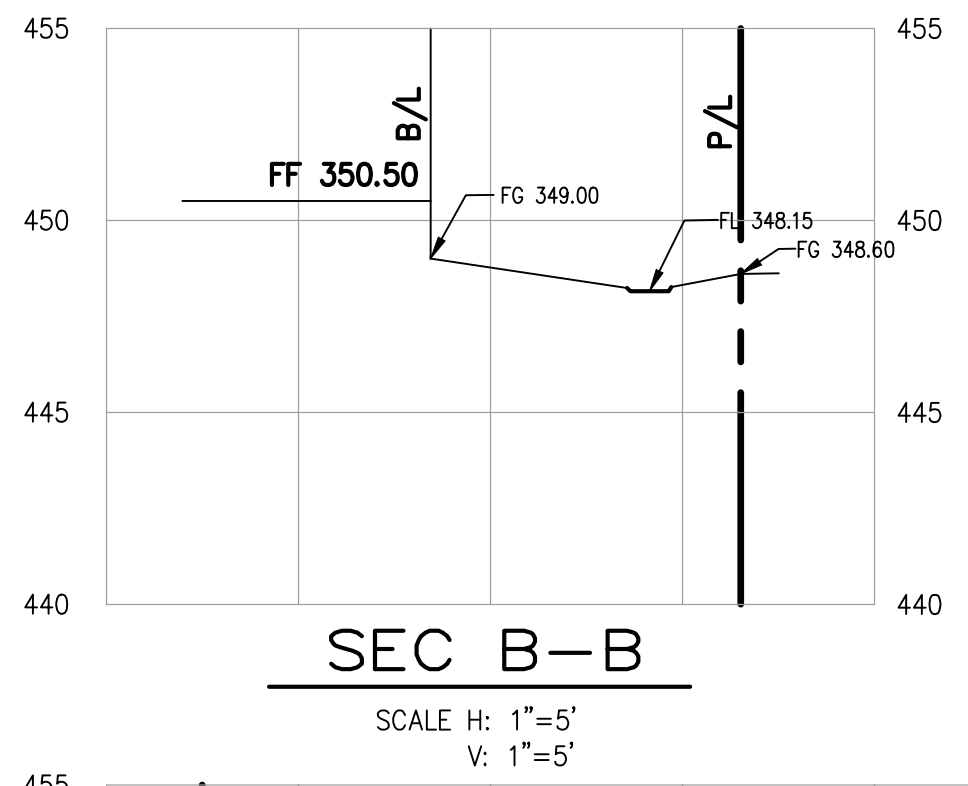
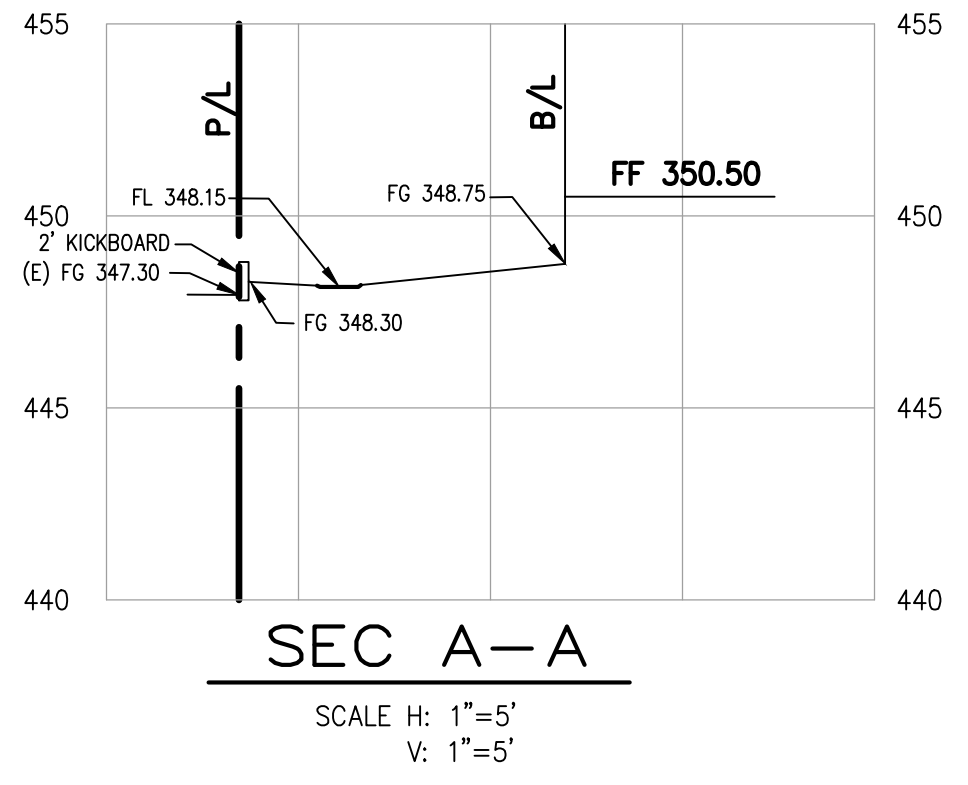
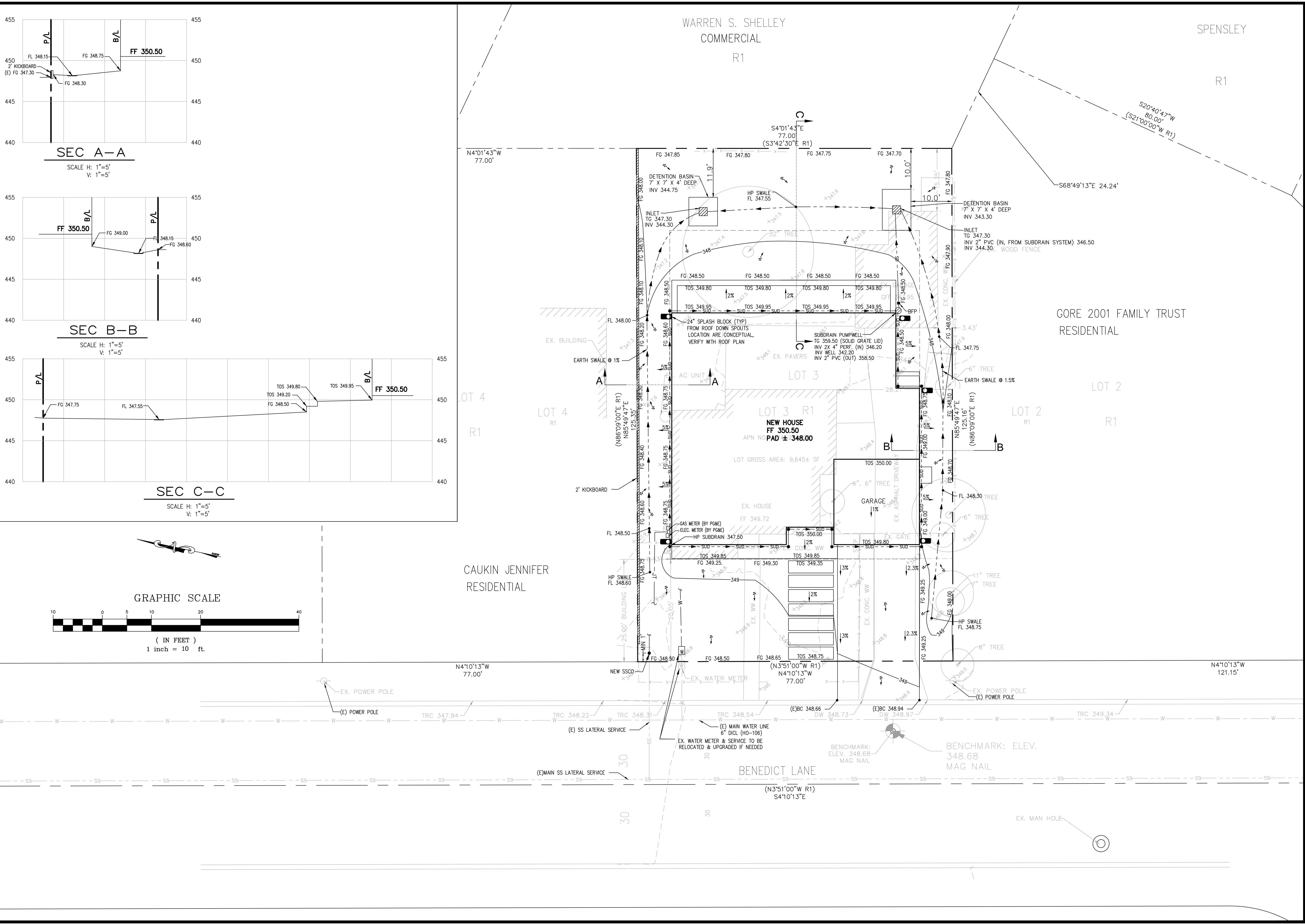
GRADING AND DRAINAGE PLANS
NEW SINGLE FAMILY HOME
15602 BENEDICT LN, LOS GATOS, CA 95032
APN: 424-22-008
COVER SHEET / NOTES

Revisions:



Ghazal Razavi

Date: 07/14/2022
Scale: NTS
Prepared by: S.P.
Checked by: S.R.
Job #: 222020
Sheet: 1 OF 5
C-1



1534 CAROB LANE
LOS ALTOS, CA 94024
TEL: (650) 941-8055
FAX: (650) 941-8755

OWNER:

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CIVIL ENGINEERS

GRADING AND DRAINAGE PLANS
NEW SINGLE FAMILY HOME
15602 BENEDICT LN, LOS GATOS, CA 95032
APN: 424-22-008
GRADING AND DRAINAGE PLAN

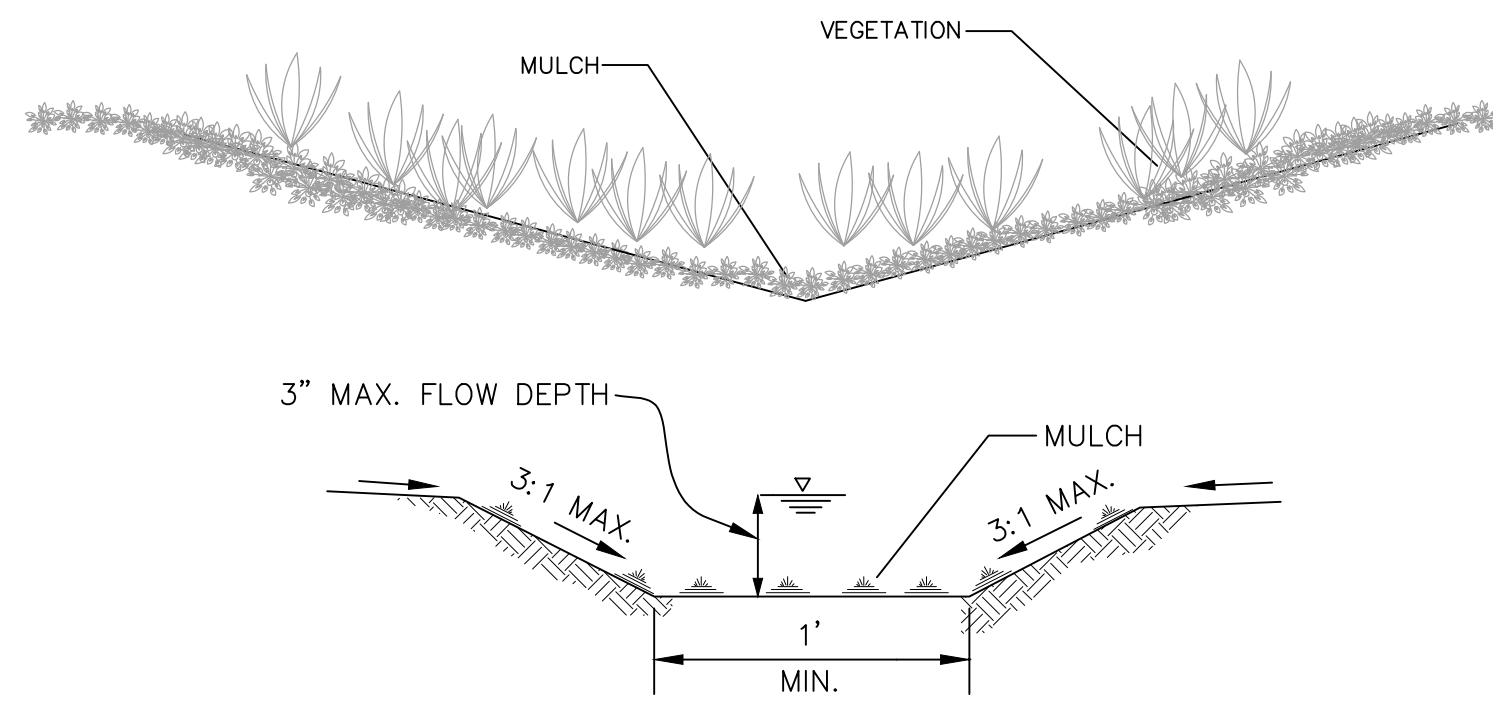
Revisions:



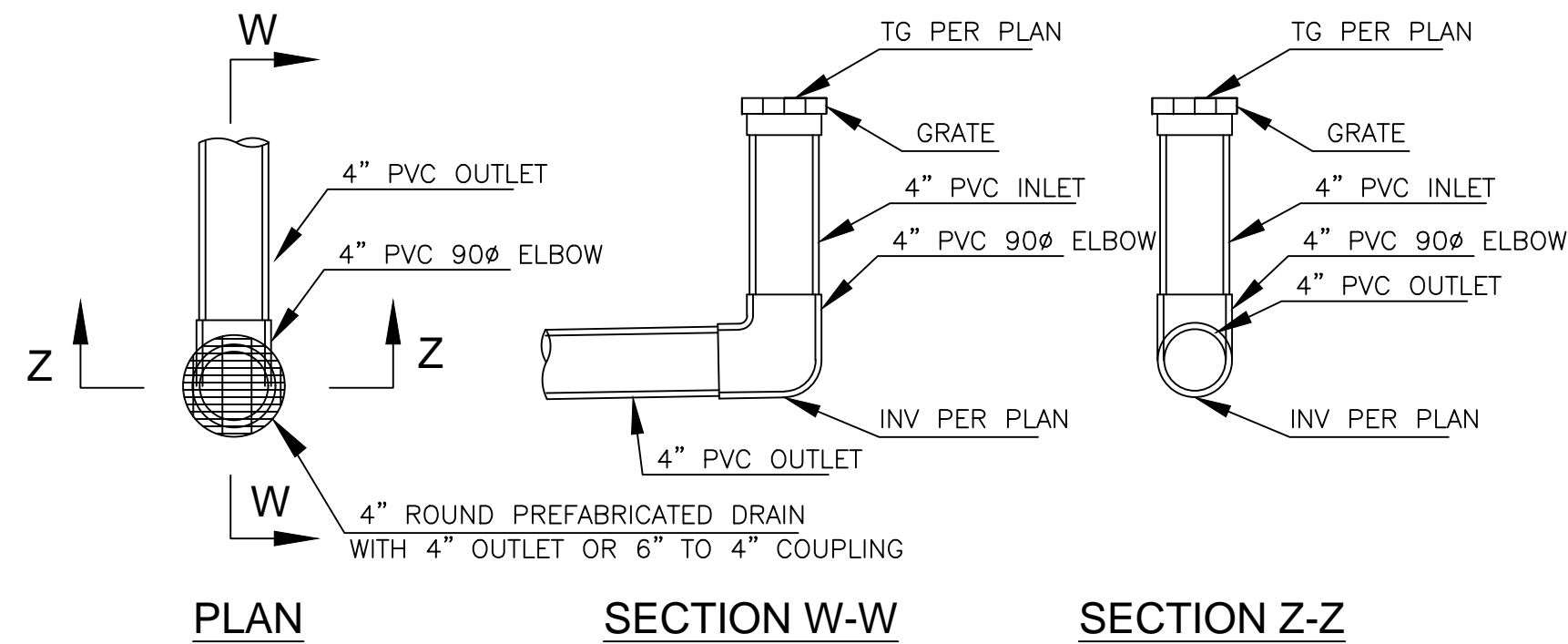
Saeed Razaqi

Date: 07/14/2022
Scale: 1"=10'
Prepared by: S.P.
Checked by: S.R.
Job #: 222020

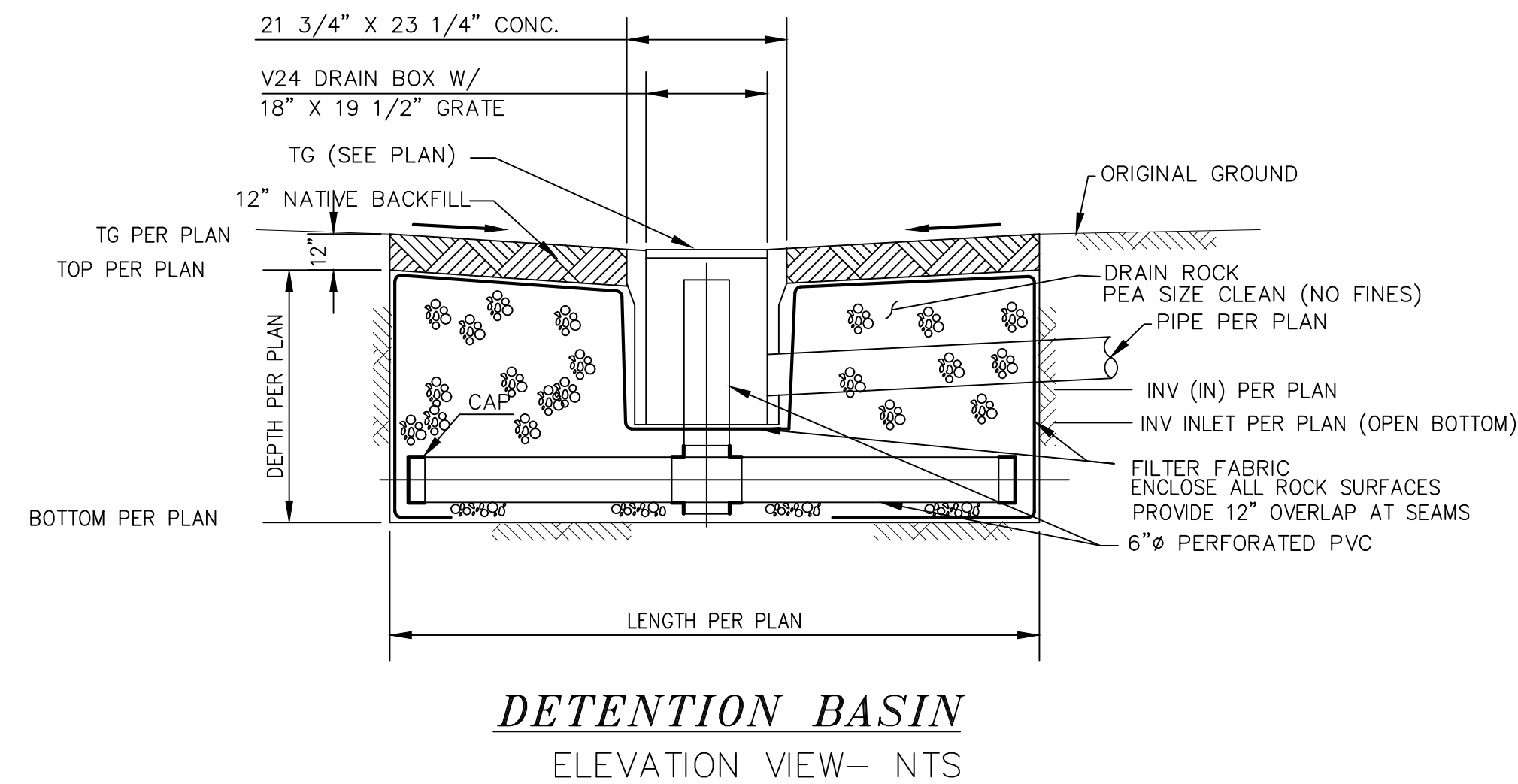
Sheet: **2 OF 5**
C-2



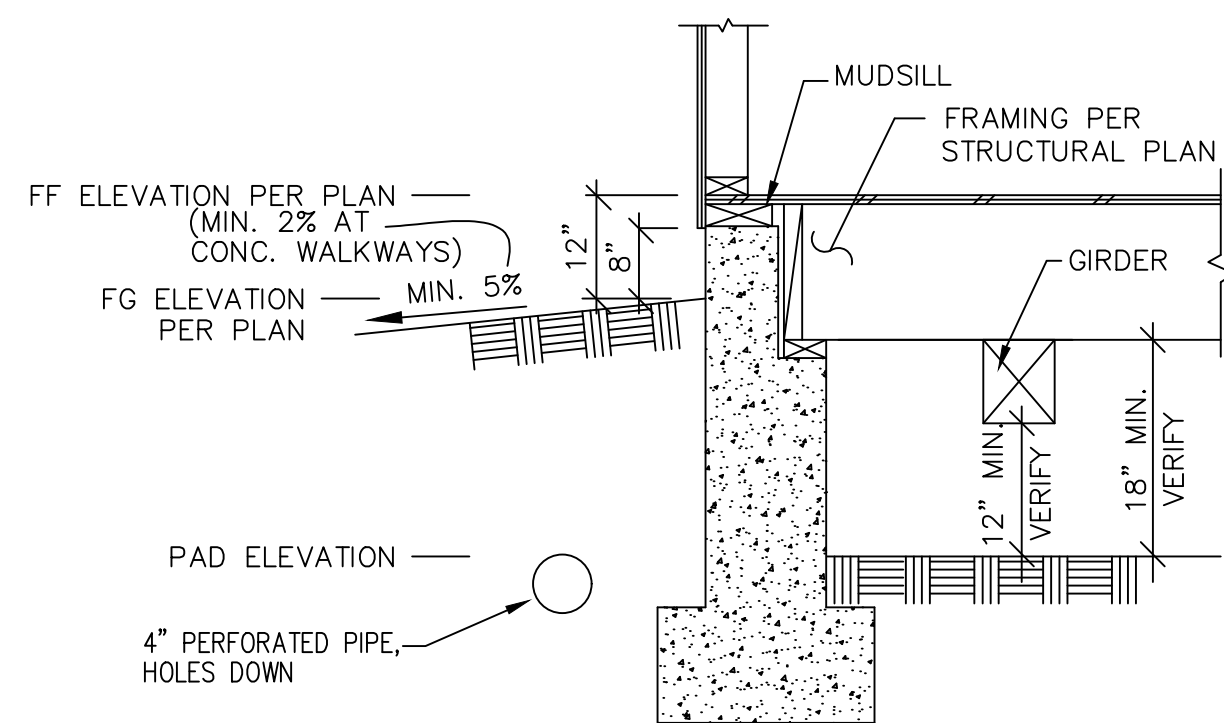
EARTH SWALE DETAIL
N.T.S.



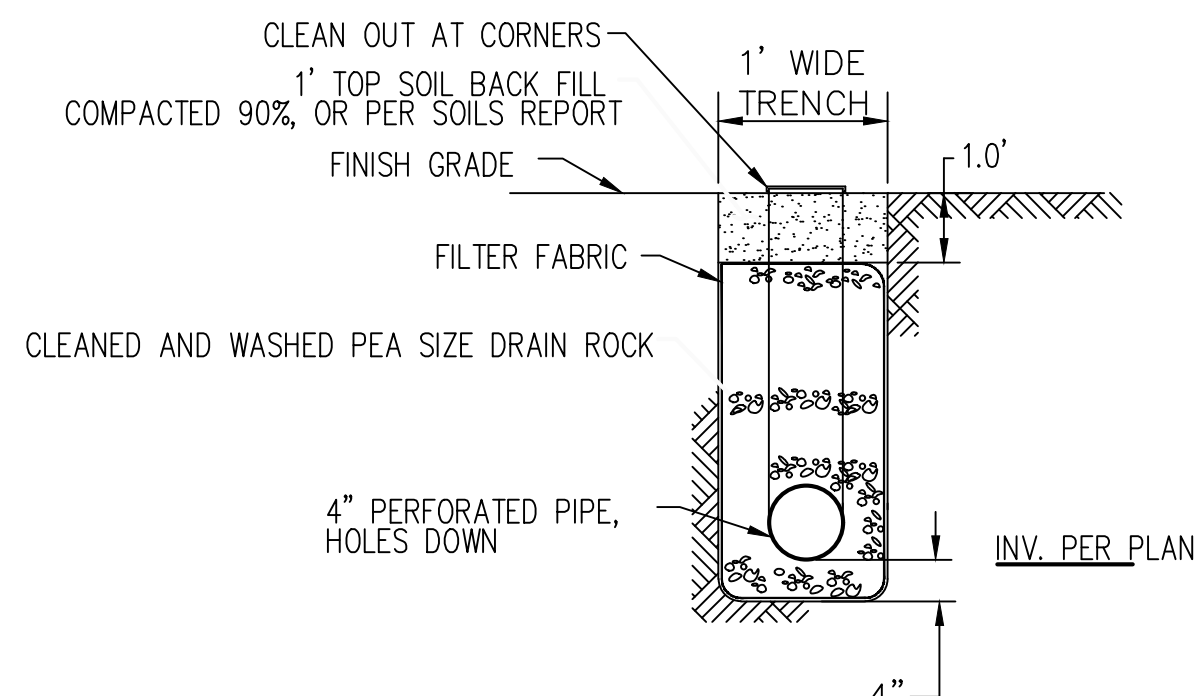
STORM DRAIN AREA DRAIN
N.T.S.



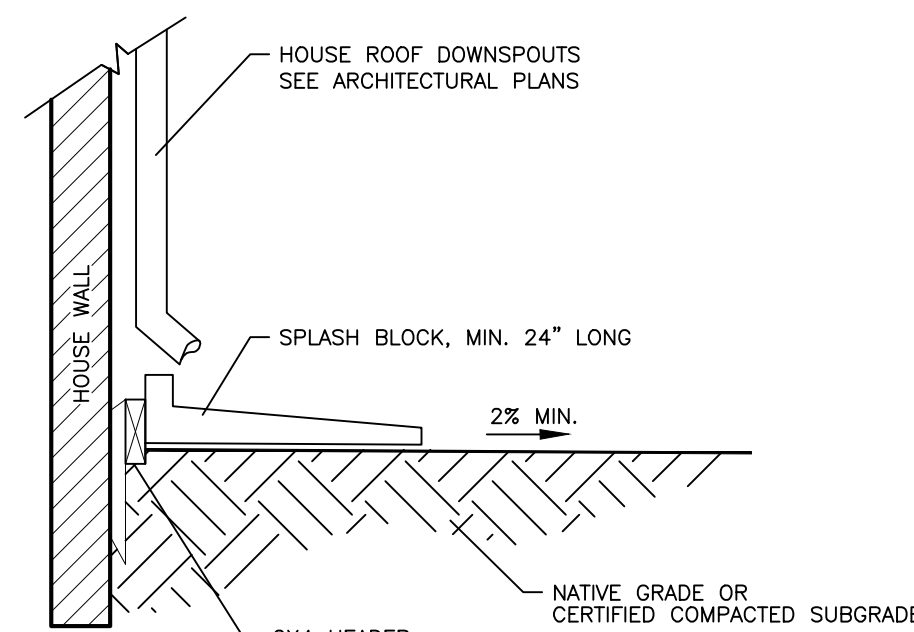
DETENTION BASIN
ELEVATION VIEW- NTS



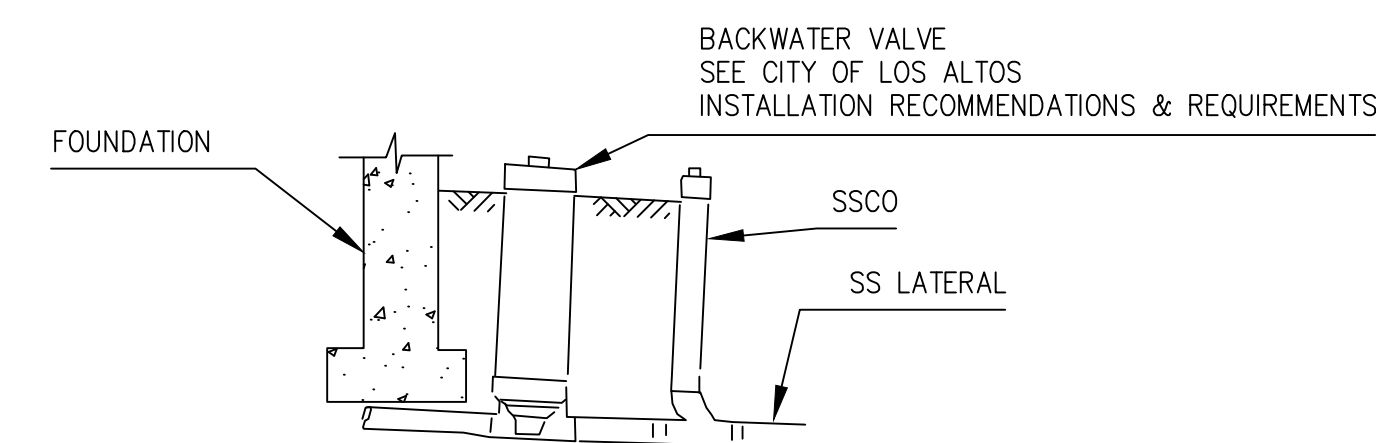
DROPPED FOUNDATION CONCEPTUAL DETAIL
N.T.S.



SUBDRAIN TRENCH DETAIL
ELEVATION VIEW- N.T.S.

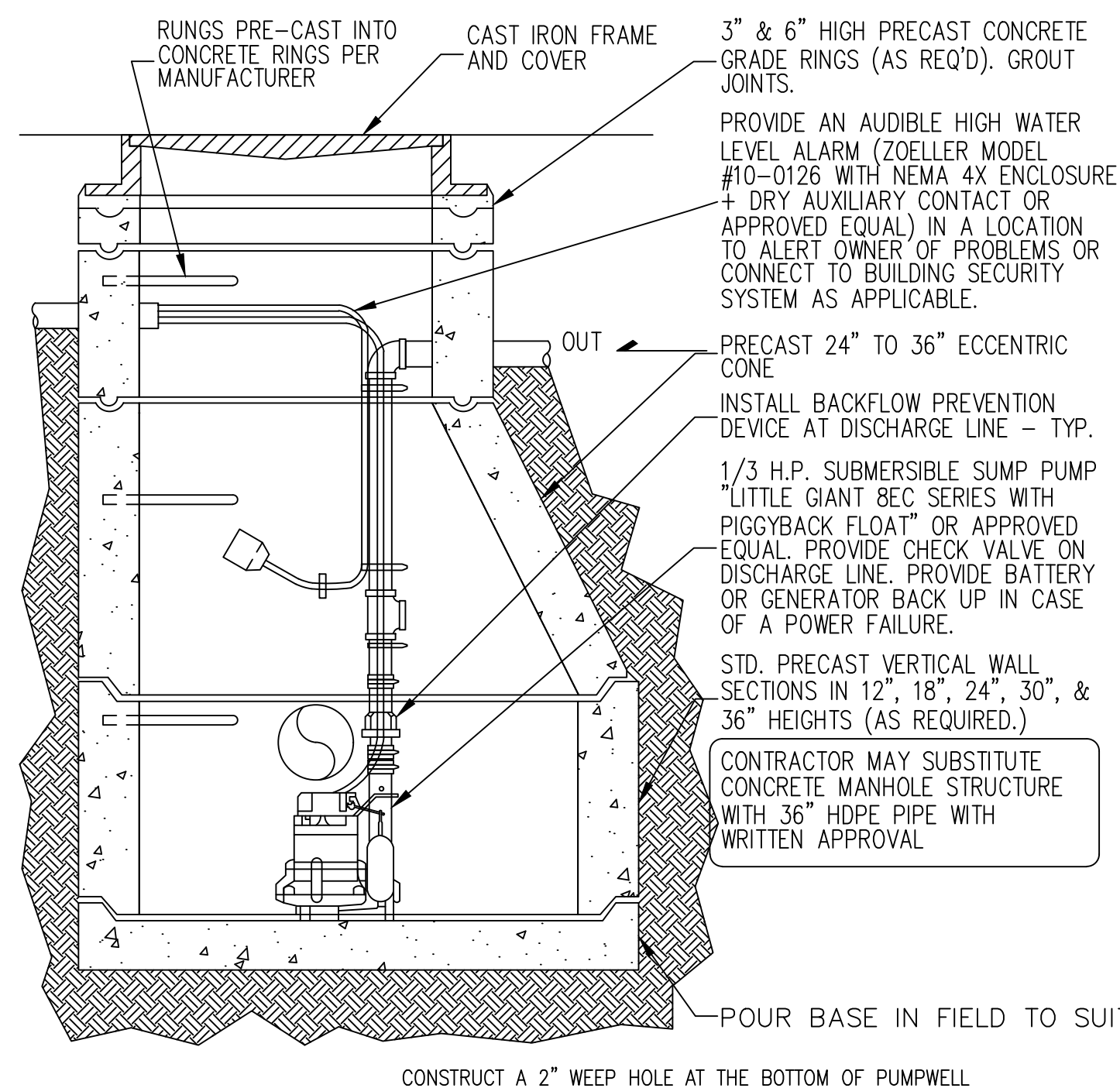
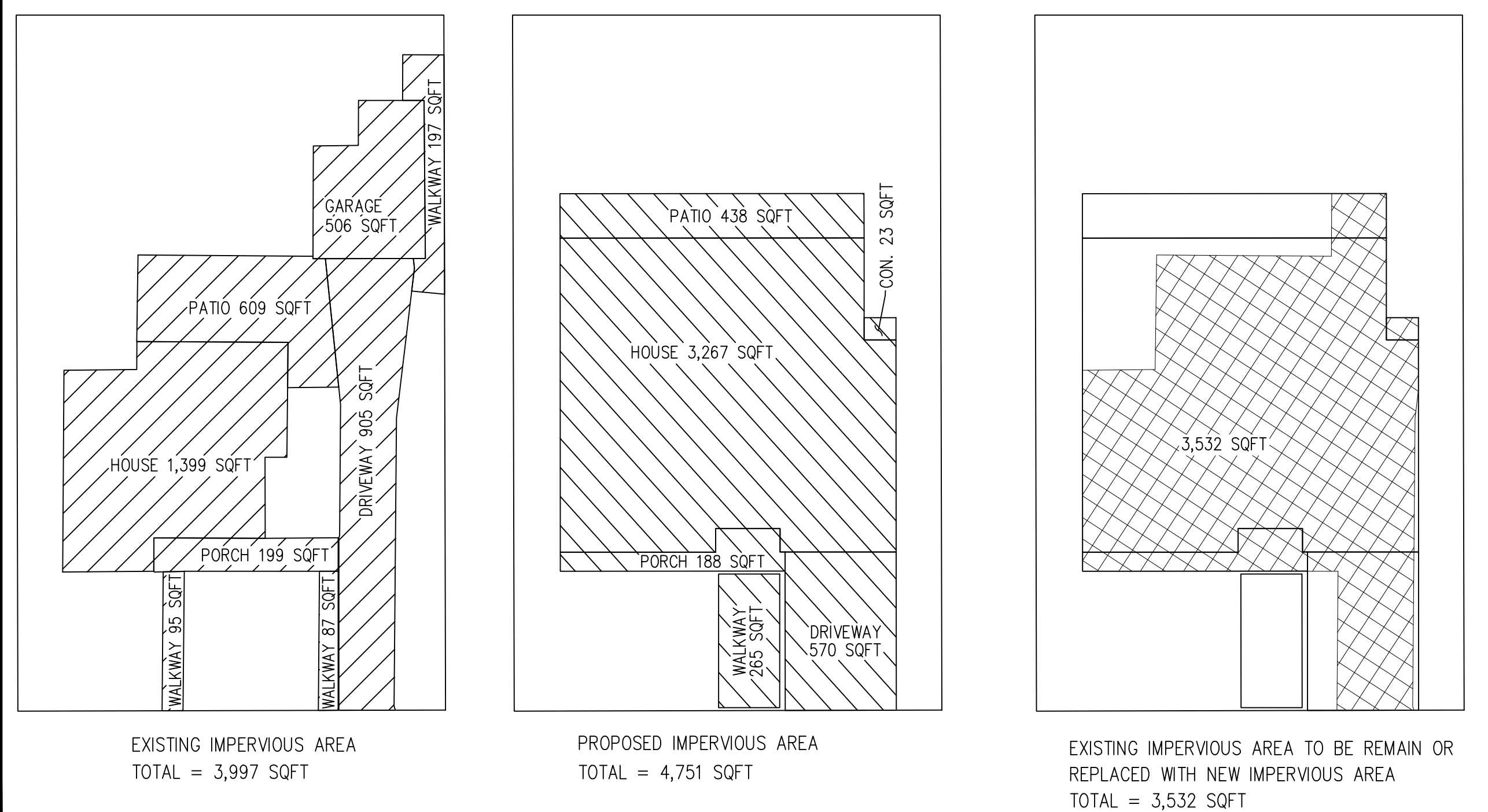


ROOF DOWNSPOUT/SPLASH BLOCK
N.T.S.



SANITARY SEWER BACKFLOW PREVENTOR DETAIL
N.T.S.

IMPERVIOUS AREA CALCULATION
N.T.S.



PUMPWELL DETAIL FOR OVERFLOW & SUBDRAIN
N.T.S.

PUMP NOTES:

1. HARD WIRE THE PUMPS TO PREVENT ANY UNPLUGGING.
2. PUMPS TO BE CONNECTED TO BACKUP GENERATORS OR BATTERIES TO PREVENT FLOODING IN CASE OF BLACKOUT.
3. PROVIDE BACK FLOW PREVENTOR VALVE FOR PUMP OUTLET.
4. PROVIDE RESERVE PUMP FOR EACH PUMP WELL.
5. PROVIDE FLOATING DEVICE, CONNECTED TO SOUND/ LIGHT ALARM, TO NOTIFY RESIDENTS OF POSSIBLE RISE OF WATER IN PUMPWELL.
6. PROVIDE TWO SEPARATE SYSTEM AND PUMP WELLS FOR: a) SUBDRAIN AND b) LIGHTWELL AREA DRAINS.

NOTES:

- GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner, Applicant and/or Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner, Applicant and/or Developer's expense.
- APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
- STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
- ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the Owner/Applicant/Developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
- PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY (INDEMNITY AGREEMENT): The property owner shall enter into an agreement with the Town for all existing and proposed private improvements within the Town's right-of-way. The Owner shall be solely responsible for maintaining the improvements in a good and safe condition at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Director of Parks and Public Works, and subsequently recorded by the Town Clerk at the Santa Clara County Office of the Clerk-Recorder, prior to the issuance of any permits. Please note that this process may take approximately six to eight (6-8) weeks.
- PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of work that went on without inspection.
- RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement shall be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
- SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
- DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner, Applicant and/or Developer's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
- PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Applicant.
- GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street, is needed for grading within the building footprint.
- DRIVEWAY: The driveway conform to existing pavement on STEPHENIE Lane shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
- TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
- PAD CERTIFICATION: A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
- RETAINING WALLS: A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
- WATER DESIGN: In the event of any required improvements to the existing water service and/or meter, the existing water meter, currently located within the STEPHENIE Lane right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity. Water plans prepared by San Jose Water Company must be reviewed and approved prior to issuance of any permit.
- SANITARY SEWER CLEANOUT: The existing sanitary sewer cleanout, currently located within the STEPHENIE Lane right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity.
- UTILITIES: The Owner, Applicant and/or Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner, Applicant and/or Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
- UTILITY SETBACKS: House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.
- CURB AND GUTTER REPAIR: The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town Code Section §23.10.080.
- SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
- FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
- CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
- PARKING: Any proposed parking restriction must be approved by The Town of Los Gatos, Community Development Department.
- CONSTRUCTION TRAFFIC CONTROL: All construction traffic and related vehicular routes, traffic control plan, and applicable pedestrian or traffic detour plans shall be submitted for review and approval by the Town Engineer prior to beginning of any work.
- ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
- COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
- HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between :00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a building permit, the Owner, Applicant and/or Developer or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off of the project site. This may include, but is not limited to provisions for the Owner, Applicant and/or Developer to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
- CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
- CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any permits, the Owner, Applicant and/or Developer's design consultant, shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.

- SANITARY SEWER BACKWATER VALVE: Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
- BEST MANAGEMENT PRACTICES (BMPs): The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
- SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
 - a) Protect sensitive areas and minimize changes to the natural topography.
 - b) Minimize impervious surface areas.
 - c) Direct roof downspouts to vegetated areas.
 - d) Use porous or pervious pavement surfaces on the driveway, at a minimum.
 - e) Use landscaping to treat stormwater.
- UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
- EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NP DES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
- DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty-five (25) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
- DETAILING OF STORMWATER MANAGEMENT FACILITIES: Prior to the issuance of any permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
- CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
- SITE DRAINAGE: Rainwater leakers shall be discharged to splash blocks. No through curb drains will be allowed. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.1 of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If dry wells are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility may be located with an offset between five (5) and ten (10) feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter stating that addresses infiltration and how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
- SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
- GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner, Applicant and/or Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Developer's expense.
- CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.
- FUTURE STUDIES: Any post-project traffic or parking counts, or other studies imposed by Planning Commission or Town Council shall be funded by the Applicant.



