TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
OCTOBER 07, 2025
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
7:00 PM

Matthew Hudes, Mayor
Rob Moore, Vice Mayor
Mary Badame, Council Member
Rob Rennie, Council Member
Maria Ristow, Council Member

IMPORTANT NOTICE

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through Zoom Webinar (log-in information provided below). You may watch the Council meeting without providing public comment on Comcast cable channel 15 or at www.LosGatosCA.gov/TownYouTube. Members of the public may provide public comments for agenda items in-person or virtually by following the instructions listed at the end of the agenda.

To watch and participate via Zoom, please go to:

https://losgatosca-gov.zoom.us/j/86730363468?pwd=pfKQoh92JnbwOYwFvZqIdSSWpjxYoK.1

Enter Passcode: 577971

Council Member Rob Rennie will be participating via teleconference pursuant to Government Code Section 54953(b)(3) from a location at Via Guglielmo Marconi, 15/A, 70011 Alberobello BA, Italy. The teleconference location shall be accessible to the public and the agenda will be posted at the teleconference location 72 hours before the meeting.

CALL MEETING TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

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

1. **Approve the Minutes of the September 16, 2025, Closed Session Town Council Meeting.**
RECOMMENDATION: Approve the Minutes of the September 16, 2025, Closed Session Town Council Meeting.

2. **Approve the Minutes of the September 16, 2025, Town Council Meeting.**
RECOMMENDATION: Approve the Minutes of the September 16, 2025, Town Council Meeting.

3. **Adopt an Ordinance of the Town Council of the Town of Los Gatos Repealing and Replacing Planned Development Ordinance 1281 Establishing Development Standards and Allowable Uses for Lots within the Planned Development Overlay Zone Relative to the Maximum Floor Area Ratio and the Maximum Lot Coverage Allowed on Lot 8 in the Vasona Oaks Subdivision at Vasona Oaks Drive on Property Zoned R-M:5-12:PD. Located at 130 Vasona Oaks Drive. APN 424-42-008. Exempt Pursuant to CEQA Guidelines, Section 15061 Review for Exemption (b)(3). Planned Development Ordinance Application PD-25-002. Applicant: Elad Batito, Green Bay Remodeling Inc. Property Owner: Ken MacDonald. Project Planner: Samina Merchant.**
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Repealing and Replacing Planned Development Ordinance 1281 Establishing Development Standards and Allowable Uses for Lots within the Planned Development Overlay Zone Relative to the Maximum Floor Area Ratio and the Maximum Lot Coverage Allowed on Lot 8 in the Vasona Oaks Subdivision at Vasona Oaks Drive.
RECOMMENDATION: Adopt an Ordinance of the Town Council of the Town of Los Gatos repealing and replacing Planned Development Ordinance 1281, establishing development standards and allowable uses for lots within the Planned Development Overlay Zone and the maximum floor area ratio and the maximum lot coverage allowed on Lot 8 in the Vasona Oaks subdivision at Vasona Oaks Drive.

4. **Confidential Employee Group Vacation Accrual Cap Increase**
RECOMMENDATION: Approve the increase to the Confidential employee group vacation accrual cap maximum from 310 hours to 320 hours.

5. **Authorize the Town Manager to Execute an Agreement with Kosmont Realty for Brokerage Services for the Disposition of the 4 Tait Avenue Property and Authorize Associated Budget Adjustments**
RECOMMENDATION: Authorize the Town Manager to execute an agreement for services with Kosmont Realty for brokerage services for the disposition of the 4 Tait Avenue property for an amount not to exceed three percent of the property sale price; authorize a revenue budget adjustment in an amount up to the property sale price; and authorize an expenditure budget adjustment in an amount up to three percent of the property sale price.

6. **Amendment to Management Salary Schedule to Establish a New Classification Title and Salary Range for an Administrative Services Director**
RECOMMENDATION: Approve an amendment to the management salary schedule establish a new classification title and salary range for an Administrative Services Director.

7. **Authorize the Town Manager to Execute a Second Amendment to the Agreement for Services with OpenGov, Inc., Revising the Scope of Work at No Additional Cost**
RECOMMENDATION: Authorize the Town Manager to execute a second amendment to the Agreement for Services with OpenGov, Inc., revising the Scope of Work at no additional cost.

8. **Adopt a Resolution as Required by the California Department of Tax and Fee Administration (CDTFA), Authorizing Certain Town Representatives and a Town Contractor Access to Sales, Transactions, and Use Tax Records Pursuant to Revenue and Taxation Code Section 7056 and Rescind the Earlier Resolution 2021-034.**
RECOMMENDATION: Adopt a Resolution as Required by the California Department of Tax and Fee Administration (CDTFA), Authorizing Certain Town Representatives and a Town Contractor Access to Sales, Transactions, and Use Tax Records Pursuant to Revenue and Taxation Code Section 7056 and Rescind the Earlier Resolution 2021-034.

9. **Adopt the Revised Council Policy 2-11: Residency and Attendance Requirements and Establishing a Quorum**
RECOMMENDATION: Adopt the revised Council Policy 2-11: Residency and Attendance Requirements and Establishing a Quorum.

10. **Adopt a Resolution Repealing the General Plan Committee Enabling Resolution and Designating the Planning Commission to Hear Requests for General Plan and Specific Plan Amendments**
RECOMMENDATION: Adopt a resolution repealing the enabling resolution that established the General Plan Committee and designate the Planning Commission to assume the duties of reviewing and making recommendations regarding General Plan and Specific Plan amendment requests.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda and is within the subject matter jurisdiction of the Town Council. The law generally prohibits the Town Council from discussing or taking action on such items. However, the Council may instruct staff accordingly. To ensure all agenda items are heard, this portion of the agenda is limited to 30 minutes. In the event additional speakers were not heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment. Each speaker is limited to no more than three (3) minutes or such time as authorized by the Mayor.)*

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes 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 for closing statements.)*

11. **Introduce an Ordinance Amending Planned Development Ordinance 2025 to Allow Modifications to Building E; Adopt a Resolution Approving an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Use Permit for Formula Retail Over 10,000 Square Feet and for a Restaurant with Alcohol Service on Property Zoned C-2:LHP:PD. Located at 31 University Avenue. APN 529-02-044. Planned Development**

Modification Application PD-25-001, Architecture and Site Application S-25-004, and Conditional Use Permit Application U-25-001. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: SRI Old Town, LLC. Applicant: Rick Nelson, MBH Architects. Project Planner: Erin Walters.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Planned Development Ordinance 2025 to Allow Modifications to Building E at 50 University Avenue (Old Town Center).
RECOMMENDATION: Accept the Planning Commission's recommendation and introduce a an ordinance modifying Planned Development Ordinance 2025 to allow modifications to Building E, and adopt a Resolution approving the Architecture and Site application for exterior modifications to an existing commercial building in the University/Edelen Historic District, and the Conditional Use Permit application for formula retail over 10,000 square feet and for a restaurant with alcohol service on property zoned C-2:LHP:PD, located at 31 University Avenue.

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

12. **Adopt a Resolution Establishing Standard Operating Provisions for Boards, Commissions, and Committees**
RECOMMENDATION: Adopt a resolution establishing standard operating provisions for Boards, Commissions, and Committees, including exhibits outlining commission-specific details.

13. **Adopt A Resolution Granting Consent to the County of Santa Cruz to Establish the Santa Cruz Mountain Wine Improvement District (SCMWID) and Include the Town of Los Gatos Within the District.**
RECOMMENDATION: Adopt a Resolution granting consent to the County of Santa Cruz to establish the Santa Cruz Mountain Wine Improvement District (SCMWID) and include the Town of Los Gatos within the District.

14. **Adopt a Resolution to Modify Town Council Policy 1-08: "Transportation Impact Policy"**
RECOMMENDATION: Adopt a Resolution to Modify Town Council Policy 1-08: "Transportation Impact Policy" to Update the Project List, Modify Charges for Affordable Housing, Allow for Charges on Accessory Dwelling Units (ADUs) in Excess of 750 Square Feet, and Adjust How Credits are Calculated.

15. **Pursuant to Assembly Bill 481, renew Ordinance Approving Military Equipment Funding, Acquisition, and Use Policy and Determine that Use of Military Equipment Identified in Annual Report Complies with Standards.**
RECOMMENDATION: Pursuant to Assembly Bill 481, renew Ordinance Approving Military Equipment Funding, Acquisition, and Use Policy and Determine that Use of Military Equipment Identified in Annual Report Complies with Standards.

COUNCIL / MANAGER MATTERS

CLOSED SESSION REPORT

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

ADA NOTICE - In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354-6834. Notification at least two (2) business days prior to the meeting date will enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104].
NOTE: The ADA access ramp to the Town Council Chambers is currently under construction and will be inaccessible until further notice. Individuals who require the use of that ramp to attend meetings should contact the Clerk's Office at least two (2) business days in advance to arrange for alternative accommodations.

NOTICE REGARDING SUPPLEMENTAL MATERIALS - Materials related to an item on this agenda submitted to the Town Council after initial distribution of the agenda packets are available for public inspection in the Clerk's Office at Town Hall, 110 E. Main Street, Los Gatos and on the Town's website at www.losgatosca.gov. Town Council agendas and related materials can be viewed online at https://losgatos-ca.municodemeetings.com/.

HOW TO PARTICIPATE

Members of the public may provide public comments for agenda items in-person or virtually through the Zoom Webinar by following the instructions listed below.
The public is welcome to provide oral comments in real-time during the meeting in three ways:

Zoom Webinar (Online): To participate from a PC, Mac, iPad, iPhone or Android device. Please use this URL to join: https://losgatosca-gov.zoom.us/j/86730363468?pwd=pfKQoh92JnbwOYwFvZqIdSSWpjxYoK.1
Passcode: **577971**. You can also type in **867 3036 3468** in the "Join a Meeting" page on the Zoom website at www.zoom.us and use passcode **577971**. When the Mayor announces the item for which you wish to speak, click the "raise hand" feature in Zoom.
Telephone: To participate by phone please dial 1 (408) 961-3927 or 1 (855) 758-1310 for US Toll-free and use Meeting ID: **867 3036 3468**. When the Mayor announces the item for which you wish to speak, press *9 on your telephone keypad to raise your hand.
In-Person: Please complete a "speaker's card" located on the back of the chamber benches and submit it to the Town Clerk before the meeting or when the Mayor announces the item for which you wish to speak.

NOTES: Comments will be limited to three (3) minutes or less at the Mayor's discretion. If you are unable to participate in real-time, you may email to Clerk@losgatosca.gov the subject line "Public Comment Item #__ " (insert the item number relevant to your comment).
Deadlines to submit written comments are:

-11:00 a.m. the Thursday before the Council meeting for inclusion in the agenda packet.
-11:00 a.m. the Friday and Monday before the Council meeting for inclusion in an addendum.
-11:00 a.m. the day of the Council meeting for inclusion in a desk item.

TOWN OF LOS GATOS
COUNCIL CLOSED SESSION MINUTES

MEETING DATE: 10/07/2025
ITEM NO: 1

DRAFT
Minutes of the Town Council Special Meeting – Closed Session
Tuesday, September 16, 2025
6:00 P.M.

The Town Council of the Town of Los Gatos conducted a special meeting in person to hold a Closed Session.

MEETING CALLED TO ORDER AT APPROXIMATELY 6:01 P.M.

ROLL CALL

Present: Mayor Matthew Hudes, Vice Mayor Rob Moore, Council Member Mary Badame, Council Member Rob Rennie, and Council Member Maria Ristow.
Absent: None.

VERBAL COMMUNICATIONS (ONLY ON ITEMS ON THE AGENDA)

No one spoke.

Gabrielle Whelan, Town Attorney, announced the closed session title as listed on the agenda.

THE TOWN COUNCIL MOVED TO CLOSED SESSION ON THE FOLLOWING ITEMS:

1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code §54957.6)
   To meet with Town Negotiators listed below in closed session pursuant to Government Code §54957.6 regarding negotiations with the Employee Organizations listed below:
   Town Negotiators:
   Lisa Charbonneau, Liebert Cassidy Whitmore
   Cheryl Parkman, Human Resources Director
   Employee Organizations:
   Police Officers' Association (POA)
   American Federation of State, County and Municipal Employees (AFSCME)
   Town Employees Association (TEA)

There was no reportable action.

ADJOURNMENT

The meeting adjourned at approximately 6:55 p.m.

Attest:

_____
Wendy Wood, Town Clerk

Submitted by:

_____
Chris Constantin, Town Manager

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/7/2025
ITEM NO: 2

DRAFT
Minutes of the Town Council Meeting
Tuesday, September 16, 2025

The Town Council of the Town of Los Gatos conducted a regular meeting in person and via teleconference.

MEETING CALLED TO ORDER AT 7:03 P.M.

ROLL CALL
Present: Mayor Matthew Hudes, Vice Mayor Rob Moore, Council Member Mary Badame, Council Member Rob Rennie, Council Member Maria Ristow.
Absent: None.

PLEDGE OF ALLEGIANCE
Mayor Hudes invited six members of Scout Troop 2 to lead the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS
Marico Sayoc, representative from Supervisor Abe-Koga Office, and Brian Darrow, representative from the Office of the County Executive, County of Santa Clara, gave a presentation on the impact of federal budget cuts and the County's response.

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

1. Approve the Minutes of the September 2, 2025, Town Council Closed Session Meeting.
2. Approve the Minutes of the September 2, 2025, Town Council Meeting.
3. Receive the Monthly Financial and Investment Report for July 2025
4. Authorize the Town Manager to Execute the First Amendment to the Agreement with the Rotary Club of Los Gatos Regarding their Donation of an "Oak Grove" at Live Oak Manor Park
5. Authorize the Town Manager to Execute an Agreement for Services with DLR Group and Make Associated Budget Adjustments
6. Authorize the Town Manager to Execute a Notice of Completion for the 2025 Annual Curb, Gutter and Sidewalk Maintenance Project (Legacy CIP No. 813-9921, New Project No. 4118120) and Authorize Staff to Record the Notice of Completion
7. Take Actions to Proceed with Executing an Agreement for Construction Services with Casey Construction, Inc. to Complete the Annual Storm Drain Improvements: Vasona Storm Drain Replacement (Phase 1) (Legacy CIP No. 25-816-0420; New Project No. 4618304, 4628305, 4638306)
8. Authorize the Town Manager to Purchase Replacement Police Department Mobile Data Computers from CDCE Incorporated for an Amount Not to Exceed $130,000.00

9. Authorize the Town Manager or Designee to Enter into a Legal Services Agreement for Fiscal Year (FY) 2025-26 with the law firm of Goldfarb & Lipman for Land Use Counsel in an Amount Not to Exceed $100,000 and Amend the Goldfarb & Lipman Agreement (Term 07/21/2022 to 6/30/ 2025) to add $1,938.73
10. Adopt an Ordinance Amending Chapter 14, "Licenses and Miscellaneous Business Regulations," Article V, "Police Alarms," of the Town Code to Require Alarm Permits for Residences and Render Residential False Alarms Subject to Penalties
    Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Article V, "Police Alarms," of Chapter 14, "Licenses and Miscellaneous Business Regulations," of the Town Code. **Ordinance 2375**

Mayor Hudes opened public comment.

Member of the Public
- Commented on concerns related to item two.

Mayor Hudes closed public comment.

MOTION: **Motion** by **Council Member Badame** to approve items one through ten. **Seconded** by **Vice Mayor Moore.**

VOTE: **Motion passed unanimously.**

MOTION: **Motion** by **Mayor Hudes** to reschedule agenda item 14. **Seconded** by **Council Member Ristow.**

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS

Susan Bassi
- Commented on concerns regarding code enforcement proceedings, alleged misconduct, and public records compliance.

Member of the Public
- Commented on various concerns.

Jeff Suzuki, Los Gatos Anti-Racism Coalition
- Commented on presentation given by the representatives of Santa Clara County and encouraged the council to endorse Measure A.

Gary Montrezza, Pathway Society
- Commented in support of Measure A and spoke about the services his organization provides.

Cristina dela Fuente
- Commented on Measure A and encouraged community members to vote in favor of the measure.

Kylie Clark
- Commented on Measure A and encouraged the council to endorse the measure.

Kathy Mattingly, Los Gatos Anti-Racism Coalition
- Commented on the impacts of cuts and reductions.

Alison Brunner
- Commented on Measure A and encouraged the council to endorse the measure.

Linda Swenberg
- Commented on high-level emergency needs and noted that Measure A is a general use sales tax

James Na
- Commented on concerns with e-bike safety, and proposed recommendations to help remedy the issue.

PUBLIC HEARING

11. Consider a Request for Approval to Modify Planned Development Ordinance 1281 to Increase the Maximum Floor Area Ratio (FAR) and Lot Coverage for Property Zoned R-M:5-12:PD. Located at 130 Vasona Oaks Drive. APN 424-42-008. Exempt Pursuant to CEQA Guidelines, Section 15061 Review for Exemption (b)(3). Planned Development Amendment Application PD-25-002. Applicant: Elad Batito, Green Bay Remodeling Inc. Property Owner: Ken MacDonald. Project Planner: Samina Merchant. Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Repealing and Replacing Planned Development Ordinance 1281 Establishing Development Standards and Allowable Uses for Lots within the Planned Development Overlay Zone Relative to the Maximum Floor Area Ratio and the Maximum Lot Coverage Allowed on Lot 8 in the Vasona Oaks Subdivision at Vasona Oaks Drive.

Samina Merchant, Associate Planner, presented the staff report.

Mayor Hudes opened public comment.

SuLing, the architect from SLC Design, gave a brief presentation.

Mayor Hudes closed public comment.

Council discussed the item.

MOTION: **Motion** by **Council Member Badame** to accept the Planning Commission's recommendation and introduce a new ordinance repealing and replacing Planned Development Ordinance 1281 to increase the maximum floor area ratio (FAR) and lot coverage for property zoned R-M:5-12:PD, located at 130 Vasona Oaks Drive. Seconded by **Council Member Ristow**

VOTE: **Motion passed unanimously**

OTHER BUSINESS

12. Authorize the Town Manager to Execute a Fourth Amendment with HdL Companies for Business License Discovery and Compliance Audit Services, Sales and Use Tax Management and Audit Services, and Transient Occupancy Tax (TOT) Audit Services with a Total Contract Not to Exceed of $451,500 plus CPI; and Approve a Resolution Granting a Waiver of Business License Late Fee Penalties for Businesses Undergoing the Business License Discovery and Compliance Audit Process. **Resolution 2025-049**

Gitta Ungvari, Finance Director, presented the staff report.

Mayor Hudes opened public comment.

Nadine Swenberg
- Commented on concerns with the proposed amendment, accessibility of business license information and fees on the website, and contractor incentives.

Mayor Hudes closed public comment.

Council discussed the item.

MOTION: **Motion** by **Council Member Ristow** to authorize the Town Manager to execute a Fourth Amendment with HdL Companies for business license discovery and compliance audit services, sales and use tax management and audit services, and transient occupancy tax (TOT) audit services with a total contract not to exceed of $451,500 plus CPI; and approve a resolution granting a waiver of business license late fee penalties for businesses undergoing the business license discovery and compliance audit process. **AMENDMENT:** to verify that accuracy and update the website, ensuring all links are working prior to initiation of the audit. Seconded by **Council Member Rennie**.

ALTERNATE MOTION: Motion by **Council Member Badame** to have a continuance, to get an explanation of the shortfall and assurance that website is ready to move forward. **Seconded by Mayor Hudes.**

VOTE: Alternate Motion failed by a 2-3 vote. Vice Mayor Moore, Council Member Rennie, and Council Member Ristow voted no.

VOTE: Original Motion passed by a 3-2 vote. Mayor Hudes and Council Member Badame voted no.

Mayor Hudes called a recess at 9:23 p.m.
Mayor Hudes reconvened the meeting at 9:37 p.m.

13. Wildfire and Emergency Management Initiatives Update and Adopt the Updated Emergency Operations Plan **Resolution 2025-050**

Chris Todd, Emergency Manager, presented the staff report.

Council discussed the item.

Mayor Hudes opened public comment.

Rob Stump
- Commented on the three initiatives, evacuation planning, outdoor warning system, and vegetation management.

Peter Hertan
- Commented in support of the wildfire audible alert system.

Rhonda Raider
- Commented on Firewise program, hardening homes, and defensible space.

Linda Swenberg
- Commented on concerned with conflicting ordinances, tree replacements, and funding for these initiatives.

Mayor Hudes closed public comment.

Council discussed the item further.

MOTION: Motion by **Council Member Ristow** to adopt a resolution approving the updated Emergency Operations Plan (EOP) as outlined in the report. **Seconded** by **Vice Mayor Moore**.

VOTE: Motion passed unanimously.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Rennie had nothing to report.
- Vice Mayor Moore stated he attended the West Valley Community College Universal Food ribbon cutting, a Youth Commission meeting, an event at Beyond Text, the Finance Commission meeting, and the West Valley Sanitation District meeting.

  Vice Mayor Moore discussed the proposal provided for E-Bike and E-Motorcycle Safety related to education, registration, legislation, and enforcement. Three members of the Council expressed interest in having this topic discussed further at a future meeting.

  MOTION: Motion by **Vice Mayor Moore** to instruct staff to do some level of work on addressing e-bike and e-motorcycle safety in the Town of Los Gatos and come back to the Town Council with a report within two months. **Seconded** by **Council Member Ristow**.

  VOTE: Motion passed unanimously.

- Council Member Ristow stated she met with Eden and Grovner regarding North Forty Phase II; attended West Valley College new campus dining, the Silicon Valley Clean Energy Board of Directors meeting, the Valley Transportation Authority (VTA) Policy Advisory Committee meeting, the Oktoberfest event, and the Chamber of Commerce update meeting.
- Council Member Badame stated she attended the West Valley Storm Water Authority Board meeting, the West Valley Solid Waste Management Authority Board meeting, and the Taste of Los Gatos.
- Mayor Hudes stated he participated in the District 5 Mayors' call with Supervisor Margaret Abe-Koga, the Taste of Los Gatos, the Octoberfest event, the Community Center leadership meeting, the Finance Commission meeting, met with a real estate group, meeting with Los Gatos Chamber Commerce, and Cities Association Board of Directors meeting.

Town Manager Matters

- Spoke about West Valley College programs.

Closed Session Report

- Gabrielle Whelan, Town Attorney, stated that the Town Council met in closed session to conduct a conference with its labor negotiators pursuant to Government Code section §54957.6, and there is no reportable action.

ADJOURNMENT

The meeting adjourned at 11:24 p.m.

Respectfully Submitted:

_____
Keara Johnson, Deputy Town Clerk

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 3

DATE: October 2, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Adopt an Ordinance of the Town Council of the Town of Los Gatos Repealing and Replacing Planned Development Ordinance 1281 Establishing Development Standards and Allowable Uses for Lots within the Planned Development Overlay Zone Relative to the Maximum Floor Area Ratio and the Maximum Lot Coverage Allowed on Lot 8 in the Vasona Oaks Subdivision at Vasona Oaks Drive on Property Zoned R-M:5-12:PD. Located at 130 Vasona Oaks Drive. APN 424-42-008. Exempt Pursuant to CEQA Guidelines, Section 15061 Review for Exemption (b)(3). Planned Development Ordinance Application PD-25-002. Applicant: Elad Batito, Green Bay Remodeling Inc. Property Owner: Ken MacDonald. Project Planner: Samina Merchant.**
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Repealing and Replacing Planned Development Ordinance 1281 Establishing Development Standards and Allowable Uses for Lots within the Planned Development Overlay Zone Relative to the Maximum Floor Area Ratio and the Maximum Lot Coverage Allowed on Lot 8 in the Vasona Oaks Subdivision at Vasona Oaks Drive.

RECOMMENDATION: Adopt an Ordinance of the Town Council of the Town of Los Gatos repealing and replacing Planned Development Ordinance 1281, establishing development standards and allowable uses for lots within the Planned Development Overlay Zone and the maximum floor area ratio and the maximum lot coverage allowed on Lot 8 in the Vasona Oaks subdivision at Vasona Oaks Drive.

PREPARED BY: Samina Merchant
Associate Planner

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

FISCAL IMPACT:

There is no fiscal impact associated with this action. Repealing and replacing a Planned Development Ordinance does not in itself result in an impact on the Town's budget.

STRATEGIC PRIORITY:

There is no strategic priority associated with the item.

DISCUSSION:

At the regular meeting of September 16, 2025, the Town Council held a public hearing to consider the introduction of an Ordinance repealing and replacing Planned Development Ordinance 1281, establishing development standards and allowable uses for lots within the Planned Development Overlay Zone and the maximum floor area ratio and the maximum lot coverage allowed on Lot 8 in the Vasona Oaks subdivision at Vasona Oaks Drive. The Town Council voted unanimously to approve the introduction of the ordinance.

This ordinance (Attachment 1) is returning to the Town Council for final adoption. The Ordinance will take effect 30 days after its adoption.

COORDINATION:

This memorandum has been prepared in coordination with the Building Division, Parks and Public Works Department, Santa Clara County Fire Department, and the Town Attorney's Office.

ENVIRONMENTAL ASSESSMENT:

This Project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061 (b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the PD Ordinance will have a significant effect on the environment. The application proposes minor amendments to performance standards regarding the allowable Floor Area Ratio and lot coverage for developed property.

ATTACHMENT:

1. Draft Planned Development Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REPEALING AND REPLACING PLANNED DEVELOPMENT ORDINANCE 1281 ESTABLISHING DEVELOPMENT STANDARDS AND ALLOWABLE USES FOR LOTS WITHIN THE PLANNED DEVELOPMENT OVERLAY ZONE AND THE MAXIMUM FLOOR AREA RATIO AND THE MAXIMUM LOT COVERAGE ALLOWED ON LOT 8 IN THE VASONA OAKS SUBDIVISION AT VASONA OAKS DRIVE.

WHEREAS, the applicant, Elad Batito of Green Bay Remodeling Inc., proposes to modify Planned Development Ordinance 1281 to allow an increase in floor area ratio and lot coverage beyond the limits authorized by Ordinance 1281 for the property located at 130 Vasona Oaks Drive (Lot 8 in the Vasona Oaks Subdivision); and

WHEREAS, the performance standards of the original Planned Development Ordinance will remain in effect for all lots within this Planned Development Overlay Zone, except where allowed or modified by Performance Standard #9 below for Lot 8; and

WHEREAS, on August 13, 2025, the Planning Commission held a public hearing and received the staff report and applicant's presentation on the proposed project. After discussing the matter, the Planning Commission voted unanimously to recommend approval of the project to the Town Council; and

WHEREAS, this matter came before the Town Council for public hearing on September 16, 2025, and was regularly noticed in conformance with State and Town law; and

WHEREAS, the Town Council held a public hearing; received the staff report and the applicant's presentation on the proposed project; and considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on September 16, 2025. After discussing the matter, the Town Council voted unanimously to introduce the Ordinance; and

WHEREAS, the Town Council finds that the requested amendments are compatible with the surrounding neighborhood and consistent with the goals and policies of the General Plan; and

WHEREAS, the Town Council approves Planned Development application PD-25-002 to repeal and replace Planned Development Ordinance 1281 adopting the "Development Plan for Lot 8" for the property, clarifying development standards, allowable uses, and performance standards for this Planned Development Zone as well as standards specific to Lot 8 within the Vasona Oaks

ATTACHMENT 1

Subdivision.

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

SECTION I. Legislative Findings.

A. With regard to CEQA, the request to modify Planned Development Ordinance 1281 is not subject to the California Environmental Quality Act, because it can be seen with certainty that it will not impact the physical environment. (CEQA Guidelines Section 15061(b)(3).)

B. With regard to required compliance with the Town Code, as required by Section 29.80.095 of the Town Code for granting a Planned Development Overlay Zone, the proposed amendment:

1. Is consistent with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a Planned Development Overlay Zone;
2. Conforms with the goals, policies, and applicable land use designations and standards of the Town's General Plan, including but not limited to Policy LU-6.8;
3. Conforms with all other applicable provisions of the Town Code, including Town Council–adopted guidelines, except as otherwise modified through the Planned Development process; and
4. Includes development standards or uses that deviate from the underlying zoning in a way that results in innovative site planning and provides public benefit through maximized open space.

C. With regard to required consistency with the Town's General Plan, the amendment to the Planned Development Overlay is consistent with the General Plan and its Elements, including but not limited to Policy LU-6.8; and that the amendment to the Planned Development Overlay zoning is consistent with the existing General Plan designation.

SECTION II. Planned Development Overlay Zone.

The zoning of the property shown on the map which is attached hereto as Exhibit A and is a part of this ordinance will remain R-M:5-12:PD (Multiple Family Residential, 5-12 dwelling units per net acre – Planned Development), but the performance standards will be amended as set forth below.

SECTION III. Uses and Improvements Authorized.

The PD (Planned Development) Zone established by this Ordinance authorizes development on the above-described real property of 17 single family detached dwellings, landscaping, parking, and other Improvements shown and required on the “Official Development Plan” on file with the Town Clerk and Planning Department. Permitted uses for the project are specified by Chapter 29, Article IV, Division 6 of the Zoning Ordinance (as this section exists at the time of the adoption of this Ordinance or as amended in the future), and on Page 1 of the developer's "Official Development Plan.” All other uses as listed in Section 29.40.615 of the Zoning Ordinance are conditional uses and require issuance of a Conditional Use Permit.

SECTION IV. Minor Residential Development Approval Required.

Prior to the issuance of any permits in compliance with the “Official Development Plan” and the “Development Plan for Lot 8” hereby approved, Minor Residential Development approval is required.

SECTION V. Official Development Plan.

The "Official Development Plan” for the Planned Development established by this Ordinance consists of this Ordinance and the following listed plans (approved stamped, December 1, 1975) and the “Development Plan for Lot 8,” which are on file in the Office of the Town Clerk and the Community Development Department.

1. Sheet No. 1: Site plan, illustrating: 17 detached single-family residences, garages, 17 open off-street parking stalls, landscaping areas, balconies and decks, and vehicular access and circulation.
2. Sheet No. 2: Section through the property showing the slope, and units on either side of the proposed street.
3. Sheet No. 3: Block elevation of all units facing the University Avenue street scene.
4. Sheets 4, 5, and 6: Typical building elevations of both uphill and downhill structures.
5. Development Plan for Lot 8, included as Exhibit 9 of the August 13, 2025, Planning Commission Staff Report.

DRAFT

SECTION VI. Performance Standards.

In addition to the foregoing plans, the following performance standards are part of the "Official Development Plan:"

1. That the conditions, covenants, and restrictions be submitted for approval in conjunction with the tentative subdivision map and the Precise Development Plan.
2. That the setbacks and building separations shown on the "Official Development Plan" be considered as minimum in preparation of the Precise Development Plan.
3. That all paved areas be separated from landscaped areas with a 6" high concrete curb.
4. That the applicant guarantee by contract and bond the installation of street improvements as follows:
   University Avenue: Widen approximately 12 feet to provide left-turn storage at the Intersection with the new street. Install new concrete curb and gutter and street lighting.
   New Street: Install curb and gutter, pavement (24' curb to curb), street lighting, storm drainage and sanitary sewer.
5. Dedication of right-of-way along University Avenue, as required, to a line 10 feet behind the new face of curb.
6. Dedication of the interior street and cul-de-sac bulb. The interior street shall be 24 feet (curb to curb) within a 26-foot minimum right-of-way.
7. That the garages shall be located less than 10 feet or more than 20 feet from the curb line.
8. That a soils engineering report be provided to establish the stability of the existing slope bank, and shall recommend grading procedures and protective measures for the project. This report shall be to the satisfaction of the Town Engineer.
9. Lot 8 will be subject to the performance standard set forth above. However, the "Official Development Plan" shall be deemed to include development plans specific to Lot 8 reflecting modifications to a single-family residence located at 130 Vasona Oaks Drive (APN: 424-42-008) included as Exhibit 9 of the August 13, 2025, Planning Commission Staff Report. These Lot 8 modifications include the enclosure of an existing second-story deck to create an enclosed 231-square foot sunroom, expansion of the second floor living area by 91 square feet, and creation of 92 square feet of additional living area on the third floor. As a result of these modifications on Lot 8, the maximum floor area ratio (FAR) will increase from 1.01 to 1.22, and lot coverage will increase from 66 percent to 73.40 percent. The modified plans for Lot 8 are on file in the Office of the Town Clerk and Planning Department and shall be subject to the same standards and conditions as the original approved Precise Development Plan with the exception of FAR and lot coverage as outlined above.

SECTION VII. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses, or phrases in this Ordinance might be declared unconstitutional, preempted, or otherwise invalid.

SECTION VIII. Publication.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

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SECTION IX. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 16th day of September 2025, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 7th day of October 2025, by the following vote:

COUNCIL MEMBERS:
AYES:
NAYS:
ABSENT:
ABSTAIN:

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

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TOWN OF LOS GATOS

Application No. PD-25-002 **A.P.N. #** 424-42-008

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: R-M:5-12:PD To: R-M:5-12:PD**

☐ **Prezoning**

N

Forwarded by Planning Commission **Date: August 13, 2025**

Approved by Town Council **Date:** **Ord:**

Clerk Administrator: **Mayor:**

EXHIBIT A

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TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 4

DATE: October 7, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Confidential Employee Group Vacation Accrual Cap Increase**

RECOMMENDATION: Approve the increase to the Confidential employee group vacation accrual cap maximum from 310 hours to 320 hours.

FISCAL IMPACT:

There is a negligible financial impact from this change to increase the vacation accrual cap by 10 hours for each of the 13 employees in the Confidential employee group. Financial impacts for the increased vacation accrual cap would only occur if an employee separates or retires from Town service at the new 320 vacation accrual cap and is paid for their unused hours. Currently, there are two employees who are at the current vacation accrual cap. Should they decide to separate or retire with the full 320 hours of vacation to be paid out at their current rate of pay, the additional cost would be $1,200.43. An increased cost to the Town would only be in rare circumstances where an employee would be at the revised cap and decide to separate or retire otherwise, it could be a loss of productivity for the additional leave hours taken by a Confidential employee.

STRATEGIC PRIORITY:

This item does not have an impact on the Town's strategic priorities.

BACKGROUND:

Employees designated as Confidential employees are those who are privy to the decisions of Town management affecting employer-employee relations. Based upon this designation in Town Resolution 1974-41, Confidential employees are unrepresented and at-will.

PREPARED BY: Cheryl Parkman
Human Resources Director

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

DISCUSSION:

When benefit changes are made for TEA employees through successor MOU negotiations, the process has been to change the benefits for Confidential employees through the Council approval process. The vacation accrual cap was increased for employees represented by TEA from 310 to 320 in the 2024-2027 successor Memorandum of Understanding (MOU).
The change to the vacation accrual cap for Confidential employees was not approved by Council with the Confidential employee group salary increases and staff is recommending it now to better align benefits.

Confidential employee group benefits are approved to aligned with TEA because there is a direct promotional pipeline between TEA and Confidential positions, and it can cause administrative issues when an employee receives less benefits when moving classifications between the two employee groups.

CONCLUSION:

The Town recommends that the Council approve the vacation accrual cap increase from 310 to 320 hours.

COORDINATION:

This memorandum was coordinated with the Town Attorney's Office and the Finance Department.

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENT:

1. Benefits by Employee Group revised effective October 7, 2025

Town of Los Gatos
2025 Benefits by Association Groups *(Effective 01/01/25)*

	AFSCME	Police Officers' Association	Town Employees' Association	Confidential	Management	Town Attorney	Town Manager	Town Council	Temporary/ Hourly
Compensation									
Memorandum of Understanding	7/1/24-6/30/27	4/1/24- 6/30/27	7/1/24-6/30/27	At-Will	At-Will	At-Will	At-Will	Elected	At-Will
Salary Increases	7/7/24: 4% 7/1/25: 4% 7/1/26: 4%	Effective payperiod containing 4/1/24: 6.5% 7/1/25: 5% 7/1/26: 4%	7/7/24: 5% 7/1/25: 3% 7/1/26: 3%	7/7/24: 5% 7/1/25: 3% 7/1/26: 3%	7/7/24: 5% 7/1/25: 3% 7/1/26: 3%	Refer to Employment Agreement	Refer to Employment Agreement	N/A	7/7/24: 5% 7/1/25: 3% 7/1/26: 3%
Monthly Stipend	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$570	N/A
Premium Pay									
Special Assignment	N/A	5%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Intermediate POST Certificate	N/A	5%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Intermediate & Advanced POST Certificate	N/A	7.5% Total	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Advance POST Certificate	N/A	N/A	Communications Dispatcher - 5%	N/A	N/A	N/A	N/A	N/A	N/A
Canine Pay	N/A	5%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Bilingual Pay	N/A	2.5%	2.5%	2.5%	N/A	N/A	N/A	N/A	N/A
Four-Year Degree Incentive Pay	N/A	2.5%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Field Training Officer	N/A	5%	Communications Dispatcher - 5%	N/A	N/A	N/A	N/A	N/A	N/A
Acting Sergeant	N/A	Step 4 of Sergeant Range	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Street Sweeper	$5/hour	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Class A Driver License	$30/month	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Class A or B Driver License Plus Tanker Endorsement	$75/month	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Leaves									
Bereavement Leave	40 Hours	40 Hours	40 Hours	40 Hours	40 Hours	40 Hours	40 Hours	N/A	N/A
Comp Time Accrual Caps	80 Hours	140 Hours	60 Hours, 100 Hours for Dispatchers	60 Hours	N/A	N/A	N/A	N/A	N/A
Comp Time Cash Out	At Separation	2x a year, 40 hours max and at separation	1x a year, 40 hours max and at separation	2x a year, 40 hours max and at separation	N/A	N/A	N/A	N/A	N/A

Town of Los Gatos
2025 Benefits by Association Groups *(Effective 01/01/25)*

	AFSCME	Police Officers' Association	Town Employees' Association	Confidential	Management	Town Attorney	Town Manager	Town Council	Temporary/ Hourly
Holiday In-Lieu Compensation	N/A	4.40%	4.6% (Communications Dispatchers & Park Services Officers)	N/A	N/A	N/A	N/A	N/A	N/A
Holidays	11 Days	N/A	11 Days	11 Days	11 Days	11 Days	11 Days	N/A	N/A
Jury Duty	Salary Continued							N/A	N/A
Management Leave	N/A	N/A	N/A	N/A	As authorized by Town Manager	40 Hours	40 Hours	N/A	N/A
Personal Leave	24 Hours	24 Hours	24 Hours / 48 Hours for Exempt Employees	24 Hours	48 Hours	40 Hours	48 Hours	N/A	N/A
Sick Leave Accrual	12 Days/96 Hours Per Calendar Year							N/A	5 Days/40 Hours
Sick Leave Accrual Caps	1200 Hours	1180 Hours	1000 Hours	1000 Hours	1100 Hours	1100 Hours	1100 Hours	N/A	40 Hours
Sick Leave Cash Out	Available at separation contingent on hire date. Cash out amount based on years of service and minimum balance.	Available twice per year and at separation contingent on hire date. Cash out amount based on years of service and minimum balance.	Available once per year and at separation contingent on hire date. Cash out amount based on years of service and minimum balance.	Available twice per year and at separation contingent on hire date. Cash out amount based on years of service and minimum balance.	Available twice per year and at separation contingent on hire date. Cash out amount based on years of service and minimum balance.	Available twice per year and at separation contingent on hire date. Cash out amount based on years of service and minimum balance.	Available twice per year and at separation contingent on hire date. Cash out amount based on years of service and minimum balance.	N/A	N/A
Sick Leave Conversion Plan	Eligible if hired prior to 7/1/07	Eligible if hired before 1/01/09	Eligible if hired before 11/15/04	Eligible if hired before 11/15/04	Eligible if hired before 11/15/04	N/A	N/A	N/A	N/A
Vacation Accrual Caps	320 Hours	344 Hours	320 Hours	320 hours	500 Hours	500 Hours	500 Hours	N/A	N/A
0 to 36 months	10 Days = 80 hrs	10 Days = 80 hrs	10 Days = 80 hrs	10 Days = 80 hrs	0 to 60 months 15 Days = 120 hrs	0 to 60 months 15 Days = 120 hrs	0 to 60 months 15 Days = 120 hrs	N/A	N/A
37 to 60 months	16 Days = 128 hrs	15 Days = 120 hrs	16 Days = 128 hrs	16 Days = 128 hrs				N/A	N/A
61 to 120 months	21 Days = 168 hrs	20 Days = 160 hrs	21 Days = 168 hrs	21 Days = 168 hrs	20 Days = 160 hrs	20 Days = 160 hrs	20 Days = 160 hrs	N/A	N/A
121 to 180 months	23 Days = 184 hrs	23 Days = 184 hrs	23 Days = 184 hrs	23 Days = 184 hrs	23 Days = 184 hrs	23 Days = 184 hrs	23 Days = 184 hrs	N/A	N/A
181 months and over	25 Days = 200 hrs	25 Days = 200 hrs	25 Days = 200 hrs	25 Days = 200 hrs	25 Days = 200 hrs	25 Days = 200 hrs	25 Days = 200 hrs	N/A	N/A
Vacation Cash out	At separation (accrued balance) and once per year up to 80 hours	At separation (accrued balance) and twice per year, up to 160 hours cumulatively	At separation (accrued balance) and once per year, up to 160 hours cumulatively	At separation (accrued balance) and twice per year, up to 160 hours cumulatively	At separation (accrued balance) and twice per year, up to 200 hours cumulatively	At separation (accrued balance) and twice per year, up to accrued balance	At separation (accrued balance) and twice per year, up to accrued balance	N/A	N/A

Town of Los Gatos
2025 Benefits by Association Groups *(Effective 01/01/25)*

	AFSCME	Police Officers' Association	Town Employees' Association	Confidential	Management	Town Attorney	Town Manager	Town Council	Temporary/ Hourly
Benefits									
Employee Assistance Program (Concern)	Up to 8 counseling sessions per issue per year and work/life referral services. Refer to the 2025 Employee Benefits Guide for more information.							N/A	N/A
Flexible Spending Accounts (American Fidelity)	**Health Care Account** Contribution Maximum: $3,200 *(Carryover Maximum: $640)*				**Dependent Care Account** Contribution Maximum: $2,500 (single tax payer) Maximum Contribution: $5,000 (married couples filing jointly)			N/A	N/A
Cash-In-Lieu of Health Insurance *(monthly amounts based on hire date)*	$420	After 1/1/06: $400 Before 1/1/06: $922	After 11/15/04: $400 Before 11/15/04: $800	After 11/15/04: $400 Before 11/15/04: $800	After 11/15/04: $400 Before 11/15/04: $950	$400	$400	N/A	N/A
Health Insurance	**Town Monthly Contribution**	**CalPERS Medical**	**Vision Service Plan**	**Delta Dental PPO**		**DeltaCare USA Dental HMO**			N/A
	Employee Only:	$1,112.90	$10.64	Town Pays $111.17. Employee Pays $15.00 for Employee Only or Employee Plus Dependents		Town Pays $42.43. Employee Pays $0.00 for Employee Only or Employee Plus Dependents			
	Employee Plus 1 Dependent:	$2,225.80	$4.61						
	Employee Plus 2 or More Dependents:	$2,893.54	$16.80						
Retiree Medical	**Hired before 7/1/18**	**Hired before 10/1/18**	**Hired before 8/22/18**	**Hired before 10/1/18**	**Hired before 10/1/18**	**Hired before 10/1/18**	**Hired before 10/1/18**	**Elected before 10/1/18**	N/A
	All employees and elected officials who do not meet the above retiree medical contribution eligibility criteria will receive the PEMHCA minimum contribution to medical as required by CalPERS.								
	Maximum Town Monthly Contribution			**Basic Plan**		**Medicare Supplement**			
	Employee Only:			$1,112.90		$343.08			
	Employee Plus 1 Dependent:			$2,114.51		$651.85			
	Employee Plus 2 or More Dependents:			$2,247.16		$960.62			
MissionSquare Deferred Compensation 2025 IRS Limits	$23,500 Normal Contribution Limit for age 49 and under | $31,000 Catch-Up Limit for age 50 (by December 31, 2025) and older.							N/A	N/A
American Fidelity Optional Insurance Policies *(Employee Paid 100%)*	Life, Accident, Cancer, and Critical Illness Insurance. Refer to the 2025 Employee Benefits Guide for more information.							N/A	N/A
Tuition Reimbursement	$3,000 per Fiscal Year	Up to SJSU semester cost (2 semesters per fiscal year)	$3,000 per Fiscal Year	$3,000 per Fiscal Year	$3,000 per Fiscal Year	N/A	N/A	N/A	N/A

Town of Los Gatos
2025 Benefits by Association Groups *(Effective 01/01/25)*

	AFSCME	Police Officers' Association	Town Employees' Association	Confidential	Management	Town Attorney	Town Manager	Town Council	Temporary/ Hourly
Uniform Allowance	Town provided plus $350 safety shoe allowance	$1,380	$500 Park Services Officer; $400 Community Service Officer and Parking Control Officer	N/A	N/A	N/A	N/A	N/A	N/A
CalPERS Retirement									
Classic Members Tier 1: Employees hired with reciprocity or CalPERS membership prior to 1/1/13 without a break in CalPERS service of six months or more or hired and enrolled in CalPERS membership prior to 9/15/12.									
Retirement Formula	2.5% @ 55	3% @ 50	2.5% @ 55	2.5% @ 55	2.5% @ 55 Non-Sworn 3% @ 50 Sworn	2.5% @ 55	2.5% @ 55	2.5% @ 55	N/A
Final Compensation Period	Single Highest Year								N/A
Employee Contribution	8%	12%	8%	8%	8% Non-Sworn 9% Sworn	8%	8%	0%	N/A
1959 Survivor Benefits	Level 4 - $500. Employee contributes $0.93 bi-weekly.								N/A

Town of Los Gatos
2025 Benefits by Association Groups *(Effective 01/01/25)*

	AFSCME	Police Officers' Association	Town Employees' Association	Confidential	Management	Town Attorney	Town Manager	Town Council	Temporary/ Hourly
Classic Members Tier 2: Employees hired and enrolled after 9/15/12 with reciprocity or membership prior to 1/1/13 without a break in CalPERS service of six months or more.									
Retirement Formula	2% @ 60	Tier 2 does not apply to POA or Sworn Management	2% @ 60	2% @ 60	2% @ 60 Non-Sworn	2% @ 60	2% @ 60	2% @ 60	N/A
Final Compensation Period	3-Year Highest Average		3-Year Highest Average						N/A
Employee Contribution	7%		7%						N/A
1959 Survivor Benefits	Level 4 - $500. Employee contributes $0.93 bi-weekly.		Level 4 - $500. Employee contributes $0.93 bi-weekly.						N/A
PEPRA Pension Act: Employees hired on or after 1/1/13 who are new members of CalPERS or had a break in CalPERS service of six months or more									
Retirement Formula	2% @ 62	2.7% @ 57	2% @ 62	2% @ 62	2% @ 62 Non-Sworn 2.7% @ 57 Sworn	2% @ 62	2% @ 62	2% @ 62	N/A
Final Compensation Period	3-Year Highest Average								N/A
Employee Contribution	7.75%	14.50%	7.75%	7.75%	7.75% Non- Sworn 14.50% Sworn	7.75%	7.75%	7.75%	N/A
1959 Survivor Benefits	Level 4 - $500. Employee contributes $0.93 bi-weekly.								N/A

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 5

DATE: October 7, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Authorize the Town Manager to Execute an Agreement with Kosmont Realty for Brokerage Services for the Disposition of the 4 Tait Avenue Property and Authorize Associated Budget Adjustments**

RECOMMENDATION: Authorize the Town Manager to execute an agreement for services (Attachment 1) with Kosmont Realty for brokerage services for the disposition of the 4 Tait Avenue property for an amount not to exceed three percent of the property sale price; authorize a revenue budget adjustment in an amount up to the property sale price; and authorize an expenditure budget adjustment in an amount up to three percent of the property sale price.

FISCAL IMPACT:

The proposed brokerage agreement includes a 3% commission for Kosmont Realty upon sale of the Property with a minimum commission requirement of $40,000. Due to the complexity of the property, the agreement includes preliminary due diligence for up to $5,000, which will be reimbursed as a credit on the commission upon sale of the property. During the last appraisal in 2024, the property was appraised at approximately $3 million. As an example, to show the order of magnitude, assuming a sale price of $3 million, this would result in a commission cost of $90,000; however, the actual commission will be based off of the actual sale price. The revenue from the sale will fund the commission.

STRATEGIC PRIORITY:

The sale of the 4 Tait Avenue property supports the strategic priority of prudent financial management.

PREPARED BY: Katy Nomura
Assistant Town Manager

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

BACKGROUND:

The Town owns real property located at 4 Tait Avenue (Assessor's Parcel No. 510-44-054), which is improved with a building of approximately 2,525 square feet and an ancillary outbuilding originally constructed as a fire station and later used as a museum. The museum use was discontinued several years ago. The building and outbuilding are currently unoccupied. The Town is exploring the disposition of the property.

The State Surplus Land Act, which is codified in Government Code Sections 54220 (hereinafter referred to as the "Act"), applies when a local agency disposes of land that is surplus and not necessary for the agency's use. The Act requires local agencies to declare land as "surplus land" or "exempt surplus land" prior to disposition. Land that is less than ½ acre or 21,780 square feet and not adjacent to land owned by a state or local agency used for open space or low and moderate-income housing is exempt from provisions of the Act.

On January 21, 2025, the Town Council adopted a resolution declaring Town-owned property at 4 Tait Avenue to be exempt surplus land pursuant to the state Surplus Land Act [Government Code Section 54221(f)(1)(B)] and authorizing the Town Manager to pursue disposal of the property. The Town has received HCD's approval of the resolution declaring the property exempt surplus land.

DISCUSSION:

Due to the historic nature of the 4 Tait Avenue property (Property), there is additional complexity involved. Kosmont Realty has extensive experience working with public agencies to provide such broad services, including Surplus Land Act compliance, asset valuation and strategy, real estate transactions/brokerage services, and economic development/municipal advisement, among other services. In addition, Kosmont has significant experience with conservation easements and handling historic property sales where maintaining the historic nature of the property is a priority. For these reasons, staff recommends contracting with Kosmont on a single source basis to manage the disposition of the Property through a brokerage agreement, where they will receive a three percent commission. Due to the complexity of the property, the agreement includes preliminary due diligence for up to $5,000, which will be reimbursed as a credit on the commission upon sale of the Property.

CONCLUSION:

Staff recommends contracting with Kosmont Realty to manage the disposition of the Property through a brokerage agreement.

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15378, entry into the brokerage agreement is exempt from the California Environmental Quality Act ("CEQA") because it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

1. Draft Brokerage Agreement

September 25, 2025

Katy Nomura
Assistant Town Manager
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Re: Proposal Real Estate Brokerage Services

Dear Ms. Nomura:

Kosmont Real Estate Services ("KRES") dba Kosmont Realty, a licensed California brokerage firm (Department of Real Estate License #02058445), ("KR" or "Consultant"), is pleased to present this proposal to the Town of Los Gatos ("Client" or "Owner") for real estate brokerage services.

This proposal serves as an agreement ("Agreement") when executed and returned by Client to KR.

I. BACKGROUND AND OBJECTIVE

Client is requesting assistance with the sale and disposition of certain Town owned property, particularly 4 Tait Avenue (APN 510-44-054).

KR is a duly licensed brokerage services firm by the California Department of Real Estate and its insurance coverage is premised on compliance with State licensing regulations. KR and Client can enter into a brokerage arrangement and implement HCD compliance and the sale of properties, as appropriate.

KR proposes the following Scope of Services accordingly.

II. SCOPE OF SERVICES

Approach to Scope of Services: The prospective assignment and consulting services that KR will provide will be of a relatively limited scope and duration, and advisory in nature. KR will be making recommendations only, which advise the Client, including its elected officials, appointed officials and staff, which they can accept or reject. None of KR's staff will act in a capacity as an elected official, nor appointed official, nor as staff, nor as serving in a "designated" position.

Mailing Address: 1601 N. Sepulveda Blvd., #382
Manhattan Beach, CA 90266

Kosmont Realty
(424) 297-1076
www.kosmontrealty.com

Physical Address: 2301 Rosecrans Ave., Ste. 4140
El Segundo, CA 90245 90245

Task 1: Preliminary Due Diligence
KR will conduct initial pre-sale/disposition property due diligence to identify existing market conditions and constraints affecting the potential marketability, sale, and development (e.g., zoning, adjacent uses, site configuration, known environmental condition) of the Property and evaluate and identify the preferred approach for the Property. There may be certain aspects of the disposition strategy that require specialized expertise for which City may need to separately retain, such as applicability and implementation of conservation easement tax benefits to a prospective buyer.

Task 2: Real Estate Brokerage Services

In compliance with the statutory and procedural disposition requirements of the California SLA and pursuant to Department of Real Estate (DRE) licensing requirements, Owner and KR may enter into or authorize a direct, indirect and/or a cooperative broker relationship with other private sector and/or brokerages/brokers, as desired by Owner and mutually agreed upon to leverage KR's collective expertise/resources, market knowledge, and transaction based relationships to successfully sell the properties, while enabling and assisting brokerage activity by any and all brokers/brokerage service firms involved in the SLA exposure and disposition process, to maintain compliance with the sale regulations set forth by the SLA.

As such, KR can be flexibly engaged, as directed by Owner and mutually agreed upon, to perform brokerage tasks/assignments with and independent of other brokerages services firms retained by Owner or private sector entities, in soliciting, selecting, and negotiating with a preferred buyer(s)/developer(s) to effectuate the sale of the properties. These brokerage activities could include structuring presentations and negotiations with the California Department of Housing and Community Development (HCD) to achieve notice of determination(s) and related sale procedural approvals, negotiation of purchase agreement documentation; coordination of escrow, title, and ultimate sale; and other transaction-based activities as may be required to close the transaction (as mutually agreed upon between KR and Owner). Compensation may include a share of commissions and/or fees as may be applicable and agreed upon.

As properties are identified by the City, KR will represent the owner in the sale of these properties.

III. SCHEDULE AND REQUIRED DATA
Consultant is prepared to commence work upon receipt of executed Agreement. Client will provide KR with appropriate existing property data including appraisals, market data, and/or other relevant data deemed appropriate by KR.

IV. COMPENSATION
Compensation for Task 1 is estimated at $5,000 for professional services (hourly) fees at Consultant's billing rates as shown on Attachment A. Compensation for Task 2 Real Estate Brokerage Services is detailed in the Exclusive Authorization to Sell Agreement (see Attachment A). If a transaction closes and KR's commission is greater than the minimum commission, as available, the amount paid for Task 1 due diligence can be credited against the commission owed in excess of the minimum commission.

For the convenience of Kosmont's clients, we offer a secure credit card payment service. The credit card payment link is: https://kosmont.paidyet.com and there are two ways to make a secure credit card payment:

1. Fill in the "***Make a Payment***" form when you go to the link (https://kosmont.paidyet.com), or
2. Call Kosmont Companies' accounting desk (424) 297-1072 to make a credit card payment

KR is prepared to commence work upon receipt of executed Agreement.

V. OTHER PROVISIONS

A. Termination. Client or Consultant shall have the right to terminate this Agreement at any time upon written notification to the other party. Payment for fees accrued through the date of termination shall be remitted in full.

B. Mediation. Mediation. Should any dispute arise out of this Agreement, any party may request that it be submitted to mediation. The parties shall meet in mediation within 30 days of a request. The mediator shall be agreed to by the mediating parties; in the absence of an agreement, the parties shall each submit one name from mediators listed by either the American Arbitration Association, the California State Board of Mediation and Conciliation, or other agreed-upon service. The mediator shall be selected by a blind draw.

No party shall be permitted to file a legal action without first meeting in mediation and making a good faith attempt to reach a mediated settlement. The mediation process, once commenced by a meeting with the mediator, shall last until agreement is reached by the parties but not more than 60 days, unless the maximum time is extended by the parties. The party determined to be the prevailing party will be entitled to reimbursement of all cost.

C. Attorneys' Fees. In the event of any legal action, arbitration, or proceeding arising out of an alleged breach of this Agreement, the party prevailing in such legal action, arbitration, or proceeding shall be entitled to recover reasonable attorneys' fees, expenses and costs, as well as all actual attorneys' fees, expenses and cost incurred in enforcing any judgment entered.

D. Authority. Each of the parties executing this Agreement warrants that persons duly authorized to bind each such party to its terms execute this Agreement.

E. Further Actions. The parties agree to execute such additional documents and take such further actions as may be necessary to carry out the provisions and intent of this Agreement.

F. Assignment. Neither this Agreement nor any of the rights or obligations hereunder may be assigned by either party without the prior written consent of the other party.

G. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

H. Entire Agreement; Amendments and Waivers. This Agreement contains the entire agreement between the parties relating to the transactions contemplated hereby and any and all prior discussions, negotiations, commitments and understanding, whether written or oral, related hereto are superseded hereby. No addition or modification of any term or provision of this Agreement shall be effective unless set forth in writing signed by both parties. No waiver of any of the provisions of this Agreement shall be deemed to constitute a waiver of any other provision hereof (whether or not similar), nor shall such waiver constitute a continuing waiver of such provisions unless otherwise expressly provided. Each party to this Agreement has participated in its drafting and, therefore, ambiguities in this Agreement will not be construed against any party to this Agreement.

I. Severability. If any term or provision of this Agreement shall be deemed invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and in force to the fullest extent permitted by law.

J. Notices. All notices, requests, demands and other communications which may be required under this Agreement shall be in writing and shall be deemed to have been received when transmitted; if personally delivered, if transmitted by telecopier, electronic or digital transmission method, upon transmission; if sent by next day delivery to a domestic address by a recognized overnight delivery service (e.g., Federal Express), the day after it is sent; and if sent by certified or registered mail, return receipt requested, upon receipt. In each case, notice shall be sent to the principal place of business of the respective party. Either party may change its address by giving written notice thereof to the other in accordance with the provisions of this paragraph.

K. Titles and Captions. Titles and captions contained in this Agreement are inserted only as a matter of convenience and for reference and in no way define, limit, extend or describe the scope of this Agreement or the intent of any provision herein**.**

L. Governing Law. The statutory, administrative and judicial law of the State of California (without reference to choice of law provisions of California law) shall govern the execution and performance of this Agreement.

M. Venue. In the event that suit shall be brought by any Party to this agreement, the parties agree that the venue shall be exclusively vested in the state courts of the County of Santa Clara.

N. Counterparts. This Agreement may be executed in one or more counterparts, each of which constitutes an original, and all of which together constitute one and the same instrument. The signature of any person on a telecopy of this Agreement, or any notice, action or consent taken pursuant to this Agreement shall have the same full force and effect as such person's original signature.

O. Disclaimer. Consultant's financial analysis activities and work product, which may include but is not limited to pro forma analysis and tax projections, are projections only. Actual results may differ materially from those expressed in the analysis performed by Consultant due to the integrity of data received, market conditions, economic events and conditions, and a variety of factors that could materially affect the data and conclusions. Client's reliance on Consultant's analysis must consider the foregoing.

Consultant services outlined and described herein are advisory services only. Any decisions or actions taken or not taken by Client and affiliates, are deemed to be based on Client's understanding and by execution of this Agreement, acknowledgement that Consultant's services are advisory only and as such, cannot be relied on as to the results, performance and conclusions of any investment or project that Client may or may not undertake as related to the services provided including any verbal or written communications by and between the Client and Consultant.

Client acknowledges that Consultant's use of work product is limited to the purposes contemplated within this Agreement. Consultant makes no representation of the work product's application to, or suitability for use in, circumstances not contemplated by the scope of work under this Agreement.

P. Limitation of Damages. In the event Consultant is found liable for any violation of duty, whether in tort or in contract, damages shall be limited to the amount Consultant has received from Client.

Q. Force Majeure. Consultant shall not be liable for failure or delay in performance of its obligations under this Agreement arising out of or caused, directly or indirectly, by significant circumstances beyond its reasonable control, including, without limitation: epidemic; acts of God; earthquakes; fires; floods; wars; civil or military disturbances; acts of terrorism; sabotage; strikes; riots; wide-spread power failures and wide-spread internet failure. Contractual performance and deadline(s) shall be extended for a period equal to the time lost by reason of the delay.

R. Expiration of Proposal for Services. If this Agreement is not fully executed by the parties within thirty (30) days from the date of this letter, this proposal shall expire.

S. Not an agreement for Legal Services or Legal Advice. This Agreement does not constitute an agreement for the performance of legal services or the provision of legal advice, or legal opinion. Client should seek independent legal counsel on matters for which Client is seeking legal advice.

[signature page follows]

VI. ACCEPTANCE AND AUTHORIZATION

If this Agreement is acceptable to Client, please execute two copies of the Agreement and return both originals to Kosmont Realty. Upon receipt of both signed contracts, we will return one fully executed original for your files. Kosmont will commence work upon receipt of executed Agreement.

Read, understood, and agreed to this

____ Day of _____ 2025

Town of Los Gatos	**Kosmont Real Estate Services** doing business as “Kosmont Realty”
By: _____ (Signature)	**By:** _____ (Signature)
Name:_____ (Print Name)	Name: Larry J. Kosmont, CRE®
Its: _____ (Title)	Its: President

ATTACHMENT A
SAMPLE EXCLUSIVE AUTHORIZATION TO SELL AGREEMENT

The Exclusive Authorization to Sell incorporates, by reference, the following attached documents:

Exhibit A: Schedule of Commissions

The Town of Los Gatos ("Owner" or "Seller") hereby grants to Kosmont Real Estate Services, doing business as Kosmont Realty ("Broker") the exclusive right to sell certain property owned by the Owner and identified in the list below ("Properties") for a period commencing on _____ and ending at midnight on _____.

The price and terms of the sale shall be as follows:

In consideration of this Authorization and Broker's agreement to diligently pursue the procurement of a purchaser for the Properties, or a purchaser and lessees for the Properties, Owner agrees to pay Broker a commission as set forth in the attached Schedule of Commissions, which is made a part of this Agreement.

Owner shall pay said commission to Broker if: (a) the Properties or any interest therein is sold, transferred or conveyed by or through a Broker, Owner or any other party prior to the expiration of this Authorization or any extension hereof; or (b) a purchaser is procured by or through Broker, Owner or any other party who is ready, willing and able to purchase the Properties or any interest therein on terms reasonably acceptable to Owner prior to the expiration of this Authorization or any extension hereof; or (c) any contract for the sale, transfer or conveyance of the Properties or any interest therein is made directly by Owner prior to the expiration of this Authorization or any extension hereof; or (d) the Properties are withdrawn from sale without the written consent of Broker or made unmarketable by Owner's voluntary act during the term of this Authorization or any extension hereof; or (e) within one hundred eighty (180) days after the expiration of this Authorization or any extension hereof, the Properties or any interest therein is sold, transferred, or conveyed to any person or entity with whom Broker has negotiated or to whom Broker has exposed or shown the Properties prior to such expiration in an effort to effect a transaction provided that such buyer, person or entity to whom Broker has negotiated with or has shown the Properties has been clearly and expressly identified in writing on such list which Broker shall have mailed to Owner at the address below stated within thirty (30) days following such expiration.

If during the terms of this authorization or any extension hereof an escrow is opened or negotiations involving the sale, transfer, or conveyance of the Properties has commenced and is continuing, then the term of this Authorization shall be extended for a period through the closing of such escrow, the termination of such negotiations or the consummation of such transaction, provided this authorization would otherwise have expired during such period.

Owner agrees that Broker shall be included as a party to any escrow opened for the sale of the Properties and the terms of said escrow shall provide that Broker shall have the right to request the escrow holder

to make payment to Broker in the amount of Broker's commission as set forth on the Schedule of Commissions attached hereto from any sale proceeds and/or deposits held in escrow.

Owner agrees to cooperate with Broker in effecting a sale of the Properties and immediately to refer to Broker all inquiries of any party interested in the Properties. All negotiations are to be through Broker. Owner agrees to pay all customary escrow, title and revenue charges and to execute such documents as may be necessary to affect a sale of the Properties. Broker is authorized to accept a deposit from any prospective purchaser. Broker is further authorized to advertise the Properties and shall have the exclusive right to place a sign or signs on the Properties if, in Broker's opinion, such would facilitate the sale or leasing thereof.

It is understood that it is illegal for either Owner or Broker to refuse to present, sell to any person because of race, color, religion, national origin, sex, marital status or physical disability.

Owner warrants that it is the owner of record of the Properties or has the legal authority to execute this Authorization. Owner agrees to hold Broker harmless from any liability or damages arising from any incorrect information supplied by Owner or any information which Owner fails to supply. Owner acknowledges receipt of a copy of this Authorization and the attached Schedule of Commissions, which Owner has read and understands.

DISPUTE RESOLUTION.

Broker and Owner agree to attempt to resolve any claim or controversy by submission to non-binding mediation. Mediation shall be commenced by providing the opposing party with a written notice of the dispute or claim within 30 days of the event giving rise to the dispute or claim or within 30 days after discovery of the conditions giving rise to the dispute or claim, whichever is later. The written notice to the other party shall summarize the basis of the dispute or claim and describe the relief sought. Within 15 calendar days thereafter, if the parties have not reached a mutually satisfactory resolution, the disputing party shall have 15 additional calendar days to submit the dispute to non-binding mediation at the offices of Judicial Arbitration & Mediation Services, Inc. (JAMS) in the county where the Property is located. The parties may agree on a retired judge from the JAMS panel as a mediator. If the parties are unable to agree, JAMS will provide a list of three (3) available judges and each party may strike one. The remaining judge will serve as the mediator. Within 15 calendar days of commencement of mediation, each party agrees to produce any and all documents relied upon to prove or defend their claims. The assessment of the mediator shall be an appealable result, but only if the appealing party files a court action within 30 days after the mediator's assessment is rendered. Each party shall bear its own costs of mediation including its own attorneys' fees and related costs, and each party shall pay an equal share of the costs of the mediator's fees and expenses.

By signing below, Seller and Buyer acknowledge that they have read, understand, accept and have received a copy of this Agreement.

Owner: Town of Los Gatos	**Broker:** Kosmont Real Estate Services, a California corporation CA DRE #: 02058445
Signature:	**Signature:**
_____	_____
Print Name:	**Print Name:**
_____	Larry J. Kosmont
Date:	**Date:**
_____	_____
Address:	**Address:**
	1601 N. Sepulveda Blvd., #382 Manhattan Beach, CA 90266
Telephone:	**Telephone:**
_____	(424) 297-1070

EXHIBIT A
SCHEDULE OF COMMISSIONS (for Brokerage Services)

Kosmont Real Estate Services, doing business as Kosmont Realty ("Broker") is hereby employed as the agent for the Town of Los Gatos ("Owner" or "Seller") in connection with the:

☒ Sale ☐ Lease ☐ Sublease ☐ Other

of that certain property owned by the Owner and referred to by Owner as:

(hereinafter referred to as "Properties")

Owner agrees to pay Broker, in consideration for their brokerage services relative to the above referenced Properties, a commission computed as follows:

A. SALES, EXCHANGES, AND OTHER TRANSFERS

1. KR's share of the commission when KR serves as the listing or selling broker (representing the seller or buyer, respectively) is as follows:
   Real Property:
   - 3.00% of the gross sales price (or independently appraised value of the parcel, whichever is greater) for transactions less than $5,000,000;
   - 2.50% of the gross sales price (or independently appraised value of the parcel, whichever is greater) for transactions equal to or greater than $5,000,000, and less than $10,000,000;
   - 2.00% of the gross sales price (or independently appraised value of the parcel, whichever is greater) for transactions equal to or greater than $10,000,000, and less than $25,000,000;
   - 1.5% of the gross sales price (or independently appraised value of the parcel, whichever is greater) for transactions equal to or greater than $25,000,000, and less than $35,000,000;
   - 1.00% of the gross sales price (or independently appraised value of the parcel, whichever is greater) for transactions equal to or greater than $35,000,000.
2. Commission structure above would serve as a minimum commission amount as mutually agreed upon between Client and KR. If there is another participating broker representing the other party in a given transaction, that broker's commission would be in addition to the amounts above (typically, though not always an amount equal to the percentages listed above).

3. For long-term ground leases (generally in excess of 50 years) the commission amount shall be based on the independently appraised value of the property being conveyed.

4. **Minimum Commissions**: In either or any transaction scenario, Kosmont will receive a minimum commission of $40,000.

5. **Due Diligence Credit**: If a transaction closes and KR's commission is greater than the minimum commission, as available, the amount paid for Task 1 due diligence can be credited against the commission owed in excess of the minimum commission. *(For example: if KR's commission is $43,000, Client can receive a Task 1 due diligence credit of up to $3,000; if KR's commission is $48,000 for the transaction, Client can receive a Task 1 due diligence credit of up to $5,000.)*

6. **Commissions** shall be paid through escrow upon the closing of sales and exchange transactions; absent an escrow; commissions shall be paid upon recordation of a deed or upon delivery of such deed or other conveyance if recordation is deferred more than one month thereafter. In the event of a contract or agreement of sales, joint venture agreement, business opportunity or other transaction not involving the delivery of a deed, commissions shall be paid upon execution and delivery of the instrument of conveyance or establishment of the entitlement of ownership.

Miscellaneous:

The provisions hereof are subject, however, to the terms and provisions of any Exclusive Authorization to Sell to which this Schedule may be attached, and which is executed by the parties hereto.

The parties hereto intend for this Exclusive Authorization to Sell and Schedule of Commissions to satisfy the requirements of the Civil Code, Business and Professions Code, and regulatory requirements relative to verifying Broker's authority to act on behalf of Owner and Owner's obligation to pay Broker commissions therefore, in accordance herewith.

In the event Owner fails to make payments within the time limits called for herein, then from the date due until paid the delinquent payment shall bear interest at the rate of 10% per annum.

By signing below, Owner and Broker acknowledge that they have read, understand, accept and have received a copy of this Agreement.

Owner: Town of Los Gatos	**Broker:** Kosmont Real Estate Services, a California corporation CA DRE #: 02058445
Signature:	**Signature:**
_____	_____
Print Name:	**Print Name:**
_____	Larry J. Kosmont
Date:	**Date:**
_____	_____
Address:	**Address:**
	1601 N. Sepulveda Blvd., #382 Manhattan Beach, CA 90266
Telephone:	**Telephone:**
_____	(424) 297-1070

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 6

DATE: October 7, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Amendment to Management Salary Schedule to Establish a New Classification Title and Salary Range for an Administrative Services Director**

RECOMMENDATION: Approve an amendment to the management salary schedule (Attachment 1) to establish a new classification title and salary range for an Administrative Services Director.

FISCAL IMPACT:

The new salary schedule for the Administrative Services Director is not anticipated to have any immediate fiscal impact on the Town's budget. Staff anticipates hiring an Administrative Services Director for a similar salary that would be within the range of the current Finance Director. If an additional budget adjustment is needed to attract a qualified individual, staff would return to the Town Council.

STRATEGIC PRIORITY:

The amendment to the Management salary schedule to establish the Administrative Services Director classification supports the strategic priority of prudent financial management.

BACKGROUND:

The Town of Los Gatos Personnel Rules and Regulations (Section 4.4) and the Municipal Code (Section 2.30.925) require that amendments and revisions to the salary schedule/classification plan are effective upon approval by the Town Council. Changes must be presented to Council for approval as part of the formal budget adoption, through the labor negotiations process, or as needed.

PREPARED BY: Cheryl Parkman
Human Resources Director

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

DISCUSSION:

Staff proposes adding the new classification of Administrative Services Director to the current Management salary schedule. The proposed salary range for the classification is $204,030 - $275,441. This places the salary of the Administrative Services Director classification 5% higher than other civilian Director positions of larger departments. This position will have primary responsibility as the Finance Director and will also have executive oversight of the Information Technology and Human Resources departments.

This recommendation is based on an assessment of the Town's strategic priorities with a focus on ensuring that the Town is under prudent financial management and will improve the span of control related to key internal strategic support functions. This change will increase the Town's ability to attract and retain competitive candidates while maintaining the option to remain cost neutral.

CONCLUSION:

Staff is requesting approval of an amendment to the salary schedule/classification plan to establish a new classification title and salary range for the Administrative Services Director.

COORDINATION:

This memo has been coordinated with the Town Attorney and the Finance Director.

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENTS:

1. Town of Los Gatos Salary Schedule for Management Classifications effective October 7, 2025, with the proposed change.

Town of Los Gatos Town Council and Management Classifications
Salary Schedule for Fiscal Year 2025/26
Effective October 7, 2025

Class Code	Classification Title	Annual Salary Minimum	Annual Salary Maximum
TBD	Administrative Services Director	$ 204,030	$ 275,441
2803	Assistant Director	$ 173,040	$ 233,604
2110	Assistant Town Manager	$ 208,663	$ 281,694
2420	Chief Building Official	$ 151,804	$ 204,935
2400	Community Development Director	$ 194,315	$ 262,325
2180	Community Outreach Coordinator	$ 104,815	$ 141,500
2209	Deputy Town Manager	$ 159,650	$ 215,528
2130	Economic Vitality Manager	$ 144,487	$ 195,058
2315	Finance and Accounting Manager	$ 151,804	$ 204,935
2310	Finance and Budget Manager	$ 151,804	$ 204,935
2300	Director*	$ 189,581	$ 255,934
2900	Information Technology Manager	$ 151,804	$ 204,935
2820	Division Manager **	$ 151,803	$ 204,935
2600	Parks & Public Works Director	$ 194,315	$ 262,325
2645	Parks & Public Works Operations Manager	$ 130,899	$ 176,714
2630	Parks & Public Works Superintendent	$ 151,804	$ 204,935
2412	Planning Manager	$ 151,804	$ 204,935
2510	Police Captain	$ 185,701	$ 250,697
2500	Police Chief	$ 214,067	$ 288,991
2545	Police Records & Communication Manager	$ 140,963	$ 190,300
2140	Senior Administrative Analyst	$ 112,873	$ 152,379
2650	Senior Civil Engineer	$ 144,487	$ 195,058
2000	Town Attorney - Council Appointed (Effective 11/24/24)		$ 279,807
2190	Town Clerk	$ 151,804	$ 204,935
2615	Town Engineer	$ 167,562	$ 226,208
2655	Transportation & Mobility Manager		$ 184,758
2905	Urban Forest Manager	$ 130,899	$ 176,714
1000	Town Council *(Effective 1/1/19 Pursuant to Ordinance Adopted by Town Council on 2/6/18)*	$570 Stipend per month, for a total compensation of $6,840 per	

**** The HR, Finance and Library Director positions have been included in this classification.***

***** The Library Division Manager position has been included in this classification***

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

Reflects a General Increase of 3% (5% for 2500; and 5% for 2510)

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 7

DATE: October 7, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Authorize the Town Manager to Execute a Second Amendment to the Agreement for Services with OpenGov, Inc., Revising the Scope of Work at No Additional Cost**

RECOMMENDATION: Authorize the Town Manager to execute a second amendment to the Agreement for Services with OpenGov, Inc., revising the Scope of Work at no additional cost.

FISCAL IMPACT:

This action has no fiscal impact. The amendment reallocates resources between tasks within existing appropriations in the Adopted 2025-26 Operating Budget for Parks and Public Works Administration Program (5101-63332) and Information Technology (2501-63332).

STRATEGIC PRIORITY:

This action is not associated with a strategic priority; however, it supports the Town's core goal of Fiscal Stability. Town Staff is working with OpenGov software to create more efficient and streamlined processes for bidding and contract management.

BACKGROUND:

On November 21, 2023, the Town Council approved the purchase and implementation of OpenGov's Procurement Suite. Parks and Public Works proposed this implementation to achieve efficiency and consistency regarding procurement and contract management. The system provides centralized document management with automatic reminders and the ability to track spending, insurance, and change requests. PPW has been using OpenGov software for more than 20 years for work order and asset management, and the addition of the

PREPARED BY: Kinjal Buch
Senior Engineering Technician

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

procurement suite ensures continuity among vendors. This agreement expired on December 29, 2024.

On November 19, 2024, the Town Council approved a new agreement with OpenGov Inc. that brought the Enterprise Asset Management and Procurement modules under one contract effective December 30, 2024, through December 29, 2025, for a total agreement amount of $66,355.59 with four one-year options thereafter (pending budget appropriation and extension of the agreement).

On May 20, 2025, the Town Council approved the First Amendment to the Agreement for Services with OpenGov, Inc. for a Request Management and eSignature Add-On to support the existing enterprise asset management and procurement system services in an amount of $11,448.72 for a total agreement amount not to exceed $77,804.31.

DISCUSSION:

The First Amendment added Request Management and e-signature functionality to the Procurement module of OpenGov. This was done to allow the software system to be used across all Town departments. During the implementation process, staff found limited need for Request Management for most departments. After further analysis, staff recommends redirecting the resources previously allocated for Request Management to OpenGov's Expert Services package through the remainder of the contract duration, December 29, 2025. Expert Services will provide support required for department-based customization of Solicitation and Contract Templates and training for staff at all departments to accelerate the implementation of the OpenGov Procurement module for all departments.

CONCLUSION:

Execution of this amendment will accelerate implementation of the full Procurement module across all departments, reducing risk in contract administration.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:
1. Original Agreement for Services – OpenGov
2. First Amendment to Agreement for Services - OpenGov with Exhibit A and Exhibit B
3. Second Amendment to Agreement for Services - OpenGov with Exhibit C

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AGREEMENT FOR SERVICES

PREAMBLE

THIS AGREEMENT is dated for identification on this 19th day of November 2024 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and OpenGov, Inc. ("Service Provider"), identified as a C Corporation and whose address is 660 3rd Street, Suite 100, San Francisco CA 94107. This Agreement is made with reference to the following facts.

I. RECITALS

Town sought quotations for the services described in this Agreement, and Service Provider was found to be the lowest responsible supplier for this purchase.

Service Provider represents and affirms that it is willing to perform the desired work pursuant to this Agreement.

Town desires to engage Service Provider to provide new contract for Enterprise Asset Management program (Cartegraph) services and Procurement Suite services provided by OpenGov, Inc.

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

II. AGREEMENTS

2.1 Scope of Services. Service Provider shall provide services as described in that certain Proposal Order Form for the period of December 30, 2024 through December 29, 2025 sent to the Town on September 6, 2024, which is hereby incorporated by reference and attached as Exhibit A.

2.2 Term and Time of Performance. The effective date of this Agreement shall begin December 30, 2024 through December 29, 2025, with four one-year options to extend the agreement.

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

2.5 Intentionally Omitted.

2.6 Compensation: Compensation for services for the dates December 30, 2024 to December 29, 2025 are in the amount **not to exceed $ $66,355.59**, inclusive of all costs. All invoice amounts, including exercised option years (pending budget appropriation and extension of the agreement). Including option years, shall be invoiced in the amounts further described in the applicable Order Form ("Exhibit A").

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2.7 Billing. Billing shall be annually by invoice within thirty (30) days of the execution of this Agreement.

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

Invoices:

Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655
Email (preferred): AP@losgatosca.gov

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

2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Service Provider. No portion of these services shall be assigned or subcontracted without the written consent of the Town, which shall not be unreasonably withheld.

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

2.11 Conflict of Interest. Service Provider understands that its professional responsibilities are solely to the Town. The Service Provider has and shall not obtain any holding or interest within the Town of Los Gatos. Service Provider has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Service Provider warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an

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interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Service Provider shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person Service Provider discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement Service Provider shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

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

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

i. Service Provider agrees to have and maintain, for the duration of the contract, General Liability insurance policies in an amount not less than: two million dollars ($2,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

ii. Service Provider agrees to have and maintain, for the duration of the contract, Cyber Liability insurance for limits no less than $2,000,000 per occurrence or claim, and $4,000,000 in the aggregate.

- Coverage shall be sufficiently broad to respond to the duties and obligations undertaken by Consultant in this contract.
- The policy(ies) shall include coverage for claims involving security breach, business interruption, cyber extortion, infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, and damage to or destruction of electronic information.
- The policy(ies) shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations.

iii. Service Provider agrees to have and maintain, for the duration of the contract, Technology Errors and Omissions Liability insurance in an amount of $2,000,000 per occurrence or claim, and $4,000,000 in the aggregate sufficient to

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insure Consultant for technological errors or omissions in the performance of the particular scope of work under this contract.

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

3.2 General Liability:

i. The Town, its elected and appointed officials, employees, and agents are to be covered as additional insureds as respects: commercial general liability policy to cover liability arising out of activities performed by or on behalf of the Service Provider.

ii. The Service Provider's insurance coverage shall be primary insurance as respects the Town, its elected and appointed officials, employees, and agents with respect to this contract. Any insurance or self-insurances maintained by the Town, its officers, officials, or employees shall be excess of the Service Provider's insurance and shall not contribute with it.

iii. Intentionally Omitted.

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

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

3.4 Workers' Compensation. In addition to these policies, Service Provider shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Service Provider shall ensure that all subcontractors employed by Service Provider provide the required Workers' Compensation insurance for their respective employees. As required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than one million dollars ($1,000,000) per accident for bodily injury or disease.

3.5 Indemnification. The Service Provider shall save, keep, hold harmless and indemnify and defend the Town its elected and appointed officials, agents, and employees ("Indemnitees") from all third party claims for damages, liabilities, penalties, costs, or expenses (including attorneys' fees) in law or equity that may at any time arise or be set up because of damages to

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property or personal injury received by reason of a material breach of this Agreement or in the course of performing work which may be occasioned by a grossly negligent act or omissions of the Service Provider, or any of the Service Provider's officers, employees, or agents or any subcontractor. Service Provider's duty to indemnify and hold harmless Indemnitees shall not apply to the extent such damages or liabilities are caused by the sole or active negligence or willful misconduct of Indemnitees.

IV. GENERAL TERMS

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

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

4.3 Termination of Agreement. If either party materially breaches any term of this Agreement and fails to cure such breach within 30 days after receiving written notice by the non-breaching party (10 days in the case of non-payment), the non-breaching party may terminate this Agreement.

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

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

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

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

OpenGov, Inc.
660 3rd Street, Suite 100
San Francisco CA 94107

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

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any

Docusign Envelope ID: 62AD5440-B646-4767-A09C-5773DE0D0C60

attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

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

4.9 Severability. The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal.

4.10 Contract Interpretation. Each party acknowledges that it has reviewed this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

4.11 Counterparts. The Parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party's signature shall be accepted and valid as an original.

4.12 Warranty of Authority. The signatories to this Agreement warrant and represent that each is authorized to execute this Agreement and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this Agreement.

Docusign Envelope ID: 62AD5440-B646-4767-A09C-5773DE0D0C60

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

Town of Los Gatos by:

Signed by:
Chris Constantin 12/6/2024
3EF03F232F1B428...
Chris Constantin, Town Manager

OpenGov, Inc. by:

DocuSigned by:
Sam Kramer 11/27/2024
A3AFFF18117C415...
Sam Kramer, SVP of Finance

Recommended by:

Signed by:
Nicolle Burnham 12/2/2024
0E978313490440C3...
Nicolle Burnham,
Director of Parks and Public Works

Approved as to Form:

Signed by:
Gabrielle Whelan 12/4/2024
EFD6738A5534428...
Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:
Wendy Wood 12/6/2024
BF8EBCBE2C214F8...
Wendy Wood, CMC, Town Clerk

Docusign Envelope ID: 62AD5440-B646-4767-A09C-5773DE0D0C60

OpenGov Inc.
660 3rd Street, Suite 100
San Francisco, CA 94107
United States

Order Form Number: OG-00CA2521
Created On: 4/12/2024
Order Form Expiration: 7/30/2024
Subscription Start Date: 7/31/2024
Subscription End Date: 12/29/2025

Prepared By: Marguerite Kuntz
Email: renewals@opengov.com
Contract Term: Prorated + 12 Months

Customer Information

Customer: Town of Los Gatos, CA
Bill To/Ship To: 110 E. Main St
Los Gatos, California 95030
United States

Contact Name: Kinjal Buch
Email: kbuch@losgatosca.gov

Order Details

Billing Frequency: Annually in Advance
Payment Terms: Net Thirty (30) Days

SOFTWARE SERVICES:

Product / Service	Start Date	End Date	Annual Fee
PRORATED TO ALIGN TO 12/30/2024 Orange Advantage	7/31/2024	12/29/2024	$2,916.67
ONE TIME CREDIT FOR PRORATED PERIOD Orange Advantage	7/31/2024	12/29/2024	($2,916.67)
OMS Plus, OMS User (25 Users), Internal Requests, Asset Condition Manager and Adv Inspections, Automation Manager, Facilities Domain, Parks & Recreation Domain, Signal Domain, Stormwater Domain, Transportation Domain, Walkability Domain, Systems Integration Support, Orange Advantage	12/30/2024	12/29/2025	$48,600.01
OpenGov Procurement	12/30/2024	12/29/2025	$17,755.58

Annual Subscription Total: See Service Terms

Serivce Terms

Service Date:	Amount:	
July 31, 2024	$0.00	*(Prorated to Align to 12/30/2024 + One Time Credit for Prorated Period)*
December 30, 2024	$66,355.59	*(Annual Software Fee)*
December 30, 2025	$68,371.07	*(Optional Auto Renewal Term 1)*
December 30, 2026	$73,157.04	*(Optional Auto Renewal Term 2)*
December 30, 2027	$76,814.89	*(Optional Auto Renewal Term 3)*
December 30, 2028	$80,655.63	*(Optional Auto Renewal Term 4)*

Order Form Legal Terms

"This Order Form incorporates the OpenGov Master Services Agreement (""MSA"") attached here or available at https://opengov.com/terms-of-service/master-services-agreement/.

The ""Agreement"" between OpenGov and the entity identified above (""Customer"") consists of the Order Form, MSA, and, if Professional Services are purchased, the Statement of Work.

Unless otherwise specified above, fees for the Software Services and Professional Services shall be due and payable, in advance, 30 days from receipt of the invoice.

By signing this Agreement, Customer acknowledges that it has reviewed, and agrees to be legally bound by the Agreement. Each party's acceptance of this Agreement is conditional upon the other's acceptance of the Agreement to the exclusion of all other terms.

Town of Los Gatos, CA

Signature: _____

Name: _____

Title: _____

Date: _____

OpenGov, Inc.

Signature: _____

Name: _____

Title: _____

Date: _____

FIRST AMENDMENT TO AGREEMENT

PREAMBLE

This First Amendment to Agreement for Services is dated for identification on this 15th day of April 2025, and amends that certain Agreement for Services dated November 19, 2024, made by and between the Town of Los Gatos, ("Town,") and the OpenGov, Inc. (“Service Provider”) identified as an C Corporation and whose address is 660 3rd Street, Suite 100 San Francisco CA 94107.

I. RECITALS

A. Town and Consultant entered into Agreement for Services Agreement on November 19, 2024, (“Agreement”), a copy of which is attached hereto and incorporated by reference as Exhibit A to this Agreement.

B. Town desires to amend the Agreement to add to the scope of services and to increase the compensation of the Agreement.

II. AMENDMENT

1. 2.1 Scope of Services is amended to add the following:

   Service Provider shall provide services as described in that certain Proposal dated May 2, 2025, which is hereby incorporated by reference and attached as Exhibit B.

2. 2.6 Compensation is to be replaced in its entirety with the following:

   Compensation for services for the dates December 30, 2024 to December 29, 2025 shall be the original agreement amount of $66,355.59, increased by $11,448.72 for an agreement amount not to exceed $77,804.31. All invoice amounts, including exercised option years (pending budget appropriation and extension of the agreement) shall be invoiced in the amounts further described in the applicable Order Form (“Exhibit A and B”).

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

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

Town of Los Gatos by:

_____
Chris Constantin, Town Manager

OpenGov, Inc. by:

_____
Joe Lane, Sr. Director, Finance & Strategy

Recommended by:

_____
Nicolle Burnham,
Director of Parks and Public Works

Approved as to Form:

_____
Gabrielle Whelan, Town Attorney

Attest:

_____
Wendy Wood, CMC, Town Clerk

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AGREEMENT FOR SERVICES

PREAMBLE

THIS AGREEMENT is dated for identification on this 19th day of November 2024 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and OpenGov, Inc. ("Service Provider"), identified as a C Corporation and whose address is 660 3rd Street, Suite 100, San Francisco CA 94107. This Agreement is made with reference to the following facts.

I. RECITALS

Town sought quotations for the services described in this Agreement, and Service Provider was found to be the lowest responsible supplier for this purchase.

Service Provider represents and affirms that it is willing to perform the desired work pursuant to this Agreement.

Town desires to engage Service Provider to provide new contract for Enterprise Asset Management program (Cartegraph) services and Procurement Suite services provided by OpenGov, Inc.

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

II. AGREEMENTS

2.1 Scope of Services. Service Provider shall provide services as described in that certain Proposal Order Form for the period of December 30, 2024 through December 29, 2025 sent to the Town on September 6, 2024, which is hereby incorporated by reference and attached as Exhibit A.

2.2 Term and Time of Performance. The effective date of this Agreement shall begin December 30, 2024 through December 29, 2025, with four one-year options to extend the agreement.

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

2.5 Intentionally Omitted.

2.6 Compensation: Compensation for services for the dates December 30, 2024 to December 29, 2025 are in the amount **not to exceed $ $66,355.59**, inclusive of all costs. All invoice amounts, including exercised option years (pending budget appropriation and extension of the agreement). Including option years, shall be invoiced in the amounts further described in the applicable Order Form ("Exhibit A").

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2.7 Billing. Billing shall be annually by invoice within thirty (30) days of the execution of this Agreement.

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

Invoices:

Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655
Email (preferred): AP@losgatosca.gov

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

2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Service Provider. No portion of these services shall be assigned or subcontracted without the written consent of the Town, which shall not be unreasonably withheld.

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

2.11 Conflict of Interest. Service Provider understands that its professional responsibilities are solely to the Town. The Service Provider has and shall not obtain any holding or interest within the Town of Los Gatos. Service Provider has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Service Provider warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an

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interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Service Provider shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person Service Provider discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement Service Provider shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

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

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

i. Service Provider agrees to have and maintain, for the duration of the contract, General Liability insurance policies in an amount not less than: two million dollars ($2,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

ii. Service Provider agrees to have and maintain, for the duration of the contract, Cyber Liability insurance for limits no less than $2,000,000 per occurrence or claim, and $4,000,000 in the aggregate.

- Coverage shall be sufficiently broad to respond to the duties and obligations undertaken by Consultant in this contract.
- The policy(ies) shall include coverage for claims involving security breach, business interruption, cyber extortion, infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, and damage to or destruction of electronic information.
- The policy(ies) shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations.

iii. Service Provider agrees to have and maintain, for the duration of the contract, Technology Errors and Omissions Liability insurance in an amount of $2,000,000 per occurrence or claim, and $4,000,000 in the aggregate sufficient to

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insure Consultant for technological errors or omissions in the performance of the particular scope of work under this contract.

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

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i. The Town, its elected and appointed officials, employees, and agents are to be covered as additional insureds as respects: commercial general liability policy to cover liability arising out of activities performed by or on behalf of the Service Provider.

ii. The Service Provider's insurance coverage shall be primary insurance as respects the Town, its elected and appointed officials, employees, and agents with respect to this contract. Any insurance or self-insurances maintained by the Town, its officers, officials, or employees shall be excess of the Service Provider's insurance and shall not contribute with it.

iii. Intentionally Omitted.

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

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

3.4 Workers' Compensation. In addition to these policies, Service Provider shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Service Provider shall ensure that all subcontractors employed by Service Provider provide the required Workers' Compensation insurance for their respective employees. As required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than one million dollars ($1,000,000) per accident for bodily injury or disease.

3.5 Indemnification. The Service Provider shall save, keep, hold harmless and indemnify and defend the Town its elected and appointed officials, agents, and employees ("Indemnitees") from all third party claims for damages, liabilities, penalties, costs, or expenses (including attorneys' fees) in law or equity that may at any time arise or be set up because of damages to

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property or personal injury received by reason of a material breach of this Agreement or in the course of performing work which may be occasioned by a grossly negligent act or omissions of the Service Provider, or any of the Service Provider's officers, employees, or agents or any subcontractor. Service Provider's duty to indemnify and hold harmless Indemnitees shall not apply to the extent such damages or liabilities are caused by the sole or active negligence or willful misconduct of Indemnitees.

IV. GENERAL TERMS

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

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

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

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

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

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

OpenGov, Inc.
660 3rd Street, Suite 100
San Francisco CA 94107

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

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any

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attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

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

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4.11 Counterparts. The Parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party's signature shall be accepted and valid as an original.

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Docusign Envelope ID: 62AD5440-B646-4767-A09C-5773DE0D0C60

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

Town of Los Gatos by:

Signed by:
Chris Constantin 12/6/2024
3EF03F232F1B428...
Chris Constantin, Town Manager

OpenGov, Inc. by:

DocuSigned by:
Sam Kramer 11/27/2024
A3AFFF18117C415...
Sam Kramer, SVP of Finance

Recommended by:

Signed by:
Nicolle Burnham 12/2/2024
0E978313490644C3...
Nicolle Burnham,
Director of Parks and Public Works

Approved as to Form:

Signed by:
Gabrielle Whelan 12/4/2024
EFD6738A5534428...
Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:
Wendy Wood 12/6/2024
BF8EBCBE2C214F8...
Wendy Wood, CMC, Town Clerk

Docusign Envelope ID: 62AD5440-B646-4767-A09C-5773DE0D0C60

OpenGov Inc.
660 3rd Street, Suite 100
San Francisco, CA 94107
United States

Order Form Number: OG-00CA2521
Created On: 4/12/2024
Order Form Expiration: 7/30/2024
Subscription Start Date: 7/31/2024
Subscription End Date: 12/29/2025

Prepared By: Marguerite Kuntz
Email: renewals@opengov.com
Contract Term: Prorated + 12 Months

Customer Information

Customer: Town of Los Gatos, CA
Bill To/Ship To: 110 E. Main St
Los Gatos, California 95030
United States

Contact Name: Kinjal Buch
Email: kbuch@losgatosca.gov

Order Details

Billing Frequency: Annually in Advance
Payment Terms: Net Thirty (30) Days

SOFTWARE SERVICES:

Product / Service	Start Date	End Date	Annual Fee
PRORATED TO ALIGN TO 12/30/2024 Orange Advantage	7/31/2024	12/29/2024	$2,916.67
ONE TIME CREDIT FOR PRORATED PERIOD Orange Advantage	7/31/2024	12/29/2024	($2,916.67)
OMS Plus, OMS User (25 Users), Internal Requests, Asset Condition Manager and Adv Inspections, Automation Manager, Facilities Domain, Parks & Recreation Domain, Signal Domain, Stormwater Domain, Transportation Domain, Walkability Domain, Systems Integration Support, Orange Advantage	12/30/2024	12/29/2025	$48,600.01
OpenGov Procurement	12/30/2024	12/29/2025	$17,755.58

Annual Subscription Total: See Service Terms

Serivce Terms

Service Date:	Amount:	
July 31, 2024	$0.00	*(Prorated to Align to 12/30/2024 + One Time Credit for Prorated Period)*
December 30, 2024	$66,355.59	*(Annual Software Fee)*
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"This Order Form incorporates the OpenGov Master Services Agreement (""MSA"") attached here or available at https://opengov.com/terms-of-service/master-services-agreement/.

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Unless otherwise specified above, fees for the Software Services and Professional Services shall be due and payable, in advance, 30 days from receipt of the invoice.

By signing this Agreement, Customer acknowledges that it has reviewed, and agrees to be legally bound by the Agreement. Each party's acceptance of this Agreement is conditional upon the other's acceptance of the Agreement to the exclusion of all other terms.

Town of Los Gatos, CA

Signature: _____

Name: _____

Title: _____

Date: _____

OpenGov, Inc.

Signature: _____

Name: _____

Title: _____

Date: _____

OpenGov

OpenGov Inc.
660 3rd Street, Suite 100
San Francisco, CA 94107
United States

Order Form Number:	Q-07800	**Prepared By:**	Jonathan Stone
Created On:	05/02/2025	**Email:**	jstone@opengov.com
Order Form Expiration:	05/23/2025	**Contract Term:**	55 Months
Subscription Start Date:	05/30/2025		
Subscription End Date:	12/29/2029		

Customer Information:

Customer:	Town of Los Gatos, CA	**Contact Name:**	Kinjal Buch
Bill To/Ship To:	110 E. Main St Los Gatos, California 95030 United States	**Email:**	kbuch@losgatosca.gov
		Phone:	+1 4083995756

Order Details:

Billing Frequency:	Upfront
Payment Terms:	Net 30 Days

SOFTWARE SERVICES:

Product Name	Start Date	End Date	Annual Fee
Contract eSignatures	05/30/2025	12/29/2025	$432.18
Request Management	05/30/2025	12/29/2025	$4,320.54
Contract eSignatures	12/30/2025	12/29/2026	$777.92
Request Management	12/30/2025	12/29/2026	$7,776.97
Contract eSignatures	12/30/2026	12/29/2027	$816.82
Request Management	12/30/2026	12/29/2027	$8,165.81
Contract eSignatures	12/30/2027	12/29/2028	$857.66

Request Management	12/30/2027	12/29/2028	$8,574.11
Contract eSignatures	12/30/2028	12/29/2029	$900.54
Request Management	12/30/2028	12/29/2029	$9,002.81

PROFESSIONAL SERVICES:

Product Name	Start Date	Description	Fee
Professional Services Deployment - Time and Materials Billed Monthly as Incurred	05/30/2025	Professional Services Deployment - Estimated Time and Materials Billed Monthly as Incurred	$6,696.00

Professional Services Total: $6,696.00

Customer Billing/Service Periods:

Period:	Total:
05/30/2025	$11,448.72
12/30/2025	$8,554.89
12/30/2026	$8,982.63
12/30/2027	$9,431.77
12/30/2028	$9,903.35

Order Form Legal Terms:

This Order Form incorporates the Agreement for Services between the parties dated November 19, 2024.

The "Agreement" consists of the Order Form(s), Agreement for Services, and, if Professional Services are purchased, the Statement of Work.

Unless otherwise specified above, fees for the Software Services and Professional Services shall be due and payable, in advance, 30 days from receipt of the invoice.

By signing this Order Form, Customer acknowledges that it has reviewed, and agrees to be legally bound by the Agreement. Each party’s acceptance of this Agreement is conditional upon the other’s acceptance of the Agreement to the exclusion of all other terms.

Hours will be billed upon completion on a time and material basis at a rate of $215.00 per hour. Actual charges may exceed the provided estimate under Time and Materials billing, The final amount billed will reflect the actual hours utilized.

Town of Los Gatos, CA:

Signature:

_____

Name:

_____

Title:

_____

Date:

_____

OpenGov, Inc.

Signature:

_____

Name:

_____

Title:

_____

Date:

_____

SECOND AMENDMENT TO AGREEMENT FOR SERVICES

OpenGov, Inc.

PREAMBLE

This Second Amendment to Agreement for Services is dated for identification on this 24th day of September 2025, and amends that certain Agreement for Services dated November 19, 2024, and amended by the First Amendment dated April 15, 2025, made by and between the Town of Los Gatos ("Town") and OpenGov, Inc. ("Service Provider"), identified as a C Corporation and whose address is 660 3rd Street, Suite 100, San Francisco, CA 94107.

I. RECITALS

A. Town and Consultant entered into Agreement for Services on November 19, 2024 ("Agreement").

B. Town and Consultant executed a First Amendment to the Agreement on April 15, 2025 ("First Amendment").

C. Town desires to amend the Agreement to revise the scope of services without increasing the compensation of the Agreement.

II. AMENDMENT

1. 2.1 Scope of Services is amended to add the following:

Service Provider shall provide services as described in that certain Proposal/Order Form Number Q-10591.1COM dated August 20, 2025, which is hereby incorporated by reference and attached as Exhibit C. This order form is added to the prior Exhibit B Order Form Number Q-07800 executed May 29, 2025, as amended.

2. 2.6 Compensation remains unchanged. Compensation for services for the dates December 30, 2024, to December 29, 2025, shall be the original agreement amount of $66,355.59, increased by $11,448.72 pursuant to the First Amendment, for a total agreement amount not to exceed $77,804.31. No additional compensation is authorized by this Second Amendment.

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

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

Town of Los Gatos by:

_____
Chris Constantin, Town Manager

OpenGov, Inc. by:

_____
Sam Kramer, Chief Finance Officer

Recommended by:

_____
Nicolle Burnham,
Director of Parks and Public Works

Approved as to Form:

_____
Gabrielle Whelan, Town Attorney

EXHIBITS

- Exhibit C – Proposal/Order Form Q-10591.1COM dated August 20, 2025

OpenGov Inc.
660 3rd Street, Suite 100
San Francisco, CA 94107
United States

Order Form Number:	Q-10591.1COM	**Prepared By:**	Freddie Fiske
Created On:	08/20/2025	**Email:**	ffiske@opengov.com
Order Form Expiration:	09/19/2025	**Contract Term:**	3 Months
Subscription Start Date:	10/01/2025		
Subscription End Date:	12/29/2025		

Customer Information:

Customer:	Town of Los Gatos, CA	**Contact Name:**	Kinjal Buch
Bill To/Ship To:	110 E. Main St Los Gatos, California 95030 United States	**Email:**	kbuch@losgatosca.gov
		Phone:	4083995756

Order Details:

Billing Frequency:	Prepaid
Payment Terms:	Net 30 Days

SOFTWARE SERVICES:

Product Name	Start Date	End Date	Annual Fee
CREDIT for Prepaid and Overlapping Software Services	10/01/2025	12/29/2025	-$2,005.26
Procurement Expert Services: Elevate	10/01/2025	12/29/2025	$1,822.91
Contract eSignatures	10/01/2025	12/29/2025	$182.34

Customer Billing/Service Periods:

Period:	Total:
10/01/2025	$0.00

Order Form Legal Terms:

This Order Form replaces and supersedes the Exhibit B Order Form Number Q-07800 executed on *May 29, 2025,* as amended.

Town and Consultant entered into Agreement for Services Agreement on November 19, 2024, (“Agreement”), a copy of which is attached hereto and incorporated by reference as Exhibit A to this Agreement.

The "Agreement" between OpenGov and the entity identified above ("Customer") consists of the Order Form, Agreement for Services Agreement, and, if Professional Services are purchased, the Statement of Work.

Unless otherwise specified above, fees for the Software Services and Professional Services shall be due and payable, in advance, 30 days from receipt of the invoice.

By signing this Agreement, Customer acknowledges that it has reviewed, and agrees to be legally bound by the Agreement. Each party’s acceptance of this Agreement is conditional upon the other’s acceptance of the Agreement to the exclusion of all other terms

Town of Los Gatos, CA:	**OpenGov, Inc.**
Signature:	Signature:
_____	_____
Name:	Name:
_____	_____
Title:	Title:
_____	_____
Date:	Date:
_____	_____

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 8

DATE: October 1, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Adopt a Resolution as Required by the California Department of Tax and Fee Administration (CDTFA), Authorizing Certain Town Representatives and a Town Contractor Access to Sales, Transactions, and Use Tax Records Pursuant to Revenue and Taxation Code Section 7056 and Rescind the Earlier Resolution 2021-034.**

RECOMMENDATION: Adopt a Resolution as Required by the California Department of Tax and Fee Administration (CDTFA), Authorizing Certain Town Representatives and a Town Contractor Access to Sales, Transactions, and Use Tax Records Pursuant to Revenue and Taxation Code Section 7056 and Rescind the Earlier Resolution 2021-034.

FISCAL IMPACT:

There is no fiscal impact associated with adopting this resolution.

STRATEGIC PRIORITY:

This item is not associated with a strategic priority.

DISCUSSION:

The Town of Los Gatos entered into an agreement with Hinderliter de Llamas & Associates, doing business as HdL Companies, for sales tax consultation and audit services. The California Department of Tax and Fee Administration is requiring an updated resolution that reflects the new service provider name. Attachment 1 contains the updated resolution. Attachment 2 includes Resolution 2021-034, which previously authorized the Town's former sales tax

PREPARED BY: Gitta Ungvari
Finance Director

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

consultant, MuniServices. Staff recommends rescinding Resolution 2021-034 to reflect the change in service providers.

COORDINATION:

This memorandum has been prepared in coordination with the Clerk and the Town Attorney's Office.

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENTS:

1. Draft Resolution authorizing examination of Sales or Transactions and Use Tax Records
2. Resolution 2021-034 A Resolution of the Town Council of the Town of Los Gatos, authorizing certain Town representatives and a Town contractor access to sales, transactions and use tax records pursuant to Revenue and Taxation Code Section 7056

RESOLUTION NO. 2025-

A Resolution of the City Council of the Town of Los Gatos Authorizing Examination of Sales or Transactions and Use Tax Records and Rescinding Resolution 2021-034

WHEREAS, pursuant to Resolution 2021-034 the Town of Los Gatos (Town) entered into a contract with the California Department of Tax and Fee Administration (Department) to perform all functions incident to the administration and collection of sales and use taxes; and

WHEREAS, pursuant to Revenue and Taxation Code section 7270, the Town entered into a contract with the California Department of Tax and Fee Administration (Department) to perform all functions incident to the administration and collection of transactions and use taxes; and

WHEREAS, the Town Council of the Town of Los Gatos deems it desirable and necessary for authorized officers, employees and representatives of the Town to examine confidential sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected by the Department for the Town pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Department records, and Section 7056.5 of the California Revenue and Taxation Code establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales or transactions and use tax records of the Department;

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF LOS GATOS HEREBY RESOLVES AS FOLLOWS:

Section 1. That the Town Manager, Assistant Town Manager, Town Attorney, Finance Director, Finance and Accounting Manager, Accountant and Finance Analyst, Senior Finance Analyst, Community Development Director, Economic Vitality Manager or other officer or employee of the Town designated in writing by the Town Manager to the California Department of Tax and Fee Administration is hereby appointed to represent the Town with authority to examine sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected for the Town by the Department pursuant to the contract between the Town and the Department.

Section 2.

The information obtained by examination of Department records shall be used only for purposes related to the collection of Town sales or transactions and use taxes by the Department pursuant to that contract, and for purposes related to the following governmental functions of the City:

(a) Budget
(b) Planning
(c) Economic Development
(d) Transportation Planning
(e) Business License

The information obtained by examination of Department records shall be used only for those governmental functions of the Town listed above.

Section 3. That Hinderliter de Llamas & Associates is hereby designated to examine the sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected for the Town by the Department. The person or entity designated by this section meets all of the following conditions, which are also included in the contract between the Town and Hinderliter de Llamas & Associates:

a) has an existing contract with the Town to examine those sales or transactions and use tax records;

b) is required by that contract to disclose information contained in, or derived from, those sales or transactions and use tax records only to the officer or employee authorized under Section 1 of this resolution to examine the information.

c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;

d) is prohibited by that contract from retaining the information contained in, or derived from those sales or transactions and use tax records, after that contract has expired.

BE IT FURTHER RESOLVED that the information obtained by examination of Department records shall be used only for purposes related to the collection of Town sales or transactions and use taxes by the Department pursuant to the contract between the Town and the Department and for those purposes relating to the governmental functions of the City listed in section 2 of this resolution.

Section 5. That this resolution supersedes all prior resolutions of the Town Council of the Town of Los Gatos adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056.

Introduced, approved and adopted this 7th day of October 2025.

ATTEST: (s) _____ (s) _____
Town Clerk Mayor

I, _____, Town Clerk of the Town of Los Gatos, California, DO HEREBY CERTIFY that the foregoing resolution was duly introduced, approved and adopted by the Town Council of the Town of Los Gatos at a regular meeting of said Council held on the 7th day of October, 2025, by the following roll call vote:

Ayes: (Names of Councilmembers)

Noes: (Names of Councilmembers)

Absent: (Names of Councilmembers)

(s) _____
Town Clerk

RESOLUTION 2021-034

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AUTHORIZING EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS

WHEREAS, pursuant to Resolution 2019-001 and 2019-002 the Town of Los Gatos (Town) entered into a contract with the California Department of Tax and Fee Administration (Department) to perform all functions incident to the administration and collection of sales or transactions and use taxes; and

WHEREAS, pursuant to Revenue and Taxation Code section 7270, the Town entered into a contract with the California Department of Tax and Fee Administration (Department) to perform all functions incident to the administration and collection of transactions and use taxes; and

WHEREAS, the Town Council of the Town of Los Gatos deems it desirable and necessary for authorized officers, employees and representatives of the Town to examine confidential sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected by the Department for the Town pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Department records, and Section 7056.5 of the California Revenue and Taxation Code establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales or transactions and use tax records of the Department;

NOW, THEREFORE, BE IT RESOLVED, the Town

Section 1. That the Town Manager, Assistant Town Manager, Town Attorney, Finance Director, Finance and Budget Manager, Budget Analyst, Accountant Analyst, Community Development Director, Economic Vitality Manager, and other officer or employee of the Town designated in writing by the Town Manager to the California Department of Tax and Fee Administration is hereby appointed to represent the Town with authority to examine sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected for the Town by the Department pursuant to the contract between the Town and the Department.

Section 2. The information obtained by examination of Department records shall be used only for purposes related to the collection of Town sales or transactions and use taxes by the Department pursuant to that contract, and for purposes related to the following governmental functions of the Town:

ATTACHMENT 2

(a) Budget

(b) Planning

(c) Economic Development

(d) Transportation Planning

(e) Business License

The information obtained by examination of Department records shall be used only for those governmental functions of the Town listed above.

Section 3. That MuniServices, LLC. is hereby designated to examine the sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected for the Town by the Department. The person or entity designated by this section meets all of the following conditions, which are also included in the contract between the Town and MuniServices, LLC:

a) has an existing contract with the Town to examine those sales or transactions and use tax records;

b) is required by that contract to disclose information contained in, or derived from, those sales or transactions and use tax records only to the officer or employee authorized under Section 1 of this resolution to examine the information.

c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;

d) is prohibited by that contract from retaining the information contained in, or derived from those sales or transactions and use tax records, after that contract has expired.

BE IT FURTHER RESOLVED that the information obtained by examination of Department records shall be used only for purposes related to the collection of Town sales or transactions and use taxes by the Department pursuant to the contract between the Town and the Department and for those purposes relating to the governmental functions of the Town listed in section 2 of this resolution.

Section 4. That this resolution supercedes all prior resolutions of the Town Council of the Town of Los Gatos adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056, specifically Resolution 2019-002 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of August 2021 by the following vote:

COUNCIL MEMBERS:

AYES: Mary Badame, Matthew Hudes, Rob Rennie, Maria Ristow, Mayor Marico Sayoc

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 8.4.2021

ATTEST:

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

DATE: 8/4/2021

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 9

DATE: October 7, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Adopt the Revised Council Policy 2-11: Residency and Attendance Requirements and Establishing a Quorum**

RECOMMENDATION: Adopt the revised Council Policy 2-11: Residency and Attendance Requirements and Establishing a Quorum.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

STRATEGIC PRIORITY:

This item is not associated with a specific strategic priority; however, it aligns with the Town's core goal of good governance.

BACKGROUND:

Council Policy 2-11 establishes residency and attendance requirements for members of Town Boards, Commissions, and Committees (collectively, "Commissions"), and outlines expectations for participation and quorum standards. Over time, the policy has evolved and currently includes a detailed Procedures section governing how applications are submitted, interviews are conducted, and appointments are made. While these procedures are important, they are operational in nature and subject to administrative adjustments as staffing, technology, and Council practices evolve.

On May 27, 2025, staff presented proposed changes to Council Policy 2-11, to the Policy Committee which included the removal of the Procedures section. This section is currently highly prescriptive, containing step-by-step instructions for Town staff, applicants, and Council Members. While detailed, this structure creates rigidity. Even minor procedural updates require

PREPARED BY: Wendy Wood
Town Clerk

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

formal Town Council action to amend the policy, limiting flexibility and delaying improvements to internal workflows.

The Committee discussed the proposed change and supported staff's recommendations to remove procedural content from the policy and include it in a separate Administrative Policy. This change will provide greater flexibility for minor procedural updates, improve internal workflows, and better align with evolving best practices without requiring formal Council action.

The Committee also requested that the policy include language clarifying that, while Council Members may use standardized interview questions, they are not restricted from asking other appropriate questions of applicants. Additionally, the Committee requested that the provisions outlining the voting process for appointments and reappointment guidelines remain in the policy.

Staff revised Council Policy 2-11 to incorporate the requested clarifications and retain the relevant content and proposed revisions to the Conflict of Interest section to provide greater clarity regarding expectations and disclosure responsibilities for Commissioners who serve or are employed by nonprofit organizations. A new Administrative Policy was also created to outline the detailed procedures related to Commission recruitment, interviews, and appointment processes.

The core elements of Policy 2.11, which include residency requirements, attendance standards, quorum definition, reappointment guidelines, and conflict of interest obligations, remain in the policy under the purview of the Town Council.

At its meeting on August 26, 2025, the Policy Committee reviewed the proposed changes and supported the removal of procedural language from Council Policy 2.11. The Committee also reviewed and endorsed the new Administrative Policy. During its discussion, the Committee emphasized the importance of maintaining Council visibility over significant procedural changes and requested that language be added to ensure that any major updates to the Administrative Policy would be brought to the Town Council for review.

DISCUSSION:

Staff has revised Council Policy 2.11 to incorporate the Committee's recommendations and drafted an Administrative Policy to reflect current procedures and includes a statement indicating that the Town Council will be notified of any major changes.

The proposed revision to Council Policy 2.11 reflects the Town's ongoing efforts to streamline governance practices while preserving Council oversight of core policy matters. By removing the highly prescriptive Procedures section from the Council Policy and transferring it to a newly

created Administrative Policy, the Town can more efficiently manage routine updates to the Commission recruitment, interview, and appointment processes.

This change addresses the challenge of inflexibility in the current policy, where even minor procedural adjustments such as changes to application formats, interview logistics, or timelines require formal Council approval. Moving procedural content to an Administrative Policy allows staff to adapt to evolving practices, technologies, and resource needs in a timely and responsive manner while preserving Council authority over core requirements such as residency, attendance, quorum definitions, reappointment guidelines, and conflict of interest standards.

To promote transparency and support consistent interpretation, a table showing the number of unexcused absences and total absences that would result in a violation and automatic forfeiture of a commission seat has been prepared and incorporated into the Policy as Exhibit A.

Staff is also proposing a revision to the Policy section to remove the phrase “ex-officio members of other Boards, Commissions, and Committees, or Commission members (hereinafter referred to as 'Commissioners')” and clarify that the exception applies only to Commissioners who are formally designated by ordinance or resolution to serve as representatives of their Commission on another body.

The previous language was unclear and potentially misapplied, as the term ex-officio typically refers to someone serving “by virtue of their office.” The policy also did not specify how such appointments were authorized or whether those members held voting rights. Additionally, referencing both “ex-officio members” and “Commission members” created the potential for conflicting interpretations.

To ensure transparency and consistent application, the revised language specifies that individuals may only serve on more than one Commission when formally designated by ordinance or resolution. This change provides a clear and enforceable exception based on Council action and supports the policy’s broader goal of maximizing public participation in the Town’s advisory bodies.

CONCLUSION:

Separating the procedural details from Council Policy 2-11 and placing them into a standalone Administrative Policy provides the Town with increased flexibility to manage and update internal procedures without requiring Council action. This approach maintains transparency and consistency in key policy areas while improving efficiency and responsiveness to operational needs.

COORDINATION:

This report was prepared in coordination with the Town Attorney and the Town Manager's Office.

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENTS:

1. Council Policy 2-11 (Redlined Version)
2. Administrative Procedures - Boards, Committees, and Commissions Recruitment

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: Commission Requirements and Guidelines: Residency ~~and~~ , Attendance, ~~Requirements, and Establishing a~~ Quorum, and Appointments	**POLICY NUMBER**: 2-11
EFFECTIVE DATE: 2/28/1990	**PAGES:** 7
ENABLING ACTIONS:	**REVISED DATES:** 6/13/1994; 6/16/2014; 4/7/2015; 10/18/2016; 2/21/2017; 2/6/2018; 3/19/19; 9/3/2019; 6/1/2021; 12/7/2021, 3/15/2022, 8/2/2022; 9/20/2022; 10/3/2023; 11/21/2023; 3/5/2024; 12/17/2024
APPROVED:	

PURPOSE

To establish a policy to encourage participation by the Town's residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Board, Commission, and Committee and its respective members, providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided by this Policy.

SCOPE

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

POLICY

The Town Council encourages public participation in all decision-making and to be successful residents must be assured both that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Interviews of the applicants conducted in public by the Town Council demonstrates that it values these appointments and that all have an equal opportunity to be appointed. While the Council Members may be provided standardized questions to use during the interviews,

they free to ask other appropriate questions instead of, or in addition to, those provided. Applicants may apply to more than one Commission, and shall rank their choices in their preferred order, during each recruitment cycle.

To ensure the greatest possible participation by the public, no person shall be appointed to more than one Commission except in those cases where they are ~~ex-officio members of other Boards, Commissions, and Committees, or Commission members (hereinafter referred to as "Commissioners")~~ serving as representatives of their Commission pursuant to an ordinance or resolution ~~who have been appointed by the Town Council~~.

Commission recruitment procedures are outlined in the Administrative Procedure Manual. Any major changes to that manual will be presented to the Town Council.

RESIDENCY REQUIREMENTS

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

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

Diversity, Equity, and Inclusion Commission:
Membership composition shall be as outlined in the exhibit to the standard operating provisions for boards, commissions, and committees ~~commission's enabling~~ resolution ~~and includes a Los Gatos business owner/employee, faith leader who leads a congregation in Los Gatos, and Los Gatos non-profit employee who may or may not reside in Los Gatos~~.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Commissions should attend all regular and special meetings of said Commissions.
2. Consistent with the Town Council's summer recess, Commissions will not schedule a regular meeting in the month of July to allow time for vacations. Nothing in this policy will prohibit staff from scheduling a special meeting to address urgent Town business.
3. Any member not in attendance at a regular meeting of said Commissions for at least 70% of the duration of the meeting shall be considered absent. To allow Commissioners to plan ahead to meet the 70% requirement, there will be a two-hour

time limit for a regular Commission meeting with the exception of the Planning Commission and the Historic Preservation Committee and meetings containing discussion regarding the Town's annual budget.

4. A Commissioner shall be deemed to have automatically surrendered their office if they have either:
    a. Three consecutive unexcused absences from the regular meetings of the Commission; or
    b. Unexcused absences totaling more than twenty percent* of the total number of scheduled regular meetings in any calendar year;* or
    c. Absences, whether excused or unexcused, totaling more than thirty-five percent* of the total number of scheduled regular meetings in that calendar year.**
5. Excused absences shall be limited to those which meet both of the following requirements:
    a. The absent Commissioner must have informed the chair and the staff liaison to the Commission of their intended absence prior to the scheduled meeting. (Failure to inform the chair and the staff liaison prior to the meeting shall result in an unexcused absence unless an unusual circumstance prevents advance notice.); and
    b. The following shall be considered an excused absence:
        i. An absence due to illness of the Commissioner; or
        ii. An absence due to a medical emergency of the Commissioner or the Commissioner's family member or loved one; or
        iii. An absence due to the Commissioner's need to provide direct caregiving related to the illness of the Commissioner's family member or loved one; or
        iv. An absence due to the death of a Commissioner's family member or loved one; or
        v. An absence because a Commissioner is away on authorized commission business; or
        vi. An absence due to required military service; or
        vii. An absence related to Federal and State Family Leave.
6. For all Commissions other than the Finance Commission, vacant positions shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town Commission but will not be treated as an incumbent in any subsequent application to the same Commission.

* Percentages will be rounded to the nearest whole number using standard rounding rules (less than .5 will round down and .5 or more will round up) and if the Commissioner was appointed to fill a vacancy, more than twenty percent of the total number of remaining

scheduled regular meetings in that calendar year. (See Exhibit A for Commission Attendance Violation Table)

** A calendar year is defined as January 1 through December 31. Any absence that causes the cancellation of a regular meeting due to lack of a quorum shall be counted as an absence for the Commissioner. A regular meeting shall not be cancelled and replaced with a special meeting in order to alleviate an absence by a Commissioner.

QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Commission shall be a majority of the Commission.

~~PROCEDURES~~

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

~~Responsibility and Actions: Town Clerk~~

~~A. Annual Recruitments~~

~~Adult Commissioners' terms begin on January 1 and end on December 31, Youth Commissioners' terms begin on September 1 and end on May 31. The Town Clerk shall perform the following duties in conducting an annual recruitment for Commissioners:~~

1. ~~Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.~~
2. ~~Advertise the vacancies, including the application deadline and the interview date. Interviews and appointments for Adult Commissioners shall occur after annual Mayor and Vice Mayor selection, and in the case of election years, after new Council Members have been seated. Interviews and appointments for Youth Commissioners shall occur by the fourth Wednesday in May, no earlier than 4:00 p.m.~~
3. ~~Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:~~
    a. ~~Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council, with the exception of the Finance Commission which will be interviewed by the appointing Council Member. The applications of those not interviewed will be held for the next recruitment.~~
    b. ~~If an incumbent Commissioner is requesting reappointment to the same Commission and is not available to be interviewed, the incumbent may submit a letter prior to the interviews, describing the reason why the applicant~~

~~cannot be present via teleconference or in person for the interview, and why the applicant should be reappointed to the Commission.~~

~~c. Submission deadlines are mandatory; no exceptions are permitted.~~

~~4. Applications:~~

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

~~b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.~~

~~5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.~~

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

~~7. Applicants:~~

~~a. *For adult applicants* — After the interviews and the Council votes are completed, notify all applicants of the Council's action, and explain the Town's policy of keeping applications active for one year with notification of subsequent openings on that Commission to the interested applicants.~~

~~b. *For Youth Commission applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.~~

~~Interview Process~~

~~To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same standard questions, as provided below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants.~~

~~1. If appointed, what ideas would you like to see the Commission explore?~~

~~2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.~~

~~3. Please elaborate on any written response provided in the application to assist the Council learn more about you.~~

~~4. If you did not answer any of the questions on the application, please explain why.~~

~~The standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each~~

~~applicant, the Council may decide not to ask all of the provided questions, change the order of the questions, or rotate which Council member asks a specific question. Applicants will be given a two-minute time limit to answer each question.~~

~~**Balloting Process**~~

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

~~1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and "None of the above" for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.~~

APPOINTMENT GUIDELINES

Boards, Committees, and Commissions

In order for a candidate to be appointed, a majority vote (3 or more) must occur. In the event of a tie vote, a runoff will be held. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.

Youth Commission

The Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), will interview the Youth Commission applicants and make appointment recommendations for the Town Council to ratify.

~~The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a "None of the above" option.~~

~~2. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In~~

~~the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.~~

3. ~~If an applicant(s) is appointed to a Commission that has vacancies for both full and partial, unexpired terms, the length of the appointee's term will be determined by the Mayor.~~

~~B. Mid-Term Recruitments~~

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

~~Responsibility and Action: Applicant~~

1. ~~Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.~~
2. ~~*For adult applicants:* Attend the Council meeting to be interviewed for the Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. three business days before the scheduled interview date whether they will not attend in person or via teleconference.~~
3. ~~*For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the three business days before the scheduled interview date whether they will not attend in person or via teleconference.~~
4. ~~If an incumbent Commissioner is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the three business days prior to the interviews, describing the reason why the applicant cannot be present via teleconference or in person for the interview, and why the applicant should be reappointed to the Commission.~~
5. ~~If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."~~
6. ~~Attend Commission meetings once term begins.~~
7. ~~Read the Commissioners' Handbook available online.~~

~~Responsibility and Action: Town Council~~

1. ~~Review applications.~~

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

REAPPOINTMENT GUIDELINES

An individual who has been removed from a Commission for the following reasons, may not be reappointed:

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

CONFLICT OF INTEREST

Under the ~~Fair Political Practice~~Political Reform Act, a Commissioner has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision. While all Commissioners must at a minimum comply with the ~~Fair Political Practice~~Political Reform Act regulations, they should also avoid the appearance of a conflict of interest.

Some Board and Commission members serve on non-profit boards or are employed by non-profit organizations. Board and Commission members may not participate in decisions (which includes making recommendations to the Town Council) in which they have a potential conflict of interest, which can be a financial or a personal interest. In the event of a potential conflict of interest, the Board or Commission member must recuse themselves and provide a brief statement explaining the reason for recusal. Even if it is determined that there is no potential conflict of interest, the Board or Commission member must state that their affiliation with the non-profit organization before participating in the decision~~The Fair Political Practice Act does not prohibit a Commissioner from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit~~

TITLE: Commission Requirements and Guidelines: ~~Appointments,~~ Residency, ~~and~~ Attendance, ~~Requirements, and Establishing a~~ Quorum. and Appointments	**PAGE:** 9 of 9	**POLICY NUMBER**: 2-11

~~corporation for which a Commissioner is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.~~

APPROVED AS TO FORM:

_____

Gabrielle Whelan, Town Attorney

Commission Attendance Violation Table

Total Scheduled Meetings (Year)	Unexcused Absences Violation Automatically Forfeit of Seat (>20%)	Total Absences Violation (>35%)
6	2	3
7	2	3
8	3	3
9	3	4
10	3	4
11	3	5
12	3	5
13	4	5
14	4	6
15	4	6
16	4	6
17	4	7
18	5	7
19	5	7
20	5	8
21	5	8
22	5	8

TOWN OF LOS GATOS CALIFORNIA

ADMINISTRATIVE PROCEDURE MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: Boards, Committees, and Commissions Recruitment	**PROCEDURE NUMBER:**
EFFECTIVE DATE:	**PAGES:**
ENABLING ACTIONS:	**REVISED DATES:**
APPROVED:	

PURPOSE

To set forth policy and procedural responsibilities to be followed by Town staff, Town Council, and applicants during the recruitment and appointment process for Town Board, Committee, and Commission (hereinafter referred to as "Commissions") positions.

SCOPE

This policy applies to Town Staff involved in the appointment and administration of Town Commissions, including Adult and Youth Commissioners.

ADMINISTRATIVE POLICY

It is the policy of the Town to conduct a fair, consistent, and transparent process for recruiting and appointing members to its Boards, Committees, and Commissions (herein after "Commissioner"). This process ensures broad public participation, promotes equity, and supports the Town Council's goals for effective governance. The Town Clerk, under the direction of the Town Manager, is responsible for administering this process in accordance with the procedures outlined in this document. All recruitments shall be conducted in compliance with applicable laws and policies, and in alignment with best practices for public appointments.

Any major changes made to this manual will be presented to the Town Council.

PROCEDURES

Responsibilities and Procedures for Annual and Mid-Year Recruitment

A. Annual Recruitments

Annual recruitments occur prior to the expiration of a Board Member, Committee Member, or Commissioner's term.

1. Notification to Council
    a. Inform the Town Council of upcoming Commission vacancies. The memo shall include the name of the Commission, the number of expiring or vacated terms, and the names of the Commissioners whose terms are ending.
    b. Schedule a date and time with the Council to conduct the interviews (Special Meeting).
2. Notification to Eligible Incumbents
    a. Inform eligible incumbents of their expiring term and provide instructions on how they can reapply.
3. Open the Recruitment
    a. Create the recruitment in the Board and Commission (BAC) system.
        i. Select Commissions with terms expiring and set the recruitment period (open and close date and time).
        ii. Post advertisements on the Town website, public notice board, library, and official Town social media channels, and other media outlet as appropriate..
4. Recruitment Advertisement
    a. Advertise the vacancies for a minimum of 30 days.
        i. Advertisements should include the application deadline and interview date.
        ii. Post advertisements on the Town website, Town public notice posting board, library, and on social media.
5. Applications
    a. Applications will be maintained electronically in the BAC system.
    b. Applications must be submitted electronically using the BAC system.
    c. The application submitted will be verified for eligibility.
    d. Notify eligible applicants of the interview date and time and provide a deadline by which to confirm their availability.
    e. Prepare redacted copies of the applications for the agenda packet.

B. Mid-Term Recruitment

During the year, Commissions may experience vacancies that reduce the number of filled seats below the threshold needed to conduct official business. When possible, the Town Clerk will consolidate mid-term recruitments to limit the number of separate recruitment processes conducted throughout the year. In the event of a vacancy on the Planning Commission, a mid-term recruitment will be conducted automatically. A mid-term recruitment will not be conducted for Youth Commissioners. The Town Clerk shall advertise any mid-term Commission vacancies for a minimum of 15 days.

The mid-year recruitments will be conducted in the same manner as the annual recruitment, with the exception of the minimum days to advertise the vacancies.

C. Interview Process

Annual and Mid-Year Recruitments

1. Interviews will take place during a special meeting of the Town Council, with the exception of the Finance Commission and Youth Commission.
2. Staff will prepare and post an agenda in accordance with the Brown Act.
3. Staff will prepare a staff report, which includes the redacted applications.
4. Staff will confirm attendance with all applicants prior to the interview.
5. If necessary, staff will prepare interview binders for Council, which will include the Staff report, applications, standard questions, and an additional sheet for rating and/or notes.
6. Applicants will be interviewed in groups based on the Commission to which they have applied, with the order of interviews to be determined by the Mayor.
7. The Mayor will determine the order in which the applicants will be asked questions.
8. To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same standard questions, as provided below:
    - If appointed, what ideas would you like to see the Commission explore?
    - Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.
    - Please elaborate on any written response provided in the application to assist the Council learn more about you.
    - If you did not answer any of the questions on the application, please explain why.
9. Applicants will be limited to two minutes to answer each question.

*No Council Member shall be prevented from asking appropriate questions of applicants. The standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each applicant, the Council may decide not to ask all of the questions provided, change the order of the questions, or rotate which Council member asks a specific question.

Youth Commission Recruitment

1. Interviews will take place during a special meeting of the Selection Committee.
2. Staff will prepare and post an agenda in accordance with the Brown Act.
3. Staff will prepare a staff report listing the names of all applicants. (Applications will not be posted with the report due to the applicants being minors. However, redacted copies will be available for public inspection in the Clerk's Office.)

4. Staff will prepare interview binders for the Committee, which will include the Staff report, applications, standard questions, and an additional sheet for rating and/or notes.
5. The Mayor will determine the order in which the applicants will be asked questions.

D. Balloting Process

Annual and Mid-Year Recruitments

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission, with the exception of the Finance Commission and Youth Commission. Such a ballot vote may be conducted at either a regular, adjourned, or special meeting of the Town Council.

The ballot vote process shall be conducted as follows:

1. The Town Clerk or designee shall provide a ballot to each Town Council Member listing the names of all applicants and "None of the above" for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancies to be filled and the maximum number of votes that may be cast for each commission.
2. In order for a candidate to be appointed, a majority vote (3 or more) must occur. In the event of a tie vote, a runoff will be held. Each Council Member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case can a Council Member cast more votes than there are vacancies, or vote for the same candidate more than once on each ballot (i.e., cumulative voting -- e.g., where there are three vacancies, a Council Member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.
3. The Town Clerk or designee shall collect all ballots and shall publicly announce the votes by stating each applicant's name that received a vote, the number of votes received for the applicant, and the name of each Town Council Member that cast his or her vote for the applicant.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the case of a tie vote, the Town Clerk will announce the Commission seat with a tie vote and state that a run-off vote will be conducted. The run-off ballot will also include a "None of the above." A run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. Once all voting is concluded, the Town Clerk or designee will announce the votes in the same manner as stated above. In the event the run-off did not result in an appointment , the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant is appointed to a Commission that has vacancies for both full and partial, unexpired terms, the length of the appointee's term will be determined by the Mayor.

Youth Commission Recruitment
Unless determined otherwise, the Selection Committee shall conduct a ballot vote for the recommended appointment of individuals to fill the Youth Commission vacancies, Such a ballot vote may be conducted at a noticed special meeting of the Selection Committee.

1. The Town Clerk or designee shall provide a ballot to each Town Council Member listing the names of all applicants.
2. In order for a candidate to be recommended for appointment they must receive a majority vote. In the event of a tie vote, a runoff will be held. Each Committee Member may vote for the same number of applicants as there are current vacancies on the Commission. In no case can a Member cast more votes than there are vacancies or vote for the same candidate more than once on each ballot (i.e., cumulative voting -- e.g., where there are three vacancies, a Council Member may not give all three votes to the same candidate).
3. The Town Clerk or designee shall collect all ballots and shall publicly announce the votes by stating each applicant's name that received a vote, the number of votes received for the applicant, and the name of each Town Council Member that cast his or her vote for the applicant.
4. The applicants that received a majority of votes shall be recommended for appointment to the Commission.

E. Post-Interview

5. Annual and Mid-Year Recruitments
    a. Notify all applicants and the Commission's staff liaison of the Council's action.
    b. Provide all appointed members with a link to the Commissioner Handbook.
    c. Provide a copy of the Code of Conduct to all newly appointed commissioners and require them to sign a statement affirming they have read and understand the Code of Conduct Policy.
    d. Attend or watch a prerecorded orientation.
    e. Administer the Oath of Office to all appointed commissioners prior to them attending their first meeting.
    f. Send a Form 700 assuming office notification.
    g. Update Commission rosters with the new members' names and terms.
6. Youth Commission Recruitment
    a. Notify all applicants and the staff liaison of the Committee's decision.
    b. Prepare a staff report for Council ratification at the next available Council meeting.
    c. Notify appointed applicants of Council's action.
    d. Update Commission rosters with the new members' names and terms.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 10

DATE: October 2, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Adopt a Resolution Repealing the General Plan Committee Enabling Resolution and Designating the Planning Commission to Hear Requests for General Plan and Specific Plan Amendments**

RECOMMENDATION: Adopt a resolution repealing the enabling resolution that established the General Plan Committee and designate the Planning Commission to assume the duties of reviewing and making recommendations regarding General Plan and Specific Plan amendment requests.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

STRATEGIC PRIORITY:

This item is not associated with a specific strategic priority; however, it aligns with the Town's core goal of good governance.

BACKGROUND:

The General Plan Committee (GPC) was established on May 4, 1998, to provide recommendations to the Planning Commission and Town Council on matters related to the General Plan or any Specific Plan. The GPC was also tasked with reviewing and reporting to the Planning Commission prior to any scheduled discussion regarding General Plan Amendment applications.

PREPARED BY: Wendy Wood
Town Clerk

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

Earlier in the year, the GPC requested that an item be placed on a future agenda to evaluate the necessity of maintaining a separate advisory body, given the limited activity over the past several years.

In preparing for the item, staff conducted a review of the number of GPC meetings held between January 2021 and April 2025. Of the 73 regularly scheduled meetings during this period, 65 were canceled. Only 8 meetings were held, in addition to GPC participation in 9 General Plan Advisory Committee (GPAC) and 20 Housing Element Advisory Board (HEAB) meetings as part of the 2040 General Plan and 2023–2031 Housing Element updates.

Staff also conducted a survey of surrounding jurisdictions, including Campbell, Saratoga, and Los Altos, and found that in those communities, the Planning Commission is responsible for reviewing General Plan and Specific Plan amendments. This governance model consolidates review authority and streamlines permit processing.

At its meeting on May 14, 2025, the GPC discussed whether to retain the GPC or consolidate its duties under the Planning Commission. After deliberation, the GPC voted unanimously to recommend to the Town Council the dissolution of the General Plan Committee and encouraged the continued use of citizen committees, as needed, that include members of the general public.

DISCUSSION:

Disbanding the GPC would allow for improved efficiency in processing requests for General Plan and Specific Plan amendments and reduce duplicative efforts by consolidating responsibilities within the Planning Commission.

This action would also result in resource savings by eliminating the need for:

- Preparing and posting public hearing notices specific to GPC meetings;
- Staff time spent drafting and reviewing reports for GPC consideration; and
- Staff time attending Committee meetings.

The Planning Commission currently possesses the necessary expertise and procedural framework to assume the duties previously assigned to the GPC. As demonstrated by other local municipalities, this approach aligns with standard practices in similar jurisdictions. This resolution would formally repeal the General Plan Committee's enabling resolution and designate the Planning Commission as the reviewing body for General Plan and Specific Plan amendments.

CONCLUSION:

Staff recommends adopting the attached resolution to disband the GPC and designate the Planning Commission to hear and make recommendations on General Plan and Specific Plan amendments. This action supports efficient government operations and aligns with regional best practices.

COORDINATION:

This report was prepared in coordination with the Community Development Department, the Town Attorney's Office, and the Town Manager's Office.

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENTS:

1. Draft Resolution

RESOLUTION 20 -xx

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REPEALING RESOLUTION 2021-042, DISSOLVING THE GENERAL PLAN COMMITTEE, AND DESIGNATING THE PLANNING COMMISSION TO HEAR AND MAKE RECOMMENDATIONS ON GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS

WHEREAS, the General Plan Committee (GPC) was established by the Town Council of the Town of Los Gatos to provide recommendations to the Planning Commission and Town Council on matters related to the General Plan and Specific Plans; and

WHEREAS, the GPC was originally established to support long-range planning efforts, including review of proposed General Plan amendments, and to promote community participation in shaping the Town's land use policies; and

WHEREAS, the GPC has experienced limited activity in recent years, holding only 8 regular meetings between January 2021 and April 2025,

WHEREAS, other local jurisdictions do not maintain a separate GPC, and instead designate the Planning Commission to review and make recommendations on General Plan and Specific Plan amendments; and

WHEREAS, consolidating this function under the Planning Commission is expected to improve procedural efficiency, eliminate duplication of effort, and streamline the review process; and

WHEREAS, at its meeting on May 14, 2025, the GPC voted unanimously to recommend to the Town Council that the Committee be dissolved and encouraged the continued use of ad hoc citizen committees, as needed, that include members of the general public; and

WHEREAS, the Planning Commission has the expertise, procedural framework, and existing role to assume these duties and ensure continued compliance with state and local planning requirements.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Los Gatos does hereby declare, determine, and order that:

1. Resolution 2021-042 and all other preceding enabling resolutions are hereby repealed in their entirety, thereby dissolving the GPC.

2. The Planning Commission is hereby designated as the reviewing body for all requests related to General Plan Amendments and Specific Plan Amendments, and shall provide recommendations to the Town Council, as required by law and municipal code.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of October, 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

DRAFT

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 11

DATE: October 2, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Introduce an Ordinance Amending Planned Development Ordinance 2025 to Allow Modifications to Building E; Adopt a Resolution Approving an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Use Permit for Formula Retail Over 10,000 Square Feet and for a Restaurant with Alcohol Service on Property Zoned C-2:LHP:PD. Located at 31 University Avenue. APN 529-02-044. Planned Development Modification Application PD-25-001, Architecture and Site Application S-25-004, and Conditional Use Permit Application U-25-001. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: SRI Old Town, LLC. Applicant: Rick Nelson, MBH Architects. Project Planner: Erin Walters.**
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Planned Development Ordinance 2025 to Allow Modifications to Building E at 50 University Avenue (Old Town Center).

RECOMMENDATION: Accept the Planning Commission's recommendation and introduce a an ordinance modifying Planned Development Ordinance 2025 to allow modifications to Building E, and adopt a Resolution approving the Architecture and Site application for exterior modifications to an existing commercial building in the University/Edelen Historic District, and the Conditional Use Permit application for formula retail over 10,000 square feet and for a restaurant with alcohol service on property zoned C-2:LHP:PD, located at 31 University Avenue.

PREPARED BY: Erin M. Walters
Senior Planner

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

FISCAL IMPACT:

There is no fiscal impact associated with this action. Approving the Architecture and Site, and Conditional Use Permit (CUP) applications and modifying a Planned Development Ordinance does not in itself result in an impact on the Town's budget.

STRATEGIC PRIORITY:

The proposed project aligns with the adopted Core Goal of **Community Character** and the Strategic Priority to foster the economic vitality of businesses in Town.

BACKGROUND:

The subject property is located on the west side of University Avenue at the intersection of Elm Street and University Avenue (Attachment 4, Exhibit 1). The subject of this application is one of the Old Town commercial center buildings, referred to as Building E, in the adopted Planned Development (PD) Ordinance 2025 (Attachment 4, Exhibit 3). Building E consists of a 15,957-square-foot vacant tenant space, which was previously demised into two separate units:

- A 7,233-square-foot restaurant space formerly occupied by Steamer's restaurant.
- An 8,724-square-foot retail space formerly occupied by The Gap, a clothing retail store.

In December 1996, the Town Council adopted PD Ordinance 2025, amending the zoning ordinance effecting a zone change from C-2:LHP to C-2:LHP:PD at 50 University Avenue, Old Town commercial center (Attachment 4, Exhibit 3). PD Ordinance 2025 authorized the redevelopment of Old Town, including the construction of several new buildings, among them Building E. The construction of Building E was completed in 1999.

In January 2023, the clothing retail store, The Gap, ceased operations, and the restaurant, Steamer's, closed in December 2024. Both tenant spaces in Building E have remained vacant since their respective closures.

In January 2025, the applicant, applied for a modification to the existing PD Ordinance to allow modifications to Building E, an Architecture and Site application for exterior modifications to the existing commercial building, and a CUP for a formula retail use over 10,000 square feet with a restaurant use with alcohol service.

The Town Council serves as the final decision-making body for the PD Amendment, Architecture and Site, and CUP applications. The applicant has provided a Project Description and Letter of Justification (Attachment 4, Exhibit 15), and proposed Development Plans (Attachment 4, Exhibit 20).

DISCUSSION:

A. Project Summary:

The applicant is requesting approval for a modification to the existing PD Ordinance to allow modifications to Building E, an Architecture and Site application for exterior modifications to the existing commercial building, and a CUP for a formula retail use over 10,000 square feet with a restaurant with alcohol service in an existing tenant space. The proposed project occupies existing tenant spaces, and no additional square footage is proposed.

When reviewing a CUP, the deciding body should consider the information in the applicant's business plan; however, the key consideration should be the proposed use since the business plan can change from owner to owner. The CUP runs with the land, and the deciding body should review the application based on the use described in the recommended Conditions of Approval (Attachment 3, Exhibit B) as opposed to the applicant's business plan.

Full discussion and analysis of the project is provided in the August 27, 2025, Planning Commission Staff Report, included as Attachment 4.

B. Historic Preservation Committee:

The Old Town Commercial Center is located within the University-Edelen Historic District, and any exterior modifications to buildings within the district are subject to review by the Historic Preservation Committee (HPC).

On February 26, 2025, the HPC reviewed the proposed exterior modifications to Building E, continued the item for further consideration, and provided feedback to the applicant's team (Attachment 4, Exhibits 7, 8, 9, and 10).

On March 26, 2025, the HPC reconsidered the item and forwarded a recommendation of denial to the Planning Commission, as they were not able to make the findings for approving applications in historic districts (Attachment 4, Exhibits 11, 12, 13, and 14). HPC's review does not include consideration of the CUP application as that is outside of their purview.

C. Planning Commission:

On August 27, 2025, the Planning Commission received the staff report, addendum, desk item, the applicant's presentation, and public comments on the proposed project (Attachments 4 through 6).

After further review of the project, staff revised their recommendation to the Planning Commission from denial to approval of the CUP component of the project while forwarding the HPC's recommendation of denial of the PD Amendment and Architecture and Site components.

The Planning Commission voted to forward a recommendation to the Council to approve the project.

PUBLIC COMMENTS:

Consistent with the Town's Height Pole, Flagging, Netting, and Signage Policy, a project sign was installed on the site on September 17, 2025. Additionally, notice cards for the Town Council meeting were mailed to all property owners and residents within 300 feet, a legal advertisement was published in the newspaper, and meeting agendas were posted at Town Hall and the Library.

Public comments received between 11:01 a.m., Wednesday, August 27, 2025, and 11:00 a.m., Thursday, October 2, 2025, are included as Attachment 8.

CONCLUSION:

Staff recommends introducing an ordinance amending the existing PD Ordinance 2025 to allow modifications to Building E, and an Architecture and Site application for exterior modifications to the existing one-story commercial building located in the Old Town commercial center within the University-Edelen Historic District. In addition, the applicant requests approval of a CUP application to allow for formula retail use over 10,000 square feet (home furnishings store) with a restaurant use with alcohol service in the C-2:LHP:PD zone.

As detailed above, on March 26, 2025, the HPC reviewed the proposed exterior modifications and forwarded a recommendation of denial to the Planning Commission, as they were not able to make the findings for approving applications in historic districts. On August 27, 2025, the Planning Commission forwarded a recommendation of approval of the project to the Town Council.

RECOMMENDATION:

Staff recommends that the Town Council take the following actions:

1. Introduce an ordinance effecting the zone change (Attachment 1);
2. Adopt the resolution making the required findings and considerations to approve the Architecture and Site and Conditional Use Permit applications (Attachment 3); and
3. Approve Planned Development application PD-25-001 to introduce the Planned Development Ordinance (Attachment 1); approve Architecture and Site application S-

25-004 and Conditional Use Permit application U-25-001 inclusive of the recommended Conditions of Approval included as Exhibits A and B of Attachment 3, and the development plans included as Exhibit 20 of Attachment 4.

ALTERNATIVES:

Alternatively, the Council can:

1. Approve the applications with additional and/or modified conditions; or
2. Continue the matter to a date certain with specific direction; or
3. Deny the applications and make the required findings for denial.

COORDINATION:

This report was coordinated with the offices of the Town Manager and Town Attorney.

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA, but is Categorically Exempt, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area. A Notice of Exemption will not be filed.

ATTACHMENTS:

1. Draft Planned Development Ordinance (Clean)
2. Draft Planned Development Ordinance (Redline)
3. Draft Resolution making the required findings and approving the applications subject to the Conditions of Approval (included as Exhibit A and Exhibit B)
4. August 27, 2025, Planning Commission Staff Report, with Exhibits 1 through 21
5. August 27, 2025, Planning Commission Addendum, with Exhibit 22
6. August 27, 2025, Planning Commission Desk Item, with Exhibit 23
7. August 27, 2025, Planning Commission Verbatim Minutes
8. Public comments received between 11:01 a.m., Wednesday, August 27, 2025, and 11:00 a.m., Thursday, October 2, 2025

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

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING PLANNED DEVELOPMENT ORDINANCE 2025 TO ALLOW MODIFICATIONS TO BUILDING E AT 50 UNIVERSITY AVENUE (OLD TOWN CENTER).

