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

TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
APRIL 05, 2022
TELECONFERENCE
7:00 P.M.

PARTICIPATION IN THE PUBLIC PROCESS

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

Effective Proceedings: The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject. Disruption of the meeting may result in a violation of Penal Code 403.

Deadlines for Public Comment and Presentations are as follows:

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

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

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

TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
APRIL 05, 2022
TELECONFERENCE
7:00 PM

IMPORTANT NOTICE

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

PARTICIPATION

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

- **Zoom webinar**: Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: https://losgatosca-gov.zoom.us/j/81358935191?pwd=Z09rbTczcUtpQmNsOXRsUHBmOEt1UT09. Passcode: 985063. You can also type in 813 5893 5191 in the "Join a Meeting" page on the Zoom website at https://zoom.us/join.
- **Join by telephone**: Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636-651-0008 US Toll. Conference code: 969184

When the Mayor announces the item for which you wish to speak, click the "raise hand" feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

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

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov the subject line "Public Comment Item #__ " (insert the item number relevant to your comment) or "Verbal Communications – Non-Agenda Item." Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

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

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

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

- addressing the town Council without first being recognized;
- interrupting speakers, Town Council, or Town staff;
- continuing to speak after the allotted time has expired;
- failing to relinquish the microphone when directed to do do;
- repetitiously addressing the same subject.

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

MEETING CALL TO ORDER

ROLL CALL

PRESENTATIONS

i. National Poetry Month Poetry with Reading by Town Poet Laureate Jen Siraganian
ii. National Public Safety Telecommunications Week Proclamation

CLOSED SESSION REPORT

COUNCIL / MANAGER MATTERS

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

1. Approve Closed Session Meeting Minutes of March 12, 2022.
2. Approve Draft Meeting Minutes of the March 15, 2022 Town Council Meeting.
3. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic.

4. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2020/21 Street Repair and Resurfacing Project (CIP No. 811-9901), Completed by Pavement Coatings, and Authorize the Town Clerk to File for Recordation.
5. Americans with Disabilities Act Transition Plan (CIP No. 812-0129):
    a. Authorize the Town Manager to Execute a First Contract Amendment to the Consultant Services Agreement with Disability Access Consultants, LLC for Additional Services, in an Amount of $40,000 for a Total Agreement Not to Exceed $170,000; and
    b. Authorize An Expenditure Budget Adjustment in the Amount of $40,000 to the Project from Available General Fund Appropriated Reserve (GFAR) for Fiscal Year 2021/22.
6. Adopt A Resolution Authorizing an Application to the California Department of Parks and Recreation's Recreational Trails Program for the Los Gatos Creek Trailhead Connector Project.
7. Authorize the Town Manager to Execute a Third Amendment to an Agreement for Consultant Services with Mintier Harnish for Preparation of the General Plan Update and Environmental Impact Report (EIR).
8. Adopt Amendments to the Town Council Late Night Entertainment Policy No. 1-03 to Clarify the Use of Public Right-of-Way and Semi-Permanent Parklets for Entertainment as Recommended by the Town Council Policy Committee.
9. Authorize the Town Manager to Execute an Amended and Restated Agreement Between the County of Santa Clara and the Town of Los Gatos for Weed Abatement Services.
10. Approve the Senior Service Committee Request to Seek Targeted Solicitations to Host a Community Reception Per the Town Solicitation and Donation Policy.

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

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

11. Introduction and First Reading of an Ordinance Repealing and Replacing Article III of Chapter 10 of the Los Gatos Town Code Regulating Food Service Ware by Food Facilities to Align with New State Laws.

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

12. Approve the Employment Agreement Between the Town of Los Gatos and Gabrielle Whelan for Appointment to Town Attorney and Authorize the Mayor to Execute the Agreement.

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

13. Introduce an Ordinance Approving a Military Equipment Funding, Acquisition, and Use Policy Pursuant to Assembly Bill 481.

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

14. Discuss and Provide Direction Regarding Fiscal Analysis of the Draft 2040 General Plan.

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

15. Consider an Appeal of a Planning Commission Decision Approving a Request for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. **Located at 118 Olive Street**. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect.
16. Requesting Approval of a Planned Development for Construction of a Senior Living Community, Removal of Large Protected Trees, and Site Improvements Requiring a Grading Permit on Property Zoned R:PD. **Located at 110 Wood Road**. APN 510-47-038. Planned Development Application PD-20-001 and Environmental Impact Report EIR-21-002. APPLICANT: Rockwood Pacific. PROPERTY OWNER: Covia Communities.

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

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

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

DRAFT
Minutes of the Town Council Special Meeting - Closed Session
March 12, 2022

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Saturday, March 12, 2022 at 10:00 a.m.

MEETING CALLED TO ORDER AT 10:02 A.M.

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).
Absent: None

VERBAL COMMUNICATIONS

No one spoke.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. Public Employee Recruitment for Future Appointment
   [Government Code Section 54957(b)(1)]
   Title: Town Attorney

Council discussed the item.

ADJOURNMENT

Closed Session adjourned at 12:07 p.m.

Attest:

_____
Shelley Neis, Town Clerk

Submitted by:

_____
Laurel Prevetti, Town Manager

DRAFT
Minutes of the Town Council Meeting
March 15, 2022

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, March 15, 2022 at 7:00 p.m.

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

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).
Absent: None

PRESENTATIONS

Mayor Rennie presented a proclamation to the American Red Cross in recognition of American Red Cross Month. Eve Dreyfuss, Vice President of the Silicon Valley Board/ Disaster Cycle Services Volunteer and Brad Gordon, Shelter Supervisor/Disaster Cycle Services Volunteer, accepted the proclamation and thanked the Town for their support.

CLOSED SESSION REPORT

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

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Vice Mayor Ristow stated she assisted Safe Routes to School (SR2S) with the fifth grade cycling skills class; attended the West Valley Community Services "Creating an Inclusive Housing Element" webinar; attended the Council Retreat with all Council Members; attended the Ming Quong rededication with the Mayor; attended the Planting Trees Initiative: Working for a Better Environment webinar in celebration of Arbor Day; joined a group of Council Members and residents from San Mateo County and Santa Clara County involved in "Green Streets for Sustainable Communities"; attended the Valley Transportation Authority (VTA) Policy Advisory Committee (PAC) as alternate; attended the Little League opening day with Council Member Sayoc and Supervisor Wasserman;

Council Matters – continued

attended the coder school ribbon cutting with Council Member Sayoc; and observed the Finance Commission meeting.

- Council Member Sayoc stated she attended the Cities Association Legislative Action Committee and Board meetings and met with County Supervisor Simitian.
- Council Member Badame stated she attended the West Valley Community Services "Creating an Inclusive Housing Element" webinar; met with Nancy Rollett from Los Gatos Saratoga Recreation and a constituent; attended the Council Retreat and Conceptual Development Advisory Committee (CDAC) meeting; and observed the Finance Commission meeting.
- Council Member Hudes stated he worked with the Senior Service Committee Sub-Committee; attended the Finance Commission meeting; observed the CDAC and Planning Commission meetings; met with residents and Supervisor Simitian.
- Mayor Rennie stated in addition to the meetings mentioned, he spoke at the Ming Quong rededication; met with the Chamber of Commerce and Town Manager; attended Silicon Valley Clean Energy Authority (SVCEA) Board and Legislative Committee, Bay Area Air Quality Management District (BAAQMD) Board and Legislative Committee, and Finance Commission meetings.

Manager Matters

- Stated she and the Vice Mayor met with Hillbrook School 5th and 6th grade students.
- Announced a new public records portal was launched on the Town website.
- Announced the Adult Commissioner recruitment has been extended to May 27 and interviews will be held in early June.
- Announced there is a new opening on the Finance Commission.

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

1. Approve Draft Closed Session Minutes of the March 1, 2022 Town Council Meeting.
2. Approve Draft Minutes of the March 1, 2022 Town Council Meeting.
3. Approve Draft Minutes of the Town Council Special Meeting - Council Retreat of March 5, 2022.
4. Approve Draft Minutes of the Town Council Closed Session Meeting of March 7, 2022.
5. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2022-009**
6. Adopt the Council Policy Committee's Recommendation to Amend Council Policy 2-11 Commission Appointment Policy in Relation to the Adult Commissioner Interview Date and Option of Interview Method.
7. Accept the Annual Progress Report for General Plan and Housing Element Implementation.
8. Authorize the Town Manager to Execute a Second Contract Amendment to the Traffic Signal and Streetlight Maintenance and Underground Service Alert Locating Services Contract with St. Francis Electric, Inc. to Include:
   a. An Increase to the Contract Amount for Fiscal Year 2021/22 in the Amount of $67,000;

Consent Items – continued

b. An Expenditure Budget Adjustment in the Amount of $67,000 from Available Fiscal Year 2021/22 Parks and Public Works Department – Engineering Development Services Program Revenues; and
c. An Increase to the Remaining Ongoing Annual Contract Amount by a Total of $50,000 per Year from Fiscal Year 2022/23 to Fiscal Year 2024/25, Subject to the Appropriation of Funds, for a Total Revised Five-Year Contract Amount Not to Exceed $900,567.

9. Corporation Yard Building Replacement Project (CIP No. 821-2302):
   a. Reject all Bids for the Corporation Yard Building Replacement CIP Project No. 821-2302 and Authorize the Town Manager to Rebid the Project; and
   b. Authorize the Town Manager to Execute a Fourth Amendment to Agreement with Cuschieri Horton Architects in an Amount of $9,390 for a Total Agreement Amount Not to Exceed $227,840 for Plan Revisions; and
   c. Authorize an Expenditure Budget Adjustment in the Amount of $600,000 to the Project from Available General Fund Appropriated Reserve and General Fund Capital/Special Projects Reserve.
10. Authorize the Town Manager to Execute an Agreement for Services with Ashron Construction and Restoration, Inc. for Structural Repairs and Waterproofing of the Lot 4 Parking Structure Project (CIP No. 817-0708) in an Amount not to Exceed $179,800 Plus an Additional $20,000 for Unanticipated Repairs for a Total Agreement Amount not to Exceed $199,800.
11. Adopt a Resolution for the California Public Employees' Retirement System to Appoint a Retiree as an Interim Parks and Public Works Director. **RESOLUTION 2022-010**

Council Member Badame pulled item 7.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: **Motion** by **Vice Mayor Ristow** to approve Consent Items 1 through 11 inclusive of Attachment 3 for Item 6, and exclusive of Item 7. **Seconded** by **Council Member Hudes.**

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS

Ali Miano
- Commented in support of the Los Gatos Theater.

Celine Leroy
- Read an email from another resident in opposition to cannabis.

PUBLIC HEARINGS

12. Fee and Fine Schedules for Fiscal Year 2022/23
    a. Adopt a Resolution Approving the Comprehensive Fee Schedule for Fiscal Year 2022/23 to Continue Certain Department Fees, Rates, and Charges, and Amending Certain Fees, Rates, and Charges for Fiscal Year 2022/23; **RESOLUTION 2022-011**
    b. Adopt a Resolution Approving the Comprehensive Fine Schedule for Fiscal Year 2022/23 to Continue Certain Department Fines. **RESOLUTION 2022-012**

Gitta Ungvari, Finance and Budget Manager, presented the staff report.

Opened Public Comment.

No one spoke.

Closed Public Comment.

Council discussed the matter.

MOTION: **Motion** by **Vice Mayor Ristow** to a) adopt a resolution approving the Comprehensive Fee Schedule for Fiscal Year 2022/23 to continue certain department fees, rates, and charges, and amending certain fees, rates, and charges for Fiscal Year 2022/23 contained in Attachment 2, Exhibit A with a 5.9% Consumer Price Index adjustment; b) adopt a resolution approving the Comprehensive Fine Schedule for Fiscal Year 2022/23 to continue certain department fines (Attachment 5, Exhibit A); and c) return to Council next year to bring the fees, rates, and charges to full cost recovery. **Seconded** by **Council Member Sayoc.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

13. Adopt the Council Policy Committee's Recommendation to Retain the Current Style of Study Session Action Minutes.

Shelley Neis, Town Clerk, presented the staff report.

Opened Public Comment.

No one spoke.

Closed Public Comment.

Council discussed the matter.

Other Business Item #13 – continued

MOTION: **Motion** by **Vice Mayor Ristow** to adopt the Policy Committee recommendation to retain the current style of study session action minutes. **Seconded** by **Council Member Sayoc.**

VOTE: **Motion passed 4/1. Council Member Hudes voting no.**

14. Approve a Wayfinding Design Concept and Discuss Progress on the Downtown Parking Roadmap.

Jim Renelle, Parking Program Manager, presented the staff report.

Opened Public Comment.

Lee Fagot
- Suggested the blue "P" on the signs be on both sides and be more prominent and supported the rounded style.

Catherine Somers, Los Gatos Chamber of Commerce, Executive Director
- Inquired if employees will be able to utilize some of the spaces on the side streets, if only 10% or 20% of people are staying past three hours why are we only charging $1 per hour, and what are the plans for the revenue; stated the Chamber prefers the square sign; offered to host an outreach meeting; and suggested consistent time limits on Santa Cruz and easier payment methods for seniors.

Closed Public Comment.

Council discussed the matter.

MOTION: **Motion** by **Council Member Sayoc** to move forward with design option B. **Seconded** by **Council Member Badame. MOTION WITHDRAWN.**

MOTION: **Motion** by **Council Member Sayoc** to move forward with design option A. **Seconded** by **Council Member Badame.**

VOTE: **Motion passed unanimously.**

MOTION: **Motion** by **Mayor Rennie** to approve the plan as presented, to study the option of charging $2.50 an hour after the first hour, and have the ordinance be as flexible as possible. **Seconded** by **Council Member Sayoc.**

VOTE: **Motion passed unanimously.**

Pulled Consent Item #7

7. Accept the Annual Progress Report for General Plan and Housing Element Implementation.

Jennifer Armer, Planning Manager, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the matter.

MOTION: **Motion** by **Council Member Badame** to accept the Annual Progress Report for General Plan and Housing Element Implementation. **Seconded** by **Council Member Sayoc.**

VOTE: **Motion passed unanimously.**

ADJOURNMENT

The meeting adjourned at 9:07 p.m.

Submitted by:

_____

Shelley Neis, Town Clerk

DATE: March 29, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic

RECOMMENDATION:

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

BACKGROUND:

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

DISCUSSION:

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

PREPARED BY: Shelley Neis
Town Clerk

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

DISCUSSION (Cont):

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

Town Council adopted Resolution 2021-044 on October 5, 2021 regarding Brown Act compliance and teleconferencing pursuant to Government Code Section 54953, as amended by AB 361, and adopted resolutions on the following dates reaffirming Resolution 2021-044:

- November 2, 2021 adopted Resolution 2021-046
- November 16, 2021 adopted Resolution 2021-048
- December 7, 2021 adopted Resolution 2021-054
- December 21, 2021 adopted Resolution 2021-059
- January 18, 2022 adopted Resolution 2022-001
- February 1, 2022 adopted Resolution 2022-003
- February 15, 2022 adopted Resolution 2022-004
- March 1, 2022 adopted Resolution 2022-006
- March 15, 2022 adopted Resolution 2022-009

CONCLUSION:

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

COORDINATION:

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

FISCAL IMPACT:

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

ENVIRONMENTAL ASSESSMENT:

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

Attachment:
1. Draft Resolution

RESOLUTION 2022-

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

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

WHEREAS, on March 12, 2020, the Town Manager of Los Gatos acting in the capacity of Town of Director of Emergency Services, issued a Proclamation of Local Emergency; and

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

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

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

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

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

ATTACHMENT 1

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

WHEREAS, the Town of Los Gatos remains in a state of emergency due to the continuing spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated, or are at a higher risk of severe illness due to COVID-19; and

WHEREAS, the Town's public meeting facility is indoor and not designed to ensure circulation of fresh/outdoor air, and not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members to come to Town facilities to participate in local government, and some of them would be at high risk of severe illness due to COVID-19; and

WHEREAS, technology exists that allows full participation from members of the public without requiring in-person attendance at a Town Council, Board, Commission, or Committee meeting.

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

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

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

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

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

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

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

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of April 2022, 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: _____

DATE: March 22, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2020/21 Street Repair and Resurfacing Project (CIP No. 811-9901), Completed by Pavement Coatings, and Authorize the Town Clerk to File for Recordation

RECOMMENDATION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year (FY) 2020/21 Street Repair and Resurfacing Project (CIP No. 811-9901), completed by Pavement Coatings, and authorize the Town Clerk to file for recordation.

BACKGROUND:

The Town's FY 2020/21 Street Repair and Resurfacing (Street) Project focused on preventive maintenance through rubber cape seal, slurry seal, and crack seal treatments. This project also incorporated the Winchester Class IV Bikeway Project (CIP No. 813-0240) to install Class IV bikeways on Winchester Boulevard between Albright Way and Blossom Hill Road, before the implementation of a larger Complete Streets project in upcoming years.

On February 2, 2021, the Town Council approved the plans and specifications for the FY 2020/21 Street Project, approved advertising the project for bid, and authorized the Town Manager to award a construction contract in an amount not to exceed $4,763,000, including contingencies.

On March 2, the Town received bids ranging from $3,143,344 to $3,488,944.25 for the project. The lowest responsible bid of $3,143,344.00 was received from Pavement Coatings, and a construction contract was awarded for the amount. On March 16, Council authorized the

PREPARED BY: WooJae Kim
Town Engineer

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

BACKGROUND (continued):

project contingency to be increased from ten percent to 30 percent of the contract award amount to allow for additional street repair and resurfacing work to be completed utilizing the low unit bid prices received from Pavement Coatings.

DISCUSSION:

Due to delays associated with the execution of the contract, the construction project started in August 2021. Pavement Coatings has since satisfactorily completed all contracted work items, including work on additional streets, for a final contract amount of $3,793,180.07. Staff recommends acceptance of the project.

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

CONCLUSION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the FY 2020/21 Street Repair and Resurfacing (Slurry Seal/Rubber Cape Seal) Project (CIP No. 811-9901), completed by Pavement Coatings, and authorize the Town Clerk to file for recordation.

COORDINATION:

This project has been coordinated with the Finance Department.

FISCAL IMPACT:

The fiscal table below reflects a multi-year project that crosses FY 2020/21 and FY 2021/22. The table reflects the updated project budget and costs accrued to date. There may be additional miscellaneous charges for the final closeout of the project. The project fund balance will carry forward to the next annual Street Project.