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OWNER:

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GRADING AND DRAINAGE PLANS
NEW SINGLE FAMILY HOME
15602 BENEDICT LN, LOS GATOS, CA 95032
APN: 424-22-008
NOTES

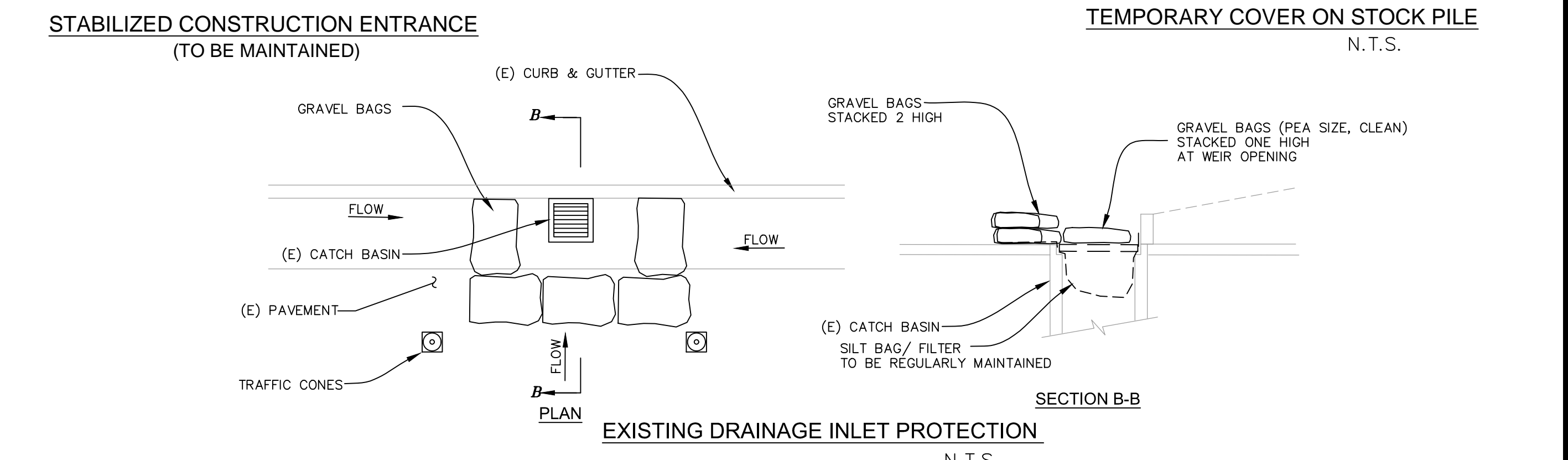
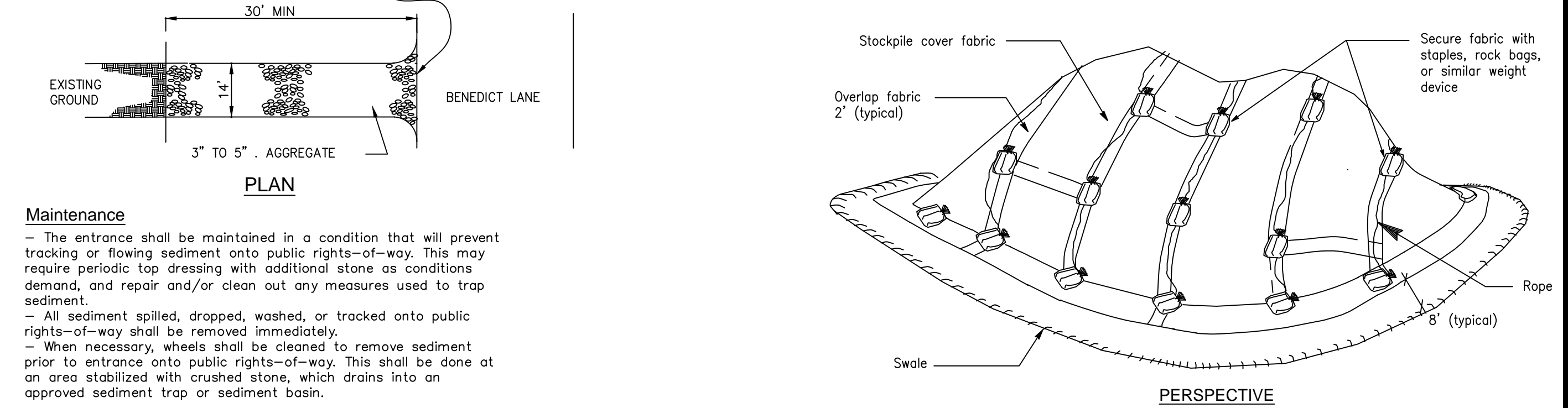
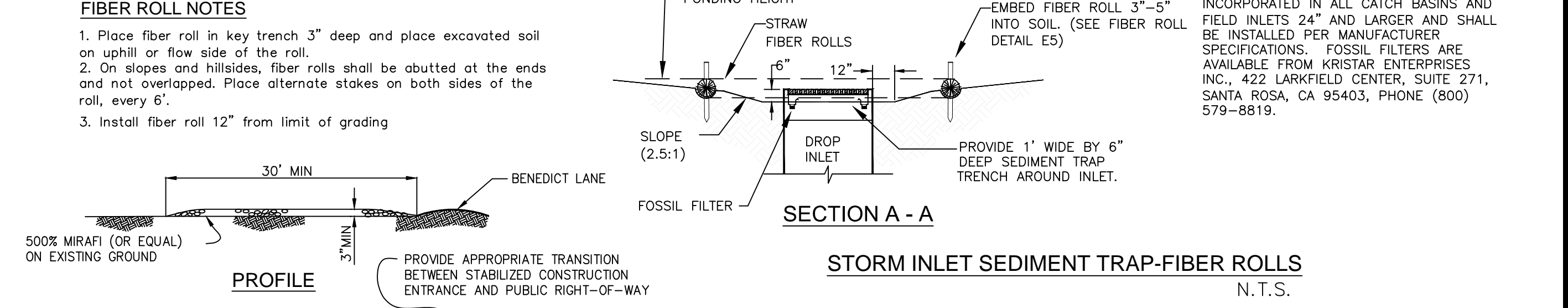
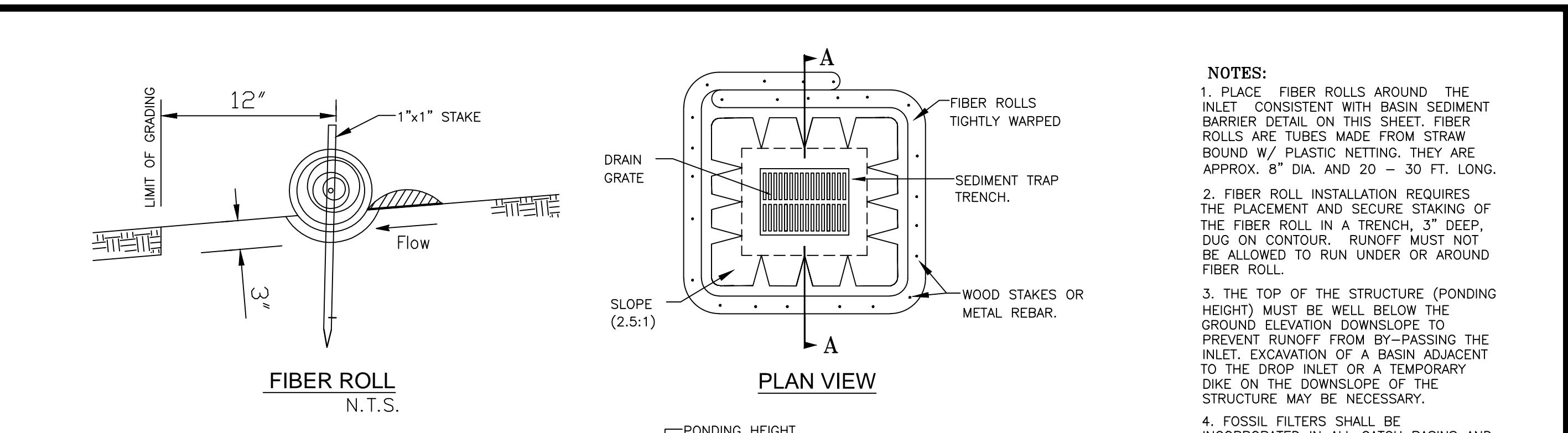
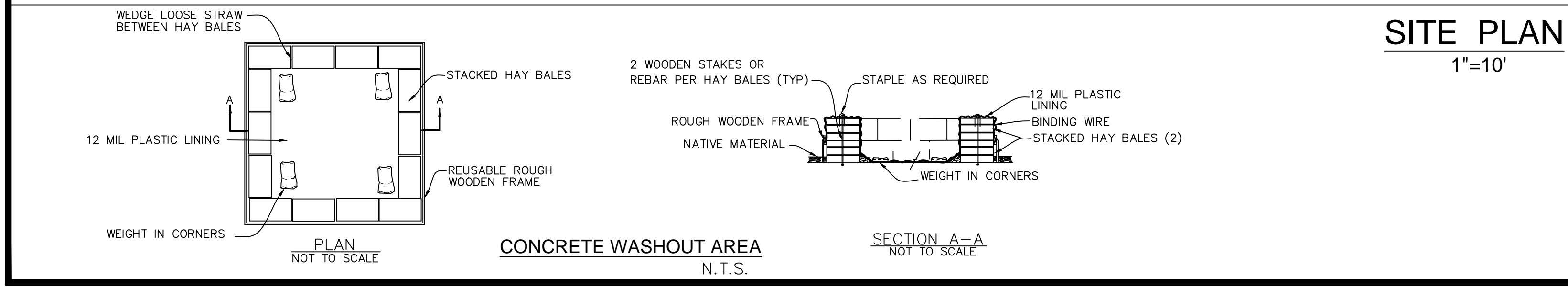
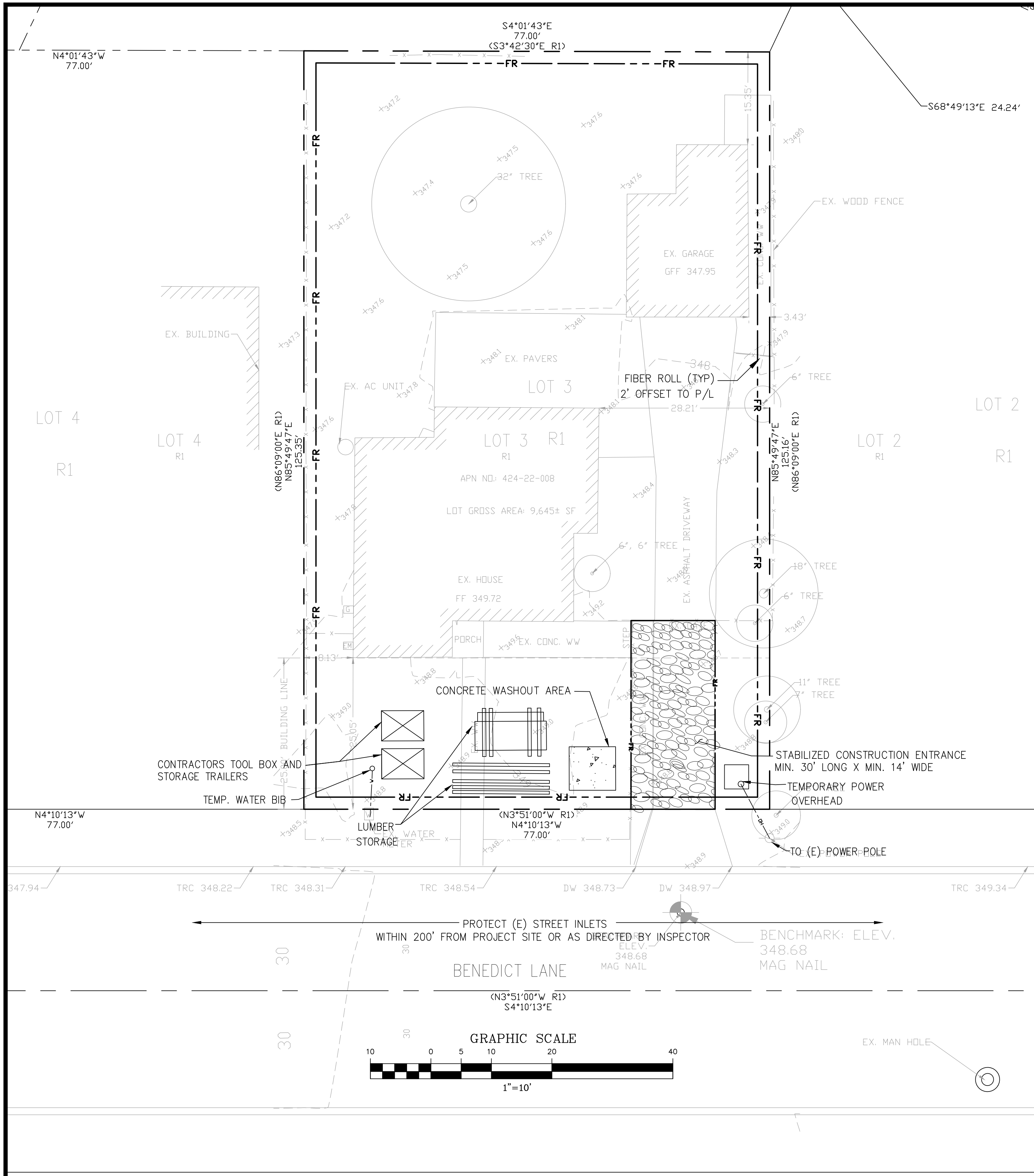
Revisions:



David Razzan

Date: 07/14/2022
Scale: AS NOTED
Prepared by: S.P.
Checked by: S.R.
Job #: 222020

Sheet: 4 OF 5
C-4



EROSION AND SEDIMENT CONTROL NOTES AND MEASURES

- The facilities shown on this Plan are designed to control Erosion and sediment during the rainy season, October 1st to April 30th. Facilities are to be operable prior to October 1 of any year. Grading operations during the rainy season, which leave denuded slopes shall be protected with erosion control measures immediately following grading on the slopes.
- This plan covers only the first winter following grading with assumed site conditions as shown on the Erosion Control Plan. Prior to September 15, the completion of site improvement shall be evaluated and revisions made to this plan as necessary with the approval of the city engineer. Plans are to be resubmitted for city approval prior to September 1 of each subsequent year until site improvements are accepted by the city.
- Construction entrances shall be installed prior to commencement of grading. All construction traffic entering onto the paved roads must cross the stabilized construction entranceways.
- Contractor shall maintain stabilized entrance at each vehicle access point to existing paved streets. Any mud or debris tracked onto public streets shall be removed daily and as required by the city.
- If hydroseeding is not used or is not effectively 10/10, then other immediate methods shall be implemented, such as Erosion control blankets, or a three-step application of: 1) seed, mulch, fertilizer 2) blown straw 3) tackifier and mulch.
- Inlet protection shall be installed at open inlets to prevent sediment from entering the storm drain system. Inlets not used in conjunction with erosion control are to be blocked to prevent entry of sediment.
- Lots with houses under construction will not be hydroseeded. Erosion protection for each lot with a house under construction shall confirm to the Typical Lot Erosion Control Detail shown on this sheet.
- This erosion and sediment control plan may not cover all the situations that may arise during construction due to unanticipated field conditions. Variations and additions may be made to this plan in the field. Notify the city representative of any field changes.
- This plan is intended to be used for interim erosion and sediment control only and is not to be used for final elevations or permanent improvements.
- Contractor shall be responsible for monitoring erosion and sediment control prior, during, and after storm events.
- Reasonable care shall be taken when hauling any earth, sand, gravel, stone, debris, paper or any other substance over any public street, alley or other public place. Should any blow, spill, or track over and upon said public or adjacent private property, immediately remedy shall occur.
- Sanitary facilities shall be maintained on the site.
- During the rainy season, all paved areas shall be kept clear of earth material and debris. The site shall be maintained so as to minimize sediment laden runoff to any storm drainage systems, including existing drainage swales and water courses.
- Construction operations shall be carried out in such a manner that erosion and water pollution will be minimized. State and local laws concerning pollution abatement shall be complied with.
- Contractors shall provide dust control as required by the appropriate federal, state, and local agency requirements.
- With the approval of the city inspector, erosion and sediment controls may be removed after areas above them have been stabilized.

MAINTENANCE NOTES

- Maintenance is to be performed as follows:
 - Repair damages caused by soil erosion or construction at the end of each working day.
 - Swales shall be inspected periodically and maintained as needed.
 - Sediment traps, berms, and swales are to be inspected after each storm and repairs made as needed.
 - Sediment shall be removed and sediment traps restored to its original dimensions when sediment has accumulated to a depth of one foot.
 - Sediment removed from trap shall be deposited in a suitable area and in such a manner that it will not erode.
 - Rills and gullies must be repaired.
- All existing drainage inlets on Vellalocitos Way within the limit of the project shall be protected with sand bags during construction. See detail. Sand bag inlet protection shall be cleaned out whenever sediment depth is one half the height of one sand bag.
- Existing concrete ditch sediment trap shall be cleaned out routinely during construction.

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GRADING AND DRAINAGE PLANS
NEW SINGLE FAMILY HOME
15602 BENEDICT LN, LOS GATOS, CA 95032
APN: 424-22-008
CONSTRUCTION MANAGEMENT AND
EROSION CONTROL PLAN

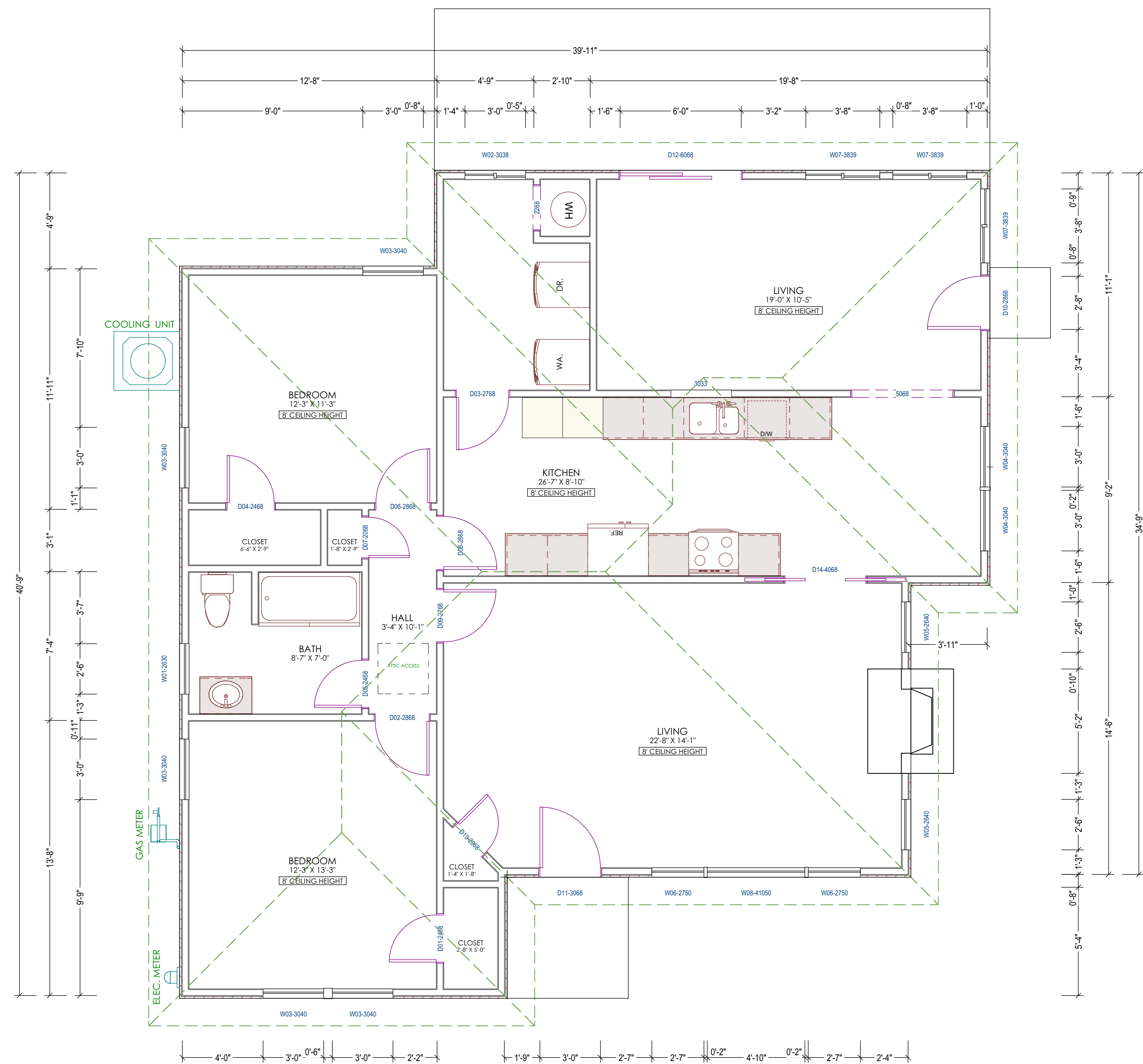
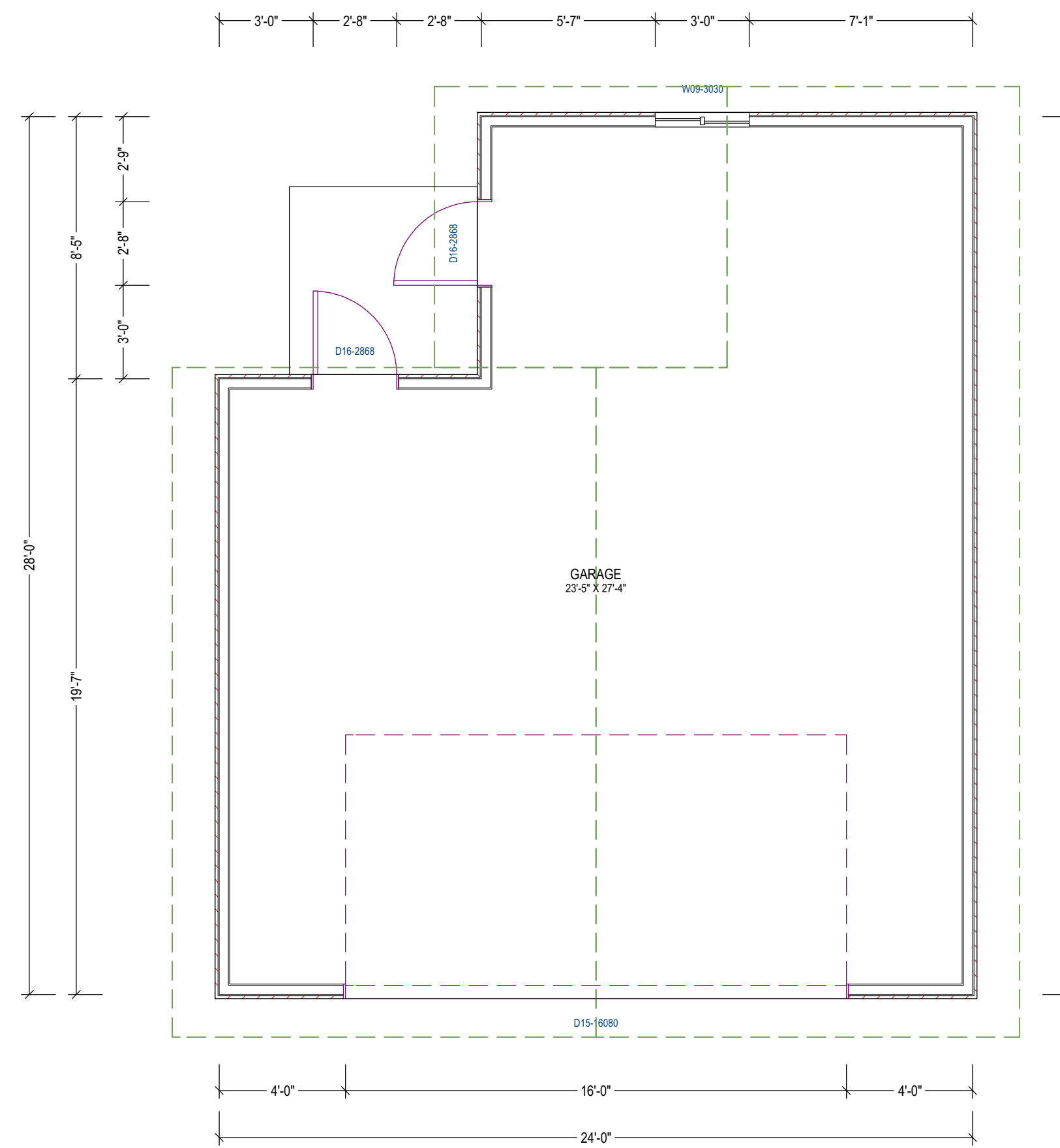
Revisions:

PROFESSIONAL ENGINEER
SEYED RAZAVI
No. C52724
CIVIL
STATE OF CALIFORNIA

Seyed Raziavi

Date: 07/14/2022
Scale: 1"=10'
Prepared by: S.P.
Checked by: S.R.
Job #: 222020
Sheet: 5 OF 5
C-5

ALL OF THE EXISTING STRUCTURE TO BE DEMO.



Azadeh Masrouf

THESE PLANS ARE INTENDED ONLY FOR THE ORIGINAL SITE FOR WHICH THEY WERE DESIGNED AND ARE THE PROPERTY OF AMS DESIGN. THESE PLANS ARE PROTECTED UNDER COPYRIGHT LAWS AND MAY NOT BE REVISED OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF AMS DESIGN. ANY USE OF THESE PLANS ON OTHER SITES IS PROHIBITED WITHOUT THE CONSENT OF AMS DESIGN. ANY DISCREPANCY DISCOVERED ON THESE PLANS SHALL PRIOR TO COMMENCEMENT OF THE WORK IN QUESTION, ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.

PROJECT NAME:
BENEDICT RESIDENCE
 15602 BENEDICT LN., LOS GATOS, CA 95032

REVISION TABLE:

REVISION DATE	BY	DEP
01 JAN.2022	S.A.	PLN

ALL WORK DESCRIBED IN THE DRAWINGS SHALL BE VERIFIED FOR DIMENSION, GRADE, EXTENT AND COMPATIBILITY TO THE EXISTING SITE. ANY DISCREPANCIES AND UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE AMS DESIGN'S ATTENTION IMMEDIATELY. DO NOT PROCEED WITH THE WORK IN THE AREA OF DISCREPANCIES UNTIL ALL SUCH DISCREPANCIES ARE RESOLVED. IF THE CONTRACTOR CHOOSES TO DO SO HE SHALL BE PRECEDING AT HIS OWN RISK.

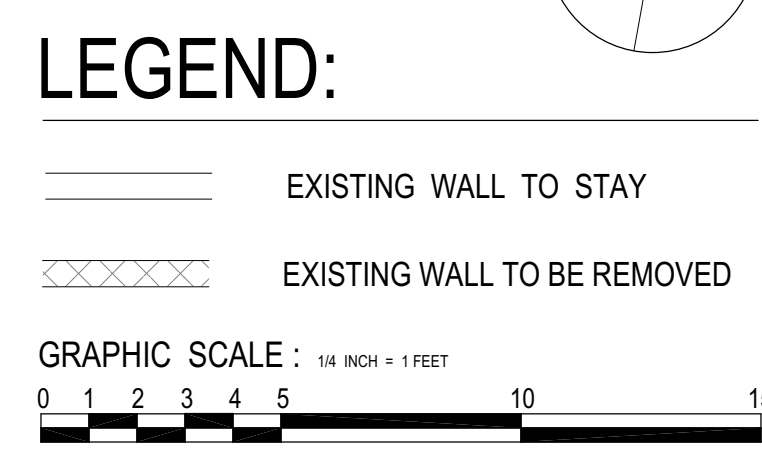
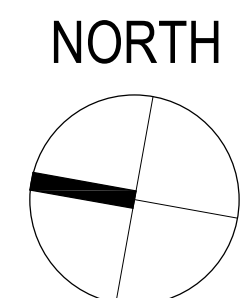
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SITE CONDITIONS: ALL CONTRACTORS AND SUB-CRONTACTORS SHALL VERIFY DIMENSIONS AND CONDITIONS AT THE SITE PRIOR TO COMMENCEMENT OF THEIR WORK. FAILURE TO DO SO SHALL NOT RELEASE THEM FROM THE RESPONSIBILITY OF ESTIMATING THE WORK. IF ANY VARIATION, DISCREPANCY OR OMISSION BETWEEN THE INTENT OF THESE CONTRACT DOCUMENTS AND THE EXISTING CONDITIONS ARE FOUND, THE CONTRACTOR OR SUB-CRONTACTOR SHALL NOTIFY AMS DESIGN IN WRITING AND OBTAIN WRITTEN RESOLUTION FROM AMS DESIGN PRIOR TO PROCEEDING WITH ANY RELATED WORK.

SHEET TITLE:
EXISTING FLOOR PLAN

PROJECT ID: ---
 DATE: SEP.2021
 SCALE: 1/4" = 1'
 DRAWN BY: S.A.
 SHEET NUMBER:

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REVISION TABLE:

REVISION	DATE	BY	DEP
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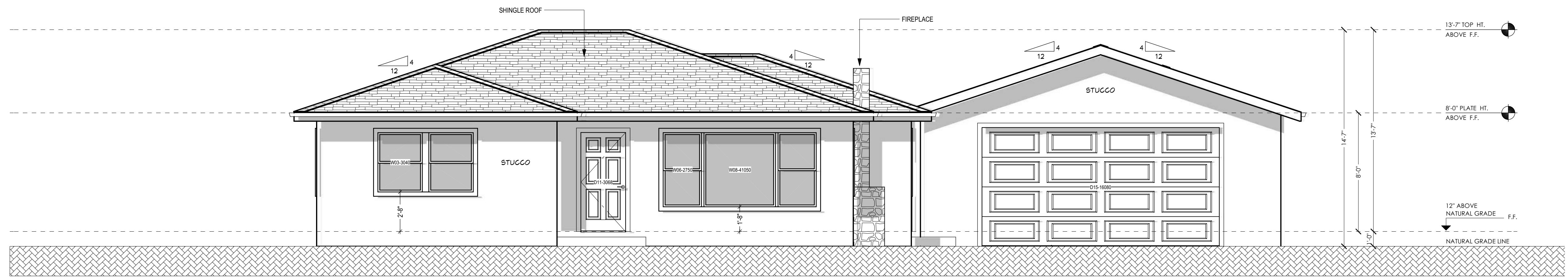
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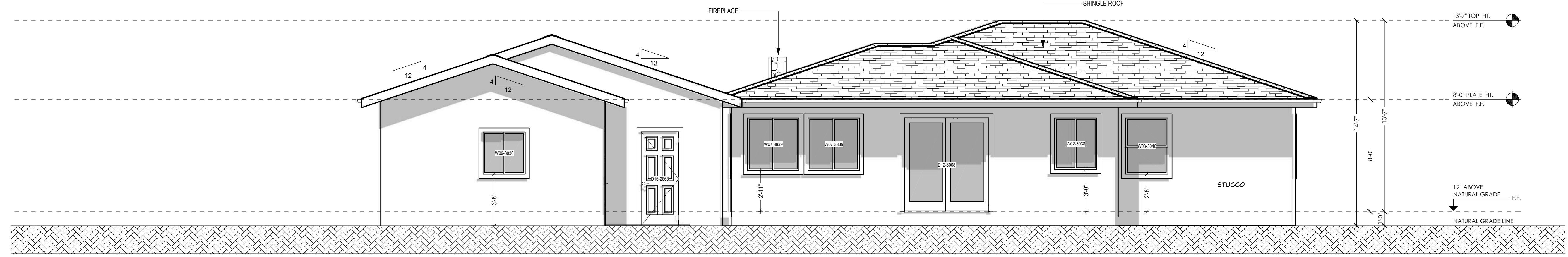
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SHEET TITLE:
EXISTING ELEVATIONS

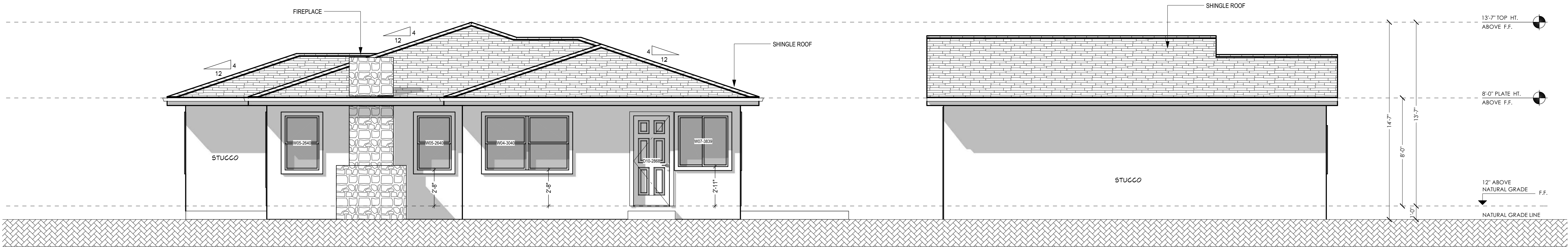
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DRAWN BY: S.A.
SHEET NUMBER:



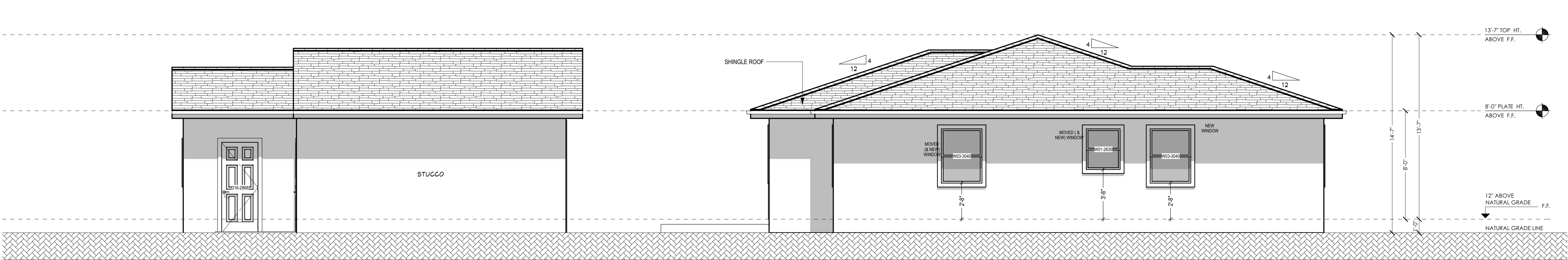
1 EXISTING FRONT (NORTH-WEST) ELEVATION
SC: 1/4" = 1'-0"



2 EXISTING REAR (SOUTH-EAST) ELEVATION
SC: 1/4" = 1'-0"



3 EXISTING RIGHT (SOUTH-WEST) ELEVATION
SC: 1/4" = 1'-0"



4 EXISTING LEFT (NORTH-EAST) ELEVATION
SC: 1/4" = 1'-0"

BUILDING NOTES:

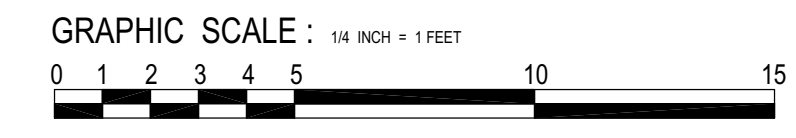
- BASEMENTS (EXCEPT THOSE ONLY FOR MECHANICAL EQUIPMENT AND NOT OVER 200 SQFT IN FLOOR AREA), HABITABLE ATTICS AND EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE OPERABLE EMERGENCY ESCAPE AND RESCUE OPENING, R310.1
 - MIN. NET CLEAR OPENABLE DIMENSION OF 24 INCHES IN HEIGHT, R310.1.2
 - MIN. NET CLEAR OPENABLE DIMENSION 20 INCHES IN WIDTH, R310.1.3
 - MIN. NET CLEAR OPENABLE DIMENSION OF 5.7 SQFT IN AREA, GRADE FLOOR OPENINGS SHALL HAVE A MIN. NET CLEAR OPENING OF 5 SQFT, 310.1.1
 - THE HEIGHT OF BOTTOM OF EMERGENCY EGRESS OPENING SHALL HAVE NOT MORE THAN 44 INCHES MEASURED FROM THE FLOOR, 310.2.2
- FOR KITCHEN, A CLEAR PASSAGEWAY OF NOT LESS THAN 3-FEET BETWEEN THE COUNTER FRONTS AND APPLIANCES OR COUNTER FRONTS AND WALLS, CRC R311
- SHOWER COMPARTMENTS AND WALL ABOVE BATHTUBS WITH INSTALLED SHOWER HEADS SHALL BE FINISHED WITH A SMOOTH, NONABSORBENT SURFACE TO THE HEIGHT NOT LESS THAN 72 INCHES(6 FT), CRC R307.2
- THE DOOR BETWEEN GARAGE AND ENTRY REQUIRED TO BE SELF LATCHING AND SELF CLOSING, SOLID CORE DOOR NOT LESS THAN 1-3/8 INCH THICK.
- THE MAXIMUM RISER HEIGHT CAN BE 7.75-INCHES. MINIMUM TREAD DEPTH CAN BE 10-INCHES. FOR ANY TREAD DEPTH LESS THAN 11-INCHES, A NOSING OF NOT LESS THAN 0.75-INCHES, BUT NOT MORE THAN 1.25-INCHES SHALL BE PROVIDED.
- DOORS AND PANELS OF SHOWER AND BATHTUB ENCLOSURES SHALL BE FULLY TEMPERED, LAMINATED SAFETY GLASS OR APPROVED PLASTIC, CRC R308.6.2
- GLAZING IN SHOWERS OR BATHTUB ADJACENT WALL OPENINGS WITHIN 60 INCHES ABOVE A STANDING SURFACE AND DRAIN INLET SHALL BE FULLY TEMPERED, LAMINATED SAFETY GLASS OR APPROVED PLASTIC, CRC R308.5
- GLAZING IN AN INDIVIDUAL FIXED OR PORTABLE PANEL ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN A 24-INCH ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EXPOSED EDGE OF GLAZING IS LESS THAN 60-INCHES ABOVE THE WALKING SURFACE SHALL BE FULLY TEMPERED, LAMINATED SAFETY GLASS OR APPROVED PLASTIC (I.E. SIDE LIGHT AT NEW MAIN ENTRY DOOR) . CRC R308.4.2
- MINIMUM 36" DEEP LANDING IN THE DIRECTION OF TRAVEL AT NEW EXTERIOR DOORS SHALL BE PROVIDED. LANDING TO BE NOT MORE THAN 7-1/4 INCHES LOWER THAN THE DOOR'S THRESHOLD FOR IN-SWINGING AND SLIDING GLASS DOORS AND NOT MORE THAN 7" FOR IN-SWINGING AND MAIN ENTRY DOOR.
- NEW ENTRY DOOR SHALL BE OPENABLE FROM THE INSIDE OF THE DWELLING WITHOUT USE OF KEY, SPECIAL KNOWLEDGE OR EFFORT, CRC SEC. R311.2
- 1/2" GYPSUM BOARD FROM FOUNDATION TO ROOF SHEATHING TO BE INSTALLED ON THE GARAGE SIDE AT SEPARATION WALL BETWEEN GARAGE AND RESIDENCE. (GARAGE MUST BE SEPARATED FROM THE DWELLING AND ITS ATTIC AREA) CRC SEC. R302.6 AND TABLE R302.6 5/8" TYPE "X" GYP. BOARD FINISH ON THE GARAGE SIDE OF THE WALL IS REQUIRED. ALSO THE GARAGE SHALL BE SEPRATED FROM THE DWELLING SPACE ABOVE, BY 5/8" TYPE "X" GYP AT THE CEILING.
- BATHROOMS & KITCHEN:
 - 1.1- 22" MIN SHOWER DOOR CLEARANCE.
 - 1.2- TEMPER GLAZING FOR THE SHOWER DOOR AND SLIDING WINDOWS. CEMENT BOARD SUBSTRATE FOR SHOWER WALLS.
 - 1.3- LAVATORY FAUCETS TO HAVE A FLOW RATE OF NO MORE THAN 1.2 GPM OR LESS AT 60 PSI AND NOT LESS THAN 0.8 GPM OR LESS AT 20 PSI, (CALGREEN 4.303.1)
 - 1.4- WATER CLOSETS TO HAVE A FLOW RATE OF 1.28 GALLONS/FLUSH OR LESS. (CALGREEN 4.303.1)
 - 1.5- CEMENT BOARD SUBSTRATE (IE. DUROCK OR WONDERBOARD,ETC) FOR TILE APPLICATION SURROUNDING THE BATH TUB WALLS .
 - 1.6- KITCHEN FAUCETS TO HAVE A FLOW RATE OF 1.8 GPM OR LESS AT 60 PSI, (CALGREEN 4.303.1)
 - 1.7- SHOWER HEAD TO HAVE A FLOW RATE NOT TO EXCEED OF 1.8 GPM AT 80 PSI, (CALGREEN 4.303.1)

DRAFT BUILDING CONDITIONS:

- PERMITS REQUIRED: A DEMOLITION PERMIT IS REQUIRED FOR THE DEMOLITION OF THE EXISTING SINGLE-FAMILY RESIDENCE AND DETACHED GARAGE. A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE CONSTRUCTION OF THE NEW SINGLE-FAMILY RESIDENCE AND ATTACHED GARAGE. AN ADDITIONAL BUILDING PERMIT WILL BE REQUIRED FOR THE PV SYSTEM IF THE SYSTEM IS REQUIRED BY THE CALIFORNIA ENERGY CODE.
- APPLICABLE CODES: THE CURRENT CODES, AS AMENDED AND ADOPTED BY THE TOWN OF LOS GATOS AS OF JANUARY 1, 2020, ARE THE 2019 CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24, PARTS 1-12, INCLUDING LOCALLY ADOPTED ENERGY REACH CODES.
- CONDITIONS OF APPROVAL: THE CONDITIONS OF APPROVAL MUST BE BLUE LINED IN FULL ON THE COVER SHEET OF THE CONSTRUCTION PLANS. A COMPLIANCE MEMORANDUM SHALL BE PREPARED AND SUBMITTED WITH THE BUILDING PERMIT APPLICATION DETAILING HOW THE CONDITIONS OF APPROVAL WILL BE ADDRESSED.
- BUILDING & SUITE NUMBERS: SUBMIT REQUESTS FOR NEW BUILDING ADDRESSES TO THE BUILDING DIVISION PRIOR TO SUBMITTING FOR THE BUILDING PERMIT APPLICATION PROCESS.
- SIZE OF PLANS: MINIMUM SIZE 24" X 36", MAXIMUM SIZE 30" X 42".
- REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: OBTAIN A BUILDING DEPARTMENT DEMOLITION APPLICATION AND A BAY AREA AIR QUALITY MANAGEMENT DISTRICT APPLICATION FROM THE BUILDING DEPARTMENT SERVICE COUNTER. ONCE THE DEMOLITION FORM HAS BEEN COMPLETED, ALL SIGNATURES OBTAINED, AND WRITTEN VERIFICATION FROM PG&E THAT ALL UTILITIES HAVE BEEN DISCONNECTED. RETURN THE COMPLETED FORM TO THE BUILDING DEPARTMENT SERVICE COUNTER WITH THE AIR DISTRICT'S # CERTIFICATE, PG&E VERIFICATION, AND THREE (3) SETS OF SITE PLANS SHOWING ALL EXISTING STRUCTURES, EXISTING UTILITY SERVICE LINES SUCH AS WATER, SEWER, AND PG&E. NO DEMOLITION WORK SHALL BE DONE WITHOUT FIRST OBTAINING A PERMIT FROM THE TOWN.
- SOILS REPORT: A SOILS REPORT, PREPARED TO THE SATISFACTION OF THE BUILDING OFFICIAL, CONTAINING FOUNDATION AND RETAINING WALL DESIGN RECOMMENDATIONS, SHALL BE SUBMITTED WITH THE BUILDING PERMIT APPLICATION. THIS REPORT SHALL BE PREPARED BY A LICENSED CIVIL ENGINEER SPECIALIZING IN SOILS MECHANICS.
- SHORING: SHORING PLANS AND CALCULATIONS WILL BE REQUIRED FOR ALL EXCAVATIONS WHICH EXCEED FIVE (5) FEET IN DEPTH OR WHICH REMOVE LATERAL SUPPORT FROM ANY EXISTING BUILDING, ADJACENT PROPERTY, OR THE PUBLIC RIGHT-OF-WAY. SHORING PLANS AND CALCULATIONS SHALL BE PREPARED BY A CALIFORNIA LICENSED ENGINEER AND SHALL CONFIRM TO THE CAL/OSHA REGULATIONS.
- FOUNDATION INSPECTIONS: A PAD CERTIFICATE PREPARED BY A LICENSED CIVIL ENGINEER OR LAND SURVEYOR SHALL BE SUBMITTED TO THE PROJECT BUILDING INSPECTOR AT FOUNDATION INSPECTION. THIS CERTIFICATE SHALL CERTIFY COMPLIANCE WITH THE RECOMMENDATIONS AS SPECIFIED IN THE SOILS REPORT, AND THAT THE BUILDING PAD ELEVATIONS AND ON-SITE RETAINING WALL LOCATIONS AND ELEVATIONS HAVE BEEN PREPARED ACCORDING TO THE APPROVED PLANS. HORIZONTAL AND VERTICAL CONTROLS SHALL BE SET AND CERTIFIED BY A LICENSED SURVEYOR OR REGISTERED CIVIL ENGINEER FOR THE FOLLOWING ITEMS:
 - BUILDING PAD ELEVATION
 - FINISH FLOOR ELEVATION
 - FOUNDATION CORNER LOCATIONS
 - RETAINING WALL(S) LOCATIONS AND ELEVATIONS
- TITLE 24 ENERGY COMPLIANCE: ALL REQUIRED CALIFORNIA TITLE 24 ENERGY COMPLIANCE FORMS MUST BE BLUE-LINED (STICKY-BACKED), I.E. DIRECTLY PRINTED, ONTO A PLAN SHEET.
- TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: NEW RESIDENTIAL UNITS SHALL BE DESIGNED WITH ADAPTABILITY FEATURES FOR SINGLE-FAMILY RESIDENCES PER TOWN RESOLUTION 1994-61:
 - WOOD BACKING (2" X 8" MINIMUM) SHALL BE PROVIDED IN ALL BATHROOM WALLS, AT WATER CLOSETS, SHOWERS, AND BATHTUBS, LOCATED 34 INCHES FROM THE FLOOR TO THE CENTER OF THE BACKING, SUITABLE FOR THE INSTALLATION OF GRAB BARS IF NEEDED IN THE FUTURE.
 - ALL PASSAGE DOORS SHALL BE AT LEAST 32-INCH WIDE DOORS ON THE ACCESSIBLE FLOOR LEVEL.
 - THE PRIMARY ENTRANCE DOOR SHALL BE A 36-INCH-WIDE DOOR INCLUDING A 5' X 5' LEVEL LANDING, NO MORE THAN 1 INCH OUT OF PLANE WITH THE IMMEDIATE INTERIOR FLOOR LEVEL AND WITH AN 18-INCH CLEARANCE AT INTERIOR STRIKE EDGE.
 - A DOOR BUZZER, BELL OR CHIME SHALL BE HARD WIRED AT PRIMARY ENTRANCE.
- BACKWATER VALVE: THE SCOPE OF THIS PROJECT MAY REQUIRE THE INSTALLATION OF A SANITARY SEWER BACKWATER VALVE PER TOWN ORDINANCE 6.50.025. PLEASE PROVIDE INFORMATION ON THE PLANS IF A BACKWATER VALVE IS REQUIRED AND THE LOCATION OF THE INSTALLATION. THE TOWN OF LOS GATOS ORDINANCE AND WEST VALLEY SANITATION DISTRICT (WVSD) REQUIRES BACKWATER VALVES ON DRAINAGE PIPING SERVING FIXTURES THAT HAVE FLOOD LEVEL RIMS LESS THAN 12 INCHES ABOVE THE ELEVATION OF THE NEXT UPSTREAM MANHOLE.
- HAZARDOUS FIRE ZONE: ALL PROJECTS IN THE TOWN OF LOS GATOS REQUIRE CLASS A ROOF ASSEMBLIES.
- SPECIAL INSPECTIONS: WHEN A SPECIAL INSPECTION IS REQUIRED BY CBC SECTION 1704, THE ARCHITECT OR ENGINEER OF RECORD SHALL PREPARE AN INSPECTION PROGRAM THAT SHALL BE SUBMITTED TO THE BUILDING OFFICIAL FOR APPROVAL PRIOR TO ISSUANCE OF THE BUILDING PERMIT. THE TOWN SPECIAL INSPECTION FORM MUST BE COMPLETELY FILLED-OUT AND SIGNED BY ALL REQUESTED PARTIES PRIOR TO PERMIT ISSUANCE. SPECIAL INSPECTION FORMS ARE AVAILABLE FROM THE BUILDING DIVISION SERVICE COUNTER OR ONLINE AT WWW.LOSGATOSCA.GOV/BUILDING.
- BLUEPRINT FOR A CLEAN BAY SHEET: THE TOWN STANDARD SANTA CLARA VALLEY NONPOINT SOURCE POLLUTION CONTROL PROGRAM SHEET (PAGE SIZE SAME AS SUBMITTED DRAWINGS) SHALL BE PART OF THE PLAN SUBMITTAL AS THE SECOND PAGE. THE SPECIFICATION SHEET IS AVAILABLE AT THE BUILDING DIVISION SERVICE COUNTER FOR A FEE OF \$2 OR AT ARC BLUEPRINT FOR A FEE OR ONLINE AT WWW.LOSGATOSCA.GOV/BUILDING.
- APPROVALS REQUIRED: THE PROJECT REQUIRES THE FOLLOWING DEPARTMENTS AND AGENCIES APPROVAL BEFORE ISSUING A BUILDING PERMIT.
 - COMMUNITY DEVELOPMENT - PLANNING DIVISION: (408) 354-6874
 - ENGINEERING/PARKS & PUBLIC WORKS DEPARTMENT: (408) 399-5771
 - SANTA CLARA COUNTY FIRE DEPARTMENT: (408) 378-4010
 - WEST VALLEY SANITATION DISTRICT: (408) 378-2407
 - LOCAL SCHOOL DISTRICT: THE TOWN WILL FORWARD THE PAPERWORK TO THE APPROPRIATE SCHOOL DISTRICT(S) FOR PROCESSING. A COPY OF THE PAID RECEIPT IS REQUIRED PRIOR TO PERMIT ISSUANCE.