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

WHEREAS, on December 16, 1996, the Town Council adopted Planned Development (PD) Ordinance 2025, amending the zoning ordinance effecting a zone change from C-2:LHP (Commercial Business District, Landmark and Historic Preservation Overlay Zone) to C-2:LHP:PD (Commercial Business District, Landmark and Historic Preservation Overlay Zone, Planned Development) at 50 University Avenue, Old Town commercial center; and

WHEREAS, The PD Ordinance 2025 authorized the redevelopment of Old Town commercial center, including the construction of several new buildings, among them Building E; and

WHEREAS, the construction of Building E, located in the Old Town commercial center, was completed in 1999; and

WHEREAS, in January 2025, the applicant, RH, applied for a modification to the existing PD Ordinance to allow modifications to Building E; and

WHEREAS, the Historic Preservation Committee held a public meeting on February 26, 2025, at which time the Committee reviewed the proposed exterior modifications to Building E, continued the item for further consideration, and provided feedback to the applicant's team; and

WHEREAS, the Historic Preservation Committee held a public meeting on March 26, 2025, at which time the Committee reconsidered the proposed exterior modifications to Building E and forwarded a recommendation of denial to the Planning Commission as they were not able to make the findings for approving applications in historic districts; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 27, 2025, at which time the Commission considered the public testimony, the Staff Report prepared for that meeting, and all other documentation related to the PD Amendment, made findings and forwarded a recommendation of approval to the Town Council; and

WHEREAS, the amendments are consistent with the General Plan and its Elements; and

WHEREAS, the amendments are consistent with Chapter 29, "Zoning Regulations" of the Town Code.

ATTACHMENT 1

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Los Gatos as follows:

SECTION I. Findings.

The Town Council of the Town of Los Gatos does hereby declare, determine, and order that the following findings are made by the Town Council of the Town of Los Gatos:

Finding for the California Environmental Quality Act (CEQA):

1. The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

Finding for Compliance with the Town Code for granting a Planned Development Overlay Zone:

As required by Section 29.80.095 of the Town Code for granting a Planned Development Overlay Zone, the proposed amendment:

1. Is consistent with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a Planned Development Overlay Zone;
2. Is in conformance with the goals, policies, and applicable land use designations and standards of the Town's General Plan, including but not limited to Policy LU-1.4;
3. Is in conformance with all other applicable provisions of the Town Code, including Town Council adopted guidelines, except as otherwise modified through the Planned Development process; and
4. Includes development standards or uses that deviate from the underlying zoning in a way that results in innovative site planning and provides public benefit to the citizens of the Town by providing additional dining opportunities, availability of goods and services, and tax revenue.

Finding for consistency with the Town's General Plan**:**

1. That the amendment to the Planned Development Overlay is consistent with the General Plan and its Elements, including but not limited to Policy LU-1.4; and that the amendment to the Planned Development Overlay zoning is consistent with the existing General Plan designation.

SECTION II. Planned Development Overlay Zone.

The Town Code of the Town of Los Gatos is hereby amended to change zoning on property located at 50 University Avenue (APN 529-02-044) as shown on the map attached hereto as

Exhibit A, as and is part of this Ordinance, from C-2:LHP:PD to C-2:LHP:PD. Ordinance 2025, passed and adopted by the Town Council of Los Gatos on December 16, 1996, remains in effect with the following amendments to Performance Standard 15 of Section V of Ordinance 2025:

15. BUILDING E. During the architecture and site approval process Building E shall be modified as follows:
    a. Open up the center pathway. Building could be moved closer to the South property line to increase width of pathway.
    b. Provide more variety in the buildings.

SECTION III. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION IV. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION V. Publication.

The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION VI. Effective Date.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of _____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ____ day of _____ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DRAFT

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

DRAFT

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

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING PLANNED DEVELOPMENT ORDINANCE 2025 TO ALLOW MODIFICATIONS TO BUILDING E AT 50 UNIVERSITY AVENUE (OLD TOWN CENTER).

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

WHEREAS, on December 16, 1996, the Town Council adopted Planned Development (PD) Ordinance 2025, amending the zoning ordinance effecting a zone change from C-2:LHP (Commercial Business District, Landmark and Historic Preservation Overlay Zone) to C-2:LHP:PD (Commercial Business District, Landmark and Historic Preservation Overlay Zone, Planned Development) at 50 University Avenue, Old Town commercial center; and

WHEREAS, The PD Ordinance 2025 authorized the redevelopment of Old Town commercial center, including the construction of several new buildings, among them Building E; and

WHEREAS, the construction of Building E, located in the Old Town commercial center, was completed in 1999; and

WHEREAS, in January 2025, the applicant, RH, applied for a modification to the existing PD Ordinance to allow modifications to Building E; and

WHEREAS, the Historic Preservation Committee held a public meeting on February 26, 2025, at which time the Committee reviewed the proposed exterior modifications to Building E, continued the item for further consideration, and provided feedback to the applicant's team; and

WHEREAS, the Historic Preservation Committee held a public meeting on March 26, 2025, at which time the Committee reconsidered the proposed exterior modifications to Building E and forwarded a recommendation of denial to the Planning Commission as they were not able to make the findings for approving applications in historic districts; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 27, 2025, at which time the Commission considered the public testimony, the Staff Report prepared for that meeting, and all other documentation related to the PD Amendment, made findings and forwarded a recommendation of approval to the Town Council; and

WHEREAS, the amendments are consistent with the General Plan and its Elements; and

WHEREAS, the amendments are consistent with Chapter 29, "Zoning Regulations" of the Town Code.

ATTACHMENT 2

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Los Gatos as follows:

SECTION I. Findings.

The Town Council of the Town of Los Gatos does hereby declare, determine, and order that the following findings are made by the Town Council of the Town of Los Gatos:

Finding for the California Environmental Quality Act (CEQA):

1. The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

Finding for Compliance with the Town Code for granting a Planned Development Overlay Zone:

As required by Section 29.80.095 of the Town Code for granting a Planned Development Overlay Zone, the proposed amendment:

1. Is consistent with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a Planned Development Overlay Zone;
2. Is in conformance with the goals, policies, and applicable land use designations and standards of the Town's General Plan, including but not limited to Policy LU-1.4;
3. Is in conformance with all other applicable provisions of the Town Code, including Town Council adopted guidelines, except as otherwise modified through the Planned Development process; and
4. Includes development standards or uses that deviate from the underlying zoning in a way that results in innovative site planning and provides public benefit to the citizens of the Town by providing additional dining opportunities, availability of goods and services, and tax revenue.

Finding for consistency with the Town's General Plan**:**

1. That the amendment to the Planned Development Overlay is consistent with the General Plan and its Elements, including but not limited to Policy LU-1.4; and that the amendment to the Planned Development Overlay zoning is consistent with the existing General Plan designation.

SECTION II. Planned Development Overlay Zone.

The Town Code of the Town of Los Gatos is hereby amended to change zoning on property located at 50 University Avenue (APN 529-02-044) as shown on the map attached hereto as

Exhibit A, as and is part of this Ordinance, from C-2:LHP:PD to C-2:LHP:PD. Ordinance 2025, passed and adopted by the Town Council of Los Gatos on December 16, 1996, remains in effect with the following amendments to Performance Standard 15 of Section V of Ordinance 2025:

15. BUILDING E. During the architecture and site approval process Building E shall be modified as follows:
    a. Open up the center pathway. Building could be moved closer to the South property line to increase width of pathway.
    ~~b. Design structure so that it appears to be a collective of individual structures that abut each other.~~
    ~~c. The roof design shall be reflective of the individual structures (break-up rooflines).~~
    ~~d. Corner tower shall be redesigned into a clipped corner design.~~
    e. Provide more variety in the buildings.

SECTION III. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION IV. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION V. Publication.

The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION VI. Effective Date.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of _____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ____ day of _____ 20 , by the following vote:

COUNCIL MEMBERS:

DRAFT

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

DRAFT

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

RESOLUTION 2025 -xx

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS APPROVING AN ARCHITECTURE AND SITE APPLICATION FOR EXTERIOR MODIFICATIONS TO AN EXISTING COMMERCIAL BUILDING IN THE UNIVERSITY/EDELEN HISTORIC DISTRICT; AND A CONDITIONAL USE PERMIT FOR FORMULA RETAIL OVER 10,000 SQUARE FEET AND FOR A RESTAURANT WITH ALCOHOL SERVICE ON PROPERTY ZONED C-2:LHP:PD. LOCATED AT 31 UNIVERSITY AVENUE.

WHEREAS, the subject property is located on the west side of University Avenue at the intersection of Elm Street and University Avenue and is one of the Old Town commercial center buildings, referred to as Building E in the adopted Planned Development (PD) Ordinance 2025; and

WHEREAS, the subject property is developed with Building E consisting of a 15,957-square foot vacant tenant space, which was previously demised into two separate units: a 7,7233-square foot restaurant space formerly occupied by Steamer's restaurant; and an 8,724-square foot retail space formerly occupied by The Gap, a retail clothing store; and

WHEREAS, the applicant, RH, requests approval of an Architecture and Site application for exterior modifications to the existing commercial building, and a Conditional Use Permit (CUP) for a formula retail use over 10,000 square feet and a restaurant use with alcohol service; and

WHEREAS, The Old Town commercial center is located within the University-Edelen Historic District, and any exterior modifications to buildings within a district are subject to review by the Historic Preservation Committee; and

WHEREAS, the Historic Preservation Committee held a public meeting on February 26, 2025, at which time the Committee reviewed the proposed exterior modifications to Building E, continued the item for further consideration, and provided feedback to the applicant's team; and

WHEREAS, the Historic Preservation Committee held a public meeting on March 26, 2025, at which time the Committee reconsidered the proposed exterior modifications to Building E and forwarded a recommendation of denial to the Planning Commission as they were not able to make the findings for approving applications in historic districts; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 27, 2025, at which time the Commission considered the public testimony, the Staff Report prepared for that meeting, and all other documentation related to the Architecture and Site and Conditional Use Permit applications, made findings, and forwarded a recommendation of approval to the Town Council; and

WHEREAS, this matter came before the Town Council for public hearing on October 7,

2025, and was regularly noticed in conformance with State and Town law; and

WHEREAS, the Town Council received testimony and documentary evidence from the applicant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on October 7, 2025, along with any and all subsequent reports and materials prepared concerning this application.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Los Gatos does hereby declare, determine, and order that the following findings are made by the Town Council of the Town of Los Gatos:

Finding for the California Environmental Quality Act (CEQA)**:**

1. The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

Finding for compliance with the Zoning Regulations**:**

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

Finding for a Conditional Use Permit:

1. As required by Section 29.20.190(a) of the Town Code for granting a Conditional Use Permit:
   i. The proposed uses of the property are essential or desirable to the public convenience or welfare in that it provides a bespoke dining and shopping experience, which will be desirable to both residents and visitors as a destination within Los Gatos;
   ii. The proposed uses will not impair the integrity and character of the zone since it is a commercial use located in a commercial zone. Further, the Proposed Project is consistent with the Commercial Design Guidelines for C-2A zones and as a non-contributing structure within a historic district. The proposed project maintains the existing building's massing and density, reimagines the existing façade variation, and maintains the pedestrian pass-through along the southern wall;
   iii. The proposed uses would not be detrimental to public health, safety, or general welfare the proposed formula retail use and restaurant use with the selling of alcoholic beverages for consumption on-premises, represent no change from the current uses of the most recent tenants at the existing building (Gap and Steamer's), and would not be detrimental to public health, safety, and general welfare; and

iv. The proposed uses of the property are in harmony with the various elements or objectives of the General Plan and the purposes of this chapter as they contribute to the variety of commercial uses in the Central Business District and meet the goals and policies of the 2040 General Plan (2020 Land Use and Community Development Elements).

Finding for a Conditional Use Permi for a Formal Retail Business Greater than Ten Thousand (10,000) Square Feet:

1. As required by Section 29.20.190 (b) of the Town Code the deciding body on the basis of evidence submitted at the hearing, may deny a Conditional Use Permit formal retail business greater than ten thousand (10,000) square feet of any of the following findings are made: None of the findings can be made to deny the application.

   Instead, the Town Council makes the following affirmative findings:
   i. The proposed use of the property is in harmony with specific provisions or objectives of the general plan and the purposes of this chapter;
   ii. The proposed use will not detract from the existing balance and diversity of business in the commercial district in which the use is proposed to be located;
   iii. The proposed use would not create an over-concentration of similar types of businesses, or
   iv. The proposed use will not detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.

Finding for Approving Applications in Historic Districts**:**

1. As required by Section 29.80.290(2) of the Town Code in evaluating applications in historic districts, the deciding body shall consider the architectural style, design, arrangement, textures, materials, and color, and any other pertinent factors. Applications shall not be granted unless the following findings can be made:

   In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics of other features of the property, which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural, or aesthetic interest or value of the district.

Findings for compliance with the Commercial Design Guidelines:

1. The proposed modifications are consistent with applicable provisions of the Commercial Design Guidelines.

Required considerations in review of Architecture and Site applications:

1. 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that, upon the effective date of the ordinance amending the PD Overlay Zone, the Town Council of the Town of Los Gatos approves the Architecture and Site application for exterior modifications to an existing commercial building in the University/Edelen Historic District; and the Conditional Use Permit for formula retail over 10,000 square feet and for a restaurant with alcohol service on property zoned C-2:LHP:PD located at 31 University Avenue, subject to the attached Conditions of Approval (Exhibit A and B).

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of October, 2025, by the following vote:

COUNCIL MEMBERS:
AYES:
NAYS:
ABSENT:
ABSTAIN:

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

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TOWN COUNCIL – *October 7, 2025*
CONDITIONS OF APPROVAL

31 University Avenue
Architecture Site Application S-25-004

Consider a Request for Approval for Modification of Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: SRI Old Town, LLC
Applicant: Rick Nelson, MBH Architects

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 per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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

EXHIBIT A

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construction plans.

8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
9. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
10. 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.
11. DEMOLITION AFFIDAVIT: Prior to issuance of a building permit, a demolition affidavit must be submitted and signed by the property owner, project architect, project engineer and contractor.
12. PROJECT IDENTIFICATION SIGNAGE: Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture and Site application.
13. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

    Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.
14. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

Building Division

15. PERMITS REQUIRED: A Building Permit is required for the renovation of two existing

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commercial tenant spaces.

16. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
17. CONDITIONS OF APPROVAL: The Conditions of Approval must be included on plan sheets within 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.
18. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division before submitting the building permit application.
19. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
20. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be directly printed onto a plan sheet.
21. SITE ACCESSIBILITY: At least one accessible route within the site boundary shall be provided from public transportation stops, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance that they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect all accessible buildings, facilities, elements, and spaces that are on the same site.
22. ACCESSIBLE PARKING: The parking lots and parking structure, where parking is provided for the public as clients, guests, or employees, shall provide accessible parking. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances and adjacent parking, accessible parking spaces shall be dispersed and located as close as possible to the accessible entrances.
23. BACKWATER VALVE: As required by Town Ordinance 6.40.020, provide details for any required sanitary sewer backwater valve on the plans, including its location. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) require backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
24. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
25. 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 online at www.losgatosca.gov/building.
26. CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs): The Town standard West Valley Clean Water Authority Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal. The specification sheet is available online at www.losgatosca.gov/building.
27. APPROVALS REQUIRED: The project requires the following departments and agencies' approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874

DRAFT

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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. Santa Clara County Environmental Health Department: (408) 918-3479
f. 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 AND PUBLIC WORKS:
Engineering Division

THE FOLLOWING CONDITIONS SHALL BE ADDRESSED OR NOTED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY BUILDING OR GRADING PERMIT, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

28. PAYMENT OF PARKS AND PUBLIC WORKS ("PPW") ENGINEERING PLAN CHECK FEE AND INSPECTION FEE – At the time of the first construction submittal, the Applicant shall submit for approval an off-site construction plan and a detailed construction project cost estimate prepared and stamped by the Applicant's civil engineer for improvements outside of the building. The cost estimate shall break out off-site improvements separately. This cost estimate will be used to determine the Encroachment Permit Fee per the Town's adopted fee schedule in effect at the time application is made. A final construction cost estimate shall be provided once the project plans are approved. This cost estimate will be used to determine if any additional encroachment permit fee is due. This adjustment fee, if any must be paid prior to the issuance of any construction related permit. The applicant shall not be eligible for any refund, even if the engineer's estimate is reduced in subsequent submittals. The Town Engineer, at his or her sole discretion, may require different unit prices be used in the engineering cost estimate.
29. PUBLIC IMPROVEMENTS – Prior to the issuance of any building permit and prior to any work being done in the Town's right of way, the Applicant must submit Public Improvement Plans for review and approval through an Encroachment Permit application with the Town. All public improvements shall be made according to the Town's latest adopted Standard Plans, Standard Specifications, Engineering Design Standards, and the Entitled Plan Set. The Applicant is required to confirm the location of existing utility lines along the project frontage by potholing, as necessary. Prior to any potholing, Applicant shall submit a separate encroachment permit application with a pothole plan for Town review and approval. The Applicant shall provide the pothole results to the Town Engineer prior to final design. All existing public utilities shall be protected in place and, if necessary, relocated as approved by the Town Engineer. No private facilities are permitted within the Town right of way or within any easement unless otherwise approved by the Town Engineer. The Applicant shall have Public Improvement Plans prepared, stamped, and signed by a California licensed civil engineer.
    a. Once the Public Improvement Plans have been approved and all fee have been paid, the Town will issue an Encroachment Permit. The Encroachment Permit requires the Applicant to post the required bonds and insurance and provide a one (1) year warranty for all work to be done in the Town's right of way or Town easement. New

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concrete shall be free of stamps, logos, names, graffiti, etc. Any new concrete installed that is damaged shall be removed and replaced at the Contractor's sole expense. The Applicant shall include with their encroachment permit application a temporary traffic control plan ("TTCP") inclusive of all modes of travel for any lane or sidewalk closures. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required. The TTCP shall comply with the State of California Manual of Uniform Traffic Control Devices ("MUTCD") and standard construction practices.

b. The project engineer shall notify the Town Engineer in writing of any proposed changes. Any proposed changes to the approved plans shall be subject to the approval of the Town. The Applicant shall not commence any work deviating from the approved plans until such deviations are approved. Any approved and constructed changes shall be incorporated into the final "as-built" plans.
c. Right-of-way improvements shall include, at a minimum, the following items:
    i. STREET TREES - The Applicant shall plant at least one (1) street tree along the project frontage as shown on the entitled plan set. The street tree plans shall be per Town Standard Drawings and must include Town Standard tree grates as shown on Sheet T-1C of the approved plans.
    ii. TREE GRATES – The Applicant shall install at least one (1) Town Standard Tree Grates as shown on Sheet T-1C of the approved plans. Tree grates shall be 4'x6', black power coated model OT-T24 by Urban Accessories, or approved equal. The tree grates shall be shown on the improvement plans to be located at the back of curb to the approval of the Town Engineer and shall be installed with the street trees prior to the first occupancy. STREET MARKINGS - The Applicant shall install necessary street markings of a material and design approved by the Town Engineer and replace any that are damaged during construction. These include but are not limited to all pavement markings, parking stall markings, painted curbs, and handicap markings. All permanent pavement markings shall be thermoplastic and comply with Caltrans Standards. Color and location of painted curbs shall be shown on the plans and are subject to approval by the Town Engineer. Any existing painted curb or pavement markings no longer required shall be removed by grinding if thermoplastic, or sand blasting if in paint.
    iii. SIDEWALK - The Applicant shall replace to existing Town standards all sidewalk on the east and north side of the project site. The actual amount of sidewalk to be replaced shall be determined by the Public Works Construction Inspector in the field prior to construction. Sidewalk replacement shall be constructed per the Town Standard Drawings. Sidewalk work in the Villa Hermosa area shall comply with the Villa Hermosa Style per Standard Plan Nos. ST-224 and ST-225 and as modified in the approved entitlement plans.
    iv. CURB RAMP(S) - The Applicant shall re-construct one (1) curb ramp in accordance with the latest Caltrans State Standard Drawing at the corner of University Avenue and Elm Street. The actual ramp "Case" shall be identified on the plans and shall be to the approval of the Town Engineer.
    v. CURB AND GUTTER - The Applicant shall replace to existing Town standards all new curb and gutter shown replaced on Sheet C4.0 of the entitled plan set as

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determined by the Public Works Construction Inspector in the field prior to construction. New curb and gutter shall be constructed per the Town Standard Drawing ST-210 (Vertical).

vi. BICYCLE PARKING – The Applicant shall provide at least two (2) short-term inverted "U" type bicycle racks on-site to the approval of the Town Engineer.

vii. STORM WATER CATCH BASIN(S) - The Applicant shall repair the curb at the storm water catch basin located on University Avenue near the intersection of University Avenue and Elm Street in accordance with the Town Standard Drawing.

viii. STREET LIGHT(S)

1. The Applicant shall relocate two (2) post top street light(s) per sheet A004 of the entitled plan set per Town Standard Drawing EL-6 to El-7. The Applicant is responsible for all PG&E service fees and hook-up charges. Any new service point connection required to power the new lights shall be shown on the construction drawings along with the conduit, pull boxes and other items necessary to install the street lights. An Isometric lighting level needs to be provided by the designer/contractor. A separate light study may be required by the Town Engineer. The light fixtures shall be Holophane Granville GVP2 series, with 100 Watt power, Black finish, Modern Style housing, 4K color temperature, standard finial, black terminal color, or approved equal. The light shall have IES Classification Type III or V. The pole shall be Holophane North Yorkshire NYS series, with cast iron and steel construction, 13'8" height, Fluted tapered shaft style (FTB), 20" round base, P08 tenon, LAB mounting bolts, black finish (BK) and with receptacle (RXXXY). The base shall fit the Town Standard 12" bolt circle pattern per detail EL-7 and shall be constructed on a street light base per Town Standards. The final location and style of street lights and poles are to be reviewed and approved by the Town Engineer during review of the submitted construction lighting plan. As these lights are a long lead-time item, it is recommended that the Applicant contact the manufacturer early in the construction phase of the project.
2. A letter shall be provided by PG&E stating that public street light billing will be per Rule LS2A. Private lights shall be metered with billing addressed to the homeowners' association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

30. TREE REMOVAL PERMIT – The Applicant shall apply and obtain a Tree Removal Permit from the Parks and Public Works Department for the removal or relocation of existing trees on-site or in the public right-of-way prior to the issuance of a building permit or demolition building permit, whichever is issued first. Tree removals shall be consistent with the arborist report and approved entitlement plans.

31. CONSTRUCTION PHASE PLAN SUBMITTAL REQUIREMENTS – The Public Improvement Plans (referred to as "Improvement Plans") shall be submitted to the Parks and Public Works Department. The Improvement Plans shall be submitted at the same time as the Building Plans are submitted to the Building Department. All improvements shall be designed and constructed in accordance with Federal law, State law, Los Gatos Town Code, and the Los Gatos Standard Specifications and Details.

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a. 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. The Improvement Plans shall include:
b. A cover sheet with at least the proposed development vicinity map showing nearby and adjacent major streets and landmarks, property address, APN, scope of work, project manager and property owner, a sheet index including a sequential numeric page number for each sheet (i.e. "Sheet 1 of 54"), the lot size, required and proposed lot setbacks by type, proposed floor areas by type for each building, average slope, proposed maximum height, and required and proposed parking count and type.
c. The Approved Conditions of Approval printed within the plan set starting on the second sheet of the plan set.
d. An Existing Site Plan showing existing topography, bearing and distance information for all rights-of-way, easements, and boundaries, any existing easements proposed to be quit-claimed, existing hardscape, existing above ground utility features, and existing structures. The Improvement Plans shall identify the vertical elevation datum, date of survey, and surveyor responsible for the data presented.
e. A Proposed Site Plan showing proposed topography, boundaries, proposed and existing to remain easements, hardscape, above ground utility features (hydrants, transformers, control cabinets, communication nodes, etc.), and structures. Include top and bottom elevations of every inflection point of each wall. Show proposed public right-of-way improvements. Distinguish proposed linework from existing linework using heavier line type for proposed.
f. A Grading and Drainage Plan clearly showing existing onsite and adjacent topography using labeled contour lines, drainage direction arrows with slope value, and break lines. Proposed and existing to remain hardscape elevations must be provided in detail including slope arrows.
g. A Utility Plan showing appropriate line types and labels to identify the different types of utilities and pipe sizes. Utility boxes, hydrants, backflow preventers, water meters, sanitary sewer cleanouts, etc. shall be located on private property unless otherwise approved by the Town Engineer.
h. A Photometric Lighting Plan analyzing the full-width of the adjacent right-of-way. The plan shall show the average maintained horizontal illumination in foot-candles and the average to minimum uniformity ratio. Lighting shall be in compliance with the Town's Standard Specification section 2.38.
i. A Landscaping Plan for the project site and the full width of the public right-of-ways adjacent to the project. The plans shall clearly identify public and private utilities and points of demarcation between the two.
j. General Notes found in the Town of Los Gatos General Guidelines.
k. A statement in the general notes indicating the need to obtain a Caltrans Oversized/Overweight Vehicles Transportation Permit if oversized or overweight vehicles are expected to be used

32. STANDARD PLAN COMPLIANCE – The project shall comply with the Town's Standard Plans to the approval of the Town Engineer. Street improvements, all street sections, and the design of all off-site storm drainage facilities shall be in accordance with most

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current Town Standard Specifications and Standard Plans approved by the Town Engineer. Improvements deemed necessary by the Town Engineer shall be shown on the Improvement Plans.

33. UTILITY RESPONSIBILITIES – The Applicant is responsible for the maintenance of existing stormwater drainage facilities, including piped and open channel stormwater conveyances in private areas. The Applicant is responsible for all expenses necessary to connect to the various utility providers. The public storm sewer system is owned and maintained by the Town of Los Gatos, the water system in Los Gatos is owned and maintained by San José Water Company, and the sanitary sewer system in Los Gatos is owned and maintained by West Valley Sanitation District. Any alterations of the approved utilities listed must be approved by the Town prior to any construction.
34. UTILITY COMPANY COORDINATION – The Applicant shall negotiate any necessary right-of-way or easements with the various utility companies in the area, subject to the review and approval by the Town Engineer and the utility companies. Prior to the approval of the site plan for construction, the Applicant shall submit "Will Serve" letters from PG&E, San José Water, West Valley Sanitation District, West Valley Collections and Recycling, and AT&T (or the current "Carrier of Last Resort") with a statement indicating either a list of improvements necessary to serve the project or a statement that the existing network is sufficient to accommodate the project. Coordination of the stormwater conveyance system will be addressed during the Improvement Plan review.
35. PREPARATION OF ELECTRICAL PLANS – All street lighting plans shall be prepared by a California registered professional engineer experienced in preparing these types of plans. The Applicant shall submit necessary stamped and signed Traffic Signal Plan with the Improvement Plans.
36. EXTERIOR SITE LIGHTING STANDARDS – The Applicant shall submit a photometric plan for off-site lighting showing lighting levels in compliance with the Town Standard Specifications section 2.38 as part of the Improvement Plans. The plan shall show the minimum maintained horizontal illumination in foot-candles and the uniformity ratio for all areas. This lighting standard is applicable to all parking lots, driveways, circulation areas, aisles, passageways, recesses, and accessible grounds contiguous to all buildings. The lighting system shall be so designed as to limit light spill beyond property lines and to shield the light source from view from off site. The photometric plan shall be approved by the Town Engineer.
37. DEVELOPER STORM WATER QUALITY RESPONSIBILITY – The Applicant is responsible for ensuring that all contractors including subcontractors are aware of all stormwater quality measures and implement such measures. The Applicant shall perform all construction activities in accordance with approved Improvement Plans, Los Gatos Town Code Chapter 12 – Grading, Erosion and Sediment Control, and the National Pollutant Discharge Elimination System (NPDES) General Permit. Failure to comply with these rules and regulations will result in the issuance of correction notices, citations, or a project stop order.
38. CLEAN, INSPECT, AND REPAIR STORM LINE – If the project will connect to the public storm drainage system, the Applicant is required to evaluate the conditions of the existing storm lines along the project frontage by videotaping and providing the result to the Town Engineer. The Applicant shall clean and inspect (via remote TV camera) the

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storm line from the manhole upstream to the manhole downstream of the project area. The video inspection shall be done by a professional video inspection company and be completed prior to building permit issuance. The video of the inspection shall be reviewed with PPW and any cracked, broken, or otherwise compromised integrity is found, the areas of the line along the project frontage shall be repaired by the Applicant at the applicant's expense. The Applicant shall include the required repairs on the Improvement Plans submitted. All necessary repairs to the storm line shall be completed and approved prior to the project connecting to the storm drainage system

39. GRADING & DRAINAGE WINTER MORATORIUM – All grading activity shall comply with the Municipal Regional Stormwater Permit and Chapter 12 of the Town Code. There shall be no earthwork disturbance or grading activities between October 15th and April 15th of each year unless approved by the Town Engineer. In order to be considered for approval, the Applicant must submit a Winterization Erosion Control Plan certified by a California certified QSD to the Town Engineer for review and approval. If grading is allowed during the rainy season, a maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on the exposed area. The submission of a certified plan does not guarantee approval. Any approved and executed plan must be kept on-site while the project is in construction.
40. EROSION CONTROL – The Applicant shall include in the Improvement Plans interim (if needed) and final erosion control plans to the Town Engineer for review and approval. The interim erosion control plan(s) shall include measures carried out during construction before final landscaping is installed. Multiple phases of interim erosion control plans may be necessary depending on the complexity of the project. Interim erosion control best management practices may include silt fences, fiber rolls, erosion control blankets, Town approved seeding mixtures, filter berms, check dams, retention basins, etc. The Applicant shall install, maintain, and modify the erosion control measures as needed to continuously protect downstream water quality. In the event an emergency modification is deemed necessary, the Applicant must implement necessary measures to protect downstream waterways immediately and then submit the changes made within 24-hours to the Town Engineer for review and approval. The erosion control plans shall be in compliance with applicable measures contained in the most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). Any fees or penalties assessed against the Town in response to the Applicant's failure to comply with the Permit must be paid by the Applicant. The Applicant must permit Town staff onsite to conduct periodic NPDES inspections throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
41. SITE TRIANGLE AND TRAFFIC VIEW AREA – Fencing, landscaping, and permanent structures shall not visually obstruct line of sight between three-feet and 7.5-feet in height if located within the driveway view area, traffic view area, or corner sight triangle. The driveway and intersection site triangles are represented on Town Standard Drawing ST-231. The traffic view area and corner sight triangle are shown on Town Standard Drawing ST-232. This includes all above ground obstructions including utility structures, for example electric transformers. The various clearance lines shall be shown on the site plan to demonstrate compliance.

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42. PRECONSTRUCTION MEETING – After the issuance of any Encroachment permit and before the commencement of any on or off-site work, the Applicant shall request a pre-construction meeting with the PPW Inspector to discuss the project conditions of approval, working hours, site maintenance, and other construction matters. At that meeting, the Applicant shall submit a letter acknowledging that:
    a. They have read and understand these project Conditions of Approval;
    b. They will require that all project sub-contractors read and understand these project Conditions of Approval; and,
    c. They ensure a copy of these project Conditions of Approval will be posted on-site at all times during construction.
43. FLOOR DRAINS – All floor drains shall be plumbed to connect to the sanitary sewer system only. Site design must facilitate drainage away from building floor drains.
44. OFF-HOURS MATERIAL DELIVERY – The Applicant shall coordinate with the future site operators so that all site delivery of materials and goods are delivered off-hours and on-site. This will allow the on-site customer parking for the development site to be utilized during business hours, and not be impacted by the staging of delivery vehicles. The Applicant shall provide a written plan, to ensure that this condition is satisfied, prior to occupancy of the first site building. The plan shall be to the approval of the Town Engineer.

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME

45. DEDICATIONS – The Applicant or owner shall dedicate a new sidewalk easement and quitclaim the existing sidewalk easement around the site so that the new easement follows the proposed building contours. These actions shall be recorded with the County, and an electronic copy (PDF) of the recorded quitclaimed existing easement and newly recorded sidewalk easement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to issuance of a building permit.
46. TEMPORARY CONSTRUCTION EASEMENT – Prior to the issuance of a building permit, it shall be the sole responsibility of the project to obtain any and all proposed or required easements and/or permissions necessary to perform any work on neighboring private property herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO RELEASE OF UTILITIES, FINAL INSPECTION, OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY, WHICHEVER OCCURS FIRST, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

47. RECORD DRAWINGS – The Applicant shall submit a scanned PDF set of stamped record drawings and construction specifications for all off-site improvements to the Department of Parks and Public Works. All underground facilities shall be shown on the record drawings as constructed in the field. The Applicant shall also provide the Town with an electronic copy of the record drawings in the AutoCAD Version being used by the Town at the time of completion of the work. The Applicant shall also submit an

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AutoCAD drawing file of all consultants composite basemap linework showing all public improvements and utility layouts. This condition shall be met prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first.

48. RESTORATION OF PUBLIC IMPROVEMENTS – The Applicant shall repair or replace all existing improvements not designated for removal that are damaged or removed during construction. Improvements such as, but not limited to curbs, gutters, sidewalks, driveways, signs, streetlights, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired or replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Existing improvement to be repaired or replaced shall be at the direction of the PPW Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the PPW Inspector shall be completed before the issuance of a certificate of occupancy. The Applicant shall request a walk-through with the PPW Inspector before the start of construction to verify existing conditions.
49. LANDSCAPE MAINTENANCE AGREEMENT – The Applicant shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the property owner agrees to maintain the vegetated areas along the project's University Avenue and Elm Street frontages located within the public right-of-way. The agreement must be executed and accepted by the Town Attorney prior to the issuance of any occupancy permit.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME

50. PROJECT CONSTRUCTION SETUP – All storage and office trailers will be kept off the public right-of-way.
51. PUBLIC WORKS CONSTRUCTION NOTICE – The contractor shall notify the PPW Inspector at least ten (10) working days prior to the start of any construction work. At that time, the Contractor shall provide an initial project construction schedule and a 24-hour emergency telephone number list.
52. PROJECT CONSTRUCTION SCHEDULE – The contractor shall submit the project schedule in a static PDF 11"x17" format and Microsoft Project, or an approved equal. The Contractor shall identify the scheduled critical path for the installation of improvements to the approval of the Town Engineer. The schedule shall be updated monthly and submitted to the PPW Inspector in the same formats as the original.
53. PROJECT CONSTRUCTION HANDOUT – The Contractor shall provide to the Town Engineer an approved construction information handout for the purpose of responding to questions the Town receives regarding the project construction.
54. PROJECT CONSTRUCTION SUPERVISION – The Contractor shall always provide a qualified supervisor on the job site during construction.
55. PUBLIC WORKS CONSTRUCTION INSPECTION – All work shown on the Improvement Plans shall be inspected to the approval of the Town Engineer. Uninspected work shall

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be removed as deemed appropriate by the Town Engineer.

56. PROJECT CONSTRUCTION HOURS – Construction activities related to the issuance of any PPW permit shall comply with Town Code Section 16.20.035 which restricts construction to the weekday between 8:00 a.m. and 6:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m. No work shall be done on Sundays or on Town Holidays unless otherwise approved by the Town Engineer. Please note that no work shall be allowed to take place within the Town right-of-way after 5:00 p.m. Monday through Friday. In addition, no work being done under Encroachment Permit may be performed on the weekend unless prior approvals have been granted by the Town Engineer. The Town Engineer may apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes. Onsite project signage must state the project construction hours. The permitted construction hours may be modified if the Town Engineer finds that the following criteria is met:
    a. Permitting extended hours of construction will decrease the total time needed to complete the project without an unreasonable impact to the neighborhood.
    b. Permitting extended hours of construction is required to accommodate a construction requirement such as a large concrete pour or major road closure. Such a need would be presented by the project's design engineer and require approval of the Town Engineer.
    c. An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the Town may waive any of the remaining requirements outlined below.
    d. The exemption will not conflict with any other condition of approval required by the Town to mitigate significant environmental impacts.
    e. The contractor or property owner will notify residential and commercial occupants of adjacent properties of the modified construction work hours. This notification must be provided three days prior to the start of the extended construction activity.
    f. The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.
    g. The Town Engineer may revoke the extended work hours at any time if the contractor or owner of the property fails to abide by the conditions of extended work hours or if it is determined that the peace, comfort, and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction.
    h. The waiver application must be submitted to the PPW Inspector ten (10) working days prior to the requested date of waiver.
57. PROJECT CONSTRUCTION BMPs – All construction activities 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 ordinances, the project specific temporary erosion control plan, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
58. PROJECT CONSTRUCTION EXCAVATION – The following provisions to control traffic

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congestion, noise, and dust shall be followed during site excavation and construction:

a. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
b. 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 Construction Inspector.
c. Site dirt shall not be tracked into the public right-of-way and shall be cleaned immediately if tracked into the public right-of-way. Mud, silt, concrete and other construction debris shall not be washed into the Town's storm drains.
d. All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
e. Prior to issuance of any permit, the Applicant shall submit any applicable pedestrian or traffic detour plans to the satisfaction of the Town Engineer for any lane or sidewalk closures. The temporary traffic control plan shall be prepared by a licensed professional engineer with experience in preparing such plans and in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD) and standard construction practices.
f. The Traffic Control Plan shall be approved prior to the commencement of any work within the public right-of-way.
g. During construction, the Applicant shall make accessible any or all public and private utilities within the area impacted by construction, as directed by the Town Engineer.
h. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The Applicant shall require the soils engineer submit to daily testing and sampling reports to the Town Engineer.

59. MATERIAL HAULING ROUTE AND PERMIT – For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck size as defined by FHWA Standards, the Applicant shall submit a truck hauling route that conforms to Town of Los Gatos Standards for approval. Note that the Town requires a Haul Permit be issued for any hauling activities. The Applicant shall require contractors to prohibit trucks from using "compression release engine brakes" on residential streets. The haul route for this project shall be determined by the Town's Land Development Inspector. A letter from the Applicant confirming the intention to use the designated haul route shall be submitted to the Town Engineer for review and approval prior to the issuance of any Town permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the Applicant. 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 Town Engineer. The Applicant must provide an approved method of cleaning tires and trimming loads on site. All material hauling activities shall be done in accordance with applicable Town ordinances and conditions of approval.

60. PROJECT CLOSE-OUT – Prior to requesting a Final Inspection, the Applicant shall submit to the Town Engineer a letter indicating that all project conditions have been met, and all improvements are complete. All work must be completed to the satisfaction of the

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Planning Director and Town Engineer prior to the first occupancy. All public improvements, including the complete installation of all improvements relative to streets, fencing, storm drainage, underground utilities, etc., shall be completed and attested to by the Town Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, including those for water and sanitary sewer services, such installation shall be verified as having been completed and accepted by those agencies. In addition, the Applicant shall submit an itemized final quantities list of all public improvements constructed on-site and within the public right-of-way. The final quantities list shall be prepared by the project engineer and be to the approval of the Town Engineer. The final quantities list shall be broken out into on-site and off-site improvements based on the format provided by the Town. Until such time as all required improvements are fully completed and accepted by Town, the Applicant shall be responsible for the care, maintenance, and any damage to such improvements. Town shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or improvements required for this project prior to the completion and acceptance of the work or Improvements. All such risks shall be the responsibility of and are hereby assumed by the Applicant.

61. DOWNTOWN HOLIDAY CONSTRUCTION MORATORIUM – Due to concerns for business impacts during the holiday season (defined as starting the Monday of Thanksgiving week through January 1), there shall be no construction activities in the Downtown area within the right-of-way which would create lane closures, eliminate parking, create pedestrian detours, or other activities that may create a major disturbance as determined by the Town Engineer.
62. CONSTRUCTION WORKER PARKING – The Applicant shall provide a Construction Parking Plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the Town Engineer prior to issuance of Town permits and shall be complied with at all times during construction. Failure to enforce the parking plan may result in suspension of the Town permits. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§15.40.070).
63. SITE WATER DISCHARGE – In accordance with the Town Code, Prohibition of Illegal Discharges (Los Gatos Town Code Section 22.30.015), the Town Engineer may approve in coordination West Valley Sanitation District the discharge of uncontaminated pumped ground waters to the sanitary sewer only when such source is deemed unacceptable by State and Federal authorities for discharge to surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is available. Following the verification of the applicable local, state and/or federal approvals, a Discharge Plan will be approved and monitored by the Town Engineer.

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THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS ENTITLEMENT OCCUPIES THE PREMISES

64. POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP) – Post construction storm water pollution prevention requirements shall include:
    a. The Applicant shall be charged the cost of abatement for issues associated with, but not limited to, inspection of the private stormwater facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair if the treatment facility is no longer able to meet performance standards or has deteriorated. Any abatement activity performed on the Applicant's property by Town staff will be charged to the Applicant at the Town's adopted fully-loaded hourly rates.
    b. Maintenance of the storm drain inlets "No Dumping – Drains to Bay" plaques to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available at www.flowstobay.org.
    c. All process equipment, oils, fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based wastes, tallow, and grease planned for storage outdoors shall be stored in covered containers at all times.
    d. All public outdoor spaces and trails shall include installation and upkeep of dog waste stations.
    e. Garbage and recycling receptacles and bins shall be designed and maintained with permanent covers to prevent exposure of trash to rain. Trash enclosure drains shall be connected to the sanitary sewer system.
    f. It is the responsibility of the property owner(s)/homeowners association to implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

TO THE SATISFACTION OF THE DIRECTOR OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

65. 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 departement 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.
66. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet 0011) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls, and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. *Sprinklers shall be installed for the entire structure.*
67. FIRE ALARM: Fire alarm requirement will be a deferral submittal item.

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68. REQUIRED FIRE FLOW: (Letter received) The fire flow for this project is 2968 GPM at 20 psi residual pressure. If an automatic fire sprinkler system will be installed, the fire flow will be reduced by 25%, establishing a required adjusted fire flow of 2226 GPM at 20 psi residual pressure. Note: The minimum required number of spacing of the hydrants shall be in accordance with CFC Table C102.1.
69. FIRE DEPARTMENT CONNECTION: (As noted on Sheet 001) The fire department connection (FDC) for the structure in support of the sprinkler system shall be installed at the street on the street address side of the building. IT shall be located within 100 feet of a public fire hydrant and within ten (10) feed of the main PIV (unless otherwise approved by the Chief due to practical difficulties). FDC's shall be equipped with a minimum of two (2), two -and-one-half (2-1/2") inch national standard threaded inlet couplings. Orientation of the FDC shall be such that hose lines may be readily and conveniently attached to the inlets without interference. FDC's shall be painted safety yellow [SCCFD, SP-2 Standard].
70. KNOX KEY BOXES/LOCKS WHERE REQUIRED FOR ACCESS: (As noted on Sheet A004) Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The Knox Key Box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. LOCKS. An approved Knox Lock shall be installed on gates or similar barriers when required by the fire code official. Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. [CFC Sec. 506].
71. Note that a plan review is required prior to any proposed tenant improvement.
72. 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].

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TOWN COUNCIL – *October 7, 2025*
CONDITIONS OF APPROVAL

31 University Avenue
Conditional Use Permit U-25-001

Consider a Request for Approval for Modification of Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: SRI Old Town, LLC
Applicant: Rick Nelson, MBH Architects

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 intensification beyond this authorized use requires a Conditional Use Permit amendment.
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 per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
3. LAPSE FOR DISCONTINUANCE. If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. USE: A formula retail business greater than 10,000 square feet with a restaurant with alcohol service and outdoor seating is permitted.
5. HOURS: The hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday, and 10:00 a.m. to 9:00 p.m., Sunday.
6. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department including a Certificate of Use and Occupancy approval from Planning must be obtained prior to the commencement of any new or change of use.
7. LIVE ENTERTAINMENT: Live entertainment until 10:00 p.m. is permitted in conformance with the Town Policy regulating Late Night Entertainment.
8. GENERAL: Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems occur that are not resolved by the licensed owner.
9. CONFORMANCE WITH CODE. No part of this approval shall be construed to permit a violation of any part of the Code of the Town of Los Gatos.

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10. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS. The subject use shall be conducted in full compliance with all local, state, and federal laws.
11. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

    Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.
12. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

Additional Agency Review

13. ADDITIONAL REQUIREMENTS. Additional agencies may require conformance review or permits for additional requirements, including but not limited to, Santa Clara County Environmental Health Department, West Valley Sanitation, and West Valley Collection and Recycling.

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TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 08/27/2025

ITEM NO: 2

DATE: August 22, 2025

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval to Modify Planned Development Ordinance 2025 to Allow Modifications to Building E; an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District; and a Conditional Use Permit for Formula Retail Over 10,000 Square Feet and for a Restaurant with Alcohol Service on Property Zoned C-2:LHP:PD. **Located at 31 University Avenue.** APN 529-02-044. Planned Development Modification Application PD-25-001, Architecture and Site Application S-25-004 and Conditional Use Permit Application U-25-001. Categorically Exempt Pursuant to CEQA Guidelines Sections 15301: Existing Facilities. Property Owner: SRI Old Town, LLC. Applicant: Rick Nelson MBH Architects. Project Planner: Erin Walters.

RECOMMENDATION:

Forward a recommendation of denial to the Town Council for a request to modify Planned Development Ordinance 2025 to allow modifications to Building E; an Architecture and Site application for exterior modifications to an existing commercial building in the University/Edelen Historic District; and a Conditional Use Permit for formula retail over 10,000 square feet and for a restaurant with alcohol service on property zoned C-2:LHP:PD, located at 31 University Avenue.

PROJECT DATA:

General Plan Designation:	Central Business District
Current Zoning Designation:	Central Business District with a Landmark and Historic Preservation Overlay, C-2:LHP:PD
Applicable Plans and Standards:	General Plan; Commercial Design Guidelines; and Planned Development Ordinance 2025
Parcel Size:	4.18 acres (182,080 square feet)
Surrounding Area:	

PREPARED BY: Erin M. Walters
Senior Planner

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

	Existing Land Use	General Plan	Zoning
North	Commercial	Central Business District	C-2:LHP
South	Commercial	Central Business District	C-2:LHP:PD
East	Commercial	Central Business District	C-2:LHP:PD
West	Parking Lot	Central Business District	C-2:LHP

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.
- As required by Section 29.80.095 of the Town Code for granting approval of a Planned Development Overlay Zone.
- That the amendment to the Planned Development Overlay Zone is consistent with the General Plan.
- As required by Section 29.20.190 (a) of the Town Code for granting a Conditional Use Permit.
- As required by Section 29.20.190 (b) of the Town Code for approving a Conditional Use Permit for a formal retail business greater than ten thousand (10,000) square feet.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- As required by Section 29.80.290 (2) of the Town Code for approving applications in historic districts.
- As required for compliance with the Commercial Design Guidelines.

CONSIDERATIONS:

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

ACTION:

Forward a recommendation to the Town Council.

BACKGROUND:

The subject property is located on the west side of University Avenue at the intersection of Elm Street and University Avenue (Exhibit 1). The subject of this application is one of the Old Town commercial center buildings, referred to as Building E in the adopted Planned Development (PD) Ordinance 2025 (Exhibit 3). Building E consists of a 15,957-square foot vacant tenant space, which was previously demised into two separate units:

- A 7,233 square foot restaurant space formerly occupied by Steamer's restaurant.
- An 8,724 square foot retail space formerly occupied by The Gap, a clothing retail store.

In December 1996, the Town Council adopted PD Ordinance 2025, amending the zoning ordinance effecting a zone change from C-2:LHP to C-2:LHP:PD at 50 University Avenue, Old Town commercial center (Exhibit 3). PD Ordinance 2025 authorized the redevelopment of Old Town, including the construction of several new buildings, among them Building E. The construction of Building E was completed in 1999.

In January 2023, the clothing retail store, The Gap, ceased operations, and the restaurant, Steamer's, closed in December 2024. Both tenant spaces in Building E have remained vacant since their respective closures.

In January 2025, the applicant, RH (Restoration Hardware), applied for a modification to the existing PD Ordinance to allow modifications to Building E, an Architecture and Site application for exterior modifications to the existing commercial building, and a Conditional Use Permit (CUP) for a formula retail use over 10,000 square feet with a restaurant use with alcohol service.

The Old Town Commercial Center is located within the University-Edelen Historic District, and any exterior modifications to buildings with the district are subject to review by the Historic Preservation Committee (HPC).

On February 26, 2025, the HPC reviewed the proposed exterior modifications to Building E, continued the item for further consideration, and provided feedback to the applicant's team (Exhibits 7, 8, 9, and 10).

On March 26, 2025, the HPC reconsidered the item, and made a recommendation of denial to the Planning Commission (Exhibits 11, 12, 13, and 14).

The proposed project includes a request for a PD Amendment and therefore requires a recommendation from the Planning Commission, with the final decision to be made by the Town Council. The application also requires Planning Commission consideration and recommendation, with the Town Council serving as the final decision-making body for the Architecture and Site, CUP, and PD Amendment applications. The applicant has provided a

Project Description and Letter of Justification (Exhibit 15), and proposed Development Plans (Exhibit 20).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the west side of University Avenue (Exhibit 1) and is developed as one of the Old Town commercial center buildings. The subject vacant 15,957-square foot tenant space was formerly two tenant spaces, a restaurant space formerly occupied by Steamer's, and a retail store space formerly occupied by The Gap, located on the ground floor in the northern building (Building E) adjacent to the corner of University Avenue and Elm Street. The property abuts commercial properties to the north, east, and south and a parking lot to the west.

B. Project Summary

The applicant is requesting approval for a modification to the existing PD Ordinance to allow modifications to Building E, an Architecture and Site application for exterior modifications to the existing commercial building, and a CUP for a formula retail use over 10,000 square feet with a restaurant with alcohol service in an existing tenant space. The proposed project occupies existing tenant spaces. No additional square footage is proposed.

When reviewing a CUP, the deciding body should consider the information in the applicant's business plan; however, the key consideration should be the proposed use since the business plan can change from owner to owner. The CUP runs with the land, and the deciding body should review the application based on the use described in the recommended Conditions of Approval (Exhibit 6) as opposed to the applicant's business plan.

C. Zoning Compliance

The C-2 zone permits formula retail businesses exceeding 10,000 square feet and restaurant uses with alcohol service, subject to approval of a CUP. The proposed project includes a request to modify the existing PD Ordinance to allow exterior modifications to Building E. The project meets the parking and height requirements outlined in the Town Code.

DISCUSSION:

A. Planned Development Amendment

The applicant is requesting approval to modify PD Ordinance 2025. In December 1996, the Town Council adopted PD Ordinance 2025 Performance Measures and Standards #15 b, c, and d, which governs the subject building, Building E, as part of the Old Town commercial center (Exhibit 3). The applicant requests an amendment to PD Ordinance 2025, removing the requirements that Building E be modified as follows (Exhibit 4):

- Design structure so that it appears to be a collective of individual structures that abut each other.
- The roof design shall be reflective of the individual structures (break-up rooflines).
- Corner tower shall be redesigned into a clipped corner design.

The applicants requests these change to allow for a more cohesive and contextually appropriate façade. The subject building's façade currently appears as three distinct structures. The applicant states, "the styles represented by the existing façade largely do not correspond to the architectural character of the University-Edelen Historic District, which includes the contributing styles of Mission Revival, Mediterranean, Craftsman, and Victorian."

The applicants proposes a unified Mediterranean-style design of the façade that reflects the proportions, window styles, and architectural details seen in the Old Town commercial center. The applicant believes the proposed design will create a more balanced and harmonious look that better fits Old Town and the University-Edelen Historic District (Exhibit 12 and 20).

B. Architecture and Site Analysis

The project proposes exterior modifications to Building E to establish a cohesive Mediterranean-style architectural character for a new single-tenant occupancy (Exhibit 20). The scope of work includes updates to all four building elevations for overall design consistency and visual appeal. Proposed exterior modifications include:

- Roof alterations to create symmetrical and consistent massing;
- Integration of arched and rectangular window and door openings;
- Installation of new fabric awnings and metal/glass canopy awnings;
- Addition of a new central pyramidal skylight; and
- Application of new stucco siding.

The existing one-story, 15,957-square foot commercial building will maintain its current footprint, with no increase in floor area. The overall building height would be slightly

reduced from 27 feet, four inches to 26 feet, eight inches, within the 45-foot height limit permitted in the C-2 zoning district.

The project retains the building's existing structural system and introduces a new multi-coat cement plaster exterior finish, accented with decorative steel and aluminum architectural elements. Architectural aluminum windows are proposed along all elevations.

The design incorporates step-backs at the ground level along the street-facing facades, alternating rectangular and semicircular fenestration, and introduces a varied parapet line at the roof. The proposed windows have deep recesses creating shadow lines and the design includes louvered and fabric awnings which add texture and depth to the new façade. The project proposes a centrally located restaurant, which will be illuminated by the new pyramidal skylight, bringing natural light into the interior space.

The proposed project is within the C-2A subdistrict of the Commercial Design Guidelines, which specifies site development and building design guidelines for projects within its boundaries. The proposed building remodel is consistent with the applicable provisions of the Commercial Design Guidelines as the project emphasizes display windows and storefront entries, maintains transparent storefronts and public right-of-way walls, utilizes high-quality store front materials, and uses awnings.

The applicant has provided a Project Description and Letter of Justification (Exhibit 15) discussing the proposed project in the context of the historic district, the Commercial Design Guidelines, and proposed Development Plans providing details of the proposed exterior work (Exhibit 20).

C. Historic Preservation Committee

The Old Town commercial center is located in the University-Edelen Historic District. Although the subject building was constructed in 1999, any exterior modifications to buildings within the district are subject to review by the HPC. Newer buildings support the district, although are not included as Contributors to the district.

Pursuant to Town Code Section 29.80.290 (2), in evaluating applications, the HPC considered the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless:

In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district and its site.

On February 26, 2025, the HPC reviewed the proposed exterior modifications to Building E, continued the item for further consideration, and provided the following feedback to the applicant's team (Exhibits 7, 8, 9 and 10):

- Although the proposed design is a Mediterranean style, it is not as compatible with the existing Old Town buildings; it is not consistent with the Planned Development; or the character of the University/Edelen Historic District;
- The design should convey a collective of individual structures rather than one consistent and symmetrical massing;
- Consider the addition of tile roofing material; and
- Consider the impact of the skylight from all elevations.

On March 26, 2025, the HPC reconsidered the continued item. The applicant considered the Committee's direction from the February 26, 2025, meeting and decided not to modify the proposed exterior modifications and provided a response letter (Attachment 6 of Exhibit 12).

In the response letter the applicant thanked the HPC and stated "after careful consideration, we have chosen to maintain our current design. When developing our Proposal, we closely studied the existing Mediterranean components of the building and the Old Town Shopping Center, its proportions, window types and architectural details. We also considered the buildings immediately adjacent and incorporated their unified design into our building, both in color and articulation, with the goal of creating a harmonious façade design that assimilates into, rather than competes with the larger Historic District. At RH, we strive to obtain balance, symmetry and perfect proportions with our architectural approach and believe our design does exactly that. With respect, we would like to maintain our Proposal."

The Committee made a motion to recommend denial and has forwarded this recommendation to the Planning Commission for consideration. In support of its decision, the Committee cited the same feedback provided at the February 26, 2025 meeting, along with the subtle design changes discussed at the March 26, 2025 meeting, such as revisions to paint, lighting, materials, trees, landscaping, roof color, and other elements, to better achieve the appearance of a collection of individual structures (Exhibits 11, 12, 13 and 14).

Audio recordings of the HPC meetings held on February 26, 2025, and March 26, 2025, are available on the Town of Los Gatos website: https://losgatos-ca.municodemeetings.com/

D. Conditional Use Permit

The proposed project requires a Conditional Use Permit (CUP) application for a formula retail establishment exceeding 10,000 square feet, which will include the sale of home furnishings, interior design services, and an integrated restaurant. The restaurant

component will offer on-site alcohol service and is designed to complement the retail experience within the same space.

Town Code Section 29.10.020 defines formula retail business as a retail business which, along with 11 or more other business locations, is required by contractual or other arrangement to maintain any of the following: standardized merchandise, services, decor, uniforms, architecture, colors, signs, or other similar features.

The proposed business operates 60 retail locations in the United States, including 15 in California. Additionally, RH has five retail locations in Europe and four in Canada. The applicant has provided a Project Description and Letter of Justification (Exhibit 15), and Development Plans (Exhibit 21). Hours of operation are included in the recommended Conditions of Approval (Exhibit 6)

E. Conditional Use Findings

Pursuant to Town Code Section 20.20.109(a), the deciding body, on the basis of evidence submitted at the hearing, may grant a conditional Use permit when specifically authorized by the provisions of this chapter if it finds that:

1. The proposed uses of the property are essential to the public convenience or welfare;
2. The proposed uses will not impair the existing uses of the zone;
3. The proposed uses would not be detrimental to the public health, safety or general welfare; and
4. The proposed uses of the property are in harmony with the various elements or objectives of the General Plan and the purposes of this chapter.

The applicant has provided the following justifications as found in the Project Description and Letter of Justification, Exhibit 15.

In regard to the first finding, the proposed use would be considered desirable to the public convenience or welfare in that the "proposed uses provide for a bespoke dining and shopping experience which will be desirable to both residents and visitors as a destination within Los Gatos. Further, the proposed project will be an addition to an existing RH gallery at 26 N Santa Cruz Ave, which has been an integral part of the Los Gatos community for over 10 years."

As required by finding two, the proposed application would not impair the integrity and character of the zone "it is a commercial use located in a commercial zone. Further, the Proposed Project is consistent with the Commercial Design Guidelines for C-2A zones and as a non-contributing structure within a historic preservation district. The Proposed Project maintains the existing building's massing and density, reimagines the existing façade variation, and maintains the pedestrian pass-through along the southern wall".

In regard to the third finding, the proposed use would not be detrimental to public health, safety, or general welfare as "the proposed uses, formula retail use and restaurant use with the selling of alcoholic beverages for consumption on-premises, represent no change from the current uses of the most recent tenants at the existing building (Gap and Steamer's), and would not be detrimental to public health, safety, and general welfare.

In regard to the final finding, the proposed use meets the objectives of the General Plan and Town Code as "they contribute to the variety of commercial uses in the Central Business District and meet the goals and policies of the 2040 General Plan (2020 Land Use and Community Development Elements)."

Pursuant to Town Code Section 29.20.190 (b), the deciding body, on the basis of the evidence submitted at the hearing, may deny a conditional use permit for a formula retail business greater than ten thousand (10,000) square feet if any of the following findings are made:

1. The proposed use of the property is not in harmony with specific provisions or objectives of the General Plan and the purposes of this chapter;
2. The proposed use will detract from the existing balance and diversity of business in the commercial district in which the use is proposed to be located;
3. The proposed use would create an over-concentration of similar types of businesses, or
4. The proposed use will detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.

In regard to the first finding, the proposed use of the property is in harmony with specific provisions or objectives of the General Plan and the purposes of Chapter 29 of the Town Code. As required by finding two, the proposed use will not detract from the existing balance and diversity of business in the commercial district in which the use is proposed to be located. In regard to the third finding, the proposed use would not create an over-concentration of similar types of businesses. In regard to the final finding, the proposed use will not detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.

F. Parking

The tenant spaces were previously a restaurant use (7,233 sf) and a retail use (8,724 sf) with a parking requirement of one space for every 300 square feet of floor area, or 54 spaces. The proposed use requires the same number of parking spaces as the existing tenant spaces will be merged. The site is part of the Old Town commercial center, which provides parking through 215 spaces onsite and 464 spaces in the Parking Assessment

District (PAD). Based on an analysis of the existing uses in the Old Town commercial center, the proposed use would not require any additional parking and would be accommodated through the spaces located onsite and in the PAD.

G. Traffic and Sidewalk Improvements

In 2018, the Town's Traffic Impact Fee Policy was modified to address changes in use within existing shopping centers. Changes in use are considered a continuation of the previously applied shopping center rate. No additional fees will be charged as the use from an ITE perspective will remain the same. Since no additional square footage is proposed for the project, no traffic study or traffic mitigation fee is required for the CUP.

The proposed project reconfigures a portion of the sidewalk to align with the proposed building façade entrances, the draft Conditions of Approval require the applicant to replace the sidewalk, curb, gutter and curb ramp on the east and north side of the project site and provide dedication of a new sidewalk easement (Exhibit 5).

H. Trees

The Town's Consulting Arborist provided a peer review report of the applicant's arborist report (Exhibits 16 and 17). There are 12 protected trees on this site. Two of the protected trees are recommended for removal as they conflict with the sidewalk reconfiguration. The sidewalk along University Avenue will be removed and replaced and the location of the two tree wells and Tree #11 (three-inch diameter, Crape myrtle) and #12 (seven-inch diameter, Coast live oak) will be removed. A 24-inch box Coast live oak will be planted in a new tree well for symmetry. Tree protection recommendations and replacement requirements are contained in the Conditions of Approval (Exhibit 5).

I. General Plan

The 2020 General Plan Land Use designation for the site is Central Business District. The proposed formula retail/restaurant use is consistent and meets the Central Business District requirements for the property with the approval of a CUP. A formula retail/restaurant space would support the mixture of community-oriented commercial goods, services, and lodging unique to the Central Business District and would maintain the small-town character of the downtown area.

In addition to maintaining neighborhood quality, the 2020 General Plan Land Use Element focuses on maintaining a "full-service" Town that provides a range of goods and services that support economic vitality, while limiting adverse impacts on the quality of life of all the residents.

The applicable goals and policies of the 2040 General Plan (2020 Land Use Element and 2020 Community Design Element) include, but are not limited to:

- Policy LU-1.4: Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area;
- Policy LU-1.8: Commercial development of any type (office, retail, research and development, etc.) shall be designed in keeping with the small-town character of Los Gatos;
- Goal LU-9: To provide residents with adequate commercial and industrial services;
- Policy LU-9.2: Maintain a variety of commercial uses, including a strong Downtown commercial area combined with Los Gatos Boulevard and strong neighborhood commercial centers to meet the shopping needs of residents and to preserve the smalltown atmosphere;
- Goal CD-1: Preserve and enhance Los Gatos's character through exceptional community design;
- Goal CD-9: To preserve the character of Downtown Los Gatos and the quality of life for its citizens through high quality building design;
- Policy CD-9.1: Exterior building materials in the Central Business District should be consistent with those used in existing, tastefully executed surrounding buildings;
- Goal CD-10: To maintain the historic character of the Downtown; and
- Policy CD-10.1: Encourage the preservation, restoration, rehabilitation, reuse, and maintenance of existing buildings Downtown.

PUBLIC COMMENTS:

Story poles and signage were installed on the site and written notice was sent to property owners and tenants within 300 feet of the subject property.

The applicant provided a summary of their neighborhood outreach efforts in Exhibit 20. Staff has included all public comments received by 11:00 a.m., Friday, August 22, 2025, as Exhibit 21.

ENVIRONMENTAL REVIEW:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

CONCLUSION:

A. Summary

The applicant is requesting approval of a modification to the existing PD Ordinance (2025) to allow modifications to Building E, and an Architecture and Site application for exterior modifications to the existing one-story commercial building located in the Old Town commercial center within the University-Edelen Historic District. In addition, the applicant is requesting approval of a Conditional Use Permit application to allow for formula retail use over 10,000 square feet (home furnishings store) with a restaurant use with alcohol service in the C-2:LHP zone. On March 26, 2025, the Historic Preservation Committee reviewed the proposed exterior modifications and forwarded a recommendation of denial to the Planning Commission as they were not able to make the findings for approving applications in historic districts.

B. Recommendation

Based on the analysis above, staff recommends that the Planning Commission forward a recommendation of denial of the proposed project application to the Town.

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation of approval of the applications to the Town Council with the following findings:
   a. Find the proposed project is Categorically Exempt pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15301 (Exhibit 2);
   b. Make the findings required by Section 29.80.095 of the Town Code for granting approval of the Planned Development Ordinance (Exhibit 2);
   c. Make the required findings that the Planned Development Overlay Zone is consistent with the General Plan (Exhibit 2);
   d. Make the findings required by Section 29.20.190(a) for granting a Conditional Use Permit (Exhibit 2);
   e. Make the findings required by Section 29.20.190(b) for granting a Conditional Use Permit for a formal retail business greater than ten thousand (10,000) square feet (Exhibit 2);
   f. Make the required findings that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
   g. Make the findings required by Section 29.80.290(2) for approving applications in historic districts;

h. Make the required finding that the project complies with the Commercial Design Guidelines (Exhibit 2);
i. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2);
j. Adopt the amended Planned Development (Exhibit 4); and
k. Approve Architecture and Site application S-25-004 and Conditional Use Permit U-25-001 with conditions contained in Exhibit 5 and Exhibit 6 and the development plans in Exhibit 20.

2. Forward a recommendation to the Town Council for approval of the Planned Development Amendment application, Architecture and Site Application, and Conditional Use Permit with modified performance standards, 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. Planned Development Ordinance 2025
4. Draft Planned Development Ordinance
5. Recommended Conditions of Approval A&S
6. Recommended Conditional of Approval CUP
7. HPC Action Letter, February 26, 2025
8. HPC Staff Report, February 26, 2025
9. HPC Desk Item, February 26, 2025
10. HPC Desk Minutes, February 26, 2025
11. HPC Action Letter, March 26, 2025
12. HPC Staff Report, March 26, 2025
13. HPC Desk Item, March 26, 2025
14. HPC Minutes, March 26, 2025
15. Project Description and Letter of Justification
16. Applicant Arborist Report
17. Consulting Arborist Peer Review
18. Applicant Response to Consulting Arborist Peer Review
19. Neighborhood Outreach Summary
20. Development Plans
21. Public comments received by 11:00 a.m., Friday, August 22, 2025

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31 University Avenue

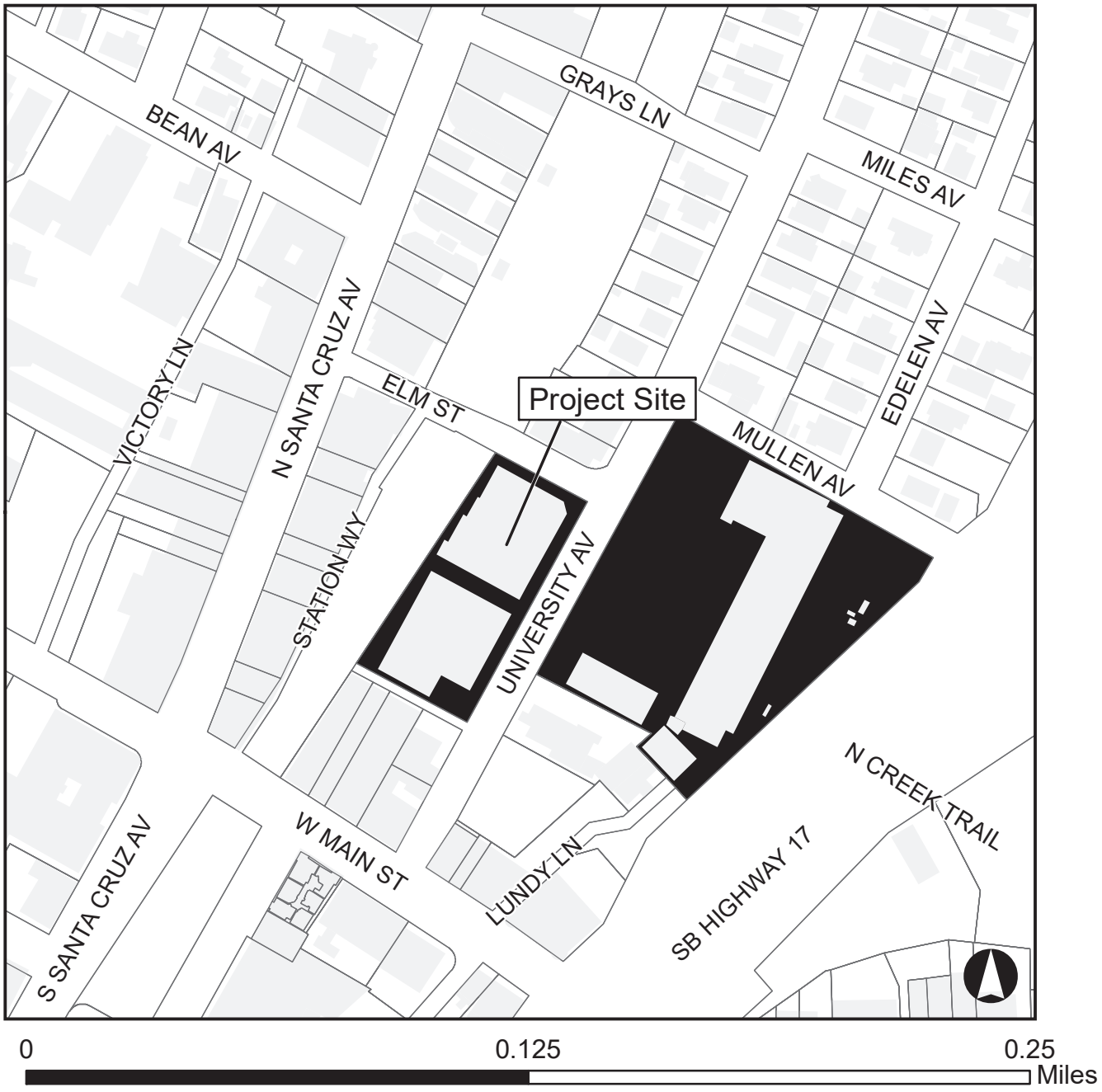


EXHIBIT 1

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PLANNING COMMISSION – *August 27, 2025*
REQUIRED FINDINGS FOR:

31 University Avenue
Planned Development Modification Application PD-25-001
Architecture Site Application S-25-004
Conditional Use Permit Application U-25-001

Consider a Request for Approval for Modification of Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: SRI Old Town, LLC
Applicant: Rick Nelson, MBH Architects
Project Planner: Erin Walters

FINDINGS

Required finding for CEQA:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

Required Findings for Amending a Planned Development:

- As required by Section 29.80.095 of the Town Code for granting a Planned Development Overlay Zone, the proposed amendment:
  1. The proposed PD amendment is consistent with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a Planned Development Overlay Zone;
  2. The proposed PD amendment is in conformance with the goals, policies, and applicable land use designations and standards of the Town's General Plan, including but not limited to Policy LU-1.4;
  3. The proposed PD amendment is in conformance with all other applicable provisions of the Town Code, including Town Council adopted guidelines, except as otherwise modified through the Planned Development process; and
  4. The proposed amendment includes development standards or uses that deviate from the underlying zoning in a way that results in innovative site planning and provides public benefit to the citizens of the Town by providing additional dining opportunities, availability of goods and services, and tax revenue.

Required consistency with the Town's General Plan:

- That the amendment to the Planned Development Overlay is consistent with the General Plan and its Elements, including but not limited to Policy LU-1.4; and that the amendment to the Planned Development Overlay zoning is consistent with the existing General Plan designation.

Required Findings for a Conditional Use Permit:

- As required by Section 29.20.190(a) of the Town Code for granting a Conditional Use Permit:

    1. The proposed uses of the property are essential or desirable to the public convenience or welfare in that it provides a bespoke dining and shopping experience which will be desirable to both residents and visitors as a destination within Los Gatos;
    2. The proposed uses will not impair the integrity and character of the zone since it is a commercial use located in a commercial zone. Further, the Proposed Project is consistent with the Commercial Design Guidelines for C-2A zones and as a non-contributing structure within a historic preservation district. The proposed project maintains the existing building's massing and density, reimagines the existing façade variation, and maintains the pedestrian pass-through along the southern wall;
    3. The proposed uses would not be detrimental to public health, safety or general welfare the proposed uses, formula retail use and restaurant use with the selling of alcoholic beverages for consumption on-premises, represent no change from the current uses of the most recent tenants at the existing building (Gap and Steamer's), and would not be detrimental to public health, safety, and general welfare; and
    4. The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this chapter as they contribute to the variety of commercial uses in the Central Business District and meet the goals and policies of the 2040 General Plan (2020 Land Use and Community Development Elements).

Required Findings for a Conditional Use Permit for a Formal Retail Business Greater than Ten Thousand (10,000) Square Feet:

- As required by Section 29.20.190 (b) of the Town Code the deciding body on the basis of evidence submitted at the hearing, may deny a Conditional Use Permit formal retail business greater than ten thousand (10,000) square feet of any of the following findings are made: **None of the findings can be made to deny the application.**
  Instead, the Planning Commission makes the following affirmative findings:
    1. The proposed use of the property is in harmony with specific provisions or objectives of the general plan and the purposes of this chapter;
    2. The proposed use will not detract from the existing balance and diversity of business in the commercial district in which the use is proposed to be located;
    3. The proposed use would not create an over-concentration of similar types of businesses, or
    4. The proposed use will not detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.

Required compliance with the Zoning Regulations:

DRAFT

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

Required Findings for Approving Applications in Historic Districts:

- As required by Section 29.80.290(2) of the Town Code in evaluating applications in historic districts, the deciding body shall consider the architectural style, design, arrangement, textures, materials and color, and any other pertinent factors. Applications shall not be granted unless the following findings can be made:

  In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics of other features of the property, which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district.

Commercial Design Guidelines:

- The proposed building modifications are consistent with applicable provisions of the Commercial Design Guidelines.

CONSIDERATIONS

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.

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ORDINANCE 2025

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE ZONING ORDINANCE EFFECTING A ZONE CHANGE FROM C-2 LHP TO C-2 PD LHP AT 50 UNIVERSITY AVENUE

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning at 50 University Avenue shown on the map which is attached hereto marked Exhibit A and is part of this Ordinance from C-2 LHP (Central Business District - Landmark Historic Preservation) to C-2 PD LHP (Central Business District - Planned Development - Landmark Historic Preservation).

SECTION II

The PD (Planned Development Overlay) zone established by this Ordinance authorizes the following construction and use of improvements:

1. Demolition of the Steamer's building and numerous accessory structures (shown on the Official Development Plan, sheet 3) and the partial demolition and reconstruction of the Old Town Center. The Old Town Center will be considered demolished by Town Code (definition of demolition of an historic structure) since more than 25 percent of the front exterior walls will be removed, and more than 50 percent of all exterior walls will be removed. The building however, will not be demolished and interior walls will remain;
2. Construction of an underground parking garage with retail above, new commercial building adjacent to St. Luke's Church (20 University Avenue), and reconfiguration of the parking lot as shown on the Official Development Plan;

3. Changing the use of the auditorium to a retail use. A theater use is a permitted use within the existing auditorium, the amphitheater or elsewhere on the site;

4. Landscaping, streets and other improvements shown and required on the Official Development Plan;

5. a. Relocation of the Steamer's restaurant to another space within the project site, subject to the conditions of Steamer's most current Conditional Use Permit [216 seats].

   b. The existing restaurants (Wine Cellar - Suite 12 [49 seats]; California Cafe - Suite 8 [208 seats]; and the Waves (or new tenant) - Suite 1 [91 seats]), are permitted to remain in the existing Old Town Center building subject to their conditions of their Conditional Use Permit; any changes to their use or relocation within the Center on either side of University Avenue or increase in seating, will require a modification to the applicable Conditional Use Permit.

6 Uses permitted are those specified in the C-2 (Central Business District) zone by Sections 29.60.320 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Town Code, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

All provisions of the Town Code apply, except when the Official Development Plan specifically shows otherwise.

SECTION IV

Architecture and Site Approval is required before there are exterior changes to the Old Town Center, demolition of the Steamer's building and construction work of the parking lot, new buildings and reconstruction of the Old Town Center is performed, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 of the Town Code. Interior work of the Old Town Center is permitted to bring the building up to current Building Code and does not need Architecture and Site approval. A Building Permit and other applicable permits may be required for the interior work.

SECTION V

The attached Exhibit A (Map) and Exhibit B (Tentative Map and Development Plans, 20 sheets), are part of the Official Development Plan. The following must be complied with before issuance of any grading, demolition or construction permits:

TO THE SATISFACTION OF THE PLANNING DIRECTOR:

(Planning Section)

1. PARCEL. The parcel shall remain as one parcel.
2. HOLD HARMLESS. The developer has requested the Town's approval and has had the opportunity to review, comment and accept the process and approval. The developer shall hold the Town harmless from any claim or litigation alleging that this ordinance or subsequent approvals obtained by the developer for this project was processed, adopted, or approved in violation of any Federal, State, Town or other local law or regulation of any kind, and shall pay all costs involved in defending any such claim or litigation, including attorney fees.
3. PHASING. All buildings may be worked on simultaneously. Twenty Five percent of the occupancy of Building E shall be held until final occupancy has been given for the existing

Old Town Center and its two parking lots. A map shall be provided prior to the issuance of a building permit, indicating the tenant spaces of Building E and which units are proposed to have their occupancy held. During the final occupancy stage, these held units may be changed with Town approval.

4. TRASH ENCLOSURE/MECHANICAL EQUIPMENT. Trash enclosures and mechanical equipment shall be located as far from residential receptors as possible. The enclosures shall be constructed to provide full screening from residential receptor locations. The location of the trash enclosures will be reviewed during the Architecture and Site approval process. The quietest and smallest capacity heating, ventilation, and air conditions equipment that meets design specifications and Town Noise Ordinance standards shall be used. The roof equipment for Building D shall be restricted to the east end of the building and the vent exhausts shall be directed toward the Old Town parking lot.

5. ACCESS EASEMENT. If the trash pickup is proposed at Parking Lot 6, an access easement shall be required to be obtained from the Town, prior to Architecture and Site approval. If the easement is not granted, the revised trash pickup area shall be considered during the Architecture and Site approval process which may require redesign and/or reduction of building square footage.

6. RECYCLING. All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.

7. STEAMER'S. The outside seating area for the relocated Steamer's restaurant, will be reviewed during the Architecture and Site approval process to ensure it meets all Town Code and Town policy requirements.

8. CLOSED AREAS. All areas to be closed off within the existing Old Town Center shall be explicitly documented to ensure that these areas will not and cannot be used in the future during the Architecture and Site approval process. This documentation of the

closed areas shall be shown on the Architecture and Site plans and building permit plans. These areas shall visually be shown to be closed off during final inspection.

9. PLAQUES. The two plaques which currently exist on the building, (the history of Los Gatos plaque and the dedication to teachers and students plaque), shall be saved and replaced on the building prior to final occupancy.

10. PARKING SPACES. All parking spaces shall conform to current parking requirement dimensions. Parking spaces in the underground garage next to columns, walls or similar obstructions, shall have a minimum width of 9.5 feet. Parking plans will be reviewed during the Architecture and Site approval process.

11. RESTROOMS. The restrooms located within the buildings, which are not elusively for an individual office use, shall be available to the general public.

12. BUILDING D. The back wall (south side next to church) shall be painted to match or harmonize with the existing St. Luke's wall.

13. BUILDING D ACCESS. Access to the space between Building D and the St. Luke's wall may be securely closed to the public and accessible only to the appropriate and permitted maintenance/landscaping personnel.

14. WALL. The proposed 10 foot high wall along the south property line adjacent to St. Luke's Church shall not be constructed. The existing eight foot high wall shall remain. If the church later decides that the wall is needed, and the applicant wishes to install the wall, it shall be permitted with the appropriate approvals and permits from the Town.

15. BUILDING E. During the Architecture and Site approval process, Building E shall be modified as follows:

    a. Open up the center pathway. Building could be moved closer to the south property line to increase width of pathway.

    b. Design structure so that it appears to be a collective of individual structures that abut each other.

c. The roof design shall be reflective of the individual structures (break-up rooflines).

d. Corner tower shall be redesigned into a clipped corner design.

e. Provide more variety in the buildings.

16. STORE DELIVERIES. The area behind Building E, adjacent to Parking Lot 6, shall not be used for deliveries.

17. SIGNS. A sign program shall be submitted as part of the Architecture and Site approval process. Arched wrought iron signs advertising Old Town are permitted as shown on the attached Development Plans (Exhibit B). The margin of measurement for tenant signs may be reduced to a minimum of one inch around all of the words and symbols. The actual dimensions shall be finalized during the Architecture and Site approval process with the sign program. Signs identifying business and the Center shall not be either lighted from the interior or made of translucent materials.

(Engineering Section)

18. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or 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. At the time of Architecture and Site Approval for the project, conformance with the Streetscape Plan for Central Business District Improvements (which includes benches and trash receptacles) will be determined and incorporated with the improvements identified below.

a. University Avenue. Curb, gutter, "Villa Hermosa" sidewalk, curb ramp, driveway approach, street lights, tie-in paving, removal of mid-block crosswalks, signing, striping, storm and sanitary sewers, as required.

b. Elm Street. Curb, gutter, "Villa Hermosa" sidewalk, curb ramp, street lights, tie-in paving, signing, striping, storm and sanitary sewers, as required.

c. Mullen Avenue. Curb, gutter, "Villa Hermosa" sidewalk, curb ramp, driveway approach, street lights, tie-in paving, signing, striping, storm and sanitary sewers, as required.

19. HYDRAULIC CALCULATIONS. At the time of the final design of the project, existing and post-project hydraulic calculation for the project area and associated drainage conveyance facilities between the project and Los Gatos Creek. The hydraulic calculation should include calculations to confirm the preliminary findings of the EIR.

20. MID-BLOCK CROSSWALK. The existing mid-block cross walks shall be removed. No new mid-block crosswalk shall be installed. The only marked crosswalk to the site shall be at the Elm Street/University Avenue intersection and across Mullen Avenue at University Avenue.

21. INSURANCE. One million dollars ($1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before issuance of the building permit.

22. TRAFFIC IMPACT MITIGATION FEE (COMMERCIAL). The developer shall pay a proportional to the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit application is made. The number of trips used in the calculations will be the net additional trips as shown in Table 5-8 of the E.I.R. by Geier & Geier, dated September 1996. The fee shall be paid before issuance of the building permit. The traffic impact mitigation fee for this project using the current fee schedule is $89,280. The final fee shall be calculated from

the final plans using the rate schedule in effect at the time of the building permit application.

23. CHRISTMAS SHOPPING CONSIDERATIONS. Construction shall be scheduled or other measures implemented, to minimize construction impacts during the Christmas shopping season.

24 DEWATERING PLAN. Prior to issuance of a building permit, the project applicant shall prepare a dewatering plan specifying how groundwater would be handled when encountered during excavation, how temporary excavations would be protected from groundwater saturation and how permanent foundations would be kept dry from groundwater as well as from surface water runoff.

25. EROSION CONTROL PLAN. The project applicant shall prepare and implement an erosion control plan in conformance with the Town and California Regional Water Quality Control Board requirements prior to issuance of a building permit. The plan shall account for existing drainage conditions since most runoff generated on the sunken parking lot site during the excavation phase would be too low to drain to adjacent storm drains and would require pumping.

26. STREET LIGHTING. The project applicant shall prepare and submit to the Town during the Architecture and Site approval process, a street lighting program and plan for all streets surrounding the proposed project site.

27. TRAFFIC DIVERTER. At the time of Architecture and Site Application, various methods of preventing Old Town related traffic from using Edelen Avenue from Mullen Avenue shall be explored. The method of traffic diversion chosen shall also be approved by Central Fire Protection District.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS, FORESTRY & MAINTENANCE SERVICES:

28. TREE CARE. All tree care activities shall be accomplished by a licensed, competent tree care firm as approved by and under the supervision of the Director of Parks, Forestry & Maintenance Services.

29. PROTECTIVE FENCING. Prior to any construction or Building Permits being issued, the applicant shall meet with the Director of Parks, Forestry and Maintenance Services concerning the need for protective fencing around the existing trees. Such fencing is to be installed prior to, and be maintained during construction.

30. NEW TREES. Newly planted trees shall be double-staked, using rubber tree ties and shall be planted prior to acceptance of the subdivision.

31. IRRIGATION. No irrigation or planting shall be permitted under the dripline of existing native trees. All newly planted material shall be irrigated by an in-ground irrigation system.

32. CONSTRUCTION. No construction or grading shall take place within the dripline of existing trees.

33. AERATION TUBES. Any impervious area (excluding roadways) encroaching under the dripline of existing trees shall have aeration tubes installed.

34. LANDSCAPE PLAN. A precise landscaping plan shall be submitted at the Architecture and Site Approval stage of development. Planting on the south back of Building D shall be done in cooperation with St. Luke's Church.

35. WATER EFFICIENCY. This project is subject to the Town's Water Efficient Landscape Ordinance as per Chapter 26 Article IV of the Town Code. A review fee based on current resolution shall be paid when the landscape, irrigation plans and water calculations are submitted for review. Plans and fees must be submitted prior to issuance of a building permit.

36. ARBORIST REQUIREMENTS. The following measures from the Coate study (1996) shall be enforced to minimize damage to the three Oak trees:

a. The foundation which is installed ten feet from the fence, beginning 50 feet east of the curb, must be of pier and beam foundation design, not standard L-footing.

b. If an additional wall is installed adjacent to the existing property line wall, it shall also be of a pier and grade beam foundation design with the beam laid on top of the existing grade.

c. When pavement is removed from any area beneath the canopy of one of these trees, the pavement must be removed by breaking the pavement up with a jackhammer or by manual labor, and the broken pieces shall be loaded into a skip loader which is standing on undisturbed pavement. Roots which are exposed in the top three inches of soil, with removal of that pavement, shall be protected from compaction or other damage.

d. Under no circumstances shall equipment be allowed to drive on the exposed soil once the pavement has been removed until protection has been installed over the newly exposed roots.

e. The protective surfaces shall include a four inch layer of tree chips over any surface beneath the tree canopy which is newly exposed.

f. If it becomes necessary to drive construction equipment over any of those newly exposed areas, 1.5 inch plywood sheets shall be laid over a five inch layer of tree chips to prevent compaction of the soil by equipment wheels.

g. As part of the contract specifications for the general contractor and all subcontractors, construction personnel shall not be allowed to prune any of the Oak tree limbs or branches located direly above construction. An arborist certified by the International Society of Arboriculture shall be called to prune the canopy of the trees over the parking lot before

construction begin begins, if any conflicts arise between actual construction and the tree at later stages of construction, only the arborist shall be allowed to do additional pruning to solve the problem. All pruning must follow Western Chapter, International Society of Arboriculture Pruning Standards.

h. The two Oak trees located closest to University Avenue shall be fertilized by injecting a liquid fertilizer mix into all areas beneath the canopies of these trees, including that on the south side of the existing wall. The fertilizer shall be composed of Greenbelt 22-14-14 soluble fertilizer mixed at four pounds of fertilizer per 100 gallons of water, and injected at 10 gallons of this mix per one inch of trunk diameter into all areas beneath the canopy in exposed soil or through bricks where that becomes the only method by which fertilizer can be supplied to the root zone.

TO THE SATISFACTION OF THE DIRECTOR OF BUILDING AND ENGINEERING SERVICES:

37. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Standard Specifications for Public Works Construction. All work shall conform to the applicable Town ordinances. Adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of day. Dirt and debris shall not be washed into storm sewers. The storing of goods and materials on the sidewalk and/or street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.

38. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Construction 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 rejection of work that went on without inspection.

39. EROSION CONTROL (COMMERCIAL). Interim and final erosion control plans shall be prepared and submitted to the Engineering Development Section of the Planning Department. On sites over 5 acres, at Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Region Water Quality Control Board. Grading activities shall be limited to the period of least rainfall (April 15 to October 1). A maximum of two weeks is allowed between clearing of an area and stabilizing/building on this area if grading that is allowed to go on during the rainy season. In addition, straw bales and plastic sheeting shall be stored on-site for emergency control, if needed. Install filter berms, check dams, retention basins, silt fences, and straw bale dikes as needed on the project site, to protect downstream water quality during winter months.

40. UTILITIES. The developer shall install all utility service, including telephone, electric power, and other communications lines underground, as required by Town Code §27.50.015(b).

41. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to, curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, or signs shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvements 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. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

42. CURB RAMPS. The developer shall construct three or four (3 or 4) curb ramps according to State Standard Drawings at the crosswalks at University Avenue/Elm Street, University Avenue/Mullen Avenue and the University Avenue entrance. The exact number will be determined at the time of Architecture and Site Approval. The actual "Case" as shown on the standard to be used will be decided by the Engineering Construction Inspector during the construction phase.

43. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, the original plans shall have all changes (change orders and field changes) clearly marked. The "As-built" plans shall again be signed and "wet-stamped" by the engineer who prepared the plans, attesting to the changes. The original "As-built" plans shall be reviewed and approved the Engineering Inspector. A photo Mylar of the approved "As-built" plans shall be provided to the TOWN before the release of the Faithful Performance Security.

44. DRIVEWAY APPROACH. The developer shall install four (4) Town Standard Commercial driveway approaches in the locations shown on the Official Development Plan. The new driveway approaches shall be constructed per Town Standard Detail S-5.

45. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit and will require construction security.

46. GARAGE ACCESS RAMP. The garage access ramp shall be widened to 30 feet. This will facilitate ingress and egress from the garage and allow the placement of a parking control station in the future. The ramp shall be clearly signed to prohibit pedestrian use.

47. BUILDING "E" PARKING. The underground garage can be used for construction worker parking once the Town Building Official has finaled the private use of the garage. In addition, the entrance to the parking garage shall be monitored at all time that it is open (e.g., guard, gate, etc.) to ensure it is not used by the public prior to the issuance of a Certificate of Occupancy for Building "E".

48. PARKING CONTINGENCY PLAN. The applicant shall prepare a construction worker parking contingency plan, to be implemented if directed to do so by the Town, to have construction workers park off-site. The plan shall include designation of a specific off-site location for all construction worker parking. This location shall not be within the Central Business District (C-2 zone) unless Town Council gives the authorization to a specific site, and workers shall be shuttled from the off-site location. The parking contingency plan shall be approved by the Director of Building and Engineering Services prior to the issuance of a building permit.

49 CONSTRUCTION DELIVERIES. All construction deliveries shall be restricted to the hours between 9:00 a.m. and 3:00 p.m. to minimize school and downtown impacts. The applicant should monitor construction activities to ensure that traffic flow along University are not adversely affected by materials/equipment deliveries. At no time shall street blockages be permitted that would impact the mobility of emergency service vehicles.

50. PEDESTRIAN ACCESS. Construction activities shall be planned and implemented so as to minimize disruption to pedestrian and vehicular traffic. The sidewalk shall be kept open on at least one side of each street at all times.

51. SANITARY SEWER LATERAL. Sanitary sewer laterals shall be televised by West Valley Sanitation District at the developer's expense and approved by the Town of Los Gatos before they are used or reused. Install sanitary sewer lateral clean-outs at the property line.

52. GREASE TRAPS. Meet all requirements of the County Health Department and West Valley Sanitation District for the interception, separation, or pretreatment of effluent for all existing and new uses.

53. NOISE REDUCTION. Equipment used for project construction shall utilize control techniques (improved mufflers, equipment redesign, use of silencers ducts and mufflers) in order to minimize construction noise impacts. Construction noise shall be minimized by requiring the project contractors to agree with the following measures:

a. If the Noise Ordinance noise standard cannot be met at the Mullen Avenue property boundary or along the church boundary, temporary wooden fencing shall be erected during construction along that boundary.

b. A member of the project applicant's team shall be appointed to enforce construction hours allowed by Town Ordinance. The project applicant shall introduce this person to the Town staff and have this person accessible to the Town during all site preparation and construction activities.

c. Elimination of unnecessary idling of equipment.

d. Good maintenance and lubrication procedures shall be used on all construction equipment to reduce operating noise.

54. HAZARDOUS MATERIALS PLAN. A management plan for hazardous materials shall be prepared by the developer. This management plan shall identify all suspected hazardous materials (including contaminated soils, groundwater, PCBs, lead-based paints, asbestos) and specify applicable regulations that would determine appropriate handling and disposal of hazardous materials. The management plan shall provide detailed quantification of the types and quantities of asbestos. The plan shall also provide guidelines for the handling and disposal of lead-based paints. When handling and disposing of lead-based paints, appropriate measures shall be required to ensure compliance with applicable state hazardous waste and OSHA regulations (worker safety). The plan shall include plans for site safety/worker protection, sampling and investigation, and disposal/remediation for materials which exceed regulatory action levels and are determined to be hazardous. For suspected hazardous materials (contaminated soil and groundwater) which may be encountered during construction, contingency plans for site safety/worker protection, sampling and investigation, and disposal/remediation shall be included; these shall be based on soil and groundwater sampling and testing that have been completed to date. The plan shall be filed with the Town and all other appropriated agencies. Appropriate contract specifications shall be imposed on construction contractors

for proper handling and disposal of hazardous materials consistent with the required management plan. The developer shall complete an asbestos survey of the Steamer's building prior to demolition. The developer shall ensure that all existing asbestos containing materials are removed, closed off or encapsulated by a licensed abatement contractor prior to site preparation for renovation, rehabilitation and removal of any materials or fixtures. This will include undertaking a physical examination of the project site to determine the amount of each type of material to be closed off, encapsulated or removed, and mapping areas where asbestos containing materials are to be closed off, encapsulated and/or removed. An inspection and maintenance program shall be developed for any areas closed off or encapsulated to prevent any fiber release.

55. HAZARDOUS MATERIAL PREPARATION. During demolition and excavation activities, the developer shall be prepared for the potential of encountering hazardous materials in areas not already characterized. The developer shall be alerted for visible evidence of hazardous materials, such as soil discoloration, suspicious odors, or presence of underground tanks, piping or other buried building materials and shall provide for the collection of grab samples in the area of suspected contamination.

56. GROUNDWATER. If groundwater is encountered during project construction and dewatering is required, the developer shall undertake sampling and testing of the encountered groundwater in accordance with the contingency sampling and investigation plan. If groundwater is found to contain contaminants which exceed regulatory action levels, it may not be discharged into the existing storm drain system. Removal and handling of the contaminated groundwater shall be done in a manner acceptable to the Regional Water Quality Control Board, the Town and other jurisdictional agencies. Once more detailed project plans become available, the Town may choose to require the developer to submit a Notice of Intent (NOI) to the California Regional Water Quality Control Board prior to construction. If required, the NOI letter shall include mapping,

potential pollutant lists, and a detailed description of drainage factors regarding the project site during construction.

57. ELEVATOR CONTAMINANTS. The existence of contaminants in soil beneath the existing elevator room shall be determined and appropriate remediation shall be completed as required by applicable federal, state and local regulations. Appropriate contract specifications shall be imposed on construction contractors for proper handling and disposal of hazardous materials consistent with the required management plan.

58. PCB'S. The developer shall request PG&E to test the two transformers for PCBs and if present, PCBs shall be removed and disposed of properly.

59. NOTIFICATION REQUIREMENTS. The developer shall comply with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos, in accordance with Section 19827.5 of the California Health and Safety Code (adopted January 1, 1991).

60. EXISTING BASEMENT. While the existing hazard posed in the crawl hole basement area of Building B is not an impact of the proposed project, this area shall be immediately be closed off or abated and the soil decontaminated by a licensed abatement contractor (prior to initiation of any work on the proposed project). In the event the crawl hole basement of this area is permanently closed off, an inspection and maintenance program shall be developed to prevent any fiber release.

61. ASBESTOS EXPOSURE. All necessary measures shall be implemented to protect operating merchants, employees and customers from exposure to asbestos.

62. BAAQMD. To comply with BAAQMD nuisance abatement rules, the following dust (PM10) control measures shall be included as conditions of the grading permit:

    a. Water all active construction areas at least twice daily.

    b. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.

c. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

d. Sweep (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.

e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

63. GEOLOGIC HAZARDS CHECKLIST. The developer shall submit to the Town a Geologic Hazards Checklist, as outlined by the California Department of Conservation Division of Mines and Geology, and appropriate geotechnical design studies demonstrating that the probable lateral forces experienced at the project site from a seismic event have been taken into consideration in the design and construction plans for the proposed project. These studies shall address building foundation design for the parking garage and Buildings D and E as well as for any seismic retrofit found to require new or upgraded foundations in Buildings A and B. Project plans for seismic retrofitting of Buildings A and B shall demonstrate conformance with 1994 Uniform Building Code requirements (including 1995 California amendments) and/or recommendations made by Boley Consulting Engineers, whichever requirements are determined to be appropriate by the Town.

64. SEISMIC RETROFIT. The developer shall provide plans or designs for structural repairs in order to seismically retrofit the existing buildings. Such plans or designs shall include any and all foundations needed to support each location of seismic retrofitting. Proposed plans shall conform to the current Uniform Building Code, with California amendments in effect in Town.

65. BUILDING CODE. Project plans shall demonstrate conformance with current Uniform Building Code requirements (including California amendments in effect in Town) and/or recommendations made by Boley Consulting Engineers (whichever requirements are determined to be appropriate by the Town) to repair and upgrade the structures in order

to integrate the structural system and to make Buildings A and B capable of providing resistance to gravity and seismic loads.

66. The westerly wall of the underground garage under Building E shall contain a structurally designed section or sections that would structurally accommodate being knocked out for access to and from a possible future below-grade parking level on Town Parking Lot No. 6.

TO THE SATISFACTION OF CENTRAL FIRE PROTECTION DISTRICT

67. SPRINKLERS. Fire sprinkler system shall be modified as necessary for Buildings A, B and C. An automatic fire sprinkler system shall be installed in Buildings D and E and the parking garage.

68. HYDRANTS. Additional fire hydrants may be required. This will be determined during the Architecture and Site approval process.

TO THE SATISFACTION OF THE CHIEF OF POLICE

69. LIGHTING. The stairwells and building recesses shall have proper lighting with illumination no less than five foot candles at five feet off the ground. If telephones are provided, they shall be located in the open courtyard, not hidden away behind walls.

TO THE SATISFACTION OF SANTA CLARA COUNTY WATER DISTRICT

70. DRAINAGE. There shall be no overbank drainage into the Los Gatos Creek from grading the site. Storm runoff shall be collected via an onsite storm drain system and distributed to an existing city storm drain system or an outfall into the creek. If an outfall is desired, it shall be designed in accordance with District guide sheets.

71. PERMIT. A District permit is required for any construction adjacent to or within the Los Gatos Creek.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on December 2, 1996, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on December 16, 1996. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES: Steven Blanton, Jan Hutchins, Randy Attaway
Vice Mayor Linda Lubeck

NAYS: None

ABSENT: Mayor Joanne Benjamin

ABSTAIN

SIGNED: Linda L. Lubeck
VICE MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST: Marian D Cooper
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



50 UNIVERSITY AVE

EXHIBIT A

TOWN OF LOS GATOS

Application No. Z-96-1. Change of zoning map amending the Town Zoning Ordinance.

☒ Zone Change from C-2 LHP to C-2 PD LHP

☐ Prezoning to _____

RECOMMENDED by Planning Commission date 11/13/96

Approved by Town Council date December 16, 1996 Ord. 2025

Clerk Marian Cooper Mayor VICE-MAYOR

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

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING PLANNED DEVELOPMENT ORDINANCE 2025 TO ALLOW MODIFICATIONS TO BUILDING E AT 50 UNIVERSITY AVENUE (OLD TOWN CENTER)

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

WHEREAS, on December 16, 1996, the Town Council adopted Planned Development (PD) Ordinance 2025, amending the zoning ordinance effecting a zone change from C-2:LHP (Commercial Business District, Landmark and Historic Preservation Overlay Zone: Planned Development) to C-2:LHP:PD at 50 University Avenue, Old Town commercial center; and

WHEREAS, The PD Ordinance 2025 authorized the redevelopment of Old Town commercial center, including the construction of several new buildings, among them Building E; and

WHEREAS, the construction of Building E, located in the Old Town commercial center, was completed in 1999; and

WHEREAS, in January 2025, the applicant, RH (Restoration Hardware), applied for a modification to the existing PD Ordinance to allow modifications to Building E; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 27, 2025, at which time the Commission considered the public testimony, the Staff Report prepared for that meeting, and all other documentation related to the PD Amendment, made findings and forwarded a recommendation of _____ to the Town Council; and

WHEREAS, the amendments are consistent with the General Plan and its Elements; and

WHEREAS, the amendments are consistent with Chapter 29, "Zoning Regulations" of the Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Planned Development Overlay Zone.

The Town Code of the Town of Los Gatos is hereby amended to change zoning on property located at 50 University Avenue (APN 529-02-044) as shown on the map attached hereto as

EXHIBIT 4

Exhibit A, as and is part of this Ordinance, from C-2:LHP:PD to C-2:LHP:PD. Ordinance 2025, passed and adopted by the Town Council of Los Gatos on December 16, 1996, remains in effect with the following amendments to Performance Standard 15 of Section V of Ordinance 2025:

15. BUILDING E. During the architecture and site approval process building E shall be modified as follows:
    a. Open up the center pathway. Building could be moved closer to the South property line to increase width of pathway.
    ~~b. Design structure so that it appears to be a collective of individual structures that abut each other.~~
    ~~c. The roof design shall be reflective of the individual structures (break-up rooflines).~~
    ~~d. Corner tower shall be redesigned into a clipped corner design.~~
    e. Provide more variety in the buildings.

SECTION II. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Ordinance might be declared unconstitutional, preempted, or otherwise invalid.

SECTION III. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

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SECTION IV. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of _____ 2025, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ____ day of _____ 2025, by the following vote:

COUNCIL MEMBERS:
AYES:
NAYS:
ABSENT:
ABSTAIN:

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

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PLANNING COMMISSION – *August 27, 2025 - Draft*
CONDITIONS OF APPROVAL

31 University Avenue
Architecture Site Application S-25-004

Consider a Request for Approval for Modification of Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: SRI Old Town, LLC
Applicant: Rick Nelson, MBH Architects

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 per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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

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construction plans.

8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
9. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
10. 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.
11. DEMOLITION AFFIDAVIT: Prior to issuance of a building permit, a demolition affidavit must be submitted and signed by the property owner, project architect, project engineer and contractor.
12. PROJECT IDENTIFICATION SIGNAGE: Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture and Site application.
13. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

    Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.
14. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

Building Division

15. PERMITS REQUIRED: A Building Permit is required for the renovation of two existing

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commercial tenant spaces.

16. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
17. CONDITIONS OF APPROVAL: The Conditions of Approval must be included on plan sheets within 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.
18. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division before submitting the building permit application.
19. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
20. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be directly printed onto a plan sheet.
21. SITE ACCESSIBILITY: At least one accessible route within the site boundary shall be provided from public transportation stops, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance that they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect all accessible buildings, facilities, elements, and spaces that are on the same site.
22. ACCESSIBLE PARKING: The parking lots and parking structure, where parking is provided for the public as clients, guests, or employees, shall provide accessible parking. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances and adjacent parking, accessible parking spaces shall be dispersed and located as close as possible to the accessible entrances.
23. BACKWATER VALVE: As required by Town Ordinance 6.40.020, provide details for any required sanitary sewer backwater valve on the plans, including its location. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) require backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
24. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
25. 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 online at www.losgatosca.gov/building.
26. CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs): The Town standard West Valley Clean Water Authority Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal. The specification sheet is available online at www.losgatosca.gov/building.
27. APPROVALS REQUIRED: The project requires the following departments and agencies' approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874

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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. Santa Clara County Environmental Health Department: (408) 918-3479
f. 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 AND PUBLIC WORKS:
Engineering Division

THE FOLLOWING CONDITIONS SHALL BE ADDRESSED OR NOTED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY BUILDING OR GRADING PERMIT, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

28. PAYMENT OF PARKS AND PUBLIC WORKS ("PPW") ENGINEERING PLAN CHECK FEE AND INSPECTION FEE – At the time of the first construction submittal, the Applicant shall submit for approval an off-site construction plan and a detailed construction project cost estimate prepared and stamped by the Applicant's civil engineer for improvements outside of the building. The cost estimate shall break out off-site improvements separately. This cost estimate will be used to determine the Encroachment Permit Fee per the Town's adopted fee schedule in effect at the time application is made. A final construction cost estimate shall be provided once the project plans are approved. This cost estimate will be used to determine if any additional encroachment permit fee is due. This adjustment fee, if any must be paid prior to the issuance of any construction related permit. The applicant shall not be eligible for any refund, even if the engineer's estimate is reduced in subsequent submittals. The Town Engineer, at his or her sole discretion, may require different unit prices be used in the engineering cost estimate.
29. PUBLIC IMPROVEMENTS – Prior to the issuance of any building permit and prior to any work being done in the Town's right of way, the Applicant must submit Public Improvement Plans for review and approval through an Encroachment Permit application with the Town. All public improvements shall be made according to the Town's latest adopted Standard Plans, Standard Specifications, Engineering Design Standards, and the Entitled Plan Set. The Applicant is required to confirm the location of existing utility lines along the project frontage by potholing, as necessary. Prior to any potholing, Applicant shall submit a separate encroachment permit application with a pothole plan for Town review and approval. The Applicant shall provide the pothole results to the Town Engineer prior to final design. All existing public utilities shall be protected in place and, if necessary, relocated as approved by the Town Engineer. No private facilities are permitted within the Town right of way or within any easement unless otherwise approved by the Town Engineer. The Applicant shall have Public Improvement Plans prepared, stamped, and signed by a California licensed civil engineer.
    a. Once the Public Improvement Plans have been approved and all fee have been paid, the Town will issue an Encroachment Permit. The Encroachment Permit requires the Applicant to post the required bonds and insurance and provide a one (1) year warranty for all work to be done in the Town's right of way or Town easement. New

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concrete shall be free of stamps, logos, names, graffiti, etc. Any new concrete installed that is damaged shall be removed and replaced at the Contractor's sole expense. The Applicant shall include with their encroachment permit application a temporary traffic control plan ("TTCP") inclusive of all modes of travel for any lane or sidewalk closures. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required. The TTCP shall comply with the State of California Manual of Uniform Traffic Control Devices ("MUTCD") and standard construction practices.

b. The project engineer shall notify the Town Engineer in writing of any proposed changes. Any proposed changes to the approved plans shall be subject to the approval of the Town. The Applicant shall not commence any work deviating from the approved plans until such deviations are approved. Any approved and constructed changes shall be incorporated into the final "as-built" plans.
c. Right-of-way improvements shall include, at a minimum, the following items:
    i. STREET TREES - The Applicant shall plant at least one (1) street tree along the project frontage as shown on the entitled plan set. The street tree plans shall be per Town Standard Drawings and must include Town Standard tree grates as shown on Sheet T-1C of the approved plans.
    ii. TREE GRATES – The Applicant shall install at least one (1) Town Standard Tree Grates as shown on Sheet T-1C of the approved plans. Tree grates shall be 4'x6', black power coated model OT-T24 by Urban Accessories, or approved equal. The tree grates shall be shown on the improvement plans to be located at the back of curb to the approval of the Town Engineer and shall be installed with the street trees prior to the first occupancy. STREET MARKINGS - The Applicant shall install necessary street markings of a material and design approved by the Town Engineer and replace any that are damaged during construction. These include but are not limited to all pavement markings, parking stall markings, painted curbs, and handicap markings. All permanent pavement markings shall be thermoplastic and comply with Caltrans Standards. Color and location of painted curbs shall be shown on the plans and are subject to approval by the Town Engineer. Any existing painted curb or pavement markings no longer required shall be removed by grinding if thermoplastic, or sand blasting if in paint.
    iii. SIDEWALK - The Applicant shall replace to existing Town standards all sidewalk on the east and north side of the project site. The actual amount of sidewalk to be replaced shall be determined by the Public Works Construction Inspector in the field prior to construction. Sidewalk replacement shall be constructed per the Town Standard Drawings. Sidewalk work in the Villa Hermosa area shall comply with the Villa Hermosa Style per Standard Plan Nos. ST-224 and ST-225 and as modified in the approved entitlement plans.
    iv. CURB RAMP(S) - The Applicant shall re-construct one (1) curb ramp in accordance with the latest Caltrans State Standard Drawing at the corner of University Avenue and Elm Street. The actual ramp "Case" shall be identified on the plans and shall be to the approval of the Town Engineer.
    v. CURB AND GUTTER - The Applicant shall replace to existing Town standards all new curb and gutter shown replaced on Sheet C4.0 of the entitled plan set as

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determined by the Public Works Construction Inspector in the field prior to construction. New curb and gutter shall be constructed per the Town Standard Drawing ST-210 (Vertical).

vi. BICYCLE PARKING – The Applicant shall provide at least two (2) short-term inverted "U" type bicycle racks on-site to the approval of the Town Engineer.

vii. STORM WATER CATCH BASIN(S) - The Applicant shall repair the curb at the storm water catch basin located on University Avenue near the intersection of University Avenue and Elm Street in accordance with the Town Standard Drawing.

viii. STREET LIGHT(S)

1. The Applicant shall relocate two (2) post top street light(s) per sheet A004 of the entitled plan set per Town Standard Drawing EL-6 to El-7. The Applicant is responsible for all PG&E service fees and hook-up charges. Any new service point connection required to power the new lights shall be shown on the construction drawings along with the conduit, pull boxes and other items necessary to install the street lights. An Isometric lighting level needs to be provided by the designer/contractor. A separate light study may be required by the Town Engineer. The light fixtures shall be Holophane Granville GVP2 series, with 100 Watt power, Black finish, Modern Style housing, 4K color temperature, standard finial, black terminal color, or approved equal. The light shall have IES Classification Type III or V. The pole shall be Holophane North Yorkshire NYS series, with cast iron and steel construction, 13'8" height, Fluted tapered shaft style (FTB), 20" round base, P08 tenon, LAB mounting bolts, black finish (BK) and with receptacle (RXXXY). The base shall fit the Town Standard 12" bolt circle pattern per detail EL-7 and shall be constructed on a street light base per Town Standards. The final location and style of street lights and poles are to be reviewed and approved by the Town Engineer during review of the submitted construction lighting plan. As these lights are a long lead-time item, it is recommended that the Applicant contact the manufacturer early in the construction phase of the project.
2. A letter shall be provided by PG&E stating that public street light billing will be per Rule LS2A. Private lights shall be metered with billing addressed to the homeowners' association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

30. TREE REMOVAL PERMIT – The Applicant shall apply and obtain a Tree Removal Permit from the Parks and Public Works Department for the removal or relocation of existing trees on-site or in the public right-of-way prior to the issuance of a building permit or demolition building permit, whichever is issued first. Tree removals shall be consistent with the arborist report and approved entitlement plans.

31. CONSTRUCTION PHASE PLAN SUBMITTAL REQUIREMENTS – The Public Improvement Plans (referred to as "Improvement Plans") shall be submitted to the Parks and Public Works Department. The Improvement Plans shall be submitted at the same time as the Building Plans are submitted to the Building Department. All improvements shall be designed and constructed in accordance with Federal law, State law, Los Gatos Town Code, and the Los Gatos Standard Specifications and Details.

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a. 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. The Improvement Plans shall include:
b. A cover sheet with at least the proposed development vicinity map showing nearby and adjacent major streets and landmarks, property address, APN, scope of work, project manager and property owner, a sheet index including a sequential numeric page number for each sheet (i.e. "Sheet 1 of 54"), the lot size, required and proposed lot setbacks by type, proposed floor areas by type for each building, average slope, proposed maximum height, and required and proposed parking count and type.
c. The Approved Conditions of Approval printed within the plan set starting on the second sheet of the plan set.
d. An Existing Site Plan showing existing topography, bearing and distance information for all rights-of-way, easements, and boundaries, any existing easements proposed to be quit-claimed, existing hardscape, existing above ground utility features, and existing structures. The Improvement Plans shall identify the vertical elevation datum, date of survey, and surveyor responsible for the data presented.
e. A Proposed Site Plan showing proposed topography, boundaries, proposed and existing to remain easements, hardscape, above ground utility features (hydrants, transformers, control cabinets, communication nodes, etc.), and structures. Include top and bottom elevations of every inflection point of each wall. Show proposed public right-of-way improvements. Distinguish proposed linework from existing linework using heavier line type for proposed.
f. A Grading and Drainage Plan clearly showing existing onsite and adjacent topography using labeled contour lines, drainage direction arrows with slope value, and break lines. Proposed and existing to remain hardscape elevations must be provided in detail including slope arrows.
g. A Utility Plan showing appropriate line types and labels to identify the different types of utilities and pipe sizes. Utility boxes, hydrants, backflow preventers, water meters, sanitary sewer cleanouts, etc. shall be located on private property unless otherwise approved by the Town Engineer.
h. A Photometric Lighting Plan analyzing the full-width of the adjacent right-of-way. The plan shall show the average maintained horizontal illumination in foot-candles and the average to minimum uniformity ratio. Lighting shall be in compliance with the Town's Standard Specification section 2.38.
i. A Landscaping Plan for the project site and the full width of the public right-of-ways adjacent to the project. The plans shall clearly identify public and private utilities and points of demarcation between the two.
j. General Notes found in the Town of Los Gatos General Guidelines.
k. A statement in the general notes indicating the need to obtain a Caltrans Oversized/Overweight Vehicles Transportation Permit if oversized or overweight vehicles are expected to be used

32. STANDARD PLAN COMPLIANCE – The project shall comply with the Town's Standard Plans to the approval of the Town Engineer. Street improvements, all street sections, and the design of all off-site storm drainage facilities shall be in accordance with most

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current Town Standard Specifications and Standard Plans approved by the Town Engineer. Improvements deemed necessary by the Town Engineer shall be shown on the Improvement Plans.

33. UTILITY RESPONSIBILITIES – The Applicant is responsible for the maintenance of existing stormwater drainage facilities, including piped and open channel stormwater conveyances in private areas. The Applicant is responsible for all expenses necessary to connect to the various utility providers. The public storm sewer system is owned and maintained by the Town of Los Gatos, the water system in Los Gatos is owned and maintained by San José Water Company, and the sanitary sewer system in Los Gatos is owned and maintained by West Valley Sanitation District. Any alterations of the approved utilities listed must be approved by the Town prior to any construction.
34. UTILITY COMPANY COORDINATION – The Applicant shall negotiate any necessary right-of-way or easements with the various utility companies in the area, subject to the review and approval by the Town Engineer and the utility companies. Prior to the approval of the site plan for construction, the Applicant shall submit "Will Serve" letters from PG&E, San José Water, West Valley Sanitation District, West Valley Collections and Recycling, and AT&T (or the current "Carrier of Last Resort") with a statement indicating either a list of improvements necessary to serve the project or a statement that the existing network is sufficient to accommodate the project. Coordination of the stormwater conveyance system will be addressed during the Improvement Plan review.
35. PREPARATION OF ELECTRICAL PLANS – All street lighting plans shall be prepared by a California registered professional engineer experienced in preparing these types of plans. The Applicant shall submit necessary stamped and signed Traffic Signal Plan with the Improvement Plans.
36. EXTERIOR SITE LIGHTING STANDARDS – The Applicant shall submit a photometric plan for off-site lighting showing lighting levels in compliance with the Town Standard Specifications section 2.38 as part of the Improvement Plans. The plan shall show the minimum maintained horizontal illumination in foot-candles and the uniformity ratio for all areas. This lighting standard is applicable to all parking lots, driveways, circulation areas, aisles, passageways, recesses, and accessible grounds contiguous to all buildings. The lighting system shall be so designed as to limit light spill beyond property lines and to shield the light source from view from off site. The photometric plan shall be approved by the Town Engineer.
37. DEVELOPER STORM WATER QUALITY RESPONSIBILITY – The Applicant is responsible for ensuring that all contractors including subcontractors are aware of all stormwater quality measures and implement such measures. The Applicant shall perform all construction activities in accordance with approved Improvement Plans, Los Gatos Town Code Chapter 12 – Grading, Erosion and Sediment Control, and the National Pollutant Discharge Elimination System (NPDES) General Permit. Failure to comply with these rules and regulations will result in the issuance of correction notices, citations, or a project stop order.
38. CLEAN, INSPECT, AND REPAIR STORM LINE – If the project will connect to the public storm drainage system, the Applicant is required to evaluate the conditions of the existing storm lines along the project frontage by videotaping and providing the result to the Town Engineer. The Applicant shall clean and inspect (via remote TV camera) the

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storm line from the manhole upstream to the manhole downstream of the project area. The video inspection shall be done by a professional video inspection company and be completed prior to building permit issuance. The video of the inspection shall be reviewed with PPW and any cracked, broken, or otherwise compromised integrity is found, the areas of the line along the project frontage shall be repaired by the Applicant at the applicant's expense. The Applicant shall include the required repairs on the Improvement Plans submitted. All necessary repairs to the storm line shall be completed and approved prior to the project connecting to the storm drainage system

39. GRADING & DRAINAGE WINTER MORATORIUM – All grading activity shall comply with the Municipal Regional Stormwater Permit and Chapter 12 of the Town Code. There shall be no earthwork disturbance or grading activities between October 15th and April 15th of each year unless approved by the Town Engineer. In order to be considered for approval, the Applicant must submit a Winterization Erosion Control Plan certified by a California certified QSD to the Town Engineer for review and approval. If grading is allowed during the rainy season, a maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on the exposed area. The submission of a certified plan does not guarantee approval. Any approved and executed plan must be kept on-site while the project is in construction.

40. EROSION CONTROL – The Applicant shall include in the Improvement Plans interim (if needed) and final erosion control plans to the Town Engineer for review and approval. The interim erosion control plan(s) shall include measures carried out during construction before final landscaping is installed. Multiple phases of interim erosion control plans may be necessary depending on the complexity of the project. Interim erosion control best management practices may include silt fences, fiber rolls, erosion control blankets, Town approved seeding mixtures, filter berms, check dams, retention basins, etc. The Applicant shall install, maintain, and modify the erosion control measures as needed to continuously protect downstream water quality. In the event an emergency modification is deemed necessary, the Applicant must implement necessary measures to protect downstream waterways immediately and then submit the changes made within 24-hours to the Town Engineer for review and approval. The erosion control plans shall be in compliance with applicable measures contained in the most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). Any fees or penalties assessed against the Town in response to the Applicant's failure to comply with the Permit must be paid by the Applicant. The Applicant must permit Town staff onsite to conduct periodic NPDES inspections throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

41. SITE TRIANGLE AND TRAFFIC VIEW AREA – Fencing, landscaping, and permanent structures shall not visually obstruct line of sight between three-feet and 7.5-feet in height if located within the driveway view area, traffic view area, or corner sight triangle. The driveway and intersection site triangles are represented on Town Standard Drawing ST-231. The traffic view area and corner sight triangle are shown on Town Standard Drawing ST-232. This includes all above ground obstructions including utility structures, for example electric transformers. The various clearance lines shall be shown on the site plan to demonstrate compliance.

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42. PRECONSTRUCTION MEETING – After the issuance of any Encroachment permit and before the commencement of any on or off-site work, the Applicant shall request a pre-construction meeting with the PPW Inspector to discuss the project conditions of approval, working hours, site maintenance, and other construction matters. At that meeting, the Applicant shall submit a letter acknowledging that:
    a. They have read and understand these project Conditions of Approval;
    b. They will require that all project sub-contractors read and understand these project Conditions of Approval; and,
    c. They ensure a copy of these project Conditions of Approval will be posted on-site at all times during construction.
43. FLOOR DRAINS – All floor drains shall be plumbed to connect to the sanitary sewer system only. Site design must facilitate drainage away from building floor drains.
44. OFF-HOURS MATERIAL DELIVERY – The Applicant shall coordinate with the future site operators so that all site delivery of materials and goods are delivered off-hours and on-site. This will allow the on-site customer parking for the development site to be utilized during business hours, and not be impacted by the staging of delivery vehicles. The Applicant shall provide a written plan, to ensure that this condition is satisfied, prior to occupancy of the first site building. The plan shall be to the approval of the Town Engineer.

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME

45. DEDICATIONS – The Applicant or owner shall dedicate a new sidewalk easement and quitclaim the existing sidewalk easement around the site so that the new easement follows the proposed building contours. These actions shall be recorded with the County, and an electronic copy (PDF) of the recorded quitclaimed existing easement and newly recorded sidewalk easement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to issuance of a building permit.
46. TEMPORARY CONSTRUCTION EASEMENT – Prior to the issuance of a building permit, it shall be the sole responsibility of the project to obtain any and all proposed or required easements and/or permissions necessary to perform any work on neighboring private property herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO RELEASE OF UTILITIES, FINAL INSPECTION, OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY, WHICHEVER OCCURS FIRST, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

47. RECORD DRAWINGS – The Applicant shall submit a scanned PDF set of stamped record drawings and construction specifications for all off-site improvements to the Department of Parks and Public Works. All underground facilities shall be shown on the record drawings as constructed in the field. The Applicant shall also provide the Town with an electronic copy of the record drawings in the AutoCAD Version being used by the Town at the time of completion of the work. The Applicant shall also submit an

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AutoCAD drawing file of all consultants composite basemap linework showing all public improvements and utility layouts. This condition shall be met prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first.

48. RESTORATION OF PUBLIC IMPROVEMENTS – The Applicant shall repair or replace all existing improvements not designated for removal that are damaged or removed during construction. Improvements such as, but not limited to curbs, gutters, sidewalks, driveways, signs, streetlights, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired or replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Existing improvement to be repaired or replaced shall be at the direction of the PPW Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the PPW Inspector shall be completed before the issuance of a certificate of occupancy. The Applicant shall request a walk-through with the PPW Inspector before the start of construction to verify existing conditions.
49. LANDSCAPE MAINTENANCE AGREEMENT – The Applicant shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the property owner agrees to maintain the vegetated areas along the project's University Avenue and Elm Street frontages located within the public right-of-way. The agreement must be executed and accepted by the Town Attorney prior to the issuance of any occupancy permit.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME

50. PROJECT CONSTRUCTION SETUP – All storage and office trailers will be kept off the public right-of-way.
51. PUBLIC WORKS CONSTRUCTION NOTICE – The contractor shall notify the PPW Inspector at least ten (10) working days prior to the start of any construction work. At that time, the Contractor shall provide an initial project construction schedule and a 24-hour emergency telephone number list.
52. PROJECT CONSTRUCTION SCHEDULE – The contractor shall submit the project schedule in a static PDF 11"x17" format and Microsoft Project, or an approved equal. The Contractor shall identify the scheduled critical path for the installation of improvements to the approval of the Town Engineer. The schedule shall be updated monthly and submitted to the PPW Inspector in the same formats as the original.
53. PROJECT CONSTRUCTION HANDOUT – The Contractor shall provide to the Town Engineer an approved construction information handout for the purpose of responding to questions the Town receives regarding the project construction.
54. PROJECT CONSTRUCTION SUPERVISION – The Contractor shall always provide a qualified supervisor on the job site during construction.
55. PUBLIC WORKS CONSTRUCTION INSPECTION – All work shown on the Improvement Plans shall be inspected to the approval of the Town Engineer. Uninspected work shall

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be removed as deemed appropriate by the Town Engineer.

56. PROJECT CONSTRUCTION HOURS – Construction activities related to the issuance of any PPW permit shall comply with Town Code Section 16.20.035 which restricts construction to the weekday between 8:00 a.m. and 6:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m. No work shall be done on Sundays or on Town Holidays unless otherwise approved by the Town Engineer. Please note that no work shall be allowed to take place within the Town right-of-way after 5:00 p.m. Monday through Friday. In addition, no work being done under Encroachment Permit may be performed on the weekend unless prior approvals have been granted by the Town Engineer. The Town Engineer may apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes. Onsite project signage must state the project construction hours. The permitted construction hours may be modified if the Town Engineer finds that the following criteria is met:
    a. Permitting extended hours of construction will decrease the total time needed to complete the project without an unreasonable impact to the neighborhood.
    b. Permitting extended hours of construction is required to accommodate a construction requirement such as a large concrete pour or major road closure. Such a need would be presented by the project's design engineer and require approval of the Town Engineer.
    c. An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the Town may waive any of the remaining requirements outlined below.
    d. The exemption will not conflict with any other condition of approval required by the Town to mitigate significant environmental impacts.
    e. The contractor or property owner will notify residential and commercial occupants of adjacent properties of the modified construction work hours. This notification must be provided three days prior to the start of the extended construction activity.
    f. The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.
    g. The Town Engineer may revoke the extended work hours at any time if the contractor or owner of the property fails to abide by the conditions of extended work hours or if it is determined that the peace, comfort, and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction.
    h. The waiver application must be submitted to the PPW Inspector ten (10) working days prior to the requested date of waiver.
57. PROJECT CONSTRUCTION BMPs – All construction activities 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 ordinances, the project specific temporary erosion control plan, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
58. PROJECT CONSTRUCTION EXCAVATION – The following provisions to control traffic

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congestion, noise, and dust shall be followed during site excavation and construction:

a. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
b. 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 Construction Inspector.
c. Site dirt shall not be tracked into the public right-of-way and shall be cleaned immediately if tracked into the public right-of-way. Mud, silt, concrete and other construction debris shall not be washed into the Town's storm drains.
d. All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
e. Prior to issuance of any permit, the Applicant shall submit any applicable pedestrian or traffic detour plans to the satisfaction of the Town Engineer for any lane or sidewalk closures. The temporary traffic control plan shall be prepared by a licensed professional engineer with experience in preparing such plans and in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD) and standard construction practices.
f. The Traffic Control Plan shall be approved prior to the commencement of any work within the public right-of-way.
g. During construction, the Applicant shall make accessible any or all public and private utilities within the area impacted by construction, as directed by the Town Engineer.
h. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The Applicant shall require the soils engineer submit to daily testing and sampling reports to the Town Engineer.

59. MATERIAL HAULING ROUTE AND PERMIT – For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck size as defined by FHWA Standards, the Applicant shall submit a truck hauling route that conforms to Town of Los Gatos Standards for approval. Note that the Town requires a Haul Permit be issued for any hauling activities. The Applicant shall require contractors to prohibit trucks from using "compression release engine brakes" on residential streets. The haul route for this project shall be determined by the Town's Land Development Inspector. A letter from the Applicant confirming the intention to use the designated haul route shall be submitted to the Town Engineer for review and approval prior to the issuance of any Town permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the Applicant. 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 Town Engineer. The Applicant must provide an approved method of cleaning tires and trimming loads on site. All material hauling activities shall be done in accordance with applicable Town ordinances and conditions of approval.

60. PROJECT CLOSE-OUT – Prior to requesting a Final Inspection, the Applicant shall submit to the Town Engineer a letter indicating that all project conditions have been met, and all improvements are complete. All work must be completed to the satisfaction of the

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Planning Director and Town Engineer prior to the first occupancy. All public improvements, including the complete installation of all improvements relative to streets, fencing, storm drainage, underground utilities, etc., shall be completed and attested to by the Town Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, including those for water and sanitary sewer services, such installation shall be verified as having been completed and accepted by those agencies. In addition, the Applicant shall submit an itemized final quantities list of all public improvements constructed on-site and within the public right-of-way. The final quantities list shall be prepared by the project engineer and be to the approval of the Town Engineer. The final quantities list shall be broken out into on-site and off-site improvements based on the format provided by the Town. Until such time as all required improvements are fully completed and accepted by Town, the Applicant shall be responsible for the care, maintenance, and any damage to such improvements. Town shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or improvements required for this project prior to the completion and acceptance of the work or Improvements. All such risks shall be the responsibility of and are hereby assumed by the Applicant.

61. DOWNTOWN HOLIDAY CONSTRUCTION MORATORIUM – Due to concerns for business impacts during the holiday season (defined as starting the Monday of Thanksgiving week through January 1), there shall be no construction activities in the Downtown area within the right-of-way which would create lane closures, eliminate parking, create pedestrian detours, or other activities that may create a major disturbance as determined by the Town Engineer.
62. CONSTRUCTION WORKER PARKING – The Applicant shall provide a Construction Parking Plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the Town Engineer prior to issuance of Town permits and shall be complied with at all times during construction. Failure to enforce the parking plan may result in suspension of the Town permits. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§15.40.070).
63. SITE WATER DISCHARGE – In accordance with the Town Code, Prohibition of Illegal Discharges (Los Gatos Town Code Section 22.30.015), the Town Engineer may approve in coordination West Valley Sanitation District the discharge of uncontaminated pumped ground waters to the sanitary sewer only when such source is deemed unacceptable by State and Federal authorities for discharge to surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is available. Following the verification of the applicable local, state and/or federal approvals, a Discharge Plan will be approved and monitored by the Town Engineer.

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THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS ENTITLEMENT OCCUPIES THE PREMISES

64. POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP) – Post construction storm water pollution prevention requirements shall include:
    a. The Applicant shall be charged the cost of abatement for issues associated with, but not limited to, inspection of the private stormwater facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair if the treatment facility is no longer able to meet performance standards or has deteriorated. Any abatement activity performed on the Applicant's property by Town staff will be charged to the Applicant at the Town's adopted fully-loaded hourly rates.
    b. Maintenance of the storm drain inlets "No Dumping – Drains to Bay" plaques to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available at www.flowstobay.org.
    c. All process equipment, oils, fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based wastes, tallow, and grease planned for storage outdoors shall be stored in covered containers at all times.
    d. All public outdoor spaces and trails shall include installation and upkeep of dog waste stations.
    e. Garbage and recycling receptacles and bins shall be designed and maintained with permanent covers to prevent exposure of trash to rain. Trash enclosure drains shall be connected to the sanitary sewer system.
    f. It is the responsibility of the property owner(s)/homeowners association to implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

TO THE SATISFACTION OF THE DIRECTOR OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

65. 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 departement 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.
66. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet 0011) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls, and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. *Sprinklers shall be installed for the entire structure.*
67. FIRE ALARM: Fire alarm requirement will be a deferral submittal item.

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68. REQUIRED FIRE FLOW: (Letter received) The fire flow for this project is 2968 GPM at 20 psi residual pressure. If an automatic fire sprinkler system will be installed, the fire flow will be reduced by 25%, establishing a required adjusted fire flow of 2226 GPM at 20 psi residual pressure. Note: The minimum required number of spacing of the hydrants shall be in accordance with CFC Table C102.1.
69. FIRE DEPARTMENT CONNECTION: (As noted on Sheet 001) The fire department connection (FDC) for the structure in support of the sprinkler system shall be installed at the street on the street address side of the building. IT shall be located within 100 feet of a public fire hydrant and within ten (10) feed of the main PIV (unless otherwise approved by the Chief due to practical difficulties). FDC's shall be equipped with a minimum of two (2), two -and-one-half (2-1/2") inch national standard threaded inlet couplings. Orientation of the FDC shall be such that hose lines may be readily and conveniently attached to the inlets without interference. FDC's shall be painted safety yellow [SCCFD, SP-2 Standard].
70. KNOX KEY BOXES/LOCKS WHERE REQUIRED FOR ACCESS: (As noted on Sheet A004) Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The Knox Key Box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. LOCKS. An approved Knox Lock shall be installed on gates or similar barriers when required by the fire code official. Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. [CFC Sec. 506].
71. Note that a plan review is required prior to any proposed tenant improvement.
72. 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].

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PLANNING COMMISSION – *August 27, 2025 - Draft*
CONDITIONS OF APPROVAL

31 University Avenue
Conditional Use Permit U-25-001

Consider a Request for Approval for Modification of Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: SRI Old Town, LLC
Applicant: Rick Nelson, MBH Architects

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 intensification beyond this authorized use requires a Conditional Use Permit amendment.
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 per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
3. LAPSE FOR DISCONTINUANCE. If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. USE: A formula retail business greater than 10,000 square feet with a restaurant with alcohol service and outdoor seating is permitted.
5. HOURS: The hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday, and 10:00 a.m. to 9:00 p.m., Sunday.
6. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department including a Certificate of Use and Occupancy approval from Planning must be obtained prior to the commencement of any new or change of use.
7. LIVE ENTERTAINMENT: Live entertainment until 10:00 p.m. is permitted in conformance with the Town Policy regulating Late Night Entertainment.
8. GENERAL: Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems occur that are not resolved by the licensed owner.
9. CONFORMANCE WITH CODE. No part of this approval shall be construed to permit a violation of any part of the Code of the Town of Los Gatos.

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10. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS. The subject use shall be conducted in full compliance with all local, state, and federal laws.
11. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

    Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.
12. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

Additional Agency Review

13. ADDITIONAL REQUIREMENTS. Additional agencies may require conformance review or permits for additional requirements, including but not limited to, Santa Clara County Environmental Health Department, West Valley Sanitation, and West Valley Collection and Recycling.

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TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
(408) 354-6872 Fax (408) 354-7593

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

February 26, 2025

Rick Nelson, MBH Architects
Via email

RE: **31 University Avenue**
Planned Development Modification PD-25-001
Architecture and Site Application S-25-004
Conditional Use Permit U-25-001

Requesting Approval for Modification of Planned Development Ordinance to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: SRI Old Town, LLC.
Applicant: Rick Nelson, MBH Architects.
Project Planner: Erin Walters.

On February 26, 2025, the Los Gatos Historic Preservation Committee considered the request, discussed the item, and continued the application to a meeting date certain of March 26, 2025, with the following feedback:

- Although the proposed design is a Mediterranean style, it is not as compatible with the existing Old Town buildings; it is not consistent with the Planned Development; or the character of the University/Edelen Historic District;
- The design should convey a collective of individual structures rather than one consistent and symmetrical massing;
- Consider the addition of tile roofing material; and
- Consider the impact of the skylight from all elevations.

If you have any questions, I can be contacted by phone at (408) 354-6867or by email at ewalters@losgatosca.gov.

Sincerely,

Erin M. Walters, Senior Planner

cc: Lindsey Laird, RH, via email

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TOWN OF LOS GATOS
HISTORIC PRESERVATION
COMMITTEE REPORT

MEETING DATE: 02/26/2025

ITEM NO: 5

DATE: February 21, 2025

TO: Historic Preservation Committee

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Modification of Planned Development Ordinance to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. **Located at 31 University Avenue.** APN 529-02-044. Planned Development Modification PD-25-001, Architecture and Site Application S-25-004 and Conditional Use Permit U-25-001. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: SRI Old Town, LLC. Applicant: Rick Nelson, MBH Architects. Project Planner: Erin Walters.

RECOMMENDATION:

Requesting approval for exterior modifications to an existing commercial building, Building E in the Old Town Los Gatos Shopping Center in the University/Edelen Historic District on property zoned C-2:LHP:PD, located at 31 University Avenue.

PROPERTY DETAILS:

1. Date primary structure was built: 1999
2. Town of Los Gatos Historic Status Code: R
3. Does property have an LHP Overlay? Yes
4. Is structure in a historic district? Yes, University Edelen District
5. If yes, is it a contributor? No
6. Findings required? No
7. Considerations required? Yes

BACKGROUND:

The subject building is located in the Old Town commercial center on the southwest corner of University Avenue and Elm Street. Planned Development Ordinance 2025 was approved in 1996

PREPARED BY: Erin M. Walters
Senior Planner

and provided for redevelopment of Old Town, including construction of several new buildings (Attachment 1). Amongst the new construction completed in 1999 was the subject building, referred to as Building E in the PD Ordinance. The Old Town commercial center remains in the University-Edelen Historic District and the newer buildings support the district, although are not included as Contributors to the district.

Included in PD Ordinance 2025 is a condition that required Building E to be designed so that it appears to be a collective of individual structures that abut each other with a roof design reflective of individual structures (Attachment 1, Condition 15). Once completed, Building E became the longtime home of a restaurant and several retail uses.

In January 2025, the applicant applied for modification of PD Ordinance 2025, an Architecture and Site application for exterior modifications to Building E, and a Conditional Use Permit for formula retail use exceeding 10,000 square feet and for a restaurant. The proposed exterior modifications are the subject of this report and the aspect of the project on which the Committee should focus.

DISCUSSION:

The applicant is proposing to modify the exterior of Building E to establish more cohesive architecture for the future single tenant of the building. The applicant provided a Letter of Justification discussing the proposed project in the context of the historic district (Attachment 2) and Development Plans providing details of the proposed exterior work (Attachment 3). Exterior modifications would be made to all four elevations and include:

- Roof alterations creating consistent and symmetrical massing;
- Changes to window and door shapes, integrating arched and rectangular fenestration;
- New fabric awnings and metal and glass canopy awnings;
- A new skylight; and
- New stucco siding.

A color and materials sheet showing the proposed finishes of the new exterior materials is included on A406 in the Development Plans included as Attachment 3.

CONCLUSION:

The applicant is seeking a recommendation from the Committee for exterior modifications to Building E. Should the Committee find merit in the request, the Committee should forward a recommendation of approval for the request to the Planning Commission. The application package would continue through the discretionary review process and would not return to the Committee.

CONSIDERATIONS:

A. Considerations Required with Recommendation

In evaluating applications, the deciding body shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless:

_____ In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district.

ATTACHMENTS:

1. Planned Development Ordinance 2025
2. Applicant's Request and Letter of Justification
3. Development Plans

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ORDINANCE 2025

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE ZONING ORDINANCE EFFECTING A ZONE CHANGE FROM C-2 LHP TO C-2 PD LHP AT 50 UNIVERSITY AVENUE

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning at 50 University Avenue shown on the map which is attached hereto marked Exhibit A and is part of this Ordinance from C-2 LHP (Central Business District - Landmark Historic Preservation) to C-2 PD LHP (Central Business District - Planned Development - Landmark Historic Preservation).

SECTION II

The PD (Planned Development Overlay) zone established by this Ordinance authorizes the following construction and use of improvements:

1. Demolition of the Steamer's building and numerous accessory structures (shown on the Official Development Plan, sheet 3) and the partial demolition and reconstruction of the Old Town Center. The Old Town Center will be considered demolished by Town Code (definition of demolition of an historic structure) since more than 25 percent of the front exterior walls will be removed, and more than 50 percent of all exterior walls will be removed. The building however, will not be demolished and interior walls will remain;
2. Construction of an underground parking garage with retail above, new commercial building adjacent to St. Luke's Church (20 University Avenue), and reconfiguration of the parking lot as shown on the Official Development Plan;

3. Changing the use of the auditorium to a retail use. A theater use is a permitted use within the existing auditorium, the amphitheater or elsewhere on the site;

4. Landscaping, streets and other improvements shown and required on the Official Development Plan;

5. a. Relocation of the Steamer's restaurant to another space within the project site, subject to the conditions of Steamer's most current Conditional Use Permit [216 seats].

   b. The existing restaurants (Wine Cellar - Suite 12 [49 seats]; California Cafe - Suite 8 [208 seats]; and the Waves (or new tenant) - Suite 1 [91 seats]), are permitted to remain in the existing Old Town Center building subject to their conditions of their Conditional Use Permit; any changes to their use or relocation within the Center on either side of University Avenue or increase in seating, will require a modification to the applicable Conditional Use Permit.

6 Uses permitted are those specified in the C-2 (Central Business District) zone by Sections 29.60.320 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Town Code, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

All provisions of the Town Code apply, except when the Official Development Plan specifically shows otherwise.

SECTION IV

Architecture and Site Approval is required before there are exterior changes to the Old Town Center, demolition of the Steamer's building and construction work of the parking lot, new buildings and reconstruction of the Old Town Center is performed, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 of the Town Code. Interior work of the Old Town Center is permitted to bring the building up to current Building Code and does not need Architecture and Site approval. A Building Permit and other applicable permits may be required for the interior work.

SECTION V

The attached Exhibit A (Map) and Exhibit B (Tentative Map and Development Plans, 20 sheets), are part of the Official Development Plan. The following must be complied with before issuance of any grading, demolition or construction permits:

TO THE SATISFACTION OF THE PLANNING DIRECTOR:

(Planning Section)

1. PARCEL. The parcel shall remain as one parcel.
2. HOLD HARMLESS. The developer has requested the Town's approval and has had the opportunity to review, comment and accept the process and approval. The developer shall hold the Town harmless from any claim or litigation alleging that this ordinance or subsequent approvals obtained by the developer for this project was processed, adopted, or approved in violation of any Federal, State, Town or other local law or regulation of any kind, and shall pay all costs involved in defending any such claim or litigation, including attorney fees.
3. PHASING. All buildings may be worked on simultaneously. Twenty Five percent of the occupancy of Building E shall be held until final occupancy has been given for the existing

Old Town Center and its two parking lots. A map shall be provided prior to the issuance of a building permit, indicating the tenant spaces of Building E and which units are proposed to have their occupancy held. During the final occupancy stage, these held units may be changed with Town approval.

4. TRASH ENCLOSURE/MECHANICAL EQUIPMENT. Trash enclosures and mechanical equipment shall be located as far from residential receptors as possible. The enclosures shall be constructed to provide full screening from residential receptor locations. The location of the trash enclosures will be reviewed during the Architecture and Site approval process. The quietest and smallest capacity heating, ventilation, and air conditions equipment that meets design specifications and Town Noise Ordinance standards shall be used. The roof equipment for Building D shall be restricted to the east end of the building and the vent exhausts shall be directed toward the Old Town parking lot.

5. ACCESS EASEMENT. If the trash pickup is proposed at Parking Lot 6, an access easement shall be required to be obtained from the Town, prior to Architecture and Site approval. If the easement is not granted, the revised trash pickup area shall be considered during the Architecture and Site approval process which may require redesign and/or reduction of building square footage.

6. RECYCLING. All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.

7. STEAMER'S. The outside seating area for the relocated Steamer's restaurant, will be reviewed during the Architecture and Site approval process to ensure it meets all Town Code and Town policy requirements.

8. CLOSED AREAS. All areas to be closed off within the existing Old Town Center shall be explicitly documented to ensure that these areas will not and cannot be used in the future during the Architecture and Site approval process. This documentation of the

closed areas shall be shown on the Architecture and Site plans and building permit plans. These areas shall visually be shown to be closed off during final inspection.

9. PLAQUES. The two plaques which currently exist on the building, (the history of Los Gatos plaque and the dedication to teachers and students plaque), shall be saved and replaced on the building prior to final occupancy.

10. PARKING SPACES. All parking spaces shall conform to current parking requirement dimensions. Parking spaces in the underground garage next to columns, walls or similar obstructions, shall have a minimum width of 9.5 feet. Parking plans will be reviewed during the Architecture and Site approval process.

11. RESTROOMS. The restrooms located within the buildings, which are not elusively for an individual office use, shall be available to the general public.

12. BUILDING D. The back wall (south side next to church) shall be painted to match or harmonize with the existing St. Luke's wall.

13. BUILDING D ACCESS. Access to the space between Building D and the St. Luke's wall may be securely closed to the public and accessible only to the appropriate and permitted maintenance/landscaping personnel.

14. WALL. The proposed 10 foot high wall along the south property line adjacent to St. Luke's Church shall not be constructed. The existing eight foot high wall shall remain. If the church later decides that the wall is needed, and the applicant wishes to install the wall, it shall be permitted with the appropriate approvals and permits from the Town.

15. BUILDING E. During the Architecture and Site approval process, Building E shall be modified as follows:

    a. Open up the center pathway. Building could be moved closer to the south property line to increase width of pathway.

    b. Design structure so that it appears to be a collective of individual structures that abut each other.

c. The roof design shall be reflective of the individual structures (break-up rooflines).

d. Corner tower shall be redesigned into a clipped corner design.

e. Provide more variety in the buildings.

16. STORE DELIVERIES. The area behind Building E, adjacent to Parking Lot 6, shall not be used for deliveries.

17. SIGNS. A sign program shall be submitted as part of the Architecture and Site approval process. Arched wrought iron signs advertising Old Town are permitted as shown on the attached Development Plans (Exhibit B). The margin of measurement for tenant signs may be reduced to a minimum of one inch around all of the words and symbols. The actual dimensions shall be finalized during the Architecture and Site approval process with the sign program. Signs identifying business and the Center shall not be either lighted from the interior or made of translucent materials.

(Engineering Section)

18. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or 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. At the time of Architecture and Site Approval for the project, conformance with the Streetscape Plan for Central Business District Improvements (which includes benches and trash receptacles) will be determined and incorporated with the improvements identified below.

a. University Avenue. Curb, gutter, "Villa Hermosa" sidewalk, curb ramp, driveway approach, street lights, tie-in paving, removal of mid-block crosswalks, signing, striping, storm and sanitary sewers, as required.

b. Elm Street. Curb, gutter, "Villa Hermosa" sidewalk, curb ramp, street lights, tie-in paving, signing, striping, storm and sanitary sewers, as required.

c. Mullen Avenue. Curb, gutter, "Villa Hermosa" sidewalk, curb ramp, driveway approach, street lights, tie-in paving, signing, striping, storm and sanitary sewers, as required.

19. HYDRAULIC CALCULATIONS. At the time of the final design of the project, existing and post-project hydraulic calculation for the project area and associated drainage conveyance facilities between the project and Los Gatos Creek. The hydraulic calculation should include calculations to confirm the preliminary findings of the EIR.

20. MID-BLOCK CROSSWALK. The existing mid-block cross walks shall be removed. No new mid-block crosswalk shall be installed. The only marked crosswalk to the site shall be at the Elm Street/University Avenue intersection and across Mullen Avenue at University Avenue.

21. INSURANCE. One million dollars ($1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before issuance of the building permit.

22. TRAFFIC IMPACT MITIGATION FEE (COMMERCIAL). The developer shall pay a proportional to the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit application is made. The number of trips used in the calculations will be the net additional trips as shown in Table 5-8 of the E.I.R. by Geier & Geier, dated September 1996. The fee shall be paid before issuance of the building permit. The traffic impact mitigation fee for this project using the current fee schedule is $89,280. The final fee shall be calculated from

the final plans using the rate schedule in effect at the time of the building permit application.

23. CHRISTMAS SHOPPING CONSIDERATIONS. Construction shall be scheduled or other measures implemented, to minimize construction impacts during the Christmas shopping season.