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2020/21 Street Repair and Resurfacing Project (CIP No. 811-9901), Completed by Pavement Coatings, and Authorize the Town Clerk to File for Recordation
DATE: March 15, 2022

FISCAL IMPACT (continued):

FY 2020/21 Street Repair and Resurfacing CIP Project 811-9901		
	Budget	**Costs**
GFAR FY 2020/21	$ 2,303,024	
Gas Tax	$ 1,242,352	
Winchester Class IV Bikeway (CIP No. 813-0240)	$ 842,917	
Cost Share - City of Monte Sereno	$ 334,000	
Reduction for Prior Cost Share Agreements	$ (78,339)	
Total Budget	**$ 4,643,954**	
Construction (including 30% contingency approved on 3/15/21) - Pavement Coatings		$ 3,793,180
Consultation Services		$ 211,892
Other Project Delivery Costs		$ 7,397
Total Expenditures		**$ 4,012,469**
Remaining Budget		**$ 631,485**
Staff Costs		
Operating Budget		$ 38,748
Total		**$ 38,748**

Parks and Public Works staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of the project, recovery of costs for grant funded projects, and identification of future staffing needs. This project utilized both full-time and part-time temporary staff.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:
1. Certificate of Acceptance and Notice of Completion

Recording Requested by:
TOWN OF LOS GATOS

WHEN RECORDED MAIL TO:

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

_____

(SPACE ABOVE BAR FOR RECORDER'S USE)

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

TYPE OF RECORDING

CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION

PPW JOB NO. 20-811-9901 Annual Street Repair and Resurfacing (Slurry Seal/Rubber Cape Seal) Project

TO WHOM IT MAY CONCERN:

I do hereby certify that **Pavement Coating Co.** completed the work called for in the agreement with the Town of Los Gatos dated April 7, 2021. The work is outlined in the Town's bid process prepared by the Town of Los Gatos and generally consisted of furnishing all labor, materials, tools, equipment, and services required for completion of the PPW Job No. 20-811-9901 located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **April 5, 2022.**

Bond No.: 24251871
Date: April 14, 2021

TOWN OF LOS GATOS

By: _____
Laurel Prevetti, Town Manager

Acknowledgement Required

ATTACHMENT 1

AFFIDAVIT
To Accompany Certificate of Acceptance and Notice of Completion
PPW JOB NO. 20-811-9901 Annual Street Repair and Resurfacing (Slurry Seal/Rubber Cape Seal) Project

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

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on _____, 2022 at Los Gatos, California.

_____
LAUREL PREVETTI, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

_____ Date: _____

Name:
Director of Parks and Public Works

APPROVED AS TO FORM:

_____ Date: _____
Robert Schultz, Town Attorney

Notary Jurat Required

DATE: March 18, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Americans with Disabilities Act Transition Plan (CIP No. 812-0129):

a. Authorize the Town Manager to Execute a First Contract Amendment to the Consultant Services Agreement with Disability Access Consultants, LLC for Additional Services, in an Amount of $40,000 for a Total Agreement Not to Exceed $170,000; and
b. Authorize An Expenditure Budget Adjustment in the Amount of $40,000 to the Project from Available General Fund Appropriated Reserve (GFAR) for Fiscal Year 2021/22.

RECOMMENDATION:

Staff recommends that the Town Council take the following actions for the Americans with Disabilities Act (ADA) Transition Plan (CIP No. 812-0129):

a. Authorize the Town Manager to execute a first contract amendment to the consultant services agreement with Disability Access Consultants, LLC for additional services, in an amount of $40,000 for a total agreement not to exceed $170,000; and
b. Authorize an expenditure budget adjustment in the amount of $40,000 to the project from available General Fund Appropriated Reserve (GFAR) for Fiscal Year (FY) 2021/22.

BACKGROUND:

The federal statute on *Nondiscrimination on the Basis of Disability in State and Local Government Services* (28 CFR § 35.150 – Existing Facilities) requires a public entity that employs 50 or more persons to develop a transition plan setting forth the steps necessary to achieve program accessibility and reasonable modifications to eliminate barriers for persons with disabilities. In addition, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities in programs that receive federal financial assistance.

PREPARED BY: WooJae Kim
Town Engineer

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

BACKGROUND (continued):

The Town's last ADA Transition Plan was adopted by Council in 1993, which identified improvements needed for accessibility compliance and prioritized them to occur over a three-year time frame. Since then, the Town has constructed numerous projects and infrastructure keeping up with ADA requirements at the time of the project. However, ADA standards are ever evolving at the federal and state levels with broader rulings and regulation requirements.

On March 16, 2021, the Town Council authorize the Town Manager to negotiate and execute a consultant services agreement with Disability Access Consultants (DAC), LLC for the ADA Transition Plan Project in an amount not to exceed $130,000 to complete the self-evaluation of the Town programs, services, activities, and assets for ADA compliance and assist staff with the preparation of a transition plan per federal laws and regulations. The agreement was funded through GFAR and a $35,000 Joint Powers Authority Liability Assurance Network (PLAN) Grant approved for the project by Council.

DISCUSSION:

In June 2021, DAC initiated the surveys and assessments of the Town's programs, services, activities, and assets and collected feedback from staff and the public as part of the self-evaluation process. During the process, DAC identified additional quantities of sidewalk and curb ramps in the Town's public right-of-way beyond what was identified in the original scope and proposal. An increase to the original agreement amount would be required for DAC to complete the survey and assessment of all remaining Town assets in the public right-of-way and identify ADA deficiencies for a comprehensive self-evaluation report.

As part of the first contract amendment (Attachment 1), staff also recommends including additional services for DAC to provide further assessments, evaluations, and recommendations of future Town programs and projects, and as-needed consultation services to formulate a viable long term transition plan to address deficiencies identified. The term of the consultant services agreement would be extended to June 30, 2023.

CONCLUSION:

The Town Council's authorization of the first contract amendment for the ADA Transition Plan agreement would allow DAC to finalize the self-evaluation report, continue with the contracted services, and provide additional ADA consulting services for future Town program and project needs and the transition plan.

COORDINATION:

This report is coordinated with the Finance Department.

FISCAL IMPACT:

Appropriation of $40,000 from GFAR available in FY 2021/22 and corresponding budget adjustment would be needed for the first contract amendment with DAC for the ADA Transition Plan.

ADA Transition Plan CIP No. 812-0129		
	Budget	**Costs**
GFAR	$ 110,000	
TDA Fund Allocation	$ 35,000	
GFAR	$ 40,000	
Total Budget	**$ 185,000**	
Consultant Service Agreement		$ 130,000
First Contract Amendment		$ 40,000
Other Project Delivery Costs		$ 15,000
Total Expenditures		**$ 185,000**
Available Balance		**$ 0**

ENVIRONMENTAL ASSESSMENT:

The actions associated with this item are not a project defined under CEQA, and no further action is required.

Attachment:
1. First Contract Amendment including Original Agreement

FIRST AMENDMENT TO
AGREEMENT FOR CONSULTANT SERVICES

Americans with Disabilities Act (ADA) Transition Plan Project
CIP No. 812-0129

This FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES is dated for identification this 5th day of April 2022 and amends that certain AGREEMENT FOR CONSULTANT SERVICES for the Americans with Disabilities Act (ADA) Transition Plan Project CIP No. 812-0129, dated April 1, 2021, made by and between the Town of Los Gatos, ("TOWN") and Disability Access Consultants, LLC ("CONSULTANT").

RECITALS

A. TOWN and CONSULTANT entered into an Agreement for Consultant Services on April 26, 2021, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.

B. TOWN desires to amend the Agreement to increase the scope of work and compensation of the agreement

C. TOWN desires to amend the Agreement to extend the agreement term to December 31, 2023.

AMENDMENT

1. 2.2 Term and Time of Performance is amended to read as follows:

   Term and Time of Performance. This contract will remain in effect from April 12, 2021 to **December 31, 2023**. Consultant shall perform the services described in this agreement as follows: (refer to *Exhibit A - Scope of Services*).

2. 2.6 Compensation is amended to read as follows:

   Compensation. Compensation for Consultant's professional services shall not exceed **$170,000** inclusive of all costs as described in *Exhibit B – Additional Services Proposal* dated March 17, 2022. Compensation shall be based upon TOWN approval of each task as outlined in the terms of the *Exhibit A – Scope of Services* and *Exhibit B – Additional Services Proposal*.

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

IN WITNESS WHEREOF, the LOCAL AGENCY and CONSULTANT have executed this Amendment.

Town of Los Gatos, by:

_____
Laurel Prevetti
Town Manager

Recommended by:

_____
Timm Borden
Interim Director of Parks and Public Works

Approved as to Form:

_____
Robert Schultz, Town Attorney

Attest:

_____
Shelley Neis, MMC, CPMC, Town Clerk

CONSULTANT, by:

_____

_____
Name/Title

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AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on April 1, 2021) by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Disability Access Consultants, LLC, ("Consultant"), whose address is 2862 Olive Highway, Suite D, Oroville, CA 95966. This Agreement is made with reference to the following facts.

I. RECITALS

1.1 The Town desires to engage Consultant to provide an ADA Transition Plan.

1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.

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

II. AGREEMENTS

2.1 Scope of Services. Consultant shall provide services as described in that certain Proposal sent to the Town on March 8, 2021, which is hereby incorporated by reference and attached as Exhibit A.

2.2 Term and Time of Performance. This contract will remain in effect from April 12, 2021 to December 31, 2022. Consultant shall perform the services described in this agreement as follows: (refer to Exhibit A in Scope of Services).

2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

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

2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services

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

2.6 Compensation. Compensation for Consultant's professional services **shall not exceed $130,000** inclusive of all costs. Payment shall be based upon Town approval of each task.

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

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

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655

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

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

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

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testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

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

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars ($1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

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

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

General Liability:

i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.

ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.

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

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

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

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

IV. GENERAL TERMS

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

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

4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

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

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

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

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

Disability Access Consultants, LLC
Attn: Barbara Thorpe
2862 Olive Highway, Suite D
Oroville, CA 95966

DocuSign Envelope ID: F69534DD-FEB6-4826-9634-EF90244C0E63

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

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

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

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

Town of Los Gatos by:

DocuSigned by:
Laurel Prevetti 4/26/2021
853FEEA2EB39470...
Laurel Prevetti, Town Manager

Consultant, by:

DocuSigned by:
Tim Mahoney 4/14/2021
3894BD3D48DC463...

Recommended by:

DocuSigned by:
Matt Morley 4/14/2021
Matt Morley, Director of Parks and Public Works

Timothy J Mahoney, General Manager
Printed Name and Title

Approved as to Form:

DocuSigned by:
Robert W. Schultz 4/24/2021
Robert Schultz, Town Attorney

Attest:

DocuSigned by:
Shelley Neis 4/26/2021
Shelley Neis, MMC, CPMC, Town Clerk

DocuSign Envelope ID: F69534DD-FEB6-4826-9634-EF90244C0E63

Scope of Services

Americans with Disabilities Act (ADA) Transition Plan
Town of Los Gatos
(CIP No. 812-0129)

Town of Los Gatos
Parks and Public Works Department
41 Miles Avenue
Los Gatos, CA 95030

EXHIBIT A

DocuSign Envelope ID: F69534DD-FEB6-4826-9634-EF90244C0E63

EXHIBIT A

PROJECT

Americans with Disabilities Act (ADA) Transition Plan
CIP No. 812-0129

PROJECT CONTACTS

Town of Los Gatos
Janice Chin
Parks and Public Works Department
41 Miles Avenue
Los Gatos, CA 95030
jchin@losgatosca.gov
408.395.3460

Disability Access Consultants, LLC (DAC)
Barbara Thorpe, Project Manager
2862 Olive Highway
Suite D
Oroville, CA 95965
bthorpe@dac-corp.com
800.743.7067

SCOPE OF SERVICES

The scope of services includes seven (7) tasks:

Task A: Project Management and Coordination
Task B: Self-Evaluation of Town Policies and Standards
Task C: Self-Evaluation of Town Facilities
Task D: Self-Evaluation of Town's Key Right-Of-Way Assets and Trails
Task E: Public Outreach
Task F: Develop the Transition Plan
Task G: Additional Activities

PROJECT TASKS, SCHEDULE, TIMELINE, STAFF ALLOCATIONS AND BILLING RATES

The Scope of Services are outlined and described in **Tasks A, B, C, D, E, F and G.**

A project schedule and activities are included in **Table 1: Task, Activities and Timelines**. The project will be completed in seven (7) months or sooner from the notice to proceed.

Tasks, allocated staff and billing rates are included in **Table 2: Tasks, Staff and Billing Rates.**

TASK A: PROJECT MANAGEMENT AND COORDINATION

DAC shall provide the necessary project coordination, administration, management throughout the project.

DAC will organize planning and orientation meetings to be held via teleconference or virtual video conferencing when appropriate.

DAC will conduct an initial project kickoff meeting or virtual conference call with selected Town staff to clarify roles and lines of communication, refine project goals, review the overall project schedule, schedule surveys of Town facilities and identify key Town personnel related to the project scope. DAC will send a draft agenda prior to the initial kickoff meeting to the designated Town contact for review. A suggested list of attendees will be developed in collaboration with DAC and the Town.

Notes will be collected during the initial meeting and adjustments made to the project work plan as indicated by the Town. A formal kickoff meeting will subsequently be scheduled with the confirmed list of attendees with oversight responsibilities for project activities.

The project methodology is designed to develop a comprehensive plan without placing additional activities and impact upon Town staff. The initial orientation meeting will include an assessment of previous compliance activities and areas of current or potential litigation. The review of compliance activities and high priority areas will assist with the development of an overall project plan.

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The review and documentation of prior accessibility initiatives will be conducted and documented to build a more defensible plan to assist the Town to defend litigation challenges.

Related documents will be reviewed and may include, but are not limited to the facility master plans, strategic plans and other related documents.

Progress reports will be issued by DAC in accordance with Town requirements. Invoice requirements and frequency of invoices will be confirmed as directed by the Town.

Deliverables: progress reports, meeting notes and recommendations and action plans.

TASK B: SELF-EVALUATION OF TOWN POLICIES AND STANDARDS

DAC will work with designated Town contacts to gain access to the Town's regulations, policies, standards, programs, and activities for evaluation according to ADA standards and California accessibility requirements. The self-evaluation will include factors for eligibility requirements and participation for persons with disabilities, methods for providing accommodations, effective communication and grievance procedures. The self-evaluation results will also include recommendations for acceptable terminology, and updates to policies that may be inadequate or not established.

As the Town's website has a large repository of documents publicly available, DAC will begin with an extensive review of information offered directly on the Town's website pages, within the Los Gatos Town Codes, and in the Town's online "Document Center" catalogue of folders. The review will first determine if the required information is available, and if so, the review will also include suggested updates or modifications to ensure the policy is compliant and inclusive when needed. If specific policies or regulations are not found, DAC will inquire with Town staff to confirm. When necessary, recommendations will be made to establish compliant policies, procedures, statements and notices.

For example, DAC will evaluate Town policies, procedures and related documents including, but not limited to:

- Grievance procedures and tracking
- Service animals
- Accommodation statements and procedures
- Other power-driven mobility devices
- Accessible seating and ticketing
- Emergency procedures
- Policies for use or lease of Town facilities
- Contracted services
- Construction standards, specifications and details
- Lease and facility use agreements
- Eligibility criteria
- Maintenance of accessible features
- Effective communication
- Auxiliary aids and services
- Social media
- New employee and volunteer training
- Planning and budgeting
- Access to programs, services, activities and events

DAC will review the provision of Town programs, services and activities to determine if there are any discriminatory practices that may deny access for persons with disabilities.

DAC will also evaluate if the Town provides required notices and postings, including but not limited to:

- Identification and contact information for the ADA and/or 504 Coordinator

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- Notice of rights and statement of nondiscrimination
- Statement of reasonable accommodation on public notices
- Grievance policy and procedure
- Statement of website accessibility

DAC will also review additional available documents that have impacts on accessibility, such as the Town's Master Plan, Fee Schedules, General Plan, other planning documents and annual budget documents.

As part of the requirements for effective communication, DAC will also perform a comprehensive website accessibility review for compliance with Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, which is the current level of accessibility required for Title II public entities. The evaluation will yield results for the following at minimum:

- Accessibility and compliance with WCAG 2.0 AA and Section 508
- Compatibility with all major web browsers, including Chrome, Firefox, Edge and Safari
- Search engine optimization per Google and Bing guidelines
- Broken links and spelling errors in links
- Usability with assistive technology.
- Missing alternative text in graphics and PDF documents
- Small, difficult to read text fonts

References to WCAG evaluation success criteria are included with noncompliant or incompatibility findings.

Deliverables: Executive summary of findings and recommendations for the self-evaluation; accessibility website review

TASK C: SELF-EVALUATION OF TOWN FACILITIES

DAC will survey and assess the Town buildings, facilities, parking areas, parks and open spaces, public rights-of-way to document accessibility barriers. Data and reports will be reviewed by a CASp certified DAC team member prior to being presented to the Town. The CASp designated team member that will coordinate the inspection team during the facility reviews and conduct quality control reviews will be Michael Boga (CASp-152). Candice Pursch will be the designated Team Leader for the collection of data in the field and will coordinate scheduling and monitoring of DAC team members. Weekly, or as-needed, progress updates will be confirmed and scheduled.

As required by the ADA, the 2010 ADA Standards will be compared with state codes (Title 24 of the California Building Code) and the standard that provides the greater level of accessibility utilized. The accessibility compliance standards and regulations will be applied as appropriate and may include the ADA Standards, Title 24 of the California Building Code, Public Rights-of-Way Accessibility Guidelines, California Manual on Uniform Traffic Control Devices, Caltrans Standards and other applicable federal or state accessibility codes. Cost estimates will be provided as available.

As DAC collects actual measurements of as-is field conditions and records all information, data can be reprocessed if codes change without conducting a re-inspection, thus resulting in a significant savings when codes change and the plan needs to be updated.

Reports will be provided to the Town through DACTrak, an online accessibility management program developed by DAC. Assessments and reports will include a high degree of detail with photographs, code references, cost estimates and GIS information for available exterior areas. The DACTrak software provides the user with the capability to generate reports in multiple formats such as photo and progress reports, summary and chart reports, and compliant items reports. In addition to numerous standard reporting features, DACTrak also offers the user the capability of generating custom reports. The inclusion of photographs showing the as-is condition has proven to be valuable assistance to clients in the formulation of the decisions regarding barrier removal priorities. Photographs will be taken for each finding and GIS coordinates for public rights-of-way.

The DACTrak software provides an easy-to-use accessibility management platform that exceeds the ability to

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manage the plan by hard copies and binders. Use of the DACTrak software will provide the Town with an additional tool to reprioritize items depending upon the unique and ongoing needs of the Town and public comments during the public input process.

Deliverables: Facility inspections incorporated into DACTrak. DACTrak training will be provided to designated Town staff.

TASK D: SELF-EVALUATION OF TOWN'S KEY RIGHT-OF-WAY ASSETS AND TRAILS

DAC will assess the Town's public trails and selected assets in the Town's public rights-of-way (PROW) for compliance with the ADA and related accessibility standards. DAC will consult with the Town to recommend and determine the areas to be assessed.

DAC uses a comprehensive approach to inspecting accessibility of pedestrian access routes in the public rights-of-way (PROW) and trails. To conduct PROW and trail field assessments, DAC accessibility specialists walk sidewalks and trails to record manual measurements, take photographs and capture GIS coordinates (as applicable for exterior measurements) of the field conditions and enter the information into our DACTrak tablet in the field. Information captured in the field will be uploaded into the DACTrak accessibility management system.

The field survey teams are supervised by a qualified Certified Access Specialist (CASp). Data and reports are also reviewed by a CASp certified team member prior to being presented to the Town.

A facility report for each PROW area and trail surveyed will include detailed areas of deficiency in addition to corrective recommendations and cost estimates. The reports will be presented through DACTrak in an initial priority sort order that can be customized for implementation by the Town. The assessment will include cost estimates to correct deficiencies in accordance with the ADA, Title 24 of the California Building Code, Public Rights of Way Accessibility Guidelines, California Manual on Uniform Traffic Control Devices, or other applicable federal or state accessibility codes such as Outdoor Developed Recreational Standards.