1 PROPOSED FLOOR PLAN
 SC: 1/4" = 1'-0"



LEGEND:
 ■ NEW CONSTRUCTION WALL



AMS DESIGN
 4010 MOORPARK AVE#101,
 SAN JOSE, CA 95117
 TELL: (415)254-1606
 E-MAIL: OFFICE@AMSDESIGNLLP.COM

Azadeh Masroui

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PROJECT NAME:
BENEDICT RESIDENCE
 15602 BENEDICT LN., LOS GATOS, CA 95032

REVISION TABLE:

REVISION	DATE	BY	DEP
01	JAN 2022	S.A.	PLN

ALL WORK DESCRIBED IN THE DRAWINGS SHALL BE VERIFIED FOR DIMENSION, GRADE, EXTENT AND COMPATIBILITY TO THE EXISTING SITE. ANY DISCREPANCIES AND UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE AMS DESIGN'S ATTENTION IMMEDIATELY. DO NOT PROCEED WITH THE WORK IN THE AREA OF DISCREPANCIES UNTIL ALL SUCH DISCREPANCIES ARE RESOLVED. IF THE CONTRACTOR CHOOSES TO DO SO HE SHALL BE PRECEDING AT HIS OWN RISK.

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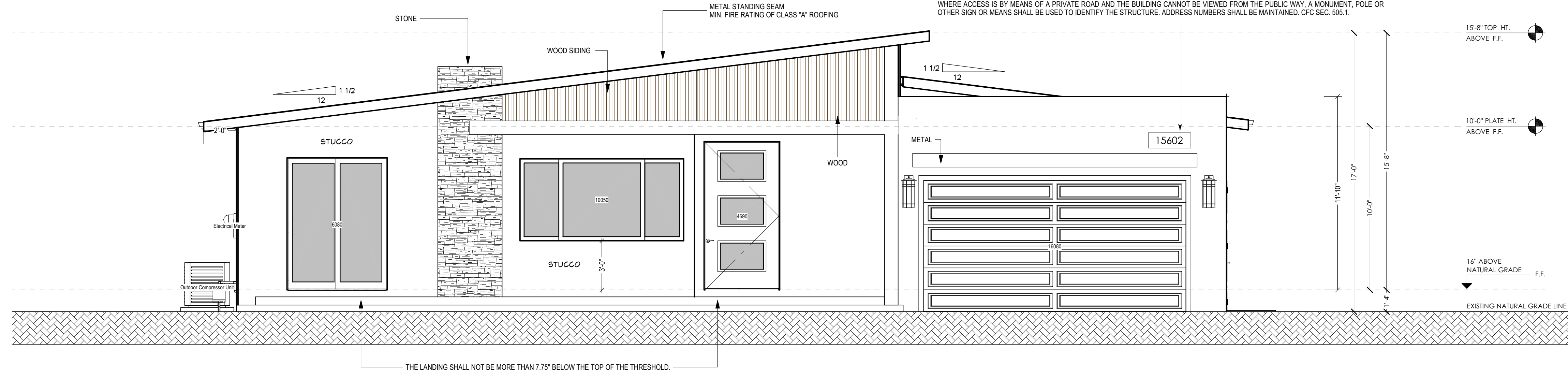
SHEET TITLE:
PROPOSED FLOOR PLAN

PROJECT ID: ----
 DATE: SEP 2021
 SCALE: 1/4" = 1'
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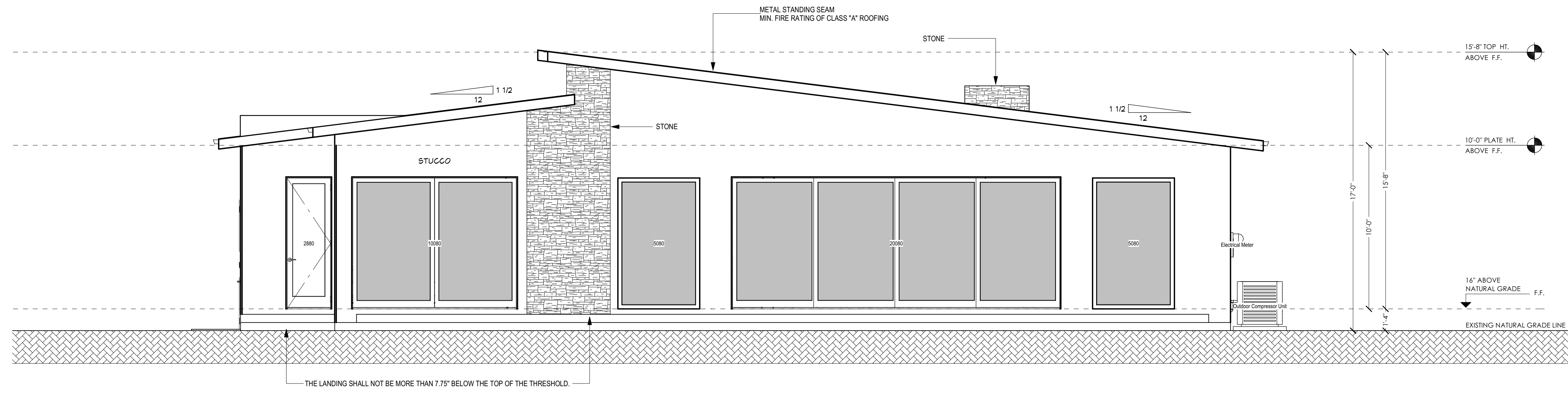
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ALL PROJECTS IN THE TOWN OF LOS GATOS REQUIRE CLASS A ROOF ASSEMBLIES.

NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, WHERE REQUIRED BY THE FIRE CODE OFFICIAL. ADDRESS NUMBERS SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES (101.6 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH (12.7 MM). WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 505.1.



1 PROPOSED FRONT (NORTH-WEST) ELEVATION
SC: 1/4" = 1'-0"



2 PROPOSED REAR (SOUTH-EAST) ELEVATION
SC: 1/4" = 1'-0"



AMS DESIGN
4010 MOORPARK AVE#101,
SAN JOSE, CA 95117
TELL: (415)254-1606
E-MAIL: OFFICE@AMSDSIGNLLP.COM

Azadeh Masrouf

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15602 BENEDICT LN., LOS GATOS, CA 95032

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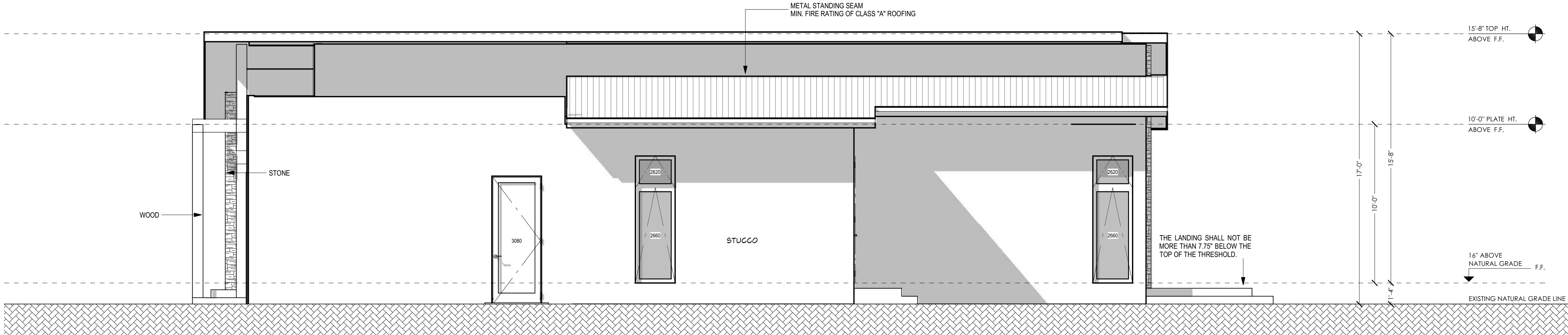
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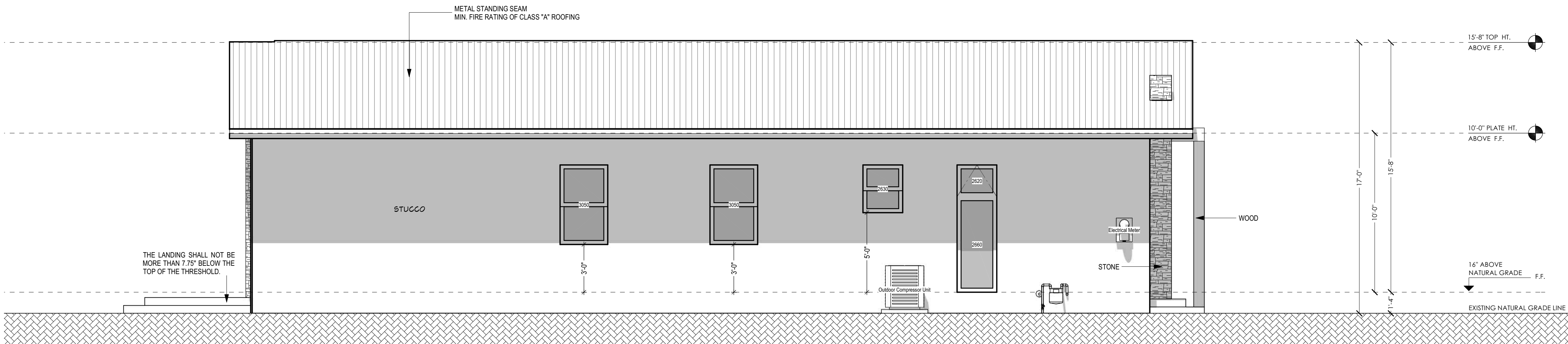
PROJECT ID: ---
DATE: SEP 2021
SCALE: 1/4" = 1'
DRAWN BY: S.A.
SHEET NUMBER:

A-02.01

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SHEET TITLE:
PROPOSED ELEVATIONS

PROJECT ID: ----
DATE: SEP.2021
SCALE: 1/4" = 1'
DRAWN BY: S.A.
SHEET NUMBER:

A-02.02

PROJECT NAME:

BENEDICT RESIDENCE

15602 BENEDICT LN., LOS GATOS, CA 95032

REVISION TABLE:

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SHEET TITLE:

PROPOSED SECTIONS / SCHEMATIC ELEVATIONS

PROJECT ID: ---

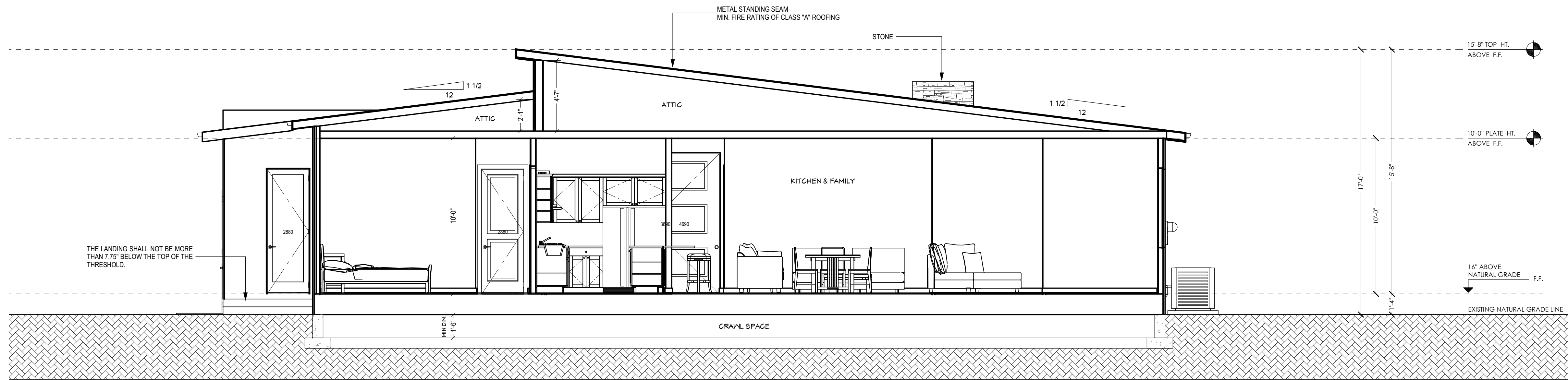
DATE: SEP.2021

SCALE: 1/4" = 1'

DRAWN BY: S.A.

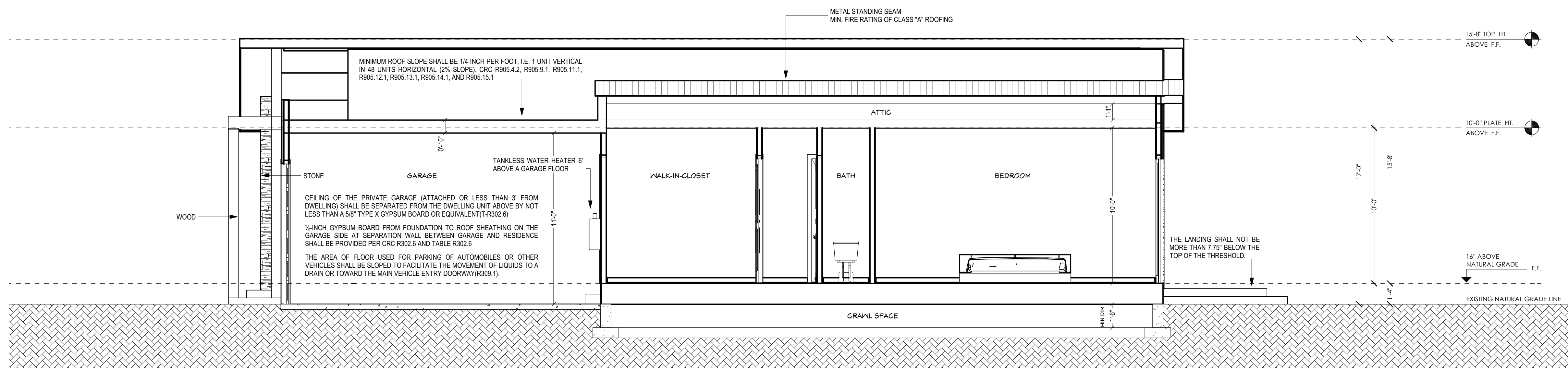
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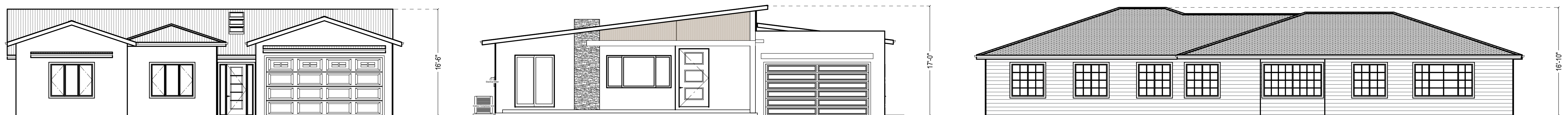
1 A-A CROSS SECTION

SC: 1/4" = 1'-0"



2 B-B CROSS SECTION

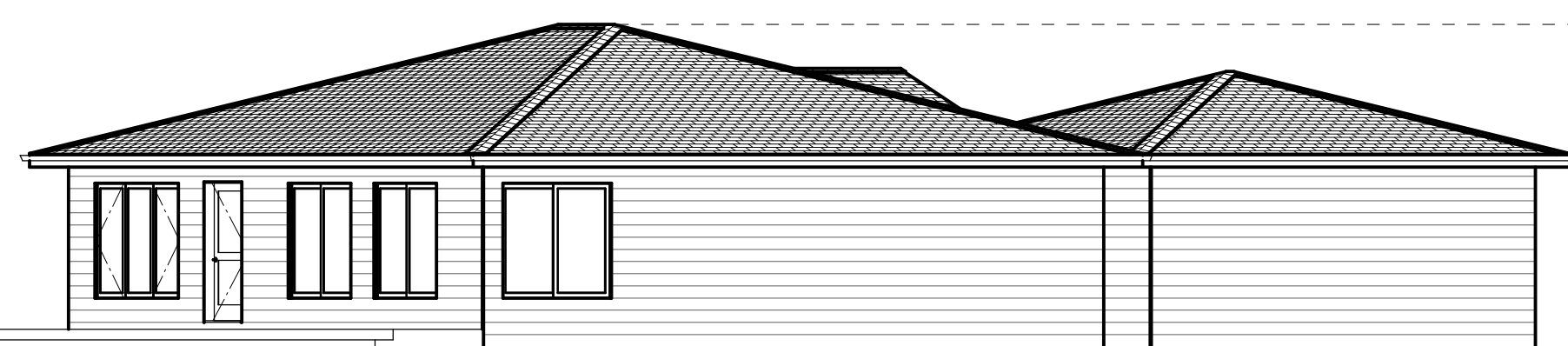
SC: 1/4" = 1'-0"



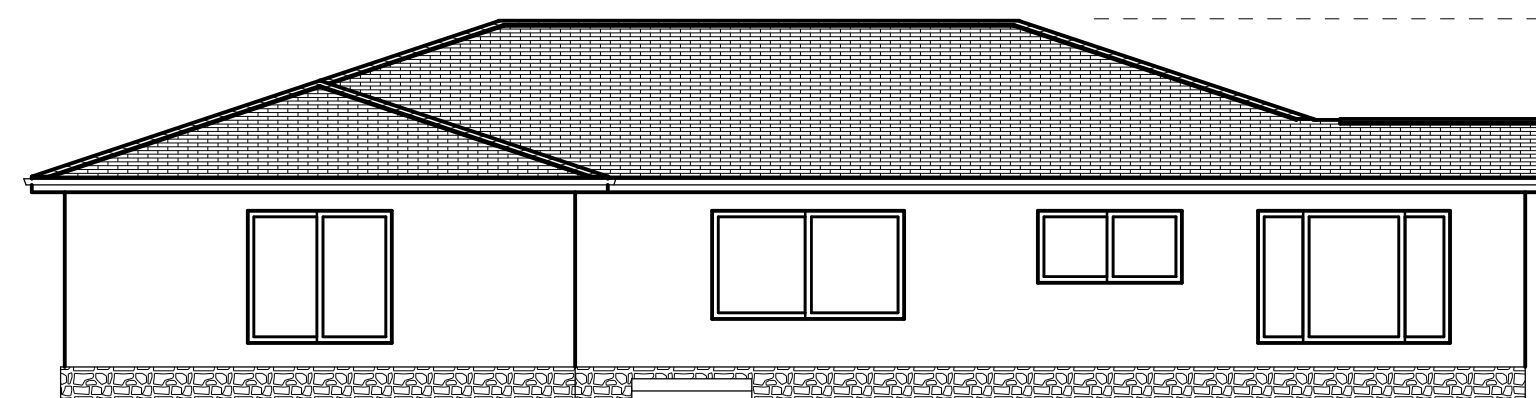
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▲ 15602 BENEDICT LN.

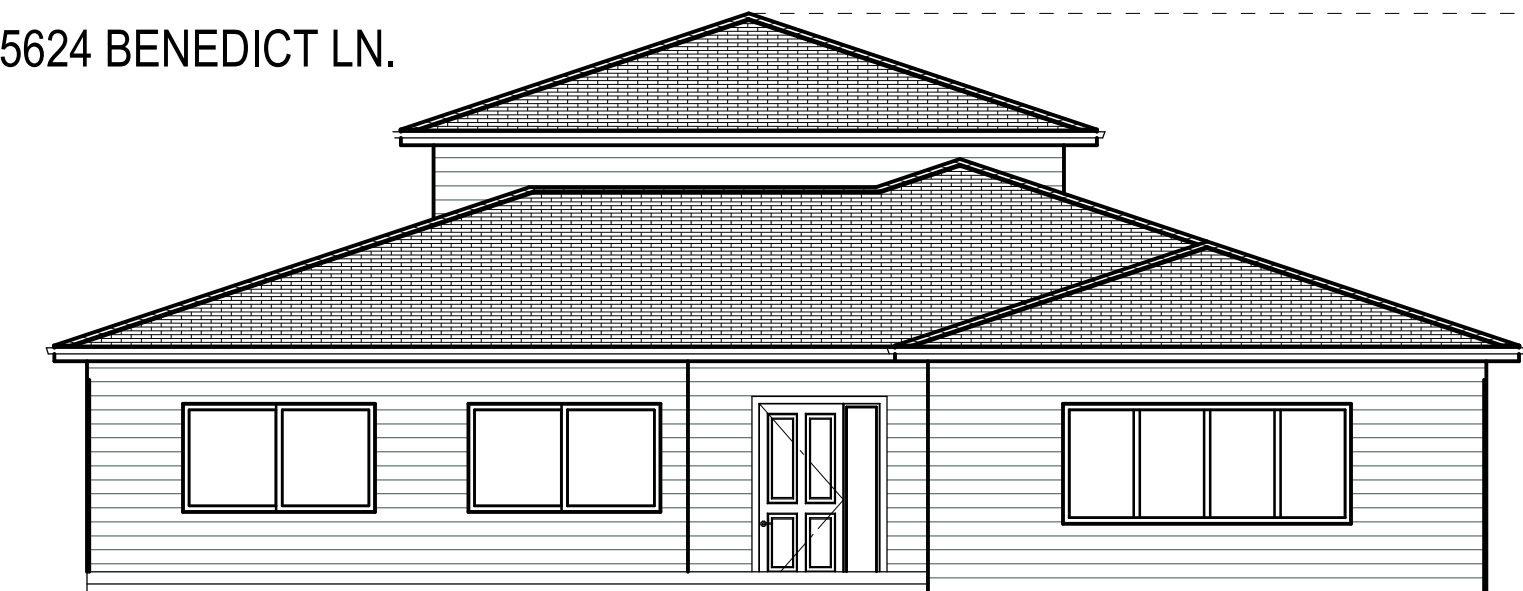
▲ 15624 BENEDICT LN.



▲ 15625 BENEDICT LN.



▲ 15603 BENEDICT LN.



▲ 15589 BENEDICT LN.

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PROJECT NAME:

BENEDICT RESIDENCE

15602 BENEDICT LN., LOS GATOS, CA 95032

REVISION TABLE:

REVISION DATE	BY	DEP
01 JAN.2022	S.A.	PLN

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OMISSIONS FROM THE DRAWINGS AND SPECIFICATIONS OR THE MIS-DESCRIPTION OF THE WORK WHICH IS MANIFESTLY NECESSARY TO CARRY OUT THE INTENT OF THE DRAWINGS AND SPECIFICATIONS, OR WHICH IS CUSTOMARILY REFORMED, SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING SUCH OMITTED OR MIS-DESCRIBED DETAILS OF THE WORK AS IF FULLY AND COMPLETELY SET FORTH AND DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS.

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SHEET TITLE:

FLOOR AREA DIAGRAM

PROJECT ID: ----

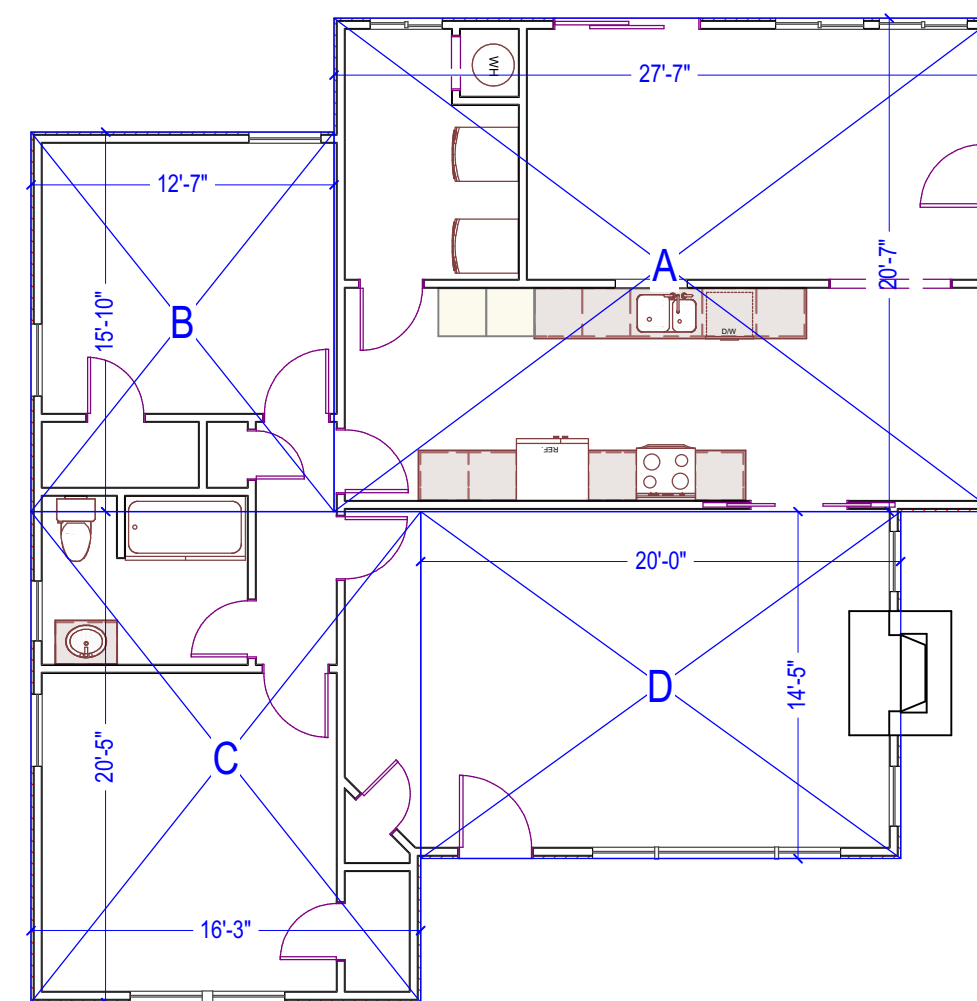
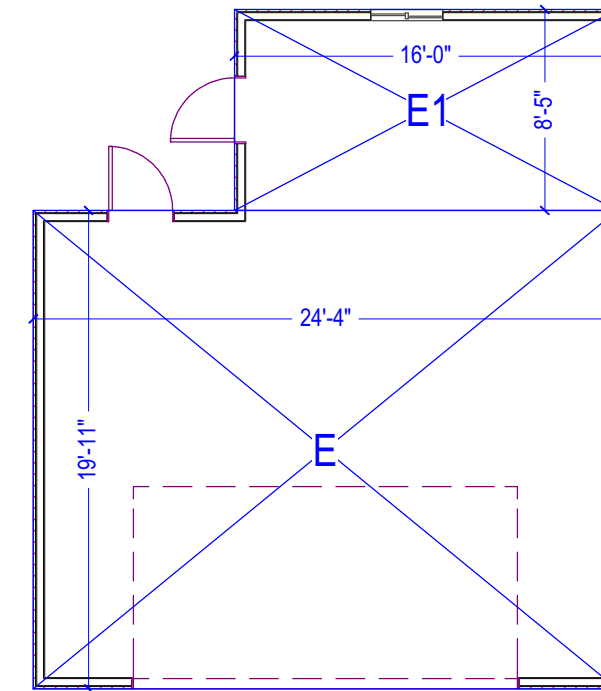
DATE: SEP.2021

SCALE: 1/8" = 1'

DRAWN BY: S.A.

SHEET NUMBER:

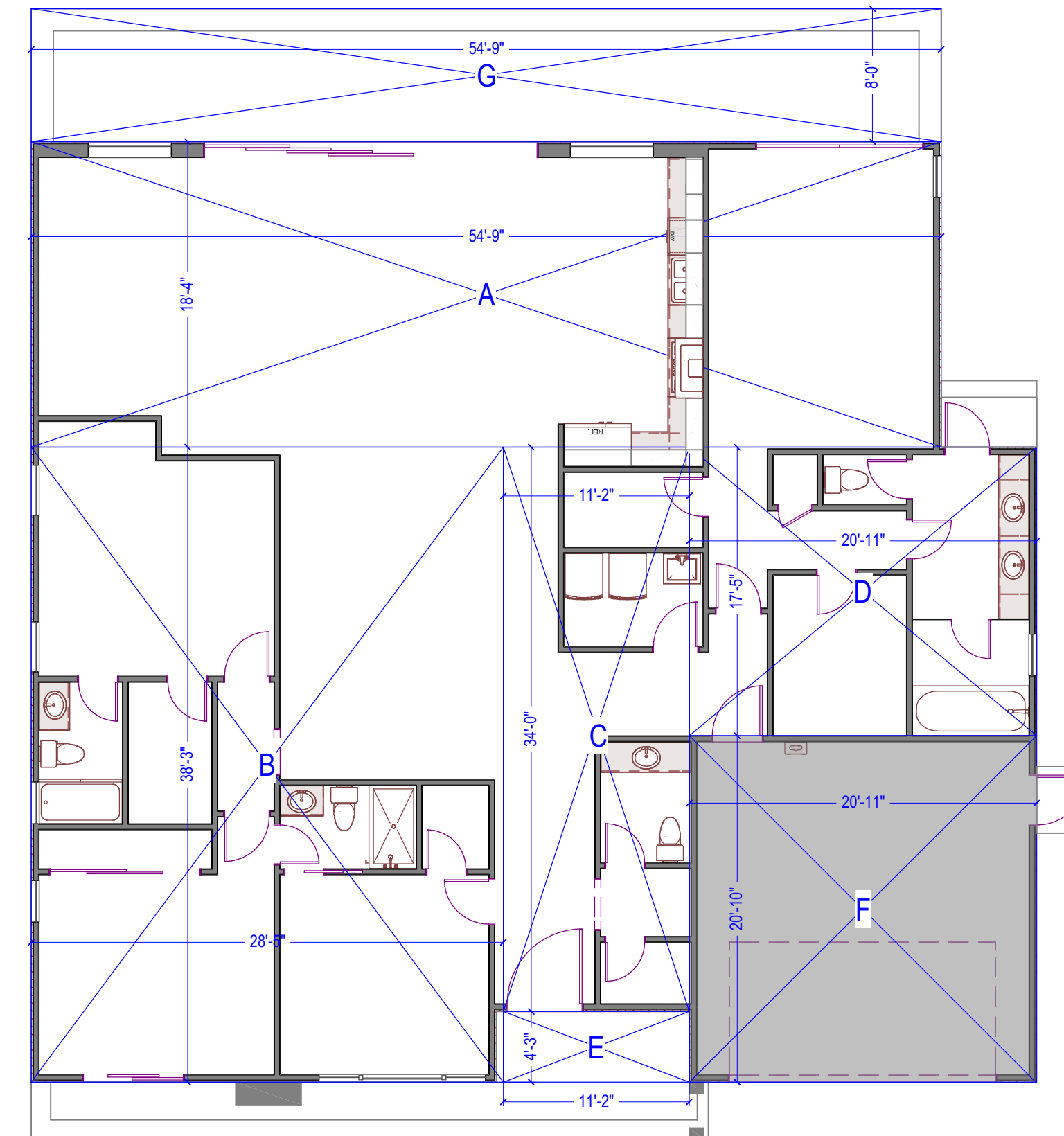
A-04.01



1 FLOOR AREA DIAGRAM - EXISTING FLOOR PLAN

SC: 1/8" = 1'-0"

FLOORS	SPACES	SIZE	AREAS (SQF)	TOTAL
LIVING AREA	A	27'-7"X20'-7"	568	1387
	B	15'-10"X12'-7"	199	
	C	20'-5"X16'-3"	332	
	D	20'-0"X14'-5"	288	
GARAGE	E	24'-4"X19'-11"	485	620
	E1	16'-0"X8'-5"	135	
TOTAL BUILDING AREA				2007



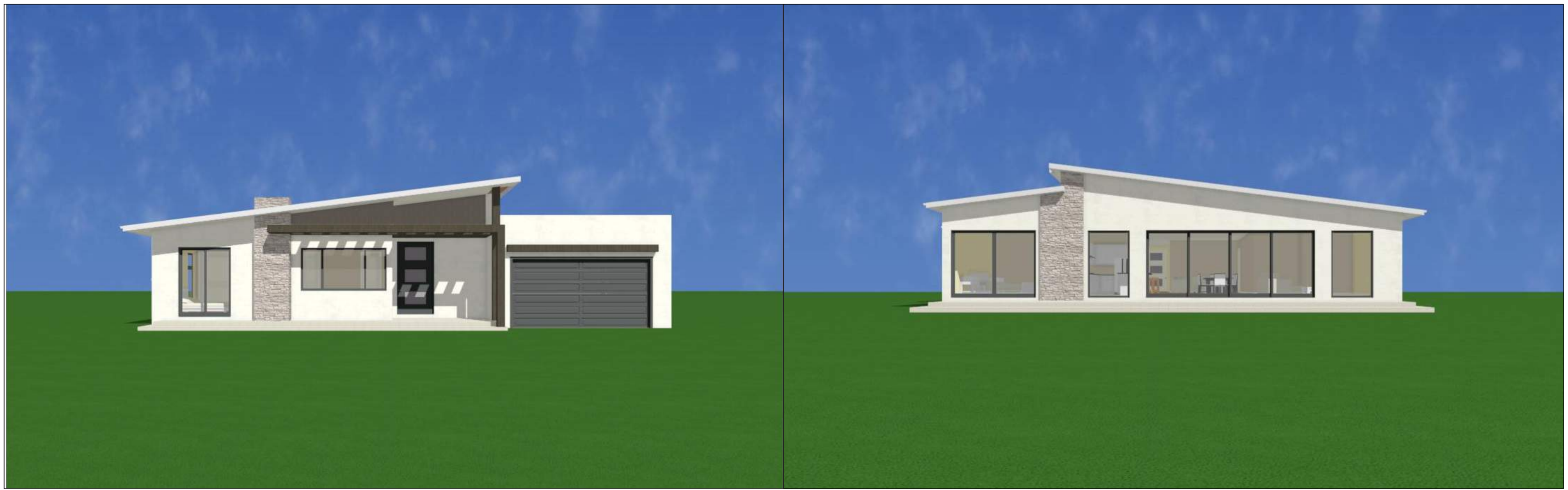
2 FLOOR AREA DIAGRAM - PROPOSED FLOOR PLAN

SC: 1/8" = 1'-0"

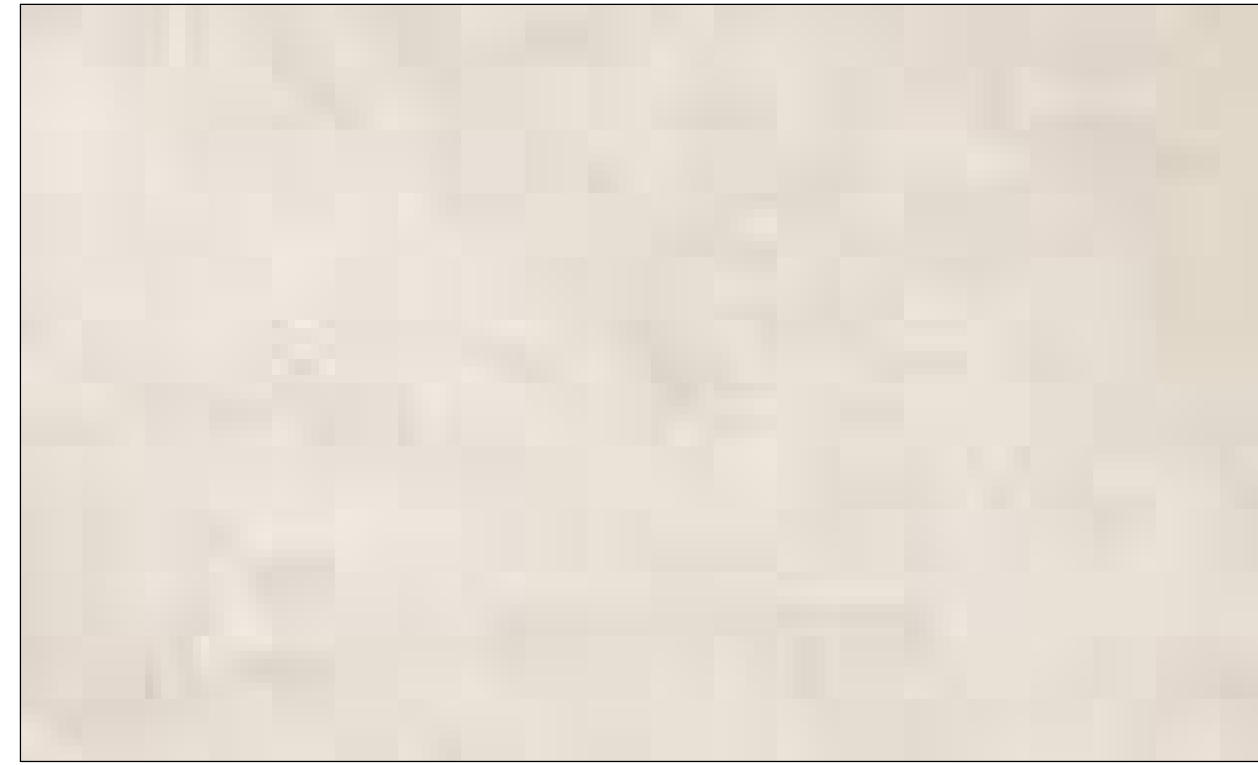
FLOORS	SPACES	SIZE	AREAS (SQF)	TOTAL
LIVING AREA	A	54'-9"X18'-4"	1004	2882
	B	38'-3"X28'-5"	1087	
	C	34'-0"X11'-2"	380	
	D	20'-11"X17'-5"	364	
	E	11'-2"X4'-3"	47	
GARAGE	F	20'-11"X20'-10"	436	436
TOTAL BUILDING AREA				3318
UNCOVERED PORCH (PAVED AREA)	G	54'-9"X8'-0"	438	438

EXTERIOR MATERIAL BOARD

TITLE	TYPE	INFO
ROOF	METAL STANDING SEAM	BLACK COLOR
SIDING	SMOOTH STUCCO	CREAM COLOR
GARAGE DOOR	CLOPAY	DARK GRAY COLOR
DOOR	CLOPAY DOORS	DARK GRAY COLOR
WINDOWS	MILGARD	TUSCANY / DARK GRAY COLOR



STUCCO



METAL STANDING SEAM



AMS DESIGN

4010 MOORPARK AVE#101,
SAN JOSE, CA 95117
TELL: (415)254-1606
E-MAIL: OFFICE@AMSDSIGNLLP.COM

Azadeh Masrou

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SHEET TITLE:

EXTERIOR MATERIAL BOARD / STREET SCAPE ELEVATION

PROJECT ID:

DATE: SEP.2021

SCALE: N.T.S

DRAWN BY: S.A.

SHEET NUMBER:

A-05.01



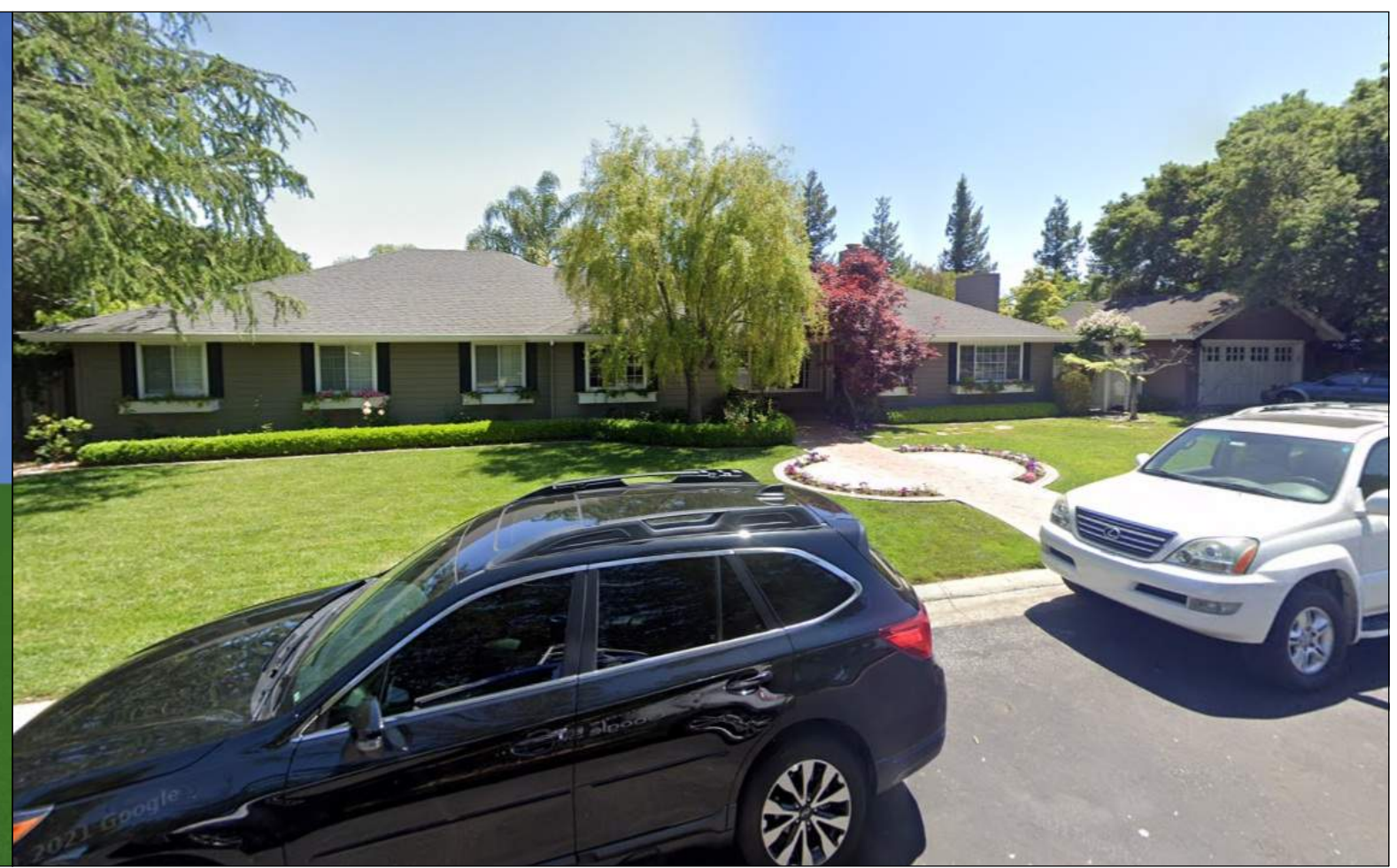
▲ VICINITY GUIDE MAP



▲ 15588 BENEDICT LN.



▲ 15602 BENEDICT LN.



▲ 15624 BENEDICT LN.



▲ 15625 BENEDICT LN.

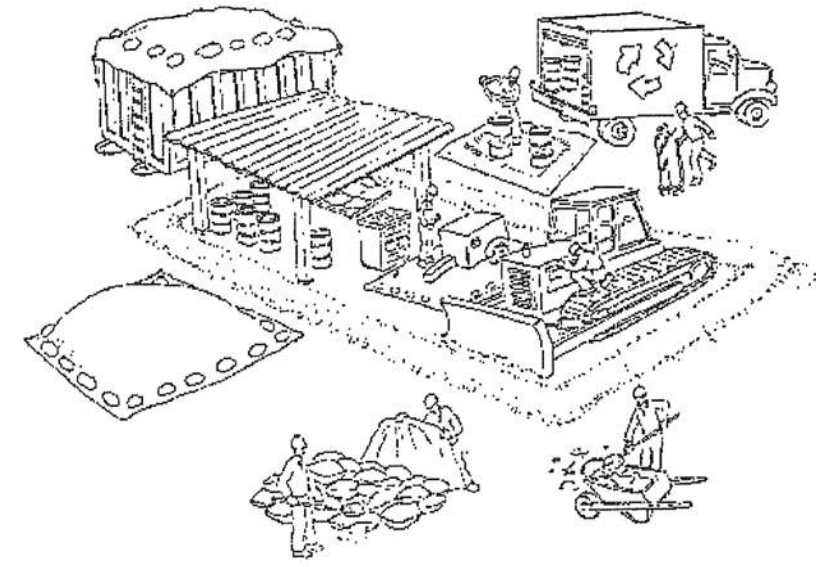


▲ 15603 BENEDICT LN.