24. DEWATERING PLAN. Prior to issuance of a building permit, the project applicant shall prepare a dewatering plan specifying how groundwater would be handled when encountered during excavation, how temporary excavations would be protected from groundwater saturation and how permanent foundations would be kept dry from groundwater as well as from surface water runoff.

25. EROSION CONTROL PLAN. The project applicant shall prepare and implement an erosion control plan in conformance with the Town and California Regional Water Quality Control Board requirements prior to issuance of a building permit. The plan shall account for existing drainage conditions since most runoff generated on the sunken parking lot site during the excavation phase would be too low to drain to adjacent storm drains and would require pumping.

26. STREET LIGHTING. The project applicant shall prepare and submit to the Town during the Architecture and Site approval process, a street lighting program and plan for all streets surrounding the proposed project site.

27. TRAFFIC DIVERTER. At the time of Architecture and Site Application, various methods of preventing Old Town related traffic from using Edelen Avenue from Mullen Avenue shall be explored. The method of traffic diversion chosen shall also be approved by Central Fire Protection District.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS, FORESTRY & MAINTENANCE SERVICES:

28. TREE CARE. All tree care activities shall be accomplished by a licensed, competent tree care firm as approved by and under the supervision of the Director of Parks, Forestry & Maintenance Services.

29. PROTECTIVE FENCING. Prior to any construction or Building Permits being issued, the applicant shall meet with the Director of Parks, Forestry and Maintenance Services concerning the need for protective fencing around the existing trees. Such fencing is to be installed prior to, and be maintained during construction.

30. NEW TREES. Newly planted trees shall be double-staked, using rubber tree ties and shall be planted prior to acceptance of the subdivision.

31. IRRIGATION. No irrigation or planting shall be permitted under the dripline of existing native trees. All newly planted material shall be irrigated by an in-ground irrigation system.

32. CONSTRUCTION. No construction or grading shall take place within the dripline of existing trees.

33. AERATION TUBES. Any impervious area (excluding roadways) encroaching under the dripline of existing trees shall have aeration tubes installed.

34. LANDSCAPE PLAN. A precise landscaping plan shall be submitted at the Architecture and Site Approval stage of development. Planting on the south back of Building D shall be done in cooperation with St. Luke's Church.

35. WATER EFFICIENCY. This project is subject to the Town's Water Efficient Landscape Ordinance as per Chapter 26 Article IV of the Town Code. A review fee based on current resolution shall be paid when the landscape, irrigation plans and water calculations are submitted for review. Plans and fees must be submitted prior to issuance of a building permit.

36. ARBORIST REQUIREMENTS. The following measures from the Coate study (1996) shall be enforced to minimize damage to the three Oak trees:

a. The foundation which is installed ten feet from the fence, beginning 50 feet east of the curb, must be of pier and beam foundation design, not standard L-footing.

b. If an additional wall is installed adjacent to the existing property line wall, it shall also be of a pier and grade beam foundation design with the beam laid on top of the existing grade.

c. When pavement is removed from any area beneath the canopy of one of these trees, the pavement must be removed by breaking the pavement up with a jackhammer or by manual labor, and the broken pieces shall be loaded into a skip loader which is standing on undisturbed pavement. Roots which are exposed in the top three inches of soil, with removal of that pavement, shall be protected from compaction or other damage.

d. Under no circumstances shall equipment be allowed to drive on the exposed soil once the pavement has been removed until protection has been installed over the newly exposed roots.

e. The protective surfaces shall include a four inch layer of tree chips over any surface beneath the tree canopy which is newly exposed.

f. If it becomes necessary to drive construction equipment over any of those newly exposed areas, 1.5 inch plywood sheets shall be laid over a five inch layer of tree chips to prevent compaction of the soil by equipment wheels.

g. As part of the contract specifications for the general contractor and all subcontractors, construction personnel shall not be allowed to prune any of the Oak tree limbs or branches located direly above construction. An arborist certified by the International Society of Arboriculture shall be called to prune the canopy of the trees over the parking lot before

construction begin begins, if any conflicts arise between actual construction and the tree at later stages of construction, only the arborist shall be allowed to do additional pruning to solve the problem. All pruning must follow Western Chapter, International Society of Arboriculture Pruning Standards.

h. The two Oak trees located closest to University Avenue shall be fertilized by injecting a liquid fertilizer mix into all areas beneath the canopies of these trees, including that on the south side of the existing wall. The fertilizer shall be composed of Greenbelt 22-14-14 soluble fertilizer mixed at four pounds of fertilizer per 100 gallons of water, and injected at 10 gallons of this mix per one inch of trunk diameter into all areas beneath the canopy in exposed soil or through bricks where that becomes the only method by which fertilizer can be supplied to the root zone.

TO THE SATISFACTION OF THE DIRECTOR OF BUILDING AND ENGINEERING SERVICES:

37. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Standard Specifications for Public Works Construction. All work shall conform to the applicable Town ordinances. Adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of day. Dirt and debris shall not be washed into storm sewers. The storing of goods and materials on the sidewalk and/or street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.

38. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Construction 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 rejection of work that went on without inspection.

39. EROSION CONTROL (COMMERCIAL). Interim and final erosion control plans shall be prepared and submitted to the Engineering Development Section of the Planning Department. On sites over 5 acres, at Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Region Water Quality Control Board. Grading activities shall be limited to the period of least rainfall (April 15 to October 1). A maximum of two weeks is allowed between clearing of an area and stabilizing/building on this area if grading that is allowed to go on during the rainy season. In addition, straw bales and plastic sheeting shall be stored on-site for emergency control, if needed. Install filter berms, check dams, retention basins, silt fences, and straw bale dikes as needed on the project site, to protect downstream water quality during winter months.

40. UTILITIES. The developer shall install all utility service, including telephone, electric power, and other communications lines underground, as required by Town Code §27.50.015(b).

41. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to, curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, or signs shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvements 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. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

42. CURB RAMPS. The developer shall construct three or four (3 or 4) curb ramps according to State Standard Drawings at the crosswalks at University Avenue/Elm Street, University Avenue/Mullen Avenue and the University Avenue entrance. The exact number will be determined at the time of Architecture and Site Approval. The actual "Case" as shown on the standard to be used will be decided by the Engineering Construction Inspector during the construction phase.

43. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, the original plans shall have all changes (change orders and field changes) clearly marked. The "As-built" plans shall again be signed and "wet-stamped" by the engineer who prepared the plans, attesting to the changes. The original "As-built" plans shall be reviewed and approved the Engineering Inspector. A photo Mylar of the approved "As-built" plans shall be provided to the TOWN before the release of the Faithful Performance Security.

44. DRIVEWAY APPROACH. The developer shall install four (4) Town Standard Commercial driveway approaches in the locations shown on the Official Development Plan. The new driveway approaches shall be constructed per Town Standard Detail S-5.

45. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit and will require construction security.

46. GARAGE ACCESS RAMP. The garage access ramp shall be widened to 30 feet. This will facilitate ingress and egress from the garage and allow the placement of a parking control station in the future. The ramp shall be clearly signed to prohibit pedestrian use.

47. BUILDING "E" PARKING. The underground garage can be used for construction worker parking once the Town Building Official has finaled the private use of the garage. In addition, the entrance to the parking garage shall be monitored at all time that it is open (e.g., guard, gate, etc.) to ensure it is not used by the public prior to the issuance of a Certificate of Occupancy for Building "E".

48. PARKING CONTINGENCY PLAN. The applicant shall prepare a construction worker parking contingency plan, to be implemented if directed to do so by the Town, to have construction workers park off-site. The plan shall include designation of a specific off-site location for all construction worker parking. This location shall not be within the Central Business District (C-2 zone) unless Town Council gives the authorization to a specific site, and workers shall be shuttled from the off-site location. The parking contingency plan shall be approved by the Director of Building and Engineering Services prior to the issuance of a building permit.

49. CONSTRUCTION DELIVERIES. All construction deliveries shall be restricted to the hours between 9:00 a.m. and 3:00 p.m. to minimize school and downtown impacts. The applicant should monitor construction activities to ensure that traffic flow along University are not adversely affected by materials/equipment deliveries. At no time shall street blockages be permitted that would impact the mobility of emergency service vehicles.

50. PEDESTRIAN ACCESS. Construction activities shall be planned and implemented so as to minimize disruption to pedestrian and vehicular traffic. The sidewalk shall be kept open on at least one side of each street at all times.

51. SANITARY SEWER LATERAL. Sanitary sewer laterals shall be televised by West Valley Sanitation District at the developer's expense and approved by the Town of Los Gatos before they are used or reused. Install sanitary sewer lateral clean-outs at the property line.

52. GREASE TRAPS. Meet all requirements of the County Health Department and West Valley Sanitation District for the interception, separation, or pretreatment of effluent for all existing and new uses.

53. NOISE REDUCTION. Equipment used for project construction shall utilize control techniques (improved mufflers, equipment redesign, use of silencers, ducts and mufflers) in order to minimize construction noise impacts. Construction noise shall be minimized by requiring the project contractors to agree with the following measures:

a. If the Noise Ordinance noise standard cannot be met at the Mullen Avenue property boundary or along the church boundary, temporary wooden fencing shall be erected during construction along that boundary.

b. A member of the project applicant's team shall be appointed to enforce construction hours allowed by Town Ordinance. The project applicant shall introduce this person to the Town staff and have this person accessible to the Town during all site preparation and construction activities.

c. Elimination of unnecessary idling of equipment.

d. Good maintenance and lubrication procedures shall be used on all construction equipment to reduce operating noise.

54. HAZARDOUS MATERIALS PLAN. A management plan for hazardous materials shall be prepared by the developer. This management plan shall identify all suspected hazardous materials (including contaminated soils, groundwater, PCBs, lead-based paints, asbestos) and specify applicable regulations that would determine appropriate handling and disposal of hazardous materials. The management plan shall provide detailed quantification of the types and quantities of asbestos. The plan shall also provide guidelines for the handling and disposal of lead-based paints. When handling and disposing of lead-based paints, appropriate measures shall be required to ensure compliance with applicable state hazardous waste and OSHA regulations (worker safety). The plan shall include plans for site safety/worker protection, sampling and investigation, and disposal/remediation for materials which exceed regulatory action levels and are determined to be hazardous. For suspected hazardous materials (contaminated soil and groundwater) which may be encountered during construction, contingency plans for site safety/worker protection, sampling and investigation, and disposal/remediation shall be included; these shall be based on soil and groundwater sampling and testing that have been completed to date. The plan shall be filed with the Town and all other appropriated agencies. Appropriate contract specifications shall be imposed on construction contractors

for proper handling and disposal of hazardous materials consistent with the required management plan. The developer shall complete an asbestos survey of the Steamer's building prior to demolition. The developer shall ensure that all existing asbestos containing materials are removed, closed off or encapsulated by a licensed abatement contractor prior to site preparation for renovation, rehabilitation and removal of any materials or fixtures. This will include undertaking a physical examination of the project site to determine the amount of each type of material to be closed off, encapsulated or removed, and mapping areas where asbestos containing materials are to be closed off, encapsulated and/or removed. An inspection and maintenance program shall be developed for any areas closed off or encapsulated to prevent any fiber release.

55. HAZARDOUS MATERIAL PREPARATION. During demolition and excavation activities, the developer shall be prepared for the potential of encountering hazardous materials in areas not already characterized. The developer shall be alerted for visible evidence of hazardous materials, such as soil discoloration, suspicious odors, or presence of underground tanks, piping or other buried building materials and shall provide for the collection of grab samples in the area of suspected contamination.

56. GROUNDWATER. If groundwater is encountered during project construction and dewatering is required, the developer shall undertake sampling and testing of the encountered groundwater in accordance with the contingency sampling and investigation plan. If groundwater is found to contain contaminants which exceed regulatory action levels, it may not be discharged into the existing storm drain system. Removal and handling of the contaminated groundwater shall be done in a manner acceptable to the Regional Water Quality Control Board, the Town and other jurisdictional agencies. Once more detailed project plans become available, the Town may choose to require the developer to submit a Notice of Intent (NOI) to the California Regional Water Quality Control Board prior to construction. If required, the NOI letter shall include mapping,

potential pollutant lists, and a detailed description of drainage factors regarding the project site during construction.

57. ELEVATOR CONTAMINANTS. The existence of contaminants in soil beneath the existing elevator room shall be determined and appropriate remediation shall be completed as required by applicable federal, state and local regulations. Appropriate contract specifications shall be imposed on construction contractors for proper handling and disposal of hazardous materials consistent with the required management plan.

58. PCB'S. The developer shall request PG&E to test the two transformers for PCBs and if present, PCBs shall be removed and disposed of properly.

59. NOTIFICATION REQUIREMENTS. The developer shall comply with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos, in accordance with Section 19827.5 of the California Health and Safety Code (adopted January 1, 1991).

60. EXISTING BASEMENT. While the existing hazard posed in the crawl hole basement area of Building B is not an impact of the proposed project, this area shall be immediately be closed off or abated and the soil decontaminated by a licensed abatement contractor (prior to initiation of any work on the proposed project). In the event the crawl hole basement of this area is permanently closed off, an inspection and maintenance program shall be developed to prevent any fiber release.

61. ASBESTOS EXPOSURE. All necessary measures shall be implemented to protect operating merchants, employees and customers from exposure to asbestos.

62. BAAQMD. To comply with BAAQMD nuisance abatement rules, the following dust (PM10) control measures shall be included as conditions of the grading permit:

    a. Water all active construction areas at least twice daily.

    b. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.

c. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

d. Sweep (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.

e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

63. GEOLOGIC HAZARDS CHECKLIST. The developer shall submit to the Town a Geologic Hazards Checklist, as outlined by the California Department of Conservation Division of Mines and Geology, and appropriate geotechnical design studies demonstrating that the probable lateral forces experienced at the project site from a seismic event have been taken into consideration in the design and construction plans for the proposed project. These studies shall address building foundation design for the parking garage and Buildings D and E as well as for any seismic retrofit found to require new or upgraded foundations in Buildings A and B. Project plans for seismic retrofitting of Buildings A and B shall demonstrate conformance with 1994 Uniform Building Code requirements (including 1995 California amendments) and/or recommendations made by Boley Consulting Engineers, whichever requirements are determined to be appropriate by the Town.

64. SEISMIC RETROFIT. The developer shall provide plans or designs for structural repairs in order to seismically retrofit the existing buildings. Such plans or designs shall include any and all foundations needed to support each location of seismic retrofitting. Proposed plans shall conform to the current Uniform Building Code, with California amendments in effect in Town.

65. BUILDING CODE. Project plans shall demonstrate conformance with current Uniform Building Code requirements (including California amendments in effect in Town) and/or recommendations made by Boley Consulting Engineers (whichever requirements are determined to be appropriate by the Town) to repair and upgrade the structures in order

to integrate the structural system and to make Buildings A and B capable of providing resistance to gravity and seismic loads.

66. The westerly wall of the underground garage under Building E shall contain a structurally designed section or sections that would structurally accommodate being knocked out for access to and from a possible future below-grade parking level on Town Parking Lot No. 6.

TO THE SATISFACTION OF CENTRAL FIRE PROTECTION DISTRICT

67. SPRINKLERS. Fire sprinkler system shall be modified as necessary for Buildings A, B and C. An automatic fire sprinkler system shall be installed in Buildings D and E and the parking garage.

68. HYDRANTS. Additional fire hydrants may be required. This will be determined during the Architecture and Site approval process.

TO THE SATISFACTION OF THE CHIEF OF POLICE

69. LIGHTING. The stairwells and building recesses shall have proper lighting with illumination no less than five foot candles at five feet off the ground. If telephones are provided, they shall be located in the open courtyard, not hidden away behind walls.

TO THE SATISFACTION OF SANTA CLARA COUNTY WATER DISTRICT

70. DRAINAGE. There shall be no overbank drainage into the Los Gatos Creek from grading the site. Storm runoff shall be collected via an onsite storm drain system and distributed to an existing city storm drain system or an outfall into the creek. If an outfall is desired, it shall be designed in accordance with District guide sheets.

71. PERMIT. A District permit is required for any construction adjacent to or within the Los Gatos Creek.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on December 2, 1996, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on December 16, 1996. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES: Steven Blanton, Jan Hutchins, Randy Attaway
Vice Mayor Linda Lubeck

NAYS: None

ABSENT: Mayor Joanne Benjamin

ABSTAIN:

SIGNED: Linda L. Lubeck
VICE MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST: Marian D Cooper
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



50 UNIVERSITY AVE

EXHIBIT A

TOWN OF LOS GATOS

Application No. Z-96-1. Change of zoning map amending the Town Zoning Ordinance.

☒ Zone Change from C-2 LHP to C-2 PD LHP

☐ Prezoning to _____

RECOMMENDED by Planning Commission date 11/13/96

Approved by Town Council date December 16, 1996 Ord. 2025

Clerk Marian Cooper Mayor VICE-MAYOR

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RH

January 29, 2025

Historic Preservation Committee
110 E. Main Street
Los Gatos, CA 95030

Project: **RH – Los Gatos**
Location: 31 University Ave

Subject: **Supplemental Letter of Justification for Architecture and Site Approval; Planned Development Ordinance Amendment**

PROJECT DESCRIPTION & REQUEST

RH is proposing a remodel to a 15,330 sq. ft. building located at 31 University Avenue, which will feature an innovative retail experience seamlessly integrating luxury home furnishings collections within a curated hospitality program (the "Proposed Project"). The existing building at 31 University Avenue is governed by a Planned Development Ordinance and is also located within the University/Edelen Historic District ("Historic District") of Los Gatos as a non-contributing structure.

Due to these overlays, **RH is requesting architecture and site approval from the Historic Preservation Committee, as well as an amendment to Planned Development Ordinance 2025, adopted on December 16, 1996**. Specifically, RH is seeking to remove the requirements set forth in the Ordinance that states the building be designed "so that it appears to be a collective of individual structures that abut each other," to allow a more harmonious façade that better relates to its surroundings.

Please refer to the Letter of Justification dated January 8, 2025 for further information on RH, site details and our proposed uses.

LANDMARK AND HISTORICAL PRESERVATION OVERLAY - STANDARDS FOR REVIEW AND FINDINGS

The Proposed Project is located within a landmark and historic preservation overlay as a non-contributing structure, specifically the University/Edelen Historic District ("Historic District"). As such it is subject to Division 3 – Historic Preservation and LHP or Landmark and Historic Preservation Overlay Zone of the Town's Code of Ordinances, specifically Section 29.80.290 (2), shown below in **bold**.

> Sec. 29.80.290. Standards for review.
>
> In evaluating applications, the deciding body shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall

not be granted unless:

(1) On landmark sites, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the landmark (and, where specified in the designating ordinance for a publicly owned landmark, its major interior architectural features) nor adversely affect the character of historical, architectural or aesthetic interest or value of the landmark and its site.

(2) In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district.

(3) For pre-1941 structures, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application.

In designing a remodel of the existing non-contributing building at 31 University Ave, RH prioritized harmony and compatibility in the facade design as well as with its surrounding context. The Proposed Project is sensitive to and supportive of the larger Historic District as it expands the Mediterranean components of the existing building's style while maintaining the existing building's footprint, setbacks, massing, and density. This expansion of the Mediterranean style is represented by the Proposed Project's building material, stucco, as well as in the doors and window rhythm, type and proportions, which are consistent with both the existing building's Mediterranean style, as well as that of the larger Old Town Shopping Center across University Ave.

The plaster material, rectangular and arched windows, and rhythm of roof/window line individually and together relate to the existing structure at 31 University and the larger Old Town Shopping Center. In particular, the stucco and proposed openings evoke the style of 50 University Ave, a significant commercial structure within the University/Edelen Historic District. The Proposed Project limits decorative details and scale however, in sensitivity and support of the Historic District's contributing structures.

As a result of these limited stylistic choices, the Proposed Project successfully creates a harmonious façade design that assimilates into, rather than competes with, its surroundings and the larger Historic District. Consequently, the Proposed Project does not adversely change the exterior of the existing building or adversely impact its relationship with its neighboring structures and the larger Historic District.

Thank you for your consideration of this application.

RH

January 8, 2025

Sean Mullin, Planning Manager
Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Project: **RH – Los Gatos**
Location: 31 University Ave

Subject: **Letter of Justification for Architecture and Site Approval; Conditional Use Permit; Planned Development Ordinance Amendment**

PROJECT DESCRIPTION & REQUEST

RH is requesting architecture and site approval, as well as a conditional use permit ("CUP") for 1) formula retail use exceeding 10,000 sf, and 2) for restaurant use with the selling of alcoholic beverages for consumption on-premises. Additionally, RH is requesting an amendment to Planned Development Ordinance 2025, adopted on December 16, 1996. RH is seeking these approvals to allow for the remodel of a 15,330 sq. ft. building located at 31 University Avenue, which will feature an innovative retail experience seamlessly integrating luxury home furnishings collections within a curated hospitality program (the "Proposed Project").

BACKGROUND

A curator of design, taste and style in the luxury lifestyle market, RH offers collections through its retail galleries, sourcebooks and online at RH.com, RHContemporary.com, RHModern.com, RHBabyandChild.com, RHTEEN.com, and Waterworks.com.

Committed to creating architecturally inspiring and immersive retail spaces that blur the lines between residential and retail, indoors and outdoors, home and hospitality, RH Design Galleries are bespoke design destinations presenting the largest curated and fully integrated assortment of luxury home furnishings in the world. From restored landmark buildings to grand-scale contemporary structures, these architecturally inspiring spaces reimagine and redefine the shopping experience.

Designed with sensory-inspiring spaces that cannot be replicated online, these innovative and architecturally significant retail environments include lush gardens, professional design services, one-of-a-kind culinary experiences, and artistic installations of curated RH Collections by internationally acclaimed designers and artisans across the globe.

In addition to RH Madrid, the Gallery at Plaza del Marqués de Salamanca, RH Aynho Park, a magnificent 17th-century estate in the English countryside, and RH Brussels, a grand 18th century French baroque mansion prominently situated on the premier Boulevard de Waterloo, RH chairman & CEO Gary Friedman has revitalized several landmark properties across North America, including the former Museum of Natural History in Boston, the historic Three Arts Club in Chicago, the Historic Post Office in Greenwich, Connecticut; the Bethlehem Steel Building in San Francisco, and the brand's impressive Gallery in New York's Meatpacking District.

The plan for a RH Design Gallery, together with a food and beverage program, allows for the reimagination of an exceptional building that is appropriately scaled and sited on a key intersection of Old Town Los Gatos.

SITE DETAILS

The existing 15,330 sf building for the Proposed Project is sited at the corner of University Ave and Elm St, and sits on a 4.18 acre parcel that spans both sides of University Ave which houses an outdoor retail center known as the Old Town Shopping Center.

The Proposed Project will combine two previously separate tenant spaces within the existing building, which were previously home to a 6,400 sf Steamers of Los Gatos and a 8,641 sf Gap.

The zoning for the site is C-2:LHP:PD: Central Business District with a Landmark & Historic Preservation and Planned Development overlay. The Proposed Project's uses are allowed per zoning with a Conditional Use Permit. The Proposed Project will maintain the existing square footage of the existing building and would comply with the zoning ordinance standards for setbacks and building height.

ARCHITECTURE

The primary proposed building material is a multi-coat cement plaster system with steel and aluminum decorative building elements. The existing structural system is maintained in place. Architectural aluminum windows line the exterior elevations and provide transparency across the facades facing Elm St, University Ave, and along the pedestrian pass-through on the building's southern side.

The length of the facades across University Ave and Elm St are scaled down through sections that alternatively step back in ground plane from each other. These wall panels also alternatively feature rectangular- or semicircular- topped windows, as well as a parapet line that steps up and down in height in line with the panels. These features ultimately provide a sense of rhythm, symmetry, visual relief, and interest to the length of the existing building. Further, the fenestration sits materially inside the edge of the exterior wall, providing for deep shadows, which along with projected louvered awnings add additional textural detail across the facades.

Finally, the full-service restaurant sits centrally inside the Proposed Project and is covered by a pyramidal skylight that brings in light and highlights the cafe as a central gathering space. Barrel-vaulted hallways bookend both sides of the cafe, which add an uncommon architectural expression, facilitates a unique play of light, and creates a sense of place as customers enter the Gallery or exit the cafe.

USES

A majority of the Proposed Project will display furniture and décor in a series of complete living, bath, and bed rooms. There will also be a restaurant on the ground floor beyond the entryway, along with a kitchen and other back of house. An Interior Design Studio room will also be sited toward the back of the store, where interior designers can provide customers further assistance. The vision within the building is to reimagine the retail experience by blurring the lines between residential and retail, hospitality and home, indoors and outdoors – creating an immersive retail environment that is more home than store. All amenities will be made available to the public during the hours of store operation.

CONDITIONAL USE PERMIT FINDINGS

In the C-2 zone, Town code requires a CUP for a formula retail business exceeding 10,000 sf and for restaurant use with the selling of alcoholic beverages for consumption on-premises (Section 29.20.185). Los Gatos stipulates terms for the approval or denial of conditional use permits under Section 29.20.190. The Proposed Project and its uses will comply with the objectives in the following manner:

(1) The proposed uses of the property are essential or desirable to the public convenience or welfare;

The proposed uses provide for a bespoke dining and shopping experience which will be desirable to both residents and visitors as a destination within Los Gatos. Further, the Proposed Project will be an addition to an existing RH gallery at 26 N Santa Cruz Ave, which has been an integral part of the Los Gatos community for over 10 years.

(2) The proposed uses will not impair the integrity and character of the zone;

The proposed use will not impair the integrity and character of the zone as it is a commercial use located in a commercial zone.

Further, the Proposed Project is consistent with the Commercial Design Guidelines for C-2A zones and as a non-contributing structure within a historic preservation district. The Proposed Project maintains the existing building's massing and density, reimagines the existing facade variation, and maintains the pedestrian pass-through along the southern wall.

(3) The proposed uses would not be detrimental to public health, safety or general welfare;

The proposed uses, formula retail use and restaurant use with the selling of alcoholic beverages for consumption on-premises, represent no change from the current uses of the most recent tenants at the existing building (Gap and Steamer's), and would not be detrimental to public health, safety, and general welfare.

(4) The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this chapter.

The proposed uses are in harmony with the General Plan and the Town Code because they contribute to the variety of commercial uses in the Central Business District.

The goals and policies of the 2040 General Plan (2020 Land Use and Community Development Elements) applicable to this project include, but are not limited to:

Policy LU-1.4: Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.

Policy LU-9.3: Encourage a mix of retail and office uses in commercial areas, except in the Central Business District designation, where retail should be emphasized and office should be limited to upper floors and other areas as defined by the Town Code.

Policy LU-9.6: Encourage development that maintains and expands resident-oriented services and/or creates employment opportunities for local residents consistent with overall land use policies of the Town.

Policy CD-1.4: Development on all elevations shall be of high quality design and construction, a positive addition to and compatible with the Town's ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods.

(5) A hazardous waste facility proposal is subject to the California Health and Safety Code, Article 8.7, Section 25199—25199.14 and shall be consistent with the Santa Clara County Hazardous Waste Management Plan.

Not Applicable

PD ORDINANCE AMENDMENT FINDINGS

The Proposed Project is located within a landmark and historic preservation overlay ("LHP") as a non-contributing structure. The Proposed Project is also governed by a planned development overlay ("PD"), specifically PD Ordinance 2025, adopted on December 16, 1996. RH seeks to amend the PD Ordinance as proposed. Town code Section 29.80.120 allows for amendments to PD's, provided the proposed amendment meets the requirements and findings of Town code Section 29.80.095. The proposed PD Amendment and the Proposed Project comply with the required findings in the following manner:

(1) The proposed PD is in compliance with all sections of this division.

The proposed PD amendment is within the limitations of use of a planned development as it pertains to property within an LHP overlay zone, and serves to enhance the Town's historic resources that provide a public benefit to the citizens of the Town.

(2) The proposed PD is in conformance with the goals, policies, and applicable land use designation(s) and standards of the Town's general plan.

The proposed PD amendment maintains a baseline set of requirements consistent with the Town's general plan. The policies consistent with the PD amendment include, but are not limited to:

Policy LU-6.5: The type, density, and intensity of new land use shall be consistent with that of the immediate neighborhood.

Policy LU-9.3: Maintain a variety of commercial uses, including a strong Downtown commercial area combined with Los Gatos Boulevard and strong neighborhood commercial centers to meet the shopping needs of residents and to preserve the small-town atmosphere.

Policy CD-9.1: Exterior building materials in the Central Business District should be consistent with those used in existing, tastefully executed surrounding buildings.

Policy CD-12.2: Encourage the preservation, maintenance, and adaptive reuse of existing residential, commercial or public buildings.

(3) The proposed PD is in conformance with all other applicable land use regulations, including but not limited to Town Council adopted guidelines, except as otherwise provided in section 29.80.095(4).

The PD amendment seeks a modification to specifically to requirements in PD Ordinance 2025 but otherwise maintains a baseline set of requirements consistent with the Town's land use regulations and design guidelines, including Ordinance 1920 and 2168, which governs over the University/Edelen Historic District, and which includes the Proposed Project's site.

The Proposed Project is consistent with the design guidelines for the remodel of a non-contributing structures within the University/Edelen Historic District. The Proposed Project is sensitive to and supportive of the larger District as it expands the Mediterranean components of the existing building's style while maintaining the existing building's footprint, setbacks, massing, and density. The Proposed Project's stucco building material, as well as doors and window rhythm, type and proportions, are consistent to the existing building's Mediterranean style, as well as that of the larger Old Town Shopping Center across University Ave. In particular, the stucco and proposed openings evoke the style of 50 University Ave, a significant commercial structure within the LHP. The Proposed Project limits decorative details and scale however, to in sensitivity and support of the District's contributing structures.

The proposed PD amendment and Proposed Project also conform with required findings for LHP applications per Town Code Section 29.80.290, as the proposed work does not adversely affect the exterior architecture or its relationship with its surroundings:

Sec. 29.80.290. Standards for review. In evaluating applications, the deciding body shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless:

(2) In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the

application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district.

(4) Any proposed use or development standards that deviate from the underlying zoning district(s) result in innovative and creative site planning to develop:

b. Mixed commercial, or mixed residential, or mixed commercial and residential development; or
e. The proposed PD provides a public benefit to the citizens of the Town.

The proposed PD amendment facilitates the revitalization of a vacant storefront into a mixed commercial amenity of innovative and creative use programming for the benefit of both residents and visitors, which satisfies conditions (b) and (e) above.

CONCLUSION

We believe the Proposed Project will enhance the corner of University Ave and Elm St in Old Town Los Gatos by at once seamlessly fitting into the character and scale of the neighborhood surrounding, while also providing visual interest through harmonious, textured, and elevated design. While the Proposed Project's programming does not represent a change of use from the existing use at the building, the reimagined dining and shopping space will help improve customer experience, thereby helping to activate pedestrian activity in this area.

The Proposed Project:

- Respects the existing scale and character of surrounding structures, and blends rather than competes with the established character of the area.
- Presents elevations that are of high-quality design and construction, and a positive addition to and compatible with the Town's ambiance. The Proposed Project enhances the character and unique identity of the existing commercial neighborhood.
- Represents no change in use from the former tenants at the existing building; rather the Proposed Project will improve and reimagine a blend of both uses under one roof.

DEVELOPER and DESIGN FIRM INFORMATION

RH

RH is a curator of design, taste and style in the luxury lifestyle market. The company offers collections through its retail galleries, sourcebooks and online at RH.com, RHContemporary.com, RHModern.com, RHBabyandChild.com, RHTEEN.com, and Waterworks.com.

RH operates Galleries and outlets throughout the U.S., Canada, UK and Europe.

There are places you visit and those you remember™

Awards and Recognition

Award of Merit - Interior/Tenant Improvement – ENR Mountain States - RH Denver - 2016

Connecticut Preservation Award - Connecticut Trust for Historic Preservation – Former Greenwich Post Office - 2015

Preservation Excellence Award (Adaptive Reuse) – Chicago Landmarks – Three Arts Club - 2016

MBH Architects

MBH Architects is a full service architecture and integrated services firm building innovative solutions from offices in the San Francisco Bay Area, New York City, Denver, Mumbai and Bengaluru since 1989.

MBH Architects is a Minority-Owned Business Enterprise (MBE) with staff from around the world. Their wide array of experience includes over 10,000 projects of nearly every project type, and their global reach spans more than 96 countries worldwide. MBH Architects take incredible pride in our work and clients' satisfaction.

Awards and Recognition

Gold - Shop! Design Awards - Bucherer Time Machine Flagship Store - 2023

Commercial Construction & Renovation Project Profile Award - 300 Grant - 2021

AIA East Bay Design Awards - 930 Brittan - 2021

Urban Confluence Design Competition - Breeze of Innovation - 2021

Honorable Mention - MNSD’s Retail Renovation Competition - Peet’s Coffee Georgetown - 2017

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RH - LOS GATOS

31 UNIVERSITY AVE,
LOS GATOS, CA 95030

ABBREVIATIONS

&	AND
@	AT
A/C	AIR CONDITIONING
ACT	ACOUSTICAL CEILING TILE
ADAAG	AMERICANS WITH DISABILITIES ACT
AFF	ABOVE FINISH FLOOR
ADJ	ADJUSTABLE
AHU	AIR HANDLING UNIT
ALUM/AL	ALUMINUM
APPROX	APPROXIMATE
ARCH	ARCHITECTURAL
BD	BOARD
BLDG	BUILDING
BLKG	BLOCKING
BM	BEAM
BOW	BOTTOM OF
BOT	BOTTOM
BSMT	BASEMENT
CJ	CONTROL JOINT
CL	CENTER LINE
CLG	CEILING
CLG HGT	CEILING HEIGHT
CLR	CLEAR
CMU	CONCRETE MASONRY UNIT
CNTR	COUNTER
CO	CASED OPENING
COL	COLUMN
CONSTR	CONSTRUCTION
CONT	CONTINUOUS
CPT	CARPET
CSK	COUNTERSINK
CT	CERAMIC TILE
CTR	CENTER
DBL	DOUBLE
DET	DETAIL
DF	DRINKING
DIM	DIMENSION
DN	DOWN
DR	DOOR
DR OPNG	DOOR OPENING
DWG	DRAWING
EA	EACH
ELEC	ELECTRICAL
ELEV	ELEVATION
EMER	EMERGENCY
EQ	EQUAL
EQUIP	EQUIPMENT
ETR	EXISTING TO REMAIN
EWC	ELECTRIC WATER COOLER
EXIST / (E)	EXISTING
EXH	EXHAUST
EXP	EXPANSION
EXT	EXTERIOR
FA	FIRE ALARM
FD	FLOOR DRAIN
FE	FIRE EXTINGUISHER
FEC	FIRE EXTINGUISHER CABINET
FF	FINISH FACE
FIN	FINISH
FIXT	FIXTURE
FLR	FLOOR
FLUOR	FLUORESCENT LIGHTING
FOC	FACE OF CONCRETE
FOF	FACE OF FINISH
FOS	FACE OF STUD
FRT	FIRE RETARDANT TREATED
FT	FOOT (FEET)
FTG	FOOTING
GA	GAGE
GALV	GALVANIZED
GC	GENERAL CONTRACTOR
GL	GLASS or GLAZING
GR	GRADE
GWB	GYPSUM WALLBOARD
GYP	GYPSUM
HC	HOLLOW CORE
HCWD	HOLLOW CORE WOOD DOOR
HDWD	HARDWOOD
HDWR	HARDWARE
HM	HOLLOW METAL
HMF	HEATING, VENTILATION & COOLING
HORIZ	HORIZONTAL
HT	HEIGHT
HVAC	HEATING VENTILATION AIR CONDITION
HW	HOT WATER
IN	INCH
INCL	INCLUDED
INSUL	INSULATION
INT	INTERIOR
JAN	JANITOR
JT	JOINT
JST	JOIST
L	LONG (LENGTH)
LAV	LAVATORY
LAM	LAMINATE
LW	LIGHTWEIGHT
LF	LINEAR FEET
LIN	LINEAR FOOT
LH	LEFT HANDED
LL	LANDLORD
MAT	MATERIAL
MAX	MAXIMUM
MECH	MECHANICAL
MFR	MANUFACTURER
MIN	MINIMUM
MISC	MISCELLANEOUS
MTD	MOUNTED
MTL	METAL
NAT	NATURAL
NIC	NOT IN CONTRACT
NOM	NOMINAL
NTS	NOT TO SCALE
O/	OVER
OA	OPEN ABOVE
OD	OUTSIDE DIAMETER
OPP	OPPOSITE
OPNG	OPENING
PLAM	PLASTIC LAMINATE
PLYWD	PLYWOOD
PR	PAIR
PT	PAINT
PT	PORCELAIN TILE
PTD	PAINTED
P.T.	PRESSURE TREATED
PTN	PARTITION
R	RISER
RAD	RADIUS
RCP	REFLECTED CEILING PLAN
REC	RECESSED
REQD	REQUIRED
REF	REFERENCE
RESIL	RESILIENT
RM	ROOM
RH	RIGHT HAND
RM	ROOM
RO	ROUGH OPENING
RWL	RAIN WATER LEADER
SC	SOLID CORE
SD	SMOKE DETECTOR
SECT	SECTION
SF	SQUARE FOOT (FEET)
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATION
SQ	SQUARE
SST	STAINLESS STEEL
STD	STANDARD
STL	STEEL
STN	STAIN
SYS	SYSTEM
T	TREAD
T&G	TONGUE & GROOVE
THK	THICKNESS
THR	THRESHOLD
TOB	TOP OF BEAM
TOC	TOP OF CONCRETE
TOJ	TOP OF JOIST
TOM	TOP OF MASONRY
TOS	TOP OF SLAB
TOS	TOP OF STEEL
TOW	TOP OF WALL
TPD	TOILET PAPER DISPENSER
TYP	TYPICAL
UC	UNDERCUT
UNO	UNLESS NOTED OTHERWISE
VAR	VARIES
VCT	VINYL COMPOSITION TILE
VERT	VERTICAL
VIF	VERIFY IN FIELD
VP	VENEER PLASTER
W/	WITH
W/O	WITHOUT
WA	WALL ANCHOR
WC	WATER CLOSET
WD	WOOD
WF	WIDE FLANGE
WH	WATER HEATER
WP	WORKING POINT
WR	WATER RESISTANT
WSCT	WAINSCOT
WT	WEIGHT

PROJECT TEAM

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CIVIL ENGINEER:
WSP
700 S. FLOWER STREET, SUITE 2100
LOS ANGELES, CA 90017
PHONE: 213-266-5260
CONTACT: CHRIS JONES
PRINCIPAL
EMAIL: CHRIS.JONES@WSP.COM

GENERAL NOTES

1. DO NOT SCALE THE DRAWINGS.
2. VERIFY FIELD CONDITIONS PRIOR TO COMMENCEMENT OF EACH PORTION OF THE WORK.
3. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR ANY PORTION OF THE WORK WHICH IS PERFORMED WITHOUT A PERMIT ISSUED BY A REGULATORY AUTHORITY OF THE MUNICIPALITY IN WHICH THE PROJECT IS LOCATED.
4. THROUGHOUT THIS SET OF DRAWINGS, THE TERM "SOW" REFERS TO THE CLIENT/TENANT. THE TERM "LANDLORD" REFERS TO THE PROPERTY OWNER.
5. THE CONTRACTOR SHALL MAKE NO REVISIONS, ALTERATIONS OR CHANGES TO THE WORK AS SHOWN IN THE CONTRACT DOCUMENTS WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARCHITECT AND/OR SOB REPRESENTATIVE. NO ADDITIONAL COSTS FROM THE GENERAL CONTRACTOR SHALL BE CONSIDERED AND THE WORK SHALL BE CONSIDERED AS INCOMPLETE UNTIL SUCH APPROVAL IS IN EFFECT.
6. SEE SPECIFICATIONS FOR ADDITIONAL CRITERIA AND CONSTRUCTION REQUIREMENTS.
7. DIMENSIONS SHOWN AS "AT" SHALL BE VERIFIED BY THE CONTRACTOR IN THE FIELD BY LAYING OUT THE PARTITIONS. NOTIFY ARCHITECT OF ANY DISCREPANCIES IN DIMENSIONS PRIOR TO PROCEEDING WITH WORK.
8. DIMENSIONS SHOWN AS 'CLEAR OF 'HOLD' SHALL BE MAINTAINED AND ALLOW FOR THICKNESS OF FINISHES, INCLUDING FLOOR FINISHES. NOTIFY ARCHITECT OF ANY DISCREPANCIES IN DIMENSIONS PRIOR TO PROCEEDING WITH WORK.
9. DIMENSIONS SHOWN TO STRUCTURAL GRID OR TO FINISH SURFACES, UNLESS OTHERWISE INDICATED.
10. ELEVATIONS REFERENCED ARE ABOVE SOB FINISH FLOOR FOR EACH ROOM THROUGHOUT TENANT SPACE, UNLESS OTHERWISE NOTED. FINISH FLOOR ELEVATIONS MAY VARY FROM ROOM TO ROOM DEPENDING UPON FLOOR FINISHES.
11. GENERAL CONTRACTOR SHALL PROVIDE THE BUILDING OFFICIAL WITH A CERTIFICATE OF CONSTRUCTION COMPLIANCE WITH ENERGY CONSERVATION REQUIREMENTS PRIOR TO FINAL INSPECTION AND ISSUANCE OF OCCUPANCY PERMITS.
12. GENERAL CONTRACTOR SHALL PREPARE THE FLOOR LEVEL AND SMOOTH AND PROVIDE FOR THE FILLING OF ALL FLOOR DRAINS, FLOOR SINKS OR OTHER SUCH DEPRESSIONS, CRACKS OR IRREGULARITIES IN FLOOR SLAB.
13. PROVIDE BLOCKING AT WALLS TO MEET CODE MINIMUM WHERE REQUIRED FOR SUPPORT OF FIXTURES/ACCESSORIES.
14. GENERAL CONTRACTOR SHALL PROVIDE ACCESS PANELS FOR ALL TRADES AS REQUIRED BY CODE, LOCATIONS TO BE APPROVED BY ARCHITECT AND/OR SBD REPRESENTATIVE PRIOR TO INSTALLATION.
15. FIRE EXTINGUISHERS AND CABINETS AS REQUIRED BY LOCAL GOVERNMENT AGENCY SHALL BE PROVIDED BY GENERAL CONTRACTOR AND INCLUDED IN CONTRACT.
16. STORAGE IN STOCK/STORAGE ROOMS SHALL BE MAINTAINED 18 INCHES OR MORE BELOW SPRINKLER HEAD DEFLECTORS. A 3-INCH RED STRIPE SHALL BE MARKED ALONG ALL WALLS WITHIN STOCK/STORAGE AT THE MAXIMUM STORAGE HEIGHT, AND STRIPE SHALL BE LABELED " NO STORAGE ABOVE THIS LINE" IN WHITE LETTERS A MINIMUM OF ONCE ON EACH WALL

PROJECT DATA

APN:	529-32-044
EXISTING E01 BUILDING AREA (GROSS):	7,233 SF
EXISTING E05 BUILDING AREA (GROSS):	8,724 SF
(NO CHANGE TO EXISTING GROSS AREA)	
OCCUPANCY GROUP:	M & A-2 S-2 (GARAGE)
STORIES:	2- STORY
CONSTRUCTION TYPE:	IIIB, VB
OCCUPANT LOAD:	M - 185 OCC A-2 - 100 OCC
SPRINKLERED (YES/NO):	YES (EXISTING)

SCOPE DESCRIPTION

TENANT IMPROVEMENT OF TWO-GROUND FLOOR TENANT SPACES. THE TWO SPACES WILL HAVE THE INTERIOR DEMOLISHED AND RE-CONFIRMED INTO ONE SPACE. THE NEW USE WILL BE A RETAIL SHOWROOM INCLUDING A RESTAURANT.

THERE IS NO CHANGE IN GROSS BUILDING AREA OR PROPOSED USE.

SCOPE TO INCLUDE COMPLETE BUILD-OUT WITH ASSOCIATED PLUMBING, MECHANICAL, ELECTRICAL, KITCHEN EQUIPMENT AND FINISHES THROUGHOUT.

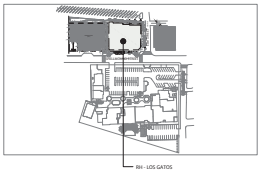
CODE INFORMATION

AUTHORITY HAVING JURISDICTION:	TOWN OF LOS GATOS	
BUILDING CODE:	CALIFORNIA BUILDING CODE	2022
GREEN BUILDING CODE:	CALIFORNIA GREEN BUILDING STANDARDS CODE	2022
ACCESSIBILITY CODE:	CALIFORNIA BUILDING CODE	2022
ENERGY CODE:	CALIFORNIA ENERGY CODE	2022
MECHANICAL CODE:	CALIFORNIA MECHANICAL CODE	2022
PLUMBING CODE:	CALIFORNIA PLUMBING CODE	2022
ELECTRICAL CODE:	CALIFORNIA ELECTRICAL CODE	2022
FIRE CODE:	CALIFORNIA FIRE CODE	2022
HEALTH CODE:	CALIFORNIA RETAIL FOOD CODE	2022

VICINITY MAP

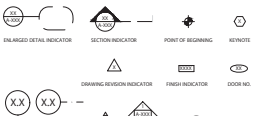


KEY PLAN



SYMBOLS LEGEND





DRAWING INDEX

SHEET NO	SHEET NAME	100% SCHEMATIC DESIGN PACKAGE	11/22/2024 PLANNING SUBMITTAL	01/09/2025 PLANNING SUBMITTAL 2				
	ARCHITECTURAL							
A000	COVER SHEET	●	●	●				
A004	SIGN PLAN	●	●	●				
A010.1	EXISTING FLOOR PLAN	●	●	●				
A100	EXISTING BASEMENT PLAN	●	●	●				
A101	FLOOR PLAN	●	●	●				
A104	ROOF PLAN	●	●	●				
A200	EXTERIOR ELEVATIONS	●	●	●				
A201	EXTERIOR ELEVATIONS	●	●	●				
A202	EXISTING EXTERIOR ELEVATIONS			●				
A203	EXISTING EXTERIOR ELEVATIONS			●				
A300	BUILDING SECTIONS	●	●	●				
A400	EXISTING BUILDING PHOTOS	●	●	●				
A401	EXISTING BUILDING PHOTOS	●	●	●				
A402	EXTERIOR BUILDING RENDERS	●	●	●				
A403	EXTERIOR BUILDING RENDERS	●	●	●				
A404	INTERIOR BUILDING RENDERS	●	●	●				
A405	INTERIOR BUILDING RENDERS	●	●	●				
A500	EXISTING PHOTOS	●	●	●				
A550	EXTERIOR SIGNAGE STUDY/INTERFACE FACE	●	●	●				

LIGHTING								
LT-1.0	EXISTING LAYOUT		●	●	●			
LT-2.0	EXTERIOR LIGHTING EXISTING		●	●	●			



PLUMBING CALCULATIONS

OCCUPANCY LOAD PER 2022 CBC TABLE 1004.5

FUNCTION OF SPACE	OCCUPANCY LOAD FACTOR (SQUARE FEET)	SQUARE FOOTAGE	TOTAL OCCUPANTS
MERCANTILE	1 PER 60	11073 SF	185 OCC
ASSEMBLY (WITHOUT FIXED SEATS) UNCONCENTRATED	1 PER 15	900 SF	60 OCC
FIXED BOOTH SEATING	1 PER 24"		36 OCC
KITCHEN	1 PER 200	800 SF	4 OCC
TOTAL:		12,776 SF	286 OCC

*PER TABLE CPC 4-1 FOOTNOTE - ACCESSORY AREAS SUCH AS, BUT NOT LIMITED TO HALLWAYS/CORRIDORS, STAIRWAYS, RAMPS, TOILET ROOMS, MECHANICAL ROOMS, CLOSETS AND FIXED EQUIPMENT MAY BE EXCLUDED.
*PER TABLE CPC 422.1 - RESULT IN FRACTIONAL NUMBERS, SUCH NUMBER SHALL BE ROUNDED TO THE NEXT WHOLE NUMBER. FOR MULTIPLE OCCUPANCIES, FRACTIONAL NUMBER SHALL BE FIRST SUMMED AND THEN ROUNDED TO THE NEXT WHOLE NUMBER.

M OCCUPANCY (PER OCC. LOAD) // GROUND FLR

185 OCCUPANTS | 93 MALE & 93 FEMALE

i. WATER CLOSET (M): 93 OCCUPANTS X 1/100 = .93
ii. WATER CLOSET (F): 93 OCCUPANTS X 1/100 = .93
iii. URINAL (M): 93 OCCUPANTS X 1/200 = .47
iv. LAVATORY (M): 93 OCCUPANTS X 1/200 = .47
v. LAVATORY (F): 93 OCCUPANTS X 1/200 = .47

+

A-2 OCCUPANCY (PER OCC. LOAD) // GROUND FLR

100 OCCUPANTS | 50 MALE & 50 FEMALE

i. WATER CLOSET (M): 50 OCCUPANTS X 1/50 = 1
ii. WATER CLOSET (F): 50 OCCUPANTS X 1/25 = 2
iii. URINAL (M): 50 OCCUPANTS X 1/200 = .25
iv. LAVATORY (M): 50 OCCUPANTS X 1/150 = .34
v. LAVATORY (F): 50 OCCUPANTS X 1/150 = .34

=

SUM UP ALL REQUIRED FIXTURES

i. WATER CLOSET (M): .93 + 1 = 1.93 -> 2
ii. WATER CLOSET (F): .93 + 2 = 2.93 -> 3
iii. URINAL (M): .47 + .25 = .72 -> 1
iv. LAVATORY (M): .47 + .34 = .81 -> 1
v. LAVATORY (F): .47 + .34 = .81 -> 1

FRACTIONAL METHOD	WATER CLOSETS		URINALS	LAVATORIES	
	M	F		M	F
TOTAL	2	3**	1	1	1
REQUIRED	1		1	2	
PROVIDED	4		1 WC	6	

**POTTY PARITY - PER CPC 422.1 NOTE 3 - THE TOTAL NUMBER OF REQUIRED WATER CLOSETS FOR FEMALES SHALL BE NOT LESS THAN THE TOTAL NUMBER OF REQUIRED WATER CLOSETS AND URINALS FOR MALES.

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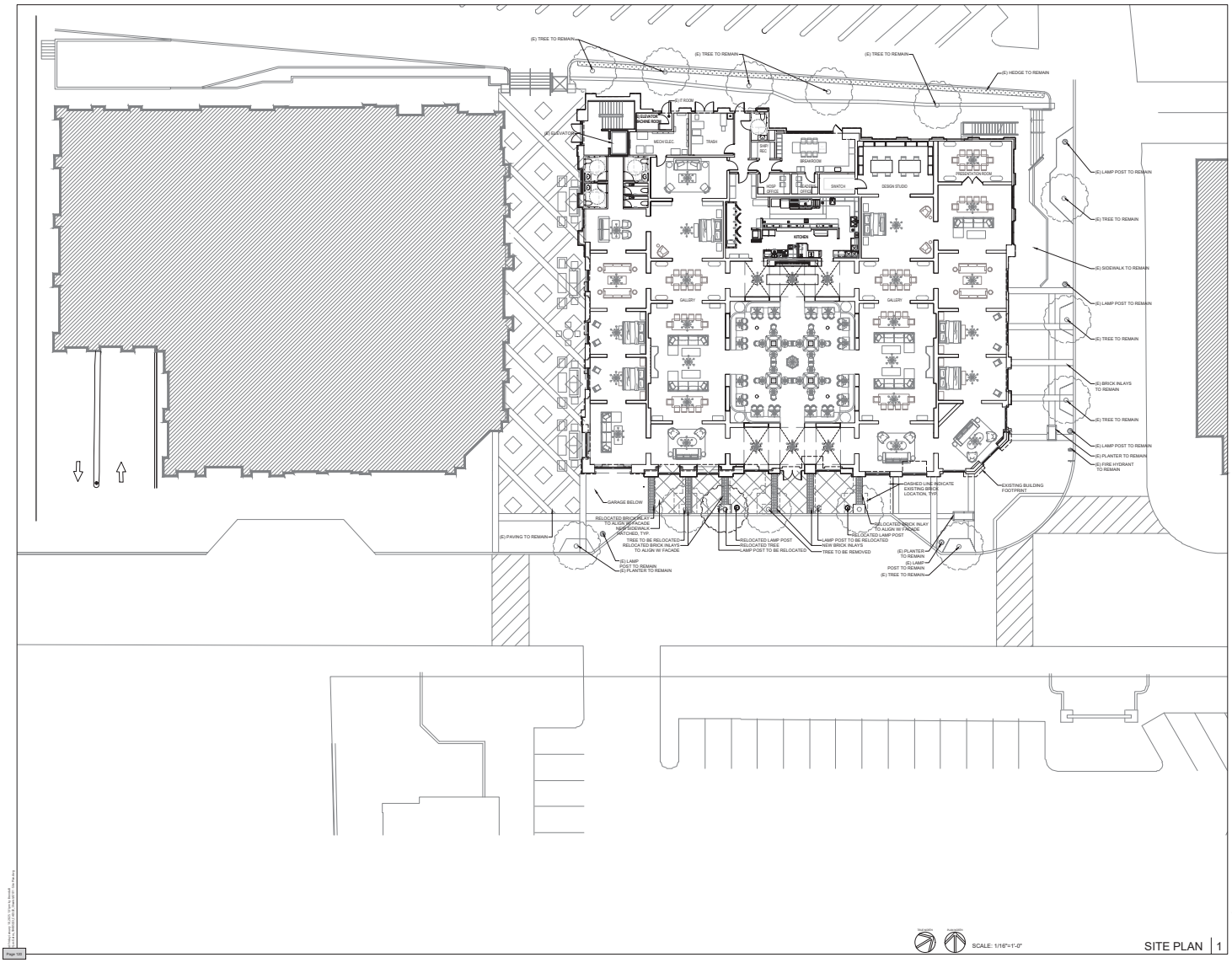
Project No. 59485
Drawn By: Brenda B
Reviewed By: Rick N
Scale As noted
Drawing Title

COVER SHEET

Drawing No.

A001

Page 119



SCALE: 1/16"=1'-0"

SITE PLAN | 1

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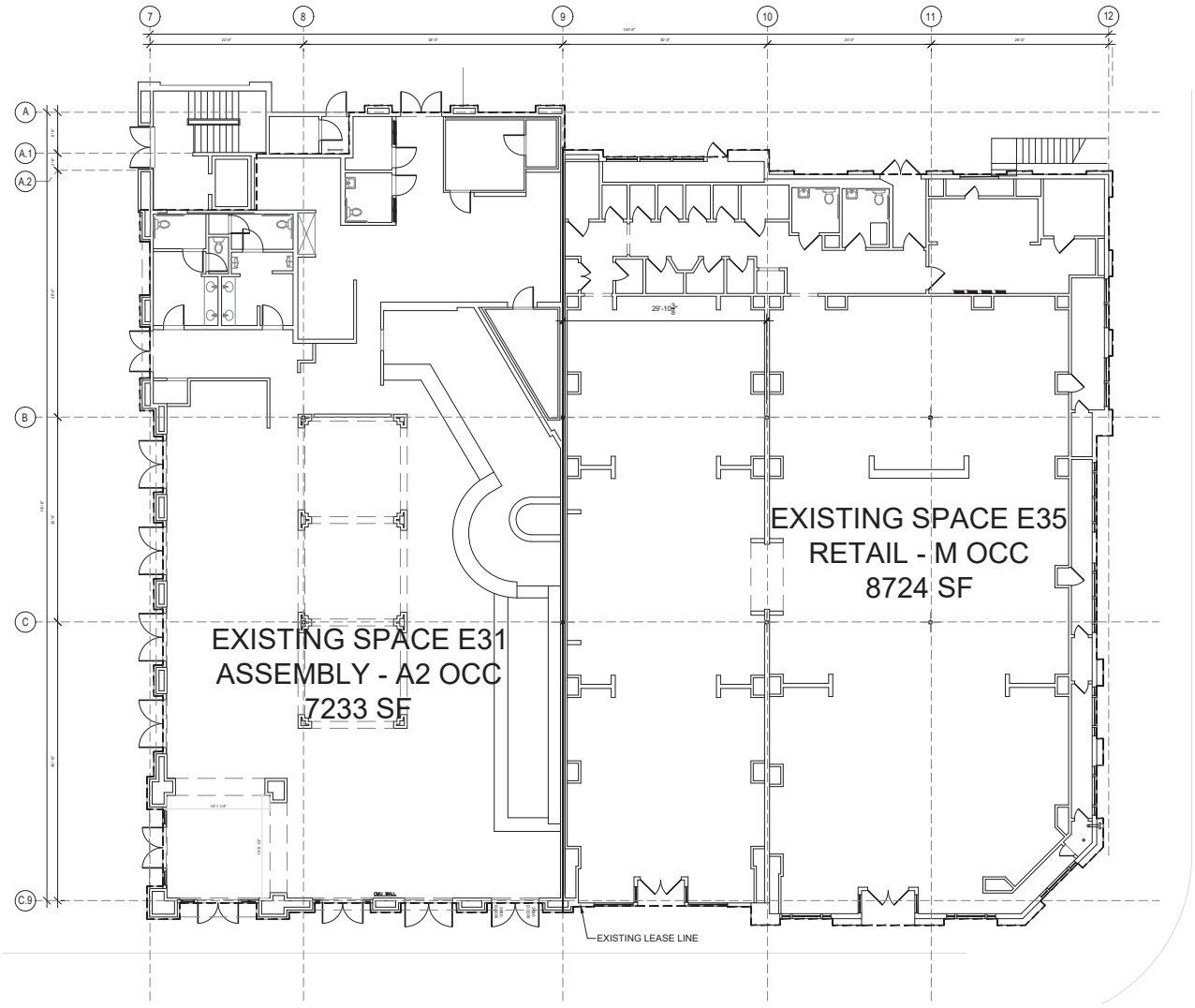
Drawing Title

SITE PLAN

Drawing No.

AS101

Page 250



SCALE: 3/16"=1'-0"

EXISTING FLOOR PLAN | 1

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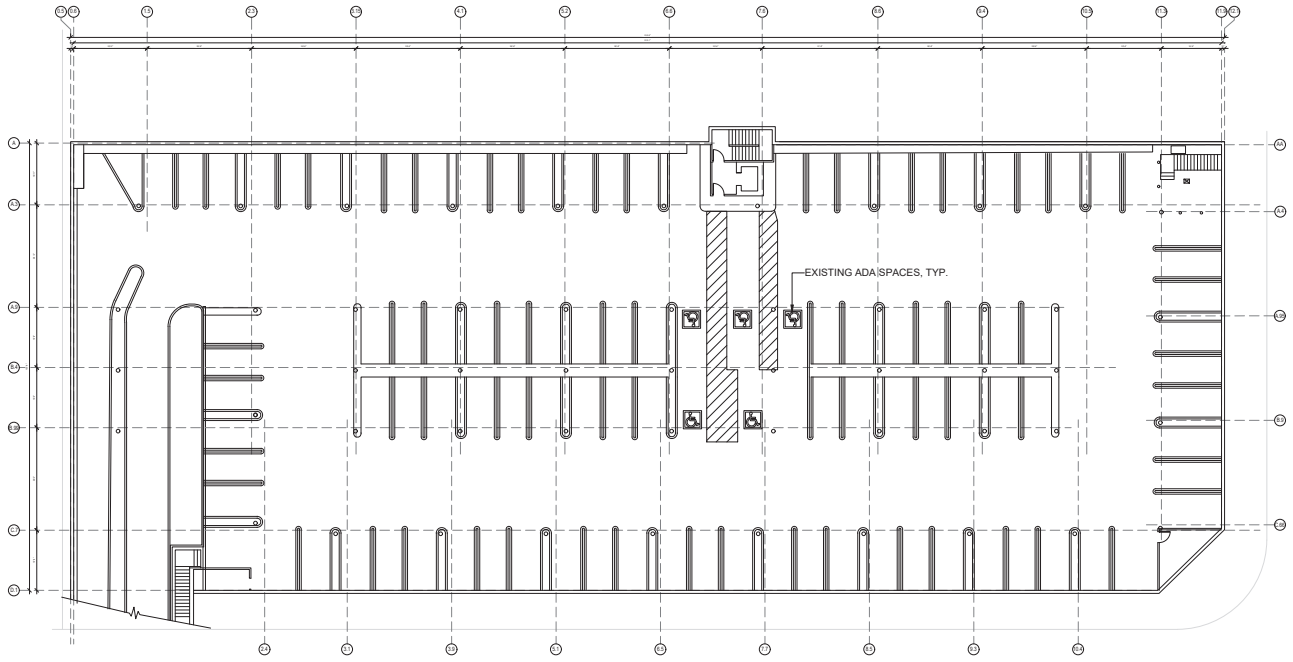
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EXISTING FLOOR PLAN

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AD101

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FOR REFERENCE ONLY

SCALE: 3/32"=1'-0" EXISTING BASEMENT PARKING PLAN | 1

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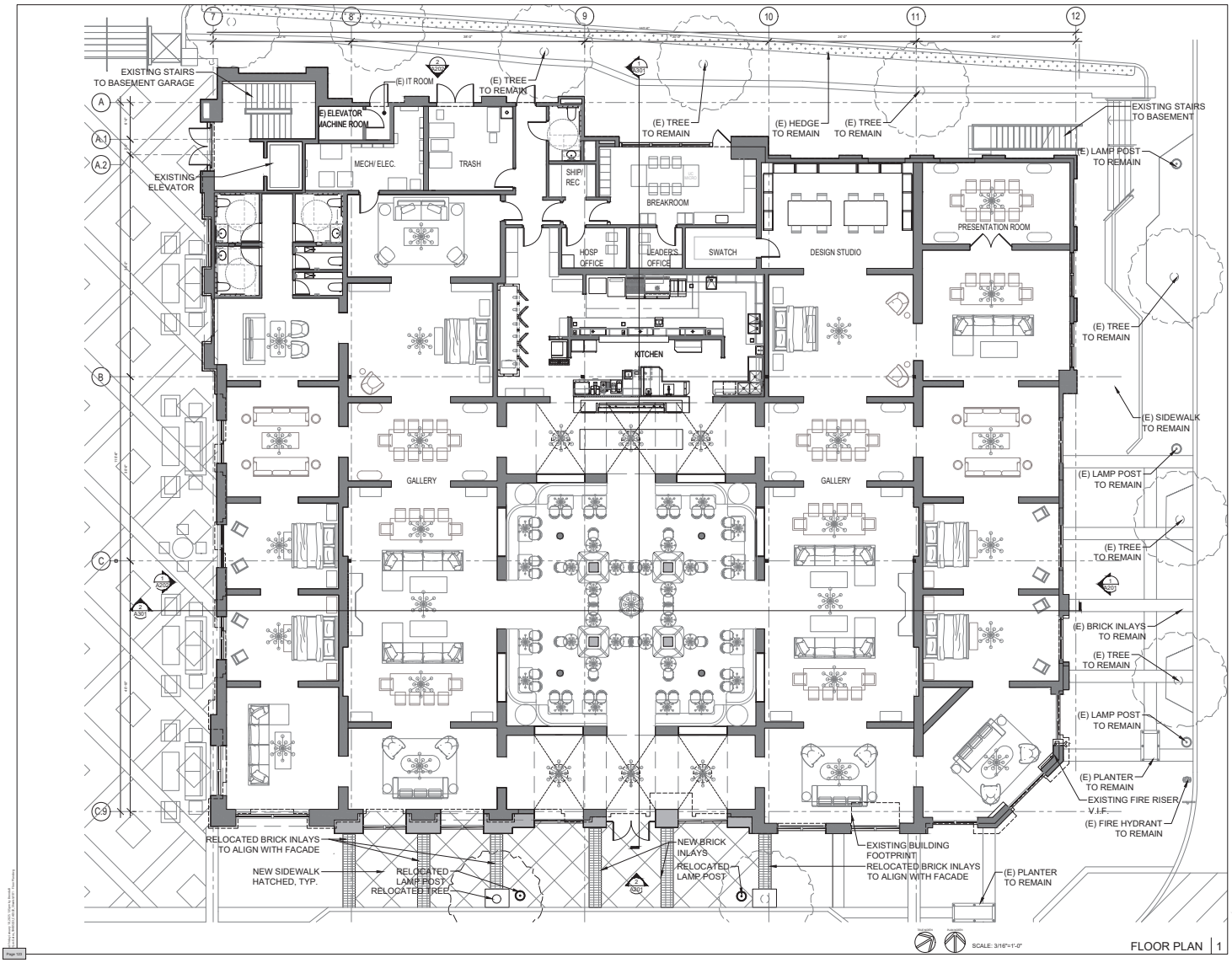
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EXISTING BASEMENT PLAN

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FLOOR PLAN | 1

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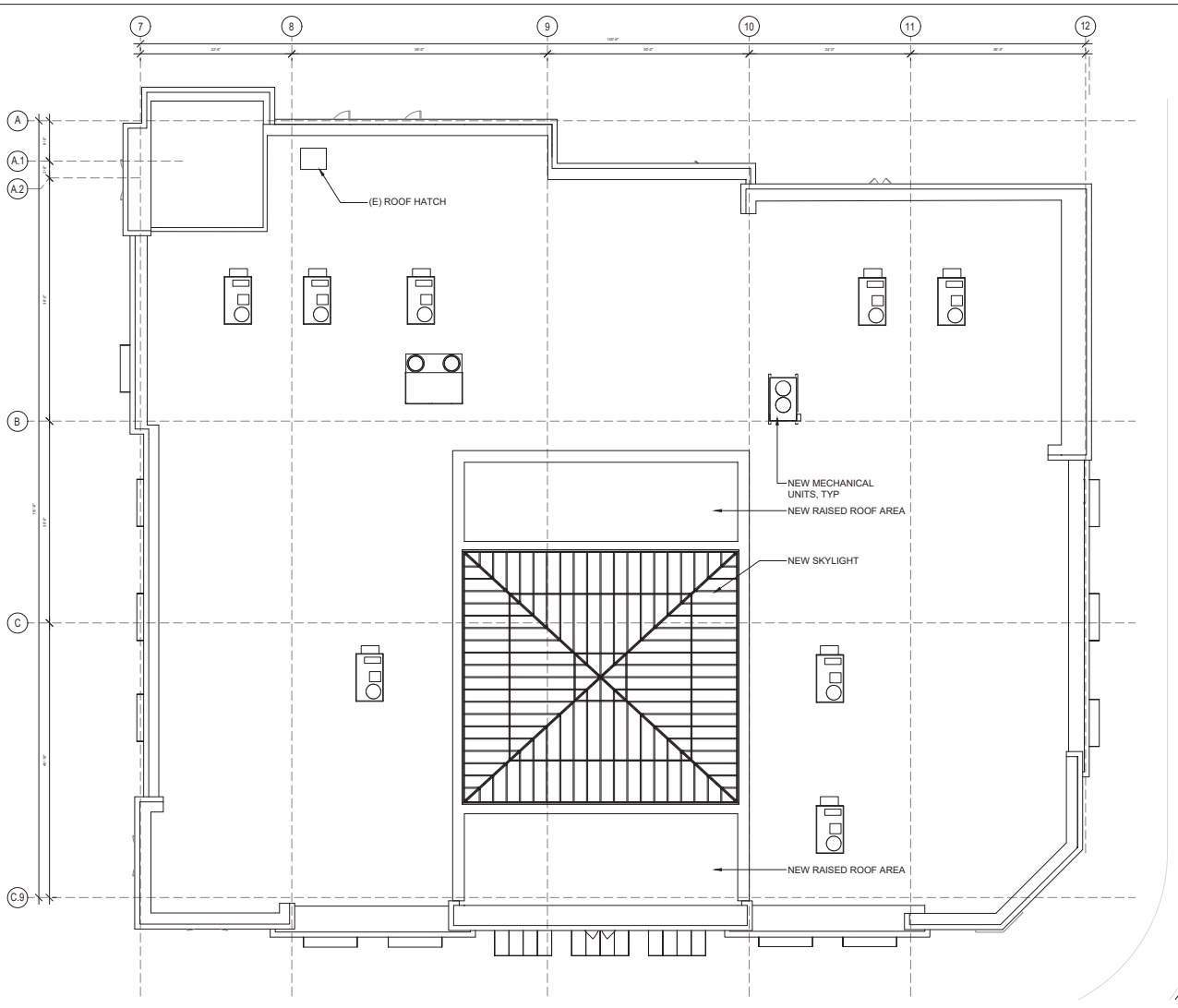
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Drawing Title

FLOOR PLAN

Drawing No.

A101



SCALE: 3/16"=1'-0"

ROOF PLAN | 1

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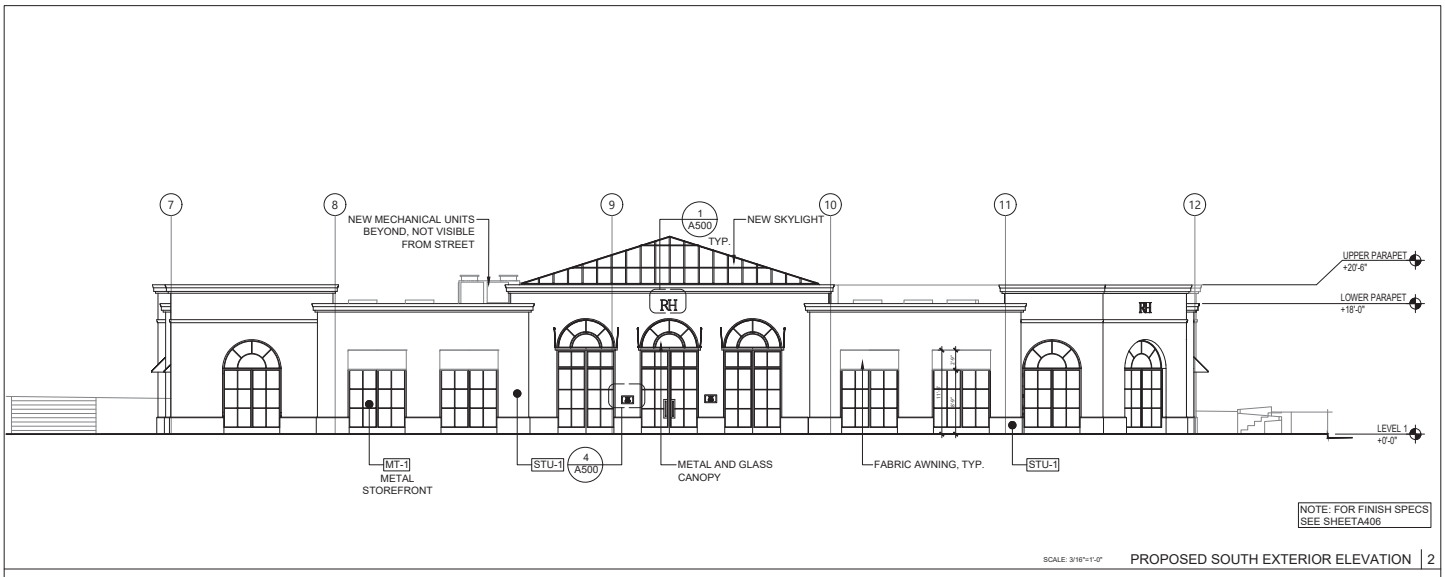
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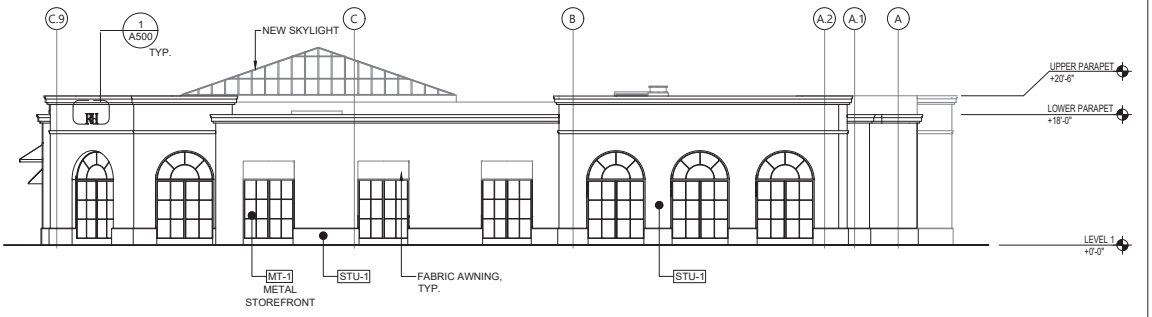
ROOF PLAN

Drawing No.

A104



SCALE: 3/16"=1'-0" PROPOSED SOUTH EXTERIOR ELEVATION | 2



SCALE: 3/16"=1'-0" PROPOSED EAST EXTERIOR ELEVATION | 1

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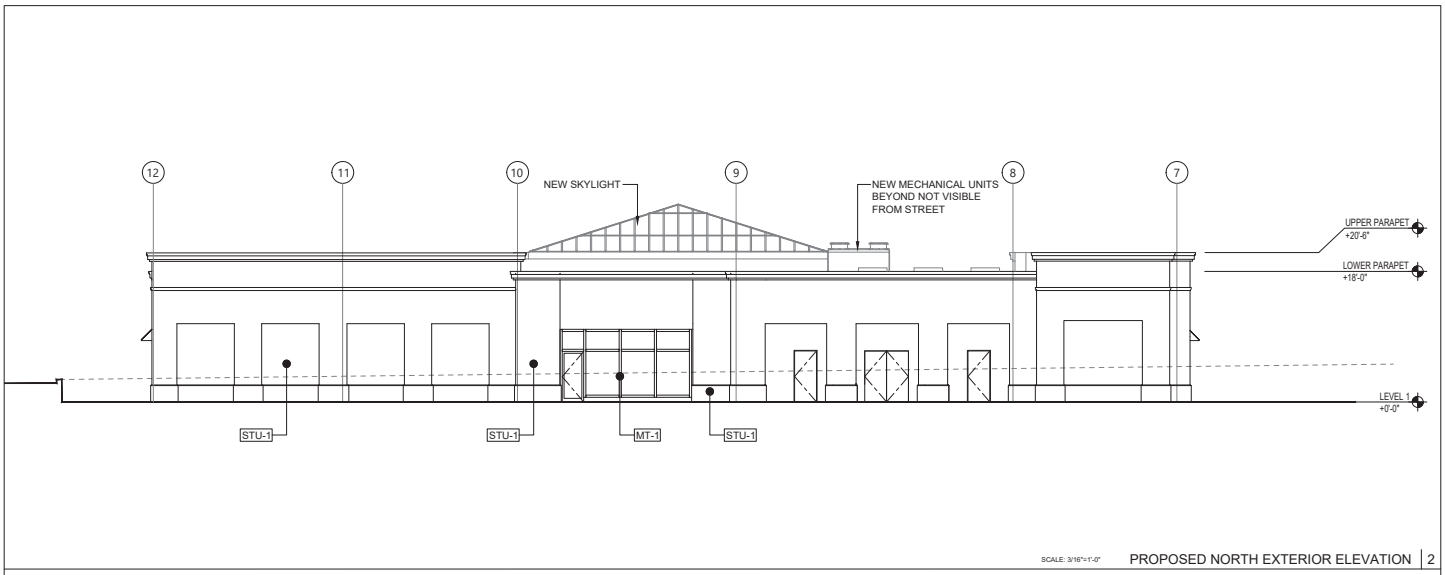
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EXTERIOR ELEVATIONS

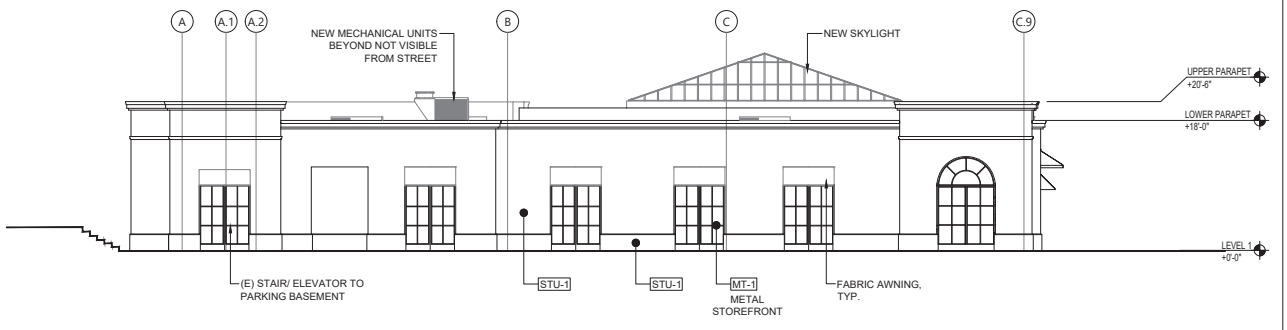
Drawing No.

A201

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SCALE: 3/16"=1'-0" PROPOSED NORTH EXTERIOR ELEVATION | 2



SCALE: 3/16"=1'-0" PROPOSED WEST EXTERIOR ELEVATION | 1

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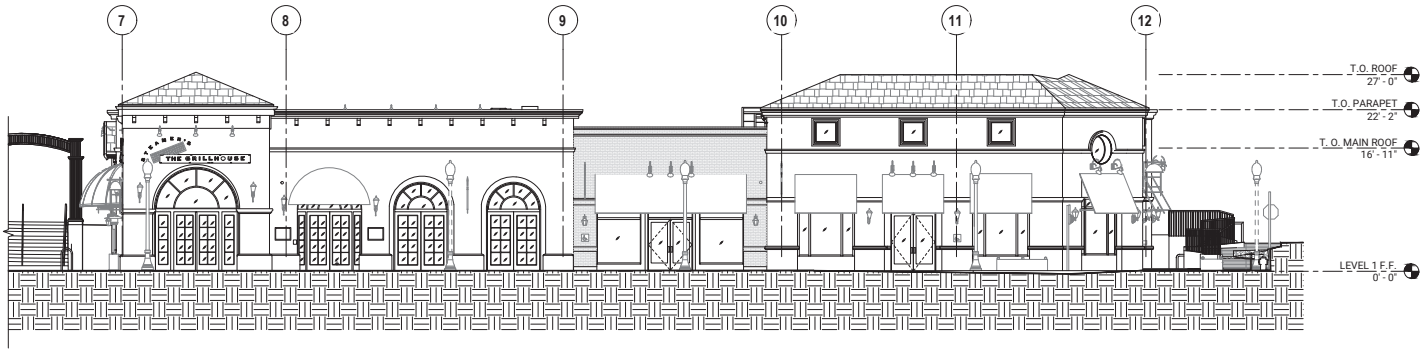
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EXTERIOR ELEVATIONS

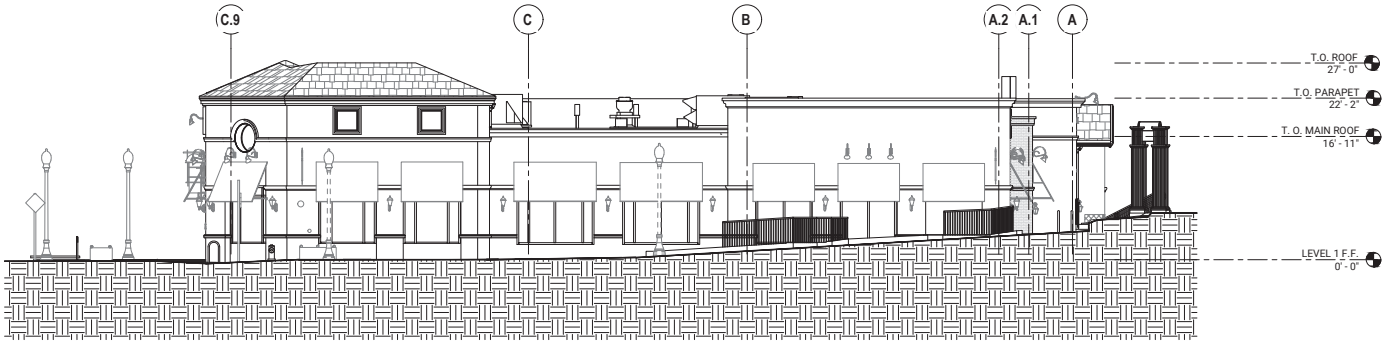
Drawing No.

A202

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SCALE: 3/16"=1'-0" EXISTING SOUTH EXTERIOR ELEVATION | 2



SCALE: 3/16"=1'-0" EXISTING EAST EXTERIOR ELEVATION | 1

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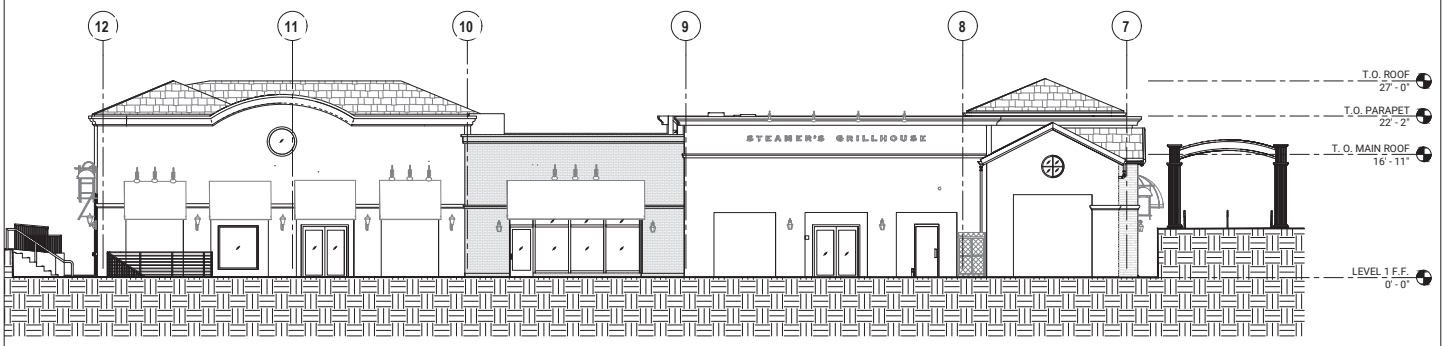
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EXISTING EXTERIOR ELEVATIONS

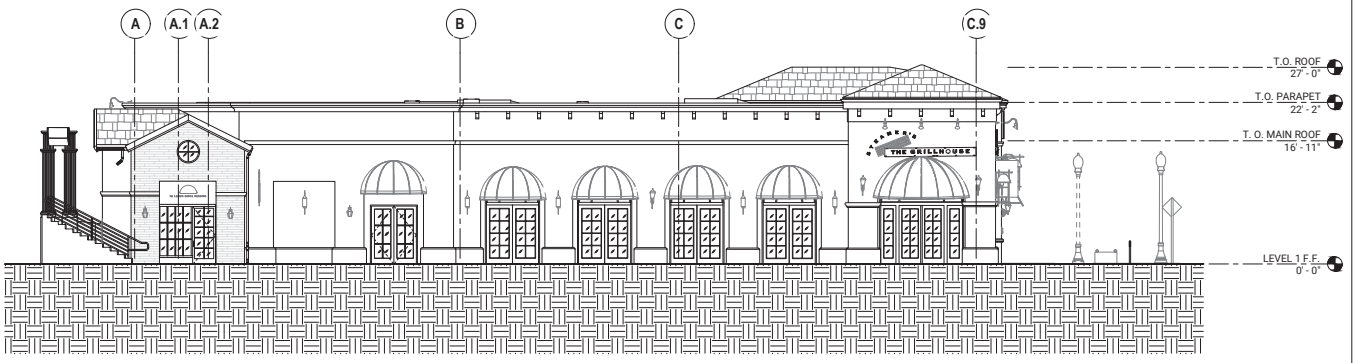
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A203

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SCALE: 3/16"=1'-0" EXISTING NORTH EXTERIOR ELEVATION | 2



SCALE: 3/16"=1'-0" EXISTING WEST EXTERIOR ELEVATION | 1

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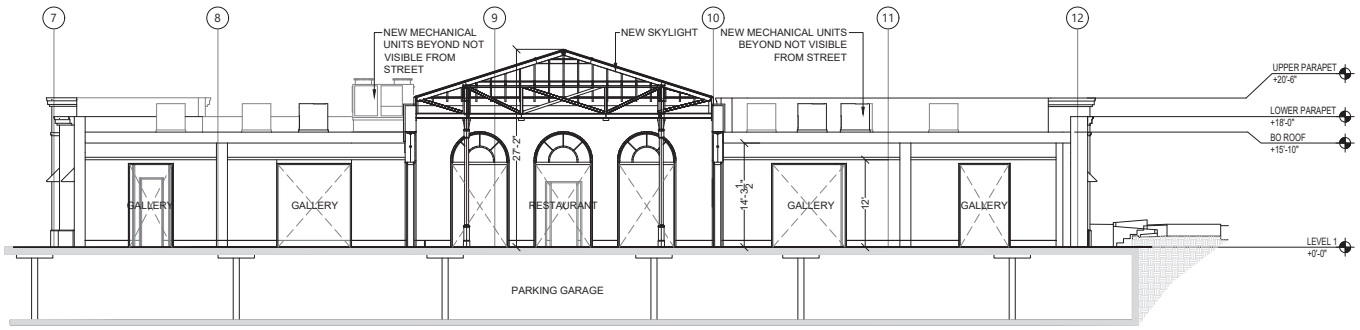
Drawing Title

EXISTING EXTERIOR ELEVATIONS

Drawing No.

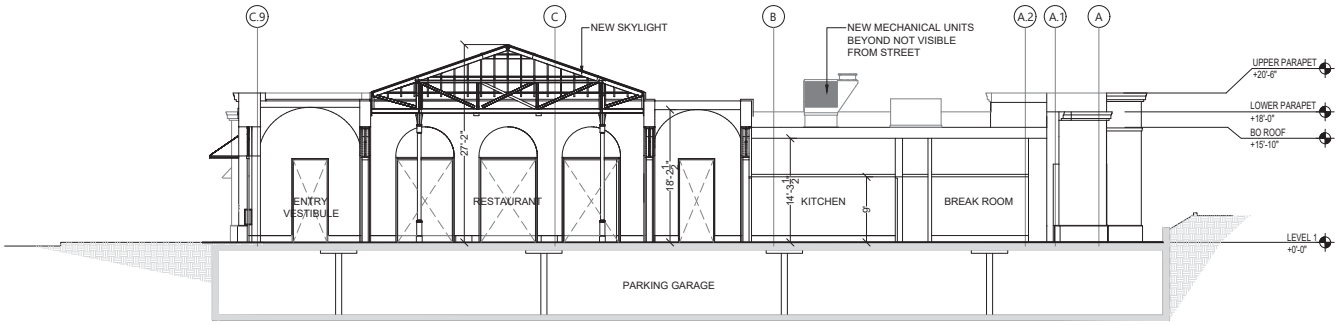
A204

Page 258



SCALE: 3/16"=1'-0"

PROPOSED BUILDING SECTION | 2



SCALE: 3/16"=1'-0"

PROPOSED BUILDING SECTION | 1

RH

Project

RH - LOS GATOS
31 UNIVERSITY AVE,
LOS GATOS, CA 95030

Architect

MBH
960 atlantic avenue
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510 865 8663
mbharch.com

Seal

Consultant

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01	10/18/2024	PRE-APPLICATION PACKAGE
02	11/06/2024	PLANNING SUBMITTAL
03	11/22/2024	100% SCHEMATIC DESIGN
04	01/09/2025	PLANNING SUBMITTAL 2

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Project No.	59485
Drawn By:	Brenda B
Reviewed By:	Rick N
Scale	As noted

Drawing Title

BUILDING SECTIONS

Drawing No.

A301

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SCALE: N.T.S.

EXISTING BUILDING PHOTOS | 1

RH

Project

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LOS GATOS, CA 95030

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Reviewed By:	Rick N
Scale	As noted

Drawing Title

EXISTING BUILDING PHOTOS

Drawing No.

A400

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SCALE: N.T.S.

EXISTING BUILDING PHOTOS | 1

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Scale	As noted

Drawing Title

EXISTING BUILDING PHOTOS

Drawing No.

A401

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SCALE: N.T.S.

PROPOSED EXTERIOR RENDERS | 1

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Reviewed By:	Rick N
Scale	As noted

Drawing Title

EXTERIOR BUILDING RENDERS

Drawing No.

A402

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PROPOSED EXTERIOR RENDERS | 1

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03	11/22/2024	100% SCHEMATIC DESIGN
04	01/09/2025	PLANNING SUBMITTAL 2

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Reviewed By:	Rick N
Scale	As noted

Drawing Title

EXTERIOR BUILDING RENDERS

Drawing No.

A403

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SCALE: N.T.S.

PROPOSED INTERIOR RENDERS | 1

RH

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03	11/22/2024	100% SCHEMATIC DESIGN
04	01/09/2025	PLANNING SUBMITTAL 2

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Project No.	59485
Drawn By:	Brenda B
Reviewed By:	Rick N
Scale	As noted

Drawing Title

INTERIOR BUILDING RENDERS

Drawing No.

A404

Page 132



SCALE: N.T.S.

PROPOSED INTERIOR RENDERS | 1

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RH - LOS GATOS
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No.	Date	Issued/Revised
01	10/18/2024	PRE-APPLICATION PACKAGE
02	11/06/2024	PLANNING SUBMITTAL
03	11/22/2024	100% SCHEMATIC DESIGN
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Project No.	59485
Drawn By:	Brenda B
Reviewed By:	Rick N
Scale	As noted

Drawing Title

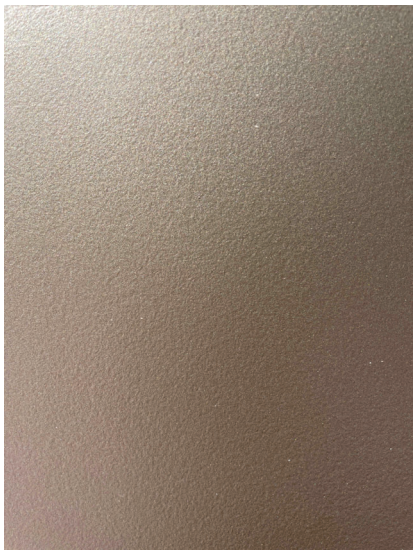
INTERIOR BUILDING RENDERS

Drawing No.

A405

Page 265

MATERIAL FINISHES



MT-1

METAL FINISH
MFR: CREATIVE PAINTS SAN FRANCISCO
PAINTED METAL CUSTOM METALLIC PLAINT

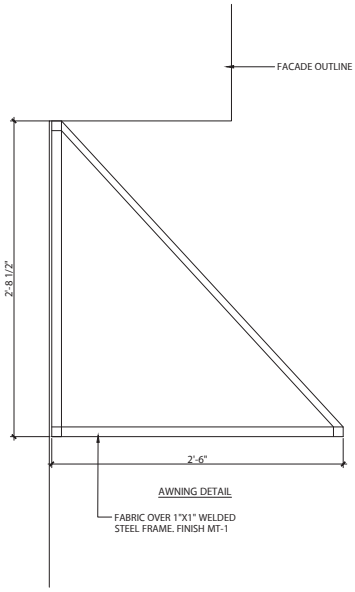


STU-1

STUCCO SYSTEM
MFR: RICK MARS
EXTERIOR CLADDING
LIGHT CREAM PROPRIETARY 5 COAT VENETIAN PLASTER
CUSTOM FINISH PER OWNER REQUIREMENTS



FABRIC AWNING



RH

Project

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LOS GATOS, CA 95030

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Project No.	59485
Drawn By:	Brenda B
Reviewed By:	Rick N
Scale	As noted

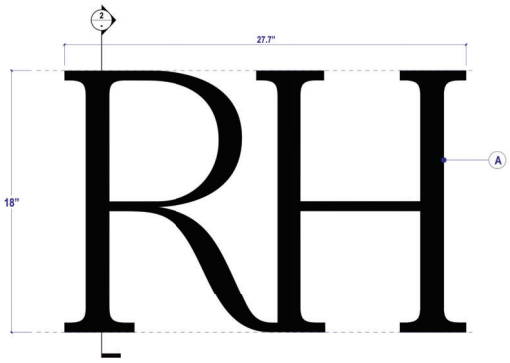
Drawing Title

MATERIAL FINISHES

Drawing No.

A406

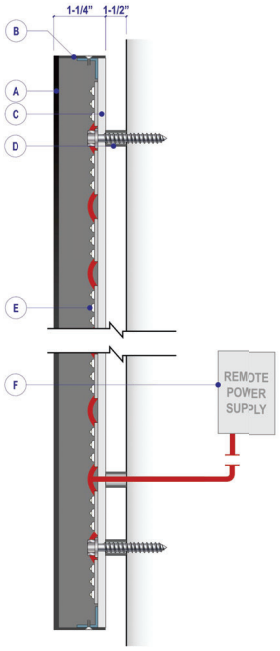
Page 266



1 **17-IN RH LOGO HALO-LIT - DETAIL**
Scale 1/8: 1"



3 **ILLUMINATION SAMPLE**
NTS



2 **SECTION**
Scale 1/4: 1"

SPECIFICATIONS:

A. 1/8" THCK ALUMINUM FACE PAINT TO MATCH AWNINGS/WINDOW FRAMES

NOTE: SOME STROKE ADJUSTED TO ACCOMODATE LED LIGHT LAYOUT REQUIREMENTS

B. .050" THICK ALUMINUM RETURNS PAINTED RAL 9005 JET BLACK SATIN (MP923) MOUNTED TO "C" VIA ANGLE BRACKETS AND SCREWS

C. 3/16" POLYCARBONATE BACK WITH SINGLE LAYER OF WHITE FROSTED CRYSTAL 7725E-324 DIFFUSER RIVETED TO ALUMINUM ANGLE BRACKETS MOUNTED TO FINSH WALL VIA 1/4"-20 SCREWS AND ANCHOR IN 7 PLACES

D. 1/2" DIA. ALUMINUM SPACERS

E. AGI LIGHT 3000K

F MAGNITUDE M150L12DC-AR LED DRIVER



NOT 100% SCALE
20" X 30" FRAME
MATCHES RENDERING

4 **ENTRY PLAQUE SIGN DETAIL**

ALL ELECTRICAL COMPONENTS ARE UL APPROVED AND FOLLOW 600 GROUNDING AND BONDED GUIDELINES

THOMAS-SWAN SIGN COMPANY, INC.
2717 GOODRICK AVENUE, RICHMOND, CA 94801
510-232-9610 • CA.IFORNIA LICENSE #269069

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PROJECT NAME & ADDRESS: RESTORATION HARDWARE

SIGN TYPE: RH HALO-LIT BUILDING LOGO
FILE NAME: 18IN_LOS GATOS
APPROVED FOR CONSTRUCTION - INCLUDE NAME & DATE:

DATE / REVISIONS:

CLIENT: Restoration Hardware
SALES: Ryan Goss
DRAWN BY:

JOB NUMBER: 8258
QUANTITY: 2
SHEET NUMBER: 1.00

RH

Project
RH - LOS GATOS
31 UNIVERSITY AVE,
LOS GATOS, CA 95030

Architect
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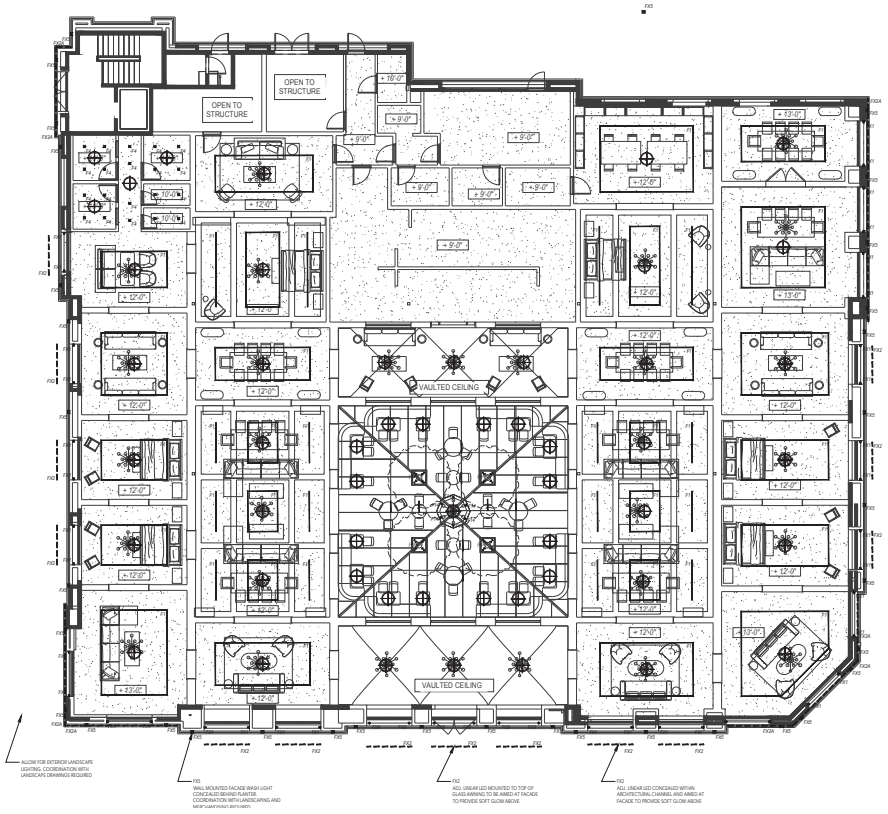
Project No.: 59485
Drawn By: Brenda B
Reviewed By: Rick N
Scale: As noted

Drawing Title
EXTERIOR SIGNAGE

Drawing No.
A500

FOR REFERENCE ONLY

SCALE: N.T.S.



1 EXTERIOR LIGHTING LAYOUT
1/8" = 1'-0"

LIGHTING CONTROL SYSTEM SEQUENCE OF OPERATION:

ALL BUILDING LIGHTING AT RH LOS GATOS IS CONTROLLED BY PRESET SCENES ON A TIME CLOCK SCHEDULE.

BUILDING WIDE SCENE DESCRIPTIONS

SCENE 1: RETAIL DAY, ACTIVATES AT 7:00AM DAILY, 15 SECOND FADE TIME. INTERIOR LIGHTING TURNS ON AT PRESET, DIMMED LEVELS DETERMINED BY LIGHTING DESIGNER AND APPROVED BY RH. EXTERIOR LIGHTING TURNS OFF

SCENE 2: RETAIL NIGHT, ACTIVATES 15 MINUTES BEFORE SUNSET, 15 SECOND FADE TIME. EXTERIOR LIGHTING TURNS ON AT PRESET, DIMMED LEVELS DETERMINED BY LIGHTING DESIGNER AND APPROVED BY RH.

SCENE 3: OVERNIGHT, ACTIVATES AT 11PM. MOST INTERIOR LIGHTING TURNS OFF, LIGHTING DESIGNER TO DETERMINE OVERNIGHT SETTING ON SITE AHEAD OF GALLERY OPENING.

SCENE 4: EVENT, ACTIVATES ON DEMAND DURING OPENING EVENT. LIGHTING DESIGNER WILL DETERMINE CUSTOM SETTING APPROACHES FOR

NOTES FOR ZONING AND LIGHTING CONTROLS:

1. ALL BUILDING LIGHTING TO BE DIMMABLE, INCLUDING ARCHITECTURAL AND DECORATIVE (MERCHANDISE) LIGHTING.
2. ONE ZONE PER "F" TYPE, PER INSTALLATION LOCATION OR CONDITION (UNLESS OTHERWISE NOTED ON DRAWINGS).

LIGHTING LEGEND

TYPE	SYMBOL	DESCRIPTION	LOCATION
F1	▬▬	SURFACE MOUNTED SINGLE CIRCUIT TRACK	RETAIL, THROUGHOUT
F2	▸	ADJUSTABLE TRACK HEAD	RETAIL, THROUGHOUT
F4	■	5" SQUARE RECESSED DOWNLIGHT	BOTTICINI, PASSAGES
F14	◆	WEIGHTED BASE UNDERWATER ACCENT LIGHT	CAFE CENTRAL FOUNTAIN
F10	▸	JAMB MOUNTED ACCENT LIGHT	FACADE, DOOR AND WINDOW JAMBS
FX2	▬▬ ▬▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE AWNINGS
FX2A	▬▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE, CORNICE
FX5	■	WALL MOUNTED FACADE WASH LIGHT	FACADE
FX7	✦	STAKE MOUNTED TREE UPLIGHT	CAFE TREES
FX8	◆	GRADE RECESSED UPLIGHT	MAIN ENTRY DOOR JAMBS

rkv DESIGN
23823 MALIBU ROAD
SUITE 50 - 212
MALIBU, CA 90265
www.rkv-design.com
+1 310 924 2185

NOTES FOR GENERAL CONTRACTOR:

1. General Contractor (GC) and Electrical Contractor (EC) will be responsible for verification of all dimensions, specifications and coordination with related trades and subcontractors.
2. GC to paint downlight trims to match ceiling per architects direction. Ensure trims can be removed after painting and do not stick.
3. GC to furnish and install adequate drainage around all direct burial transformers and recessed in-grade light fixtures.
4. GC to notify designer of any conflict with mechanical, electrical, plumbing, HVAC or structural presence or any conflicting dimensions or site conditions prior to commencement of work.
5. GC is responsible for notifying designer of any inconsistencies between design drawings and other documents.
6. Do not scale drawings.

GENERAL NOTES:

1. Lighting Design drawings and dimensions are for design intent only. Coordination with Architectural Drawings required.
2. Fixture types and specifications available in accompanying Specification packet.
3. Calculations for code compliance to be provided by Electrical Engineer.
4. Emergency lighting requirements to be completed by Electrical Engineer.

REV.	DATE.	DESCRIPTION
	10.23.2024	FOR REVIEW
	11.22.2024	100% SCHEMATIC DESIGN
	01.10.2025	PLANNING REVIEW

PROJECT:

RH LOS GATOS

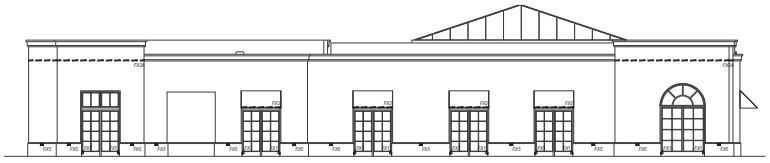
35 UNIVERSITY BLVD,
LOS GATOS, CA 95030

DRAWING TITLE:

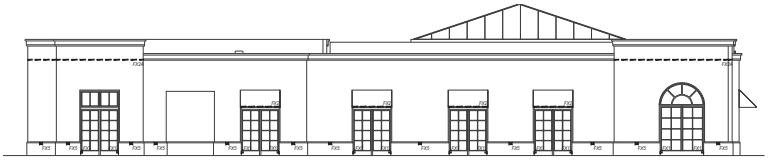
LIGHTING LAYOUT

SHEET:

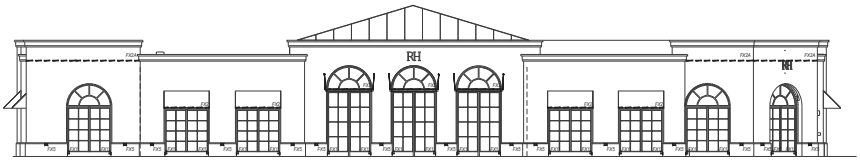
LT-1.0



1 WEST ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"

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FX2A	▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE, CORNICE
FX5	■	WALL MOUNTED FACADE WASH LIGHT	FACADE
FX7	✔	STAKE MOUNTED TREE UPLIGHT	CAFE TREES
FX8	●	GRADE RECESSED UPLIGHT	MAIN ENTRY DOOR JAMBS

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MALIBU, CA 90265
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4. Emergency lighting requirements to be completed by Electrical Engineer.

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	10.23.2024	FOR REVIEW
	11.22.2024	100% SCHEMATIC DESIGN
	01.10.2025	PLANNING REVIEW

PROJECT:
RH LOS GATOS

35 UNIVERSITY BLVD,
LOS GATOS, CA 95030

DRAWING TITLE:
EXTERIOR
LIGHTING
ELEVATIONS

SHEET:
LT-2.0

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TOWN OF LOS GATOS
HISTORIC PRESERVATION
COMMITTEE REPORT

MEETING DATE: 02/26/2025
ITEM NO: 5
DESK ITEM

DATE: February 26, 2025

TO: Historic Preservation Committee

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Modification of Planned Development Ordinance to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. **Located at 31 University Avenue.** APN 529-02-044. Planned Development Modification PD-25-001, Architecture and Site Application S-25-004 and Conditional Use Permit U-25-001. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: SRI Old Town, LLC. Applicant: Rick Nelson, MBH Architects. Project Planner: Erin Walters.

REMARKS:

Attachment 4 includes existing and proposed building and streetscape elevations.

ATTACHMENTS:

Previously Received with the February 26, 2025, Staff Report:

1. Planned Development Ordinance 2025
2. Applicant's Request and Letter of Justification
3. Development Plans

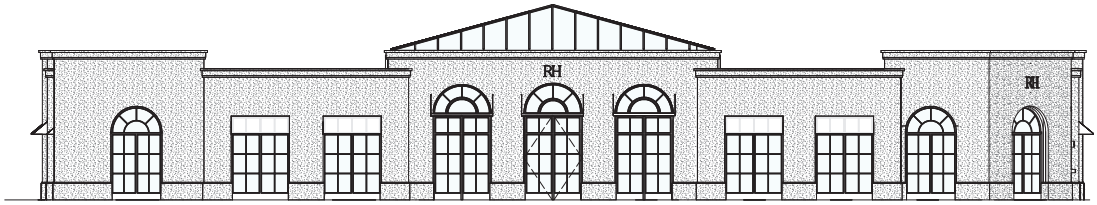
Received with this Desk Item Report:

4. Existing and Proposed Building Elevations

PREPARED BY: Erin M. Walters
Senior Planner

110 E. Main Street Los Gatos, CA 95030 ● 408-354-6874
www.losgatosca.gov

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1 PROPOSED SOUTH ELEVATION - VIEW FROM UNIVERSITY AVE
SCALE: 3/16" = 1'-0"



2 EXISTING SOUTH ELEVATION - VIEW FROM UNIVERSITY AVE
SCALE: 3/16" = 1'-0"

RH

RH - LOS GATOS

Project Address

31 UNIVERSITY AVE,
LOS GATOS, CA 95030

Architect

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Fax 510 865 1611

Seal

Consultant

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No.	Date	Issue/ Revised
	02/26/2025	HISTORICAL REVIEW

Project 59485
Drawn By: BD
Reviewed By: RN
Scale 3/16" = 1'-0"

Drawing Title

EXTERIOR ELEVATIONS COMPARISON

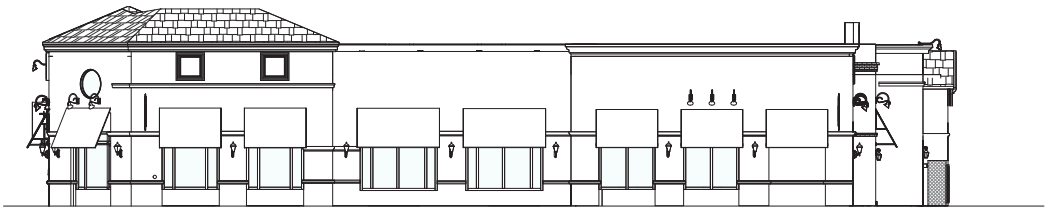
Drawing No.

A003

ATTACHMENT 4



1 PROPOSED EAST ELEVATION - VIEW FROM ELM ST
SCALE: 3/16" = 1'-0"



2 EXISTING EAST ELEVATION - VIEW FROM ELM ST
SCALE: 3/16" = 1'-0"

RH

RH - LOS GATOS

Project Address

31 UNIVERSITY AVE,
LOS GATOS, CA 95030

Architect

MBH
960 Atlantic Ave
Alameda, CA 94501
Tel 510 865 8663
Fax 510 865 1611

Seal

Consultant

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No.	Date	Issue/ Revised
	02/26/2025	HISTORICAL REVIEW

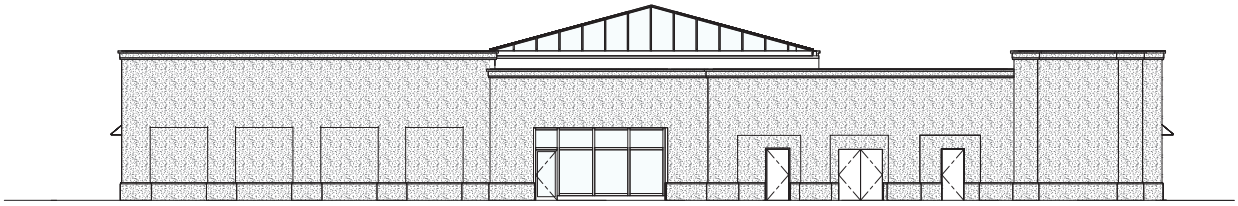
Project 59485
Drawn By: BD
Reviewed By: RN
Scale 3/16" = 1'-0"

Drawing Title

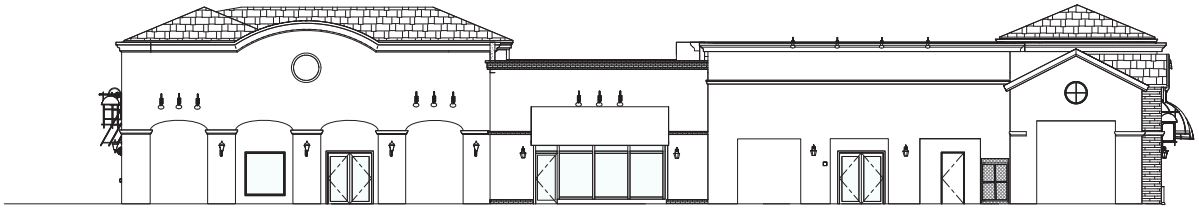
EXTERIOR ELEVATIONS COMPARISON

Drawing No.

A004



1 PROPOSED NORTH ELEVATION - VIEW FROM REAR PARKING LOT
SCALE: 3/16" = 1'-0"



2 EXISTING NORTH ELEVATION - VIEW FROM REAR PARKING LOT
SCALE: 3/16" = 1'-0"

RH

RH - LOS GATOS

Project Address

31 UNIVERSITY AVE,
LOS GATOS, CA 95030

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No.	Date	Issue/ Revised
	02/26/2025	HISTORICAL REVIEW

Project 59485
Drawn By: BD
Reviewed By: RN
Scale 3/16" = 1'-0"

Drawing Title

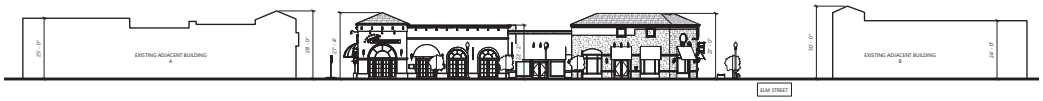
EXTERIOR ELEVATIONS COMPARISON

Drawing No.

A005



1 PROPOSED BUILDING VIEW FROM UNIVERSITY AVE
SCALE: 1/16" = 1'-0"



2 EXISTING BUILDING VIEW FROM UNIVERSITY AVE
SCALE: 1/16" = 1'-0"

RH

RH - LOS GATOS

Project Address

31 UNIVERSITY AVE,
LOS GATOS, CA 95030

Architect

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960 Atlantic Ave.
Alameda, CA 94501
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Fax 510 865 1611

Seal

Consultant

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No.	Date	Issue/ Revised
	02/26/2025	HISTORICAL REVIEW

Project 59485
Drawn By: BD
Reviewed By: RN
Scale 1/16" = 1'-0"

Drawing Title

MASSING ELEVATIONS

Drawing No.

A002

TOWN OF LOS GATOS

HISTORIC PRESERVATION COMMITTEE REPORT

MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING FEBRUARY 26, 2025

The Historic Preservation Committee of the Town of Los Gatos conducted a regular meeting on February 26, 2025, at 4:00 p.m.

MEETING CALLED TO ORDER AT 4:00 PM

ROLL CALL

Present: Chair Lee Quintana, Planning Commissioner Susan Burnett, and Committee Member Alan Feinberg.

Absent: Planning Commissioner Emily Thomas and Vice Chair Martha Queiroz.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS

1. Approval of Minutes – January 22,2025

MOTION: **Motion** by **Commissioner Burnett** to approve the consent calendar. **Seconded** by **Committee Member Feinberg**.

VOTE: **Motion passed unanimously, 3-0.** Commissioner Thomas and Vice Chair Queiroz absent.

PUBLIC HEARINGS

2. 17121 Wild Way
   Request for Review PHST-24-022

   Consider a Request to Construct Exterior Alterations (Window and Door Replacement) to a Pre-1941 Single-Family Residence on Property Zoned R-1:20. APN 424-30-080. Exempt Pursuant to CEQA Guidelines, Section 15301: Existing Facilities. Property Owner: ALG Homes, LLC
   Applicant: Erik Zang
   Project Planner: Maria Chavarin

The project planner presented the staff report.
Opened Public Comment.

Mark Hulbert, Preservation Architect,

Mark has decades of experience with historic resources which includes windows. Window manufacturers now offer more historic style windows. Of the array of window choices, he recommends for residential buildings, either the Marvin's ultimate series or the Anderson's E series. Both offer high quality and offer customization. The existing windows are steel. But at 100 years old, they are leaky and rusty on the interior. A new steel replacement is four times the cost if other options. Steel is also bulky and heavy. There is nothing wrong with fiberglass. There are solid and aluminum clad choices. They offer casing choices. The Marvin's Ridgeland profile matches the windows on the house. The windows' interior would be wood and painted.

Committee members asked questions of the applicant.

Mark Hulbert, Preservation Architect,

The Marvin clad has simulated divided lites. The old windows have a 1-¼ inch sash of steel. The new windows have a 2-inch sash necessary to meet environmental needs. The dark sample is the Anderson profile. The Marvin example is a better profile match. The casing is a better match. There is a better profile on the muntin. It is a custom narrow muntin. The divided lites are simulated and not individual glass panes. The windows will be double-paned, environmental, and fire glass. All forty windows will be changed. Marvin can customize each one. The color of the window will be a dark charcoal. The metal edge will not show. It'll be a full window. The frame, sash, casings are all one piece. The Fire Department asks that all the windows be changed for fire protection. The steel doors will remain.

Closed Public Comment.

Committee members discussed the matter.

Surprised to find a Tudor style home of this quality and age is in this Town. It is truly unique. Thank you for taking the extra effort to preserve what is there. Thank you to the owners for doing what we asked and presenting it to us.

MOTION: **Motion** by **Committee Member Fienberg** to Approve the Request to Construct Exterior Alterations (Window and Door Replacement) to a Pre-1941 Single-Family Residence on Property Zoned R-1:20. APN 424-30-080. Recommending the Marvin window described as a half metal clad and wood interior window. **Seconded** by **Commissioner Burnett**.

VOTE: **Motion passed unanimously, 3-0.** Commissioner Thomas and Vice Chair Queiroz absent.

3. <u>354 Bachman Court</u>
   Request for Review Application HS-25-008

   Consider a Request for Approval to Construct Exterior Alterations (Window Replacement) to a Non-Contributing Single-Family Residence in the Almond Grove

Historic District on Property Zoned R-1D:LHP:PD. APN 510-58-004. Exempt Pursuant to CEQA Guidelines, Section 15301: Existing Facilities.
Property Owner: John Haas
Applicant: Renewal by Andersen/Hilda Ramirez
Project Planner: Sean Mullin

The project planner presented the staff report.

Opened Public Comment.

Hilda Ramirez, Applicant

Mr. Haas, the owner, attempted to purchase twelve retrofit Fibrex windows and one patio door. The original windows are vinyl. The owner's main concern is about energy efficiency.

Closed Public Comment.

Committee members asked questions of Staff.

Sean Mullin, Project Planner

When the Design Guidelines were written, these materials were not available. "Fibrex" is the brand name for wood composite. The applicant is proposing like-for-like double-hung windows.

Committee members discussed the matter.

MOTION: **Motion** by **Commissioner Burnett** to Approve a Request for Approval to Construct Exterior Alterations (Window Replacement) to a Non-Contributing Single-Family Residence in the Almond Grove Historic District on Property Zoned R-1D:LHP:PD. APN 510-58-004. **Seconded** by **Allen Feinberg.**

VOTE: **Motion passed unanimously, 3-0.** Commissioner Thomas and Vice Chair Queiroz absent.

4. <u>123 Wilder Avenue</u>
   Architecture and Site Application S-23-039

   Consider a Request to Construct Exterior Alterations (Siding Replacement) to an Existing Accessory Structure (Garage) Located in the Almond Grove Historic District on Property Zoned R-1D:LHP. APN 510-18-008. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.

Property Owner: Bogusla Marcinkowski and Brygida Sas-Marcinkowski
Applicant: Jose De La O
Project Planner: Sean Mullin

The project planner presented the staff report.

Applicant is not present.

Opened and Closed Public Comment.

Committee members discussed the matter.

Concerned that the applicant has not shown up or sent a representative. Would like to hear from them before deciding. In support since the proposed siding would complement the house which has the same style siding. The owner wants to change the siding but that requires an entirely different application. The setbacks are not standard either. If the siding changes, it loses the setback variance. Could not support the application if it does not follow the rules.

Committee members asked questions of Staff.

Sean Mullin, Project Planner
A potential remedy is to apply for a Variance to the shingle siding and a Variance for the non-conforming setback. If the exterior is so rotten, it can be demolished with in-kind replacement. If deemed reparable by the Building Official, they can replace in kind using the same footprint. Communication with the applicant is challenging. It is best to have them appear to a hearing to get their feedback.

MOTION: **Motion** by **Chair Quintana** to Continue to a Date Uncertain the Request to Construct Exterior Alterations (Siding Replacement) to an Existing Accessory Structure (Garage), for Staff to Communicate with the Applicant as to Difficulties of a Non-in-Kind Replacement and for Next Steps. **Seconded** by **Commissioner Burnett.**

VOTE: **Motion passed unanimously, 3-0.** Commissioner Thomas and Vice Chair Queiroz absent.

5. 31 University Avenue
Architecture and Site Application S-25-004 and Conditional Use Permit U-25-001

Requesting Approval for Modification of the Planned Development Ordinance to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044.

Planned Development Modification PD-25-001, Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: SRI Old Town, LLC
Applicant: Rick Nelson, MBH Architects
Project Planner: Erin Walters

The project planner presented the staff report.

Opened Public Comment.

Jordan Brown, Architect and Design Lead, and Stu Waggoner, Pre-development Lead

RH is a retail and restaurant company founded in 1979 in Northern California. It is based in Corte Madera with several prominent locations around the Bay Area including a Gallery on Santa Cruz Avenue. Where they have been a tenant for the last 15 years. We are invested in the design of our brand and physical gallery experiences. We're obsessed with great architecture. We either find to readapt existing buildings or build. With Los Gatos it a little bit of both. The proposal at 31 University Avenue is sensitive to and supportive of the larger historic district. The design will expand the aesthetic and details of the existing Meditteranian style while maintaining the existing footprint, setback, and overall massing.

Upgraded building finish of hand-troweled colored venetian plaster, installation of new metal windows and doors whose size, rhythm and topology consistent with the existing building style and of the caliber of the old town shopping center across University Avenue. The current building is a non-contributing commercial building, built in 1999. Currently an assemblage of small store fronts of miscellaneous, unrelated materials. Previously housed two separate retail and restaurant tenants. The retail portion has been vacant for last two years. Proposal as a single tenant, they unified the unrelated units to create a visually harmonious and stately façade commensurate with the caliber of the surrounding Old Town commercial center. As shown in the elevation comparison, our proposal reorganizes the buildings for our needs by creating a central entry and restaurant space with surrounded retail that seamlessly blends interior and exterior home and hospitality. Created a formal central entry and adjusted the misaligned cornices and rooflines as well as the window sizing and spacing for a more cohesive façade.

Committee members asked questions of the applicant.

Jordan Brown, Architect and Design Lead

We took our design cues from the existing architecture. The existing façade details are carried through to the new design. This proposal is one of the more unique Restoration Hardware buildings in the area. It was designed at a smaller scale to fit a smaller town. The footprint, cornice details, façade openings, and window details all match what is there. Most of the surrounding buildings are all the same material. The skylight would be barely visible from the human eye level, down the street and from across the street. The skylight is seven inches lower than the surrounding buildings. We have brought renderings of different perspectives, time of day, an interior view to show how it relates to the exterior, a photo of the corner now

and a drawing of the proposed for comparison. However, there is not a drawing of the rear view from the parking lot.

Closed Public Comment.

Committee members discussed the matter.

The building seems out of character with the rest of Old Town. It does not follow Policy LU 6.5: consistent with the neighborhood, or Policy LU 1.4: designed in context of the neighborhood. The skylight can be seen from the back. The roofline does not have enough character. The proposed design modifies the original intent of that side of the street which is to appear as a collective of individual structures. The three structures should not be unified into one consistent and symmetrical mass. Prefer the optical illusion of different rooflines, finishes, windows, and awnings. Even though it has the Mediterranean style it is not as compatible with the rest of downtown. The design doesn't relate well with the existing Old Town section of downtown.

MOTION: **Motion** by **Commissioner Burnett** to Deny the Modification of the Planned Development Ordinance to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. They could come back. **Seconded** by **Committee Member Fienberg**.

ALTERNATE MOTION: **Motion** by **Chair Quintana** to Continue the Item to a Date Uncertain. Ask the Applicant to Consider the Issues Raised about Being Broken up into Different Sections and More Compatible with the Surrounding Structures. **Seconded** by **Commissioner Burnett**

VOTE: **Motion passed unanimously, 3-0.** Commissioner Thomas and Vice Chair Queiroz absent.

OTHER BUSINESS

6. 14344 La Rinconada Drive
   Request for Review Application PHST-24-013

   Preliminary Review for Construction of an Addition and Exterior Alterations to an Existing Pre-1941 Single-Family Residence on Property Zoned R-1:8. Located at 14344 La Rinconada Drive. APN 409-19-019. Exempt Pursuant to CEQA Guidelines, Section 15301: Existing Facilities.
   Property Owner/Applicant: William Maynard
   Project Planner: Erin Walters

The project planner presented the staff report.

Opened Public Comment.

Michelle Minor, Architect Designer

The street is diverse in styles and sizes. The houses are predominately cottage style with a few Craftsmen, stucco ranch, and others. Their proposal has a garage on the street. There are eleven homes on that street. Three have no garages. Three have detached garages in the rear. One has a detached 3-car garage. One has a garage that takes up the whole front. One lot has two homes with a flag lot behind. This two-home lot has an attached garage that is 3 ½ feet in front of any other front elevation. The proposed design will be slightly back from the front and not as predominant. The garage roof pitch has been lowered from 12 by 12 to 10 by 12. The roof form has been reduced and the garage roof height has been reduced by over two feet. The structure now classified as an attic. On Wedgewood Avenue and Mulberry Drive, the garages are mainly located in front. As instructed, the design is set back, has reduced bulk, and all the materials, trim, windows, siding, and roofing will match what is there. The design is consistent with the street. It does not overwhelm the street. A fence and landscaping will be added in front.

Committee members asked questions of the applicant

Michelle Minor, Architect Designer

If they make the roof double gabled it would be very prominent. Added a hip roof instead to reduce the prominence.

Closed Public Comment.

Committee members discussed the matter.

The request to be removed from the inventory has to be made by the Applicant. On this street there were other small bungalows that have asked to be removed from the inventory. But once a house is removed it can be replaced by a much larger structure. This design is a big improvement over what was presented before. It is a major upgrade to the street and the house. The Committee is supportive of the design.

This is a preliminary review and does not require a motion.

Staff will work with applicant on next steps.

REPORT FROM THE DIRECTOR

None.

COMMITTEE MATTERS

- Agenda item suggestion to have an informal discussion with committee and staff, on what constitutes a pre-1941 building, not in a Historic District, vs. a Landmark designation. A Landmark must be consistent with the State or Los Gatos criteria. If it is exceptionally significant it is a Landmark. Historic Districts that don't necessarily have Landmark building but can have Pre-1941 buildings that are contributors to the District. There are Pre-1941 Presumptive buildings that are not in a District. How do we decide what is not Presumptive but a Historic Resource? What is the criteria? Need clarity for consistency. It would be an educational discussion under Other Business.

ADJOURNMENT
The meeting adjourned 5:28 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the February 26, 2025 meeting as approved by the Historic Preservation Committee.

Prepared by:

_____
/s/Sean Mullin, AICP, Planning Manager

TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
(408) 354-6872 Fax (408) 354-7593

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

March 27, 2025

Rick Nelson, MBH Architects
Via email

RE: **31 University Avenue**
Planned Development Modification PD-25-001
Architecture and Site Application S-25-004
Conditional Use Permit U-25-001

Requesting Approval for Modification of Planned Development Ordinance to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: SRI Old Town, LLC.
Applicant: Rick Nelson, MBH Architects.
Project Planner: Erin Walters.

On February 26, 2025, the Los Gatos Historic Preservation Committee considered and continued the item with feedback.

On March 26, 2025, the Committee reconsidered and discussed the item. The Committee made a recommendation of denial and has forwarded the recommendation to the Planning Commission for consideration. In support of its recommendation of denial, the Committee provided the following reasoning:

- Although the proposed design is a Mediterranean style, it is not as compatible with the existing Old Town buildings; it is not consistent with the Planned Development; or the character of the University/Edelen Historic District;
- The design should convey a collective of individual structures rather than one consistent and symmetrical massing;
- Consider the addition of tile roofing material;
- Consider the impact of the skylight from all elevations; and

- The motion also included the subtle changes outlined at the March 26, 2025, meeting regarding paint, lighting, materials, trees, landscaping, roof painting, etc. to achieve the appearance of a collective of individual structures.

If you have any questions, I can be contacted by phone at (408) 354-6867 or by email at ewalters@losgatosca.gov.

Sincerely,



Erin M. Walters
Senior Planner

cc: Lindsey Laird, RH, via email

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TOWN OF LOS GATOS
HISTORIC PRESERVATION COMMITTEE
REPORT

MEETING DATE: 03/26/2024

ITEM NO: 3

DATE: March 21, 2025

TO: Historic Preservation Committee

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval to Modify Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Use Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. **Located at 31 University Avenue.** APN 529-02-044. Planned Development Modification PD-25-001, Architecture and Site Application S-25-004, and Conditional Use Permit U-25-001. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: SRI Old Town, LLC. Applicant: Rick Nelson, MBH Architects. Project Planner: Erin Walters.

RECOMMENDATION:

Consider a request for approval for exterior modifications to an existing commercial building, Building E in the Old Town Los Gatos Shopping Center in the University/Edelen Historic District on property zoned C-2:LHP:PD, located at 31 University Avenue.

BACKGROUND:

On February 26, 2025, the Committee considered the request, discussed the item, and continued the item to a meeting date certain with the following feedback (Attachment 5):

- Although the proposed design is a Mediterranean style, it is not as compatible with the existing Old Town buildings; and not consistent with the Planned Development or the character of the University/Edelen Historic District;
- The design should convey a collective of individual structures rather than one consistent and symmetrical mass;
- Consider the addition of tile roofing material; and
- Consider the visual impact of the skylight from all elevations.

PREPARED BY: Erin M. Walters
Senior Planner

DISCUSSION:

The applicant considered the Committee's direction and has decided to not modify the proposed exterior modifications and has provided a response letter (Attachment 6).

The applicant proposes to modify the exterior of Building E to establish more cohesive architecture for the future single tenant of the building (Attachment 7). Exterior modifications would be made to all four elevations and include:

- Roof alterations creating consistent and symmetrical massing;
- Changes to window and door shapes, integrating arched, and rectangular fenestration;
- New fabric awnings and metal and glass canopy awnings;
- A new skylight; and
- New stucco siding.

A color and materials sheet showing the proposed finishes of the new exterior materials is included on A406 in the Development Plans included as Attachment 7.

CONCLUSION:

The applicant is seeking a recommendation from the Committee for exterior modifications to Building E. (Attachment 7). Should the Committee find merit in the request, the Committee should forward a recommendation of approval for the request to the Planning Commission. The application package would continue through the discretionary review process and would not return to the Committee.

CONSIDERATIONS:

A. Considerations Required with Recommendation

In evaluating applications, the deciding body shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless:

_____ In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district.

ATTACHMENTS:

Previously distributed with the February 26, 2025, Staff Report:
1. Planned Development Ordinance 2025
2. Applicant's Request and Letter of Justification
3. Development Plans

Previously received with the February 26, 2025, Desk Item Report:
4. Existing and Proposed Building Elevations

Received with this Staff Report:
5. HPC Action Letter, February 26, 2025
6. Response Letter
7. Development Plans

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TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
(408) 354-6872 Fax (408) 354-7593

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

February 26, 2025

Rick Nelson, MBH Architects
Via email

RE: **31 University Avenue**
Planned Development Modification PD-25-001
Architecture and Site Application S-25-004
Conditional Use Permit U-25-001

Requesting Approval for Modification of Planned Development Ordinance to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: SRI Old Town, LLC.
Applicant: Rick Nelson, MBH Architects.
Project Planner: Erin Walters.

On February 26, 2025, the Los Gatos Historic Preservation Committee considered the request, discussed the item, and continued the application to a meeting date certain of March 26, 2025, with the following feedback:

- Although the proposed design is a Mediterranean style, it is not as compatible with the existing Old Town buildings; it is not consistent with the Planned Development; or the character of the University/Edelen Historic District;
- The design should convey a collective of individual structures rather than one consistent and symmetrical massing;
- Consider the addition of tile roofing material; and
- Consider the impact of the skylight from all elevations.

If you have any questions, I can be contacted by phone at (408) 354-6867or by email at ewalters@losgatosca.gov.

Sincerely,

Erin M. Walters, Senior Planner

cc: Lindsey Laird, RH, via email

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RH

March 14, 2025

Historic Preservation Committee
110 E. Main Street
Los Gatos, CA 95030

Project: **RH Los Gatos - PD-25-001, S-25-004 and U-25-001**
Location: **31 University Ave**

Dear Members of the Historic Preservation Committee:

I would like to first thank you for your time on February 26, 2025. We appreciated your feedback but after careful consideration, we have chosen to maintain our current design.

When developing our Proposal, we closely studied the existing Mediterranean components of the building and the Old Town Shopping Center, its proportions, window types and architectural details. We also considered the buildings immediately adjacent and incorporated their unified design into our building, both in color and articulation, with the goal of creating a harmonious façade design that assimilates into, rather than competes with the larger Historic District.

At RH, we strive to obtain balance, symmetry and perfect proportions with our architectural approach and believe our design does exactly that. With respect, we would like to maintain our Proposal. I hope the explanation above provides you with an understanding of our position.

Thank you,

Stuart Wagner

STUART WAGNER
SENIOR DIRECTOR, PRE-DEVELOPMENT
RH | GALLERY DEVELOPMENT
C: 919.621.0741

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RH - LOS GATOS

31 UNIVERSITY AVE,
LOS GATOS, CA 95030

ABBREVIATIONS

&	AND
@	AT
A/C	AIR CONDITIONING
ACT	ACOUSTICAL CEILING TILE
ADAAG	AMERICANS WITH DISABILITIES ACT
AFF	ABOVE FINISH FLOOR
ADJ	ADJUSTABLE
AHU	AIR HANDLING UNIT
ALUM/AL	ALUMINUM
APPROX	APPROXIMATE
ARCH	ARCHITECTURAL
BD	BOARD
BLDG	BUILDING
BLKG	BLOCKING
BM	BEAM
BOF	BOTTOM OF
BOT	BOTTOM
BSMT	BASEMENT
CJ	CONTROL JOINT
CL	CENTER LINE
CLG	CEILING
CLG HGT	CEILING HEIGHT
CLR	CLEAR
CMU	CONCRETE MASONRY UNIT
CNTR	COUNTER
CO	CASED OPENING
COL	COLUMN
CONSTR	CONSTRUCTION
CONT	CONTINUOUS
CPT	CARPET
CSK	COUNTERSINK
CT	CERAMIC TILE
CTR	CENTER
DBL	DOUBLE
DET	DETAIL
DF	DRINKING FOUNTAIN
DIM	DIMENSION
DN	DOWN
DR	DOOR
DR OPNG	DOOR OPENING
DWG	DRAWING
EA	EACH
ELEC	ELECTRICAL
ELEV	ELEVATION
EMER	EMERGENCY
EQ	EQUAL
EQUIP	EQUIPMENT
ETR	EXISTING TO REMAIN
EWC	ELECTRIC WATER COOLER
EXIST / (E)	EXISTING
EXH	EXHAUST
EXP	EXPANSION
EXT	EXTERIOR
FA	FIRE ALARM
FD	FLOOR DRAIN
FE	FIRE EXTINGUISHER
FEC	FIRE EXTINGUISHER CABINET
FF	FINISH FACE
FIN	FINISH
FIXT	FIXTURE
FLR	FLOOR
FLUOR	FLUORESCENT LIGHTING
FOC	FACE OF CONCRETE
FOF	FACE OF FINISH
FOS	FACE OF STUD
FRT	FIRE RETARDANT TREATED
FT	FOOT (FEET)
FTG	FOOTING
GA	GAGE
GALV	GALVANIZED
GC	GENERAL CONTRACTOR
GL	GLASS or GLAZING
GR	GRADE
GWB	GYPSUM WALLBOARD
GYP	GYPSUM
HC	HOLLOW CORE
HCWD	HOLLOW CORE WOOD DOOR
HDWD	HARDWOOD
HDWR	HARDWARE
HM	HOLLOW METAL
HMF	HEATING, VENTILATION & COOLING
HORIZ	HORIZONTAL
HT	HEIGHT
HVAC	HEATING VENTILATION AIR CONDITION
HW	HOT WATER
IN	INCH
INCL	INCLUDED
INSUL	INSULATION
INT	INTERIOR
JAN	JANITOR
JT	JOINT
JST	JOIST
L	LONG (LENGTH)
LAV	LAVATORY
LAM	LAMINATE
LW	LIGHTWEIGHT
LF	LINEAR FEET
LFT	LINEAR FOOT
LH	LEFT HANDED
LL	LANDLORD
MAT	MATERIAL
MAX	MAXIMUM
MECH	MECHANICAL
MFR	MANUFACTURER
MIN	MINIMUM
MISC	MISCELLANEOUS
MTD	MOUNTED
MTL	METAL
NAT	NATURAL
NIC	NOT IN CONTRACT
NOM	NOMINAL
NTS	NOT TO SCALE
O/	OVER
OA	OPPOSITE HAND
OD	OUTSIDE DIAMETER
OPP	OPPOSITE
OPNG	OPENING
PLAM	PLASTIC LAMINATE
PLYWD	PLYWOOD
PR	PAIR
PT	PAINT
PT	PORCELAIN TILE
PTD	PAINTED
P.T.	PRESSURE TREATED
PTN	PARTITION
R	RISER
RAD	RADIUS
RCP	REFLECTED CEILING PLAN
REF.	REFERENCE
REQD	REQUIRED
RES	RESILIENT
RF	ROOF
RH	RIGHT HAND
RM	ROOM
RO	ROUGH OPENING
RWL	RAIN WATER LEADER
SC	SOLID CORE
SD	SMOKE DETECTOR
SECT	SECTION
SF	SQUARE FOOT (FEET)
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATION
SQ	SQUARE
SST	STAINLESS STEEL
STD	STANDARD
STL	STEEL
STN	STAIN
SYS	SYSTEM
T	TREAD
T&G	TONGUE & GROOVE
THK	THICKNESS
THR	THRESHOLD
TOB	TOP OF BEAM
TOC	TOP OF CONCRETE
TOJ	TOP OF JOIST
TOP	TOP OF MASONRY
TOS	TOP OF SLAB
TOS	TOP OF STEEL
TOW	TOP OF WALL
TPD	TOILET PAPER DISPENSER
TYP	TYPICAL
UC	UNDERCUT
UNO	UNLESS NOTED OTHERWISE
VAR	VARIES
VCT	VINYL COMPOSITION TILE
VERT	VERTICAL
VIF	VERIFY IN FIELD
VP	VENEER PLASTER
W/	WITH
W/O	WITHOUT
WA	WALL ANCHOR
WC	WATER CLOSET
WD	WOOD
WF	WIDE FLANGE
WH	WATER HEATER
WP	WORKING POINT
WR	WATER RESISTANT
WSCT	WAINSCOT
WT	WEIGHT

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CONTACT: ERIC MCCONNELL
EMAIL: EMCCONNELL@NEXTSTEPDESIGN.COM

PROJECT DATA

APN:	529-32-044
EXISTING E01 BUILDING AREA (GROSS):	7,233 SF
EXISTING E05 BUILDING AREA (GROSS):	8,724 SF
(NO CHANGE TO EXISTING GROSS AREA)	
OCCUPANCY GROUP:	M & A-2 S-2 (GARAGE)
STORIES:	2- STORY
CONSTRUCTION TYPE:	IIIB, VB
OCCUPANT LOAD:	M - 185 OCC A-2 - 100 OCC
SPRINKLERED (YES/NO):	YES (EXISTING)

CONSTRUCTION PROJECT MANAGER:
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NEW YORK, NY 10017
PHONE: 212-661-6624
CONTACT: LAUREN WEINGARTNER
PROJECT MANAGER
EMAIL: LWEINGARTNER@GARDINERSUSA.COM

SCOPE DESCRIPTION

TENANT IMPROVEMENT OF TWO-GROUND FLOOR TENANT SPACES. THE TWO SPACES WILL HAVE THE INTERIOR DEMOLISHED AND RE-CONFIRMED INTO ONE SPACE. THE NEW USE WILL BE A RETAIL SHOWROOM INCLUDING A RESTAURANT.

THERE IS NO CHANGE IN GROSS BUILDING AREA OR PROPOSED USE.

SCOPE TO INCLUDE COMPLETE BUILD-OUT WITH ASSOCIATED PLUMBING, MECHANICAL, ELECTRICAL, KITCHEN EQUIPMENT AND FINISHES THROUGHOUT.

CODE INFORMATION

AUTHORITY HAVING JURISDICTION: TOWN OF LOS GATOS

BUILDING CODE:	CALIFORNIA BUILDING CODE	2022
GREEN BUILDING CODE:	CALIFORNIA GREEN BUILDING STANDARDS CODE	2022
ACCESSIBILITY CODE:	CALIFORNIA BUILDING CODE	2022
ENERGY CODE:	CALIFORNIA ENERGY CODE	2022
MECHANICAL CODE:	CALIFORNIA MECHANICAL CODE	2022
PLUMBING CODE:	CALIFORNIA PLUMBING CODE	2022
ELECTRICAL CODE:	CALIFORNIA ELECTRICAL CODE	2022
FIRE CODE:	CALIFORNIA FIRE CODE	2022
HEALTH CODE:	CALIFORNIA RETAIL FOOD CODE	2022

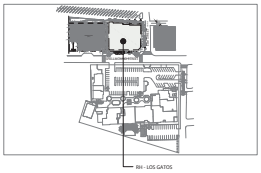
GENERAL NOTES

1. DO NOT SCALE THE DRAWINGS.
2. VERIFY FIELD CONDITIONS PRIOR TO COMMENCEMENT OF EACH PORTION OF THE WORK.
3. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR ANY PORTION OF THE WORK WHICH IS PERFORMED WITHOUT A PERMIT ISSUED BY A REGULATORY AUTHORITY OF THE MUNICIPALITY IN WHICH THE PROJECT IS LOCATED.
4. THROUGHOUT THIS SET OF DRAWINGS, THE TERM "SOW" REFERS TO THE CLIENT/TENANT. THE TERM "LANDLORD" REFERS TO THE PROPERTY OWNER.
5. THE CONTRACTOR SHALL MAKE NO REVISIONS, ALTERATIONS OR CHANGES TO THE WORK AS SHOWN IN THE CONTRACT DOCUMENTS WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARCHITECT AND/OR SOB REPRESENTATIVE. NO ADDITIONAL COSTS FROM THE GENERAL CONTRACTOR SHALL BE CONSIDERED AND THE WORK SHALL BE CONSIDERED AS INCOMPLETE UNTIL SUCH APPROVAL IS IN EFFECT.
6. SEE SPECIFICATIONS FOR ADDITIONAL CRITERIA AND CONSTRUCTION REQUIREMENTS.
7. DIMENSIONS SHOWN AS "AT" SHALL BE VERIFIED BY THE CONTRACTOR IN THE FIELD BY LAYING OUT THE PARTITIONS. NOTIFY ARCHITECT OF ANY DISCREPANCIES IN DIMENSIONS PRIOR TO PROCEEDING WITH WORK.
8. DIMENSIONS SHOWN AS 'CLEAR OF HOLD' SHALL BE MAINTAINED AND ALLOW FOR THICKNESS OF FINISHES, INCLUDING FLOOR FINISHES. NOTIFY ARCHITECT OF ANY DISCREPANCIES IN DIMENSIONS PRIOR TO PROCEEDING WITH WORK.
9. DIMENSIONS ARE TO FACE OF STRUCTURAL GRID OR TO FINISH SURFACES, UNLESS OTHERWISE INDICATED.
10. ELEVATIONS REFERENCED ARE ABOVE SOB FINISH FLOOR FOR EACH ROOM THROUGHOUT TENANT SPACE, UNLESS OTHERWISE NOTED. FINISH FLOOR ELEVATIONS MAY VARY FROM ROOM TO ROOM DEPENDING UPON FLOOR FINISHES.
11. GENERAL CONTRACTOR SHALL PROVIDE THE BUILDING OFFICIAL WITH A CERTIFICATE OF CONSTRUCTION COMPLIANCE WITH ENERGY CONSERVATION REQUIREMENTS PRIOR TO FINAL INSPECTION AND ISSUANCE OF OCCUPANCY PERMITS.
12. GENERAL CONTRACTOR SHALL PREPARE THE FLOOR LEVEL AND SMOOTH AND PROVIDE FOR THE FILLING OF ALL FLOOR DRAINS, FLOOR SINKS OR OTHER SUCH DEPRESSIONS, CRACKS OR IRREGULARITIES IN FLOOR SLAB.
13. PROVIDE BLOCKING AT WALLS TO MEET CODE MINIMUM WHERE REQUIRED FOR SUPPORT OF FIXTURES/ACCESSORIES.
14. GENERAL CONTRACTOR SHALL PROVIDE ACCESS PANELS FOR ALL TRADES AS REQUIRED BY CODE, LOCATIONS TO BE APPROVED BY ARCHITECT AND/OR SBD REPRESENTATIVE AND CONFORM TO CODE.
15. FIRE EXTINGUISHERS AND CABINETS AS REQUIRED BY LOCAL GOVERNMENT AGENCY SHALL BE PROVIDED BY GENERAL CONTRACTOR AND INCLUDED IN CONTRACT.
16. STORAGE IN STOCK/STORAGE ROOMS SHALL BE MAINTAINED 18 INCHES OR MORE BELOW SPRINKLER HEAD DEFLECTORS. A 3-INCH RED STRIPE SHALL BE MARKED ALONG ALL WALLS WITHIN STOCK/STORAGE AT THE MAXIMUM STORAGE HEIGHT, AND STRIPE SHALL BE LABELED " NO STORAGE ABOVE THIS LINE" IN WHITE LETTERS A MINIMUM OF ONCE ON EACH WALL

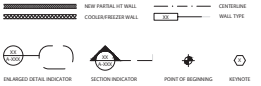
VICINITY MAP



KEY PLAN



SYMBOLS LEGEND



DRAWING INDEX

SHEET NO	SHEET NAME	1ST SUBMITTAL - PLANNING PACKAGE	2ND SUBMITTAL - PLANNING	3RD SUBMITTAL - PLANNING	4TH SUBMITTAL - PLANNING			
	ARCHITECTURAL							
A000	COVER SHEET	●	●	●	●			
A000A	SIGN PLAN	●	●	●	●			
A001D	EXISTING FLOOR PLAN	●	●	●	●			
A100	EXISTING BASEMENT PLAN	●	●	●	●			
A101	FLOOR PLAN	●	●	●	●			
A101A	EGRESS PLAN	●	●	●	●			
A200	EXTERIOR ELEVATIONS	●	●	●	●			
A201	EXTERIOR ELEVATIONS	●	●	●	●			
A202	EXISTING EXTERIOR ELEVATIONS				●			
A203	EXISTING EXTERIOR ELEVATIONS				●			
A300	BUILDING SECTIONS	●	●	●	●			
A400	EXISTING BUILDING PHOTOS	●	●	●	●			
A401	EXISTING BUILDING PHOTOS	●	●	●	●			
A402	EXTERIOR BUILDING RENDERS	●	●	●	●			
A403	EXTERIOR BUILDING RENDERS	●	●	●	●			
A404	INTERIOR BUILDING RENDERS	●	●	●	●			
A405	INTERIOR BUILDING RENDERS	●	●	●	●			
A406	EXISTING INTERIOR STAIR ENTRANCE FINISH	●	●	●	●			

LIGHTING								
LT-1A	EXISTING LAYOUT		●	●	●			
LT-2A	EXTERIOR LIGHTING EXISTING		●	●	●			



PLUMBING CALCULATIONS

OCCUPANCY LOAD PER 2022 CBC TABLE 1004.5

FUNCTION OF SPACE	OCCUPANCY LOAD FACTOR (SQUARE FEET)	SQUARE FOOTAGE	TOTAL OCCUPANTS
MERCANTILE	1 PER 60	11073 SF	185 OCC
ASSEMBLY (WITHOUT FIXED SEATS) UNCONCENTRATED	1 PER 15	900 SF	60 OCC
FIXED BOOTH SEATING	1 PER 24"		36 OCC
KITCHEN	1 PER 200	800 SF	4 OCC
TOTAL:		12,776 SF	286 OCC

*PER TABLE CPC 4-1 FOOTNOTE - ACCESSORY AREAS SUCH AS, BUT NOT LIMITED TO HALLWAYS/CORRIDORS, STAIRWAYS, RAMPS, TOILET ROOMS, MECHANICAL ROOMS, CLOSETS AND FIXED EQUIPMENT MAY BE EXCLUDED.
*PER TABLE CPC 422.1 - RESULT IN FRACTIONAL NUMBERS, SUCH NUMBER SHALL BE ROUNDED TO THE NEXT WHOLE NUMBER. FOR MULTIPLE OCCUPANCIES, FRACTIONAL NUMBER SHALL BE FIRST SUMMED AND THEN ROUNDED TO THE NEXT WHOLE NUMBER.