General areas of the PROW inspections for pedestrian routes include but are not limited to the following areas: sidewalks, curb ramps, intersections, crosswalks, street furniture, bus stops and shelters, on-street parking and related items in the pedestrian access route. The following items are included:

- Sidewalks
  - Sidewalk starting and ending points and length
  - GIS location and street markers
  - Width
  - Running and cross slope
  - Changes in elevation
  - Obstructions-into the path of travel and overhead obstructions
  - Utilities and mailboxes that may interfere with the pedestrian route
  - Gratings
- Curb Ramps
  - Location including GIS
  - Curb ramp type
  - Curb ramp material
  - Ramp run
  - Ramp width
  - Side flares
  - Slope and cross slope
  - Finish
  - Contained in crosswalk
  - Detectable warnings
  - Top & bottom ramp
  - Gutter
  - Changes in elevation to bottom ramp
  - Contains water

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- Crosswalks and Mid-block crossings
  - Width
  - Slope
  - Detectable warnings
  - Pedestrian head
- Intersections
  - GIS location and cross streets
  - Pedestrian signal controls and indicators
- Medians and Islands
- Roundabouts
- Trails
- Parks
- Open Space
- Bus stops and shelters
  - Type
  - Length and width
  - Boarding pad-length, width, slope and vertical clearance
  - Accessible route to shelter-slope, cross slope, width
  - Clear floor space-length, width, slope, located in shelter
  - Signage
  - Amenities accessible-trash cans, literature, information
- Benches and Street Furniture

Deliverables: Deliverables: Facility inspections incorporated into DACTrak. DACTrak training will be provided to designated Town staff.

TASK E: PUBLIC OUTREACH

DAC will advise the Town on methods to advertise for public input and solicit input into the transition plan. DAC will lead a process for interested persons, including individuals with disabilities and organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments. The process may include hard copy and online surveys, community workshops, or other outreach methods as appropriate for the Town. Since a public outreach meeting is not required by the ADA, DAC can suggest public outreach activities that will satisfy the opportunities for public input requirements of the ADA and encourage community response, such as online and hard copy surveys. Two (2) virtual meetings for the Town council and two (2) public virtual meetings.

The process of providing opportunity for public input is designed to help ensure that the Town is successful in receiving information that will assist the Town to implement the transition plan, ensuring that the needs of the community are incorporated. Surveys will be developed for the Town to collect input from members of the community and visitors to the Town, area organizations that provide services to residents with disabilities, and from Town staff.

Surveys will be made available in multiple formats including online surveys, fillable PDF, Word documents and hard copies. The methods used for advertising the opportunities for public input will be customized for the Town to ensure that established procedures for collecting public input are followed at a minimum. Methods of advertising may include news banners on the Town's website, posts on the Town's social media accounts, an advertisement place in a local newspaper, and hard copies of the public notice displayed in public areas, such as Town Hall, community centers and libraries.

As public input is received, DAC will compile the results and include the comments in the Executive Summary provided to the Town. Input that is appropriate for the provision of programs, services and activities will be integrated into the plan. Public and staff input regarding access to facilities and barriers will assist in the development of the transition plan by assisting with the priorities and schedule for the removal of barriers.

Deliverables: Hard copy and digital surveys, notices, announcements, and a summary of public and staff comments.

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TASK F: DEVELOP THE TRANSITION PLAN

Upon completion of the field assessments, DAC will present the transition plan and findings to the Town by providing login access to the DACTrak Accessibility Management software program for Town staff. DACTrak will allow Town users to generate reports in multiple formats, including PDF, Excel, KMZ and ESRI Shapefile. There are no maintenance or storage fees associated with use of the DACTrak software.

The transition plan reports provided through DACTrak will include an initial prioritization, however using the tools in DACTrak, the Town users will have the ability to customize the transition plan implementation schedule and priorities, using multiple options and criteria for mitigating barriers. The tools in DACTrak will allow the Town to create a schedule for repair, that can be adjusted as often as needed.

DACTrak is an online software program that is accessed through a web browser. There are no files or programs to download or install on the Town's computers or servers. DAC performs all maintenance and updates to the software, so there is no burden on the Town's IT staff to provide support to the DACTrak users. All support is provided by DAC.

Using DACTrak, Town staff will have the ability to view and generate multiple styles of reports for all buildings, facilities, parks, trails and public rights-of-way assessed, as well as export reports in several file types, including PDF, Excel, KML and Shapefiles. DACTrak report styles include very detailed reports as well as summary reports by facility or category to help identify and prioritize barriers, establish solutions that may apply to many locations Town-wide to assist with purchasing, and estimate probable costs for corrections.

For reports that contain exterior findings where GIS coordinates can be captured, such as sidewalks and curb ramps, the DACTrak online accessibility management software provides the Town with several ways to view the resulting reports on a map following the processing of the data collected during the field inspections. As DAC collects GIS location information for each element in the public right-of-way, data can be viewed in a map directly in the DACTrak software, as well as exported to popular map file types, including KML for viewing and managing on Google Earth and ESRI Shapefile for viewing and managing with ArcMap or other ESRI program. DACTrak provides users with several map style options and customizations, including maps that simply identify the location of each noncompliant finding, to "heat maps" that identify clusters of noncompliant findings for specific areas with color coded icons that indicate the number of noncompliant findings at a specific location.

When exporting public right-of-way data from DACTrak into a KML or Shapefile from any map style, all information associated with the finding is included, such as the reason the item is not compliant, the recommended method to remove the barrier, state and federal code references applicable to the barrier, a photograph of the item and any notes that are recorded about the element and implementation for the transition plan. Reports for public rights-of-way can also be viewed in PDF and Excel file formats, in addition to KML and ESRI Shapefile.

While the Town may present the completed ADA self-evaluation and transition plan to Town Council as an informational update on the project, it is not required or recommended that the plan be approved or adopted by Council as projected dates of barrier may need to change to align with future projects or Town priorities.

Additionally, since the data in the field is collected using our DACTrak software and exported daily for processing by our DACTrak server engines, the report data is available for editing by our Quality Control team as soon as each facility survey is completed each day. This ensures a very prompt turnaround time for the deliverables to be available to the Town. Since deliverables are provided to Town staff via logins to the DACTrak online software, there is no additional wait time for printing, binding, packaging and shipping hard copies of reports. Project deliverables are available instantly upon logging in to DACTrak. Because of the pre-planning and flexible scheduling for our projects as well as our DACTrak software to collect data and provide reports, we can provide of our clients with deliverables within established project deadlines.

Staff training and support regarding the use of the DACTrak Accessibility Management System is currently included in Task F and Task G at no cost.

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The DACTrak software and reports will provide the Town with the remaining three requirements:

- Identification of physical barriers in the Town's surveyed facilities that limit access to its programs or activities for individuals with disabilities;
- Detailed descriptions of the recommended methods and estimated costs to make the facilities accessible. The DACTrak management tools can also be used to identify the responsible party for structural modifications in the case of leased sites;
- The required schedule for removing the barriers is completed in collaboration with the Town. It is reasonable to assume that the Town's schedule of barrier removal will include work to be performed over multiple years, therefore the transition plan should include an estimated annual projection for barrier removal activities. The DACTrak software tools will offer the Town an ongoing method to manage and adjust the implementation plans.

Deliverables: Transition plan of physical barriers with noncompliant findings and recommendations for barrier removal.

TASK G: ADDITIONAL ACTIVITIES

As the Town has noted it the RFQ, additional services (TASK G) may be requested by the Town in addition to Task A, B, C, D, E and F and may include staff training, plan reviews, additional consultation and other activities as requested by the Town and agreed to by DAC.

Training activities for managers, supervisors, administrative staff and support staff may include:

- Roles and Responsibilities of the ADA Coordinator
- ADA Roles and Responsibilities for Front Line Staff
- ADA Roles and Responsibilities for Executive and Management Staff
- Maintenance of Accessible Facilities
- Maintenance of Accessible Public Rights-of-Way
- Using and maintaining the database
- Using and maintaining the project map
- Monitoring and updating the ADA self-evaluation and transition plan;
- Development of internal procedures for granting exemptions for Town projects.

Several of the optional training topics noted that the Town may are included in the scope of services and will be provided at no additional cost. Training at no cost includes:

- Using and maintaining the database – included with the DACTrak training
- Using and maintaining the project map - included with the DACTrak training
- Monitoring and updating the ADA self-evaluation and transition plan is included with DACTrak training

Training Topic	Course Description and Notes	Cost
Accessibility standards and regulations	• Requirements for ADA and Section 504 compliance, including programmatic and facility accessibility requirements. • 4-to-6-hour course	$1,000
Performing field inspections	• Training regarding data collection in the field • Includes classroom and field training. • 2 days depending on staff backgrounds and prior experience	$2,400 per day
Procedures for granting exemptions for Town projects	• Course would be interactive and include an examination of existing processes and procedures to refine current system and recommend or develop enhanced processes. • 2-to 3-hour course.	$500

Deliverables: deliverables may vary depending upon the additional activities selected by the Town. Curriculum and training materials would be included with staff training.

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TOWN STAFF TIME

DAC's methodology for the Town's ADA Self-evaluation and Transition Plan is designed to require minimal Town staff time and resources. DAC does not require any office space, equipment or supplies. Based on experience and knowledge of the accessibility field and best practices, DAC continues to develop innovative methodologies, easy to use ADA management tools, and proven, successful strategies for evaluating programs, services, activities, events, facilities, parks and public rights-of-way.

Project Coordination
The methodology for scheduling, coordination of project, policy reviews and the analysis of programs, services and activities will be confirmed at the kickoff and planning meeting with DAC and Town staff. Involvement of Town staff will be needed to review the draft agenda for the initial start-up meeting, recommend any changes and participate in the start-up meeting.

Policies, Procedures, Programs and Services
DAC will need access to the Town's policies, procedures, ordinances, memorandums of understanding, planning and budgeting documents and related items that pertain to the administration of programs, services and activities and may require minimal staff time.

Field Surveys
As is the case with most public entities, due to the limited Town staff availability it is the intent of DAC to conduct the surveys as minimal impact on Town staff as possible. Surveys requiring Town staff assistance, such as secure, locked or alarmed areas, will be coordinated through the Town's designated contacts, and will be scheduled in a way that minimizes the impact to the regular workloads of the applicable staff members. The flexible scheduling also allows for continued efficiency of the survey process, so that there is no delay between the completion of one facility survey and the start of the next survey and allows for the anticipated survey plans to be altered quickly when unforeseen circumstances arise, such as rain prohibiting the planned survey of a park. In these situations, our survey staff would proceed to an available facility.

Data Collection and Management
DACTrak, an online accessibility management program was developed by DAC for the purpose of easy and useful importing and management of the accessibility data collected in the field. DACTrak is interactive online software and is not an enhanced excel spread sheet. The ability to collect, compile, analyze and use report data in a practical format was one of the driving forces to develop the DACTrak intake and management software.

Town staff will be provided training by DAC regarding the use of DACTrak to manage, update and implement the Town's transition plan.

During the DACTrak training, selected Town staff will be instructed regarding the methods to manage the Town's ADA Transition Plan. The transition plan data and reports provided through DACTrak will identify structural accessibility barriers, to help the Town prioritize and schedule the removal of identified barriers to develop a manageable transition plan.

Town staff will need to provide input into the timelines and estimated dates to be entered into the Transition Plan as DAC cannot unilaterally enter the dates that the Town plans to remediate the barriers without collaboration.

Public Outreach and Staff Input
DAC will provide the Town with proposed methodologies for review and comments regarding public outreach activities that may include surveys for the public and organizations that assist persons with disabilities. Staff input and approval will be needed regarding the proposed methods and sample documents provided by DAC.

Assistance will be needed regarding the dissemination of information regarding the notices to be placed on the website and posted selected Town publications and newsletters or in the local newspaper.

DAC compiles the surveys and the information collected during the public outreach portion of the project and staff surveys and input. The information is integrated into the Town of Los Gatos ADA/504 Self-evaluation and Transition Plan Executive Summary.

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TABLE 1: TASKS, ACTIVITIES AND TIMELINES

Key tasks, activities and timelines are outlined in **TABLE 1** below. Timelines are represented in months.

As indicated the project timeframe is 7 months or less.

TASK	MONTH	1	2	3	4	5	6	7
A	**Project Management and Coordination**							
	Initial planning, orientation meeting, schedules							
	Review documents, prior activities							
	Overall progress reports, coordination activities							
B	**Self-evaluation of Town Policies and Standards**							
	Evaluation of Town policies, programs and services							
	Review of related documents and plans							
C	**Self-evaluation of Town Facilities**							
	Inspections by DAC of Town facilities							
	Town review of sample of draft reports completed							
	Report comments integrated as indicated							
	Inspections completed							
D	**Self-evaluation of Key Rights-of-Way and Trails**							
	Inspections by DAC of public rights-of-ways and trails							
	Reports issued in DACTrak							
E	**Public Outreach**							
	Methods for public outreach and staff input confirmed							
	Staff input							
	Public outreach conducted							
	Outreach and input comments compiled							
	Comments integrated into executive summary							
F	**Develop Transition Plan**							
	Priority methodology confirmed							
	Estimated dates of barrier removal into DACTrak							
	Draft of Transition Plan							
	Final Transition Plan							
G	**Additional Activities** (as requested throughout project)							

TABLE 2: TASKS, STAFF AND BILLING RATES

Tasks, allocated staff and billing rates are included in **Table 2: Task and Budget Worksheet** (attached).

Scope of Services

Americans with Disabilities Act (ADA) Transition Plan
Town of Los Gatos

Additional Services Proposal

(CIP No. 812-0129)

Town of Los Gatos
Parks and Public Works Department
41 Miles Avenue
Los Gatos, CA 95030

March 17, 2022

DISABILITY ACCESS CONSULTANTS

EXHIBIT B

Additional Services Amendment Proposal

March 17, 2022

PROJECT
Americans with Disabilities Act (ADA) Transition Plan
CIP No. 812-0129

PROJECT CONTACTS

Town of Los Gatos
Janice Chin
Parks and Public Works Department
41 Miles Avenue
Los Gatos, CA 95030
jchin@losgatosca.gov
408.395.3460

Disability Access Consultants, LLC (DAC)
Barbara Thorpe, Project Manager
2862 Olive Highway
Suite D
Oroville, CA 95965
bthorpe@dac-corp.com
800.743.7067

SCOPE OF SERVICES
The scope of services includes additional services to be added two (2) tasks from the original proposal and agreement:

Task D: Self-Evaluation of Town's Key Right-Of-Way Assets and Trails
Task G: Additional Activities/On-Call Services

TASK D: SELF-EVALUATION OF TOWN'S KEY RIGHT-OF-WAY ASSETS

The original RFQ data provided by the Town estimated the total linear miles of sidewalk at approximately 94 linear miles. Currently DAC has completed approximately 110 linear miles and estimates the total linear miles of sidewalk at closer to 160 linear miles.

The cost to complete the additional estimated 50 linear miles of Town owned sidewalk, is proposed at $25,000.

As presented in the agreement, DAC uses a comprehensive approach to inspecting accessibility of pedestrian access routes in the public rights-of-way (PROW). To conduct PROW and trail field assessments, DAC accessibility specialists walk sidewalks and trails to record manual measurements, take photographs and capture GIS coordinates (as applicable for exterior measurements) of the field conditions and enter the information into our DACTrak tablet in the field. Information captured in the field will be uploaded into the DACTrak accessibility management system.

The field survey teams are supervised by a qualified Certified Access Specialist (CASp). Data and reports are also reviewed by a CASp certified team member prior to being presented to the Town. A facility report for each PROW area and trail surveyed will include detailed areas of deficiency in addition to corrective recommendations and cost estimates. The reports will be presented through DACTrak in an initial priority sort order that can be customized for implementation by the Town.

The assessment will include cost estimates to correct deficiencies in accordance with the ADA, Title 24 of the California Building Code, Public Rights of Way Accessibility Guidelines, California Manual on Uniform Traffic Control Devices, or other applicable federal or state accessibility codes.

General areas of the PROW inspections for pedestrian routes include but are not limited to sidewalks, curb ramps, intersections, crosswalks, street furniture, on-street parking and related items in the pedestrian access route.

The following items are included:

- Sidewalks
  - Sidewalk starting and ending points and length
  - GIS location and street markers
  - Width
  - Running and cross slope
  - Changes in elevation
  - Obstructions-into the path of travel and overhead obstructions
  - Utilities and mailboxes that may interfere with the pedestrian route
  - Gratings
- Curb Ramps
  - Location including GIS
  - Curb ramp type
  - Curb ramp material
  - Ramp run
  - Ramp width
  - Side flares
  - Slope and cross slope
  - Finish
  - Contained in crosswalk
  - Detectable warnings
  - Top & bottom ramp
  - Gutter
  - Changes in elevation to bottom ramp
  - Contains water
- Crosswalks and Mid-block crossings
  - Width
  - Slope
  - Detectable warnings
  - Pedestrian head
- Intersections
  - GIS location and cross streets
  - Pedestrian signal controls and indicators
- Medians and Islands
- Roundabouts
- Trails
- Parks
- Open Space
- Benches and Street Furniture

Deliverables: Completion of surveys for an additional 50 linear miles of Town owned sidewalk

Estimated Budget for additional 50 linear miles of Town owned sidewalk: $25,000

TASK G: ADDITIONAL ACTIVITIES/ON-CALL SERVICES

Town may request additional "on-call" and as needed services from DAC that may include, but not limited to:

- General ADA consulting
- Assistance for the ADA Coordinator
- Code interpretation/application

- Accessibility Plan Reviews
- Annual Plan update
- Legal/claim expertise
- Data entry into DACTrak
- Transition Plan Implementation re-training
- Supplemental DACTrak training and services
- Staff Training

Estimated Budget for On-Call Services: $15,000

DAC STAFF AND BILLING RATES

TITLE	NAME	HOURLY RATE
Project Manager	Barbara Thorpe	$110
CASp	Mike Boga	$100
Assistant Project Manager	Tim Mahoney	$90
Director of Administrative Services	Jennie Grover	$65
Field Team Leader	Candice Pursch	$90
Accessibility Specialists	Various	$75
Director of IT	Srikant Talasila	$0

Expenses: Rates do not include travel expenses, travel time, airfare, meals, hotel, rental car

Note: If expenses are applicable, DAC will obtain authorization from the Town prior to travel.

PROPOSAL FOR ADDITIONAL SERVICES – BUDGET SUMMARY

Task D:	Additional Sidewalk Inspections	$25,000
Task G:	On-Call/As-needed Services	$15,000
	Total	**$40,000**

DATE: March 29, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adopt A Resolution Authorizing an Application to the California Department of Parks and Recreation's Recreational Trails Program for the Los Gatos Creek Trailhead Connector Project

RECOMMENDATION:

Staff recommends the Town Council adopt a resolution authorizing an application to the California Department of Parks and Recreation's Recreational Trails Program for the Los Gatos Creek Trailhead Connector project.

BACKGROUND:

At the March 1, 2022 meeting, the Town Council approved a funding plan for the Los Gatos Creek Trailhead Connector project, the individual actions in the three grant programs, and associated financial commitments.

Since the March 1 Town Council meeting, staff has made progress in pursuing the three grant funding opportunities identified. Table 1 illustrates the proposed funding plan and includes updated grant amounts. The status updates are explained further in this report.

Table 1 – Proposed Funding Plan and Updates

Source	Low Estimate	High Estimate
OBAG 2	$3,351,000	$3,351,000
TFCA	$555,921	$1,190,000
Valley Water	$840,000	$1,120,000
Total Grant $	**$4,746,921**	**$5,661,000**
Construction Cost	$5,800,000	$5,800,000
Town Funds Needed	**$1,053,079**	**$139,000**

PREPARED BY: Ying Smith
Transportation and Mobility Manager

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

BACKGROUND (continued):

One Bay Area Grant (OBAG): The recommendation to reprogram $3,351,000 in OBAG funds has been approved by the Santa Clara Valley Transportation Authority (VTA) committees and it is scheduled to be considered by the VTA Board at its April 7 meeting on the consent agenda.