▲ 15589 BENEDICT LN.

Clean Bay Blue Print



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution and damage to creeks and the San Francisco Bay. Construction activities can directly affect the health of creeks and the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines and the project specifications will ensure your compliance with City of Fremont requirements.

Materials storage & spill cleanup

Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet (3 meters) from catch basins. All construction material must be covered with a tarp and contained with a perimeter control during wet weather or when rain is forecasted or when not actively being used within 14 days.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed.
- ✓ Sweep or vacuum streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities. Comply with **City of Fremont** Ordinances for recycling construction materials, wood, gyp board, pipe, etc.
- ✓ Check dumpsters regularly for leaks and to make sure they are not overfilled. Repair or replace leaking dumpsters promptly.
- ✓ Cover all dumpsters with a tarp at the end of every work day or during wet weather.

Hazardous materials management

- ✓ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state, and federal regulations.
- ✓ Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecasted.
- ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecasted within 24 hours.
- ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✓ Dispose of all containment and cleanup materials properly.
- ✓ Report any hazardous materials spills immediately! Dial 911

Construction Entrances and Perimeter

- ✓ Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- ✓ Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking.

Vehicle and equipment maintenance & cleaning

- ✓ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✓ Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✓ If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.
- ✓ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.



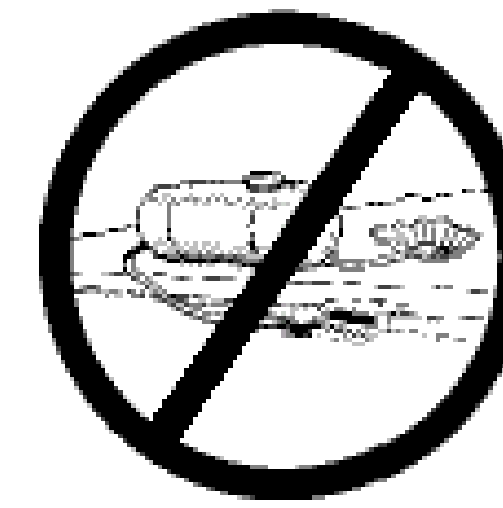
Earthwork & contaminated soils

- ✓ Keep excavated soil on the site where it will not collect in the street.
- ✓ Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.
- ✓ Earth moving activities are only allowed during dry weather by permit and as approved by the City Inspector in the Field.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.
- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Engineer for help in determining what should be done, and manage disposal of contaminated soil according to their instructions.



Dewatering operations

- ✓ Effectively manage all run-on, all runoff within the site, and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance.
- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✓ Be sure to notify and obtain approval from the Engineer before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer to determine what testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

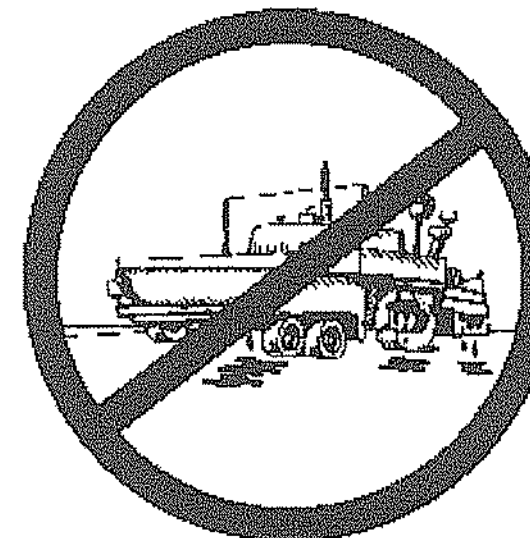


Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work

- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt concrete pavement.



Concrete, grout, and mortar storage & waste disposal

- ✓ Store concrete, grout, and mortar under cover, on pallets, and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or into contained washout areas that will not allow discharge of wash water onto the underlying soil or onto the surrounding areas.
- ✓ Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal off site.



Painting

- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.



Landscape Materials

- ✓ Contain, cover, and store on pallets all stockpiled landscape materials (mulch, compost, fertilizers, etc.) during wet weather or when rain is forecasted or when not actively being used within 14 days.
- ✓ Discontinue the application of any erodible landscape material within 2 days of forecasted rain and during wet weather.

REVISIONS

NO.	DESCRIPTION	BY	DATE	APPV/D

APPROVED

DATE	ADV	DATE

**CLEAN BAY
BLUE PRINT**

WORK ORDER NO.

SPECIFICATION NO.

SHEET NO.

FILE NO.

For references and more detailed information:
www.cleanwaterprogram.org
www.cabmphandbooks.com

Storm drain polluters may be liable for fines of \$10,000 or more per day!

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/28/2022

ITEM NO: 3

DATE: September 23, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Permanent Regulations to Comply with the Requirements of Senate Bill 9. Town Code Amendment Application A-22-002. Location: Townwide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding permanent regulations to comply with the requirements of Senate Bill 9 (Exhibit 1) and forward a recommendation to the Town Council.

BACKGROUND:

In September 2021, Governor Newsom signed new State law, Senate Bill 9 (SB 9), which went into effect on January 1, 2022 (Exhibit 2). SB 9 requires ministerial approval of certain housing development projects and lot splits on a single-family zoned parcel, with the intent to increase residential densities within single-family neighborhoods across the State.

The law allows for two new types of development activities that must be reviewed ministerially without any discretionary action or public input:

- **Two-unit housing development** – Two homes on an eligible single-family residential parcel (whether the proposal adds up to two new housing units or adds one new unit on a parcel with an existing single-family residence).
- **Urban lot split** – A one-time subdivision of an existing single-family residential parcel into two parcels. This would allow up to four units (two units on each new parcel).

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND (continued):

In most circumstances, SB 9 will result in the potential creation of four dwelling units on an existing single-family zoned parcel. Single-family zoned parcels are currently permitted three units throughout the State: a primary single-family dwelling, an Accessory Dwelling Unit (ADU), and a Junior ADU (JADU).

SB 9 also outlines how jurisdictions may regulate SB 9 projects. Jurisdictions may only apply objective zoning, subdivision, and design standards to these projects, and these standards may not preclude the construction of up to two units of at least 800 square feet each. Jurisdictions can conduct objective design review, but may not have hearings for units that meet the State rules (with limited exceptions).

On December 21, 2021, Town Council adopted an Urgency Ordinance (Exhibit 3) to implement local objective standards for SB 9 applications. This Urgency Ordinance was valid for a period of 45 days. On February 1, 2022, Town Council adopted an extension of the Urgency Ordinance (Exhibit 4), making it valid to the end of the calendar year. The current Urgency Ordinance 2327 is set to expire on December 31, 2022.

On September 21, 2022, the Town hosted a Community Meeting to discuss developing a permanent SB 9 Ordinance and foster public participation. A summary of topics discussed is available below.

DISCUSSION:

The Draft Ordinance (Exhibit 1) is based on the Urgency Ordinance adopted by Town Council in February 2022, and modified based on: State and Regional Agency direction; clarification of initial standards; and reformatted to integrate it within Chapter 29 of the Town Code (Zoning Regulations).

A. Amendments per State and Regional Agency Direction

The following is a summary of draft amendments in response to State direction and the Association of Bay Area Governments (ABAG) SB 9 model ordinance:

- **Amended Definitions.** The definition of *single-family residential zone* in the Draft Ordinance was amended to include Hillside Residential (HR) zones per the California Department of Housing and Community Development SB 9 Fact Sheet (Exhibit 5).

DISCUSSION (continued):

- **New Definitions.** The following definitions were added to the Draft Ordinance to comply with State law and per the direction of the of the ABAG SB 9 model ordinance (Exhibit 6):
 - Adjacent parcel;
 - Car-share vehicle;
 - Common ownership or control;
 - First residential unit; and
 - Sufficient for separate conveyance.
- **Hillside Standards.** Based on the amended definition (above) to include HR zoned properties, the following additional standards were added to ensure consistency with the Hillside Development Standards and Guidelines (HDS&G). No hillside standards were included in the Urgency Ordinance as the Town was not anticipating SB 9 projects in these zones.
 - Building height: A separate building height limitation of 16 feet has been included for HR zoned properties. The HDS&G allows buildings to be a maximum of 18 feet tall when “visible” from the viewing areas or located along a significant ridgeline. To ensure that this standard is objective, and to avoid confusion with the existing 16-foot height limitation when a non-hillside zoned building footprint is located within the required side or rear setbacks of the applicable zoning district, the Draft Ordinance includes a 16-foot height limit for all HR zoned properties.
 - Driveway width: Consistent with the HDS&G requirements, driveway width must be a minimum of 12 feet. This standard would also help ensure that the Santa Clara County Fire Department can approve of the driveway plans when reviewed at building permit stage.
 - Driveway slope: Consistent with the HDS&G requirements, driveways cannot exceed 15 percent in slope. This standard would also help ensure that the Santa Clara County Fire Department can approve of the driveway plans when reviewed at building permit stage.
 - Cut and fill depths: The maximum cut and fill table from Chapter III of the HDS&G was added for applicable SB 9 site elements to ensure that new construction retains the existing landform of the site and follows the natural contours.
 - Least Restrictive Development Area (LRDA): To ensure construction occurs in the most appropriate areas on a hillside parcel, the 30 percent slope restriction for LRDA was added from Chapter II of the HDS&G.
 - Retaining walls: Consistent with HDS&G requirements, retaining wall restrictions were added to ensure the use of retaining walls are limited and appropriate.

DISCUSSION (continued):

- Light Reflectivity Value (LRV): Consistent with the HDS&G requirements, the LRV of materials used on HR zoned parcels would be limited to 30 to ensure the building colors blend with the natural vegetation of the hillsides.
- Finished floor height: The maximum height that a finished floor can project above grade has been increased from 18-inches to three feet in all zones for better consistency with Chapter V of the HDS&G.
- **Exclusion Areas.** Prime Farmland and Wetlands are included as an area that is excluded from the SB 9 Ordinance per the ABAG SB 9 model ordinance.
- **Utility Connections.** Utility connection requirements were added per the ABAG SB 9 model ordinance.
- **Replacement Housing.** A reference to the replacement housing provisions of Government Code Section 66300(d) was added, per the ABAG SB 9 model ordinance, to ensure that existing housing units proposed to be demolished as a part of an SB 9 application will be replaced.
- **ADUs.** The existing Urgency Ordinance states that new ADUs are not allowed on parcels that have used either SB 9 application type. Based on State direction, ADUs must be allowed on parcels that have not undergone an urban lot split. The ADU references were amended to update this section.
- **Owner Attestation.** Per the direction of the of the ABAG SB 9 model ordinance, the owner attestation and recorded covenant requirements have been updated.

B. Draft Amendments to Clarify Existing Standards

The following is a summary of amendments recommended by staff to help clarify existing standards. These amendments are included in the Draft Ordinance. The majority of these changes are a result of questions asked by members of the public on the existing Urgency Ordinance.

- **Legal Parcel.** The legal parcel requirement was amended to specify that applications for any SB 9 application type will only be accepted on proposed parcels with either a recorded parcel map or certificate of compliance. Applicants would no longer be able to submit both a two-unit housing development and urban lot split application concurrently, as the two-unit housing development cannot be approved until the urban lot split is approved and the map is recorded.

DISCUSSION (continued):

- **Floor Area Ratio (FAR).** The existing Urgency Ordinance does not specify a cap on the use of the 10 percent FAR increase and is not clear as to how the 10 percent FAR increases are allowed for both two-unit housing developments and ADUs. Clarification was added to specify that the maximum additional floor area allowed from the 10 percent increase must be used for the first dwelling unit, and is therefore no more than 1,200 square feet. This language is consistent with the use of an FAR bonus for ADUs in current Town Code, and also states that the FAR increase cannot be combined with the increase for an ADU in Town Code Section 29.10.320.
- **Trees.** Reference to Town Code Chapter 29, Article 1, Division 2 (Tree Protection) was added to ensure that any proposed work complies with the Town's existing protection, removal, and replacement requirements.
- **Windows.** The existing Urgency Ordinance states that all second-story windows less than eight feet from rear and interior side property lines shall be clerestory, and that all other second-story windows shall be limited to the minimum size and number required for egress. This effectively restricted all second-story windows to be no more than the minimum needed for egress. The revision increases the distance requirement from eight feet to 10 feet, and removes the "all other" statement so that all second-stories within 10 feet from the side property line can have clerestory windows and larger windows as needed for egress. The intent of this regulation is to reduce potential privacy impacts from new second story windows, while increasing flexibility when those windows have at least a 10-foot setback from the property line.
- **Number of Units.** A sentence was added to both the two-unit housing development and urban lot split sections of the Draft Ordinance to specify the maximum number of units allowed to be built under these regulations as required by State law. Up to four units (including two primary dwelling units, an ADU, and a JADU) can be built on parcels that have not undergone an urban lot split; and two units (regardless of the unit type) can be built on each of the parcels that result from an urban lot split.
- **Intent to Occupy.** Clarification to the Intent to Occupy requirement for urban lot splits has been added to specify when the three-year occupancy requirement begins, depending on whether an existing residence is retained.
- **Lot Merger.** A sentence was added to clarify that when an owner or applicant splits their parcel and builds additional units with the allowed 10 percent FAR increase, they will then be prohibited from merging the parcels back into a single parcel unless existing Town Code requirements can be met and no new non-conformities are created.

DISCUSSION (continued):

C. Potential Changes from Public Comment

In the public comment and feedback received by staff since the approval of the Urgency Ordinance (Exhibit 7), there were seven comments that were repeated by several members of the public, which are discussed below:

- **Applicable Zones.** Comments received requested that HR zones be included in the permanent SB 9 Ordinance. As detailed above, per State direction, the Draft Ordinance has been updated to include HR zones in the *single-family residential zone* definition. In addition to inclusion of the HR zone, the Planning Commission could consider allowing SB 9 permits within other zoning designations, possibilities could include multi-family zones or in any zone where the existing use is a single-family use.
- **Grading Limitation.** Comments were received related to the grading limitation. Both the existing Urgency Ordinance and drafted updates for the Draft Ordinance include the grading restriction: grading activity shall not exceed the summation of 50 cubic yards, cut plus fill, or require a Grading Permit per Town Code Chapter 12, Article II. The reason for this limitation is for consistency with the Town Code where grading in excess of 50 cubic yards that is not used for building excavation requires a Grading Permit, and Grading Permits require an Architecture and Site application, which is a discretionary permit with a public hearing. As SB 9 requires ministerial review and approval of qualifying applications, the grading restriction was included to ensure SB 9 projects are processed ministerially. Per the Urgency Ordinance and Draft Ordinance, if over 50 cubic yards of grading is needed to develop the site, excluding building excavation, the applicant would need approval of a separate, discretionary Grading Permit. The majority of comments received regarding the grading limitation requested that the excavation exception be expanded to include any grading necessary for driveway and Fire access and turnarounds. Additional clarification could be added to state that lightwells that do not exceed the size required by building code would also be considered excavation to ensure this requirement is implemented objectively.
- **Fire Review.** Comments were received requesting that Santa Clara County Fire Department be included in the review SB 9 ministerial applications. This would not need to be included in this Ordinance, but could be recommended as part of implementation of the project review process.
- **Windows.** Comments were received regarding the second-story window design standards, requesting that the clerestory and egress minimums be removed for two-story SB 9 units that meet the underlining zoning setbacks. The standards were originally included to minimize privacy impacts as State law limits setbacks to four feet on internal side and rear property lines. As stated above, the Draft Ordinance amends the window standards to decrease restrictions so that all second stories within 10 feet from the side and rear property lines can have clerestory windows and larger windows as needed for egress.

DISCUSSION (continued):

- **Second-Story Step-Back.** Similar to the comment above, comments were received regarding the second-story step-back requirement, requesting that this be removed for two-story SB 9 units that meet the underlining zoning setbacks. This standard provides both a reduction in potential privacy impacts, as well as preventing construction of walls that extend the full height of the new two-story residence. Modification of this standard or replacement with alternative objective standards could be included in Planning Commission's recommendation to Town Council.
- **Size Limit.** Comments have been received in opposition to the 1,200-square foot size limitation for the first new SB 9 unit. The original Urgency Ordinance included the 1,200-square foot size limitation for any SB 9 unit. When the Urgency Ordinance was extended, the Town Council modified this section to only apply to the first new unit. The 1,200-square foot size limitation is consistent with the maximum sizes of ADUs, and the second unit is allowed to use the remainder of the floor area allocated based on the lot's FAR.
- **Frontage Requirement.** Comments were received regarding the minimum width required for the access corridor of a flag/corridor lot, as well as the method of recordation of this access area. The Urgency Ordinance and Draft Ordinance require a minimum of 20 feet for the access corridor width, which matches the minimum lot width requirement. This standard is consistent with the minimum width required for the "corridor" of corridor lots per Town Code Section 29.10.085. The comments also raise concerns with the requirement that the access corridor be "in fee" as a part of the parcel and not as an easement; specifically, the feedback urges that the access corridor should count towards the proposed lot sizes. The original Urgency Ordinance and Draft Ordinance both state under the Minimum Lot Size requirement that the minimum lot area for a flag/corridor lot shall be exclusive of the access corridor. This standard is also consistent with Town Code Section 29.10.085, which states that the area of the corridor may not be applied toward satisfying the minimum lot area requirement. The Planning Commission could choose to modify these requirements in their recommendation to Town Council.

D. Public Outreach

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

- A poster at the Planning counter at Town Hall and the Town Library;
- 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.

DISCUSSION (continued):

In addition to the outreach listed above, the Town held a Community Meeting on September 21, 2022 to foster public participation. Comments received during the meeting included: concerns regarding the grading limitation; the frontage requirement of corridor/flag lots; the 16-foot height limitation for HR zones; the 30 percent slope restriction for building footprints in the HR zones; the three-foot finished floor height limitation; and the right-angle requirement for new side property lines in the HR zones. Additionally, Town staff received questions regarding: what applicable zones are allowed to use SB 9; how the 40/60 lot split requirement is applied; what the minimum and maximum unit sizes are; whether SB 9 applications are ministerial or discretionary; why the Town was adopting a SB 9 Ordinance; and how many units could be built on residentially zoned parcels prior to SB 9.

PUBLIC COMMENTS:

Multiple public comments (Exhibit 7) have been received since Urgency Ordinance 2327 was adopted at the beginning of 2022. These comments were discussed in the previous section.

ENVIRONMENTAL REVIEW:

This Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to SB 9.

CONCLUSION:

A. Recommendation

Staff recommends that the Planning Commission receive and consider public comments, review the information included in the staff report, provide input on any additional recommended modifications to the Draft Ordinance (Exhibit 1), and forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance.

B. Alternatives

Alternatively, the Commission can continue the matter to a date certain with specific direction.

PAGE 9 OF 9

SUBJECT: Senate Bill 9

DATE: September 23, 2022

EXHIBITS:

1. Draft Permanent SB 9 Ordinance
2. SB 9 Legislation
3. SB 9 Urgency Ordinance 2326
4. SB 9 Urgency Ordinance Extension 2327
5. California Department of Housing and Community Development SB 9 Fact Sheet
6. Association of Bay Area Governments SB 9 Model Ordinance
7. Public Comment received prior to 11:00 a.m., Friday, September 23, 2022

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DRAFT ORDINANCE XXXX

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) REGARDING TWO-UNIT HOUSING
DEVELOPMENTS AND URBAN LOT SPLITS IN ALL
SINGLE-FAMILY RESIDENTIAL ZONES**

WHEREAS, the Town of Los Gatos (Town) has adopted a General Plan to ensure a well-planned and safe community; and

WHEREAS, protection of public health, safety, and welfare is fully articulated in the General Plan; and

WHEREAS, State law requires that the Town's Zoning Code conform with the General Plan's goals and policies; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill 9 (SB 9), which among other things, adds Government Code Sections 65852.21 and 66411.7 to impose new limits on local authority to regulate two-unit housing developments and urban lot splits; and

WHEREAS, SB 9 requires the Town to provide for the ministerial (or “by right”) approval of a housing development containing no more than two residential units of at least 800 square feet in floor area (two-unit housing development) and a parcel map dividing one existing lot into two approximately equal parts (urban lot split) within a single-family residential zone for residential use; and

WHEREAS, SB 9 eliminates discretionary review and public oversight of the proposed subdivision of one lot into two parcels by removing public notice and hearings by the Development Review Committee or Planning Commission, by requiring only administrative review of the project, and by providing ministerial approval of an urban lot split, and also authorizes local agencies to adopt an ordinance allowing for up to a 24-month additional map extension, for the use of an approved or conditionally approved Tentative Parcel Map; and

WHEREAS, SB 9 exempts SB 9 projects from environmental review as required by the California Environmental Quality Act (CEQA), by establishing a ministerial review process without discretionary review or a public hearing, thereby undermining community participation and appropriate environmental impact vetting by local decision making bodies; and

WHEREAS, SB 9 allows the Town to adopt objective zoning and subdivision standards for two-unit housing developments and urban lot splits; and

WHEREAS, the Town desires to amend its local regulatory scheme to comply with and implement Government Code Sections 65852.21 and 66411.7 and to appropriately regulate projects under SB 9; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on September 28, 2022; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on _____, 2022; and

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS FINDS AND ORDAINS:

Section 1. The Town Council finds and declares that this Ordinance establishes regulations in the Zoning Code to allow two-unit housing developments and urban lot splits as specified by California Government Code Sections 66452.6, 65852.21, and 66411.7, as adopted and amended by SB 9.

Section 2. A new Division 10, "Two-Unit Housing Developments and Urban Lot Splits," is added to Article I, "In General," of Chapter 29, "Zoning Regulations," to read as follows:

"Section 29.10.600. Purpose and Applicability. The Town Council finds and determines that this Ordinance is applicable only to voluntary applications for two-unit housing developments and urban lot splits. Owners of real property or their representatives may continue to exercise rights for property development in conformance with the Zoning Code and Subdivision Code. Development applications that do not satisfy the definitions for a two-unit housing development or an urban lot split provided in Section III (Definitions) shall not be subject to this Ordinance. Any provision of this Division which is inconsistent with SB 9 shall be interpreted in a manner which is the most limiting on the ability to create a two-unit housing development or urban lot split, but which is consistent with State law. The provisions of this Division shall supersede and take precedence over any inconsistent provision of the Town Code to the extent necessary to effect the provisions of this Division.

Section 29.10.610. Definitions. In addition to definitions contained in Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations), the following definitions apply for purposes of this Division. Where a conflict may exist, the definitions in this Division shall apply.

Acting in concert means persons, as defined by Government Code Section 82047, as that section existed on January 1, 2022, acting jointly to pursue development of real

property whether or not pursuant to a written agreement and irrespective of individual financial interest.

Addition means any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

Adjacent parcel means any parcel of land that is: touching the parcel at any point; separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or separate from another parcel only by other real property which is in common ownership or control of the applicant.

Alteration means any construction or physical change in the arrangement of rooms or the supporting members of a building or structure or change in the relative position of buildings or structures on a site, or substantial change in appearances of any building or structure.

Car-share vehicle means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

Common ownership or control means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.

Entry feature means a structural element, which leads to an entry door;

Existing structure means a lawfully constructed building that received final building permit clearance prior to January 1, 2022, and which has not been expanded on or after January 1, 2022.

First residential unit means one of two housing units developed under a two-unit housing development, and can be an existing housing unit if it meets or is modified to meet the 1,200-square foot floor area limitation on first residential units.

Nonconforming zoning condition means a physical improvement on a property that does not conform with current zoning standards.

Two-unit housing development means an application proposing no more than two primary dwelling units on a single parcel located within a single-family residential zone as authorized by Government Code Section 65852.21. A two-unit housing development shall consist of either the construction of no more than two new primary dwelling units, one new primary dwelling unit and retention of one existing primary dwelling unit, or retention of two existing legal non-conforming primary dwelling units where one or both units are subject to a proposed addition or alteration.

Public transportation means a high-quality transit corridor, as defined in subdivision (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3.

Single-family residential zone means a “R-1 or Single-Family residential Zone”, “R-1D or Single-Family Residential Downtown Zone”, or “HR or Hillside Residential Zone” as specified in Article IV, “Residential Zones,” of the Zoning Code.

Subdivision Code means Chapter 24 of the Los Gatos Town Code.

Sufficient for separate conveyance means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a

common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.

Urban lot split means a ministerial application for a parcel map to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Government Code Section 66411.7.

Zoning code means Chapter 29 of the Los Gatos Town Code.

Section 29.10.620. Eligibility. An urban lot split or a two-unit housing development may only be created on parcels satisfying all of the following general requirements:

A. Zoning District. A parcel that is located within a single-family residential zone.

B. Legal Parcel. A parcel which has been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and the Town's Subdivision Regulations in effect at the time the parcel was created. Applications for an urban lot split or two-unit housing development will only be accepted on proposed parcels with either a recorded parcel map or certificate of compliance.

C. Excluding Historic Property. A parcel that does not contain a Historic Structure, as defined Town Code Section 29.10.020, or is not listed on the Town of Los Gatos Historic Resource Inventory, as defined by Town Code Chapter 29, Article VII, Division 3, "Historic Preservation and LHP or Landmark and Historic Preservation Overlay Zone."

D. Excluding Very High Fire Hazard Severity Zone. A parcel that is not within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Public Resources Code Section 4202. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Government Code Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or State fire mitigation measures applicable to the development.

E. Excluding Hazardous Waste Sites. A parcel that is not identified as a hazardous waste site pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use.

F. Excluding Earthquake Fault Zone. A parcel that is not located within a delineated earthquake fault zone as determined by the State Geologist on any official maps published by the State Geologist, unless the two-unit housing development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law

(Part 2.5 (commencing with Section 18901) of Health and Safety Code Division 13), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

G. Excluding Flood Zone. A parcel that is not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) on the official maps published by the Federal Emergency Management Agency unless a Letter of Map Revision prepared by the Federal Emergency Management Agency has been issued or if the proposed two-unit housing development is constructed in compliance with the provisions of Town Code Chapter 29, Article XI, "Floodplain Management," as determined by the floodplain administrator.

H. Excluding Natural Habitat. A parcel that is not recognized by the Town as a habitat for protected species identified as a candidate, sensitive, or species of special status by State or Federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

I. Excluding Prime Farmland and Wetlands. A parcel that contains either prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction; or wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

Section 29.10.630. Requirements. Two-unit housing developments must comply with the following objective zoning standards, design review standards, and general requirements and restrictions.

A. Zoning Standards. The following objective zoning standards supersede any other standards to the contrary that may be provided elsewhere in the Zoning Code, as they pertain to a two-unit housing development under Government Code Section 65852.21. Two-unit housing developments shall be constructed only in accordance with the following objective zoning standards, except as provided by Section D, "Exceptions:"

1. Building Height. Maximum building height shall be as specified by the applicable zoning district for the main structure. Buildings located within the required side or rear setbacks of the applicable zoning district, and those located in the Hillside Residential (HR) zones, shall not exceed 16 feet in height;

2. Driveways. Each parcel shall include a single driveway, and any new driveway shall satisfy the following requirements:

a. A minimum width of 10 feet up to a maximum width of 18 feet. Driveways in the Hillside Residential (HR) zones shall have a minimum width of 12 feet;

- b. A minimum depth of 25 feet measured from the front property line;
 - c. Surfacing shall comply with Town Code Section 29.10.155(e);
 - d. Only a single driveway curb-cut shall be permitted per parcel designed in accordance with the Town’s Standard Specifications and Plans for Parks and Public Works Construction; and
 - e. A maximum slope of 15 percent.
3. Dwelling Unit Type. The primary dwelling units comprising a two-unit housing development may take the form of detached single-family dwellings, attached units, and/or duplexes. A duplex may consist of two dwelling units in a side-by-side or front-to-back configuration within the same structure or one dwelling unit located atop another dwelling unit within the same structure;
4. Fencing. All new fencing shall comply with the requirements of Section 29.40.030 of the Zoning Code;
5. Floor Area Ratio and Lot Coverage. The maximum floor area ratio and lot coverage shall be as specified by the applicable zoning regulations. The maximum size of the first new residential unit shall not exceed 1,200 square feet. When a two-unit housing development is proposed, a 10 percent increase in the floor area ratio standards for residential structures is allowed, excluding garages, and this increase in floor area cannot be combined with a separate increase for an Accessory Dwelling Unit allowed by Town Code Section 29.10.320. The additional floor area allowed by this subsection shall not exceed 1,200 square feet. Notwithstanding the floor area ratio standards in this subsection, a new two-unit housing development with unit sizes of 800 square feet or less shall be permitted;
6. Grading. Grading activity shall not exceed the summation of 50 cubic yards, cut plus fill, or require a grading permit per Town Code Chapter 12, Article II;
7. Cut and Fill. Two-unit housing developments shall be subject to the cut and fill requirements specified by Table 1-1 (Cut and Fill Requirements) below:

Table 1-1 – Cut and Fill Requirements		
Site Element	Cut *	Fill *
House and attached garage	8' **	3'
Detached accessory building *	4'	3'
Driveways *	4'	3'
Other (decks, yards) *	4'	3'
* Combined depths of cut plus fill for development other than the main residence shall be limited to 6 feet.		
** Excludes below grade square footage pursuant to Section 29.40.072 of the Town Code.		

8. Building Sites. The footprint of the proposed residential unit(s) and garage(s) shall not be located on lands with an average slope exceeding 30 percent;
9. Retaining Walls. Retaining walls shall not exceed five feet in height and shall not run in a straight continuous direction for more than 50 feet without a break, offset,

or planting pocket. Retaining walls shall have a five-foot landscaped buffer adjacent to the street;

10. Light Reflectivity Value. Exterior material colors for primary buildings and garages in the Hillside Residential (HR) zones shall comply with requirements in Chapter V, Section I, of the Town’s Hillside Development Standards and Guidelines;

11. Landscaping Requirement. All landscaping shall comply with the California Model Water Efficient Landscape Ordinance (MWEL0);

12. Lighting. New exterior lighting fixtures shall be downward directed and utilize shields so that no bulb is visible to ensure that the light is directed to the ground surface and does not spill light onto neighboring parcels consistent with Section 29.10.09015 of the Zoning Code;

13. Trees. Any proposed work shall comply with the protection, removal, and replacement requirements for protected trees in Chapter 29, Article 1, Division 2, “Tree Protection,” of Town Code;

14. Minimum Living Area. The minimum living area of a primary dwelling unit shall be 150 square feet, subject to the restrictions specified by Health and Safety Code Section 17958.1;

15. Parking. One parking stall per primary dwelling unit shall be required, except for two-unit housing developments located on parcels within one-half mile walking distance of public transportation; or where there is a designated parking area for one or more car-share vehicles within one block of the parcel. Parking stalls may either be uncovered or covered (garage or carport) in compliance with applicable developments standards of the Zoning Code, including Chapter 29, Article I, Division 4, “Parking,” except that uncovered parking 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;

16. Setbacks. Two-unit housing developments shall be subject to the setback and building separation requirements specified by Table 1-2 (Setback Requirements), below:

Table 1-2 – Setback Requirements		
Setback		Requirement (2)
Property Line Setbacks (1)	Front	Per the applicable zoning district.
	Garage Entry	18 feet
	Interior Sides	4 feet (3)
	Rear	
	Street Side	Per the applicable zoning district.
Separation Between Detached Structures (4)		5 feet
Exceptions: (1) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys, or other similar architectural features may extend into required setbacks		

as specified Section 29.40.070(b) of the Zoning Code.

(2) No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.

(3) No interior side setback shall be required for two-unit housing development units constructed as attached units on separate lots, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance as a separate fee parcel.

(4) Except for primary dwellings constructed as a duplex or attached single-family residences.

17. Stormwater Management. The development shall comply with the requirements of the Town's National Pollution Discharge Elimination System Permit as implemented by Chapter 22 of the Town Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer; and

18. New units shall be designed as individual units, with separate gas, electric and water utility connections directly between each dwelling unit and the utility.

B. Design Review Standards

The following objective design review standards apply to construction of new primary dwelling units and to any addition and/or alteration to existing primary dwelling units as part of a two-unit housing development, except as provided by Subsection D below, "Exceptions:"

1. Balconies/Decks. Rooftop and second floor terraces and decks are prohibited. Balconies shall only be permitted on the front- and street-side elevations of a primary dwelling unit fronting a public street. Such balconies shall be without any projections beyond the building footprint;

2. Finished Floor. The finished floor of the firststory shall not exceed three feet in height as measured from finished grade;

3. Front Entryway. A front entryway framing a front door shall have a roof eave that matches or connects at the level of the adjacent eave line;

4. Front Porch. If proposed, porches shall have a minimum depth of six feet and a minimum width equal to 25 percent of the linear width of the front elevation;

5. Step-back. All elevations of the secondstory of a two-story primary dwelling unit shall be recessed by five feet from the first-story, as measured wall to wall;

6. Garages. Street-facing attached garages shall not exceed 50 percent of the linear width of the front-yard or street-side yard elevation;

7. Plate Height. The plate height of each story shall be limited to a maximum of 10 feet as measured from finished floor, and when above the first floor the plate height shall be limited to a maximum of eight feet; and

8. Windows. All second-story windows less than 10 feet from rear and interior side property lines shall be clerestory with the bottom of the glass at least six feet above the finished floor except as necessary for egress purposes as required by the Building Code.

C. General Requirements and Restrictions

The following requirements and restrictions apply to all two-unit housing developments, inclusive of existing and new primary dwelling units, except as provided by Subsection D below, "Exceptions:"

1. Number of Units. A maximum of four units, with a maximum of two primary dwelling units, on lots that have not undergone an urban lot split.

2. Accessory Dwelling Units. In addition to the two residential units allowed under this section, consistent with Chapter 29, Article 1, Division 7, "Accessory Dwelling Units," of the Town Code, one accessory dwelling unit and one junior accessory dwelling unit shall be allowed on lots that have not undergone an urban lot split.

3. Building and Fire Codes. The International Building Code ("Building Code"), and the California Fire Code and International Fire Code (together, "Fire Code"), as adopted by Chapter 6 of the Town Code, respectively, apply to all two-unit housing developments.

4. Encroachment Permits. Separate encroachment permits, issued by the Parks and Public Works Department, shall be required for the installation of utilities to serve two-unit housing developments. Applicants shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric, and all other utility work.

5. Restrictions on Demolition. The two-unit housing development shall not require either demolition of more than 25 percent of the exterior walls or alteration of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. This shall be evidenced by an attestation from the property owner;

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. This shall be evidenced by an attestation from the property owner; or

c. Housing that has been occupied by a tenant in the last three years. This shall be evidenced by an attestation from the property owner.

If any existing housing is proposed to be altered or demolished, the owner of the property proposed for a two-unit housing development shall sign an affidavit, stating that none of the conditions listed above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished) on a form prescribed by the Town.

If any existing dwelling unit is proposed to be demolished, the applicant shall comply with the replacement housing provisions of Government Code Section 66300(d).

6. Recorded Covenant. Prior to building permit issuance, the applicant shall record a restrictive covenant in the form prescribed by the Town, which shall run with the land and provide for the following:

a. A limitation restricting the property to residential uses only; and

b. A requirement that any dwelling units on the property may only be rented for a period longer than thirty (30) days.

D. Exceptions

If any of the provided zoning standards or design review standards would have the effect of physically precluding construction of up to two primary dwelling units or physically preclude either of the two primary dwelling units from being at least 800 square feet in floor area, the Community Development Director shall grant an exception to the applicable standard(s) to the minimum extent necessary as specified by this section. An exception request shall be explicitly made on the application for a two-unit housing development.

1. Determination. In order to retain adequate open space to allow for recreational enjoyment, protection of the urban forest, preservation of the community character, reduction of the ambient air temperature, and to allow for the percolation of rainfall into the groundwater system, when considering an exception request, the Community Development Director shall first determine that a reduction in any other zoning and/or design review standard(s) will not allow the construction of the two-unit housing development as specified by this section prior to allowing an exception(s) to the landscaping requirement, front-yard setback, or street-side setbacks standards.

Section 29.10.640. Application Process for Two-Unit Housing Development.

Applications for two-unit housing developments shall be submitted and processed in compliance with the following requirements:

1. Application Type. Two-unit housing developments shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. The permitting provisions of Town Code Sections 29.20.135 through 29.20.160, "Architecture and Site Approval," shall not be applied;
2. Application Filing. An application for a two-unit housing development, including the required application materials and fees, shall be filed with the Community Development Department;
3. Building Permits. Approval of a two-unit housing development application shall be required prior to acceptance of an application for building permit(s) for the new and/or modified primary dwelling units comprising the two-unit housing development;
4. Denial. The Community Development Director may deny a two-unit housing development project only if the Building Official makes a written finding, based upon a preponderance of the evidence, that the two-unit housing development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and
5. Appeals. Two-unit housing application decisions are ministerial and are not subject to an appeal.

Section 29.10.050. Subdivision Standards. Urban lot splits shall comply with the following objective subdivision standards, and general requirements and restrictions:

A. Subdivision Standards

The following objective subdivision standards supersede any other standards to the contrary that may be provided in the Zoning Code or Subdivision Code, as they pertain to creation of an urban lot split under Government Code Section 66411.7:

1. Flag/Corridor Lots. The access corridor of a flag/corridor lot (Town Code Section 29.10.085) shall be in fee as part of the parcel and not as an easement and shall be a minimum width of 20 feet;
2. Lot Lines. The new side lines of all lots shall be at right angles to streets or radial to the centerline of curved streets;
3. Minimum Lot Size. Each new parcel shall be approximately equal in lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no event shall a new parcel be less than 1,200 square feet in lot area. The minimum lot area for a flag/corridor lot shall be exclusive of the access corridor;
4. Minimum Lot Width. Each new parcel shall maintain a minimum lot width of 20 feet;
5. Minimum Public Frontage. Each new parcel shall have frontage upon a street with a minimum frontage dimension of 20 feet;
6. Number of Lots. The parcel map to subdivide an existing parcel shall result in no more than two parcels; and
7. Lot Merger. Lots resulting from an urban lot split shall not be merged unless that lot merger can be done without loss of housing units and without causing a non-conforming building, lot, or use.

B. General Requirements and Restrictions

The following requirements and restrictions apply to all proposed urban lot splits:

1. Adjacent Parcels. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously conducted an urban lot split to create an adjacent parcel as provided for in this Division;
2. Dedication and Easements. The Town Engineer shall not require dedications of rights-of-way nor the construction of offsite improvements but may, however, require recording of easements necessary for the provision of private services, facilities, and future public improvements or future public services, facilities, and future public improvements;
3. Existing Structures. Existing structures located on a parcel subject to an urban lot split shall not be subject to a setback requirement. However, any such existing structures shall not be located across the shared property line resulting from an urban lot split, unless the structure is converted to an attached unit as provided for in Table 1-2 (Setback Requirements, Exception No. 3). All other existing structures shall be modified, demolished, or relocated prior to recordation of a parcel map;
4. Intent to Occupy. The applicant shall submit a signed affidavit to the Community Development Director attesting that the applicant intends to occupy one of

the housing units on the newly created parcels as their principal residence for a minimum of three years from either:

- a. The date of the approval of the urban lot split when the intent is to live in an existing residence; or
- b. Certificate of occupancy when the intent is to occupy a newly constructed residential unit.

This requirement shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code;

5. Non-Conforming Conditions. The Town shall not require, as a condition of approval, the correction of nonconforming zoning conditions. However, no new nonconforming conditions may result from the urban lot split other than interior side and rear setbacks as specified by Table 1-2 (Setback Requirements, Exception No. 2);

6. Number of Units. No more than two dwelling units may be located on any lot created through an urban lot split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as two-unit developments. Any excess dwelling units that do not meet these requirements shall be relocated, demolished, or otherwise removed prior to approval of a parcel map;

7. Prior Subdivision. A parcel created through a prior urban lot split may not be further subdivided. The subdivider shall submit a signed deed restriction to the Community Development Director documenting this restriction. The deed restriction shall be recorded on the title of each parcel concurrent with recordation of the parcel map;

8. Restrictions on Demolition. The proposed urban lot split shall not require either the demolition of more than 25 percent of the exterior walls or alteration of any of the following types of housing:

- a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. This shall be evidenced by an attestation from the property owner;
- b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. This shall be evidenced by an attestation from the property owner; or
- c. Housing that has been occupied by a tenant in the last three years. This shall be evidenced by an attestation from the property owner;

If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an urban lot split shall sign an affidavit, stating that none of the conditions listed above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished) on a form prescribed by the Town. The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant,

nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an urban lot split;

9. Replacement Units. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d);

10. Recorded Covenant. Prior to approval and recordation of the parcel map, the applicant shall record a restrictive covenant and agreement in the form prescribed by the Town, which shall run with the land and provide for the following:

a. A prohibition against further subdivision of the parcel using the urban lot split procedures as provided for in this section;

b. A limitation restricting the properties to residential uses only; and

c. A requirement that any dwelling units on the property may not be rented for a period longer than thirty (30) days.

11. Stormwater Management. The subdivision shall comply with the requirements of the Town's National Pollution Discharge Elimination System Permit as implemented by Chapter 22 of the Town Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer;

12. Utility Providers. The requirements of the parcel's utility providers shall be satisfied prior to recordation of a parcel map; and

13. Compliance with Subdivision Map Act. The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410), except as otherwise expressly provided in Government Code Section 66411.7.

Section 29.10.060. Application Process for Urban Lot Splits.

Applications for urban lot splits shall be submitted and processed in compliance with the following requirements:

1. Application Type. Urban lot splits shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. A tentative parcel map shall not be required;

2. Application Filing. An urban lot split application, including the required application materials and fees, shall be filed with the Community Development Department;

3. Parcel Map. Approval of an urban lot split permit shall be required prior to acceptance of an application for a parcel map for an urban lot split. Applicants shall apply for an Urban Lot Split Parcel Map and pay all fees;

4. Development. Development on the resulting parcels is limited to a project approved by the two-unit housing development process or through the Town's standard discretionary process;

5. Denial. The Community Development Director may deny an urban lot split only if the Building Official makes a written finding, based upon a preponderance of the evidence, that an urban lot split or two-unit housing development located on the proposed new parcels would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health

and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

6. Appeals. Urban lot split application decisions are ministerial and are not subject to an appeal.”

Section 29.10.070. Sunset Clause. If SB 9 is repealed or otherwise rescinded by the California State Legislature or by the People of the State of California, this Division shall be repealed.”

Section 3. CEQA. The Council finds and declares that this Ordinance is not subject to environmental review under the California Environmental Quality Act ("CEQA"). SB 9 (Atkins) states that an ordinance adopted to implement the rules of SB 9 is not considered a project under Public Resources Code Division 13 (commencing with Section 21000) (See Government Code Sections 65858.210 and 66411.7(n)).

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have adopted the remainder of this Ordinance, including each section, subsection, sentence, clause, phrase, or portion irrespective of the invalidity of any other article, section, subsection, sentence, clause, phrase, or portion.

Section 5. Publication. The Town Clerk is directed to publish this Ordinance in a newspaper of general circulation as required by State law. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

Section 6. Effective Date. This ordinance takes effect 30 days after adoption.

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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Senate Bill No. 9

CHAPTER 162

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24

months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.21 is added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is

no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) 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 agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SEC. 2. Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division

2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the

housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, “unit” means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) “Objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be

considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) 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 agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SEC. 3. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or

because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

ORDINANCE 2326

AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS IMPLEMENTING SENATE BILL 9 TO ALLOW FOR TWO-UNIT HOUSING DEVELOPMENTS AND URBAN LOT SPLITS IN ALL SINGLE-FAMILY RESIDENTIAL ZONES

WHEREAS, on September 16, 2021, the Governor of the State California signed into law Senate Bill 9 (Atkins), "An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the California Government Code, relating to land use," which requires ministerial approval of a housing development of no more than two units in a single-family zone (two-unit housing development), the subdivision of a parcel zoned for residential use into two parcels (urban lot split), or both; and

WHEREAS, certain zoning and subdivision standards of the Town of Los Gatos Municipal Code and their permitting procedures are inconsistent with the two-unit housing developments and urban lot splits authorized by Senate Bill 9 (SB 9); and

WHEREAS, the provisions of SB 9 shall be in effect on January 1, 2022, and without locally codified objective design standards and implementation procedures, the law presents a current and immediate threat to the public peace, health, safety, and welfare, in that certain existing zoning and subdivision standards are in conflict with SB 9 and could create confusion and hinder the development of the additional residential units enabled under SB 9; and

WHEREAS, pursuant to Section 65858 of the Government Code and Section 29.20.545 of the Town of Los Gatos Municipal Code, the Town Council may take appropriate action to adopt urgency measures as an Urgency Ordinance; and

WHEREAS, pursuant to Section 65852.21(j) and Section 66411.7(n) of the Government Code, a local agency may adopt an Ordinance to implement SB 9; and

WHEREAS, this Urgency Ordinance adopts interim urgency objective zoning standards, objective subdivision standards, and objective residential design standards to allow for orderly housing development and subdivision of land as authorized by SB 9 while protecting the public peace, health, safety, or welfare in the Town of Los Gatos; and

WHEREAS, it is not the intent of this Urgency Ordinance to adopt permanent standards to govern the development of single-family zoned properties. The Town Council reserves the right to adopt permanent standards consistent with SB 9 that will supersede those contained in this Urgency Ordinance; and

WHEREAS, in light of the foregoing findings, the Town Council further finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, building permits, or any other applicable entitlement for use which is in conflict with this Ordinance would result in that threat to public health, safety, or welfare; and

WHEREAS, adoption of this Urgency Ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to California Government Code Section 65852.21(j) and Section 66411.7(n) relating to implementation of SB 9.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS FINDS AND ORDAINS:

SECTION I

The Town Council finds and declares that this Urgency Ordinance establishes interim exceptions to the Zoning Code to allow two-unit housing developments and urban lot splits as specified by California Government Code Sections 66452.6, 65852.21, and 66411.7, as adopted and amended by SB 9. The provisions of this Urgency Ordinance shall supersede any other provision to the contrary in the Zoning Code or Subdivision Code. Zoning standards and design review standards provided for in the Zoning Code that are not affected by this Urgency Ordinance shall remain in effect. It is not the intent of this Urgency Ordinance to override any lawful use restrictions as may be set forth in Conditions, Covenants, and Restrictions (CC&Rs) of a common interest development.