M OCCUPANCY (PER OCC. LOAD) IF GROUND FLR

185 OCCUPANTS \ 93 MALE & 93 FEMALE

i. WATER CLOSET (M): 93 OCCUPANTS X 1/100 = .93
ii. WATER CLOSET (F): 93 OCCUPANTS X 1/100 = .93
iii. URINAL (M): 93 OCCUPANTS X 1/200 = .47
iv. LAVATORY (M): 93 OCCUPANTS X 1/200 = .47
v. LAVATORY (F): 93 OCCUPANTS X 1/200 = .47

+

A-2 OCCUPANCY (PER OCC. LOAD) IF GROUND FLR

100 OCCUPANTS \ 50 MALE & 50 FEMALE

i. WATER CLOSET (M): 50 OCCUPANTS X 1/50 = 1
ii. WATER CLOSET (F): 50 OCCUPANTS X 1/25 = 2
iii. URINAL (M): 50 OCCUPANTS X 1/200 = .25
iv. LAVATORY (M): 50 OCCUPANTS X 1/150 = .34
v. LAVATORY (F): 50 OCCUPANTS X 1/150 = .34

=

SUM UP ALL REQUIRED FIXTURES

i. WATER CLOSET (M): .93 + 1 = 1.93 -> 2
ii. WATER CLOSET (F): .93 + 2 = 2.93 -> 3
iii. URINAL (M): .47 + .25 = .72 -> 1
iv. LAVATORY (M): .47 + .34 = .81 -> 1
v. LAVATORY (F): .47 + .34 = .81 -> 1

FRACTIONAL METHOD	WATER CLOSETS		URINALS	LAVATORIES	
	M	F		M	F
TOTAL	2	3**	1	1	1
REQUIRED	1		1	2	
PROVIDED	4		1 WC	6	

**POTTY PARITY - PER CPC 422.1 NOTE 3 - THE TOTAL NUMBER OF REQUIRED WATER CLOSETS FOR FEMALES SHALL BE NOT LESS THAN THE TOTAL NUMBER OF REQUIRED WATER CLOSETS AND URINALS FOR MALES.

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03	11/22/2024	100% SCHEMATIC DESIGN
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Drawn By: Brenda B
Reviewed By: Rick N
Scale As noted
Drawing Title

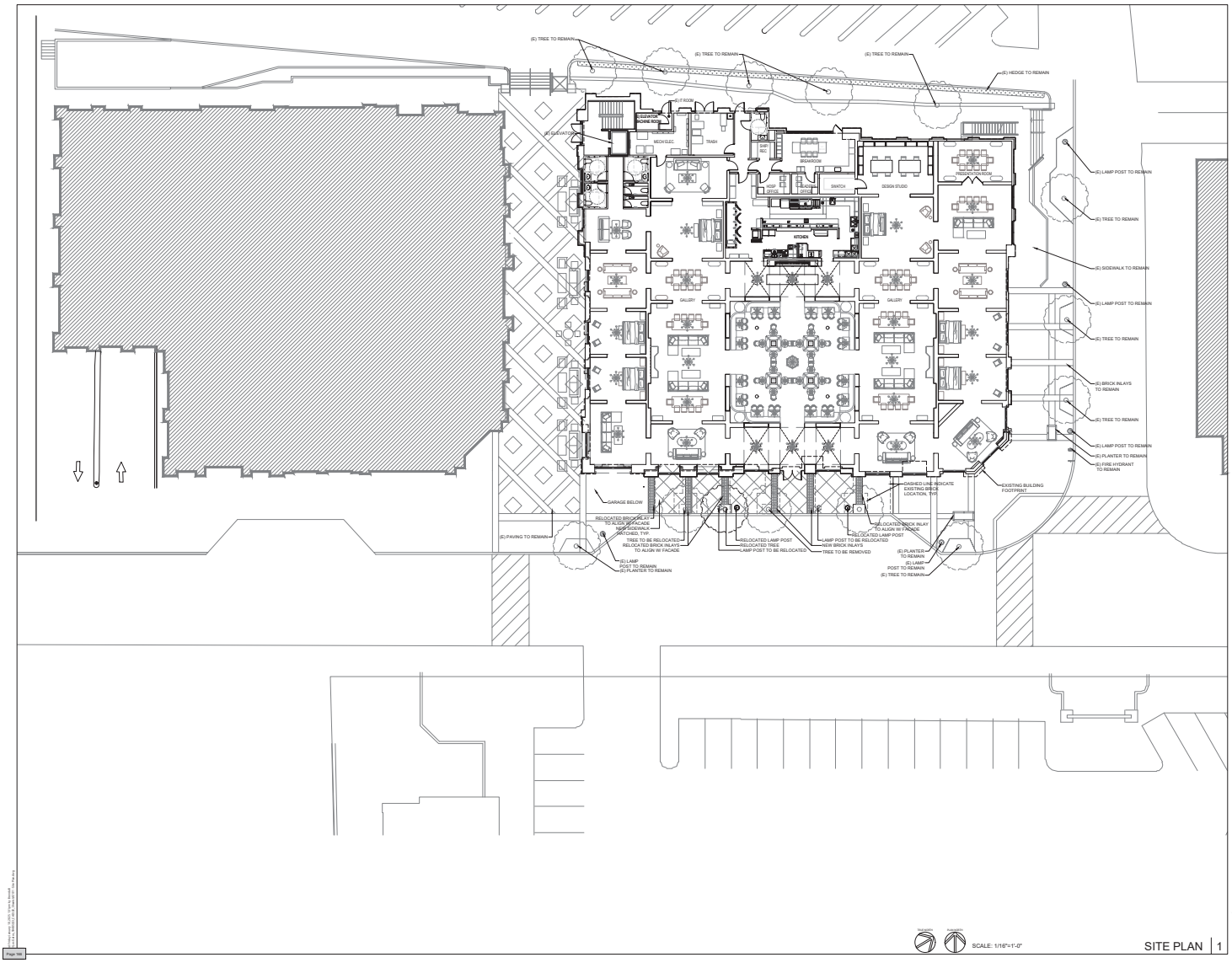
COVER SHEET

Drawing No.

A001

attachment 7

Page 295



SCALE: 1/16"=1'-0"

SITE PLAN | 1

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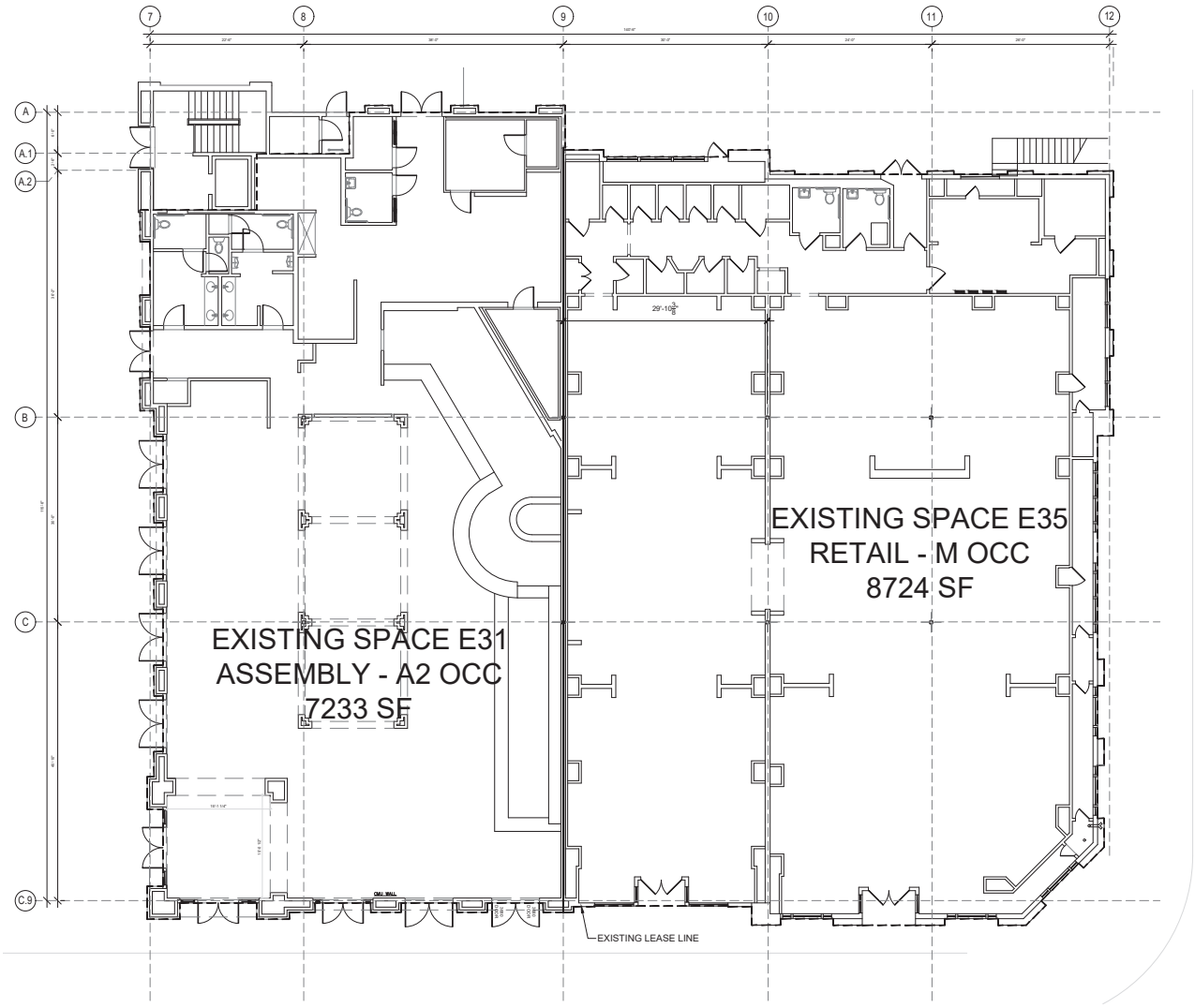
Drawing Title

SITE PLAN

Drawing No.

AS101

Page 296



SCALE: 3/16"=1'-0"

EXISTING FLOOR PLAN | 1

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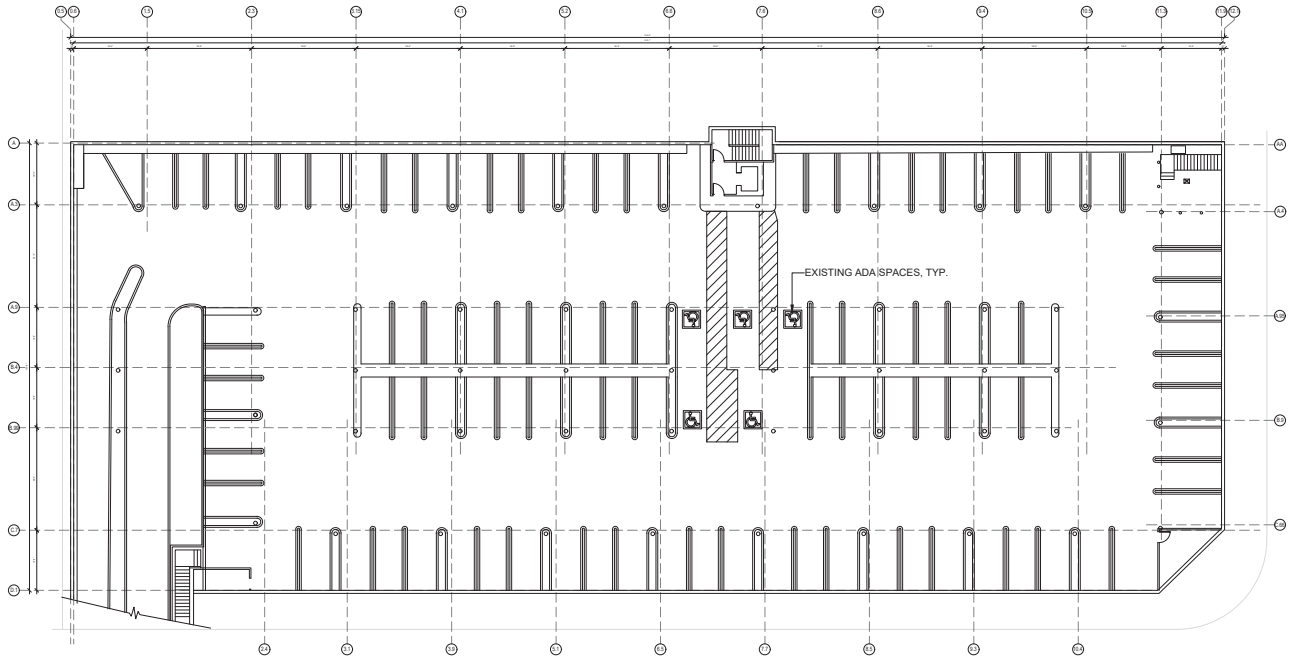
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EXISTING FLOOR PLAN

Drawing No.

AD101

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FOR REFERENCE ONLY

SCALE: 3/32"=1'-0" EXISTING BASEMENT PARKING PLAN | 1

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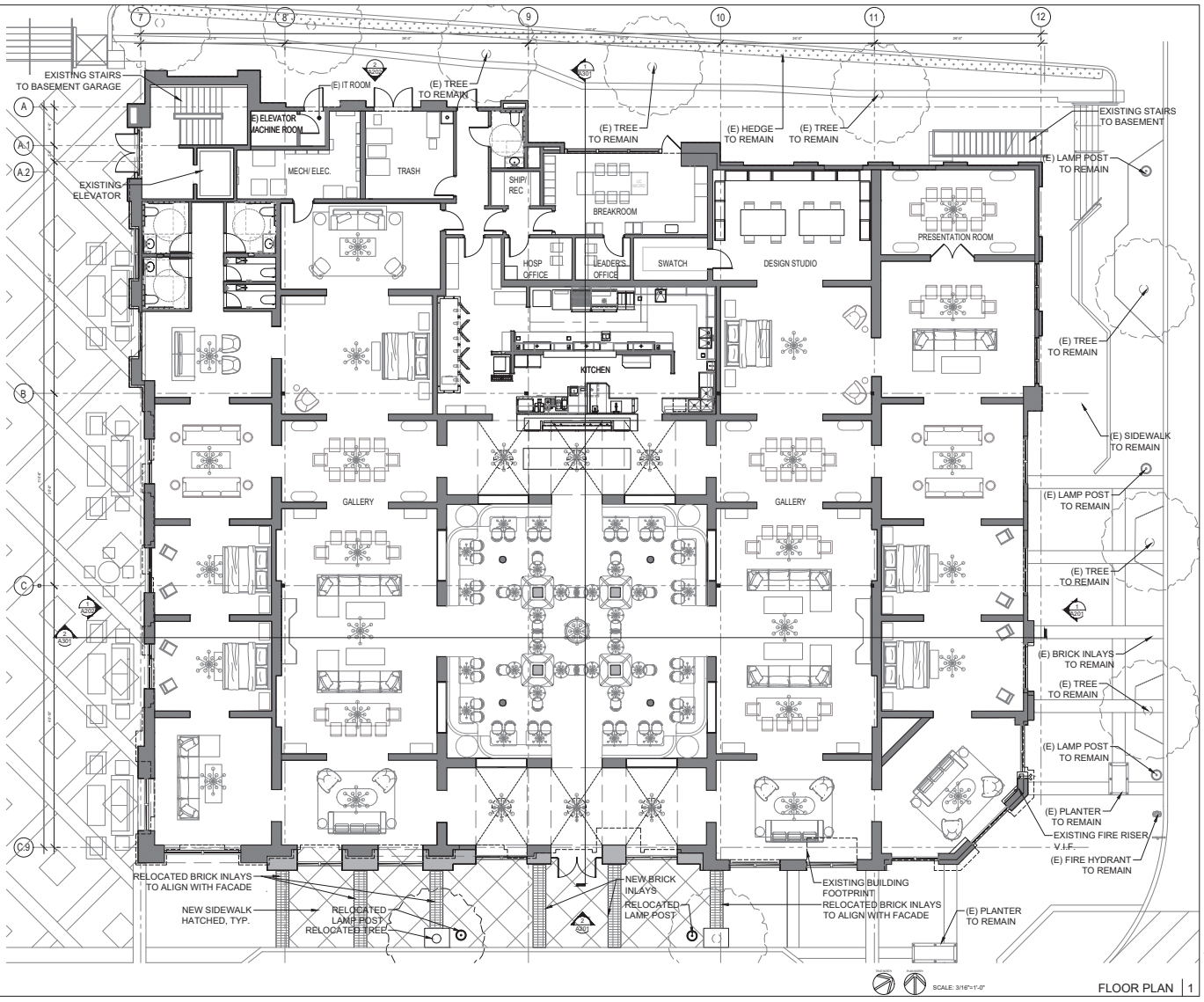
Drawing Title

EXISTING BASEMENT PLAN

Drawing No.

A100

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Page 298 of 1000 - Powered by Granicus



FLOOR PLAN | 1

RH

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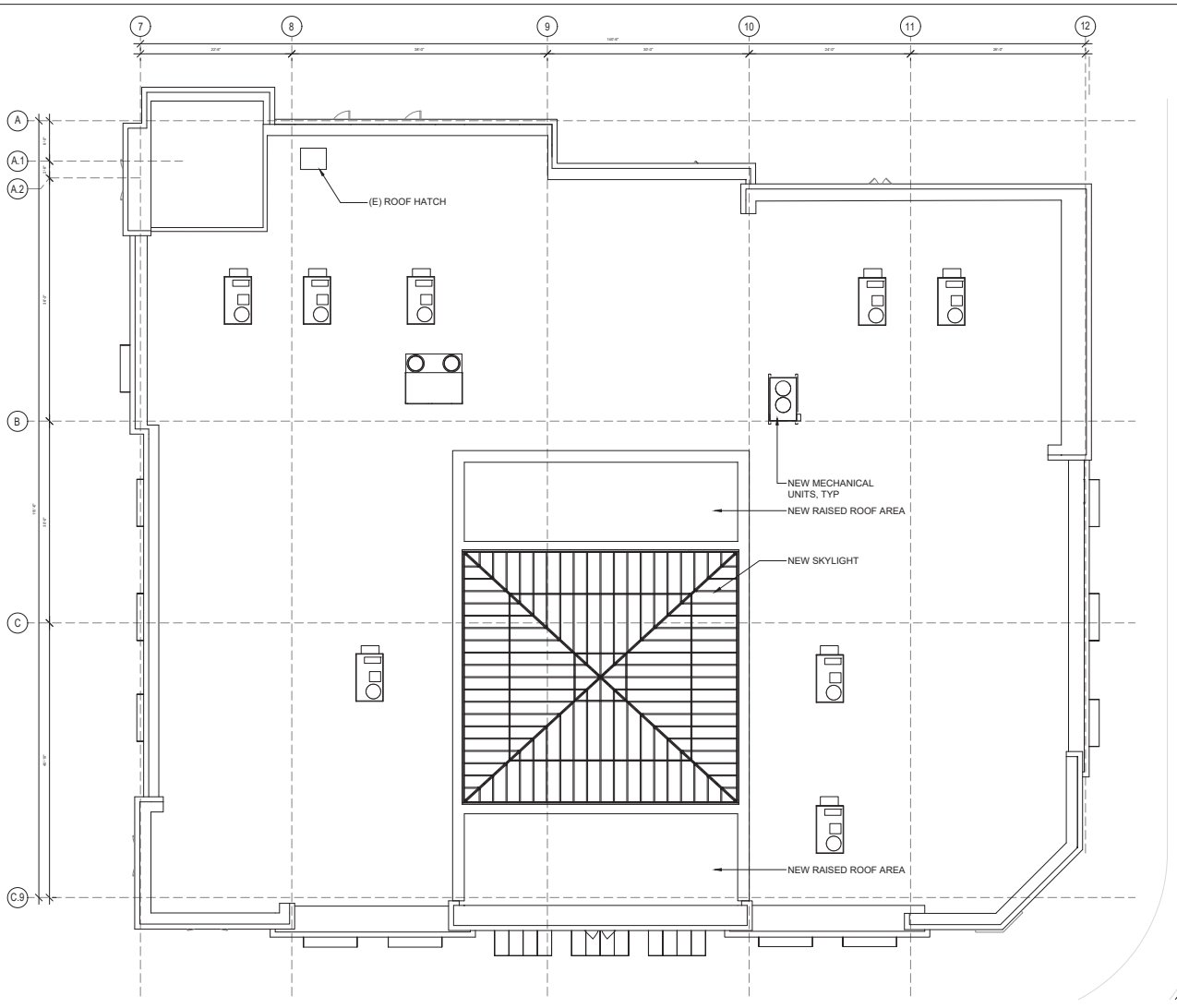
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Drawing Title

FLOOR PLAN

Drawing No.

A101



SCALE: 3/16"=1'-0"

ROOF PLAN | 1

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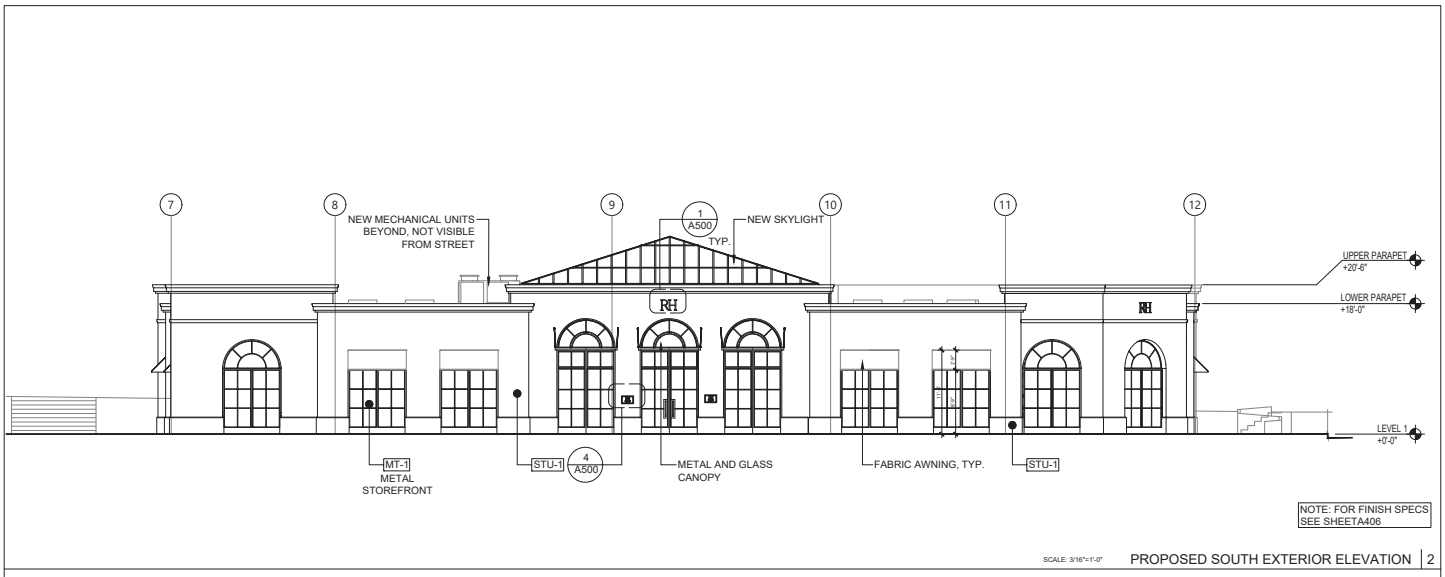
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Drawing Title

ROOF PLAN

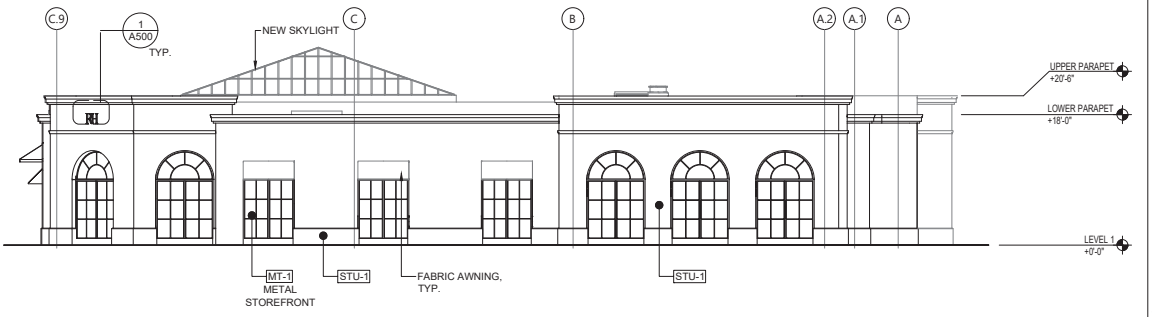
Drawing No.

A104



NOTE: FOR FINISH SPECS SEE SHEETA406

SCALE: 3/16"=1'-0" PROPOSED SOUTH EXTERIOR ELEVATION | 2



SCALE: 3/16"=1'-0" PROPOSED EAST EXTERIOR ELEVATION | 1

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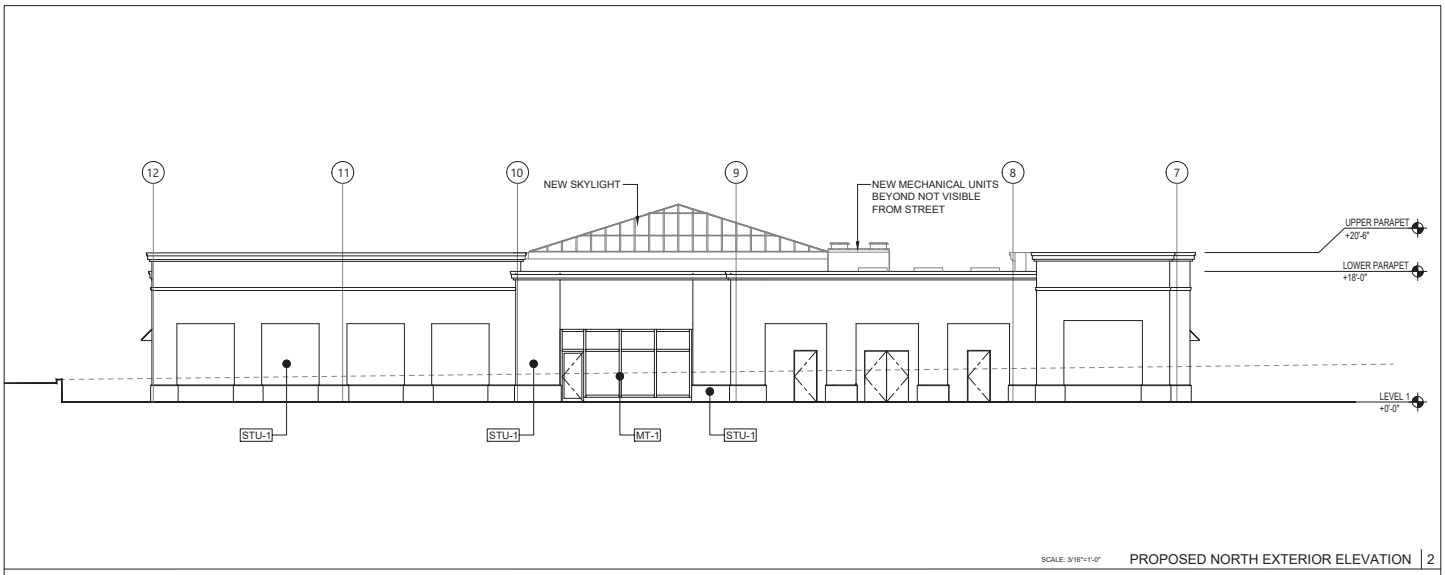
Drawing Title

EXTERIOR ELEVATIONS

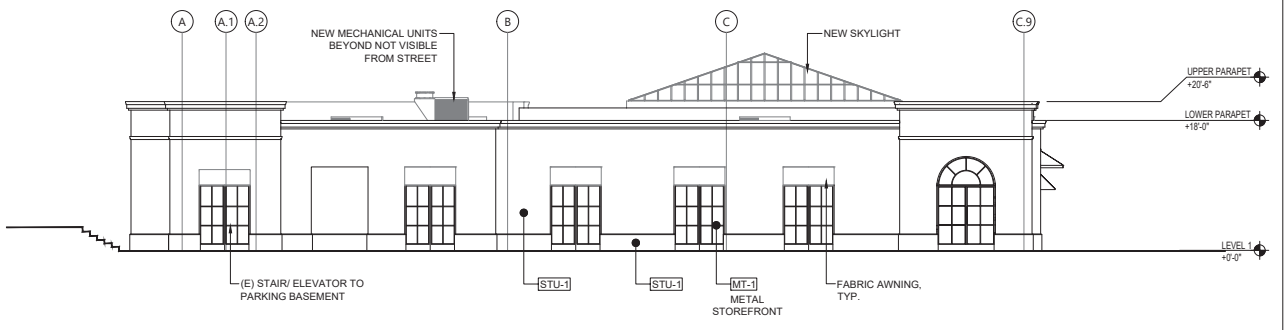
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SCALE: 3/16"=1'-0" PROPOSED NORTH EXTERIOR ELEVATION | 2



SCALE: 3/16"=1'-0" PROPOSED WEST EXTERIOR ELEVATION | 1

RH

Project

RH - LOS GATOS
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LOS GATOS, CA 95030

Architect

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Seal

Consultant

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03	11/22/2024	100% SCHEMATIC DESIGN
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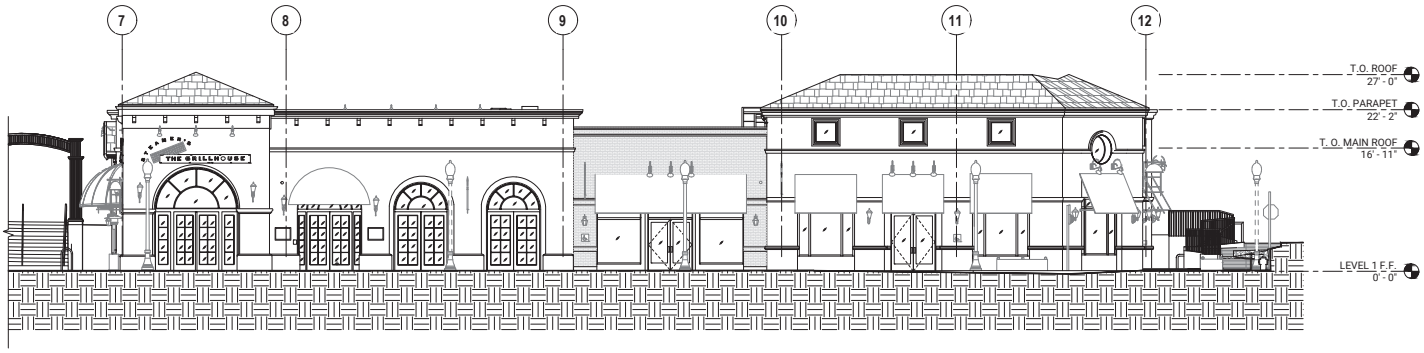
Drawing Title

EXTERIOR ELEVATIONS

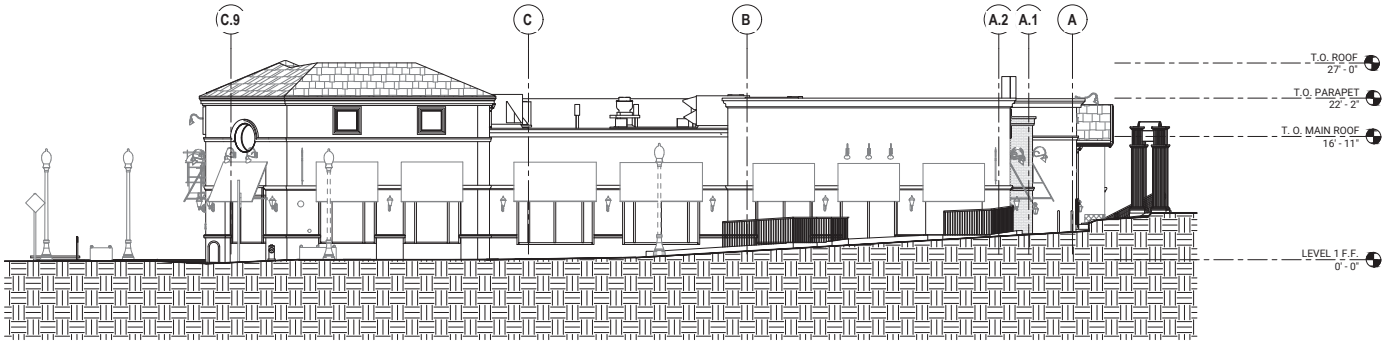
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SCALE: 3/16"=1'-0" EXISTING SOUTH EXTERIOR ELEVATION | 2



SCALE: 3/16"=1'-0" EXISTING EAST EXTERIOR ELEVATION | 1

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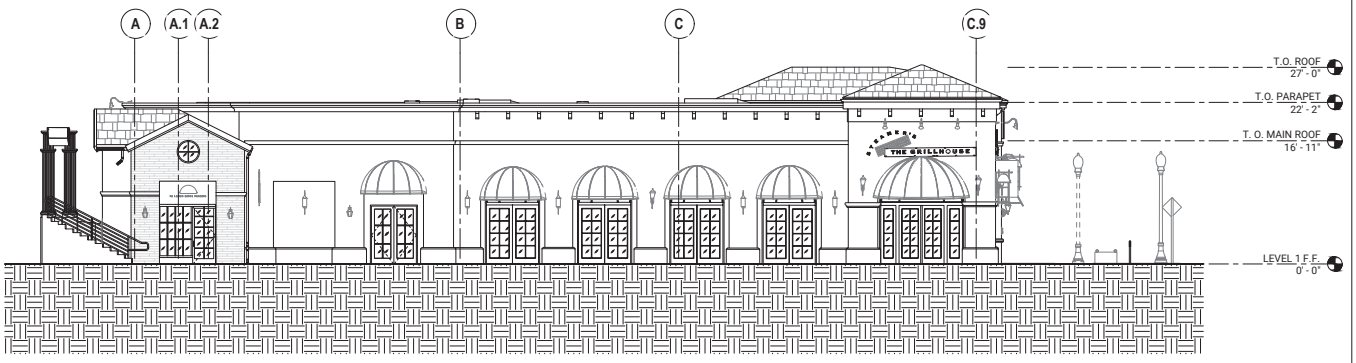
Drawing No.

A203

Page 172



SCALE: 3/16"=1'-0" EXISTING NORTH EXTERIOR ELEVATION | 2



SCALE: 3/16"=1'-0" EXISTING WEST EXTERIOR ELEVATION | 1

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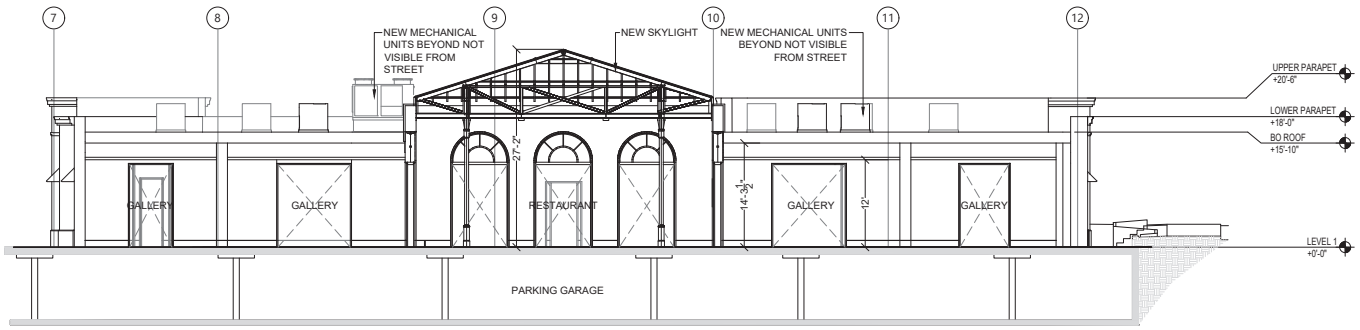
Drawing Title

EXISTING EXTERIOR ELEVATIONS

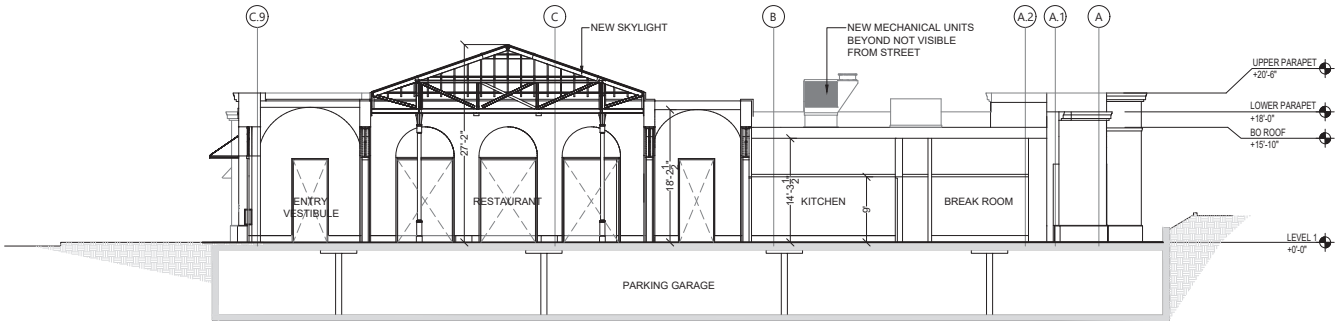
Drawing No.

A204

Page 115



SCALE: 3/16"=1'-0" PROPOSED BUILDING SECTION | 2



SCALE: 3/16"=1'-0" PROPOSED BUILDING SECTION | 1

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BUILDING SECTIONS

Drawing No.

A301

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EXISTING BUILDING PHOTOS | 1

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EXISTING BUILDING PHOTOS

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EXISTING BUILDING PHOTOS

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PROPOSED EXTERIOR RENDERS | 1

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EXTERIOR BUILDING RENDERS

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EXTERIOR BUILDING RENDERS

Drawing No.

A403

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PROPOSED INTERIOR RENDERS | 1

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INTERIOR BUILDING RENDERS

Drawing No.

A404

Page 310



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PROPOSED INTERIOR RENDERS | 1

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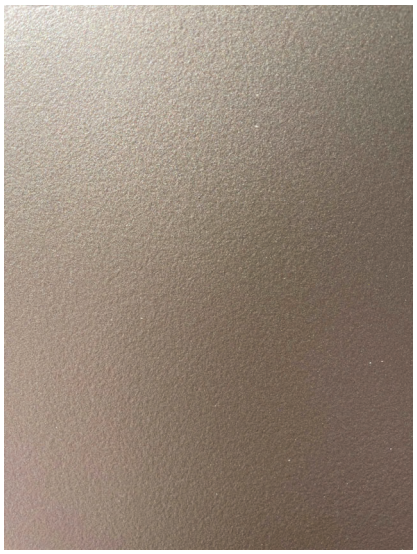
INTERIOR BUILDING RENDERS

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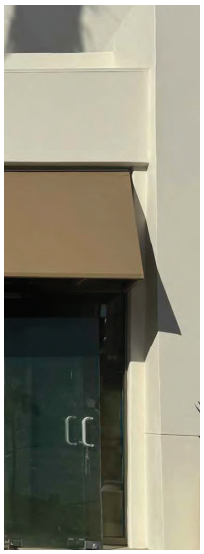
MT-1

METAL FINISH
MFR: CREATIVE PAINTS SAN FRANCISCO
PAINTED METAL CUSTOM METALLIC PLAINT

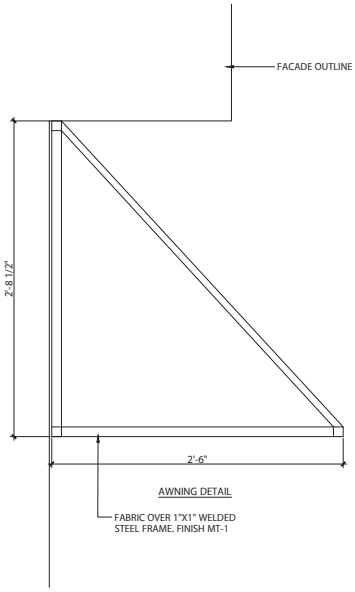


STU-1

STUCCO SYSTEM
MFR: RICK MARS
EXTERIOR CLADDING
LIGHT CREAM PROPRIETARY 5 COAT VENETIAN PLASTER
CUSTOM FINISH PER OWNER REQUIREMENTS



FABRIC AWNING



RH

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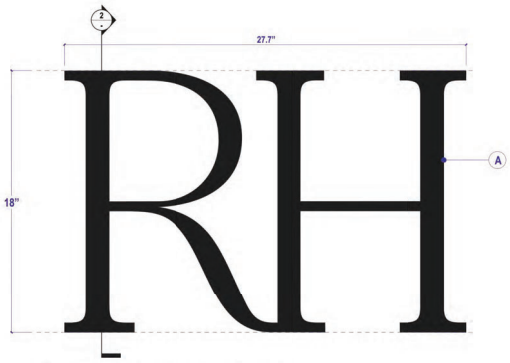
Drawing Title

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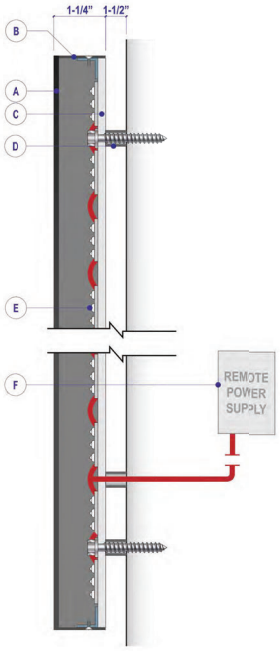
Page 312



1 **17-IN RH LOGO HALO-LIT - DETAIL**
Scale 1/8: 1"



3 **ILLUMINATION SAMPLE**
NTS



2 **SECTION**
Scale 1/4: 1"

SPECIFICATIONS:

A. 1/8" THCK ALUMINUM FACE PAINT TO MATCH AWNINGS/WINDOW FRAMES

NOTE: SOME STROKE ADJUSTED TO ACCOMODATE LED LIGHT LAYOUT REQUIREMENTS

B. .050" THICK ALUMINUM RETURNS PAINTED RAL 9005 JET BLACK SATIN (MP923) MOUNTED TO "C" VIA ANGLE BRACKETS AND SCREWS

C. 3/16" POLYCARBONATE BACK WITH SINGLE LAYER OF WHITE FROSTED CRYSTAL 7725E-324 DIFFUSER RIVETED TO ALUMINUM ANGLE BRACKETS MOUNTED TO FINSH WALL VIA 1/4"-20 SCREWS AND ANCHOR IN 7 PLACES

D. 1/2" DIA. ALUMINUM SPACERS

E. AGI LIGHT 3000K

F MAGNITUDE M150L12DC-AR LED DRIVER



NOT 100% SCALE
20" X 30" FRAME
MATCHES RENDERING

4 **ENTRY PLAQUE SIGN DETAIL**

UL ALL ELECTRICAL COMPONENTS ARE UL APPROVED AND FOLLOW 600 GROUNDING AND BONDED GUIDELINES

THOMAS-SWAN SIGN COMPANY, INC.
2717 GOODRICK AVENUE, RICHMOND, CA 94801
510-232-9610 • CA.IFORNIA LICENSE #269069

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PROJECT NAME & ADDRESS: RESTORATION HARDWARE

SIGN TYPE: RH HALO-LIT BUILDING LOGO
FILENAME: 18IN_LOS GATOS
APPROVED FOR CONSTRUCTION - INCLUDE NAME & DATE:

DATE / REVISIONS:

CLIENT: Restoration Hardware
SALES: Ryan Goss
DRAWN BY:

JOB NUMBER: 8258
QUANTITY: 2
SHEET NUMBER: 1.00

FOR REFERENCE ONLY

SCALE: N.T.S.

EXTERIOR SIGNAGE | 1

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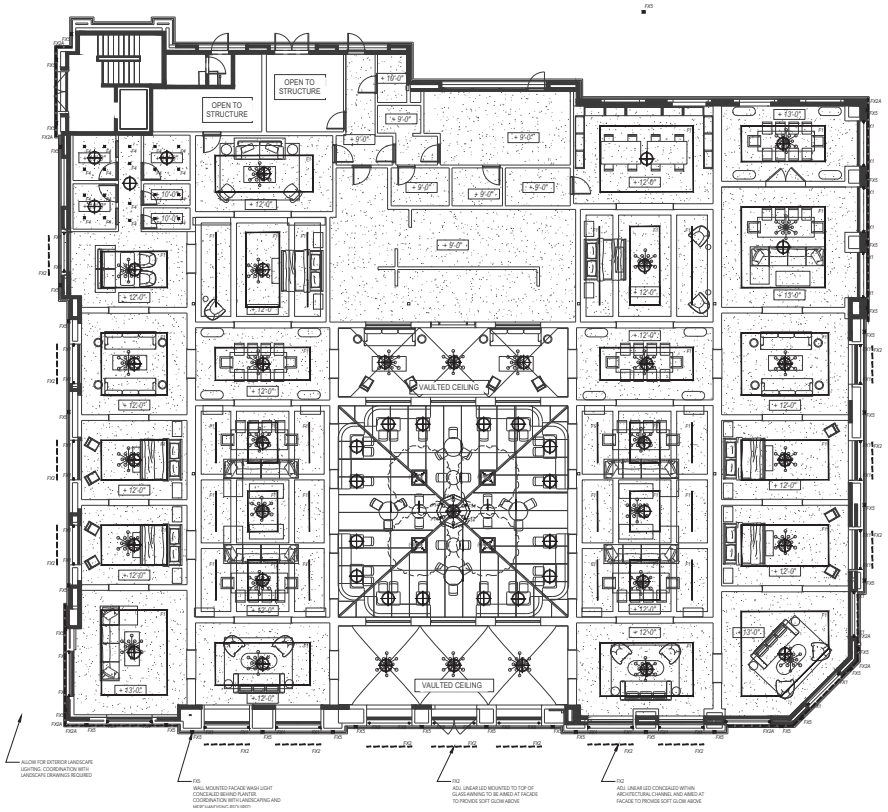
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Scale As noted

Drawing Title
EXTERIOR SIGNAGE

Drawing No.
A500

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1 EXTERIOR LIGHTING LAYOUT
1/8" = 1'-0"

LIGHTING CONTROL SYSTEM SEQUENCE OF OPERATION:

ALL BUILDING LIGHTING AT RH LOS GATOS IS CONTROLLED BY PRESET SCENES ON A TIME CLOCK SCHEDULE.

BUILDING WIDE SCENE DESCRIPTIONS

SCENE 1: RETAIL DAY, ACTIVATES AT 7:00AM DAILY, 15 SECOND FADE TIME. INTERIOR LIGHTING TURNS ON AT PRESET, DIMMED LEVELS DETERMINED BY LIGHTING DESIGNER AND APPROVED BY RH. EXTERIOR LIGHTING TURNS OFF

SCENE 2: RETAIL NIGHT, ACTIVATES 15 MINUTES BEFORE SUNSET, 15 SECOND FADE TIME. EXTERIOR LIGHTING TURNS ON AT PRESET, DIMMED LEVELS DETERMINED BY LIGHTING DESIGNER AND APPROVED BY RH.

SCENE 3: OVERNIGHT, ACTIVATES AT 11PM. MOST INTERIOR LIGHTING TURNS OFF, LIGHTING DESIGNER TO DETERMINE OVERNIGHT SETTING ON SITE AHEAD OF GALLERY OPENING.

SCENE 4: EVENT, ACTIVATES ON DEMAND DURING OPENING EVENT. LIGHTING DESIGNER WILL DETERMINE CUSTOM SETTING APPROACHES RH.

NOTES FOR ZONING AND LIGHTING CONTROLS:

1. ALL BUILDING LIGHTING TO BE DIMMABLE, INCLUDING ARCHITECTURAL AND DECORATIVE (MERCHANDISE) LIGHTING.
2. ONE ZONE PER "F" TYPE, PER INSTALLATION LOCATION OR CONDITION (UNLESS OTHERWISE NOTED ON DRAWINGS).

LIGHTING LEGEND

TYPE	SYMBOL	DESCRIPTION	LOCATION
F1	▬	SURFACE MOUNTED SINGLE CIRCUIT TRACK	RETAIL, THROUGHOUT
F2	▸	ADJUSTABLE TRACK HEAD	RETAIL, THROUGHOUT
F4	■	5" SQUARE RECESSED DOWNLIGHT	RESTROOMS, PASSAGES
F14	●	WEIGHTED BASE, UNDERWATER ACCENT LIGHT	CAFE CENTRAL FOUNTAIN
F41	▸	JAMB MOUNTED ACCENT LIGHT	FACADE, DOOR AND WINDOW JAMBS
FX2	▬ ▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE AWNINGS
FX2A	▬ ▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE, CORNICE
FX5	■	WALL MOUNTED FACADE WASH LIGHT	FACADE
FX7	✦	STAKE MOUNTED TREE UPLIGHT	CAFE TREES
FX8	◆	GRADE RECESSED UPLIGHT	MAIN ENTRY DOOR JAMBS

rkv DESIGN
23823 MALIBU ROAD
SUITE 50 - 212
MALIBU, CA 90265
www.rkv-design.com
+1 310 924 2185

NOTES FOR GENERAL CONTRACTOR:

1. General Contractor (GC) and Electrical Contractor (EC) will be responsible for verification of all dimensions, specifications and coordination with related trades and subcontractors.
2. GC to paint downlight trims to match ceiling per architects direction. Ensure trims can be removed after painting and do not stick.
3. GC to furnish and install adequate drainage around all direct burial transformers and recessed in-grade light fixtures.
4. GC to notify designer of any conflict with mechanical, electrical, plumbing, HVAC or structural presence or any conflicting dimensions or site conditions prior to commencement of work.
5. GC is responsible for notifying designer of any inconsistencies between design drawings and other documents.
6. Do not scale drawings.

GENERAL NOTES:

1. Lighting Design drawings and dimensions are for design intent only. Coordination with Architectural Drawings required.
2. Fixture types and specifications available in accompanying Specification packet.
3. Calculations for code compliance to be provided by Electrical Engineer.
4. Emergency lighting requirements to be completed by Electrical Engineer.

REV.	DATE	DESCRIPTION
	10.23.2024	FOR REVIEW
	11.22.2024	100% SCHEMATIC DESIGN
	01.10.2025	PLANNING REVIEW

PROJECT:

RH LOS GATOS

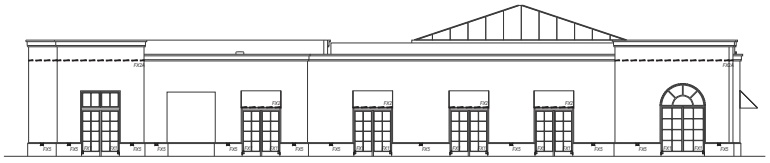
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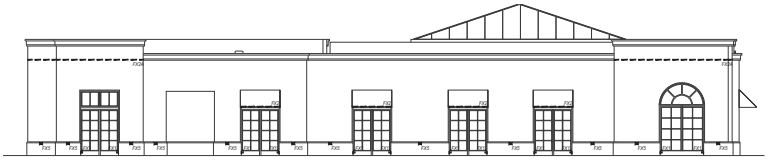
LIGHTING LAYOUT

SHEET:

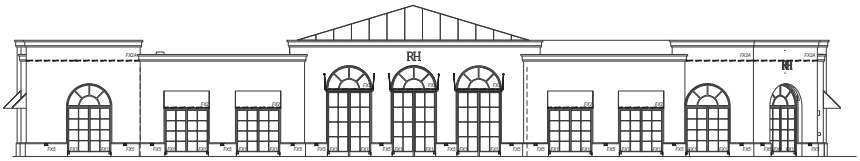
LT-1.0



1 WEST ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"

LIGHTING CONTROL SYSTEM SEQUENCE OF OPERATION:

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BUILDING WIDE SCENE DESCRIPTIONS:

SCENE 1: RETAIL DAY ACTIVATES AT 7:00AM DAILY, 15 SECOND FADE TIME. INTERIOR LIGHTING TURNS ON AT PRESET, DIMMED LEVELS DETERMINED BY LIGHTING DESIGNER AND APPROVED BY RH. EXTERIOR LIGHTING TURNS OFF.

SCENE 2: RETAIL NIGHT ACTIVATES 15 MINUTES BEFORE SUNSET, 15 SECOND FADE TIME. EXTERIOR LIGHTING TURNS ON AT PRESET, DIMMED LEVELS DETERMINED BY LIGHTING DESIGNER AND APPROVED BY RH.

SCENE 3: OVERNIGHT ACTIVATES AT 11PM. MOST INTERIOR LIGHTING TURNS OFF, LIGHTING DESIGNER TO DETERMINE OVERNIGHT SETTING ON BEHALF OF GALLERY OPENING.

SCENE 4: EVENT ACTIVATES ON DEMAND DURING OPENING EVENT. LIGHTING DESIGNER WILL DETERMINE CUSTOM SETTING APPROPRIATE.

NOTES FOR ZONING AND LIGHTING CONTROLS:

1. ALL BUILDING LIGHTING TO BE DIMMABLE, INCLUDING ARCHITECTURAL AND DECORATIVE (MERCHANDISE) LIGHTING.
2. ONE ZONE PER "F" TYPE, PER INSTALLATION LOCATION OR CONDITION (UNLESS OTHERWISE NOTED ON DRAWINGS).

LIGHTING LEGEND

TYPE	SYMBOL	DESCRIPTION	LOCATION
F1	▬	SURFACE MOUNTED SINGLE CIRCUIT TRACK	RETAIL THROUGHOUT
F2	▸	ADJUSTABLE TRACK HEAD	RETAIL THROUGHOUT
F4	■	3" SQUARE RECESSED DOWNLIGHT	RESTROOMS, PASSAGES
F14	●	WEIGHTED BASE UNDERWATER ACCENT LIGHT	CAFE CENTRAL FOUNTAIN
FX1	▸	JAMB MOUNTED ACCENT LIGHT	FACADE, DOOR AND WINDOW JAMBS
FX2	▬▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE AWNINGS
FX2A	▬▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE, CORNICE
FX5	■	WALL MOUNTED FACADE WASH LIGHT	FACADE
FX7	✔	STAKE MOUNTED TREE UPLIGHT	CAFE TREES
FX8	●	GRADE RECESSED UPLIGHT	MAIN ENTRY DOOR JAMBS

rkv DESIGN
23823 MALIBU ROAD
SUITE 50 - 212
MALIBU, CA 90265
www.rkv-design.com
+1 310 924 2185

NOTES FOR GENERAL CONTRACTOR:

1. General Contractor (GC) and Electrical Contractor (EC) will be responsible for verification of all dimensions, specifications and coordination with related trades and subcontractors.
2. GC to paint downlight trims to match ceiling per architects direction. Ensure trims can be removed after painting and do not stick.
3. GC to furnish and install adequate drainage around all direct burial transformers and recessed in-grade light fixtures.
4. GC to notify designer of any conflict with mechanical, electrical, plumbing, HVAC or structural presence or any conflicting dimensions or site conditions prior to commencement of work.
5. GC is responsible for notifying designer of any inconsistencies between design drawings and other documents.
6. Do not scale drawings.

GENERAL NOTES:

1. Lighting Design drawings and dimensions are for design intent only. Coordination with Architectural Drawings required.
2. Fixture types and specifications available in accompanying Specification packet.
3. Calculations for code compliance to be provided by Electrical Engineer.
4. Emergency lighting requirements to be completed by Electrical Engineer.

REV.	DATE	DESCRIPTION
	10.23.2024	FOR REVIEW
	11.22.2024	100% SCHEMATIC DESIGN
	01.10.2025	PLANNING REVIEW

PROJECT:

RH LOS GATOS

35 UNIVERSITY BLVD,
LOS GATOS, CA 95030

DRAWING TITLE:

EXTERIOR
LIGHTING
ELEVATIONS

SHEET:

LT-2.0

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TOWN OF LOS GATOS
HISTORIC PRESERVATION COMMITTEE
REPORT

MEETING DATE: 03/26/2024
ITEM NO: 3
DESK ITEM

DATE: March 26, 2025

TO: Historic Preservation Committee

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval to Modify Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Use Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. **Located at 31 University Avenue.** APN 529-02-044. Planned Development Modification PD-25-001, Architecture and Site Application S-25-004, and Conditional Use Permit U-25-001. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: SRI Old Town, LLC. Applicant: Rick Nelson, MBH Architects. Project Planner: Erin Walters.

REMARKS:

Attachment 8 includes public comments received between 11:01 am, Friday, March 21, 2025, and 11:00 am, Wednesday, March 26, 2025.

ATTACHMENTS:

Previously distributed with the February 26, 2025, Staff Report:
1. Planned Development Ordinance 2025
2. Applicant's Request and Letter of Justification
3. Development Plans

Previously received with the February 26, 2025, Desk Item Report:
4. Existing and Proposed Building Elevations

Previously received with the March 26, 2025, Staff Report:
5. HPC Action Letter, February 26, 2025
6. Response Letter
7. Development Plans

PREPARED BY: Erin M. Walters
Senior Planner

Received with this Desk Item Report:

8. Public comments received between 11:01 am, Friday, March 21, 2025, and 11:00 am, Wednesday, March 26, 2025

From: Demetra Jennings [redacted]
Sent: Tuesday, March 25, 2025 2:01 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Support for Restoration Hardware Proposal on University Avenue

[EXTERNAL SENDER]

To the Members of the Los Gatos Historic Preservation Committee,

My name is Demetra Jennings, and I'm the owner of Nimbus Salon on Main & University. I've been a proud business owner in Los Gatos for over 32 years.

I'm excited to hear that Restoration Hardware is considering an investment in our town with a proposed multi-use store and restaurant on University Avenue. I believe this project has the potential to bring new life to the Old Town area and be a catalyst for revitalization. The proposed design is both elegant and respectful of the area's charm–an attractive addition to our community.

Restoration Hardware would be a great fit for Los Gatos. Many of my clients are already fans of RH and shop at their location in Palo Alto. The idea of having one here has generated a lot of enthusiasm.

Given the economic uncertainty we've all faced in recent years, it's encouraging to see a well-regarded brand like RH wanting to invest in our town. I urge the Historic Preservation Committee, the Planning Commission, and the Town Council to support this proposal.

Thank you for your time and consideration.

Warm regards,
Demetra Jennings
Owner, Nimbus Salon
65 W Main Street, Los Gatos CA

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TOWN OF LOS GATOS

HISTORIC PRESERVATION COMMITTEE REPORT

MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING MARCH 26, 2025

The Historic Preservation Committee of the Town of Los Gatos conducted a regular meeting on March 26, 2025, at 4:00 p.m.

MEETING CALLED TO ORDER AT 4:00 PM

ROLL CALL

Present: Chair Lee Quintana, Planning Commissioner Susan Burnett, Planning Commissioner Emily Thomas, and Committee Member Alan Feinberg.

Absent: Vice Chair Martha Queiroz stuck in traffic.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS

1. Approval of Minutes – February 26, 2025

MOTION: **Motion** by **Commissioner Burnett** to approve the consent calendar. **Seconded** by **Committee Member Feinberg**.

VOTE: **Motion passed unanimously 3-0-1.** Commissioner Thomas abstained and Vice Chair Queiroz was absent**.**

PUBLIC HEARINGS

2. 222 University Avenue
   Minor Development in a Historic District Application HS-24-055

   Consider a Request for Approval for Construction of an Addition and Exterior Alterations to an Existing Non-Contributing Single-Family Residence Located in the University-Edelen Historic District on Property Zoned R-1D:LHP. APN 529-04-004. Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
   Property Owner/Applicant: Tuyet Pham
   Project Planner: Sean Mullin

The project planner presented the staff report.

Opened Public Comment.

The applicant was not present.

Committee members asked questions of Staff.

Sean Mullin, Project Planner

Clear directions were given to the applicant. In response they submitted revised plans. Advise the Committee to conduct the review without the applicant present and make a recommendation. The original siding has been enclosed by additions. The current visible siding was installed post-1941 and is not original.

Closed Public Comment.

Committee members discussed the matter.

The structure was originally described in the Historic Inventory as a barn. The barn siding from that period was board and batten and not shingles. The proposed project blends in much better with the district. The changes followed all the Committee's recommendations. The proposal is a huge improvement and reads as a single-family residence.

MOTION: **Motion** by **Commissioner Thomas** to Forward a Recommendation of Approval to Construct an Addition and Exterior Alterations to an Existing Non-Contributing Single-Family Residence Located in the University-Edelen Historic District on Property Zoned R-1D:LHP. Located at 222 University Avenue. APN 529-04-004. Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. With the Plans and Findings as Presented. **Seconded** by **Commissioner Burnett**.

Committee members provided comments.

Disappointed that the applicant was not present. Board and batten would be a better choice.

VOTE: **Motion passed unanimously, (4-0).** Vice Chair Queiroz was absent.

3. 31 University Avenue
   Planned Development Modification PD-25-001, Architecture and Site Application S-25-004, and Conditional Use Permit U-25-001

   Consider a Request for Approval to Modify Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Use Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
   Property Owner: SRI Old Town, LLC
   Applicant: Rick Nelson, MBH Architects

Project Planner: Erin Walters

The project planner presented the staff report.

Opened Public Comment.

Stuart Waggoner, HR Architects, Applicant

They presented the Committee's comments to their senior management. They decided not to make any changes. They looked at Google Earth to see the styles of nearby buildings and felt it fit in. Symmetry, balance and proportion are important to RH.

The Committee asked questions of the Applicant.

Stuart Waggoner, HR Architects, Applicant

The Committee's comments were relayed to their CEO, but the CEO has a vision and decided not to make any changes.

Carol Pluster, Resident

Carol lives in Town and loves Los Gatos. They have seen the renderings and think it will be a beautiful addition to the Town. The building is in character of the Town. They are in support of the project.

Chair Lee Quintana

The Committee also received a Desk Item letter from Demetra Jennings who is in support of the project.

The applicant had nothing to add.

Closed Public Comment.

Committee members discussed the matter.

What are the Commercial Design guidelines regarding corporate architecture? There are two choices: either send to the Planning Commission with a recommendation for denial or continue the item with further direction. There are two policies: LU 6.5 and LU 1.4. 3.7.1 Village scale and character. The proposed design is not consistent with the neighborhood. It should be denied. There should be an Individual feeling and different from each other. It should reflect the Old Town across the street. It is a disappointment that the applicant decided not to work with the Committee. The development mimics the streetscape of a village. The role of the HPC is to maintain the small-town character. Not in favor of the project. I appreciate some of the architectural features such as the arched windows and natural lighting. It is pedestrian oriented. There was no attempt to consider the Committee's concerns. The proposed design is a very nice building that would fit on Los Gatos Boulevard, where it would be an individual building amongst other buildings with a more modern design. It is not read as part of Old Town. Not in support. The design reads as a large individual building. In the Old Town, the style is consistent while each store is different. Even if use is all one.

Note: Vice Chair Martha Queiroz has arrived.

Is the issue that the current building doesn't have a historic look that contributes to the historic district or that it doesn't fit the individual style of Old Town? The present building. did a better job in the rear than at the front of the building. The idea that there are three parts and not just one building. It should carry out the idea of breaking it up, it will stand out more of it doesn't fit with the scale of the district. Since the next step is to go to Planning Commission. Be very explicit that it is less the style but that it is one giant building. It looks like one continuous building while the intent was to have it feel like a collection of individual structures. The design by the Arhous furniture store was approved. Their design kept the asymmetry, but they painted it all white which is a reasonable compromise. The Town would benefit economically by having a major tenant like RH to come to Los Gatos. But the Committee's job is historic preservation. The building looks good, and the fixes could be simple. They can use different subtle colors, light sconces, and materials like tiles, to distinguish the facades. They add landscaping like a fountain on the corner or more trees in front. The building style is between Italian Renaissance and Spanish revival. Decorative dentil to add along the roof line. It looks like the sleek Restoration brand. They could paint the roof red to resemble red clay tiles. They could make small changes that could keep their brand and blend in with the historic neighborhood. The skylight is still visible. Not bothered by the skylight. I would like to see the skylight tie in with the other roof tops next door and across the street.

The Committee asked questions of Staff.

Sean Mullin, Project Planner

There was no preliminary review. The applicant worked with staff. They decided to submit a formal application to start the process. An Architecture and Site (A&S) application was triggered because it was in a historic district. An A&S application would go before the Planning Commission. Because it's a planned development it would then go before the Town Council.

MOTION: **Motion** by **Committee Member Burnett** to Forward a Recommendation to Deny the Request to Modify Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Use Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. **Seconded** by **Vice Chair Queiroz.**

The Maker of the Motion amended the motion to include redesigning the skylight so that it is not visible.

The Seconder of the Motion did not accept the amendment to the motion.

The Maker of the Motion amended the motion to include the directions provided at the March 26, 2025 meeting and as summarized in the action letter. In addition, it includes the subtle changes outlined by Vice Chair Queiroz regarding paint, lighting, materials, trees, landscaping, roof painting, etc. to achieve the appearance of a collective of individual structures.

The Seconder of the Motion accepted the amendment to the motion.

VOTE: Motion passed unanimously, 4-1. Commissioner Thomas voting no.

4. 16488 Bonnie Lane
   Minor Residential Development Application MR-24-007

   Consider a Request for Approval to Construct a Second-Story Addition Exceeding 100 Square Feet and Exterior Alterations to an Existing Pre-1941 Single-Family Residence on Property Zoned R-1:8. Located at 16488 Bonnie Lane. APN 532-02-014. Minor Residential Development Application MR-24-007. Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301: Existing Facilities.
   Property Owner: Mai of Tran 2020 Trust
   Applicant: Vu-Ngan Tran
   Project Planner: Maria Chavarin

The project planner presented the staff report.

Opened Public Comment.

Mai Tran, Owner

The second-story project was approved as of May 2024. They have returned with a small change. The architect has made the dormer more even. The biggest change is to make the house more presentable.

The Committee asked questions of the Applicant.

Mai Tran, Owner

The second-bedroom design was changed. Instead of a bump out to make room for the bathtub there is now a straight wall. The roofline has not changed. They were asked to use fiberglass clad wood windows. Their architect provided names of manufacturers, but those vendors only offer full fiberglass windows. They are asking for vendor recommendations. They are hoping to be approved. The proposed master bedroom was intended to make room for their in-laws who are in their late 80's.

Closed Public Comment.

The Committee asked questions of Staff

Maria Chavarin, Project Planner

This is the second-floor proposal that was approved at the last meeting. The applicant has returned to modify the footprint of the second floor. They added three more windows because they expanded the footprint of the second floor.

Sean Mullin, Planning Manager

They widened the dormer and separated one window into 3 smaller windows. There is no change in the roof ridge. Staff can connect the applicant with resources for the windows.

Committee members discussed the matter.

In support of the new proposal. It is a good proposal. The changes are acceptable. Concerned about the window situation for sources. Concerned about the changes to the front of the house because: 1) the direct connection to the street is lost. 2) It adds to the bulk of the house. Want the steps to come off the porch onto the Bonnie Lane, which is the main face of the street. Familiar with the previous owners. We never entered through the front door, only through the side door. It is not a corner lot. What is the owner's reason for changing the entry? Is it because of landscaping? The side of the house is on Bonnie Lane. It's a wedge corner lot and faces a private road. In support of approving the new plans.

MOTION: **Motion** by **Commissioner Thomas** to Recommend Approval for Construction of a Second-Story Addition Exceeding 100 Square Feet and Exterior Alterations to an Existing Pre-1941 Single-Family Residence on Property Zoned R-1:8. APN 532-02-014. Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301: Existing Facilities. Minor Residential Development Application MR-24-007. Located at 16448 Bonnie Lane. With the requested changes, and the new consistency with the Architecture and Site proposed plans and the recommendation that staff help the applicant find a good source for appropriate windows to fit the historic nature of the structure. **Seconded** by **Committee Member Feinberg**.

VOTE: **Motion passed unanimously, 5-0.**

5. 16401 Englewood Avenue
   Architecture and Site Application S-25-004 and Conditional Use Permit U-25-001

   Consider a Request to Remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1:20. APN 532-05-010. Exempt Pursuant to CEQA Section 15061(b)(3). Request for Review PHST-25-002.
   Property Owner/Applicant: Christine Garwood
   Project Planner: Ryan Safty

The project planner presented the staff report.

The Committee asked questions of Staff

Opened Public Comment.

Christine Garwood, Owner

They found no historic significance or information from their research at the library. No historic significance for the property, events or people. Record of a remodel in 1973 remodel. They did an extensive remodel in 2012. The footprint is the same. But they added a second story, front porch, and a brick façade. They changed the roof, all the windows, and the siding. There was no historic review process through the County. In 2019 it was part of a larger neighborhood annexation.

The Committee asked questions of the Applicant.

Christine Garwood, Owner

They may add an ADU but haven't decided on what they want to do. Removal from the Historic Inventory is their first step.

Closed Public Comment.

The Committee asked questions of Staff

Committee members discussed the matter.

Because of the detailed information and recent extensive remodel, we can approve removal. This remodel was done very well and looks historic. Given the records, it can be removed. It fits well with the neighborhood. It meets all the criteria to be removed. The existing house has nothing left of the true historic characteristic.

MOTION: **Motion** by **Commissioner Burnett** to Approve the Request to Remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1:20. Located at 16401 Englewood Avenue. APN 532-05-010. Exempt Pursuant to CEQA Section 15061(b)(3). Request for Review PHST-25-002. With the Required Findings. **Seconded** by **Commissioner Thomas.**

VOTE: **Motion passed unanimously, 5-0.**

OTHER BUSINESS

6. 333 Los Gatos Boulevard
   Request for Review Application PHST-25-004

   Consider a Request for Preliminary Review to Construct an Addition to an Existing Pre1941 Single-Family Residence on Property Zoned R-1D. Exempt Pursuant to CEQA Section 15301: Existing Facilities.
   Property Owner/Applicant: Nicholas Palmer
   Project Planner: Sean Mullin

The project planner presented the staff report.

Opened Public Comment.

Nicholas Palmer, Owner

They moved in February 2021. They would like to add a bathroom. There is only one shower. They explored master addition in the back, but the cost was too high. They would like to put in in the front since the master bedroom is already there. It would help lessen the street noise. The goal is to make the front look the same. They have extra siding in the garage and found a vendor who can replicate the siding. They would reuse the existing window. They would reuse the glass but modify the frame. They want to see if their plan is even feasible before spending money on plans.

Committee members asked questions of the applicant

Nicholas Palmer, Owner

The width of the window would remain but shortened to fit above a vanity. They are flexible about the footprint of the bathroom footprint. They would like to retain the pillars of the existing porch instead of it being all one wall. There are two existing windows that would be removed because of a closet.

Committee members provided comments:

The removal of the two windows makes it look better and less cluttered. This is a good remodel. See if you can swap the vanity and tub to keep the window size. Okay with shortening the one window above the vanity. If you cannot reuse the 1912 window, you can save the windows on the porch as a back-up.

Closed Public Comment.

7. Committee Conduct and Procedures
   The Chair would like the meeting to be more systematic and orderly by raising hands during discussion. Next month, the Chair would like to discuss what are the Residential Design Guidelines, zoning codes, etc. that deal with historic pre-1941 structures. How do we consider a structure as a historic landmark?

8. Annual Certified Local Government Report 2023-24
   Asking for acceptance of the Report. Accepted by the Committee. The California Preservation Foundation (CPF) is offering training and a 2025 Conference in Sacramento.

Committee members discussed the matter.

What is the role of the Committee in recommending program items under Committee matters. Is there a formal way to update the records or programs? The Town Council needs to give directions before staff can take on the task. It could be put on the HPC agenda, and one Committee member could speak at the Town Council during verbal communications. The Mayor is considering putting pre-1971 structures on the Historic Inventory. Need direction from the Mayor. Look around Town for properties that should be considered for the inventory. An individual property owner can apply for historic designation.

REPORT FROM THE DIRECTOR

All the Director's decisions aligned with the recommendations from the HPC.

COMMITTEE MATTERS

ADJOURNMENT

The meeting adjourned 6:08 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the March 26, 2025, meeting as approved by the Historic Preservation Committee.

Prepared by:

_____

/s/ Sean Mullin, AICP, Planning Manager

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RH

November 6, 2024

Revised: March 5, 2025

Revised: May 21, 2025

Revised: August 18, 2025

Sean Mullin, Planning Manager
Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Project: **RH – Los Gatos**
Location: 31 University Ave

Subject: **Letter of Justification for Architecture and Site Approval; Conditional Use Permit**

PROJECT DESCRIPTION & REQUEST

RH is requesting architecture and site approval, as well as a conditional use permit ("CUP") for 1) formula retail use exceeding 10,000 sf, and 2) for restaurant use with the selling of alcoholic beverages for consumption on-premises. RH is seeking these approvals to allow for the remodel of a 15,330 sq. ft. building located at 31 University Avenue, which will feature an innovative retail experience seamlessly integrating luxury home furnishings collections within a curated hospitality program (the "Proposed Project").

BACKGROUND

A curator of design, taste and style in the luxury lifestyle market, RH offers collections through its retail galleries, sourcebooks and online at RH.com, RHContemporary.com, RHModern.com, RHBabyandChild.com, RHTEEN.com, and Waterworks.com.

Committed to creating architecturally inspiring and immersive retail spaces that blur the lines between residential and retail, indoors and outdoors, home and hospitality, RH Design Galleries are bespoke design destinations presenting the largest curated and fully integrated assortment of luxury home furnishings in the world. From restored landmark buildings to grand-scale contemporary structures, these architecturally inspiring spaces reimagine and redefine the shopping experience.

Designed with sensory-inspiring spaces that cannot be replicated online, these innovative and architecturally significant retail environments include lush gardens, professional design services, one-

of-a-kind culinary experiences, and artistic installations of curated RH Collections by internationally acclaimed designers and artisans across the globe.

In addition to RH Madrid, the Gallery at Plaza del Marqués de Salamanca, RH Aynho Park, a magnificent 17th-century estate in the English countryside, and RH Brussels, a grand 18th century French baroque mansion prominently situated on the premier Boulevard de Waterloo, RH chairman & CEO Gary Friedman has revitalized several landmark properties across North America, including the former Museum of Natural History in Boston, the historic Three Arts Club in Chicago, the Historic Post Office in Greenwich, Connecticut; the Bethlehem Steel Building in San Francisco, and the brand's impressive Gallery in New York's Meatpacking District.

The plan for a RH Design Gallery, together with a food and beverage program, allows for the reimagination of an exceptional building that is appropriately scaled and sited on a key intersection of Old Town Los Gatos.

SITE DETAILS

The existing 15,330 sf building for the Proposed Project is sited at the corner of University Ave and Elm St, and sits on a 4.18 acre parcel that spans both sides of University Ave which houses an outdoor retail center known as the Old Town Shopping Center.

The Proposed Project will combine two previously separate tenant spaces within the existing building, which were previously home to a 6,400 sf Steamers of Los Gatos and a 8,641 sf Gap.

The zoning for the site is C-2:LHP:PD: Central Business District with a Landmark & Historic Preservation and Planning Development overlay. The Proposed Project's uses are allowed per zoning with a Conditional Use Permit. The Proposed Project will maintain the existing square footage of the existing building and would comply with the zoning ordinance standards for setbacks and building height.

ARCHITECTURE

The primary proposed building material is a multi-coat cement plaster system with steel and aluminum decorative building elements. The existing structural system is maintained in place. Architectural aluminum windows line the exterior elevations and provide transparency across the facades facing Elm St, University Ave, and along the pedestrian pass-through on the building's southern side.

The length of the facades across University Ave and Elm St are scaled down through sections that alternatively step back in ground plane from each other. These wall panels also alternatively feature rectangular- or semicircular- topped windows, as well as a parapet line that steps up and down in height in line with the panels. These features ultimately provide a sense of rhythm, symmetry, visual relief, and interest to the length of the existing building. Further, the fenestration sits materially inside the edge of the exterior wall, providing for deep shadows, which along with projected louvered awnings add additional textural detail across the facades.

Finally, the full-service restaurant sits centrally inside the Proposed Project and is covered by a pyramidal skylight that brings in light and highlights the cafe as a central gathering space. Barrel-

vaulted hallways bookend both sides of the cafe, which add an uncommon architectural expression, facilitates a unique play of light, and creates a sense of place as customers enter the Gallery or exit the cafe.

COMPLIANCE WITH COMMERCIAL DESIGN GUIDELINES

31 University Ave sits within the C-2A subdistrict, which specifies site development and building design guidelines for projects within its boundaries. Applicable guidelines to the site are noted below along with the Proposed Project's conformance:

3.2 Site Development:

3.2.1: Facades should be setback from the public street property lines no more than five feet: The Proposed Project is a renovation of an existing building, so the existing building's existing footprint and setback are proposed to remain. Currently, the building's façade is set back farther than five feet, but this was part of and consistent with the overall design included Planned Development Ordinance 2025. Landscaping elements including planters, benches, and trees are included within this setback area.

3.2.3. Pass-through pedestrian walkways from rear parking lots may be required: The Proposed Project will maintain and enhance the existing pedestrian walkway along its southern side.

3.3 Building Design:

3.3.1 Maintain a building front module that is consistent with the remaining block front streetscape: As the Proposed Project is a renovation of an existing building with less than 50% of the façade being demolished, the massing, setbacks, and cadence remain consistent with the larger Old Town Shopping Center it is a part of. The proposed changes harmonize and rationalize the façade to further integrate, rather than separately distinguish itself, from the surrounding streetscape.

3.3.3 Emphasize display windows and storefront entries: The Proposed Project includes abundant display windows and several entries. Architectural aluminum windows line the exterior elevations and provide transparency across the facades facing Elm St, University Ave, and along the pedestrian pass-through on the building's southern side.

3.3.4 Maintain transparent storefronts and public right-of-way walls: The Proposed Project's amount of openings are consistent with the existing buildings, although they have been expanded in several areas.

3.3.5 Provide vestibules at building entries: There is no vestibule at the main entrance to the Proposed Project; however, the entry opens into a barrel-vaulted passage which acts as a transition point within the gallery.

3.3.6 Utilize high quality storefront materials: The primary proposed building material is a multi-coat cement plaster system with steel and aluminum decorative building elements. Architectural aluminum windows line the exterior elevations. These materials will serve to elevate the building from its existing material palette.

3.3.7 Operable windows and French doors are encouraged for restaurants and coffee cafes: The restaurant is in the middle of the Proposed Project, however; full-height windows/doors line the perimeter, several being operable.

3.3.8 Install awnings: The Proposed Project includes awnings along all facades.

The Commercial Design Guidelines further note conformance guidelines for the University/Edelen Historic District which 31 University Ave sits within – these guidelines and the Proposed Project's conformance are noted in detail in the Supplemental Letter of Justification submitted for the February 26, 2025 Historic Preservation Committee.

USES

A majority of the Proposed Project will display furniture and décor in a series of complete living, bath, and bedrooms. There will also be a restaurant on the ground floor beyond the entryway, along with a kitchen and other back of house. An Interior Design Studio room will also be sited toward the back of the store, where interior designers can provide customers further assistance. Further information on how the gallery and restaurant will operate is as follows:

Hours of Operation: Proposed operating hours for the design gallery and restaurant will be from 10:00am to 10:00pm (last seating at 9:00p) Monday to Saturday, and 10:00am to 9:00pm (last seating at 8:00pm) on Sunday. Note: these hours are subject to change.

Maximum hours of operation, including maximum staff shifts, start no earlier than 6AM and end no later than midnight.

Staffing: The design gallery would employ 20 full-time staff. Shifts will start no earlier than 6AM and the latest shift will end no later than two hours after closing. Shifts will likely be overlapped and max out mid-day at around 15 employees. Gallery shifts are typically 8-hours long.

The restaurant would employ approximately 50 staff – 40 of these are expected to be full-time staff. Restaurant shifts would start no earlier than 7AM and the latest would end by 12AM. Restaurant shifts are typically 8-hours long. A maximum of 35 staff would be working at the highest point of crossover (Saturday 2-4PM), while the average amount of staff on-site will total 15-20.

ABC License: RH intends to apply for an On-Sale General – Eating Place License (Type 47) from the ABC. RH may apply for a Type 41 beer and wine license in lieu of a Type 47.

Other: RH will consider all group dining and buyout requests within normal business hours.

The vision within the building is to reimagine the retail experience by blurring the lines between residential and retail, hospitality and home, indoors and outdoors – creating an immersive retail environment that is more home than store. All amenities will be made available to the public during the hours of store operation.

PLANNED DEVELOPMENT ORDINANCE AMENDMENT FINDINGS

The existing building at 31 University Avenue is governed by Planned Development Ordinance 2025, adopted on December 16, 1996. **RH is requesting an amendment to Planned Development Ordinance 2025** – specifically, to remove the requirement that the building be designed to "appear to be a collective of individual structures that abut each other." This change would allow for a more cohesive and contextually appropriate façade.

Currently, the building's façade is articulated to resemble three separate structures. The styles represented by the existing façade largely do not correspond to the architectural character of the University-Edelen Historic District, which includes the contributing styles of Mission Revival, Mediterranean, Craftsman, and Victorian. In contrast, the proposed redesign adopts a unified Mediterranean-style façade that thoughtfully reflects the proportions, window types, and architectural articulation seen throughout Old Town. As such, the revised design offers a more harmonious and respectful relationship to its surroundings.

Town code Section 29.80.120 allows for amendments to PD's, provided the proposed amendment meets the requirements and findings of Town code Section 29.80.095. The proposed PD Amendment and the Proposed Project comply with the required findings in the following manner:

1) The proposed PD is in compliance with all sections of this division.

   The proposed PD amendment is within the limitations of use of a planned development as it pertains to property within a landmark and historic preservation overlay zone, and serves to enhance the Town's historic resources that provide a public benefit to the citizens of the Town.

2) The proposed PD is in conformance with the goals, policies, and applicable land use designation(s) and standards of the Town's general plan.

   The proposed PD amendment maintains a baseline set of requirements consistent with the Town's general plan. The policies consistent with the PD amendment include, but are not limited to:

   Policy LU-6.5: The type, density, and intensity of new land use shall be consistent with that of the immediate neighborhood.

   Policy LU-9.3: Maintain a variety of commercial uses, including a strong Downtown commercial area combined with Los Gatos Boulevard and strong neighborhood commercial centers to meet the shopping needs of residents and to preserve the small-town atmosphere.

   Policy CD-9.1: Exterior building materials in the Central Business District should be consistent with those used in existing, tastefully executed surrounding buildings.

   Policy CD-12.2: Encourage the preservation, maintenance, and adaptive reuse of existing residential, commercial or public buildings.

3) The proposed PD is in conformance with all other applicable land use regulations, including but not limited to Town Council adopted guidelines, except as otherwise provided in section 29.80.095(4).

The PD amendment seeks a modification specifically to requirements in PD Ordinance 2025 but otherwise maintains a baseline set of requirements consistent with the Town's land use regulations and design guidelines, including Ordinance 1920 and 2168, which governs over the University/Edelen Historic District, and which includes the Proposed Project's site.

The Proposed Project is consistent with the design guidelines for the remodel of a non-contributing structures within the University/Edelen Historic District. The Proposed Project is sensitive to and supportive of the larger District as it expands the Mediterranean components of the existing building's and Old Town Shopping Center's style while maintaining the existing building's footprint, setbacks, massing, and density. The Proposed Project's stucco building material, as well as doors and window rhythm, type and proportions, are consistent to the existing building's Mediterranean style, as well as that of the larger Old Town Shopping Center across University Ave. In particular, the stucco and proposed openings evoke the style of 50 University Ave, a significant commercial structure within the University/Edelen Historic District. The Proposed Project limits decorative details and scale however, in sensitivity and support of the Historic District's contributing structures.

The proposed PD amendment and Proposed Project also conform with required findings for landmark and historic preservation applications per Town Code Section 29.80.290, as the proposed work does not adversely affect the exterior architecture or its relationship with its surroundings. The Proposed Project is more harmonious and consistent with the larger Old Town Shopping Center's style and aesthetic:

"Sec. 29.80.290. Standards for review. In evaluating applications, the deciding body shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless:

(2) In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district."

4) Any proposed use or development standards that deviate from the underlying zoning district(s) result in innovative and creative site planning to develop:

   b. Mixed commercial, or mixed residential, or mixed commercial and residential development; or

   e. The proposed PD provides a public benefit to the citizens of the Town.

   The proposed PD amendment facilitates the revitalization of two vacant storefronts into a mixed commercial amenity of innovative and creative use programming for the benefit of both residents and visitors, which satisfies conditions (b) and (e) above.

CONDITIONAL USE PERMIT FINDINGS

In the C-2 zone, Town code requires a CUP for a formula retail business exceeding 10,000 sf and for restaurant use with the selling of alcoholic beverages for consumption on-premises (Section 29.20.185). Los Gatos stipulates terms for the approval or denial of conditional use permits under Section 29.20.190. The Proposed Project and its uses will comply with the objectives in the following manner:

(1) The proposed uses of the property are essential or desirable to the public convenience or welfare;

The proposed uses provide for a bespoke dining and shopping experience which will be desirable to both residents and visitors as a destination within Los Gatos. Further, the Proposed Project will be an addition to an existing RH gallery at 26 N Santa Cruz Ave, which has been an integral part of the Los Gatos community for over 10 years.

(2) The proposed uses will not impair the integrity and character of the zone;

The proposed use will not impair the integrity and character of the zone as it is a commercial use located in a commercial zone.

Further, the Proposed Project is consistent with the Commercial Design Guidelines for C-2A zones and as a non-contributing structure within a historic preservation district. The Proposed Project maintains the existing building's massing and density, reimagines the existing facade variation, and maintains the pedestrian pass-through along the southern wall.

(3) The proposed uses would not be detrimental to public health, safety or general welfare;

The proposed uses, formula retail use and restaurant use with the selling of alcoholic beverages for consumption on-premises, represent no change from the current uses of the most recent tenants at the existing building (Gap and Steamer's), and would not be detrimental to public health, safety, and general welfare.

(4) The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this chapter.

The proposed uses are in harmony with the General Plan and the Town Code because they contribute to the variety of commercial uses in the Central Business District.

The goals and policies of the 2040 General Plan (2020 Land Use and Community Development Elements) applicable to this project include, but are not limited to:

Policy LU-1.4: Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.

Policy LU-9.3: Encourage a mix of retail and office uses in commercial areas, except in the Central Business District designation, where retail should be emphasized and office should be limited to upper floors and other areas as defined by the Town Code.

Policy LU-9.6: Encourage development that maintains and expands resident-oriented services and/or creates employment opportunities for local residents consistent with overall land use policies of the Town.

Policy CD-1.4: Development on all elevations shall be of high quality design and construction, a positive addition to and compatible with the Town's ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods.

(5) A hazardous waste facility proposal is subject to the California Health and Safety Code, Article 8.7, Section 25199—25199.14 and shall be consistent with the Santa Clara County Hazardous Waste Management Plan.

Not Applicable

FORMULA RETAIL CONDITIONAL USE PERMIT FINDINGS

Further, the Formula Retail CUP requires that none of the additional findings below are made for a proposed formula retail business exceeding 10,000 sf, pursuant to Town Code Section 29.20.190(b). None of the below findings can be made to deny the Proposed Project, as further elaborated below:

(1) The proposed use of the property is not in harmony with specific provisions or objectives of the general plan and the purposes of this chapter;

The proposed use is in harmony with the specific provisions and objectives of the general plan and the purposes of Chapter 29 of the Town Code. Please review finding #2 under Planned Development Ordinance Amendment (above) and finding #4 under Conditional Use Permit (above) on how specific objectives of the general plan are met.

(2) The proposed use will detract from the existing balance and diversity of business in the commercial district in which the use is proposed to be located;

The Proposed use will not detract from the existing balance and diversity of business in the commercial district it is located within. The proposed uses, formula retail use and restaurant use with the selling of alcoholic beverages for consumption on-premises, represent no change from the current uses of the most recent tenants at the existing building (Gap and Steamer's).

(3) The proposed use would create an over-concentration of similar types of businesses, or

The proposed use would not create an over-concentration of similar types of businesses as the former RH store will transform into a different concept, and the Proposed Project also includes a hospitality component, which is unseen in other merchandise uses in the neighborhood.

(4) The proposed use will detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.

The proposed use does not detract from the existing land use mix and high urban design

standards. As noted previously, the Proposed Project complies with commercial design guidelines including those which encourage pedestrian circulation. Further, the Proposed Project replaces two vacant storefronts which currently deter pedestrian circulation and additionally hinders economic vitality.

CONCLUSION

We believe the Proposed Project will enhance the corner of University Ave and Elm St in Old Town Los Gatos by at once seamlessly fitting into the character and scale of the neighborhood surrounding, while also providing visual interest through harmonious, textured, and elevated design. While the Proposed Project's programming does not represent a change of use from the existing use at the building, the reimagined dining and shopping space will help improve customer experience, thereby helping to activate pedestrian activity in this area.

The Proposed Project:

- Respects the existing scale and character of surrounding structures, and blends rather than competes with the established character of the area.
- Presents elevations that are of high-quality design and construction, and a positive addition to and compatible with the Town's ambiance. The Proposed Project enhances the character and unique identity of the existing commercial neighborhood.
- Represents no change in use from the former tenants at the existing building; rather the Proposed Project will improve and reimagine a blend of both uses under one roof.

DEVELOPER and DESIGN FIRM INFORMATION

RH

RH is a curator of design, taste and style in the luxury lifestyle market. The company offers collections through its retail galleries, sourcebooks and online at RH.com, RHContemporary.com, RHModern.com, RHBabyandChild.com, RHTEEN.com, and Waterworks.com.

RH operates Galleries and outlets throughout the U.S., Canada, UK and Europe.

There are places you visit and those you remember™

Awards and Recognition

Award of Merit - Interior/Tenant Improvement – ENR Mountain States - RH Denver - 2016

Connecticut Preservation Award - Connecticut Trust for Historic Preservation – Former Greenwich Post Office - 2015

Preservation Excellence Award (Adaptive Reuse) – Chicago Landmarks – Three Arts Club - 2016

MBH Architects

MBH Architects is a full service architecture and integrated services firm building innovative solutions from offices in the San Francisco Bay Area, New York City, Denver, Mumbai and Bengaluru since 1989.

MBH Architects is a Minority-Owned Business Enterprise (MBE) with staff from around the world. Their wide array of experience includes over 10,000 projects of nearly every project type, and their global reach spans more than 96 countries worldwide. MBH Architects take incredible pride in our work and clients' satisfaction.

Awards and Recognition

Gold - Shop! Design Awards - Bucherer Time Machine Flagship Store - 2023

Commercial Construction & Renovation Project Profile Award - 300 Grant - 2021

AIA East Bay Design Awards - 930 Brittan - 2021

Urban Confluence Design Competition - Breeze of Innovation - 2021

Honorable Mention - MNSD’s Retail Renovation Competition - Peet’s Coffee Georgetown - 2017

Aesculus
Arboricultural Consulting

3/7/2025

Matthew Morgan
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Re: Tree protection for proposed renovation at 31 University Ave, Los Gatos, CA 95030

Dear Matthew,

At your request, we have visited the property referenced above to evaluate the trees present with respect to the proposed project. This report contains our analysis.

Summary

Thirteen trees are present on and adjacent to this property, twelve of which are protected. Two protected trees, both on this property, are recommended for removal, as they conflict with project features.

All other protected trees are in reasonably good condition and should be preserved as detailed in the Recommendations, below. With proper protection, all are expected to survive and thrive during and after construction, according to each tree's existing condition.

Assignment and Limits of Report

We have been asked to write a report detailing impacts to trees from the proposed renovation on this property. This report may be used by our client and others involved in the project as needed to inform all stages of the project.

All observations were made from the ground with basic hand tools. No root collar excavations or aerial inspections were performed. No project features had been staked at the time of our site visit.

Tree Regulations

In the Town of Los Gatos, all trees over 4" in diameter must be included in the tree protection report, regardless of project size. Tree reporting shall be guided by the Town of Los Gatos Tree Protection Requirements for Planning Applications, available online at

https://www.losgatosca.gov/DocumentCenter/View/18923/Arborist-report-checklist?bidId=

Observations

Trees

Thirteen trees are on this property (Images 1-13). These consist of coast live oaks (*Quercus agrifolia*, seven trees), callery pears (*Pyrus calleryana*, five trees), and crape myrtle (*Lagerstroemia x indica*, one tree).

Protected statuses - trees #1, 2, 4-10, 12, and 13 are Protected Trees. Trees #6-13 are street trees. Tree #3 is not protected.

Health - most trees present are in moderate to good health. Only trees #2, 3, 5, and 10 are in poor health.

Structure - most trees present exhibit good to moderate branching structure. Only trees #2 and 3 exhibit poor structure.

Form - Form refers to the tree's shape in relation to aesthetics, maintenance issues, conflicts with nearby objects, and similar items besides the tree's structure. Most trees present exhibit good to moderate form. Only trees #2, 3, and 10 exhibit poor form.

Current Site Conditions

The location is a retail facility adjacent to a parking lot, a walkway, and two Town streets in Los Gatos, California. The grade is flat. The parcel holds one building with multiple businesses inside. Most of the building is bounded by hardscape, with the landscaping in designated planters. The landscaping is maintained and irrigated, and mostly consists of hedged shrubs and trees.

Project Features

BUILDINGS - the building footprint will remain largely unchanged. Along University Ave and along the paseo walkway, the building face is changing shape, with some sections moving outward slightly and others moving inward slightly, bringing the building wall more flush than it is now. However, the general location of the building is not changing.

HARDSCAPE - the sidewalk along University Ave will be removed and replaced, and the location of the two tree wells #11 and 12 will be willed in and replaced with a tree well in between the two.

Potential Conflicts

The sidewalk replacement along university has the potential to impact the TPZ[1] and CRZ[2] of tree #10, which has a 40% suitability for preservation due to its poor health and structure. Also, trees #11 and 12 will be removed due to the elimination of their tree wells and a new tree planted in the new well that is created between the two.

Trees #3 - Since this tree is not protected, it has not been evaluated for potential conflicts.

Trees # 1,2, 4-9, 13 - all proposed project features and logical access routes thereto are outside these trees' TPZs.[3]

[1] Tree protection zones. See Discussion, Tree Map, and Tree Table for more detail.
[2] Critical root zone. See Discussion, Tree Map, and Tree Table for definition and significance
[3] Tree protection zones. See Discussion, Tree Map, and Tree Table for more detail.

Testing and Analysis

Tree DBHs[4] were taken using a diameter tape measure if trunks were accessible. Multistemmed trees were measured below the point where the leaders diverge, if possible. The DBHs of trees with non-accessible trunks were estimated visually. All trees over four inches in DBH were inventoried, as well as street trees of all sizes. Vigor ratings are based on tree appearance and our experiential knowledge of each species' healthy appearance.

Tree location data were collected using a GPS smartphone application and processed in Quantum GIS (QGIS) to create the maps included in this report. Due to the error inherent in GPS data collection, and due also to differences between GPS data and CAD drawings, tree locations and all dimensions shown on the Tree Map are approximate. The percentages of TPZs impacted by project features were calculated in QGIS but should be considered approximate due to potential error in tree locations or feature locations.

Data were collected by Katherine Naegele, ISA Certified Arborist #WE-9658A . with basic hand tools (such as, but not limited to: hand hoe; hatchet; rubber mallet; measuring tape; etc.) at a site visit on March 3, 2025. All observations and photographs in this report were taken at that site visit.

The tree protection analysis in this report is based on the following document(s), provided to us electronically by the project team:

- Proposed site plan: Site Plan 1/9/2025 LINK
- Civil plan: 100% DD Progress Set 2/28/2025 LINK

Discussion

Tree Protection Zones (TPZs)

Tree roots grow where conditions are favorable, and their spatial arrangement is, therefore, unpredictable. Favorable conditions vary among species, but generally include the presence of moisture, and soft soil texture with low compaction.

Contrary to popular belief, roots of all tree species grow primarily in the top two to three feet or less of soil in the clay soils typical for this geographic region, with roots occasionally

[4] diameter at breast height (4.5 feet above grade), a standard arboricultural measurement

occurring at greater depths when soil conditions allow. Some species have taproots when young, but these almost universally disappear with age. At maturity, a tree's root system may extend out from the trunk farther than the tree is tall, and the tree maintains its upright position in much the same manner as a wine glass.

The optimal area around a tree that should be protected from disturbance depends on the tree's trunk diameter, species, and vigor, as shown in the following table (adapted from *Trees & Construction*, Matheny and Clark, 1998):

Species tolerance	Tree vitality[5]	Distance from trunk (feet per inch trunk diameter)
Good	High	0.5
	Moderate	0.75
	Low	1
Moderate	High	0.75
	Moderate	1
	Low	1.25
Poor	High	1
	Moderate	1.25
	Low	1.5

It is important to note that some roots will almost certainly be present outside the TPZ; however, root loss outside the TPZ is unlikely to cause tree decline.

Some of the protected tree species present here are not evaluated in Trees & Construction. Our own evaluation of them based on our experience with the species is as follows:

Species	Estimated tolerance	Reason for tolerance rating
Crape myrtle (*Lagerstroemia x indica*)	2	Performs well in most landscapes but grows relatively slowly

[5] Matheny & Clark uses tree age, but we feel a tree's vitality more accurately reflects its ability to handle stress.

Critical Root Zones (CRZs)

Although root loss inside the tree protection zone (TPZ) may cause a short-term decline in tree condition, trees can often recover adequately from limited disturbance in this area.

Tree stability is impacted at a shorter distance from the tree trunk. For linear cuts on one side of the tree, the minimum distance typically recommended is three times the DBH, measured from the edge of the trunk (*Best Management Practices: Root Management*, Costello, Watson, and Smiley, 2017). This is called the critical root zone, as substantial root loss closer than this increases a tree's likelihood of failure.

Note that trees sometimes have asymmetrical root systems, and if no substantial roots are present in a given area, impacts on the tree will be minimal to minor regardless of distance from the trunk.

Tree Conflicts with Above-Ground Structures

While most tree protection measures are concerned with the protection of tree roots and trunks, it is important to plan mindfully for tree canopies as well. Whenever possible, consideration should be given to the mature canopy size of trees, and above-ground structures, such as rooflines, streetlights, regulatory signs, and other structures that might damage the canopy, or lead to the canopy to require topping, heading, or considerable pruning to prevent damage to or allow visibility of the structure.

If the tree or the planting space is already present and the structure can be relocated, this should take place to allow for the tree canopy to thrive. If the structure is already present, the tree should be removed or the planting location adjusted to allow the future tree to thrive.

Conclusions[6]

Trees #1,2, 4-9, 13 - **minimal** impacts to these trees are likely from the project as proposed.

Trees #3 - since these trees are not protected, they have not been evaluated for construction impacts.

[6] All conclusions assume the tree protection measures recommended in this report. Without proper tree protection measures, any tree could be damaged.

Trees #11 and 12 - these trees will be removed for construction to be replaced with a new tree

Tree #10 - the removal of the sidewalk may impact the health of this tree. This tree should be monitored, and removal and replacement should be considered.

Recommendations[7][8]

Design Phase

1. Consider the relocation of two streetlights at least 10 ft from trees #10 and from the newly planted tree, to prevent damage to the streetlights, and prevent the need for improper pruning of the trees.
2. Consider the removal of tree #10, since so much concrete work will take place underneath it, and the damage may lead to the decline of the tree that had a 40% suitability for preservation.

Preconstruction Phase

1. Remove trees #11 and 12, upon receipt of a permit from the Town of Los Gatos. The reason for removal is as follows:

   > **Sec. 29.10.0992. Required findings.**
   >
   > (4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

2. Consult with the Project Arborist regarding designated locations for the following activities, and any others that may affect tree protection zones (including, but not limited to, seepage and exhaust):
   a. Equipment storage
   b. Materials storage

[7] All recommendations are driven by the requirements of the jurisdiction in which the property is located, and by industry best practices.
[8] Bolded items are emphasized only because in my experience they are tend to be overlooked.

c. Portable toilets
d. Cleanout areas for paint, concrete, etc.
e. Sump pump outlet

3. Tree protection fencing - install as shown in the Tree Map.
    a. Minimum fencing distances are shown on the Tree Map, plus some small areas outside TPZs if needed for practicality. Fencing must be installed at or beyond these distances. **Note that the TPZs of some offsite trees may extend onto this property and require fencing.**
        i. Please be aware that tree protection fencing may differ from ideal tree protection zones, and from canopy sizes.
    b. Where existing barriers which will be retained impede access comparably to tree protection fencing, these barriers are an acceptable substitute for tree protection fencing.
    c. Any existing paved areas that will remain as-is may be left unfenced. Ensure that the unpaved area designated for tree protection fencing is fully enclosed.
    d. Tree protection fencing shall comprise 6’ chain link fabric mounted on 8’ tall 1.5” diameter metal posts driven into the ground and spaced no more than 10 feet apart.
    e. Tree protection fencing shall be posted with signs saying “TREE PROTECTION FENCE - DO NOT MOVE OR REMOVE WITHOUT APPROVAL FROM CITY ARBORIST.”
    f. Place a 6” layer of wood chips inside tree protection fencing.
    g. Tree protection fencing shall adhere to the requirements in the document titled “ARBORIST REPORT CHECKLIST,” available at https://www.losgatosca.gov/DocumentCenter/View/18923/Arborist-report-checklist?bidId=
4. **Tree Protection Verification Letter** - notify the Project Arborist when tree protection measures are in place. The Project Arborist will inspect the tree protection measures to verify their presence and condition, and will issue a letter to the city with their findings.

Demolition Phase

1. Maintain tree protection measures as detailed above.

2. When demolishing existing features within TPZs, start work close to trees and move backwards, limiting equipment to still-paved areas. This applies features within TPZs.

Construction Phase

1. Maintain tree protection measures as detailed above.
2. **Monthly Monitoring Reports** - inform the Project Arborist when construction is set to begin. The Project Arborist shall visit the site once per month thereafter to verify that all tree protection measures are maintained in working condition, and shall issue a letter to the city with their findings.
3. Alert the project arborist if utility or other work becomes necessary within any tree TPZs.
4. If live roots over 1" in diameter are encountered when excavating in any location:
    a. Hand-excavate edge nearest trunk to the full depth of the feature being installed.
    b. Retain as many roots as practical. Route conduit and other features around and between roots insofar as practical.
    c. If roots 1-2" in diameter must be cut, sever them cleanly with a sharp saw or bypass pruners.
    d. If roots over 2" must be cut, stop work in that area and contact the project arborist for guidance.
    e. If excavation will be left open for more than 3 days:
        i. Cover excavation wall nearest trunk with several layers of burlap or other absorbent fabric.
        ii. Install a timer and soaker hoses to irrigate with potable water twice per day, enough to wet fabric thoroughly.
5. Notify Project Arborist when excavation is complete. Project arborist shall inspect work to make sure all roots have been cut cleanly.
    a. The Project Arborist shall provide a follow-up letter documenting that the excavation was performed to specification.
6. **Final Monitoring Report** - inform the Project Arborist when construction is set to end. The Project Arborist will make one final site visit to document the trees' condition, and will issue any final mitigation recommendations if needed.
    a. The Final Report may be completed by city staff instead at staff's discretion, pending staff availability.

Post-Construction Phase

1. Any heritage tree to be retained protected by the City's Municipal Code will require replacement according to its appraised value if it is damaged beyond repair because of construction.
2. Install new trees and/or pay in-lieu fees to offset the removal of trees #11 and 12, per Town of Los Gatos requirements.
    a. Tree replacement requirements are determined by canopy size, per the following table:

Canopy Size of Removed Tree[1]	Replacement Requirement[2, 4]	Single Family Residential Replacement Option[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

3. Replacement with native species is strongly encouraged. Most fruit and nut trees, palm trees, or "nuisance" species (see section 29.10.0970(2) of the Town Code) are generally not considered suitable replacement trees. If a tree or trees cannot be reasonably replanted on the subject property, the Town Arborist may approve a full or partial in-lieu fee payment. Where the payment of in-lieu fees are approved, permits will not be issued until all in-lieu fees are paid in full. If approved by the Town Arborist, in-lieu fees are as follows:
    a. 24 inch box tree = $250
    b. 36 inch box tree = $500

4. **Final Arborist Inspection** - inform both the Project Arborist and the City Arborist when exterior construction is set to end. The City Arborist shall visit the site, after

replacement trees have been planted (if applicable), but before tree protection fencing has been removed.

5. Remove tree protection measures, upon approval from the Project Arborist and City Arborist.
6. If retained, provide supplemental irrigation for tree #10 to aid in root regrowth for at least three years.
    a. Irrigate at a very slow trickle for several hours to ensure infiltration. Once per month is usually sufficient.
    b. COAST LIVE OAKS/DEODAR CEDARS Irrigation should only take place in the normal rainy season for this area (October - April), and only if rainfall is below average.
    c. All other species should be irrigated year-round.
    d. Irrigation should be paused during the rainy season if rainfall is average or above.

Additional Materials Submitted as Separate Documents

1. 31 University Ave Tree Map
2. 31 University Ave Tree Photographs
3. 31 University Ave Tree Table

Respectfully submitted,



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Terms of Assignment

The following terms and conditions apply to all oral and written reports and correspondence pertaining to the consultations, inspections, and activities of Aesculus Arboricultural Consulting:

1. All property lines and ownership of property, trees, and landscape plants and fixtures are assumed to be accurate and reliable as presented and described to the consultant, either orally or in writing. The consultant assumes no responsibility for verification of ownership or locations of property lines, or for results of any actions or recommendations based on inaccurate information.
2. It is assumed that any property referred to in any report or in conjunction with any services performed by Aesculus Arboricultural Consulting is in accordance with any applicable codes, ordinances, statutes, or other governmental regulations, and that any titles and ownership to any property are assumed to be good and marketable. The existence of liens or encumbrances has not been determined, and any and all property is appraised and/or assessed as though free and clear, under responsible ownership and competent management.
3. All reports and other correspondence are confidential and are the property of Aesculus Arboricultural Consulting and its named clients and their assigns or agents. Possession of this report or a copy thereof does not imply any right of publication or use for any purpose, without the express permission of the consultant and the client to whom the report was issued. Loss, removal, or alteration of any part of a report invalidates the entire appraisal/evaluation.
4. The scope of any report or other correspondence is limited to the trees and conditions specifically mentioned in those reports and correspondence. Aesculus Arboricultural Consulting assumes no liability for the failure of trees or parts of trees, inspected or otherwise. The consultant assumes no responsibility to report on the condition of any tree or landscape feature not specifically requested by the named client.
5. All inspections are limited to visual examination of accessible parts, without dissection, excavation, probing, boring or other invasive procedures, unless otherwise noted in the report, and reflect the condition of those items and features at the time of inspection. No warranty or guarantee is made, expressed or implied, that problems or deficiencies of the plants or the property will not occur in the future, from any cause. The consultant shall not be responsible for damages caused by any tree defects, and assumes no responsibility for the correction of defects or tree related problems.
6. The consultant shall not be required to provide further documentation, give testimony, be deposed, or to attend court by reason of this appraisal/report unless subsequent contractual arrangements are made, including payment of additional fees for such services as set forth by the consultant or in the fee schedule or contract.
7. Aesculus Arboricultural Consulting makes no warranty, either expressed or implied, as to the suitability of the information contained in any reports or correspondence, either oral or written, for any purpose. It remains the responsibility of the client to determine applicability to his/her particular case.
8. Any report and the values, observations, and recommendations expressed therein represent the professional opinion of the consultant, and the fee for services is in no manner contingent upon the reporting of a specified value nor upon any particular finding.
9. Any photographs, diagrams, charts, sketches, or other graphic material included in any report are intended solely as visual aids, are not necessarily to scale, and should not be construed as engineering reports or surveys unless otherwise noted in the report. Any reproduction of graphic material or the work product of any other persons is intended solely for clarification and ease of reference. Inclusion of said information does not constitute a representation by Aesculus Arboricultural Consulting as to the sufficiency or accuracy of that information.


ELM STREET
Aesculus
Arboricultural Consulting
0
10
20
30 ft
Tree trunks, to scale. Locations approximate where not matched to survey. Note that tree trunks may not be round in cross section.
Critical root zones (minimal disturbance recommended)
Tree protection zones (ideal; may differ significantly from canopy size and from recommended tree protection measures)
Tree removals
Minimum distances for tree protection fencing. Fencing may be placed farther away from trees if desired.

Tree # (13 total)	Common Name	Species	DBH (in.)	Canopy Spread (ft.)	Vitality Rating (%)	Structure Rating (%)	Form Rating (%)	Suitability for Preservation (%)	Protected Tree - 11	Street Tree - 8	Off-Site Tree - 0	Protected Removals - 2	CRZ radius (ft. from center of trunk)	TPZ radius (ideal; ft. from center of trunk)	Expected Impacts (with recommended protection)	Notes
1	Callery pear	*Pyrus calleryana*	6.2	10	50	50	60	50	☑	☐	☐	☐	1.8	6.2	-	-
2	Callery pear	*Pyrus calleryana*	5.6	8	30	40	30	35	☑	☐	☐	☐	1.6	7.0	-	-
3	Callery pear	*Pyrus calleryana*	2.4	4	10	10	10	10	☐	☐	☐	☐	-	-	-	-
4	Callery pear	*Pyrus calleryana*	6.6	10	50	50	60	50	☑	☐	☐	☐	1.9	6.6	-	-
5	Callery pear	*Pyrus calleryana*	4.9	10	40	50	50	45	☑	☐	☐	☐	1.4	4.9	-	-
6	Coast live oak	*Quercus agrifolia*	21.1	40	80	50	80	65	☑	☑	☐	☐	6.2	10.6	-	Tag #3281; girdling root
7	Coast live oak	*Quercus agrifolia*	20.7	30	80	50	80	65	☑	☑	☐	☐	6.0	10.3	-	Tag #3282
8	Coast live oak	*Quercus agrifolia*	9.0	18	60	50	60	55	☑	☑	☐	☐	2.6	6.8	-	Tag #3283
9	Coast live oak	*Quercus agrifolia*	12.5	16	50	50	50	50	☑	☑	☐	☐	3.6	9.4	-	Canopy spread is average due to uneven canopy dist. One foot-deep cavity in base.
10	Coast live oak	*Quercus agrifolia*	9.3	20	30	50	30	40	☑	☑	☐	☐	2.7	9.3	-	-
11	Crape myrtle	*Lagerstroemia indica*	3.0	7	70	50	60	60	☐	☑	☐	☑	0.9	2.3	-	-
12	Coast live oak	*Quercus agrifolia*	7.0	18	60	50	60	55	☑	☑	☐	☑	2.0	5.3	-	-
13	Coast live oak	*Quercus agrifolia*	20.8	30	80	50		65	☑	☑	☐	☐	6.1	10.4	-	-

Image 1: Callery pear #1



Image 2: Callery pear #2



Image 3: Callery pear #3



Image 4: Callery pear #4



Image 5: Callery pear #5



Image 6: Coast live oak #6



Image 6b: girdling root on coast live oak #6



Image 7: Coast live oak #7



Image 8: Coast live oak #8



Image 9: Coast live oak #9



Image 9b: decay cavity at base of coast live oak #9



Image 10: Coast live oak #10



Image 11: Crape myrtle #11



Image 12: Coast live oak #12



Image 13: Coast live oak #13



31 University Tree Table

Aesculus Arboricultural Consulting

Tree # (13 total)	Common Name	Species	DBH (in.)	Canopy Spread (ft.)	Vitality Rating (%)	Structure Rating (%)	Form Rating (%)	Suitability for Preservation (%)	Protected Tree - 11	Street Tree - 8	Off-Site Tree - 0	Protected Removals - 2	Appraised Value (worksheet available upon request)	CRZ radius (ft. from center of trunk)	TPZ radius (ideal; ft. from center of trunk)	Expected Impacts (with recommended protection)
1	Callery pear	*Pyrus calleryana*	6.2	10	50	50	60	50	☑	☐	☐	☐	$16,800.00	1.8	6.2	Minimal from project as proposed
2	Callery pear	*Pyrus calleryana*	5.6	8	30	40	30	35	☑	☐	☐	☐	$900.00	1.6	7.0	Minimal from project as proposed
3	Callery pear	*Pyrus calleryana*	2.4	4	10	10	10	10	☐	☐	☐	☐	-	-	-	-
4	Callery pear	*Pyrus calleryana*	6.6	10	50	50	60	50	☑	☐	☐	☐	$1,400.00	1.9	6.6	Minimal from project as proposed
5	Callery pear	*Pyrus calleryana*	4.9	10	40	50	50	45	☑	☐	☐	☐	$790.00	1.4	4.9	Minimal from project as proposed
6	Coast live oak	*Quercus agrifolia*	21.1	40	80	50	80	65	☑	☑	☐	☐	$13,200.00	6.2	10.6	Minimal from project as proposed
7	Coast live oak	*Quercus agrifolia*	20.7	30	80	50	80	65	☑	☑	☐	☐	$12,600.00	6.0	10.3	Minimal from project as proposed
8	Coast live oak	*Quercus agrifolia*	9.0	18	60	50	60	55	☑	☑	☐	☐	$2,280.00	2.6	6.8	Minimal from project as proposed
9	Coast live oak	*Quercus agrifolia*	12.5	16	50	50	50	50	☑	☑	☐	☐	$4,270.00	3.6	9.4	Minimal from project as proposed
10	Coast live oak	*Quercus agrifolia*	9.3	20	30	50	30	40	☑	☑	☐	☐	$2,250.00	2.7	9.3	Moderate to major from proposed sidewalk work

Tree # (13 total)	Common Name	Species	DBH (in.)	Canopy Spread (ft.)	Vitality Rating (%)	Structure Rating (%)	Form Rating (%)	Suitability for Preservation (%)	Protected Tree - 11	Street Tree - 8	Off-Site Tree - 0	Protected Removals - 2	Appraised Value (worksheet available upon request)	CRZ radius (ft. from center of trunk)	TPZ radius (ideal; ft. from center of trunk)	Expected Impacts (with recommended protection)
11	Crape myrtle	*Lagerstroemia indica*	3.0	7	70	50	60	60	☐	☑	☐	☑	$260.00	0.9	2.3	Incompatible with proposed sidewalk work
12	Coast live oak	*Quercus agrifolia*	7.0	18	60	50	60	55	☑	☑	☐	☑	$1,380.00	2.0	5.3	Incompatible with proposed sidewalk work
13	Coast live oak	*Quercus agrifolia*	20.8	30	80	50	60	65	☑	☑	☐	☐	$12,500.00	6.1	10.4	Minimal from project as proposed

Notes
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Tag #3281; girdling root
Tag #3282
Tag #3283
Canopy spread is average due to uneven canopy dist. One foot-deep cavity in base.
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Notes
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May 7, 2025

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

Monarch Consulting Arborists
Richard Gessner
P.O. Box 1010 - Felton, CA 95018
1 831 331 8982
www.monarcharborists.com

Observations

I was asked to review the plans and the applicant's arborist report and provide findings and recommendations. The arborist's report was provided by Aesculus on March 7, 2025.

- There are no specific tree protection measures regarding those proposed for retention - Sec. 29.10.1000. New property development. (c). The trees to be retained need to be indicated as Type III protection at a minimum both is the report and on the T-1 plan sheet.
- Tree appraisals were not performed and related values provided - 29.10.1000. New property development. (c)(3). Trees to be retained need to be appraised using the Trunk Formula Technique as outlined in the Guide for Plant Appraisal 10th Edition.
- The plan set does not contain the required Tree Preservation Instructions (Sheet T-1) sheet Sec. 29.10.1000. New property development.

Recommendations

1. Provide specific tree protection recommendations and indicate where those protection schemes are to be used on a plan sheet labeled T-1.

2. Provide tree appraisals by either using the 10th Edition to the Guide for Plant Appraisal. Only trees to be retained need to be appraised.

Richard J. Gessner



ASCA Registered Consulting Arborist® #496
ISA Board Certified Master Arborist® WE-4341B
Tree Risk Assessment Qualified - Valid to 2029

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Aesculus
Arboricultural Consulting

5/8/2025

Matthew Morgan
Kimley-Horn
10 S Almaden Blvd, Ste 1250
San Jose, CA 95113
408.785.3518
matthew.morgan@kimley-horn.com

Re: response letter detailing changes made to report in accordance with City Arborist comment letter dated 5/7/2025 for proposed renovation at 31 University Ave, Los Gatos, CA 95030

Dear Matthew,

Here is a list of the changes made to my report based on the City Arborist comment letter referenced above. The comment letter was prepared by Erin Walters and contains three points requiring attention.

- Point 1:

> • There are no specific tree protection measures regarding those proposed for retention - Sec. 29.10.1000. New property development. (c). The trees to be retained need to be indicated as Type III protection at a minimum both is the report and on the T-1 plan sheet.

    - This information is included in the map accompanying my arborist report, titled "31 University Ave Tree Map V1 2025-03-05," available at: https://drive.google.com/file/d/1ACHFDb0XSloLUUmBJgu24aLrJXGNfO0E/view?usp=drive_link

- Point 2:

> • Tree appraisals were not performed and related values provided - 29.10.1000. New property development. (c)(3). Trees to be retained need to be appraised using the Trunk Formula Technique as outlined in the Guide for Plant Appraisal 10th Edition.

    - Appraisals have been performed, and a new column with appraised values has been added to the tree table, available here: https://drive.google.com/file/d/11bNTsHKxEEWvZs3-UxinKoGs1GJl4Ndr/view?usp=drive_link

- Point 3:

> • The plan set does not contain the required Tree Preservation Instructions (Sheet T-1) sheet Sec. 29.10.1000. New property development.

    - This item is outside my purview and will need to be addressed by others on the project team.

Respectfully submitted,

Katherine Naegele | Consulting Arborist | She/Her
Master of Forestry, UC Berkeley
International Society of Arboriculture Certified Arborist #WE-9658A
ISA Tree Risk Assessment Qualification Credentialed
katherine@aacarbor.com | (408) 201-9607
Aesculus Arboricultural Consulting | (408) 675-1729
aacarbor.com

Terms of Assignment

The following terms and conditions apply to all oral and written reports and correspondence pertaining to the consultations, inspections, and activities of Aesculus Arboricultural Consulting:

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31 University Avenue

May 8, 2025

Arborist Peer Review Recommendation #3-

- The plan set does not contain the required Tree Preservation Instructions (T-1) sheet Section 29.10.1000. New Property Development.

Applicant's Response-

T-1 Sheet (T-1A, T-1B and T-1C) have been added to the plan set, providing Tree Protection Report, Tree Map, and Tree Table with Applicable Data. Tree protection measures are provided on Sheet T-1C and depicted on the Tree Map. Tree Appraisals are provided on Sheet T-1C, depicted in the tree table.


ELM STREET
Aesculus
Arboricultural Consulting
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30 ft
Tree trunks, to scale. Locations approximate where not matched to survey. Note that tree trunks may not be round in cross section.
Critical root zones (minimal disturbance recommended)
Tree protection zones (ideal; may differ significantly from canopy size and from recommended tree protection measures)
Tree removals
Minimum distances for tree protection fencing. Fencing may be placed farther away from trees if desired.

31 University Tree Table

Aesculus Arboricultural Consulting

Tree # (13 total)	Common Name	Species	DBH (in.)	Canopy Spread (ft.)	Vitality Rating (%)	Structure Rating (%)	Form Rating (%)	Suitability for Preservation (%)	Protected Tree - 11	Street Tree - 8	Off-Site Tree - 0	Protected Removals - 2	Appraised Value (worksheet available upon request)	CRZ radius (ft. from center of trunk)	TPZ radius (ideal; ft. from center of trunk)	Expected Impacts (with recommended protection)
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3	Callery pear	*Pyrus calleryana*	2.4	4	10	10	10	10	☐	☐	☐	☐	-	-	-	-
4	Callery pear	*Pyrus calleryana*	6.6	10	50	50	60	50	☑	☐	☐	☐	$1,400.00	1.9	6.6	Minimal from project as proposed
5	Callery pear	*Pyrus calleryana*	4.9	10	40	50	50	45	☑	☐	☐	☐	$790.00	1.4	4.9	Minimal from project as proposed
6	Coast live oak	*Quercus agrifolia*	21.1	40	80	50	80	65	☑	☑	☐	☐	$13,200.00	6.2	10.6	Minimal from project as proposed
7	Coast live oak	*Quercus agrifolia*	20.7	30	80	50	80	65	☑	☑	☐	☐	$12,600.00	6.0	10.3	Minimal from project as proposed
8	Coast live oak	*Quercus agrifolia*	9.0	18	60	50	60	55	☑	☑	☐	☐	$2,280.00	2.6	6.8	Minimal from project as proposed
9	Coast live oak	*Quercus agrifolia*	12.5	16	50	50	50	50	☑	☑	☐	☐	$4,270.00	3.6	9.4	Minimal from project as proposed
10	Coast live oak	*Quercus agrifolia*	9.3	20	30	50	30	40	☑	☑	☐	☐	$2,250.00	2.7	9.3	Moderate to major from proposed sidewalk work

Tree # (13 total)	Common Name	Species	DBH (in.)	Canopy Spread (ft.)	Vitality Rating (%)	Structure Rating (%)	Form Rating (%)	Suitability for Preservation (%)	Protected Tree - 11	Street Tree - 8	Off-Site Tree - 0	Protected Removals - 2	Appraised Value (worksheet available upon request)	CRZ radius (ft. from center of trunk)	TPZ radius (ideal; ft. from center of trunk)	Expected Impacts (with recommended protection)
11	Crape myrtle	*Lagerstroemia indica*	3.0	7	70	50	60	60	☐	☑	☐	☑	$260.00	0.9	2.3	Incompatible with proposed sidewalk work
12	Coast live oak	*Quercus agrifolia*	7.0	18	60	50	60	55	☑	☑	☐	☑	$1,380.00	2.0	5.3	Incompatible with proposed sidewalk work
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Notes
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Tag #3281; girdling root
Tag #3282
Tag #3283
Canopy spread is average due to uneven canopy dist. One foot-deep cavity in base.
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NEIGHBOR OUTREACH LOG

Address	Tenant/Owner	Contact	Date	Outreach Interaction
25 University Ave	Arhaus	Isreal Salinas, Store Manager	2/26/25	Happy to see a restaurant is going in - will help with their foot traffic also.
51 University Ave				
51 University Ave Suite A	Romantiques Lingerie	Susan Testa, Store Owner	2/26/25	Looks great and expressed excitment. Interested to see if there will be any closure of Elm St during construction.
51 University Ave Suite B	Blacy's Fine Jewelers	Jeanette Blacy, Store Owner	2/26/25	Very enthusiastic about RH plans and wished RH would do a rooftop restaurant as well.
51 University Ave Suite F	Lite Line Illumination	Lance Skelson, Store Owner	2/26/25	Positive - looks good.
65 W. Main St.	Nimbus Salon	Detmetra Jennings, Owner	3/14/25	Potential to bring new life to the Old Town area and be a catalyst for revitalization. The proposed design is both elegant and respectful of the area's charm
50 University Ave	Old Town Shopping Center	Robert Aguirre, Senior Project Manager for Owner (Federal Realty)	10/1/24; ongoing	31 University shares same Owner as Old Town Shopping Center (Federal Realty), who has been supportive of project and participating with Town conversations to help facilitate approvals.

EXHIBIT 19

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RH - LOS GATOS

31 UNIVERSITY AVE,
LOS GATOS, CA 95030

ABBREVIATIONS

&	AND	L	LONG (LENGTH)
@	AT	LAV	LAVATORY
A/C	AIR CONDITIONING	LAM	LAMINATE
ACT	ACOUSTICAL CEILING TILE	LW	LIGHT WEIGHT
ADA	AMERICANS W/ DISABILITIES ACT	LBS	POUNDS
AFF	ABOVE FINISH FLOOR	LF	LINEAR FOOT
ADJ	ADJUSTABLE	LH	LEFT HANDED
AHU	AIR HANDLING UNIT	LL	LANDLORD
ALUM/AL	ALUMINUM		
APPROX	APPROXIMATE	MAT	MATERIAL
ARCH	ARCHITECTURAL	MAX	MAXIMUM
		MECH	MECHANICAL
BD	BOARD	MFR	MANUFACTURER
BLDG	BUILDING	MIN	MINIMUM
BLKG	BLOCKING	MISC	MISCELLANEOUS
BM	BEAM	MTD	MOUNTED
BO	BOTTOM OF	MTL	METAL
BOT	BOTTOM		
BSMT	BASEMENT	NAT	NATURAL
		NIC	NOT IN CONTRACT
CJ	CONTROL JOINT	NOM	NOMINAL
CL	CENTER LINE	NTS	NOT TO SCALE
CLG	CEILING		
CLG HGT	CEILING HEIGHT	O/	OVER
CLR	CLEAR	UL	UPHOLSTER
CMU	CONCRETE MASONRY UNIT	OD	OUTSIDE DIAMETER
CNTR	COUNTER	OPP	OPPOSITE
CO	CASED OPENING	OPNG	OPENING
CONC	CONCRETE		
CONSTR	CONSTRUCTION	PLAM	PLASTIC LAMINATE
CONT	CONTINUOUS	PLYWD	PLYWOOD
CPT	CARPET	PR	PAIR
CSK	COUNTERSINK	P	PAINT
CT	CERAMIC TILE	PT	PORCELAIN TILE
CTR	CENTER	PTD	PAINTED
		P.T.	PRESSURE TREATED
DBL	DOUBLE	PTN	PARTITION
DET	DETAIL		
DIA	DIAMETER	R	RISER
DIM	DIMENSION	RAD	RADIUS
DN	DOWN	RCP	REFLECTED CEILING PLAN
DR	DOOR	REL	RELOCATED
DR OPNG	DOOR OPENING	REQD	REQUIRED
DWG	DRAWING	REF	REFERENCE
		RESIL	RESILIENT
EA	EACH	REV	REVISION
ELEC	ELECTRICAL	RH	RIGHT HAND
ELEV	ELEVATION	RM	ROOM
EMER	EMERGENCY	RO	ROUGH OPENING
EQ	EQUAL	RWL	RAIN WATER LEADER
EQUIP	EQUIPMENT		
ETR	EXISTING TO REMAIN	SC	SOLID CORE
EWC	ELECTRIC WATER COOLER	SD	SMOKE DETECTOR
EX(ST / IE)	EXISTING	SECT	SECTION
EXH	EXHAUST	SF	SQUARE FOOT (FEET)
EXP	EXPOSED	SHT	SHEET
EXT	EXTERIOR	SIM	SIMILAR
		SIPS	STRUCT. INSULATED PANEL
FA	FIRE ALARM	SND INS	SOUND INSULATION
FD	FLOOR DRAIN	SPEC	SPECIFICATION
FE	FIRE EXTINGUISHER	SQ	SQUARE
FEC	FIRE EXTINGUISHER CABINET	SST	STAINLESS STEEL
FF	FINISH FACE	STD	STANDARD
FIN	FINISH	STL	STEEL
FIXT	FIXTURE	STN	STAIN
FLR	FLOOR	SYS	SYSTEM
FLUOR	FLUORESCENT LIGHTING		
FOC	FACE OF CONCRETE	T	TREAD
FOF	FACE OF FINISH	T&G	TONGUE & GROOVE
FOS	FACE OF STUD	THK	THICKNESS
FRT	FIRE RETARDANT TREATED	THR	THRESHOLD
FT	FOOT (FEET)	TOB	TOP OF BEAM
FTG	FOOTING	TOC	TOP OF CONCRETE
		TOJ	TOP OF JOIST
GA	GAGE	TOM	TOP OF MASONRY
GALV	GALVANIZED	TOS	TOP OF SLAB
GC	GENERAL CONTRACTOR	TOS	TOP OF STEEL
GL	GLASS or GLAZING	TPTW	TOILET PAPER
GR	GRADE	TPD	TOILET PAPER DISPENSER
GWB	GYPSUM WALLBOARD	TYP	TYPICAL
GYP	GYPSUM		
		UC	UNDERCUT
HC	HOLLOW CORE	UNO	UNLESS NOTED OTHERWISE
HCWD	HOLLOW CORE WOOD DOOR		
HDWD	HARDWOOD	VAR	VARIES
HDWR	HARDWARE	VCT	VINYL COMPOSITION TILE
HM	HOLLOW METAL	VERT	VERTICAL
HMF	HEATING, VENTILATION & COOLING	VIF	VERIFY IN FIELD
HORIZ	HORIZONTAL	VP	VENEER PLASTER
HT	HEIGHT		
HVAC	HEATING VENTILATION AIR CONDITION	W/	WITH
HW	HOT WATER	W/O	WITHOUT
		WA	WALL ANCHOR
IN	INCH	WC	WATER CLOSET
INCL	INCLUDED	WD	WOOD
INSUL	INSULATION	WF	WIDE FLANGE
INT	INTERIOR	WH	WATER HEATER
		WP	WORKING POINT
JAN	JANITOR	WR	WATER RESISTANT
JT	JOINT	WSCT	WAINSCOT
JOI	JOIST	WT	WEIGHT

PROJECT DATA

APN:	529 02 044
EXISTING E01 BUILDING AREA (GROSS):	7,233 SF
EXISTING E05 BUILDING AREA (GROSS):	8,724 SF
(NO CHANGE TO EXISTING GROSS AREA)	
EXISTING BASEMENT PARKING GARAGE	38,922 SF
BUILDING TOTAL:	15,957 SF
OCCUPANCY GROUP:	A-2 M
ZONING:	C-2, LHP, PD
STORIES:	1
CONSTRUCTION TYPE:	
GROUND LEVEL BUILDING	VB
BASEMENT	IIIA
OCCUPANT LOAD:	A-2 = 113 OCC M = 161 OCC
EXISTING BUILDING HEIGHT	27'-4"
NEW BUILDING HEIGHT	26'-8"
SPRINKLERED (YES/NO):	YES

CODE INFORMATION

AUTHORITY HAVING JURISDICTION:
TOWN OF LOS GATOS

BUILDING CODE:	CALIFORNIA BUILDING CODE	2022
GREEN BUILDING CODE:	CALIFORNIA GREEN BUILDING STANDARD CODE	2022
ACCESSIBILITY CODE:	CALIFORNIA BUILDING CODE	2022
ENERGY CODE:	CALIFORNIA ENERGY CODE	2022
MECHANICAL CODE:	CALIFORNIA MECHANICAL CODE	2022
PLUMBING CODE:	CALIFORNIA PLUMBING CODE	2022
ELECTRICAL CODE:	CALIFORNIA ELECTRICAL CODE	2022
FIRE CODE:	CALIFORNIA FIRE CODE	2022
HEALTH CODE:	CALIFORNIA RETAIL FOOD CODE	2022

PROJECT DIRECTORY

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PERMIT TECHNICIAN
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GENERAL NOTES

1. DO NOT SCALE THE DRAWINGS.
2. VERIFY FIELD CONDITIONS PRIOR TO COMMENCEMENT OF EACH PORTION OF THE WORK.
3. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR ANY PORTION OF THE WORK WHICH IS PERFORMED WITHOUT A PERMIT ISSUED BY A REGULATORY AUTHORITY OF THE MUNICIPALITY IN WHICH THE PROJECT IS LOCATED.
4. THROUGHOUT THIS SET OF DRAWINGS, THE TERM "RH" REFERS TO THE CLIENT/TENANT. THE TERM "LANDLORD" REFERS TO THE PROPERTY OWNER.
5. THE CONTRACTOR SHALL MAKE NO REVISIONS, ALTERATIONS OR CHANGES TO THE WORK AS SHOWN IN THE CONTRACT DOCUMENTS WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARCHITECT AND/OR RH REPRESENTATIVE. NO ADDITIONAL COSTS FROM THE GENERAL CONTRACTOR SHALL BE CONSIDERED AND THE WORK MAYBE REQUIRED TO BE REMOVED WITHOUT SUCH APPROVAL BY ARCHITECT.
6. SEE SPECIFICATIONS FOR ADDITIONAL CRITERIA AND CONSTRUCTION REQUIREMENTS.
7. DIMENSIONS SHOWN AS 'VIF' SHALL BE VERIFIED BY THE CONTRACTOR IN THE FIELD BY LAYING OUT THE PARTITIONS. NOTIFY ARCHITECT OF ANY DISCREPANCIES IN DIMENSIONS PRIOR TO PROCEEDING WITH WORK.
8. DIMENSIONS SHOWN AS 'CLEAR' OR 'HOLD' SHALL BE MAINTAINED AND ALLOW FOR THICKNESS OF FINISHES; INCLUDING FLOOR FINISHES. NOTIFY ARCHITECT OF ANY DISCREPANCIES IN DIMENSIONS PRIOR TO PROCEEDING WITH WORK.
9. DIMENSIONS ARE TO THE STRUCTURAL GRID OR TO FINISH SURFACES, UNLESS OTHERWISE INDICATED.
10. ELEVATIONS REFERENCED ARE ABOVE THE FINISH FLOOR FOR EACH ROOM THROUGHOUT TENANT SPACE, UNLESS OTHERWISE NOTED. FINISH FLOOR ELEVATIONS MAY VARY FROM ROOM TO ROOM DEPENDING UPON FLOOR FINISHES.
11. GENERAL CONTRACTOR SHALL PROVIDE THE BUILDING OFFICIAL WITH A CERTIFICATE OF CONSTRUCTION COMPLIANCE WITH ENERGY CONSERVATION STANDARDS UPON FINAL BUILDING DEPARTMENT INSPECTIONS (WHERE REQUIRED).
12. GENERAL CONTRACTOR SHALL PREPARE THE FLOOR LEVEL TO BE SMOOTH, AND FILL ALL FLOOR DRAINS, FLOOR SINKS OR OTHER SUCH DEPRESSIONS, CRACKS OR IRREGULARITIES IN FLOOR SLAB.
14. GENERAL CONTRACTOR SHALL PROVIDE ACCESS PANELS FOR ALL TRADES AS REQUIRED BY CODE. LOCATIONS TO BE APPROVED BY ARCHITECT AND/OR RH REPRESENTATIVE PRIOR TO EXECUTION OF WORK.
15. FIRE EXTINGUISHERS AND CABINETS AS REQUIRED BY LOCAL GOVERNMENT AGENCY SHALL BE PROVIDED BY GENERAL CONTRACTOR AND INCLUDED IN CONTRACT.

VICINITY MAP



SCOPE DESCRIPTION

TENANT IMPROVEMENT OF TWO GROUND FLOOR TENANT SPACES. THE TWO SPACES WILL HAVE THE INTERIOR DEMOLISHED AND RE-CONFIRMED INTO ONE SPACE. THE NEW USE WILL BE A RETAIL SHOWROOM (M) OCCUPANCY INCLUDING A FULL SERVICE RESTAURANT (A-2) OCCUPANCY.

THERE IS NO CHANGE IN GROSS BUILDING AREA OR PROPOSED USE. SCOPE TO INCLUDE COMPLETE BUILD-OUT WITH ASSOCIATED PLUMBING, MECHANICAL, ELECTRICAL, KITCHEN EQUIPMENT AND FINISHES THROUGHOUT.

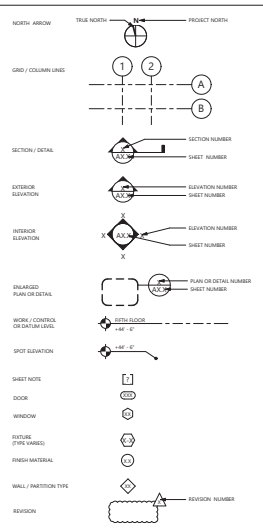
DEFERRED SUBMITTALS

DEFERRED SUBMITTALS BY CONTRACTORS:

ALL DEFERRED SUBMITTALS MUST BE REVIEWED AND APPROVED BY THE ARCHITECT OF RECORD OR ENGINEER OF RECORD PRIOR TO BEING SUBMITTED TO THE CITY OF WALNUT CREEK FOR REVIEW AND APPROVAL.

1. FIRE SPRINKLERS
2. FIRE ALARM SYSTEM
3. FIRE DEPARTMENT CONNECTION
4. EXTERIOR BUILDING SIGN PACKAGE

SYMBOL LEGEND



DRAWING INDEX

		11/06/2024 PLANNING SUBMITTAL	01/09/2025 PLANNING SUBMITTAL 2	03/05/2025 TECH REVIEW COMMENTS	05/21/2025 TECH REVIEW COMMENTS 2	07/14/2025 TECH REVIEW COMMENTS 3
ARCHITECTURE						
A001	COVER SHEET	●	●	●	●	
GENERAL						
G004	CONSTRUCTION BEST MANAGEMENT PRACTICES			●	●	
CIVIL						
C0.1	CIVIL SURVEY				●	●
C0.2	ALTA SURVEY				●	●
C1.0	COVER SHEET				●	●
C2.0	EXISTING CONDITIONS				●	
C3.0	DEMOLITION PLAN				●	●
C4.0	SITE LAYOUT PLAN				●	●
C5.1	GRADING AND DRAINAGE PLAN				●	●
C5.2	DETAILS				●	●
LANDSCAPE						
LT-1A	TREE PRESERVATION INSTRUCTIONS					●
LT-1B	TREE PRESERVATION INSTRUCTIONS					●
LT-1C	TREE PRESERVATION INSTRUCTIONS					●
LANDSCAPE						
LS100	PRELIMINARY LANDSCAPE NOTES AND SCHEDULE				●	●
LS101	PRELIMINARY LANDSCAPE PLAN				●	●
ARCHITECTURE						
A004	ARCHITECTURAL SITE PLAN PATH OF TRAVEL	●	●	●	●	●
A005	EXISTING BASEMENT PARKING PLAN	●	●	●	●	
A005.1	EXISTING FLOOR PLAN	●	●	●	●	
A006	DEMOLITION PLAN			●	●	
A006.1	DEMOLITION ROOF PLAN			●		
A006.2	DEMOLITION EXTERIOR ELEVATIONS			●	●	
A006.3	DEMOLITION EXTERIOR ELEVATIONS			●	●	
A006.4	TECHNICAL DEMOLITION PLAN			●	●	
A006.5	TECHNICAL DEMOLITION EXTERIOR ELEVATIONS			●	●	
A007	SIGHT LINE STUDY			●	●	
A008	MASSING ELEVATIONS			●	●	
A009	EXTERIOR ELEVATIONS COMPARISON			●	●	
A101	FLOOR PLAN	●	●	●	●	
A103	ROOF PLAN	●	●	●	●	
A200	EXISTING EXTERIOR ELEVATIONS	●	●	●	●	
A201	EXTERIOR ELEVATIONS	●	●	●	●	
A301	BUILDING SECTIONS	●	●	●	●	
A601	MATERIAL FINISHES	●	●	●	●	
A800.1	EXISTING BUILDING PHOTOS	●	●	●	●	
A800.2	EXISTING BUILDING PHOTOS	●	●	●	●	
A801	EXTERIOR BUILDING RENDERS	●	●	●	●	
A802	EXTERIOR BUILDING RENDERS			●	●	
A803	EXTERIOR BUILDING RENDERS	●	●	●	●	
A804	EXTERIOR BUILDING RENDERS - NIGHT	●	●	●	●	
A805	EXTERIOR BUILDING RENDERS - NIGHT	●	●	●	●	
A806	INTERIOR BUILDING RENDERS			●	●	
A807	INTERIOR BUILDING RENDERS			●	●	
PLUMBING						
P100	PARKING DECK PLUMBING PLAN			●	●	
LIGHTING						
LT - 1.0	LIGHTING LAYOUT	●	●	●	●	
LT - 2.0	EXTERIOR LIGHTING ELEVATION	●	●	●	●	

RH

RH - LOS GATOS

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No.	Date	Issue/ Revised
	10/18/2024	PRE-APPLICATION PACKAGE
	11/06/2024	PLANNING SUBMITTAL
	11/22/2024	100% SCHEMATIC DESIGN
	01/09/2025	PLANNING SUBMITTAL 2
1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2
3	07/14/2025	TECH REVIEW COMMENTS 3

Project: 59485
Drawn By: BD
Reviewed By: RN
Scale: NO SCALE
Drawing Title:

COVER SHEET

Drawing No.

A001

EXHIBIT 20

Santa Clara Valley Urban Runoff Pollution Prevention Program

Construction Best Management Practices (BMPs)

West Valley Clean Water Authority
Campbell • Los Gatos • Monte Sereno • Saratoga

Construction projects are required to implement year-round stormwater BMPs.

Materials, Waste, and Sediment Management



Construction Entrances and Perimeter

- ❑ Establish and maintain effective perimeter controls, and stabilize all construction entrances and exits to sufficiently control erosion, sediment discharges and tracking of sediment offsite.
- ❑ Sweep or vacuum immediately any tracking of sediment offsite and secure sediment source to prevent further tracking. Never hose down streets or sidewalks.

Non-Hazardous Materials and Dust Control

- ❑ Berm and cover stockpiles of sand, dirt or other construction material with tarps when rain is forecast or when they are not in use. Weigh down and secure tarps for wind protection.
- ❑ Keep materials off the ground (e.g., store bagged materials on wood pallets, store loose materials on tarps not pavement, etc.).
- ❑ Use captured water from other activities (e.g., testing fire lines) for dust control.
- ❑ Ensure dust control water doesn't leave site or discharge to storm drains. Only use enough to control dust. Contain and dispose of excess water properly.

Hazardous Materials

- ❑ 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 watertight containers, store in appropriate secondary containment, and cover them at the end of every workday, during wet weather or when rain is forecast.
- ❑ Follow manufacturer's application instructions for hazardous materials and do not use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ❑ Arrange for appropriate disposal of all hazardous wastes. Have all pertinent Safety Data Sheets (i.e., SDS/MSDS/PSDS) onsite.

Waste Management

- ❑ Inform trash-hauling contractors that you will accept only watertight dumpsters for onsite use. Repair/replace any dumpster that is not watertight or leaking.
- ❑ Cover and maintain dumpsters. Check frequently for leaks. Place dumpsters under roofs or cover with tarps or plastic sheeting secured around the outside of the dumpster. If the dumpster leaks, place a plastic liner underneath the dumpster to collect leaks. Never clean out a dumpster by hosing it down on the construction site – clean with dry methods, clean offsite or replace dumpster.
- ❑ Place portable toilets and hand wash stations away from storm drains. Make sure they are equipped with containment pans (secondary containment) and are in good working order. Check frequently for leaks.
- ❑ Dispose of all wastes and demolition debris properly per SDS and applicable regulations. Recycle or compost materials and wastes as feasible and appropriate, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and cleared vegetation.
- ❑ Dispose of liquid residues from paints, thinners, solvents, glues, and cleaning fluids as hazardous waste per SDS.
- ❑ Keep site free of litter (e.g., lunch items, water bottles, cigarette butts and plastic packaging).
- ❑ Prevent litter from uncovered loads by covering loads that are being transported to and from site.

Equipment Management & Spill Control



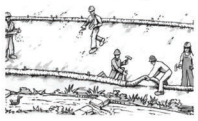
Vehicle and Equipment Maintenance

- ❑ Designate an area of the construction site equipped with appropriate BMPs, well away from creeks or storm drain inlets, for auto and equipment parking and storage.
- ❑ Perform major maintenance, repair jobs, and vehicle/equipment washing offsite.
- ❑ If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and over a drip pan or drop cloths big enough to collect fluids. Recycle or dispose of fluids as hazardous waste.
- ❑ If vehicle or equipment cleaning must be done onsite, 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 onsite using soaps, solvents, degreasers, or steam cleaning equipment, and do not use diesel oil to lubricate equipment or parts onsite.

Spill Prevention and Control

- ❑ Always keep spill cleanup materials (e.g., rags, absorbents, and cat litter) available at the construction site.
- ❑ Maintain all vehicles and heavy equipment. Inspect frequently for leaks. Use drip pans to catch leaks until repairs are made.
- ❑ Clean up leaks, drips and other spills immediately using dry cleanup methods whenever possible (absorbent materials, cat litter and/or rags) and dispose of cleanup materials properly.
- ❑ Sweep up spilled dry materials immediately. Never attempt to "wash them away" with water or bury them.
- ❑ Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- ❑ Report significant spills to the appropriate local spill response agencies immediately. If the spill poses a significant hazard to human health and safety, property or the environment, report it to the State Office of Emergency Services at (800) 852-7550 (24 hours).

Earthmoving



Grading and Earthwork

- ❑ Schedule grading and excavation work during dry weather.
- ❑ Prevent sediment from migrating offsite and protect storm drain inlets, drainage courses and creeks by installing and maintaining appropriate BMPs tailored to the site's specific characteristics and conditions. Examples of such BMPs may include silt fences, gravel bags, fiber rolls, temporary swales, compost socks, etc. Ensure that BMPs are installed in accordance with manufacturer's specifications and properly maintained throughout the duration of construction activities.
- ❑ Stabilize all denuded areas and install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established.
- ❑ Remove existing vegetation only when necessary. Plant temporary vegetation to prevent erosion on slopes or in areas where construction is not immediately planned.
- ❑ Keep excavated soil and/or transfer it to dump trucks, onsite, not in the streets.

  Ensure all subcontractors working onsite are implementing appropriate BMPs.