Transportation Fund for Clean Air (TFCA): Staff submitted an application on March 11 requesting $1,190,000 in grant funds. Unlike the experience in the past five to six years, this year's program is oversubscribed. VTA staff's initial analysis indicates that the project is eligible to receive $555,921 in the set-aside category, while it will need to compete against other projects for the remaining amount.

Valley Water Access to Trails & Open Space Grants: Staff submitted an application on March 4 requesting $1,400,000. The application is under evaluation and a decision is expected in May. Valley Water staff indicated that if the project is awarded, the grant amount would be lower than $1,400,000. Staff doesn't have a reliable prediction of the award.

DISCUSSION:

The award of $3,351,000 in OBAG is the key in completing the proposed funding plan. However, there are a few risks in this funding plan as both the TFCA and Valley Water grant applications are under evaluation and face competition. In the lower estimate scenario in Table 1, the Town would need $1,053,079 in local dollars to complete the funding plan compared to the March 1 funding plan estimate of $928,687. The Council allocated $1M toward this purpose.

Town staff continues to explore other grant funding opportunities as they occur. The Recreational Trails Program (RTP) provides funds annually for recreational trails and trail-related projects. The RTP is administered at the state level by the California Department of Parks and Recreation and the Department of Transportation. A call-for-projects was released late last year, with a total amount of $4,680,000 available, covering Federal Fiscal Years 2021, 2022, and 2023.

Staff believes the Los Gatos Creek Trailhead Connector project will be eligible for the RTP. However, the grant program requires National Environmental Policy Act (NEPA) review by the Federal Highway Administration (FHWA), which would result in a delay in construction and make the project miss the project delivery deadlines required in the OBAG grant. Department of Parks and Recreation staff indicated that there may be a chance to fast-track the FHWA review because the Town has completed NEPA studies in 2021. After consulting with Department of Parks and Recreation, Town staff concluded that the Town has a reasonable

DISCUSSION (continued):

chance to compete in the RTP, despite the risk of its schedule not aligning with the OBAG delivery schedule.

CONCLUSION:

Staff is proposing submitting a grant application to the California Department of Parks and Recreation's Recreational Trails Program for the Los Gatos Creek Trailhead Connector project. The applications are due on April 7 with award recommendations anticipated in mid- to late summer.

COORDINATION:

This report was coordinated with the California Department of Parks and Recreation staff.

FISCAL IMPACT:

If the Town's application is awarded, the Town would receive additional grant funds to support the funding plan. Staff will present a recommendation for budget appropriation for the Town Council's consideration at that time. With the anticipated OBAG and TFCA grants, the Town will be able to meet the match requirement of the RTP.

ENVIRONMENTAL ASSESSMENT:

The funding action is not a project defined under CEQA, and no further action is required. This project has completed environmental studies and CEQA clearance is expected in April 2022.

Attachment:
1. Resolution approving the application for grant funds from the Recreational Trails Program

RESOLUTION FORM

Resolution No: 2022 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATO APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM

WHEREAS, the Fixing America's Surface Transportation Act (FAST-ACT) provides funds to the State of California for Grants to federal, state, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized trail Projects; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing Project Application under the program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of Application(s) before submission of said Application(s) to the State; and

WHEREAS, the Applicant will enter into a Contract with the State of California to complete the Project(s);

NOW, THEREFORE, BE IT RESOLVED that the Town of Los Gatos Tow hereby:

1. Approves the filing of an Application for the Recreational Trails Program; and
2. Certifies that the Project is consistent with the Applicant's general plan or the equivalent planning document; and
3. Certifies that said Applicant has or will have available prior to commencement of any work on the Project(s) included in this Application, sufficient funds to operate and maintain the Project(s); and
4. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
5. Appoints the Town Manager as agent to conduct all negotiations, execute and submit all documents, including, but not limited to Applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Project.
6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Approved and Adopted the 5th day of April, 2022.

I, the undersigned, hereby certify that the foregoing Resolution Number_____was duly adopted by the COUNCIL MEMBERS following a roll call vote:

Ayes:

Noes:

Absent:

TOWN CLERK OF THE TOWN OF LOS GATOS

_____

(Clerk)

DATE: March 18, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to Execute a Third Amendment to an Agreement for Consultant Services with Mintier Harnish for Preparation of the General Plan Update and Environmental Impact Report (EIR).

RECOMMENDATION:

Authorize the Town Manager to execute a Third Amendment (Attachment 1) to an Agreement for consultant services with Mintier Harnish for preparation of the General Plan update and Environmental Impact Report (EIR).

BACKGROUND:

On July 9, 2018, the Town Council authorized the Town Manager to enter into an Agreement with Mintier Harnish for the preparation of the General Plan update and EIR (Attachment 4). The term of the original Agreement that was executed had an expiration date of July 31, 2020.

On August 1, 2020, the Town approved a First Amendment to the Agreement to extend the term expiration to July 31, 2021 (Attachment 2).

On August 1, 2021, the Town approved a Second Amendment to the Agreement to extend the term expiration to March 31, 2022 (Attachment 3).

DISCUSSION:

The General Plan update and EIR have not yet been considered by the Planning Commission or Town Council. Therefore, staff is requesting that the term expiration be extended to August 31, 2022.

PREPARED BY: Joel Paulson
Community Development Director

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

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to execute a Third Amendment (Attachment 1) to an Agreement with Mintier Harnish so the General Plan update and EIR processes can be completed.

COORDINATION:

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

FISCAL IMPACT:

There is no fiscal impact as the only item being amended is the expiration of the term.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:
1. Draft Mintier Harnish Third Amendment to an Agreement
2. Mintier Harnish First Amendment to an Agreement
3. Mintier Harnish Second Amendment to an Agreement
4. Original Agreement for Consultant Services

THIRD AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

THIS THIRD AMENDMENT AGREEMENT is dated for identification this 6th day of April 2022 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Mintier Harnish, LP, ("Consultant"), whose address is 1415 20th Street, Sacramento, CA 95811. This Agreement is made with reference to the following facts.

RECITALS

A. The Town and Consultant entered into an Agreement dated July 9, 2018 to provide Consultant Services for preparation of the General Plan update and Environmental Impact Report (Exhibit A).
B. The Town and Consultant entered into a First Amendment to the Agreement dated August 1, 2020 to extend the term to July 31, 2021.
C. The Town and Consultant entered into a Second Amendment to the Agreement dated August 1, 2021 to extend the term to March 31, 2022.
D. The Town desires to extend the Agreement to August 31, 2022.

AMENDMENT

1. Time of Performance of the Third Amendment Agreement is hereby amended to provide that the term of the Agreement is for the period of March 31, 2022 through August 31, 2022.

2. All other terms and conditions of the Agreement dated July 9, 2018, remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Third Amendment Agreement as of the date indicated above.

Town of Los Gatos:

_____
Laurel Prevetti
Town Manager

Department Approval:

_____
Joel Paulson
Community Development Director

Approved as to Form:

_____
Robert Schultz
Town Attorney

Attest:

_____
Shelley Neis, MMC, CPMC,
Town Clerk

Consultant:

_____
Jim Harnish,
Mintier Harnish, LP

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FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

THIS FIRST AMENDMENT AGREEMENT is dated for identification this 1ST day of August 2020 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Mintier Harnish, LP, ("Consultant"), whose address is 1415 20th Street, Sacramento, CA 95811. This Agreement is made with reference to the following facts.

RECITALS

A. The Town and Consultant entered into an Agreement dated July 9, 2018 to provide Consultant Services for preparation of the General Plan update and Environmental Impact Report (Exhibit A).

B. The Town desires to extend the Agreement to July 31, 2021.

AMENDMENT

1. Time of Performance of the Amendment Agreement is hereby amended to provide that the term of the Agreement is for the period August 1, 2020 through July 31, 2021.

2. All other terms and conditions of the Agreement dated July 9, 2018, remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this First Amendment Agreement as of the date indicated above.

Town of Los Gatos:

By: DocuSigned by: Laurel Prevetti 7/28/2020
853FEEA2EB39470...

Laurel Prevetti
Town Manager

Consultant:

By: _____

Jim Harnish,
Mintier Harnish, LP

Department Approval:

Joel Paulson
Joel Paulson (Jul 23, 2020 11:09 PDT)

Joel Paulson
Director of Community Development

Approved as to Form:

Robert Schultz
Robert Schultz (Jul 23, 2020 11:11 PDT)

Robert Schultz
Town Attorney

Attest: DocuSigned by: Shelley Neis 7/29/2020
B9666F65B1F34F6...

Shelley Neis, MMC, CPMC, Town Clerk

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AGR 18.165

IHH

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is dated for identification this 9th day of July 2018 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Mintier Harnish, LP, ("Consultant"), whose address is 1415 20th Street, Sacramento, CA 95811. This Agreement is made with reference to the following facts.

I. RECITALS

1.1 Town desires to engage Consultant to provide Consultant Services for preparation of the General Plan update and Environmental Impact Report.

1.2 Consultant represents and affirms that they are qualified and willing to perform the desired work pursuant to this Agreement

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

II. AGREEMENTS

2.1 Scope of Services. Consultant shall provide the services as described in the Scope of Services attached as Exhibit A-1 and the schedule attached as Exhibit A-2.

2.2 Term and Time of Performance. This contract will remain in effect from the date of execution through July 31, 2020.

2.3 Compliance with Laws. Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state, and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

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

2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of the these documents or information available to any

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

2.6 Compensation. Compensation for Consultant's professional services **shall not exceed** the **$1,174,975** inclusive of all costs. Payment shall be made against tasks at costs as set forth in Exhibit B Fee Schedule. Consultant shall be compensated for services in addition to those described in Exhibit A-1 only if Consultant and Town execute a written amendment to this Agreement describing the additional services to be performed and the compensation to be paid for such services. Fees for additional services will be allocated from the ten percent contingency identified on Exhibit B Fee Schedule.

2.7 Flexibility. As noted in Exhibit B Fee Schedule, the distribution of hours between firms, staff categories, and tasks are an estimate. While the total costs shall not exceed amount in Section 2.6 above, the distribution of hours/costs may vary depending on actual execution.

2.8 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed, by whom, at what rate, and on what date.

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

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655

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

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

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

2.12 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

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

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance.

i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars ($1,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage.

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ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy insuring him/her and his/her staff to an amount not less than one million dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

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

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

General Liability

i. The Town, its officers, officials, employees, and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant; and premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.

ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees, and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.

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

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has

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been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

3.3 Workers' Compensation. Consultant shall maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town. Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

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

IV. GENERAL TERMS

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

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

4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

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

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

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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:

To Town:

Joel Paulson
Community Development Director
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030
Fax: (408) 354-7593
Phone: (408) 354-6879
E-mail: *jpaulson@losgatosca.gov*

To Consultant:

Jim Harnish
Mintier Harnish
1415 20th Street
Sacramento, CA 95811

Phone: (916) 446-0522
E-mail: *jim@mintierharnish.com*

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

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect to the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

4.8 Entire Agreement. This Agreement, including Exhibits A-1, A-2, and B, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos

Laurel R. Prevetti, Town Manager
Town of Los Gatos

Consultant:

Jim Harnish
Mintier Harnish, LP

Department Approval:

Joel Paulson
Community Development Director

Approved as to Form:

Robert W. Schultz
Town Attorney

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Scope of Work

The following section provides our work program for the preparation of the Town of Los Gatos General Plan Update. This program is designed to respond to the scope items included in the Town's Request of Proposal (RFP) and provides for the formulation of a thoughtful and user-friendly General Plan and comprehensive program-level Environmental Impact Report (EIR) that can be used to streamline subsequent project-level proposals. The work program includes appropriate technical studies and community engagement opportunities that explore issues, opportunities, and solutions to guide the community to the year 2040.

In this work program, the term "Consultants" refers to members of the Consultant Team assembled for the project.

Details on community engagement activities are described under Task H, with placeholders shown under each task to show their relationship to the overall work program.

Task A Project Initiation

During this task, the Consultants will work with Town staff to lay the foundation for the General Plan Update, including developing tools to be used throughout the Update, meeting with the General Plan Advisory Committee (GPAC), the Planning Commission, and Town Council, and initiating the community engagement program.

Task A.1 Project Scoping Meeting, Kick-off Meeting, and Town Tour

The Consultants will meet with Town staff to discuss expectations for the schedule, process, and work products and to refine the scope of work to address Town comments.

Following execution of the contract, the Consultants and Town staff will hold a project kick-off meeting. This meeting will confirm roles and responsibilities, establish communication protocols, refine and detail the project schedule based on actual start date, and discuss the initial ideas and strategies for community engagement (which will be refined and documented under Task H.1). Immediately following the kick off, the Consultants will tour the community with Town staff to examine key issues and opportunities that will be addressed in the General Plan Update.

Task A.2 Assemble GIS Data and Prepare Base Maps

The Consultants will work with Town staff to confirm the Planning Area and gather and format information for a Geographic Information Systems (GIS) database covering the Planning Area. The Consultants will prepare base maps suitable for reports and display presentation, including establishing a uniform legend and title block.

During the project kick-off meeting (Task A.1), the Consultants will work with Town staff to identify and obtain existing GIS resources from the Town and other identified agencies with GIS data covering the Planning Area. We will develop new GIS data and maps consistent with Town protocols and data formats to ensure easy integration into the Town's information system. At the end of the project, the Consultants will provide the Town the native files of all original data as well as project-specific GIS layers modified or created by the Consultants for the General Plan Update.

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As described in Task H.3, the Consultants will also present selected geographic data online using ESRI ArcGIS Online and/or ESRI Story Map.

Task A.3 Existing Data Collection and Compilation

Knowledge of existing conditions within the Town of Los Gatos will give the Consultants, and the community, a more thorough understanding of how the Town can move forward and what has changed since the last General Plan was prepared. At the beginning of the Update process, and prior to initiation of public engagement, the Consultants will compile (including native format files whenever possible) the following:

Applicable plans, studies, and analysis documents that currently exist within the various departments in the Town of Los Gatos that pertain to the General Plan. Documents may include, but are not limited to:

- General Plan
- Specific Plans
- Hazard mitigation plan
- Parks, open space, trails and recreation plans
- Municipal Code
- Any other pertinent information, documents, plans, and other items identified by Town Staff
- Applicable plans, studies, and analysis documents concerning Infrastructure and utilities
- Geographic information system (GIS) data
- Transportation plans

Pertinent information that is contained in these documents will be reviewed and used by the Consultants to develop the Existing Conditions Background Report (see Task B) that will be provided with the General Plan Update.

The Consultants will use and rely upon these existing resources to develop the General Plan and EIR information. The scope of work and budget are based on the availability and use of secondary data and the development of planning level qualitative assessments that are typical for a general plan update. This information will be supplemented with data collected by our team as described in Task B, Existing Conditions Background Report

GPAC Meeting #1 will be held during this task to facilitate data identification and collection (see Task H.5).

Engagement Activities During Task A:

- Task H.1: Community Engagement Strategy
- Task H.2: Branding and Project Logo
- Task H.3: Set Up Online Engagement
- Task H.4: Newsletter #1, General Plan Update Overview
- Task H-5: GPAC #1
- Task H-7: Community Workshop #1, Project Initiation
- Task H.8: Joint Study Session #1, Introduction to the General Plan Update

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Products:

- Kick-off Meeting Summary (digital version)
- GIS Base Maps (digital version)

The term "digital version" is used in this scope of work as the provision of deliverables in both their native format for staff use (e.g., MS Word, MS Excel) and a PDF format that is both print ready and bookmarked for online use.

Task B Prepare Existing Conditions Background Report

During this task, the Consultants will compile information on existing conditions within the town and Planning Area organized by the topics to be covered in the General Plan Update. The Existing Conditions Background Report (Background Report) will focus on identifying and evaluating existing conditions and future trends that will influence the development of the General Plan Update, the EIR, and the future of the community.

Task B.1 Administrative Draft Background Report

The Consultants will prepare an Administrative Draft Background Report and submit it to Town staff for review and comment. The Report will highlight current conditions and trends, and identify future opportunities and constraints, which will lay the groundwork for subsequent policy development. The report will address, at a minimum, the topics described in the request for proposals (RFP), although some reorganization and combinations are proposed.

- Land Use
- Population, Employment, and Housing
- Circulation and Transportation
- Biological Resources
- Cultural Resources
- Economics
- Infrastructure
- Public Services
- Noise
- Air Quality
- Safety and Hazards
- Geology
- Hydrology and Water Quality

During this task, the Consultants will compile information on existing conditions within the Planning Area organized by the topics identified above. This assessment will not only support the development of goals, policies, and programs, but will also serve as the setting information sections in the EIR.

Compiling existing conditions information will involve reviewing existing and draft documents (e.g., existing General Plan elements, zoning, other plans, special studies, EIRs) and contacting appropriate agencies and organizations serving the community. The Existing Conditions Report will include maps, charts, graphs, and photographs to illustrate conditions and trends in an easy-to-read format. Each topic area of the report will address the following:

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- Introduction to the topic;
- Key terms (as appropriate to topic);
- Regulatory setting outlining key Federal, State, and local regulations and policies that are pertinent to the topic;
- A summary of existing conditions and setting;
- A brief description of key constraints and opportunities; and
- References (i.e., document citations, websites, and personal communications).

Land Use. The Consultants will analyze the existing General Plan land uses and adopted plans that affect development in Los Gatos. The Consultant will map and analyze existing land uses based on available GIS and/or Assessor's data and identify opportunities and constraints for future development and reuse. The Consultants will also describe regional planning efforts affecting the town.

This section will also summarize the community character of Los Gatos neighborhoods and districts and the design characteristics of each. This will include describing architectural patterns, community gateways, and major geographic features that define the character of Los Gatos.

Population, Employment, Housing, and Fiscal Stability. The Consultants will examine the demographic, employment, and market demand data for different land uses, including retail, industrial, and office development. For the demographic information, the Consultants will use a combination of primary data from the U.S. Census of Population, the American Community Survey, the Local Employment Dynamics database, Association of Bay Area Governments (ABAG), and the California Department of Finance. This data, supplemented by information provided by Town staff, will include measures and trends such as population, housing characteristics, income distribution, educational attainment, ethnicity, commute patterns, and tenure.

We will prepare an overview of economic characteristics and analyze the recent employment trends to verify the leading sectors in the Los Gatos economic base. This analysis will address the types of office and light industrial uses that may be attracted to Los Gatos. For the local demand component, the Consultants will analyze the retail market in Los Gatos, including household demand, business-to-business transactions, and visitor spending. Using sales data provided by the Town sales tax audit firm, we will prepare the retail leakage analysis and provide recommendations on potential commercial development opportunities. We will also prepare a projection of future market growth for Los Gatos based on anticipated household growth and trends in the regional market area. Based on this analysis, the Consultants will develop recommendations for strategic actions and policies to help support the town's retail sector and address potential market threats related to changing market conditions.

The Consultants will also look at the current job-housing balance and use the labor force data and commute patterns to assess housing needs. We will look at how the existing labor force patterns compare with the employment base. The distribution of occupational employment and labor force by occupation can serve as an indicator for the types of housing that the labor force and job base will demand. The Consultants will also identify the existing service levels for various institutions in Los Gatos, such as education and health care facilities, and compare them with other communities. This will help assess future needs, based on population and/or employment growth.

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Based on the market analysis above and factoring in the potential supply of land for different uses (employment-generating and residential), we will produce a market projection that addresses future demand for different land uses, as well as forecasts that will identify a range of potential needs for different types of spaces.

The Consultants will also prepare an analysis of the Town budget and how land uses affect Town revenues and costs. This will provide a foundation for later fiscal analysis of land use alternatives or changes in development capacity through the General Plan process.