SECTION II

The Town Council finds and determines that this Urgency Ordinance is applicable only to voluntary applications for two-unit housing developments and urban lot splits. Owners of real property or their representatives may continue to exercise rights for property development in conformance with the Zoning Code and Subdivision Code. Development applications that do not satisfy the definitions for a two-unit housing development or an urban lot split provided in Section III (Definitions) shall not be subject to this Urgency Ordinance.

SECTION III

In addition to the terms defined by Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations), the following terms shall have the following meanings as used in this Urgency Ordinance. Where a conflict may exist, this Section shall prevail over any definition provided in the Zoning Code:

Acting in concert means persons, as defined by Section 82047 of the Government Code as that section existed on the date of the adoption of this Urgency Ordinance, acting jointly to pursue development of real property whether or not pursuant to a written agreement and irrespective of individual financial interest;

Addition means any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area;

Alteration means any construction or physical change in the arrangement of rooms or the supporting members of a building or structure or change in the relative position of buildings or structures on a site, or substantial change in appearances of any building or structure;

Entry feature means a structural element, which leads to an entry door;

Existing structure means a lawfully constructed building that received final building permit clearance prior to January 1, 2022, and which has not been expanded on or after January 1, 2022;

Nonconforming zoning condition means a physical improvement on a property that does not conform with current zoning standards;

Two-unit housing development means an application proposing no more than two primary dwelling units on a single parcel located within a single-family residential zone as authorized by Section 65852.21 of the California Government Code. A two-unit housing development shall consist of either the construction of two new primary dwelling units, one new primary dwelling unit and

retention of one existing primary dwelling unit, or retention of two existing legal non-conforming primary dwelling units where one or both units are subject to a proposed addition or alteration;

Public transportation means a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code;

Single-family residential zone means a “R-1 OR SINGLE-FAMILY RESIDENTIAL ZONE” and “R-1D OR SINGLE-FAMILY RESIDENTIAL DOWNTOWN ZONE” Zoning districts as specified by Article IV (RESIDENTIAL ZONES) of the Zoning Code;

Subdivision code means Title 24 of the Los Gatos Municipal Code;

Urban lot split means a ministerial application for a parcel map to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Section 66411.7 of the Government Code; and

Zoning code means Title 29 of the Los Gatos Municipal Code.

SECTION IV

The Council finds and declares that an urban lot split or a two-unit housing development may only be created on parcels satisfying all of the following general requirements:

A. Zoning District. A parcel that is located within a single-family residential zone;

B. Legal Parcel. A parcel which has been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Subdivision Regulations, as applicable at the time the parcel was created. The Town Engineer may require a certificate of compliance to verify conformance with this requirement;

C. Excluding Historic Property. A parcel that does not contain a Historic Structure, as defined Town Code Section 29.10.020, or is listed on the Town of Los Gatos Historic Resource Inventory, as defined by Town Code Chapter 29, Article VII, Division 3 (HISTORIC PRESERVATION AND LHP OR LANDMARK AND HISTORIC PRESERVATION OVERLAY ZONE);

D. Excluding Very High Fire Hazard Severity Zone. A parcel that is not within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code, or if the site has been excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

E. Excluding Hazardous Waste Sites. A parcel that is not identified as a hazardous waste site pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use;

F. Excluding Earthquake Fault Zone. A parcel that is not located within a delineated earthquake fault zone as determined by the State Geologist on any official maps published by the State Geologist, unless the two-unit housing development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2;

G. Excluding Flood Zone. A parcel that is not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) on the official maps published by the Federal Emergency Management Agency unless a Letter of Map Revision prepared by the Federal Emergency Management Agency has been issued or if the proposed primary dwelling unit(s) is constructed in compliance with the provisions of Town Code Chapter 29, Article XI (FLOODPLAIN MANAGEMENT) as determined by the floodplain administrator;

H. Excluding Natural Habitat. A parcel that is not recognized by the Town as a habitat for protected species identified as a candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

SECTION V

The Council finds and declares that two-unit housing developments shall comply with the following objective zoning standards, design review standards, and general requirements and restrictions.

A. Zoning Standards

The following objective zoning standards supersede any other standards to the contrary that may be provided in the Zoning Code, as they pertain to a two-unit housing development under Section 65852.21 of the Government Code. Two-unit housing developments shall be constructed only in accordance with the following objective zoning standards, except as provided by Section E (Exceptions):

1. Building Height. Maximum building height shall be as specified by the applicable zoning district for the main structure. Buildings located within the required side or rear setbacks of the applicable zoning district shall not exceed 16 feet in height.

2. Driveways. Each parcel shall include a single driveway satisfying the following requirements:

- a. A minimum width of 10 feet up to a maximum width of 18 feet;
- b. A minimum depth of 25 feet measured from the front property line;
- c. Surfacing shall comply with Town Code Section 29.10.155(e); and
- d. Only a single driveway curb-cut shall be permitted per parcel designed in accordance with the Town's Standard Specifications and Plans for Parks and Public Works Construction.

3. Dwelling Unit Type. The primary dwelling units comprising a two-unit housing development may take the form of detached single-family dwellings, attached units, and/or duplexes. A duplex may consist of two dwelling units in a side-by-side or front-to-back configuration within the same structure or one dwelling unit located atop of another dwelling unit within the same structure;

4. Fencing. All new fencing shall comply with the requirements of Section 29.40.030 of the Zoning Code;

5. Floor Area Ratio and Lot Coverage. The maximum floor area ratio and lot coverage shall be as specified by the applicable zoning regulations, but no new residential unit shall have a floor area greater than 1,200 square feet;

6. Grading. Grading activity shall not exceed the summation of 50 cubic yards, cut plus fill, or require a grading permit per Town Code Chapter 12, Article II;

7. Landscaping Requirement. All landscaping shall comply with the California Model Water Efficient Landscape Ordinance (MWELO);

8. Lighting. New exterior lighting fixtures shall be down-shielded and oriented away from adjacent properties consistent with Section 29.10.09015 of the Zoning Code;

9. Minimum Living Area. The minimum living area of a primary dwelling unit shall be 150 square feet, subject to the restrictions specified by Health and Safety Code Section 17958.1;

10. Parking. One parking stall per primary dwelling unit shall be required, except for two-unit housing developments located on parcels within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

Parking stalls may either be uncovered or covered (garage or carport) in compliance with applicable developments standards of the Zoning Code, including Chapter 29, Article I, Division 4 (PARKING), except that uncovered parking 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;

11. Setbacks. Two-unit housing developments shall be subject to the setback and building separation requirements specified by Table 1-1 (Setback Requirements), below:

Table 1-1 – Setback Requirements		
Setback		Requirement (2)
Property Line Setbacks (1)	Front	Per the applicable zoning district.
	Garage Entry	18 feet
	Interior Sides	4 feet (3)
	Rear	
	Street Side	Per the applicable zoning district.
Separation Between Detached Structures (4)		5 feet
<p>Exceptions:</p> <p>(1) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys, or other similar architectural features may extend into required setbacks as specified Section 29.40.070(b) of the Zoning Code.</p> <p>(2) No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.</p> <p>(3) No interior side setback shall be required for two-unit housing development units constructed as attached units, provided that the structures meet building code safety standards and are sufficient to allow conveyance as a separate fee parcel.</p> <p>(4) Except for primary dwellings constructed as a duplex or attached single-family residences constructed as units.</p>		

15. Stormwater Management. The development shall comply with the requirements of the Town's National Pollution Discharge Elimination System (NPDES) Permit as implemented by Chapter 22 of the Los Gatos Municipal Code, and as demonstrated by a grading and drainage

plan prepared by a registered civil engineer.

B. Design Review Standards

The following objective design review standards apply to construction of new primary dwelling units and to any addition and/or alteration to an existing primary dwelling units as part of a two-unit housing development, except as provided by Section E (Exceptions):

1. **Balconies/Decks.** Rooftop and second floor terraces and decks are prohibited. Balconies shall only be permitted on the front elevation of a primary dwelling unit fronting a public street. Such balconies shall be without any projections beyond the building.
2. **Finished Floor.** The finished floor of the first-story shall not exceed 18 inches in height as measured from finished grade;
3. **Front Entryway.** A front entryway framing a front door shall have a roof eave that matches or connects at the level of the adjacent eave line;
4. **Front Porch.** If proposed, porches shall have a minimum depth of 6 feet and a minimum width equal to 25 percent of the linear width of the front elevation. Porch columns shall not overhang the porch floor;
5. **Step-back.** All elevations of the second-story of a two-story primary dwelling unit shall be recessed by five feet from the first-story, as measured wall to wall;
6. **Garages.** Street-facing attached garages shall not exceed 50 percent of the linear width of the front-yard or street-side yard elevation;
7. **Plate Height.** The plate height of each story shall be limited to 10 feet as measured from finished floor; and
8. **Windows.** All second-story windows less than eight feet from rear and interior side property lines shall be clerestory with the bottom of the glass at least six feet above the finished floor. All other second-story windows shall be limited to the minimum number and minimum size as necessary for egress purposes as required by the Building Code.

C. General Requirements and Restrictions

The following requirements and restrictions apply to all two-unit housing developments, inclusive of existing and new primary dwelling units, as applicable:

1. **Accessory Dwelling Units.** New accessory dwelling units are not allowed on parcels that either include a two-unit housing development or that are created by an urban lot split;
2. **Building and Fire Codes.** The International Building Code (Building Code), and the 2019 California Fire Code and 2018 International Fire Code (together, Fire Code), as adopted by Chapter 6 of the Los Gatos Municipal Code, respectively, apply to all two-unit housing developments;
3. **Encroachment Permits.** Separate encroachment permits, issued by the Parks and Public Works Department, shall be required for the installation of utilities to serve a two-unit housing developments. Applicants shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric, and all other utility work;
4. **Restrictions on Demolition.** The two-unit housing development shall not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
 - c. Housing that has been occupied by a tenant in the last three years. This shall be evidenced by claiming of the Homeowners' Exemption on the Santa Clara County assessment

roll;

5. Short-Term Rentals. Leases for durations of less than 30 days, including short term rentals are prohibited. The Community Development Director shall require recordation of a deed restriction documenting this requirement prior to issuance of a building permit; and

6. Subdivision and Sales. Except for the allowance for an urban lot split provided in Section VI (Urban Lot Splits), no subdivision of land or air rights shall be allowed in association with a two-unit housing development, including creation of a stock cooperative or similar common interest ownership arrangement. In no instance shall a single primary dwelling unit be sold or otherwise conveyed separate from the other primary dwelling unit.

D. Approval Process

Applications for two-unit housing developments shall be submitted and processed in compliance with the following requirements:

1. Application Type. Two-unit housing developments shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. The permitting provisions of Town Code Sections 29.20.135 through 29.20.160 (Architecture and Site Approval), shall not be applied;

2. Application Filing. An application for a two-unit housing development, including the required application materials and fees, shall be filed with the Community Development Department;

3. Building Permits. Approval of a two-unit housing development permit shall be required prior to acceptance of an application for a building permit(s) for the new and/or modified primary dwelling units comprising the two-unit housing development;

4. Denial. The Community Development Director may deny a two-unit housing development project only if the Building Official makes a written finding, based upon a preponderance of the evidence, that the two-unit housing development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

5. Appeals. Two-unit housing applications are ministerial and are not subject to an appeal.

E. Exceptions

If any of the provided zoning standards or design review standards would have the effect of physically precluding construction of up to two primary dwelling units or physically preclude either of the two primary dwelling units from being at least 800 square feet in floor area, the Community Development Director shall grant an exception to the applicable standard(s) to the minimum extent necessary as specified by this section. An exception request shall be explicitly made on the application for a two-unit housing development.

1. Determination. In order to retain adequate open space to allow for recreational enjoyment, protection of the urban forest, preservation of the community character, reduction of the ambient air temperature, and to allow for the percolation of rainfall into the groundwater system, when considering an exception request, the Community Development Director shall first determine that a reduction in any other zoning and/or design review standard(s) will not allow the construction of the two-unit housing development as specified by this section prior to allowing an exception(s) landscaping requirement, front-yard setback, or street-side setbacks standards.

SECTION VI

The Council finds and declares that urban lot splits shall comply with the following subdivision standards, and general requirements and restrictions:

A. Subdivision Standards

The following objective subdivision standards supersede any other standards to the contrary that may be provided in the Zoning Code, Subdivision Code, as they pertain to creation of an urban lot split under Section 66411.7 of the Government Code:

1. **Flag/Corridor Lots.** The access corridor of a flag/corridor lot (Town Code Section 29.10.085) parcel shall be in fee as part of the parcel and not as an easement and shall be a minimum width of 20 feet;
2. **Lot Lines.** The side lines of all lots shall be at right angles to streets or radial to the centerline of curved streets;
3. **Minimum Lot Size.** Each new parcel shall be approximately equal in lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no event shall a new parcel be less than 1,200 square feet in lot area. The minimum lot area for a flag/corridor lot shall be exclusive of the access corridor;
4. **Minimum Lot Width.** Each new parcel shall maintain a minimum lot width of 20 feet;
5. **Minimum Public Frontage.** Each new parcel shall have frontage upon a street with a minimum frontage dimension of 20 feet; and
6. **Number of Lots.** The parcel map to subdivide an existing parcel shall create no more than two new parcels.

B. General Requirements and Restrictions

The following requirements and restrictions apply to all proposed urban lot splits:

1. **Adjacent Parcels.** Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously conducted an urban lot split to create an adjacent parcel as provided for in this section;
2. **Dedication and Easements.** The Town Engineer shall not require dedications of rights-of-way nor the construction of offsite improvements, however, may require recording of easements necessary for the provision of future public services, facilities, and future public improvements;
3. **Existing Structures.** Existing structures located on a parcel subject to an urban lot split shall not be subject to a setback requirement. However, any such existing structures shall not be located across the shared property line resulting from an urban lot split, unless the structure is converted to an attached unit as provided for in Table 1-1 (Setback Requirements, Exception No. 3). All other existing structures shall be modified, demolished, or relocated prior to recordation of a parcel map;
4. **Grading.** Grading activity shall not result in the summation of 50 cubic yards, cut plus fill, of grading or require a grading permit per Town Code Chapter 12, Article II;
5. **Intent to Occupy.** The applicant shall submit a signed affidavit to the Community Development Director attesting that the applicant intends to occupy one of the newly created parcels as their principal residence for a minimum of three years from the date of the approval of the urban lot split or certificate of occupancy, whichever is later.

This requirement shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of

the Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code;

6. Non-Conforming Conditions. The Town shall not require, as a condition of approval, the correction of nonconforming zoning conditions. However, no new nonconforming conditions may result from the urban lot split other than interior-side and rear setbacks as specified by Table 1-1 (Setback Requirements, Exception No. 2);

7. Number of Remaining Units. No parcel created through an urban lot split shall be allowed to include more than two existing dwelling units as defined by Government Code section 66411.7(j)(2). Any excess dwelling units that do not meet these requirements shall be relocated, demolished, or otherwise removed prior to approval of a parcel map;

8. Prior Subdivision. A parcel created through a prior urban lot split may not be further subdivided under the provisions of this Urgency Ordinance. The subdivider shall submit a signed covenant to the Community Development Director documenting this restriction. The covenant shall be recorded on the title of each parcel concurrent with recordation of the parcel map;

9. Restrictions on Demolition. The proposed urban lot split shall not require the demolition or alteration of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;

c. Housing that has been occupied by a tenant in the last three years;

10. Stormwater Management. The subdivision shall comply with the requirements of the Town's National Pollution Discharge Elimination System (NPDES) Permit as implemented by Chapter 22 of the Los Gatos Municipal Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer; and

11. Utility Providers. The requirements of the parcel's utility providers shall be satisfied prior to recordation of a parcel map.

12. Maximum Floor Area. The maximum floor area for any new residential unit shall be 1,200 square feet;

C. Approval Process

Applications for urban lot splits shall be submitted and processed in compliance with the following requirements:

1. Application Type. Urban lot splits shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. A tentative parcel map shall not be required;

2. Application Filing. An urban lot split application, including the required application materials and fees, shall be filed with the Community Development Department;

3. Parcel Map. Approval of an urban lot split permit shall be required prior to acceptance of an application for a parcel map for an urban lot split. Applicants shall apply for an Urban Lot Split Parcel Map and pay all fees;

4. Development. Development on the resulting parcels is limited to the project approved by the two-unit housing development process.

5. Denial. The Community Development Director may deny an urban lot split only if the Building Official makes a written finding, based upon a preponderance of the evidence, that an urban lot split or two-unit housing development located on the proposed new parcels would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of

Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

6. Appeals. Urban lot split applications are ministerial and are not subject to an appeal.

SECTION VII

The Council finds and declares that any provision of this Urgency Ordinance which is inconsistent with SB 9 shall be interpreted in a manner which is the most limiting on the ability to create a two-unit housing development or urban lot split, but which is consistent with State law. The provisions of this Urgency Ordinance shall supersede and take precedence over any inconsistent provision of the Los Gatos Municipal Code to that extent necessary to effect the provisions of this Urgency Ordinance for the duration of its effectiveness.

SECTION VIII

The Council finds and declares that if SB 9 is repealed or otherwise rescinded by the California State Legislature or by the People of the State of California, this Urgency Ordinance shall cease to be in effect.

SECTION IX

If any section, subsection, sentence, clause, phrase, or portion of this Urgency Ordinance is for any reason held to be unconstitutional or otherwise invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The Council of the Town of Los Gatos hereby declares that it would have adopted the remainder of this Urgency Ordinance, including each section, subsection, sentence, clause, phrase, or portion irrespective of the invalidity of any other article, section, subsection, sentence, clause, phrase, or portion.

SECTION X

The Council hereby declares that the foregoing is an Urgency Ordinance necessary for the immediate preservation of the public peace, health, and safety of the Town of Los Gatos and its residents and shall take effect on January 1, 2022, upon passage by a four-fifths majority of the Town Council.

This Urgency Ordinance was passed and adopted at a regular meeting of the Town Council of the Town of Los Gatos on December 21, 2021.

COUNCIL MEMBERS:

AYES: Matthew Hudes, Maria Ristow, Marico Sayoc, Mayor Rob Rennie

NAYS: None

ABSENT: Mary Badame

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS

LOS GATOS, CALIFORNIA

DATE: 12/23/21

ATTEST:



TOWN CLERK OF THE TOWN OF LOS GATOS

LOS GATOS, CALIFORNIA

DATE: 1/3/2022

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ORDINANCE 2327

**AN INTERIM URGENCY ORDINANCE OF
THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
EXTENDING FOR A PERIOD OF TEN MONTHS AND FIFTEEN DAYS
IMPLEMENTING SENATE BILL 9 TO ALLOW FOR TWO-UNIT HOUSING
DEVELOPMENTS AND URBAN LOT SPLITS IN ALL SINGLE-FAMILY
RESIDENTIAL ZONES**

WHEREAS, the Town of Los Gatos (Town) has adopted a General Plan to ensure a well-planned and safe community; and

WHEREAS, protection of public health, safety, and welfare is fully articulated in the General Plan; and

WHEREAS, State law requires that the Town's Zoning Code conform with the General Plan's goals and policies; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill 9 (SB 9), which among other things, adds Government Code Sections 65852.21 and 66411.7 to impose new limits on local authority to regulate two-unit housing developments and urban lot splits; and

WHEREAS, SB 9 requires the Town to provide for the ministerial (or “by right”) approval of a housing development containing no more than two residential units of at least 800 square feet in floor area (two-unit housing development) and a parcel map dividing one existing lot into two approximately equal parts (urban lot split) within a single-family residential zone for residential use; and

WHEREAS, SB 9 eliminates discretionary review and public oversight of the proposed subdivision of one lot into two parcels by removing public notice and hearings by the Development Review Committee or Planning Commission, by requiring only administrative review of the project, and by providing ministerial approval of an urban lot split, and also offers several opportunities to extend the time, up to 10 years, for the use of an approved or conditionally approved Tentative Parcel Map; and

WHEREAS, SB 9 exempts SB 9 projects from environmental review as required by the California Environmental Quality Act (CEQA), by establishing a ministerial review process without discretionary review or a public hearing, thereby undermining community participation and appropriate environmental impact vetting by local decision making bodies; and

WHEREAS, SB 9 allows the Town to adopt objective design, development, and subdivision standards for two-unit housing developments and urban lot splits; and

WHEREAS, the Town desires to amend its local regulatory scheme to comply with and implement Government Code Sections 65852.21 and 66411.7 and to appropriately regulate projects under SB 9; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage of SB 9 because if the Town does not adopt appropriate objective standards for two-unit housing developments and urban lot splits under SB 9, the Town would thereafter be limited to applying only the objective standards that are already in its code, which did not anticipate and were not enacted with ministerial two-unit housing developments and urban lot splits in mind; and

WHEREAS, the approval of two-unit housing developments and urban lot splits based solely on the Town's default standards, without appropriate regulations governing lot configuration, unit size, height, setback, landscape, architectural form, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this Ordinance as an Urgency Ordinance in accordance with Government Code Sections 36934, 36937, and 65858 and to be effective immediately upon adoption by a four-fifths vote of the Town Council; and

WHEREAS, to protect the public safety, health, and welfare, the Town Council may adopt this ordinance as an urgency measure in accordance with Government Code Sections 36934, 36937, and 65858 in order to regulate any uses that may be in conflict with a contemplated General Plan or zoning proposal that the Town intends to study within a reasonable time; and

WHEREAS, on December 21, 2021, in accordance with Government Code Sections 36934, 36937, and 65858, the Town Council at a duly noticed public meeting took testimony and adopted Urgency Ordinance 2326, (a copy of which is attached hereto as Exhibit "A" and incorporated herein) an Urgency Ordinance implementing SB 9, for a period of 45 days; and

WHEREAS, Urgency Ordinance 2326 was necessary to address the danger to public health, safety, and general welfare articulated by the State related to the housing crisis and immediately provide the provisions to implement SB 9 related development in a manner that protects the Town's interest in orderly planning and aesthetics; and

WHEREAS, on February 1, 2022, in accordance with Government Code Section 36934 and 36937 and 65858, the Town Council held a duly noticed public hearing and took testimony regarding this urgency ordinance to extend Urgency Ordinance 2326 ("Extension Ordinance"); and

WHEREAS, the Town Council has considered, and by adopting this Extension Ordinance ratifies and adopts, the report, which is incorporated in the Staff Report dated February 1, 2022, describing the continued need for regulations to implement SB 9 which led to the adoption of Ordinance 2326; and

WHEREAS, because the conditions justifying the adoption of Urgency Ordinance 2326 have not been alleviated, and the Town Council desires to extend the regulations established by Urgency Ordinance 2326 for an additional ten (10) months and fifteen (15) days, as permitted by Government Code Sections 36934, 36937, and 65858, to allow for the development of regulations for incorporation into the Town Code.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS FINDS AND ORDAINS:

SECTION I

The Town Council finds and declares that this Urgency Ordinance establishes interim exceptions to the Zoning Code to allow two-unit housing developments and urban lot splits as specified by California Government Code Sections 66452.6, 65852.21, and 66411.7, as adopted and amended by SB 9. The provisions of this Urgency Ordinance shall supersede any other provision to the contrary in the Zoning Code or Subdivision Code. Zoning standards and design review standards provided for in the Zoning Code that are not affected by this Urgency Ordinance shall remain in effect. It is not the intent of this Urgency Ordinance to override any lawful use restrictions as may be set forth in Conditions, Covenants, and Restrictions (CC&Rs) of a common interest development.

SECTION II

The Town Council finds and determines that this Urgency Ordinance is applicable only to voluntary applications for two-unit housing developments and urban lot splits. Owners of real property or their representatives may continue to exercise rights for property development in conformance with the Zoning Code and Subdivision Code. Development applications that do not satisfy the definitions for a two-unit housing development or an urban lot split provided in Section III (Definitions) shall not be subject to this Urgency Ordinance.

SECTION III

In addition to the terms defined by Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations), the following terms shall have the following meanings as used in this Urgency Ordinance. Where a conflict may exist, this Section shall prevail over any definition provided in the Zoning Code:

Acting in concert means persons, as defined by Government Code Section 82047, as that section existed on the date of the adoption of this Urgency Ordinance, acting jointly to pursue development of real property whether or not pursuant to a written agreement and irrespective of individual financial interest;

Addition means any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area;

Alteration means any construction or physical change in the arrangement of rooms or the supporting members of a building or structure or change in the relative position of buildings or structures on a site, or substantial change in appearances of any building or structure;

Entry feature means a structural element, which leads to an entry door;

Existing structure means a lawfully constructed building that received final building permit clearance prior to January 1, 2022, and which has not been expanded on or after January 1, 2022;

Nonconforming zoning condition means a physical improvement on a property that does not conform with current zoning standards;

Two-unit housing development means an application proposing no more than two primary dwelling units on a single parcel located within a single-family residential zone as authorized by Government Code Section 65852.21. A two-unit housing development shall consist of either the construction of no more than two new primary dwelling units, one new primary dwelling unit and retention of one existing primary dwelling unit, or retention of two existing legal non-conforming primary dwelling units where one or both units are subject to a proposed addition or alteration;

Public transportation means a high-quality transit corridor, as defined in subdivision (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3;

Single-family residential zone means a "R-1 OR SINGLE-FAMILY RESIDENTIAL ZONE" and "R-1D OR SINGLE-FAMILY RESIDENTIAL DOWNTOWN ZONE" Zoning districts as specified by Article IV (RESIDENTIAL ZONES) of the Zoning Code;

Subdivision code means Title 24 of the Los Gatos Municipal Code;

Urban lot split means a ministerial application for a parcel map to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Government Code Section 66411.7; and

Zoning code means Title 29 of the Los Gatos Municipal Code.

SECTION IV

The Council finds and declares that an urban lot split or a two-unit housing development may only be created on parcels satisfying all of the following general requirements:

A. Zoning District. A parcel that is located within a single-family residential zone;

B. Legal Parcel. A parcel which has been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Subdivision Regulations, as applicable at the time the parcel was created. The Town Engineer may require a certificate of compliance to verify conformance with this requirement;

C. Excluding Historic Property. A parcel that does not contain a Historic Structure, as defined Town Code Section 29.10.020, or is listed on the Town of Los Gatos Historic Resource Inventory, as defined by Town Code Chapter 29, Article VII, Division 3 (HISTORIC PRESERVATION AND LHP OR LANDMARK AND HISTORIC PRESERVATION OVERLAY ZONE);

D. Excluding Very High Fire Hazard Severity Zone. A parcel that is not within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Public Resources Code Section 4202, or if the site has been excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Government Code Section 51179, or has adopted fire hazard mitigation measures pursuant to existing building standards or State fire mitigation measures applicable to the development.

E. Excluding Hazardous Waste Sites. A parcel that is not identified as a hazardous waste site pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use;

F. Excluding Earthquake Fault Zone. A parcel that is not located within a delineated earthquake fault zone as determined by the State Geologist on any official maps published by the State Geologist, unless the two-unit housing development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Health and Safety Code Division 13), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2;

G. Excluding Flood Zone. A parcel that is not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) on the official maps published by the Federal Emergency Management Agency unless a Letter of Map Revision prepared by the Federal Emergency Management Agency has been issued or if the proposed primary dwelling unit(s) is constructed in compliance with the provisions of Town Code Chapter 29, Article XI (FLOODPLAIN MANAGEMENT) as determined by the floodplain administrator;

H. Excluding Natural Habitat. A parcel that is not recognized by the Town as a habitat for protected species identified as a candidate, sensitive, or species of special status by State or Federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of

the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

SECTION V

The Council finds and declares that two-unit housing developments shall comply with the following objective zoning standards, design review standards, and general requirements and restrictions.

A. Zoning Standards

The following objective zoning standards supersede any other standards to the contrary that may be provided in the Zoning Code, as they pertain to a two-unit housing development under Government Code Section 65852.21. Two-unit housing developments shall be constructed only in accordance with the following objective zoning standards, except as provided by Section E (Exceptions):

1. **Building Height.** Maximum building height shall be as specified by the applicable zoning district for the main structure. Buildings located within the required side or rear setbacks of the applicable zoning district shall not exceed 16 feet in height.

2. **Driveways.** Each parcel shall include a single driveway satisfying the following requirements:

a. A minimum width of 10 feet up to a maximum width of 18 feet;

b. A minimum depth of 25 feet measured from the front property line;

c. Surfacing shall comply with Town Code Section 29.10.155(e); and

d. Only a single driveway curb-cut shall be permitted per parcel designed in accordance with the Town's Standard Specifications and Plans for Parks and Public Works Construction.

3. **Dwelling Unit Type.** The primary dwelling units comprising a two-unit housing development may take the form of detached single-family dwellings, attached units, and/or duplexes. A duplex may consist of two dwelling units in a side-by-side or front-to-back configuration within the same structure or one dwelling unit located atop another dwelling unit within the same structure;

4. **Fencing.** All new fencing shall comply with the requirements of Section 29.40.030 of the Zoning Code;

5. **Floor Area Ratio and Lot Coverage.** The maximum floor area ratio and lot coverage shall be as specified by the applicable zoning regulations. When a two-unit housing development is proposed, a ten (10) percent increase in the floor area ratio standards for residential structures is allowed, excluding garages, except that the first residential unit shall not have a floor area greater than 1,200 square feet;

6. **Grading.** Grading activity shall not exceed the summation of 50 cubic yards, cut plus fill, or require a grading permit per Town Code Chapter 12, Article II;

7. **Landscaping Requirement.** All landscaping shall comply with the California Model Water Efficient Landscape Ordinance (MWELO);

8. **Lighting.** New exterior lighting fixtures shall be down-shielded and oriented away from adjacent properties consistent with Section 29.10.09015 of the Zoning

Code;

9. Minimum Living Area. The minimum living area of a primary dwelling unit shall be 150 square feet, subject to the restrictions specified by Health and Safety Code Section 17958.1;

10. Parking. One parking stall per primary dwelling unit shall be required, except for two-unit housing developments located on parcels within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

Parking stalls may either be uncovered or covered (garage or carport) in compliance with applicable developments standards of the Zoning Code, including Chapter 29, Article I, Division 4 (PARKING), except that uncovered parking 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;

11. Setbacks. Two-unit housing developments shall be subject to the setback and building separation requirements specified by Table 1-1 (Setback Requirements), below:

Table 1-1 – Setback Requirements		
Setback		Requirement (2)
Property Line Setbacks (1)	Front	Per the applicable zoning district.
	Garage Entry	18 feet
	Interior Sides	4 feet (3)
	Rear	
	Street Side	Per the applicable zoning district.
Separation Between Detached Structures (4)		5 feet
Exceptions: (1) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys, or other similar architectural features may extend into required setbacks as specified Section 29.40.070(b) of the Zoning Code. (2) No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure. (3) No interior side setback shall be required for two-unit housing development units constructed as attached units, provided that the structures meet building code safety standards and are sufficient to allow conveyance as a separate fee parcel. (4) Except for primary dwellings constructed as a duplex or attached single-family residences.		

15. Stormwater Management. The development shall comply with the requirements of the Town's National Pollution Discharge Elimination System (NPDES) Permit as implemented by Chapter 22 of the Los Gatos Municipal Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer.

B. Design Review Standards

The following objective design review standards apply to construction of new primary dwelling units and to any addition and/or alteration to an existing primary dwelling units as part of a two-unit housing development, except as provided by Section E (Exceptions):

1. Balconies/Decks. Rooftop and second floor terraces and decks are prohibited. Balconies shall only be permitted on the front elevation of a primary dwelling unit fronting a public street. Such balconies shall be without any projections beyond the building footprint.
2. Finished Floor. The finished floor of the first-story shall not exceed 18 inches in height as measured from finished grade;
3. Front Entryway. A front entryway framing a front door shall have a roof eave that matches or connects at the level of the adjacent eave line;
4. Front Porch. If proposed, porches shall have a minimum depth of 6 feet and a minimum width equal to 25 percent of the linear width of the front elevation. Porch columns shall not overhang the porch floor;
5. Step-back. All elevations of the second-story of a two-story primary dwelling unit shall be recessed by five feet from the first-story, as measured wall to wall;
6. Garages. Street-facing attached garages shall not exceed 50 percent of the linear width of the front-yard or street-side yard elevation;
7. Plate Height. The plate height of each story shall be limited to 10 feet as measured from finished floor and when above the first floor the plate height shall be limited to 8 feet; and
8. Windows. All second-story windows less than eight feet from rear and interior side property lines shall be clerestory with the bottom of the glass at least six feet above the finished floor. All other second-story windows shall be limited to the minimum number and minimum size as necessary for egress purposes as required by the Building Code.

C. General Requirements and Restrictions

The following requirements and restrictions apply to all two-unit housing developments, inclusive of existing and new primary dwelling units, except as provided by Section E (Exceptions):

1. Accessory Dwelling Units. New accessory dwelling units are not allowed on parcels that either include a two-unit housing development or that are created by an urban lot split;
2. Building and Fire Codes. The International Building Code (Building Code), and the California Fire Code and International Fire Code (together, Fire Code), as adopted

by Chapter 6 of the Los Gatos Municipal Code, respectively, apply to all two-unit housing developments;

3. Encroachment Permits. Separate encroachment permits, issued by the Parks and Public Works Department, shall be required for the installation of utilities to serve a two-unit housing developments. Applicants shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric, and all other utility work;

4. Restrictions on Demolition. The two-unit housing development shall not require demolition of more than 25 percent of the exterior walls or alteration of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;

c. Housing that has been occupied by a tenant in the last three years. This shall be evidenced by claiming of the Homeowners' Exemption on the Santa Clara County assessment roll;

5. Short-Term Rentals. Leases for durations of less than 30 days, including short term rentals are prohibited. The Community Development Director shall require recordation of a deed restriction documenting this requirement prior to issuance of a building permit; and

6. Subdivision and Sales. Except for the allowance for an urban lot split provided in Section VI (Urban Lot Splits), no subdivision of land or air rights shall be allowed in association with a two-unit housing development, including creation of a stock cooperative or similar common interest ownership arrangement. In no instance shall a single primary dwelling unit be sold or otherwise conveyed separate from the other primary dwelling unit.

D. Approval Process

Applications for two-unit housing developments shall be submitted and processed in compliance with the following requirements:

1. Application Type. Two-unit housing developments shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. The permitting provisions of Town Code Sections 29.20.135 through 29.20.160 (Architecture and Site Approval), shall not be applied;

2. Application Filing. An application for a two-unit housing development, including the required application materials and fees, shall be filed with the Community Development Department;

3. Building Permits. Approval of a two-unit housing development permit shall be required prior to acceptance of an application for a building permit(s) for the new and/or modified primary dwelling units comprising the two-unit housing development;

4. Denial. The Community Development Director may deny a two-unit housing development project only if the Building Official makes a written finding, based upon a preponderance of the evidence, that the two-unit housing development would have a

specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

5. Appeals. Two-unit housing applications are ministerial and are not subject to an appeal.

E. Exceptions

If any of the provided zoning standards or design review standards would have the effect of physically precluding construction of up to two primary dwelling units or physically preclude either of the two primary dwelling units from being at least 800 square feet in floor area, the Community Development Director shall grant an exception to the applicable standard(s) to the minimum extent necessary as specified by this section. An exception request shall be explicitly made on the application for a two-unit housing development.

1. Determination. In order to retain adequate open space to allow for recreational enjoyment, protection of the urban forest, preservation of the community character, reduction of the ambient air temperature, and to allow for the percolation of rainfall into the groundwater system, when considering an exception request, the Community Development Director shall first determine that a reduction in any other zoning and/or design review standard(s) will not allow the construction of the two-unit housing development as specified by this section prior to allowing an exception(s) to the landscaping requirement, front-yard setback, or street-side setbacks standards.

SECTION VI

The Council finds and declares that urban lot splits shall comply with the following subdivision standards, and general requirements and restrictions:

A. Subdivision Standards

The following objective subdivision standards supersede any other standards to the contrary that may be provided in the Zoning Code or Subdivision Code, as they pertain to creation of an urban lot split under Government Code Section 66411.7:

1. Flag/Corridor Lots. The access corridor of a flag/corridor lot (Town Code Section 29.10.085) shall be in fee as part of the parcel and not as an easement and shall be a minimum width of 20 feet;

2. Lot Lines. The side lines of all lots shall be at right angles to streets or radial to the centerline of curved streets;

3. Minimum Lot Size. Each new parcel shall be approximately equal in lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no event shall a new parcel be less than 1,200 square feet in lot area. The minimum lot area for a flag/corridor lot shall be exclusive of the access corridor;

4. Minimum Lot Width. Each new parcel shall maintain a minimum lot width of

20 feet;

5. Minimum Public Frontage. Each new parcel shall have frontage upon a street with a minimum frontage dimension of 20 feet; and

6. Number of Lots. The parcel map to subdivide an existing parcel shall result in no more than two parcels.

B. General Requirements and Restrictions

The following requirements and restrictions apply to all proposed urban lot splits:

1. Adjacent Parcels. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously conducted an urban lot split to create an adjacent parcel as provided for in this section;

2. Dedication and Easements. The Town Engineer shall not require dedications of rights-of-way nor the construction of offsite improvements, however, may require recording of easements necessary for the provision of private services, facilities, and future public improvements or future public services, facilities, and future public improvements;

3. Existing Structures. Existing structures located on a parcel subject to an urban lot split shall not be subject to a setback requirement. However, any such existing structures shall not be located across the shared property line resulting from an urban lot split, unless the structure is converted to an attached unit as provided for in Table 1-1 (Setback Requirements, Exception No. 3). All other existing structures shall be modified, demolished, or relocated prior to recordation of a parcel map;

4. Grading. Grading activity shall not result in the summation of 50 cubic yards, cut plus fill, of grading or require a grading permit per Town Code Chapter 12, Article II;

5. Intent to Occupy. The applicant shall submit a signed affidavit to the Community Development Director attesting that the applicant intends to occupy one of the newly created parcels as their principal residence for a minimum of three years from the date of the approval of the urban lot split or certificate of occupancy, whichever is later.

This requirement shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code;

6. Non-Conforming Conditions. The Town shall not require, as a condition of approval, the correction of nonconforming zoning conditions. However, no new nonconforming conditions may result from the urban lot split other than interior side and rear setbacks as specified by Table 1-1 (Setback Requirements, Exception No. 2);

7. Number of Remaining Units. No parcel created through an urban lot split shall be allowed to include more than two existing dwelling units as defined by Government Code Section 66411.7(j)(2). Any excess dwelling units that do not meet these requirements shall be relocated, demolished, or otherwise removed prior to approval of a parcel map;

8. Prior Subdivision. A parcel created through a prior urban lot split may not be

further subdivided. The subdivider shall submit a signed deed restriction to the Community Development Director documenting this restriction. The deed restriction shall be recorded on the title of each parcel concurrent with recordation of the parcel map;

9. Restrictions on Demolition. The proposed urban lot split shall not require the demolition of more than 25 percent of the exterior walls of or alteration of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;

c. Housing that has been occupied by a tenant in the last three years;

10. Stormwater Management. The subdivision shall comply with the requirements of the Town's National Pollution Discharge Elimination System (NPDES) Permit as implemented by Chapter 22 of the Los Gatos Municipal Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer;

11. Utility Providers. The requirements of the parcel's utility providers shall be satisfied prior to recordation of a parcel map; and

C. Approval Process

Applications for urban lot splits shall be submitted and processed in compliance with the following requirements:

1. Application Type. Urban lot splits shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. A tentative parcel map shall not be required;

2. Application Filing. An urban lot split application, including the required application materials and fees, shall be filed with the Community Development Department;

3. Parcel Map. Approval of an urban lot split permit shall be required prior to acceptance of an application for a parcel map for an urban lot split. Applicants shall apply for an Urban Lot Split Parcel Map and pay all fees;

4. Development. Development on the resulting parcels is limited to the project approved by the two-unit housing development process;

5. Denial. The Community Development Director may deny an urban lot split only if the Building Official makes a written finding, based upon a preponderance of the evidence, that an urban lot split or two-unit housing development located on the proposed new parcels would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

6. Appeals. Urban lot split applications are ministerial and are not subject to an appeal.

SECTION VII

The Council finds and declares that any provision of this Urgency Ordinance which is inconsistent with SB 9 shall be interpreted in a manner which is the most limiting on the ability to create a two-unit housing development or urban lot split, but which is consistent with State law. The provisions of this Urgency Ordinance shall supersede and take precedence over any inconsistent provision of the Los Gatos Municipal Code to that extent necessary to effect the provisions of this Urgency Ordinance for the duration of its effectiveness.

SECTION VIII

The Council finds and declares that if SB 9 is repealed or otherwise rescinded by the California State Legislature or by the People of the State of California, this Urgency Ordinance shall cease to be in effect.

SECTION IX

The Council finds and declares that this Ordinance is not subject to environmental review under the California Environmental Quality Act ("CEQA"). SB 9 (Atkins) states that an ordinance adopted to implement the rules of SB 9 is not considered a project under Public Resources Code Division 13 (commencing with Section 21000) (See Government Code Sections 65858.210 and 66411.7(n)).

SECTION X

If any section, subsection, sentence, clause, phrase, or portion of this Urgency Ordinance is for any reason held to be unconstitutional or otherwise invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The Council of the Town of Los Gatos hereby declares that it would have adopted the remainder of this Urgency Ordinance, including each section, subsection, sentence, clause, phrase, or portion irrespective of the invalidity of any other article, section, subsection, sentence, clause, phrase, or portion.

SECTION XI

The Council finds and declares that the foregoing is an Urgency Ordinance necessary for the immediate preservation of the public peace, health, and safety of the Town of Los Gatos and its residents as articulated above and at the hearing and to immediately provide provisions to implement SB 9, which takes effect on January 1, 2022. The Town Council therefore finds and determines that this Ordinance be enacted as an Urgency Ordinance pursuant to Government Code Sections 36934,

36937, and 65858 and takes effect immediately upon adoption by four-fifths of the Town Council.

SECTION XII

This ordinance shall take effect upon adoption and shall remain in effect for a period of 10 months and 15 days from the date of adoption, in accordance with California Government Code Section 65858.

SECTION XIII

The Town Clerk is directed to certify this Ordinance and cause it to be published in the manner required by law.

SECTION XIV

This Urgency Ordinance was passed and adopted at a regular meeting of the Town Council of the Town of Los Gatos on the 1st day of February 2022.

COUNCIL MEMBERS:

AYES: Mary Badame, Maria Ristow, Marico Sayoc, Mayor Rob Rennie

NAYS: Matthew Hudes

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 2/9/22

ATTEST:



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

DATE: 2/9/2022

ORDINANCE 2326

**AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
IMPLEMENTING SENATE BILL 9 TO ALLOW FOR TWO-UNIT HOUSING DEVELOPMENTS
AND URBAN LOT SPLITS IN ALL SINGLE-FAMILY RESIDENTIAL ZONES**

WHEREAS, on September 16, 2021, the Governor of the State California signed into law Senate Bill 9 (Atkins), "An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the California Government Code, relating to land use," which requires ministerial approval of a housing development of no more than two units in a single-family zone (two-unit housing development), the subdivision of a parcel zoned for residential use into two parcels (urban lot split), or both; and

WHEREAS, certain zoning and subdivision standards of the Town of Los Gatos Municipal Code and their permitting procedures are inconsistent with the two-unit housing developments and urban lot splits authorized by Senate Bill 9 (SB 9); and

WHEREAS, the provisions of SB 9 shall be in effect on January 1, 2022, and without locally codified objective design standards and implementation procedures, the law presents a current and immediate threat to the public peace, health, safety, and welfare, in that certain existing zoning and subdivision standards are in conflict with SB 9 and could create confusion and hinder the development of the additional residential units enabled under SB 9; and

WHEREAS, pursuant to Section 65858 of the Government Code and Section 29.20.545 of the Town of Los Gatos Municipal Code, the Town Council may take appropriate action to adopt urgency measures as an Urgency Ordinance; and

WHEREAS, pursuant to Section 65852.21(j) and Section 66411.7(n) of the Government Code, a local agency may adopt an Ordinance to implement SB 9; and

WHEREAS, this Urgency Ordinance adopts interim urgency objective zoning standards, objective subdivision standards, and objective residential design standards to allow for orderly housing development and subdivision of land as authorized by SB 9 while protecting the public peace, health, safety, or welfare in the Town of Los Gatos; and

WHEREAS, it is not the intent of this Urgency Ordinance to adopt permanent standards to govern the development of single-family zoned properties. The Town Council reserves the right to adopt permanent standards consistent with SB 9 that will supersede those contained in this Urgency Ordinance; and

WHEREAS, in light of the foregoing findings, the Town Council further finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, building permits, or any other applicable entitlement for use which is in conflict with this Ordinance would result in that threat to public health, safety, or welfare; and

WHEREAS, adoption of this Urgency Ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to California Government Code Section 65852.21(j) and Section 66411.7(n) relating to implementation of SB 9.