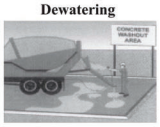
Contaminated Soils

- ❑ If any of the following conditions are observed, test for contamination and contact the Regional Water Quality Control Board and the local agency: 1) Unusual soil conditions, discoloration, or odor. 2) Abandoned underground tanks. 3) Abandoned wells. 4) Buried barrels, debris, or trash.
- ❑ If the above conditions are observed, document any signs of potential contamination, clearly mark areas and fence/tape them off so they are not disturbed by construction activities.

Landscaping

- ❑ Protect stockpiled landscaping materials from wind and rain by storing them under tarps year-round.
- ❑ Stack bagged material on pallets and under cover.
- ❑ Discontinue application of any erodible landscape material within 2 days before a forecast rain event or during wet weather.
- ❑ Store materials onsite, not in the street.

Concrete Management & Dewatering



Concrete Management

- ❑ Store both dry and wet concrete-related materials under cover, protected from rainfall and runoff and away from storm drains or creeks. Store materials off the ground on pallets. Protect dry materials from wind.
- ❑ Avoid pouring concrete in wet weather or when rainfall is imminent to prevent concrete that has not cured from contacting stormwater runoff.
- ❑ Wash out concrete equipment/mixers/trucks offsite, or onsite only in designated washout containers/areas where the water will flow into a temporary lined waste pit and in a manner that will prevent leaching into the underlying soils. (See CASQA Construction Stormwater BMP Handbook for temporary concrete washout facility details).
- ❑ Do not wash sweepings from exposed aggregate concrete into the street or storm drain. Collect and return sweepings to aggregate base stockpile or dispose properly.
- ❑ Make sure that construction waste (e.g., concrete, stucco, cement wastewater, or residual materials) is collected, removed, and disposed of only at authorized disposal areas. Do not dispose of construction waste in storm drains, ditches, streets, creeks, dirt areas, or the sanitary sewer.

Dewatering

- ❑ Discharges of groundwater or captured runoff from dewatering operations must be properly managed and disposed. When possible, send dewatering discharge to landscaped area or sanitary sewer. If discharging to the sanitary sewer, obtain permission from the local wastewater treatment plant.
- ❑ Divert water originating from offsite away from all onsite disturbed areas.
- ❑ When dewatering, notify and obtain approval from the local municipality 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 or suspected contamination, call the local agency to determine whether the groundwater must be tested. Pumped groundwater may need to be collected and hauled offsite for treatment and proper disposal.
- ❑ For additional information, refer to the CASQA's Sheet NS-2 "Dewatering Operations."

Paving/Asphalt Work



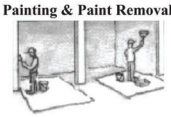
Paving

- ❑ Avoid paving and seal coating in wet weather or when rain is forecast to prevent materials that have not cured from contacting with stormwater runoff.
- ❑ Cover storm drain inlets and manholes when applying seal coat, slurry seal, fog seal, or similar materials.
- ❑ When construction is complete, remove all covers from storm drain inlets and manholes.
- ❑ Collect and recycle or properly dispose of excess abrasive gravel or sand. Do NOT sweep or wash it into gutters, storm drains, streets, dirt areas, or the sanitary sewer.

Sawcutting & Asphalt/Concrete Removal

- ❑ Protect storm drain inlets during saw cutting.
- ❑ When making saw cuts, use as little water as possible.
- ❑ Residue from saw cutting, coring and grinding operations shall be picked up by means of a vacuum device.
- ❑ Shovel, absorb, or vacuum saw cut slurry deposits and dispose of all waste properly and as soon as reasonably possible. Sawcutting residue should not be left on pavement surface.
- ❑ If saw cut slurry enters a storm drain inlet, clean it up immediately and notify the local municipality.

Painting & Paint Removal



Painting Cleanup and Removal

- ❑ Never clean brushes or rinse paintcontainers to landscaping, dirt areas or into a street, gutter, storm drain, or creek.
- ❑ For water-based paints, paint out brushes to the extent possible, and then rinse into a drain connected to the sanitary sewer. Never pour paint down a storm drain inlet.
- ❑ For oil-based paints, paint out brushes to the extent possible, and then clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids as hazardous waste.
- ❑ Sweep up or collect paint chips and dust generated from non-hazardous dry stripping and sand blasting into plastic drop cloths and dispose of as trash.
- ❑ Chemical paint stripping residue and chips and dust from marine paints or paints containing lead, mercury, or tributyltin must be disposed of as hazardous waste. Lead- based paint removal requires a state-certified contractor.



Copper Architectural Features

Discharges to storm drains generated by installing, cleaning, treating or washing copper architectural features, is a violation of the municipal stormwater ordinance and may be subject to a fine. These BMPs must be implemented to prevent prohibited discharges to storm drains:

During Installation

- ❑ If possible, purchase copper materials that have been pre-patinated at the factory.
- ❑ If patination done on site, implement one or more of the following BMPs:
  1. Discharge the rinse water to landscaping. Ensure that the rinse water does not flow to the street or storm drain. Block off storm drain inlet if needed.
  2. Collect rinse water in a tank and pump to the sanitary sewer. Contact your local sanitary sewer agency before discharging to the sanitary sewer.
  3. Collect the rinse water in a tank and haul off-site for proper disposal.
- ❑ Consider coating the copper materials with an impervious coating that prevents further corrosion and runoff. This will also maintain the desired color for a longer time, requiring less maintenance.

During Maintenance such as, power washing roof, re-patination, or re-application of impervious coating:

- ❑ Block storm drain inlets as needed to prevent runoff from entering storm drains.
- ❑ Discharge the wash water to landscaping or to the sanitary sewer (with permission from the local sanitary sewer agency). If this is not an option, haul the wash water off-site for proper disposal.

Storm drain polluters may be liable for fines of up to $10,000 per day!

February 2024, WVCWA 4/24

RH

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Seal

Consultant

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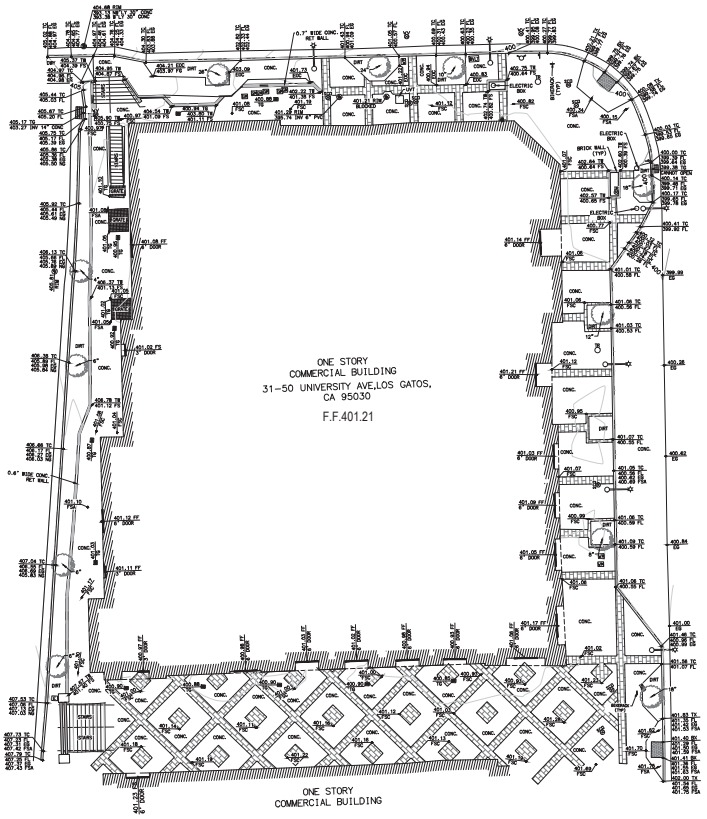
No.	Date	Issue/ Revised
1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

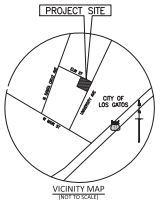
Project 5948S
Drawn By: BD
Reviewed By: RN
Scale

Drawing Title
CONSTRUCTION BEST MANAGEMENT PRACTICES

Drawing No.
G004

TOPOGRAPHIC SURVEY





ABBREVIATIONS

BX	BOTTOM OF TRANSITION
CB	CATCH BASIN
CBW	CONCRETE BLOCK WALL
CONC.	CONCRETE
DWY	DRIVEWAY
EG	EDGE OF GUTTER
ELEC.	ELECTRICAL
EOC	EDGE OF CONCRETE
FDC	FIRE DEPARTMENT CONNECTION
FF	FINISHED FLOOR
FL	FLOW LINE
FG	FINISHED GROUND
FS	FINISHED SURFACE
FSA	FINISHED SURFACE ASPHALT
FSC	FINISHED SURFACE CONCRETE
GV	GAS VALVE
INV	INVERT OF PIPE
MH	MANHOLE
NTS	NOT TO SCALE
RET WALL	RETAINING WALL (CONCRETE)
SCO	SEWER CLEANOUT
SDMH	STORM DRAIN MANHOLE
SSMH	SANITARY SEWER MANHOLE
TC	TOP OF CURB
TG	TOP OF GRATE
TR	TRASH RECEPTACLE
TX	TOP OF TRANSITION
TYP.	TYPICAL
UVT	UNKNOWN VAULT
WL	WALL
WVLT	WATER VAULT
WV	WATER VALVE
W'LY	WESTERLY
NW'LY	NORTHWESTERLY

LEGEND

- AREA DRAIN (SQUARE)
- ELECTRONIC TEST STATION
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- GAS VALVE
- GAS METER
- IRRIGATION CONTROL BOX
- IRRIGATION CONTROL VALVE
- ELECTRIC CABINET
- ELECTRIC MANHOLE
- ELECTRIC PULLBOX
- SEWER CLEAN OUT
- SEWER MANHOLE
- SIGN
- STORM DRAIN MANHOLE
- STREET LIGHT
- TELEPHONE MANHOLE
- TREE
- WATER MANHOLE
- WATER METER
- WATER VALVE

LINETYPES

- BUILDING LINE/HATCH
- BRICK LINE/HATCH
- CONC LINE/HATCH
- CURB FACE WITH BACK OF CURB (0.5' O/S) FLOWLINE
- WALL

BENCHMARK:

BENCHMARK: BM1003

DESCRIPTION: BRASS DISC ON TOP OF CONCRETE SIDEWALK; AT THE SOUTH CORNER OF INTERSECTION FOR S SANTA CRUZ AVENUE AND W MAIN STREET; ABOUT 100 FEET SOUTHWEST FROM CENTER LINE FOR W MAIN STREET; NEAR A PUBLIC BUS STOP; RESET IN 2007. CITY OF LOS GATOS

NAVD88 (FT) ELEV = 412.80 EPOCH: 2020.33

ZONING

C-2 – CENTRAL BUSINESS COMMERCIAL ZONE PER TOWN OF LOS GATOS ZONING MAP, ACCESSED FROM CITY OF LOS GATOS WEBSITE DATED MARCH 22, 2024 ACCESSED ON NOVEMBER 19, 2024.
OVERLAY ZONES
LHP – LANDMARK & HISTORIC PRESERVATION
PD – PLANNED DEVELOPMENT

COMMENTS:

SITE ADDRESS:	31-50 UNIVERSITY AVE, LOS GATOS, CA 95030
APN:	529-002-44
BOUNDARY LINES:	THIS IS NOT A BOUNDARY SURVEY
FEMA:	THE SUBJECT SITE IS IN FEMA FLOOD HAZARD ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN; PER FLOOD INSURANCE RATE MAP (FIRM) MAP PANEL MAP NO. 06085C0376H EFFECTIVE DATE MAY 18, 2009.
PUBLIC ACCESS:	PUBLIC ACCESS TO SITE FROM ELM STREET AND UNIVERSITY AVENUE
DATE(S) OF FIELDWORK:	10/30/2024
NOTE:	THIS IS NOT A BOUNDARY SURVEY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THE PURPOSE OF THIS SURVEY IS TO LOCATE EXISTING IMPROVEMENTS FOR DESIGN.

PREPARED UNDER THE DIRECTION OF:

12/04/2024

CHRISTOPHER JONES, PLS 8193
chris.jones@kpff.com

CS-1

SCALE: 1"=10'

NO.	DATE	REVISIONS
6		
5		
4		
3		
2		
1		

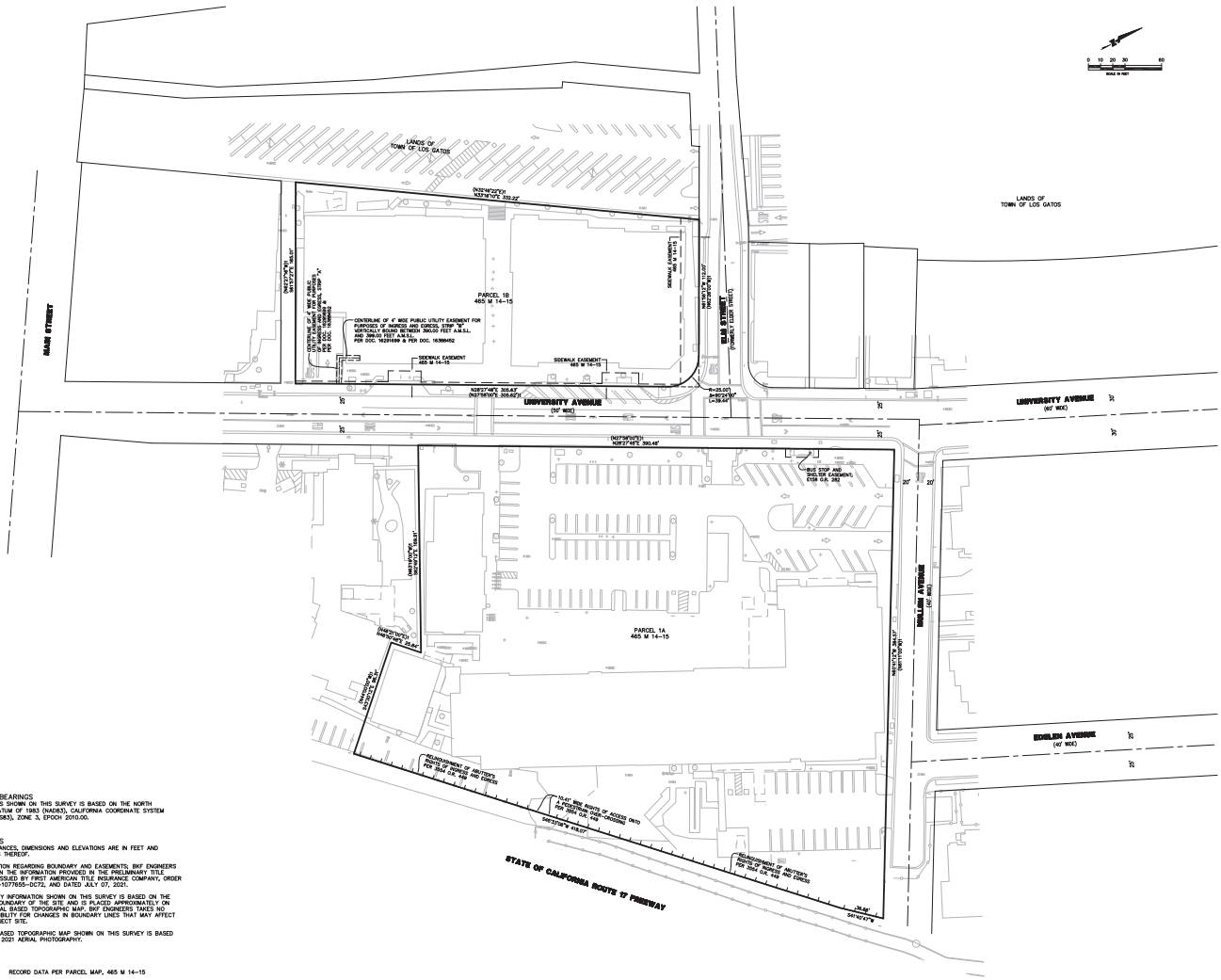
PROJECT # 240077.01
DATE PREPARED 12/04/2024
DRAWN BY EZ & DU
CHECKED BY CJ

31-50 UNIVERSITY AVE,LOS GATOS
PREPARED FOR:
MBH ARCHITECTS
MR MEKI MELSON
480 ATLANTIC AVE,
ALAMEDA, CA 94501

kpff
180 Grand Ave, Suite 1100
Los Angeles, CA 90017
213.418.0201
www.kpff.com

SHEET 1 OF 1

© BKF ENGINEERS



BASIS OF BEARINGS
THE BEARINGS SHOWN ON THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), ZONE 3, EPOCH 2010.00.

MAP NOTES
1. ALL DISTANCES, DIMENSIONS AND ELEVATIONS ARE IN FEET AND DECIMALS THEREOF.
2. INFORMATION REGARDING BOUNDARY AND EASEMENTS; BKF ENGINEERS RELIED ON THE INFORMATION PROVIDED IN THE PRELIMINARY TITLE REPORT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER No. NCS-1077655-DC72, AND DATED JULY 07, 2021.
3. BOUNDARY INFORMATION SHOWN ON THIS SURVEY IS BASED ON THE PAPER BOUNDARY OF THE SITE AND IS PLACED APPROXIMATELY ON THE AERIAL BASED TOPOGRAPHIC MAP. BKF ENGINEERS TAKES NO RESPONSIBILITY FOR CHANGES IN BOUNDARY LINES THAT MAY AFFECT THE SUBJECT SITE.
4. AERIAL BASED TOPOGRAPHIC MAP SHOWN ON THIS SURVEY IS BASED ON JULY 2021 AERIAL PHOTOGRAPHY.

LEGEND
( ) RECORD DATA PER PARCEL MAP, 465 M 14–15

1730 N. FIRST STREET
SUITE 600
SAN JOSE, CA 95112
408-467-9100
www.bkf.com

RECORD [PAPER] BOUNDARY AND EASEMENTS
OLD TOWN LOS GATOS, 23 UNIVERSITY AVENUE
LOS GATOS, CA

SANTA CLARA COUNTY
CALIFORNIA
LOS GATOS

No.	Revisions

Date: 12-28-2022
Scale: 1" = 30'
Design: ---
Drawn: GR
Checked: ---
Job No. 20211013

Drawing Number
CS-2

SHEET
1 OF 1

RH LOS GATOS

31 UNIVERSITY AVENUE
LOS GATOS, CA
APN 529-02-044

LEGEND

PROPERTY/ RIGHT-OF-WAY LINE
EASEMENT LINE
CENTERLINE
OVERALL LIMIT OF WORK
BUILDING OUTLINE
BUILDING OVERHANG
CURB
CURB AND GUTTER
SAWCUT LINE
ASPHALT PAVEMENT
ASPHALT PAVEMENT (HEAVY)
CONCRETE PAVEMENT
BIORETENTION AREA
MAJOR CONTOUR — 100
MINOR CONTOUR — 100
GRADE BREAK — GB
RETAINING WALL
GRADING SLOPE
DAYLIGHT LINE
SWALE
FENCE
STORM DRAIN MANHOLE
STORM DRAIN INLET
CLEANOUT
SANITARY SEWER MANHOLE
FIRE HYDRANT
GATE VALVE
POST INDICATOR VALVE
WATER METER
LIGHT POLE
ELECTRIC BOX
TELEPHONE BOX
POWER POLE
ACCESSIBLE PARKING
SPOT ELEVATION — XX.XX / TS XX.XX
PROPOSED SLOPE — 2.0%

ABBREVIATIONS

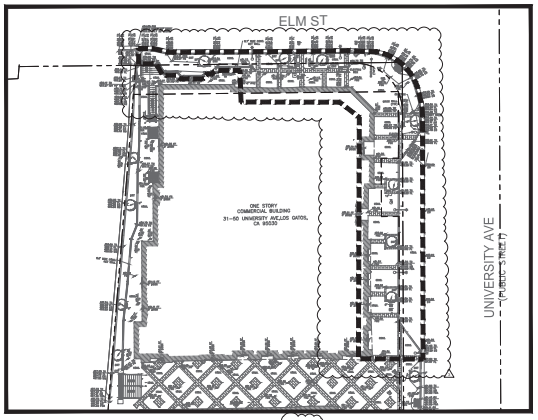
AC	ASPHALT CONCRETE
AD	AREA DRAIN
ADA	AMERICAN DISABILITIES ACT
APPROX.	APPROXIMATE
BLDG	BUILDING
BW	BACK OF WALK
CL	CENTERLINE
CO	CLEANOUT
CONC	CONCRETE
COTG	CLEANOUT TO GRADE
Δ	DELTA
DIA. Ø	DIAMETER
(E)	EXISTING
EG	EXISTING GRADE
EL OR ELEV	ELEVATION
FDC	FIRE DEPARTMENT CONNECTION
FF	FINISH FLOOR ELEVATION
FG	FINISH GRADE
FH	FIRE HYDRANT
FND	FOUND MONUMENT
FS	FINISH SURFACE
FT	FOOT OR FEET
GB	GRADE BREAK
GV	GATE VALVE
HP	HIGH POINT
ID	INSIDE DIAMETER
IE	INVERT ELEVATION
LF	LINEAR FEET
LP	LOW POINT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
N	NORTH
NTS	NOT TO SCALE
OD	OUTSIDE DIAMETER
OVHDH	OVERHEAD
(P)	PROPOSED
PL	PROPERTY LINE
PCC	PORTLAND CEMENT CONCRETE
PED	PEDESTRIAN
POC	POINT OF CONNECTION
PRC	POINT OF REVERSE CURVATURE
PT	POINT OF TANGENT
PVMT	PAVEMENT
PVT	PRIVATE
R	RADIUS
R.O.W	RIGHT-OF-WAY
S	SLOPE (FT/FT)
SF	SQUARE FEET
SHT	SHEET
ST	STREET
STA	STATION
STD	STANDARD
TC	TOP OF CURB
TOS	TOP OF STAIR
TW	TOP OF WALL
TYP	TYPICAL
UG	UNDERGROUND
UNO	UNLESS NOTED OTHERWISE
VIF	VERIFY IN FIELD
W	WATER
W	WITH

BENCHMARK:

BENCHMARK: BM1003

DESCRIPTION: BRASS DISC ON TOP OF CONCRETE SIDEWALK; AT THE SOUTH CORNER OF INTERSECTION FOR S SANTA CRUZ AVENUE AND W MAIN STREET; ABOUT 100 FEET SOUTHWEST FROM CENTERLINE FOR W MAIN STREET; NEAR A PUBLIC BUS STOP. RESET IN 2007. CITY OF LOS GATOS

NAVD88 (FT) ELEV = 412.80 EPOCH: 2020.33



SITE MAP
1" = 20'

PROJECT CONTACTS

ARCHITECT	CIVIL ENGINEER	LANDSCAPE ARCHITECT
MBH ARCHITECTS 960 ATLANTIC AVE ALAMEDA, CA 94501 RICK NELSON	TYLER WHALEY, PE KIMLEY-HORN AND ASSOCIATES, INC. 10 S. ALMADEN BLVD, SUITE 1250 SAN JOSE, CA 95113 925.398.4840	MATTHEW MORGAN KIMLEY-HORN AND ASSOCIATES, INC. 10 S. ALMADEN BLVD, SUITE 1250 SAN JOSE, CA 95113 408.314.1946

SHEET LIST TABLE

Sheet Number	Sheet Title
C1.0	COVER SHEET
C2.0	EXISTING CONDITIONS
C3.0	DEMOLITION PLAN
C4.0	SITE LAYOUT PLAN
C4.1	GRADING AND DRAINAGE PLAN
C5.0	DETAILS
T-1A	TREE PRESERVATION INSTRUCTIONS
T-1B	TREE PRESERVATION INSTRUCTIONS
T-1C	TREE PRESERVATION INSTRUCTIONS
LS100	PRELIMINARY LANDSCAPE NOTES AND SCHEDULE
LS101	PRELIMINARY LANDSCAPE PLAN



VICINITY MAP
NTS

DESIGN ENGINEER NOTES

1. THE TERM 'DESIGN ENGINEER' USED HEREIN SHALL MEAN THE ENGINEER WHOSE NAME AND R.C.E. NUMBER APPEAR ON SHEET 1 AND IS THE RESPONSIBLE CHARGE OF THE IMPROVEMENT DESIGN ON SHEET 1. THE TERM 'CONTRACTOR' USED HEREIN SHALL MEAN ANY GENERAL CONTRACTOR OR SUBCONTRACTOR USING THESE PLANS.
2. THE DESIGN ENGINEER SHALL NOT BE RESPONSIBLE FOR, COMMENT ON, NOR CONFIRM ANY SAFETY MEASURES OR REGULATIONS. THE CONTRACTOR SHALL DESIGN, IMPLEMENT, AND MAINTAIN ALL SAFETY MEASURES AND PROGRAMS SOLELY RESPONSIBLE FOR ANY AND ALL SAFETY MEASURES AND PROGRAMS REQUIRED BY LAW AND PRUDENT SAFETY PRACTICES, AND FEDERAL SAFETY AND HEALTH STANDARDS, LAWS, AND REGULATIONS. THE CONTRACTOR SHALL FURTHER THAT THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOBSITE CONDITIONS AND SAFETY OF ALL PERSONS AND PROPERTY DURING THE PERFORMANCE OF THE WORK ON THIS PROJECT. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
3. THE DESIGN ENGINEER SHALL HAVE NO RESPONSIBILITY FOR ANY OF THE CONTRACTOR'S MEANS AND METHODS OF CONSTRUCTION, SEQUENCING, SCHEDULING, OR SAFETY PRACTICES. THE DESIGN ENGINEER'S PERFORMANCE OF SAFETY PRACTICES SHALL NOT RELIEVE THE DESIGN ENGINEER OF ANY AUTHORITY OR RESPONSIBILITY TO DIRECT OR STOP THE WORK OF ANY CONTRACTOR.
4. ANY CHANGES MADE BY THE CONTRACTOR TO THE CONTRACTUALLY AGREED UPON SCOPE, SCHEDULE AND/OR FEE, WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF THE OWNER, IS THE SOLE RESPONSIBILITY AND LIABILITY OF THE CONTRACTOR. THE DESIGN ENGINEER IS NOT RESPONSIBLE FOR ANY COSTS, DELAYS, OR DAMAGES DUE TO SUCH CHANGES AND THE CONTRACTOR ASSUMES ALL RISK OF UNDERTAKING ANY SUCH CHANGES.
5. THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE DESIGN ENGINEER AND OWNER, THEIR OFFICERS, AGENTS AND EMPLOYEES, HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, JUDGMENTS, LOSS, DAMAGES, COSTS, EXPENSES, FEES OR LIABILITY WHATSOEVER, TOTAL OR ANY PORTION THEREOF, ARISING OUT OF OR IN ANY WAY RELATED TO, DIRECTLY OR INDIRECTLY, THE PERFORMANCE OF WORK ON THIS PROJECT, EXISTING LIABILITY ARISING FROM THE SOLE OR CONCURRENT NEGLIGENCE OF THE OWNER OR THE DESIGN ENGINEER.
6. IF THE CONTRACTOR FINDS DISCREPANCIES BETWEEN THESE PLANS, THE CONTRACTOR SHALL ISSUE A RFI IN WRITING FROM THE DESIGN ENGINEER AND THE OWNER, REQUESTING A CLARIFICATION BEFORE PERFORMING ANY WORK IN THE AFFECTED AREA. THESE PLANS ARE PREPARED ONLY FOR USE BY THE OWNER AND THEIR AGENTS AND CONSULTANTS AND ARE NOT TO BE USED SOLELY FOR THE EXCLUSIVE USE BY THAT PARTY FOR THE PURPOSES EXPRESSLY AUTHORIZED, IN ACCORDANCE WITH STANDARD INDUSTRY PRACTICE, ONLY PRINTED COPIES OF DOCUMENTS DESIGNATED AS ISSUED FOR CONSTRUCTION BY THE DESIGN ENGINEER SHALL BE USED FOR BIDDING.
7. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR PREPARING ITS BID, IN WHOLE AND IN PART, BASED UPON THE DESIGN SHOWN ON THESE PLANS. THE DESIGN ENGINEER MAKES NO WARRANTY OR REPRESENTATION AS TO THE SUITABILITY OF ANY INFORMATION SHOWN HEREON FOR DETERMINING THE CONTRACTOR'S BID.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY, AND NOT SHOWN ON THE DRAWINGS, OR SHOWN ON THE DRAWINGS AND NOT MENTIONED IN THE SPECIFICATIONS, SHALL BE OF LIKE EFFECT AS IF SHOWN OR MENTIONED IN BOTH.
9. THE EXISTENCE, LOCATION, TYPE, CONDITION AND SIZE OF UNDERGROUND UTILITIES, FACILITIES OR STRUCTURES ("FACILITIES") SHOWN ON THESE PLANS WAS OBTAINED FROM A SEARCH OF READILY AVAILABLE RECORDS, OR AS PROVIDED BY OTHERS. NO REPRESENTATION IS MADE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. THE CONTRACTOR SHALL CONFIRM ANY INFORMATION BY FIELD MEASUREMENTS, OBSERVATIONS AND WHATEVER MEANS NECESSARY, PRIOR TO CONSTRUCTION, AND SHALL NOTIFY THE OWNER AND THE DESIGN ENGINEER IN WRITING OF ANY DISCREPANCIES OR CONFLICTING INFORMATION IS FOUND. THE CONTRACTOR SHALL PROTECT THE FACILITIES SHOWN HEREON AND ANY OTHERS NOT OF RECORD OR NOT SHOWN ON THESE PLANS. ANY DAMAGE TO FACILITIES CAUSED BY THE CONTRACTOR SHALL BE REPAIRED TO THE APPROPRIATE SPECIFICATIONS AND STANDARDS AT THE SOLE EXPENSE OF THE CONTRACTOR.
10. THE CONTRACTOR SHALL MAKE EXPLORATORY EXCAVATIONS AND, IF NECESSARY, ADJUST THE PROPOSED GRADES AND ALIGNMENTS AHEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS IF REVISIONS ARE NECESSARY DUE TO THE ACTUAL LOCATION, SIZE, TYPE, OR CONDITION OF ANY FACILITIES SHOWN ON THESE PLANS OR NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE FULLY AND SOLELY RESPONSIBLE FOR ALL DAMAGES DUE TO THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ALL SUCH FACILITIES WHETHER NOTED ON THESE PLANS OR NOT. THE DESIGN ENGINEER ASSUMES NO LIABILITY FOR THE ACCURACY OR COMPLETENESS OF THE LOCATION OF FACILITIES.
11. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES PRIOR TO EXCAVATION THAT COULD AFFECT, ABOVE OR BELOW THEIR FACILITIES AND SHALL COORDINATE ALL WORK WITH UTILITY COMPANY REPRESENTATIVES.
12. THE CONTRACTOR SHALL NOTIFY THE OWNER AND DESIGN ENGINEER OF ANY DISCREPANCIES BETWEEN THE PLANS AND FIELD CONDITIONS AND SHALL IMMEDIATELY NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES.
13. THE CONTRACTOR SHALL BALANCE ON-SITE CUT AND FILL EARTHWORK VOLUMES CALCULATED FROM THE EXISTING GROUND TO THE PROPOSED FINISHED GRADE, EXISTING GROUND TO DEFINED BY THE CONCRETE AND SPOT GRADES ON THE BASE SURVEY. PROPOSED FINISHED GRADE IS DEFINED AS THE TOP OF CONCRETE OR TOP OF ASPHALT, WHICHEVER IS HIGHER. EXISTING GROUND, FINISHED SURFACE, AND PROPOSED FLOOR SLOPING. NO REPRESENTATIONS OF SUCH QUANTITIES OR A BALANCED SITE CONDITION SHALL BE MADE BY THE DESIGN ENGINEER. THE EARTHWORK QUANTITIES SHOWN ON THESE PLANS ARE APPROXIMATE AND PROVIDED ONLY UNLESS EXPLICITLY STATED OTHERWISE HEREIN. THEY HAVE NOT BEEN FACTORED TO ACCOUNT FOR CHANGES IN VOLUME DUE TO BULKING, CLEARING AND GRUBBING, SHRINKAGE, SUBSIDENCE, OVER- EXCAVATION AND BACKFILL OF UNSUITABLE MATERIALS, OR ANY OTHER FACTOR TO ACCOUNT FOR THE THICKNESS OF PAVEMENT SECTIONS, STORMWATER QUALITY MEDIA SECTIONS, UTILITY PIPES, TRENCHING AND BEDDING MATERIALS, AND PAVEMENT SUBGRADE PREPARATION. THE QUANTITIES AND VOLUMES SHALL BASED ON BANK LEVELS, INCLUDE OF PULVERIZED MATERIALS THAT WILL UNDERLIE PAVEMENTS, ETC. THE CONTRACTOR IS NOT AUTHORIZED TO USE THE ESTIMATES HEREIN FOR BIDDING AND CONSTRUCTION PURPOSES WITHOUT THE EXPLICIT WRITTEN POWERSON OF THE DESIGN ENGINEER.
14. PROPOSED BUILDING PAD ELEVATIONS, IF SHOWN, ARE BASED ON INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. THE CONTRACTOR SHALL VERIFY FINAL BUILDING PAD ELEVATIONS AND PAD PREPARATION REQUIREMENTS PRIOR TO GRADING FINISHED PADS.
15. THE CONTRACTOR SHALL THOROUGHLY CHECK COORDINATION OF CIVIL, LANDSCAPE, MEP, ARCHITECTURAL, AND ALL OTHER PLANS PRIOR TO COMMENCING CONSTRUCTION. SHOULD DISCREPANCIES OR CONFLICTING INFORMATION BE FOUND IN ANY PLANS, OR IN ANY SUPERFICIAL THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND DESIGN ENGINEER AND SHALL NOT PROCEED WITH THE WORK IN THE AFFECTED AREA.
16. THE PROPOSED BUILDING FOOTPRINTS AND OTHER STRUCTURAL FOOTPRINTS SHOWN IN THESE PLANS WERE PROVIDED TO THE DESIGN ENGINEER BY THE PROJECT ARCHITECT. THE DESIGN ENGINEER OF RECORD IS NOT RESPONSIBLE FOR THE PREPARATION OF OR THE ACCURACY OF THESE FOOTPRINTS AND THE CONTRACTOR IS SOLELY RESPONSIBLE FOR COORDINATION WITH THE ARCHITECT DESIGN TEAM, PROFESSIONALS, AND USING THE FINAL, CORRECT VERSION OF THE BUILDING FOOTPRINT FOR LAYOUT AND CONSTRUCTION. COMPARING THE STRUCTURAL FOOTPRINT, POSITION ON THE SITE BASED UPON THE FINAL ARCHITECTURAL FOOTPRINT, CIVIL PLANS, SURVEY AND ANY OTHER RELEVANT DOCUMENTS. ANY DIFFERENCES FOUND SHALL BE IMMEDIATELY REPORTED TO THE DESIGN ENGINEER, AND OWNER/ PROJECT ARCHITECT.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING AND PRESERVING THE PROJECT PROPERTY FROM ANY EROSION AND SILTATION THAT RESULT FROM CONTRACTOR OPERATIONS, BY APPROPRIATE MEANS, OR BY IMPLEMENTING THE BEST MANAGEMENT PRACTICES (BMPS) AS REQUIRED OR STORM WATER POLLUTION PREVENTION REPORT. SUCH TIME THAT THE PROJECT IS COMPLETED AND ACCEPTED FOR MAINTENANCE BY OWNER/USER IS TO BE ULTIMATELY RESPONSIBLE FOR MAINTENANCE AND THE AGENCY HAVING JURISDICTION. THE DESIGN ENGINEER SHALL HAVE NO RESPONSIBILITY FOR THE MAINTENANCE OR PERFORMANCE OF EROSION AND SEDIMENT CONTROL MEASURES OR BMPS.
18. ALL SHOP DRAWINGS, RFIS AND ANY OTHER DOCUMENTS THAT REQUIRE DESIGN ENGINEER REVIEW SHALL BE SUBMITTED BY THE CONTRACTOR SUFFICIENTLY IN ADVANCE OF CONSTRUCTION OF THAT ITEM, TO ALLOW ADEQUATE REVIEW TIME. SUBMITTALS OF SHOP DRAWINGS, DRAWINGS AND OTHER DOCUMENTS SHALL BE ACCOMPANIED BY A LETTER FROM THE CONTRACTORS STATING SCOPE, SCHEDULE OR PRICE, AND THE CONTRACTOR WARRANTS NOT TO USE THEM AS SUCH.
19. THE CONTRACTOR SHALL INCLUDE APPROPRIATE LICENSED PROFESSIONAL SERVICES IN THEIR BID AND SHALL BE RESPONSIBLE TO PROVIDE ANY/ALL REQUIRED PROJECT CERTIFICATIONS AS MAY BE REQUIRED BY ANY AUTHORITY HAVING JURISDICTION. THE DESIGN ENGINEER WILL NOT PROVIDE ANY PROJECT CERTIFICATIONS UNLESS SPECIFICALLY RETAINED BY THE OWNER AND AGREED TO IN WRITING.
20. CONTRACTOR SHALL RETAIN A LICENSED SURVEYOR TO DOCUMENT ALL CHANGES TO THE APPROVED CONSTRUCTION DOCUMENTS DURING CONSTRUCTION. THE LICENSED SURVEYOR SHALL PREPARE A SIGNED AND STAMPED AS-BUILT DRAWING FOR THE OWNER'S RECORDS. THE CONTRACTOR AND DESIGN ENGINEER IS NOT RESPONSIBLE FOR THE PREPARATION IN WHOLE OR IN PART OF THE AS-BUILT DRAWINGS.
21. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY MONUMENTATION AND CONSTRUCTION STAKING AS NECESSARY FOR THE CONSTRUCTION. SUCH POINTS SHALL BE REFERENCED AND REPLACED WITH APPROPRIATE MONUMENTATION BY A LICENSED LAND SURVEYOR OR REGISTERED CIVIL ENGINEER AUTHORIZED TO PRACTICE LAND SURVEYING. A CORNER RECORD OR RECORD OF SURVEY SHALL BE SUBMITTED TO THE COUNTY FILED BY THE LICENSED LAND SURVEYOR OR REGISTERED CIVIL ENGINEER AS REQUIRED BY THE MOST CURRENT VERSION OF THE LAND SURVEYORS ACT.
22. ALL CONSTRUCTION SHALL CONFORM TO THE TOWN OF YACHVILLE STANDARD SPECIFICATIONS, STANDARD DRAWINGS, AND DESIGN STANDARDS.

ENGINEER'S GRADING NOTES

1. CONTRACTOR SHALL ADJUST AND/OR CUT EXISTING PAVEMENT AS NECESSARY TO ASSURE A SMOOTH FIT AND CONTINUOUS GRADE.
2. CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND TOWARDS STORM DRAIN INLETS, DETENTION BASIN/RETENTION BASIN FOR ALL NATURAL AND IMPERVIOUS AREAS.
3. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORD OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS MADE IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL BLUESTAKE AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE CONTRACTOR'S RESPONSIBILITY TO RELOCATE UTILITIES, WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.
4. ALL CUT OR FILL SLOPES SHALL BE 3:1 OR FLATTER UNLESS OTHERWISE NOTED.
5. EXISTING GRADE CONTOUR INTERVALS SHOWN AT 1 FOOT INTERVALS.
6. PROPOSED GRADE CONTOUR INTERVALS SHOWN AT 1 FOOT INTERVALS.
7. ALL EXISTING IMPROVEMENTS TO REMAIN AND DAMAGED DURING CONSTRUCTION, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE THE EXISTING STRUCTURE AS NECESSARY TO RETURN IT TO EXISTING CONDITIONS OR BETTER.
8. CONTRACTOR IS RESPONSIBLE FOR VERIFYING HORIZONTAL AND VERTICAL LOCATIONS OF ALL UTILITIES AND NOTIFYING THE APPROPRIATE UTILITY COMPANY PRIOR TO BEGINNING CONSTRUCTION.
9. TOPOGRAPHIC INFORMATION WAS TAKEN FROM TOPOGRAPHIC SURVEY PROVIDED BY MORGAN ENGINEERING, INC. DATED 07/09/2025. IF CONTRACTOR DOES NOT ACCEPT EXISTING TOPOGRAPHIC AS SHOWN ON PLANS, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO HIRE A LICENSED SURVEYOR TO PERFORM A TOPOGRAPHIC SURVEY BY A REGISTERED LAND SURVEYOR AND SUBMIT IT TO THE OWNER FOR REVIEW.
10. ALL GRADING SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE GOVERNING CODES AND BE CONSTRUCTED TO SAME.
11. THE CONTRACTOR SHALL SALVAGE, STRIP, REMOVE, OR PROTECT IN PLACE (AS APPLICABLE) ALL EXISTING TREES, FALLS, STRUCTURES, UNDERGROUND UTILITIES OR OBSTRUCTIONS, VEGETATION, DRAINS AND/OR OTHER ITEMS AS NECESSARY TO PERFORM GRADING WORK. THE PROPOSED BUILDING PAD PAVEMENT AREAS, ALL EXPOSED SURFACES SHOULD BE FREE OF MOUNDS AND DEPRESSIONS THAT COULD PREVENT UNIFORM COMPACTION.
12. ALL PROPOSED ELEVATIONS ARE TO FINISHED SURFACE.
13. ALL SPOT ELEVATIONS ALONG CURBS REPRESENT PAVEMENT SURFACE ELEVATION, UNLESS OTHERWISE STATED.
14. ADD 0.5 FEET TO PROPOSED ELEVATIONS FOR TOP OF CURB ELEVATION, UNLESS OTHERWISE NOTED.
15. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF ANY DIFFERENCES BETWEEN THE GEOTECHNICAL REPORT RECOMMENDATIONS FOR DEMOLITION AND REMOVAL ASSOCIATED WITH ELEVATION DISCREPANCIES NOT REPORTED TO THE ENGINEER, SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR.
16. ALL GRADING ACTIVITIES SHALL CONFORM TO THE GEOTECHNICAL REPORT NO. 73160501 BY LANDING DATED 03/05/2025.

CALL BEFORE YOU DIG

RH

Project
RH - LOS GATOS
31 UNIVERSITY AVE,
LOS GATOS, CA 95030

Architect
MBH
960 atlantic avenue
Alameda, CA 94501
510 865 8613
mbharch.com

Seal
PRELIMINARY SET NOT FOR CONSTRUCTION

Consultant
Kimley»Horn
KIMLEY-HORN & ASSOCIATES
10 S. Almaden Blvd. Suite 1250
San Jose, CA 95113
T: 669.800.4130

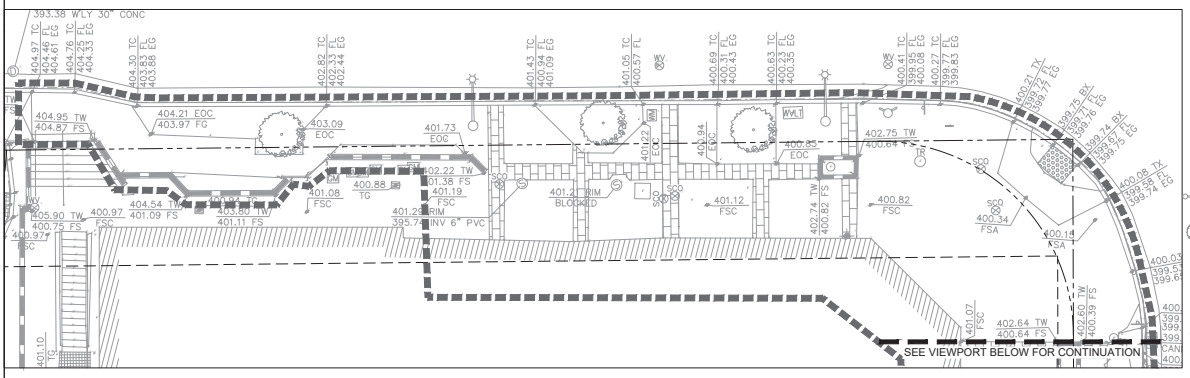
No.	Date	Issued/Revised
1	05/21/2025	TECH REVIEW COMMENTS 2
2	07/14/2025	TECH REVIEW COMMENTS 3

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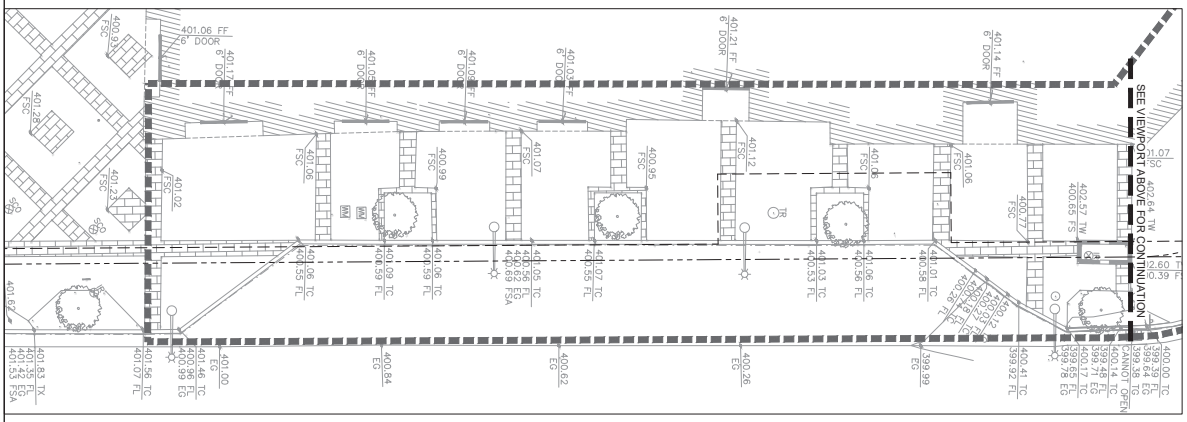
Project No.	197432006
Drawn By:	TL
Reviewed By:	CG
Scale	As noted

Drawing Title
COVER SHEET

Drawing No.
C1.0



ELM STREET FRONTAGE
SCALE: 1"=5'



UNIVERSITY AVE FRONTAGE
SCALE: 1"=5'

LEGEND

- AREA DRAIN (SQUARE)
- ELECTRONIC TEST STATION
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- GAS VALVE
- GAS METER
- IRRIGATION CONTROL BOX
- IRRIGATION CONTROL VALVE
- ELECTRIC CABINET
- ELECTRIC MANHOLE
- ELECTRIC PULLBOX
- SEWER CLEANOUT
- SEWER MANHOLE
- SIGN
- STORM DRAIN MANHOLE
- STREETLIGHT
- TELEPHONE MANHOLE
- TREE
- WATER MANHOLE
- WATER METER
- WATER VALVE

LINETYPES

- PROPERTY LINE
- EASEMENT LINE
- APPROXIMATE LIMIT OF WORK
- BUILDING LINE/HATCH
- BRICK LINE/HATCH
- CONC LINE/HATCH
- CURB FACE WITH BACK OF CURB (0.5' O/S)
- FLOWLINE
- WALL

ABBREVIATIONS

BEG	BEGIN
BX	BOTTOM OF TRANSITION
CB	CATCH BASIN
CBW	CONCRETE BLOCK WALL
CONC	CONCRETE
DW	DRIVEWAY
EG	EDGE OF GUTTER
ELEC.	ELECTRICAL
EOC	EDGE OF CONCRETE
FDC	FIRE DEPARTMENT CONNECTION
FF	FINISHED FLOOR
FL	FLOW LINE
FG	FINISHED GROUND
FS	FINISHED SURFACE
FSA	FINISHED SURFACE ASPHALT
FSC	FINISHED SURFACE CONCRETE
GV	GAS VALVE
HDPE	HIGH DENSITY PIPE
MH	MANHOLE
NTS	NOT TO SCALE
RET WALL	RETAINING WALL (CONCRETE)
SCO	SEWER CLEANOUT
SDMH	STORM DRAIN MANHOLE
SSMH	SANITARY SEWER MANHOLE
TC	TOP OF CURB
TG	TOP OF GRATE
TR	TRASH RECEPTACLE
TX	TOP OF TRANSITION
TYP	TYPICAL
VLT	VAULT/MAIN VAULT
WL	WALL
WVLT	WATER VAULT
WV	WATER VALVE
W'LY	WESTERLY
NW'LY	NORTHWESTERLY

BENCHMARK

BENCHMARK: BM1003

DESCRIPTION: BRASS DISC ON TOP OF CONCRETE SIDEWALK, AT THE SOUTH CORNER OF INTERSECTION FOR S SANTA CRUZ AVENUE AND W MAIN STREET; ABOUT 100 FEET SOUTHWEST FROM CENTERLINE FOR W MAIN STREET; NEAR A PUBLIC BUS STOP; RESET IN 2007. CITY OF LOS GATOS

NAVD88 (FT) ELEV = 412.80 EPOCH: 2020.33

ZONING

C-2 - CENTRAL BUSINESS COMMERCIAL ZONE PER TOWN OF LOS GATOS ZONING MAP ACCESSED FROM CITY OF LOS GATOS WEBSITE DATED MARCH 22, 2024 AND LAST REVISED NOVEMBER 19, 2024.
OVERLAY ZONES:
LHP - LANDMARK & HISTORIC PRESERVATION
PD - PLANNED DEVELOPMENT

COMMENTS

SITE ADDRESS:	31-50 UNIVERSITY AVE, LOS GATOS, CA 95030
APN:	529-002-44
BOUNDARY LINES:	THIS IS NOT A BOUNDARY SURVEY
FEMA:	THE SUBJECT SITE IS IN FEMA FLOOD HAZARD ZONE "X", DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOODPLAIN, PER FLOOD INSURANCE RATE MAP (FIRM) MAP PANEL MAP NO. 06085C0376H EFFECTIVE DATE MAY 18, 2009.
PUBLIC ACCESS:	PUBLIC ACCESS TO THE SITE FROM ELM STREET AND UNIVERSITY AVENUE
DATE(S) OF FIELDWORK:	10/30/2024
NOTE:	THIS IS NOT A BOUNDARY SURVEY. THIS SURVEY WAS PREPARED FOR THE SOLE BENEFIT OF A TITLE REPORT. THE PURPOSE OF THIS SURVEY IS TO LOCATE EXISTING IMPROVEMENTS FOR DESIGN.

GRAPHIC SCALE IN FEET
0 2.5 5 10

RH

Project
RH - LOS GATOS
31 UNIVERSITY AVE,
LOS GATOS, CA 95030

Architect
MBH
960 atlantic avenue
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Seal
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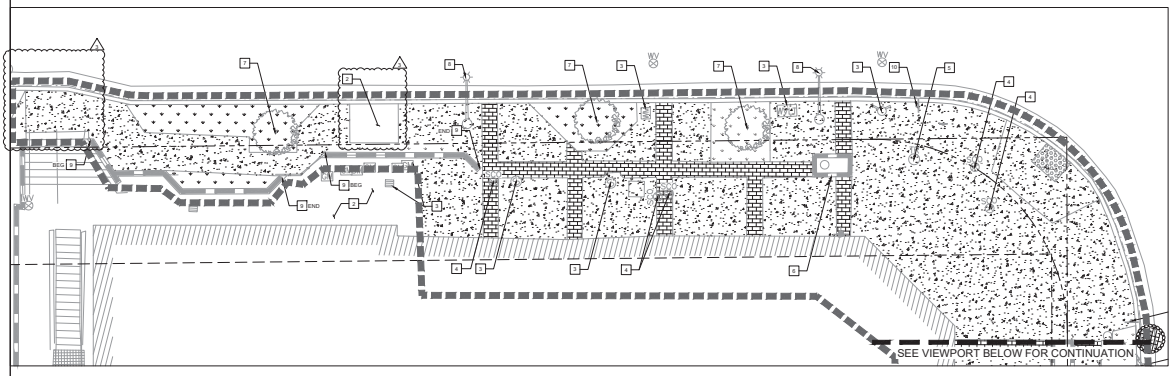
No.	Date	Issued/Revised
1	05/21/2025	TECH REVIEW COMMENTS 2
2	07/14/2025	TECH REVIEW COMMENTS 3

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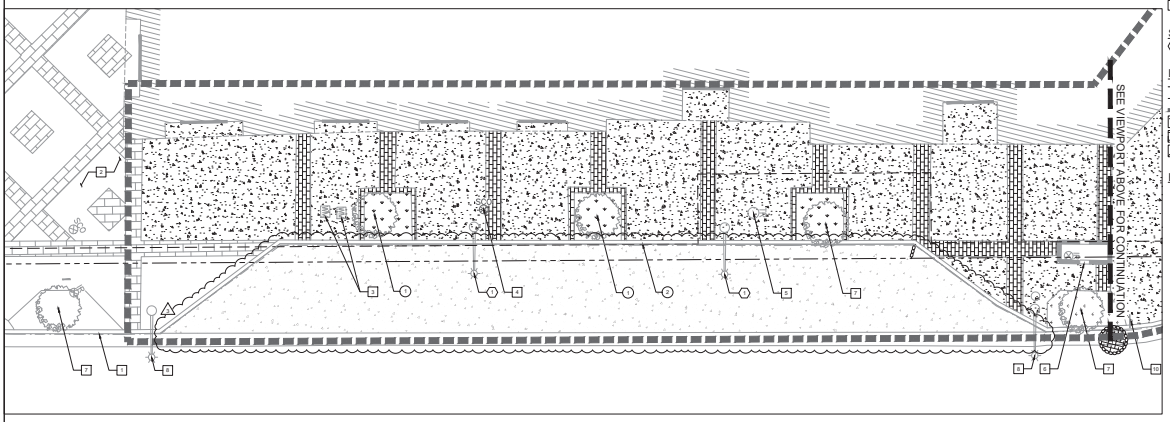
Project No.	197432006
Drawn By:	TL
Reviewed By:	CG
Scale	As noted

Drawing Title
EXISTING CONDITIONS

Drawing No.
C2.0



ELM STREET FRONTAGE
SCALE: 1"=6'



UNIVERSITY AVE FRONTAGE
SCALE: 1"=6'

DEMOLITION GENERAL NOTES

1. KIMLEY-HORN IS NOT RESPONSIBLE FOR THE MEANS AND METHODS EMPLOYED BY THE CONTRACTOR TO IMPLEMENT THIS DEMOLITION PLAN. THIS PRELIMINARY DEMOLITION PLAN SIMPLY INDICATES THE KNOWN OBJECTS ON THE SUBJECT TRACT THAT ARE TO BE DEMOLISHED AND REMOVED FROM THE SITE.
2. KIMLEY-HORN DOES NOT WARRANT OR REPRESENT THAT THE PLAN, WHICH WAS PREPARED BASED ON SURVEY AND UTILITY INFORMATION PROVIDED BY OTHERS, SHOWS ALL IMPROVEMENTS AND UTILITIES, THAT THE IMPROVEMENTS AND UTILITIES ARE SHOWN ACCURATELY, OR THAT THE UTILITIES SHOWN CAN BE REMOVED. THE CONTRACTOR IS RESPONSIBLE FOR PERFORMING ITS OWN SITE RECONNAISSANCE TO SCOPE ITS WORK AND TO CONFIRM WITH THE OWNERS OF IMPROVEMENTS AND UTILITIES THE ABILITY AND PROCESS FOR THE REMOVAL OF THEIR FACILITIES.
3. THIS PLAN IS INTENDED TO GIVE A GENERAL GUIDE TO THE CONTRACTOR, NOTHING MORE. THE GOAL OF THE DEMOLITION IS TO LEAVE THE SITE IN A STATE SUITABLE FOR THE CONSTRUCTION OF THE PROPOSED DEVELOPMENT. REMOVAL OR PRESERVATION OF IMPROVEMENTS, UTILITIES, ETC. TO ACCOMPLISH THIS GOAL ARE THE RESPONSIBILITY OF THE CONTRACTOR.
4. CONTRACTOR SHALL CONTACT THE OWNER TO VERIFY WHETHERREPORTS OR AMENDMENTS DESCRIBING SITE CONDITIONS HAVE BEEN PREPARED AND TO OBTAINREVIEWAND COMPLY WITH THE RECOMMENDATION OF SUCH STUDIES PRIOR TO STARTING ANY WORK ON THE SITE.
5. CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS REGARDING THE DEMOLITION OF OBJECTS ON THE SITE AND THE DISPOSAL OF THE DEMOLISHED MATERIALS OFF-SITE. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO REVIEW THE SITE, DETERMINE THE APPLICABLE REGULATIONS, RECEIVE THE REQUIRED PERMITS AND AUTHORIZATIONS, AND COMPLY.
6. KIMLEY-HORN DOES NOT REPRESENT THAT THE REPORTS AND SURVEYS REFERENCED ABOVE ARE ACCURATE, COMPLETE, OR COMPREHENSIVE SHOWING ALL ITEMS THAT WILL NEED TO BE DEMOLISHED AND REMOVED.
7. SURFACE PAVEMENT INDICATED MAY OVERLAY OTHER HIDDEN STRUCTURES, SUCH AS ADDITIONAL LAYERS OF PAVEMENT, FOUNDATIONS OR WALLS, THAT ARE ALSO TO BE REMOVED.

DEMOLITION NOTES

1. REMOVE TREE
2. REMOVE EXISTING 6" CURB

PROTECT IN PLACE NOTES

1. EXISTING CURB/CURB AND GUTTER
2. EXISTING PAVEMENT
3. EXISTING UTILITY STRUCTURE
4. EXISTING CLEANOUT
5. EXISTING TRASH CAN
6. EXISTING CONCRETE PLANTER
7. EXISTING TREE, SEE SHEETS T-1A, T-1B, AND T-1C FOR TREE PRESERVATION INSTRUCTIONS
8. EXISTING STREETLIGHT
9. EXISTING CONCRETE RETAINING WALL
10. EXISTING SIGN

SALVAGE AND RELOCATE

1. RELOCATE EXISTING STREETLIGHT

DEMOLITION LEGEND

- PROPERTY LINE
- EASEMENT LINE
- APPROXIMATE LIMIT OF WORK
- EXISTING CONCRETE PAVEMENT TO BE DEMOLISHED
- EXISTING BRICK PAVERS TO BE DEMOLISHED
- EXISTING LANDSCAPE TO BE DEMOLISHED

EROSION CONTROL LEGEND

- INLET PROTECTION PER DETAIL 2, SHEET C5.0
- GRAVEL BAG PER DETAIL 1, SHEET C5.0

GRAPHIC SCALE IN FEET
0 2.5 5 10

RH

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No.	Date	Issued/Revised
2	05/21/2025	TECH REVIEW COMMENTS 2
3	07/14/2025	TECH REVIEW COMMENTS 3

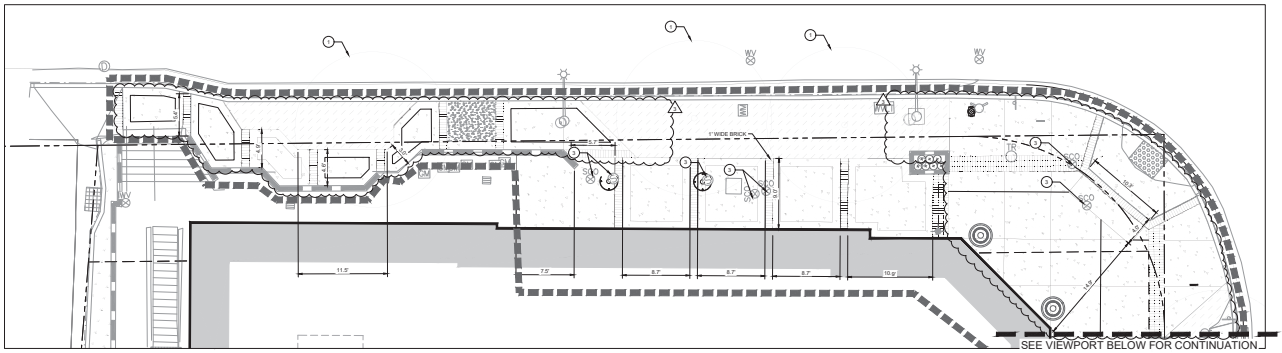
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Project No.
Drawn By:
Reviewed By:
Scale
Drawing Title

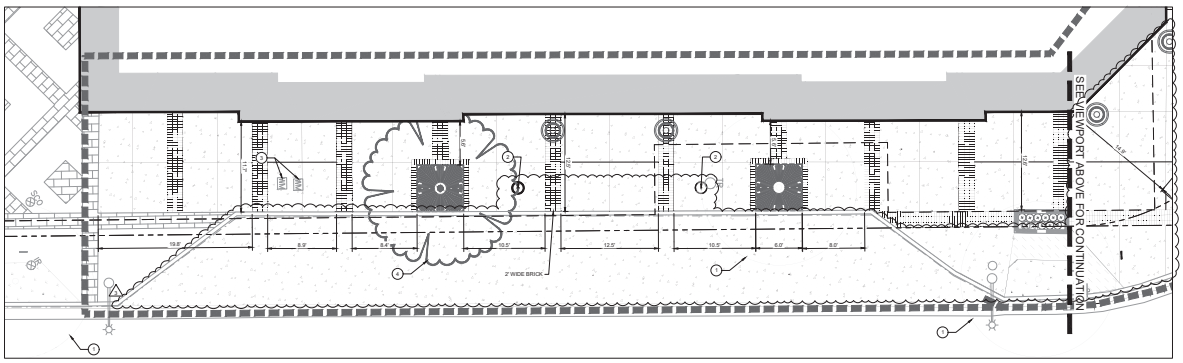
DEMOLITION PLAN

Drawing No.

C3.0



ELM STREET FRONTAGE
SCALE: 1"=5'



UNIVERSITY AVE FRONTAGE
SCALE: 1"=5'

LEGEND

- APPROXIMATE CIVIL LIMIT OF WORK
- PROPERTY LINE
- EASEMENT
- EXISTING RETAINING WALL
- PROPOSED CONCRETE AND BRICK PER TOWN OF LOS GATOS STANDARD DETAILS ST-216, ST-224, AND ST-225.

KEYNOTES

1. SEE SHEETS T-1A, T-1B, AND T-1C FOR TREE PRESERVATION INSTRUCTIONS.
2. RELOCATED LAMP POST
3. ADJUST EXISTING UTILITY STRUCTURE TO GRADE.
4. REFER TO LANDSCAPE PLANS FOR PROPOSED TREE.

GRAPHIC SCALE IN FEET
0 2.5 5 10

RH

Project

RH - LOS GATOS
31 UNIVERSITY AVE,
LOS GATOS, CA 95030

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No.	Date	Issued/Revised
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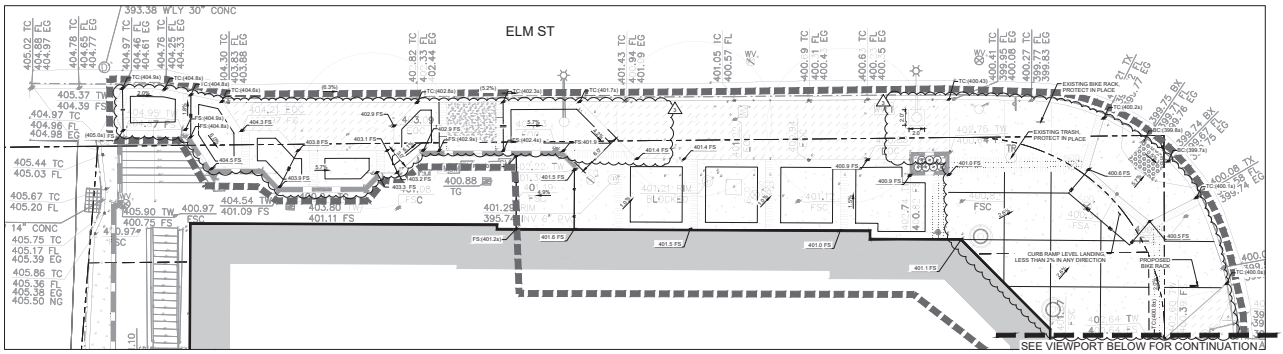
Project No.	197432006
Drawn By:	TL
Reviewed By:	CG
Scale	As noted

Drawing Title

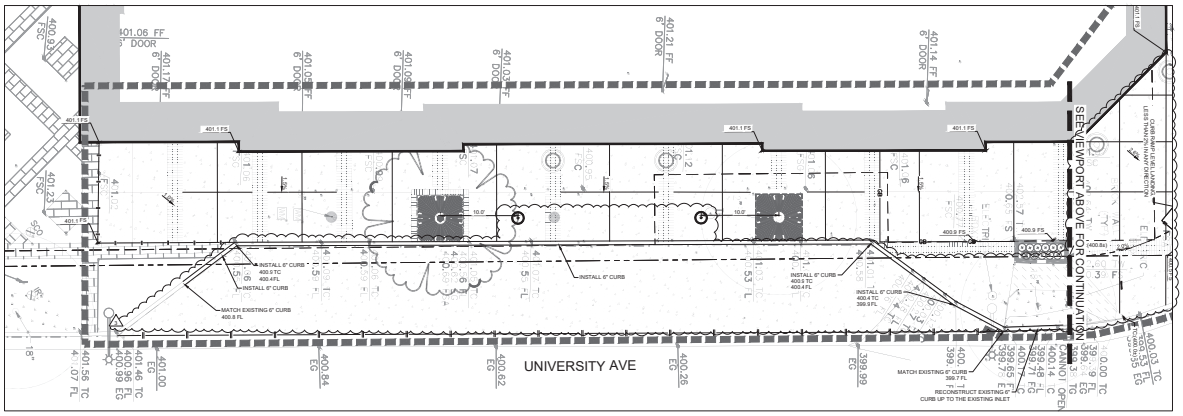
SITE LAYOUT PLAN

Drawing No.

C4.0



ELM STREET FRONTAGE
SCALE: 1"=5'



UNIVERSITY AVE FRONTAGE
SCALE: 1"=5'

LEGEND

GRADE BREAK
RIDGELINE
DAYLIGHT LINE, MATCH EXISTING GRADES
CIVIL LIMIT OF WORK LINE
XXX.XX FS — PROPOSED GRADE
(XXX.XX) FS — EXISTING GRADE
PROPOSED CONCRETE

SANTA CLARA VALLEY C.3 DATA FORM TABLE

TOTAL SITE AREA = 5215 FT**2		TOTAL LAND AREA DISTURBED = 5215 FT**2			
PROJECT TOTALS	TOTAL EXISTING (PRE-PROJECT) AREA (FT**2)	EXISTING RETAINED	EXISTING AREA REPLACED	NEW AREA CREATED	TOTAL POST PROJECT AREA
IMPERVIOUS AREA (IA)					
TOTAL ONSITE IA	4799	31	4576	0	4607
TOTAL OFF-SITE IA	0	0	0	0	0
TOTAL PROJECT IA	4799	31	4576	0	4607
TOTAL NEW AND REPLACED IA			4576		
PERVIOUS AREA (PA)					
2.E. PERVIOUS AREA	PRE-PROJECT EXISTING PA				TOTAL POST PROJECT PA
TOTAL ON-SITE PA	416				608
TOTAL OFF-SITE PA	0				0
TOTAL PA	416				608
2.F. TOTAL AREA (IA+PA)	5215				5215
PERENT REPLACEMENT OF ONSITE IA IN REDEVELOPMENT PROJECTS					95%

GRAPHIC SCALE IN FEET
0 2.5 5 10

RH

Project
RH - LOS GATOS
31 UNIVERSITY AVE,
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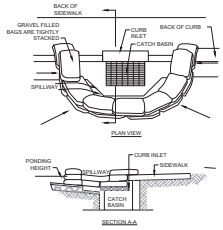
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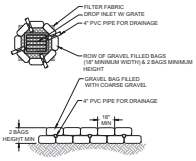
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Project No. 197432006
Drawn By: TL
Reviewed By: CG
Scale: As noted
Drawing Title

GRADING AND DRAINAGE PLAN

Drawing No.
C4.1

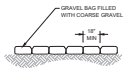




NOTES:

1. GRAVEL BAG MATERIAL: POLYPROPYLENE, POLYETHYLENE OR POLYWIDE WOVEN FABRIC, MINIMUM UNIT WEIGHT 4 OUNCES PER SQUARE YARD, MULLEN BURST STRENGTH EXCEEDING 300 PSI AND ULTRAVIOLET STABILITY EXCEEDING 70%
2. GRAVEL BAG SHALL BE FILLED WITH 3/4" ROCK OR 1/4" PEA GRAVEL.
3. PLACE SEVERAL LAYERS OF SAND BAGS (12" MINIMUM HIGH) OVERLAPPING THE BAGS AND PACKING THEM TIGHTLY TOGETHER.
4. LEAVE GAP OF ONE BAG ON THE TOP ROW TO SERVE AS A SPILLWAY.
5. PLACE WIRE MESH OVER AND 1' (MINIMUM) BEYOND THE INLET STRUCTURE.
6. PLACE FILTER FABRIC OVER WIRE MESH. FILTER FABRIC SHALL BE MANUFACTURED FROM UV RESISTANT POLYPROPYLENE, NYLON, POLYESTER, OR ETHYLENE FABRIC WITH AN EQUIVALENT OPENING SIZE NOT GREATER THAN 20 SIEVE AND WITH A MINIMUM FLOW RATE OF 40 GALLONS/MINUTE/SQ.FT.
7. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT.
8. PLACE CURB TYPE SEDIMENT BARRIERS ON GENTLY SLOPING STREET SEGMENTS. WHERE WATER CAN POND AND ALLOW SEDIMENT TO SEPARATE FROM RUNOFF.
9. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT. SEDIMENT AND GRAVEL MUST BE REMOVED FROM THE TRAVELED WAY IMMEDIATELY.

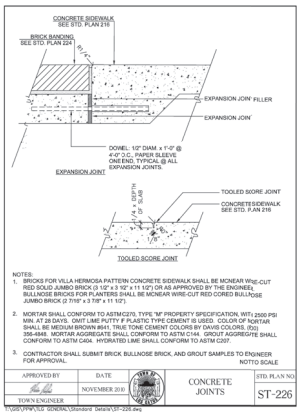
STORM DRAIN INLET PROTECTION
N.T.S.
2



NOTES:

1. GRAVEL BAG MATERIAL: POLYPROPYLENE, POLYETHYLENE OR POLYWIDE WOVEN FABRIC, MINIMUM UNIT WEIGHT 4 OUNCES PER SQUARE YARD, MULLEN BURST STRENGTH EXCEEDING 300 PSI AND ULTRAVIOLET STABILITY EXCEEDING 70%.
2. GRAVEL BAG SHALL BE FILLED WITH 3/4" ROCK OR 1/4" PEA GRAVEL.
3. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT.

GRAVEL BAG
N.T.S.
1



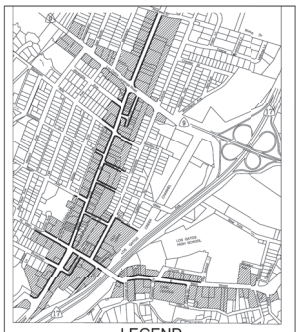
NOTES:

1. BRICKS FOR VILLA HERMOSA PATTERN CONCRETE SIDEWALK SHALL BE MCNEAR WIRE-CUT RED SOLID JUMBO BRICK (2 1/2" x 3 1/2" x 11 1/2") OR AS APPROVED BY THE ENGINEER. BULLNOSE BRICKS FOR PLANTERS SHALL BE MCNEAR WIRE-CUT RED CORED BULLNOSE JUMBO BRICK (2 7/16" x 3 7/8" x 11 1/2").
2. MORTAR SHALL CONFORM TO ASTM C270, TYPE "M" PROPERTY SPECIFICATION, WITH 2500 PSI MIN. AT 28 DAYS. ONLY LIME PUTTY IF PLASTIC TYPE CEMENT IS USED. COLOR OF MORTAR SHALL BE MEDIUM BROWN #641, TRUE TONE CEMENT COLORS BY DAVIS COLORS, (510) 366-4848. MORTAR AGGREGATE SHALL CONFORM TO ASTM C144. GROUT AGGREGATE SHALL CONFORM TO ASTM C404. HYDRATED LIME SHALL CONFORM TO ASTM C207.
3. CONTRACTOR SHALL SUBMIT BRICK, BULLNOSE BRICK, AND GROUT SAMPLES TO ENGINEER FOR APPROVAL.

NOT TO SCALE

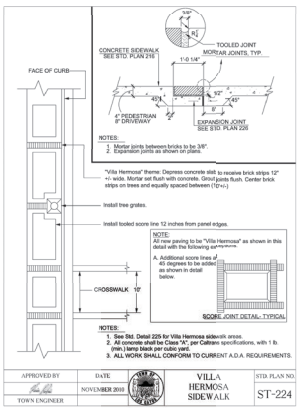
APPROVED BY	DATE		STD. PLAN NO.
TOWN ENGINEER	NOVEMBER 2010	CONCRETE JOINTS	ST-226

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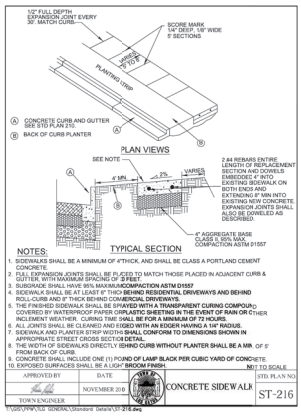


APPROVED BY	DATE		STD. PLAN NO.
TOWN ENGINEER	NOVEMBER 2010	VILLA HERMOSA AREA	ST-225

T:\GIS\PW\Std. GENERAL\Standard Details\ST-225.dwg



APPROVED BY	DATE		STD. PLAN NO.
TOWN ENGINEER	NOVEMBER 2010	VILLA HERMOSA SIDEWALK	ST-224



NOT TO SCALE

APPROVED BY	DATE		STD. PLAN NO.
TOWN ENGINEER	NOVEMBER 2010	CONCRETE SIDEWALK	ST-216

T:\GIS\PW\Std. GENERAL\Standard Details\ST-216.dwg

RH

Project

RH - LOS GATOS
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No.	Date	Issued/Revised
1	05/21/2025	TECH REVIEW COMMENTS 2
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Project No.	197432006
Drawn By:	TL
Reviewed By:	CG
Scale	As noted

Drawing Title

DETAILS

Drawing No.

C5.0

Aesculus
Arboricultural Consulting

5/15/2025

Matthew Morgan
Kimley-Horn
10 S Almaden Blvd, Ste 1250
San Jose, CA 95113
408.785.3518
matthew.morgan@kimley-horn.com

Re: Tree protection for proposed renovation at 31 University Ave, Los Gatos, CA 95030

Dear Matthew,

At your request, we have visited the property referenced above to evaluate the trees present with respect to the proposed project. This report contains our analysis.

Summary

Thirteen trees are present on this property, twelve of which are protected. Two protected trees, both on this property, are recommended for removal, as they conflict with project features. An additional five protected trees may need to be removed for proposed sidewalk work, depending on how many roots are present in the area to be repaved. Our client reports that this sidewalk work is required by the Town of Los Gatos.

All other protected trees are in reasonably good condition and should be preserved as detailed in the Recommendations, below. With proper protection, all are expected to survive and thrive during and after construction, according to each tree's existing condition.

Assignment and Limits of Report

We have been asked to write a report detailing impacts to trees from the proposed renovation on this property. This report may be used by our client and others involved in the project as needed to inform all stages of the project.

All observations were made from the ground with basic hand tools. No root collar excavations or aerial inspections were performed. No project features had been staked at the time of our site visit.

Tree Regulations

In the Town of Los Gatos, all trees over 4" in diameter must be included in the tree protection report, regardless of project size. Tree reporting shall be guided by the Town of Los Gatos Tree Protection Requirements for Planning Applications, available online at

https://www.losgatosca.gov/DocumentCenter/View/18923/Arborist-report-checklist?bidId=

Observations

Trees

Thirteen trees are on this property (images 1-13). These consist of coast live oaks (*Quercus agrifolia*, seven trees), callery pears (*Pyrus calleryana*, five trees), and crape myrtle (*Lagerstroemia x indica*, one tree)

Protected statuses: trees #1, 8, 9, 10, 11, and 13 are Protected Trees. Trees #8-13 are street trees. Tree #3 is not protected.

Health - most trees present are in moderate to good health. Only trees #2, 3, 5, and 10 are in poor health.

Structure - most trees present exhibit good to moderate branching structure. Only trees #2 and 3 exhibit poor structure.

Form - Form refers to the tree's shape in relation to aesthetics, maintenance issues, conflicts with nearby objects, and similar items besides the tree's structure. Most trees present exhibit good to moderate form. Only trees #2, 3, and 10 exhibit poor form.

Current Site Conditions

The location is a retail facility adjacent to a parking lot, a walkway, and two Town streets in Los Gatos, California. The grade is flat. The parcel holds one building with multiple businesses inside. Most of the building is bounded by hardscape, with the landscaping in designated planters. The landscaping is maintained and irrigated, and mostly consists of hedged shrubs and trees.

Project Features

BUILDINGS - the building footprint will remain largely unchanged. Along University Ave and along the paseo walkway, the building face is changing shape, with some sections moving outward slightly and others moving inward slightly, bringing the building wall more flush than it is now. However, the general location of the building is not changing.

HARDSCAPE - the sidewalk along University Ave and Elm Street is proposed to be removed and replaced. To address a drainage problem along Elm Street, the grade of the sidewalk will be raised slightly adjacent to the building. The tree wells along Elm Street will be expanded somewhat. The locations of the tree wells for trees #11 and 12 will be filled in and replaced with a tree well in between the two. The client has estimated in communications with us that the total depth of the new sidewalk, including the subbase, will likely be 8 inches.

Potential Conflicts

Trees #6-10 - proposed sidewalk work will be within the CRZs[1] of trees #6, 7, and 9, and just outside the CRZs of trees #8 and 10, within their TPZs.[2]

Trees #11 and 12 are incompatible with the proposed elimination of their tree wells.

Trees #3 - Since this tree is not protected, it has not been evaluated for potential conflicts.

Trees # 1,2, 4, 5, 13 - all proposed project features and logical access routes thereto are outside these trees' TPZs.

[1] Critical root zone. See Discussion, Tree Map, and Tree Table for definition and significance
[2] Tree protection zones. See Discussion, Tree Map, and Tree Table for more detail.

Testing and Analysis

Tree DBHs[3] were taken using a diameter tape measure if trunks were accessible. Multistemmed trees were measured below the point where the leaders diverge, if possible. The DBHs of trees with non-accessible trunks were estimated visually. All trees over four inches in DBH were inventoried, as well as street trees of all sizes. Vigor ratings are based on tree appearance and our experiential knowledge of each species' healthy appearance.

Tree location data were collected using a GPS smartphone application and processed in Quantum GIS (QGIS) to create the **maps included in this report. Due to** the error inherent in GPS data collection, and due also **to differences between GPS data and** CAD drawings, tree locations and all dimensions shown **on the Tree Map are approximate.** The percentages of TPZs impacted by project features **were calculated in QGIS but should** be considered approximate due to potential error **in tree locations or feature locations.**

Data were collected by Katherine **Naegele, ISA Certified Arborist #WE-9658A** , with basic hand tools (such as, but not limited **to: hand hoe; hatchet; rubber mallet;** measuring tape; etc.) at a site visit on March 3, 2025**. All observations and photographs** in this report were taken at that site visit.

The tree protection analysis in this **report is based on the following d**ocument(s), provided to us electronically by the project **team:**

- Proposed site plan: Site Plan **1/5/2025** LINK
- Civil plan: 100% DD Progress **Set 2/28/2025** LINK

Discussion

Tree Protection Zones (TPZs)

Tree roots grow where conditions are favorable, and their spatial arrangement is, therefore, unpredictable. Favorable conditions vary among species, but generally include the presence of moisture, and soft soil texture with low compaction.

Contrary to popular belief, roots of all tree species grow primarily in the top two to three feet or less of soil in the clay soils typical for this geographic region, with roots occasionally

[3] diameter at breast height (4.5 feet above grade), a standard arboricultural measurement

occurring at greater depths when soil conditions allow. Some species have taproots when young, but these almost universally disappear with age. At maturity, a tree's root system may extend out from the trunk farther than the tree is tall, and the tree maintains its upright position in much the same manner as a wine glass.

The optimal area around a tree that should be protected from disturbance depends on the tree's trunk diameter, species, and vigor, as shown in the following table (adapted from *Trees & Construction*, Matheny and Clark, 1998):

Species tolerance	Tree vitality[4]	Distance from trunk (feet per inch trunk diameter)
Good	High	0.5
	Moderate	0.75
	Low	1
Moderate	High	0.75
	Moderate	1
	Low	1.25
Poor	High	1
	Moderate	1.25
	Low	1.5

It is important to note that some roots will almost certainly be present outside the TPZ; however, root loss outside the TPZ is unlikely to cause tree decline.

Some of the protected tree species present here are not evaluated in Trees & Construction. Our own evaluation of them based on our experience with the species is as follows:

Species	Estimated tolerance	Reason for tolerance rating
Crape myrtle (*Lagerstroemia x indica*)	2	Performs well in most landscapes but grows relatively slowly

[4] Matheny & Clark uses tree age, but we feel a tree's vitality more accurately reflects its ability to handle stress.

Critical Root Zones (CRZs)

Although root loss inside the tree protection zone (TPZ) may cause a short-term decline in tree condition, trees can often recover adequately from limited disturbance in this area.

Tree stability is impacted at a shorter distance from the tree trunk. For linear cuts on one side of the tree, the minimum distance typically recommended is three times the DBH, measured from the edge of the trunk (*Best Management Practices: Root Management*, Costello, Watson, and Smiley, 2017). This is called the critical root zone, as substantial root loss closer than this increases a tree's likelihood of failure.

Note that trees sometimes have asymmetrical root systems, and if no substantial roots are present in a given area, impacts on the tree will be minimal to minor regardless of distance from the trunk.

Tree Conflicts with Above-Ground Structures

While most tree protection measures are concerned with the protection of tree roots and trunks, it is important to plan mindfully for tree canopies as well. Whenever possible, consideration should be given to the mature canopy size of trees, and above-ground structures, such as rooflines, streetlights, regulatory signs, and other structures that might damage the canopy, or lead to the canopy to require topping, heading, or considerable pruning to prevent damage to or allow visibility of the structure.

If the tree or the planting space is already present and the structure can be relocated, this should take place to allow for the tree canopy to thrive. If the structure is already present, the tree should be removed or the planting location adjusted to allow the future tree to thrive.

Conclusions[5]

Trees #1,2, 4, 5, 13 - minimal impacts to these trees are likely from the project as proposed.

Tree #3 - since this tree is not protected, it has not been evaluated for construction impacts.

[5] All conclusions assume the tree protection measures recommended in this report. Without proper tree protection measures, any tree could be damaged.

Trees #6-10 - **moderate to major** impacts are likely from the proposed sidewalk work, depending on how many roots are present in affected areas.

Trees #11 and 12 are **incompatible** with the proposed elimination of their tree wells.

Recommendations[6][7]

Design Phase

1. Explore the feasibility of reducing the amount of new paving work to occur within tree TPZs, and especially within tree CRZs.
2. Consider assessing roots in proposed sidewalk replacement area within either ground penetrating radar or exploratory excavation.
   a. Any exploratory excavation should be performed with an AirSpade to avoid damaging roots.

Preconstruction Phase

1. Remove trees #11 and 12 and any others found to be incompatible with the project via ground penetrating radar or exploratory excavation, upon receipt of a permit from the Town of Los Gatos. The reason for removal is as follows:

   Sec. 29.10.0992. Required findings.

   (4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

2. Consult with the Project Arborist regarding designated locations for the following activities, and any others that may affect tree protection zones (including, but not limited to, seepage and exhaust):
   a. Equipment storage
   b. Materials storage

[6] All recommendations are driven by the requirements of the jurisdiction in which the property is located, and by industry best practices.
[7] Bolded items are emphasized only because in my experience they are tent to be overlooked.

   c. Portable toilets
   d. Cleanout areas for paint, concrete, etc.
   e. Sump pump outlet
3. Tree protection fencing - Install as shown in the Tree Map.
   a. Minimum fencing distances are shown on the Tree Map, plus some small areas outside TPZs if needed for practicality. Fencing must be installed at or beyond these distances. **Note that the TPZs of some offsite trees may extend onto this property and require fencing.**
      i. Please be aware that tree protection fencing may differ from ideal tree protection zones, and from canopy sizes.
   b. Where existing barriers which will be retained impede access comparably to tree protection fencing, these barriers are an acceptable substitute for tree protection fencing.
   c. Any existing pavedareas that will remain as-is may be left unfenced. Ensure that the unpaved area designated for tree protection fencing is fully enclosed.
   d. Tree protection fencing shall comprise 6' chain link fabric mounted on 8' tall 1.5" diameter metal posts driven into the ground and spaced no more than 10 feet apart.
   e. Tree protection fencing shall be posted with signs saying "TREE PROTECTION FENCE - DO NOT MOVE OR REMOVE WITHOUT APPROVAL FROM town ARBORIST."
   f. Place a 6" layer of wood chips inside tree protection fencing.
   g. Tree protection fencing shall adhere to the requirements in the document titled ARBORIST REPORT CHECKLIST, available at https://www.losgatosca.gov/DocumentCenter/View/18923/Arborist-report-checklist?bidId=
4. Trunk wraps - **install as shown in the Tree Map.**
   a. **Place straw wattle around the trunk to a height of at least 6 feet.**
   b. **Wrap wattle with orange snow fencing or other similar high-visibility material.**
   c. **Every 6 months, remove used wattle and replace with fresh wattle.**
      i. **Allow 72 hours after removal of used wattle before installing fresh wattle, to allow airflow to the trunk.**
5. **Tree Protection Verification Letter** - notify the Project Arborist when tree protection measures are in place. The Project Arborist will inspect the tree

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No.	Date	Issued/Revised
1	05/21/2025	TECH REVIEW COMMENTS 2
2	07/14/2025	TECH REVIEW COMMENTS 3

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Project No.	197432006
Drawn By:	TL
Reviewed By:	CG
Scale	As noted

Drawing Title
TREE PRESERVATION INSTRUCTIONS

Drawing No.
T-1A

protection measures to verify their presence and condition, and will issue a letter to the town with their findings.

Demolition Phase

1. Maintain tree protection measures as detailed above.
2. When demolishing existing features within TPZs, start work close to trees and move backwards, limiting equipment to still-paved areas. This applies features within TPZs.

Construction Phase

1. Maintain tree protection measures as detailed above.
2. **Monthly Monitoring Reports** - Inform the Project Arborist when construction is set to begin. The Project Arborist shall visit the site once per month thereafter to verify that all tree protection measures are maintained in working condition, and shall issue a letter to the town with their findings.
3. Alert the project arborist if utility or other work becomes necessary within any tree TPZs.
4. If live roots over 1" in diameter are encountered when excavating in any location:
   a. Hand-excavate edge nearest trunk to the full depth of the feature being installed.
   b. Retain as many roots as practical. Route conduit and other features around and between roots insofar as practical.
   c. If roots 1-2" in diameter must be cut, sever them cleanly with a sharp saw or bypass pruners.
   d. If roots over 2" must be cut, stop work in that area and contact the project arborist for guidance.
   e. If excavation will be left open for more than 3 days:
      i. Cover excavation wall nearest trunk with several layers of burlap or other absorbent fabric.
      ii. Install a timer and soaker hoses to irrigate with potable water twice per day, enough to wet fabric thoroughly.
5. Notify Project Arborist when excavation is complete. Project arborist shall inspect work to make sure all roots have been cut cleanly.
   a. The Project Arborist shall provide a follow-up letter documenting that the excavation was performed to specification.

6. **Final Monitoring Report**- Inform the Project Arborist when construction is set to end. The Project Arborist will make one final site visit to document the trees' condition, and will issue any final mitigation recommendations if needed.
   a. The Final Report may be completed by town staff instead at staff's discretion, pending staff availability.

Post-Construction Phase

1. Any heritage tree to be retained protected by the Town's Municipal Code will require replacement according to its appraised value if it is damaged beyond repair because of construction.
2. Install new trees and/or pay in-lieu fees to offset the removal of trees #11 and 12, and any others found to be incompatible with the project via ground penetrating radar or exploratory excavation, per Town of Los Gatos requirements.
   a. Tree replacement requirements are determined by canopy size, per the following table:

Canopy Size of Removed Tree[3]	Replacement Requirement[3, 4]	Single Family Residential Replacement Option[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 fee	Ten 24-inch box trees; or Five 36-inch box trees	Not Available

3. Replacement with native species is strongly encouraged. Mostfruit and nut trees, palm trees, or "nuisance" species (see section 29.10.0970(2) ofthe Town Code) are generally not considered suitable replacement trees. If a tree w trees cannot be reasonably replanted on the subject property, the Town Arborist may approve a full or partial in-lieu fee payment. Where the payment of in-lieu fees are approved,

permits will not be issueduntil all in-lieu fees are paid in full. If approved by the Town Arborist, in-lieu fee are as follows:
   a. Tree #6 - six 24" boxes or three 36" boxes = $1500
   b. Tree #7 - four 24" boxes or two 36" boxes = $1000
   c. Tree #8 - three 24"boxes = $1500
   d. Tree #9 - three 24"boxes = $1500
   e. Tree #10 - three 24" boxes = $1500

4. **Final Arborist Inspection** - inform both the Project Arborist and the Town Arborist when exterior construction is set to end. The Town Arborist shall visit the site, after replacement trees have been planted (if applicable), but before tree protection fencing has been removed.
5. Remove tree protection measures, upon approval from the Project Arborist and Town Arborist.
6. If retained, provide supplemental irrigation for tree #10 to aidin root regrowth for at least three years.
   a. Irrigate at a very slow trickle for several hours to ensure infiltration. Once per month is usually sufficient.
   b. COAST LIVE OAKS/DEODAR CEDARS Irrigation should only take place in the normal rainy season for this area (October - April), and only if rainfall is below average.
   c. All other species should be irrigated year-round.
   d. Irrigation should be paused during the rainy season if rainfall is average or above.

Additional Materials Submitted as Separate Documents

1. 31 University Ave Tree Map
2. 31 University Ave Tree Photographs
3. 31 University Ave Tree Table

Respectfully submitted,

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Terms of Assignment

The following terms and conditions appy to all oral and written reports and correspondence pertaining to the consultations, inspections, and activities of Aesculus Arboricultural Consulting:

1. All property lines and ownership of property, trees, and landscape plants and fixtures are assumed to be accurate and reliable as presented and described to the consultant, either oralyor in writing. The consultant assumes no responsibility for verification of ownership or locations of property lines, or for results of any actions or recommendations based on inaccurate information.
2. It is assumed that any property referred to in any report or in conjunction with any services performed by Aesculus Arboricultural Consulting is in accordance with any applicable codes, ordinances, statutes, or other governmental regulations, and that any sites or structures may be assumed to be good and marketable. The existence of liens or encumbrances has not been determined, and any and all property is appraised and/or assessed as though free and clear, under responsible ownership and competent management.
3. All reports and other correspondence are confidential and are the property of Aesculus Arboricultural Consulting and its named clients and their assigns or agents. Possession of this report or a copy thereof does not imply any right of publication or use for any purpose, without the expross permission of the consultant and the client to whom the report was issued. Loss, removal, or alteration of any part of a report invalidates the entire appraisal/evaluation.
4. The scope of any report or other correspondence is limited to the trees and conditions specifically mentioned in those reports and correspondence. Aesculus Arboricultural Consulting assumes no liability for the failure of trees or parts of trees, inspected or otherwise. The consultant assumes no responsibility to report on the condition of any tre or landscape feature not specifically requested by the named client.
5. All inspections are limited to visual examination of accessible parts, without disection, excavation, probing, boring or other invasive procedures, unless otherwise noted in the report, and reflect the condition of those items and features at the time of inspection. No warranty or guarantee is made, expressed or implied, that problems or deficiencies of the plants or the property will not occu in the future, from any cause. The consultant shall not be responsible for damages caused by any tree reflects, and assumes no responsibility for the correction of oefects or tree related problems.
6. The consultant shall not be required to provide further documentation, give testmony, be deposed, or to attend court by reason of this appraisal/report unless subsequent contractual arangements are made, including payment of additional fees for such services as set forth by the consulent or in the fee schedule or contract.
7. **Aesculus Arboricultural Consulting makes no warranty, either expressed or implied, as to the suitability of the information contained in any reports or correspondence, either oral or written, for any purpose. It remains the responsibility of the client to determine applicability to his/her particular case.**
8. **Any report and the values, observations, and recommendations expressed therein represent the professional opinion of the consultant, and the fee for services is in no manner contingent upon the reporting of a specified value nor upon any particular finding.**
9. **Any photographs, diagrams, charts,sketches, or other graphic material included in any report are intended solely as visual aids, are not necessarily to scale, and should not be construed as engineering reports or surveys unless otherwise noted in the report. Any reproduction of graphic material or the work product of any other persons is intended solel for clarification and ease of reference. Inclusion of said information does not constitute a representation by Aesculus Arboricultural Consulting as tothe sufficiency or accuracy of that information.**

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No.	Date	Issued/Revised
1	05/21/2025	TECH REVIEW COMMENTS 2
2	07/14/2025	TECH REVIEW COMMENTS 3

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Project No.	197432006
Drawn By:	TL
Reviewed By:	CG
Scale	As noted

Drawing Title

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Drawing No.

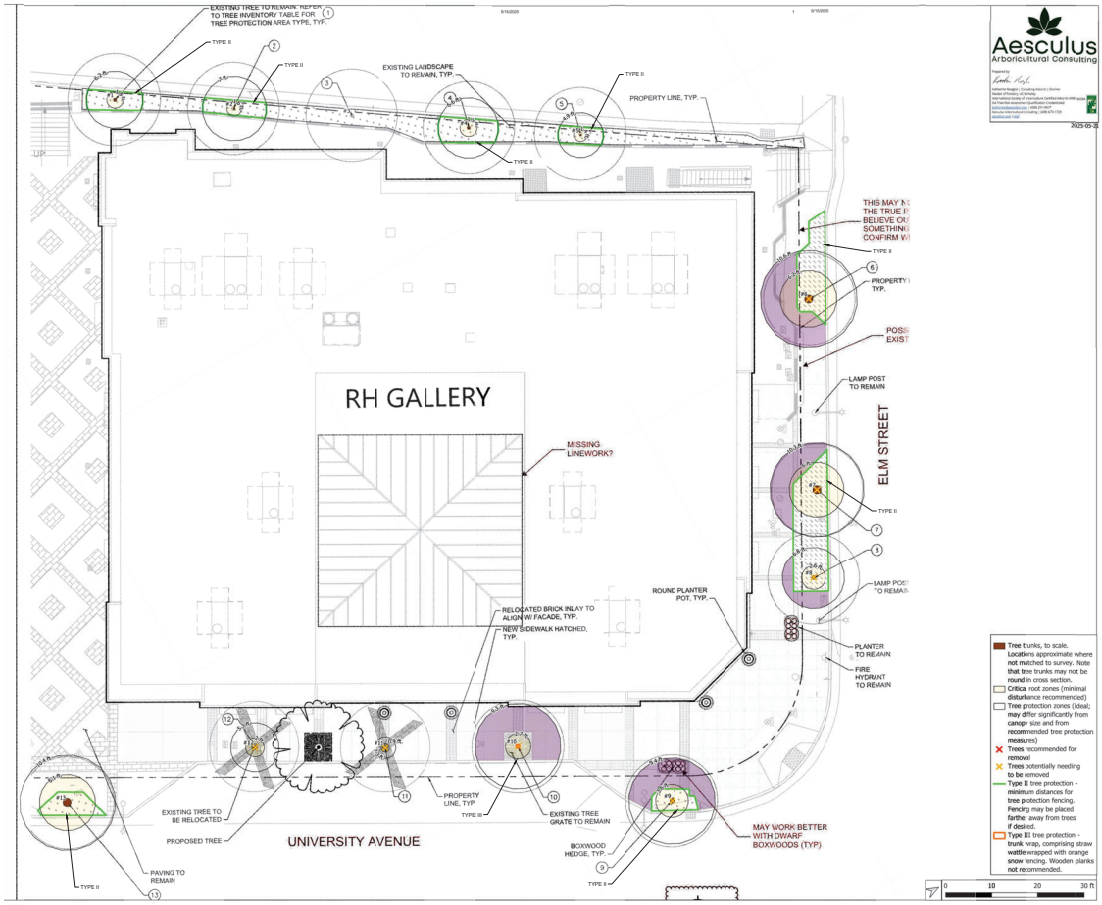
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31 University Tree Table — Aesculus Arboricultural Consulting

Tree # (1:1 scale)	Common Name	Species	DBH (in.)	Canopy Spread (ft.)	Protected Tree (Y/N)	Exhibits Tree Preservation Challenges (Y/N)	Protected Tree (Y/N)	Appraised Value (Trunk Formula Method)	Ref. Letter (ft. from center of trunk)	Ideal TPZ Radius (ft. from center of trunk)	Adjusted Impacts (with recommended protections)	Notes
1	Callery pear	Pyrus calleryana	6.2	19	50	50	45	50	$16,800.00	1.8	6.2	Minimal hom project as proposed
2	Callery pear	Pyrus calleryana	5.6	8	30	40	45	35	$900.00	1.6	7.0	Minimal hom project as proposed
3	Callery pear	Pyrus calleryana	3.4	4	10	10	10	10	-	-	-	-
4	Callery pear	Pyrus calleryana	6.6	19	50	50	45	55	$1,400.00	1.9	6.6	Minimal hom project as proposed
5	Callery pear	Pyrus calleryana	4.9	15	40	50	45	45	$790.00	1.4	4.9	Minimal hom project as proposed
6	Coast live oak	Quercus agrifolia	21.1	40	80	50	45	65	$13,200.00	6.2	10.6	Moderate to major from proposed sidewalk work
7	Coast live oak	Quercus agrifolia	20.7	30	80	50	45	65	$12,600.00	6.0	10.3	Moderate to major from proposed sidewalk work
8	Coast live oak	Quercus agrifolia	9.0	18	60	50	45	55	$2,280.00	2.6	6.8	Moderate to major from proposed sidewalk work
9	Coast live oak	Quercus agrifolia	12.5	15	50	50	45	50	$4,270.00	3.6	9.4	Moderate to major from proposed sidewalk work
10	Coast live oak	Quercus agrifolia	9.3	20	30	50	45	45	$2,250.00	2.7	9.3	Moderate to major from proposed sidewalk work

31 University Tree Table — Aesculus Arboricultural Consulting

Tree # (1:1 scale)	Common Name	Species	DBH (in.)	Canopy Spread (ft.)	Protected Tree (Y/N)	Exhibits Tree Preservation Challenges (Y/N)	Protected Tree (Y/N)	Appraised Value (Trunk Formula Method)	Ref. Letter (ft. from center of trunk)	Ideal TPZ Radius (ft. from center of trunk)	Adjusted Impacts (with recommended protections)	Notes
11	Crape myrtle	Lagerstroemia indica	5.0	7	70	50	45	60	$260.00	0.9	2.3	Incompatible with proposed sidewalk work
12	Coast live oak	Quercus agrifolia	7.0	18	60	50	45	55	$1,380.00	2.0	5.3	Incompatible with proposed sidewalk work
13	Coast live oak	Quercus agrifolia	20.8	30	80	50	45	65	$12,500.00	6.1	10.4	Minimal hom project as proposed



Aesculus Arboricultural Consulting

2025-05-21

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No.	Date	Issued/Revised
1	05/21/2025	TECH REVIEW COMMENTS 2
2	07/14/2025	TECH REVIEW COMMENTS 3

Project No. 197432006
Drawn By: TL
Reviewed By: CG
Scale As noted

Drawing Title

TREE PRESERVATION INSTRUCTIONS

Drawing No.

T-1C

GENERAL LANDSCAPE NOTES

1. THE WORK SHALL BE DONE IN ACCORDANCE WITH THE PLANS AND THE MOST CURRENT EDITION OF THE APPLICABLE TOWN AND/OR REGIONAL STANDARDS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN COPIES OF THESE STANDARDS, SPECIFICATIONS AND DRAWINGS, AS WELL AS ALL OTHER STANDARDS AND SPECIFICATIONS WHICH MAY BE NECESSARY TO COMPLETE AND ACCURATELY INTERPRET THESE PLANS.
2. ALL QUANTITIES LISTED IN THE LANDSCAPE SCHEDULE ARE FOR THE CONVENIENCE OF THE CONTRACTOR. IN THE CASE OF ANY DISCREPANCIES, PLANS SHALL OVERRIDE THE LANDSCAPE AND BID SCHEDULE QUANTITIES. CONTRACTOR SHALL VERIFY QUANTITIES SHOWN ON THE PLANS AND BASE THEIR BID ACCORDINGLY.
3. RESPONSIBILITY FOR ESTABLISHING SUBGRADES IS NOT INCLUDED IN THIS WORK. INSPECT SUBGRADES PRIOR TO COMMENCING WORK TO CONFIRM SUBGRADE DEPTHS AND GRADES. ADVISE LANDSCAPE ARCHITECT OF DISCREPANCIES WITH DRAWINGS OR SPECIFICATIONS. ALL PLANTING AREAS SHALL BE LEFT FREE OF CONSTRUCTION DEBRIS AND/OR TOXIC MATERIAL AND GRADED TO A LEVEL TO PERMIT LANDSCAPE CONSTRUCTION. TRENCHES OR OTHER FILLED EXCAVATIONS SHALL BE COMPACTED PRIOR TO LANDSCAPE INSTALLATION.
4. SITE GRADING NECESSITATED BY THE WORK AS IT PROGRESSES AND NOT SPECIFICALLY CALLED OUT ON THE PLANS WILL BE CONSIDERED INCIDENTAL WORK.
5. ALL LANDSCAPE AREAS SHALL BE UNIFORMLY GRADED SO THAT FINISHED SURFACES CONFORM TO THE TYPICAL SECTIONS AND PROPOSED GRADES SHOWN. FINISHED SURFACES SHALL BE REASONABLY SMOOTH, COMPACTED, AND FREE FROM IRREGULAR SURFACE DRAINAGE. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING THE FINISH GRADE AND SHALL BEAR FINAL RESPONSIBILITY FOR PROPER SURFACE DRAINAGE OF PLANTED AREAS.
6. EXCAVATE PITS, AS SHOWN ON DRAWINGS AND DETAILS. LOOSEN HARD SUBSOIL IN BOTTOM OF PIT. TEST DRAINAGE OF TREE, SHRUB AND PLANT PITS BY FILLING WITH WATER TWICE IN SUCCESSION. THE RETENTION OF WATER IN PLANTING PITS FOR MORE THAN TWENTY-FOUR (24) HOURS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE. SUBMIT IN WRITING A PROPOSAL FOR THE CORRECTION TO THE OWNER'S REPRESENTATIVE FOR APPROVAL BEFORE PROCEEDING WITH WORK.
7. IF ROCK, UNDERGROUND CONSTRUCTION, ADVERSE DRAINAGE CONDITIONS, OR OTHER OBSTRUCTIONS ARE ENCOUNTERED IN EXCAVATION FOR PLANTING OF ANY PLANT MATERIAL, NOTIFY THE OWNER'S REPRESENTATIVE. NEW LOCATIONS MAY BE SELECTED BY THE OWNER'S REPRESENTATIVE, OR INSTRUCTIONS MAY BE ISSUED TO DIRECT REMOVAL OF OBSTRUCTION. PROCEED WITH WORK ONLY AFTER APPROVAL OF THE OWNER'S REPRESENTATIVE.
8. DO NOT MAKE SUBSTITUTIONS. IF SPECIFIED LANDSCAPE MATERIAL IS NOT OBTAINABLE, SUBMIT PROOF OF NON-AVAILABILITY FROM AT LEAST FIVE SOURCES TO THE OWNER'S REPRESENTATIVE, TOGETHER WITH PROPOSAL FOR USE OF EQUIVALENT MATERIAL FOR FINAL APPROVAL.
9. ALL PLANT MATERIAL AND SPECIFICATIONS TO CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK STANDARDS UNLESS OTHERWISE NOTED.
10. LAY OUT INDIVIDUAL TREE AND PLANT LOCATIONS AND AREAS FOR MULTIPLE PLANTINGS, STAKE LOCATIONS AND OUTLINE AREAS AND SECURE THE OWNER'S REPRESENTATIVE'S ACCEPTANCE BEFORE START OF PLANTING WORK. MAKE MINOR ADJUSTMENTS AS DIRECTED.
11. FINISH GRADE FOR PLANTED AREAS SHALL BE 1" BELOW ALL CURBS, WALKS AND PAVING FOR PLANTER AREAS AND TREE WELLS WITHOUT GRATES, AND 4" BELOW FOR THE TREE WELLS WITH GRATES.
12. FINISH LANDSCAPE GRADES SHALL SLOPE AT A 2% GRADE AWAY FROM CURBS, WALKS, AND WALLS.
13. ALL LANDSCAPE AREAS SHALL RECEIVE A 3" DEPTH OF MULCH, UNLESS OTHERWISE NOTED ON THESE PLANS. TREES TO HAVE A 6' DIAMETER RING AROUND TRUNK FREE OF MULCH. MULCH SHALL EXTEND UNDER ALL SHRUBS AND PLANTS. APPLY PRE-EMERGENT HERBICIDE PRIOR TO AND AFTER MULCH INSTALLATION.
14. PROVIDE SAMPLES OF PROPOSED MULCH SHOWING COLOR, GRADATION SIZE RANGE AND TEXTURE INCLUDING PROPOSED SOURCE. PROVIDE 1/2 CUBIC FOOT SAMPLE OF EACH.
15. ANY ROCK MULCH OR DECOMPOSED GRANITE SHALL NOT CONTAIN LUMPS OR BALLS OF CLAY, CALICHE, ORGANIC MATTER OR CALCAREOUS COATING. PROVIDE WEED BARRIER UNDER ALL DG AND/OR ROCK MULCH. THE CONTRACTOR SHALL ENSURE THAT SUFFICIENT QUANTITY IS AVAILABLE FROM A SINGLE SOURCE TO COMPLETE THE PROJECT. THE OWNER'S REPRESENTATIVE SHALL APPROVE SAMPLES PRIOR TO ORDERING.
16. NO JOB WILL BE CONSIDERED COMPLETE UNTIL ALL CURBS, PAVEMENT AND SIDEWALKS HAVE BEEN SWEPT CLEAN OF ALL DIRT AND DEBRIS ACCORDING TO PLANS.
17. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ANY PERMITS REQUIRED. (SEE THE CITY GENERAL CONDITIONS)
18. ALL CONSTRUCTION ROADS AND COMPACTED AREAS DEVELOPED THROUGH CONSTRUCTION THAT ARE WITHIN THE LANDSCAPE AREAS SHALL BE SCARIFIED AND LOOSENED TO A DEPTH OF 12" PRIOR TO LANDSCAPE AND IRRIGATION WORK BEGINNING.
19. PLANTINGS WITHIN THE SIGHT VISIBILITY TRIANGLE LINE SHALL BE MAINTAINED SO THAT NO LIMBS HANG LOWER THAN SEVEN (7) FEET AND SHRUBS OR OTHER PLANTS PLANTED WITHIN THE SIGHT VISIBILITY TRIANGLE LINE SHALL BE NO TALLER THAN TWO (2) FEET AT FULL GROWTH.
20. PROPOSED LANDSCAPE IS UNDER 500 SF, THEREFORE THE PROJECT IS NOT SUBJECT TO MWELO REQUIREMENTS.

LANDSCAPE ARCHITECT NOTES

1. THE TERM "LANDSCAPE ARCHITECT" USED HEREIN SHALL MEAN THE LANDSCAPE ARCHITECT WHO HAS SIGNED AND SEALED THESE PLANS AND IS IN RESPONSIBLE CHARGE OF THE LANDSCAPE ARCHITECTURE DESIGN. THE TERM "CONTRACTOR" USED HEREIN SHALL MEAN ANY GENERAL CONTRACTOR OR SUBCONTRACTOR USING THESE PLANS. ANY AGENCY SIGNATURE OR APPROVAL ON THESE PLANS DOES NOT CONSTITUTE APPROVAL OF ANY OF THESE NOTES.
2. THE LANDSCAPE ARCHITECT WILL NOT PROVIDE, OBSERVE, COMMENT ON NOR ENFORCE ANY SAFETY MEASURES OR REGULATIONS. THE CONTRACTOR SHALL DESIGN, CONSTRUCT, AND MAINTAIN ALL SAFETY MEASURES AND SHALL BE SOLELY RESPONSIBLE FOR SAME AND COMPLYING WITH ALL LOCAL, STATE AND FEDERAL SAFETY AND HEALTH STANDARDS, LAWS, AND REGULATIONS. THE CONTRACTOR AGREES THAT SHEHE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOBSITE CONDITIONS AND SAFETY OF ALL PERSONS AND PROPERTY DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
3. THE LANDSCAPE ARCHITECT SHALL HAVE NO RESPONSIBILITY FOR ANY OF THE CONTRACTOR'S MEANS AND METHODS OF CONSTRUCTION, TECHNIQUES, EQUIPMENT CHOICE AND USAGE, SEQUENCE, SCHEDULE, SAFETY PROGRAMS, OR SAFETY PRACTICES, NOR SHALL THE LANDSCAPE ARCHITECT HAVE ANY AUTHORITY OR RESPONSIBILITY TO STOP OR DIRECT THE WORK OF ANY CONTRACTOR.
4. THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE LANDSCAPE ARCHITECT AND OWNER, THEIR AGENTS AND EMPLOYEES, HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, JUDGMENTS, LOSS, DAMAGES, COSTS, EXPENSES, FEES OR LIABILITY WHATSOEVER, REAL OR ALLEGED, IN CONNECTION WITH, IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE LANDSCAPE ARCHITECT.
5. IF THERE ARE ANY QUESTIONS REGARDING THESE PLANS, THE CONTRACTOR SHALL REQUEST IN WRITING FROM THE LANDSCAPE ARCHITECT AND THE OWNER, AN INTERPRETATION BEFORE DOING ANY RELATED OR IMPACTED WORK.
6. THE CONTRACTOR SHALL TAKE THE NECESSARY STEPS TO PROTECT THE PROPERTY FROM ANY EROSION AND SILTATION THAT RESULT FROM CONTRACTOR OPERATIONS BY APPROPRIATE MEANS UNTIL SUCH TIME THAT THE PROJECT IS COMPLETED AND ACCEPTED FOR MAINTENANCE BY WHOMEVER IS TO BE ULTIMATELY RESPONSIBLE FOR MAINTENANCE.
7. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES PRIOR TO STARTING WORK NEAR THEIR FACILITIES AND SHALL COORDINATE WORK WITH UTILITY COMPANY REPRESENTATIVES.
8. THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED FROM A SEARCH OF READILY AVAILABLE RECORDS. NO REPRESENTATION IS MADE AS TO THE ACCURACY OR COMPLETENESS OF SAID UTILITY INFORMATION. THE CONTRACTOR IS REQUIRED TO TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN HEREON AND ANY OTHERS NOT OF RECORD OR NOT SHOWN ON THESE PLANS. ALL DAMAGES THERETO CAUSED BY THE CONTRACTOR SHALL BE REPAIRED TO THE APPROPRIATE SPECIFICATIONS AND STANDARDS AT THE SOLE EXPENSE OF THE CONTRACTOR.
9. THE LOCATION, ELEVATIONS, SIZE, TYPE AND CONDITION OF EXISTING IMPROVEMENTS ADJACENT TO THE PROPOSED WORK INDICATED ON THESE PLANS SHALL BE CONFIRMED BY THE CONTRACTOR BY FIELD MEASUREMENTS AND OBSERVATIONS PRIOR TO CONSTRUCTION OF NEW WORK. THE CONTRACTOR WILL IMMEDIATELY INFORM THE LANDSCAPE ARCHITECT IN WRITING IF ANY DISCREPANCIES OR CONFLICTING INFORMATION IS FOUND.
10. THE CONTRACTOR SHALL MAKE EXPLORATORY EXCAVATIONS AND LOCATE EXISTING UNDERGROUND FACILITIES AS NEEDED, SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS IF REVISIONS ARE NECESSARY DUE TO THE ACTUAL LOCATION, SIZE, TYPE, OR CONDITION OF EXISTING FACILITIES DIFFERING FROM WHAT IS SHOWN ON THESE PLANS.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF ANY DAMAGE TO THE EXISTING IMPROVEMENTS AND REPLACEMENT TO THE SATISFACTION OF THE OWNER.
12. SHOULD CONFLICTING INFORMATION BE FOUND ON THE PLANS THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING IMMEDIATELY BEFORE PROCEEDING WITH THE WORK IN QUESTION.
13. ANYTHING MENTIONED IN THE SPECIFICATIONS, IF ANY, AND NOT SHOWN ON THE DRAWINGS, OR SHOWN ON THE DRAWINGS AND NOT MENTIONED IN THE SPECIFICATIONS, SHALL BE OF LIKE EFFECT AS IF SHOWN OR MENTIONED IN BOTH.

SECTION 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 AREAS 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 PAGE 14 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)

LANDSCAPE SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT	HEIGHT/SPREAD	CAL.	WUCOLS	SIZE AT MATURITY
TREES							
	2	EXISTING TREE TO BE REMOVED	N/A	N/A	N/A	N/A	N/A
	11	EXISTING TREE TO REMAIN / PROTECT IN PLACE	N/A	N/A	N/A	N/A	N/A
	1	QUERCUS AGRIFOLIA / COAST LIVE OAK	24" BOX	6'-10' HT. X 3'-4' SPR.	2" CAL.	VERY LOW	20-70' HT. X 25-80' SPR.

SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT.	SPACING	WUCOLS	MATURE SIZE
SHRUBS						
	4	BUXUS SEMPERVIRENS / AMERICAN BOXWOOD TO BE SHAPED FOR A UNIFORM, GLOBE FORM. 24" DIAMETER	B&B	24" O.C.	MODERATE	-
	18	BUXUS SEMPERVIRENS 'SUFFRUTICOSA' / DWARF ENGLISH BOXWOOD	1 GAL	12" O.C.	MODERATE	1-2' HT. X 1-2' SPR.

SYMBOL	QTY	BOTANICAL / COMMON NAME
GROUND COVERS		
	847 SF	EXISTING LANDSCAPE TO REMAIN / PROTECT I N PLACE
	439 SF	MULCH 3" DEPTH TOWN STANDARD MULCH MATERIAL

SYMBOL	QTY	NAME
MATERIALS		
	25 LF	ROOT BARRIER
	4	ROUND PLANTER POT (CLIENT FURNISHED)
	1	TREE GRATE MANUFACTURER: NEENAH FOUNDRY SIZE: 72" L X 72" W COLLECTION: BOULEVARD

TREE SPECIFICATIONS

All 15 gal. trees must meet the following minimum specifications:

1. HEIGHT: 7 - 8 feet high planted in the ground.
2. CALIPER: 1-1/2 inches, measured 6 inches from the base.
3. BRANCHING NEED: Minimum spread of 2 - 3 feet.

Any exception to the above must be approved by the Town Arborist.
All planting stock must must have the approval of the Town Arborist.

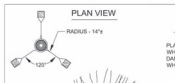
PLANTING SEQUENCE

1. Dig the hole twice as large in diameter and 1-1/2 times as deep as the container in which the plant was delivered. Provide a 6 inch minimum clearance all around the rootball.
2. The existing soil area is to be removed to a depth of 2 feet and replaced with U.C. Ag. mix or approved equivalent. U.C. Ag. mix shall be combined with existing soil, 1/3 mix, 2/3 native soil.
3. Fill hole with the backfill mix to a level 1 inch below the curb.
4. Place 3 Agriform Planting Tablets per tree at equidistant spacing. Tablets shall be 21 grams each with a guaranteed test analysis of 20-10-5.
5. Remove the rootball carefully from the container by supporting it from below. Sever any circling roots (3/16 inch or greater) with sharp shears or knife. If the rootball is dense or compacted, carefully loosen the roots at the side and bottom of the rootball. Do not pull the rootball apart. The severing of large roots will encourage new roots initiating at the cuts.
6. Fill around the rootball with backfill and pack the soil with the shovel handle as you fill. Be careful not to disturb the rootball itself.
7. Use the remaining native soil to create a basin appropriate to the site.

APPROVED BY	DATE		TREE PLANTING SPECIFICATIONS	STD. PLAN NO.
TOWN ENGINEER	NOVEMBER 2010			ST-235

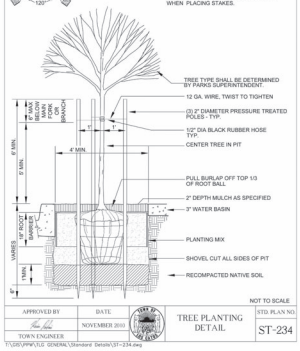
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PLAN VIEW



NOTES

PLANT TREES 4" HIGHER THAN DEPTH AT WHICH GROWN IN NURSERY. AVOID DAMAGE TO ROOTS. AVOID ROOTBALL WHEN PLACING STAKES.



NOT TO SCALE

APPROVED BY	DATE		TREE PLANTING DETAIL	STD. PLAN NO.
TOWN ENGINEER	NOVEMBER 2010			ST-234

T:\200\PW\JLI, GENERAL\Standard Details\ST-234.dwg

A TOWN STANDARD TREE INSTALLATION DETAIL

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No.	Date	Issued/Revised
1	05/21/2025	TECH REVIEW COMMENTS 2
2	07/14/2025	TECH REVIEW COMMENTS 3

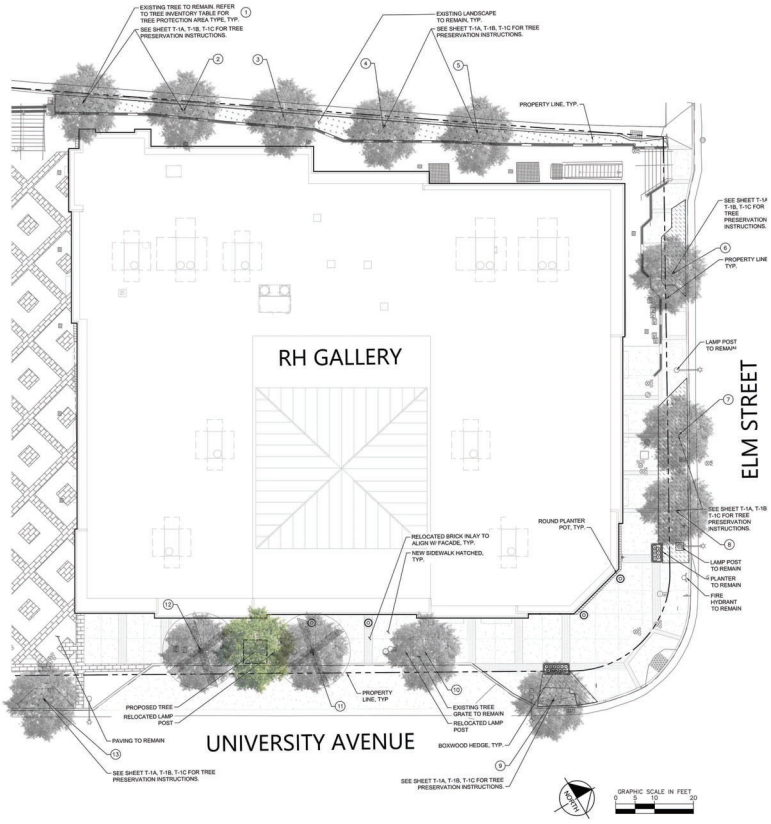
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Project No. 197432006
Drawn By: TL
Reviewed By: CG
Scale As noted
Drawing Title

PRELIMINARY LANDSCAPE NOTES AND SCHEDULE

Drawing No.

LS100



LANDSCAPE LEGEND

SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT	HEIGHT/SPREAD	CAL	WUCOLS	SIZE AT MATURITY
TREES							
	2	EXISTING TREE TO BE REMOVED	N/A	N/A	N/A	N/A	N/A
	11	EXISTING TREE TO REMAIN / PROTECT IN PLACE	N/A	N/A	N/A	N/A	N/A
	1	QUERCUS AGRIFOLIA / COAST LIVE OAK	24" BOX	8'-10' HT. X 3'-4' SPR.	2" CAL.	VERY LOW	20-70' HT. X 25-80' SPR.

SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT.	SPACING	WUCOLS
SHRUBS					
	4	BUXUS SEMPERVIRENS / AMERICAN BOXWOOD TO BE SHAPED FOR A UNIFORM, GLOBE FORM. 24" DIAMETER	B&B	24" O.C.	MODERATE
	18	BUXUS SEMPERVIRENS 'SUFFRUTICOSA' / DWARF ENGLISH BOXWOOD	1 GAL.	12" O.C.	MODERATE

SYMBOL	QTY	BOTANICAL / COMMON NAME
GROUND COVERS		
	647 SF	EXISTING LANDSCAPE TO REMAIN / PROTECT I N PLACE
	439 SF	MULCH 3" DEPTH TOWN STANDARD MULCH MATERIAL

SYMBOL	QTY	NAME
MATERIALS		
	25 LF	ROOT BARRIER
	4	ROUND PLANTER POT (CLIENT FURNISHED)
	1	TREE GRATE MANUFACTURER: NEENAH FOUNDRY SIZE: 72" L X 72" W COLLECTION: BOULEVARD

TREE INVENTORY TABLE

TREE #	COMMON NAME	BOTANICAL NAME	DBH (IN.)	CANOPY SPREAD (FT.)	VITALITY RATING (%)	STRUCTRUE RATING (%)	FORM RATING (%)	PROTECTED TREE	SAVED/REMOVED/ PRUNED	REASON FOR REMOVAL	TREE PROTECTION AREA TYPE
1	CALLERY PEAR	*PYRUS CALLERYANA*	6.2	10	50	50	50	X	SAVED	N/A	II
2	CALLERY PEAR	*PYRUS CALLERYANA*	5.6	8	30	40	35	X	SAVED	N/A	II
3	CALLERY PEAR	*PYRUS CALLERYANA*	2.4	4	10	10	10		SAVED	N/A	II
4	CALLERY PEAR	*PYRUS CALLERYANA*	6.6	10	50	50	50	X	SAVED	N/A	II
5	CALLERY PEAR	*PYRUS CALLERYANA*	4.9	10	40	50	45	X	SAVED	N/A	II
6	COAST LIVE OAK	*QUERCUS AGRIFOLIA*	21.1	40	80	50	65	X	SAVED	N/A	II
7	COAST LIVE OAK	*QUERCUS AGRIFOLIA*	20.7	30	80	50	65	X	SAVED	N/A	II
8	COAST LIVE OAK	*QUERCUS AGRIFOLIA*	9.0	18	60	50	55	X	SAVED	N/A	II
9	COAST LIVE OAK	*QUERCUS AGRIFOLIA*	12.5	16	50	50	50	X	SAVED	N/A	II
10	COAST LIVE OAK	*QUERCUS AGRIFOLIA*	9.3	20	30	50	40	X	SAVED	N/A	III
11	CRAPE MYRTLE	*LAGERSTROEMIA INDICA*	3.0	7	70	50	60	X	REMOVED	CIVIL AND ARCHITECTURAL IMPROVEMENTS	N/A
12	COAST LIVE OAK	*QUERCUS AGRIFOLIA*	7.0	18	60	50	65	X	REMOVED	CIVIL AND ARCHITECTURAL IMPROVEMENTS	N/A
13	COAST LIVE OAK	*QUERCUS AGRIFOLIA*	20.8	30	80	50	65	X	SAVED	N/A	II

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No.	Date	Issued/Revised
1	05/21/2025	TECH REVIEW COMMENTS 2
2	07/14/2025	TECH REVIEW COMMENTS 3

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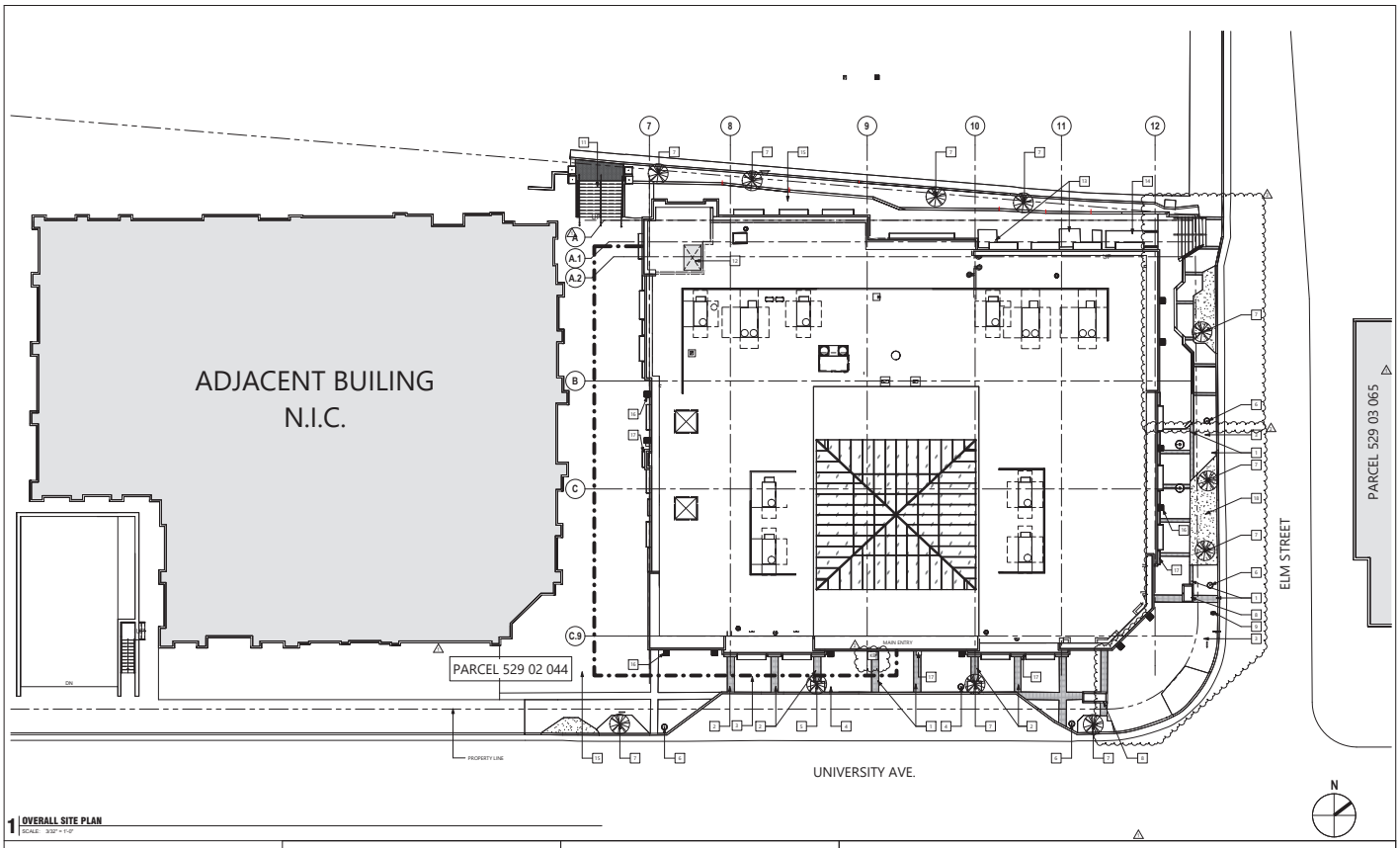
Project No.	197432006
Drawn By:	TL
Reviewed By:	CG
Scale	As noted

Drawing Title

PRELIMINARY LANDSCAPE PLAN

Drawing No.

LS101



1 **OVERALL SITE PLAN**
SCALE: 3/32" = 1'-0"

SITE PLAN GENERAL NOTES

1. REFER TO CIVIL DRAWINGS FOR OFF-SITE GRADING & DRAINAGE, SITE UTILITY & CITY STANDARD SITE IMPROVEMENT DETAILS.
2. REFER TO LANDSCAPE DRAWINGS FOR SITE GRADE PLANTING, SITE DRAINAGE, STREET TREE & IRRIGATION IMPROVEMENTS & DETAILS.
3. REFER TO STRUCTURAL DRAWINGS FOR RETAINING WALL & FOUNDATION IMPROVEMENTS.
4. STANDPIPE LOCATION SHALL COMPLY WITH CITY OF CUPERTINO FIRE DEPARTMENT REQUIREMENTS.
5. ACCESSIBLE ROUTE TO NOT EXCEED 2% SLOPE.
6. GENERAL CONTRACTOR TO SUBMIT CONSTRUCTION PHASE FIRE ACCESS PLAN TO THE CUPERTINO FIRE DEPARTMENT FOR APPROVAL PRIOR TO THE WOOD FRAMING PHASE OF CONSTRUCTION.
7. HEAD HEIGHT CLEARANCE SHALL MEET CBC SECTION 1116A FOR WALKS, PEDESTRIAN WALKS AND CIRCULATION AREAS. MINIMUM CLEARANCE OF 84" SHALL BE MAINTAINED THROUGHOUT.
8. PROVIDE TRAFFIC REFLECTORS AT ALL PEDESTRIAN CIRCULATION THAT CROSSES OVER VEHICLE TRAFFIC LANES. REFLECTORS TO BE LOCATED ALONG PAINT LINES AT BOTH EDGES OF CROSS WALK. SPACE REFLECTORS AT 24" O.C. OR PER CITY STANDARDS.

SITE PLAN LEGEND

- PROPERTY LINE
- ACCESSIBLE PATH OF TRAVEL
- EXISTING ADJACENT BUILDINGS
- FDC — FIRE DEPARTMENT KNOX BOX LOCATION AT MAIN ENTRY DOORS

SITE PLAN KEYNOTES

KEYNOTES - SITE PLAN	
MARK	NOTE
1	NEW BRICK INLAY
2	RELOCATED BRICK INLAY TO ALIGN W/ FACADE
3	NEW SIDEWALK, SEE CIVIL DWGS
4	RELOCATED LAMP POST
5	RELOCATED TREE
6	(E) LAMP POST TO REMAIN
7	(E) TREE TO REMAIN
8	(E) PLANTER TO REMAIN
9	(E) FIRE HYDRANT TO REMAIN
10	(E) STAIRS TO UPPER PARKING TO REMAIN
11	(E) ELEVATOR TO ACCESSIBLE PARKING BELOW
12	(E) EXHAUST LOUVERS FROM GARAGE BELOW TO REMAIN
13	(E) STAIR TO GARAGE TO REMAIN
14	(E) PAVING TO REMAIN
15	(E) PAVING TO REMAIN
16	EXTERIOR WALL SCONCES, TYP
17	[illegible]
18	NEW TREE & GRATE

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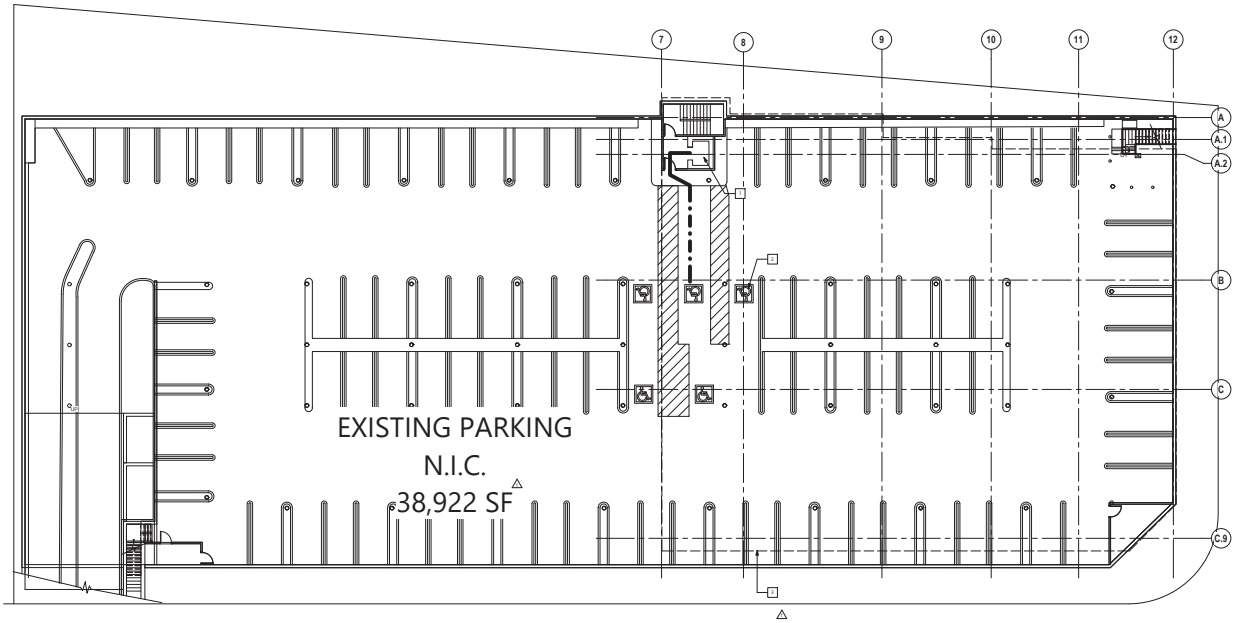
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No.	Date	Issue/ Revised
	10/18/2024	PRE-APPLICATION PACKAGE
	11/06/2024	PLANNING SUBMITTAL
	11/22/2024	100% SCHEMATIC DESIGN
	01/09/2025	PLANNING SUBMITTAL 2
1	03/06/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2
3	07/14/2025	TECH REVIEW COMMENTS 3

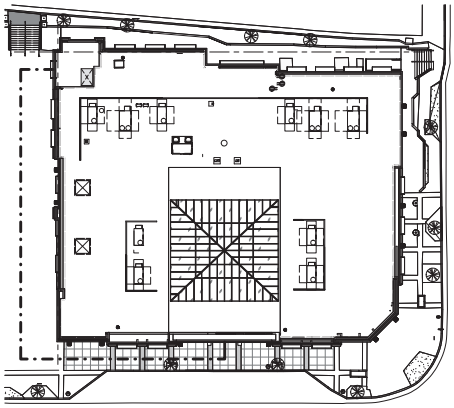
Project: 59485
Drawn By: BD
Reviewed By: RN
Scale: As indicated

Drawing Title
ARCHITECTURAL SITE PLAN PATH OF TRAVEL

Drawing No.
A004 3



1 **BASEMENT PLAN**
SCALE: 3/32" = 1'-0"



2 **GROUND LEVEL ACCESSIBLE ROUTE PLAN**
SCALE: 1/16" = 1'-0"

BASEMENT PLAN GENERAL NOTES	BASEMENT PLAN LEGEND	BASEMENT PLAN KEYNOTES
	PROPERTY LINE ACCESSIBLE PATH OF TRAVEL EXISTING ADJACENT BUILDINGS	KEYNOTES - BASEMENT PLAN MARK / NOTE 1 / (E) ELEVATOR TO ACCESSIBLE PARKING BELOW 2 / (E) ADA SPACES, TYP. 3 / OUTLINE OF BUILDING ABOVE

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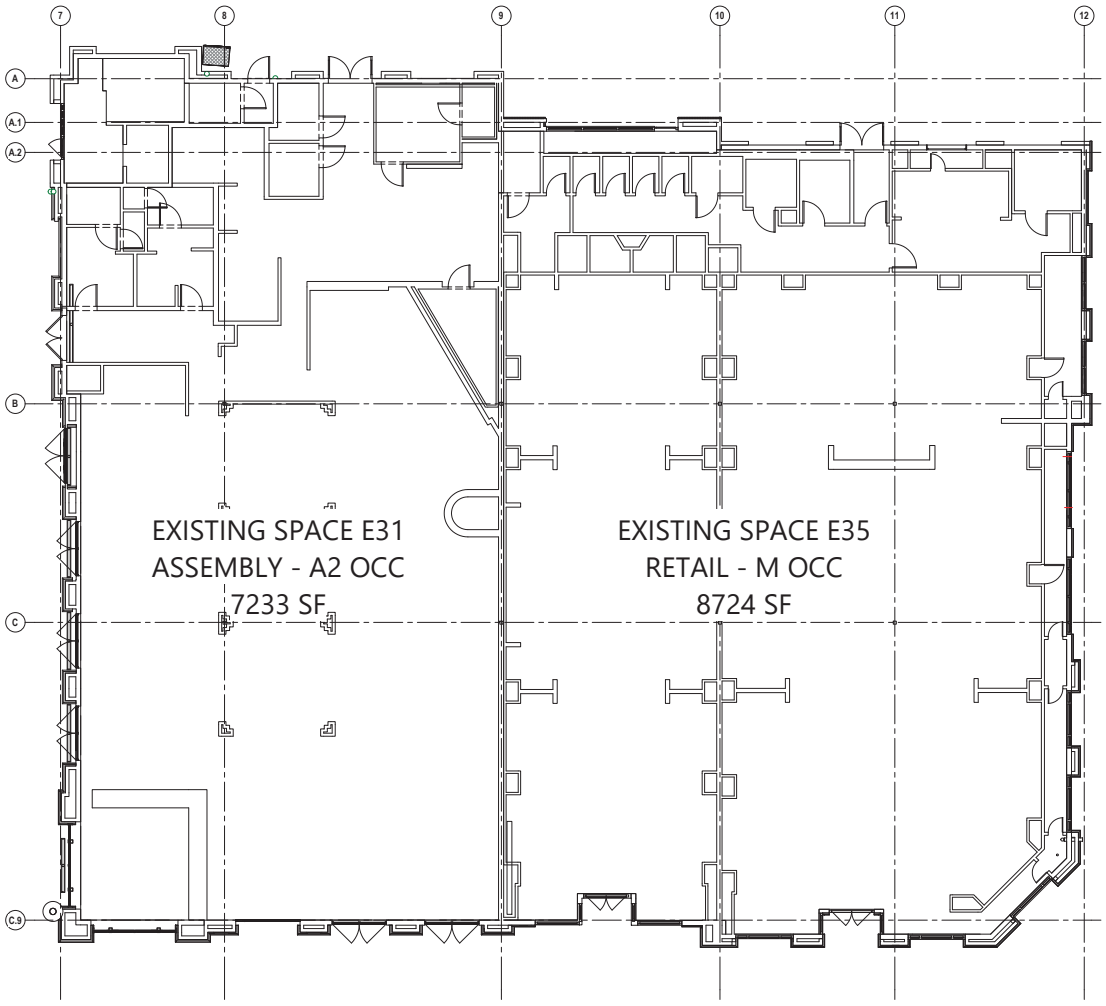
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No.	Date	Issue/ Revised
	10/18/2024	PRE-APPLICATION PACKAGE
	11/06/2024	PLANNING SUBMITTAL
	11/22/2024	100% SCHEMATIC DESIGN
	01/09/2025	PLANNING SUBMITTAL 2
1	03/09/2025	TECH REVIEW COMMENTS
	05/21/2025	TECH REVIEW COMMENTS 2

Project: 59485
Drawn By: BD
Reviewed By: RN
Scale: As indicated
Drawing Title: EXISTING BASEMENT PARKING PLAN

Drawing No.: A005



1 EXISTING FLOOR PLAN
SCALE: 3/16" = 1'-0"

RH

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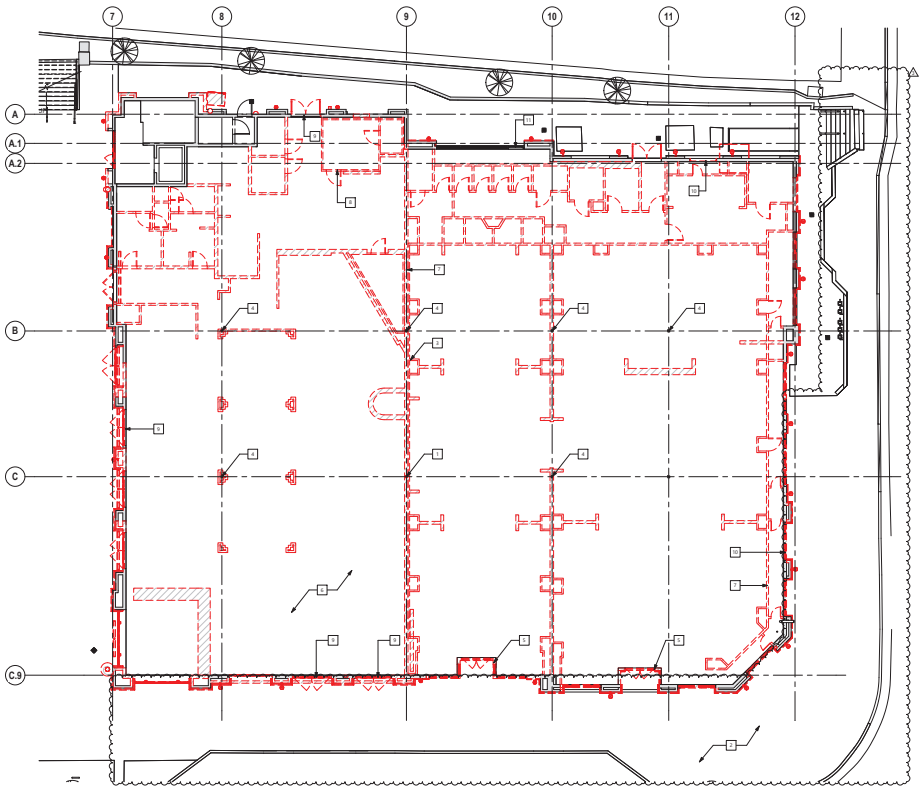
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	11/22/2024	100% SCHEMATIC DESIGN
	01/09/2025	PLANNING SUBMITTAL 2
1	03/09/2025	TECH REVIEW COMMENTS
	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485
Drawn By: BD
Reviewed By: RN
Scale 3/16" = 1'-0"
Drawing Title

EXISTING
FLOOR PLAN

Drawing No.
A005.1 1



1 DEMOLITION PLAN
SCALE: 1/8" = 1'-0"

DEMOLITION PLAN GENERAL NOTES

1. THE GC SHALL VERIFY ALL DIMENSIONS SHOWN PRIOR TO COMMENCEMENT OF WORK. SEND DOCUMENT WITH VERIFICATION OR DEVIATIONS FROM THESE PLANS TO ARCHITECT VIA EMAIL.
2. IF DURING DEMOLITION CONDITIONS ARE REVEALED THAT MAY JEOPARDIZE INTEGRITY OF STRUCTURE OR PRECLUDE FOLLOWING DESIGN INTENT, GENERAL CONTRACTOR TO NOTIFY ARCHITECT BEFORE PROCEEDING WITH WORK.
3. AT EXISTING WALLS TO REMAIN: PATCH AND REPAIR AS REQUIRED TO PROVIDE A SMOOTH, PAINT READY SURFACE.
4. DEMOLISH EXISTING WALLS AND DOORS AS NECESSARY.
5. DEMOLISH EXISTING FLOOR FINISHES AS NECESSARY. REPAIR OR REPLACE SUB-FLOOR AS REQUIRED TO PROVIDE AN EVEN WALKING SURFACE/FINISH FLOOR CONDITION.
6. DEMOLISH EXISTING GYPSUM WALL BOARD, CEILING TILE, GRID AND/OR OTHER CEILING FINISH AS NECESSARY TO PROVIDE FOR NEW CEILING READY CONDITION.
7. REMOVE EXTRANEOUS EQUIPMENT AS NECESSARY.
8. ALL DIMENSIONS ON PARTITION PLAN AND DEMOLITION PLAN ARE TO FRAMING. ALL DIMENSIONS ON OTHER SHEETS, ARE TO FACE OF FINISH. DO NOT ADJUST ANY DIMENSIONS WITHOUT WRITTEN INSTRUCTION FROM THE ARCHITECT. IF UNABLE TO LOCATE DIMENSIONS FOR ANY ITEM OF WORK, CONSULT WITH THE ARCHITECT TO OBTAIN CLARIFICATION BEFORE PROCEEDING WITH CONSTRUCTION.
9. COLUMN CENTER LINES / GRID LINES ARE SHOWN FOR REFERENCE DIMENSIONING. VERIFY EXACT LOCATIONS IN FIELD.
10. G.C. TO COORDINATE CONSTRUCTION BARRIER FINAL CONFIGURATION AND REQUIREMENTS WITH LL AND CLIENT CONSTRUCTION MANAGER

NOTE: UPON COMPLETION OF DEMOLITION WORK, GENERAL CONTRACTOR TO VERIFY ALL INDICATED DIMENSIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.