Circulation and Transportation (Mobility). The Consultants will compile data and information on the existing transportation system, including roadways, transit services, and bicycle and pedestrian facilities. The Consultants will prepare a detailed description accompanied with maps and graphics illustrating the roadway system, bicycle and pedestrian facilities, peak hour traffic counts, pedestrian/bicycle counts, and transit routes/stops. We will use available Census and travel survey data to describe the travel behavior of Los Gatos residents and employees. Federal, State, regional, and local regulations pertaining to multimodal circulation in Los Gatos.

The Consultants will review collision data available through the California Highway Patrol's SWITRS reports to identify specific "hot spots" that have experienced high rates of automobile, pedestrian, and/or bicyclist collisions.

The Consultants will determine existing intersection levels of service using the collected traffic volume data, intersection geometric configurations, and signal phasing (to be provided by the Town). The Consultants will conduct weekday AM and PM peak period traffic counts (vehicles, bikes, and pedestrians) for 10 key study intersections and 24-hour counts on 20 roadway segments (for informational purposes). We will develop the exact list of locations in cooperation with Town staff. To represent typical conditions, we will collect all data during a typical non-holiday weekday and while local schools are in session.

Using transit ridership data from VTA and input from Town staff, we will map key transit trip origins and destinations and used to assess connectivity of transit service. Transit operations will include the peak load factors for bus routes serving Los Gatos.

We will map key pedestrian and bicycle origins and destinations to assess the pedestrian and bicycle network completeness. We will identify gaps in the pedestrian and bicycle networks.

Biological Resources. The Consultant will summarize sensitive habitats, principal vegetation cover types, and special-status and endangered species. This will include primary source material from the Santa Clara Valley Habitat Plan, supplemented with limited windshield surveys and review of existing biology studies completed for the town.

Cultural Resources. The Consultant will summarize historic structures and locations and conduct archeological sensitivity analyses for both prehistoric and historic sites using records maintained at the regional information center and in published research papers. The Consultant will ensure that appropriate individuals are contacted with the surrounding Native American Tribes to ensure sensitive cultural resources are documented appropriately. This section will include areas for the protection of cultural resources consistent with recent State mandates (SB 18).

Economics. See Economics, Population, Employment, and Housing description, above.

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Public Facilities, Services, and Infrastructure. The Consultant will summarize infrastructure, resources, services, and facilities related to: water supply and delivery, wastewater collection and disposal, stormwater drainage, solid waste and recycling, energy and telecommunications, law enforcement, fire protection, health care, schools and education, and government services. For each of the topical areas described, the Consultant will identify planned facility improvements and estimate future demands based on projected development compared to available capacity and planned improvements, identifying potential facility and/or service shortfalls. The Consultant will also assess if the General Plan must include information related to recent State mandates that require cities to identify service needs for unincorporated disadvantaged communities (SB 244).

Noise. The Consultant will review existing noise data, including recent EIRs and studies, and summarize the existing noise environment in Los Gatos resulting from major roadways and highways, and stationary noise sources and activities. The Consultant will also document existing noise-sensitive areas and sites. The Consultant will also summarize current information on ground vibration. The Consultant will also update existing noise contours based on the data collected during the noise monitoring survey and traffic data developed/collected.

Air Quality. The Consultant will summarize existing air quality conditions within Los Gatos and the nearby vicinity. This will specifically include the location of existing sensitive receptors and emission sources, existing mass emissions, ambient air quality concentration data from the most applicable monitoring station(s), attainment designations, and natural factors that relate to the transport and dispersion of air pollutants. This summary will include applicable Federal, State, and local regulations, as well as thresholds of significance recommended by Bay Area Air Quality Management District (BAAQMD) and rules for which compliance will be required.

Safety and Hazards (including Geology). The Consultant will summarize existing natural and manmade hazards. As part of this evaluation, the Consultant will summarize the geological environment and associated hazards. This section will address Seismic Hazard Zones (i.e., Seismic Hazards Mapping Act of 1990 and the Alquist-Priolo Earthquake Fault Zoning Act of 1972) and soil strength properties. The Consultant will describe major creeks, streams, and drainages, and will summarize the latest FEMA floodplain mapping to illustrate potential safety and development constraints. The Consultant will summarize urban and wildland fire risks, fire hazard risk areas, and fire protection resources. The Consultant will also summarize major users and producers of hazardous materials within or adjacent to the Town.

Hydrology and Water Quality. The Consultant will summarize sources of groundwater and surface water, water consumption rates, measures used to conserve water, and renewable water facilities and resources. This section will document potential pollution sources, areas susceptible to water quality degradation, and source issues and capacity constraints.

Greenhouse Gas Emissions and Climate Change Adaptation. The Consultants will prepare a climate change background report and existing GHG inventory that includes a discussion of climate change and how the General Plan Update should address this issue, including both the reduction of GHG emissions and climate change vulnerability and adaptation. The report will briefly summarize relevant background information regarding these topics and lay out a framework for the General Plan Update to address climate change, including how the General Plan can implement the existing Sustainability Plan (2012) to serve as a "plan for the reduction of GHG emission" to achieve streamlining benefits per Section 15183.5 of the State CEQA Guidelines.

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- **GHG Emissions.** The Consultants will summarize relevant legislation and guidance regarding preparation of a GHG reduction strategy or climate action plan, including the five-step process of preparing an inventory (updates since the 2012 inventory was conducted) and forecasts (including through 2030 and the General Plan horizon year), setting new GHG targets, and developing updated and/or new GHG reduction measures.
  The Consultants will also prepare an inventory of recent annual GHG emissions for communitywide activities within Los Gatos, building off of the data contained in the 2012 Sustainability Plan, using information provided by the Town, energy utilities, the traffic consultant, and other sources such as Plan Bay Area or other regional planning documents. The Consultants will prepare the inventory in accordance with established GHG inventory protocols that are appropriate for local municipalities (e.g., Local Government Operations Protocol [LGOP] and ICLEI Communitywide Protocol). The inventory will be focused primarily on emissions that are within the Town's jurisdictional control or influence. The inventory will not attempt to quantify emissions that are outside the scope of the effort, such as lifecycle/carbon footprint analysis or changes in carbon sequestration or storage in natural or working lands. The inventory will serve as the reference point from which emissions forecasts and reduction targets can be prepared during later phases of the project.
- **Climate Change Adaptation.** The Consultants will prepare a communitywide, planning-level climate change vulnerability assessment, using tools and methods established by the Governor's Office of Planning and Research (OPR), the California Natural Resources Agency (CNRA), and the California Energy Commission (CEC), including the Cal-Adapt web-based tool, the Adaptation Planning Guide, the 2017 General Plan Guidelines, and other resources. The assessment will examine the adverse effects of climate change relevant to Los Gatos, building on townwide work already completed as part of the Sustainability Plan and existing policies/programs contained in the existing Environment and Sustainability Element. Key issues that will be addressed include extreme heat, changes in precipitation and drought, increased risk of flooding and wildfire, and other impacts. The assessment will help inform SB 379 adaptation measures to be included in the General Plan Policy Document.

Healthy Communities. The Healthy Communities chapter will examine public health challenges facing Los Gatos and identify opportunities for improving health and well-being of residents though a variety of land use, transportation, and other built environment strategies. Our analyses will shed light on key public health issues impacted by the built environment including: obesity, chronic diseases, lack of physical activity and unhealthy eating, injuries, asthma, and health disparities. The Consultant will look at the impact of these issues on special populations such as children, youth, and seniors. The Consultant will also identify a set of healthy community indicators that will be used to describe community factors in Los Gatos that support or act as barriers to active and healthy lifestyles. The Consultant will use GIS maps and graphics to present these findings and illustrate the local "place-health" connections.

Environmental Justice. Community health, environmental justice, and social equity are emerging as important issues that communities are addressing in general plans. SB 1000 requires jurisdictions that have disadvantaged communities to adopt an environmental justice (EJ) element or incorporate EJ policies into their general plans. Based on a review of CalEnviroscreen 3.0, which is considered the default tool used to identify disadvantaged communities, there are not currently any areas identified that would require special treatment as part of the General Plan Update, but this fact will be documented as part of the Background Report.

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Task B.2 Public Draft Background Report

Following review by Town staff, the Consultants will revise the Background Report and provide a Public Draft document for review with the GPAC, the Planning Commission, Town Council, and community (see Tasks H.9and H.11).

Task B.3 General Plan Audit Report

An initial step in the update of the General Plan will be an assessment (audit) of the current General Plan. This assessment will look at the current plan and revisions and additions needed to address changes in State law, the new 2017 OPR General Plan Guidelines, and contemporary planning practice and content.

In addition to meeting current requirements and planning practice, we will also work with Town staff to evaluate the existing General Plan to determine what works, what does not work, and where the plan is not providing adequate or current guidance. This will be done using our proprietary General Plan Evaluation Tool. This Tool provides insights on the existing General Plan clarity; linkages to other plans; progress in achieving desired outcomes; and whether goals, policies, and actions should be carried forward, modified, or removed. The results of this review will be documented in a General Plan Audit Report.

Engagement Activities During Task B:

- Task H.3: Online Existing Conditions Story Map (digital version)
- Task H.9: GPAC Meeting #2, Review Existing Conditions Report
- Task H.10: Newsletter #2, Existing Conditions and Trends
- Task H.11: Joint Study Session #2, Review Existing Conditions Report

Products:

- Administrative Draft Background Report (8 hard copies and digital version)
- Public Draft Background Report (30 hard copies, CD, and digital version)
- General Plan Audit Report (digital version)

Task C Identify Issues, Opportunities, and Constraints

The objective of this task will be to work with the community on the identification of the issues, opportunities, and constraints that should be addressed as part of the General Plan Update. The items to be addressed will be identified by:

- Items identified by the Town Council for the Update (RFP page 3)
- Findings from the Background Report and technical input from the Consultants
- Input from the community (Community Workshop #2)
- Input from stakeholder interviews
- Updated input from the Town Council and Planning Commission

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Task C.1 Administrative Draft Issues, Opportunities, and Constraints Summary

The Consultants will summarize the key issues, opportunities, and constraints identified based on the findings in the Draft Background Report, input from community workshops, stakeholder interviews, and Joint Town Council/Planning Commission study sessions.

Task C.2 Public Draft Issues, Opportunities, and Constraints Summary

Following review by Town staff, the Consultants will revise the Administrative Draft and prepare a Public Draft Issues, Opportunities, and Constraints Summary for review with the GPAC, the Planning Commission, Town Council, and community (Tasks H.12, H.13, and H.14).

Task C.3 Final Issues, Opportunities, and Constraints Summary

Following review by the Town Council and Planning Commission, the Consultants will revise the document and prepare a final Issues, Opportunities, and Constraints Summary.

Engagement Activities During Task C:

- Task H.12: Community Workshop #2, Issues, Opportunities, and Constraints Identification
- Task H.13: GPAC Meeting #3, Review Issues, Opportunities, and Constraints Report
- Task H.14: Joint Study Session #3, Review Issues, Opportunities, and Constraints Report

Products:

- Administrative Draft Issues, Opportunities, and Constraints Report (digital version)
- Public Draft Issues, Opportunities, and Constraints Report (30 hard copies, digital version)
- Final Issues, Opportunities, and Constraints Report (digital version)

Task D Development of a General Plan Vision

A General Plan vision statement and guiding principles are intended to reflect what community members value most about their community and the shared aspirations of what they envision their community being in the future. The vision statement should be inspirational and set the key values and aspirations for the General Plan's guiding principles, goals, policies, and implementation measures. The guiding principles should provide more specific guidance that provides the fundamental rules or doctrine that the Town will use to guide General Plan goals, policies, and implementation measures.

During this task, the Los Gatos Vision Statement and Guiding Principles will be developed to guide the preparation of the General Plan Update.

Task D.1 Administrative Draft Vision and Guiding Principles

The Consultants will prepare the Administrative Draft Vision Statement that represents the ideal future for the community and a set of Guiding Principles that support the Vision and represent the Town's core values. We will base the Vision and Guiding Principles on public input gathered at the stakeholder interviews, community workshops, GPAC meetings, and Town Council/Planning Commission study sessions, as well as input from Town staff.

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Task D.2 Public Draft Vision and Guiding Principles

Following review by Town staff, the Consultants will revise the Administrative Draft and prepare a Public Draft Vision and Guiding Principles for review with the GPAC, the Planning Commission, Town Council, and community (Tasks H.15, H.16, and H.17).

Task D.3 Final Vision and Guiding Principles

Following review by the Town Council and Planning Commission, the Consultants will revise the document and prepare the final Vision and Guiding Principles that the Town will use to guide development of the General Plan Update.

Engagement Activities During Task D:

- Task H.15: Community Workshop #3, Vision and Guiding Principles
- Task H.16: GPAC Meeting #4, Review Draft Vision and Guiding Principles
- Task H.17: Joint Study Session #4, Vision and Guiding Principles

Products:

- Administrative Draft Vision and Guiding Principles (digital version)
- Public Draft Vision and Guiding Principles (30 hard copies, digital version)
- Final Vision and Guiding Principles (digital version)

Task E Development of Alternatives

During this task, the Consultants will work with Town staff and the community to prepare, evaluate, and ultimately define a preferred policy and land use alternative that will be the basis of the General Plan Update. This task involves developing alternative scenarios for special planning areas and other key locations in the community and evaluating the implications of each alternative. We will also evaluate each alternative based on responsiveness to the key issues, opportunities, and constraints (from Task C) and the Vision and Guiding Principles developed in Task D.

Task E.1 Administrative Draft Alternatives Report

Based on inputs received from the community as well as ideas from the Consultant team, the Consultants will prepare an Administrative Draft Alternatives Report for review by Town staff and the GPAC. This Report will contain a mix of land use and circulation alternatives as well as key policy alternatives. Based on the RFP, the land use and circulation alternatives may potentially address: land use mix, development options for key sites, approaches to commercial corridors, circulation options, and interactions between land use and transportation systems.

The Alternatives Report will include maps and descriptions for land use, circulation, and policy alternatives that cover each of the areas and topics identified earlier. We will group location-specific alternatives into alternative packages that achieve the Vision and Guiding Principles. The assessment conducted will include an evaluation of alternatives in terms of implications for land use and community character, economic development, fiscal health, mobility and connectivity, public facilities and services, and the natural environment. For each policy alternative, the Consultants will identify the issues for which there is clear policy choice and direction, as well as issues where choice and direction is not as clear. We will complete a

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qualitative comparative assessment of the policy implications of each alternative based on clarity and congruence with key issues.

The Consultants will prepare an Alternatives Report that clearly communicates the potential implications of each alternative, supporting a more informed choice. We will base the assessment of each alternative choice primarily on a qualitative look at factors that can be used to differentiate the alternatives and their potential impacts on the community relative to achieving the Vision and Guiding Principles. There are two areas where we will provide more quantifiable information: fiscal impacts and the transportation system.

The work done at this stage is designed to help the community evaluate the alternatives presented and is not intended to be a full CEQA alternatives analysis (which will be performed as part of a later task).

Subtask E.1a Fiscal Impact Analysis

The Consultants will prepare an analysis of the fiscal and economic impact of proposed land use changes being considered as part of the General Plan Update. This may be in the form of an alternatives analysis or an analysis of the preferred land use plan, as needed in the overall process. The fiscal analysis will project Town tax revenues and other revenues normally affected by growth in population, jobs, and development. The Consultants will estimate the increases in service capacity needed to support the proposed growth levels or from changes in the land use mix. The fiscal model allows us to evaluate land uses separately to assist in identifying an optimal land use mix from the standpoint of generating sufficient tax base to support Town services.

Subtask E.1b Transportation System Alternatives

The Consultants will develop trip generation and VMT estimates using our MainStreet tool for each of the land use alternatives. These trip generation and VMT estimates will be used in the selection of the preferred alternative. The Consultants will also provide qualitative assessments of each alternative using criteria developed in concert with Town staff to reflect Los Gatos community values. They may include items such as the availability of transportation services, the potential to increase traffic congestion, and the potential to reduce average VMT.

Task E.2 Public Draft Alternatives Report

Following review by Town staff, the Consultants will revise the Administrative Draft and prepare a Public Draft Alternatives Report for review with the GPAC, Planning Commission, Town Council, and community (Tasks H.19, H.20, H.21, and H.22).

Engagement Activities During Task E:

- Task H.18: Newsletter #3: Alternatives
- Task H.19: Community Workshop #4, Alternative Choices
- Task H.20: GPAC Meeting #5, Review Draft Alternatives Report
- Task H.21: Planning Commission Study Session #5, Alternatives Report
- Task H.22: Town Council Study Session #5, Alternatives Report

Products:

- Administrative Draft Alternatives Report (digital version)
- Public Draft Alternatives Report (30 hard copies and digital version)

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Task F General Plan Goals and Policy Development

Based on the extensive work resulting from the Background Report, technical studies, visioning, and alternatives planning in previous tasks, the Consultants will prepare the draft General Plan. The Consultants will prepare a General Plan document that is attractive, contemporary, and user-friendly, using extensive photos, illustrations, and maps. We are also proposing to include the development of a web-based General Plan at the end of the project.

Task F.1 Administrative Draft General Plan

For the Update, the Consultants will address all the requirements of State law, such as complete streets, flood risk reduction, and environmental justice, using the 2017 OPR General Plan Guidelines as a guide. The Plan will reflect best practices for addressing contemporary planning issues, such as retail trends, transportation technology, and community health. It is expected that the cross-cutting topics of climate change, sustainability, resiliency, and healthy communities would be themes addressed throughout the Plan, rather than separate, standalone elements; however, we will discuss options with Town staff.

The General Plan will include an Introduction and Table of Contents, and at a minimum, will update the content of the elements that make up the current Los Gatos General Plan:

- Land Use Element;
- Community Design;
- Transportation Element (Circulation);
- Vasona Light Rail Element;
- Open Space, Parks, and Recreation Element (Open Space);
- Environment and Sustainability Element (Conservation);
- Noise Element;
- Safety Element; and
- Human Services Element.

Prior to the start of this task, and considering the results of the General Plan Audit conducted earlier, the Consultants will work with Town staff to determine the outline (framework) for the General Plan Update. To support this, the Consultants will review with Town staff a selection of plan formats that could be used. This could include the combination of existing elements or the addition of new elements to meet current and projected needs.

As part of this task, the Consultants will develop policies and programs to reduce GHG emissions as part of an integrated GHG reduction strategy.

The current Housing Element will be integrated into the General Plan Update when the final documents are prepared at the end of the project. The Town's current Housing Element will not be updated as part of this project.

Implementation Strategy

The Consultants will prepare a comprehensive implementation strategy that includes discrete, tangible actions the Town will undertake to implement the goals and policies. The Consultants will also review current implementation ordinances/regulations (e.g., zoning, subdivision, historic preservation, public arts, and other

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implementing ordinances) and include recommendations as a part of the implementation programs for ordinance revisions needed to maintain consistency with the General Plan.

As part of the Update, the Consultants will review and develop new objective standards that provide clear direction on application and intent.

Task F.2 Administrative Draft Land Use and Circulation Diagrams

The Consultants will prepare an updated General Plan (Land Use) Diagram and Circulation Diagram as part of the Administrative Draft General Plan. We will update the Land Use Diagram with any changes made to the designations and locations they apply based on the preferred alternative. For the Circulation Diagram, we could use VMT to develop roadway standards instead of or in addition to LOS standards (as desired).

Task F.3 Preliminary Draft General Plan

Based on direction from Town staff, the Consultants will revise the Administrative Draft General Plan and prepare a Preliminary Draft General Plan for review and confirmation by the GPAC, Planning Commission, and Town Council. We recommend this review to confirm direction on changes to the General Plan before preparation of the EIR (see Task H.23 and H.24). This approach helps reduce the potential for major changes to the Plan during or after the environmental review process.