EXHIBIT A

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS FINDS AND ORDAINS:

SECTION I

The Town Council finds and declares that this Urgency Ordinance establishes interim exceptions to the Zoning Code to allow two-unit housing developments and urban lot splits as specified by California Government Code Sections 66452.6, 65852.21, and 66411.7, as adopted and amended by SB 9. The provisions of this Urgency Ordinance shall supersede any other provision to the contrary in the Zoning Code or Subdivision Code. Zoning standards and design review standards provided for in the Zoning Code that are not affected by this Urgency Ordinance shall remain in effect. It is not the intent of this Urgency Ordinance to override any lawful use restrictions as may be set forth in Conditions, Covenants, and Restrictions (CC&Rs) of a common interest development.

SECTION II

The Town Council finds and determines that this Urgency Ordinance is applicable only to voluntary applications for two-unit housing developments and urban lot splits. Owners of real property or their representatives may continue to exercise rights for property development in conformance with the Zoning Code and Subdivision Code. Development applications that do not satisfy the definitions for a two-unit housing development or an urban lot split provided in Section III (Definitions) shall not be subject to this Urgency Ordinance.

SECTION III

In addition to the terms defined by Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations), the following terms shall have the following meanings as used in this Urgency Ordinance. Where a conflict may exist, this Section shall prevail over any definition provided in the Zoning Code:

Acting in concert means persons, as defined by Section 82047 of the Government Code as that section existed on the date of the adoption of this Urgency Ordinance, acting jointly to pursue development of real property whether or not pursuant to a written agreement and irrespective of individual financial interest;

Addition means any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area;

Alteration means any construction or physical change in the arrangement of rooms or the supporting members of a building or structure or change in the relative position of buildings or structures on a site, or substantial change in appearances of any building or structure;

Entry feature means a structural element, which leads to an entry door;

Existing structure means a lawfully constructed building that received final building permit clearance prior to January 1, 2022, and which has not been expanded on or after January 1, 2022;

Nonconforming zoning condition means a physical improvement on a property that does not conform with current zoning standards;

Two-unit housing development means an application proposing no more than two primary dwelling units on a single parcel located within a single-family residential zone as authorized by Section 65852.21 of the California Government Code. A two-unit housing development shall consist of either the construction of two new primary dwelling units, one new primary dwelling unit and

retention of one existing primary dwelling unit, or retention of two existing legal non-conforming primary dwelling units where one or both units are subject to a proposed addition or alteration;

Public transportation means a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code;

Single-family residential zone means a “R-1 OR SINGLE-FAMILY RESIDENTIAL ZONE” and “R-1D OR SINGLE-FAMILY RESIDENTIAL DOWNTOWN ZONE” Zoning districts as specified by Article IV (RESIDENTIAL ZONES) of the Zoning Code;

Subdivision code means Title 24 of the Los Gatos Municipal Code;

Urban lot split means a ministerial application for a parcel map to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Section 66411.7 of the Government Code; and

Zoning code means Title 29 of the Los Gatos Municipal Code.

SECTION IV

The Council finds and declares that an urban lot split or a two-unit housing development may only be created on parcels satisfying all of the following general requirements:

A. Zoning District. A parcel that is located within a single-family residential zone;

B. Legal Parcel. A parcel which has been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Subdivision Regulations, as applicable at the time the parcel was created. The Town Engineer may require a certificate of compliance to verify conformance with this requirement;

C. Excluding Historic Property. A parcel that does not contain a Historic Structure, as defined Town Code Section 29.10.020, or is listed on the Town of Los Gatos Historic Resource Inventory, as defined by Town Code Chapter 29, Article VII, Division 3 (HISTORIC PRESERVATION AND LHP OR LANDMARK AND HISTORIC PRESERVATION OVERLAY ZONE);

D. Excluding Very High Fire Hazard Severity Zone. A parcel that is not within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code, or if the site has been excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

E. Excluding Hazardous Waste Sites. A parcel that is not identified as a hazardous waste site pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use;

F. Excluding Earthquake Fault Zone. A parcel that is not located within a delineated earthquake fault zone as determined by the State Geologist on any official maps published by the State Geologist, unless the two-unit housing development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2;

G. Excluding Flood Zone. A parcel that is not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) on the official maps published by the Federal Emergency Management Agency unless a Letter of Map Revision prepared by the Federal Emergency Management Agency has been issued or if the proposed primary dwelling unit(s) is constructed in compliance with the provisions of Town Code Chapter 29, Article XI (FLOODPLAIN MANAGEMENT) as determined by the floodplain administrator;

H. Excluding Natural Habitat. A parcel that is not recognized by the Town as a habitat for protected species identified as a candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

SECTION V

The Council finds and declares that two-unit housing developments shall comply with the following objective zoning standards, design review standards, and general requirements and restrictions.

A. Zoning Standards

The following objective zoning standards supersede any other standards to the contrary that may be provided in the Zoning Code, as they pertain to a two-unit housing development under Section 65852.21 of the Government Code. Two-unit housing developments shall be constructed only in accordance with the following objective zoning standards, except as provided by Section E (Exceptions):

1. Building Height. Maximum building height shall be as specified by the applicable zoning district for the main structure. Buildings located within the required side or rear setbacks of the applicable zoning district shall not exceed 16 feet in height.

2. Driveways. Each parcel shall include a single driveway satisfying the following requirements:

- a. A minimum width of 10 feet up to a maximum width of 18 feet;
- b. A minimum depth of 25 feet measured from the front property line;
- c. Surfacing shall comply with Town Code Section 29.10.155(e); and
- d. Only a single driveway curb-cut shall be permitted per parcel designed in accordance with the Town's Standard Specifications and Plans for Parks and Public Works Construction.

3. Dwelling Unit Type. The primary dwelling units comprising a two-unit housing development may take the form of detached single-family dwellings, attached units, and/or duplexes. A duplex may consist of two dwelling units in a side-by-side or front-to-back configuration within the same structure or one dwelling unit located atop of another dwelling unit within the same structure;

4. Fencing. All new fencing shall comply with the requirements of Section 29.40.030 of the Zoning Code;

5. Floor Area Ratio and Lot Coverage. The maximum floor area ratio and lot coverage shall be as specified by the applicable zoning regulations, but no new residential unit shall have a floor area greater than 1,200 square feet;

6. Grading. Grading activity shall not exceed the summation of 50 cubic yards, cut plus fill, or require a grading permit per Town Code Chapter 12, Article II;

7. Landscaping Requirement. All landscaping shall comply with the California Model Water Efficient Landscape Ordinance (MWEL0);

8. Lighting. New exterior lighting fixtures shall be down-shielded and oriented away from adjacent properties consistent with Section 29.10.09015 of the Zoning Code;

9. Minimum Living Area. The minimum living area of a primary dwelling unit shall be 150 square feet, subject to the restrictions specified by Health and Safety Code Section 17958.1;

10. Parking. One parking stall per primary dwelling unit shall be required, except for two-unit housing developments located on parcels within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

Parking stalls may either be uncovered or covered (garage or carport) in compliance with applicable developments standards of the Zoning Code, including Chapter 29, Article I, Division 4 (PARKING), except that uncovered parking 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;

11. Setbacks. Two-unit housing developments shall be subject to the setback and building separation requirements specified by Table 1-1 (Setback Requirements), below:

Table 1-1 – Setback Requirements		
Setback		Requirement (2)
Property Line Setbacks (1)	Front	Per the applicable zoning district.
	Garage Entry	18 feet
	Interior Sides	4 feet (3)
	Rear	
	Street Side	Per the applicable zoning district.
Separation Between Detached Structures (4)		5 feet
Exceptions: (1) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys, or other similar architectural features may extend into required setbacks as specified Section 29.40.070(b) of the Zoning Code. (2) No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure. (3) No interior side setback shall be required for two-unit housing development units constructed as attached units, provided that the structures meet building code safety standards and are sufficient to allow conveyance as a separate fee parcel. (4) Except for primary dwellings constructed as a duplex or attached single-family residences constructed as units.		

15. Stormwater Management. The development shall comply with the requirements of the Town's National Pollution Discharge Elimination System (NPDES) Permit as implemented by Chapter 22 of the Los Gatos Municipal Code, and as demonstrated by a grading and drainage

plan prepared by a registered civil engineer.

B. Design Review Standards

The following objective design review standards apply to construction of new primary dwelling units and to any addition and/or alteration to an existing primary dwelling units as part of a two-unit housing development, except as provided by Section E (Exceptions):

1. Balconies/Decks. Rooftop and second floor terraces and decks are prohibited. Balconies shall only be permitted on the front elevation of a primary dwelling unit fronting a public street. Such balconies shall be without any projections beyond the building.
2. Finished Floor. The finished floor of the first-story shall not exceed 18 inches in height as measured from finished grade;
3. Front Entryway. A front entryway framing a front door shall have a roof eave that matches or connects at the level of the adjacent eave line;
4. Front Porch. If proposed, porches shall have a minimum depth of 6 feet and a minimum width equal to 25 percent of the linear width of the front elevation. Porch columns shall not overhang the porch floor;
5. Step-back. All elevations of the second-story of a two-story primary dwelling unit shall be recessed by five feet from the first-story, as measured wall to wall;
6. Garages. Street-facing attached garages shall not exceed 50 percent of the linear width of the front-yard or street-side yard elevation;
7. Plate Height. The plate height of each story shall be limited to 10 feet as measured from finished floor; and
8. Windows. All second-story windows less than eight feet from rear and interior side property lines shall be clerestory with the bottom of the glass at least six feet above the finished floor. All other second-story windows shall be limited to the minimum number and minimum size as necessary for egress purposes as required by the Building Code.

C. General Requirements and Restrictions

The following requirements and restrictions apply to all two-unit housing developments, inclusive of existing and new primary dwelling units, as applicable:

1. Accessory Dwelling Units. New accessory dwelling units are not allowed on parcels that either include a two-unit housing development or that are created by an urban lot split;
2. Building and Fire Codes. The International Building Code (Building Code), and the 2019 California Fire Code and 2018 International Fire Code (together, Fire Code), as adopted by Chapter 6 of the Los Gatos Municipal Code, respectively, apply to all two-unit housing developments;
3. Encroachment Permits. Separate encroachment permits, issued by the Parks and Public Works Department, shall be required for the installation of utilities to serve a two-unit housing developments. Applicants shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric, and all other utility work;
4. Restrictions on Demolition. The two-unit housing development shall not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
 - c. Housing that has been occupied by a tenant in the last three years. This shall be evidenced by claiming of the Homeowners' Exemption on the Santa Clara County assessment

roll;

5. Short-Term Rentals. Leases for durations of less than 30 days, including short term rentals are prohibited. The Community Development Director shall require recordation of a deed restriction documenting this requirement prior to issuance of a building permit; and

6. Subdivision and Sales. Except for the allowance for an urban lot split provided in Section VI (Urban Lot Splits), no subdivision of land or air rights shall be allowed in association with a two-unit housing development, including creation of a stock cooperative or similar common interest ownership arrangement. In no instance shall a single primary dwelling unit be sold or otherwise conveyed separate from the other primary dwelling unit.

D. Approval Process

Applications for two-unit housing developments shall be submitted and processed in compliance with the following requirements:

1. Application Type. Two-unit housing developments shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. The permitting provisions of Town Code Sections 29.20.135 through 29.20.160 (Architecture and Site Approval), shall not be applied;

2. Application Filing. An application for a two-unit housing development, including the required application materials and fees, shall be filed with the Community Development Department;

3. Building Permits. Approval of a two-unit housing development permit shall be required prior to acceptance of an application for a building permit(s) for the new and/or modified primary dwelling units comprising the two-unit housing development;

4. Denial. The Community Development Director may deny a two-unit housing development project only if the Building Official makes a written finding, based upon a preponderance of the evidence, that the two-unit housing development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

5. Appeals. Two-unit housing applications are ministerial and are not subject to an appeal.

E. Exceptions

If any of the provided zoning standards or design review standards would have the effect of physically precluding construction of up to two primary dwelling units or physically preclude either of the two primary dwelling units from being at least 800 square feet in floor area, the Community Development Director shall grant an exception to the applicable standard(s) to the minimum extent necessary as specified by this section. An exception request shall be explicitly made on the application for a two-unit housing development.

1. Determination. In order to retain adequate open space to allow for recreational enjoyment, protection of the urban forest, preservation of the community character, reduction of the ambient air temperature, and to allow for the percolation of rainfall into the groundwater system, when considering an exception request, the Community Development Director shall first determine that a reduction in any other zoning and/or design review standard(s) will not allow the construction of the two-unit housing development as specified by this section prior to allowing an exception(s) landscaping requirement, front-yard setback, or street-side setbacks standards.

SECTION VI

The Council finds and declares that urban lot splits shall comply with the following subdivision standards, and general requirements and restrictions:

A. Subdivision Standards

The following objective subdivision standards supersede any other standards to the contrary that may be provided in the Zoning Code, Subdivision Code, as they pertain to creation of an urban lot split under Section 66411.7 of the Government Code:

1. Flag/Corridor Lots. The access corridor of a flag/corridor lot (Town Code Section 29.10.085) parcel shall be in fee as part of the parcel and not as an easement and shall be a minimum width of 20 feet;
2. Lot Lines. The side lines of all lots shall be at right angles to streets or radial to the centerline of curved streets;
3. Minimum Lot Size. Each new parcel shall be approximately equal in lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no event shall a new parcel be less than 1,200 square feet in lot area. The minimum lot area for a flag/corridor lot shall be exclusive of the access corridor;
4. Minimum Lot Width. Each new parcel shall maintain a minimum lot width of 20 feet;
5. Minimum Public Frontage. Each new parcel shall have frontage upon a street with a minimum frontage dimension of 20 feet; and
6. Number of Lots. The parcel map to subdivide an existing parcel shall create no more than two new parcels.

B. General Requirements and Restrictions

The following requirements and restrictions apply to all proposed urban lot splits:

1. Adjacent Parcels. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously conducted an urban lot split to create an adjacent parcel as provided for in this section;
2. Dedication and Easements. The Town Engineer shall not require dedications of rights-of-way nor the construction of offsite improvements, however, may require recording of easements necessary for the provision of future public services, facilities, and future public improvements;
3. Existing Structures. Existing structures located on a parcel subject to an urban lot split shall not be subject to a setback requirement. However, any such existing structures shall not be located across the shared property line resulting from an urban lot split, unless the structure is converted to an attached unit as provided for in Table 1-1 (Setback Requirements, Exception No. 3). All other existing structures shall be modified, demolished, or relocated prior to recordation of a parcel map;
4. Grading. Grading activity shall not result in the summation of 50 cubic yards, cut plus fill, of grading or require a grading permit per Town Code Chapter 12, Article II;
5. Intent to Occupy. The applicant shall submit a signed affidavit to the Community Development Director attesting that the applicant intends to occupy one of the newly created parcels as their principal residence for a minimum of three years from the date of the approval of the urban lot split or certificate of occupancy, whichever is later.

This requirement shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of

the Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code;

6. Non-Conforming Conditions. The Town shall not require, as a condition of approval, the correction of nonconforming zoning conditions. However, no new nonconforming conditions may result from the urban lot split other than interior-side and rear setbacks as specified by Table 1-1 (Setback Requirements, Exception No. 2);

7. Number of Remaining Units. No parcel created through an urban lot split shall be allowed to include more than two existing dwelling units as defined by Government Code section 66411.7(j)(2). Any excess dwelling units that do not meet these requirements shall be relocated, demolished, or otherwise removed prior to approval of a parcel map;

8. Prior Subdivision. A parcel created through a prior urban lot split may not be further subdivided under the provisions of this Urgency Ordinance. The subdivider shall submit a signed covenant to the Community Development Director documenting this restriction. The covenant shall be recorded on the title of each parcel concurrent with recordation of the parcel map;

9. Restrictions on Demolition. The proposed urban lot split shall not require the demolition or alteration of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;

c. Housing that has been occupied by a tenant in the last three years;

10. Stormwater Management. The subdivision shall comply with the requirements of the Town's National Pollution Discharge Elimination System (NPDES) Permit as implemented by Chapter 22 of the Los Gatos Municipal Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer; and

11. Utility Providers. The requirements of the parcel's utility providers shall be satisfied prior to recordation of a parcel map.

12. Maximum Floor Area. The maximum floor area for any new residential unit shall be 1,200 square feet;

C. Approval Process

Applications for urban lot splits shall be submitted and processed in compliance with the following requirements:

1. Application Type. Urban lot splits shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. A tentative parcel map shall not be required;

2. Application Filing. An urban lot split application, including the required application materials and fees, shall be filed with the Community Development Department;

3. Parcel Map. Approval of an urban lot split permit shall be required prior to acceptance of an application for a parcel map for an urban lot split. Applicants shall apply for an Urban Lot Split Parcel Map and pay all fees;

4. Development. Development on the resulting parcels is limited to the project approved by the two-unit housing development process.

5. Denial. The Community Development Director may deny an urban lot split only if the Building Official makes a written finding, based upon a preponderance of the evidence, that an urban lot split or two-unit housing development located on the proposed new parcels would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of

Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

6. Appeals. Urban lot split applications are ministerial and are not subject to an appeal.

SECTION VII

The Council finds and declares that any provision of this Urgency Ordinance which is inconsistent with SB 9 shall be interpreted in a manner which is the most limiting on the ability to create a two-unit housing development or urban lot split, but which is consistent with State law. The provisions of this Urgency Ordinance shall supersede and take precedence over any inconsistent provision of the Los Gatos Municipal Code to that extent necessary to effect the provisions of this Urgency Ordinance for the duration of its effectiveness.

SECTION VIII

The Council finds and declares that if SB 9 is repealed or otherwise rescinded by the California State Legislature or by the People of the State of California, this Urgency Ordinance shall cease to be in effect.

SECTION IX

If any section, subsection, sentence, clause, phrase, or portion of this Urgency Ordinance is for any reason held to be unconstitutional or otherwise invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The Council of the Town of Los Gatos hereby declares that it would have adopted the remainder of this Urgency Ordinance, including each section, subsection, sentence, clause, phrase, or portion irrespective of the invalidity of any other article, section, subsection, sentence, clause, phrase, or portion.

SECTION X

The Council hereby declares that the foregoing is an Urgency Ordinance necessary for the immediate preservation of the public peace, health, and safety of the Town of Los Gatos and its residents and shall take effect on January 1, 2022, upon passage by a four-fifths majority of the Town Council.

This Urgency Ordinance was passed and adopted at a regular meeting of the Town Council of the Town of Los Gatos on December 21, 2021.

COUNCIL MEMBERS:

AYES: Matthew Hudes, Maria Ristow, Marico Sayoc, Mayor Rob Rennie
NAYS: None
ABSENT: Mary Badame
ABSTAIN: None

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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California Department of Housing and Community Development

SB 9 Fact Sheet

On the Implementation of Senate Bill 9 (Chapter 162, Statutes of 2021)



Housing Policy Development Division
March 2022

This Fact Sheet is for informational purposes only and is not intended to implement or interpret SB 9. HCD does not have authority to enforce SB 9, although violations of SB 9 may concurrently violate other housing laws where HCD does have enforcement authority, including but not limited to the laws addressed in this document. As local jurisdictions implement SB 9, including adopting local ordinances, it is important to keep these and other housing laws in mind. The Attorney General may also take independent action to enforce SB 9. For a full list of statutes over which HCD has enforcement authority, visit HCD's [Accountability and Enforcement webpage](#).

Executive Summary of SB 9

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. SB 9 contains eligibility criteria addressing environmental site constraints (e.g., wetlands, wildfire risk, etc.), anti-displacement measures for renters and low-income households, and the protection of historic structures and districts. Key provisions of the law require a local agency to modify or eliminate objective development standards on a project-by-project basis if they would prevent an otherwise eligible lot from being split or prevent the construction of up to two units at least 800 square feet in size. For the purposes of this document, the terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an accessory dwelling unit (ADU) or junior ADU or otherwise defined.

Single-Family Residential Zones Only

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7 subd. (a)(3)(A))

The parcel that will contain the proposed housing development or that will be subject to the lot split must be located in a single-family residential zone. Parcels located in multi-family residential, commercial, agricultural, mixed-use zones, etc., are not subject to SB 9 mandates even if they allow single-family residential uses as a permitted use. While some zones are readily identifiable as single-family residential zones (e.g., R-1 “Single-Family Residential”), others may not be so obvious. Some local agencies have multiple single-family zones with subtle distinctions between them relating to minimum lot sizes or allowable uses. In communities where there may be more than one single-family residential zone, the local agency should carefully review the zone district descriptions in the zoning code and the land use designation descriptions in the Land Use Element of the General Plan. This review will enable the local agency to identify zones whose primary purpose is single-family residential uses and which are therefore subject to SB 9. Considerations such as minimum lot sizes, natural features such as hillsides, or the permissibility of keeping horses should not factor into the determination.

Residential Uses Only

(Reference: Gov. Code, §§ 65852.21, subd. (a))

SB 9 concerns only proposed housing developments containing no more than two residential units (i.e., one or two). The law does not otherwise change the allowable land uses in the local agency's single-family residential zone(s). For example, if the local agency's single-family zone(s) does not currently allow commercial uses such as hotels or restaurants, SB 9 would not allow such uses.

Ministerial Review

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7, subds. (a), (b)(1))

An application made under SB 9 must be considered ministerially, without discretionary review or a hearing. Ministerial review means a process for development approval involving no personal judgment by the public official as to the wisdom of carrying out the project. The public official merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgment in reaching a decision. A ministerial review is nearly always a "staff-level review." This means that a staff person at the local agency reviews the application, often using a checklist, and compares the application materials (e.g., site plan, project description, etc.) with the objective development standards, objective subdivision standards, and objective design standards.

Objective Standards

(Reference: Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c))

The local agency may apply objective development standards (e.g., front setbacks and heights), objective subdivision standards (e.g., minimum lot depths), and objective design standards (e.g., roof pitch, eave projections, façade materials, etc.) as long as they would not physically preclude either of the following:

Up to Two Primary Units. The local agency must allow up to two primary units (i.e., one or two) on the subject parcel or, in the case of a lot split, up to two primary units on each of the resulting parcels.

Units at least 800 square feet in size. The local agency must allow each primary unit to be at least 800 square feet in size.

The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Any objective standard that would physically preclude either or both of the two objectives noted above must be modified or

waived by the local agency in order to facilitate the development of the project, with the following two exceptions:

Setbacks for Existing Structures. The local agency may not require a setback for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure (i.e., a building reconstructed on the same footprint).

Four-Foot Side and Rear Setbacks. SB 9 establishes an across-the-board maximum four-foot side and rear setbacks. The local agency may choose to apply a lesser setback (e.g., 0-4 feet), but it cannot apply a setback greater than four feet. The local agency cannot apply existing side and rear setbacks applicable in the single-family residential zone(s). Additionally, the four-foot side and rear setback standards are not subject to modification. (Gov. Code, §§ 65852.21, subd. (b)(2)(B); 66411.7, subdivision (c)(3).)

One-Unit Development

(Reference: Gov. Code, §§ 65852.21, subd. (a); 65852.21, subd. (b)(2)(A))

SB 9 requires the ministerial approval of either one or two residential units. Government Code section 65852.21 indicates that the development of just one single-family home was indeed contemplated and expected. For example, the terms “no more than two residential units” and “up to two units” appear in the first line of the housing development-related portion of SB 9 (Gov. Code, § 65852.21, subd. (a)) and in the line obligating local agencies to modify development standards to facilitate a housing development. (Gov. Code, § 65852.21, subd. (b)(2)(A).)

Findings of Denial

(Reference: Gov. Code, §§ 65852.21, subd. (d); 66411.7, subd. (d))

SB 9 establishes a high threshold for the denial of a proposed housing development or lot split. Specifically, a local agency’s building official must make a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(2).)

Environmental Site Constraints

(Reference: Gov. Code, §§ 65852.21, subd. (a)(2) and (a)(6); 66411.7, subd. (a)(3)(C) and (a)(3)(E))

A proposed housing development or lot split is not eligible under SB 9 if the parcel contains any of the site conditions listed in Government Code section 65913.4, subdivision (a)(6)(B-K). Examples of conditions that may disqualify a project from using SB 9 include the presence of farmland, wetlands, fire hazard areas, earthquake hazard areas, flood risk areas, conservation areas, wildlife habitat areas, or conservation easements. SB 9 incorporates by reference these environmental site constraint categories that were established with the passing of the Streamlined Ministerial Approval Process (SB 35, Chapter 366, Statutes of 2017). Local agencies may consult HCD's [Streamlined Ministerial Approval Process Guidelines](#) for additional detail on how to interpret these environmental site constraints.

Additionally, a project is not eligible under SB 9 if it is located in a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a city or county landmark or as a historic property or district pursuant to a city or county ordinance.

California Environmental Quality Act (CEQA)

Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (n))

Because the approval of a qualifying project under SB 9 is deemed a ministerial action, CEQA does not apply to the decision to grant an application for a housing development or a lot split, or both. (Pub. Resources Code, § 21080, subd. (b)(1) [CEQA does not apply to ministerial actions]; CEQA Guidelines, § 15268.) For this reason, a local agency must not require an applicant to perform environmental impact analysis under CEQA for applications made under SB 9. Additionally, if a local agency chooses to adopt a local ordinance to implement SB 9 (instead of implementing the law directly from statute), the preparation and adoption of the ordinance is not considered a project under CEQA. In other words, the preparation and adoption of the ordinance is statutorily exempt from CEQA.

Anti-Displacement Measures

(Reference: Gov. Code, §§ 65852.21, subd. (a)(3); 66411.7, subd. (a)(3)(D))

A site is not eligible for a proposed housing development or lot split if the project would require demolition or alteration of any of the following types of housing: (1) housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) housing that has been occupied by a tenant in the last three years.

Lot Split Requirements

(Reference: Gov. Code, § 66411.7)

SB 9 does not require a local agency to approve a parcel map that would result in the creation of more than two lots and more than two units on a lot resulting from a lot split under Government Code section 66411.7. A local agency may choose to allow more than two units, but it is not required to under the law. A parcel may only be subdivided once under Government Code section 66411.7. This provision prevents an applicant from pursuing multiple lot splits over time for the purpose of creating more than two lots. SB 9 also does not require a local agency to approve a lot split if an adjacent lot has been subject to a lot split in the past by the same property owner or a person working in concert with that same property owner.

Accessory Dwelling Units

(Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (f))

SB 9 and ADU Law (Gov. Code, §§ 65852.2 and 65858.22) are complementary. The requirements of each can be implemented in ways that result in developments with both “SB 9 Units” and ADUs. However, specific provisions of SB 9 typically overlap with State ADU Law only to a limited extent on a relatively small number of topics. Treating the provisions of these two laws as identical or substantially similar may lead a local agency to implement the laws in an overly restrictive or otherwise inaccurate way.

“Units” Defined. The three types of housing units that are described in SB 9 and related ADU Law are presented below to clarify which development scenarios are (and are not) made possible by SB 9. The definitions provided are intended to be read within the context of this document and for the narrow purpose of implementing SB 9.

Primary Unit. A primary unit (also called a residential dwelling unit or residential unit) is typically a single-family residence or a residential unit within a multi-family residential development. A primary unit is distinct from an ADU or a Junior ADU. Examples of primary units include a single-family residence (i.e., one primary unit), a duplex (i.e., two primary units), a four-plex (i.e., four primary units), etc.

Accessory Dwelling Unit. An ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the single-family or multifamily dwelling is or will be situated.

Junior Accessory Dwelling Unit. A Junior ADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior ADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an ADU or Junior ADU or otherwise defined. This distinction is critical to successfully implementing SB 9 because state law applies different requirements (and provides certain benefits) to ADUs and Junior ADUs that do not apply to primary units.

Number of ADUs Allowed. ADUs can be combined with primary units in a variety of ways to achieve the maximum unit counts provided for under SB 9. SB 9 allows for up to four units to be built in the same lot area typically used for a single-family home. The calculation varies slightly depending on whether a lot split is involved, but the outcomes regarding total maximum unit counts are identical.

Lot Split. When a lot split occurs, the local agency must allow up to two units on each lot resulting from the lot split. In this situation, all three unit types (i.e., primary unit, ADU, and Junior ADU) count toward this two-unit limit. For example, the limit could be reached on each lot by creating two primary units, or a primary unit and an ADU, or a primary unit and a Junior ADU. By building two units on each lot, the overall maximum of four units required under SB 9 is achieved. (Gov. Code, § 66411.7, subd. (j).) Note that the local agency may choose to allow more than two units per lot if desired.

No Lot Split. When a lot split has not occurred, the lot is eligible to receive ADUs and/or Junior ADUs as it ordinarily would under ADU law. Unlike when a project is proposed following a lot split, the local agency must allow, in addition to one or two primary units under SB 9, ADUs and/or JADUs under ADU Law. It is beyond the scope of this document to identify every combination of primary units, ADUs, and Junior ADUs possible under SB 9 and ADU Law. However, in no case does SB 9 require a local agency to allow more than four units on a single lot, in any combination of primary units, ADUs, and Junior ADUs.

See HCD’s [ADU and JADU webpage](#) for more information and resources.

Relationship to Other State Housing Laws

SB 9 is one housing law among many that have been adopted to encourage the production of homes across California. The following represent some, but not necessarily all, of the housing laws that intersect with SB 9 and that may be impacted as SB 9 is implemented locally.

Housing Element Law. To utilize projections based on SB 9 toward a jurisdiction’s regional housing need allocation, the housing element must: 1) include a site-specific inventory of sites where SB 9 projections are being applied, 2) include a nonvacant sites analysis demonstrating the likelihood of redevelopment and that the existing use will not constitute an impediment for additional residential use, 3) identify any governmental constraints to the use of SB 9 in the creation of units (including land use controls, fees,

California Department of Housing and Community Development – SB 9 Fact Sheet

and other exactions, as well as locally adopted ordinances that impact the cost and supply of residential development), and 4) include programs and policies that establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9. Learn more on HCD's [Housing Elements webpage](#).

Housing Crisis Act of 2019. An affected city or county is limited in its ability to amend its general plan, specific plans, or zoning code in a way that would improperly reduce the intensity of residential uses. (Gov. Code, § 66300, subd. (b)(1)(A).) This limitation applies to residential uses in all zones, including single-family residential zones. “Reducing the intensity of land use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site’s residential development capacity. (Gov. Code, § 66300, subd. (b)(1)(A).)

A local agency should proceed with caution when adopting a local ordinance that would impose unique development standards on units proposed under SB 9 (but that would not apply to other developments). Any proposed modification to an existing development standard applicable in the single-family residential zone must demonstrate that it would not result in a reduction in the intensity of the use. HCD recommends that local agencies rely on the existing objective development, subdivision, and design standards of its single-family residential zone(s) to the extent possible. Learn more about [Designated Jurisdictions Prohibited from Certain Zoning-Related Actions](#) on HCD’s website.

Housing Accountability Act. Protections contained in the Housing Accountability Act (HAA) and the Permit Streaming Act (PSA) apply to housing developments pursued under SB 9. (Gov. Code, §§ 65589.5; 65905.5; 65913.10; 65940 et seq.) The definition of “housing development project” includes projects that involve no discretionary approvals and projects that include a proposal to construct a single dwelling unit. (Gov. Code, § 65905.5, subd. (b)(3).) For additional information about the HAA and PSA, see HCD’s [Housing Accountability Act Technical Assistance Advisory](#).

Rental Inclusionary Housing. Government Code section 65850, subdivision (g), authorizes local agencies to adopt an inclusionary housing ordinance that includes residential rental units affordable to lower- and moderate-income households. In certain circumstances, HCD may request the submittal of an economic feasibility study to ensure the ordinance does not unduly constrain housing production. For additional information, see HCD’s [Rental Inclusionary Housing Memorandum](#).

SB 9 Model Ordinance

Note: Unless otherwise noted, provisions in this document reflect the provisions in SB 9. “Recommended” Provisions are recommended to clarify ambiguities in the statute or assist in enforcement. “Policy” Provisions are optional provisions for local agencies to consider.

ORDINANCE NO. XXXX¹

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF _____ AMENDING SECTIONS ____ AND
ADDING SECTIONS ____ TO THE CITY OF _____
MUNICIPAL CODE TO COMPLY WITH SENATE BILL 9

WHEREAS, on September 16, 2021, Senate Bill 9 (Chapter 162, Statutes of 2021) was approved by the Governor of the State of California and filed with the Secretary of State, amending Section 66452.6 of the California Government Code and adding to the Government Code Sections 65852.21 and 66411.7, allowing additional housing units on properties within single-family zones and providing for parcel map approval of an Urban Lot Split; and

WHEREAS, the changes made to the Government Code by Senate Bill 9 go into effect on January 1, 2022; and

WHEREAS, state law allows a local agency to adopt an ordinance to implement the provisions in Senate Bill 9; and

WHEREAS, the [City/County of _____ (the “City”/the “County”)] has implemented land use policies based on the [City’s/County’s General Plan], which provide an overall vision for the community and balance important community needs, and the [City/County] seeks to ensure that Senate Bill 9 projects are consistent with those policies; and

WHEREAS, the proposed amendments to the [City of _____ Municipal Code/County of _____ County Code] implement requirements of state law and add local policies that are consistent with the state law and implement the [City’s/County’s General Plan]; and

¹ Local agencies should consult with their legal counsel prior to the use or implementation of this model ordinance, conformance with standard ordinance formats, and any provisions outlined herein. This ordinance is drafted as a regular ordinance, not an urgency ordinance, includes only substantive provisions to be considered, and does not include standard provisions such as a severability clause, publication, dates of introduction and adoption, and votes, which vary from agency to agency,

WHEREAS, the [City Council/Board of Supervisors] has found that the provisions of this ordinance are consistent with the goals and policies of the [City's/County's General Plan]; and

WHEREAS, the proposed code amendments are intended to implement Senate Bill 9 and are not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code, as provided in Government Code Sections 65852.21(j) and 66511.7(n).²

NOW, THEREFORE, THE [CITY COUNCIL OF THE CITY OF _____ /the BOARD OF SUPERVISORS OF THE COUNTY OF _____] DOES ORDAIN AS FOLLOWS:

Section 1. Purpose.

The purpose of this chapter is to provide objective zoning standards for Two-Unit Developments and Urban Lot Splits within single-family residential zones, to implement the provisions of state law as reflected in Government Code Section 65852.21 et seq. and Section 66411.7 et seq., and to facilitate the development of new residential housing units consistent with the [City's/County's General Plan] and ensure sound standards of public health and safety.

Section 2. Authority.

The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code Sections 65852.21 et seq. and 66411.7 et seq. [If a city.]

Section 3. Definitions.

A. [Recommended provision] A person “acting in concert with the owner,” as used in Section 4(B)(8) below, means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.

B. [Recommended provision] “Adjacent parcel” means any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a

² Note that these Government Code Sections are not effective until January 1, 2022. Cities and counties adopting ordinances before that date should include additional exemptions. For instance, in urbanized areas, the proposed code amendments may be found to be categorically exempt from CEQA under Guidelines Section 15303, New Construction or Conversion of Small Structures, which provides an exemption for up to three single-family homes and to duplexes and apartments containing no more than six units.

public right-of-way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.

C. [Recommended provision] “Car share vehicle” means a motor vehicle that is operated as part of a regional fleet by a public or private care sharing company or organization and provides hourly or daily service.

D. [Recommended provision] “Common ownership or control” means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.

E. [Recommended provision] “Lower income household” has the meaning set forth in Health & Safety Code Section 50079.5.

F. [Recommended provision] “Moderate income household” has the meaning set forth in Health & Safety Code Section 50093.

G. [Recommended provision] “Sufficient for separate conveyance,” as used in Sections 4(B)(11) and 5(B)(8) below, means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.

H. “Two-Unit Development” means a development that proposes no more than two new units or proposes to add one new unit to one existing unit.

I. “Urban Lot Split” means a subdivision of an existing parcel into no more than two separate parcels that meets all the criteria and standards set forth in this chapter.

J. [Recommended provision] “Very low income household” has the meaning set forth in Health & Safety Code Section 50105.

Section 4. Urban Lot Split.³

A. The [--] Official⁴ shall ministerially review an application for a parcel map that subdivides an existing parcel to create no more than two new parcels in an Urban Lot Split, and shall approve the application if the criteria in Government Code Section 66411.7 and this section are satisfied.

B. **Qualifying Criteria.** Within the time required by the Subdivision Map Act, the [] shall determine if the parcel map for the Urban Lot Split meets all the following requirements:

1. The parcel is located within one of the following single-family residential zones: _____.
2. The parcel being subdivided is not located on a site that is any of the following:
 - i. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
 - ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - iii. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not

³ Local agencies may wish to change their use provisions in addition to, or as an alternative to, listing the zoning districts in the text.

⁴ Counties may also wish to designate the specific areas that are designated as urbanized areas or urban clusters, in addition to designating the applicable zoning districts.

apply to sites excluded from the specified hazard zones by the [city/county], pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.⁵

- iv. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- v. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.
- vi. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph, the [city/county] shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the [city/county] that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the [city/county]; or (2) the site meets Federal

⁵ The local agency may wish to specify the relevant standards for very high fire hazard areas, hazardous waste sites, earthquake fault zones, flood hazard areas and floodways.

Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

- vii. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the [city/county] shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the [city/county] that is applicable to that site.
- viii. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- ix. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- x. Lands under conservation easement.

3. Both resulting parcels are no smaller than 1,200 square feet.⁶
4. Neither resulting parcel shall be smaller than 40 percent of the lot area of the parcel proposed for the subdivision.
5. The proposed lot split would not require demolition or alteration of any of the following types of housing:
 - i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low- or very low-income.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 - iv. Housing that has been occupied by a tenant in the last three years.
6. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a [city/county] landmark or historic property or historic district pursuant to a [city/county] ordinance.⁷
7. The parcel being subdivided was not created by an Urban Lot Split as provided in this section.
8. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided in this section.
9. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review

⁶ Agencies may allow smaller lots if desired.

⁷ Local agencies may wish to specify which ordinance or code section designates historic properties.

standards applicable to the parcel as provided in the zoning district in which the parcel is located⁸; provided, however, that:

- i. The [--] Official, or their designee, shall waive or modify any standard if the standard would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.
 - ii. Notwithstanding subsection (9)(i) above, required rear and side yard setbacks shall equal four feet,⁹ except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
10. Each resulting parcel shall have access to, provide access to, or adjoin the public right-of-way.¹⁰
11. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. [Recommended provision] The proposed dwelling units shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.
12. **Parking.** One parking space¹¹ shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where:
 - i. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
 - ii. There is a designated parking area for one or more car-share vehicles within one block of the parcel.

⁸ Local agencies may wish to specify which ordinance(s) or code section(s) designate these objective standards.

⁹ Localities may allow a smaller setback if desired.

¹⁰ Local agencies may wish to impose frontage requirements or requirements for access to the public right of way, such as the required width of a driveway.

¹¹ Agencies may reduce parking standards if desired.

13. **Compliance with Subdivision Map Act.** The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410)), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section 66411.1, no dedications of rights-of-way or the construction of offsite improvements may be required as a condition of approval for an Urban Lot Split, although easements may be required for the provision of public services and facilities.

14. The correction of nonconforming zoning conditions may not be required as a condition of approval.

15. Parcels created by an Urban Lot Split may be used for residential uses only and may not be used for rentals of less than 30 days.

16. [Recommended provision] If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).

C. Owner-Occupancy Affidavit. The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the [city attorney/county counsel], stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This subsection shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

D. [Recommended provision] Additional Affidavit¹². If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall sign an affidavit, in the form approved by the [city attorney/county counsel], stating that none of the conditions listed in Section (4)(B)(5) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished) on a form prescribed by []. The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.

¹² Local agencies may want to include a provision that indicates enforcement/legal remedies where there is evidence of fraudulent intent, misrepresentation, etc.

E. [Recommended provision] **Recorded Covenant.** Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant and agreement in the form prescribed by the [city attorney/county counsel], which shall run with the land and provide for the following:

1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section;
2. A limitation restricting the property to residential uses only; and
3. A requirement that any dwelling units on the property may be rented or leased only for a period longer than thirty (30) days.

The City Manager/County Administrator or designee is authorized to enter into the covenant and agreement on behalf of the City/County and to deliver any approvals or consents required by the covenant.

F. Specific Adverse Impacts. In addition to the criteria listed in this section, a proposed Urban Lot Split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

G. Enforcement. The City Attorney/County Counsel shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the City/County from any other remedy or relief to which it otherwise would be entitled under law or equity.

[POLICY CONSIDERATIONS]

1. **Number of units to be allowed on each parcel.** If a parcel uses the Urban Lot Split provision, a local agency does not need to allow more than two units on each lot, including ADUs, JADUs, density bonus units, and two-unit developments. If an agency desires to take advantage of this provision, it should adopt the following:

No more than two dwelling units may be located on any lot created through an Urban Lot Split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a two-unit development.

Jurisdictions do have the option of allowing additional units, likely ADUs or JADUs, on these lots. Agencies may wish to consider this for large lots, or in exchange for the applicant's agreement to record a covenant restricting sale or rental of the ADU to moderate- or lower-income households.

Another alternative is to consider allowing an ADU and JADU with a primary dwelling unit on one lot, rather than two primary dwelling units.

- 2. Design standards, such as standards for building size, height, materials, roof forms, etc.** Standards considered by some agencies include limits on dwelling unit size and height, distance between structures, and design requirements such as roof slope and materials matching existing structures.

These standards cannot be imposed, however, if they would prevent the construction of units totaling 800 sf each. In addition, the Housing Crisis Act of 2019 (Government Code Section 66300) does not permit reductions in height, floor area ratio, lot coverage, or any other change that would reduce a site's residential development capacity below that existing on January 1, 2018. Consequently, height, size, and similar restrictions on units created through Urban Lot Splits should be limited to units that do not meet existing zoning standards.

Affordable units. There is nothing in SB 9 that expressly prohibits the imposition of affordability requirements. One consideration prior to the imposition of such requirements would be whether the Urban Lot Splits would still be economically feasible if affordability were required. Ultimately, local agencies should consult with their legal counsel prior to imposing such requirements.

Section 5. Two-Unit Development.

A. The [--] Official¹³ shall ministerially review without a hearing an application for an application for a Two-Unit Development, and shall approve the application if all the criteria in Government Code Section 65852.21 and this section are satisfied.

B. **Qualifying Criteria.** The [] shall determine if the Two-Unit Development meets all the following requirements:

1. The Two-Unit Development is located within one of the following single-family residential zones: _____. [for counties: also must be located within the boundaries of an urbanized area or urban cluster].

2. The Two-Unit Development is not located on a site that is any of the following

i. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.¹⁴

ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

iii. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not

¹³ Local agencies may wish to change their use provisions in addition to, or as an alternative to, listing the zoning districts in the text. Counties may also wish to designate the specific areas that are designated as urbanized areas or urban clusters, or reference a website showing those areas, in addition to designating the applicable zoning districts.

¹⁴ Would be best to specify the local ballot measure.

apply to sites excluded from the specified hazard zones by the [city/county], pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.¹⁵

- iv. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- v. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.
- vi. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph, the [city/county] shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the [city/county] that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the [city/county]; or (2) the site meets Federal

¹⁵ The local agency may wish to specify the relevant standards for very high fire hazard areas, hazardous waste sites, earthquake fault zones, flood hazard areas and floodways.

Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

- vii. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the [city/county] shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the [city/county] that is applicable to that site.
- viii. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- ix. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- x. Lands under conservation easement.

3. Notwithstanding any provision of this section or any local law, the proposed Two-Unit Development would not require the demolition or alteration of any of the following types of housing:

- i. Housing that is subject to recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very low-income.
- ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- iii. Housing that has been occupied by a tenant in the last three years.

4. The parcel is not a parcel on which an owner of residential real property has exercised the owner's right under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within the last 15 years before the date that the development proponent submits an application.

5. The proposed Two-Unit Development does not include the demolition of more than 25 percent of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three years.

6. The proposed Two-Unit Development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a [city/county] landmark or historic property or historic district pursuant to a [city/county] ordinance.¹⁶

7. The proposed Two-Unit Development complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located¹⁷; provided, however, that:

- i. The [--] Official, or their designee, shall modify or waive any standard if the standard would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any modifications of

¹⁶ Local agencies may wish to specify which ordinance or code section designates historic properties.

¹⁷ Local agencies may wish to specify which ordinance(s) or code section(s) designate these objective standards.

development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.