DEMOLITION PLAN LEGEND

Room name — ROOM NAME
XXXX — ROOM NUMBER
(E) DOOR TO REMAIN
(E) DOOR TO BE REMOVED
(E) WALL/PARTITION TO BE DEMOLISHED. SEE STRUCTURAL DWGS
(E) WALL/PARTITION TO REMAIN
(E) TO BE REMOVED
LEVEL CHANGE

DEMOLITION PLAN KEYNOTES

KEYNOTES - DEMO PLAN	
MARK	NOTE
1	CAISSONS AS SHOWN AS SHOWN ON STRUCTURAL DWGS
2	RETAIN CONNECT FOR SIGNAGE WORK AND INSTALLATION
3	SAWCUT CONCRETE SLAB TYP.
4	EXISTING COLUMN TO REMAIN
5	EXISTING STOREFRONT TO BE REMOVED
6	REMOVE ALL EXISTING FLOOR FINISHES DOWN TO STRUCTURAL SLAB
7	REMOVE ALL INTERIOR WALLS, TYP.
8	REMOVE ALL INTERIOR DOORS
9	REMOVE EXISTING EXTERIOR DOORS
10	REMOVE ALL EXISTING WINDOWS
11	EXISTING DOOR TO REMAIN

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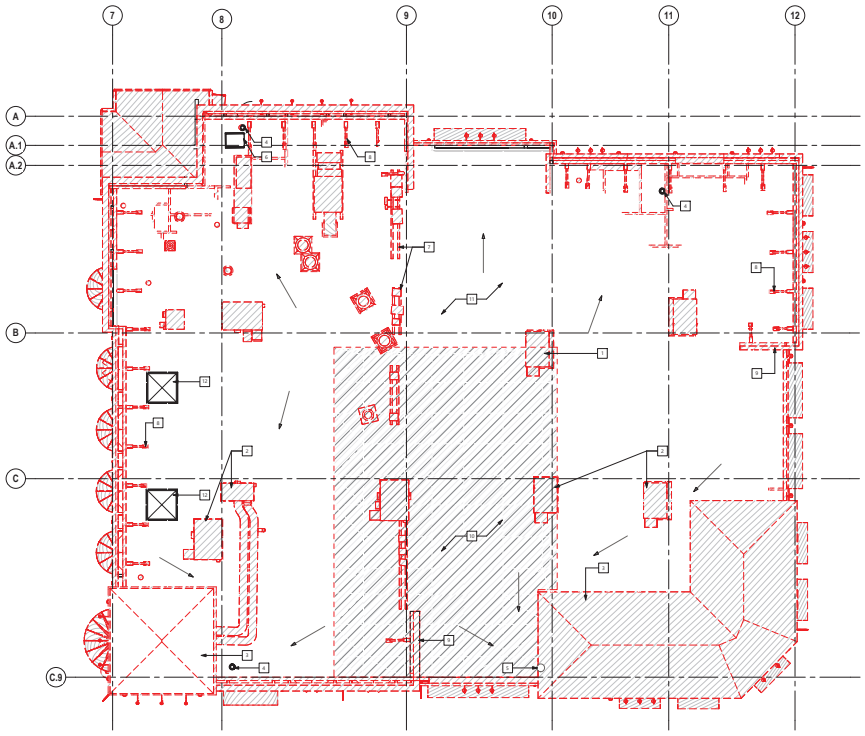
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No.	Date	Issue/ Revised
1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2
3	07/14/2025	TECH REVIEW COMMENTS 3

Project: 59485
Drawn By: BD
Reviewed By: RN
Scale: As indicated
Drawing Title: DEMOLITION PLAN

Drawing No.: A006



1 DEMOLITION ROOF PLAN
SCALE: 1/8" = 1'-0"

DEMOLITION PLAN GENERAL NOTES

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5. DEMOLISH EXISTING FLOOR FINISHES AS NECESSARY. REPAIR OR REPLACE SUB-FLOOR AS REQUIRED TO PROVIDE AN EVEN WALKING SURFACE/FINISH FLOOR CONDITION.
6. DEMOLISH EXISTING GYPSUM WALL BOARD, CEILING TILE, GRID AND/OR OTHER CEILING FINISH AS NECESSARY TO PROVIDE FOR NEW CEILING READY CONDITION.
7. REMOVE EXTRANEOUS EQUIPMENT AS NECESSARY.
8. ALL DIMENSIONS ON PARTITION PLAN AND DEMOLITION PLAN ARE TO FRAMING. ALL DIMENSIONS ON OTHER SHEETS ARE TO FACE OF FINISH. DO NOT ADJUST ANY DIMENSIONS WITHOUT WRITTEN INSTRUCTION FROM THE ARCHITECT. IF UNABLE TO LOCATE DIMENSIONS FOR ANY ITEM OF WORK, CONSULT WITH THE ARCHITECT TO OBTAIN CLARIFICATION BEFORE PROCEEDING WITH CONSTRUCTION.
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DEMOLITION PLAN LEGEND

Room name — ROOM NAME
XXXX — ROOM NUMBER
(E) DOOR TO REMAIN
(E) DOOR TO BE REMOVED
(E) WALL/PARTITION TO BE DEMOLISHED. SEE STRUCTURAL DWGS
(E) WALL/PARTITION TO REMAIN
(E) TO BE REMOVED
LEVEL CHANGE

DEMOLITION PLAN KEYNOTES

KEYNOTES - DEMO ROOF PLAN	
MARK	NOTE
1	(E) ROOF AND FRAMING TO BE DEMOLISHED. SEE STRUCTURAL DWGS.
2	ALL EXISTING MECHANICAL UNITS TO BE REMOVED, TYP. EXISTING GAS LINE TO BE REUSED. COORDINATE WITH PLUMBING DWGS.
3	(E) ROOF POP UPS TO BE REMOVED
4	(E) ROOF DRAIN TO REMAIN
5	(E) ROOF DRAIN TO BE RELOCATED
6	(E) ROOF HATCH TO REMAIN
7	REMOVE SLEEPERS AND PATCH ROOF
8	DEMO EXISTING PARAPET BRACES NOT USED S.S.D.
9	DEMO EXISTING PARAPET
10	DEMO PART OF ROOF
11	(E) ROOF TO REMAIN. PATCH AND REPAIR AS NEEDED
12	(E) SKYLIGHT TO REMAIN

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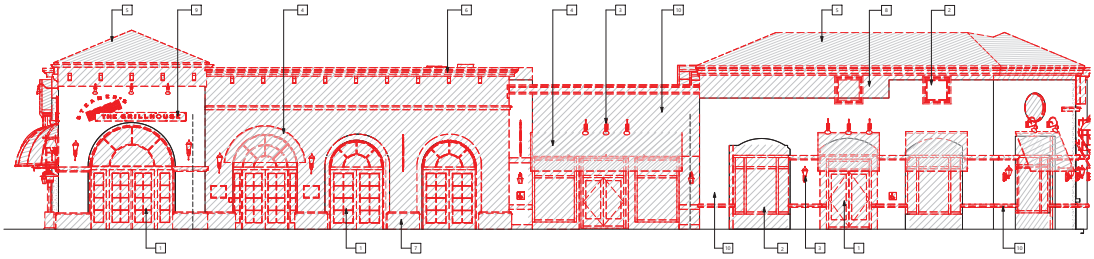
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	05/21/2025	TECH REVIEW COMMENTS 2

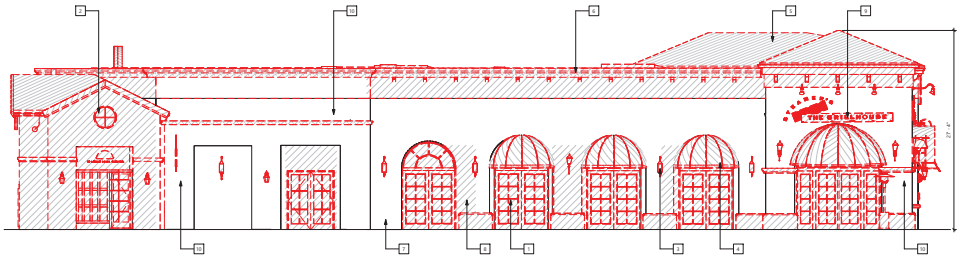
Project: 59485
Drawn By: BD
Reviewed By: RN
Scale: As indicated
Drawing Title:

DEMOLITION ROOF PLAN

Drawing No.
A006.1



1 DEMOLITION EXTERIOR ELEVATION - SOUTH
SCALE: 3/16" = 1'-0"



2 DEMOLITION EXTERIOR ELEVATION - WEST
SCALE: 3/16" = 1'-0"

DEMOLITION GENERAL NOTES

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DEMOLITION ELEVATION LEGEND

DEMOLISHED WALL. FRAMING COORDINATE WITH STRUCTURAL DWGS

DEMOLISHED LINE

WALL TO REMAIN

EXISTING GLASS STOREFRONT TO REMAIN

DEMOLITION ELEVATION KEYNOTES

KEYNOTES - DEMO EXTERIOR ELEVATIONS

MARK	NOTE
1	ALL EXISTING DOORS TO BE REMOVED, TYP.
2	ALL EXISTING WINDOW TO BE REMOVED
3	ALL EXISTING LIGHT FIXTURES TO BE REMOVED
4	ALL EXISTING CANOPIES TO BE REMOVED
5	EXISTING TILE ROOF AND STRUCTURE TO BE REMOVED, TYP.
6	EXISTING DECORATIVE WALL CAP AND PARAPET TO BE REMOVED
7	EXISTING WALL BASE TO BE REMOVED
8	PART OF EXISTING WALL TO BE REMOVED. HATCHED GRAY. COORDINATE WITH STRUCTURAL
9	ALL EXTERIOR SIGNAGE TO BE REMOVED
10	ALL WALL STUCCO AND DECORATIVE ELEMENTS TO BE REMOVED DOWN TO FACE OF EXISTING SHEATHING TYP.
11	EXISTING STOREFRONT AND DOOR TO REMAIN
12	EXISTING DOOR TO REMAIN

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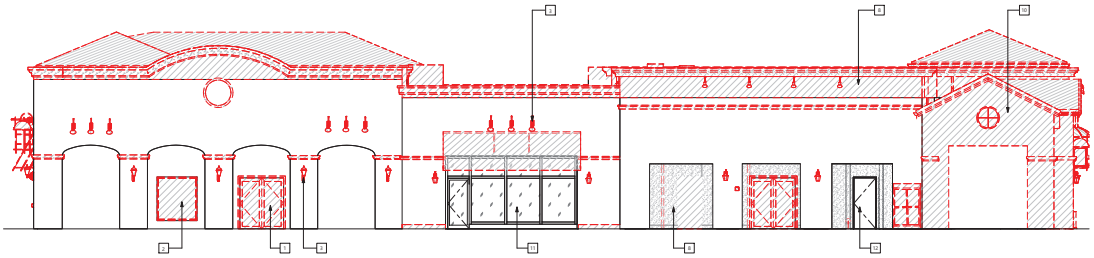
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1	03/05/2025	TECH REVIEW COMMENTS
	05/21/2025	TECH REVIEW COMMENTS 2

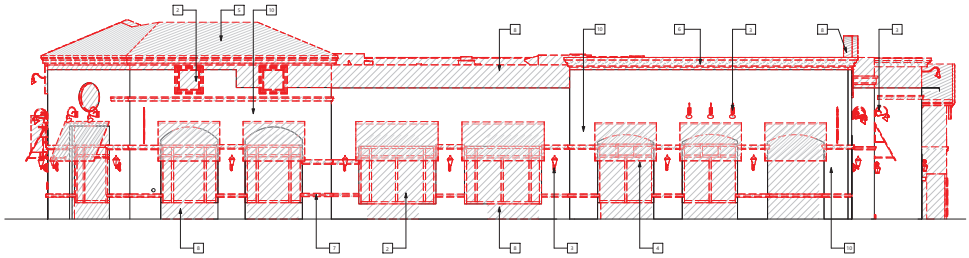
Project 59485
Drawn By: BD
Reviewed By: RN
Scale As indicated

Drawing Title
DEMOLITION EXTERIOR ELEVATIONS

Drawing No.
A006.2



1 DEMOLITION EXTERIOR ELEVATION - NORTH
SCALE: 3/16" = 1'-0"



2 DEMOLITION EXTERIOR ELEVATION - EAST
SCALE: 3/16" = 1'-0"

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DEMOLITION ELEVATION LEGEND

DEMOLISHED WALL. FRAMING COORDINATE WITH STRUCTURAL DWGS

DEMOLISHED LINE

WALL TO REMAIN

EXISTING GLASS STOREFRONT TO REMAIN

DEMOLITION ELEVATION KEYNOTES

KEYNOTES - DEMO EXTERIOR ELEVATIONS

MARK	NOTE
1	ALL EXISTING DOORS TO BE REMOVED, TYP.
2	ALL EXISTING WINDOW TO BE REMOVED
3	ALL EXISTING LIGHT FIXTURES TO BE REMOVED
4	ALL EXISTING CANOPIES TO BE REMOVED
5	EXISTING TILE ROOF AND STRUCTURE TO BE REMOVED, TYP.
6	EXISTING DECORATIVE WALL CAP AND PARAPET TO BE REMOVED
7	EXISTING WALL BASE TO BE REMOVED
8	PART OF EXISTING WALL TO BE REMOVED. HATCHED GRAY. COORDINATE WITH STRUCTURAL
9	ALL EXTERIOR SIGNAGE TO BE REMOVED
10	ALL WALL STUCCO AND DECORATIVE ELEMENTS TO BE REMOVED DOWN TO FACE OF EXISTING SHEATHING TYP.
11	EXISTING STOREFRONT AND DOOR TO REMAIN
12	EXISTING DOOR TO REMAIN

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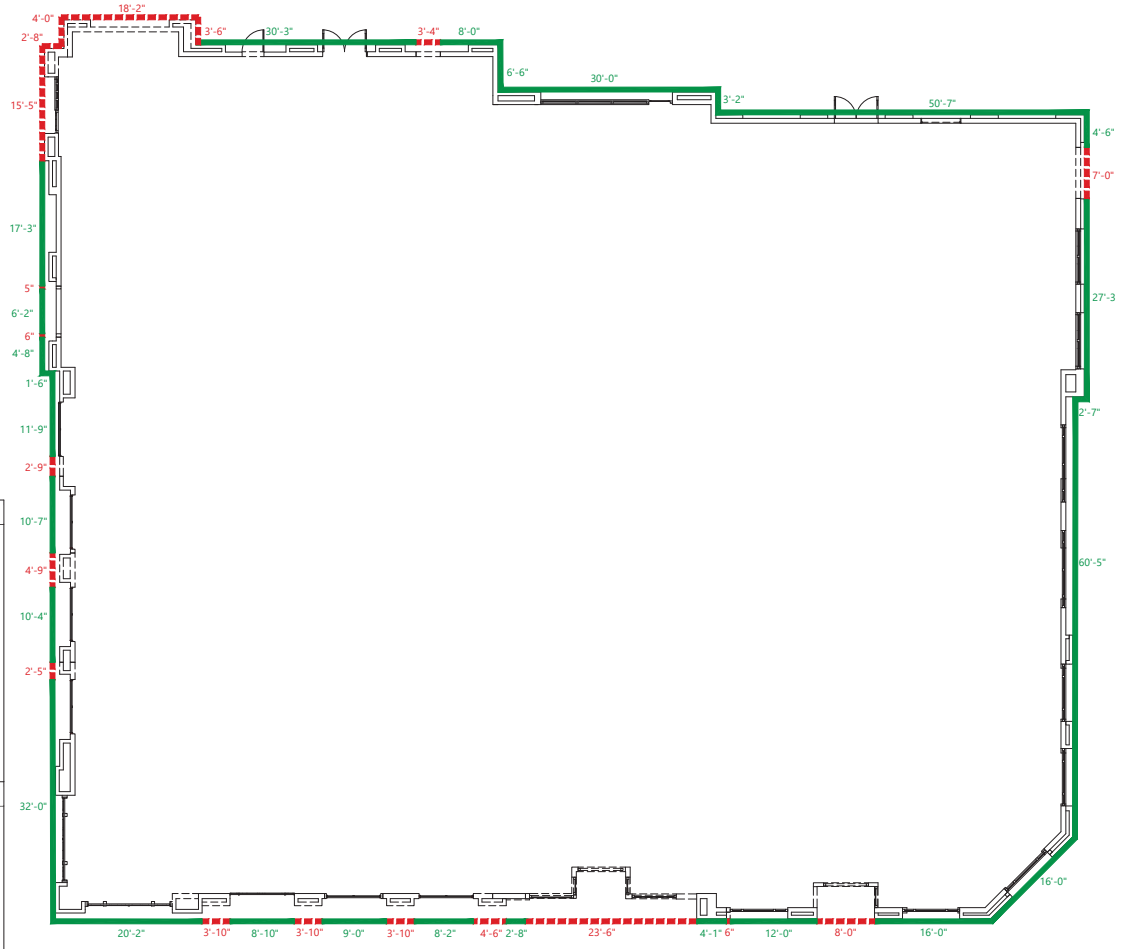
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1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485
Drawn By: BD
Reviewed By: RN
Scale As indicated

Drawing Title
DEMOLITION EXTERIOR ELEVATIONS

Drawing No.
A006.3



1 **TECHNICAL DEMOLITION PLAN**
SCALE: 3/16" = 1'-0"

FOOTPRINT DEMOLITION CALCULATION

EXISTING FOOTPRINT FOOTPRINT (LINEAR FEET)	WIDTH OF PRESERVED WALL FRAMING IN LINEAR FEET (INCLUDING EXISTING OPENINGS)	WIDTH OF DEMOLISHED WALL FRAMING IN LINEAR FEET (INCLUDING NEW AND ENLARGED OPENINGS)
528'	414'	114'

IF	PRESERVED WALL FRAMING	IS GREATER THAN	DEMO'D WALL FRAMING	THEN **NO TECH DEMO**
IF	DEMO'D WALL FRAMING	IS GREATER THAN	PRESERVED WALL FRAMING	THEN **TECH DEMO**
SINCE	414'	IS GREATER THAN	114'	THEN **NO TECH DEMO**

TECH DEMOLITION PLAN KEY

PRESERVED WALL FRAMING

DEMOLISHED WALL FRAMING

0 2 4 6 8 12 24

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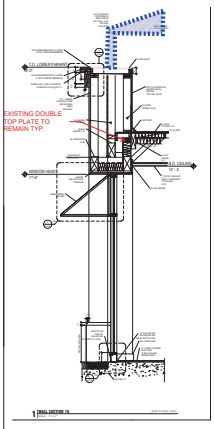
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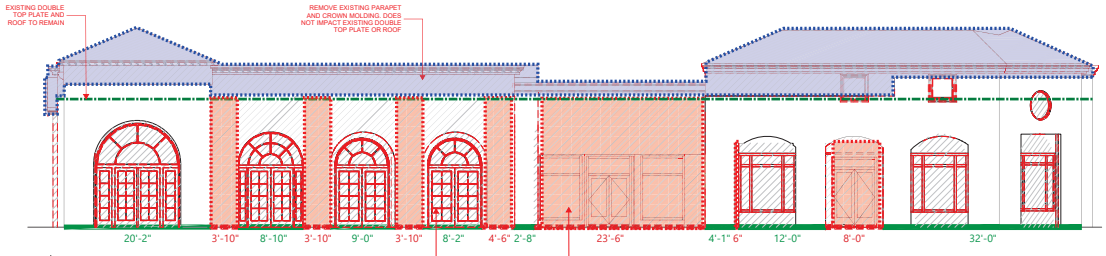
No.	Date	Issue/ Revised
1	05/21/2025	TECH REVIEW COMMENTS 2

Project: 59485
Drawn By: BD
Reviewed By: RN
Scale: 1/8" = 1'-0"

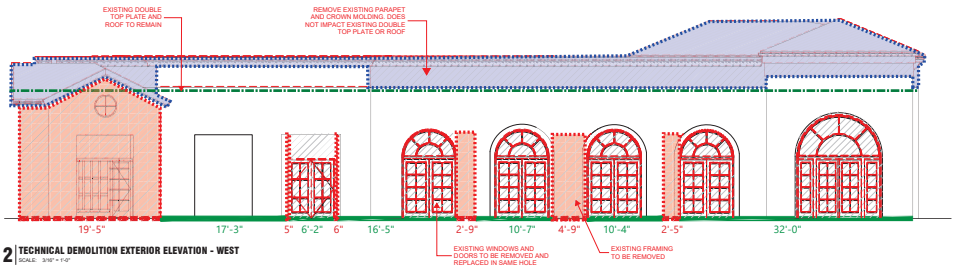
Drawing Title
TECHNICAL DEMOLITION PLAN

Drawing No.
A006.4





1 TECHNICAL DEMOLITION EXTERIOR ELEVATION - SOUTH
SCALE: 3/16" = 1'-0"

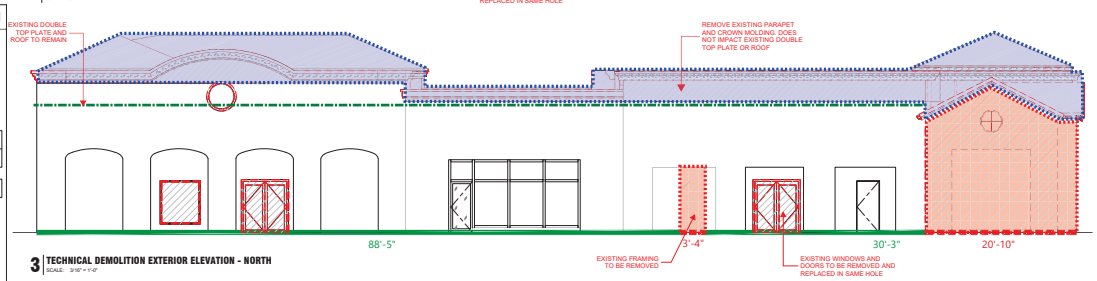


2 TECHNICAL DEMOLITION EXTERIOR ELEVATION - WEST
SCALE: 3/16" = 1'-0"

FOOTPRINT DEMOLITION CALCULATION

EXISTING FOOTPRINT FOOTPRINT (UNDER ROOF)	WIDTH OF PRESERVED WALL FRAMING IN LINEAR FEET (INCLUDING EXISTING OPENINGS)	WIDTH OF DEMOLISHED WALL FRAMING IN LINEAR FEET (INCLUDING NEW AND ENLARGED OPENINGS)
528'	414'	114'

IF	PRESERVED WALL FRAMING	IS GREATER THAN	DEMO'D WALL FRAMING	THEN **NO TECH DEMO**
IF	DEMO'D WALL FRAMING	IS GREATER THAN	PRESERVED WALL FRAMING	THEN **TECH DEMO**
SINCE	414'	IS GREATER THAN	114'	THEN **NO TECH DEMO**



3 TECHNICAL DEMOLITION EXTERIOR ELEVATION - NORTH
SCALE: 3/16" = 1'-0"

TECH DEMOLITION LEGEND

PRESERVED WALL FRAMING

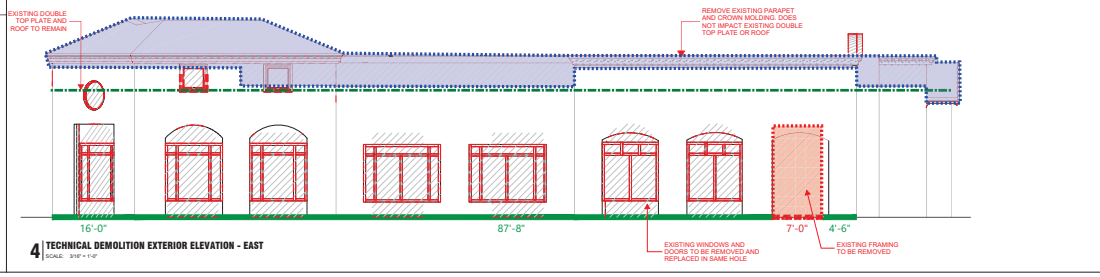
DEMOLISHED WALL FRAMING

LEVEL OF EXISTING DOUBLE TOP PLATE

REMOVE EXISTING PARAPET AND CROWN MOLDING. (DOES NOT IMPACT EXISTING DOUBLE TOP PLATE OR ROOF)

EXISTING FRAMING TO BE REMOVED

0 2 4 6 8 12 24



4 TECHNICAL DEMOLITION EXTERIOR ELEVATION - EAST
SCALE: 3/16" = 1'-0"

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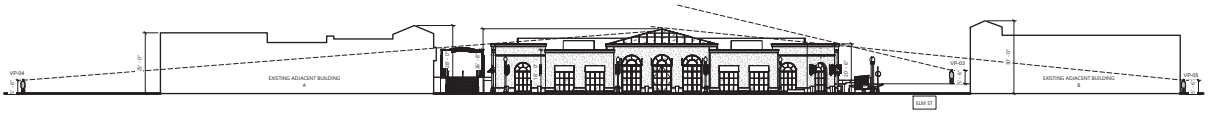
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No.	Date	Issue/ Revised
1	05/21/2025	TECH REVIEW COMMENTS 2

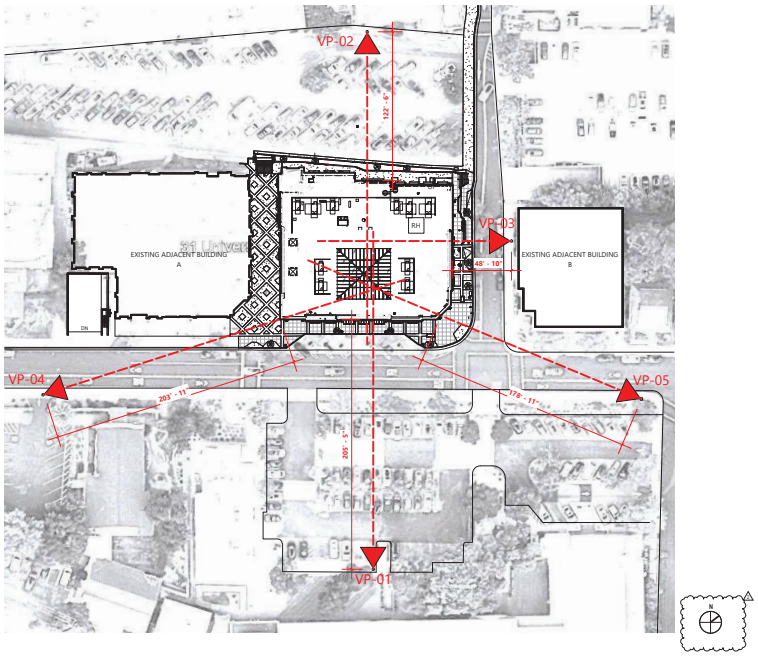
Project: 59485
Drawn By: BD
Reviewed By: RN
Scale: As indicated
Drawing Title: TECHNICAL DEMOLITION EXTERIOR ELEVATIONS
Drawing No.: A006.5



1 SIGHT LINE STUDY - VIEWED FROM ELM ST
SCALE: 1/16" = 1'-0"



2 SIGHT LINE STUDY - VIEWED FROM UNIVERSITY AVE
SCALE: 1/16" = 1'-0"



3 SIGHT LINE STUDY - KEY PLAN
SCALE: 1/32" = 1'-0"

SIGHT LINE LEGEND

VP-X VANTAGE POINT

RH

RH - LOS GATOS

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Consultant

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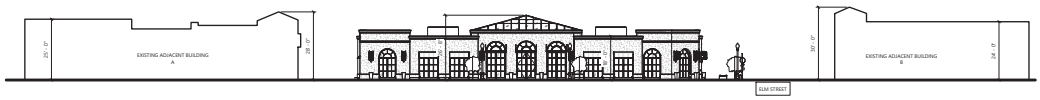
No.	Date	Issue/ Revised
1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485
Drawn By: BD
Reviewed By: RN
Scale As indicated
Drawing Title

SIGHT LINE STUDY

Drawing No.

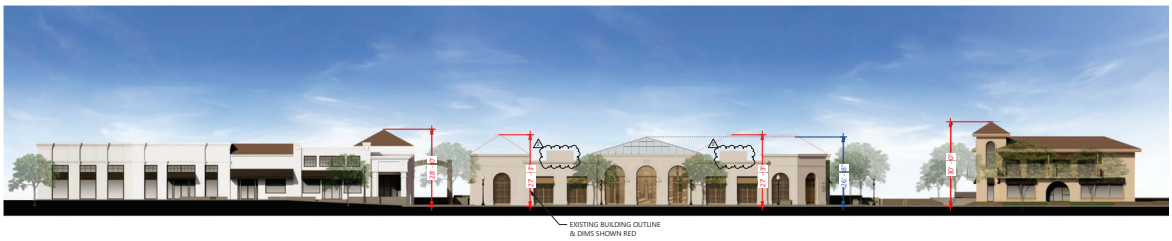
A007 2



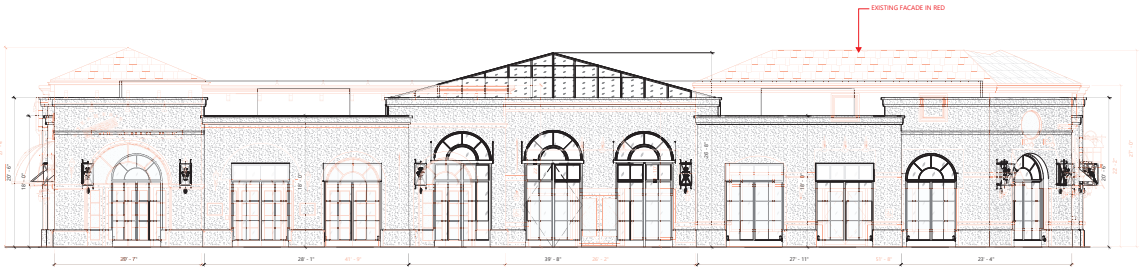
1 PROPOSED BUILDING VIEW FROM UNIVERSITY AVE
SCALE: 1/16" = 1'-0"



2 EXISTING BUILDING VIEW FROM UNIVERSITY AVE
SCALE: 1/16" = 1'-0"



3 COLORED MASSING ELEVATION



4 MASSING SOUTH ELEVATION - VIEW FROM UNIVERSITY AVE
SCALE: 3/16" = 1'-0"

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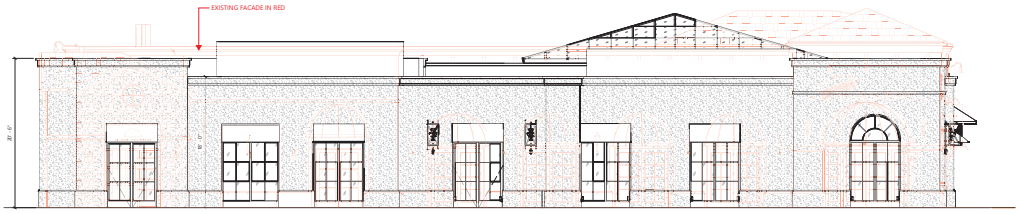
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2	05/21/2025	TECH REVIEW COMMENTS 2

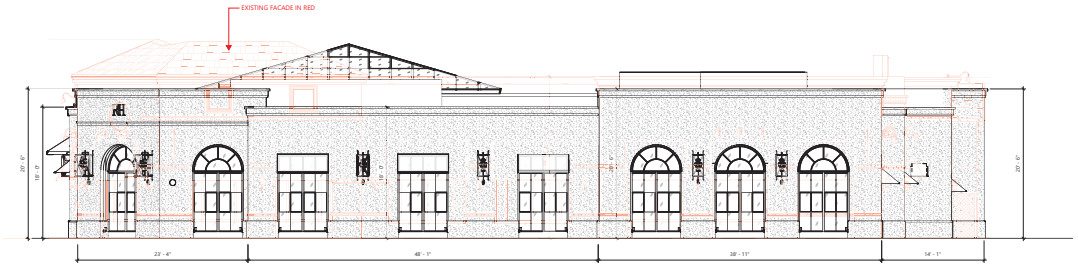
Project 59485
Drawn By: BD
Reviewed By: RN
Scale As indicated
Drawing Title

MASSING ELEVATIONS

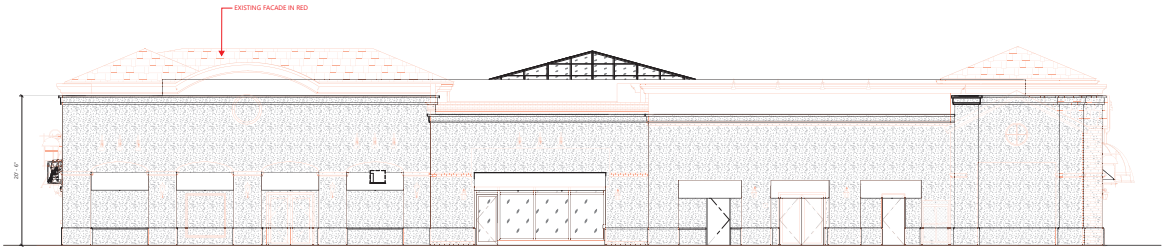
Drawing No.
A008 2



3 PROPOSED WEST ELEVATION - VIEW FROM COURTYARD
SCALE: 3/16" = 1'-0"



2 PROPOSED EAST ELEVATION - VIEW FROM ELM ST
SCALE: 3/16" = 1'-0"



1 PROPOSED NORTH ELEVATION - VIEW FROM REAR PARKING LOT
SCALE: 3/16" = 1'-0"

RH

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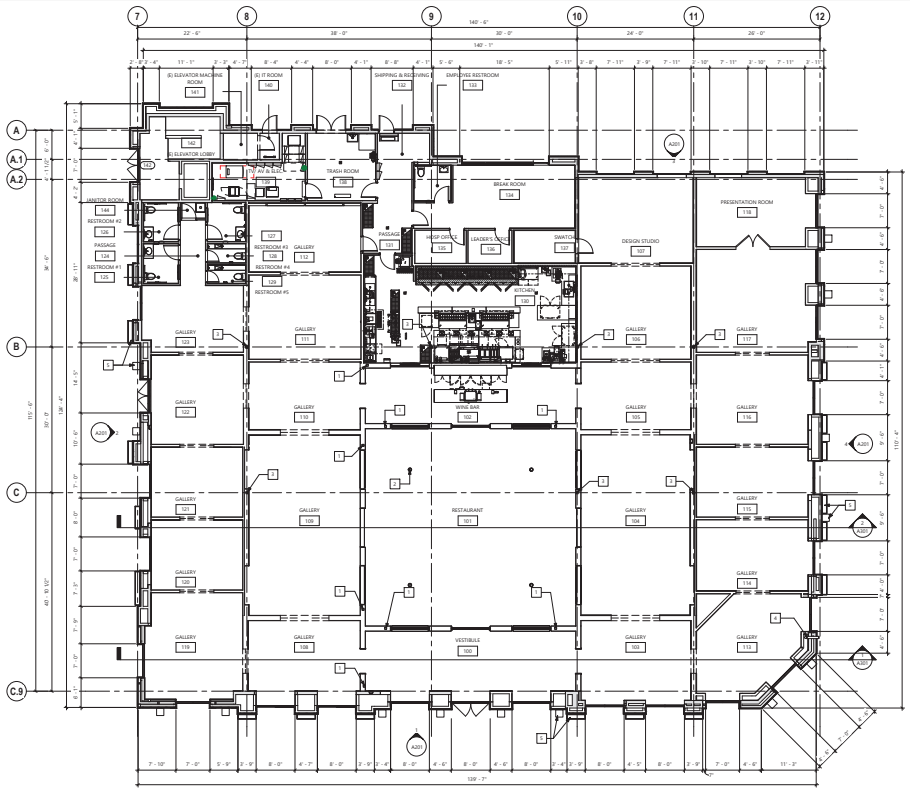
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	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485
Drawn By: BD
Reviewed By: RN
Scale 3/16" = 1'-0"

Drawing Title
EXTERIOR ELEVATIONS COMPARISON

Drawing No.
A009 1



1 FLOOR PLAN
SCALE: 1/8" = 1'-0"

FLOOR PLAN GENERAL NOTES

1. CONTRACTOR SHALL REVIEW ALL DOCUMENTS, VERIFY ALL DIMENSIONS AND FIELD CONDITIONS, AND SHALL CONFIRM THAT WORK IS BUILDABLE AS SHOWN. ANY CONFLICTS OR OMISSIONS SHALL BE REPORTED TO THE ARCHITECT FOR CLARIFICATION PRIOR TO STARTING WORK IN QUESTION.
2. ALL DIMENSIONS ARE TO FACE OF FINISH, U.O.N.
3. ALL DOOR OPENINGS OFFSET FROM PERPENDICULAR WALL 6" U.O.N.
4. CONTRACTOR SHALL MARK LOCATIONS OF PARTITIONS AND DOORS FOR REVIEW BY THE ARCHITECT, PRIOR TO INSTALLATION. REVIEW WILL BE FOR DESIGN INTENT. CONTRACTOR SHALL COORDINATE AND VERIFY ALL CONDITIONS TO ENSURE PROPER FIT.
5. THE CONTRACTOR SHALL PROVIDE BACKING FOR ALL CASEWORK, COUNTERS, FIXTURES AND SPECIAL EQUIPMENT, U.O.N., VERIFY MOUNTING HEIGHTS OF BACKING PLATES AND INTERIOR WALL BRACING WITH SUPPLIERS, MANUFACTURERS AND INSTALLERS.
6. "TYP." SHOULD MEAN THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS OTHERWISE NOTED; DETAILS ARE USUALLY KEYED AND NOTED "TYP." ONLY ONCE WHEN THEY FIRST OCCUR.
7. "SIM." SHALL MEAN COMPARABLE CHARACTERISTICS FOR THE CONDITIONED NOTED. VERIFY DIMENSIONS AND ORIENTATION ON PLANS AND ELEVATIONS.
8. "ALIGN" MEANS ACCURATELY LOCATE FINISHED FACES IN SAME PLANE.
9. REFER TO LANDSCAPE DRAWINGS FOR PLANTING, STREET TREES, SIDE WALK SCORE PATTERNS & IRRIGATION IMPROVEMENTS & DETAILS.
10. REFER TO CIVIL DRAWINGS FOR CIVIL IMPROVEMENTS INCLUDING GRADING, SITE UTILITY, SITE DRAINAGE & CITY STANDARD SITE IMPROVEMENTS.

FLOOR PLAN LEGEND

- NEW WALL
- EXISTING WALL
- PROPERTY LINE
- WALL/PARTITION SYMBOL - SEE PARTITION SCHEDULE
- DOOR TYPE
- WINDOW TYPE
- FLOOR ELEVATION
- ALIGN FACE OF FINISH, TYPICAL
- PLUMBING FIXTURE/ACCESSORY TYPE
- FINISH TYPE

FLOOR PLAN KEYNOTES

KEYNOTES - FLOOR PLAN	
MARK	NOTE
1	NEW STRUCTURAL COLUMN
2	NEW COLUMNS FOR SKYLIGHT. SEE STRUCTURAL DWGS FOR MORE INFORMATION
3	EXISTING STRUCTURAL COLUMN
4	EXISTING FIRE RISER
5	FLOOR PLANTER, TYP

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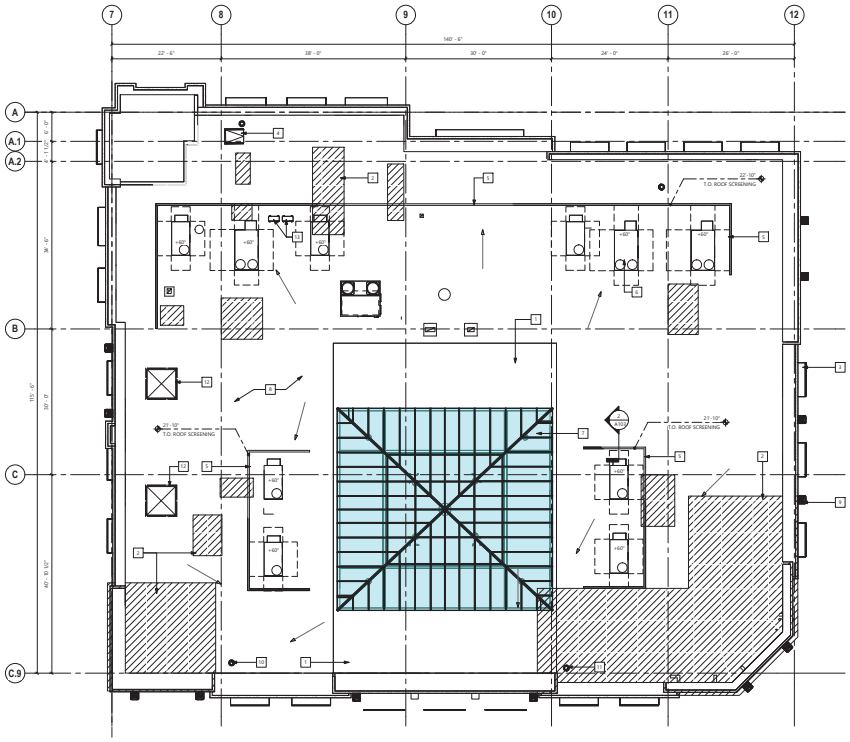
Seal

Consultant

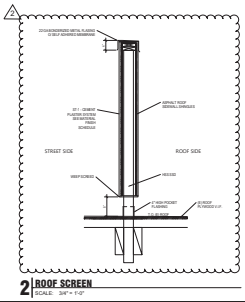
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	11/22/2024	100% SCHEMATIC DESIGN
	01/09/2025	PLANNING SUBMITTAL 2
1	03/05/2025	TECH REVIEW COMMENTS
	05/21/2025	TECH REVIEW COMMENTS 2

Project: 59485
Drawn By: BD
Reviewed By: RN
Scale: 1/8" = 1'-0"
Drawing Title: FLOOR PLAN
Drawing No.: A101



1 ROOF PLAN
SCALE: 1/8" = 1'-0"



2 ROOF SCREEN
SCALE: 3/4" = 1'-0"

ROOF PLAN GENERAL NOTES

1. CONTRACTOR SHALL REVIEW ALL DOCUMENTS, VERIFY ALL DIMENSIONS AND FIELD CONDITIONS, AND SHALL CONFIRM THAT WORK IS BUILDABLE AS SHOWN. ANY CONFLICTS OR OMISSIONS SHALL BE REPORTED TO THE ARCHITECT FOR CLARIFICATION PRIOR TO STARTING WORK IN QUESTION.
2. ALL DIMENSIONS ARE TO FACE OF FINISH, U.O.N.
3. ALL DOOR OPENINGS OFFSET FROM PERPENDICULAR WALL 4" U.O.N.
4. CONTRACTOR SHALL MARK LOCATIONS OF PARTITIONS AND DOORS FOR REVIEW BY THE ARCHITECT, PRIOR TO INSTALLATION. REVIEW WILL BE FOR DESIGN INTENT. CONTRACTOR SHALL COORDINATE AND VERIFY ALL CONDITIONS TO ENSURE PROPER FIT.
5. THE CONTRACTOR SHALL PROVIDE BACKING FOR ALL CASEWORK, COUNTERS, FIXTURES AND SPECIAL EQUIPMENT, U.O.N.. VERIFY MOUNTING HEIGHTS OF BACKING PLATES AND INTERIOR WALL BRACING WITH SUPPLIERS, MANUFACTURERS AND INSTALLERS.
6. "TYP." SHOULD MEAN THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS OTHERWISE NOTED. DETAILS ARE USUALLY KEYED AND NOTED "TYP." ONLY ONCE WHEN THEY FIRST OCCUR.
7. "SIM." SHALL MEAN COMPARABLE CHARACTERISTICS FOR THE CONDITIONED NOTED. VERIFY DIMENSIONS AND ORIENTATION ON PLANS AND ELEVATIONS.
8. "ALIGN" MEANS ACCURATELY LOCATE FINISHED FACES IN SAME PLANE.
9. REFER TO LANDSCAPE DRAWINGS FOR PLANTING, STREET TREES, SIDE WALK SCORE PATTERNS & IRRIGATION IMPROVEMENTS & DETAILS.
10. REFER TO CIVIL DRAWINGS FOR CIVIL IMPROVEMENTS INCLUDING GRADING, SITE UTILITY, SITE DRAINAGE & CITY STANDARD SITE IMPROVEMENTS.

ROOF PLAN LEGEND

	INDICATES REMOVED ROOF EQUIPMENT
[X]	KEYNOTE
ALIGN	ALIGN ELEMENTS
X.XX	LEVEL MARKER

ROOF PLAN KEYNOTES

KEYNOTES - ROOF PLAN

MARK	NOTE
1	NEW RAISED ROOF AREA. BUILT UP ROOFING TO MATCH EXISTING
2	NEW BUILT UP ROOFING AT AREAS OF DEMOLISHED STRUCTURES AND MECH UNITS. SHOWN WITH HATCH
3	PARAPET BELOW
4	(E) ROOF HATCH
5	METAL ROOF SCREEN. PAINT TO MATCH EXTERIOR WALLS. SEE DETAIL 16/A705
6	NEW ROOF TOP EQUIPMENT. SEE MECHANICAL DRAWINGS FOR MORE INFORMATION
7	NEW SKYLIGHT
8	(E) BUILT UP ROOF. PATCH AS NEEDED
9	WALL SCONCE, TYP.
10	(E) ROOF DRAIN
11	RELOCATED ROOF DRAIN
12	(E) SKYLIGHT
13	NEW REFRIGERATION UNITS. SEE FOOD SERVICE DRAWINGS FOR MORE INFORMATION

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Project 59485

Drawn By: BD

Reviewed By: RN

Scale 1/8" = 1'-0"

Drawing Title

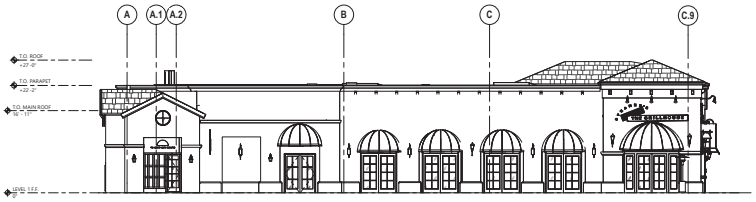
ROOF PLAN

Drawing No.

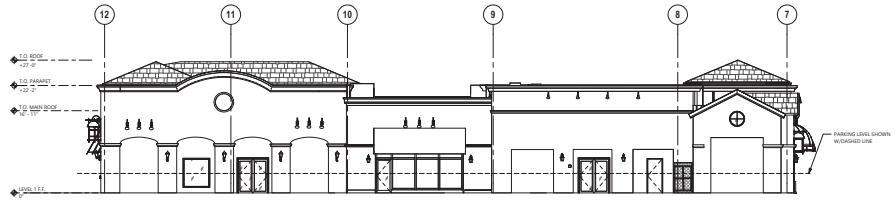
A103 2



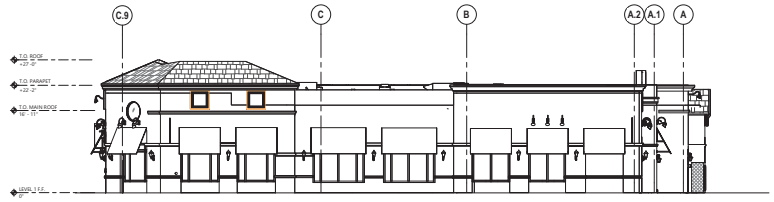
1 EXISTING SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



2 EXISTING - WEST ELEVATION
SCALE: 1/8" = 1'-0"



3 EXISTING - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



4 EXISTING - EAST ELEVATION
SCALE: 1/8" = 1'-0"

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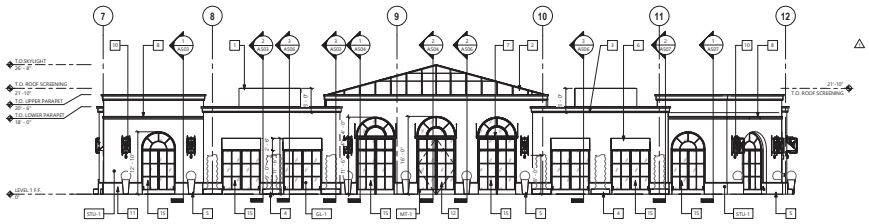
Project 59485
Drawn By: BD
Reviewed By: RN
Scale 1/8" = 1'-0"

Drawing Title

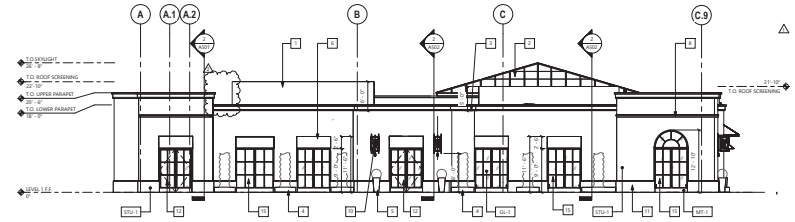
EXISTING EXTERIOR ELEVATIONS

Drawing No.

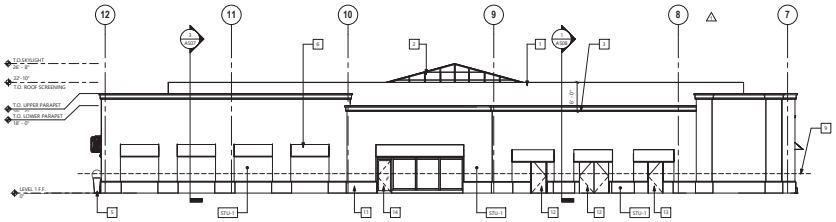
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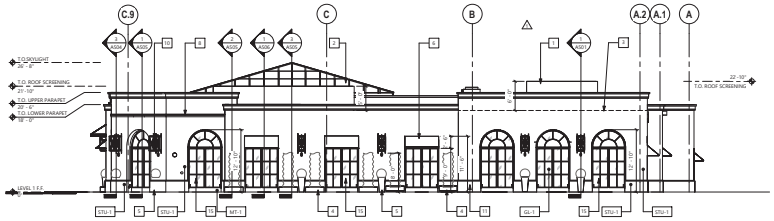
1 **SOUTH ELEVATION - VIEW FROM UNIVERSITY AVE**
SCALE: 1/8" = 1'-0"



2 **WEST ELEVATION - VIEW FROM COURTYARD**
SCALE: 1/8" = 1'-0"



3 **NORTH ELEVATION - VIEW FROM PARKING LOT**
SCALE: 1/8" = 1'-0"



4 **EAST ELEVATION - VIEW FROM ELM ST**
SCALE: 1/8" = 1'-0"

ELEVATION GENERAL NOTES

1. FOR FINISH SPECS SEE SHEET A601

ELEVATION LEGEND

ELEVATION KEYNOTES

KEYNOTES - EXTERIOR ELEVATION	
MARK	NOTE
1	ROOF SCREEN BEYOND
2	NEW SKYLIGHT, SEE SHEET A511 FOR MORE INFORMATION
3	(vacant)
4	FLOOR PLANTER, TYP.
5	STANDING PLANTER, TYP.
6	FABRIC AWNING, TYP. SEE DETAIL 3/A513
7	METAL AWNING WITH GLASS, SEE DETAIL 16/A510
8	DECORATIVE WALL MOLDING
9	PARKING LEVEL SHOWN W/DASHED LINE
10	WALL SCONCES, TYP.
11	EXTERIOR WALL BASE, TYP. SEE DETAIL 2/A510
12	DOOR, SEE SHEET A600 FOR MORE INFORMATION
13	ADJACENT DOOR, NOT IN SCOPE
14	DOOR TO BE PERMANENTLY CLOSED
15	WINDOW, SEE SHEET A600 FOR MORE INFORMATION

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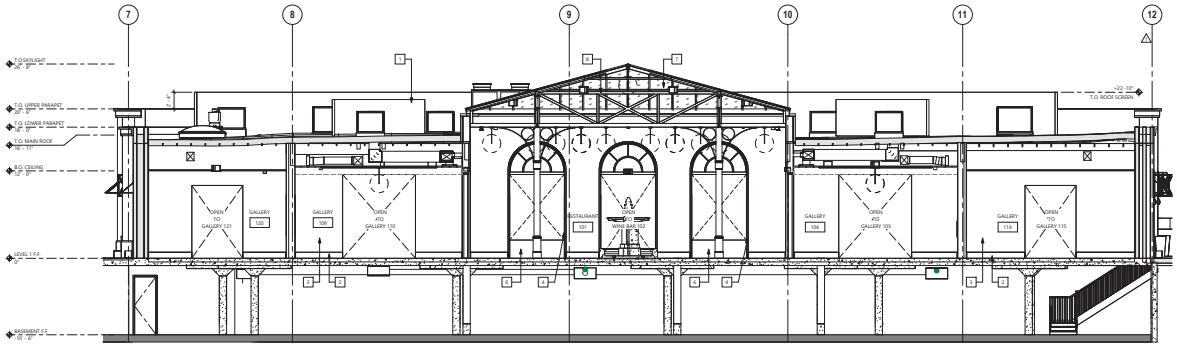
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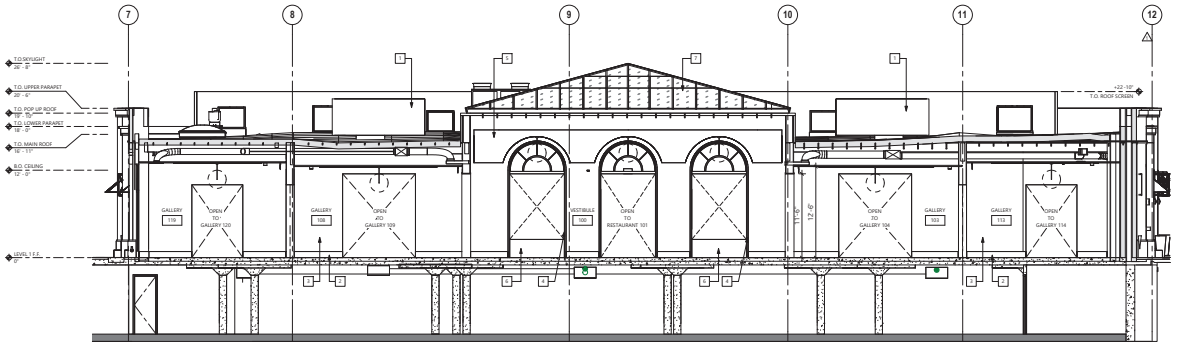
Project: 59485
Drawn By: BD
Reviewed By: RN
Scale: 1/8" = 1'-0"

Drawing Title
EXTERIOR ELEVATIONS

Drawing No.
A201



2 SECTIOIN THROUGH RESTAURANT
SCALE: 3/16" = 1'-0"



1 SECTIOIN THROUGH ENTRY VAULTED CEILING
SCALE: 3/16" = 1'-0"

SECTION GENERAL NOTES

SECTION LEGEND

SECTION KEYNOTES

KEYNOTES - BUILDING SECTIONS	
MARK	NOTE
1	ROOF SCREEN BEYOND. SEE DETAIL 1/A4/703
2	PAINTED WOOD BASE, TYP. SEE DETAIL 2/A703
3	PAINTED GYP. BOARD, TYP.
4	WOOD TRIM, TYP. (MD-2) SEE DETAIL 1/A702
5	VAULTED CEILING
6	DECORATIVE PLANTER. SEE DETAIL
7	NEW SKYLIGHT. SEE SHEET A311 FOR MORE INFORMATION
8	NEW SKYLIGHT TRUSS SYSTEM. SEE SHEET AS12 FOR MORE INFORMATION

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Project: 59485
Drawn By: BD
Reviewed By: RN
Scale: 3/16" = 1'-0"

Drawing Title

BUILDING SECTIONS

Drawing No.

A301



MT-1

-WINDOW FRAMES
-DOORS
-AWNING FRAMES

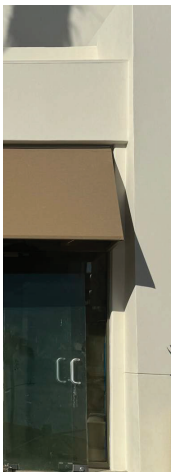
BRONZE COLOR FOR DESIGN INTENT.
COLOR WILL BE WINDOW MANUFACTURER SPEC.



STU-1

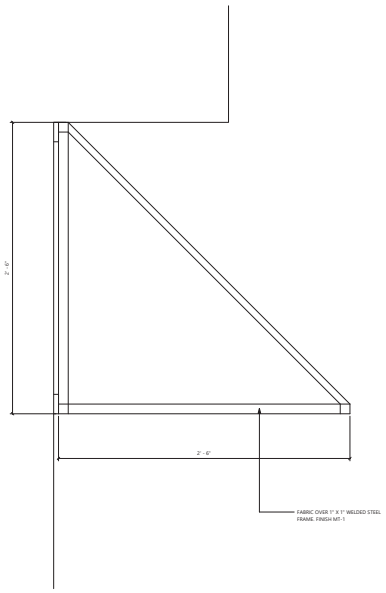
PLASTER SYSTEM

OFF-WHITE EXTERIOR GRADE FACADE PLASTER FINISH



FABRIC AWNING

1 EXTERIOR MATERIAL FINISHES



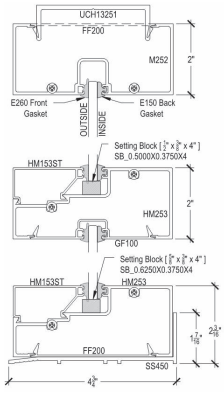
2 AWNING DETAIL

SCALE: 3" = 1'-0"



A SELECTION ON EXACT WINDOW SYSTEM AND DETAILS HAS NOT BEEN MADE, BUT WE ARE WORKING TO EXECUTE THE DESIGN AS SHOWN IN THE RENDERINGS

3 STOREFRONT SAMPLE



4 ALUMINUM STOREFRONT PROFILES

RH

RH - LOS GATOS

Project Address

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No.	Date	Issue/ Revised
	10/18/2024	PRE-APPLICATION PACKAGE
	11/06/2024	PLANNING SUBMITTAL
	11/22/2024	100% SCHEMATIC DESIGN
	01/09/2025	PLANNING SUBMITTAL 2
1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485
Drawn By: BD
Reviewed By: RN
Scale As indicated

Drawing Title

MATERIAL FINISHES

Drawing No.

A601





1 EXISTING BUILDING PHOTOS

RH

RH - LOS GATOS

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1	03/09/2025	TECH REVIEW COMMENTS
	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485
Drawn By: BD
Reviewed By: RN
Scale 1/2" = 1'-0"

Drawing Title

EXISTING BUILDING PHOTOS

Drawing No.

A800.1 1





1 EXITING BUILDING PHOTOS

RH

RH - LOS GATOS

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1	03/09/2025	TECH REVIEW COMMENTS
	05/21/2025	TECH REVIEW COMMENTS 2

Project 5948S

Drawn By: BD

Reviewed By: RN

Scale 1/2" = 1'-0"

Drawing Title

EXISTING BUILDING PHOTOS

Drawing No.

A800.2 1



2 EXTERIOR RENDER - VIEW FROM UNIVERSITY AVE - UPDATED TO SHOW ROOF EQUIPMENT SCREENS



1 EXTERIOR RENDER - VIEW FROM UNIVERSITY AVE & ELM ST CORNER - NO ROOF EQUIPMENT SCREENS VISIBLE FROM THIS VANTAGE POINT

RH

RH - LOS GATOS

Project Address

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	01/09/2025	PLANNING SUBMITTAL 2
1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485

Drawn By: BD

Reviewed By: RN

Scale 1/2" = 1'-0"

Drawing Title

EXTERIOR BUILDING RENDERS

Drawing No.

A801



2 EXTERIOR RENDER - VIEW FROM ELM ST - NO ROOF EQUIPMENT SCREENS VISIBLE FROM THIS VANTAGE POINT



1 EXTERIOR RENDER - VIEW FROM COURTYARD - UPDATED TO SHOW ROOF EQUIPMENT SCREENS - THIS VIEW OF THE SCREEN WOULD BE MUCH LESS VISIBLE FROM A VANTAGE POINT IN THE PASEO

RH

RH - LOS GATOS

Project Address

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No.	Date	Issue/ Revised
1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485

Drawn By: BD

Reviewed By: RN

Scale 12" = 1'-0"

Drawing Title

EXTERIOR BUILDING RENDERS

Drawing No.

A802



1 EXTERIOR RENDER - VIEW FROM PARKING LOT - UPDATED TO SHOW ROOF EQUIPMENT SCREENS

RH

RH - LOS GATOS

Project Address

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	01/09/2025	PLANNING SUBMITTAL 2
1	03/06/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485

Drawn By: BD

Reviewed By: RN

Scale 1'2" = 1'-0"

Drawing Title

EXTERIOR BUILDING RENDERS

Drawing No.

A803



2 EXTERIOR NIGHT RENDER - VIEW FROM UNIVERSITY AVE - UPDATED TO SHOW ROOF EQUIPMENT SCREENS △1
SCALE: 1/2" = 1'-0"



1 EXTERIOR NIGHT RENDER - VIEW FROM UNIVERSITY AVE & ELM ST CORNER - NO ROOF EQUIPMENT SCREENS VISIBLE FROM THIS VANTAGE POINT △1

RH

RH - LOS GATOS

Project Address

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	11/22/2024	100% SCHEMATIC DESIGN
	01/09/2025	PLANNING SUBMITTAL 2
△1	03/06/2025	TECH REVIEW COMMENTS
△1	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485

Drawn By: BD

Reviewed By: RN

Scale 1/2" = 1'-0"

Drawing Title

EXTERIOR BUILDING RENDERS - NIGHT

Drawing No.

A804 △1



1 EXTERIOR NIGHT RENDER - VIEW FROM COURTYARD - UPDATED TO SHOW ROOF EQUIPMENT SCREENS - THIS VIEW OF THE SCREEN WOULD BE MUCH LESS VISIBLE FROM A VANTAGE POINT IN THE PASEO

RH

RH - LOS GATOS

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1	03/06/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

Project 59485

Drawn By: BD

Reviewed By: RN

Scale 1'2" = 1'-0"

Drawing Title

EXTERIOR BUILDING RENDERS - NIGHT

Drawing No.

A805 2





1 INTERIOR RENDERS

RH

RH - LOS GATOS

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1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

Project 5948S
Drawn By: BD
Reviewed By: RN
Scale 12" = 1'-0"

Drawing Title
INTERIOR BUILDING RENDERS

Drawing No.
A806





1 INTERIOR RENDERS

RH

RH - LOS GATOS

Project Address

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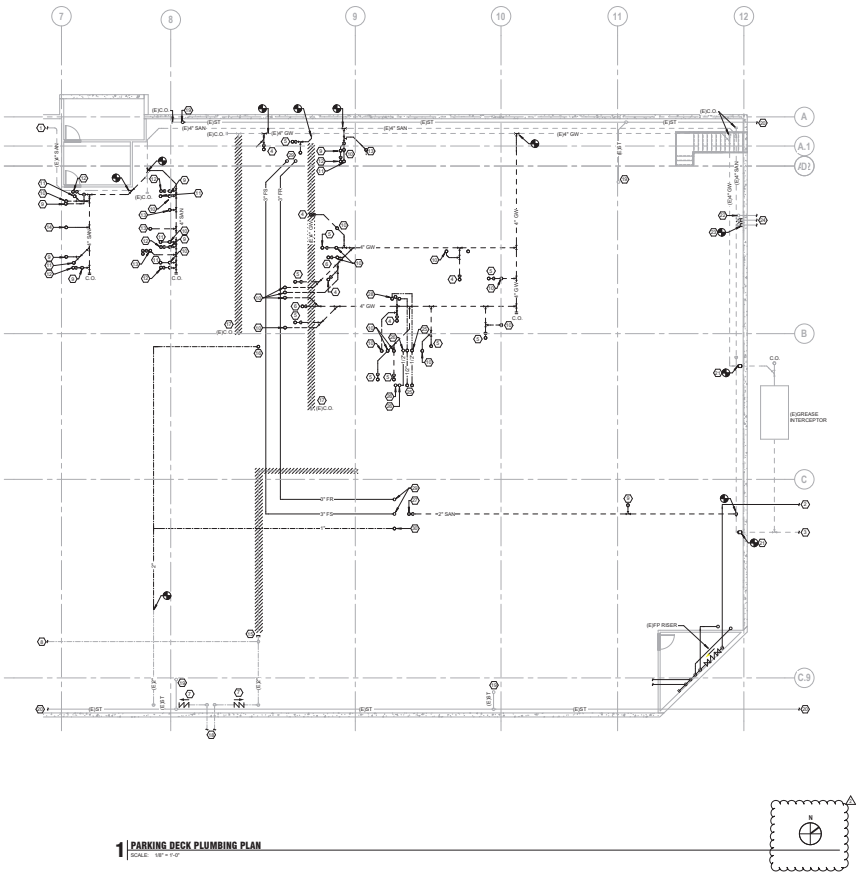
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1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

Project 5948S
Drawn By: BD
Reviewed By: RN
Scale 12" = 1'-0"

Drawing Title
INTERIOR BUILDING RENDERS

Drawing No.
A807



1 **PARKING DECK PLUMBING PLAN**
SCALE: 1/8" = 1'-0"

KEYED NOTES:

1. EXISTING 4" SANITARY LINE CUT INTO PARKING DECK PAST THIS LOCATION.
2. APPROXIMATE LOCATION OF EXISTING FIRE PROTECTION PIPING INTO BUILDING.
3. EXISTING 4" SANITARY OUT OF BUILDING AT THIS LOCATION.
4. 4" GREASE WASTE PIPE WITH P-TRAP AND TRAP SEAL UP TO FLOOR DRAIN.
5. 4" GREASE WASTE PIPE WITH P-TRAP AND TRAP SEAL UP TO FLOOR SINK.
6. 4" GREASE WASTE PIPE WITH P-TRAP AND TRAP SEAL UP TO TROUGH DRAIN.
7. EXISTING DOMESTIC WATER BACKFLOW PREVENTER.
8. EXISTING 2" DOMESTIC COLD WATER PIPE TO ADJACENT TENANT BUILDING TO REMAIN.
9. 1-1/2" SANITARY VENT UP THROUGH FLOOR.
10. 2" SANITARY VENT UP THROUGH FLOOR.
11. 4" SANITARY UP THROUGH FLOOR TO WATER CLOSET.
12. 3" SANITIARY WITH P-TRAP AND TRAP PRIMER UP TO FLOOR DRAIN.
13. 1-1/2" SANITARY UP THROUGH FLOOR.
14. 2" SANITARY UP THROUGH FLOOR.
15. EXISTING DOMESTIC COLD WATER PIPE PAST CAPPED PIPE TO BE REMOVED.
16. 3" DOMESTIC COLD WATER UP THROUGH FLOOR.
17. EXISTING 4" GREASE WASTE PIPE MAIN AND ALL ASSOCIATED PIPING TO BE REMOVED.
18. DOMESTIC WATER OUT TO CIVIL CONNECTION.
19. EXISTING STORM PIPING UP THROUGH SLAB.
20. APPROXIMATE LOCATION OF STORM DRAINAGE EXITING PARKING DECK.
21. INSTALL 4" ZURN MODEL #Z1390 BACKWATER VALVE IN THIS LOCATION.
22. EXISTING GAS PIPING INTO SPACE AT THIS LOCATION. LOCATION OF EXISTING PIPE TO BE VERIFIED IN FIELD; VERTICAL PIPE RISE WILL NEED TO BE REMOVED IN EVENT VERTICAL RISE DOES NOT ALIGN WITH A NEW WALL/CHASE.
23. UNUSED GAS PIPING INTO SPACE TO BE REMOVED. CAP GAS PIPING FROM EXISTING UNUSED METERS.
24. EXISTING GAS PIPING OUT TO RESPECTIVE METERS.
25. 1/2" DOMESTIC HOT & COLD WATER UP THROUGH FLOOR. REFER TO P102 FOR CONTINUATION.
26. 1/2" FILTERED WATER PIPE UP THROUGH FLOOR. REFER TO P102 FOR CONTINUATION.
27. 2" SANITARY PIPE WITH P-TRAP AND TRAP PRIMER CONNECTION UP TO FOUNTAIN OVERFILL DRAIN.
28. 1-1/2" GREASE WASTE PIPE, 1/2" DOMESTIC HOT AND COLD WATER UP THROUGH FLOOR.
29. 3" FOUNTAIN SUPPLY & RETURN PIPING UP THROUGH FLOOR.
30. 1" DOMESTIC COLD WATER UP THROUGH FLOOR.

RH

RH - LOS GATOS

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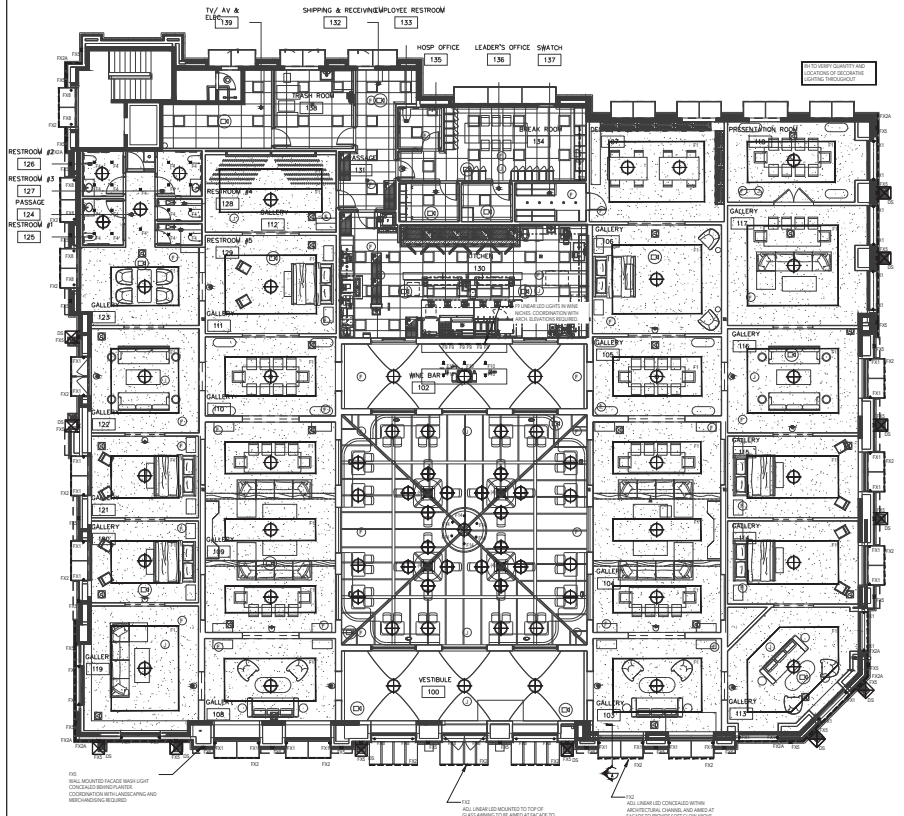
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No.	Date	Issue/ Revised
1	03/05/2025	TECH REVIEW COMMENTS
2	05/21/2025	TECH REVIEW COMMENTS 2

Project: 59485
Drawn By: WEV IV
Reviewed By: WEV III
Scale: 1/8" = 1'-0"

Drawing Title
PARKING DECK PLUMBING PLAN

Drawing No.
P100 2



1 LIGHTING LAYOUT
1/8" = 1'-0"

ARCHITECTURAL LIGHTING DESIGN NOTES

NOTES TO ALL BIDDERS

1. General Contractor (GC) and Electrical Contractor (EC) are responsible for reviewing all plans and specifications, including allowances in bids for all lighting work. For any discrepancies or questions, contact the Lighting Designer for clarification.

NOTES TO GENERAL CONTRACTOR

1. All recessed lighting trims and flanges must match the surrounding ceiling finish. GC to confirm which trims require painting with the Architect, Interior Designer, and Lighting Designer before installation. Painted trims must remain removable.
2. GC to review lighting plans and include supply and installation of blocking, lenses, optical accessories, paint treatments, and special requirements as outlined in the lighting plans and details.
3. Millwork shop drawings must be submitted for fixture placement approval before installation.
4. GC must provide safety plans to EC and flag underground lines before trenching if applicable.
5. Adequate drainage must be installed around all direct burial transformers and recessed in-grade fixtures.

NOTES TO ELECTRICAL CONTRACTOR

1. EC to install all lighting fixture accessories (lamps, louvers, lenses, gels, baffles, etc.) before the final aim and adjustment.
2. EC to provide ladders and lifts as needed.
3. Some work may be required at night or early morning to meet Owner, daylight and site conditions. Expect multiple fixture adjustments.
4. Installation of accessories (holders, louvers, lenses, filters) may occur after fixtures and trims are installed. Labor for this must be included in the bid.
5. Temporary lighting should be used wherever possible during construction.
6. Electrical contractor shall be responsible for furnishing and installing breaker panels as specified by the electrical engineer to provide power to all load controlled via local switches and/or dimmers.
7. EC must schedule control system turn-on/commissioning at least six weeks before project turnover. Lutron requires advance notice for commissioning.

METHOD OF SUPPLY

1. All lighting fixtures, lamps, and dimming systems will be supplied by the Owner (unless noted) and installed by EC.
2. All other electrical materials (switches, connectors, sensors, receptacles) to be supplied and installed by EC.
3. EC is responsible for receiving, inventorying, and safely storing all Owner-supplied equipment.
4. Lighting specifications and cut sheets are part of the bidding and construction documents.
5. EC must supply and install all exit and emergency lighting unless architectural fixtures are used for emergency lighting within the Lutron Athena system to meet state and local codes.

NOTES TO LIGHTING SUPPLIERS

1. Suppliers must furnish coordination, mock-ups, and site supervision as specified.
2. Supplier must provide on-site supervision and assist EC with:
   a. Fixture voltage requirements
   b. Fixture mounting heights, methods, and recess depth
   c. Fixture finish coordination
   d. Proper fixture placement and run length to avoid socket shadows and dead spots
   e. Installation and mounting coordination
   f. Ensuring all accessories are included
3. Prior to ordering, suppliers must confirm:
   a. Fixture finishes with the Architect/Interior Designer
   b. Voltage compatibility with the Electrical Engineer
   c. Compatibility of all ballasts and drivers with Lutron Athena system
   d. Quantity and size for all transformers required

LED SYSTEM NOTES

1. EC to follow manufacturer wiring and installation instructions.
2. EC must confirm that Lutron Athena dimming system is compatible with supplied LEDs, LED drivers, and dimmer modules.
3. A two-week on-site burn-in of all LED fixtures is required before turnover. Testing of power supplies is mandatory. EC must allocate time for troubleshooting before closing access.

DECORATIVE LIGHTING NOTES

1. Decorative fixtures (chandeliers, pendants, sconces) will be selected and supplied by the Architect/Owner. Electrical Engineer to coordinate voltage requirements.
2. Decorative floor and table lamps to be supplied by the Architect/Owner. EC to coordinate wattage requirements.

TRIMLESS FIXTURE NOTES

1. EC must install a sample trimless fixture for approval before proceeding with the remainder. Manufacturer installation guidelines must be followed.

GENERAL NOTES

1. Lighting design drawing s show intent. For specific details, refer to Architectural and Electrical drawings.
2. Fixture specifications are provided in the lighting schedule.
3. Code compliance calculations to be provided by Electrical Engineer.
4. Emergency lighting fixture locations to be determined by the Electrical Engineer.
5. EC to notify the Lighting Consultant of any field conditions that conflict with plans before installation.

CENTRALIZED DIMMING CONTROL SYSTEM DESIGN INTENT

1. Lutron Athena system to provide full dimming for all architectural and decorative lighting.
2. Master control station (keypad) with programmable scene presets and raise/lower functions to be installed.
3. System must communicate with Building Management System as required.
4. Two-year manufacturer warranty required, covering parts and service.
5. Lutron Athena control system to be used for exterior landscape and building-mounted lighting.

KEYPAD BUTTON CONFIGURATIONS & KEYPAD CONTROL NOTES



LUTRON 5 BUTTON ARCHITECTURAL SEE-TOUCH KEYPAD (QSWQ-5BN-WH). WITH LUTRON 5 BUTTON ENGRAVED FACEPLATE & BUTTON KIT (RKA-W5BSN-WH-E)

LUTRON 4 BUTTON ARCHITECTURAL SEE-TOUCH KEYPAD (QSWQ-4BN-WH). WITH LUTRON 4 BUTTON ENGRAVED FACEPLATE & BUTTON KIT (RKA-W4BSN-WH-E).

MASTER KEYPAD LOCATED IN MANAGER'S OFFICE

LOCAL KEYPAD LOCATED IN OFFICES, KITCHEN AND BACK OF HOUSE AREAS WITH KEYPAD SYMBOL

LUTRON SEQUENCE OF OPERATION

Contact lighting designer for dimming baseline levels, to be set on site by Lutron technician prior to gallery aim and focus.

Scene 1: DAY/ RETAIL: activates at 7:00am daily, 15 second fade-time. Interior lighting turns on at preset, dimmed levels determined by lighting designer and approved by RH. Exterior lighting turns off

Scene 2: NITE RETAIL: activates 15 minutes before sunset, 60 second fade-time. Exterior lighting turns on at preset, dimmed levels determined by lighting designer and approved by RH.

Scene 3: EVENING/RT: activates at 11pm. Most interior lighting turns off, lighting designer to determine overnight setting on site ahead of gallery opening.

Scene 4: EVENT: activates on demand during opening event. Lighting designer will determine custom setting approved by RH.

Scene 5: ALL ON: activates on-demand for cleaning, after hours. All lighting turns on at 80%.

LUTRON ON-SITE COMMISSIONING

1. Initial programming and startup visits by Lutron to include:
   a. Two after-hours focus/programming visits with Lighting Designer.
   b. One visit for troubleshooting and adjustments during opening event.
   c. One fine-tuning visit after opening.
2. One additional training session two weeks post-opening.
3. Lutron to confirm programming duration and troubleshooting requirements.
4. Lutron to coordinate standardized naming of control zones in Lutron Athena System.

BUILDING EXTERIOR LIGHTING DESIGN NARRATIVE

The exterior lighting design for RH Los Gatos enhances the architectural character of the building while adhering to the Town of Los Gatos Design Guidelines on light pollution mitigation, energy efficiency, and light trespass control.

Although uplighting is incorporated, precise beam control, shielding, and warm lighting has been implemented to ensure compliance with Los Gatos guidelines while maintaining a high-quality nighttime aesthetic.

1. Compliance with Los Gatos Design Guidelines:

The Town of Los Gatos Design Guidelines emphasize shielded, downward-facing lighting that prevents light spill and excessive brightness. The design follows these principles through:

- Shielded uplights with controlled optics and glare reduction.
- Warm (2700K), low-lumen LED sources to minimize blue light emissions.
- Dimmable fixtures to allow adaptive brightness levels.

These measures ensure that light remains focused on the facade and landscape without contributing to skyglow. All lighting is focused and controlled to prevent spillage beyond the building envelope.

2. Thoughtful Fixture Selection for Targeted Lighting:

Four fixtures have been specified to provide precise and responsible illumination:

- FX1 (HK Lighting) – A fixed single-uplight with hexcell louver and glare shield, directing a 25° beam to the facade while preventing upward spill.
- FX2 (Winona Lighting) – A low-voltage LED uplight with a 60° optic, allowing precise architectural illumination while reducing stray light.
- FX5 (ERCO Kubus) – A shielded facade luminaire with non-reflective safety glass, minimizing unnecessary glare.
- FX8 (HK Lighting) – A grade-recessed LED uplight (12° optic) for landscape lighting, fully integrated into the ground within door jambs to prevent glare and excess light trespass.

These fixtures align with Los Gatos' requirements by ensuring light does not produce glare or direct illumination into the sky. Los Gatos guidelines recommend <3000K color temperatures to minimize blue light pollution and reduce nighttime disruption. Low-lumen, warm (2700K) LED fixtures have been selected for this building. Refer to the specification package for details. No fixtures will illuminate the sidewalks or adjacent public spaces. Lighting is strictly focused on architectural elements.

3. Energy Efficiency & Adaptive Light Levels:

- All fixtures are dimmable, allowing brightness adjustments to prevent over-lighting.
- Low-wattage LED sources (< 9W/ft² - 189 per fixture) reduce energy consumption, supporting the town's energy efficiency goals.
- Time-controlled operation ensures lighting is only used when necessary, further limiting waste and skyglow. Dimming capability is implemented across all fixtures to allow fine-tuned control of light output.

This approach aligns with Los Gatos' advocacy for energy-efficient, adjustable lighting solutions.

4. Compliance with Local & Dark Sky Standards:

By incorporating shielded uplighting, controlled optics, and warm color temperatures, our design complies with:

- Town of Los Gatos Outdoor Lighting Guidelines.
- California Title 24 Energy Code for exterior lighting efficiency.
- International Dark-Sky Association (IDA) recommendations for reducing skyglow and light trespass. The design ensures that all light remains contained within the property and does not affect public spaces or neighboring properties.

Conclusion: A Responsible Approach to Architectural Uplighting

Despite the use of uplights, our lighting design ensures compliance with Los Gatos' lighting policies, reduces light pollution, and preserves the night sky. Through precision optics, shielding, warm color temperatures, and dimmable controls, this project strikes a balance between effective architectural illumination and environmental responsibility.

Our lighting approach ensures:

- Minimal skyglow and light trespass.
- Fully shielded fixtures that focus light only where needed.
- Energy-efficient, dimmable sources for sustainability.
- Support for Los Gatos' commitment to responsible exterior lighting.
- No light will spill onto sidewalks or public right-of-way.
- Focused light will only highlight architectural features.
- All fixtures are dimmable for maximum control and adaptive use.

LIGHTING LEGEND

TYPE	SYMBOL	DESCRIPTION	LOCATION
F1	▬	SURFACE MOUNTED SINGLE CIRCUIT TRACK	RETAIL THROUGHOUT
F2	▶	ADJUSTABLE TRACK HEAD	RETAIL THROUGHOUT
F4	■	3" SQUARE RECESSED DOWNLIGHT	RESTROOMS, PASSAGES
F9	▬▬	1'MILLWORK INTEGRATED LED STRIP LIGHT	WINE BAR, BREAK ROOM
F10	▲	ADJUSTABLE MONOPOINT ACCENT LIGHT	WINE BAR
F14	●	WEIGHTED BASE UNDERWATER ACCENT LIGHT	CAFE CENTRAL FOUNTAIN
FX1	▶	JAMB MOUNTED ACCENT LIGHT	FACADE, DOOR AND WINDOW JAMBS
FX2	▬▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE AWNINGS
FX2A	▬▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE, CORNICE
FX5	■	WALL MOUNTED FACADE WASH LIGHT	FACADE
FX7	▲	STAKE MOUNTED TREE UPLIGHT	CAFE TREES
FX8	●	GRADE RECESSED UPLIGHT	MAIN ENTRY DOOR JAMBS
DS	⊠	DECORATIVE SCONCE	FACADE

NOTES FOR ZONING AND LIGHTING CONTROLS:

1. ALL BUILDING LIGHTING TO BE DIMMABLE, INCLUDING ARCHITECTURAL AND DECORATIVE (MERCHANDISE) LIGHTING.
2. ONE ZONE PER 11' TYPE, FOR INSTALLATION LOCATION OR CONDITION (UNLESS OTHERWISE NOTED ON DRAWINGS).

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www.rkv-design.com
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NOTES FOR GENERAL CONTRACTOR:

1. General Contractor (GC) and Electrical Contractor (EC) will be responsible for verification of all dimensions, specifications and coordination with related trades and subcontractors.
2. GC to paint downlight trims to match ceiling per architects direction. Ensure trims can be removed after painting and do not stick.
3. GC to furnish and install adequate drainage around all direct burial transformers and recessed in-grade light fixtures.
4. GC to notify designer of any conflict with mechanical, electrical, plumbing, HVAC or structural presence or any conflicting dimensions or site conditions prior to commencement of work.
5. GC is responsible for notifying designer of any inconsistencies between design drawings and other documents.
6. Do not scale drawings.

GENERAL NOTES:

1. Lighting Design drawings and dimensions are for design intent only. Coordination with Architectural Drawings required.
2. Fixture types and specifications available in accompanying Specification packet.
3. Calculations for code compliance to be provided by Electrical Engineer.
4. Emergency lighting requirements to be completed by Electrical Engineer.

REV.	DATE	DESCRIPTION
	10.23.2024	FOR REVIEW
	11.22.2024	100% SCHEMATIC DESIGN
	01.10.2025	PLANNING REVIEW
1	02.21.2025	100% DD
2	03.05.2025	TECH REVIEW COMMENTS
	04.25.2025	50% CD
3	05.21.2025	TECH REVIEW COMMENTS 2

PROJECT:

RH LOS GATOS

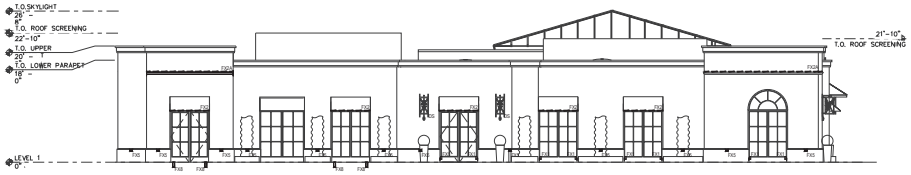
35 UNIVERSITY BLVD,
LOS GATOS, CA 95030

DRAWING TITLE:

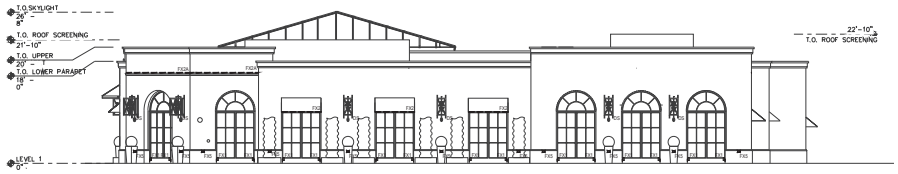
LIGHTING LAYOUT

SHEET:

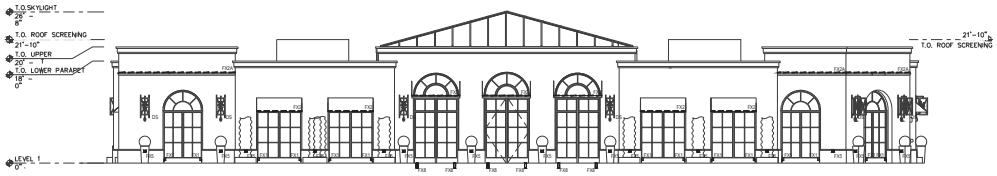
LT-1.0



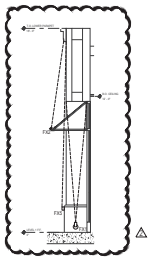
1 WEST ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



A SECTION: EXTERIOR WALL
1/4" = 1'-0"

NOTES FOR ZONING AND LIGHTING CONTROLS:

1. ALL BUILDING LIGHTING TO BE DIMMABLE, INCLUDING ARCHITECTURAL AND DECORATIVE(MERCHANDISE) LIGHTING.
2. ONE ZONE PER "F" TYPE, PER INSTALLATION. LOCATION OR CONDITION (UNLESS OTHERWISE NOTED ON DRAWINGS).

LIGHTING LEGEND

TYPE	SYMBOL	DESCRIPTION	LOCATION
F1	▬▬	SURFACE MOUNTED SINGLE CIRCUIT TRACK	RETAIL THROUGHOUT
F2	▸	ADJUSTABLE TRACK HEAD	RETAIL THROUGHOUT
F4	■	3" SQUARE RECESSED DOWNLIGHT	RESTROOMS, PASSAGES
F9	▬▬	MILLWORK INTEGRATED LED STRIP LIGHT	WINE BAR, BREAK ROOM
F10	▲	ADJUSTABLE MONOPOINT ACCENT LIGHT	WINE BAR
F14	●	WEIGHTED BASE UNDERWATER ACCENT LIGHT	CAFE CENTRAL FOUNTAIN
F61	▸	JAMB MOUNTED ACCENT LIGHT	FACADE, DOOR AND WINDOW JAMBS
F62	▬▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE AWNINGS
F62A	▬▬	SURFACE MOUNTED LINEAR LED UPLIGHT	FACADE, CORNICE
F65	▣	WALL MOUNTED FACADE WASH LIGHT	FACADE
F67	➹	UTAKE MOUNTED TREE UPLIGHT	CAFE TREES
F98	▪	GRADE RECESSED UPLIGHT	MAIN ENTRY DOOR JAMBS
D5	⊠	DECORATIVE SCONCE	FACADE

rkv DESIGN
23823 MALIBU ROAD
SUITE 50 - 212
MALIBU, CA 90265
www.rkv-design.com
+1 310 924 2185

NOTES FOR GENERAL CONTRACTOR:

1. General Contractor (GC) and Electrical Contractor (EC) will be responsible for verification of all dimensions, specifications and coordination with related trades and subcontractors.
2. GC to paint downlight trims to match ceiling per architects direction. Ensure trims can be removed after painting and do not stick.
3. GC to furnish and install adequate drainage around all direct burial transformers and recessed in-grade light fixtures.
4. GC to notify designer of any conflict with mechanical, electrical, plumbing, HVAC or structural presence or any conflicting dimensions or site conditions prior to commencement of work.
5. GC is responsible for notifying designer of any inconsistencies between design drawings and other documents.
6. Do not scale drawings.

GENERAL NOTES:

1. Lighting Design drawings and dimensions are for design intent only. Coordination with Architectural Drawings required.
2. Fixture types and specifications available in accompanying Specification packet.
3. Calculations for code compliance to be provided by Electrical Engineer.
4. Emergency lighting requirements to be completed by Electrical Engineer.

REV.	DATE:	DESCRIPTION:
	10.23.2024	FOR REVIEW
	11.22.2024	100% SCHEMATIC DESIGN
	01.10.2025	PLANNING REVIEW
	02.21.2025	100% DD
1	03.05.2025	TECH REVIEW COMMENTS
	04.25.2025	50% CD
2	05.21.2025	TECH REVIEW COMMENTS 2

PROJECT:

RH LOS GATOS

35 UNIVERSITY BLVD,
LOS GATOS, CA 95030

DRAWING TITLE:

EXTERIOR
LTG ELEVATIONS +
SECTION

SHEET:

LT-2.0

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From: Demetra Jennings [redacted]
Sent: Tuesday, March 25, 2025 2:01 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Support for Restoration Hardware Proposal on University Avenue

[EXTERNAL SENDER]

To the Members of the Los Gatos Historic Preservation Committee,

My name is Demetra Jennings, and I'm the owner of Nimbus Salon on Main & University. I've been a proud business owner in Los Gatos for over 32 years.

I'm excited to hear that Restoration Hardware is considering an investment in our town with a proposed multi-use store and restaurant on University Avenue. I believe this project has the potential to bring new life to the Old Town area and be a catalyst for revitalization. The proposed design is both elegant and respectful of the area's charm–an attractive addition to our community.

Restoration Hardware would be a great fit for Los Gatos. Many of my clients are already fans of RH and shop at their location in Palo Alto. The idea of having one here has generated a lot of enthusiasm.

Given the economic uncertainty we've all faced in recent years, it's encouraging to see a well-regarded brand like RH wanting to invest in our town. I urge the Historic Preservation Committee, the Planning Commission, and the Town Council to support this proposal.

Thank you for your time and consideration.

Warm regards,
Demetra Jennings
Owner, Nimbus Salon
65 W Main Street, Los Gatos CA

LOS GATOS CHAMBER of COMMERCE

May 16, 2025

Los Gatos Town Council
110 East Main Street
Los Gatos, CA 95030

Dear Mayor and Los Gatos Town Council Members:

On behalf of the Board of Directors of the Los Gatos Chamber of Commerce, I respectfully submit our robust support for the Restoration Hardware Gallery & Restaurant Project as currently proposed. We believe this project will bring lasting economic, branding, and placemaking benefits to Los Gatos—aligning with the Chamber's commitment to responsible growth and a vibrant, prosperous business community.

First and foremost, this project is expected to deliver meaningful economic impact. Restoration Hardware Restaurants, on average, generate over $10 million in annual revenue, translating to a significant and sustained source of sales tax revenue for the Town of Los Gatos. The Gallery & Restaurant will also draw increased foot traffic downtown, directly benefiting surrounding shops, restaurants, and service providers. In addition, the project will create new retail and hospitality jobs, expanding employment opportunities within our community.

Beyond these direct financial benefits, the presence of a high-profile, flagship Restoration Hardware will elevate the Los Gatos brand as a premier retail and lifestyle destination in Silicon Valley and the Bay Area. It will attract a design-conscious and food-oriented customer base—visitors who are likely to explore all that Los Gatos has to offer. The project's synergy with nearby design and lifestyle businesses reinforces our growing reputation as a hub for home, décor, and luxury experiences.

Equally important, this highly visible site revitalizes a long-underutilized corner of Old Town that has remained dormant since The Gap's departure. We also believe the provisions of the Planned Development approval from 25 years ago—particularly those requiring the building to appear as three separate facades—are now outdated. We support the proposed modification to unify the exterior design, as it better reflects the

needs of a single, high-quality tenant and enhances architectural cohesion while remaining consistent with our town's historic charm. The project will transform the site into an engaging retail and dining anchor. We believe the architectural design is elegant, welcoming, and well-aligned with the distinctive aesthetic and high standards of downtown Los Gatos.

In summary, the Restoration Hardware Gallery & Restaurant Project is a rare opportunity to bring lasting value to Los Gatos. It activates underused space, supports surrounding businesses, strengthens our identity as a design-forward town, and contributes to the long-term health of our downtown economy. For these reasons, we urge the Town Council to approve this project.

Sincerely,
Jennifer Lin
Chief Executive Officer

On behalf of the Board of Directors
Los Gatos Chamber of Commerce

From: CC 2013 [redacted]
Sent: Tuesday, August 19, 2025 4:44 PM
To: Planning <Planning@losgatosca.gov>; Erin Walters <EWalters@losgatosca.gov>
Subject: Restoration Hardware Project in Los Gatos

[EXTERNAL SENDER]

Dear Members of the Planning Commission,

I'm writing to express my strong support of Restoration Hardware (RH) locating a store and restaurant at 31 University Avenue, Los Gatos.

This project is an exciting opportunity to bring new life and energy to the Old Town area. I've seen the proposed RH design, and I think it is an elegant interpretation of Los Gatos' historic charm. The RH project would definitely be a classy and elevating addition to our downtown!

I'm convinced that the RH space would draw people to downtown to shop and dine – not only at RH, but also at Los Gatos small businesses and restaurants. The RH location in Palo Alto is very popular, and the prospect of having a similar location in Los Gatos is very exciting to me and to my neighbors.

With the large number of new housing units being added in Los Gatos, a large gathering space like the RH project is much-needed. The city of Los Gatos is growing. This is the time to add a sophisticated space like the proposed RH project to attract residents and visitors to the downtown area and bolster the local economy.

For these reasons, I strongly encourage you to support the RH proposal at 31 University Avenue. This is a great opportunity to strengthen the heart of our community and ensure that our downtown remains a vibrant, welcoming place for years to come.

Sincerely,

Carol Custer

From: Christian Arrieta <[redacted]
Sent: Tuesday, August 19, 2025 4:50 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger <[redacted]
Subject: Support for Restoration Hardware at Los Gatos

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

- increasing the economy because of providing jobs and sales tax revenue
- great foot traffic and higher profile as a retail, design, and dining destination
- provide unique amenities for residents and add to the charm of Los Gatos

Thank you,

Christian Arrieta
FINANCIAL ANALYST
Federal Realty
[redacted]
356 Santana Row, Suite 1005
San Jose CA 95128
[redacted]

From: David J. Thomas <[redacted]>
Sent: Tuesday, August 19, 2025 5:02 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]>
Subject: Restoration Hardware- Old Town Los Gatos

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy by providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

Thank you for your consideration.

David J. Thomas
DIRECTOR, LEASING
Federal Realty
[redacted]
830 S. Pacific Coast Highway
Suite 204
El Segundo CA 90245
[redacted]

From: Shiella Kitagawa <[redacted]>
Sent: Tuesday, August 19, 2025 5:04 PM
To: Erin Walters <EWalters@losgatosca.gov>; Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>
Cc: Annette Badger <[redacted]>; CAD Design Studio <[redacted]>
Subject: Support for Restoration Hardware at Los Gatos

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

Thank you!

FEDERAL 1962

Shiella Kitagawa
SENIOR DIRECTOR, DESIGN
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Soo Yi <[redacted]
Sent: Tuesday, August 19, 2025 5:08 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]>
Subject: Support for Restoration Hardware at Los Gatos

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

Thank you,

FEDERAL 1962

Soo Yi
DIRECTOR, DESIGN
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Bob Franz <[redacted]>
Sent: Tuesday, August 19, 2025 5:36 PM
To: Erin Walters <EWalters@losgatosca.gov>; Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>
Cc: Annette Badger [redacted]
Subject: RH

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

FEDERAL 1962

Bob Franz
VICE PRESIDENT, WEST COAST ACQUISITIONS
Federal Realty
[redacted]
6263 N Scottsdale Rd Suite 167
Scottsdale AZ 85250
[redacted]

From: Kerry Bruce [redacted]
Sent: Tuesday, August 19, 2025 6:42 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>
Subject: Town of Los Gatos - Restoration Hardware

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to the Town of Los Gatos in the following ways:

- Increasing the economy by providing jobs and sales tax revenue
- Creating higher foot traffic for the Town of Los Gatos and adding to the destination retail and dining
- Providing a unique amenity for residents and adding to the charm of Los Gatos

Thank you,

Kerry

Kerry Bruce
REGIONAL PROPERTY MANAGER
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Robert Aguirre [redacted]
Sent: Tuesday, August 19, 2025 7:46 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; [redacted]
Subject: Restoration Hardware Los Gatos Support

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission-

I support RH relocating to University Avenue in Los Gatos and genuinely believe the new gallery and restaurant would be a great addition to the town.

RH would bring new jobs and boost the local economy, in addition to drawing more people into Los Gatos, helping other businesses, shops, and restaurants, and increasing overall visibility as a destination for retail and dining.

The amenities RH offers would add a unique experience for residents and visitors, aligned with, yet enhancing the character we all love about Los Gatos.

Sincerely,
Robert Aguirre

From: Loan Vo [redacted]
Sent: Wednesday, August 20, 2025 7:37 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]
Subject: Restoration Hardware

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

Thank you for your consideration.

Sincerely,

Loan Vo

FEDERAL 1962

Loan Vo
ASSOCIATE ACCOUNTING MANAGER
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Brent Gardner [redacted]
Sent: Wednesday, August 20, 2025 8:23 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger <[redacted]>
Subject: Support for Restoration Hardware

[EXTERNAL SENDER]

I am writing to express my support for Restoration Hardware coming to Los Gatos. While I work for the landlord on this project, I am also a local resident who regularly spends time in Los Gatos and at Restoration Hardware (when afforded the ability to do so), and I believe this would be a tremendous addition to one of the cores of Los Gatos. The presence of Restoration Hardware will bring meaningful benefits to the community by creating new jobs, generating increased sales tax revenue, and strengthening the local economy. It will also help drive greater foot traffic to downtown supporting all businesses, further establishing Los Gatos as a premier retail, design, and dining destination. Beyond the economic and business impact, Restoration Hardware will provide unique amenities and experiences that enhance the quality of life for residents while adding to the character and charm that make Los Gatos so special. I truly believe Restoration Hardware will be an asset to the community and will contribute positively to the vitality of Los Gators for years to come.

Sincerely,

Brent

Brent Gardner
VICE PRESIDENT-GENERAL MANAGER, SANTANA ROW
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Annette Badger [redacted]
Sent: Wednesday, August 20, 2025 9:21 AM
To: Erin Walters <EWalters@losgatosca.gov>; Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>
Subject: FW: SUPPORT FOR RESTORATION HARDWARE

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

FEDERAL 1962

Annette Badger
DIRECTOR, CONSTRUCTION AND TENANT SERVICES
Federal Realty
[redacted]
5500 Grossmont Center Dr Suite 213
La Mesa CA 91942
[redacted]

From: Kim Davis [redacted]
Sent: Wednesday, August 20, 2025 9:36 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Sean Mullin <SMullin@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger <[redacted]>; Amy Bischel [redacted]>; Robert Aguirre [redacted]
Subject: I Support Restoration Hardware to The Town of Los Gatos, CA

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

As a local surrounding resident:

I am in support of the anticipation of the arrival of Restoration Hardware coming to The Town of Los Gatos.

Restoration Hardware will add value and contribute to the over-all unique charm, with retail shopping and dining experiences, in which The Town of Los Gatos is known for offering to the Local community, Monterey County, Silicon Valley, San Francisco Bay Area and outside visitors, for the reasons outlined below:

1) Increase the local economy with jobs, which will increase sales tax and revenue for The Town of Los Gatos.

2) Contribute to the high-profile foot traffic for the retail design, due to each Restoration Hardware location providing a unique, aesthetic and ambiance amenities with high standards to add high value to any community.

3) Each Restoration Hardware will contribute to the local shopping and dining experience by offering each location with a custom distinctive one-of-a-kind showroom and dining experience, to add value to the local community, Silicon Valley, San Francisco Bay Area residents, and outside visitors, by offering high-standard ambiance amenities, and charm in which The Town of Los Gatos has earned its reputation as a desirable town for business owners, residents, and visitors.

In closing, I welcome and believe Restoration Hardware will be a wonderful asset to add continued value to The Town of Los Gatos and the surrounding communities.

Kind Regards,

Kim Davis

Administrative Assistant, Tenant Coordination

Federal Realty

[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]



Kim Davis
ADMINISTRATIVE ASSISTANT
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Jackson Chacon <[redacted]
Sent: Wednesday, August 20, 2025 9:43 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>
Subject: Support for Restoration Hardware

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

FEDERAL 1962

Jackson Chacon
OPERATIONS COORDINATOR
Federal Realty
[redacted]
5500 Grossmont Center Dr Suite 213
La Mesa CA 91942
[redacted]

From: Jesus Alvarez [redacted]
Sent: Wednesday, August 20, 2025 10:15 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]
Subject: Support for RH

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

FEDERAL 1962

Jesus Alvarez
OPERATIONS COORDINATOR
Federal Realty
[redacted]
830 S. Pacific Coast Hwy.
Suite 204
El Segundo CA 90245
[redacted]

From: Nakeysa Cole [redacted]>
Sent: Wednesday, August 20, 2025 12:19 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Annette Badger [redacted]m>; Sean Mullin <SMullin@losgatosca.gov>; Monica Renn <mrenn@losgatosca.gov>
Subject: SUPPORT FOR RESTORATION HARDWARE!!!

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

Respectfully,

FEDERAL 1962

Nakeysa Cole
Concierge Manager
Federal Realty Investment Trust
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Smithjulieanne [redacted]
Sent: Wednesday, August 20, 2025 12:56 PM
To: Planning <Planning@losgatosca.gov>; Erin Walters <EWalters@losgatosca.gov>
Subject: Support for Restoration Hardware project

[EXTERNAL SENDER]

Dear Members of the Planning Commission and Town Council,

I am writing to share my strong support for the Restoration Hardware (RH) proposal at 31 University Avenue. This project represents a unique opportunity to bring new life, energy, and investment into Old Town Los Gatos.

RH's elegant design respects the area's historic character while adding vitality and a sense of destination. Their presence will not only draw residents and visitors downtown, but also create meaningful spillover for surrounding small businesses. Many locals already shop at RH in Palo Alto, and having one here would give our community a vibrant, high-quality gathering place.

After years of economic challenges, it is encouraging to see a respected brand choose to invest in Los Gatos. Approving this project will help ensure our downtown remains welcoming, dynamic, and a source of pride for residents and visitors alike.

For these reasons, I urge you to approve the RH proposal at 31 University Avenue.

Regards,

Julie Smith

[redacted]

From: Lee Ann Wade [redacted]
Sent: Wednesday, August 20, 2025 3:26 PM
To: Planning <Planning@losgatosca.gov>; Erin Walters <EWalters@losgatosca.gov>
Subject: Restoration Hardware Proposal

[EXTERNAL SENDER]

I'm writing to voice my strong support for the proposed Restoration Hardware store and restaurant at 31 University Ave. RH's sophisticated design will inject new life and energy into our downtown. This project will draw more visitors to Old Town and create a synergy that will also benefit the many small businesses in the area. Given the current economic climate, this is a much-needed investment in our community's future. I urge you to approve this project and help create a more vibrant and welcoming downtown for Los Gatos.

Thank you,
Lee Ann Wade

Resident Los Gatos 27 years

From: Kyle Buck [redacted]
Sent: Wednesday, August 20, 2025 3:31 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: [redacted]; Sean Mullin <SMullin@losgatosca.gov>; Monica Renn <mrenn@losgatosca.gov>
Subject: RH Los Gatos

[EXTERNAL SENDER]

To Whom it May Concern -

I am writing to express my support for the proposed addition of a new RH in the town of Los Gatos. As a resident in the neighboring community and employee at a large tech company in town I am invested in the growth and character of our community. I believe this project represents a unique opportunity to enhance the economic vitality, cultural appeal, and architectural charm of our town.

Bringing RH to Los Gatos would elevate our local profile, offering a high-end yet approachable gathering place for both residents and visitors. I regularly host international visitors from my team at the Palo Alto RH restaurant, and would appreciate the opportunity to do so in our town.

From an economic standpoint, the project would generate new jobs, increase tax revenue, and drive more foot traffic to the small businesses in town. The restaurant component would add to Los Gatos' vibrant culinary scene, providing a sophisticated dining experience that complements our town's upscale and creative spirit.

Thank you for considering this exciting opportunity. I strongly encourage the Town Council to support the development of the RH store and restaurant in Los Gatos and to view it as a positive step forward in our town's continued evolution.

Sincerely,

Kyle Buck

From: Lora Vrastil [redacted]
Sent: Wednesday, August 20, 2025 3:58 PM
To: Erin Walters <EWalters@losgatosca.gov>; Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>
Subject: Restoration Hardware

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission

I'm very excited about Restoration Hardware coming to Los Gatos and hope you will support them. It's a fantastic retail and dining destination for the residents of Los Gatos!

Lora

From: Aaron Nelson [redacted]
Sent: Wednesday, August 20, 2025 4:39 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>
Subject: Support for Restoration Hardware

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

It's a great store and will help boost the economy and fill the now empty space on University Ave. , will bring jobs and better atmosphere to that corner of the town. Thank you

Sent from my iPhone

Aaron Nelson
MAINTENANCE TECHNICIAN
Federal Realty

356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Anthony Perez [redacted]
Sent: Wednesday, August 20, 2025 4:47 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]
Subject: Restoration Hardware

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

Anthony Perez
SENIOR MANAGER OF OPERATIONS
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Jeff Kreshek [redacted]
Sent: Wednesday, August 20, 2025 4:51 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]
Subject: Restoration Hardware - Los Gatos

[EXTERNAL SENDER]

Dear Commissioner Walters,

I am writing this email in enthusiastic support of the new RH store at Old Town Center in Los Gatos. As the Western Region President for Federal Realty, I have been intimately involved in this asset for the past fifteen years. I have worked closely with various stakeholders throughout the Los Gatos to deliver a high quality project that we can all be proud of. In RH you have an existing tenant that sees the value of a community such as Los Gatos, but also realizes that the customer they serve deserves their very best presentation. RH (and Federal Realty) wants to put their best foot forward and wants to offer their guests the best experience possible. Frankly, this is something that the residents of Los Gatos deserve.

As for Federal Realty's position in this matter, as the Landlord, we have expended tremendous effort to try to elevate Los Gatos to a project we could say represents a quality offering, without compromising the integrity of the community or the project. From Teleferic, a new local favorite, to Blue Bottle or RH, we have been surgical and strategic in the type of tenancy we have pursued, and who we have transacted with. The decision to pursue the new RH concept for Los Gatos is consistent with all of our prior efforts, and a benchmark for our future efforts to keep Old Town Center, and Downtown Los Gatos vibrant.

I would be happy to answer any questions, but strongly encourage you to approve the RH Planning Commission Application.

Jeff Kreshek
SVP, WESTERN REGION PRESIDENT & CHIEF OPERATING OFFICER
Federal Realty
[redacted]
830 S Pacific Coast Hwy Suite 204
El Segundo CA 90245
[redacted]

From: Hashem Karoum [redacted]
Sent: Thursday, August 21, 2025 9:25 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]
Subject: SUPPORT FOR RESTORATION HARDWARE!!!

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

Hashem Karoum
DIRECTOR, DIVISIONAL COUNSEL
Federal Realty
[redacted]
830 S. Pacific Coast Highway
Suite 204
El Segundo CA 90245
[redacted]

From: Melanie Novack Piziali [redacted]
Sent: Thursday, August 21, 2025 9:36 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: RH Restaurant Support

[EXTERNAL SENDER]

Dear Erin,

I am an engaged member of our Los Gatos community and I am writing to express my enthusiastic support for Restoration Hardware developing a store and restaurant at 31 University Ave. RH's elegant design would bring fresh energy and vitality to Old Town attracting visitors downtown and also supporting nearby small businesses. In our current economic uncertainty, this is exactly the kind of investment our community needs. Please approve this project so Los Gatos can have an even more vibrant & welcoming downtown.

Thank you for your time,

Melanie Piziali

[redacted]

Los Gatos 95030

From: Jennifer Appleton [redacted]
Sent: Thursday, August 21, 2025 9:46 AM
To: Planning <Planning@losgatosca.gov>; Erin Walters <EWalters@losgatosca.gov>
Subject: Support for Restoration Hardware Development at 31 University Ave

[EXTERNAL SENDER]

Dear Commissioner Walters,

I am writing to voice my strong support for the proposed Restoration Hardware store and restaurant at 31 University Avenue. RH's elegant design and elevated concept would bring new life and energy to Old Town, creating a destination that attracts both residents and visitors to our downtown.

This project will not only enhance the character of Los Gatos but also provide a meaningful boost to nearby small businesses through increased foot traffic and economic activity. Especially during times of economic uncertainty, thoughtful investment like this helps strengthen our community and ensures our downtown remains vibrant and welcoming.

I encourage you to approve this project so Los Gatos can continue to thrive with a downtown that reflects both our history and our future.

Sincerely,

Jennifer Appleton

[redacted]

From: Christian Irwin [redacted]
Sent: Thursday, August 21, 2025 10:11 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; smullins@losgatosca.gov; Annette Badger [redacted]
Subject: Support of RH project in Town of Los Gatos

[EXTERNAL SENDER]

Hi Erin,

I'm reaching out to voice my support for the proposed RH project in the Town of Los Gatos. I head up leasing for the Western Region at Federal Realty and have been intimately involved in our efforts to attract high quality retailers and enhance the vibrancy of our property, Old Town Los Gatos. We have been working to improve Old Town for years by bringing several impactful retailers and food & beverage operators including Teleferic Barcelona, Sephora, Salt & Straw, Blue Bottle, and Warby Parker to name a few. Each of these decisions were made with a keen eye on adding retailers that would not only resonate with the local customer, but also be a valuable addition to the Los Gatos community.

I strongly feel that adding RH Galleria with a food and beverage component aligns with our efforts to date and will be additive to the Los Gatos commercial landscape. It should increase retail foot traffic and sales in the commercial district while generating jobs and meaningful sales tax revenue for the town. Their elevated design aesthetic will enhance the charm of Los Gatos and we expect the gallery to be a regional attraction, drawing new customers to Los Gatos from outside the community.

I plan on attending the Planning Commission hearing on August 27th but wanted to reach out in advance to voice my support and share my perspective.

Thank you

Christian Irwin
VICE PRESIDENT, WEST COAST LEASING
Federal Realty
[redacted]
830 S. Pacific Coast Highway
Suite 204
El Segundo CA 90245
[redacted]

From: Collette Navarrette [redacted]
Sent: Thursday, August 21, 2025 10:30 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]
Subject: SUPPORT FOR RESTORATION HARDWARE!!!

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Old Town, Los Gatos. I am a shopper and diner that loves to visit Los Gatos. I live in Campbell, just a few miles away and I frequently visit the town of Los Gatos to shop, stroll and eat. RH will add to the charm of Los Gatos as a whole and provide a unique shopping experience for residents and shoppers in the area. RH also has beautiful stores that engage with their customers through food and wine, adding to the vibrancy of the Los Gatos community. I believe RH will be a valuable asset to the town of Los Gatos, improving the vibrancy of Los Gatos as a whole and contributing positively to the local economy.

Collette Navarrette

Collette Navarrette
SENIOR DIRECTOR, MARKETING
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Zach Gaon [redacted]
Sent: Thursday, August 21, 2025 11:27 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; [redacted]
Subject: Restoration Hardware - Los Gatos

[EXTERNAL SENDER]

Los Gatos Planning Commission,

I wanted to reach out to voice my support for Restoration Hardware coming to Los Gatos. Aside from the substantial sales tax revenue they will generate for the city, their brand embodies the charm of Los Gatos and they would be a huge benefit to the retail environment on University Ave.

Their first-class buildout and store design would be a great addition to this pocket and I strongly believe they will serve as an anchor to draw more traffic into Los Gatos. I appreciate the consideration.

Best,

Zach Gaon

From: Jennifer Lin [redacted]
Sent: Thursday, August 21, 2025 6:39 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>
Subject: Letters of Support for RH Gallery & Restaurant Project from LG Chamber and Businesses

[EXTERNAL SENDER]

Dear Town of Los Gatos,

For inclusion in the staff report for the 8/27 Planning Commission meeting, please find attached two letters: 1) the Chamber's official letter of support and 2) a sampling of Los Gatos businesses who have also expressed their support.

Best regards,
Jennifer Lin

--

LOS GATOS CHAMBER of COMMERCE
Jennifer Lin
Chief Executive Officer
[redacted]
10 Station Way, Los Gatos, CA 95030
losgatoschamber.com

TASTE OF LOS GATOS

Save the Date!

Saturday, September 6, 2025, 12-5pm

May 16, 2025

Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Dear Mayor and Los Gatos Town Council Members:

On behalf of the Board of Directors of the Los Gatos Chamber of Commerce, I respectfully submit our robust support for the Restoration Hardware Gallery & Restaurant Project as currently proposed. We believe this project will bring lasting economic, branding, and placemaking benefits to Los Gatos—aligning with the Chamber's commitment to responsible growth and a vibrant, prosperous business community.

First and foremost, this project is expected to deliver meaningful economic impact. Restoration Hardware Restaurants, on average, generate over $10 million in annual revenue, translating to a significant and sustained source of sales tax revenue for the Town of Los Gatos. The Gallery & Restaurant will also draw increased foot traffic downtown, directly benefiting surrounding shops, restaurants, and service providers. In addition, the project will create new retail and hospitality jobs, expanding employment opportunities within our community.

Beyond these direct financial benefits, the presence of a high-profile, flagship Restoration Hardware will elevate the Los Gatos brand as a premier retail and lifestyle destination in Silicon Valley and the Bay Area. It will attract a design-conscious and food-oriented customer base—visitors who are likely to explore all that Los Gatos has to offer. The project's synergy with nearby design and lifestyle businesses reinforces our growing reputation as a hub for home, décor, and luxury experiences.

Equally important, this highly visible site revitalizes a long-underutilized corner of Old Town that has remained dormant since The Gap's departure. We also believe the provisions of the Planned Development approval from 25 years ago—particularly those requiring the building to appear as three separate facades—are now outdated. We support the proposed modification to unify the exterior design, as it better reflects the needs of a single, high-quality tenant and enhances architectural cohesion while

remaining consistent with our town's historic charm. The project will transform the site into an engaging retail and dining anchor. We believe the architectural design is elegant, welcoming, and well-aligned with the distinctive aesthetic and high standards of downtown Los Gatos.

In summary, the Restoration Hardware Gallery & Restaurant Project is a rare opportunity to bring lasting value to Los Gatos. It activates underused space, supports surrounding businesses, strengthens our identity as a design-forward town, and contributes to the long-term health of our downtown economy. For these reasons, we urge the Town Council to approve this project.

Sincerely,

Jennifer Lin
Chief Executive Officer

On behalf of the Board of Directors
Los Gatos Chamber of Commerce

LOS GATOS CHAMBER of COMMERCE

August 21, 2025

Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

RE: **Support – Restoration Hardware Gallery & Restaurant at Old Town**

Dear Town of Los Gatos:

The Los Gatos Chamber of Commerce is pleased to share that the following Los Gatos businesses support the proposed Restoration Hardware Gallery & Restaurant at 31 University Avenue. We believe this project will: strengthen the Town's tax base; increase downtown foot traffic and cross-shopping for nearby businesses; and enhance Los Gatos' appeal for residents and visitors.

We respectfully urge approval of the project and associated Planned Development (PD) amendment. Thank you for your consideration and for your service to our community.

Sincerely,

The Los Gatos Chamber of Commerce

US Bank Los Gatos

Loma Brewing Company

Time Out Clothing

Automobuild

Pennant Properties

Franco Masoma Bespoke Clothing

Lavish, an Experience Company

Darling Fischer/ Los Gatos Memorial Park

Kismet Boutique

Ethos Low Waste Living

Roxy Realty | Christie's Sereno

Black Cat Hats

Talbots Los Gatos

French Lessons

Rootstock

Breaking Dawn/First Born Restaurant

Von Kaenel Group Real Estate Group

Farwell Properties

Anthropologie Los Gatos

Los Gatos Parkside Restaurant

From: Deborah Weinstein [redacted]
Sent: Thursday, August 21, 2025 9:40 PM
To: Planning <Planning@losgatosca.gov>
Cc: Erin Walters <EWalters@losgatosca.gov>
Subject: Please approve Restoration Hardware's application

[EXTERNAL SENDER]

Dear Members of the Planning Commission,

I am writing to share my enthusiastic support for Restoration Hardware (RH) locating a store and restaurant at 31 University Avenue.

I have lived in Downtown Los Gatos for 19 years now and seen many businesses come and go. Unfortunately, Old Town has had its issues in those 19 years. When we first moved here the bookstore and the California Cafe were very large spaces that took up most of Old Town. After the bookstore left, it was divided into smaller spaces, and it's had a lot of transition. It is finally getting some traction with Teleferic, but the Gap space has been vacant for many years now.

The RH project is a great opportunity for that block facing Old Town. That vacancy at that corner, starting with GAP and then Steamers, I believe, has led other long term 20 year businesses to move (Romantiques - thankfully staying in Los Gatos, just a new location on Santa Cruz). Downtown is at its best when it feels vibrant and welcoming, and I believe RH's presence would help create that environment. Their proposed design is an elegant take on the area's historic charm, making it a natural and attractive addition to our Town.

What excites me most is the sense of vitality this project could bring. RH will draw people downtown—not just to shop and dine at their location, but also to explore and support nearby small businesses. Many Los Gatos residents already shop at RH in Palo Alto, and the idea of having one here has sparked real enthusiasm among residents who want to see our downtown thrive.

After several years of economic uncertainty, it is encouraging to see a respected brand choosing to invest in our Town. It speaks to the strength of our community and the potential of our downtown. I believe this project would be a source of pride and a gathering place for residents, families, and visitors alike.

For these reasons, I urge you to support the RH proposal at 31 University Avenue. This is a wonderful opportunity to strengthen the heart of our community and ensure our downtown remains a lively, welcoming place for years to come. Being a downtown resident, I welcome RH and believe it is a natural fit for our town.

Sincerely,
Deborah Weinstein
19 year Resident, [redacted]
Prior Commissioner on General Plan Update Committee
Prior Executive Director, Los Gatos Education Foundation
Prior Board Member, Wildcat Foundation
Prior Steering Committee Member, Los Gatos Library

From: Maria Gerst [redacted]
Sent: Friday, August 22, 2025 8:58 AM
To: Planning <Planning@losgatosca.gov>; Erin Walters <EWalters@losgatosca.gov>
Subject: Support for Restoration Hardware store and restaurant

[EXTERNAL SENDER]

Dear Members of the Planning Commission,

I am writing to share my support for Restoration Hardware (RH) locating a store and restaurant at 31 University Avenue.

I believe this project will bring new life and energy to the Old Town area. Their proposed design is an elegant and charming take on our historic design, making their presence a beautiful addition.

As a person who frequents Old Town, I feel RH is poised to attract visitors to the area, not only for shopping and dining at their establishment but also to encourage exploration and patronage of nearby small businesses. Many residents of Los Gatos, myself included, already frequent RH in Palo Alto, and the prospect of having a location here has generated significant excitement among people I know.

I urge you to support the RH proposal at 31 University Avenue. This is a wonderful opportunity further beautify our downtown and ensure it remains a lively and welcoming place for years to come.

Sincerely,

Maria Gerst

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TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 08/27/2025

ITEM NO: 2

ADDENDUM

DATE: August 26, 2025

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval to Modify Planned Development Ordinance 2025 to Allow Modifications to Building E; an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District; and a Conditional Use Permit for Formula Retail Over 10,000 Square Feet and for a Restaurant with Alcohol Service on Property Zoned C-2:LHP:PD. **Located at 31 University Avenue.** APN 529-02-044. Planned Development Modification Application PD-25-001, Architecture and Site Application S-25-004 and Conditional Use Permit Application U-25-001. Categorically Exempt Pursuant to CEQA Guidelines Sections 15301: Existing Facilities. Property Owner: SRI Old Town, LLC. Applicant: Rick Nelson MBH Architects. Project Planner: Erin Walters.

REMARKS:

Exhibit 22 includes public comments received between 11:01 a.m., Friday, August 22, 2025, and 11:00 a.m., Tuesday, August 26, 2025.

EXHIBITS:

Previously received with the August 22, 2025, Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Planned Development Ordinance 2025
4. Draft Planned Development Ordinance
5. Recommended Conditions of Approval A&S
6. Recommended Conditional of Approval CUP
7. HPC Action Letter, February 26, 2025

PREPARED BY: Sean Mullin
Planning Manager

Reviewed by: Community Development Director, and Town Attorney

8. HPC Staff Report, February 26, 2025
9. HPC Desk Item, February 26, 2025
10. HPC Desk Minutes, February 26, 2025
11. HPC Action Letter, March 26, 2025
12. HPC Staff Report, March 26, 2025
13. HPC Desk Item, March 26, 2025
14. HPC Minutes, March 26, 2025
15. Project Description and Letter of Justification
16. Applicant Arborist Report
17. Consulting Arborist Peer Review
18. Applicant Response to Consulting Arborist Peer Review
19. Neighborhood Outreach Summary
20. Development Plans
21. Public comments received by 11:00 a.m., Friday, August 22, 2025

Received with this Addendum Report:

22. Public comments received between 11:01 a.m., Friday, August 22, 2025, and 11:00 a.m., Tuesday, August 26, 2025

From: Sarah Bianchi [redacted]
Sent: Friday, August 22, 2025 11:43 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Planning <Planning@losgatosca.gov>
Subject: Support for RH Project at 31 University Ave

[EXTERNAL SENDER]

Dear Members of the Planning Commission,

I am writing to share my enthusiastic support for Restoration Hardware (RH) locating a store and restaurant at 31 University Avenue.

This project is an exciting opportunity to bring new life and energy to the Old Town area. Downtown is at its best when it feels vibrant and welcoming, and I believe RH's presence would help create that environment. Their proposed design is an elegant take on the area's historic charm, making it a natural and attractive addition to our Town. In fact, I live at [redacted] (and have since 2007) and as a close neighbor, I have no objections or concerns to the design.

What excites me most is the sense of vitality this project could bring. RH will draw people downtown—not just to shop and dine at their location, but also to explore and support nearby small businesses, like my own whose audience is foodies and gourmands with interest in fine dining (Carnico Tools & Provisions at 501 N Santa Cruz Ave). Many Los Gatos residents already shop at RH in Palo Alto, and the idea of having one here has sparked real enthusiasm among residents who want to see our downtown thrive. That building has been vacant for more than 3 years! It's time to bring something in its place.

After several years of economic uncertainty, it is encouraging to see a respected brand choosing to invest in our Town. It speaks to the strength of our community and the potential of our downtown. I believe this project would be a source of pride and a gathering place for residents, families, and visitors alike.

For these reasons, I urge you to support the RH proposal at 31 University Avenue. This is a wonderful opportunity to strengthen the heart of our community and ensure our downtown remains a lively, welcoming place for years to come.

Sincerely,

Sarah Shires Bianchi
[redacted]
Los Gatos, CA 95032

Sarah Shires Bianchi

EXHIBIT 22

From: Nick P[redacted]
Sent: Friday, August 22, 2025 4:46 PM
To: Planning <Planning@losgatosca.gov>; Erin Walters <EWalters@losgatosca.gov>
Subject: Please Support Restoration Hardware Development at 31 University Avenue

[EXTERNAL SENDER]

Dear Members of the Planning Commission,

I am writing to express my strong support for the proposed Restoration Hardware (RH) development at 31 University Avenue.

This project is an exceptional opportunity to enhance the vitality of the Old Town area. RH's presence would contribute to a more dynamic and welcoming downtown environment. The proposed design is an elegant complement to the area's historic charm, making it a natural and attractive addition.

The project's potential to draw new visitors downtown, thereby supporting local businesses, is particularly compelling. The community's enthusiasm for this development is a clear sign that residents wish to see our downtown thrive.

The decision of a respected brand to invest in our Town is a strong signal of our community's health and economic potential. I believe this project will be a source of pride and a gathering place for residents and visitors.

For these reasons, I urge you to approve the RH proposal. This is a significant opportunity to strengthen our community and ensure a thriving downtown for years to come.

Sincerely,

Nick Pang

From: Juan Benitez [redacted]
Sent: Saturday, August 23, 2025 7:25 PM
To: Planning <Planning@losgatosca.gov>
Subject: Letter of support for RH

[EXTERNAL SENDER]

Dear Members of the Planning Commission,

I am writing to share my enthusiastic support for Restoration Hardware (RH) locating a store and restaurant at 31 University Avenue.

This project is an exciting opportunity to bring new life and energy to the Old Town area. Downtown is at its best when it feels vibrant and welcoming, and I believe RH's presence would help create that environment. Their proposed design is an elegant take on the area's historic charm, making it a natural and attractive addition to our Town.

What excites me most is the sense of vitality this project could bring. RH will draw people downtown—not just to shop and dine at their location, but also to explore and support nearby small businesses. Many Los Gatos residents already shop at RH in Palo Alto, and the idea of having one here has sparked real enthusiasm among residents who want to see our downtown thrive.

After several years of economic uncertainty, it is encouraging to see a respected brand choosing to invest in our Town. It speaks to the strength of our community and the potential of our downtown. I believe this project would be a source of pride and a gathering place for residents, families, and visitors alike.

For these reasons, I urge you to support the RH proposal at 31 University Avenue. This is a wonderful opportunity to strengthen the heart of our community and ensure our downtown remains a lively, welcoming place for years to come.

Sincerely,
Juan Benitez

From: Christian Irwin [redacted]
Sent: Tuesday, August 26, 2025 10:21:27 AM
To: [redacted] Monica Renn <mrenn@losgatosca.gov>; Annette Badger <[redacted]>; Amy Bischel <[redacted]>
Subject: FW: Old Town - RH - Support letter

[EXTERNAL SENDER]
Here is a support letter from Teleferic Barcelona.

Thanks

Christian Irwin
VICE PRESIDENT, WEST COAST LEASING
Federal Realty
[redacted]
830 S. Pacific Coast Highway
Suite 204
El Segundo CA 90245
[redacted]

From: Administracion Teleferic Barcelona <[redacted]>
Sent: Tuesday, August 26, 2025 10:18 AM
To: Christian Irwin <[redacted]>
Cc: Xavi Padrosa <[redacted]>
Subject: Old Town - RH - Support letter

Christian,

Please see attached the Support Letter. Let us know if you need anything else.

Thank you,

Juliane Mette
Administration, Telefèric Barcelona

[redacted] | www.telefericbarcelona.com

[redacted]

Docusign Envelope ID: CD991C61-41E4-4E74-9963-B577A0F7D473

Tenant Name: Teleferic Barcelona

Address: 50 University Avenue Suite B270, Los Gatos, CA 95032

[redacted]

Dear Members of the Town of Los Gatos Planning Commission:

We, Teleferic Barcelona, as a tenant of the town of Los Gatos, are writing in support of the Restoration Hardware project planned at 31 University Ave in Los Gatos, CA. As fellow retailers operating in the community, we recognize the importance of fostering vibrant commercial activities that enhance the character and vitality of our town. Restoration Hardware will undoubtedly contribute positively to our local economy, provide additional and unique amenities to the residents and visitors, and add to the radiant charm that makes Los Gatos such a desirable place to live, work, and visit. We believe this initiative aligns well with the town's goals of supporting local commerce and maintaining the highest quality of living for all residents.

We appreciate your consideration of this proposal and fully support its approval. Thank you for your dedication to preserving and improving our community.

Sincerely,

Signed by:

FF99283F78D242B...

8/26/2025

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TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 08/27/2025

ITEM NO: 2

DESK ITEM

DATE: August 27, 2025

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval to Modify Planned Development Ordinance 2025 to Allow Modifications to Building E; an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District; and a Conditional Use Permit for Formula Retail Over 10,000 Square Feet and for a Restaurant with Alcohol Service on Property Zoned C-2:LHP:PD. **Located at 31 University Avenue.** APN 529-02-044. Planned Development Modification Application PD-25-001, Architecture and Site Application S-25-004 and Conditional Use Permit Application U-25-001. Categorically Exempt Pursuant to CEQA Guidelines Sections 15301: Existing Facilities. Property Owner: SRI Old Town, LLC. Applicant: Rick Nelson MBH Architects. Project Planner: Erin Walters.

REMARKS:

Exhibit 23 includes public comments received between 11:01 a.m., Tuesday, August 26, 2025, and 11:00 a.m., Wednesday, August 27, 2025.

EXHIBITS:

Previously received with the August 22, 2025, Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Planned Development Ordinance 2025
4. Draft Planned Development Ordinance
5. Recommended Conditions of Approval A&S
6. Recommended Conditional of Approval CUP
7. HPC Action Letter, February 26, 2025

PREPARED BY: Sean Mullin
Planning Manager

Reviewed by: Community Development Director, and Town Attorney

8. HPC Staff Report, February 26, 2025
9. HPC Desk Item, February 26, 2025
10. HPC Desk Minutes, February 26, 2025
11. HPC Action Letter, March 26, 2025
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15. Project Description and Letter of Justification
16. Applicant Arborist Report
17. Consulting Arborist Peer Review
18. Applicant Response to Consulting Arborist Peer Review
19. Neighborhood Outreach Summary
20. Development Plans
21. Public comments received by 11:00 a.m., Friday, August 22, 2025

Previously received with the August 26, 2025, Addendum Report:

22. Public comments received between 11:01 a.m., Friday, August 22, 2025, and 11:00 a.m., Tuesday, August 26, 2025

Received with this Desk Item Report:

23. Public comments received between 11:01 a.m., Tuesday, August 26, 2025, and 11:00 a.m., Wednesday, August 27, 2025

From: Amy Bischel [redacted]
Sent: Wednesday, August 27, 2025 8:53 AM
To: Monica Renn <mrenn@losgatosca.gov>; Erin Walters <EWalters@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; [redacted]; Alexa Nolder <ANolder@losgatosca.gov>
Cc: Christian Irwin [redacted]; Annette Badger [redacted]
Subject: FW: Old Town - RH - Support letter

[EXTERNAL SENDER]
Good morning,

Please see the attached, two additional letters of support for Restoration Hardware.

Thank you,
Amy

Amy Bischel
PROJECT MANAGER, CONSTRUCTION AND TENANT SERVICES
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

Talbots
50 University Ave, Suite 250
Los Gatos, CA 95030
[redacted]

Dear Members of the Town of Los Gatos Planning Commission:

We, Talbots, as a tenant of the town of Los Gatos, are writing in support of the Restoration Hardware project planned at 31 University Ave in Los Gatos, CA. As fellow retailers operating in the community, we recognize the importance of fostering vibrant commercial activities that enhance the character and vitality of our town. Restoration Hardware will undoubtedly contribute positively to our local economy, provide additional and unique amenities to the residents and visitors, and add to the radiant charm that makes Los Gatos such a desirable place to live, work, and visit. We believe this initiative aligns well with the town's goals of supporting local commerce and maintaining the highest quality of living for all residents.

We appreciate your consideration of this proposal and fully support its approval. Thank you for your dedication to preserving and improving our community.

Sincerely,

Kristine Murphy

SVP, Real Estate & Store Development

KnitWell Group

Chico's
50 University Ave, Suite A285
Los Gatos, CA 95030
[redacted]

Dear Members of the Town of Los Gatos Planning Commission:

We, Chico's, as a tenant of the town of Los Gatos, are writing in support of the Restoration Hardware project planned at 31 University Ave in Los Gatos, CA. As fellow retailers operating in the community, we recognize the importance of fostering vibrant commercial activities that enhance the character and vitality of our town. Restoration Hardware will undoubtedly contribute positively to our local economy, provide additional and unique amenities to the residents and visitors, and add to the radiant charm that makes Los Gatos such a desirable place to live, work, and visit. We believe this initiative aligns well with the town's goals of supporting local commerce and maintaining the highest quality of living for all residents.

We appreciate your consideration of this proposal and fully support its approval. Thank you for your dedication to preserving and improving our community.

Sincerely,

Kristine Murphy

SVP, Real Estate & Store Development

KnitWell Group

From: Andrea Andrus [redacted]
Sent: Wednesday, August 27, 2025 10:42 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]
Subject: Restoration Hardware

[EXTERNAL SENDER]
Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) **increasing the economy because of providing jobs and sales tax revenue**
2) **great foot traffic and higher profile as a retail, design, and dining destination**
3) **provide unique amenities for residents and add to the charm of Los Gatos**

Andrea Andrus
OFFICE COORDINATOR
Federal Realty
[redacted]
356 Santana Row, Suite 1005
San Jose CA 95128
[redacted]

From: Andrew Cowan [redacted]
Sent: Wednesday, August 27, 2025 10:56 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]
Subject: Restoration Hardware in Los Gatos

[EXTERNAL SENDER]
I am writing this to urge you to bring Restoration Hardware to Los Gatos. It is a perfect fit for this beautiful community and Restoration Hardware will only enhance the shopping experience for locals and tourists. Not to mention increased jobs and tax revenue. Thank you for considering my request and I sincerely hope we are able to get Restoration Hardware in Los Gatos.

Regards,

Andrew Cowan

From: Stuart MacDonald [redacted]
Sent: Wednesday, August 27, 2025 11:00 AM
To: Erin Walters <EWalters@losgatosca.gov>; Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>
Subject: Restoration Hardware Los Gatos

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1. increasing the economy because of providing jobs and sales tax revenue
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3. provide unique amenities for residents and add to the charm of Los Gatos

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

Los Gatos Planning Commissioners:	Emily Thomas, Chair Jeffrey Barnett Susan Burnett Steve Raspe Joseph Sordi
Town Manager:	Chris Constantin
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
Transcribed by:	Vicki L. Blandin (619) 541-3405

P R O C E E D I N G S:

CHAIR THOMAS: We will now move on to our public hearings, starting with Item 2. Item 2 is to consider a request for approval to modify Planned Development Ordinance 2025 to allow modifications to Building E; an Architecture and Site Application for exterior modifications to an existing commercial building in the University/Edelen Historic District; and a Conditional Use Permit for formula retail over 10,000 square feet, and for a restaurant with alcohol service on property zoned C-2:LHP:PD.

Located at 31 University Avenue. APN 529-02-044, Planned Development Modification Application PD-25-001, Architecture and Site Application S-25-004, and Conditional Use Permit Application U-25-001.

Categorically exempt pursuant to California Environmental Quality Act Guidelines Section 15301, Existing Facilities.

Property Owner is SRI Old Town, LLC. The Applicant is Rick Nelson, MBH Architects. The project planner is Erin Walters.

Before the Staff Report, may I have a show of hands of Commissioners that visited the property? All of us. Are there any disclosures that we need to make? No.

Mr. Mullin, will you be presenting the Staff Report this evening? Thank you.

SEAN MULLIN: Yes, thank you, Chair. The project before you this evening is composed of several applications, an amendment to the governing Planned Development Ordinance; an Architecture and Site Application for exterior modifications; and a Conditional Use Permit for a formula retail greater than 10,000 square feet, and a restaurant with alcohol service.

The existing PD Ordinance governing Old Town was adopted in 1996 and includes specific performance standards for the subject Building E. The Applicant proposes amendments to the PD to eliminate the requirements that Building E be designed so that it appears to be a collective of individual structures that abut each other. The Applicant requests these changes to allow for a more cohesive and contextually appropriate façade, as discussed in the Staff Report and the Applicant's Letter of Justification.

Regarding the Architecture and Site Application, the Applicant proposes exterior modifications to Building E

to establish a cohesive Mediterranean style architectural character for a new single-tenant occupancy. All four elevations of the building would be modified.

The design incorporates step-backs at the ground level along the street-facing facades, alternating rectangular and semicircular fenestration, and includes a varied parapet line at the roof. The proposed windows have deep recesses for shadow lines, and the design includes louvered and fabric awnings, which add texture and depth to the new façade.

The project proposes a centrally located restaurant, which would be illuminated by a new skylight, bringing natural light into the interior space.

Exterior finish materials, including multicoat cement plaster finish accented with decorative steel and aluminum architectural elements, and architectural aluminum windows.

Sidewalk replacement and removal of two trees is also included with the proposal.

As detailed in the Staff Report, the Historic Preservation Committee considered the exterior design modifications and the proposed PD amendments that would allow for those modifications. The HPC was ultimately unable to support these aspects of the project and

forwarded a recommendation of denial to the Planning Commission.

The proposed project also includes a Conditional Use Permit for a formula retail establishment exceeding 10,000 square feet, which will include the sale of home furnishings, interior design services, and an integrated restaurant. The restaurant component will offer onsite alcohol service and is designed to be complementary to the retail experience within the same space.

When reviewing a Conditional Use Permit, the Commission should consider the information in the Applicant's business plan; however, the key consideration should be the proposed use, since the business plan can change from owner to owner. The CUP runs with the land, and the Commission should review the application based on the use described in the recommended CUP in Exhibit 6 as opposed to the Applicant's business plan.

An Addendum and Desk Item were distributed ahead of tonight's hearing with additional public comments received after publishing the Staff Report.

As discussed in the Staff Report, staff recommends denial of the application reflecting the recommendation provided by the HPC. Your Staff Report

includes alternatives to this recommendation, including approval with modifications and continuation.

Planning, engineering, and economic vitality Staff are on hand this evening to support your discussion, and that concludes Staff's presentation.

DIRECTOR PAULSON: Thank you. Through the Chair, I just wanted to add an update related to the recommendation for the Conditional Use Permit. We should have, in hindsight, probably split that out separately, because the Conditional Use Permit is not the purview of the Historic Preservation Committee, so we have reevaluated that analysis and we are modifying our recommendation for the Conditional Use Permit to recommended to the Planning Commission that they recommend approval of the CUP as we move forward through the process.

CHAIR THOMAS: Thank you for that clarification. Are there any questions for Staff at this time? We will now open the public portion of the public hearing on Item 2 and give the Applicant an opportunity to address the Commission for up to five minutes.

I have a card for Gary Friedman. Great, thank you. I understand that you will be splitting your time, so if you could just introduce yourself, and you have five minutes. Oh, you aren't. Okay.

GARY FREIDMAN: First, thank you for having us here, Commission. I'm Gary Freidman; I'm the Chairman and Chief Executive Officer of RH. I have been with the company now 25 years. I'm proud to have opened our gallery that's up here just behind the location that we're presenting, and where we've been, we believe, an active member of the community now for 15 years.

Let me start with maybe we can go to the first slide. I'm going to spend just a few minutes on who we are. RH is the leading luxury home furnishings brand in North America. We do about $3.6 billion in sales, not just in North America today, be we also are a global organization; we're opening in Europe and across the UK.

We're best known for creating the most compelling collection of luxury home furnishings presented in the most inspiring spaces in the world. We say we are obsessed with great architecture. We either find it and readapt it, or we build it; spaces that are a reflection of human design, a study of balance, symmetry, and perfect proportions.

Our design ethos in our company dates all the way back to the 1st Century BC and to Marcus Vitruvious, who is the author of the ten books on architecture, De architectura. Vitruvious' principles inspired Leonard da Vinci's world-famous sketch of the Vitruvian Man 1,500

years after his death, so we're very deep thinkers about what we do, the buildings we inhabit, and the investments we make to create great architectural experiences for the public.

We say we don't build retail stores; we build inspiring spaces. Spaces that blur the lines between residential and retail, indoors and outdoors, and home and hospitality. Spaces that activate all of the senses and spaces that cannot be replicated online. If you think about it, most retail stores are somewhat archaic, windowless boxes that lack any sense of humanity. There is usually no natural light, no fresh air, plants die in department stores or most retail stores, and they can't be very good for humans either, and that is why we take a different view of that.

A few examples of some of our work. This is a compound we built in the town of Yountville, California. I remember when we were first pursuing this, everybody said that a branded store won't be allowed north of the City of Napa; it never has been. We presented to the council up there that we don't build retail stores; what we try to do is conform and elevate any environment that we go into.

We aggregated a historic building here, another property, and we built the five-building compound that we

said was an integration of food, wine, art, and design, and it was an integration of food, wine, art, and design because that is what the Napa Valley was about first and primarily, so we have a design aspect to the business, but it's after the food and wine aspect.

Here, you can see the inside of the restaurant we built. It won't be too unlike what we would do here where we have trees, light coming through with the glass roof, fountains, and so on and so forth, so they're not typical restaurants.

This is the historic building that we completely readapted. We have outdoor living rooms for wine tasting. This is the inside of it. We created a two-level space, again, to integrate with wine and food.

This is a project that we just finished last year. This was a historic firehouse in Montecito, California, and it was a highly aware group of like what we were going to do with it, and we brought it back to life and reimagined it as a beautiful integrated space with not only a store, but hospitality. This is looking down through the space, and we built a beautiful indoor/outdoor courtyard restaurant.

This is a historic building that was vacant for about 35 years, I believe, in San Francisco in the

Dogpatch. This is the historic Bethlehem Steel Building that we reimaged into a gallery space and a restaurant. Here you can see the interior space of a restaurant with natural light.

This is a 17th Century English 73-acre estate in the English countryside; this is RH England. We reimagined this into a retail gallery and architecture and design library, three retail spaces…

Am I done?

CHAIR THOMAS: Yes, that was your five minutes. However, you will have an additional three minutes at the end, and before you leave, we Commissioners may have questions. Are there any questions for the speaker at this time? Commissioner Barnett.

COMMISSIONER BARNETT: Thank you for the presentation, sir. As I understand it, the Historic Preservation Committee was most concerned with the lack of what they thought was an existing illusion of different building as contributing to the Historic District, and I know that that was something that was not accepted by your company, and I guess the question is why not?

GARY FRIEDMAN: Can I show the one slide of the existing conditions, so we can look at it? Just click forward. There we go.

One, I'd say I'd start with what are we looking at today? From our point of view, it's kind of a cacophony of a single building. Like, I'd call it an albatross. You've got all kinds of different colors, different materials, and it's clear that there is nothing historic here, so to me this is bad architecture, this is something that renders the neighborhood less valuable.

We're pretty firm in our principles about what we do and what we don't do, but we don't do bad architecture. Trying to take this building and create multiple looking facades that aren't even real, honestly, I'm a little surprised that it even comes under historic review. I mean, it's not a well-built building, it's not a good-looking building, so we're here to do something spectacular.

COMMISSIONER BARNETT: Okay, I understand your point.

GARY FRIEDMAN: That's why I say we believe in great architecture.

CHAIR THOMAS: Thank you. Are there any other questions for the speaker at this time? Okay, thank you. I now invite comments from members of the public. If you have not already turned in your speaker card to Staff, please do so at this time, and/or raise your hand on Zoom. I have a number of cards. First I have Jennifer Lynn.

JENNIFER LYNN: Good evening, Chair and Commissioners. I am Jennifer Lynn, CEO of the Los Gatos Chamber of Commerce. I am here to express the Chamber's strong support for the proposed RH gallery and restaurant. Our support rests on four pillars that reflect our mission of driving businesses forward and championing a thriving community.

First, durable economic impact. The RH flagship concept consistently generates millions in sales. This activity means stable sales tax revenue and steady foot traffic, benefits that ripple across our small business community year-round.

Second, balance in our retail ecosystem. A thriving economy isn't about one type of business, it's about balance. According to the U.S. Chamber of Commerce and confirmed by our own local experience, thoughtfully selected anchors like RH serve as regional magnets. Hospitality, retail, and dining anchors bring more people into the area, who then discover and support our locally owned businesses.

Third, placemaking at a dormant corner. Since The Gap vacated nearly three years ago this prime location has been underutilized. RH transforms it into an all-day

destination from brunch through dinner, bringing renewed energy into the street and a dynamic presence.

Fourth, brand elevation and a defining opportunity. Los Gatos is already recognized for retail, design, and culinary experiences. A flagship RH further elevates that identify and shares it with a wider audience.

This project is a vote of confidence in our community's future. RH's leadership has already reached out to our Chamber, asking how they can support our small business community, a clear signal of partnership.

Anchor businesses like this one also bring quality jobs and supplier relationships, further strengthening the local economy.

I also want to address concerns that the RH gallery and restaurant could feel big, but please note that it fits comfortably within the existing building's footprint. There are no added stories, there is no expansion of borders. What is proposed is an elegant Mediterranean inspired design, a refined architectural refresh. Greenery and design details will add interest, texture, and dimension to the façade.

Los Gatos harmony does not mean sameness; it means thoughtful design that complements historic charm. The three-façade requirement made sense when multiple

tenants occupied the building. Today, a unified, sophisticated façade is not only appropriate for one tenant, but it also enhances our character and reflects our identity as both timeless and forward thinking.

In short, this project creates a vibrant corner, strengthens our tax base, reinforces Los Gatos' identity as a destination, and delivers broad benefits to small businesses through increased visibility, jobs, and customer traffic.

This is a rare and pivotal opportunity, one that deserves thoughtful consideration. On behalf of the Chamber, I urge you to recommend approval of the PD Ordinance modification.

CHAIR THOMAS: Thank you. Are there any questions for the speaker? Thank you. Next I have Ryan Rosenberg.

RYAN ROSENBERG: I'd like to start by thanking this entire Commission for all the great work that you guys do for our town; and to reward that, I'll be really quick.

I am in favor of this. There are three reasons.

The first reason is I like the idea of two for one. We want a vibrant downtown, that's what we're going for, and here you've got an opportunity to have both retail as well as restaurant.

I've been to the other RHs. They're really nice, and they do actually elevate the town. They even elevate a place like Yountville; it's really impressive.

The other thing is, I do get what people are saying about this façade being kind of "samey," but if you just turn around and look in the other direction, it's actually even a little more detailed that what you see in Old Town. Old Town is pretty samey already, so I don't think that it will transform that area in a negative way. In fact, I think it will make it look nicer; that's my opinion.

So, I think it will make the Town more vibrant, I think it's a great destination, and I think that it should fit.