Task F.4 Public Draft General Plan

Based on direction from the Town Council, the Consultants will prepare the Public Draft General Plan for publication and environmental review.

Task F.5 General Plan Consultation and Referrals

State law requires consultation with a variety of Federal, State, regional, and local agencies whenever a jurisdiction updates or amends its general plan. These statutes are located throughout the Government Code and have varying requirements for when draft and final documents must be submitted and how long agencies have to review and provide comments. We maintain a checklist of agency consultation requirements that we will use to ensure the Town provides the Public Draft General Plan to the appropriate agencies.

Engagement Activities During Task F:

- Task H.23: GPAC #6
- Task H.24: Joint Study Sessions #5, #6, and #7
- Task H.25: Newsletter #4, Draft General Plan
- Task H.26: Community Workshop #5, Draft General Plan

Products:

- Administrative Draft General Plan (digital version)
- Administrative Draft Land Use and Circulation Diagrams (digital version)
- Preliminary Draft General Plan (30 hard copies, digital version)
- Public Draft General Plan (30 hard copies, CD, digital version)

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Task G Environmental Impact Report

Based on review of the RFP and our experience preparing General Plan EIRs, we recommend the preparation of a Program EIR pursuant to State CEQA Guidelines Section 15168. Although the legally-required contents of a Program EIR are technically the same as those of a Project EIR, Program EIRs are by necessity more general and may contain a broader discussion of impacts, alternatives, and mitigation measures than a Project EIR.

Use of a Program EIR provides the Town with the opportunity to consider broad policy alternatives and program-wide mitigation measures and greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Once a Program EIR has been certified, subsequent activities within the program may be evaluated to determine what, if any, additional CEQA documentation needs to be prepared. If the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be consistent with the Program EIR mitigation parameters and additional environmental documentation may not be required (CEQA Guidelines Section 15168(c)). In this case, the Program EIR serves a valuable purpose as the first-tier environmental analysis that will assist in streamlining and possibly exempting future projects from CEQA with the idea that the General Plan Program EIR can be used for such exemptions when projects are consistent with the General Plan Update.

Task G.1 Staff Work Session on Program EIR Preparation

The consultants will facilitate a work session with Town staff on preparing the Program EIR and completing the adoption process. The session, often referred to as a CEQA kickoff meeting, will cover the following topics:

Evaluating Environmental Impacts

- Strategies for CEQA compliance
- Coordination of environmental document with general plan preparation
- Developing a reasonable range of alternatives
- Using new or revised policies as mitigation measures
- GHG gap analysis

Completing the Process

- Agency consultation
- Public notice
- Hearings
- Adoption
- Final documents

Task G.2 Notice of Preparation

The Consultants will work with Town staff to develop a project description and will prepare a draft Notice of Preparation (NOP) for Town staff to review. The NOP is intended to alert other public agencies about the undertaking, and to solicit their input on the scope of the study. The Consultants will submit a final PDF copy of the NOP to Town staff for posting on its website and for distribution to public agencies. It is assumed that the Town will distribute the NOP using the Town's NOP distribution list. The Consultants will review and make suggestions regarding the list. The Consultants will be responsible for filing the NOP with the State Clearinghouse/OPR.

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Task G.3 Scoping Meeting

The Consultants will facilitate a public and agency scoping meeting associated with the release of the NOP. The Scoping Meeting will be held during the 30-day NOP period to introduce the community to the EIR process and obtain input on the Program EIR scope of work. It will include a brief presentation, followed by public comment and input from meeting attendees. The Consultants will prepare a summary of all input gathered, which will be included in the Draft Program EIR along with any written public comments received during the NOP comment period.

Task G.4 Administrative Draft Program EIR

The Consultants will prepare an Administrative Draft Program EIR (ADPEIR) in compliance with CEQA requirements using information gathered as part of the General Plan update effort and comments on the NOP, as well as information from other relevant CEQA documents completed by the Town in recent years. The Consultants will be responsible for development of a legally-adequate and appropriate Program EIR for the General Plan.

The Consultants will prepare the ADPEIR based on the project description approved by the Town Council. The description of the environmental and regulatory setting for the General Plan EIR will be based on the Background Reports prepared for the project (see Task B), and information from other relevant CEQA documents completed by the Town in recent years, as well as any information received during the General Plan Update process. Materials will be presented in a user-friendly format.

We will introduce each topical section in the environmental analysis with a brief statement of its context in the ADPEIR and the development of the General Plan. This effort may include interpretive information for the reader to better understand how the General Plan affects the environment, as well as the sources of data used in the analysis.

The setting for each topical section will describe existing conditions relevant to the topic and provide the groundwork for impact analysis. The number of impacts to be analyzed and the depth of analysis will be determined based on areas of concern identified by the Consultants and Town staff, as well as responses to the NOP. Thresholds used to determine the significance of project impacts will be clearly stated and will include thresholds in the CEQA Guidelines, Appendix G, as well as existing regulatory standards, if applicable. Impacts will be identified, and mitigation measures will be prepared, to reduce significant impacts to a less-than-significant level, when feasible. For each potentially significant impact identified in the ADPEIR, the Consultants will identify mitigation measures or policy statements proposed by the Town as part of the General Plan Update to avoid or reduce identified impacts. Mitigation measures will be constructed as policy statements or implementation measures to facilitate incorporation into the General Plan Update.

In order to prepare an ADPEIR that meets the needs of the Town and regulatory requirements of the State, the ADPEIR will comprise the following sections:

Executive Summary. This section will provide a summary of the entire ADPEIR and include the following:

- a discussion of the project objectives;
- a brief description of the proposed project;
- a summary of the environmental setting for the Planning Area;
- a summary of impacts;

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- a summary of mitigation measures (mitigating policies or programs);
- a discussion of alternatives considered; and
- areas of controversy, and issues remaining to be resolved.

Introduction. The ADPEIR will contain an introductory chapter that provides an overview of the project and context, summarizes CEQA requirements and the environmental review process, describes the legal purpose of the ADPEIR, outlines the environmental issues being addressed, and presents the organization of the report.

Project Description and Environmental Setting. This section will contain the Town's objectives for the General Plan and a summary of the General Plan components. It will also outline the Planning Area boundaries and summarize existing conditions and new land uses proposed as a part of the project. We will describe the information in a mix of text, tabular, and graphic form (i.e., maps and diagrams).

Analysis, Impacts, and Mitigation Measures. The environmental analysis section will include four main components:

- **Setting** – description of current conditions with respect to the issue in question, including the existing regulatory environment
- **Impact analysis –** statement of significance thresholds and discussion of potentially significant effects of the proposed project
- **Programmatic mitigation measures –** methods by which significant effects can be reduced or eliminated, often presented as General Plan policies to be introduced back into the plan
- **Level of significance after mitigation –** discussion of whether proposed mitigation measures reduce impacts to below the adopted significance threshold

We will consider adverse impacts that meet or exceed significance thresholds significant. Additionally, all impacts will be characterized in terms of short- or long-term effects and presented in a logical discussion that the public can understand. We will discuss any inconsistencies with local or regional plans.

We will discuss approaches to the impact analysis for the Program EIR with Town staff and will be consistent with the assumptions and methodologies used in recent Town-certified EIRs to the extent possible. In general, the impact analysis will focus on the issues present in the Planning Area and likely to be affected or impacted by the General Plan Update. Some issues, such as agriculture and mineral resources may not require a detailed analysis relative to other issues because they do not occur in Los Gatos or would be unaffected by the project.

Issues to be analyzed in a programmatic framework will include:

- Aesthetics
- Agriculture
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials

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- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Resources
- Utilities and Service Systems
- All the mandatory CEQA sections including energy and growth inducement

Greenhouse Gas Emissions Analysis

The Consultants will conduct necessary analysis to address CEQA Guidelines Section 15064.4. The Consultants will prepare the GHG section of the ADPEIR addressing the contribution of GHG emissions generated by buildout of the General Plan and their contribution to cumulative impacts related to climate change. Potential impacts and mitigation measures will be coordinated with the recommended targets and GHG emission reduction potential of the updated General Plan's policies and program.

Prepare GHG Forecasts and Reduction Targets

Based on the GHG emission inventory (conducted in Task 2.2), the Consultants will prepare GHG emissions forecasts (e.g., "business-as-usual") for communitywide sources for two future-year scenarios: 1) without applicable legislative actions; and 2) with reductions associated with implementation of adopted Federal and State legislation (e.g., renewable energy portfolio standards, California Green Building Code standards, vehicle emissions controls, fuel efficiency standards). The Consultants will forecast GHG emissions for 2020 (consistent with AB 32), 2030 (consistent with SB 32), and 2050 (consistent with Executive Order B- S-3-05), along with the GPU buildout year (i.e., 2040).

The Consultants will also calculate GHG reduction targets required to meet the Town's local fair share of the State's 2020 and 2030 GHG reduction goals in AB 32 and SB 32, per guidance from CARB in the 2017 Scoping Plan Update and the 2017 General Plan Guidelines.

Quantify GHG Reduction Measures and Perform Gap Analysis

The Consultants will quantify the GHG reduction potential of proposed General Plan policies and programs and conduct a "GHG reduction gap analysis" to determine whether the proposed policies and programs in the Draft General Plan can achieve the Town's GHG reduction targets and goals.

As part of the GHG quantification process, the Consultants will evaluate and prioritize policies and actions using the following or similar criteria:

- Quantified VMT or trip reduction potential;
- Quantified energy conservation or fuel savings potential;
- Quantified renewable energy generation potential;
- Quantified water efficiency and conservation potential;

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- Quantified solid waste reduction and recycling potential;
- Administrative/political responsibility and feasibility, implementation costs, possible funding sources, and public and private sector implementation partners.

We will add all information, assumptions, and target indicators used to quantify GHG emissions reductions required to meet the targets into the ADPEIR as a technical appendix, creating a single, master data-set for the GHG reduction analysis. If it is determined during preparation of the ADPEIR that the identified draft policies and program are not enough to achieve the Town's reduction targets and goals, the Consultants will increase participation rates of GHG reduction actions or identify new potential GHG reduction policies and actions to fill the gap. If needed, revised or new policies and implementation programs will be added to the General Plan and/ or recommended as mitigation measures.

Transportation Analysis

The operations of study intersections and freeway segments on SR 17 and SR 85 will be evaluated with LOS calculations during the AM and PM peak hours for the following traffic study scenarios:

- Existing Conditions
- Cumulative 2040 without Project
- Cumulative 2040 with Updated General Plan Land Use and Circulation Element

The Consultants will use transportation forecasts from the VTA's travel demand model to determine the growth in traffic, including regional traffic growth on SR 17 and SR 85 for a plan year (2040). We will add traffic estimates from Task 3 for the preferred land use to develop traffic forecasts for Scenario 3.

We will prepare a LOS table showing operating conditions of all study intersections for each of the study scenarios, along with "Project plus mitigated conditions" (if mitigations required and/or are feasible). We will use the Town of Los Gatos and VTA criteria to identify significant impacts to intersections and freeway segments.

Pedestrian, Bicycle, and Transit Analysis

The Circulation Element will include improvements to pedestrian, bicycle, and transit facilities and services. If bus rapid transit (BRT) is included in the Circulation Element, we will evaluate its impact at a planning level by comparing person carrying capacities and levels of service at a few selected intersections with and without its implementation.

VMT Travel Forecast Model Runs to Support Air Quality and Noise Analyses

The Consultants will use the VTA's model to provide input for the air quality and noise analyses.

For Air Quality and Greenhouse Gas Emissions Analysis:

1. Average Daily Vehicle Trips associated with existing land uses (2018) in Los Gatos
2. VMT associated with existing land uses in the Los Gatos
3. Average Daily Vehicle Trips associated with 2040 without Project and with Project land uses in Los Gatos (at the planning horizon)

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4. VMT associated with the 2040 without Project and with Project land uses in Los Gatos – GP Plan Year
5. VMT by I-X, X-I, I-I (excluding X-X trips), if available

For Noise Analysis:

1. Daily Segment Traffic Volumes for Existing for all segments analyzed
2. Daily Segment Traffic Volumes for 2040 without Project and 2040 GP Plan Year for all segments analyzed
3. Speed limits on the segments for existing and future time frames, if available

Alternatives Analysis. We will consider a range of alternatives in the ADPEIR. State CEQA Guidelines require consideration of the "No Project" Alternative. For purposes of this Program EIR, the No Project Alternative would be a continuation of the existing General Plan without any updates or additions. In addition to the "No-Project" Alternative, the Consultants will consider other alternatives (such as alternative land use scenarios) that were developed during the General Plan Update. Evaluation of alternatives will be in less detail than that for the proposed project, though the analysis will provide decision-makers and the public adequate information to decide between alternatives. This section will also identify the "environmentally superior alternative." If the "No Project" Alternative is determined to be environmentally superior, the ADPEIR will identify the environmentally superior alternative among the remaining scenarios.

For transportation impacts, the Consultants will analyze up to two project alternatives in a qualitative manner, with a discussion of trip generation and general discussion of potential impact differences compared to the preferred land use plan.

Cumulative Impacts. We will evaluate cumulative impacts based on planning documents for the Planning Area. We will also estimate and discuss the contribution of the proposed project to the overall cumulative impacts.

Other CEQA Sections. The ADPEIR will provide, in addition to the sections discussed above, all other required CEQA sections, including areas of known controversy, growth inducement effects, energy, and significant unavoidable impacts.

Task G.5 Staff Review/Screen Check Draft Program EIR

The Consultants will incorporate Town staff input into the ADPEIR and provide Town staff with digital versions of the ADPEIR in both Word and PDF formats. Town staff will conduct one review of the ADPEIR and provide consolidated comments and edits. The Consultants will incorporate appropriate revisions and prepare a Screen Check Draft Program EIR. We will provide the Screen Check version in a digital format.

Task G.6 Draft Program EIR

Once the Town staff approves the Screen Check Draft Program EIR, the Consultants will prepare the Draft EIR for public circulation. The Consultants will prepare and distribute the required copies of the Draft Program EIR to the State Clearinghouse, including all required accompanying forms, such as the Notice of Completion (NOC). The Consultants will also file the Notice of Availability (NOA) of the Draft Project EIR with the Santa Clara County Clerk's office. We assume that Town staff will distribute the NOA of the Draft Program EIR to responsible agencies, and interested agencies, organizations, and persons. We also assume that the Town will be responsible for required newspaper ads and other public noticing of the document's availability, such

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as radius label mailing or onsite posting. As required by State law, the Draft Program EIR will require at least a 45-day public review period.

Products:

- Draft and Final Notice of Preparation (digital version and submittal of copies of the NOP with the State Clearinghouse)
- Scoping Meeting Materials
- Administrative Draft Program EIR (2 hard copies and 10 CD copies to the Town)
- Screen Check Draft Program EIR (digital version)
- Draft Program EIR (30 hard copies and 30 CD copies sent to the Town and 30 hard copies of the Executive Summary and 15 CD copies of the Draft Program EIR submitted to the State Clearinghouse, NOA submitted to the County Clerk)

Task H Engagement

Task A Engagement

The following activities will occur in conjunction with the work under Task A.

Task H.1 Community Engagement Strategy

Based on input from the kick-off meeting (Task A.1), the Consultants will work with Town staff to prepare a comprehensive Community Engagement Strategy that will document the outreach methods to be used throughout the project. The Strategy will describe outreach responsibilities, publicity protocols, and how the engagement will be structured to ensure comprehensive community engagement. The Strategy will be structured to be inclusive of all those who make up the "community," including residents; workers; visitors; businesses; property owners; educational institutions; civic, community, and non-profit organizations; religious, social, cultural and ethnic communities; and public agencies. In addition to being inclusive, our goal is to create meaningful opportunities for involvement throughout the development of the Update.

Task H.2 Branding and Project Logo

The Consultants will develop a branding package for the General Plan Update. The branding package will include a project logo and style templates that we will use for all work products, the website, and publicity materials to build enthusiasm about the project and ensure that this effort is distinct in the minds of the community. We will provide the Town with up to three options from which to choose.

Task H.3 Set Up Online Engagement

During this task, we will design and develop a project-specific website for the Los Gatos General Plan Update. In our work on dozens of general plan projects, we have found that having a stand alone project website, with links to and from the Town's website, provides a responsive platform for community engagement while not adding additional work for Town staff.

The Consultants will build the website on a modern, user-friendly platform that allows quick and easy updates to the website. In addition to being an important public outreach and information tool, the website will serve as an administrative record of the project. It will include all meeting announcements/materials, draft and final documents, and meeting summaries. The website will also be used to link to online

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engagement opportunities, including Engagement HQ, developed during the project. This scope of work includes all needed maintenance and updates to the website for the duration of the project.

As part of the online outreach, we propose to use the Engagement HQ software tool and online mapping using ESRI ArcGIS Online and ESRI Story Map. For more information, see "Enhanced Community Engagement Tools" inset on page 41.

Task H.4 Newsletter #1, General Plan Update Overview

The Consultants will prepare a newsletter that describes what a general plan is, how and why it is being updated, the project schedule, and how the public can be involved in the update. The newsletter will be used to promote engagement opportunities.

Task H.5 Form the General Plan Advisory Committee (GPAC), GPAC Meeting #1

The Consultants will facilitate the first meeting of the GPAC. We will first present and get consensus on the overall GPAC meeting format, rules, and operating procedures. We will summarize the community engagement strategy and get GPAC input on strategy refinements. We will also ask the GPAC members to identify key issues they feel should be addressed during the General Plan Update.

Task H.6 Other GPAC Meetings

Six GPAC meetings, associated with specific deliverables are detailed in the Scope of Work. Budget to cover an additional 18 GPAC meetings is included and will be placed as needed.

Task H.7 Community Workshop #1, Project Initiation

At the beginning of the process, the Consultants will conduct the first community workshop. At the Town Hall, the Consultants will provide an overview of the key steps in the General Plan Update process, the opportunities the community will have for engagement, and changes in State law/regulations and other important issues that will affect the General Plan Update. During this Town Hall, the Consultants will also conduct an exercise to start the identification of issues and opportunities that should be addressed as part of the General Plan Update.

Task H.8 Joint Study Session #1, Introduction to the General Plan Update

At the beginning of the process, the Consultants will facilitate a Joint Study Session with the Town Council and Planning Commission. Given the significance of the General Plan Update, it will be important for the Council and Commission to meet the Consultants early in the program and to have a clear understanding of what to expect during the process. This meeting will provide a common understanding of the need for and purpose of the General Plan, the key steps in the preparation process, the strategy for community engagement, changes in State law and regulations since the last update, and other important issues affecting the General Plan preparation process. The workshop will also help establish stronger working relationships between the Consultants and Town leaders.

Engagement Products During this Task:

- Community Engagement Strategy (digital version)
- Project Logo and Design Theme Alternatives (up to 3 alternative approaches, digital version)
- Project Website and Engagement HQ Site Setup

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- GPAC #1 Meeting Materials and summary minutes (digital version)
- Newsletter #1 (100 hard copies and digital version on website)
- Stakeholder Interview Summary (digital version)
- Joint Study Session #1 Meeting Materials and Summary Report (digital version)

Task B Engagement

The following activities will occur in conjunction with the work under Task B.

Task H.9 GPAC Meeting #2, Review Background Report

The Consultants will facilitate Town staff and GPAC review of the GPAC Draft Background Report.

Task H.10 Newsletter #2, Existing Conditions and Trends

The Consultants will prepare a newsletter summarizing key findings from the Background Report and initial outreach efforts. The newsletter will be used to characterize existing conditions and trends influencing the community and promote the online engagement opportunities.