- ii. Notwithstanding subsection (7)(i) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
- iii. For a Two-Unit Development connected to an onsite wastewater treatment system, the applicant must provide a percolation test completed within the last 5 years, or if the percolation test has been recertified, within the last 10 years.¹⁸

8. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. [Recommended provision] The proposed Two-Unit Development shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.

9. **Parking.** One parking space shall be required¹⁹ per unit constructed via the procedures set forth in this section, except that the City shall not require any parking where:

- i. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
- ii. There is a designated parking area for one or more car-share vehicles within one block of the parcel.

10. Dwelling units created by a Two-Unit Development may be used for residential uses only and may not be used for rentals of less than 30 days.

¹⁸ A local agency may waive this requirement if desired.

¹⁹ Agencies may elect to require fewer parking spaces.

11. [Recommended provision] If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).

C. [Recommended provision] **Declaration of Prior Tenancies.** If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall sign an affidavit, in the form approved by the [city attorney/county counsel], stating that none of the conditions listed in Section (5)(B)(3) and (B)(4) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished) on a form approved by [].

D. [Recommended provision] **Recorded Covenant.** Prior to the issuance of a building permit, the applicant shall record a restrictive covenant and agreement in the form prescribed by the [city attorney/county counsel], which shall run with the land and provide for the following:

1. A limitation restricting the property to residential uses only; and
2. A requirement that any dwelling units on the property may be rented or leased only for a period of longer than thirty (30) days.

The City Manager/County Administrator or designee is authorized to enter into the covenant and agreement on behalf of the City/County and to deliver any approvals or consents required by the covenant.

E. **Specific Adverse Impacts.** In addition to the criteria listed in this section, a proposed Urban Lot Split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

F. **Enforcement.** The City Attorney/County Counsel shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method

permitted by law. Remedies provided for in this chapter shall not preclude the City/County from any other remedy or relief to which it otherwise would be entitled under law or equity.

[POLICY CONSIDERATIONS]

- 1. Number of units to be allowed on each parcel.** Local agencies are not required to allow ADUs or JADUs on parcels that utilize both the Urban Lot Split provision and the Two-Unit Development provision. If agencies desire to utilize this provision, they should adopt the following:

Two primary dwelling units only may be located on any lot created through an Urban Lot Split that utilized the Two-Unit Development provision. Accessory dwelling units and junior accessory dwelling units are not permitted on these lots.

Jurisdictions do have the option of allowing additional units, likely ADUs or JADUs, on these lots. Agencies may wish to consider this for large lots, or in exchange for the applicant's agreement to record a covenant restricting sale or rental of the ADU to moderate- or lower-income households.

Where a lot was not created through an Urban Lot Split, there is no limitation on the construction of ADUs and JADUs except that provided by existing ADU law.

- 2. Owner-occupancy requirement.** Where there is no Urban Lot Split, the jurisdiction may adopt a provision requiring that one unit in a Two-Unit Development be owner-occupied, including a requirement to record a covenant notifying future owners of the owner-occupancy requirements.
- 3. Design standards, such as standards for building size, height, materials, roof forms, etc.** Standards considered by some agencies include limits on dwelling unit size and height, distance between structures, and design requirements such as roof slope and materials matching existing structures.

These standards cannot be imposed, however, if they would prevent the construction of units totaling 800 sf each. In addition, the Housing Crisis Act of 2019 (Government Code Section 66300) does not permit reductions in height, floor area ratio, lot coverage, or any other change that would reduce a site's residential development capacity below that existing on January 1, 2018.

Consequently, height, size, and similar restrictions on units created as Two-Unit Developments should be limited to units that do not meet existing zoning standards.

4. **Affordable units.** There is nothing in SB 9 that expressly prohibits the imposition of affordability requirements. One consideration prior to the imposition of such requirements would be whether the Urban Lot Splits would still be economically feasible if affordability were required. Ultimately, local agencies should consult with their legal counsel prior to imposing such requirements.
5. **Fire sprinklers.** If not already required, agencies may wish to consider requiring that units created through Two-Unit Developments be fire-sprinklered.

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Joel/Jennifer:

Please find attached for your review and discussion:

1. A marked-up version of HCD's recent SB-9 FactSheet with a couple of points noted. The key one in it that I would like to bring to your attention is: **HR. It Is Single Family**. You have to fix that one.
2. Please also remove the **20 ft Street Frontage requirement**. SB-9 specifically allows easements and a 20 ft width is ridiculous. I have attached San Jose's way of dealing with it - although it could be simplified. Monte Sereno, and Saratoga also allow easements. Los Gatos got this one wrong.
3. Please also remove the **50 yd grading limitation**. Grading (> 50 yds) for an Urban Lot Split can be reviewed by engineering simply from a safety/zoning regs standpoint. If you want to maintain it, then simply allow the exemption for the building pad to also include the driveway. Then you can stop gratuitous grading while still allowing a house to be built.
4. A marked-up version of Your **Urban Lot Split Application checklist** crossing out most of the items that are not needed for an initial CDD review. I am preparing an application for an Urban Lot Split in the R1:10 zoning district and when I reviewed what the "Simplified Planning Application" is asking for it is Way Overkill and requires a homeowner to spend tens of thousands of dollars up front, before getting a yes/no from CDD. Please look seriously at this. I do not want to instruct the Civil Engineer to do all this unnecessary work.

If you approve an Urban Lot Split. And the Parcel Map is recorded. And a residential development unit is proposed. Then you will need some of this for house construction. But don't hit the homeowner up front with all this. It is busy work and not useful in any decision being made.

For the Site Plan I will try to give you as much information as possible to let you know what we might intend to do [eventually], but more often than not, this information is not known at such an early stage.

As to the project that I am preparing to submit, I only plan to have the Survey crew complete what is needed for a realistic CDD evaluation. If I am missing something that is fundamental in the decision process, then we will add it. I plan to put "**N/A**" on the line items that are not needed.

For example:

I do not plan to ask a Title company for the Record Info for the names of all the neighbors.

I do not plan to do a arborist report, but will identify all large trees.

I do not think that you need lot area coverage details at this stage in the application. It is not part of the decision process.

Hope this helps let you know how I really feel.

Thanks

Tony

California Department of Housing and Community Development

SB 9 Fact Sheet

On the Implementation of Senate Bill 9 (Chapter 162, Statutes of 2021)



Housing Policy Development Division
March 2022

This Fact Sheet is for informational purposes only and is not intended to implement or interpret SB 9. HCD does not have authority to enforce SB 9, although violations of SB 9 may concurrently violate other housing laws where HCD does have enforcement authority, including but not limited to the laws addressed in this document. As local jurisdictions implement SB 9, including adopting local ordinances, it is important to keep these and other housing laws in mind. The Attorney General may also take independent action to enforce SB 9. For a full list of statutes over which HCD has enforcement authority, visit HCD's [Accountability and Enforcement webpage](#).

Executive Summary of SB 9

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. SB 9 contains eligibility criteria addressing environmental site constraints (e.g., wetlands, wildfire risk, etc.), anti-displacement measures for renters and low-income households, and the protection of historic structures and districts. Key provisions of the law require a local agency to modify or eliminate objective development standards on a project-by-project basis if they would prevent an otherwise eligible lot from being split or prevent the construction of up to two units at least 800 square feet in size. For the purposes of this document, the terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an accessory dwelling unit (ADU) or junior ADU or otherwise defined.

Single-Family Residential Zones Only

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7 subd. (a)(3)(A))

The parcel that will contain the proposed housing development or that will be subject to the lot split must be located in a single-family residential zone. Parcels located in multi-family residential, commercial, agricultural, mixed-use zones, etc., are not subject to SB 9 mandates even if they allow single-family residential uses as a permitted use. While some zones are readily identifiable as single-family residential zones (e.g., R-1 “Single-Family Residential”), others may not be so obvious. Some local agencies have multiple single-family zones with subtle distinctions between them relating to minimum lot sizes or allowable uses. In communities where there may be more than one single-family residential zone, the local agency should carefully review the zone district descriptions in the zoning code and the land use designation descriptions in the Land Use Element of the General Plan. **This review will enable the local agency to identify zones whose primary purpose is single-family residential uses and which are therefore subject to SB 9. Considerations such as minimum lot sizes, natural features such as hillsides, or the permissibility of keeping horses should not factor into the determination.**

Residential Uses Only

(Reference: Gov. Code, §§ 65852.21, subd. (a))

SB 9 concerns only proposed housing developments containing no more than two residential units (i.e., one or two). The law does not otherwise change the allowable land uses in the local agency's single-family residential zone(s). For example, if the local agency's single-family zone(s) does not currently allow commercial uses such as hotels or restaurants, SB 9 would not allow such uses.

Ministerial Review

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7, subds. (a), (b)(1))

An application made under SB 9 must be considered ministerially, without discretionary review or a hearing. Ministerial review means a process for development approval involving no personal judgment by the public official as to the wisdom of carrying out the project. The public official merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgment in reaching a decision. A ministerial review is nearly always a "staff-level review." This means that a staff person at the local agency reviews the application, often using a checklist, and compares the application materials (e.g., site plan, project description, etc.) with the objective development standards, objective subdivision standards, and objective design standards.

Objective Standards

(Reference: Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c))

The local agency may apply objective development standards (e.g., front setbacks and heights), objective subdivision standards (e.g., minimum lot depths), and objective design standards (e.g., roof pitch, eave projections, façade materials, etc.) as long as they would not physically preclude either of the following:

Up to Two Primary Units. The local agency must allow up to two primary units (i.e., one or two) on the subject parcel or, in the case of a lot split, up to two primary units on each of the resulting parcels.

Units at least 800 square feet in size. The local agency must allow each primary unit to be at least 800 square feet in size.

The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Any objective standard that would physically preclude either or both of the two objectives noted above must be modified or

waived by the local agency in order to facilitate the development of the project, with the following two exceptions:

Setbacks for Existing Structures. The local agency may not require a setback for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure (i.e., a building reconstructed on the same footprint).

Four-Foot Side and Rear Setbacks. SB 9 establishes an across-the-board maximum four-foot side and rear setbacks. The local agency may choose to apply a lesser setback (e.g., 0-4 feet), but it cannot apply a setback greater than four feet. The local agency cannot apply existing side and rear setbacks applicable in the single-family residential zone(s). Additionally, the four-foot side and rear setback standards are not subject to modification. (Gov. Code, §§ 65852.21, subd. (b)(2)(B); 66411.7, subdivision (c)(3).)

One-Unit Development

(Reference: Gov. Code, §§ 65852.21, subd. (a); 65852.21, subd. (b)(2)(A))

SB 9 requires the ministerial approval of either one or two residential units. Government Code section 65852.21 indicates that the development of just one single-family home was indeed contemplated and expected. For example, the terms “no more than two residential units” and “up to two units” appear in the first line of the housing development-related portion of SB 9 (Gov. Code, § 65852.21, subd. (a)) and in the line obligating local agencies to modify development standards to facilitate a housing development. (Gov. Code, § 65852.21, subd. (b)(2)(A).)

Findings of Denial

(Reference: Gov. Code, §§ 65852.21, subd. (d); 66411.7, subd. (d))

SB 9 establishes a high threshold for the denial of a proposed housing development or lot split. Specifically, a local agency’s building official must make a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(2).)

Environmental Site Constraints

(Reference: Gov. Code, §§ 65852.21, subd. (a)(2) and (a)(6); 66411.7, subd. (a)(3)(C) and (a)(3)(E))

A proposed housing development or lot split is not eligible under SB 9 if the parcel contains any of the site conditions listed in Government Code section 65913.4, subdivision (a)(6)(B-K). Examples of conditions that may disqualify a project from using SB 9 include the presence of farmland, wetlands, fire hazard areas, earthquake hazard areas, flood risk areas, conservation areas, wildlife habitat areas, or conservation easements. SB 9 incorporates by reference these environmental site constraint categories that were established with the passing of the Streamlined Ministerial Approval Process (SB 35, Chapter 366, Statutes of 2017). Local agencies may consult HCD's [Streamlined Ministerial Approval Process Guidelines](#) for additional detail on how to interpret these environmental site constraints.

Additionally, a project is not eligible under SB 9 if it is located in a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a city or county landmark or as a historic property or district pursuant to a city or county ordinance.

California Environmental Quality Act (CEQA)

Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (n))

Because the approval of a qualifying project under SB 9 is deemed a ministerial action, CEQA does not apply to the decision to grant an application for a housing development or a lot split, or both. (Pub. Resources Code, § 21080, subd. (b)(1) [CEQA does not apply to ministerial actions]; CEQA Guidelines, § 15268.) For this reason, a local agency must not require an applicant to perform environmental impact analysis under CEQA for applications made under SB 9. Additionally, if a local agency chooses to adopt a local ordinance to implement SB 9 (instead of implementing the law directly from statute), the preparation and adoption of the ordinance is not considered a project under CEQA. In other words, the preparation and adoption of the ordinance is statutorily exempt from CEQA.

Anti-Displacement Measures

(Reference: Gov. Code, §§ 65852.21, subd. (a)(3); 66411.7, subd. (a)(3)(D))

A site is not eligible for a proposed housing development or lot split if the project would require demolition or alteration of any of the following types of housing: (1) housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) housing that has been occupied by a tenant in the last three years.

Lot Split Requirements

(Reference: Gov. Code, §66411.7)

SB 9 does not require a local agency to approve a parcel map that would result in the creation of more than two lots and more than two units on a lot resulting from a lot split under Government Code section 66411.7. A local agency may choose to allow more than two units, but it is not required to under the law. A parcel may only be subdivided once under Government Code section 66411.7. This provision prevents an applicant from pursuing multiple lot splits over time for the purpose of creating more than two lots. SB 9 also does not require a local agency to approve a lot split if an adjacent lot has been subject to a lot split in the past by the same property owner or a person working in concert with that same property owner.

Accessory Dwelling Units

(Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (f))

SB 9 and ADU Law (Gov. Code, §§ 65852.2 and 65858.22) are complementary. The requirements of each can be implemented in ways that result in developments with both “SB 9 Units” and ADUs. However, specific provisions of SB 9 typically overlap with State ADU Law only to a limited extent on a relatively small number of topics. Treating the provisions of these two laws as identical or substantially similar may lead a local agency to implement the laws in an overly restrictive or otherwise inaccurate way.

“Units” Defined. The three types of housing units that are described in SB 9 and related ADU Law are presented below to clarify which development scenarios are (and are not) made possible by SB 9. The definitions provided are intended to be read within the context of this document and for the narrow purpose of implementing SB 9.

Primary Unit. A primary unit (also called a residential dwelling unit or residential unit) is typically a single-family residence or a residential unit within a multi-family residential development. A primary unit is distinct from an ADU or a Junior ADU. Examples of primary units include a single-family residence (i.e., one primary unit), a duplex (i.e., two primary units), a four-plex (i.e., four primary units), etc.

Accessory Dwelling Unit. An ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the single-family or multifamily dwelling is or will be situated.

Junior Accessory Dwelling Unit. A Junior ADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior ADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an ADU or Junior ADU or otherwise defined. This distinction is critical to successfully implementing SB 9 because state law applies different requirements (and provides certain benefits) to ADUs and Junior ADUs that do not apply to primary units.

Number of ADUs Allowed. ADUs can be combined with primary units in a variety of ways to achieve the maximum unit counts provided for under SB 9. SB 9 allows for up to four units to be built in the same lot area typically used for a single-family home. The calculation varies slightly depending on whether a lot split is involved, but the outcomes regarding total maximum unit counts are identical.

Lot Split. When a lot split occurs, the local agency must allow up to two units on each lot resulting from the lot split. In this situation, all three unit types (i.e., primary unit, ADU, and Junior ADU) count toward this two-unit limit. For example, the limit could be reached on each lot by creating two primary units, or a primary unit and an ADU, or a primary unit and a Junior ADU. By building two units on each lot, the overall maximum of four units required under SB 9 is achieved. (Gov. Code, § 66411.7, subd. (j).) Note that the local agency may choose to allow more than two units per lot if desired.

No Lot Split. When a lot split has not occurred, the lot is eligible to receive ADUs and/or Junior ADUs as it ordinarily would under ADU law. Unlike when a project is proposed following a lot split, the local agency must allow, in addition to one or two primary units under SB 9, ADUs and/or JADUs under ADU Law. It is beyond the scope of this document to identify every combination of primary units, ADUs, and Junior ADUs possible under SB 9 and ADU Law. However, in no case does SB 9 require a local agency to allow more than four units on a single lot, in any combination of primary units, ADUs, and Junior ADUs.

See HCD’s [ADU and JADU webpage](#) for more information and resources.

Relationship to Other State Housing Laws

SB 9 is one housing law among many that have been adopted to encourage the production of homes across California. The following represent some, but not necessarily all, of the housing laws that intersect with SB 9 and that may be impacted as SB 9 is implemented locally.

Housing Element Law. To utilize projections based on SB 9 toward a jurisdiction’s regional housing need allocation, the housing element must: 1) include a site-specific inventory of sites where SB 9 projections are being applied, 2) include a nonvacant sites analysis demonstrating the likelihood of redevelopment and that the existing use will not constitute an impediment for additional residential use, 3) identify any governmental constraints to the use of SB 9 in the creation of units (including land use controls, fees,

California Department of Housing and Community Development – SB 9 Fact Sheet

and other exactions, as well as locally adopted ordinances that impact the cost and supply of residential development), and 4) include programs and policies that establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9. Learn more on HCD's [Housing Elements webpage](#).

Housing Crisis Act of 2019. An affected city or county is limited in its ability to amend its general plan, specific plans, or zoning code in a way that would improperly reduce the intensity of residential uses. (Gov. Code, § 66300, subd. (b)(1)(A).) This limitation applies to residential uses in all zones, including single-family residential zones. “Reducing the intensity of land use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site’s residential development capacity. (Gov. Code, § 66300, subd. (b)(1)(A).)

A local agency should proceed with caution when adopting a local ordinance that would impose unique development standards on units proposed under SB 9 (but that would not apply to other developments). Any proposed modification to an existing development standard applicable in the single-family residential zone must demonstrate that it would not result in a reduction in the intensity of the use. HCD recommends that local agencies rely on the existing objective development, subdivision, and design standards of its single-family residential zone(s) to the extent possible. Learn more about [Designated Jurisdictions Prohibited from Certain Zoning-Related Actions](#) on HCD’s website.

Housing Accountability Act. Protections contained in the Housing Accountability Act (HAA) and the Permit Streaming Act (PSA) apply to housing developments pursued under SB 9. (Gov. Code, §§ 65589.5; 65905.5; 65913.10; 65940 et seq.) The definition of “housing development project” includes projects that involve no discretionary approvals and projects that include a proposal to construct a single dwelling unit. (Gov. Code, § 65905.5, subd. (b)(3).) For additional information about the HAA and PSA, see HCD’s [Housing Accountability Act Technical Assistance Advisory](#).

Rental Inclusionary Housing. Government Code section 65850, subdivision (g), authorizes local agencies to adopt an inclusionary housing ordinance that includes residential rental units affordable to lower- and moderate-income households. In certain circumstances, HCD may request the submittal of an economic feasibility study to ensure the ordinance does not unduly constrain housing production. For additional information, see HCD’s [Rental Inclusionary Housing Memorandum](#).

20.30.810 Urban Lot Split Standards

A. Lot design requirements:

1. Lot frontage:

- a. Where 55 feet of frontage on a public right-of-way is not proposed for both lots created by an Urban Lot Split, pursuant to Government Code Section 66411.7, each lot shall have a minimum of 30 feet of frontage on a public right-of-way and an average width of 30 feet, or
- b. Where 30 feet of frontage on a public right-of-way is not proposed for both lots created by an Urban Lot Split, one of the lots shall be provided with access by a corridor with at least 12 feet but no more than 15 feet of frontage on a public street.
 - i. Said access corridor shall maintain a width of at least 12 feet but no more than 15 feet for the entire length of the corridor.
 - ii. The length of said access corridor shall be at minimum the required front setback of the zoning district in which the lot is situated.
 - iii. The access corridor shall be kept free and clear of building or structures of any kind except for lawful fences and underground or overhead utilities.
- c. Where one of the lots created by an Urban Lot Split does not propose frontage on a public right-of-way, direct access to the public right of way must be provided through an easement for ingress and egress and emergency access.

- i. Said easement shall be a minimum 12 feet but no more than 15 feet in width for the entire length of the easement.
 - ii. The length of said easement shall be at minimum the length of the required front setback of the zoning district in which the lot is situated.
 - iii. Said easement shall be recorded as a Covenant of Easement on the Parcel Map for the Urban Lot Split.
 2. Maximum lot depth, as required by Section 19.36.230 of this Code, shall be waived for lots created by an Urban Lot Split.

B. Property line and setbacks:

1. For lots accessed by a corridor of 12 feet to 15 feet in width:
 - a. Front property line is the property line that abuts the public street.
 - b. The front setback area is the is the entire length of the 12 foot to 15 foot wide access corridor.
 - c. The rear property line is any property line that is generally parallel to the public right of way from which the lot gains access, and that abuts properties that are not a part of the Urban Lot Split.
 - d. The remaining property lines shall be considered side property lines.
2. For lots that do not abut a public street that are accessed by an easement:
 - a. There shall be no front property line.
 - b. The rear property line is any property line that is generally parallel to the public right of way from which the lot gains access, and that abuts properties that are not a part of the Urban Lot Split.

THIS SHOWS ONLY WHAT IS REALLY NEEDED

A. GENERAL REQUIREMENTS:

- 1. Scale on each sheet.
- 2. North arrow on each sheet as applicable.
- 3. Sheet size not to exceed 24" x 36" size.
- 4. Plans fully dimensioned.
- 5. Address on each sheet.
- 6. Zoning Designation on cover sheet.

B. PLAT OR SITE PLAN WITH THE FOLLOWING MINIMUM INFORMATION:

- 1. All property lines (existing and proposed).
- 2. All building setbacks (existing) ~~and proposed~~.
- 3. Use of all existing buildings.
- 4. Table including the following:
 - a. Lot area (existing and proposed);
 - b. Gross floor area of existing buildings;
 - c. ~~Lot area coverage (existing and proposed);~~
 - d. ~~Lot width (existing and proposed);~~
 - e. ~~Lot depth (existing and proposed); and~~
 - f. ~~Lot frontage (existing and proposed).~~
- 5. **Conceptual** Grading and drainage plan with grading quantities.
The 50 yard Limit is Bogus and should not stop a project. See HCA for Grounds for Denial.

C. TENTATIVE MAP REQUIREMENTS:

- 1. ~~Tract name or designation and property address.~~
- 2. Name and address of owner, ~~subdivider~~, and registered civil engineer or licensed surveyor.
- 3. Locations, names, ~~and widths~~ of all adjoining highways, streets or ways, ~~the names of adjacent subdivisions, and the names of all owners of properties adjacent to proposed tract.~~
- 4. Widths and locations of all existing or proposed easements, whether public or private.
- 5. ~~Radius of all street curves.~~
- 6. ~~Total size of property before and after street and right of way dedication (gross and net land area calculation).~~ No Dedication – See 4a.
- 7. Lot layout, including the dimension of each lot line, ~~and exact square footage of each lot.~~ Repeat of 4a.
- 8. Location of all water courses and natural drainage channels, locations of all areas covered by water or subject to inundation, and existing and

proposed storm drain facilities.

- ⊖ 9. Source of water supply, including conceptual design.
- ⊖ 10. Method of sewage disposal, including conceptual design.
- 11. Location of all buildings in close proximity to the proposed tract.
- 12. Contour lines (existing and proposed) showing one (1) foot contours for ground slopes of less than five (5) percent, and five (5) feet horizontal distance, and five foot contours for ground slopes in excess thereof.
(This information can typically be obtained from PPW in PDF form – and the level of detail is sufficient for CDD to approve/deny based on this.)
- 13. Location or vicinity map, date, north arrow, and scale. Requested A1,A2
- 14. Number or letter identification for each lot.
- 15. Location and outline of each existing building and an accompanying note as to whether or not it is to be removed.
- ⊖ 16. Each street shown by its actual street name or by a temporary name or symbol for the purpose of identification.
- ⊖ 17. **Locatlon of** all trees shall be accurately identified and plotted with base grade data, dripline, and finished grades within the dripline.
- 18. All fire hydrant locations.
- ⊖ 19. Required yards.
- 20. Name of utility providers and location of closest existing services shown, including water, gas, electricity, telephone, cable television, sewage disposal and storm drain.

Roadways will not be required for SB-9

- ⊖ 21. ~~If in the Hillside Area, show grading required for roadway construction, including location of all cuts and fills, volumes, retaining walls or reinforced earth slopes (with top and base elevations), and existing and proposed contours.~~
You will be required to add HR to the allowable zones so this can stay.
- 22. If hillside, show conceptual driveways, building sites, drainage, and sanitary sewers.
- ⊖ 23. ~~Interim erosion control measures.~~
- 24. If it is impossible or impracticable to place upon the tentative map any of the information required above, such information shall be furnished on a separate document, which shall be submitted with the map.

Jennifer [Joel]:

I understand that you are working on a revision to the SB-9 Ordinance to be debated on September 21st. On the whole - with the February revision to the Ordinance I think you got it pretty much right. I do, however, have a couple of questions/comments.

Question 1: The 20 ft Fee Title Corridor.

SB-9 does not really allow you to restrict a flag lot access corridor to being 'Fee Title'. No other Jurisdiction does so - all allow easements to a rear parcel. Additionally it should be in the 12-15 ft width range so as to allow IEE for fire requirements to be met - but no more.

Please look carefully at the attached example. From the existing Ordinance [Section VI.3] the corridor does not count in the 60/40 rule, but it diminishes the rear parcel in net lot size. So you can get some really stupid lots [not intended by SB-9]. This is your chance to fix it.

Question 2: HR Zoning

I assume that this has been fixed - and that you now are accepting HR applications [subject to Fire Access]. Can you confirm this?

Question 3: 50 Yards of Grading

Please tell me you have a better solution for this! Either up the quantities OR Allow the driveway and turnaround area to be 'exempted' in the same way that the area under the house is now.

Question 4: Objective Design Standards

These should be pared back so that Front Elevation and Side-abutting-street elevations are not encumbered by the 'Privacy' window/deck/balcony restrictions. Additionally you should consider eliminating/easing these restrictions where the house placement is compliant with the setbacks for the zoning district. I do not want to design by 'paint by numbers' for Single Family Homes - in the same way there was concern for Multi-Family developments.

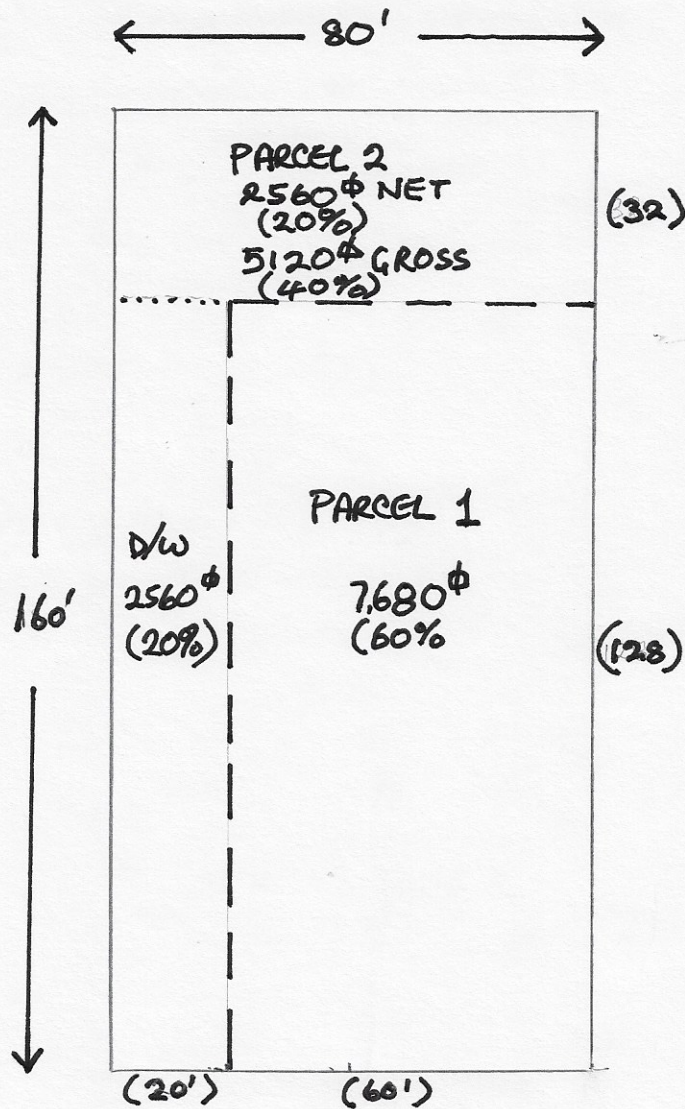
Question 5: The Discretionary Process

Please make it much more clear that this can be used as an alternative to the administrative review process for a lot that has been created by an ULS. I will use it to design a better home, because I do not like the Objective Design Standards in the Ordinance. Please consider eliminating the 'Tech Review' step in the discretionary process to allow me to 'sell' the discretionary process to my clients. This will shave weeks, if not months, off the process. Ray Davis is not with us any more. Also - please clarify whether the discretionary process can be used to bypass the '1,200 max sq ft first unit regulation'. This regulation does not concern me personally, but clarification would be useful.

I will have other comments, I am sure, when I see the Proposed new ordinance.

Thanks
Tony

THE 20' FEE TITLE CORRIDOR RULE.



DOES THIS REALLY MAKE SENSE?

TOTAL LOT SIZE = 12,800^{sq}

60% LOT SIZE = 7,680^{sq} PARCEL 1

40% LOT SIZE = 5,120^{sq} PARCEL 2

BUT 1/2 IS CORRIDOR

20% ACCESS CORRIDOR - 2,560

20% NET LOT SIZE - 2,560.

IF YOU INSIST ON THE 20' WIDE "FEE TITLE" THEN IT SHOULD BE DEDUCTED FROM THE 60/40% CALCULATION OR YOU COULD HAVE STUPID LOTS.

BUT REALLY YOU SHOULD ALLOW/REQUIRE AN EASEMENT TO THE BACK LOT TO SOLVE THIS & MAKE THE EASEMENT WIDTH 12'-15'.

Gm Ryan,

Thanks for your time yesterday.

As discussed, please help to clarify with city attorney on the SB9 guideline - "Intent to Occupy" requirement for a SB9 lot split".

After the SB9 urban lot split, we will end up with an existing home on one lot and the second is a vacant lot.

Can we sell the original residence and keep the newly split vacant lot for three years to meet the SB9 requirement?

or do we have to build a new home on the vacant lot and keep it for three years?

Please help us clarify the 'Intent to Occupy' requirement for a SB9 lot split.

Thank you,
Satya

All:

Now that I have remained unscathed from my first SB-9/HPC dichotomy [16405 Kennedy - a pre-1941 house with no redeeming architectural or historic values], I would wonder whether there might be a way to allow HPC to consider the impact of the reduction in property size of an older/historic home. Not that it mattered here.

I guess it just depends on whether you need/want SB-9 projects to contribute to the housing element - because you do have a 2 for 1 rule?

If they feel that the yard and landscaping are not instrumental to the historic nature of a property then perhaps there might be a path to allowing a lot split while still retaining a home on the historic register?

When do you expect to go back for another bite at the SB-9 apple? [Hillside/50 yards/Easement access/anything else]?

Tony

Jocelyn [Joel/Jennifer added]:

Fire will not talk with applicants other than through a routed application from the Town. [Per Rob Campbell - see below]

Can we either route to fire or require them to talk to applicants once you feel an application is reasonably complete? I sent them exactly the plans you have but below is the response I received.

I specifically do not want to go too far [on any project] and spend client's money only to be turned down later.

Saratoga - for example - has routed a similar submission of mine to various entities [including fire]. They go too far - including routing to Caltrans and WVSD, plus requiring a geotechnical report - which should come later, because - why waste everyone's time before a project is realistic. San Jose also routes to Fire for comments - but they want the entire application complete [including the Parcel Map]. Planning just checks it for the obvious [a pre-screen] and then it is a PPW project. But most of their lots are simpler [and they allow 12-15 ft easements to a back lot, like most other jurisdictions so they screen for that too]

Los Gatos' staff has the knowledge and expertise to look at this and make a reasonable decision as to the best sequencing. I understand Rob's desire not to be inundated with scraps of paper with scribbles on them, so he might be right from that standpoint - but if you can talk with him again to resolve this disconnect, it would be helpful.

Tony

Tony,
I am not available today. I recommend discussing the SB-9 requirements with the city/town planning departments before coming to us. As you know SB-9 is primarily zoning focused legislation. My discussion with Los Gatos planning is that they will be the lead in any such decisions. Where fire concerns arise (e.g. VHFHSZ parcels) they will coordinate with us for requirements. If you have specific questions, please put those in writing so we can be clear on the information you seek.

Thank you,

Rob.

Robert L. Campbell, PE
Sr. Fire Protection Engineer
Santa Clara County Fire Department

[Redacted signature block]

Ryan,

I had previously provided public comment / input toward the next draft of Ord 2327. I have two further comments:

1)

a) Ord 2327 says that if SB9-reduced setbacks are used then windows must be clerestory. I think this is fine as in usual suburban neighborhoods you don't want them looking into a neighbor's yard, however clerestory window requirements *should only apply to exterior walls that are closer to the property line than the usual (non-SB9, base zoning) setbacks*. For the rest of the 2nd story walls, they are no closer to the property line as is already allowed today with the base zoning rules, so these walls should be allowed to have whatever window size and arrangement the base zoning district allows today.

b) Where an applicant is **not** using reduced SB9 setbacks but just respecting the base zoning's setbacks, Ord 2327 says that second story windows must be of the minimum number and size necessary for egress. That means one small window per room. This does not make sense to apply since it is more restrictive than most (or all?) base zoning districts. At least here in the hillside, without SB9 I could build a second story and put larger windows than that, but if I attempt to use SB9 then my window size and number are restricted -- *even if I still respect the base zoning's setbacks*. This doesn't make sense to me and I would request we just remove this entirely from Ord 2327 and rely on the base zoning's window requirements if the base zoning's setbacks are respected.

2) Ord 2327 says that if there's a roof over the entryway that its roofline must meet the adjacent roofline. This doesn't make sense to me, since today in most (or all?) base zoning districts as far as I know there is no restriction on how a roof over the entryway is supposed to look. Indeed, many high-value homes have a beautiful entryway with a high arch and roof. This can take many forms but here are two examples:



This tall entryway can be a beautiful architectural feature designed to bring value to the home and neighborhood, and as far as I know this entryway is not restricted other than in Ord 2327 (assuming other requirements like overall height are respected). Therefore I would request that we remove this from Ord 2327 and just rely on the base zoning's rules regarding roofs over entryways.

David

Ryan,

Thanks for our discussion today. For two of my questions you said the first step at providing input into a permanent ordinance was to email you.

1)

Ord. 2327 has two restrictions on architectural design: (a) No balconies/terraces on top of 1st floor.
(b) 2nd stories must be stepped back 5' from 1st stories.

The restrictions are presumably intended to protect neighbor's privacy when SB9's reduced (4-foot) setbacks are used. Nobody wants a neighbor's 2nd story window or terrace/balcony looking over their fence.

However it is my feeling that the restriction should be waived if the regular zoning setbacks on that side of the house are respected.

To not do so violates state law and strongly limits architectural options. According to HCD's fact sheet on the implementation of SB9, "HCD recommends that local agencies rely on the existing objective development, subdivision, and design standards of its single-family residential zone(s) to the extent possible." Accordingly, it is reasonable for the Town to require a 5' step-back from 1st story elevations if the proposed house is utilizing reduced SB9 setbacks, but no such architectural design restriction should be required if the proposed house utilizes the original zone's setbacks. This to me seems to resolve the concern in a way that leans on existing zoning guidelines.

Leaning on existing zoning guidelines wherever possible is more desirable, since these zoning guidelines are developed over decades of time and well-understood by everyone in the community.

2)

In Ord. 2327 Sec. V B 2, "The finished floor of the first-story shall not exceed 18 inches in height as measured from the finished grade."

Inasmuch as SB9 is (or will) apply to hillside zones, and inasmuch as basements in the hillsides are to be encouraged and incentivized (since they reduce massing), this restriction is overly restrictive and does not incentivize basements in the hillside zone. (For comparison, non-inclusion of basement floor area in FAR does correctly incentivize them.)

On flat land this restriction makes sense -- you don't want your first floor to be 4' out of the ground. On sloping land, very quickly your 18" protruding basement becomes 0" and then your 1st floor becomes below grade, and your original basement ends up buried very deep in the earth, which is expensive and not incentivizing, and the basement becomes very small or very expensive or both.

I think it makes sense to modify this to 4' at least in the hillsides, consistent with the existing definition of basement.

Ryan,

I understand Fire Dept doesn't review my ULS/TUD application until Building Permit phase.

I also understand that Fire will very likely reject my application based on 4290 since I'm in VHFSZ. Talking to friends who are working through this right now, a rejection letter is expected and an important step, as a starting point to petition for exemption from 4290 or discuss alternative methods and means.

So, if fire is going to reject my application I'd like to get to that phase before the Parcel is even split (since at that point there is a permanent change and I can no longer back-pedal on my plans).

I asked SCCFD, and they said they won't review my plans until they come across their desk through the regular procedure.

Can we (a) have Fire do a full review at the Planning stage, or (b) have Fire review at the Building Permit stage as usual, but I start the Building permit phase (submit my Building plans to Town of Los Gatos) even before the Parcel Map is fully recorded, with an at-risk letter saying the Building Permit won't be considered final until the parcels are fully created?

I'd prefer to do (b).

If we did (a) then I lose the advantages of SB9 ministerial review (it turns into a non-ministerial review, which I don't think is allowed).

If we do (b) then it follows the regular procedure, and allows us to finalize all other Planning details and get Planning approval before taking the plan to Fire. But the down-side is that my plans will be further along in time and money before getting the rejection letter -- but that's ok with me.

Thanks,
David

Hi Ryan,

Thanks for your time this afternoon. I'm summarizing below what we discussed along with a follow up question:

What are we looking for?

- To build a 2000-2400 sq feet dwelling at the back of our property.
- We do not want to go with public hearing given the experience in the recent past with our neighbors. Given this we have to go through SB9.

Options:

1. With Split (Not desired but solved our problem wrt building what we want)
 - a. In the new lot above we can build a new Primary unit up to 5000 sq feet and an ADU on top (up to 1200 sq feet)
 - b. Lot once split cannot be merged back later as there cannot be two Primary units in a Single-family Lot (@Ryan but with SB9 it is supported so that argument may not be valid)
2. Without Split, the Emergency Ordinance on SB9 from the Town of Los Gatos only supports the scenario of building up to 1200 sq feet ADU/Primary Unit. This is too restrictive IMO.

While our ideal and preferred scenario is to go with Option 2 (without split) and build a 2000-2400 sq feet dwelling, it is currently not supported by the Town of Los Gatos. **Ryan can you please confirm this again. Based on the FAR ratio that we looked at this afternoon, my property (62000 sq feet with 17% grade) is allowed to have 6200 sq feet without a garage included (and not including 10% increase when you have 2 units). Just based on this I should be allowed to build up to 2700 sq feet for the 2nd unit (6200x1.1 = 6820, subtract existing unit 4120 which leaves 2700 sq feet).** Ideally if Planning department can support this scenario as part of SB9 then our problem would be solved 😊

Thanks

Ani

Ryan, Our feedback is pretty simple:

- 1) Please remove the silly grading disqualification, and
- 2) The California Legislature did not intend the first unit size restriction to be under 1200 SF as adopted by the Town.

Otherwise, Town Staff has done a good job implementing SB9.

Best regards, Terry

Terence J. Szewczyk. P.E.

Hi Ryan - For the single family residences, I am opposed to the 2nd story setback as written as well as the window regs for the second story.

The regs as written will lead dreadful cookie cutter houses and dismal living spaces upstairs.

-Jay

Ryan,

Thanks for the email. I have to say that I agree with Terry, the grading requirement is in clear violation of the State's intent on these projects, it is an arbitrary restriction. That is a clear no-no. And the Town knows darn well that in even the mildest of sloped sites there will be more than 50 CY of dirt moved. If this is brought to the state it will surely be slapped down. It is a rather clumsy attempt to knock down the number of lots that would be eligible for a split.

It is a mystery to me why the town does not simply adopt the State standards and call it a day. Any number of developers in the town and in the surrounding area are much better funded than the town is and will surely bring provisions like this grading restriction to court or to the office of the State architect. They are not going to be able to just sneak this in.

I get that this is simply another case of 'the Town being the Town' and at some point, it just gets ridiculous. Anyway, thanks for the email and I will try to make the meeting. If nothing else it will be entertaining...

Regards,
David

Ryan,

Our request is the following three aspects of the Ordinance that violate state law:

- (1) The Ordinance's exclusion of the Hillside Residential (HR) zoning district from the definition of a "single-family residential zone";
- (2) Limitations on grading in connection with the development of residential units under SB 9; and (3) A 1,200 square foot size limitation on the first residential unit constructed on a lot pursuant to SB 9.

Thanks,

Arvin Khosravi

Subject: SB 9 comment from a long-time Los Gatos renter.

EXTERNAL SENDER

As someone who has been renting in Los Gatos for the last 7 years, I hope that SB9 will increase the acceptable amount of "family" housing available to families like mine (a single parent household with two children attending Los Gatos schools). We would love the option to live in a duplex or ADU and have some access to a backyard, instead of being restricted to apartments and townhouses.

To that end, the 1200 sqft MAXIMUM on the size of the ADU is too small for small families. I can understand not wanting to have a large ADU/Duplex on a lot that is too small, but there are many large homes/lots in this area that can indeed accommodate a larger 1600 sqft unit. So the max size of a detached ADU should be based on a percentage of the main house/lot size's area with a minimum of 1200sqft.

I hope that Los Gatos makes special outreach to the tenant/renter community with regard to this proposal, as well as to the land owners who seem to dominate town government meetings (probably because they have more time and are not working second jobs or caring for children during town meeting hours).

Sue Raisty

[REDACTED], Los Gatos, CA 95032

EXTERNAL SENDER

I have been a resident of Los Gatos for many years. I have watched the changes to the housing landscape change & not for the better. Take The North 40 development as an example. If that isn't the ugliest over developed housing you ever seen, then I'm sorry for you. The only reason The Town is pushing this is because it needs more funds to handle the mismanaged Town budget that is in dire need of funds. Funds that would be gained from building permits, inspection fees and additional taxes on the land & buildings involved.

I vote no on the SB9 Ordinance.

Melanie Allen

Los Gatos Resident

EXTERNAL SENDER

Hi Los Gatos planning

I'd Like to have the issue of VHFHSZ addressed tonight

I am the first house of the hillside zone at 15 Highland at Jackson at the base of the hill.

I have a fire hydrant in front of my house and I'm about a block up from Main Street.

Is there any way to ask for a variance regarding being removed from the hillside one and high fire zone in order to do a sub division of my property?

If you could address the VHSZ tonight that would be very helpful.

Is it be possible to ask for a variance to be moved to a different zone and move out of the hillside high fire zone?

Thank you so much,

Teresa Spalding

Sent from my iPhone

To whom it may concern:

In general most of my concerns with the draft revolve around rules that are more restrictive than the base zone's rules.

- *Page 4, V, A, 1, Building height ... in HR zone <16'*. This practically prohibits 2-story buildings in HR. Two-story buildings are often required in hillside, to keep the house footprint small so as not to spread across steep or difficult slopes. This is severely and unnecessarily limiting; there is no reason to effectively prohibit 2-story buildings in HR zones, and this is not consistent with State Law. (Limiting a building to 16' if it's located inside the setbacks of the base zone, however, is reasonable.)
- *Page 5, 5, Max size of first new res unit <1200 sf*. This is unnecessarily limiting and not consistent with State Law.
- *Page 5, 5, Grading 50 c.y.* Many members of the public are not happy with this since it is extremely limiting in HR zones. It's my understanding that grading > 50 c.y. will not only trigger a grading permit but also a full Architectural and Site Review and hearings. I understand that it's meant to avoid someone skipping comprehensive grading review via TUD process. Surely there can be a compromise wherein grading >50 c.y. **only triggers a standalone grading permit and not a full ASA.**
- *Page 5, 8, Building sites, not on lands with avg slope exceeding 30 percent*. It is not clear whether this applies to lots with average slope (over the whole lot) of 30%, or whether it means that a particular house that has some portion of its footprint on a 30% slope, is prohibited. In any case, this restriction is unnecessarily limiting and not consistent with State Law. If a geologist has done the investigation and engineered plans have been prepared, then a site can be buildable even if it is >30% slope in places or on average.
- *Page 7, B, 2, Finished floor: 1st story FF can't exceed 3' in height*. This is unnecessarily limiting in HR zones. On sloping ground you need to bury one side and have the other side of the house protrude, often by more than 3'. This also limits basement options since the basement will be super deep on the former side, in order to have the latter side <3' out of the ground. May I suggest to just remove this; this has already been given consideration in other Town Code, for example in Town Code a story and a basement are adequately defined. As written, Page 7, B, 2, Finished Floor, is unnecessarily limiting and not consistent with State Law or with the realities of building a reasonably-sized house on even slightly sloped ground.
- *Page 7, B, 3, Front Entryway...shall have a roof eave that matches or connects at the level of the adjacent eave line*. This unnecessarily limits architectural options. Often a raised roof over the entryway can be an elegant detail, and raise the value of the neighborhood.
- *Page 7, B, 4, Front Porch >=6' and width >=25% of linear width of front elevation*. This is unnecessarily limiting. Please just apply the porch restrictions (if any) of the base zone.
- *Page 7, B, 5, Step-back. ALL elevations of 2nd story must be stepped back 5'*. In my opinion this is the most architecturally limiting of any of the new TUD ordinance draft. This makes houses look like wedding cakes -- larger on 1st floor, smaller on 2nd floor. Please modify this to make a step-back only necessary on *walls that are closer to the property line than the base zoning district will allow*. I believe this will resolve concerns of people building tall 2-story buildings right up near a neighbor's fence. And it would not limit architectural options more than the base zone, if the applicant did not attempt to use reduced SB9 setbacks.
- *Page 7, B, 6, Garages. Street-facing attached garages not exceed 50% of linear width of front-/side-yard elevation*. This doesn't work well on all lots; I'm particularly thinking of irregular lots

such as in HR zone. Please do not limit the architectural options more than the base zone, unless the applicant is proposing to take advantage of reduced SB9 setbacks.