The last thing I'll add is I think there is some chance that we might get a little bit of a little corridor there. You've got significant furniture stores next to each other, creating a little bit more of a destination, and I think people will go to one, they go to another, making our Town more active. Thank you.

CHAIR THOMAS: Thank you. Are there any questions for the speaker? Thank you. Next I have Taylor Burke.

TAYLOR BURKE: Hi, thank you for having me. This is my first time doing one of these.

Mine will be a little bit more personal or family oriented. I'm a mom. My husband is also here. We have three kids, and buying a house in Los Gatos at the beginning of COVID was a big stretch for us, but we bought it because we wanted to give our kids the best resources and community in the area.

We grew up here, but we also spent 11 years in New York, and what you find in New York is that the neighborhoods and the walkability become your family and become your community, so having a destination like this where you can walk downtown and socialize and sit at a big table with other people is so important, and I think it lacks a little bit here.

Just this week, two of our kids go to Daves Avenue, and we're planning a mom's night out with the second-grade moms. Lots of options were thrown out, only one of which is in Los Gatos, so we're probably going to end up at Flowers Saratoga, or in Palo Alto, and that's not where we want to be. We want to be able to walk downtown and run into people that we know and have our kids play. My sister's kids go to Van Meter, so it's so fun to have places where you can gather a big group and just develop that kinship and the investment in the community.

Not to mention, I bring up Daves, that our waitlist is huge. Our neighbors bought a $6.5 million house last year, and their kids are on the waitlist for a public school that is a quarter of a mile from where we live, so it's kind of shocking, and I just think that from an economic perspective that it could have a huge impact on our parks and our public schools. I think that's all.

CHAIR THOMAS: Thank you. Are there any questions for the speaker? No. Okay, thank you very much. The next speaker I have is Pete Burke, and if I could just ask you to state your name for the record. Thank you.

PETER BURKE: Hi, everyone. Peter Burke, local here of Los Gatos, live on Rose Avenue. My wife, Taylor, just spoke. We have three kids at Daves Avenue.

I am in favor of this project for four specific reasons, and I think Gary outlined it very nicely.

We have Los visibly enhanced. That's through the beautiful architecture.

Drive revenue for the community. That culinary experience that my wife mentions that we're lacking. Just the other week, I work for the world's largest CRM company and I had a number of executives come down to lunch, and we ended up going to Teleferic across the street, but really that was my only option outside of Dio Deka in terms of a

quality, high-end restaurant that was open during lunch, so Dio Deka was out. I think that is a great opportunity for us, and also a great opportunity for that customer traffic that Jennifer Lynn alluded to, not only driving people to obviously seek a great location like Restoration Hardware eatery and an experience, but also drive it for the local business.

So, again, very much in favor of this project and would like to see it through. Thank you.

CHAIR THOMAS: Thank you. Are there any questions for the speaker? Next, I have Maria Gerst.

MARIA GERST: Hi, I'm Maria Gerst, and I'm a resident of Los Gatos. I want to thank you guys for what you do and for hearing me speak today.

I'm here also in support of Restoration Hardware. I'm not quite sure why the building that is currently there is considered historic, but I'm a native Californian and I've been coming to Los Gatos since the late seventies, and I can tell you I've seen a lot of change, some of it good, some of it bad. I think this is definitely something good, as we need to evolve.

If you look at where all the Restoration Hardwares are placed, they are in prominent areas, and I think we should consider ourselves kind of lucky that we

have been considered as one of those places, because they are destination spots. I have been to many of them in California. I frequent the one in Palo Alto, because I enjoy the overall vibrancy and it is a destination place; there are lots of people there are lunchtime, there are lots of people there in the evening.

I love downtown Los Gatos. I frequent downtown Los Gatos. I'm at the coffee shop all the time, and I'm also at Tereferic, and I'm at The Cellar, and even if you aren't eating at Restoration Hardware, you will be able to enjoy the beautiful views it will give you when you are at either of those places dining out. I think it's going to complete and enhance and elevate our downtown area over there, and I would love to see the space that is currently not being used to be used quickly, to have something in there to retain its vibrancy. Thank you.

CHAIR THOMAS: Thank you. Any questions for the speaker? Thank you. Next I have Annette Badger.

ANNETTE BADGER: Good evening, I'm Annette Badger. I'm the Director of Construction and Tenant Services for Federal Realty. We are the owners of Old Town, and also Santana Row, as some of you may know.

I would like to say that I am in favor of the modification of the Planned Development for several

reasons—many of which have already been stated—not only for the economic growth, as Jennifer mentioned, increasing sales tax, increasing jobs, but it's going to bring world class architecture to this town, as Gary mentioned, and it will enhance the already beautiful architecture that you have here.

RH has renovated many historical buildings over the years, so they really know what they're doing in a community. Their grand and classical architecture will do an excellent job of integrating into the setting and the surrounding community.

Having RH here will certainly elevate our shopping center, but more importantly, I believe it will elevate and complement Los Gatos. Thank you.

CHAIR THOMAS: Thank you very much. Are there any questions? Thank you for your comments. Next, I have Scot Vallee.

SCOT VALLEE: Thank you, Commissioners, for hearing this item tonight. My name is Scot Vallee; I'm Head of Development for Federal Realty for the west coast.

As Annette had said, we own Old Town, Santana Row, and Westgate in this area. We think we've been a very strong partner in Los Gatos, both for the Town with the events we hold, and with the other businesses around us.

We spent a lot of time and money curating the type of people, and we heard a person earlier talk about Teleferic; that took a long time to find that, and now it's packed every single night. Arhaus is another great addition. The Warby Parkers, the Salt & Straws, we believe that bringing Restoration Hardware is as good, or even better, than adding those. We believe it is going to be a destination for both Old Town and for Los Gatos, and we appreciate any kind of support we can get on this topic tonight. Thank you very much.

CHAIR THOMAS: Thank you. Any questions for the speaker? Next, I have Christian Irwin.

CHRISTIAN IRWIN: Good evening. Thank you for hearing this matter, and thank you for having me. My name is Christian Irwin, I'm the Vice President of Leasing for Federal Realty, and I'm excited to be here.

I think the rest of the speakers have done a good job talking about the economic impact and the vibrancy that RH will bring, so I just wanted to tie this into a more local perspective.

I grew up in a town in Southern California called Pacific Palisades, which I think shares a lot of the same charm and magic that I got introduced to when I joined Federal Realty eight years ago and got to start working on

Old Town. It's been an absolute passion project for me. I've been intricately involved in every lease that we have signed and every new business that we've opened.

And credit to the community; your community has momentum. Retailers that historically haven't looked at Los Gatos because it wasn't one of the big four in the Bay Area, now all of a sudden, this idea of meeting people where they are at their homes and being in a vibrant, smaller community, that resonates with retailers.

Each move that we've done, whether it was in bringing in a great regional restaurant in Teleferic Barcelona, I'm a partnering with Jovie (phonetic) and bringing that to the community and see what that did from a vibrancy perspective, or providing ice cream for the kids. Each move has been well thought out, and I'm happy to discuss any of them.

RH, to me, is the crown jewel. I was so proud to be a part of this deal. It was one of the most exciting leases that I've worked on, and opportunities to partner with such a great team since I've been at Federal, so I'm a staunch supporter of this.

I'm from a town; my mom owns a hair salon in Pacific Palisades. We moved from Ireland in 1981. My fabric is small businesses, and I think Jennifer said it best: the

balance and what we've created here in Los Gatos, I think is a great balance between small business and brands that people know, and I just think the mix in Los Gatos today is better than it's ever been, so thank you.

CHAIR THOMAS: Thank you. Yes, Commissioner Burnett.

COMMISSIONER BURNETT: Yes, and thank you. Question. Do you think this is more about welcoming a beautiful Restoration Hardware store in our downtown on University Avenue? Do you think it's about that, or do you think we're really sort of having issues about the Planned Development, the LHP, which was 30 years old and signed by the Planning Commission back then and the Town Council, and in that Planned Development, which is Old Town, Building E was specifically mentioned on how it should be maintained or changed.

There were four items, very direct, very clean, and aside from what was said about the architecture, I think at that time the townspeople put that together, which was part of the Historic Preservation Committee, which I was part of actually, a lot of time and effort went into that from many members of the community.

So, do you think this is not about not wanting Restoration Hardware here, a large store, it's that like

many of their stores in like Chicago, they did a beautiful flagship store, a building of 1914; that was beautiful. So, I'm wondering what are your thoughts on that?

CHRISTIAN IRWIN: I got up to speak about what I think it does for the community. Yes, I know the issue that went in front of the Historic Preservation Committee was the storefront. I personally believe that what RH will do to that storefront will be magnificent. It's objective. Do you like the storefront? Do you not?

I know from my own experiences with my mom, when Rick Casuso came to the Palisades and built a new project, there were changes, and some people embraced them, others didn't, but eventually over time things evolve.

I look at things on a case-by-case basis, and relative to this building and the façade that is there today, and what RH is going to do and what it's going to bring to the community, for me, my personal opinion is it's going to be magnificent, and it's going to look way better than what I see there today.

COMMISSIONER BURNETT: Okay, thank you.

CHAIR THOMAS: Any additional questions for the speaker? Thank you. The last speaker card I have is Michael Costigan.

MICHAEL COSTIGAN: Thank you to the Commission. Michael Costigan, 5930 Rose Avenue. My wife is a native Los Gatan. We moved back here from San Francisco in 2020. I'm originally from Ireland, where we're too poor to have good architecture.

When I look at that block, it reminds me of the buildings I grew up around, built by engineers rather than architects. The only architecturally designed buildings we had were churches, which tended to be larger, and even though they were large, they could also be beautiful and they could complement, so I'm not sure if we need to fetishize smaller storefronts; we can have big, large buildings that add beauty.

As a former resident of San Francisco through more than 15 years, I saw a lot of vacant storefronts and I see what happens when we leave storefronts vacant. I didn't realize it was three years for The Gap, but that's not good. It's not good for foot traffic, it's not good for vibrancy. I think a lot of the other speakers have spoken to that.

We son attends Fusion, we go to the library regularly, we were bringing down the average age of Music in the Park by 20 years on Sunday. We want to be here in this town and we want to be spending our time here, and I

think this is the type of development that will help that to happen.

We've eaten at RH in Napa. I've been into the RH store on North Santa Cruz, but it's too small. There are a lot of things you might want to buy in a house, and I would prefer a larger space. I have bought more things at Arhaus, because it's a bigger floor plan. People will go to larger malls, and they do go out of Los Gatos to San Jose, to these larger malls where they can get access to an overall wider variety of objects and then see them in situ, and I think that's a consideration.

Again, we shouldn't fetishize small in the case of this type of store having a bit more space to showcase more objects, both in the restaurant and in the gallery space; it seems like a useful thing, and again, will drive more people to shop in Los Gatos rather than leaving Los Gatos. It will drive more people to eat in Los Gatos rather than leaving Los Gatos.

I spent the first six months or year of living in Los Gatos and people would say, "Do you like Los Gatos?" and I'd say, "I love Los Gatos, but I live in my house, which could be on the surface of the moon, because we're stuck at home." Now that we're back, now that we're out of COVID, now that we're recovering as a town, I think this is

only going to add to the momentum and drive more community, so I firmly recommend the project.

CHAIR THOMAS: Thank you. Are there any questions for the speaker? Thank you. I have no more speaker cards for anyone here in the chambers. Okay, there's one more.

JIM FOLEY: Thank you, Planning Commission. Jim Foley. It's been awhile. Glad to be back in front of you. I wanted to touch on a couple of things I heard Commissioner Burnett bring up, specifically regarding the PD that was done and the architecture.

I am a member of the Chamber and on the Chamber board, but I'm speaking right now just on behalf of a long-term family and stakeholder. We own the La Canada building in town; that's an historical building and that's something I think we certainly need to protect, and there are a number of other historically designated buildings.

This version of Old Town that we're looking at is important, but it was totally redone, and I think you all took great care in figuring out what that was supposed to look like, and did your best to plan for the future by whatever that designated block, and trying to say let's try to break up certain linear feet of storefront to look like X and Y, and I think it's served its purpose for a long time.

But when you have RH here, who is known for worldwide design and everything else, I think we ought to put our trust in them. I love the design that they came up with; I think it's a beautiful building, and I think it's going to update everything really nicely.

I heard what you said. I don't think it's a question of whether or not we're asking do we want a bigger RH? Do we want the restaurant? What do we want? I think those questions were answered a long time ago with a lot of policy changes we made in and around town.

Anyway, just wanted to comment on that a little bit, that I think you guys do a really great job trying to keep up with everything. There are so many guiding documents, but we can't tackle them all at once, and so I think it's about time to maybe take a fresh look, and these are the right guys to do it.

CHAIR THOMAS: Thank you. Are there any questions for the speaker? Thank you. Any more speakers?

CAROL CUSTER: Hello, my name is Carol Custer and I live here in town, and I love Los Gatos. I love spending time in downtown Los Gatos, and I very much support the Restoration Hardware project.

I agree with the other reasons that people have articulated here tonight. I think Restoration Hardware is a

stable, well-respected company, and their projects in other locations are very popular. It would definitely draw people to the downtown area, which in turn would support the smaller businesses surrounding the Restoration Hardware project, and it would encourage them to come to downtown Los Gatos instead of going elsewhere, like Santana Row.

The design, in my opinion, is beautiful and really thoughtfully done. I was here for the Historic Preservation Committee meeting and personally think that there is appropriate variation in the façade of the Restoration Hardware design with the varying rooflines and the awning treatment. My impression is that it has that nice variance across the front. I also think the design is harmonious with the character of downtown Los Gatos and would elevate the downtown area. Thank you.

CHAIR THOMAS: Thank you. Are there any questions for the speaker? Are there any additional speaker cards that are coming forward? Any hands raised on Zoom?

DIRECTOR PAULSON: Thank you, Chair. If you would like to speak and you're on Zoom, please raise your hand. There are no hands raised.

CHAIR THOMAS: Okay, thank you. Now we will invite the Applicant to come back up and give a closing statement. You can come up to the microphone, and you will

have an additional three minutes to speak, and then Commissioners will have an opportunity to ask some questions.

GARY FRIEDMAN: First, I'd like to just thank the members of the community that spoke out in support of our project; we greatly appreciate that.

Just note, while I might have sounded a little harsh about the existing architecture, we just would love to be here, and we will do something, I think, that will make the community proud. We're also open to your feedback, so it's not that we're just black and white here.

Just know, at our core, everything we do comes through a lens of architecture. We have a design ethos that's printed everywhere in our company, and we plan to be here for the distance.

In the 25 years I've been here, I've never opened a store that I've closed, and we invest, I think, on average three times more than the next closest retail store, so we're prepared to make a meaningful investment.

When you think about us as formula retail, I would also think of the point of view that we actually run three businesses in the building. It is a full restaurant, open for lunch, brunch, and dinner. That could be seen as a separate business in this building. We also run an interior

design business. We're the largest residential interior design company in the world today, so we not only are a retail home furnishing store, but we're also an interior design business store, and we have space allocated to that; presentation rooms, offices with the building, and so on and so forth, so it's not just one business or one company. It might be one brand, but there are three real businesses beautifully integrated into a singular building. Thank you.

CHAIR THOMAS: Thank you. I think we probably will have some questions for you. Yes, we will have some questions. Do Commissioners have questions? Commissioner Burnett.

COMMISSIONER BURNETT: Yes, thank you. I do appreciate that you changed the way the skylight is. You can't really see it now; there's just one area that…so I really appreciate you working on that.

Second of all, I'd like to know the length of the building, the front, the whole façade from the courtyard to Elm Street. Do you know the footage on that?

GARY FRIEDMAN: Give us 15 seconds and we'll probably have it. Do you have it, Jordan?

COMMISSIONER BURNETT: Then, the color of the plaster versus the stucco that's there now, which is there are many colors of stucco, which I think gives the building

a little more interest and variation, and I know yours is just one color for a very long distance, so I think that that does give the texture of it more of a modern look, like the Stanford store, let's say.

GARY FRIEDMAN: I would say, we're not using blown on stucco or slapped on stucco, we only use Venetian plaster. It is the most expensive, hand-trowelled finish, which gives it a beautiful variation, and you'll see it, it's like a work of art when you do Venetian plaster.

COMMISSIONER BURNETT: But it is one color.

GARY FRIEDMAN: Yes, that's true. Just like human beings are generally one color.

COMMISSIONER BURNETT: And it's a smooth quality, not like a rough texture like it is there now.

GARY FRIEDMAN: Yes, it's a hand-trowelled, smooth finish. It's 131' distance from one end to the other.

COMMISSIONER BURNETT: Thank you.

GARY FRIEDMAN: And broken up how many times? Five times? There are five varying breaks within the building as it articulates in and out over that 131'.

CHAIR THOMAS: Anyone else have any questions? I have a couple of questions.

I'm looking at some of our Commercial Design Guidelines; there are a couple of things that I wanted to ask about. I know that in this plan you plan to change and then repair the sidewalk, if needed, for some of the architectural changes that you're planning on. Right now, there is some brick there. You will be planning on replacing that or making sure that that fits seamlessly into the current situation?

GARY FRIEDMAN: Yes, we would upgrade everything that needs to be upgraded.

CHAIR THOMAS: Okay, perfect. Then, as far as other pedestrian amenities, will you have any benches outside? Previously, Steamer's was there and they had, obviously, some outdoor seating for eating, but are you planning on having any seats by your windows or anything for people?

GARY FRIEDMAN: I don't know. Do you they have the renderings of the interior of the restaurant?

CHAIR THOMAS: Yes.

GARY FRIEDMAN: You do. Okay, so the interior restaurant is basically like sitting outside 365 days a year, so we have that. Then on the corridor we have benches and so on and so forth. We actually have outdoor furniture in the corridor between the two buildings. Our plan is to

kind of use that as a promenade and try to upgrade it going all the way through.

CHAIR THOMAS: Okay, great. That's good to hear. Then, there are a lot of very big, beautiful windows. At what level will those be openable or not? None?

GARY FRIEDMAN: The tough thing about doing operable windows is two things. When you have a restaurant it messes with the whole air extraction, and for a kitchen, and so on and so forth. And also, can mess up your air conditioning system. We will have two entrances into the gallery today, one inside. Yes, so we'll have two entrances, those are operable, but currently the other ones are not operable.

CHAIR THOMAS: Okay, thank you. My last question is related to the outdoor dining. Obviously, it's a loss in the community to lose some outdoor dining space. I understand you design your dining to be like an outdoor experience, but did you think at all about trying to use some of the outdoor space for dining?

GARY FRIEDMAN: You mean along the sidewalk?

CHAIR THOMAS: Yes.

GARY FRIEDMAN: No really. We're trying to focus our investment and do something spectacular, and so nothing really was considered along the sidewalk. Is that something

that's really meaningful to the Commission? I mean, I could look at having some tables out there.

CHAIR THOMAS: No, I mean like it is just one of the… It's encouraged; like we appreciate… I mean, if you have been down to the space a lot across the street, all of those outdoor areas. We don't have a lot of outdoor dining space in town, and we have beautiful weather and people like to sit outside. The outdoor space was very much utilized for the previous restaurant, so I was just wondering if that was in any part of your plan, if you had a reason for not doing it or doing it.

GARY FRIEDMAN: No, I mean, one of the reasons we started building restaurant pavilions with glass rooftops is to give you the feeling that you're sitting outside, and you don't have to sit under an umbrella, because we have UV filtered glass.

At first everybody told me in the Napa Valley, when I was trying to build those buildings with the olive trees, that we'd never pass Title 24 for the energy, because the sun was going to beat down on that building, and I almost gave up on that. Then I was Las Vegas for the National Real Estate Convention, and at 3:00 o'clock in the afternoon I had to get something out of my room, and I walked up and I realized it was 107-degrees in Las Vegas

and the sun was blasting in my room, and I realized there had to be glass that could control temperature and control UV, and that's how we were able to figure out how to build a glass roof with olive trees in it in the Napa Valley.

I think we give you the best of kind of usable tables all year round. You're completely under sunlight, it's filtered, so hopefully it doesn't aggravate skin cancer or anything, and it's at a 68-72 degrees setting. It's not fresh air, but the closest thing to it.

CHAIR THOMAS: Thank you. Are there any other questions? Commissioner Sordi does have a question.

COMMISSIONER SORDI: I did have one question. Thank you for clarifying the three businesses, because I was a little confused with that.

I guess my question is what are the operational hours of those three businesses? Is there overlap? Are there hours in which the restaurant is going to be open and the other two are closed?

GARY FRIEDMAN: Sure. Sometimes it depends. We kind of look at each of these locations on an individual basis. We know that at the restaurant we seat generally until sometimes in the winter, 8:00 o'clock last seating, meaning we're open till about 9:30-10:00 before people are

exiting; but most generally summer hours at 9:00 o'clock last seating.

Because this is a central courtyard restaurant, the gallery will be open to be able to look through and shop around. We may not be fully functioning with interior designers and everything, because we'll operate the restaurant fully functioning, and a semi-functioning gallery, if you will.

CHAIR THOMAS: Any other questions? Thank you very much. We will now close the public portion of the public hearing on Item 2, and I invite Commissioners to ask questions of Staff, provide comments, and eventually hopefully propose a motion.

Before everyone gets started, I just do have a couple of questions for Staff that I think it would be helpful for everyone to understand before we start our discussion.

Can someone please explain why this went to the Historic Preservation Committee first, even though it's not a historic building, and what that means? Thank you.

SEAN MULLIN: Thank you for that question. This property, including Old Town, is included in the University/Edelen District; this is an adopted historic district that the Council approved many years ago.

As with any of our historic districts, there can be a number of newer buildings, or residences in most context, with the district, and while they're not old, they're not pre-1941; they support the district, so any exterior modifications to buildings or residences within a district need a recommendation by the Historic Preservation Committee.

CHAIR THOMAS: Okay, thank you for that explanation. Then, can you just explain the purview of the Historic Preservation Committee? What they're supposed to be looking at and making decisions about?

SEAN MULLIN: I touched on it in my presentation, but I can elaborate a little bit. There are three components to this application.

There is the CUP, which we've been talking a bit about tonight. Then there are the Architecture and Site Application, which really deals with the exterior modifications to the building, and the modification to the Planned Development. The Architecture and Site and Planned Development Applications are tied together, because the Planned Development dictates for this building that it's broken up to feel like multiple buildings.

The Historic Preservation Committee was looking at the exterior modifications, the design, and its

compatibility with Commercial Design Guidelines and the Historic District. Because they're connected, they touched on the Planned Development Amendment as well.

CHAIR THOMAS: So, then a follow-up question to that related to the Planned Development Ordinance. Can you explain what a Planned Development Ordinance is, and what findings typically need to be made to modify one?

SEAN MULLIN: A Planned Development Ordinance is an overlay that dictates additional what we call performance standards that govern beyond the base zoning designation. So, while this property is located in the C-2 district, which has its own set of zoning requirements and the Commercial Design Guidelines, this Planned Development allows for additional sometimes allowances, so it could be taller buildings, it could be more floor area, or it could be really specific design, like we see in this case.

The Planned Development findings, I'm not going to be able to rattle them off in real time. They're provided in your Staff Report, as I search here.

CHAIR THOMAS: They're on page 33 of the Staff Report.

SEAN MULLIN: Thank you.

CHAIR THOMAS: Mainly it's about aligning with specific parts of the General Plan.

SEAN MULLIN: Yes, so there is General Plan compliance that the other provisions of the Town Code, so we'll look at that from a technical standpoint, and that the proposed amendment includes the development standards or uses that deviate from the underlying zoning, and so the findings as included in Exhibit 2 are articulated the way that Staff thinks they can be achieved.

CHAIR THOMAS: Okay, thank you. Before I open up for more questions to Staff, I do just want to say that as a planning commission—for those of you that are new here, this is your first time—essentially our job is to look at our Town rules that we have set up, our ordinances, our General Plan, and make decisions based on what exists in those documents. So, all of us could sit up here and think that this building is the most beautiful thing that's ever going to come to town, but we have to scrutinize and we have to make sure that it aligns with all of our Town guidelines; essentially, that's our job.

So, that's really our job here tonight, and as Mr. Mullin and Mr. Paulson both said, there are two separate parts that I think that we should talk about, and one is the PD Ordinance possible change, and this Architecture and Site, and then separately the CUP. We can do it in either order, but that's my recommendation just

because I think that they are separate things, and we've done that before in the past.

That being said, I would like to open it up to questions from other people. Yes, Commissioner Barnett and then Commissioner Burnett.

COMMISSIONER BARNETT: Thank you. Question for Staff. To me, the crux of this hearing seems to be about the PD Ordinance 2025 specifically requiring for Building E to appear as a collection of individual structures that abut each other. I'm just curious if there is any historic knowledge about where that came from.

DIRECTOR PAULSON: Surprisingly, that even precedes me. I do not have any of that historic knowledge, but ultimately, when a Planned Development comes through, and I think Commissioner Burnett mentioned that when that PD was coming through HPC had some input, Planning Commission had some input, that ultimately, Council makes the final decision. But I think ultimately the Planning Commission tonight is going to make a recommendation on all three of these applications, which will then go on to the Town Council for consideration.

COMMISSIONER BARNETT: Thank you.

CHAIR THOMAS: Commissioner Burnett.

COMMISSIONER BURNETT: Yes, question for Staff. I actually wanted you just to go over the four areas that Building E was commented on in the Ordinance 2025, and as I recall, when this Planned Development was done, it was to keep in tune with the way Los Gatos has been laid out, the Town itself: any small stores, individual shops, a lot of articulation, a lot of movement. So, that's sort of the idea of the plan that was behind developing this Planned Development 30 years ago, and Building E, which is Steamer's, there were four directions given specifically for that building in the Architecture and Site. So, Mr. Mullin, would you mind just reading those four?

SEAN MULLIN: Thank you for that question. Performance Standard 15 included in the governing ordinance talked about opening up the center pathway. This is all relative to Building E. "Design the structure so it appears to be a collective of individual structures that abut each other, that the roof design shall be reflective of the individual structures." In other words, break up the roof lines. "The corner tower shall be redesigned into a clipped corner design," and lastly, "Provide more variety in the buildings."

COMMISSIONER BURNETT: Okay, thank you.

CHAIR THOMAS: Do you have any other questions for Staff? Commissioner Raspe.

COMMISSIONER RASPE: Thank you, Chair. I have no questions, but if you want, I can begin our discussion. You wanted to break it up in two parts, correct?

CHAIR THOMAS: Yes, do we want to do the CUP… Commissioner Sordi.

COMMISSIONER SORDI: Just following on the historic discussion, I wanted to understand a little bit more about the nature of a nonparticipating structure versus participating, and if, for example, we had a participating structure that qualified, if it's not opening a can of worms, like succinctly, would it be a different set of design guidelines that would apply to a participating structure versus nonparticipating?

SEAN MULLIN: Thank you for that question. The guidelines make a distinction between contributing and noncontributing structures; this would be considered noncontributing since it's not old. The modifications that can be made to a contributing structure, I wouldn't say that they're limited, but they're guided more strongly through the guidelines.

Whereas a newer structure and noncontributing structure, the guidelines would reinforce that these

modifications should further support the district. So, when we typically look at residence, it's about taking something that may not be as ornate in the Almond Grove and improving it to getting closer to a contributing status, and further enhancing the Almost Grove in that scenario. So, that's what we'd look at for this, as a noncontributing structure if any changes are going to be made, how does it continue to support the character and strengthen the cohesiveness of that district?

COMMISSIONER SORDI: Okay, thank you.

CHAIR THOMAS: Commissioner Raspe, did you want to start us off?

COMMISSIONER RASPE: Sure. I have some notes here in no discernable order, and it occurs to me that perhaps I should have started this night with a disclosure, and that my house stuffed full of RH furniture, but notwithstanding that, I believe I can sit here and judge in a neutral fashion.

The three asks for us tonight are the modification of the PD Ordinance; the Architecture and Site Application, which includes the exterior modifications; and the CUP to allow retail greater than 10,000 square feet with the restaurant.

Turning first to the first two components, that is the PD Ordinance and the Architecture and Site Application. Really, I think there are three or four changes to the PDO, depending on how we look at it, and largely it is to break up the façade, or to allow the façade to be non-broken-up. Under the current ordinance, it's required to appear to be separate storefronts, and the change requested is to allow it to be one.

I suspect back in the day—we don't have the historical evidence—this was probably done, I think, to preclude the use of big box stores in Los Gatos, and we've done that, I think, successfully. If that is what this ordinance was intended to do, I think we are not harming ourselves then by modifying this ordinance to allow Restoration Hardware.

The modified design really does create an articulated storefront. It allows step-backs on the ground floor, there are alternating fenestrations, it's got a varied roof line, there are deeply recessed windows, and then there are awning. I think those changes will help articulate the frontage to this store, which will preclude what I think our forefathers were trying to preclude, that is, a single, flat base surface facing University Avenue.

I would be in favor of modifying the Planned Development Ordinance.

As for the Architecture and Site Application, again, I find that the design is, I think, very attractive. To the extent it's in an historic district, not itself an historic building, it does contain a cohesive Mediterranean design, which I think complements Old Town across the way.

I'll note for the record that the overall height of the building is reduced from 27'-4" to 26'-8", and by the way, this is in an area where 45' is allowed, and so in a time when I know this Town is very concerned about some of our building heights, this is a building that could have gone higher, and they've elected not to.

The Applicant is not asking for any new parking, and there is some minor tree removal, but I think that's handled well.

So, without turning to the CUP—I'll reserve those comments until later—my view with respect to the PD Ordinance and the Architecture and Site Application is that this is a thoughtful design. I think it protects our historic area and our downtown and would be a good add, so I would support it as currently presented. Thank you, Chair.

CHAIR THOMAS: Thank you. Commissioner Burnett.

COMMISSIONER BURNETT: Yes. In response to Commissioner Raspe, I would have to say that the present building there has many colors of stucco, with one entire storefront in brick, breaking up the textures. There are wonderful, unique roof designs, and heights reflective of the different stores—that was requested in the PD—versus a long, flat roof with the same parapet across.

The Applicant's design is homogeneous. It's one color, 131' feet or whatever, exactly not what the Planned Development Ordinance had in mind.

The present building has belly bands, it has wainscots, it has different parapets, it has small windows below the roof line, it has decorative elements, it has brackets, it has corbels, it has eaves, it has bases.

The Applicant's building has limited variation. There are no metal glass canopies in Building E, which the Applicant's building has metal glass canopies.

The present building has canvas awnings. I think that's a big one.

The Applicant wants the façade to be symmetrical and cohesive, which was said over and over again, massing mirror images versus asymmetrical, creating visual interest, conveying movement and dynamism, contributing with the cooler stability of symmetry.

I think there are a lot of differences, and I think as Mr. Foley said, these guys can do anything. We're not saying we don't want wonderful Restoration Hardware, we're just saying we need something a little different, something a little more like you've done to other buildings all over the place. A little more personality, a little more charm, I think, in my estimation. So, those are my feelings.

And asking us to change an ordinance that's been around for 30 years, a Planned Development that a lot of effort went into from the townspeople at that time, I think it's a lot to ask, for myself. Thank you.

CHAIR THOMAS: Commissioner Sordi.

COMMISSIONER SORDI: Just to address the PD Ordinance, I should mention I'm a city planner in my day job. The one thing I love about PD ordinances is you can change them. You can change them a little bit easier than you can change an entire zoning designation, for example, and they're intended to be tailor fit for the properties, and I think that this isn't all just about design.

A lot of the comments we heard, and a lot of the considerations I think that we need to apply to this property, are market driven. We're dealing with a site

that's now been vacant, at least The Gap portion, for going on three years.

It's not just a design driven discussion; we have to take in the totality of all these issues when we make our decision. I think that, and the market, supports a fresh look at this, and we have the opportunity here to make a big change the PD Ordinance, and I think we should.

COMMISSIONER BARNETT: I have a couple of comments. I agree with fellow Commissioners Sordi and Raspe. I respect the detail that Commissioner Burnett mentioned about the differentiation of the existing buildings, and the articulation and whatnot.

But to me, just looking at the building, I don't think it's convincing that they're separate buildings. I look across at Old Town the shopping center; there is articulation there. But I look at other buildings downtown and I see… Mr. Foley mentioned the La Canada building. Except for the (inaudible) on the corner, it's a pretty rectangular building, a linear building. The same thing is true of the Purple Onion building, except for the corner, which is cut out.

So, I don't find in incompatible with the existing historic structures downtown, and I certainly agree that's a beautiful plan that has a tremendous amount

of consideration that went into it; obviously, an attractive building that would be inviting to customers, as was mentioned.

I think it's important for us to keep in mind the General Plan goals relating to economic vibrance and vitality and creating a community, so I in all certainly agree with Commissioner Raspe and Commissioner Sordi that this makes a lot of sense for the Town.

CHAIR THOMAS: I want to echo my fellow Commissioners comments. I first also want to say that I sit on the Historic Preservation Committee, and I joined that committee in between the two initial meetings for this, and I agree that the current proposed building structure does not comply with the PD Ordinance.

However, I also agree with my fellow Commissioners that I don't have a problem changing it based on really looking closely at our Commercial Design Guidelines, and looking at the Land Use Element and Community Design Element of our General Plan.

That being said, I think that there are a couple of key parts. In one part in our Commercial Design Guidelines there is a goal that says, "Break larger facades into smaller segments," but I read through the entire thing, and that was the only aspect that this conflicted

with, and I do think that it does break it into smaller segments with some of the articulation, even though it is going to be all the windows will be relatively consistent, and the material will be consistent.

I understand that it's a slight conflict, but I also found many aspects that this building improves, including larger windows, high transparency of windows, high-quality storefront materials, access to pedestrians, prioritizing pedestrians, adding seats and opportunities for pedestrians to gather outside, in addition to many other things.

From that perspective, from our Commercial Design Guidelines and what my other Commissioners have said, I also support changing the Planned Development Ordinance, because I do believe that it is not necessarily serving the purpose that it once did in the late nineties.

In order to make the findings for amending this Planned Development, we also need to make sure that it complies with the Land Use Element of our General Plan, specifically 1.4, which states that, "In-fill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the

area," and I do really think that across the street when you look at the original Old Town, that is one large building. When this building was originally built at the time in the late nineties, or whenever it was finished, it was nice, but it looks dated at this point, and I don't think that it doesn't tie in as much with the history aspect of the Town as the rest of Old Town does at this point. Those are a few the findings I feel like I could make.

In addition, with the aspects for the Commercial Design Guidelines, it specifically says that "Development on all elevations shall be high-quality design and construction, a positive addition to and compatible with, the Town's ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods." That's Policy CD-1.4, and I really believe that this proposed project does that.

With those aspects being said, I am in support of making a recommendation to Town Council to approve the amending of the Planned Development and the Architecture and Site Application aspect of this.

Obviously we are not going to have a motion or whatnot now, and we do also need to discuss the CUP, but Commissioner Burnett, do you have additional?

COMMISSIONER BURNETT: I have a question for the Chair. You bought up outside seating/dining. I don't know where that ended, because I know Steamer's now has that outside in the courtyard there, and I don't know what the final outcome was of that. I think it would be a nice thing to add on if it's going to be forwarded to the Town Council.

CHAIR THOMAS: I think that that would be nice. I agree, the more outside space that people can use, the better. I was just referring to the part of our Commercial Design Guidelines that talked about benches and places for seating. Like not for food service or things, but I do agree that if that is something… I wouldn't want to make any conditions of approval based on that, but if there is any opportunity for additional outdoor space. It sounds like they're planning on using the passageway with outdoor furniture and everything, so that would be nice.

COMMISSIONER BARNETT: Question for Staff. Since this PD Ordinance 2025 specifically related to Building E, are there other ordinances for noncontributing commercial buildings that also would be affected by the concept of separate buildings? It's not a very well-articulated question, but is that enough to answer? I can try again.

SEAN MULLIN: Thank you for that question. I can try. The existing PD Ordinance talks about a lot of things, but that performance standard is specific to Building E, so everything else in the existing PD Ordinance would be carried forward. The draft ordinance in front of you this evening would just eliminate performance standards 15-B, C, and D, which relate to breaking it up; B and C really to breaking up into individual structures; and D talks about changing the massing on the corner, which was already achieved, because that's how it's built, so its purpose has been served.

COMMISSIONER BARNETT: I think that responds to my question, thank you.

CHAIR THOMAS: Do we want to discuss the CUP, or do you have additional comments?

COMMISSIONER RASPE: No. If you like, I can begin that discussion as well. No additional comments on the other.

CHAIR THOMAS: Okay.

COMMISSIONER RASPE: On the CUP, again, according to my notes I think we as a commission have to make four findings. That is that the CUP is essential to the public convenience and welfare, that it doesn't impair the existing use in the zone, that it's not detrimental to the

public health or welfare, and that it is in harmony with the General Plan.

Based upon just even the comments we received tonight from the public I think it's clear that this facility, including the restaurant, especially the restaurant perhaps, is going to be a large add to the public convenience and welfare of Los Gatos. It's going to create a destination for eating, for shopping, and would create foot traffic. I think overall it's clear that the project is in compliance with the General Plan, it's in compliance with the Commercial Design Guidelines, zoning requirements, height, parking, etc.

We've noticed strong public support, including the Chamber of Commerce, noting again the strong revenue that is derived just from the restaurant component of Restoration Hardware alone.

Frankly, it seems to me that the project is, as noted, a "lift" for Los Gatos. It really does show who we are, puts us higher up on the map, and so for all those reasons I think the creation of the CUP to allow the retail in greater that 10,000 square feet, and restaurant which is serving alcohol, should be part of our recommendation to Town Council. Thank you.

CHAIR THOMAS: I have question for Staff about some other CUPs in this area. Do we have any idea what the business hours are for maybe some of the restaurants across the street, if they are under that, or what Steamer's had before?

SEAN MULLIN: I don't have that information ready, but I can pull some of it in the next few minutes if you want to return.

CHAIR THOMAS: Would that impact any of our decision making, or do we feel like we've seen enough CUPs that we're comfortable with the hours?

COMMISSIONER RASPE: I can only speak personally, and it seems to me if the hours proposed comports with what I would want to make seen in town, and especially if we are going to cast ourselves as a sophisticated, upscale destination location, these are the hours I think that would be appropriate for that kind of destination.

CHAIR THOMAS: Yes. You don't have to look that up, Mr. Mullin. I think from my perspective also, sitting on the Commission now for a while, this is in line with other CUPs in the area that we have seen, so I'm not concerned with that. Commissioner Barnett.

COMMISSIONER BARNETT: One small point to add is that we haven't seen any opposition to this application

whatsoever from the public, and it's been widely advertised. The Staff Report and the public comment have been available for review by members of the public, and I think it's telling that there has been no opposition.

CHAIR THOMAS: Do anyone maybe want to try for a motion?

COMMISSIONER RASPE: I can try, Chair, if you'd like. All right, one second. For Staff, how would you like it? I'm not sure we are in consensus on all three points. Do you want one motion for all three points? How would you like that?

ATTORNEY WHELAN: It sounds like there might be consensus on the CUP, but not on the Planned Development and Architecture and Site, so maybe you could do two votes, one on each.

COMMISSIONER RASPE: Very good. I will then create two motions.

First, I move to forward a recommendation of approval to Town Council to modify the Planned Development Ordinance 2025 to allow modifications to existing Building E, as well as an Architecture and Site Application for exterior modifications to an existing commercial building in the University/Edelen Historic District for property zoned C-2:LHP:PD located at 31 University Avenue. APN 529-

02-044. Planned Development Modification Application PD-25-001. Architecture and Site Application S-25-004. The project is categorically exempt pursuant to CEQA Guideline Section 15301.

I can make the required findings that the project is categorically exempt from CEQA; that pursuant to Section 29-0.80.095 of the Town Code the proposed PD Amendment is consistent with Chapter 29, Article 8, Division 2 of the Town Code; the proposed PD Amendment is in conformance with the goals, policies, and applicable land use designations and standards of the Town's General Plan; the proposed PD Amendment is in conformance with all applicable provisions of the Town Code, including Town Council adopted guidelines; that the proposed amendment includes development standards for uses that deviate from the underlying zone in a way that results in innovative site planning and provides public benefit to the citizens of the Town by providing additional dining opportunities, and available, if goods and services, tax revenue.

Staff, is that an adequate motion?

ATTORNEY WHELAN: Did you want to consider the Architecture and Site Application with this vote?

COMMISSIONER RASPE: Yes, with respect to the Architecture and Site Application, let's see…

ATTORNEY WHELAN: We don't have findings for that; we have considerations.

COMMISSIONER RASPE: Okay, how about I will just include the considerations as provided in the Staff Report. One question for my fellow commissioners before either. Did we want to include a side recommendation of outdoor seating?

CHAIR THOMAS: It sounds like they already have that in the plans.

COMMISSIONER RASPE: Then no further modifications to the motion.

CHAIR THOMAS: Does someone have a second?

COMMISSIONER SORDI: Second.

CHAIR THOMAS: Commissioner Sordi, thank you. Discussion before I call the question? All those in favor of the current motion, raise your hand. The motion passes 4-1.

Then the second motion for the CUP. Do you want to go again?

COMMISSIONER RASPE: I move to forward approval to Town Council to approve the Conditional Use Permit for formula retail over 10,000 square feet, and for a restaurant with alcohol service on property zoned C-

2:LHP:PD located at 31 University Avenue. APN 529-02-044. Conditional Use Permit Application U-25-001.

I can make the findings that the proposed uses of the property are essential or desirable to the public convenience or welfare; that the proposed uses will not impair the integrity and character of the zone since it is a commercial use located in a commercial zone; that the proposed uses would not be detrimental to public health, safety, or general welfare; and that the proposed uses of the property are in harmony with the various elements or objectives of the General Plan.

I can also make the further findings, as required by Section 29.20.19(b) of the Town Code, that the proposed use of the property is in harmony with specific provisions or objectives of the General Plan, that the proposed use will not detract from the existing balance and diversity of business in the Commercial District, that the proposed use would not create an overconcentration of similar types of businesses, and that the proposed use would not detract from existing land use mix and high urban design standards.

CHAIR THOMAS: Is there a second? Commissioner Barnett.

COMMISSIONER BARNETT: Second the motion.

CHAIR THOMAS: Thank you. Discussion? Are we good on the motion? Perfect. I'll call the question. All those in favor, please raise your hand. The motion passes unanimously.

I believe we are done with this. Because it is a recommendation, there are no appeal rights.

DIRECTOR PAULSON: That's correct.

CHAIR THOMAS: Okay, thank you.

(END)

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From: Angela Lee [redacted]
Sent: Wednesday, August 27, 2025 11:02 AM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>
Subject: SUPPORT FOR RESTORATION HARDWARE IN LOS GATOS

[EXTERNAL SENDER]
Dear Los Gatos Planning Commission,

I am wholly in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will be a tremendous addition to Los Gatos by:

1. **increasing the economy because of providing jobs and sales tax revenue**
2. **great foot traffic and higher profile as a retail, design, and dining destination**
3. **provide unique amenities for residents and add to the charm of Los Gatos**

Thanks,
Angela Lee

Angela Lee
VICE PRESIDENT, REGIONAL FINANCE
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Sandra Citrigno [redacted]
Sent: Wednesday, August 27, 2025 4:01 PM
To: Erin Walters <EWalters@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Annette Badger [redacted]
Subject: Support for Restoration Hardware

[EXTERNAL SENDER]

Dear Los Gatos Planning Commission,

I am in support of Restoration Hardware coming to Los Gatos.

Restoration Hardware will undoubtedly contribute positively to Los Gatos by:

1) increasing the economy because of providing jobs and sales tax revenue
2) great foot traffic and higher profile as a retail, design, and dining destination
3) provide unique amenities for residents and add to the charm of Los Gatos

Thank You,
Sandra Citrigno

FEDERAL 1962

Sandra Citrigno
OPERATIONS COORDINATOR
Federal Realty
[redacted]
356 Santana Row Suite 1005
San Jose CA 95128
[redacted]

From: Jennifer Lin [redacted]
Sent: Friday, August 29, 2025 3:34 PM
To: Clerk <Clerk@losgatosca.gov>; Council <Council@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>
Subject: Chamber remarks to Planning Commission on 8.27 for TC

[EXTERNAL SENDER]

Dear Town of Los Gatos,

I' d like to submit the Los Gatos Chamber of Commerce's remarks for inclusion in the staff report for the upcoming Town Council consideration of the RH Gallery & Design project.

Thank you,
Jennifer Lin

--

LOS GATOS CHAMBER of COMMERCE
Jennifer Lin
Chief Executive Officer
[redacted]
10 Station Way, Los Gatos, CA 95030
losgatoschamber.com

TASTE OF LOS GATOS

Save the Date!
Saturday, September 6, 2025, 12-5pm

Los Gatos Chamber of Commerce remarks to 8/27/25 Planning Commission re: RH Gallery & Restaurant

I am Jennifer Lin, CEO of the Los Gatos Chamber of Commerce. I am here to express the Los Gatos Chamber of Commerce's strong support for the proposed RH Gallery & Restaurant. Our support rests on four pillars that reflect our mission of driving businesses forward and championing a thriving community.

First, durable economic impact. The RH flagship concept consistently generates millions in sales. This activity means stable sales-tax revenue and steady foot traffic—benefits that ripple across our small business community year-round.

Second, balance in our retail ecosystem. A thriving economy isn't about one type of business—it's about balance. According to the U.S. Chamber of Commerce, and confirmed by our own local experience, thoughtfully selected anchors like RH serve as regional magnets. Hospitality, retail, and dining anchors bring more people into the area, who then discover and support our locally owned businesses.

Third, placemaking at a dormant corner. Since The Gap vacated nearly three years ago, this prime location has been underutilized. RH transforms it into an all-day destination—from brunch through dinner—bringing renewed energy to the street and a dynamic presence.

Fourth, brand elevation and a defining opportunity. Los Gatos is recognized for retail, design, and culinary experiences. A flagship RH further elevates that identity and shares it with a wider audience.

This project is a vote of confidence in our community's future.

RH's leadership has already reached out to our Chamber, asking how they can support our small business community—a clear signal of partnership. And anchor businesses like this one also bring quality jobs and supplier relationships, further strengthening the local economy.

I also want to address concerns that the RH Gallery & Restaurant could feel big. Please note: this project fits comfortably within the existing building's footprint—no added stories, no expansion. What's proposed is an elegant, Mediterranean-inspired design—a refined architectural refresh. Greenery and design details will add interest, texture, and dimension to the façade. In Los Gatos, harmony does not mean sameness; it means thoughtful design that complements historic charm.

The three-façade requirement made sense when multiple tenants occupied the building. Today, a unified, sophisticated façade is not only appropriate for one tenant but also enhances our character and reflects our identity as both timeless and forward-looking.

In short, this project creates a vibrant corner, strengthens our tax base, reinforces Los Gatos' identity as a destination, and delivers broad benefits to small businesses through increased visibility, jobs, and customer traffic.

This is a rare and pivotal opportunity—one that deserves thoughtful consideration. On behalf of the Chamber, I urge you to recommend approval of the PD modification and the project as proposed.

Let's keep Los Gatos vibrant, balanced, and thriving—building on today's momentum to ensure our economic vitality for years to come.

Thank you for your careful consideration.

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 12

DATE: October 7, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Adopt a Resolution Establishing Standard Operating Provisions for Boards, Commissions, and Committees**

RECOMMENDATION: Adopt a resolution establishing standard operating provisions for Boards, Commissions, and Committees, including exhibits outlining commission-specific details.

FISCAL IMPACT:

There is no direct fiscal impact associated with updating the enabling resolutions.

STRATEGIC PRIORITY:

This item is not associated with a specific strategic priority; however, it aligns with the Town's core goal of good governance.

BACKGROUND:

The Youth Commission and Town staff identified ongoing challenges with maintaining consistent attendance from student Youth Commissioners serving as voting members on adult commissions. Conflicts with school schedules, transportation limitations, and extracurricular obligations have contributed to irregular attendance.

To address these concerns, the Youth Commission recommended amending its enabling resolution. On May 20, 2025, the Town Council adopted a revised Youth Commission enabling resolution, which redefined the role of Youth Commissioners from voting members to non-voting liaisons. This change allows Youth Commissioners to continue participating and offering youth perspectives without impacting quorum or vote outcomes. While the updated Youth

PREPARED BY: Wendy Wood
Town Clerk

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

Commission resolution reflected this change in role, the Commission-specific resolutions were not amended. As a result, Youth Commissioners remained voting members on these bodies.

To align other commission resolutions with the change to the Youth Commission's resolution, the enabling resolutions for the following commissions required revisions:

- Arts and Culture Commission
- Community Health and Senior Services Commission
- Library Board
- Parks Commission
- Complete Streets and Transportation Commission
- Diversity, Equity, and Inclusion Commission

On May 27, 2025, staff requested direction from the Policy Committee regarding the change in membership and asked for feedback related to the following questions:

- Should the Youth Commissioner seat be removed and the total membership reduced to maintain an odd number of seats?
- Should the Youth Commissioner seat be replaced with an additional adult member to maintain current membership levels?

The Committee recommended reducing the number of members on applicable commissions to five members to maintain an odd number of voting members, with the exception of the Diversity, Equity, and Inclusion Commission.

While revising the Youth Commissioner roles, staff conducted a broader review of the enabling resolutions. While the original intent was to reflect only the Youth Commissioner's new role, staff's review revealed broader inconsistencies across the resolutions, which included variations in scope definitions, quorum requirements, term lengths, liaison roles, and procedural elements. As a result, staff returned to the Committee on August 26, 2025, and recommended a comprehensive update to standardize formatting and content across all commissions to improve clarity, transparency, and consistency in governance practices.

The Committee asked staff to explore options for developing streamlined and standardized commission documentation that incorporates the proposed composition of each commission's membership and to bring it back to the Committee for consideration. The Committee also discussed removing the business owner/resident seat as well as the nonprofit seat, from the Diversity, Equity, and Inclusion Commission to reduce the membership to seven.

To provide clear guidance on the Youth Commission's role during the transition period, the Council adopted an interim resolution on September 2, 2025, which took effect immediately. The resolution formally established that all Youth Commissioners would serve as non-voting liaisons and would not be counted toward a commission quorum. This interim measure ensured

alignment with the May 2025 Council action and helped prevent potential confusion or quorum-related issues while staff finalized updates to the enabling resolutions.

On September 23, 2025, staff presented a single standard resolution to serve as the overarching framework for all commissions. The specific details for each commission, such as membership composition, qualifications, and scope of work, were included as individual exhibits attached to the resolution. The Committee's proposed membership composition for each commission was outlined in the exhibits. For consistency, staff recommended standardizing all member terms to three(3) years, which would have required changing the Historic Preservation Committee's term from four (4) years to three (3) and modifying the membership structure of the Diversity, Equity, and Inclusion Commission by designating representatives from the Arts and Culture Commission and the Community Health and Senior Services Commission as nonvoting liaisons. The scope of work for each commission was also revised for consistency in language and format. While the content remains specific to each body's functional role, the language has been modified to simplify and ensure uniformity across all exhibits.

The Committee reviewed and discussed the proposed resolution and exhibits and provided direction to leave the Historic Preservation Committee term at four years and leave the Diversity, Equity, and Inclusion Commission members from the Art and Culture Commissions and the Community Health and Senior Services as voting members.

DISCUSSION:

The proposed resolution consolidates the standard operating provisions for all Boards, Commissions, and Committees into a single, unified document to improve consistency, clarity, and transparency across all advisory bodies. This approach eliminates the need for maintaining separate enabling resolutions for each commission by establishing a standardized governance framework. Commission-specific details, including membership composition, qualifications, and scope of work, are incorporated as individual exhibits to the resolution.

In response to the Policy Committee's direction to retain the Historic Preservation Committee's four-year term and to maintain the voting status of the representatives from the Arts and Culture Commission and the Community Health and Senior Services Commission on the Diversity, Equity, and Inclusion Commission, staff has revised the resolution and associated exhibits accordingly. These revisions are included in the final version presented for Council consideration.

To ensure transparency and provide an opportunity for input, staff also reached out to all current members of the Town's boards, committees, and commissions. The draft resolution and exhibits were distributed via email, and members were invited to review the proposed changes and submit any feedback for consideration. Any feedback received by the deadline listed on the

agenda, will be included for Council as public comment. This outreach was intended to promote awareness of the updates and ensure that the perspectives of advisory body members were taken into consideration prior to final Council action.

CONCLUSION:

Adopting the proposed resolution will improve the consistency and efficiency of commission governance practices and ensure alignment with recent Council actions related to Youth Commissioner roles. The unified format and updated content provide a more transparent and accessible framework for current and future Commissioners, staff, and community members. This approach eliminates the need for maintaining separate enabling resolutions for each commission by establishing a standardized governance framework.

COORDINATION:

This report was prepared in coordination with the Town Attorney and the Town Manager's Office.

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENTS:

1. Draft Resolution with Exhibits
2. Boards and Commissions Enabling Resolutions
3. Public Comment Received Prior to 11:00 a.m., Thursday, October 2, 2025.

RESOLUTION 20 -xx

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ESTABLISHING STANDARD OPERATING PROVISIONS FOR BOARDS, COMMISSIONS, AND COMMITTEES

WHEREAS, the Town Council of the Town of Los Gatos has established various boards, commissions, and committees (collectively referred to as "Advisory Bodies") to provide advice, recommendations, and community input on matters affecting the Town; and

WHEREAS, Advisory Bodies must operate in compliance with applicable open meeting, ethics, and disclosure laws, including the Ralph M. Brown Act, the California Political Reform Act, and any other laws as may apply; and

WHEREAS, the Town Council recognizes the need to maintain consistent standards, expectations, and procedures across all Advisory Bodies to promote transparency, accountability, and effective public service; and

WHEREAS, the Town Council desires to establish a standard framework with general duties and procedures for all Advisory Bodies appointed by the Town Council. Specific provisions relating to each Advisory Body, including composition, qualifications, and scope of work, shall be set forth in separate exhibits attached to and incorporated into this Resolution by reference; and

WHEREAS, this Resolution supersedes any prior conflicting resolutions and shall serve as the operating framework for all current and future Advisory Bodies of the Town of Los Gatos.

NOW, THEREFORE, BE IT RESOLVED, the Town Council of the Town of Los Gatos does hereby declare, determine, and approve the following:

1. General Purpose and Authority - Advisory Bodies are created to provide advice and recommendations to the Town Council on specific topics or areas of expertise. Unless otherwise established by ordinance or resolution, Advisory Bodies shall act solely in an advisory capacity and have no decision-making authority. The Town Council reserves the right to amend, dissolve, or modify any Advisory Body by resolution or ordinance, as permitted by law.

2. Definitions:

- *Advisory Body*: Any Board, Commission, Committee, or other Town-established body created to advise the Town Council, provide recommendations, or assist in planning and oversight in a specific subject area.
- *Member*: An individual duly appointed by the Town Council to serve on an Advisory Body.

- *Youth Liaison*: A Youth Commissioner assigned to attend meetings of another Advisory Body in a non-voting role.
- *Staff Liaison*: A Town employee assigned to an Advisory Body to prepare and post meeting agendas; advise Members on Brown Act compliance; provide administrative support during meetings; and coordinate with relevant Town departments as necessary.
- *Quorum*: A simple majority (more than half) of the appointed voting members of an Advisory Body.
- *Work Plan*: A document developed by an Advisory Body outlining its proposed goals, projects, and priorities for Town Council approval.

3. Legal Compliance - Members must comply with all applicable federal, state, and local laws and regulations, and Town policies. Members must complete any applicable training required within the timelines established by law or Council policy. The Town Manager will administratively maintain the Commissioner's Handbook to serve as a guide for these various laws and policies as well as procedures. All Members are expected to read, understand, and adhere to the requirements outlined in the Handbook throughout their service.

4. Membership and Qualifications - Members shall be appointed by the Town Council pursuant to the established appointment process, and qualifications as stated in Council policy (refer to Policy 2-11). Unless otherwise provided by an ordinance of the Council, each Advisory Body shall consist of the five voting members, with the exception of the Youth Commission and the Diversity Equity, and Inclusion Commission.

Members must be residents of the incorporated municipal limits of the Town of Los Gatos at the time of appointment and remain so throughout their term of service, unless otherwise authorized by the Council in the attached exhibits. Any Advisory Body specific qualifications, such as professional background, representation of a particular profession, or youth eligibility criteria, shall be expressly stated in the attached Exhibits. In the event of a conflict between the membership requirements stated herein and the qualifications in the Exhibits, the provisions of the Exhibits shall supersede the general requirements where the two are inconsistent.

5. Terms and Vacancies - With the exception of the Youth Commission and the Historic Preservation Committee, and unless otherwise provided in the Town Code, Advisory Body Members shall serve three-year terms. Terms will be staggered to ensure continuity. Youth Commissioners shall serve a one-year term, and the Historic Preservation Committee members shall serve a four-year term. The Town Council may remove members by a three-fifths vote in accordance with Town Code Section 2.40.030 unless otherwise specified by ordinance. The appointment of Advisory Body members, filling of vacancies, and procedures for reappointments shall follow relevant Council and administrative policies.

6. Meeting and Attendance - The frequency of regular meetings shall be outlined in each Advisory Body's Exhibit. In consultation with staff, the Advisory Body shall establish a regular meeting time and location in accordance with the Brown Act. A quorum is required to conduct

official business, and Members are expected to attend all regular meetings. Absence from regular meetings shall be grounds for removal per Town policy (refer to Policy 2-11).

7. Duties and Responsibilities - Advisory Bodies shall identify and analyze issues of community interest that fall within their assigned scope of work, as set forth in the applicable exhibit to this Resolution, and in alignment with the Town Council's Strategic Priorities or as otherwise authorized by the Town Council under an approved Workplan. Advisory Bodies shall conduct public meetings and may utilize other appropriate methods to solicit community input relevant to their subject matter. Each Advisory Body may provide recommendations or make decisions as authorized by ordinance. All actions must remain within the authority and responsibilities defined in the relevant exhibit and be consistent with the workplans and priorities directed by the Town Council. In coordination with Town staff, each Advisory Body shall prepare and submit a work plan to the Town Council for approval. Workplans should focus on achievable goals that align with the Advisory Body's scope of work and available Town resources. Work plans must be approved by the Town Council before they can be implemented.

8. Staff Liaisons - Each Advisory Body shall have a designated staff liaison.

9. Reporting to the Council - Advisory Bodies may submit reports, recommendations, or presentations to the Town Council as directed, including but not limited to annual updates, work plan progress, and policy input relevant to their scope.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this resolution shall serve as the framework of general duties, and procedures for the Arts and Culture Commission; the Community Health and Senior Services Commission; the Complete Streets and Transportation Commission; the Diversity, Equity, and Inclusion Commission; the Historic Preservation Committee; the Library Board; the Parks and Sustainability Commission; the Personnel Board; the Planning Commission; the Finance Commission; and the Youth Commission. Advisory Body specific details, including membership composition, qualifications, and scope of work, shall be set forth in Exhibits attached to and incorporated into this Resolution. Upon adoption with applicable Exhibits, this Resolution shall repeal Resolution 2025-048 and repeal and replace any prior enabling resolutions for those Advisory Bodies.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the (day) of (month), (year), by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

Exhibit A

Art and Culture Commission

This Exhibit provides the specific provisions for the Art and Culture Commission and reflects the unique purpose and functional role of the Art and Culture Commission. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members is established in Section 4 of the resolution to which this Exhibit is attached. All members must reside within the incorporated municipal limits of the Town of Los Gatos. One (1) member of the Commission shall be an arts professional, such as an artist, art historian, art administrator, museum professional, or architect.

Youth Commission Liaison

One (1) Youth Commissioner may be appointed by the Youth Commission to serve as a non-voting, advisory liaison. The term of service shall align with the Youth Commission's one-year term.

Meetings

Meetings shall be scheduled monthly and in accordance with Town Policy 2-11. The Commission shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff.

Commission's Scope of Work

The Art and Culture Commission serves as an advisory body to the Town Council on matters related to the artistic and cultural life of the community that fall within the Town's purview and is responsible for making recommendations on policies and initiatives within the Town of Los Gatos in the areas art, drama, music, and other recognized creative disciplines. Additionally, the Commission may perform other duties as authorized by the Town Council.

Exhibit B

Community Health and Senior Services Commission

This Exhibit provides the specific provisions for the Community Health and Senior Services Commission and reflects the unique purpose and functional role of the Commission. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members is established in Section 4 of the resolution to which this Exhibit is attached. All members shall reside within the incorporated municipal limits of the Town of Los Gatos.

Youth Commission Liaison

One (1) Youth Commissioner may be appointed by the Youth Commission to serve as a non-voting, advisory liaison. The term of service shall align with the Youth Commission's one-year term.

Meetings

Meetings shall be scheduled monthly and in accordance with Town Policy 2-11. The Commission shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff.

Commission's Scope of Work

The Community Health and Senior Services Commission serves as an advisory body to the Town Council on matters related to community health and senior services that fall within the Town's purview and is responsible for making recommendations on related policies and initiatives within that scope. Additionally, the Commission may perform other duties as authorized by the Town Council.

Exhibit C

Complete Streets and Transportation Commission

This Exhibit provides the specific provisions for the Complete Streets and Transportation Commission and reflects the unique purpose and functional role of the Commission. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members is established in Section 4 of the resolution to which this Exhibit is attached. All members shall reside within the incorporated municipal limits of the Town of Los Gatos.

One member of the Commission may be appointed as a representative of the Town to serve on the Valley Transportation Authority Bicycle and Pedestrian Advisory Commission. Appointment shall be for a term of two (2) years consistent with the VTA requirements. The appointee shall provide written and/or oral reports at each regularly scheduled meeting.

Youth Commission Liaison

One (1) Youth Commissioner may be appointed by the Youth Commission to serve as a non-voting, advisory liaison. The term of service shall align with the Youth Commission's one-year term.

Meetings

Meetings shall be scheduled monthly and in accordance with Town Policy 2-11. The Commission shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff.

Commission's Scope of Work

The Complete Streets and Transportation Commission serves as an advisory body to the Town Council on matters related to all modes of travel that fall within the Town's purview and is responsible for making recommendations on policies and initiatives within the Town of Los Gatos concerning streets, transportation infrastructure, bicycle and pedestrian pathways, and safe routes to school efforts. Additionally, the Commission may perform other duties as authorized by the Town Council.

Exhibit D

Diversity, Equity, and Inclusion Commission

This Exhibit provides the specific provisions for the Diversity, Equity, and Inclusion Commission and reflects the unique purpose and functional role of the Commission. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members is established at seven (7). The membership composition shall be as follows:

- At least three (3) members shall be Los Gatos residents.
- Up to two (2) members may be individuals who are either Los Gatos business owners, employees of Los Gatos businesses, or Los Gatos faith leaders, regardless of residency.
- One (1) member shall be an Arts and Culture Commissioner.
- One (1) member shall be a Community Health and Senior Services Commissioner.

The terms of service for Los Gatos residents and individuals who are Los Gatos business owners, employees of Los Gatos businesses, or Los Gatos faith leaders are outlined in Section 5 of the resolution to which this Exhibit is attached. The Arts and Culture Commissioner and the Senior Health and Community Services Commissioner shall each serve a term of one (1) calendar year with no limitations on reappointments.

Youth Commission Liaison

Two (2) Youth Commissioners may be appointed by the Youth Commission to serve as a non-voting, advisory liaison. The term of service shall align with the Youth Commission's one-year term.

Meetings

Meetings shall be scheduled monthly and in accordance with Town Policy 2-11. The Commission shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff.

Commission's Scope of Work

The Diversity, Equity, and Inclusion Commission serves as an advisory body to the Town Council on matters related to creating equitable opportunities and a sense of belonging that fall within the Town's purview and is responsible for making recommendations on policies and initiatives

within the Town of Los Gatos in the areas of diversity, equity, and inclusion. Additionally, the Commission may perform other duties as authorized by the Town Council.

Exhibit E

Finance Commission

This Exhibit provides the specific provisions for the Finance Commission and reflects the unique purpose and functional role of the Commission. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members and qualifications are established in the Town Code, Section 2.50.205.

Meetings

Meetings shall be scheduled at least once per calendar year and in accordance with the Council Policy 2-11. The Commission shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff.

Commission's Scope of Work

The Finance Commission serves as an advisory body to the Town Council on matters outlined in the Town code, Section 2.50.200. The Commission's responsibility is to advise the Town Council and make recommendations on policies and initiatives that are under the Town's purview and within the areas outlined in the Town Code, Section 2.50.210. Additionally, the Commission may perform other duties as authorized by the Town Council.

Exhibit F

Historic Preservation Committee

This Exhibit provides the specific provisions for the Historic Preservation Committee and reflects the unique purpose and functional role of the Committee. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members and qualifications are established in the Town Code, Section 29.80.225.

Meetings

Meetings shall be scheduled regular meetings monthly and in accordance with Town Policy 2-11. The Committee shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff.

Commission's Scope of Work

The Historic Preservation Committee acts as an advisory body to the Planning Commission and Planning Director on all matters pertaining to historic preservation. The Committee's responsibilities are outlined in the Town Code, Section 29.80.227.

Exhibit G

Library Board

This Exhibit provides the specific provisions for the Library Board and reflects the unique purpose and functional role of the Library Board. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members is established in Section 4 of the resolution to which this Exhibit is attached. All members shall reside within the incorporated municipal limits of the Town of Los Gatos.

Youth Commission Liaison

One (1) Youth Commissioner may be appointed by the Youth Commission to serve as a non-voting, advisory liaison. The term of service shall align with the Youth Commission's one-year term.

Meetings

Meetings shall be scheduled bi-monthly on odd numbered months and in accordance with Town Policy 2-11. The Board shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff.

Commission's Scope of Work

The Library Board serves as an advisory body to the Town Council on matters related to the library programs and services that fall within the Towns purview and is responsible for making recommendations on related policies and initiatives within that scope. Additionally, the Board may perform other duties as authorized by the Town Council.

Exhibit H

Parks and Sustainability Commission

This Exhibit provides the specific provisions for the Parks and Sustainability Commission and reflects the unique purpose and functional role of the Parks and Sustainability Commission. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members is established in Section 4 of the resolution to which this Exhibit is attached. All members shall reside within the incorporated municipal limits of the Town of Los Gatos.

Youth Commission Liaison

One (1) Youth Commissioner may be appointed by the Youth Commission to serve as a non-voting, advisory liaison. The term of service shall align with the Youth Commission's one-year term.

Meetings

Meetings shall be scheduled bi-monthly on even numbered months and in accordance with Town Policy 2-11. The Commission shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff.

Commission's Scope of Work

The Complete Streets and Transportation Commission serves as an advisory body to the Town Council on matters related to open space and the sustainability of the natural environment that fall within the Town's purview and is responsible for making recommendations on policies and initiatives within the areas of public parks, off-street trails, open space, grounds, street trees, and sustainability topics related to the natural environment in the Town of Los Gatos. Additionally, the Commission may perform other duties as authorized by the Town Council.

Exhibit I

Personnel Board

This Exhibit provides the specific provisions for the Personnel Board and reflects the unique purpose and functional role of the Board. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members is established in the Town Code, Section 2.30.930 and qualifications are listed in Town Code, section 2.30.935.

Meetings

Meetings shall be scheduled at least once a year and in accordance with Town Policy 2-11. The Board shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff.

Commission's Scope of Work

The Personnel Board's scope of work is defined in the Town Code, Section 2.30.950.

Exhibit J

Planning Commission

This Exhibit provides the specific provisions for the Planning Commission and reflects the unique purpose and functional role of the Commission. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members is established in the Town Code, Section 20.20.010.

Meetings

Meetings shall be scheduled twice monthly and in accordance with Town Policy 2-11. The Commission shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff.

Commission's Scope of Work

The Planning Commission Town's planning agency within the meaning of Government Code section 65100. The Commission's responsibilities are outlined in the Town Code, Section 20.20.020.

Exhibit K

Youth Commission

This Exhibit provides the specific provisions for the Youth Commission and reflects the unique purpose and functional role of the Commission. This Exhibit may be amended only with the approval of the Town Council.

Membership Composition and Qualification

The number of voting members shall consist of nineteen (19) members. The members shall be students who are entering grades 8 through 12. Membership for the students requires residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

Youth Commission Liaison

The Commission may appoint one (1) primary member and one (1) alternate to attend the following Advisory Body meetings as a non-voting liaison:

1. Arts and Culture Commission
2. Community Health and Senior Services Commission
3. Library Board
4. Parks Commission
5. Complete Streets and Transportation Commission
6. Diversity, Equity and Inclusion (DEI) Commission

Liaisons shall provide a monthly report to the Youth Commission and be responsible for conveying the Youth Commission's input to the appointed Board or Commission. The term of service on the appointed Advisory Body shall align with the Youth Commission's one-year term.

The primary liaison shall attend all meetings of the Advisory Body they are appointed to. If they cannot attend the meeting, it shall be the responsibility of the alternate to attend the meeting. If the primary member misses three (3) meetings of the Advisory Body the Youth Commission shall appoint a new primary member, and if necessary, a new alternate.

Meetings

Regular meetings shall be scheduled monthly in alignment with the Youth Commission's one-year term. The Commission shall adopt a resolution to establish or change the regular time and location for its meetings in consultation with Town staff in consultation with staff.

Commission's Scope of Work

The Youth Commission serves as an advisory body to the Town Council on matters related to the youth of Los Gatos that fall within the Town's purview and is responsible for making recommendations on policies and initiatives within the areas of youth activities and concerns in the Town of Los Gatos. Additionally, the Commission may perform other duties as authorized by the Town Council.

RESOLUTION 2016-051

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE ARTS AND CULTURE COMMISSION ENABLING RESOLUTION AND RESCINDING RESOLUTION 2009-100

WHEREAS, the Town Council of the Town of Los Gatos does hereby establish the terms and conditions for appointment to and conduct of the Arts and Culture Commission. The Commission is advisory to the Town Council and operates in the manner hereinafter prescribed.

NOW THEREFORE, BE IT RESOLVED:

1. Membership-Organization
    a. The Commission shall consist of seven members. Membership composition shall be six (6) adult voting members, whose terms of office shall be three (3) years and until their successors are appointed by the Town Council, and one (1) Youth Commissioner as a voting member, whose term of office shall be for one (1) year with no limitations on reappointments. One (1) member of the Commission shall be an arts professional, such as an artist, art historian, art administrator, museum professional, or architect.
    b. The terms of office of the respective members shall be staggered and overlapped in such a manner that the terms of no more than three (3) of the members expire each year.
    c. The Commission shall annually designate a Chairperson and Vice-Chairperson.
    d. A majority of members shall constitute a quorum of the Commission for the purpose of transacting business. Any member shall have the right to present a minority view to Council in reference to any report or recommendation the Commission may take.
    e. The members of the Commission shall serve without compensation, provided that with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the provisions of the current Administrative Policy.
    f. The Commission shall establish a regular time and location for its meetings and shall otherwise call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following).
    g. A record of all minutes and resolutions of the Commission shall be kept and shall be a public record.
    h. Residency and meeting attendance requirements will conform with all current Town Resolutions and Policies.
2. Duties and Functions
    a. The function of the Commission shall be to serve in an advisory capacity to the Town Council regarding Town policies within its scope of expertise; specifically, on the art, drama, music, and other creative activities of the community. With

the prior approval of, and/or at the direction of, the Town Council or its delegate, the Commission shall receive public input, evaluate options, and make recommendations on policy issues including, but not limited to, the following:

i. Matters affecting the artistic and/or cultural life of the community; and
ii. Local visual and performing arts efforts; and
iii. Matters in the field of art, aesthetics, and beautification.

b. The Commission shall make recommendations to the Town Council concerning public art, under the terms of the current Town Public Art Selection Policy and Procedure.
c. The Commission shall perform other duties as assigned by the Town Council.

BE IT FURTHER RESOLVED that Resolution 2009-100 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of October, 2016, by the following vote:

COUNCIL MEMBERS:

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

NAYS: Rob Rennie

ABSENT: None.

ABSTAIN: None.

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 10/20/16

ATTEST:

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

DATE: 10/20/16

RESOLUTION 2020-012

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE COMMUNITY HEALTH AND SENIOR SERVICES COMMISSION ENABLING RESOLUTION AND RESCINDING RESOLUTIONS 2016-054 AND 2011-035

RESOLVED by the Town Council of the Town of Los Gatos, that the Town Council does hereby establish the terms and conditions for appointment to and conduct of the Community Health and Senior Services Commission. The Commission is advisory to the Town Council and operates in the manner hereinafter prescribed.

1. Membership-Organization
   a. The Commission shall consist of seven (7) voting members. Membership composition shall be six (6) adult voting members appointed by Council, whose terms of office are three (3) years and until their successors are appointed by Council, and one (1) Youth Commissioner as a voting member, appointed by the Youth Commission, whose term of office shall be for one (1) year with no limitations on reappointments.

   b. The Commission's membership shall, to the extent possible, reflect the social and economic diversity of the Los Gatos community.

   c. The members' terms of office are staggered and overlapped so that the terms of no more than three (3) of the adult members expire each year.

   d. The Commission shall appoint and prescribe the term of office for its Chair and Vice-Chair.

   e. A majority of voting members of the Commission shall constitute a quorum for the purpose of transacting business. Any member shall have the right to present a minority view to the Town Council in reference to any report or recommendation the Commission makes.

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

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

   h. A record of all minutes and resolutions of the Commission shall be kept and shall be a public record.

i. Residency and meeting attendance requirements will conform with all current Town Resolutions and Policies.

2. Duties and Functions
   a. The function of the Commission shall be to serve in an advisory capacity to the Town Council regarding Town policies within its scope of expertise; specifically, on the senior services and public health needs of the community. With the prior approval of, and/or at the direction of, the Town Council or its delegate, the Commission shall receive public input, evaluate options, and make recommendations on policy issues including, but not limited to, the following:
      i. The goals, policies, and actions relating to Senior Services and Public Health contained in the Town's General Plan; and
      ii. The coordination of community services programs between the Town and other agencies, both public and private; and
      iii. Emerging community needs, including demographic and economic trends.

   b. In developing recommendations to the Town Council, the Commission should:
      i. Elicit the interest and support of various relevant community individuals and groups.
      ii. Study and examine sources of public and private funding to meet public health and community service needs.
      iii. Evaluate the effectiveness of existing programs and make constructive suggestions for improvement.
      iv. Examine ways to minimize and/or eliminate overlapping and duplicative services.

   c. The Commission may send representatives, when appropriate, to other bodies or Commissions.

   d. The Commission shall perform other duties as assigned by the Town Council.

BE IT FURTHER RESOLVED that the Commissions name is changed to Community Health and Senior Services Commission and that Resolutions 2016-054 and 2011-035 are hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of May 2020, by the following vote:

COUNCIL MEMBERS:

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

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 5/20/20

ATTEST:

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

DATE: 5/21/2020

RESOLUTION 2019-047

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ESTABLISHING THE COMPLETE STREETS AND TRANSPORTATION COMMISSION AND RESINDING RESOLUTIONS 2016-052 AND 2016-058

WHEREAS, multi-modal transportation issues throughout Los Gatos need to be carefully evaluated to ensure that the quality of life in Town is positively impacted by proper transportation management; and,

WHEREAS, the safety of all users of the transportation network is equally important; and,

WHEREAS, there is a need to review and recommend actions related to multi-modal transportation; and

WHEREAS, traffic congestion and traffic calming, particularly in the residential neighborhoods is an ongoing focus within the Town of Los Gatos; and,

WHEREAS, parking plays a significant role in the transportation network; and,

WHEREAS, a Commission dedicated to all modes of transportation meets the need of regional requirements for such a role, including the role of a Bicycle and Pedestrian Advisory Commission.

NOW THEREFORE, BE IT RESOLVED:

1. There is hereby created a Complete Streets and Transportation Commission for the Town.
    a. The Commission shall be advisory to the Town Council and shall operate in the manner hereinafter prescribed.
2. Membership/ Organization
    a. The Commission shall consist of seven (7) members. Membership composition shall be one (1) Youth Commissioner as a voting member, whose term of office shall be for one (1) year with no limitations on reappointments, appointed by the Youth Commission, and six (6) adult voting members appointed by the Town Council, whose terms of office shall be three (3) years and until their successors are appointed by Council.

b. Members of the Commission shall reside within the incorporated municipal limits of the Town of Los Gatos.

c. Commission members shall serve without compensation.

d. The Commission shall hold monthly regular meetings.

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

f. Staff services as required shall be provided to the Commission by the Parks and Public Works Director, or designee, who shall also serve as Secretary of the Commission without vote.

g. Meeting attendance requirements will conform with all current Town Resolutions and Policies.

h. A record of all minutes and resolutions of the Commission shall be kept and shall be a public record.

3. Powers and Duties.

The duties of the Complete Streets and Transportation Commission shall be to:

a. Act in an advisory capacity to the Town Council in matters pertaining to current trends and experiences in enhancing all modes of travel; integration of Town transportation infrastructure, including bike and pedestrian pathways, with neighboring jurisdictions; reviewing relevant grant applications; prioritizing transportation around schools, including enhancing safe routes to schools efforts; reviewing and updating Town master plans, including the Bicycle and Pedestrian Master Plan and others as relevant; and related topics as directed by the Town Council or requested by Town staff.

b. Review policies and procedures on streets and trails.

c. Appoint one member of the Commission as a representative of the Town to serve on the Valley Transportation Authority Bicycle and Pedestrian Advisory Commission.

i. Appointments shall be for a term of one year.

ii. Appointee shall provide written and/or oral reports at each regularly scheduled meeting.

4. Not to affect powers of the Town Council. Nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council, or as a delegation to the Complete Streets and Transportation Commission of any of the authority or discretionary powers vested and imposed by law in such Council.
5. Resolutions 2016-052 and 2016-058 are hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 20th day of August 2019 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 8/23/19

ATTEST:

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

DATE: 8/23/19

RESOLUTION 2023-053

RESCIND RESOLUTION 2023-051 AND ADOPT A REVISED ENABLING RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ESTABLISHING THE DIVERSITY, EQUITY, AND INCLUSION COMMISSION

WHEREAS, the Town Council of the Town of Los Gatos does hereby formally establish the Diversity, Equity, and Inclusion Commission (DEIC).

WHEREAS, the Town is working to institutionalize Justice, Equity, Diversity, and Inclusion in the Town's ethos, the role of DEIC is to support and foster new opportunities for marginalized groups in the Town.

WHEREAS, the DEIC will be committed to Justice, Equity, Diversity, and Inclusion across all sectors within the Town of Los Gatos and the purpose of DEIC is to work to create more equitable opportunities and increase a sense of belonging for all Los Gatos community members and visitors through community engagement and collaborative activities.

NOW, THEREFORE, BE IT RESOLVED:

1. Resolution 2023-051 is rescinded and replaced by this Enabling Resolution.

2. The DEIC is hereby established as an advisory committee to the Los Gatos Town Council and shall operate in the manner hereinafter prescribed.

3. Membership/Organization
    a. The Town is seeking a diversity of members that includes but is not limited to: youth; seniors; Black, Indigenous, and People of Color (BIPOC); Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual (LGBTQIA+); those that are disabled; and religious diversity. The Commission shall consist of eleven (11) members. Membership composition shall be:
        i. Two (2) Youth Commissioners as voting members, whose term of office shall be for one (1) year with no limitations on reappointments, appointed by the Youth Commission;
        ii. One (1) Arts and Culture Commissioner as a voting member, whose term of office shall be for one (1) year with no limitations on reappointments, appointed by the Arts and Culture Commission;
        iii. One (1) Community Health and Senior Services Commissioner as a voting member, whose term of office shall be for one (1) year with no limitations on reappointments, appointed by the Community Health and Senior Services Commission;
        iv. One (1) Town of Los Gatos business owner and resident as a voting member, whose term of office shall be for three (3) years, appointed by the Town Council;

v. One (1) Town of Los Gatos business owner or employee, who may or may not reside in Los Gatos, as a voting member, whose term of office shall be for three (3) years, appointed by the Town Council;
vi. One (1) Town of Los Gatos faith leader who leads a congregation in Los Gatos, who may or may not reside in Los Gatos, as a voting member, whose term of office shall be for three (3) years, appointed by the Town Council;
vii. One (1) Town of Los Gatos non-profit employee, who may or may not reside in Los Gatos, as a voting member, whose term of office shall be for three (3) years, appointed by the Town Council; and
viii. Three (3) Town of Los Gatos residents as voting members, whose term of office shall be for three (3) years, appointed by the Town Council.

b. The three-year terms will be staggered.
c. Commission members is expected to report back to the Board, Committee, Commission, or organization the Commissioner represents (i.e., Arts and Culture Commission, faith community, etc.).
d. The Commission shall appoint a Chair and Vice Chair.
e. Commission members shall serve without compensation.
f. The Commission shall hold regular monthly meetings.
g. The Commission shall establish a regular time and location for its meetings and shall otherwise call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act.
h. Meeting attendance requirements will conform with all current Town Resolutions and Policies.
i. A record of all meeting minutes and resolutions of the Commission shall be kept and shall be a public record.

4. Powers and Duties
    a. The duties of DEIC shall be to:
        i. Act in an advisory capacity to the Town Council in matters pertaining to creating equitable opportunities and a sense of belonging within Town. The DEIC's scope of work may include the following items:
            1. Community Based Programming
                a. Develop new and promote current programs/events that foster unity and diversity within the Town.
                b. Identify Equity Training opportunities for Town Council, staff, residents, business owners/employees, students, and/or Commission/community members.
                c. Incorporate community feedback into programming and training.
            2. Collaborative Efforts
                a. Foster stronger collaborations between current Town Boards, Commissions, and Committees and community-based organizations to integrate equity practices and principles.
                b. Build relationships with local public and private school

systems in order to provide support and resources for Equity work.

c. Build collaborative processes with other Town Boards, Committees, and Commissions to ensure integration of Equity practices into the Town community grant program.

3. **Policy Recommendations**
   a. Make policy recommendations to the Town Council regarding Justice, Equity, Diversity, Inclusion, and Unity issues.
4. **Communications**
   a. Create a communications campaign centered around equity education and promotion of Town events.

ii. Not to affect powers of the Town Council. Nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council, or as a delegation to DEIC of any of the authority or discretionary powers vested and imposed by law in such Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of October 2023 by the following vote:

COUNCIL MEMBERS:

AYES: Matthew Hudes, Rob Moore, Rob Rennie, Mayor Maria Ristow

NAYS: Mary Badame

ABSENT: None

ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 10-4-23

ATTEST:

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

DATE: 10-5-23

RESOLUTION 2016-056

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ESTABLISHING THE TERMS AND CONDITIONS FOR APPPOINTMENT TO AND CONDUCT OF THE LIBRARY BOARD

WHEREAS, the Town Council of the Town of Los Gatos does hereby establish the terms and conditions for appointment to and conduct of the Library Board. The Board is advisory to the Town Council and operates in the manner hereinafter prescribed.

NOW, THEREFORE, BE IT RESOLVED THAT, The Library Board shall consist of seven (7) members – six (6) adult voting members appointed by Council, whose terms of office shall be three (3) years and until their successors are appointed by Council, and one (1) Youth Commissioner as a voting member, appointed by the Youth Commission, whose term of office shall be for one (1) year with no limitations on reappointments

Residency and meeting attendance requirements for all members will conform with all current Town Resolutions and Policies.

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

The Town Council shall fill any member vacancies occurring during the term of the Board. The Board shall, annually, at the January meeting, designate a Chairperson and Vice-Chairperson.

A majority of members of the Board shall constitute a quorum of the Board for the purpose of transacting business. Any member shall have the right to present a minority view to Council in reference to any report or recommendation the Board may take.

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

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

Special meetings may be called at any time by three Board members by written notice served upon each member, and shall be posted at least twenty-four hours before the time specified for the proposed meeting.

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

BE IT FURTHER RESOLVED THAT, (a) The function of the Board shall be to serve in an advisory capacity to the Town Council regarding Town policies within its scope of expertise; specifically on library programs, services and policies that meet the needs of the community. With the prior approval of, and/or at the direction of, the Town Council or its delegate, the Board shall receive public input, evaluate options, and make recommendations on policy issues affecting the library.

(b) The Board shall promote the services of the library in the community by:

1. Becoming familiar with the library's services and with applicable local and state library laws.
2. Speaking to service clubs, business associations, school groups, and other organizations about the library's program and services.

(c) The Board may send representatives, when appropriate, to other bodies or commissions.

(d) The Board shall perform other duties as assigned by the Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of October, 2016, by the following vote:

COUNCIL MEMBERS:

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

NAYS: Rob Rennie

ABSENT: None.

ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 10/20/16

ATTEST:

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

DATE: 10/20/16

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RESCINDING RESOLUTION 2016-057 AND ADOPTING AN ENABLING RESOLUTION TO CREATE THE PARKS AND SUSTAINABILITY COMMISSION

WHEREAS, Town Code Section 19.20.010 of the Los Gatos Town Code provides that the Town Council shall establish a Parks Commission for the Town by resolution; and

WHEREAS, on July 1, 2002, The Town Council established a Park Commission; and

WHEREAS, on October 17, 2023, the Town Council approved changing to the name of the Parks Commission to the "Parks and Sustainability Commission;"

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Los Gatos, that the Town Council does hereby approve:

1. Changing the name of the Parks Commission to the "Parks and Sustainability Commission;" and

2. Establishing the terms and conditions for appointment to and conduct of the Parks and Sustainability Commission as follows:

   Membership/Organization

   a. The Parks and Sustainability Commission shall consist of seven (7) members: six (6) adult voting members appointed by Council, whose terms of office shall be three (3) years and until their successors are appointed by Council and one (1) Youth Commissioner as a voting member, appointed by the Youth Commission, whose term of office shall be for one (1) year with no limitations on reappointment.

   b. All adult members of the Commission shall reside within the incorporated municipal limits of the Town of Los Gatos, California.

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

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

   e. A majority of members of the Parks Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

f. The Parks Commission shall elect a Chair and a Vice-Chair, both of whom shall serve at the pleasure of the Commission. Terms of office shall be for one (1) year.

g. Staff services as required shall be provided to the Parks Commission by the Parks and Public Works Director, or his/her designee.

h. Meeting attendance requirements will conform with all current Town Resolutions and Policies.

i. A record of all minutes and resolutions of the Commission shall be kept and shall be a public record.

3. Establishing the Commission as an advisory body to the Town Council which operates in the manner hereinafter prescribed as follows:

Powers and Duties

a. The function of the Commission shall be to serve in an advisory capacity to the Town Council regarding Town policies within its scope of expertise; specifically, on matters pertaining to public parks, off-street trails, open space, grounds, street trees and sustainability topics pertaining to the natural environment that meets the needs of the present without compromising the ability of future generations to meet their own needs.
b. With the prior approval of, and/or at the direction of, the Town Council or its delegate, the Commission shall receive public input, evaluate options, and make recommendations on policy issues including, but not limited to, the following:

1. Policies and procedures on park, trail, open space, and street tree programs.
2. Policies and procedures relating to sustainability of the natural environment, such as landscape maintenance, water usage, ecosystem protection, and educational programs on these topics.
3. Inventories of park, trail, open space, and street tree services that exist or may be needed, and of the needs of the public regarding these services.
4. Coordination of park, trail, open space, street tree and sustainability services with the programs of other governmental agencies and voluntary organizations.

BE IT FURTHER RESOLVED that Resolution 2016-057 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of November 2023 by the following vote:

COUNCIL MEMBERS:

AYES: Mary Badame, Matthew Hudes, Rob Moore, Rob Rennie, Mayor Maria Ristow

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 11-22-23

ATTEST:

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

DATE: 11-22-23

RESOLUTION 2025-025

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RESCINDING RESOLUTION 2018-008 AND ESTABLISHING RULES FOR THE YOUTH COMMISSION

WHEREAS, it is recognized that a youth perspective on issues which pertain to the youth in the community is an important part of decision making in Town; and

WHEREAS, there is value in increasing communication between adults and youth; and

WHEREAS, there is value in having a mechanism for youth to have a voice in Town affairs and issues relating to youth; and

WHEREAS, the Town Council of the Town of Los Gatos found and determined that the purpose of the Youth Commission is to foster and encourage civic and neighborhood pride and a sense of identity through the knowledge, understanding, and increased involvement of the Town's youth in the Town's present and future municipal affairs.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOS GATOS THAT:

1. There is a need for a Youth Commission to function in the Town of Los Gatos, which would establish a formal body by which the youth of Los Gatos would have a voice in the community.
2. There is hereby established a Youth Commission which shall generally be responsible for studying various problems, activities and other issues of concern to the youth in general, and for advising Council on matters pertaining to issues involving the youth of Los Gatos.

    a. Membership/Organization
        i. The Youth Commission shall consist of nineteen (19) members. The members shall be students who are entering grades 8 through 12. Membership for the students requires residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

        ii. Members shall serve a one-year term. Members may serve consecutive terms if re-interviewed and chosen after participating in the selection process.

        iii. Members act as liaisons to Adult Town Commissions and are not considered voting members. The Commission shall appoint one (1) primary member and one (1) alternate to attend the following Town

Board and Commission meetings as a non-voting liaison with the purpose of bringing information back to the Youth Commission to engage and foster a better understanding of civic process and government and providing a youth perspective to the commissions:

1. Arts and Culture Commission
2. Community Health and Senior Services Commission
3. Library Board
4. Parks Commission
5. Complete Streets and Transportation Commission
6. Diversity, Equity and Inclusion (DEI) Commission

iv. In addition to all Youth Commission meetings, the primary member shall attend all meetings of the Board or Commission they are appointed to. If the primary member is not able to attend the meeting of the Board or Commission they are assigned, it shall be the responsibility of the alternate to attend the meeting. If the primary member misses three (3) meetings of the Board or Commission the Youth Commission shall appoint a new primary member, and if necessary, a new alternate.

v. Liaisons shall provide a monthly report to the Youth Commission and be responsible for conveying the Youth Commission's input to the Board or Commission.

vi. A majority of members shall constitute a quorum for the purpose of transacting business.

vii. Commission members shall serve without compensation, provided that, with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the current Council policy.

3. The Commission shall hold a regular meeting at least once each month between September and May. The Commission shall establish a regular time and location for its meetings and shall otherwise call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following.)

4. The Commission shall elect a Chair and Vice-Chair, both of whom shall serve at the pleasure of the Commission. Terms of office shall be for one (1) year and shall begin on the first meeting in September and end the following May.

5. Minutes of the actions taken during its meetings shall be kept and filed with the Town Clerk Administrator.

6. Meeting attendance requirements will conform with all current Town Resolutions and Policies.

7. The duties of the Commission shall include the following:
   a. Foster greater involvement of youth in municipal government affairs.

   b. Study problems, activities, and concerns of youth, especially as they relate to municipal programs or projects of the Town of Los Gatos.

   c. Hold forums on problems, activities and concerns of youth, either alone or in conjunction with other governmental agencies and community organizations, as the Commission deems desirable.

   d. Review municipal matters referred to the Commission by the Town Council or other Town boards, committees, or commissions and, as appropriate, make recommendations on those matters.

BE IT FURTHER RESOLVED that Resolution 2018-008 is hereby rescinded.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 20th day of May, 2025, by the following vote:

COUNCIL MEMBERS:

AYES: Rob Rennie, Mary Badame, Maria Ristow, Rob Moore and Mayor Matthew Hudes

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

From: Craig Gleason
To: Clerk
Subject: Policy Committee: Public comment for item #3, Revisions to Standardize Town"s Boards, Committees, and Commission"s Enabling Resolutions
Date: Monday, September 22, 2025 11:35:51 AM

[EXTERNAL SENDER]

Mayor Hudes and Council member Badame,

I have a few comments and observations regarding the following item on the 9/23 Policy Committee agenda:
Review and Provide Direction on the Revisions to Standardize the Town's Boards, Committees, and Commission's Enabling Resolutions

My experience is only on the Parks and Sustainability Commission so my feedback is somewhat specific to that background.

1. Youth commissioner participation has been very spotty – we had pretty good engagement two years ago but the last two representatives have been mostly absent. We may want to consider different ways to get youth feedback to the Commissions, for example scheduled items where youth are invited to provide ideas and feedback, without the need to act as a standing member.
2. It would be easier to form a quorum with five voting members (3/5) than the current situation (4/6). There's some benefit to that since overall absence rates are relatively high. However, we haven't had to cancel any meetings in my memory due to lack of quorum so I'm not sure if this is a critical issue.
3. If we are willing to have non-voting members for youth, perhaps we could consider that for others too. On the Parks and Sustainability Commission, there have been very few critical votes. Most votes are on housekeeping items like minutes and the more substantive discussions have been advisory to the staff rather than actual decisions. So if we could drop voting privilege but not drop the commission member entirely, it would probably still work pretty well for this particular Commission. The idea would be that the member would be named and able to participate in discussions, but not vote. I believe this is legal, as the Santa Clara County Special Districts Association where I'm a designated representative has non-voting members. I'd guess we wouldn't have too much trouble finding one member who would be willing to drop their voting privilege.
4. Related to item 3, my main contributions to the Commission have never been related to voted items. I've worked on the trail connectivity report, Flume Trail volunteer project, Pickleball working group, etc. Other than currently being the Commission chair, I could easily imagine being a non-voting member and still being able to help in significant ways.

I hope this feedback may help in some way. Thanks very much for your service to our Town.

Craig

From: Bernadette Marie White
To: Clerk
Subject: Comment on the Reduction of Commisssions for the Sept. 23 Los Gatos Policy Committee Meeting
Date: Monday, September 22, 2025 2:00:06 PM

[EXTERNAL SENDER]

Hello,

I am not able to attend tomorrow's Policy Committee meeting, and I wanted to provide my comments for the meeting:

I proudly serve on the Library Board, and I cannot imagine myself or any of my fellow Board members not being in the room. Reducing the number of committee members will limit the opportunities for citizens to be engaged in local government. It will also limit the voices in the room- providing different perspectives, ideas, and feedback for key city departments.

From: Jeffrey P. Blum, Mediator and Private Judge
To: Clerk
Cc: Rob Moore
Subject: Fw: Feedback on Proposed Commission Membership Changes
Date: Monday, September 22, 2025 2:22:56 PM
Attachments: 0176_250922141544_001.pdf

[EXTERNAL SENDER]

Dear Clerk:

Please see the forwarded letter for consideration by the town's policy committee and council.

If possible, please confirm receipt of the forwarded letter.

Thank you.

Jeffrey P. Blum, Attorney at Law
Family Law Mediation and Private Judging
[redacted]
Los Gatos, California 95032
Telephone: [redacted]
Website: jeffreypblum.com

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----- Forwarded Message -----
From: [redacted]
To: Jeff AOL [redacted]
Sent: Monday, September 22, 2025 at 02:18:37 PM PDT
Subject: Attached Image

JEFFREY P. BLUM, ATTORNEY AT LAW

[redacted]
Los Gatos, California 95032
[redacted]

Family Law Mediation and Private Judging
Email: [redacted] *Website: jeffreypblum.com*

September 22, 2025

Subject: Feedback on Proposed Commission Membership Changes

Dear Clerk,

As a current member of the Community Health and Senior Services Commission ("CHSSC"), whose term concludes at the end of this year, I write this letter on my own behalf and not in my official capacity as a member of CHSSC.

I oppose the staff recommendation to reduce commission membership to five voting members. This proposal provides no substantive rationale for why five members would be sufficient to handle the commission's complex work, how workload or quorum issues were considered, or why alternative structures were not evaluated. The recommendation appears arbitrary and could undermine the effectiveness of the commission without any demonstrated benefit.

The Community Health and Senior Services Commission undertakes a substantial and critical workload that relies on a full complement of commissioners. Our accomplishments include, but are not limited to:

- Developing and maintaining programs that promote senior wellness, social connection, and community education. Consider the Navigator, the HUB, and the Senior Housing information resources as a few examples of our work.
- Overseeing grants and funding initiatives to support local health and senior services programs.
- Reviewing and providing recommendations on policies affecting vulnerable populations.
- Coordinating multi-stakeholder efforts with Town departments, nonprofits, and volunteer organizations.
- Implementing the Senior Service Road Map.
- Addressing critical mental health issues.

- Ensuring accountability of service providers to guarantee effective program delivery.

These efforts require careful planning, investigation, collaboration, and oversight. A commission with fewer than six members would struggle to manage this workload, and, if anything, additional members would enhance the commission's ability to serve the community. Importantly, the commission has rarely experienced deadlocks in votes, demonstrating that a larger membership promotes collaboration rather than gridlock.

Reducing membership would have the following consequences:

1. **Reduced Capacity to Complete Work:** Fewer commissioners would limit the ability to manage projects, attend meetings, and participate in subcommittees, delaying important decisions and reducing effectiveness.
2. **Loss of Diversity and Perspective:** Each commissioner contributes unique expertise and experience. Fewer members would narrow the range of ideas and solutions considered.
3. **Reduced Community Representation:** Fewer voices reduce the commission's connection to the diverse needs of Los Gatos residents.
4. **Increased Risk of Burnout:** Remaining members would carry greater workloads, raising the risk of fatigue and turnover.
5. **Weakened Oversight and Accountability:** Smaller commissions provide less scrutiny, increasing the potential for errors and groupthink.
6. **Loss of Institutional Knowledge:** Long-serving commissioners provide continuity and historical context critical to informed decision-making.
7. **Decreased Public Confidence:** A reduced or overburdened commission may appear less credible to the community.
8. **Procedural Challenges:** Fewer members make maintaining a quorum difficult and may impede compliance with procedural requirements for votes, hearings, and outreach.

For these reasons, I urge the Policy Committee and Town Council to maintain or even expand commission membership to ensure adequate capacity, diverse perspectives, community representation, and continuity in serving Los Gatos residents.

Thank you for considering my input.

Sincerely,

Jeffrey P. Blum

cc: Vice-Mayor Rob Moore

From: anne [redacted]
To: Clerk
Subject: DEI Commissioner/ACC Commissioner Issue
Date: Monday, September 22, 2025 4:23:51 PM

[EXTERNAL SENDER]

To the Policy Committee:

When I came to the DEI Commission in January 2025, DEI Chair Yamate told me that I was a full DEI Commissioner. I understood that I would vote and I voted.

The DEI Commission had invited an Arts & Culture Commissioner to join the DEI Commission and be liaison to the DEI Commission from the ACC Commission. I volunteered for that position.

The DEI Commission wanted skills of an ACC Commissioner to be on their commission. I did that and made a banner for the Town Event at the Fourth of July celebration at their request with their words and colors.

Furthermore, the ideas put forth by the DEI Commission apply well to the ACC Commission, in my opinion.

I cannot imagine not being a voting member on the DEI Commission. I am addressed as "Commissioner Lamborn". My name placard says "Commissioner Lamborn." I am listed in the Town registry as a DEI Commissioner.

By the way, I have served on Town of Los Gatos Commissions for 14 years total. (1986-96, 2022-present, 2025-present). I am not new to commissions in the Town of Los Gatos.

Regarding the Brown Act, I have talked to no commissioners regarding this issue. I did read the letter from Rob Moore and looked up the references in that letter that he sent today.

Regarding making the Town commissions have uniform numbers of commissioners, terms, and quorums, it would seem to be a good idea. I am not really sure that it is. I value strong citizen representation.
I hope to attend the meeting on Sept. 23 at 5 pm to learn more about the issues at stake. Some of the issues may have to do with quorums and being able to do Town business efficiently. I intend to be open-minded.

Thank you for reading this.

Sincerely,

Anne Lamborn

From: Carmen Lo
To: Clerk
Subject: Public Comment Item #3 - Sept. 23 Council Policy Meeting
Date: Tuesday, September 23, 2025 2:01:43 PM

[EXTERNAL SENDER]

Hello,

I am writing regarding the Council Policy Committee September 23 meeting Item #3: "Review and Provide Direction on the Revisions to Standardize the Town's Boards, Committees, and Commission's Enabling Resolutions." Though I serve on the Los Gatos Diversity, Equity, and Inclusion Commission, I am writing to you in my personal capacity as a resident of Los Gatos and not in my capacity as a Commissioner.

I am concerned about the proposal to limit the voting members of the DEI Commission to only five voting members, down from the original allocation of eleven voting members outlined in the enabling resolution for the Commission.

First, limiting the DEI Commission to five voting members is antithetical to the very purpose of the Commission. The Enabling Resolution establishes that Los Gatos created the Commission to "work to create more equitable opportunities and increase a sense of belonging for all Los Gatos community members and visitors through community engagement and collaborative activities." To accomplish that, the Resolution provides that membership of the organization has a diversity of members serving in the Commission. By limiting the Commission to five voting members greatly limits the ability for the Commission to represent the interests of the diversity of communities that we have in Los Gatos. To truly listen to all voices of the community, we need both diversity within the Commission members, and enough Commissioners to reach out and engage with all communities in the town.

Second, by cutting the number of DEI Commissioners to less than half of the original voting members sends a signal that the Town is no longer committed to the Town's stated values of justice, equity, diversity, and inclusion. In a time when these values are under attack and when Los Gatos residents have expressed their fear of being safe in their own community, Los Gatos has a duty to the town to be more committed than ever to these values. Los Gatos has an obligation to their residents, particularly the ones who are most marginalized and vulnerable, to listen and ensure a feeling of inclusion and safety. Los Gatos made a commitment to institutionalize DEI values into the Town's ethos, and it needs to follow through.

Third, eliminating positions on the DEI Commission will greatly hamper the important work that is already happening. The Commission has already made its presence known at various Town events, reached out to countless community groups, and advised the Town on important matters related to fostering a sense of inclusion and belonging in the Town. The Commission will no longer be able to do this critical work if its members are cut in half.

I urge the Policy Committee to vote down the proposed policy change of reducing voting members of the DEI Commission. The work of the DEI Commission is more critical than ever, and Los Gatos needs to continue standing by its residents whom it promised to engage with and protect.

Sincerely,
Carmen Lo

From: Jeffrey P. Blum, Mediator and Private Judge
To: Clerk
Subject: Fw: Feedback on Proposed Commission Membership Changes
Date: Friday, September 26, 2025 2:58:27 PM
Attachments: 0176_250922141544_001.pdf

[EXTERNAL SENDER]

Dear Clerk:

I understand that the proposal to change the membership size, etc. of town boards and commissions will be considered by the town council in early October. I will not be able to attend the meeting when this occurs. However, I request that the forwarded letter from me be included in the town council's agenda packet when the issue is discussed by the town council.

Thank you.

Jeffrey P. Blum, Attorney at Law
Family Law Mediation and Private Judging
[redacted]
Los Gatos, California 95032
Telephone: [redacted]
Website: jeffreypblum.com

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----- Forwarded Message -----
From: Jeffrey P. Blum, Mediator and Private Judge [redacted]
To: Clerk <clerk@losgatosca.gov>
Cc: rmoore@losgatosca.gov <rmoore@losgatosca.gov>
Sent: Monday, September 22, 2025 at 02:22:44 PM PDT
Subject: Fw: Feedback on Proposed Commission Membership Changes

> Dear Clerk:
>
> Please see the forwarded letter for consideration by the town's policy committee and council.
>
> If possible, please confirm receipt of the forwarded letter.
>
> Thank you.

Jeffrey P. Blum, Attorney at Law
Family Law Mediation and Private Judging
[redacted]
Los Gatos, California 95032
Telephone: [redacted]
Website: jeffreypblum.com

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From: [redacted]
To: Jeff [redacted]
Sent: Monday, September 22, 2025 at 02:18:37 PM PDT
Subject: Attached Image

JEFFREY P. BLUM, ATTORNEY AT LAW

[redacted]
Los Gatos, California 95032
[redacted]

Family Law Mediation and Private Judging
Email: [redacted] *Website: jeffreypblum.com*

September 22, 2025

Subject: Feedback on Proposed Commission Membership Changes

Dear Clerk,

As a current member of the Community Health and Senior Services Commission ("CHSSC"), whose term concludes at the end of this year, I write this letter on my own behalf and not in my official capacity as a member of CHSSC.

I oppose the staff recommendation to reduce commission membership to five voting members. This proposal provides no substantive rationale for why five members would be sufficient to handle the commission's complex work, how workload or quorum issues were considered, or why alternative structures were not evaluated. The recommendation appears arbitrary and could undermine the effectiveness of the commission without any demonstrated benefit.

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- Addressing critical mental health issues.

- Ensuring accountability of service providers to guarantee effective program delivery.

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For these reasons, I urge the Policy Committee and Town Council to maintain or even expand commission membership to ensure adequate capacity, diverse perspectives, community representation, and continuity in serving Los Gatos residents.

Thank you for considering my input.

Sincerely,

Jeffrey P. Blum

cc: Vice-Mayor Rob Moore

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 13

DATE: October 7, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Adopt A Resolution Granting Consent to the County of Santa Cruz to Establish the Santa Cruz Mountain Wine Improvement District (SCMWID) and Include the Town of Los Gatos Within the District.**

RECOMMENDATION: Adopt a Resolution granting consent to the County of Santa Cruz to establish the Santa Cruz Mountain Wine Improvement District (SCMWID) and include the Town of Los Gatos within the District.

FISCAL IMPACT:

There is no cost to the Town to participate in the Santa Cruz Mountains Wine Improvement District (SCMWID). The SCMWID programs are intended to increase visitation to the participating wineries within the Town of Los Gatos; thus there may be an increase in sales tax collections.

STRATEGIC PRIORITY:

This item aligns with the Core Goal of Community Character and the strategic priority to "foster the economic vitality of businesses in Town."

BACKGROUND:

The County of Santa Cruz is working with the Santa Cruz Mountains Winegrowers Association and Civitas Advisors to form the SCMWID pursuant to the Property and Business Improvement District Law of 1994. The County of Santa Cruz has requested the inclusion of the Town of Los Gatos in the SCMWID, which must be approved by the Town of Los Gatos by Resolution approved by the Town Council (Attachment 1). The data and information provided within this staff report have been provided by the Santa Cruz Mountains Winegrowers Association and

PREPARED BY: Monica Renn
Economic Vitality Manager

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

Civitas Advisors, as the Formation Committee for the SCMWID, and have not been calculated or verified by Town staff.

Through the evolution of the process, the proposed boundaries of the SCMWID have shifted and currently contain four wineries located within the Town of Los Gatos that would be included and assessed in the SCMWID should the Town Council adopt the Resolution. These include: Gali Vineyards, Saison Winery Tasting Room, McCarthy Family Estate Vineyard, and La Rusticana D'Orsa Vineyards (currently only operating as a wine grower). Town staff received, from the Formation Committee, signed petitions of support from Gali Vineyards and McCarthy Family Estate Vineyards (Attachment 2). The committee noted that Saison provided verbal support of the district, although no petition of support has been received by Town staff.

DISCUSSION:

The SCMWID is a benefit assessment district proposed to create a revenue source to help fund marketing and brand awareness, and business improvement and special project efforts for wineries located in and around the Santa Cruz Mountains. This approach has been used successfully in other wine regions throughout the country to provide the benefit of driving increased sales revenue directly to participating businesses. The SCMWID includes all wineries, existing and in the future, located generally within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville; the towns of Los Gatos, Portola Valley, and Woodside; and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo.

Several winery owners opted to pursue the formation of the SCMWID to create a revenue source devoted to marketing SCMWID as a premier wine destination and increasing awareness and demand for visitation at assessed wineries, ultimately increasing the sales revenue for the participating businesses. If established, it is estimated that the SCMWID would generate approximately $575,000 on an annual basis for promotion of winery businesses participating in the SCMWID.

Wine Improvement Districts
Wine Improvement Districts (WID) leverage efficiencies of the private sector operation in the market-based promotion of business districts. These special assessment districts allow assessed business owners to organize their efforts to increase sales and promotional efforts. Business owners within the WID fund the WID, and those funds are used to provide direct services that are desired by and benefit the assessed businesses within the WID.

Designed, created, and governed by those wineries being assessed within the district, WIDs provide stable funding for members, and customized benefits to fit the needs of individual destinations, allowing for a wide range of services including destination marketing, business promotion, and sales lead generation. WIDs provides a dedicated and stable funding source for

business promotion without the ability for the funds to be diverted for other government programs.

In California, WIDs are primarily formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of special benefit assessment districts to raise funds within a specific geographic area. The key difference between WIDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the WID.

Management District Plan

The Management District Plan (Attachment 3) includes the proposed boundary of the SCMWID, a service plan, a budget, and a proposed means of governance, dated May 20, 2025. While some of the map boundaries and wineries included in the proposed SCMWID have changed throughout the process, the Management District Plan may not be revised until after the adoption of the resolution by the County of Santa Cruz, scheduled for October 21, 2025.

The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct to consumer sales revenue on winery sales. Beyond year two, the maximum increase or decrease in a year shall be no more than one-half of one percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct to consumer sales revenue on winery sales.

Based on the benefit received, assessments will not be collected on wholesale wine sales, purchases made outside of the state of California, or purchases made pursuant to contracts executed prior to November 1, 2025. Revenue generated from the SCMWID is intended only to provide programs and services for assessed wineries, all of which are located in California. Sales made outside of the state of California are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual wineries outside of the state of California. Assessment dollars may be spent outside of California to elevate the notoriety of the Santa Cruz Mountains as a premier winery destination, with the desired outcome of increased in-person visits to wineries paying the assessment.

The proposed SCMWID will have a five-year term, beginning November 1, 2025, or as soon as possible thereafter, and ending five years from its start date. The assessment will be implemented beginning November 1, 2025. Once per year, beginning on the anniversary of SCMWID formation, there will be a thirty-day period in which winery owners paying 50% or more of the assessment may protest and begin proceedings to terminate the SCMWID.

The District Administration shall be responsible for collecting the assessment on a quarterly basis from each assessed winery. They shall then forward the assessments to the Santa Cruz

SCMWA, which will have the responsibility of managing SCMWID programs as provided in the Management District Plan. The District Administration shall be paid a fee equal to two percent (2%) of the total amount of assessment collected to cover its costs of collection and administration.

Below are the SCMWID establishment process steps that have been completed to date, with the other jurisdictions' participation status noted.

- Petition Phase - Petitions in favor of SCMWID formation were submitted by 43 assessed wineries, which represent 57.36% of the total SCMWID assessment. This majority petition allowed the County of Santa Cruz Board of Supervisors to initiate proceedings for SCMWID formation at their August 5, 2025, meeting.

- Resolution of Intention Hearing, August 5, 2025 - Upon the submission of a written petitions signed by the winery owners in the proposed SCMWID who will pay more than 50% of the assessments proposed to be levied, the County of Santa Cruz Board of Supervisors initiated proceedings to establish the SCMWID by the adoption of a resolution expressing its intention to establish the SCMWID (Attachment 4).

- Upon adoption of the Resolution of Intention, the County of Santa Cruz Board of Supervisors adopted a Resolution to request consent from all jurisdictions to be included in the proposed SCMWID (Attachment 5). Consent must be received from the jurisdictions prior to the final public hearing for their jurisdiction to be included in the established SCMWID. The final public hearing is scheduled with the County of Santa Cruz Board of Directors on October 21, 2025.

- Pursuant to the Property and Business Improvement District Law of 1994, written notices sent via mail began on August 9, 2025, to the owners of all wineries proposed to be assessed within the SCMWID. Mailing the notice begins a mandatory 45-day period in which assessed winery owners may protest SCMWID formation.

- On September 9, 2025, the County of Santa Cruz held a public meeting to allow public testimony on the formation of the SCMWID. This body heard testimony from several businesses in support of the SCMWID, as well as concerns from a couple of winery businesses not located in Los Gatos. No action was required or taken at this meeting. The presentation shared by the Formation Committee at the meeting is provided with this report (Attachment 6).

- Below is a list of the jurisdictions that have met and adopted a resolution for their respective City, Town, or County to be included in the SCMWID. Staff is unaware of any jurisdictions to date that have declined to adopt the resolution to date.

Jurisdictions in support of the SCMWID: County of San Mateo; County of Santa Clara; City of Woodside; City of Saratoga; City of Scotts Valley; City of Capitola; City of Watsonville; and City of Santa Cruz. The Town of Portola Valley will hear the item on October 8, 2025.

- At the time of this report, the Formation Committee provided the following update:
    - *The latest update from the petition drive shows 76.8% weighted support for the SCMWID, not including more than a dozen wineries that have voiced support, although have not yet submitted signed petitions.*

    - The Formation Committee has reached out to engage the Los Gatos Chamber of Commerce on this initiative.

- The final public hearing will be held on October 21, 2025, by the County of Santa Cruz Board of Supervisors to consider adoption of a final resolution that establishes the SCMWID.

CONCLUSION:

Adopt a Resolution granting consent to the County of Santa Cruz to establish the Santa Cruz Mountain Wine Improvement District (SCMWID) and include the Town of Los Gatos within the District.

ALTERNATIVES:

The Town Council may elect to not adopt the resolution, and as such, would not be included in programs and services provided by the SCMWID. Given the timeline for the Formation Committee to return to the County of Santa Cruz Board of Supervisors for their final discussion, staff requests final direction from the Town Council at the October 7, 2025, Town Council meeting.

COORDINATION:

This staff report was developed in coordination with the Town Manager's and Town Attorney's Offices, with information and data provided by the SCMWID Formation Committee consisting of representatives from the Santa Cruz Mountains Winegrowers Association and Civitas Advisors. The Executive Director of the Santa Cruz Mountains Winegrowers Association has provided a letter to the Town Council for their consideration with this item (Attachment 7).

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENTS:

1. Draft resolution granting consent to the County of Santa Clara to adopt a resolution to form the Santa Cruz Mountains Wine Improvement District and include the Town of Los Gatos within the district
2. Petitions of Support signed by Gali Vineyards and McCarthy Family Estate Vineyards
3. SCMWID District Management Plan
4. Resolution 158-2025, Requesting Consent to form the SCMWID, adopted by the County of Santa Cruz on August 5, 2025
5. Resolution 159-2025, Requesting Consent from specific jurisdictions for inclusion in the SCMWID, adopted by the County of Santa Cruz on August 5, 2025.
6. Slide presentation provided by the SCMWID Formation Committee to the County of Santa Cruz Board of Directors at its September 9, 2025, meeting.
7. Letter to the Town Council from the Executive Director of the Santa Cruz Mountains Winegrowers Association.

RESOLUTION 2025-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, GRANTING CONSENT TO THE COUNTY OF SANTA CRUZ TO FORM THE SANTA CRUZ MOUNTAINS WINE IMPROVEMENT DISTRICT

WHEREAS, the County of Santa Cruz (County) is beginning the process to form the Santa Cruz Mountains Wine Improvement District (SCMWID) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., for the benefit of driving increased business sales directly to assessed wineries; and

WHEREAS, the proposed SCMWID includes all wineries, existing and in the future, located generally within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville; the towns of Los Gatos, Portola Valley, and Woodside; and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo; and

WHEREAS, the County Board of Supervisors has requested consent to form the SCMWID in the Town of Los Gatos with the adoption of County Resolution No. 159-2025, dated August 5, 2025;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Council of the Town of Los Gatos hereby grants consent for the Town of Los Gatos to be included in the SCMWID, for the formation of the SCMWID, and future renewals.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of October, 2025, by the following vote:

COUNCIL MEMBERS:
AYES:
NAYS:
ABSENT:
ABSTAIN:

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

DRAFT

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PETITION TO THE COUNTY OF SANTA CRUZ
TO FORM THE SANTA CRUZ MOUNTAINS WINE IMPROVEMENT DISTRICT

We petition you to initiate proceedings to form the Santa Cruz Mountains Wine Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., for the purpose of providing services as described in the summary of the Management District Plan attached hereto as Exhibit A.

Business Establishment & Address	**Business Owner**
Gali Vineyards Inc	Janice Gali
21 W Main St. Los Gatos, CA 95030.	362 Old Smith Rd. Watsonville, CA 95076

The undersigned is the business owner or the authorized representative of the business owner and is the person legally authorized and entitled to sign this petition.

Janice Gali	President
Owner/Owner Representative Name (printed)	Title
DocuSigned by: Janice Gali 62D37A4C1AB041A...	7/22/2025
Owner/Owner Representative Signature	Date

A complete copy of the Management District Plan will be furnished upon request. Requests for a complete copy of the Management District Plan should be made to:

Santa Cruz Mountains Winegrowers Association
Keikilani McKay, Executive Director
335 Spreckels Drive, Suite B
Aptos, California 95003
(831) 685-8463

Docusign Envelope ID: E76A57FE-8E29-40FA-A8A3-4F598618A2AB

EXHIBIT A

MANAGEMENT DISTRICT PLAN SUMMARY

Location: The Santa Cruz Mountains Wine Improvement District (SCMWID) includes all wineries, existing and in the future, located generally within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville, the towns of Los Gatos, Portola Valley, and Woodside, and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo as shown on the map below and as described in the detailed boundary description included herein as Exhibit B.

Services: The SCMWID is designed to provide specific benefits directly to payors by increasing winery sales and revenue therefrom. Marketing, brand awareness, business improvement, and special projects efforts will promote assessed wineries in the SCMWID to increase winery sales revenue.

Budget: The total SCMWID annual assessment budget for the initial year of its five (5) year operation is anticipated to be approximately $575,000. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as sales do, as wineries open and close, and if the assessment rate is increased or decreased.

Cost: The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct to consumer sales revenue on winery sales. The maximum increase or decrease in a year shall be no more than one-half of one percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct to consumer sales revenue on winery sales.

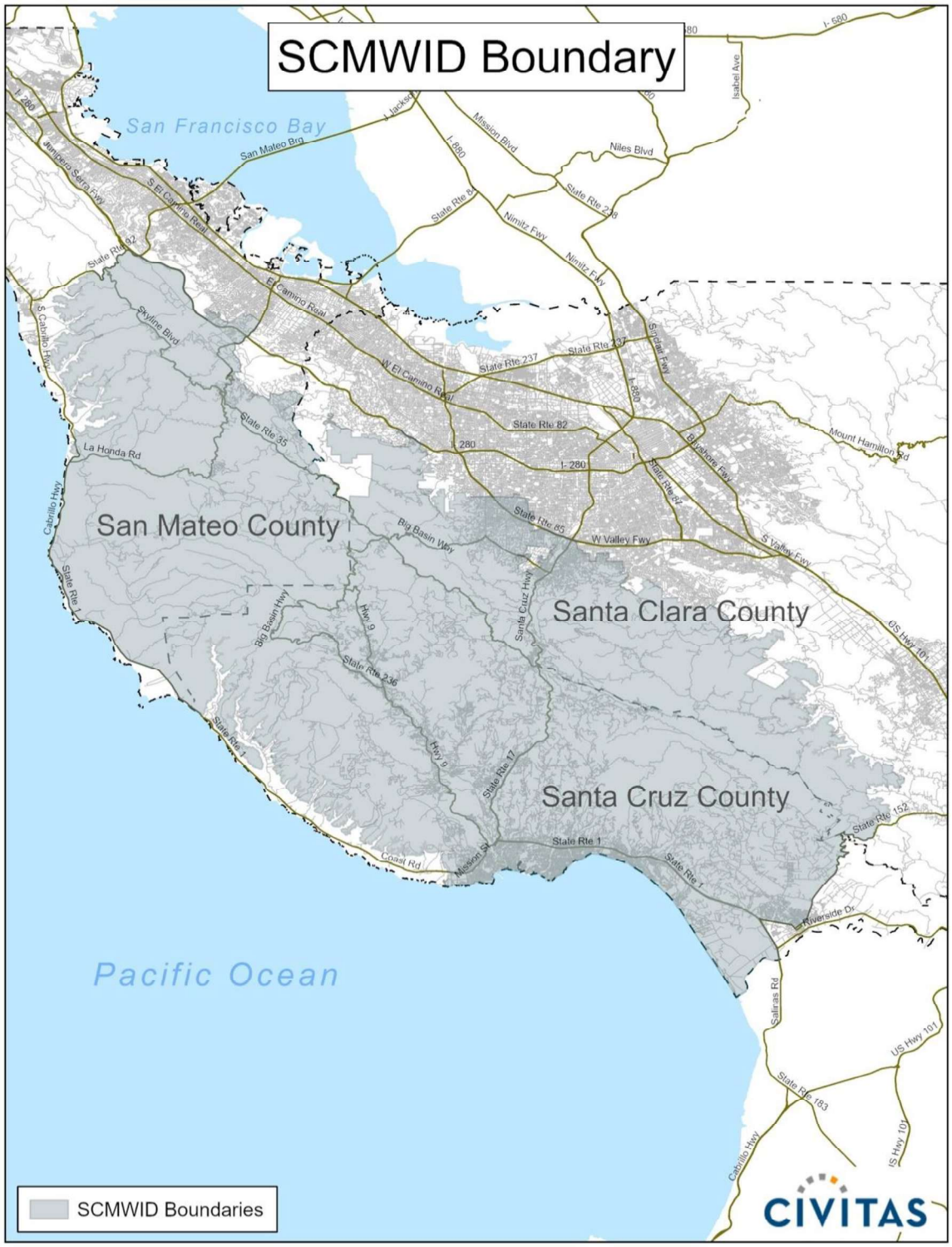
Based on the benefit received, assessments will not be collected on wholesale, purchases made outside of the state of California, or purchases made pursuant to contracts executed prior to November 1, 2025. Revenue generated from the SCMWID is intended only to provide programs and services for assessed wineries, all of which are located in California. Sales made outside of the state of California are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual wineries outside of the state of California. Assessment dollars may be spent outside of California to elevate the notoriety of the Santa Cruz Mountains as a premier winery destination with the desired outcome of increased in-person visitation to wineries paying the assessment.

Collection: The County of Santa Cruz (County) or a third-party collection agency shall be responsible for collecting the assessment on a quarterly basis (including any delinquencies, overdue charges and interest) from each assessed winery located in the boundaries of the SCMWID. The County or a third-party collection agency shall take all reasonable efforts to collect the assessments from each assessed winery.

Duration: The SCMWID will have a five (5) year life, beginning on November 1, 2025, or as soon as possible thereafter, and ending five (5) years from its start date. After five (5) years, the SCMWID may be renewed pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq. (94 Law) if winery owners support continuing the SCMWID programs.

Management: The Santa Cruz Mountains Winegrowers Association shall serve as the Owners' Association to provide improvements and activities for the SCMWID. The Owners' Association is charged with managing SCMWID funds and implementing programs and must provide annual reports to the County.

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EXHIBIT B

SCMWID BOUNDARY DESCRIPTION

The SCMWID includes all wineries, existing and in the future, located generally within the boundaries of the cities Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville, the towns of Los Gatos, Portola Valley, and Woodside, and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo. Specifically, the boundaries of the SCMWID are as follows:

Starting at the intersection of State Route 84 and State Route 1, the boundaries proceed south along the State Route 1 until intersecting the AVA boundaries at 122°16'44" W, 37°6'16" N. It follows the boundaries of the AVA boundaries until intersecting the City of Santa Cruz where it goes south along the city boundary line until intersecting with the county line of Santa Cruz County.

It proceeds along the county line until intersecting with State Route 1 where it heads north until intersecting State Route 152. It follows along State Route 152 until 121°41'38" W, 36°59'29" N where it starts to follow the AVA boundary line heading north. When it intersects with the city limits of San Jose it goes south and west around the city limits, until continuing northwest along the AVA lines.

When it intersects with Cinnabar Hills Road at 121°49'7" W, 37°10'28" N. It follows Cinnabar Hills Road and joins Bertram Road where it continues north mering with Almaden Road and continuing to head north. Upon intersecting with the city limits of San Jose and proceeding northwest until intersecting with W Valley Freeway and heading northwest along the W Valley Freeway until intersecting with the boundary line for the city of Campbell and heading south-west until rejoining the boundary for San Jose and heading west. It jumps and continues west when intersecting with the City of Cupertino. At *122°4'21" W, 37°18'2" N* the boundary line joins the AVA and follows the AVA northwest. It avoids all areas that are in the city of Cupertino and heads northwest.

At 122°5'17" W, 37°19'41" N it begins to follow the boundaries of the city of Cupertino again, heading north until merging with Interstate 280 and heading northwest along the line. Upon intersecting the city of Palo Alto, it follows the city boundary line south and around until the coordinates of 122°12'6" W, 37°21'30" N, where the boundaries follow the AVA boundaries heading north until intersecting Alpine Road, where it proceeds northeast. When intersecting with Golden Oak Drive it heads west until turning into Peak Lane and heading south at the intersection of Peak Lane and Cervantes Road and heading east on Cervantes Road.

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PETITION TO THE COUNTY OF SANTA CRUZ
TO FORM THE SANTA CRUZ MOUNTAINS WINE IMPROVEMENT DISTRICT

We petition you to initiate proceedings to form the Santa Cruz Mountains Wine Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., for the purpose of providing services as described in the summary of the Management District Plan attached hereto as Exhibit A.

Business Establishment & Address	**Business Owner**
McCarthy Family Estate Vineyard	Joe McCarthy
20108 Foster Rd, Los Gatos 95030	

The undersigned is the business owner or the authorized representative of the business owner and is the person legally authorized and entitled to sign this petition.

Owner/Owner Representative Name (printed) Title

DocuSigned by:
Joe McCarthy
93B43C6FE4BD470...

9/17/2025

Owner/Owner Representative Signature Date

A complete copy of the Management District Plan will be furnished upon request. Requests for a complete copy of the Management District Plan should be made to:

Santa Cruz Mountains Winegrowers Association
Keikilani McKay, Executive Director
335 Spreckels Drive, Suite B
Aptos, California 95003
(831) 685-8463

Docusign Envelope ID: ACE83501-6025-4AC1-B65F-E0157630510E

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Services: The SCMWID is designed to provide specific benefits directly to payors by increasing winery sales and revenue therefrom. Marketing, brand awareness, business improvement, and special projects efforts will promote assessed wineries in the SCMWID to increase winery sales revenue.

Budget: The total SCMWID annual assessment budget for the initial year of its five (5) year operation is anticipated to be approximately $575,000. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as sales do, as wineries open and close, and if the assessment rate is increased or decreased.

Cost: The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct to consumer sales revenue on winery sales. The maximum increase or decrease in a year shall be no more than one-half of one percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct to consumer sales revenue on winery sales.

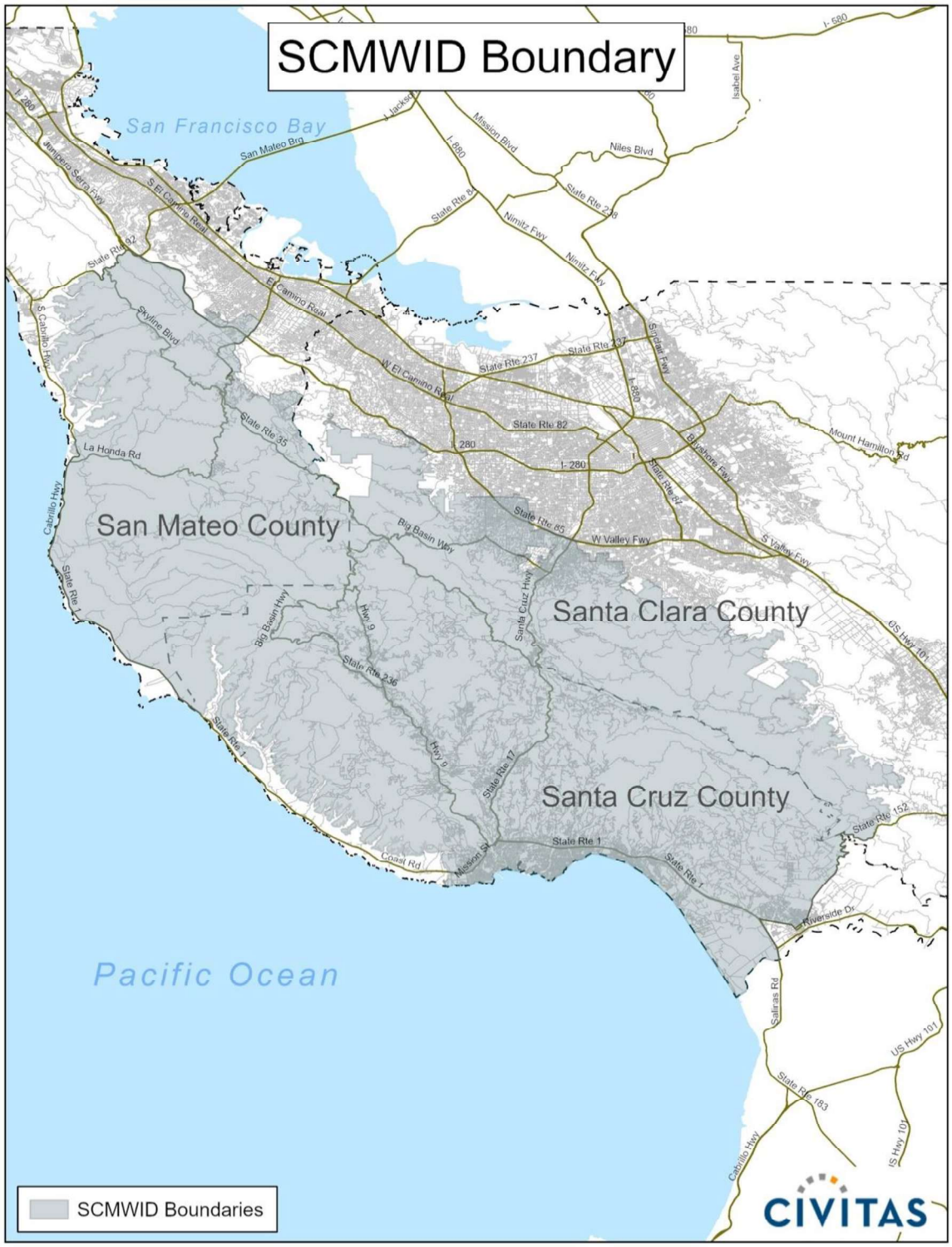
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Duration: The SCMWID will have a five (5) year life, beginning on November 1, 2025, or as soon as possible thereafter, and ending five (5) years from its start date. After five (5) years, the SCMWID may be renewed pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq. (94 Law) if winery owners support continuing the SCMWID programs.

Management: The Santa Cruz Mountains Winegrowers Association shall serve as the Owners' Association to provide improvements and activities for the SCMWID. The Owners' Association is charged with managing SCMWID funds and implementing programs and must provide annual reports to the County.

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It proceeds along the county line until intersecting with State Route 1 where it heads north until intersecting State Route 152. It follows along State Route 152 until 121°41'38" W, 36°59'29" N where it starts to follow the AVA boundary line heading north. When it intersects with the city limits of San Jose it goes south and west around the city limits, until continuing northwest along the AVA lines.

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SANTA CRUZ MOUNTAINS WINE IMPROVEMENT DISTRICT MANAGEMENT DISTRICT PLAN

Prepared pursuant to the Property and Business Improvement District Law of ets and Highways Code Section 36600 et seq.

May 20, 2025

ATTACHMENT 3

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Prepared by
Civitas
CIVITAS
PARTNERSHIPS • PROGRESS • PROSPERITY
(800)999-7781
www.civitasadvisors.com

WINES OF THE SANTA CRUZ MOUNTAINS

I. OVERVIEW

Developed by wineries in the Santa Cruz Mountains and by the Santa Cruz Mountains Winegrowers Association (SCMWA), the Santa Cruz Mountains Wine Improvement District (SCMWID) is an assessment district proposed to provide specific benefits to payors, by funding marketing & brand awareness and business improvement & special projects efforts for assessed wineries. This approach has been used successfully in other wine regions throughout the country to provide the benefit of driving increased sales revenue directly to payors.

Location: The SCMWID includes all wineries, existing and in the future, located generally within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville, the towns of Los Gatos, Portola Valley, and Woodside, and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo. A detailed boundary description and a boundary map are included in Section III of this Management District Plan (Plan).

Services: The SCMWID is designed to provide specific benefits directly to payors by increasing winery sales and revenue therefrom. Marketing, brand awareness, business improvement, and special projects efforts will promote assessed wineries in the SCMWID to increase winery sales revenue.

Budget: The total SCMWID annual assessment budget for the initial year of its five (5) year operation is anticipated to be approximately $575,000. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as sales do, as wineries open and close, and if the assessment rate is increased or decreased pursuant to this Management District Plan (Plan).

Cost: The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct to consumer sales revenue on winery sales. The maximum increase or decrease in a year shall be no more than one-half of one percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct to consumer sales revenue on winery sales.

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Duration: The SCMWID will have a five (5) year life, beginning on November 1, 2025, or as soon as possible thereafter, and ending five (5) years from its start date. After five (5) years, the SCMWID may be renewed pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq. (94 Law) if winery owners support continuing the SCMWID programs.

Management: The SCMWA shall serve as the Owners' Association to provide improvements and activities for the SCMWID. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the County.

II. BACKGROUND

Wine Improvement Districts (WIDs) are an evolution of the traditional Business Improvement District (BID). BIDs utilize the efficiencies of private sector operation in the market-based promotion of business districts. BIDs allow business owners to organize their efforts to increase sales and promotional efforts. Business owners within the district fund a BID, and those funds are used to provide services that the businesses desire and benefit the businesses within the district.

Business Improvement District services may include, but are not limited to:

- Marketing of the District
- Business Promotion Activities
- Infrastructure Improvements

In California, BIDs are formed pursuant to the 94 Law. This law allows for the creation of special benefit assessment districts to raise funds within a specific geographic area. *The key difference between BIDs and other special benefit assessment districts is that funds raised are managed by the private non-profit corporation governing the district.*

There are many benefits to Business Improvement Districts:

- Funds cannot be diverted for other government programs;
- Services are customized to fit the needs of each district;
- They allow for a wide range of services, including those listed above;
- Business Improvement Districts are ***designed, created and governed by those who will pay*** the assessment; and
- They provide a stable funding source for business promotion.

The 94 Law is provided in Appendix 1 of this document.

III. BOUNDARY

The SCMWID includes all wineries, existing and in the future, located generally within the boundaries of the cities Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville, the towns of Los Gatos, Portola Valley, and Woodside, and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo. Specifically, the boundaries of the SCMWID are as follows:

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The term "winery" as used herein means: A business, primarily used for the retail marketing and sales of wine and related goods, open to all settings at which wine and related goods can be sold, including but not limited to: publicly available settings, by appointment only reservations, or private and exclusive tastings. The term wine tasting facility includes, but is not limited to, vineyard locations with

onsite tastings and hospitality and retail rooms on site at producing wineries, which must be agricultural facilities used for the processing (fermentation when combined with any two of the following: crushing, pressing, aging, blending or bottling) of wine grapes into wine or the re-fermenting of still wine into sparkling wine, as well as stand-alone tasting rooms in commercial areas. All wine tasting facilities must possess a Type 02 Department of Alcohol Beverage Control license or a Type 17 (Beer and Wine Wholesaler) and Type 20 (Off-Sale Beer and Wine) License combination.

A complete listing of assessed wineries within the SCMWID can be found in Appendix 2. A map of the SCMWID boundaries is shown below.

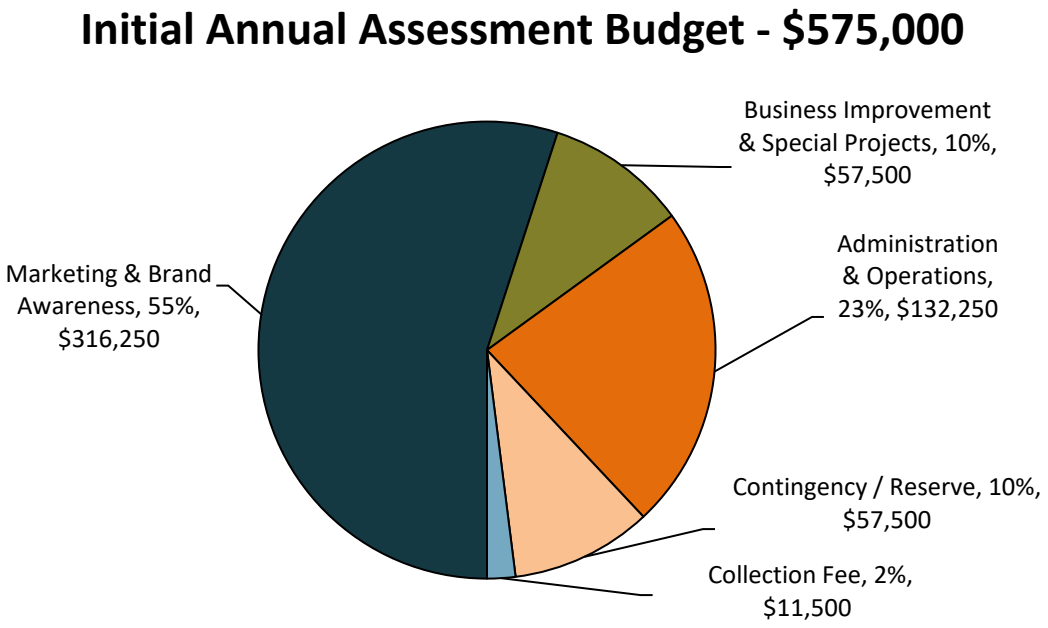


IV. ASSESSMENT BUDGET AND SERVICES

A. Annual Service Plan

Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the County of conferring the benefits or granting the privileges. The privileges and services provided with the SCMWID funds are marketing & brand awareness and business improvement & special projects efforts available only to assessed wineries.

A service plan assessment budget has been developed to deliver services that benefit the assessed wineries. A detailed annual assessment budget will be developed and approved by the SCMWA. The chart below illustrates the initial annual assessment budget allocations. The total initial assessment budget is estimated to be $575,000.



Although actual revenues will fluctuate due to market conditions, the proportional allocations of the assessment budget shall remain the same. However, the County and the SCMWA Board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the SCMWID, any and all assessment funds may be used for the costs of defending the SCMWID. In the first year of operation, the costs of creating the SCMWID may be repaid by deducting repayment funds proportionally from budget categories. Repayment costs shall not exceed $75,000.

Each budget category includes all costs related to providing that service. For example, the marketing & brand awareness budget includes the cost of staff time dedicated to overseeing and implementing the marketing & brand awareness program. Staff time dedicated purely to administrative tasks is allocated to the administration & operations portion of the budget. The costs of an individual staff

member may be allocated to multiple budget categories. The staffing levels necessary to provide the services below will be determined by the SCMWA on an as-needed basis.

Marketing & Brand Awareness

A marketing & brand awareness program will promote the SCMWID as a premium winegrowing region and as a leader in the global wine community. The marketing & brand awareness program will have a central theme of promoting the SCMWID as a desirable place to experience Santa Cruz Mountains wineries, and as a desirable area to purchase wines and other estate produced products. The program has the goal of increasing demand for visitation to the winegrowing region, retail sales, affinity for SCMWID grapes and wines, and recognition at and for assessed wineries, and may include but is not limited to the following activities:

- Advertising – across any and all media channels to promote assessed wineries on a local, regional or national level, including but not limited to: digital, print, television, radio and strategic brand partnerships;
- Media Relations – Promoting assessed wineries through development of media relations strategies, including but not limited to: media familiarization tours, proactive media pitching and influencer relations;
- Digital Marketing – Utilizing paid, earned and owned social media to increase awareness of and engagement with assessed wineries;
- Events – Developing and executing special events that attract potential customers to assessed wineries, enhancing community engagement and visibility;
- Trade & Industry Engagement – Ensuring representatives are provided the opportunity to attend trade shows, meetings, industry conferences, road shows, and events to promote assessed wineries; Create programs that engage key trade and industry influencers with the Santa Cruz Mountains;
- Print Collateral – Preparing and producing collateral, promotional materials such as brochures, flyers and maps for assessed wineries;
- Brand Enhancement – Brand development initiatives to increase awareness and demand for assessed wineries;
- Consumer Analytics – Identify and leverage consumer demographic, geographic and psychographic data to target messaging that markets Santa Cruz Mountains as a premier, unique wine destination to attract customers to assessed wineries; and
- Wine Club Signups – Promote wine club membership for assessed wineries to build customer loyalty and enhance the SCMWID brand.

Business Improvement & Special Projects

The business improvement & special projects program will seek to attract and retain wineries within the SCMWID, and fund special projects designed to promote and benefit the assessed wineries. This program aims to cultivate a thriving wine community by fostering collaboration among producers and enhancing the region's appeal as a premier destination. Through targeted initiatives, the program will empower wineries to innovate and grow their businesses sustainably. The business improvement & special projects programs may include, but is not limited to:

- Customer Engagement Projects – Develop and execute special projects that drive customer engagement with assessed wineries to increase sales;
- Signage Program – Coordinate local signage for the Santa Cruz Mountains wine region;
- Training Programs – Provide training and resources for assessed wineries focused on sales, hospitality, marketing, media relations, and operational best practices to enhance staff effectiveness;

- Educational Programs – Create educational programs for assessed wineries with the goal of increasing visitation, sales, and brand value;
- Market Research and Evaluation – Conduct comprehensive market research, fund awareness and best practice studies, and maintain a robust district database to evaluate the SCMWID's visibility and operational success among target market segments;
- Guest Communication Support – Assist assessed wineries with the development of guest communications and point-of-sale materials to enhance customer interactions;
- Advocacy – Advocate for business-friendly policies that facilitate capital investment and growth opportunities throughout the SCMWID; and
- Liaison Support – Designate personnel who will serve as a liaison between winery owners and government agencies to facilitate growth and business development on assessed wineries.

Administration & Operations
The administration & operations portion of the budget shall be utilized for administrative staffing costs, office costs, advocacy, and other general administrative costs such as insurance, legal, and accounting fees.

Contingency / Reserve
The budget includes a contingency line item to account for lower than anticipated assessments. If there are contingency funds collected, they may be held in a reserve fund or utilized for other programs, administration or renewal costs at the discretion of the Owners' Association. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Owners' Association. Contingency/reserve funds may be spent on SCMWID programs or administrative and renewal costs in such proportions as determined by the Owners' Association.

Collection Fee
The County or a third-party collection agency shall be paid a fee up to two percent (2%) of the amount of assessment collected to cover its costs of collection and administration.

B. Annual Budget

The total five (5) year assessment budget is projected at approximately $575,000 annually, or approximately $4,887,500 through 2030 if maximum assessment rate increases are adopted. This amount may fluctuate as winery sales do, as wineries open and close, and if the assessment rate is increased or decreased pursuant to this Plan.

The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct to consumer sales revenue on winery sales. The maximum increase or decrease in a year shall be no more than one-half of one percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct to consumer sales revenue on winery sales.

The table below demonstrates the estimated maximum budget with the assumption that assessment rate will be increased at the earliest opportunity, as it is a required disclosure, it is not the anticipated course of action. Alternate courses of action may be taken in regard to implementing the assessment rate increase other than what is demonstrated in the chart below, within the parameters of this Plan.

Estimated Annual Budget if Maximum Assessment Rates are Adopted

Year	Marketing & Brand Awareness	Business Improvement & Special Projects	Administration & Operations	Contingency/ Reserve	Collection Fee	Total
2025-2026	$316,250	$57,500	$132,250	$57,500	$11,500	**$575,000**
2026-2027	$474,375	$86,250	$198,375	$86,250	$17,250	**$862,500**
2027-2028	$632,500	$115,000	$264,500	$115,000	$23,000	**$1,150,000**
2028-2029	$632,500	$115,000	$264,500	$115,000	$23,000	**$1,150,000**
2029-2030	$632,500	$115,000	$264,500	$115,000	$23,000	**$1,150,000**
Total	**$2,688,125**	**$488,750**	**$1,124,125**	**$488,750**	**$97,750**	**$4,887,500**

C. California Constitutional Compliance

The SCMWID assessment is not a property-based assessment subject to the requirements of Proposition 218. Courts have found Proposition 218 limited the term 'assessments' to levies on real property.[1] Rather, the SCMWID assessment is a business-based assessment, and is subject to Proposition 26. Pursuant to Proposition 26 all levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the SCMWID, a "specific benefit" and a "specific government service." Both require that the costs of benefits or services do not exceed the reasonable costs to the County of conferring the benefits or providing the services.

1. Specific Benefit

Proposition 26 requires that assessment funds be expended on, "a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege."[2] The services in this Plan are designed to provide targeted benefits directly to assessed wineries, and are intended only to provide benefits and services directly to those wineries paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific wineries within the SCMWID. The activities described in this Plan are specifically targeted to increase sales for assessed wineries within the boundaries of the SCMWID, and are narrowly tailored. SCMWID funds will be used exclusively to provide the specific benefit of increased winery sales revenue directly to the assessees. Assessment funds shall not be used to feature non-assessed wineries in SCMWID programs, or to directly generate sales for non-assessed wineries. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed wineries.

The assessment imposed by this SCMWID is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in winery sales revenue. The specific benefit of an increase in sales revenue for assessed wineries will be provided only to wineries paying the district assessment, with marketing, brand awareness, business improvement, and special projects efforts promoting wineries paying the SCMWID assessment. The marketing & brand awareness and business improvement & special projects efforts programs will be designed to increase sales revenue at each assessed winery. Because

[1] *Howard Jarvis Taxpayers Association v. City of San Diego (1999)* 72 Cal App. 4th 230
[2] Cal. Const. art XIII C § 1(e)(1)

they are necessary to provide the marketing & brand awareness and business improvement & special projects efforts that specifically benefit the assessed wineries, the administration and contingency services also provide the specific benefit of increased sales revenue to the wineries.