Task H.11 Joint Study Session #2, Review Existing Conditions Report

The Consultants will facilitate a joint study session with the Town Council and Planning Commission to present the major findings from the Public Review Draft Background Report. The Consultants will facilitate a discussion with the Council members and Commissioners about the implications of the findings on the future of the community.

Engagement Products During this Task:

- GPAC Meeting #2 Materials and Summary Report (digital version)
- Newsletter #2 (100 hard copies and digital version on website)
- Joint Study Session #2 Meeting Materials and Summary Report (digital version)

Task C Engagement

The following activities will occur in conjunction with the work under Task C.

Task H.12 Community Workshop #2, Issues and Opportunities Identification

The second community workshop will be a three-part event. During the first part of the event, the Consultants will provide the community with an overview of the information developed for the Background Report. This component will highlight the existing conditions and trends that will influence the future of the community. The second part of the event will involve interactive exercises designed to gain input on the issues and opportunities that the public would like to see addressed in the General Plan Update.

From the issues and opportunities discussion, workshop participants will segue to the third part of the workshop, in which the Consultants will work with smaller groups to answer questions such as: What is unique about Los Gatos that is not found anywhere else? We will work with participants to define a list of places they like to take out-of-town visitors, places they consider "public-places" (i.e., places where people gather), and natural or manmade features that make the community unique.

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Task H.13 GPAC Meeting #3, Review Issues and Opportunities Report

The Consultants will facilitate Town staff and GPAC review of the Administrative Draft Issues and Opportunities Report.

Task H.14 Joint Study Session #3, Review Issues and Opportunities Report

The Consultants will facilitate a joint study session with the Town Council and Planning Commission to present the major findings from the Issues and Opportunities Report. The Consultants will facilitate a discussion with the Council members and Commissioners about the implications of the findings for new or revised General Plan policies and programs and solicit input on key issues and opportunities the Update should consider, and other interests and expectations of the Council members and Commissioners.

Engagement Products During this Task:

- Community Workshop #2 Materials and Summary Report (60 printed, digital versions)
- GPAC Meeting #3 Materials and Summary Report (digital version)
- Newsletter #2 (100 hard copies and digital version on website)
- Joint Study Session #3 Meeting Materials and Summary Report (digital version)

Task D Engagement

The following activities will occur in conjunction with the work under Task D.

Task H.15 Community Workshop #3, Vision and Guiding Principles

The third community workshop will include several interactive visioning exercises that encourage community participation and dialogue about the future of Los Gatos. There are several options for how to structure the community workshop (e.g., open house format or small group exercises) and which exercises to conduct. The Consultants will work with Town staff prior to the workshop to identify the format that will work best for the community.

Task H.16 GPAC Meeting #4, Review Draft Vision and Guiding Principles

The Consultants will facilitate Town staff and GPAC review of the Draft Vision and Guiding Principles. At this meeting, the Consultants will also review the General Plan Audit Report and confirm content to be updated and new topics to be addressed.

Task H.17 Joint Study Session #4, Vision and Guiding Principles

The Consultants will facilitate a joint study session with the Town Council and Planning Commission to present the draft Vision Statement and Guiding Principles. The purpose of the study session will be to gain consensus on these items and provide direction to the Consultants that will guide the development of the goals, policies, and implementation measures in the General Plan Update.

Engagement Products During this Task:

- Community Workshop #3 Materials and Summary Report (60 printed, digital versions)
- GPAC Meeting #4 Materials and Summary Report (digital version)
- Joint Study Session #4 Meeting Materials and Summary Report (digital version)

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Task E Engagement

The following activities will occur in conjunction with the work under Task E.

Task H.18 Newsletter #3: Alternatives

The Consultants will prepare a newsletter that summarizes the land use and policy alternatives. We will use the newsletter to educate community members on the alternatives process and generate public interest and attendance for the upcoming community workshop.

Task H.19 Community Workshop #4, Alternative Choices

The Consultants will facilitate the fourth community workshop, which will focus on identifying land use and topical (policy) choices based on previous community inputs. Policy alternatives could address items such as transportation options, healthy community updates, public facility choices, and so forth. The workshop will contain an educational component on the fiscal, transportation, environmental, and other considerations that need to be assessed with any alternatives.

The Consultants will take the input received at the community workshop to prepare preliminary land use concepts and relevant topical alternatives for further consideration.

Task H.20 GPAC Meeting #5, Review Draft Alternatives Report

The Consultants will facilitate Town staff and GPAC review of the Draft Alternatives Report.

Task H.21 Planning Commission Meeting

The Consultants and Town staff will facilitate a meeting with the Planning Commission to review the Alternatives Report and solicit their feedback and recommendations on a preferred land use alternative and key policy choices presented. Recommendations from the Planning Commission will be presented to the Town Council for consideration and direction.

Task H.22 Town Council Meeting

The Consultants and Town staff will facilitate a meeting with the Town Council to review the Alternatives Report and recommendations from the Planning Commission. The purpose of this meeting will be to gain Council direction on the preferred alternatives package that will be used to create the Draft General Plan.

Engagement Products During this Task:

- Newsletter #3 (100 hard copies and digital version on website)
- Community Workshop #4 Materials and Summary Report (60 printed, digital versions)
- GPAC Meeting #5 Materials and Summary Report (digital version)
- Planning Commission #5 Meeting Materials and Summary Report (digital version)
- Town Council #5 Meeting Materials and Summary Report (digital version)

Task F Engagement

The following activities will occur in conjunction with the work under Task F.

Task H.23 GPAC #6: Draft General Plan

The Consultants will facilitate Town staff and GPAC review of the GPAC Draft General Plan

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Task H.24 Joint Study Sessions #5, #6, and #7

The Consultants will conduct up to three joint study sessions with the Town Council and Planning Commission to review and confirm the changes to the General Plan. The Planning Commission will recommend any final revisions or adjustments to the Town Council. The Town Council will then provide direction on any final revisions or adjustments to the General Plan prior to the preparation of the EIR. During one of these study sessions, a presentation on VMT will be included.

Task H.25 Newsletter #4, Public Draft General Plan

The Consultants will prepare a newsletter summarizing the Public Draft General Plan that provides highlights of the key features and changes in the new General Plan.

Task H.26 Community Workshop #5, Draft General Plan

Upon release of the Public Draft General Plan, the Consultants will facilitate an open house to present the Plan to the community. The open house could be set up in the format where residents can visit stations or "booths" focused on each element of the Plan. Town staff and Consultants will be stationed at each booth to discuss the elements, answer questions, and gather feedback. The Consultants will promote the public review process and hearings for the General Plan.

Engagement Products During this Task:

- Joint Study Session Meeting Materials and Summary Reports (digital version)
- Newsletter #4 (100 hard copies, digital version)
- Community Workshop #5 Materials and Summary Report (60 printed, digital versions)
- Community Workshop #5 Display Boards

Enhanced Community Engagement Tools

Task H.27 Online Engagement

While workshops and meetings are essential to an effective planning process, these traditional outreach methods of engagement are not enough to obtain the broad mix of inputs needed to make a plan responsive to the entire community. This is especially true for younger generations who are busy with work, family commitments, and other social engagements. Our approach to public outreach is to supplement community workshops with web-based crowd-sourcing and social media tools to attract and engage the broadest possible audience. As part of the Update program, we will offer a range of online engagement tools that allow participation in the process while at home, work, the coffee shop, or wherever inspiration strikes.

Project Website. The website will serve as the hub of project communication and information, including an overview of the project, announcements about upcoming meetings and information on past meetings and events, document library, and contact information.

Engagement HQ. In addition to the Project Website as an information portal, we also propose to use Engagement HQ software tools to develop an exciting platform for online public engagement. Engagement HQ allows us to engage with the community through surveys, opinion polls, discussion forums, photo sharing, mapping exercises, and more. It also offers analysis and reporting tools to understand who is participating and easily summarizes community inputs. During the General Plan Update, we will use this tool to poll the community on a range of topics.

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If desired, the Consultants will also train Town staff to administer the site, so it can be maintained beyond the General Plan Update project as an ongoing forum for general civic engagement. We will use Engagement HQ software for active public engagement over a 12-month period during the development of the General Plan, with the site maintained during the public review portions of the project. For more information on Engagement HQ, visit: www.bangthetable.com/engagementhq

Online Mapping. To help the community better understand the range of existing and future factors (natural and manmade) that will influence the future of Los Gatos, the Consultants will prepare an online mapping tool (ESRI Story Map). This online Story Map will provide maps of these factors (items such as wildland fire hazards, biological resources, environmental hazards, transportation connectivity) and a short description that will describe the implications of the factor shown on each map. This type of online map atlas will help support the discussion of issues and opportunities and be a component of the alternatives development.

Social Media. As part of the Update process, we will provide content for social media posts that Town staff can publish on the Town of Los Gatos Facebook (https://www.facebook.com/losgatosca/), Twitter (https://twitter.com/townlg?lang=en), Nextdoor (https://nextdoor.com/neighborhood/losgatosmain--los-gatos--ca/), and other Town social media feeds at key points in the Update process.

Task H.28 Ongoing Communication

Email Blasts. As part of the Update process, the Consultants will work with the Town to develop project-specific email notifications that the Town will distribute using the Town's existing e-notification system. Additional e-mail addresses for interested individuals that are collected by the Consultants at meetings, events, or the Project website will be provided to the Town to add to their current notification lists.

Press Releases. Prior to every community workshop, we will prepare and distribute news releases to inform media outlets serving the community about upcoming meetings and ensure accurate coverage that sets realistic expectations for what the General Plan does and does not do.

Task H.29 Pop-up Booth for Festivals and Events

Booths at Festivals and Events. The Consultants will provide materials for Town staff to set up a "pop-up" booth at up to four sets of festivals and events in Los Gatos. The booth would feature boards and hand-outs that provide an overview of the General Plan Update, information on opportunities to get involved, and depending on which phase of the project we are in, exercises that are similar to the exercises from the most recent community workshop. It is assumed that Town staff will attend and run the booth with support from the Consultants.

Materials will be provided relative to the following four major components of the Update: 1) project overview, 2) issues and opportunities exercise, 3) alternatives exercise, and 4) draft General Plan.

Town Hall Displays. Like the booths at festivals and events, the Consultants will provide materials for Town staff to display at Town Hall. These displays will provide timely information on the Update process, provide posters on current project developments, and provide some opportunities for interactive displays designed to gain community input.

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Task I Certification of the EIR and Adoption of the General Plan Update

Task I.1 Response to Comments

Within three weeks of receipt of all comment letters on the Draft Program EIR, the Consultants will submit a draft Response to Comments to Town staff for review. The Response to Comments document will include a list of commenters, comment letters, responses to comments, and any added or revised text of the Draft Program EIR that may be necessary. All responses will include reasoned analysis and, as necessary, will include additional analysis. The final version of the Response to Comments will be incorporated as an appendix to the Final Program EIR.

The scope and budget assume a level of effort that would include 100 hours of staff time for this task. This assumes receipt of approximately 15 to 25 comment letters. If the number of comment letters and the effort to prepare responses is greater than anticipated, the Consultants will notify Town staff immediately and discuss options to amend our scope of work and budget as necessary. Following receipt of Town staff comments, the Consultants will finalize the Response to Comments.

Task I.2 Mitigation, Monitoring, and Reporting Program

Concurrent with the Response to Comments, the Consultants will prepare a Mitigation Monitoring and Reporting Plan (MMRP), which will be included in the Final Program EIR. The MMRP will be provided in a format designed for use by planners, environmental monitors, or code enforcement officers. Essentially, this plan will take the form of a detailed table that describes:

- Persons/agencies responsible for monitoring compliance with each condition
- Timing when monitoring must occur
- Frequency of monitoring
- Criteria to be used to determine compliance with conditions

The final version of the MMRP will be incorporated as an appendix to the Final Program EIR.

Task I.3 Final Program EIR

The Consultants will complete the Final Program EIR after the review period has closed and all comments submitted during that period have been received. The Final Program EIR will include corrections to the Draft Program EIR (if warranted), comments received, and responses. The Consultants will prepare a Screen Check Final Program EIR for Town staff review and confirmation followed by a Final Program EIR after incorporating comments from Town staff. The Consultants will produce print and digital copies of the Final Program EIR. Within one day of Final Program EIR certification and project approval, the Consultants will submit the draft Notice of Determination (NOD) to Town staff for delivery to the County Clerk and/or State Clearinghouse.

Task I.4 Planning Commission Hearing

The Consultants will attend a public hearing with the Planning Commission to review the Public Draft General Plan and Final Program EIR. The Planning Commission will consider the comments made during the public hearing and make recommendations to the Town Council.

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Task I.5 Town Council Hearings (2)

The Consultants will attend two public hearings with the Town Council to review the Public Draft 2040 General Plan and Final Program EIR. At these hearings, the Town Council will consider the Planning Commission recommendations and the comments made at the Planning Commission public hearing. After the hearings, the Town Council will direct the Consultants to incorporate their recommendations and prepare the Final General Plan and Final Program EIR.

Task I.6 Final General Plan Documents

Following public review of the Draft Public General Plan, the Consultants will prepare the Final General Plan for adoption.

Task I.7 Town Council Adoption Hearing

The Consultants will attend one hearing with the Town Council for certification of the Final Program EIR and adoption of the Final General Plan.

Task I.8 Web-Based General Plan

The Consultants will design the Final General Plan as an interactive web-based General Plan. The web-based plan will not simply be a document that is published online, but will be a dynamic communication tool that provides transparency, accessibility, and efficiency in local government.

The web-based plan will be highly graphical and structured and designed to meet the specific needs of the Town. It will be fully searchable, allowing decision-makers and other users to quickly locate relevant information. The online format will allow cross-referenced links to related policies, programs, maps, or background information.

Products

- Response to Comments (digital version)
- Mitigation, Monitoring, and Reporting Program (digital version)
- Final Program EIR (30 hard copies and 30 CD copies to the Town)
- Tracking of comments and recommendations (all meetings, digital versions)
- Final General Plan (100 hard copies, 100 CDs, digital version, 2 unbound originals for reproduction)
- Color Land Use Element Exhibits (100 copies, sizes and scales to be determined)
- Compilation CD with all milestone documents, data, and GIS files (3 CDs)
- Web-based General Plan

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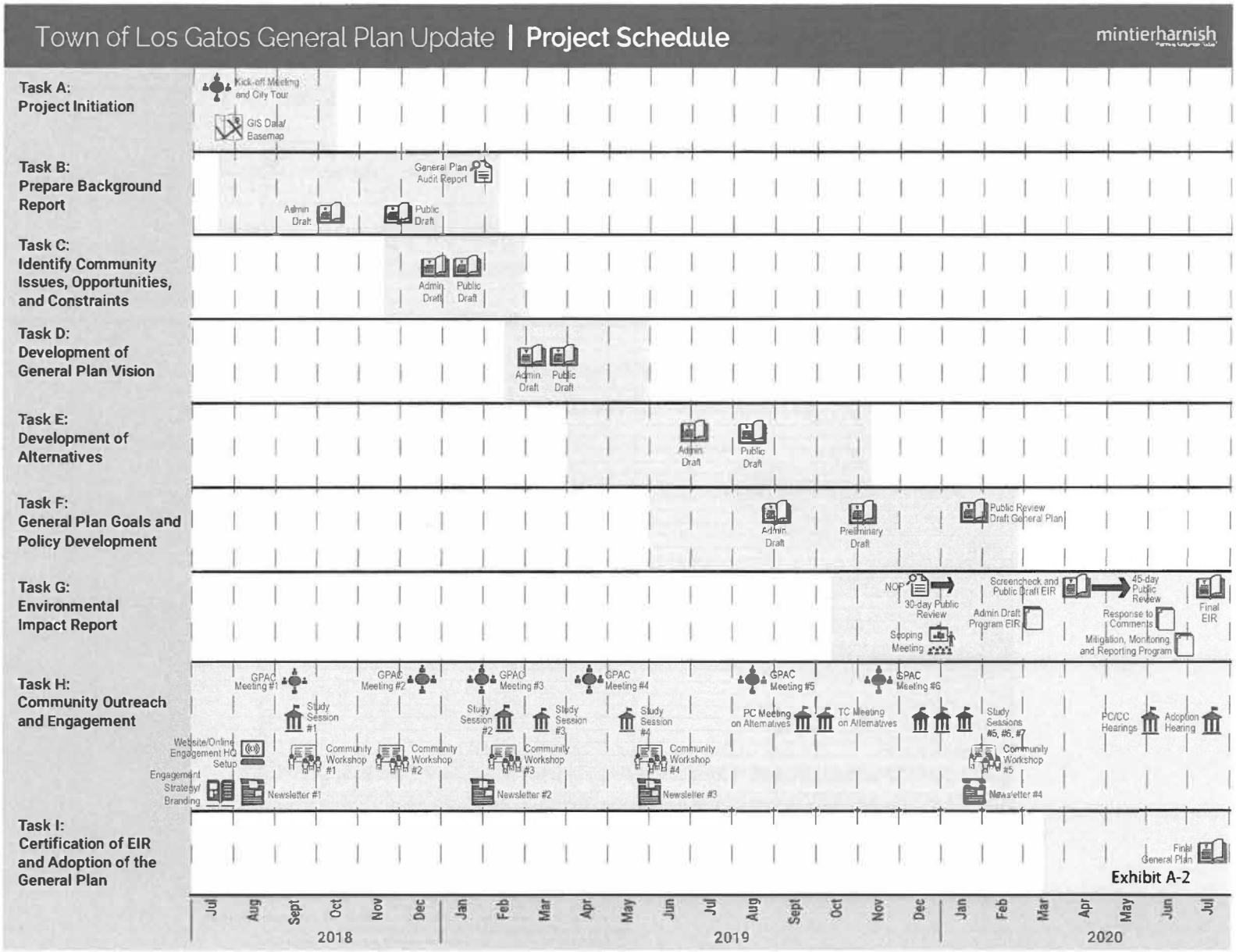