- *Page 10, A, 2, Lot Lines. New side lines of all lots shall be at right angles to streets.* This doesn't work on all lots; I'm particularly thinking of irregular lots such as in HR zone. Please do not institute a rule that cannot be followed by everyone.
- *Page 10, A, 5, Min Public Frontage, each new parcel shall have min frontage on street of 20'.* Again, this doesn't work on all lots, not only irregular lots, but lots that are on private streets. Putting into effect new rules that not every lot can follow will just lead to more work for Planning, as you will have to consider a number of exceptions, slowing down the permitting process.

To repeat the most important two points:

- 1) Please, do not limit Los Gatans' options more than the base zone, unless that Los Gatan is taking advantage of the reduced SB9 setbacks. Otherwise please just let us use the base zone's rules.
- 2) Please, do not institute laws that not every lot can follow (such as Page 10, A, 2)

David Hutchison

Ryan/Jennifer/Joel:

I am not exactly sure who is running ‘point’ on this, nor whether this meeting is a ‘planning fact-finding’ meeting or something more significant - such as a ‘recommendation to the Council’ . Can you please enlighten me?

I read the new proposed ‘draft SB-9 Ordinance’ and you have made some good improvements which make sense - as well as a few that don’t. But if I ignore those, I do have a couple of questions on items which are unclear. Could you please respond prior to the webinar so that I do not need to waste my time on these.

1A. Section V.A.6. - Grading: This is ambiguous.

"Grading activity shall not exceed the summation of 50 cubic yards, cut plus fill, or [shall/shall not] require a grading permit. . . ." Does this mean if you need more than 50 yds that you have to get a grading permit OR that the project is not allowed a grading permit to exceed 50 yds?

This could be clarified by re-phrasing: Any Grading activity in excess of 50 yds, cut plus fill, shall require a grading permit. Would this grading permit be administrative if you follow paragraphs 7,8,9?

1B. Section V.A.7/8/9 - Cut and Fill, etc

Now that you have added these paragraphs do clarify allowable grading activities, Section V.A.6 is not longer needed.

2. Section VI.1/5. [and 3] - 20 ft frontage and 20 ft corridor.

I see that you have not modified this section. It is clearly in violation of the text of SB-9 which allows an ULS parcel to either “adjoin” or “have access to” the public right of way.

The problem I have with the way it is written is that moderately long and narrow lots [where a flag-lot would make sense] are pretty much eliminated [because so much of the rear lot is contained in the 20 ft wide flag-pole]. Just do the math on a 60 ft wide lot!

An IEE easement [as required by SCCFD of 12-15 ft would make more sense, in addition to being legal [SB-9], and would make the 40/60 split more reasonable in terms of lot configurations. An easement is probably going to be required by SCCFD anyway for EV access to the rear lot.

Why are you not addressing this issue?

3. Will it be possible to share a screen, or show a slide in some way at the webinar?

Thanks
Tony

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

September 23rd, 2022

SB-9 DRAFT ORDINANCE

Commissioners:

I understand that you are reviewing the Draft [Permanent] SB-9 Ordinance which will subsequently be recommended to the Town Council for Adoption. I have been working with this Ordinance over the last year and have encountered several issues.

Luckily, staff has already proposed changes to the original Emergency Ordinance and, for the most part, these changes would appear to be going in the right direction. There are a few items that could be improved, but because the discretionary process [DRC/Planning Commission, etc] is retained as an option for the design of any house(s) on a resulting ULS parcel, I am less concerned about the objective design standards for a 'two residential housing unit' development of SB-9.

I do, however, want to draw your attention to the one aspect of the Urban Lot Split portion of SB-9, which I fear will result in very bad neighborhood design and which can easily be avoided if it is considered seriously.

The 20 ft Fee Title Corridor for a Flag Lot.

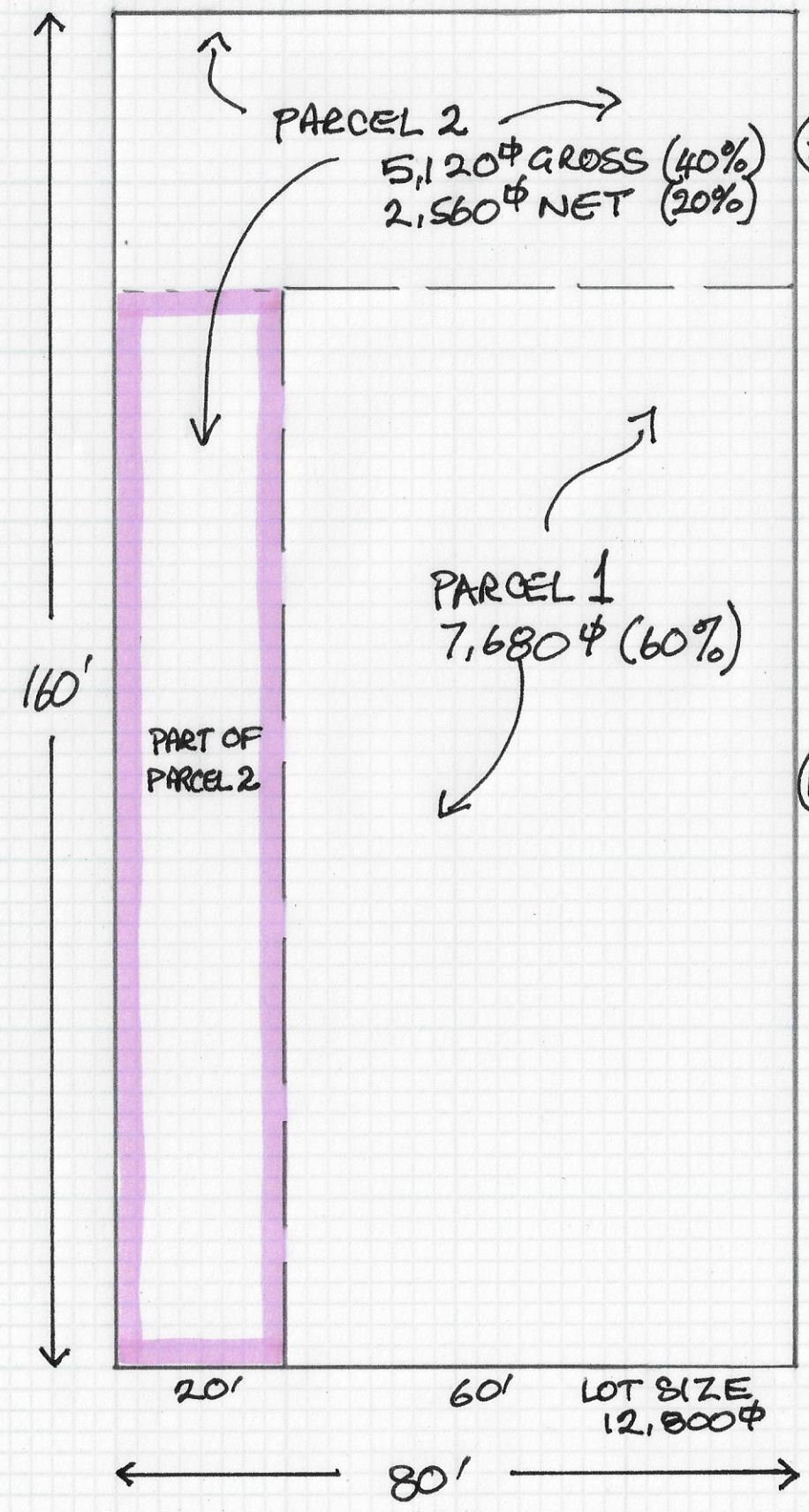
SB-9 does not really allow a jurisdiction to restrict a flag lot access corridor to being 'Fee Title', which the current ordinance does, so there will always be a risk of a legal challenge. All other local jurisdictions make provisions for an ingress/egress easement alternate access the rear parcel. Just because there is a "20 FT Street Frontage Rule" in the code now does not mean that is must stay for SB-9.

With the existing Ordinance you can get some really stupid lot configurations, not intended by SB-9 and not desirable in the Town. This is your chance to correct it. **THE EXAMPLE** shows what a homeowner could ask for "AS IS" and how you could "FIX IT" – 2 vastly different approaches to the same lot.

Thanks

Tony Jeans

CURRENT (DRAFT ORDINANCE)



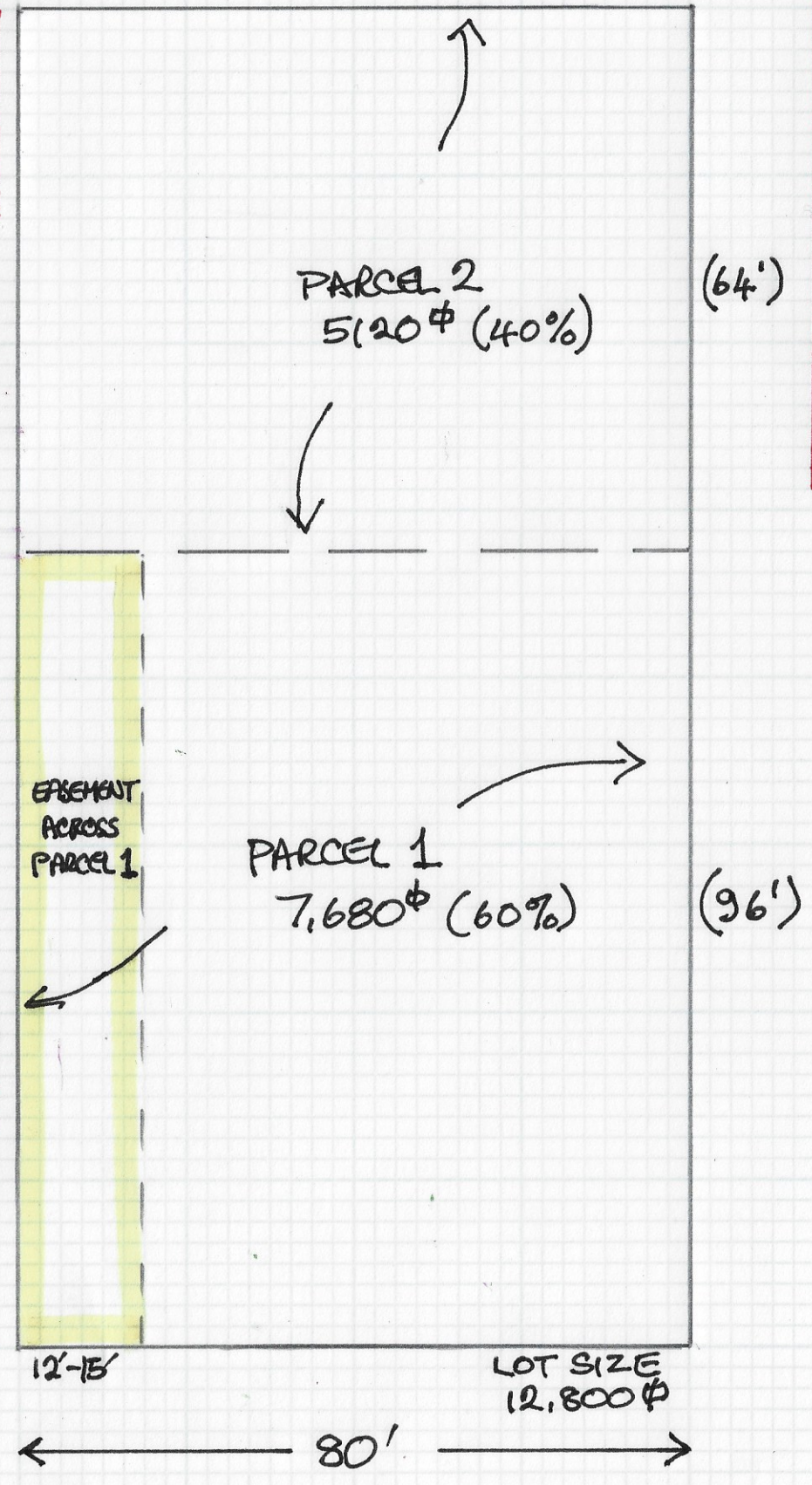
WHICH IS THE BEST WAY TO SPLIT A PROPERTY AND CREATE A FLAG LOT?

PANHANDLE IS PART OF PARCEL 2 AND MUST BE 20' WIDE (+ FRONTAGE)

PROBLEM 1: THIS CAUSES SOME VERY BAD LOT DESIGNS 160'

PROBLEM 2: THIS IS IN VIOLATION OF SB-9 WHICH SAYS A (FLAG) PARCEL MAY ADJOIN OR HAVE ACCESS TO A PUBLIC RIGHT OF WAY

A BETTER SOLUTION



SECTION VI.A §§
 1. THE ACCESS CORRIDOR TO A FLAG LOT MAY BE IN FEE OR AN EASEMENT & SHALL HAVE A MINIMUM WIDTH OF 12' OR AS REQUIRED BY SANTA CLARA COUNTY FIRE DISTRICT
 5. ELIMINATE FRONTAGE REQUIREMENT OF 20' UPON A STREET.

PANHANDLE IS AN EASEMENT TO REAR LOT & COULD BE 12-15' WIDE FOR FIRE ACCESS + DRIVEWAY

ALL OTHER JURISDICTIONS ALSO THIS:
 MONTE SERENO
 SARATOGA
 COUNTY OF SANTA CLARA
 CITY OF SAN JOSE



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/28/2022

ITEM NO: 3

DESK ITEM

DATE: September 28, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Permanent Regulations to Comply with the Requirements of Senate Bill 9. Town Code Amendment Application A-22-002. Location: Townwide. Applicant: Town of Los Gatos.

REMARKS:

Exhibit 8 includes public comment received between 11:01 a.m., September 23, 2022, and 11:00 a.m., September 28, 2022.

EXHIBITS:

Previously received with the September 28, 2022 Staff Report:

1. Draft Permanent SB 9 Ordinance
2. SB 9 Legislation
3. SB 9 Urgency Ordinance 2326
4. SB 9 Urgency Ordinance Extension 2327
5. California Department of Housing and Community Development SB 9 Fact Sheet
6. Association of Bay Area Governments SB 9 Model Ordinance
7. Public Comment received prior to 11:00 a.m., Friday, September 23, 2022

Received with this Desk Item Report:

8. Public Comment received between 11:01 a.m., September 23, 2022, and 11:00 a.m., September 28, 2022

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

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From: Adam Mayer
Sent: Wednesday, September 28, 2022 12:15 AM
To: Planning <Planning@losgatosca.gov>
Subject: Comments on Draft SB9 Ordinance (Driveways & Street Frontage)

EXTERNAL SENDER

Hello Planning Staff,

I just have a few comments on the SB9 Draft Ordinance.

The first comment is in regard to **SECTION V - A (Zoning Standards) - 2 (Driveways)** on page 4:

"Driveways. Each parcel shall include a single driveway, and any new driveway shall satisfy the following requirements"

Can you please clarify if "each parcel" means each parcel after the lot split? In this case having two separate, 10 foot wide driveways (1 that serves each parcel) would take up and waste a lot of space (especially if the lot split is done in a way where one lot is at the rear of the site). I would strongly advise against this. Part 2d goes onto to say that :

"Only a single driveway curb-cut shall be permitted per parcel designed in accordance with the Town's Standard Specifications and Plans for Parks and Public Works Construction"

It would make more sense if only a single curb-cut were permitted for BOTH parcels. I understand having a driveway shared by four units might not be an ideal arrangement for some, but limiting it to one single curb cut total for both parcels after the split would go a long way in preserving the character and walkability of single-family zoned neighborhoods.

To demonstrate both points, please see attached a conceptual proposal I designed for the City of Los Angeles. In this case, a fourplex is proposed on a 7,500 ft² (50' x 150') single-family lot. The "Courtyard Fourplex" consists of two buildings, each with one unit stacked upon another.

As you can see, the setbacks are respected but the four units share a single driveway to the parking carport in the rear of the lot. If two driveways were required it would eat up more of the lot, require another curb cut and probably make the project infeasible.

My second comment is in regard to **SECTION V1 - A (Subdivision Standards) - 5 (Minimum Public Frontage)** on page 10:

"Each new parcel shall have frontage upon a street with a minimum frontage dimension of 20 feet"

Why do both lots after the lot split require public frontage? I understand the intent probably has to do with access from the street, but what if one lot is in the rear of the site (as in my "Courtyard Fourplex" example)?

I suppose you could consider the shared driveway as part of the "rear" lot in this case, giving it frontage and access to the street. But then would this driveway be only able to be exclusively used by the rear lot? Again this goes back to the question about sharing a driveway for both lots after a split.

These are both open-ended questions that I think require some discussion. Making accommodations for split lots to share a driveway and street frontage is an important consideration. It is also going to lead to less visual disruption on the front (public facing) part of properties that opt to use SB9 and do a better job of preserving the aesthetic character of our single-family neighborhoods.

Regards,
Adam Mayer, Architect
Housing Element Board Member

--
STUDIO—AMA

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

MULTI-GENERATIONAL COURTYARD FOURPLEX

No other city in the world matches the rich diversity of Los Angeles.

Both in terms of its stunning geographic setting and the multitude of communities that call the city home, L.A. is not defined by a singular cultural marker. Instead, what unites Angelenos are often unfortunate shared experiences, such as sitting in traffic on the freeway together or, more recently, being unable to find an affordable place to live close to job centers.

Traffic & unaffordable housing are inextricably linked to the fundamental lack of variety in housing options.

While there are some beautiful apartment buildings and 'Missing Middle' housing built before WWII, from the 1950s on Los Angeles came to be defined by the relentless sprawl of single-family home development. This development pattern proliferated due to misguided (and often racist) zoning regulations, government policy, and economic/cultural attitudes that placed the nuclear family above multi-generational households.

Today, although single-family homes still dominate the Los Angeles cityscape, they are not the nuclear family containers as initially intended.

Generations of immigrants who moved to L.A. from Latin America, Asia, Africa, and the Middle East have not had the luxury of each extended family member living in their own separate household. Notwithstanding, there are advantages of having extended families living under one roof together such as childcare, elder care, shared living costs, etc .

But if one challenge is associated with multiple extended family members in a single household, it is the potential for problems related to overcrowding.

Los Angeles has had to confront this reality over the past year with the COVID-19 pandemic, which has disproportionately impacted working-class Black and Latino communities. According to a recent Los Angeles Times article:

"Poor Latino neighborhoods are highly susceptible to COVID-19 spread because of dense housing, crowded living conditions and the fact that many who live there are essential workers unable to work from home. Officials believe people get sick on the job and then spread the virus among family members at home."

There are no words to describe how devastating COVID-19 has been for so many Angelenos.

The City of Los Angeles must invest in alternative housing models to preserve the advantages of multi-generational households while avoiding the drawbacks of overcrowding. The 'Multi-Generational Courtyard Fourplex' housing concept looks to address this problem by proposing a four-unit development on a typical single-family lot.

The Multi-Generational Courtyard Fourplex consists of two buildings, united by a central courtyard that provides ample access to light and air.

The street-facing building consists of two 2 bed / 2 bath units, stacked upon one another, while the rear building consists of a 3 bed / 2 bath unit stacked on top of a 1 bed / 1 bath 'granny' unit as well as a carport with parking spaces for 3 vehicles (plus 2 additional vehicles if parked in tandem).

The courtyard, which opens toward the south to take advantage of the Southern California sun, is the project's main social gathering space.

With a shared outdoor electric grill, it is imagined that this space also functions as an outdoor dining room for family members or other residents to share a meal. The more 'public' functions of each unit (living/kitchen/dining) face inward toward the courtyard while the more 'private' bedrooms face outward. Aside from the bottom unit in the street-facing building, which is entered from the street side, the other three units are accessed from the courtyard, further activating the space.

The architecture is inspired by the spirit of several of the great Southern California architects.

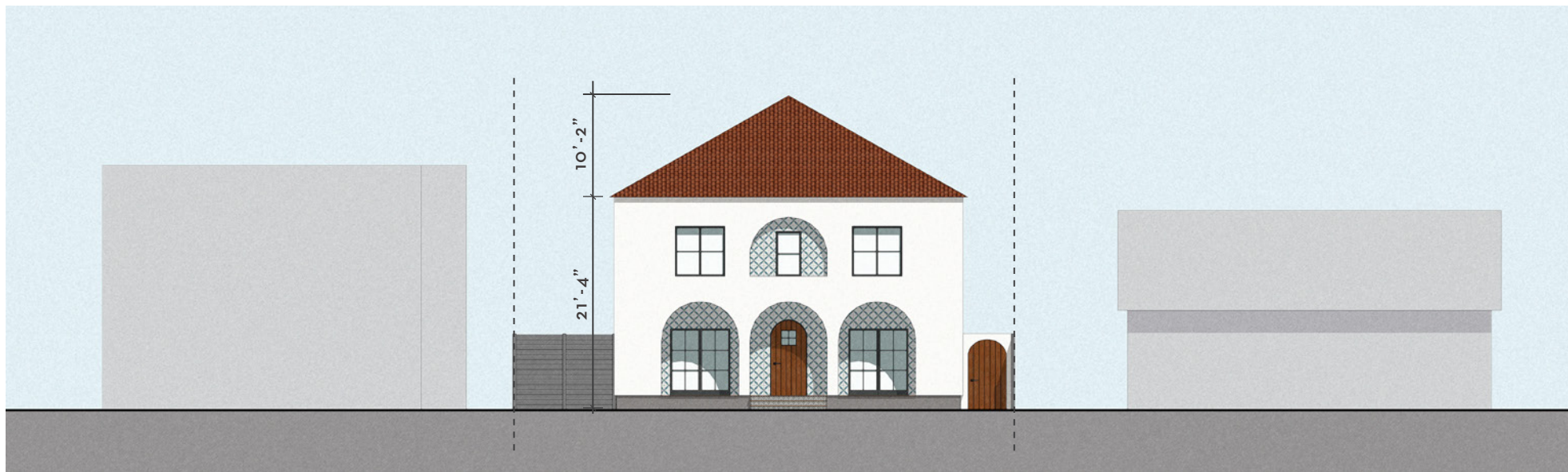
The communal living arrangements of Rudolph Schindler, the clean lines and health considerations of Richard Neutra and the hints of Spanish Colonial architecture with the modern sensibilities of Irving Gill all influence the design. Building upon this Southern California vernacular are the latest in sustainable and energy efficiency strategies including all-electric appliances, EV charging stations at the carport, bicycle storage, permeable pavers in the driveway, continuous insulation in all exterior walls and roofs, smart metering, a drinking water bottle fill station in the courtyard, rooftop solar panels and a 'solar garden' green roof on top of the rear building.

The front street-facing façade, set back 15 feet from the property line, is designed at 'house-scale', belying the fact that this property has four dwelling units.

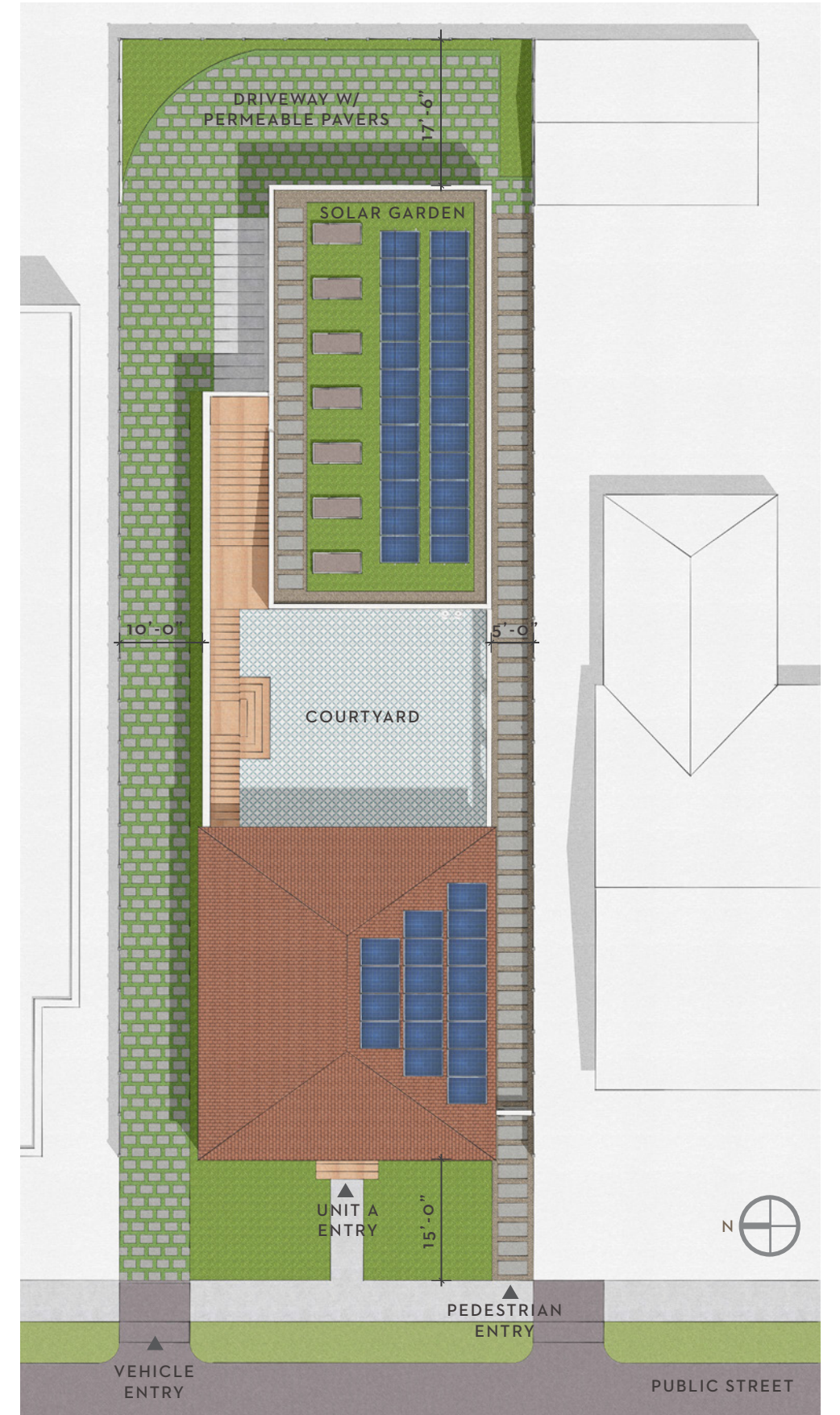
This is a deliberate attempt to make the proposal more amenable to neighbors in historically single-family neighborhoods who might be averse to the thought of higher density nearby. Drought-tolerant plantings in the front yard complement the front façade and add beauty to the transition between the public sidewalk and the building entry.

The simple material palette of smooth white stucco with clay tile accents over a typical wood-framed structure makes this an attractive yet affordable architectural language that can be replicated with slight modifications throughout Los Angeles.

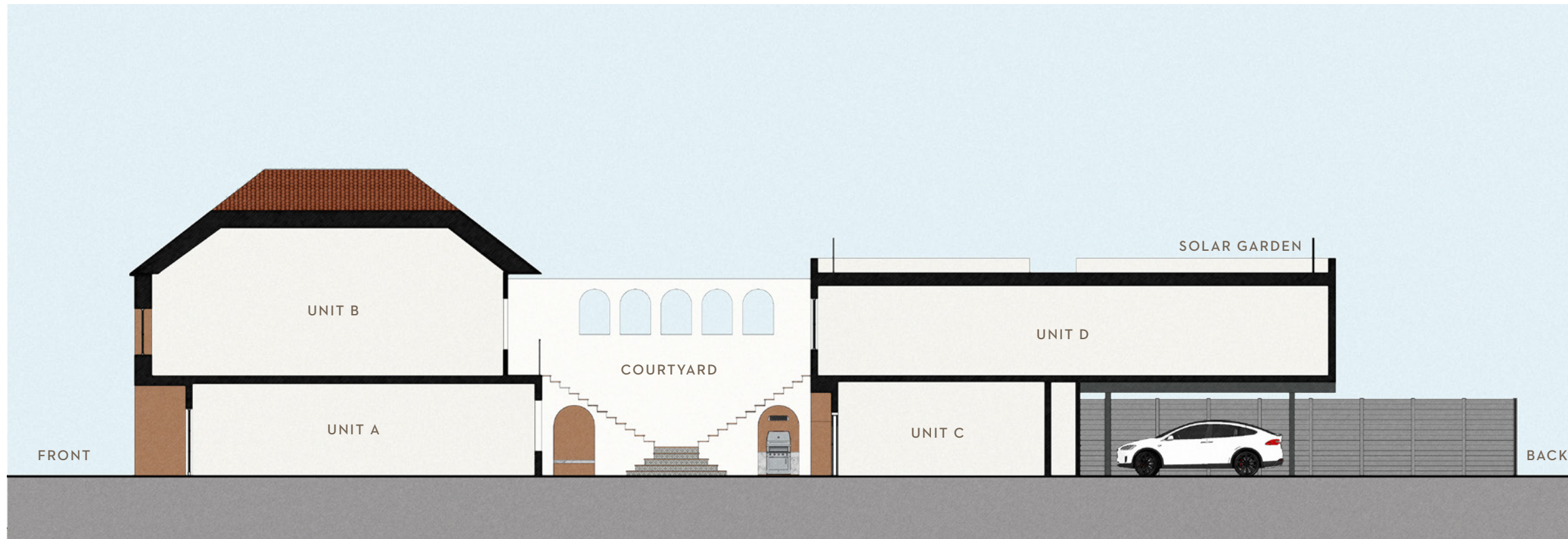
Furthermore, the design is intended to be a flexible approach that can be applied to a variety of ownership or rental models. The Multi-Generational Courtyard Fourplex offers a thoughtful yet straightforward development and management opportunity for both small non-profit affordable housing developers and local neighborhood-based community land trusts.



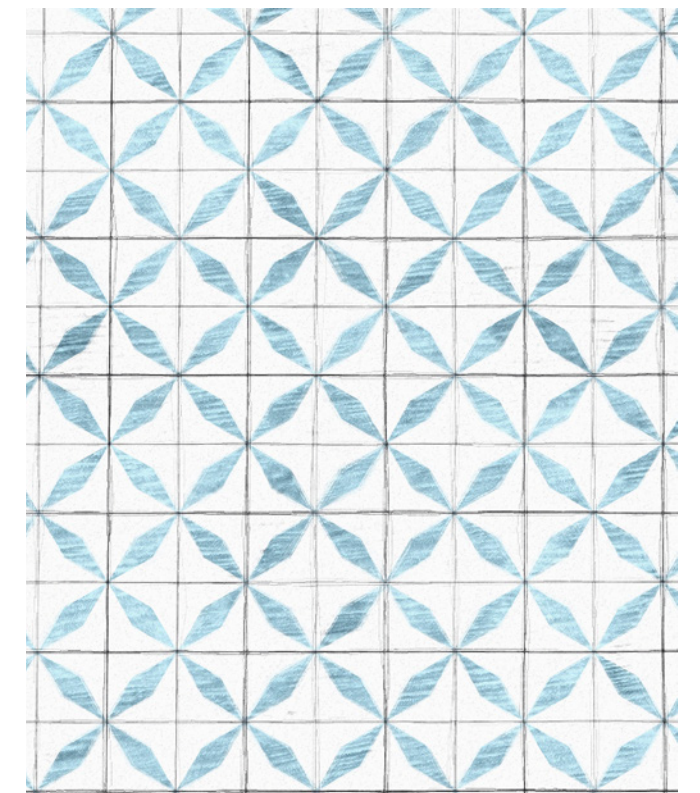
STREET ELEVATION

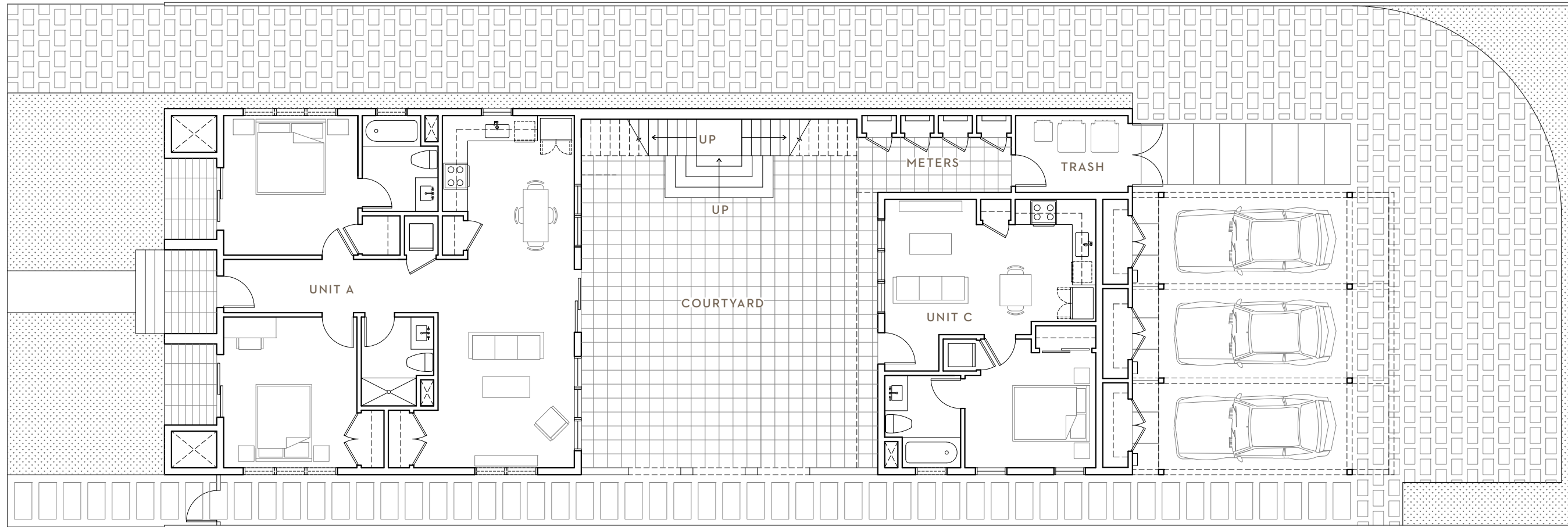


SITE PLAN



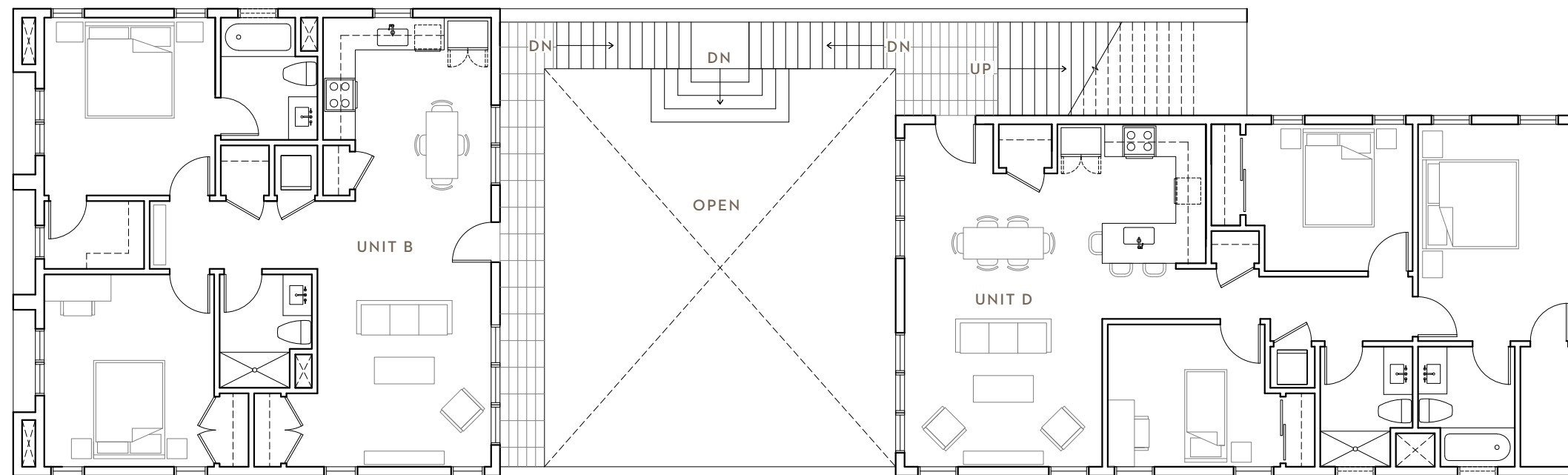
LONGITUDINAL SECTION THROUGH COURTYARD





GROUND FLOOR PLAN
SCALE: 3/32" = 1'-0"

4

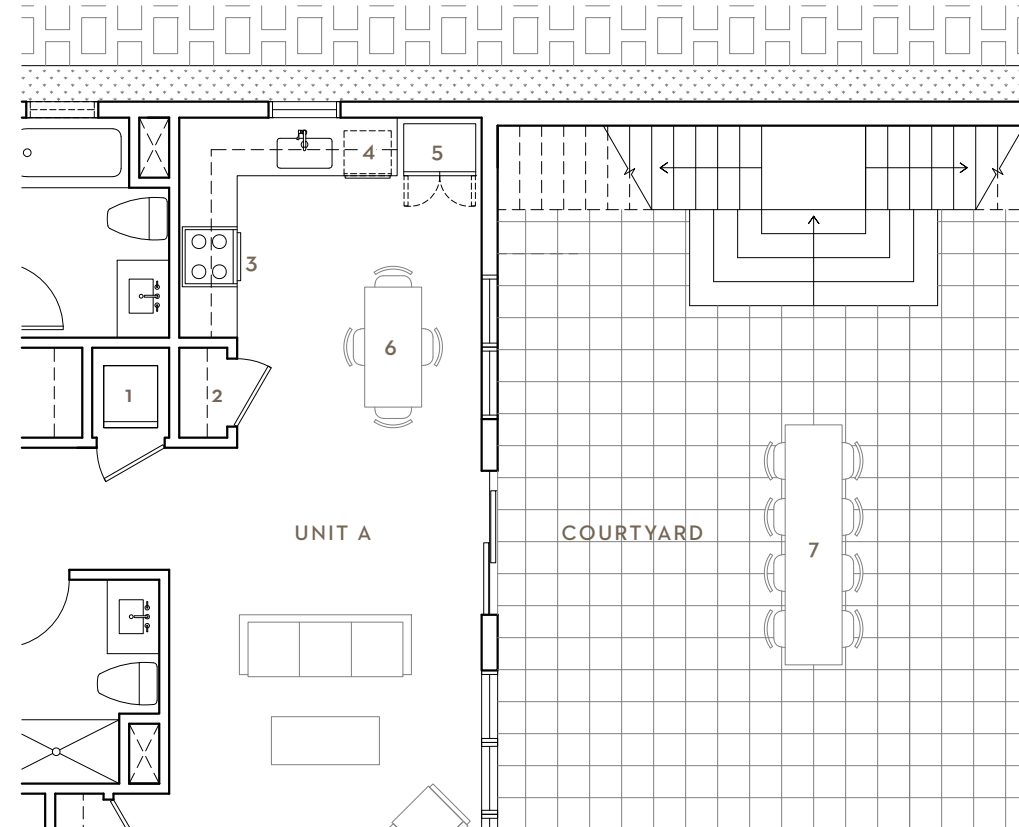


SECOND FLOOR PLAN
SCALE: 3/32" = 1'-0"

UNIT TABULATION

- UNIT A: 2 BED/2 BA, 1125 SF
- UNIT B: 2 BED/2 BA, 1125 SF
- UNIT C: 1 BED/1 BA, 500 SF
- UNIT D: 3 BED/2 BA, 1250 SF

TOTAL RESIDENTIAL AREA:
4000 SF



1. SAMSUNG HIGH-EFFICIENCY STACKED WASHER & ELECTRIC DRYER
2. PANTRY
3. BOSCH BENCHMARK INDUCTION RANGE
4. BOSCH 300 SERIES DISHWASHER W/ LEAK PROTECTION
5. BOSCH 300 SERIES ENERGY STAR RATED REFRIGERATOR
6. DINING
7. OUTDOOR DINING



UNIT A/B KITCHEN & DINING



OUTDOOR COURTYARD DINING



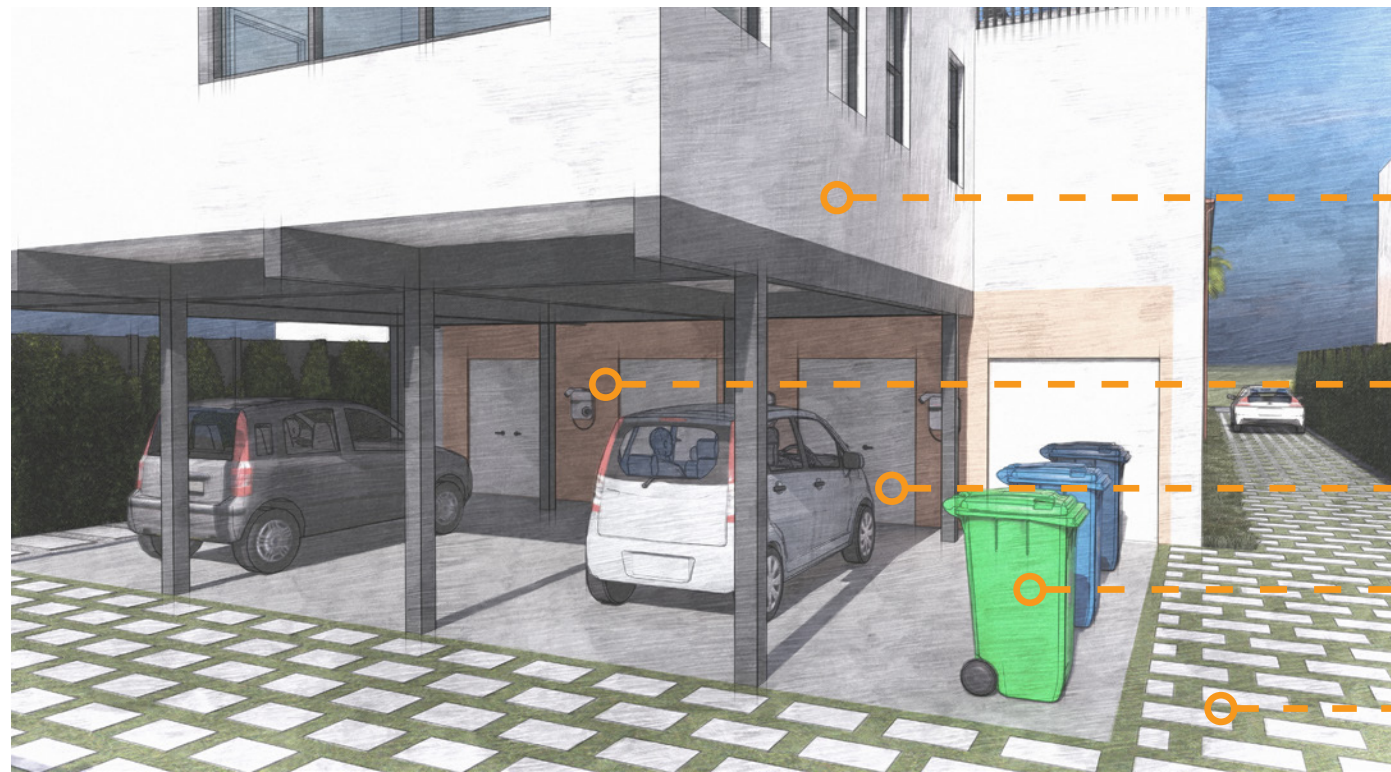
SOLAR GARDEN W/RAISED
PLANTERS FOR HERB &
VEGETABLE CULTIVATION

ROOFTOP PHOTOVOLTAIC ARRAY

GREEN ROOF FOR STORMWATER
MANAGEMENT



6



CONTINUOUS INSULATION INSIDE
RESIDENTIAL UNIT WALL & LIGHT-
COLORED EXTERIOR FINISH

ELECTRIC VEHICLE CHARGERS (3)

SECURE BICYCLE STORAGE

GREEN WASTE & RECYCLING
PROGRAM

PERMEABLE PAVING FOR
STORMWATER MANAGEMENT



SUSTAINABILITY STRATEGIES



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