Although the SCMWID, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, "A specific benefit is not excluded from classification as a 'specific benefit' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor."[3]

2. Specific Government Service

The assessment may also be utilized to provide, "a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product."[4] The legislature has recognized that marketing and promotions services like those to be provided by the SCMWID are government services within the meaning of Proposition 26[5]. Further, the legislature has determined that "a specific government service is not excluded from classification as a 'specific government service' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor."[6]

3. Reasonable Cost

SCMWID services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. The full amount assessed will be used to provide the services described herein. Funds will be managed by the SCMWA and reports submitted on an annual basis to the County. Only assessed wineries will be featured in marketing materials, receive sales leads generated from SCMWID-funded activities, be featured in advertising campaigns, and benefit from other SCMWID-funded services. The assessed winery list (Appendix 2) was compiled from records provided by each jurisdiction and complies with the requirements of the 94 Law. Pursuant to Streets and Highways Code Section 36615, the County Board of Supervisors' (Board of Supervisors) determination of ownership is final and conclusive, with no obligation to obtain other information. Non-assessed wineries will not receive these, nor any other, SCMWID-funded services and benefits.

The SCMWID -funded programs are targeted directly to benefit assessed wineries. SCMWID funds shall only be spent to benefit the assessed wineries, and shall not be spent on that portion of any program which directly generates incidental sales for non-assessed wineries.

D. Assessment

The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct to consumer sales revenue on winery sales. The maximum increase or decrease in a year shall be no more than one-half of one percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct to consumer sales revenue on winery sales.

[3] Government Code § 53758(a)
[4] Cal. Const. art XIII C § 1(e)(2)
[5] Government Code § 53758(b)
[6] Government Code § 53758(b)

Based on the benefit received, assessments will not be collected on wholesale, purchases made outside of the state of California or purchases made pursuant to contracts executed prior to November 1, 2025. Revenue generated from the SCMWID is intended only to provide programs and services for assessed wineries, all of which are located in California. Sales made outside of the state of California are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual wineries outside of the state of California. Assessment dollars may be spent outside of California to elevate the notoriety of the Santa Cruz Mountains as a premier winery destination with the desired outcome of increased in-person visitation to wineries paying the assessment.

The assessment was calculated based on the total cost of the activities to be provided for the benefit of the wineries within the SCMWID with costs allocated based on the proportional benefit conferred to each winery. Activities funded by the SCMWID are specifically targeted to increase winery sales revenue at assessed wineries. All winery sales do not represent the same benefit to the payors. For example, a higher priced winery sale is of greater benefit than a lower priced winery sale because the assessee derives greater revenue. To account for this benefit differential and to make sure the benefits are proportional, an assessment formula based on a percentage of revenue has been selected. The proposed formula accurately reflects greater benefit to assessed wineries with higher priced winery sales.

The term "gross direct to consumer sales revenue" as used herein means: all direct-to-consumer (DTC) sales of wine, wine club shipments (whether shipped or picked up), tasting room sales, merchandise, food, revenue from orders placed via telemarketing, telephone, online, email, whether carried out at the time of purchase, shipped or picked up at a later date (pre-sales). "Gross direct to consumer sales revenue" shall not include any sales made outside of the state of California.

The assessment is levied upon and a direct obligation of the assessed winery. However, the assessed winery may, at its discretion, pass the assessment on to customers. The amount of assessment, if passed on to each customer, shall be disclosed in advance and separately stated from the amount charged and any other applicable taxes, and each customer shall receive a receipt for payment from the business. If the SCMWID assessment is identified separately it shall be disclosed as the "SCMWID Assessment." The assessment is imposed solely upon, and is the sole obligation of the assessed winery even if it is passed on to customers. The California Department of Tax and Fee Administration (CDTFA) issued a written opinion that state sales tax applies to the revenue generated from business improvement district (BID) assessments on items where state sales tax is levied. In light of CDTFA's opinion, businesses that pay both state sales tax and SCMWID assessments on sales are advised to collect sales tax on the assessment revenue.

Bonds shall not be issued.

E. Overdue Charges and Interest

The SCMWID shall reimburse the County or third-party collection agency for any costs associated with collecting unpaid assessments.

1. *Original Delinquency*
   Any winery that fails to remit any assessment imposed by this Plan within the time required shall pay an overdue charge of ten percent (10%) of the amount of the assessment in addition to the assessment.
2. *Continued Delinquency*

Any winery that fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency overdue charge of ten percent (10%) of the assessment in addition to the assessment and the ten percent (10%) overdue charge first imposed.

3. *Fraud*

   If the County or third-party collection agency determines that the nonpayment of any remittance due under this article is due to fraud, an overdue charge of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the overdue charges stated in subsections one (1) and two (2) of this section.

4. *Interest*

   In addition to the overdue charges imposed, any winery who fails to remit any assessment imposed by this section shall pay interest at the rate of one-quarter of one percent (0.25%) per month or fraction thereof on the amount of the assessment, exclusive of overdue charges, from the date on which the remittance first became delinquent until paid.

F. Time and Manner for Collecting Assessments

The SCMWID assessment will be implemented beginning November 1, 2025 or as soon as possible thereafter, and ending five (5) years from its start date. The County or a third-party collection agency will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, overdue charges and interest) from each winery located in each jurisdiction within the SCMWID. The County or a third-party collection agency shall take all reasonable efforts to collect the assessments from each winery. The County or a third-party collection agency shall forward the assessments collected to the Owners' Association.

V. GOVERNANCE

A. Owners' Association

The Board of Supervisors, through adoption of this Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the SCMWID as defined in Streets and Highways Code §36612. The Board of Supervisors has determined that SCMWA shall serve as the Owners' Association for the SCMWID.

B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the SCMWA Board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act.

C. Annual Report

The SCMWA shall present an annual report at the end of each year of operation to the Board of Supervisors pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

APPENDIX 1 – LAW

CURRENT THROUGH ALL LEGISLATION OF THE 2024 REGULAR AND SPECIAL SESSIONS

STREETS AND HIGHWAYS CODE
DIVISION 18. PARKING
PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

CHAPTER 1. General Provisions

ARTICLE 1. Declarations

36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

36601. Legislative findings and declarations; Legislative guidance

The Legislature finds and declares all of the following:

(a) Businesses located and operating within business districts in some of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.

(d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.

(e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:

(1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.

(2) Job creation.

(3) Business attraction.

(4) Business retention.

(5) Economic growth.

(6) New investments.

(f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.

(g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.

(h) The act amending this section is intended to provide the Legislature's guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.

(1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

(2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those

special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.
(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5. Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ARTICLE 2. Definitions

36606. "Activities"

"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:
(a) Promotion of public events.
(b) Furnishing of music in any public place.
(c) Promotion of tourism within the district.
(d) Marketing and economic development, including retail retention and recruitment.
(e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
(f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

36606.5. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. "Clerk"

"Clerk" means the clerk of the legislative body.

36609.5. "General benefit"

"General benefit" means, for purposes of a property-based district, any benefit that is not a "special benefit" as defined in Section 36615.5.

36610. "Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

(a) Parking facilities.
(b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
(c) Trash receptacles and public restrooms.
(d) Lighting and heating facilities.
(e) Decorations.
(f) Parks.
(g) Fountains.
(h) Planting areas.
(i) Closing, opening, widening, or narrowing of existing streets.
(j) Facilities or equipment, or both, to enhance security of persons and property within the district.
(k) Ramps, sidewalks, plazas, and pedestrian malls.
(l) Rehabilitation or removal of existing structures.

36611. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

36612. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), for all records relating to activities of the district.

36614. "Property"

"Property" means real property situated within a district.

36614.5. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

36614.6. "Property-based assessment"

"Property-based assessment" means any assessment made pursuant to this part upon real property.

36614.7. "Property-based district"

"Property-based district" means any district in which a city levies a property-based assessment.

36615. "Property owner"; "Business owner"; "Owner"

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. "Special benefit"

(a) "Special benefit" means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

(b) "Special benefit" also includes, for purposes of a property-based district, a particular and distinct benefit provided directly to each assessed parcel within the district. Merely because parcels throughout an assessment district share the same special benefits does not make the benefits general.

36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ARTICLE 3. Prior Law

36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

CHAPTER 2. Establishment

36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
(1) A map showing the boundaries of the district.
(2) Information specifying where the complete management district plan can be obtained.
(3) Information specifying that the complete management district plan shall be furnished upon request.
(c) The resolution of intention described in subdivision (a) shall contain all of the following:
(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:
(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
(b) The name of the proposed district.
(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.
(d) The improvements, maintenance, and activities proposed for each year of operation of the district and the estimated cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities

and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.
(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.
(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against their property or business. The plan also shall state whether bonds will be issued to finance improvements.
(g) The time and manner of collecting the assessments.
(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.
(i) The proposed time for implementation and completion of the management district plan.
(j) Any proposed rules and regulations to be applicable to the district.
(k)

(1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.
(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.
(3) In a property-based district, properties throughout the district may share the same special benefits. In a district with boundaries that define which parcels are to receive improvements, maintenance, or activities over and above those services provided by the city, the improvements, maintenance, or activities themselves may constitute a special benefit. The city may impose assessments that are less than the proportional special benefit conferred, but shall not impose assessments that exceed the reasonable costs of the proportional special benefit conferred. Because one or more parcels pay less than the special benefit conferred does not necessarily mean that other parcels are assessed more than the reasonable cost of their special benefit.

(l) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.
(m) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.
(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be

mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.
(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.
(2) The number, date of adoption, and title of the resolution of intention.
(3) The time and place where the public hearing was held concerning the establishment of the district.
(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.
(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.
(6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the

district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.
(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.
(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

CHAPTER 3. Assessments

36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.
(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.
(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in an action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36625. An appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:
(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.
(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.
(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

36638. Assessment as government imposed fee on Civ C § 1770 transaction [Operative July 1, 2024]

(a) A business assessment pursuant to this part is a fee imposed by a government on the transaction for purposes of paragraph (29) of subdivision (a) of Section 1770 of the Civil Code.
(b) This section shall become operative on July 1, 2024.

CHAPTER 3.5. Financing

36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.
(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.
(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

CHAPTER 4. Governance

36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.
(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
(2) The improvements, maintenance, and activities to be provided for that fiscal year.
(3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.
(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
(5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
(6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.
The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of

assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements, maintenance, and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

CHAPTER 5. Renewal

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.
(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.
(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

CHAPTER 6. Disestablishment

36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:
(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.
(2) During the operation of the district, there shall be a 30-day period each year in which assessees may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.
(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.
(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 2 – ASSESSED WINERIES*

Owner Name	Business Name	Address	City, State, Zip
	Doon To Earth	10 Parade St., Suite B	Aptos CA 95003
	Armitage Wines	105 C Post Office Dr	Aptos CA 95003
	Salamandre Wine Cellars L-Pship	108 Don Carlos Dr	Aptos CA 95003
	Saison Winery (Formerly Partage)	11025 Alba Rd	Ben Lomond CA 95005
	Sandar And Hem Wines	111 Corte Madera Rd	Portola Valley CA 94028
	Kissed By An Angel Wines	1210 Mount Hermon Road	Scotts Valley CA 95066
	Left Bend Winery	12536 Spring Blossom Ct.	Saratoga CA 95070
	Maison Areion	140 Sunrise Drive	Woodside CA 94062
	Roudon-Smith Winery	14572 Big Basin Way, Suite A	Saratoga CA 95070
	Regan Vineyards & Winery	1610 Green Valley Rd	Corralitos CA 95076
	La Vida Bella Vineyard	1624 Chardonnay Ridge Rd	Aptos CA 95003
	Ridge Vineyards	17100 Montebello Rd	Cupertino CA 95014
	Kings Mountain Vineyards	187 Kings Mountain Road	Woodside CA 94062
	Lexington Wine Co./Thomas Fogarty Winery & Vineyards	19501 Skyline Blvd	Woodside CA 94062
	Mccarthy Family Estate Vineyards	20108 Foster Road	Los Gatos CA 95033
	Birichino	204 Church Street	Santa Cruz CA 95060
	Gali Vineyards	21 W. Main St.	Los Gatos CA 95030
	Sante Arcangeli Family Wines	216-A Stage Road	Pescadero CA 94060
	Domaine Eden	23000 Congress Springs Rd	Saratoga CA 95070
	Silver Mountain Vineyards	269 Silver Mountain Dr	Los Gatos CA 95033
	Santa Cruz Mountain Vineyard	334 Ingalls St Suite A	Santa Cruz CA 95060

Owner Name	Business Name	Address	City, State, Zip
	Equinox	334 Ingalls St, Unit C	Santa Cruz CA 95060
	Aptos Vineyard	400 Belle Monti Avenue	Aptos CA 95003
	Alfaro Family Vineyards & Winery	420 Hames Road	Corralitos CA 95076
	Wargin Wines	5015 Soquel Dr	Soquel CA 95073
	Clos De La Tech	535 Eastview Way	Woodside CA 94062
	Windy Oaks Estate Vineyards & Winery	550 Hazel Dell Rd	Corralitos CA 95076
	Neely Wine	555 Portola Road	Portola Valley CA 94028
	Ferrari Ranch Wines	65 Magnifico Vita Lane	Corralitos CA 95076
	Charmant Vineyards	800 Larsen Road	Aptos CA 95003
3P Winery L.L.C.	3P Winery	3490 Soquel San Jose Rd	Soquel CA 95073
Alamitos Winery		23505 Alamitos Rd	San Jose CA 95120
Amy Dilly Preaseau and Jacques Noel Preaseau	Valley Vista Vineyards	110 Valley View Rd	Watsonville CA 95076
Anatum Winery	Broaddus, Christopher James	371 Falcon View Terr	Watsonville CA 95076
Aptos Creek Vineyard	Aptos Creek Vineyard	520 Nisene Meadows Ct	Aptos CA 95003
Aptos Vineyard	Aptos Vineyard, LLC	105 Post Office Dr Ste C	Aptos CA 95003-3953
Aptos Vineyard, LLC	Aptos Vineyard	369 Silver Mountain Dr	Los Gatos CA 95033
Armitage Wines Corp.	Armitage Wines Corp	705 Canham Rd	Scotts Valley CA 95066
Arpent, LLC	Birichino	825 Walnut Ave	Santa Cruz CA 95060
Bargetto's Santa Cruz Winery, Inc.	Bargetto	3535 N Main St	Soquel CA 95073
Beauregard Vineyards LLC/Partage Wine Co. LLC	Beauregard Vineyards/Partage Wine Co. LLC	10 Pine Flat Rd	Santa Cruz CA 95060
Beauregard, Andre Jacques	West Cliff Wines	704 Soquel Ave Ste B	Santa Cruz CA 95062-2333
Bhoomanchi Vineyards LLC	Bhoomanchi Vineyards	369 Silver Mountain Dr	Los Gatos CA 95033

Owner Name	Business Name	Address	City, State, Zip
Big Basin Vineyards	Big Basin Vineyards LLC	525 Pacific Ave	Santa Cruz CA 95060-7175
Big Basin Vineyards LLC	Big Basin Vineyards	830 Memory Ln	Boulder Creek CA 95006
Bottle Jack Wines	Ritchey Iv, John Lloyd	328 Ingalls St D	Santa Cruz CA 95060-5882
Brooks, Thomas Edwin	Tom Brooks Winery	90 Country Estates Dr	Santa Cruz CA 95060-9776
Brosseau Wines LLC	First Growth Wine Company	22090 Mt Eden Road	Saratoga CA 95070
Bruce Cantz	Four Gates Winery	503 Happy Valley Rd	Santa Cruz CA 95065
Charmant		800 Larsen Road	Aptos CA 95003
Christopher Broaddus	Anatum	375 Falcon View Ter	Watsonville CA 95076
Clos De La Tech LLC	Clos De La Tech	1000 Fern Hollow Rd	La Honda CA 94020
Clos Tita Winery	Estrada, David S	4 Kendall Ln	Santa Cruz CA 95066
Coastal Range Vineyards	Coastal Range Vineyards, Inc.	420 Lost Pear Way A 24X36 Structure	Santa Cruz CA 95065-9725
Coastal Range Vineyards, Inc.	Inversion Wines	75 Mt Hermon Rd	Scotts Valley, CA 95066
Corralitos Ridge Vineyards Corporation/Private Vine Wines, LLC	Corralitios Ridge Winery	815 Almar Ave Unit H	Santa Cruz CA 95060
Craig, Anthony	Sonnet Wine Cellars	369 Silver Mountain Dr	Los Gatos CA 95033
David Bruce Winery, Inc.	David Bruce Winery	21439 Bear Creek Rd	Los Gatos CA 95033
David Lee Moulton	Burrell Schoolvineyards	24060 Summit Rd	Los Gatos CA 95033
Dee Vine Wines	Dee Vine Wines	34 Big Tree Wy	Woodside CA 94062-3775
Devincenzi Cellars LLC/A & A Los Gatos Winery LLC		24572 Hutchinson Rd	Los Gatos CA 95033
Donald E. Naumann	Naumann Vineyards	16505 Montebello Rd	Cupertino CA 95014
Dorsa Management Company, LLC	La Rusticana D'Orsa	15680 Kennedy Rd	Los Gatos CA 95032
Equinox	Jackson, Barry Cook	427 Swift St # C	Santa Cruz CA 95062
Everett Family Farm LLC	Everett Family Farm, LLC	2119 Old San Jose Rd	Soquel CA 95073

Owner Name	Business Name	Address	City, State, Zip
Farm Day Family Winery, LLC	Farm Day Family Winery, LLC	18157 Wagner Rd	Los Gatos CA 95032-6619
Fernwood Cellars, Inc.	Fernwood Cellars, Inc.	7137 Redwood Retreat Rd	Gilroy CA 95020
Florez Wines	J. G. Jelks Wines L.L.C.	2487 Freedom Blvd Unit 3	Watsonville CA 95076-1049
Full Circle Wines LLC	Full Circle Wines	7090 Mcadams Ln	Felton CA 95018-9454
Gali Vineyards, Inc.	Gali Vineyards	362 Old Smith Rd	Watsonville CA 95076
Garage Winemaker LLC	Baccarossa	19620 Redberry Dr	Los Gatos CA 95303
Garrod Trust	Cooper-Garrod Vineyards	22645 Garrod Rd	Saratoga CA 95070
Ghost Oaks Winery Inc.	El Vaquero Winery	18 Hangar Way Unit C	Watsonville CA 95076
Ghost Oaks Winery, Inc.	El Vaquero Winery	2901 Freedom Blvd	Corralitos CA 95076
Gliessman, Stephen Richard	Condors Hope Ranch	144 De La Costa Ave	Santa Cruz CA 95060
Green Earth Zayante	Green Earth Liangs Inc	420 Old Mount Rd	Felton CA 95018
Griffin Hill Vineyards, LLC		18035 Skyline Blvd	Los Gatos CA 95033
Hallcrest Vineyards, Inc.	Hallcrest Vineyards	379 Felton Empire Rd	Felton CA 95018
Hartmann, Robert Frank	Las Nietas Vineyard	335 Via Concha	Aptos CA 95003-5604
Heart O The Mountain	Heart O The Mountain LLC	705 Canham Rd	Scotts Valley CA 95066-2729
Henry M. And Linda J. Mchenry	Mchenry Vineyard	6821 Bonny Doon Rd	Santa Cruz CA 95060
Hicks, Alan Ainsley	Ainsley Family Vineyard	2805 Pleasant Valley Rd	Aptos CA 95003-9785
Hillcrest Winery	Rexford Winery	429 Ingalls St	Santa Cruz CA 95060
Hoffacker, Bernhard Joseph	Portola Hills Vineyard	801 La Honda Rd	Woodside CA 94062-4808
Hovis, Linda Closs	Linda Vista Wines	118 Via Novella	Aptos CA 95003
Hwy 9 Winery, LLC	Hwy 9 Winery	120 Gail Dr	Felton CA 95018-9631

Owner Name	Business Name	Address	City, State, Zip
Integrity Wines, Lp, Integrity Wines, LLC, Gp/Reya Cellars, LLC	12 Hands Winery/Reya Cellars	135 Aviation Way Ste 16	Watsonville CA 95062
J. Edward Muns	Muns Vineyard	25600 Loma Prieta Ave	Los Gatos CA 95033
James & Margaret A. Alberti	Alberti Vineyard	106 Richardson Rd	Santa Cruz CA 95065
James D. Ross And Jenny N. Ross	Rosscienda Vineyard	1172 Redwood Heights Rd Bldg	Aptos CA 95003
James, Kathleen Ann	Charles Usher	24110 Congress Springs Rd	Saratoga CA 95070-9706
Jeffrey M. Barranti	J.M. Barranti Vineyards	24842 Skyland Rd	Los Gatos CA 95033
John D. Benedetti	Sante Arcangeli Family Wines	23 Blake Ave	Corralitos CA 95076
John Lloyd Ritchey Iv	Bottle Jack Cellars	1088 La Madrona Dr	Santa Cruz CA 95060
Kathryn Kennedy Winery	Kathryn Kennedy Winery	13180 Pierce Rd	Saratoga CA 95070
Kennedy Hill Associates LLC	Kennedy Hill Associates LLC	15050 Kennedy Rd	Los Gatos CA 95032
King, David James	People's Beverage Company, The	1214 Fair Ave	Santa Cruz CA 95060-5838
Kingston Family Vineyards LLC	Kingston Family Vineyards	520 La Mesa Dr	Portola Valley CA 94028
Kissed By An Angel Wines, LLC	Kissed By An Angel Wines	2535 7Th Ave Unit 4	Santa Cruz CA 95062
Kissed By An Angel Wines, LLC	Kissed By An Angel Wines, LLC	75 Mt Hermon Rd	Scotts Valley, CA 95066
La Barbera Family Winery LLC	Labarbera Family Winery	6591 Woodcliff Ct	San Jose CA 95120-4551
La Madrona Vineyard And Winery		1851 La Madrona Dr	Santa Cruz CA 95060
La Magnifico Vita, LLC	Ferrari Ranch Wines	65 Magnifico Vita Ln	Watsonville CA 95076-0385
La Vida Bella Vineyard, LLC	La Vida Bella Vineyard	44 Oak Tree Ln	Aptos CA 95003
Lago Lomita Vineyards, LLC	Lago Lomita Vineyards, LLC	25200 Loma Prieta Ave	Los Gatos CA 95033
Lester Company, LLC	Lester Estate Wines	1950 Pleasant Valley Rd	Aptos CA 95003
Lexington Hills LLC	Lexington Hills	19802 Old Santa Cruz Hwy	Los Gatos CA 95033

Owner Name	Business Name	Address	City, State, Zip
Little Ridge Vineyards, LLC	Little Ridge Vineyard	153 Las Colinas Rd	Corralitos CA 95076
Lokteff Winery & Vineyards, LLC	Wrights Station Vineyard & Winery	24250 Loma Prieta Ave	Los Gatos CA 95033
Loma Prieta Winery L.L.C.	Loma Prieta Winery	26985 Loma Prieta Way	Los Gatos CA 95033
Los Altos Vineyards, LLC.	Byington	21850 Bear Creek Rd	Los Gatos CA 95030
Lost Cellars, LLC	Unwritten Wines	70 Tripp Ct	Woodside CA 94062-4232
M E V Corporation	Mount Eden Vineyards	23000 Congress Springs Rd	Saratoga CA 95070
M.E.V. Corporation	Mount Eden Vineyards	22020 Mount Eden Rd	Saratoga CA 95070
Madson Wines LLC	Madson Wines	328 Ingalls St Ste G	Santa Cruz CA 95060
Margins Wine Cubby	Margins Wine LLC	402 Ingalls St Ste 18	Santa Cruz CA 95060-5800
Margins Wine LLC	Margins Wine	2487 Freedom Blvd Unit 3	Watsonville CA 95076
Martella LLC/Thomas Fogarty Winery, LLC	Martella Wines/Thomas Fogarty Winery	5937 Alpine Rd	Portola Valley CA 94028
Martin Ranch Winery, Inc.	Martin Ranch	6675 Redwood Retreat Rd	Gilroy CA 95020
Mayo, Keegan Keoni	Mayo Cellars	1008 Cayuga St	Santa Cruz CA 95062-2422
Michael & Lynne Muccigrosso	Muccigrosso Vineyards	21450 Bear Creek Rd	Los Gatos CA 95033
Michael V. & Lois E. Sones	Sones Cellars	334 B Ingalls St Ste B	Santa Cruz CA 95060
Mindego Ridge Winery		9645 Alpine Rd	La Honda CA 94020
Mja Vineyards LLC	Mja Vineyard	328 Ingalls St	Santa Cruz CA 95060
Monte Roble Vineyards LLC/Silver Mountain Vineyards	Left Bend/Silver Mountain Vineyard	369 Silver Mountain Dr	Los Gatos CA 95033
Nazario Ranch Vineyards LLC	Nazario Ranch Vineyards	22484 Eden Valley Ct	Saratoga CA 95070-9757
Neely Wines		575 Portola Rd	Portola Valley CA 94028

Owner Name	Business Name	Address	City, State, Zip
Nicholson Vineyards Winery, Inc.	Nicholson Vineyards Winery, Inc.	2800 Pleasant Valley Rd	Aptos CA 95003
Nicolas Vonderheyden (Gp) - Chaine D'Or Vineyards, Limited Partnership	Chaine D'Or Vineyards	140 Sunrise Dr	Woodside CA 94062
Old Oak Vineyard, Inc.	House Family Winery	13330 Old Oak Way	Saratoga CA 95070
Overshine Wine Co	Overshine Cellars, LLC	103 Stockton Ave	Capitola CA 95010
P &Amp; M Staiger	Staiger, Marjorie	1300 Hopkins Gulch Rd	Boulder Creek CA 95006
Pacific Rim Marketing	Pacific Rim Marketing Inc	1306 Via Tornasol	Aptos CA 95003-5654
Partage Wine Co. LLC	Partage Wine	346 N Santa Cruz Ave	Los Gatos CA 95030-7243
Patland Estate Vineyards LLC	Patland Estate Vineyards	110 Madera Ct	Los Gatos CA 95032-5720
Patrick James And Molly Claire Surgalski		16252 Niles Rd	Los Gatos CA 95033
Pelio Vineyard, LLC	Pelio Vineyard	14573 Big Basin Way	Saratoga CA 95070
Peter Serventi	Serventi Ranch	65 Litchfield Ln	Watsonville CA 95076
Peter Thibodeau	Thibodeau Vineyard	431 Coyote Ridge Rd	Aptos CA 95003
Phil & Peggy Crews	Pelican Ranch Winery	2364 Bean Creek Rd Dr	Scotts Valley CA 95066
Picchetti Winery Inc	Picchetti Winery Inc	13100 Montebello Rd	Cupertino CA 95014
Pleasant Valley Vineyards	Handley, Cathy Lynn	600 Pleasant Vly Rd	Aptos CA 95003
Private Vine Wines	Private Vine Wines, LLC	815 Almar Ave Unit H	Santa Cruz CA 95060-5873
Prolific Vines Vineyard LLC	Prolific Vines	165 Happy Acres Rd	Los Gatos CA 95032-5704
R And W Pursuits LLC	R & W Vineyards	15060 Montebello Rd	Cupertino CA 95014
Rachael Henrichsen		1120 17Th Ave Bldg Rear	Santa Cruz CA 95062
Radonich Bros Vineyards LLC	Radonich Bros Vineyards LLC	25205 Apple Hill Rd	Los Gatos CA 95033-9719

Owner Name	Business Name	Address	City, State, Zip
Raffaelli Vineyards, LLC	Raffaelli Vineyards	3357 Chardonnay Rd	Soquel CA 95073
Randal Lee West And Larae West	Freedom Wineworks	2321 Freedom Blvd	Watsonville CA 95076
Ratka, Michael Patrick	Split Barrel Cider	285 Allen Rd	Woodside CA 94062-4401
Redwood Ridge Estate LLC	Redwood Ridge Estate	21435 Summit Rd	Los Gatos CA 95033-8400
Regan Vineyards Winery, LLC	Regan Vineyards Winery, LLC	1772 Seascape Blvd	Aptos CA 95003-5864
Rhys Vineyards, LLC	Rhys Vineyards	11715 Skyline Blvd	Los Gatos CA 95033
Richard & Mary Kay Alfaro	Alfaro Family Farm & Vineyards	496 Hames Rd	Corralitos CA 95076
Ridge Vineyards, Inc.	Ridge Vineyards, Inc.	18100 Montebello Rd	Cupertino CA 95014
Robert J. Goldspink	Granite Ridge Vineyard	895 Granite Ridge Dr	Santa Cruz CA 95065
Robert's Ranch Vineyards, Inc.	Robert's Ranch Vineyards, Inc.	875 Roberts Rd	Ben Lomond CA 95005
Roy S. Fellom And Roy E. Fellom	Fellom Ranch Vineyards	17075 Montebello Rd	Cupertino CA 95014
Russian Ridge Winery LLC	Russian Ridge Winery	20245 Skyline Blvd	Woodside CA 94062-3729
Saison		346 N Santa Cruz Ave	Los Gatos CA 95030
Santa Cruz Cider Company	Santa Cruz Cider Company LLC	65 Hanger Wy C	Watsonville CA 95076-2476
Santa Cruz Mountain Vineyard LLC	Santa Cruz Mountain Vineyard	334 A Ingalls St	Santa Cruz CA 95060
Santa Cruz Vineyards	Santa Cruz Vineyards L-Pship	2300 Jarvis Rd	Santa Cruz CA 95065
Sante Arcangeli Family Wines	Sante Arcangeli Family Wines LLC	154 Aptos Village Way C1	Aptos CA 95003
Sante Arcangeli Family Wines LLC	Sante Arcangeli Family Wines	79 North St	Pescadero CA 94060
Savannah-Chanelle Vineyards, Inc.		23600 Congress Springs Rd	Saratoga CA 95070
Schroeder Schroeder &Amp; Deits LLC	Los Gatos Wines	19135 Overlook Rd	Los Gatos CA 95030-4115
Scotts Valley Winery, LLC	Scotts Valley Winery	2364 Bean Creek Rd	Scotts Valley CA 95066
Silver Mountain Vineyards	Silver Mountain Vineyards	328 Ingalls St D	Santa Cruz CA 95060-5882

Owner Name	Business Name	Address	City, State, Zip
Sonnet		69 Silver Mountain Dr	Los Gatos CA 95033
Soquel Vineyards		8063 Glen Haven Rd	Soquel CA 95073
Spanish Ranch Winery, LLC	Spanish Ranch Winery	24000 Spanish Ranch Rd	Los Gatos CA 95033
Steelhead Engineering, Inc.		1850 Day Valley Rd	Aptos CA 95003
Stockwell Cellars, Inc.	Stockwell Cellars	1100 Fair Ave Bldg A	Santa Cruz CA 95060
Storrs Winery & Vineyard, Ltd.		1560 Pleasant Valley Rd	Aptos CA 95003
Storrs Winery & Vineyard, Ltd.	Storrs Winery	303 Potrero St Ste 35,8	Santa Cruz CA 95060
Strategy Partners International	Windy Oaks Estate	380 Sweetwood Way	Corralitos CA 95076
Sunridge Wines LLC	Sunridge Wines LLC	433 Sunridge Dr	Scotts Valley CA 95066-4938
Tanuki Cider	Honda, Robert Satoshi	334 Ingalls St # B	Santa Cruz CA 95060-5880
Testarossa Vineyards, LLC	Testarossa Vineyards	300 College Ave	Los Gatos CA 95030
The Mountain Winery		14831 Pierce Road	Saratoga
The Ragavan Family 2000 Living Trust	Valencia Wineries	45 Valencia Ct	Portola Valley CA 94028-7923
The Schaadt Wine Group, LLC	Regale Winery And Vineyards	24040 Summit Rd	Los Gatos CA 95033
Tmr Cellars LLC	Tmr Cellars, LLC	416 Bahr Dr	Ben Lomond CA 95005-9643
Tomaino, Kathryn, Vidovich, John, Michael & Mary Jane	Vidovich Vineyards	18101 Montebello Rd	Cupertino CA 95014
Us Grant		2300 Jarvis Rd	Santa Cruz CA 95065
Walsh Wine LLC	Ser	13 Mesa Way	Watsonville CA 95076-9656
Walsh Wine LLC	Ser	427 C Swift St	Santa Cruz CA 95060
Wargin Wines	Wargin Wines LLC	5015 Soquel Dr	Soquel CA 95073

Owner Name	Business Name	Address	City, State, Zip
Wolff And Father Wines	Wolff, Leonard Frank	514 Calabasas Rd	Watsonville CA 95076-0412
Woodside Farm Vineyard LLC	Woodside Farm Vineyard	1 Vintage Ct	Woodside CA 94062
Workman, Michael Lee	Weener'S Leap Cellars	14918 Three Oaks Ct	Saratoga CA 95070-5500

*The list was developed with the most reliable information provided; however, the list may contain discrepancies. This list shall include any future to-be opened businesses. Any business that may have been missed in this list, but is still within the boundaries of the SCMWID, shall also be subject to assessment.

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Adopted 8/5/2025
Board of S
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RESOLUTION NO. 2025 - 158

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ DECLARING ITS INTENTION TO ESTABLISH THE SANTA CRUZ MOUNTAINS WINE IMPROVEMENT DISTRICT (SCMWID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the County to establish business improvement districts for the purposes of promoting tourism; and

WHEREAS, the Santa Cruz Mountains Winegrowers Association (SCMWA), winery owners, and representatives from the County have met to consider the formation of the SCMWID; and

WHEREAS, the SCMWA has drafted a Management District Plan (Plan) which sets forth the proposed boundary of the SCMWID, a service plan and budget, and a proposed means of governance; and

WHEREAS, the proposed SCMWID includes all wineries, existing and in the future, located generally within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville; the towns of Los Gatos, Portola Valley, and Woodside; and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara and San Mateo; and

WHEREAS, consent to include wineries in their respective jurisdictions will be requested from the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville; the towns of Los Gatos, Portola Valley, and Woodside; and the Counties of Santa Clara and San Mateo; and

WHEREAS, wineries that will pay more than fifty percent (50%) of the assessment under the SCMWID have petitioned the Board to establish the SCMWID;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS THAT:

1. The recitals set forth herein are true and correct.

2. The Board finds that assessed wineries that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the formation of the SCMWID. The Board accepts the petitions and adopts this Resolution of Intention to establish the SCMWID and to levy an assessment on wineries within the SCMWID boundaries in accordance with the Property and Business Improvement District Law of 1994.

3. The Board finds that the Plan satisfies all requirements of Streets and Highways Code § 36622.

4. The Board declares its intention to establish the SCMWID and to levy and collect assessments on assessed wineries within the SCMWID boundaries pursuant to the Property and Business Improvement District Law of 1994.

5. The SCMWID shall include all wineries, existing and in the future, located generally within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville, the towns of Los Gatos, Portola Valley, and Woodside, and portions of the unincorporated areas of the Counties of Santa Cruz, Santa Clara, and San Mateo, as shown in the map attached as Exhibit A.

6. The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Beginning in the second year of the SCMWID term, the assessment rate may be increased by the Owners' Association to a maximum rate of two percent (2%) of gross direct to consumer sales revenue on winery sales. The maximum increase or decrease in a year shall be no more than one-half of one percent (0.5%). If the assessment rate is increased, it may subsequently be decreased but shall not be decreased below a minimum of one percent (1%) of gross direct to consumer sales revenue on winery sales.

   Based on the benefit received, assessments will not be collected on wholesale, purchases made outside of the state of California, or purchases made pursuant to contracts executed prior to November 1, 2025. Revenue generated from the SCMWID is intended only to provide programs and services for assessed wineries, all of which are located in California. Sales made outside of the state of California are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual wineries outside of the state of California. Assessment dollars may be spent outside of California to elevate the notoriety of the Santa Cruz Mountains as a premier winery destination with the desired outcome of increased in-person visitation to wineries paying the assessment.

7. The assessments levied for the SCMWID shall be applied toward Marketing & Brand Awareness and Business Improvement & Special Project programs to market assessed wineries in SCMWID as premier winery destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which SCMWID assessments are levied as long as they are used consistent with the requirements of this Resolution and the Plan.

8. The proposed SCMWID will have a five (5) year term, beginning November 1, 2025, or as soon as possible thereafter, and ending five (5) years from its start date, unless renewed pursuant to Streets and Highways Code § 36660.

9. Bonds shall not be issued.

10. The time and place for the public meeting to hear testimony on establishing the SCMWID and levying assessments is September 9, 2025, at 9:00 AM, or as soon thereafter as the matter may be heard, at the Board Chambers located at 701 Ocean Street, Room 525, Santa Cruz, CA 95060.

11. The time and place for the public hearing to establish the SCMWID and the levy of assessments is September 23, 2025, at 9:00 AM, or as soon thereafter as the matter may be heard, at the Board Chambers located at 701 Ocean Street, Room 525, Santa Cruz, CA 95060. The Clerk of the Board is directed to provide written notice to the wineries subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways

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Code § 36623, no later than August 9, 2025.

12. At the public meeting and hearing the testimony of all interested persons for or against the establishment of the SCMWID may be received. If at the conclusion of the public hearing, the owners of the assessed wineries within the proposed SCMWID that will pay fifty percent (50%) or more of the estimated total assessment of the entire SCMWID have filed written protests objecting to the establishment of the SCMWID, no further proceedings to establish the SCMWID shall occur for a period of one (1) year.

13. The complete Plan is on file with the Clerk of the Board and may be reviewed upon request.

14. This resolution shall take effect immediately upon its adoption by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 5th day of August, 2025, by the following vote:

AYES: Supervisor Koenig, De Serpa, Cummings, Martinez and Hernandez
NOES: None
ABSENT: None
ABSTAIN: None

DocuSigned by:
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8/6/2025

Felipe Heranandez
Chair of the Board of Supervisors

ATTEST:

DocuSigned by:
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8/6/2025

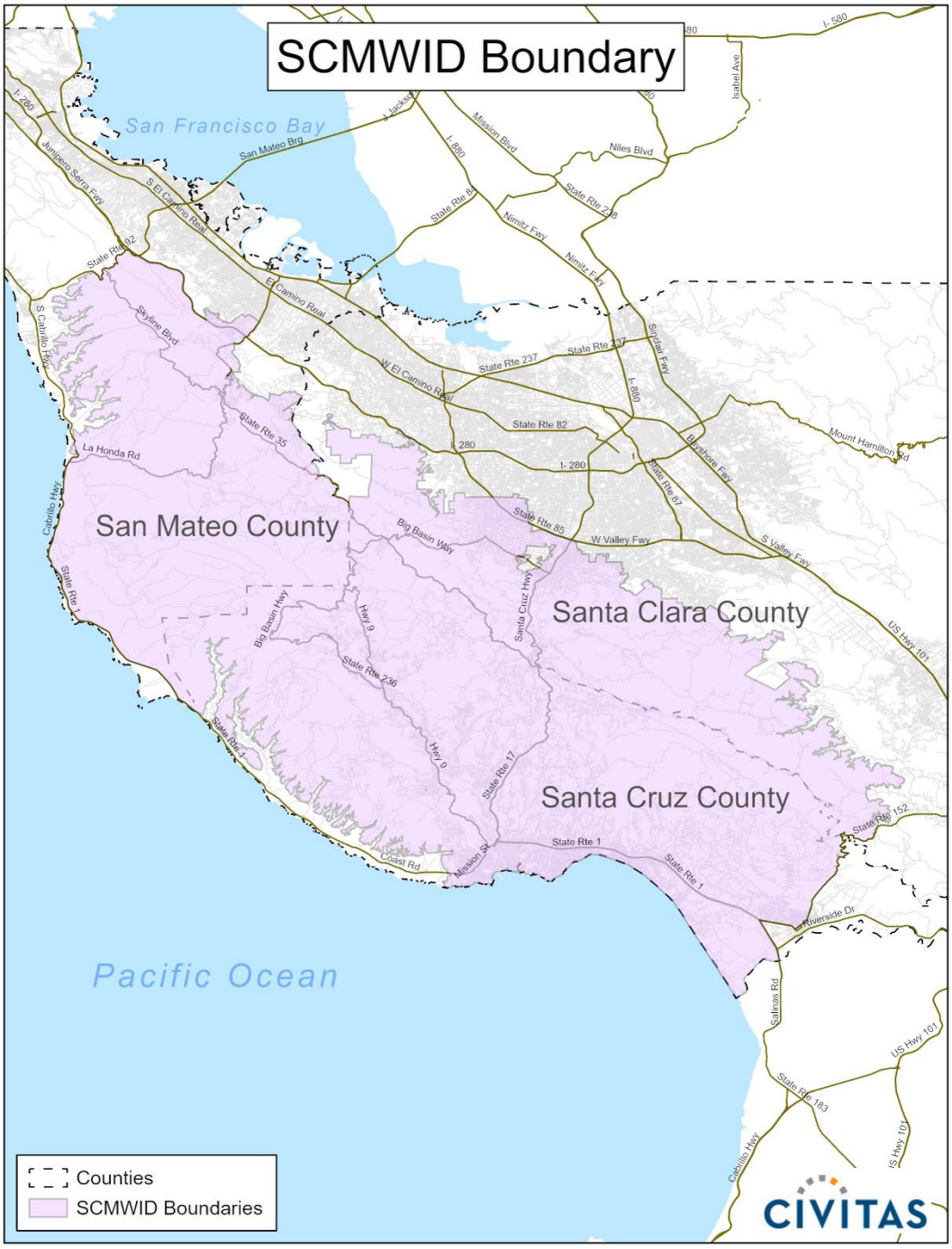
Juliette Rezzato
Chief Deputy Clerk of the Board

Approved as to Form:

Signed by:
2336E053FF38435...

Jason M. Heath
Office of the County Counsel

EXHIBIT A
District Boundaries



Certificate Of Completion

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Jason M. eath jason.heath@santacruzcountyca.gov County Counsel County of Santa Cruz Security Level: Email, Account Authentication (None)	Signed by: Jason M. eath 2336E053FF38435... Signature Adoption: Pre-selected Style Using IP Address: 63.194.190.100	Sent: 7/11/2025 12:12:45 PM Viewed: 7/11/2025 12:45:10 PM Signed: 7/11/2025 12:46:14 PM

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Intermediary Delivery Events	Status	Timestamp

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Notary Events	Signature	Timestamp

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Completed	Security Checked	7/11/2025 12:46:14 PM

Payment Events	Status	Timestamps

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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To contact us by email send messages to: nada.algharib@santacruzcounty.us

To advise County of Santa Cruz of your new email address

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.

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Initials: 0
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DS

RESOLUTION NO. 159-2025

RESOLUTION OF THE SANTA CRUZ COUNTY BOARD OF SUPERVISORS REQUESTING CONSENT OF THE CITIES OF SANTA CRUZ, SARATOGA, SCOTTS VALLEY, CAPITOLA, AND WATSONVILLE; THE TOWNS OF LOS GATOS, PORTOLA VALLEY AND WOODSIDE; AND THE COUNTIES OF SANTA CLARA AND SAN MATEO TO FORM THE SANTA CRUZ MOUNTAINS WINE IMPROVEMENT DISTRICT

WHEREAS, the Board of Supervisors of the County of Santa Cruz desires to begin proceedings to form the Santa Cruz Mountains Wine Improvement District (SCMWID); and

WHEREAS, winery owners have requested that the Board form the SCMWID; and

WHEREAS, a portion of the territory proposed to be included in the SCMWID lies within the boundaries of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville (cities); the towns of Los Gatos, Portola Valley, and Woodside (towns); and portions of the unincorporated areas of the counties of Santa Clara and San Mateo (counties), as shown on the map attached hereto as Exhibit A and incorporated herein by such attachment; and

WHEREAS, the area of the cities, towns, and counties which lies within the boundaries of the proposed SCMWID will, in the opinion of the Board, benefit from the improvements and activities, and the purpose sought to be accomplished by the work can best be accomplished by a single comprehensive scheme of work;

NOW, THEREFORE, BE IT RESOLVED BY THE SANTA CRUZ COUNTY BOARD OF SUPERVISORS THAT:

Section 1: The above recitals are true and correct.

Section 2: Consent of the cities, towns, and counties through their respective City Councils, Town Councils and Boards of Supervisors, is hereby requested to form the SCMWID, and to grant to the Santa Cruz County Board of Supervisors jurisdiction for all the purposes in connection with creation, operation, and future renewals of the proposed SCMWID.

Section 3: The Clerk of the Board is hereby directed to transmit a certified copy of this Resolution to the City Clerk of the cities of Santa Cruz, Saratoga, Scotts Valley, Capitola, and Watsonville; to the Town Clerk of the towns of Los Gatos, Portola Valley, and Woodside; and to the County Clerk of the counties of Santa Clara and San Mateo.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 5th day of August, 2025, by the following vote:

Docusign Envelope ID: 0E3885AE-3042-4ABB-8613-48F9E4D04FE5

AYES: Supervisors Koenig, De Serpa, Cummings, Martinez and Hernandez
NOES: None
ABSENT: None
ABSTAIN: None

DocuSigned by:
309EB769DA614E4...
8/6/2025

Felipe Hernandez
Chair of the Board

ATTEST: DocuSigned by:
466B074F3141450...
8/6/2025

Juliette Rezzato
Clerk of the Board

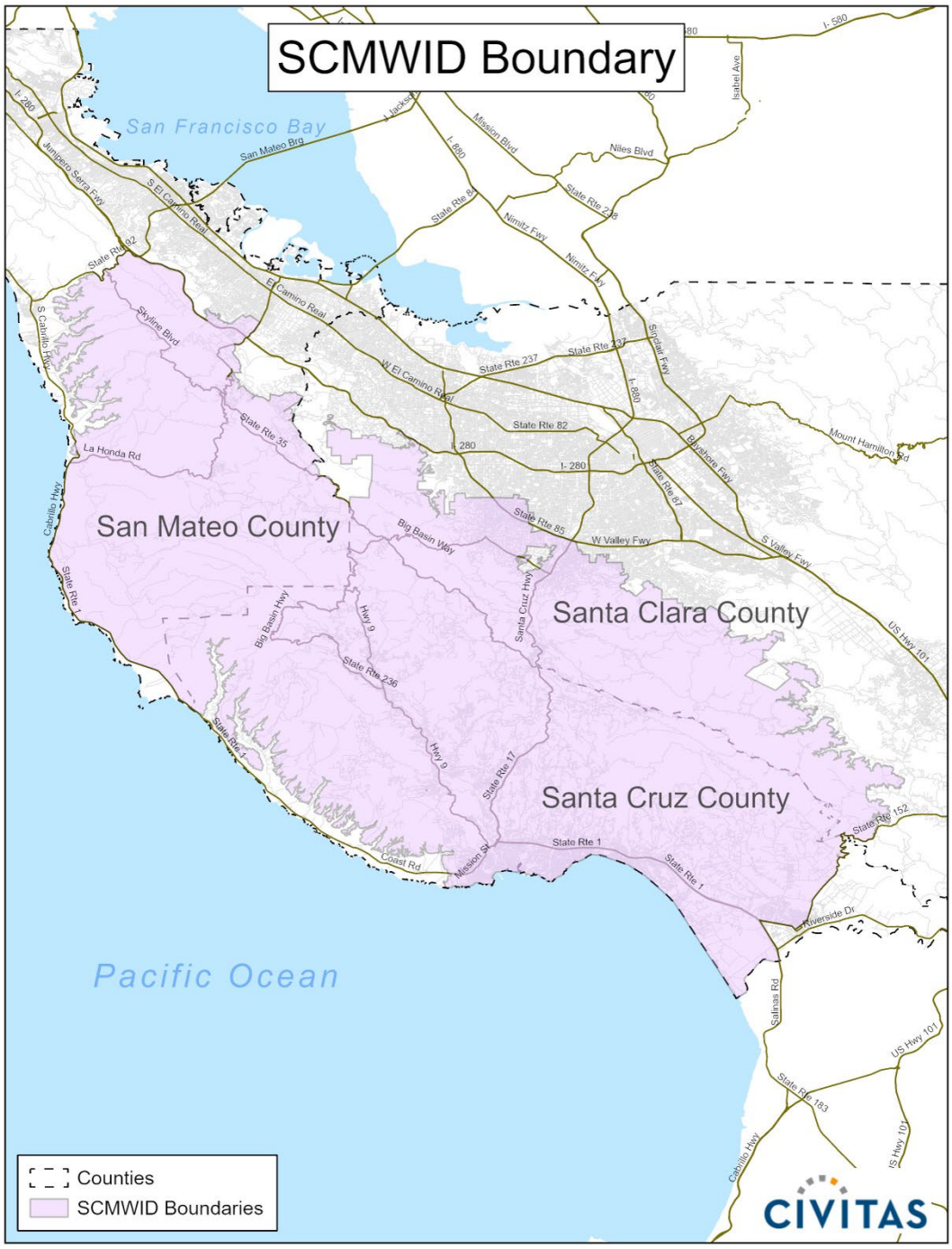
APPROVED AS TO FORM:

Signed by:
2336E053FF38435...

Jason M. Heath
Office of the County Counsel

Docusign Envelope ID: 0E3885AE-3042-4ABB-8613-48F9E4D04FE5

Exhibit A: SCMWID Boundary Map

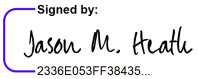


Certificate Of Completion

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Source Envelope:
Document Pages: 3
Signatures: 1
Envelope Originator:
Certificate Pages: 4
Initials: 0
Peter Detlefs
AutoNav: Enabled
701 Ocean Street
EnvelopeId Stamping: Enabled
Santa Cruz, CA 95060
Time Zone: (UTC-08:00) Pacific Time (US & Canada)
Peter.Detlefs@santacruzcountyca.gov
IP Address: 76.209.242.199

Record Tracking

Status: Original
7/11/2025 12:12:56 PM
Holder: Peter Detlefs
Peter.Detlefs@santacruzcountyca.gov
Location: DocuSign
Security Appliance Status: Connected
Pool: FedRamp
Storage Appliance Status: Connected
Pool: County of Santa Cruz
Location: Docusign

Signer Events	Signature	Timestamp
Jason M. Heath jason.heath@santacruzcountyca.gov County Counsel County of Santa Cruz Security Level: Email, Account Authentication (None)	Signed by:  2336E053FF38435... Signature Adoption: Pre-selected Style Using IP Address: 63.194.190.100	Sent: 7/11/2025 12:13:27 PM Viewed: 7/11/2025 12:46:38 PM Signed: 7/11/2025 12:47:29 PM

Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	7/11/2025 12:46:38 PM
Signing Complete	Security Checked	7/11/2025 12:47:29 PM
Completed	Security Checked	7/11/2025 12:47:29 PM

Payment Events	Status	Timestamps

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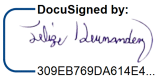
Certificate Of Completion

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Source Envelope:
Document Pages: 7
Signatures: 2
Certificate Pages: 5
Initials: 0
AutoNav: Enabled
Stamps: 1
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Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:
Elizabeth Padilla
701 Ocean Street
Santa Cruz, CA 95060
Elizabeth.Padilla@santacruzcountyca.gov
IP Address: 63.194.190.100

Record Tracking

Status: Original
8/6/2025 2:55:29 PM
Holder: Elizabeth Padilla
Elizabeth.Padilla@santacruzcountyca.gov
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Signer Events	Signature	Timestamp
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Agent Delivery Events	Status	Timestamp

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Carbon Copy Events	Status	Timestamp
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Santa Cruz Wine Improvement District

ATTACHMENT 6

Santa Cruz Mountains WINEGROWERS ASSOCIATION

CIVITAS
PARTNERSHIPS • PROGRESS • PROSPERITY

Update

Petition Drive – 59.7% in support based on assessed value

Jurisdictions granted consent:

- Capitola
- Scotts Valley
- Saratoga
- Watsonville

Wine Districts



Winery pays an assessment

Collected by 3rd party

Managed by SCMWA in accordance w/ MDP

CHARACTERISTICS

- Level playing field—no free riders
- Transparency & Reliability
- Pass-through to guests

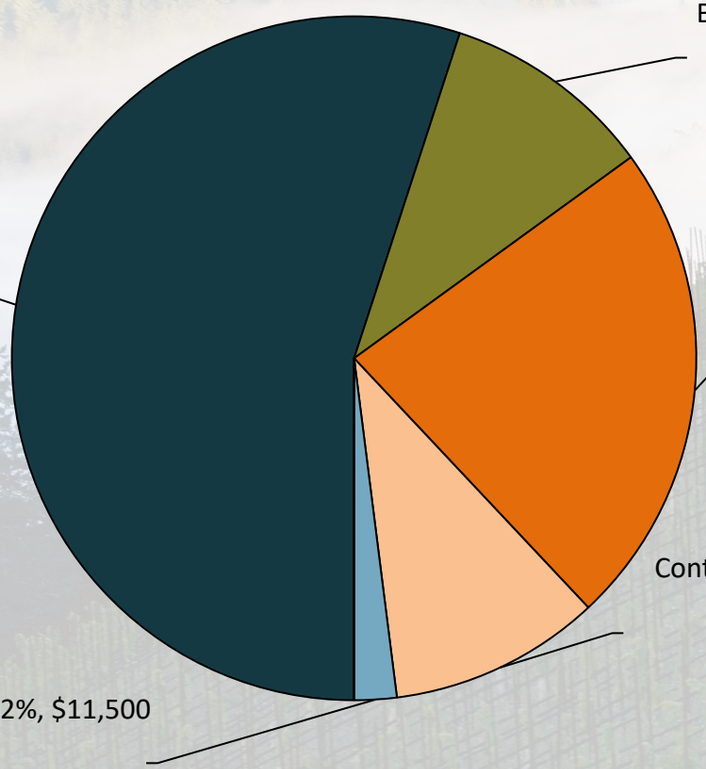
Wine District Parameters

- **Term:** Initial 5-Year Term
- **Management:** Santa Cruz Mountains Winegrowers Association
- **Assessment Rate:** 1% of gross DTC wine sales. Beginning of year 2, may be increased up to 2% (increase max of 0.5% per year)

**2% ceiling may be reduced to 1.5% during Public Hearing*

Wine District Parameters

Estimated Initial Annual Budget - $575,000



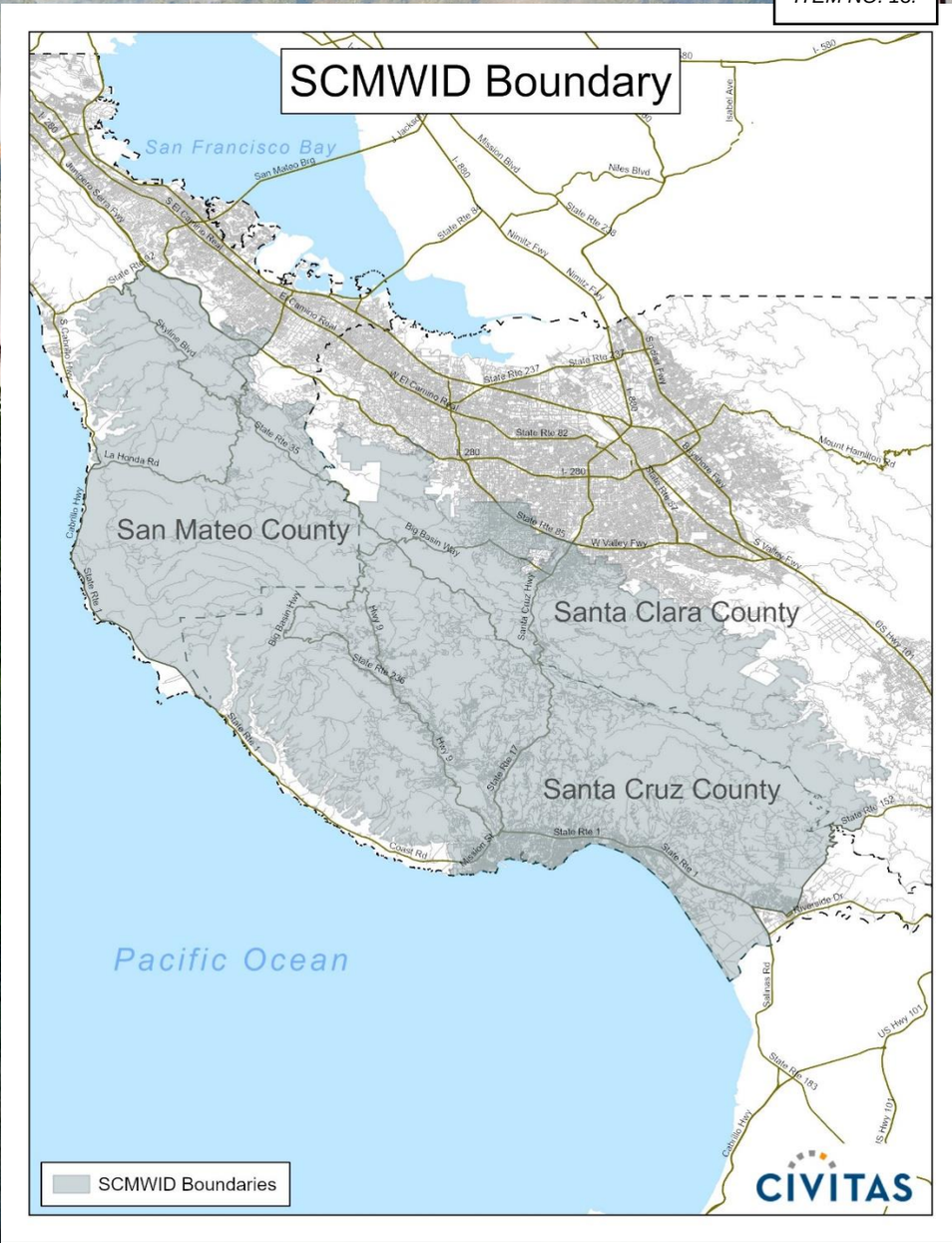
Key Services

- Business Improvement & Special Projects
  - Wine Trail Signage
  - Participation in Events and Hosting
- Marketing & Brand Awareness
  - Large-scale Digital & Print Advertising
  - Public Relations
  - Digital Marketing Campaigns

Wine District Parameters

- **Boundaries include 11 jurisdictions:**
  - **Portions of:**
    - Santa Cruz County *(lead jurisdiction)*
    - Santa Clara County
    - San Mateo County
  - **Cities:**
    - Santa Cruz
    - Saratoga
    - Scotts Valley
    - Capitola
    - Watsonville
  - **Towns:**
    - Los Gatos
    - Portola Valley
    - Woodside

**boundary may be reduced during Public Hearing*



Timeline

Action	Date
Feasibility Study	August – November 2024
Initiate WID Formation	February 2025
Continued business outreach and consensus building to businesses, jurisdiction staff, and elected officials	February – October 2025
Management District Plan (MDP)	February – May 2025
Petition Drive	May – July 2025
Resolution of Intention & Resolution Requesting Consent	**August 5, 2025**
Notice of Public Meeting/Hearing	August 6, 2025 August 28, 2025 – *revised* September 12, 2025 – *revised*
Resolutions Granting Consent to County of Santa Cruz	August – September 2025
Public Meeting	**September 9, 2025**
Public Hearing	**October 21, 2025**

October 2, 2025

Dear Mayor and Members of the Los Gatos Town Council
110 E. Main Street
Los Gatos, CA 95030

On behalf of the Santa Cruz Mountains Winegrowers Association, I want to express our deep appreciation for the Town of Los Gatos' consideration of the proposed Santa Cruz Mountains Wine Improvement District (SCMWID) and to share the importance of your support.

The Santa Cruz Mountains AVA is one of California's oldest and most distinctive winegrowing regions, encompassing over 480,000 acres and home to more than 75 small, family-owned wineries. Los Gatos is a gateway to this region, with several wineries, tasting rooms, and vineyard estates that not only contribute to the town's economic vitality but also to its cultural and historical identity.

The SCMWID is modeled after successful business improvement districts across California, including the Tourism Marketing District (TMD) already in place through Visit Santa Cruz and other wine districts, most recently, Santa Barbara County's. This program creates a sustainable, self-funded model where wineries within the district contribute a modest assessment that is reinvested directly back into marketing, promotion, and destination development for the benefit of all. Importantly, the district is widely supported by wineries across the AVA and Santa Clara County. Of the wineries that will be assessed, we've received support valued at 76%+. Los Gatos wineries affected by the assessment have also provided their support.

Your support matters. With Los Gatos' participation and support through passing a resolution granting consent to the County of Santa Cruz, we can ensure that this effort reflects the full scope of our region, uniting our communities to strengthen the visibility of Santa Cruz Mountains wines on retail shelves, wine lists, and as a driver of tourism. In doing so, Los Gatos stands to benefit from increased visitation, enhanced regional branding, and new opportunities for its businesses to thrive.

We are proud to represent a heritage of independent, family-run wineries that have invested generations of care into this land. The SCMWID ensures their legacy will be more visible, competitive, and sustainable for years to come.

We respectfully ask for your support of the Santa Cruz Mountains Wine Improvement District and look forward to working in partnership with the Town of Los Gatos to celebrate and strengthen our shared wine heritage.

With gratitude,

Sincerely,
Keikilani McKay
Executive Director
Santa Cruz Mountains Winegrowers Association

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 14

DATE: October 2, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Adopt a Resolution to Modify Town Council Policy 1-08: "Transportation Impact Policy"**

RECOMMENDATION: Adopt a Resolution to Modify Town Council Policy 1-08: "Transportation Impact Policy" to Update the Project List, Modify Charges for Affordable Housing, Allow for Charges on Accessory Dwelling Units (ADUs) in Excess of 750 Square Feet, and Adjust How Credits are Calculated.

FISCAL IMPACT:

The proposed changes will allow for the collection of Transportation Impact Fees on ADUs of 750 square feet or more, which may generate nominal additional revenue. Fees will be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

Simultaneously, the Policy introduces a 50% reduction in Transportation Impact Fees for deed-restricted housing units serving extremely low- and very low-income households, which may result in a moderate reduction in total collected fees over time.

The net fiscal impact is expected to be minimal but directionally neutral to slightly positive, depending on development activity. These adjustments ensure ongoing policy alignment with State housing mandates while supporting Town infrastructure needs. Based on recent development trends over the past three years, the Town processes approximately 50 ADU permit applications annually, several of which exceed 750 square feet. Applying Transportation Impact Fees to these units could result in nominal additional revenue of approximately $25,000 per year, depending on unit size and fee rates.

PREPARED BY: Nicolle Burnham
Parks and Public Works Director

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

STRATEGIC PRIORITY:

This item aligns with the strategic priority: Develop structure to ensure accountability of how funding resources move forward the Town's core goals and priorities.

BACKGROUND:

On August 5, 1991, the Town of Los Gatos adopted Town Council Policy 1-08 to establish procedures for assessing Traffic Impact Mitigation Fees. The Policy has been revised periodically to reflect legislative changes and Town priorities, with updates in 2014, 2016, 2017, and most recently in 2021. These updates have addressed fee applicability, project eligibility, and alignment with state mandates such as SB 743 requiring Vehicle Miles Traveled (VMT) metrics. This current update further aligns the Policy with current CEQA requirements, clarifies charges for Accessory Dwelling Units (ADUs), adjusts affordable housing incentives, updates the project list, and clarifies how certain projects might receive credits against their traffic impact fee.

In early 2024, the Town adopted an increase to its transportation impact fee, which was later rescinded due to concerns regarding the nexus study. Staff has reviewed the nexus study and is not recommending changes to the Town's transportation impact fee until a Town-wide traffic model has been completed. At this time, Town staff is recommending only an update to the Town's Transportation Impact Policy.

DISCUSSION:

The Town is proposing a policy-only update at this time to ensure consistency with recent changes in State law regarding Accessory Dwelling Units, incentivize production of extremely low and very low income housing, modernize the language around credits, and to remove outdated projects from the Transportation Impact Policy's project list and add projects that have been identified through adopted planning documents like the Bicycle and Pedestrian Master Plan. This update allows the Town to improve clarity and legal defensibility of the fee application while staff completes the Town-wide traffic model needed for a full nexus-based fee update. The Policy update does not include a change to the fee amount at this time.

Attachment 1 is a resolution to support the adoption of the changes, and the proposed Policy is attached to the resolution. Attachment 2 is a redline of the changes proposed to Town Policy 1-08. Specific proposed changes to the Policy include:

1. Allowing Transportation Impact Fees to be charged on Accessory Dwelling Units of 750 square feet or larger, as allowed per state law;
2. Reducing Transportation Impact Fees for deed restricted housing units, which may encourage production of affordable housing;

3. Allowing development projects that choose to construct a project from the Project List to receive credit for the full cost of the project construction, including any land dedication that could be required (up to the amount of the TIF that is owed);
4. Clarifying how credit is issued for existing land uses when redevelopment projects are proposed; and
5. Replacing the project list in Attachment 2 of the Policy.

Revenue from Transportation Impact Fees is directly dependent on the number and type of development applications received by the Town each year. Revenues in recent years have varied widely as shown in Table 1.

Table 1. Summary of Recent Collections to the Transportation Impact Fee Program

Fiscal Year	Fee Collected ($)
2024-25	10,431
2023-24	2,726,394
2022-23	9,582
2021-22	82,449
2020-21	18,087
2019-20	133,741

CONCLUSION:

The actions proposed herein will update the Town's Transportation Impact Policy to better align with current state law and local development trends. While no changes to the Transportation Impact Fee amounts are being implemented at this time, the Policy revisions ensure clarity regarding how fees are calculated and update the list of capital projects for which fees may be used. These actions pertain to Town Council Policy only and do not affect the Town Code. Staff is not recommending changes to the Town's Transportation Impact Fee until a Town-wide traffic model has been completed.

COORDINATION:

This agenda item was coordinated with the Town Manager, Town Attorney, and the Finance Director. If the Policy is adopted, staff will return to Council with a follow-up update to the Master Fee Schedule to reflect the new applicability of fees to ADUs larger than 750 square feet.

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15378(b)(4), these actions are fiscal and administrative activities and do not constitute projects as defined in CEQA, and no further action is required.

ATTACHMENTS:

1. Draft Resolution to Modify Town Council Policy 1-08, "Transportation Impact Policy"
2. Redline of Proposed Changes to Town Council Policy 1-08

RESOLUTION 2025-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADOPTING AN UPDATED TRAFFIC IMPACT POLICY

WHEREAS, Chapter 15, Article VI of the Town of Los Gatos Town Code provides for the establishment of Traffic Impact Mitigation Fees**;**

WHEREAS, on August 5, 1991, the Town of Los Gatos adopted Resolution 1991- 174 adopting a Traffic Impact Policy;

WHEREAS, the Policy has been updated from time to time including most recently on December 12, 2021;

WHEREAS, staff recommends updating the Policy to reduce the transportation impact fees charged for affordable housing, to provide that transportation impact fees will be collected for accessory dwelling units in excess of 750 square feet, and to update the way development and redevelopment projects might be provided with credits; and

WHEREAS, Attachment 2, Project list, has not been modified since 2014 and many of the projects have been completed and therefore needs to be updated.

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

1. The Transportation Impact Policy attached as Exhibit A to this Resolution is hereby adopted and the previous Traffic Impact Policy is rescinded.

2. Adoption of this updated Policy is not a project subject to CEQA because it can be seen with certainty that it will not have a significant impact on the environment. (CEQA Guidelines Section 15378.)

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of October, 2025, by the following vote:

COUNCIL MEMBERS:
AYES:
NAYS:
ABSENT:
ABSTAIN:

DRAFT

SIGNED:

_____

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

_____

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

DRAFT

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: Transportation Impact Policy	**POLICY NUMBER**: 1-08
EFFECTIVE DATE: January 4, 1988	**PAGES:** 11
ENABLING ACTIONS: 1991-174; 2014-017, 2016-068; 2017-011	**REVISED DATES**: 8/5/91; 3/24/14; 12/6/16; 3/21/17; 12/07/2021; 09/16/2025
APPROVED:	

PURPOSE

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

SCOPE

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

POLICY

I. GENERAL CONDITIONS AND APPLICABILITY

1. Projects that are determined by the Town to generate one or more new net Average Daily Trips (ADT) are subject to this Policy.

2. An Accessory Dwelling Unit (ADU) of less than 750 square feet shall be exempted from the requirements of Transportation Analysis and the Traffic Impact Fees. ADU's of 750 square feet or greater shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

3. Attachment 1 - Transportation Analysis (TA) Guidelines establish a process to comprehensively and accurately analyze potential project effects (adverse and beneficial) on transportation facilities and services in the Town of Los Gatos and other jurisdictions. The TA Guidelines serve three primary purposes:

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

II. TRANSPORTATION IMPACT FEES

1. All Projects that generate one or more new Average Daily Trips (ADT) as calculated based on the ITE trip generation manual are required to pay Transportation Impact Fees, previously known as Traffic Impact Mitigation Fees.

2. All required Transportation Impact Fees shall be paid in full to the Town in association with and prior to issuance of a building permit, unless otherwise required by law. If no building permit is required, the fee shall be paid in full prior to issuance of a certificate of use and occupancy, or similar entitlement. Unless otherwise required by law, the amount due shall be calculated based on the fee in place as approved by the Town Council by resolution at the time the fee is paid.

3. The per trip amount of the fee shall be as set forth by the Town Council by resolution, pursuant to Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees.

4. Fees shall be calculated by multiplying net new ADT by the per trip amount in place at the time the fees are paid.

5. Credit against Transportation Impact Fees due shall be granted for projects shown on the town of Los Gatos Transportation Improvements list (Attachment 2) up to the amount of the actual reasonable expenditure based on receipts submitted to the Town and as approved by the Town Engineer. Credit may be applied for any listed projects for which the developer, as a condition of approval, is required to either construct at the developer's sole cost or contribute a fixed or percentage amount of funding toward future construction of the listed improvement.

6. No credit shall be given for any public right-of-way dedication required for completion of projects not listed on Attachment 2.

7. Credit for existing development shall be determined by trips generated at the site within three years of entitlement application to the Community Development Department. Properties not generating trips within three years of application will not receive credit. All credits under this section shall be at the discretion of the Town

Engineer.

8. Housing units deed restricted for extremely low- and very low-income categories shall pay a fee at 50% of the rate of the fee that would otherwise be required for the unit. Extremely low- and very-low income categories will be as defined by the County of Santa Clara. The Community Development Director shall provide verification that the appropriate deed restrictions have been filed before permitting the project to pay the lower fee.

9. No credit shall be given for installation of Town-standard frontage improvements, Project access improvements, or internal circulation improvements.

10. Credit shall only be granted for payment of costs or construction of projects listed in Attachment 2, unless otherwise approved by the Town Council.

III. VEHICLE MILES TRAVELLED MITIGATION MEASURES

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

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

2. The Town is taking a Townwide approach for VMT impact mitigation. Attachment 3, VMT Reduction Actions for the Town of Los Gatos, provides a framework for mitigating VMT in the Town.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney

Town of Los Gatos
Transportation Analysis Guidelines

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1. Introduction

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

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

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

1.1 Intent of TA Guidelines

The Town of Los Gatos General Plan 2040 seeks to "provide a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities." The TA Guidelines support this goal by evaluating new projects against the policies of the latest General Plan.

For CEQA-based environmental analysis, these TA Guidelines incorporate the use of vehicle miles traveled (VMT) to disclose the effects of the project on the surrounding environment. Town staff completed an SB 743[1] implementation process, which included the preparation of the *SB 743 Implementation for the Town of Los Gatos* (July 2020) document package. The document package provides detailed technical information pertaining to the options and data considered by the Town of Los Gatos to implement VMT as an impact criterion.

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

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

[1]

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

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

1.2 Environmental Evaluation

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

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

Would the project:

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

d) Result in inadequate emergency access?

1.3 Project Types

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

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

Town and inconsistent with the Town's General Plan.

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

1.4 CEQA and Non-CEQA Terminology

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

Table 1: Comparison of Select CEQA and Non-CEQA Terms

CEQA Term	Non-CEQA Term
CEQA Transportation Analysis	Local Transportation Analysis
Significance criteria	Threshold or performance standard
Significant impact	Deficiency
Mitigation measure	Mitigation improvement
Baseline Conditions	Existing Conditions and Background Conditions
Future Year Cumulative Conditions	Cumulative Conditions

2. Determining the Level of Transportation Analysis

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

- A project has the potential to create a significant transportation environmental impact under CEQA.
- A project has the potential to generate daily vehicle miles traveled greater than the Town's General Plan future year VMT projections.
- For local transportation analysis, a project has the potential to generate 20 or more new Peak Hour (vehicle) Trips.
- A project that is not consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report (EIR) was certified, per *CEQA Statue & Guidelines Section 15183*.
- A project will alter physical or operational conditions on a Town pedestrian facility, bicycle facility, transit facility or service, or other transportation facility.
- An Accessory Dwelling Unit (ADU) of 750 square feet or smaller shall be exempted from the requirements of Transportation Analysis and the Transportation Impact Fees.

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

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

2.1 CEQA Relief for Projects Consistent with General Plan or Zoning

Per *CEQA Statue & Guidelines Section 15183,* projects consistent with a general plan, zoning action, specific plan, and certified environmental impact report (EIR) would not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects. Additionally, projects consistent with a general plan, zoning action, or specific plan where cumulative impact(s) were adequately addressed in a prior EIR would not require further CEQA transportation analysis. As noted below, projects consistent with the Town's General Plan, as determined by the Community Development Director, will not be required to do any VMT Analysis since the Town is taking a Townwide approach for VMT impact mitigation.

2.2 CMP Consistency Screening

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

2.3 Recommended Process and Documentation

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

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

2.4 Contact with Appropriate Town Staff

To minimize the potential for delays in project processing, it is important for the TA to be prepared in coordination with Town staff. Timely coordination will also ensure that potential transportation improvements and environmental consequences are considered as early as possible in the planning process, as deficiencies and corresponding improvement costs can have a substantial effect on project costs. Coordination should include the following:

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

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

2.5 Consultation with Other Jurisdictions

If the study area overlaps with other jurisdictions, staff from other jurisdictions must be consulted to verify study locations, the impact significance criteria, and to consider any current development applications. Section 15086 of the *CEQA Statue & Guidelines*[22] shall be followed as the basis for satisfying consultation requirements. In most cases, overlap will occur for roadway system analysis, but may also include impact analysis of active transportation modes (bicycling and walking), as well as transit system facilities and services.

2.6 Project Trip Generation and Trip Reductions

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

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

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

2.6.1 Vehicle Trips

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

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

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

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

2.6.2 Person Trips

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

2.6.3 Establishing Trip Generation Rates for an Unspecified Use

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

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

2.6.4 Credit for Existing Trips – Local Analysis

The estimate of new trips generated by the proposed development project may include credit for trips associated with existing uses on the site. Uses are considered as existing if they are actively present on the project site at the time that data is gathered for the transportation impact analysis. Similarly, if a

planned (but not constructed) use was already permitted for the site and an improvement(s) was identified and funded, the new TA only needs to assess the effects of additional trips above and beyond the trips for the permitted use. Additionally, certain commercial land uses attract vehicle traffic that currently exists on the roadway, rather than generating new trips.

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

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

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

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

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

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

2.6.4 Credit for Existing Trips – VMT Analysis

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

2.7 Vehicle Miles Traveled Methods

As noted, projects consistent with the Town's General Plan, as determined by the Community Development Director, will not be required to do any VMT Analysis since the Town is taking a Townwide approach for VMT impact mitigation. Although the calculation of VMT is simply the number of cars multiplied by the distance traveled by each car, VMT performance measures can be reported differently. At a minimum, the VMT analysis for Los Gatos will be prepared for two purposes:

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

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

3. Transportation Analysis (CEQA) for Land Use Projects

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

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

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

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

3.1 VMT Analysis Methods

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

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

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

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

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

3.1.2 VMT Assessment

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

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

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

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

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

The model output should include the two VMT metrics listed earlier: 1) total project generated VMT, and 2) project's effect on VMT using the total boundary VMT. Emissions vary by speed bin; disaggregating VMT by speed bin allows different emissions factors to be applied at different speeds, which allows for the preparation of a more refined emissions analysis. The total boundary VMT is needed as an input for air quality, greenhouse gas (GHG), and energy impact analysis, while the project generated VMT metrics are

used for the transportation impact analysis.

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

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

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

3.2 VMT Significance Thresholds

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

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

3.3 VMT Mitigation Measures

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

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

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

Attachment 3, VMT Reduction Actions for the Town of Los Gatos, provides a framework for mitigating VMT in the Town. Attachment 2, Transportation Mitigation Improvements Project List, has many improvements that are consistent with the VMT Reduction Strategies.

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

4. Transportation Analysis (CEQA) for Transportation Projects

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

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

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

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

5. Transportation Analysis per the Town's Transportation Policies

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

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

5.1 Study Area

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

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

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

5.2 Key Study Elements

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

Table 2: Local Transportation Analysis – Evaluation Criteria

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

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

5.3 Data Collection

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

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

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

5.4 Project Site Access and Circulation Review

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

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

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

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

5.5 Analysis Scenarios

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

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

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

5.6 Analysis Time Periods

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

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

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

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

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

5.7 Multimodal Analysis Methods

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

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

- **Multimodal LOS** – The latest *Highway Capacity Manual* (6th Edition) contains methods for multimodal LOS.
- **Person Delay** – Simulation models can be used to measure system performance in terms of overall person-delay for all modes within a transportation network. This method provides a better decision-making tool for developing improvements to promote efficient movement of people, rather than a particular type of vehicle.
- **Safety Assessment** – Evaluate whether the project adds vehicle trips to a safety improvement identified within the study area. (If a project may affect a Caltrans facility, a safety assessment may be needed for CEQA purposes as well.)
- **Bicycle Level of Stress (LTS)** – Evaluate LTS for all bicycle facilities within a two-mile bicycling distance of the project site. There are several methods for evaluating LTS for bicycle facilities, which generally rely on street widths/number of vehicle lanes, vehicle speeds, daily volumes, and type of bicycle facility to evaluate "low stress" bike networks. The *Low-Stress Bicycling and Network Connectivity* (2012) report and the National Association of City Transportation Officials (NACTO) *Urban Bikeway Design Guide, Second Edition* (2014) contains methods for LTS.
- **Pedestrian Level of Stress (LTS)** – Evaluate LTS for all pedestrian facilities providing access to the nearest attractors (e.g., transit stops, neighborhood attractors and/or complimentary land uses) of the project site. Compared to bicycle LTS, there are parallel methods for calculating pedestrian comfort using best practiced from the NACTO *Urban Street Design Guide* (2013) and pedestrian

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

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

5.8 Traffic Operations Analysis

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

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

5.9 Mobility Deficiency Criteria

The overall guiding principal of the General Plan 2040 Mobility Element is to, "[p]rovide a well- connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities." Los Gatos evaluates each transportation mode to identify deficiencies. Local transportation analyses evaluate intersection operations focused on specific traffic issues such as queuing and safety. A greater emphasis is placed on pedestrian, bicycle, and transit facilities and services, in part to reduce traffic congestion and air quality impacts associated with automobile use. **Table 5** outlines deficiency criteria for each mode. The mobility deficiency criteria can be used to identify conflicts with existing or planned multimodal facilities.

Table 5: Mobility Deficiency Criteria

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

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

5.10 CMP Deficiency Criteria

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

5.11 Mitigation Improvements

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

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

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

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

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

Table 6: Example Improvements

Study Element	Improvement
Project Modifications and Transportation Demand Management	• Alter density or diversity of project uses or integrate affordable housing • Encourage telecommuting and alternative work schedules • Provide ride-sharing programs to encourage carpooling and vanpooling • Provide local shuttle service • Provide employer-sponsored vanpools or shuttles • Provide pedestrian network improvements • Provide traffic calming measures and low-stress bicycle network improvements • Implement car-sharing (e.g., ZipCar) program • Limit parking supply • Unbundle parking costs from property costs • Institute on-street market pricing for parking

Pedestrian and Bicycle Facilities	• Provide for access to, from, and through the development for pedestrians and bicyclists • Construct Class I bicycle paths, Class II bicycle lanes, and other facilities • Provide secure bicycle parking and shower amenities • Reduce travel lanes on a street to install a two-way left-turn lane and Class II bicycle lanes • Add corner bulbouts, reduce curb radii, add pedestrian refuges, or implement other walking-related improvements
Transit Facilities	• Provide bus turnouts, bus shelters, additional bus stops, and park-and-ride lots • Fund increases in transit service
Parking Facilities	• Design parking facilities to allow free-flow access to and from the street • Provide off-street parking per Town standards or recommendations • Implement shared parking among complementary land uses
Traffic Control Modifications	• Provide for yield or stop control • Evaluate unsignalized intersections with substandard LOS for conversion to roundabout intersection control or for signalization • Provide coordination/synchronization of traffic signals along a corridor • Provide turn-lane channelization through raised islands • Restrict selected turning movements
Street Operations Modifications	• Optimize location of access driveway(s) • Provide improvements to traffic signal phasing, or lengthen existing turning pocket • Provide additional through traffic lane(s), right-turn lane(s), and left-turn lane(s) if they do not adversely impact other modes or induce additional vehicle travel • Reduce travel lanes on a street to install a two-way left-turn lane • Address congestion pricing on roads or within a specific area

Appendix A: Transportation Analysis Report Format Outline

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

1. Introductory Items
    - Front Cover/Title Page
    - Table of Contents, List of Figures, and List of Tables
    - Executive Summary
2. Introduction
    - Project description
    - Project sponsor/contact info
    - Type and size of development
    - Site plan (include proposed driveways, roadways, traffic control, parking facilities, emergency vehicle access, and internal circulation for vehicles, bicyclists, and pedestrians)
    - Location map (include major streets, study intersections, and neighboring zoning and land uses)
    - Scope of transportation analysis
3. Current Conditions
    - Description of existing street system within project site and surrounding area
    - Location and routes of nearest public transit system serving the project
    - Location and routes of nearest pedestrian and bicycle facilities serving the project
    - Vehicle Miles Traveled Assessment
        - Description of baseline VMT estimates (may include site and regional VMT estimates)
    - Intersection Analysis for Site Access and Circulation Evaluation and CMP Evaluation
        - Figure of study intersections with peak hour turning movement counts, lane geometries, and traffic control

- Map of study area showing average daily traffic (ADT) of study roadways
- Table of existing peak hour average vehicle delay and level of service (LOS)

4. Project Trip Generation
   - Table of project generated trip estimate
   - Figure/map of trip distribution (in percent)
5. Project Site Access and Circulation Evaluation
   - Summary of a detailed site review for all modes of travel
   - Mobility deficiency analysis and summary to vehicle, transit, bicycle, and pedestrian facilities (under Project Conditions and Cumulative Conditions)
   - Summary of transportation improvements

CEQA Transportation Analysis Report Section

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

Local Transportation Analysis Report Section

8. Existing with Project Conditions

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

9. Background Conditions
    - Table of trip generation for approved project(s)
    - Figure and/or table of approved projects trip distribution (in percent)
    - Map of study area with applicable peak hour turning movements (Background Conditions)
    - Table of intersection peak hour average vehicle delay and LOS (or other multimodal performance measure) (including queue lengths, etc)
    - Changes/deficiencies to bike, pedestrian, and transit networks
    - Traffic signal and other warrants
10. Background with Project Conditions
    - Similar content to Existing with Project Conditions
11. Cumulative Conditions and Cumulative with Project Conditions
    - Map of study area with Cumulative Conditions peak hour turning movements
    - Map of study area with Cumulative with Project Conditions peak hour turning movements
    - Table of Cumulative Conditions and Cumulative with Project Conditions intersection peak hour average vehicle delay and LOS (or other multimodal performance measure)
    - Changes/Deficiencies to bike, pedestrian, and transit networks
    - Traffic signal and other warrants
    - Findings of project deficiencies
    - Improvements for project deficiencies (include a map showing physical improvements)
    - Scheduling and implementation responsibility of improvements
    - Deficiencies of proposed improvements

Additional Sections for Transportation Analysis Report

12. Construction Deficiencies
    - Trips due to construction workers
    - Truck trips and truck access routes
13. Phasing Deficiencies (For Large Projects Only)
14. Appendices
    - List of references
    - List of authors
    - Pedestrian, bicycle, and vehicle counts
    - Technical calculations for all analyses

Attachment 2 - Transportation Mitigation Improvements Project List

Project Name	Category	Description	Cost Estimate ($2024)	Estimated Funding from Other Sources	Unfunded Cost or Town Share
State Route 17 Corridor Congestion Relief Project	Safety and Capacity Improvements	Modify the SR 17/SR 9 interchange's on- and off-ramps Implement advance transportation technology Install traffic signals control system, traveler information system, and ramp meters	$ 171,600,000	$ 154,440,000	$ 17,160,000
Union Avenue Widening and Sidewalks	Complete Streets (Carryover)	Add sidewalks and bike lanes between Blossom Hill Road to Lynne Ave	$ 4,413,397	$ -	$ 4,413,397
Traffic Signal Modernization Program	Traffic Signal	Smart Signals Project will modernize and upgrade the Town's traffic signals/communications equipment to provide real-time data for the advanced traffic management and adaptive traffic control systems	$ 30,000,999	$ -	$ 30,000,999
Highway 17 Bicycle & Pedestrian Overcrossing	BPMP Priority Projects	Overcrossing of SR-17 south of Blossom Hill Road	$ 30,160,000	$ 4,457,880	$ 25,702,120
Kennedy Sidewalk & Bike Lanes	BPMP Priority Projects	Add sidewalks and Class II bicycle lanes from Los Gatos Blvd to Englewood Ave	$ 3,389,360	$1,872,990	$ 1,516,370
Sidewalk Gap Filling Projects	Other BPMP Projects - New Facilities	Fill gaps in sidewalks, multiple locations on Town-wide circulation network	$ 820,741	$ -	$ 820,741
New and Expanded Bicycle and Pedestrian Facilities (Non Priority Projects)	Other BPMP Projects - New Facilities	Construct new bicycle lanes, cycle tracks and multiuse paths	$ 6,284,007	$ -	$ 6,284,007
Los Gatos Almaden Road Complete Streets Improvements	Complete Streets (Carryover)	Fill gaps in sidewalks between Peach Blossom Lane and Camino del Cerro	$ 4,413,397		$ 4,413,397
Los Gatos Boulevard Multimodal Widening	Complete Streets (Carryover)	Add sidewalks and bicycle lanes between Samaritan Drive and Camino Del Sol	$ 726,960		$ 726,960
Parking Program Implementation	Lighting and Signage	Add lighting, signage, and other project elements	$ 416,000		$ 416,000
Bicyle and Pedestrian Improvements Program - Safety Improvements	Other BPMP Projects - Bicyclist and Pedestrian Safety	High visibility crosswalks, midblock crossings, pedestrian beacons, and other project elements on Town-wide circulation network	$ 1,060,123	$ -	$ 1,060,123
Priority Projects from Bicycle and Pedestrian Master Plan	BPMP Priority Projects	Work towards implement priority projects from BPMP as feasible	$ 96,175,611	$ -	$ 96,175,611
Blossom Hill Road/Belgatos Signal	Traffic Signal	New Signal	$ 1,511,120	$ -	$ 1,511,120
Los Gatos Blvd/Burton	Traffic Signal	Signal Upgrade	$ 709,280	$ -	$ 709,280
University/Andrews	Traffic Signal	New Signal	$ 1,349,920	$ -	$ 1,349,920
			$ 353,030,916	$ 160,770,870	$ 192,260,046

Attachment 3 - VMT REDUCTION STRATEGIES

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

INDIVIDUAL SITE LEVEL

- **Encourage Telecommuting and Alternative Work Schedules:** This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. This strategy would reduce commute VMT but also result in a change in VMTfor other travel purposes; thus, this strategy should consider the net change in the Town's project-generated VMT.
- **Provide Ride-Sharing Programs:** This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants.
- **Implement Car-Sharing Program:** This strategy reduces the need to own a vehicle or reducesthe number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Examples include programs like ZipCar,Car2Go, and Gig.
- **Provide Employer-Sponsored Vanpool/Shuttle:** This strategy relies on employers purchasing orleasing vans or shuttles, and often subsidizing the cost of at least program administration, if notmore. Vanpools typically service employee's commute to work, while shuttles service nearby transit stations and surrounding commercial centers. Scheduling and rider charges, if any, are within the employer's purview. A supplemental strategy may include facilitating or enhancing the service by improving the shuttle stops and biking/walking paths to the stops.

TOWN-WIDE LEVEL

- **Provide Bicycle and Pedestrian Network Improvements:** This strategy focuses on creating a comprehensive bicycle and pedestrian network within the project and connecting to nearby destinations. Projects in Los Gatos tend to be smaller so the emphasis of this strategy would likely be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee programor benefit/assessment district based on regional or local plans such as the *Bicycle and Pedestrian Master Plan*.
- **Provide Local Transit or Microtransit Solutions:** This strategy focuses on providing transit solutions that serve the local circulation needs and connections to key regional destinations. The service would connect to transit hubs, schools, commercial centers, and residential areas to improve transit connectivity and address the "first/last mile"

problems. The service may be in the form of a local shuttle, microtransit service using dynamic routing and scheduling, fare subsidies to private transportation network companies (TNCs) or taxi companies, or other service delivery methods. The service may be open to all or target a special population, such as seniors, disabled or students. The implementation of this strategy may require regional or private partnership.

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

REGIONAL LEVEL

- **Increase Density:** This strategy focuses on increasing density of land uses, where allowed by the General Plan and/or Zoning Ordinance, to reduce distances people travel and provide more travel mode options. This strategy also provides a foundation for many other strategies. For example, densification increases transit ridership, which justifies enhanced transit service.
- **Increase Diversity of Urban and Suburban Developments:** This strategy focuses on

inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travelin terms of both the number of trips and the length of those trips.

- **Increase Transit Accessibility:** This strategy focuses on encouraging the use of transit by locating a project with high density near transit. A project with a residential/commercial center designed around a bus station is referred to as a transit-oriented development (TOD).
- **Integrate Affordable and Below Market Rate Housing:** This strategy provides greater opportunities for lower income families to live closer to job centers since income effectsprobability that a commute will take transit or walk to work.
- **Increase Transit Service Frequency/Speed:** This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given existing land use density in LosGatos, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations, or it may require new forms of demand-responsive transit service. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to current transit practices, and would not likely be applicable for individual development projects.
- **Implement Area or Cordon Pricing:** This strategy focuses on implementing a cordon (i.e., boundary) pricing scheme, where a cordon is set around a specific area to charge a toll to enterthe area by vehicle. The cordon location is usually the boundary of an area with limited points of access. The cordon toll may be constant, applied during peak periods, or be variable, with higher prices during congestion peak periods. The toll can also be based on a fixed schedule or be dynamic, responding to real-time congestion levels. Note that implementation of this strategy requires alternative modes of travel that are available and reliable, such as high-qualitytransit infrastructure.

Attachment 4 - DEFINITIONS

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

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

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

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

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

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

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

Average Daily Trips (ADT) shall mean the total number of trips, both in-bound and out-bound, within a 24-hour weekday period, generated by a particular use or development.
Pass-By Trip: Trips generated by the proposed Project that would be attracted from traffic passing the proposed project site on an adjacent street that contains direct access to the Project.

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

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

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

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

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

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

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

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

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: Transportation Impact Policy	**POLICY NUMBER**: 1-08
EFFECTIVE DATE: January 4, 1988	**PAGES:** 11
ENABLING ACTIONS: 1991-174; 2014-017, 2016-068; 2017-011	**REVISED DATES**: 8/5/91; 3/24/14; 12/6/16; 3/21/17; 12/07/2021; 09/16/2025
APPROVED:	

PURPOSE

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

SCOPE

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

POLICY

I. GENERAL CONDITIONS AND APPLICABILITY

1. Projects that are determined by the Town to generate one or more new net Average Daily Trips (ADT) are subject to this Policy.

2. An Accessory Dwelling Unit (ADU) of less than 750 square feet shall be exempted from the requirements of Transportation Analysis and the Traffic Impact Fees. ADU's of 750 square feet or greater shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.~~(~~

~~3. The Town Council may exempt housing developments for very low, low, and moderate income residents (as defined by Town Ordinance, General Plan, or statute) from all or a portion of the traffic impact mitigation fee upon making a finding that the development~~

~~provides a significant community benefit by meeting current needs for affordable housing.~~

~~4.~~3. Attachment 1 - Transportation Analysis (TA) Guidelines establish a process to comprehensively and accurately analyze potential project effects (adverse and beneficial) on transportation facilities and services in the Town of Los Gatos and other jurisdictions. The TA Guidelines serve three primary purposes:

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

II. TRANSPORTATION IMPACT FEES

1. All Projects that generate one or more new Average Daily Trips (ADT) as calculated based on the ITE trip generation manual are required to pay Transportation Impact Fees, previously known as Traffic Impact Mitigation Fees.

2. All required Transportation Impact Fees shall be paid in full to the Town in association with and prior to issuance of a building permit, unless otherwise required by law. If no building permit is required, the fee shall be paid in full prior to issuance of a certificate of use and occupancy, or similar entitlement. Unless otherwise required by law, t~~T~~he amount due shall be calculated based on the fee in place as approved by the Town Council by resolution at the time the fee is paid.

3. The per trip amount of the fee shall be as set forth by the Town Council by resolution, pursuant to Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees.

4. Fees shall be calculated by multiplying net new ADT by the per trip amount in place at the time the fees are paid.

5. Credit against Transportation Impact Fees due shall be granted for projects shown on the ~~t~~Town of Los Gatos Transportation Improvements list (Attachment 2) up to the amount of the ~~Estimated Project Cost shown on Attachment 2~~actual reasonable expenditure based on receipts submitted to the Town and as approved by the Town Engineer.~~, Town of Los Gatos Traffic Mitigation Improvements Project List,~~ Credit may be applied ~~fo~~for any listed projects for which the developer, as a condition of approval, is required to either construct at the developer's sole cost or contribute a fixed or percentage amount of funding toward future construction of

the listed improvement. ~~Where construction is fully funded and completed by the developer, said credit shall be equal to the Project Cost as shown in Attachment 2. Where payment is a fixed amount or a percentage of Project Cost, credit shall be equal to the actual amount due, whether the project is constructed by the developer or others.~~

6. No credit shall be given for any public right-of-way dedication required for completion of projects not listed on Attachment 2.

7. Credit for existing development shall be determined by trips generated at the site ~~at the time~~within three years of entitlement application to the Community Development Department. Properties not generating trips ~~at the time~~within ~~3~~three years of application will not receive credit. ~~Underutilized property or properties not generating a typical amount of trips for the existing unit type may receive a reduced credit based on actual trips generated.~~ All credits under this section shall be at the discretion of the Town Engineer.

8. ~~A fifty percent (50%) credit will be issued for all h~~Housing units deed restricted for extremely low- and very low-income categories shall pay a fee at 50% of the rate of the fee that would otherwise be required for the unit. Extremely low- and very-low income categories will be as defined by the County of Santa Clara. ~~Prior to issuing any credit on the fee t~~The Community Development Director shall provide verification that the appropriate deed restrictions have been filed before permitting the project to pay the lower fee.

~~7.~~9. ~~Credit will be given on a case-by-case basis and shall not exceed the impact fee payable. Any request for credit shall be made prior to the payment of the Transportation Impact Fees.~~ No credit shall be given for installation of Town-standard frontage improvements, Project access improvements, or internal circulation improvements.

~~8.~~10. Credit shall only be granted for payment of costs or construction of projects listed in Attachment 2, unless otherwise approved by the Town Council.

III. VEHICLE MILES TRAVEL~~L~~ED ("VMT") MITIGATION MEASURES

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

- Modify the project's built environment characteristics to reduce VMT generated by the project;

- Implement transportation Demand Management (TDM) measures to reduce VMT generated by the project; and/or
- Participate in a VMT fee program and/or VMT mitigation exchange/banking program (if they exist) to reduce VMT from the project or other land uses to achieve acceptable levels.

2. The Town is taking a Townwide approach for VMT impact mitigation. Attachment 3, VMT Reduction Actions for the Town of Los Gatos, provides a framework for mitigating VMT in the Town.

APPROVED AS TO FORM:

~~Robert Schultz~~Gabrielle Whelan, Town Attorney

Town of Los Gatos
Transportation Analysis Guidelines

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1. Introduction

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

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

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

1.1 Intent of TA Guidelines

The Town of Los Gatos General Plan 2040 seeks to "provide a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities." The TA Guidelines support this goal by evaluating new projects against the policies of the latest General Plan.

For CEQA-based environmental analysis, these TA Guidelines incorporate the use of vehicle miles traveled (VMT) to disclose the effects of the project on the surrounding environment. Town staff completed an SB 743[1] implementation process, which included the preparation of the *SB 743 Implementation for the Town of Los Gatos* (July 2020) document package. The document package provides detailed technical information pertaining to the options and data considered by the Town of Los Gatos to implement VMT as an impact criterion.

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

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

[1]

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

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

1.2 Environmental Evaluation

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

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

Would the project:

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

d) Result in inadequate emergency access?

1.3 Project Types

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

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

Town and inconsistent with the Town's General Plan.

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

1.4 CEQA and Non-CEQA Terminology

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

Table 1: Comparison of Select CEQA and Non-CEQA Terms

CEQA Term	Non-CEQA Term
CEQA Transportation Analysis	Local Transportation Analysis
Significance criteria	Threshold or performance standard
Significant impact	Deficiency
Mitigation measure	Mitigation improvement
Baseline Conditions	Existing Conditions and Background Conditions
Future Year Cumulative Conditions	Cumulative Conditions

2. Determining the Level of Transportation Analysis

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

- A project has the potential to create a significant transportation environmental impact under CEQA.
- A project has the potential to generate daily vehicle miles traveled greater than the Town's General Plan future year VMT projections.
- For local transportation analysis, a project has the potential to generate 20 or more new Peak Hour (vehicle) Trips.
- A project that is not consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report (EIR) was certified, per *CEQA Statue & Guidelines Section 15183*.
- A project will alter physical or operational conditions on a Town pedestrian facility, bicycle facility, transit facility or service, or other transportation facility.
- An Accessory Dwelling Unit (ADU) of 750 square feet or smaller shall be exempted from the requirements of Transportation Analysis and the Transportation Impact Fees.

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

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

2.1 CEQA Relief for Projects Consistent with General Plan or Zoning

Per *CEQA Statue & Guidelines Section 15183,* projects consistent with a general plan, zoning action, specific plan, and certified environmental impact report (EIR) would not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects. Additionally, projects consistent with a general plan, zoning action, or specific plan where cumulative impact(s) were adequately addressed in a prior EIR would not require further CEQA transportation analysis. As noted below, projects consistent with the Town's General Plan, as determined by the Community Development Director, will not be required to do any VMT Analysis since the Town is taking a Townwide approach for VMT impact mitigation.

2.2 CMP Consistency Screening

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

2.3 Recommended Process and Documentation

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

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

2.4 Contact with Appropriate Town Staff

To minimize the potential for delays in project processing, it is important for the TA to be prepared in coordination with Town staff. Timely coordination will also ensure that potential transportation improvements and environmental consequences are considered as early as possible in the planning process, as deficiencies and corresponding improvement costs can have a substantial effect on project costs. Coordination should include the following:

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

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

2.5 Consultation with Other Jurisdictions

If the study area overlaps with other jurisdictions, staff from other jurisdictions must be consulted to verify study locations, the impact significance criteria, and to consider any current development applications. Section 15086 of the *CEQA Statue & Guidelines*[22] shall be followed as the basis for satisfying consultation requirements. In most cases, overlap will occur for roadway system analysis, but may also include impact analysis of active transportation modes (bicycling and walking), as well as transit system facilities and services.

2.6 Project Trip Generation and Trip Reductions

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

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

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

2.6.1 Vehicle Trips

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

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

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

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

2.6.2 Person Trips

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

2.6.3 Establishing Trip Generation Rates for an Unspecified Use

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

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

2.6.4 Credit for Existing Trips – Local Analysis

The estimate of new trips generated by the proposed development project may include credit for trips associated with existing uses on the site. Uses are considered as existing if they are actively present on the project site at the time that data is gathered for the transportation impact analysis. Similarly, if a

planned (but not constructed) use was already permitted for the site and an improvement(s) was identified and funded, the new TA only needs to assess the effects of additional trips above and beyond the trips for the permitted use. Additionally, certain commercial land uses attract vehicle traffic that currently exists on the roadway, rather than generating new trips.

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

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

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

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

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

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

2.6.4 Credit for Existing Trips – VMT Analysis

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

2.7 Vehicle Miles Traveled Methods

As noted, projects consistent with the Town's General Plan, as determined by the Community Development Director, will not be required to do any VMT Analysis since the Town is taking a Townwide approach for VMT impact mitigation. Although the calculation of VMT is simply the number of cars multiplied by the distance traveled by each car, VMT performance measures can be reported differently. At a minimum, the VMT analysis for Los Gatos will be prepared for two purposes:

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

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

3. Transportation Analysis (CEQA) for Land Use Projects

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

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

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

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

3.1 VMT Analysis Methods

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

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

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

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

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

3.1.2 VMT Assessment

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

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

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

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

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

The model output should include the two VMT metrics listed earlier: 1) total project generated VMT, and 2) project's effect on VMT using the total boundary VMT. Emissions vary by speed bin; disaggregating VMT by speed bin allows different emissions factors to be applied at different speeds, which allows for the preparation of a more refined emissions analysis. The total boundary VMT is needed as an input for air quality, greenhouse gas (GHG), and energy impact analysis, while the project generated VMT metrics are

used for the transportation impact analysis.

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

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

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

3.2 VMT Significance Thresholds

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

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

3.3 VMT Mitigation Measures

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

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

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

Attachment 3, VMT Reduction Actions for the Town of Los Gatos, provides a framework for mitigating VMT in the Town. Attachment 2, Transportation Mitigation Improvements Project List, has many improvements that are consistent with the VMT Reduction Strategies.

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

4. Transportation Analysis (CEQA) for Transportation Projects

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

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

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

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

5. Transportation Analysis per the Town's Transportation Policies

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

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

5.1 Study Area

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

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

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

5.2 Key Study Elements

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

Table 2: Local Transportation Analysis – Evaluation Criteria

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

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

5.3 Data Collection

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

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

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

5.4 Project Site Access and Circulation Review

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

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

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

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

5.5 Analysis Scenarios

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

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

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

5.6 Analysis Time Periods

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

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

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

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

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

5.7 Multimodal Analysis Methods

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

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

- **Multimodal LOS** – The latest *Highway Capacity Manual* (6th Edition) contains methods for multimodal LOS.
- **Person Delay** – Simulation models can be used to measure system performance in terms of overall person-delay for all modes within a transportation network. This method provides a better decision-making tool for developing improvements to promote efficient movement of people, rather than a particular type of vehicle.
- **Safety Assessment** – Evaluate whether the project adds vehicle trips to a safety improvement identified within the study area. (If a project may affect a Caltrans facility, a safety assessment may be needed for CEQA purposes as well.)
- **Bicycle Level of Stress (LTS)** – Evaluate LTS for all bicycle facilities within a two-mile bicycling distance of the project site. There are several methods for evaluating LTS for bicycle facilities, which generally rely on street widths/number of vehicle lanes, vehicle speeds, daily volumes, and type of bicycle facility to evaluate "low stress" bike networks. The *Low-Stress Bicycling and Network Connectivity* (2012) report and the National Association of City Transportation Officials (NACTO) *Urban Bikeway Design Guide, Second Edition* (2014) contains methods for LTS.
- **Pedestrian Level of Stress (LTS)** – Evaluate LTS for all pedestrian facilities providing access to the nearest attractors (e.g., transit stops, neighborhood attractors and/or complimentary land uses) of the project site. Compared to bicycle LTS, there are parallel methods for calculating pedestrian comfort using best practiced from the NACTO *Urban Street Design Guide* (2013) and pedestrian

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

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

5.8 Traffic Operations Analysis

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

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

5.9 Mobility Deficiency Criteria

The overall guiding principal of the General Plan 2040 Mobility Element is to, "[p]rovide a well- connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities." Los Gatos evaluates each transportation mode to identify deficiencies. Local transportation analyses evaluate intersection operations focused on specific traffic issues such as queuing and safety. A greater emphasis is placed on pedestrian, bicycle, and transit facilities and services, in part to reduce traffic congestion and air quality impacts associated with automobile use. **Table 5** outlines deficiency criteria for each mode. The mobility deficiency criteria can be used to identify conflicts with existing or planned multimodal facilities.

Table 5: Mobility Deficiency Criteria

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

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

5.10 CMP Deficiency Criteria

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

5.11 Mitigation Improvements

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

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

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

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

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

Table 6: Example Improvements

Study Element	Improvement
Project Modifications and Transportation Demand Management	• Alter density or diversity of project uses or integrate affordable housing • Encourage telecommuting and alternative work schedules • Provide ride-sharing programs to encourage carpooling and vanpooling • Provide local shuttle service • Provide employer-sponsored vanpools or shuttles • Provide pedestrian network improvements • Provide traffic calming measures and low-stress bicycle network improvements • Implement car-sharing (e.g., ZipCar) program • Limit parking supply • Unbundle parking costs from property costs • Institute on-street market pricing for parking

Pedestrian and Bicycle Facilities	• Provide for access to, from, and through the development for pedestrians and bicyclists • Construct Class I bicycle paths, Class II bicycle lanes, and other facilities • Provide secure bicycle parking and shower amenities • Reduce travel lanes on a street to install a two-way left-turn lane and Class II bicycle lanes • Add corner bulbouts, reduce curb radii, add pedestrian refuges, or implement other walking-related improvements
Transit Facilities	• Provide bus turnouts, bus shelters, additional bus stops, and park-and-ride lots • Fund increases in transit service
Parking Facilities	• Design parking facilities to allow free-flow access to and from the street • Provide off-street parking per Town standards or recommendations • Implement shared parking among complementary land uses
Traffic Control Modifications	• Provide for yield or stop control • Evaluate unsignalized intersections with substandard LOS for conversion to roundabout intersection control or for signalization • Provide coordination/synchronization of traffic signals along a corridor • Provide turn-lane channelization through raised islands • Restrict selected turning movements
Street Operations Modifications	• Optimize location of access driveway(s) • Provide improvements to traffic signal phasing, or lengthen existing turning pocket • Provide additional through traffic lane(s), right-turn lane(s), and left-turn lane(s) if they do not adversely impact other modes or induce additional vehicle travel • Reduce travel lanes on a street to install a two-way left-turn lane • Address congestion pricing on roads or within a specific area

Appendix A: Transportation Analysis Report Format Outline

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

1. Introductory Items
    - Front Cover/Title Page
    - Table of Contents, List of Figures, and List of Tables
    - Executive Summary
2. Introduction
    - Project description
    - Project sponsor/contact info
    - Type and size of development
    - Site plan (include proposed driveways, roadways, traffic control, parking facilities, emergency vehicle access, and internal circulation for vehicles, bicyclists, and pedestrians)
    - Location map (include major streets, study intersections, and neighboring zoning and land uses)
    - Scope of transportation analysis
3. Current Conditions
    - Description of existing street system within project site and surrounding area
    - Location and routes of nearest public transit system serving the project
    - Location and routes of nearest pedestrian and bicycle facilities serving the project
    - Vehicle Miles Traveled Assessment
        - Description of baseline VMT estimates (may include site and regional VMT estimates)
    - Intersection Analysis for Site Access and Circulation Evaluation and CMP Evaluation
        - Figure of study intersections with peak hour turning movement counts, lane geometries, and traffic control

- Map of study area showing average daily traffic (ADT) of study roadways
- Table of existing peak hour average vehicle delay and level of service (LOS)

4. Project Trip Generation
   - Table of project generated trip estimate
   - Figure/map of trip distribution (in percent)
5. Project Site Access and Circulation Evaluation
   - Summary of a detailed site review for all modes of travel
   - Mobility deficiency analysis and summary to vehicle, transit, bicycle, and pedestrian facilities (under Project Conditions and Cumulative Conditions)
   - Summary of transportation improvements

CEQA Transportation Analysis Report Section

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

Local Transportation Analysis Report Section

8. Existing with Project Conditions

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

9. Background Conditions
    - Table of trip generation for approved project(s)
    - Figure and/or table of approved projects trip distribution (in percent)
    - Map of study area with applicable peak hour turning movements (Background Conditions)
    - Table of intersection peak hour average vehicle delay and LOS (or other multimodal performance measure) (including queue lengths, etc)
    - Changes/deficiencies to bike, pedestrian, and transit networks
    - Traffic signal and other warrants
10. Background with Project Conditions
    - Similar content to Existing with Project Conditions
11. Cumulative Conditions and Cumulative with Project Conditions
    - Map of study area with Cumulative Conditions peak hour turning movements
    - Map of study area with Cumulative with Project Conditions peak hour turning movements
    - Table of Cumulative Conditions and Cumulative with Project Conditions intersection peak hour average vehicle delay and LOS (or other multimodal performance measure)
    - Changes/Deficiencies to bike, pedestrian, and transit networks
    - Traffic signal and other warrants
    - Findings of project deficiencies
    - Improvements for project deficiencies (include a map showing physical improvements)
    - Scheduling and implementation responsibility of improvements
    - Deficiencies of proposed improvements

Additional Sections for Transportation Analysis Report

12. Construction Deficiencies
    - Trips due to construction workers
    - Truck trips and truck access routes
13. Phasing Deficiencies (For Large Projects Only)
14. Appendices
    - List of references
    - List of authors
    - Pedestrian, bicycle, and vehicle counts
    - Technical calculations for all analyses

Attachment 2 - ~~Traffic~~ Transportation Mitigation Improvements Project List

Project Name	Category	Description	Cost Estimate ($2024)	Estimated Funding from Other Sources	Unfunded Cost or Town Share
State Route 17 Corridor Congestion Relief Project	Safety and Capacity Improvements	Modify the SR 17/SR 9 interchange's on- and off-ramps Implement advance trans portation technology Install traffic signals control s ystem, traveler information system, and ramp meters	$ 171,600,000	$ 154,440,000	$ 17,160,000
Union Avenue Widening and Sidewalks	Complete Streets (Carryover)	Add sidewalks and bike lanes between Blossom Hill Road to Lynne Ave	$ 4,413,397	$ -	$ 4,413,397
Traffic Signal Modernization Program	Traffic Signal	Smart Signals Project will modernize and upgrade the Town' s traffic signals/communications equipment to provide real-time data for the advanced traffic management and adaptive traffic control systems	$ 30,000,999	$ -	$ 30,000,999
Highway 17 Bicycle & Pedestrian Overcrossing	BPMP Priority Projects	Overcrossing of SR-17 south of Blossom Hill Road	$ 30,160,000	$ 4,457,880	$ 25,702,120
Kennedy Sidewalk & Bike Lanes	BPMP Priority Projects	Add sidewalks and Class II bicycle lanes from Los Gatos Bld to Englewood Ave	$ 3,389,360	$1.872,990	$ 1,516,370
Sidewalk Gap Filling Projects	Other BPMP Projects - New Facilities	Fill gaps in sidewalks, multiple locations on Town-wide circulation network	$ 820,741	$ -	$ 820,741
New and Expanded Bicycle and Pedestrian Facilities (Non Priority Projects)	Other BPMP Projects - New Facilities	Construct new bicycle lanes, cycle tracks and multiuse paths	$ 6,284,007	$ -	$ 6,284,007
Los Gatos Almaden Road Complete Streets Improvements	Complete Streets (Carryover)	Fill gaps in sidewalks between Peach Blossom Lane and Camino del Cerro	$ 4,413,397		$ 4,413,397
Los Gatos Boulevard Multimodal Widening	Complete Streets (Carryover)	Add sidewalks and bicycle lanes between Samaritan Drive and Camino Del Sol	$ 726,960		$ 726,960
Parking Program Implementation	Lighting and Signage	Add lighting, signage, and other project elements	$ 416,000		$ 416,000
Bicyle and Pedestrian Improvements Program - Safety Improvements	Other BPMP Projects - Bicyclist and Pedestrian Safety	High visibility crosswalks, midblock crossings, pedestrian beacons, and other project elements on Town-wide circulation network	$ 1,060,123	$ -	$ 1,060,123
Priority Projects from Bicycle and Pedestrian Master Plan	BPMP Priority Projects	Work towards implement priority projects from BPMP as feasible	$ 96,175,611	$ -	$ 96,175,611
Blossom Hill Road/Belgatos Signal	Traffic Signal	New Signal	$ 1,511,120	$ -	$ 1,511,120
Los Gatos Blvd/Burton	Traffic Signal	Signal Upgrade	$ 709,280	$ -	$ 709,280
University/Andrews	Traffic Signal	New Signal	$ 1,349,920	$ -	$ 1,349,920
			$ 353,030,916	$ 160,770,870	$ 192,260,046

~~Source~~	~~Description~~	~~Estimated Project Cost (2014 $)~~	~~Growth Related Project Cost Share~~	~~Mitigation Impact—Fee Eligible Cost~~
~~GP/VTP 2035~~	~~Blossom Hill Rd and Union Ave Intersection Improvements~~	~~$ 1,200,000~~	~~90.00%~~	~~$ 1,080,000~~
~~GP/VTP 2035~~	~~Los Gatos - Almaden Rd Improvements~~	~~$ 3,000,000~~	~~50.00%~~	~~$ 1,500,000~~
~~GP/VTP 2035~~	~~Los Gatos Blvd Widening - Samaritan Dr to Camino Del Sol - Road widening, new sidewalks and bike lanes~~	~~$ 4,000,000~~	~~50.00%~~	~~$ 2,000,000~~
~~GP/VTP 2035~~	~~Union Ave Widening and Sidewalks - complete ped and bike routes~~	~~$ 3,000,000~~	~~50.00%~~	~~$ 1,500,000~~
~~GP/VTP 2035~~	~~Wood Rd Gateway on Santa Cruz Ave - roundabout~~	~~$ 1,200,000~~	~~50.00%~~	~~$ 600,000~~
~~GP/VTP 2035~~	~~Central Traffic Signal Control System~~	~~$ 750,000~~	~~9.68%~~	~~$ 72,600~~
~~GP/VTP 2035~~	~~Hwy 9 Los Gatos Creek Trail connector - new path and bridge for ped/bike~~	~~$ 1,000,000~~	~~50.00%~~	~~$ 500,000~~
~~GP/VTP 2035~~	~~Hwy 9/N. Santa Cruz Ave Intersection Improvements~~	~~$ 1,400,000~~	~~90.00%~~	~~$ 1,260,000~~
~~CIP~~	~~Roberts Road Improvements from bridge to University~~	~~$ 600,000~~	~~50.00%~~	~~$ 300,000~~
~~CIP~~	~~Pollard Road Widening from Knowles to York Avenue~~	~~$ 2,500,000~~	~~50.00%~~	~~$ 1,250,000~~
~~CIP~~	~~Sidewalks infill - Van Meter, Fischer and Blossom Hill Schools~~	~~$ 1,000,000~~	~~50.00%~~	~~$ 500,000~~
~~CIP~~	~~Winchester Blvd/Lark Avenue Intersection Improvements~~	~~$ 850,000~~	~~90.00%~~	~~$ 765,000~~
~~CIP~~	~~Westbound Lark to Hwy 17 northbound ramps - add two right-turn lanes~~	~~$ 3,750,000~~	~~90.00%~~	~~$ 3,375,000~~
~~CIP~~	~~Unfunded Deferred Street Maintenance (Annual PMS Survey)~~	~~$ 10,500,000~~	~~9.68%~~	~~$ 1,016,400~~

GP	Lark/Los Gatos Intersection Improvements - Add Third Left Turn Lanes for Eastbound and Northbound Approaches	$ 1,200,000	90.00%	$ 1,080,000
GP	Complete Street Improvements - Lark from Garden Hill to Los Gatos Blvd	$ 2,100,000	50.00%	$ 1,050,000
GP	Complete Street Improvements - SR 9 from University to Los Gatos Blvd	$ 650,000	50.00%	$ 325,000
GP	Complete Street Improvements - Blossom Hill Road from Old Blossom Hill Road to Regent Drive	$ 3,000,000	50.00%	$ 1,500,000
GP	Complete Street Improvements - Knowles from Pollard to Winchester	$ 2,000,000	50.00%	$ 1,000,000
GP	Complete Street Improvements - Winchester from Blossom Hill to Lark	$ 1,500,000	50.00%	$ 750,000
GP	Blossom Hill Road widening over Highway 17	$ 2,000,000	50.00%	$ 1,000,000
GP	Local Bikeway Improvements	$ 750,000	50.00%	$ 375,000
Notes:	Total	**$ 47,950,000**		**$ 22,799,000**
VTP = Valley Transportation Plan, 2035 by Santa Clara Valley Transportation Authority.				
Town CIP = Town of Los Gatos, Capital Improvement Program and pending construction project list.				
Source: Town of Los Gatos.				

Attachment 3 - VMT REDUCTION STRATEGIES

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

INDIVIDUAL SITE LEVEL

- **Encourage Telecommuting and Alternative Work Schedules:** This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. This strategy would reduce commute VMT but also result in a change in VMTfor other travel purposes; thus, this strategy should consider the net change in the Town's project-generated VMT.
- **Provide Ride-Sharing Programs:** This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants.
- **Implement Car-Sharing Program:** This strategy reduces the need to own a vehicle or reducesthe number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Examples include programs like ZipCar,Car2Go, and Gig.
- **Provide Employer-Sponsored Vanpool/Shuttle:** This strategy relies on employers purchasing orleasing vans or shuttles, and often subsidizing the cost of at least program administration, if notmore. Vanpools typically service employee's commute to work, while shuttles service nearby transit stations and surrounding commercial centers. Scheduling and rider charges, if any, are within the employer's purview. A supplemental strategy may include facilitating or enhancing the service by improving the shuttle stops and biking/walking paths to the stops.

TOWN-WIDE LEVEL

- **Provide Bicycle and Pedestrian Network Improvements:** This strategy focuses on creating a comprehensive bicycle and pedestrian network within the project and connecting to nearby destinations. Projects in Los Gatos tend to be smaller so the emphasis of this strategy would likely be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee programor benefit/assessment district based on regional or local plans such as the *Bicycle and Pedestrian Master Plan*.
- **Provide Local Transit or Microtransit Solutions:** This strategy focuses on providing transit solutions that serve the local circulation needs and connections to key regional destinations. The service would connect to transit hubs, schools, commercial centers, and residential areas to improve transit connectivity and address the "first/last mile"

problems. The service may be in the form of a local shuttle, microtransit service using dynamic routing and scheduling, fare subsidies to private transportation network companies (TNCs) or taxi companies, or other service delivery methods. The service may be open to all or target a special population, such as seniors, disabled or students. The implementation of this strategy may require regional or private partnership.

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

REGIONAL LEVEL

- **Increase Density:** This strategy focuses on increasing density of land uses, where allowed by the General Plan and/or Zoning Ordinance, to reduce distances people travel and provide more travel mode options. This strategy also provides a foundation for many other strategies. For example, densification increases transit ridership, which justifies enhanced transit service.
- **Increase Diversity of Urban and Suburban Developments:** This strategy focuses on

inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travelin terms of both the number of trips and the length of those trips.

- **Increase Transit Accessibility:** This strategy focuses on encouraging the use of transit by locating a project with high density near transit. A project with a residential/commercial center designed around a bus station is referred to as a transit-oriented development (TOD).
- **Integrate Affordable and Below Market Rate Housing:** This strategy provides greater opportunities for lower income families to live closer to job centers since income effectsprobability that a commute will take transit or walk to work.
- **Increase Transit Service Frequency/Speed:** This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given existing land use density in LosGatos, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations, or it may require new forms of demand-responsive transit service. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to current transit practices, and would not likely be applicable for individual development projects.
- **Implement Area or Cordon Pricing:** This strategy focuses on implementing a cordon (i.e., boundary) pricing scheme, where a cordon is set around a specific area to charge a toll to enterthe area by vehicle. The cordon location is usually the boundary of an area with limited points of access. The cordon toll may be constant, applied during peak periods, or be variable, with higher prices during congestion peak periods. The toll can also be based on a fixed schedule or be dynamic, responding to real-time congestion levels. Note that implementation of this strategy requires alternative modes of travel that are available and reliable, such as high-qualitytransit infrastructure.

Attachment 4 - DEFINITIONS

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

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

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

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

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

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

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

Average Daily Trips (ADT) shall mean the total number of trips, both in-bound and out-bound, within a 24-hour weekday period, generated by a particular use or development.
Pass-By Trip: Trips generated by the proposed Project that would be attracted from traffic passing the proposed project site on an adjacent street that contains direct access to the Project.

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

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

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

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

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

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

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

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

TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 10/07/2025
ITEM NO: 15

DATE: October 7, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: **Pursuant to Assembly Bill 481, renew Ordinance Approving Military Equipment Funding, Acquisition, and Use Policy and Determine that Use of Military Equipment Identified in Annual Report Complies with Standards.**

RECOMMENDATION: Pursuant to Assembly Bill 481, renew Ordinance Approving Military Equipment Funding, Acquisition, and Use Policy and Determine that Use of Military Equipment Identified in Annual Report Complies with Standards.

FISCAL IMPACT:

There is no fiscal impact in adopting a resolution renewing the "Military Equipment Use" ordinance and determining that the military equipment use complies with the standards set forth in the policy and AB 481.

STRATEGIC PRIORITY:

This item aligns with the strategic priority to further the Town's emergency preparedness, resiliency, and response capabilities, particularly in the area of wildfire risk. (Public Safety)

AB 481 aligns with the strategic priority of furthering the Town's emergency preparedness, resiliency, and response capabilities by ensuring that law enforcement has continued access to specialized equipment necessary for managing critical incidents, natural disasters, and large-scale emergencies. The ordinance provides a legal framework for the use of such equipment, which can enhance the Town's ability to respond effectively to high-risk situations while maintaining public trust through required transparency, oversight, and community engagement. By complying with AB 481, the Town of Los Gatos supports both operational readiness and accountability in emergency response efforts.

PREPARED BY: Name: Rebecca Albin
Title: Police Captain

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

EXECUTIVE SUMMARY:

AB 481 requires law enforcement agencies to obtain annual approval from their governing body for the use and acquisition of military equipment. This report provides the required update and request for ordinance renewal to ensure continued compliance with state law and transparency in equipment use.

BACKGROUND:

On September 30, 2021, Governor Newsom signed into law several major peace officer reform bills, including Assembly Bill 481 (AB 481). AB 481 was authored by Assemblymember David Chieu (D-San Francisco) to address the funding, acquisition, and use of items deemed to be "military equipment."

This bill requires law enforcement agencies, including the Los Gatos-Monte Sereno Police Department, to seek annual renewal of their Ordinance approving the use of military equipment and a "Military Equipment Use Policy" and a determination that Department's use of military equipment complies with the Department's "Military Equipment Use Policy" and AB 481
Furthermore, AB 481 requires similar approval for the continued use of "military equipment" acquired by the Los Gatos-Monte Sereno Police Department prior to October 7, 2025, and allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards.

DISCUSSION:

AB 481 requires the governing body that oversees a law enforcement agency to annually renew the agency's Ordinance approving a "Military Equipment Use Policy" and determine that the agency's use of military equipment described in an annual report complies with the Policy and AB 481

AB 481 designates certain types of law enforcement equipment as "military equipment." Out of the fifteen categories of "military equipment" listed under AB 481, the Los Gatos-Monte Sereno Police Department has items in four of the categories. These items include: a robot, an unmanned aerial vehicle (UAV), rifles and ammunition, noise flash diversionary devices, tear gas and munitions, and 40mm less lethal weapon and munitions.

Adoption of the proposed Resolution would renew the Ordinance authorizing the continued use of military equipment and would approve the military equipment funding, acquisition, and use policy pursuant to Assembly Bill 481. The ordinance authorizes the Los Gatos-Monte Sereno Police Department to request, seek funds, acquire, collaborate to deploy, use, or solicit a proposal for any type of military equipment. AB 481 outlines the requirements of the Police Department so that ongoing access to the items mentioned can continue, and for the future acquisition process and the transparency requirements. Los Gatos-Monte Sereno Police

contracts with Lexipol, a public safety policy and training organization, for policy development and implementation. Lexipol policy 704 - Military Equipment outlines purpose, scope, definitions, and categories deemed as military equipment.

The governing body's ordinance must include certain standards of approval, including:

A. The "military equipment" identified in the Los Gatos-Monte Sereno Police Department Lexipol Policy 704 is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.
B. Los Gatos-Monte Sereno Police Department Lexipol Policy 704 will safeguard the public's welfare, safety, civil rights, and civil liberties.
C. The "military equipment" identified in the Los Gatos-Monte Sereno Police Department Lexipol Policy 704 is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety.

In addition to posting the "military equipment" use policy on the law enforcement agency's website, each agency must submit an annual "Military Equipment" Report to the governing body detailing the equipment used in the preceding year. This report must include a summary of how the equipment was used, a summary of complaints received, the result of any internal audit and actions taken in response, the total annual cost, and the quantity possessed of each type of "military equipment", and any additional equipment the agency intends to acquire in the next year.

Each year the governing body must review the annual report and determine whether each type of military equipment identified in that report has complied with the standards for approval set forth above and vote on whether to renew it, in accordance with Government Code Section 7071 (e)(2).

The Los Gatos-Monte Sereno Police Department will be holding a community outreach meeting to discuss AB 481 on Wednesday, October 15, 2025. Lexipol policy 704 and the attachment of the detailed list of our military equipment are posted on the Police Department website.

CONCLUSION:
Staff recommends that the Town Council adopt a resolution renewing Ordinance 2329, adopting the military equipment use policy as set forth in the Los Gatos Police Department's Lexipol Policy 704; and determining that the Department's use of military equipment described in the attached report complies with the Town's adopted policy and AB 481.

ALTERNATIVES:

Renewal of Ordinance 2329 (Ordinance Governing the Use of Military Equipment) is required in order to remain in compliance with state law, which mandates annual approval for the continued

use of specified military-grade equipment by local law enforcement. There are no alternatives to renewal, as failure to do so would prohibit the use or acquisition of such equipment, regardless of operational need. The ordinance ensures legal authorization, transparency, and public oversight as outlined in AB 481.

COORDINATION:

Partner Department: Town Attorney's Office

ENVIRONMENTAL ASSESSMENT:

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

ATTACHMENTS:

1. Assembly Bill 481
2. LGMSPD Lexipol Policy 704 inclusive of a hyperlink to AB 481 Defined List of Military Equipment in LGMSPD Possession
3. LGMSPD Military Equipment Report 2025
4. Ordinance
5. Resolution to Renew Ordinance

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 481

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the 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.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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 a specified reason.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

Chapter 12.8. Funding, Acquisition, and Use of Military Equipment

7070. For purposes of this chapter, the following definitions shall apply:

(a) "Governing body" means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

(b) "Law enforcement agency" means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff's department.

(3) A district attorney's office.

(4) A county probation department.

(c) "Military equipment" means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) "Military equipment use policy" means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight

authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) "Type" means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

O

Military Equipment

704.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

704.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

ATTACHMENT 2

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704.2 POLICY

It is the policy of the Los Gatos-Monte Sereno Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

704.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Los Gatos-Monte Sereno Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.
2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

704.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

See attachment: Military equipment inventory 2024 reporting.pdf

704.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

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(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

704.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

704.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

704.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

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2025 MILITARY EQUIPMENT INVENTORY

Los Gatos Monte Sereno Police Department

Prior year (September 17, 2024 to October 7, 2025) usage summary, complaints received, audits and actions taken as a result.

The quantities associated with each item may have changed from the previous year due to training usage. The drone was used for critical incident infrastructure reconnaissance, missing persons cases and to assist with perimeter checks of expansive locations. There were no complaints received regarding this equipment. No internal or external audits were conducted or required as a result of not receiving complaints. There were no actions taken as a result. The items categories and types remain the same as the previous year.

1. Robot (Category 1)
   a. <u>Description, quantity, capabilities, and purchase cost:</u>
      The Robotex Avatar Tactical Robot is a battery powered, remote operated device. Equipped with two cameras and two-way radio capabilities. This equipment is for (potential) use during high-risk incidents. Use is limited to members of the Departments Crisis Response Unit. Incidents that may qualify for its use include, but are not limited to, a high-risk warrant service, barricaded subject, and hostage negotiation/rescue. Before entering a structure, particularly in a tactically compromised and dangerous situation, knowledge of a subject's location is very important, and the robot can provide that without placing anyone at risk. Cameras can also help determine if a subject is armed and if there are other subjects inside that need assistance. The two-way speakers can be used to de- escalate and determine resistance level.

i. Robotex Avatar Tactical Robot, cost: $12,389.21, quantity: 1.

b. Purpose:
To be used to remotely gain visual/audio data, deliver Crisis Negotiation Team (CNT) phone, disrupt packages, and clear buildings.

c. Authorized Use:
Only assigned operators who have completed the required training shall be permitted to operate the robot. Use is established by the Incident Commander. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 310 – Search and Seizure, LGPD Policy 404 – Crisis Response Unit (CRU) Team.

d. Expected Lifespan:
10-15 years

e. Fiscal Impact:
No known annual maintenance cost.

2. Unmanned Aerial Vehicle (Category 1)

a. Description, quantity, capabilities, and purchase cost:
The Skydio 2 is a small non-commercial grade UAV. This UAV is a battery powered, remote operated device. Controller: Apple I pad. The controller allows the operators to control UAV and view live feed from a UAV-mounted camera. Camera: Sony IMX577 camera. Flight time of approximately 25-30 minutes per battery, depending on weather and flight conditions. The UAV has also proven to be useful to public safety agencies in firefighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

i. Skydio 2 unmanned aerial vehicle (UAV),
cost: $6,902.35, quantity: 1.

b. Purpose:

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

i. Major collision investigations.
ii. Search for Missing Persons.
iii. Natural disaster management.
iv. Crime scene photography.
v. Crisis Response Unit (CRU), tactical or other public safety and life preservation missions.
vi. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

c. Authorized Use:

Only assigned operators who have completed the required training shall be permitted to operate the Skydio 2 during approved missions. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 310 – Search and Seizure, LGMSPD Policy 315– Missing Persons, LGMSPD Policy 608 – Unmanned Aerial System Operations, LGMSPD Policy 404 – Crisis Response Unit (CRU).

d. Expected Lifespan:

5 years

e. Fiscal Impact:

No known annual maintenance cost.

3. Unmanned Aerial Vehicle (Category 1)

a. Description, quantity, capabilities, and purchase cost:

The DJI Mavic 3T is a small non-commercial grade UAV. This UAV is a battery powered, remote operated device. Controller: DJI RC Pro. The controller allows the pilots to control the UAV and view live feed from a UAV-mounted camera. Camera: DJI wide/zoom/thermal camera.

The camera provides pilots with the ability to switch between a wide camera view, zoom camera view, and a thermal camera view. UAV flight time of approximately 25-35 minutes depending on weather and flight conditions. The DJI Mavic 3T has been proven to be useful to public safety in firefighting, search and rescue, per-operation surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement and fire personnel.

i. The DJI Mavic 3T unmanned aerial vehicle (UAV), cost: $8,702.35, quantity: 3.

b. Purpose:

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

i. Major collision investigations.
ii. Search for Missing Persons.
iii. Natural disaster management.
iv. Crime scene photography.
v. Crisis Response Unit (CRU), tactical or other public safety and life preservation missions.
vi. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

c. Authorized Use:

Only assigned operators who have completed the required training shall be permitted to operate the DJI Mavic 3T during approved missions. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 310– Search and Seizure, LGMSPD Policy 315 – Missing Persons, LGMSPD Policy 608 – Unmanned Aerial System Operations, LGMSPD Policy 404 – Crisis Response Unit (CRU).

d. Expected Lifespan:

5 years

e. Fiscal Impact:

No known annual maintenance cost.

4. Unmanned Aerial Vehicle (Category 1)
    a. Description, quantity, capabilities, and purchase cost:
    The DJI Mini 3 Pro is a small non-commercial grade UAV. This UAV is a battery powered, remote operated device. Controller: Google Pixel phone. The controller allows the pilots to control the UAV and view live feed from a UAV-mounted camera. Camera: DJI wide/zoom. The camera provides the pilots the ability to switch between a wide camera view and zoom camera view. UAV flight time of approximately 35-45 minutes depending on weather and flight conditions. The Mini 3 Pro has been proven to be useful to public safety in interior tactical situations where unmanned views enhance the safety and efficiency of law enforcement personnel.
        i. The DJI Mini 3 Pro unmanned aerial vehicle (UAV) cost: $1,584.35, quantity: 3.
    b. Purpose:
    To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:
        i. Search for Missing Persons.
        ii. Natural disaster management.
        iii. Crime scene photography.
        iv. Crisis Response Unit (CRU), tactical or other public safety and life preservation missions.

    c. Authorized Use:
    Only assigned pilots who have completed the required training shall be permitted to operate the DJI Mini 3 Pro during approved missions. All other applicable LGMSPD policies remain in effect, to include, but are not limited to, LGMSPD Policy 310 – Search and Seizure, LGMSPD Policy 315 – Missing Persons, LGMSPD Police 608 – Unmanned Aerial System Operations, LGMSPD Policy 404 – Crisis Response Unit (CRU).

d. Expected Lifespan:
   5 years
e. Fiscal Impact:
   No known annual maintenance cost.

5. Specialized Firearms and Ammunition (Category 10)
   a. Description, quantity, capabilities, and purchase cost:
      The Carbine Rifle is a firearm, capable of accurately stopping an armed subject at various distances. The Carbine Rifle is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon, designed for semi-automatic & selective fire. The Carbine Rifle does not have an expiration and will need to be serviced or replaced when the rifle fails or breaks. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.
      i. Colt AR-15/M4, Lewis Machine & Tool AR-15, and Aero Precision AR-15, cost: $55,750 quantity: 50
      ii. The Speer .223 Remington, 62 grain, GDSP cartridge is the primary duty ammunition deployed during potential lethal encounters. Speer .223 Remington, 62 grain GDSP cartridge, cost: $11,556, quantity: 18,000.
      iii. The Federal .223 Remington, 55 grain cartridge is the primary training ammunition for the Department. Federal .223 Remington, 55 grain cartridge, cost: $11,819, quantity 26,500.
      iv. The Los Gatos-Monte Sereno Police Department Crisis Response Unit (CRU) was formed in 1985, in response to very dangerous or violent tactical encounters. The Sniper element deploys with precision rifles, which enables the stopping of an armed subject at a safe distance. The Sniper Rifle does not have an expiration and will need to be serviced or replaced when the Rifle fails or breaks.

The .308 Winchester cartridge: is a rimless, bottlenecked rifle cartridge. The .308 WIN. cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects. Aero Precision 308 Rifle,
cost: $5,362.80, quantity: 2.

v. The Federal .308 WIN., 168 grain tactical tip, cartridge is ammunition deployed during potential lethal encounters at longer distances. The 168-grain projectile maintains accuracy, while resulting in higher impact velocities, less drop, less wind drift, and more energy on target. Federal .308 WIN., 168 grain tactical tip, cost: $2432.00, quantity: 1600.

vi. The Federal .308 WIN., 168 grain tactical bonded cartridge is ammunition deployed during potential lethal encounters, when shooting through barriers. The 168-grain Tactical Bonded projectile is capable of accurately striking targets behind an angled window or windshield, without the risk of unpredictable bullet deflection. Conventional bullets break apart or fragment when penetrating glass, which does not allow an accurate impact. Federal .308 WIN., 168 grain tactical bonded cartridge, cost: $1,611.00, quantity: $1060.

b. Purpose

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

c. Authorized Use:

Only members that are POST certified are authorized to use a particular rifle. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 300 – Use of Force, LGMSPD Policy 306 – Firearms Training and Qualifications, LGMSPD Policy 404 – Crisis Response Unit (CRU).

d. Expected Lifespan:
   i. Carbine Rifle – No expiration
   ii. Speer .223 Remington, 62 grain, – No expiration
   iii. Federal .223 Remington, 55 grain, – No expiration
   iv. Sniper Rifles – No expiration
   v. Federal .308 WIN. Tactical Tip, 168 grain – No expiration
   vi. Federal .308 WIN Tactical Bonded Tip, 168 Grain- No expiration.

e. Fiscal Impact:
   i. Carbine Rifle – Annual cost between $0-$3,000
   ii. Speer .223 Remington, 62 grain- Annual cost between $0-$6,000.
   iii. Federal .223 Remington, 55 grain – Annual cost between $0 -$9,000.
   iv. Sniper Rifle – Annual cost between $0-unknown for maintenance.
   v. Federal .308 WIN. Tactical Tip, 168 grain – Annual cost between $0 - $2,000.
   vi. Federal .308 WIN Tactical Bonded Tip, 168 Grain-Annual cost between $0-$2000.

6. Flashbangs (Category 12)
   a. Description, quantity, capabilities, and purchase cost:
   A Noise Flash Diversionary Devices (NFDD) is a device that creates a bright flash and loud sound to temporarily divert the attention of subjects in the immediate area. NFDD are used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The distraction allows officers to seize a moment of opportunity to take control of high-risk situations.

Def Tech 11 Gr mini NFDD emits a loud "bang" and a flash of light.

i. Def Tech 11 Gr mini NFDD, cost: $2,194.00, quantity: 42

b. Purpose:

To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological / psychological sensory deprivation to give officers a tactical advantage.

c. Authorized Use:

Diversionary Devices shall only be used:

i. By CRU officers who have been trained in their proper use.
ii. In hostage and barricaded subject situations.
iii. In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
iv. During other high-risk situations where their use would enhance officer safety.
v. During training exercises.

All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 300 – Use of Force, LGMSPD Policy 404 – Crisis Response Unit.

d. Expected Lifespan:

Def Tech 11-gram mini NFDD – 5 years

e. Fiscal Impact:

Def Tech 11 Gram mini NFDD – Annual cost between $0 - $2,403.50

7. Tear Gas (Category 12)

a. Description, quantity, capabilities, and purchase cost:

Chemical agent munitions, which are commonly referred to as "tear gas," are used by the Los Gatos-Monte Sereno Police Department as a non-lethal tool to disperse rioting subjects and on barricaded suspects. The Los Gatos-Monte Sereno Police Department uses chemical agents which are used by law

enforcement across the United States: CS (2-Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum) CS is an irritating agent and lachrymator (irritates the eyes and causes tears to flow). CS has been medically tested in the UK and US, specifically by the U.S. Army. There are no known allergic reactions to CS. OC was de-regulated in California in 1996, is endorsed by the FBI, and is available to civilians to legally possess (2.5oz or less). OC is an inflammatory agent which causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).

i. Def Tech handheld OC/CS canisters, model #1050,

Cost: $ 301.25, quantity: 5

b. Purpose:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

i. Self-destructive, dangerous and/or combative individuals.
ii. Riot/crowd control and civil unrest incidents.
iii. Circumstances where a tactical advantage can be obtained.
iv. Potentially vicious animals.
v. Training exercises or approved demonstrations.

c. Authorized Use:

Only officers who have received POST certification in the use of chemical agents are authorized to use chemical agents. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 300 – Use of Force, LGMSPD Policy 404 – Crisis Response Unit (CRU).

d. Expected Lifespan:

i. Def Tech handheld OC/CS canisters, model #1050 – 5 years

e. Fiscal Impact:

Def Tech handheld OC/CS canisters, model #1050 – estimated between $0 and $450 annually

8. Projectile Launch Platforms and Associated Munitions (Category 14)

a. Description, quantity, capabilities, and purchase cost:

The Lewis Machine & Tool Launcher is not a firearm, but a Less-Lethal system that uses smokeless powder to deliver 40MM projectiles from a safe distance. The Less-Lethal launcher can launch 40MM munitions at a subject up to 25 yards. The Less-Lethal launcher is a single launcher, which allows the Officer to assess after every spent munition. Less- Lethal launcher does not have an expiration and will need to be serviced or replaced when the launcher fails or breaks. The 40MM munition is a Direct Impact Spin Stabilized Smokeless Sponge Munition. The Sponge Baton and Impact OC munition is used as a Less-Lethal weapon designed to de-escalate a potentially violent encounter. Liquid Ferret Barricade munition is a less lethal 40mm round that is used to penetrate barriers such as windows, hollow core doors, wallboard, and thin plywood.

i. Lewis Machine & Tool Launcher, cost: $9,932.01. quantity: 11
ii. Def Tech 40mm Direct Impact Sponge #6325, cost: $702.00 quantity: 39
iii. Def Tech 40mm Direct Impact OC #6320LE, cost: $441.00, quantity: 21
iv. Def Tech 40mm CS powder ferret rounds, model #1262, cost: $192.00, quantity: 8
v. Def Tech 40mm CS powder rounds, model #1292, cost: $144.00, quantity: 6

b. Purpose:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use:

Situations for use of the less lethal weapon systems may include, but are not limited to:

i. Self-destructive, dangerous and/or combative individuals.
ii. Riot/crowd control and civil unrest incidents.
iii. Circumstances where a tactical advantage can be obtained.
iv. Potentially vicious animals.
v. Training exercises or approved demonstrations.

All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 300 – Use of Force.

d. Expected Lifespan:

i. 40mm Launcher: No expiration
ii. 40mm Sponge Round: 5 years
iii. 40mm OC: 5 years
iv. 40mm CS powder ferret rounds: 5 years
v. 40mm CS powder: 5 years

e. Fiscal Impact:

i. 40mm Launcher: estimated between $0 and $11,473.00 annually
ii. Def Tech 40mm Direct Impact Sponge #6325: estimated between $0 and $1,710.00 annually
iii. Def Tech 40mm Direct Impact OC #6320LE: estimated between $0 and $525.00 annually
iv. Def Tech 40mm CS powder ferret rounds, model #1262: estimated between $0 and $192.00 annually
v. Def Tech 40mm CS powder rounds, model #1292: estimated between $0 and $192.00 annually.

ORDINANCE 2329

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, STATE OF CALIFORNIA, ADDING ARTICLE III TO CHAPTER 21 TO THE TOWN CODE GOVERNING THE USE OF MILITARY EQUIPMENT BY THE POLICE DEPARTMENT

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, (creating Government Code Section 7070, et seq.) relating to the use of military equipment by law enforcement agencies; and

WHEREAS, Assembly Bill No. 481 ("AB 481"), requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a "military equipment" use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term "military equipment" is defined in California Government Code section 7070; and

WHEREAS, AB 481 allows the governing body of a Town to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations; and

WHEREAS, the proposed Military Equipment Use Policy is attached hereto as Exhibit "A" and incorporated herein by this reference (the "Military Equipment Use Policy"); and

WHEREAS, the proposed Military Equipment Use Policy was published on the Los Gatos Police Department's internet website on March 3, 2022, more than 30 days before the Military Equipment Use Policy was considered at a public hearing before the Town Council on April 5, 2022; and

WHEREAS, the Military Equipment Use Policy meets the requirements of California Government Code section 7070, subdivision (d).

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

SECTION I: That a new Article III is added to Chapter 21 (entitled "Police") of the Town Code of the Town of Los Gatos to read as follows:

CHAPTER 21, ARTICLE III. - MILITARY EQUIPMENT USE POLICY.

Sec. 21.30.010 – Findings and Purpose.

(a) The Town Council has made the following determinations:

(1) The military equipment inventoried and presented to the Town Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; and
(2) The Military Equipment Use Policy ("Policy") will safeguard the public's welfare, safety, civil rights, and civil liberties; and
(3) The military equipment identified in the Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objective of Officer and civilian safety; and
(4) Prior military equipment use complied with the applicable Equipment Use Policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(b) The Police Department has submitted a proposed Policy to the Town Council and has made those documents available on the Police Department's website for at least 30 days prior to the public hearing concerning the military equipment at issue.

(c) The Policy was considered by the Town Council as an agenda item in an open session of a regular meeting, noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.

(d) The Policy shall be made publicly available on the Police Department's website for as long as the military equipment is available for use.

(e) The Police Department shall submit an annual military equipment report to the Town Council, containing the information required in Government Code Section 7072, and the Town Council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in (a)(1)-(4) above.

(f) The Town Council shall review this ordinance, and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code Section 7071(e)(2)

(g) The Town Council approves the use of the Policy and finds that it satisfies the requirements of Government Code Section 7070(d)."

SECTION II. CEQA FINDINGS. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION III. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The Town Council of the Town of Los Gatos declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION IV. EFFECTIVE DATE AND PUBLICATION. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 5th day of April 2022 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 19th day of April 2022. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 19th day of April 2022, by the following vote:

AYES	Mary Badame, Matthew Hudes, Maria Ristow, Marico Sayoc, Mayor Rob Rennie
NAYS:	None
ABSENT:	None
ABSTAINING:	None

SIGNED:
R Rennie
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA
DATED: 4/20/22

ATTEST:
Shelley Neis
TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA
DATE: 4/20/2022

RESOLUTION _____

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, RENEWING ITS ORDINANCE APPROVING MILITARY EQUIPMENT USE POLICY AND DETERMINING THAT MILITARY EQUIPMENT USE COMPLIES WITH POLICY

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 ("AB 481 "), adding Chapter 12.8, "Funding, Acquisition and Use of Military Equipment", to Division 7 of Title 1 of the Government Code (sections 7070 - 7075), relating to the use of military equipment by California law enforcement agencies; and

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

WHEREAS, AB 481 requires, inter alia, the Police Department submit to the Town Council an annual military equipment report for each type of military equipment approved by the Town Council; and

WHEREAS, the Town has codified its “Military Equipment Use Policy” in Chapter 21, Article III, of the Town Code; and

WHEREAS, Town Code Section 21.30.010 sets forth the standards for approval of the use of military equipment; and

WHEREAS, the Town Council shall review its Ordinance approving the funding, acquisition, or use of military equipment at least annually and vote on whether to renew the Ordinance at a regular meeting; and

WHEREAS, the Town Council shall determine, based on the annual military equipment report submitted, whether each type of military equipment identified in that report has complied with the standards for approval set forth in its Ordinance; and

WHEREAS, the Town Council has reviewed the annual military report submitted by the Police Department and determined the military equipment has complied with the standards for approval set forth in its Ordinance; and

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. The above recitals are true and correct and are substantial part of this resolution.

ATTACHMENT 5

SECTION 2. The Town Council determines that the military equipment identified in the annual military equipment report complies with the standards for approval set forth in Town Code Section 21.30.010 and "Military Equipment Use Policy."

SECTION 3. Town of Los Gatos Ordinance No. 2329 is hereby renewed.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of October, 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____