Exhibit A-2

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	Mintier Harnish						
PHASES/TASKS	HARNISH Principal/ Owner	RUST Principal Planner	PAYNE Senior Project Manager	FUNSTON/ YANG Planner	Graphics/ Admin.	TOTAL HOURS	TOTAL COST
Task A: Project Initiation							
Task A.1: Project Initiation	8	8	12	16	4	48	$7,700
Task A.2: Assemble GIS Data and Prepare Base Maps		2		16	4	22	$2,660
Task A.3: Existing Data Collection and Compilation		8		24			$5,840
Subtotal	*8*	*18*	*20*	*56*	*8*	*70*	*$16,200*
Task B: Prepare Background Report							
Task B.1: Administrative Draft Existing Conditions Background Report	8	40	72	200	40	360	$49,440
Task B.2: Public Draft Background Report	2	12	44	56	20	134	$18,750
Task B.3: General Plan Audit Report	2	8	16	8		34	$5,730
Subtotal	*12*	*60*	*132*	*264*	*60*	*528*	*$73,920*
Task C: Identify Community Issues, Opportunities, and Constraints							
Task C.1: Administrative Draft Issues and Opportunities Summary		4	8	16	4	32	$4,420
Task C.2: Public Draft Issues and Opportunities Summary		4	8	20	4	36	$4,900
Task C.3: Final Issues and Opportunities Summary		1	2	6	1	10	$1,345
Subtotal	*0*	*9*	*18*	*42*	*9*	*78*	*$10,665*
Task D: Development of General Plan Vision							
Task D.1: Administrative Draft Vision and Guiding Principles	2	4	12	24	1	43	$6,255
Task D.2: Public Draft Vision and Guiding Principles		4	16	16	2	38	$5,610
Task D.3: Final Vision and Guiding Principles		1	4	6	1	12	$1,685
Subtotal	*2*	*9*	*32*	*46*	*4*	*93*	*$13,550*
Task E: Development of Alternatives							
Task E.1: Administrative Draft Alternatives Report	2	16	48	80	24	170	$23,450
Subtask E.1a: Fiscal Impact Analysis			2			2	$340
Subtask E.1b: Transportation System Alternatives			2			2	$340
Task E.2: Public Draft Alternatives Report		6	16	24	8	54	$7,480
Subtotal	*2*	*22*	*88*	*104*	*32*	*228*	*$31,630*
Task F: General Plan Goals and Policy Development							
Task F.1: Administrative Draft General Plan	8	52	180	80	16	336	$53,760
Alternative VMT Thresholds			8			8	$1,360
Task F.2: Administrative Draft Land Use and Circulation Diagrams		2	12	16	16	46	$5,720
Task F.3: Preliminary Draft General Plan	2	16	76	64	16	174	$25,610
Task F.4: Public Draft General Plan	2	4	24	20	8	54	$7,930
Task F.5: General Plan Consultation and Referrals		2	8	8		18	$2,720
Subtotal	*12*	*76*	*308*	*184*	*56*	*636*	*$97,100*
Task G: Environmental Impact Report							
Task G.1: Staff Work Session on Program EIR Preparation		4	8			12	$2,220
Task G.2: Notice of Preparation		1	2			3	$540
Task G.3: Scoping Meeting			8			8	$1,360
Task G.4: Administrative Draft Program EIR	8	24	48	48		128	$20,520
Task G.5: Staff Review/Screen Check Draft Program EIR		4	16	16		36	$5,440
Task G.6: Draft Program EIR			8			8	$1,360
Subtotal	*8*	*35*	*88*	*64*	*0*	*195*	*$31,440*
Task H: Community Outreach and Engagement							
Task H.1: Community Engagement Strategy	2	4	6	16		28	$4,190
Task H.2: Branding and Project Logo		1	2		16	19	$1,900
Task H.3: Set Up Online Engagement	2	4	8	24	40	78	$8,890
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4		8	32	60	24	124	$16,280
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6		48	72	48	6	174	$28,110
Task H.6 (18 additional GPAC meetings)		72	72	144	36	324	$46,980
Task H.7: Community Workshop #1: Project Initiation		8	12	8	4	32	$4,940
Task H.8: Joint Study Session #1, Introduction to the General Plan Update		8	8	8	2	26	$4,090
Task H.11: Joint Study Session #2, Review Existing Conditions Report		8	8	8	2	26	$4,090
Task H.12: Community Workshop #2, Issues and Opportunities Identification	6	8	12	16	12	54	$7,930
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report		8	8	8	2	26	$4,090
Task H.15: Community Workshop #3, Vision and Guiding Principles	6	8	16	24	16	70	$9,910
Task H.17: Joint Study Session #4, Vision and Guiding Principles		8	8	8	2	26	$4,090
Task H.19: Community Workshop #4, Alternative Choices	6	12	20	32	24	94	$13,030
Task H.21: Planning Commission Meeting		8	12	8	2	30	$4,770
Task H.22: Town Council Meeting		8	10	7		20	$3,540
Task H.24: Joint Study Sessions #5, #6, and #7		24	30	30	9	93	$14,265
Task H.26: Community Workshop #5, Draft General Plan	6	8	16	24	32	86	$11,270
Task H.27: Online Engagement		8	20	20	12	60	$8,420
Task H.28: Ongoing Communication		8	20	20	40	88	$10,800
Task H.29: Pop-up Booth for Festivals and Events		4	16		16	36	$4,880
Subtotal	*28*	*273*	*408*	*508*	*297*	*1514*	*$216,465*
Task I: Certification of EIR and Adoption of the General Plan							
Task I.1: Response to Comments			4	20		24	$4,200
Task I.2: Mitigation, Monitoring, and Reporting Program				1		1	$170
Task I.3: Final Program EIR				1		1	$170
Task I.4: Planning Commission Hearing			6	12	8	4	30	$4,540
Task I.5: Town Council Hearings (2)		12	16	8	4	40	$6,420
Task I.6: Final General Plan Documents		8	16	24	16	64	$8,560
Task I.7: Town Council Adoption Hearing		6	8	4		18	$3,040
Task I.8: Web-Based General Plan	2	16	40	60	60	178	$22,750
Subtotal	*2*	*52*	*114*	*104*	*84*	*356*	*$49,850*
Project Management							
Subtotal	16	80	120		112	*928*	*$49,520*
TOTAL							
Total Hours	90	634	1,308	1,372	662	4,026	-
2018 Billing Rates (subject to change every January 1st)	$225	$200	$170	$120	$85	-	-
Labor Subtotals	$20,250	$126,800	$222,360	$164,640	$56,270	-	*$590,320*
Direct Expenses (e.g., printing, travel, Engagement HQ fee)							$33,000
TOTAL COST							*$623,320*
CONTINGENCY [3]							
Contingency (10%)							

1) This represents a total cost based on the approved scope of work.
2) The distribution of hours between firms, staff categories and tasks are an estimate. While the total costs will not change, the distribution of hours/costs may vary depending on actual execution.
3) Contingency funds can only be used with written authorization from the Town's Project Manager.

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	WRT							
PHASES/TASKS	STICKLEY Principal	NARKAR Project Manager	WINCH Senior Planner	Planner/ Urban Designer II	Urban Designer I/ Graphic Support	Admin.	TOTAL HOURS	TOTAL COST
Task A: Project Initiation								
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour		8					8	$1,400
Task A.2: Assemble GIS Data and Prepare Base Maps							0	$0
Task A.3: Existing Data Collection and Compilation							0	$0
Subtotal	**0**	**8**	**0**	**0**	**0**	**0**	**8**	**$1,400**
Task B: Prepare Background Report								
Task B.1: Administrative Draft Existing Conditions Background Report	2	16	24	32	16	2	92	$12,640
Task B.2: Public Draft Background Report		4	8	8			20	$2,900
Task B.3: General Plan Audit Report							0	$0
Subtotal	**2**	**20**	**32**	**40**	**16**	**2**	**112**	**$15,540**
Task C: Identify Community Issues, Opportunities, and Constraints								
Task C.1: Administrative Draft Issues and Opportunities Summary							0	$0
Task C.2: Public Draft Issues and Opportunities Summary							0	$0
Task C.3: Final Issues and Opportunities Summary							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Task D: Development of General Plan Vision								
Task D.1: Administrative Draft Vision and Guiding Principles							0	$0
Task D.2: Public Draft Vision and Guiding Principles							0	$0
Task D.3: Final Vision and Guiding Principles							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Task E: Development of Alternatives								
Task E.1: Administrative Draft Alternatives Report	4	8	24	16	32		84	$12,160
Subtask E.1a: Fiscal Impact Analysis							0	$0
Subtask E.1b: Transportation System Alternatives							0	$0
Task E.2: Public Draft Alternatives Report							0	$0
Subtotal	**4**	**8**	**24**	**16**	**32**	**0**	**84**	**$12,160**
Task F: General Plan Goals and Policy Development								
Task F.1: Administrative Draft General Plan							0	$0
Alternative VMT Thresholds							0	$0
Task F.2: Administrative Draft Land Use and Circulation Diagrams							0	$0
Task F.3: Preliminary Draft General Plan							0	$0
Task F.4: Public Draft General Plan							0	$0
Task F.5: General Plan Consultation and Referrals							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Task G: Environmental Impact Report								
Task G.1: Staff Work Session on Program EIR Preparation							0	$0
Task G.2: Notice of Preparation							0	$0
Task G.3: Scoping Meeting							0	$0
Task G.4: Administrative Draft Program EIR							0	$0
Task G.5: Staff Review/Screen Check Draft Program EIR							0	$0
Task G.6: Draft Program EIR							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Task H: Community Outreach and Engagement								
Task H.1: Community Engagement Strategy							0	$0
Task H.2: Branding and Project Logo							0	$0
Task H.3: Set Up Online Engagement							0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4							0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6							0	$0
Task H.6 (18 additional GPAC meetings)							0	$0
Task H.7: Community Workshop #1: Project Initiation							0	$0
Task H.8: Joint Study Session #1, Introduction to the General Plan Update							0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report							0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification							0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report							0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles							0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles							0	$0
Task H.19: Community Workshop #4, Alternative Choices							0	$0
Task H.21: Planning Commission Meeting							0	$0
Task H.22: Town Council Meeting							0	$0
Task H.24: Joint Study Sessions #5, #6, and #7							0	$0
Task H.26: Community Workshop #5, Draft General Plan							0	$0
Task H.27: Online Engagement							0	$0
Task H.28: Ongoing Communication							0	$0
Task H.29: Pop-up Booth for Festivals and Events							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Task I: Certification of EIR and Adoption of the General Plan								
Task I.1: Response to Comments							0	$0
Task I.2: Mitigation, Monitoring, and Reporting Program							0	$0
Task I.3: Final Program EIR							0	$0
Task I.4: Planning Commission Hearing							0	$0
Task I.5: Town Council Hearings (2)							0	$0
Task I.6: Final General Plan Documents							0	$0
Task I.7: Town Council Adoption Hearing							0	$0
Task I.8: Web-Based General Plan							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Project Management								
Subtotal	**8**	12				16	**36**	**$5,900**
TOTAL								
Total Hours	14	48	56	56	48	18	240	-
2018 Billing Rates (subject to change every January 1st)	$240	$175	$150	$125	$100	$80	-	-
Labor Subtotals	$3,360	$8,400	$8,400	$7,000	$4,800	$1,440	-	**$33,400**
Direct Expenses (e.g., printing, travel, Engagement HQ fee)								$2,500
TOTAL COST								**$35,900**
CONTINGENCY [3]								
Contingency (10%)								

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	Rincon									
PHASES/TASKS	SVETE Principal II	FELDMAN/ HAMANN Principal I	MADDOX Supervisor	DIX/BERLIN/ CARMACK/ BERSBACH Senior Professional	Professional	Technical Editor	GIS Specialist	Admin.	TOTAL HOURS	TOTAL COST
Task A: Project Initiation										
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour			6						6	$1,110
Task A.2: Assemble GIS Data and Prepare Base Maps									0	$0
Task A.3: Existing Data Collection and Compilation									0	$0
Subtotal	***0***	***0***	***6***	***0***	***0***	***0***	***0***	***0***	***6***	***$1,110***
Task B: Prepare Background Report										
Task B.1: Administrative Draft Existing Conditions Background Report	8	8	48	24	72	5	12	4	181	$26,885
Task B.2: Public Draft Background Report									0	$0
Task B.3: General Plan Audit Report									0	$0
Subtotal	***8***	***8***	***48***	***24***	***72***	***5***	***12***	***4***	***181***	***$26,885***
Task C: Identify Community Issues, Opportunities, and Constraints										
Task C.1: Administrative Draft Issues and Opportunities Summary									0	$0
Task C.2: Public Draft Issues and Opportunities Summary									0	$0
Task C.3: Final Issues and Opportunities Summary									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task D: Development of General Plan Vision										
Task D.1: Administrative Draft Vision and Guiding Principles									0	$0
Task D.2: Public Draft Vision and Guiding Principles									0	$0
Task D.3: Final Vision and Guiding Principles									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task E: Development of Alternatives										
Task E.1: Administrative Draft Alternatives Report									0	$0
Subtask E.1a: Fiscal Impact Analysis									0	$0
Subtask E.1b: Transportation System Alternatives									0	$0
Task E.2: Public Draft Alternatives Report									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task F: General Plan Goals and Policy Development										
Task F.1: Administrative Draft General Plan	16	14	66	24	144	8	24	8	304	$43,980
Alternative VMT Thresholds									0	$0
Task F.2: Administrative Draft Land Use and Circulation Diagrams									0	$0
Task F.3: Preliminary Draft General Plan	4	3	20	4	46		2	2	81	$11,765
Task F.4: Public Draft General Plan	2		6		8	4		4	24	$3,250
Task F.5: General Plan Consultation and Referrals									0	$0
Subtotal	***22***	***17***	***92***	***28***	***198***	***12***	***26***	***14***	***409***	***$58,995***
Task G: Environmental Impact Report										
Task G.1: Staff Work Session on Program EIR Preparation			6	6					12	$2,010
Task G.2: Notice of Preparation	1		1		6			1	9	$1,210
Task G.3: Scoping Meeting			6	6	4		2	1	19	$2,795
Task G.4: Administrative Draft Program EIR	30	11	92	164	370	16	21	16	720	$100,580
Task G.5: Staff Review/Screen Check Draft Program EIR	4		20	12	20		6	4	66	$8,810
Task G.6: Draft Program EIR	4		12	8	20			12	56	$7,640
Subtotal	***39***	***11***	***137***	***196***	***420***	***16***	***29***	***34***	***882***	***$124,045***
Task H: Community Outreach and Engagement										
Task H.1: Community Engagement Strategy									0	$0
Task H.2: Branding and Project Logo									0	$0
Task H.3: Set Up Online Engagement									0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4									0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6									0	$0
Task H.6 (18 additional GPAC meetings)									0	$0
Task H.7: Community Workshop #1: Project Initiation									0	$0
Task H.8: Joint Study Session #1, Introduction to the General Plan Update									0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report									0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification									0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report									0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles									0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles									0	$0
Task H.19: Community Workshop #4, Alternative Choices									0	$0
Task H.21: Planning Commission Meeting									0	$0
Task H.22: Town Council Meeting									0	$0
Task H.24: Joint Study Sessions #5, #6, and #7									0	$0
Task H.26: Community Workshop #5, Draft General Plan									0	$0
Task H.27: Online Engagement									0	$0
Task H.28: Ongoing Communication									0	$0
Task H.29: Pop-up Booth for Festivals and Events									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task I: Certification of EIR and Adoption of the General Plan										
Task I.1: Response to Comments	6		30	20	40			4	100	$15,030
Task I.2: Mitigation, Monitoring, and Reporting Program	1		6	6	12				25	$3,680
Task I.3: Final Program EIR	1		8	8	8			12	37	$4,770
Task I.4: Planning Commission Hearing	6		6						12	$2,490
Task I.5: Town Council Hearings (2)	12		12						24	$4,980
Task I.6: Final General Plan Documents	2		11		24	4		4	45	$6,095
Task I.7: Town Council Adoption Hearing	6		6						12	$2,490
Task I.8: Web-Based General Plan									0	$0
Subtotal	***34***	***0***	***79***	***34***	***84***	***4***	***0***	***20***	***255***	***$38,535***
Project Management										
Subtotal	16		32					32	***80***	***$12,000***
TOTAL										
Total Hours	119	36	394	282	774	37	67	104	1,813	-
2018 Billing Rates (subject to change every January 1st)	$230	$215	$185	$150	$120	$105	$115	$75	-	-
Labor Subtotals	$27,370	$7,740	$72,890	$42,300	$92,880	$3,885	$7,705	$7,800	-	$262,570
Direct Expenses (e.g., printing, travel, Engagement HQ fee)										$15,000
TOTAL COST										***$277,570***
CONTINGENCY [3]										
Contingency (10%)										

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	Fehr & Peers								
PHASES/TASKS	HAYNES Principal	CHURCH Project Manager	COLES Planner/ Engineer	Planner/ Engineer	MILAM SB 743 Expert	GIS/ Graphics	Admin	TOTAL HOURS	TOTAL COST
Task A: Project Initiation									
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour	4	6	8				1	19	$3,795
Task A.2: Assemble GIS Data and Prepare Base Maps								0	$0
Task A.3: Existing Data Collection and Compilation								0	$0
Subtotal	***4***	***6***	***8***	***0***	***0***	***0***	***1***	***19***	***$3,795***
Task B: Prepare Background Report									
Task B.1: Administrative Draft Existing Conditions Background Report	6	44	44	90	2	32	14	232	$36,780
Task B.2: Public Draft Background Report								0	$0
Task B.3: General Plan Audit Report								0	$0
Subtotal	***6***	***44***	***44***	***90***	***2***	***32***	***14***	***232***	***$36,780***
Task C: Identify Community Issues, Opportunities, and Constraints									
Task C.1: Administrative Draft Issues and Opportunities Summary								0	$0
Task C.2: Public Draft Issues and Opportunities Summary								0	$0
Task C.3: Final Issues and Opportunities Summary								0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task D: Development of General Plan Vision									
Task D.1: Administrative Draft Vision and Guiding Principles								0	$0
Task D.2: Public Draft Vision and Guiding Principles								0	$0
Task D.3: Final Vision and Guiding Principles								0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task E: Development of Alternatives									
Task E.1: Administrative Draft Alternatives Report								0	$0
Subtask E.1a: Fiscal Impact Analysis								0	$0
Subtask E.1b: Transportation System Alternatives	8	20	40	30			12	110	$17,980
Task E.2: Public Draft Alternatives Report						2	2	4	$530
Subtotal	***8***	***20***	***40***	***30***	***0***	***2***	***14***	***114***	***$18,510***
Task F: General Plan Goals and Policy Development									
Task F.1: Administrative Draft General Plan	4	16	12		4		5	41	$8,485
Alternative VMT Thresholds	4	24	6		20	2	7	63	$15,175
Task F.2: Administrative Draft Land Use and Circulation Diagrams		4	4			2	1	11	$1,905
Task F.3: Preliminary Draft General Plan								0	$0
Task F.4: Public Draft General Plan								0	$0
Task F.5: General Plan Consultation and Referrals								0	$0
Subtotal	***8***	***44***	***22***	***0***	***24***	***4***	***13***	***115***	***$25,565***
Task G: Environmental Impact Report									
Task G.1: Staff Work Session on Program EIR Preparation								0	$0
Task G.2: Notice of Preparation								0	$0
Task G.3: Scoping Meeting								0	$0
Task G.4: Administrative Draft Program EIR	8	56	154			8	19	245	$40,495
Task G.5: Staff Review/Screen Check Draft Program EIR	4	8	8				12	32	$5,640
Task G.6: Draft Program EIR								0	$0
Subtotal	***12***	***64***	***162***	***0***	***0***	***8***	***31***	***277***	***$46,135***
Task H: Community Outreach and Engagement									
Task H.1: Community Engagement Strategy								0	$0
Task H.2: Branding and Project Logo								0	$0
Task H.3: Set Up Online Engagement								0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4								0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6								0	$0
Task H.6 (18 additional GPAC meetings)								0	$0
Task H.7: Community Workshop #1: Project Initiation								0	$0
Task H.8: Joint Study Session #1, Introduction to the General Plan Update								0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report								0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification								0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report								0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles								0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles								0	$0
Task H.19: Community Workshop #4, Alternative Choices								0	$0
Task H.21: Planning Commission Meeting								0	$0
Task H.22: Town Council Meeting								0	$0
Task H.24: Joint Study Sessions #5, #6, and #7		6						6	$1,410
Task H.26: Community Workshop #5, Draft General Plan		8						8	$1,880
Task H.27: Online Engagement								0	$0
Task H.28: Ongoing Communication								0	$0
Task H.29: Pop-up Booth for Festivals and Events								0	$0
Subtotal	***0***	***14***	***0***	***0***	***0***	***0***	***0***	***14***	***$3,290***
Task I: Certification of EIR and Adoption of the General Plan									
Task I.1: Response to Comments								0	$0
Task I.2: Mitigation, Monitoring, and Reporting Program								0	$0
Task I.3: Final Program EIR								0	$0
Task I.4: Planning Commission Hearing		4	4			2	2	12	$2,030
Task I.5: Town Council Hearings (2)	2	4	4				1	11	$2,195
Task I.6: Final General Plan Documents	2	4	4				1	11	$2,195
Task I.7: Town Council Adoption Hearing								0	$0
Task I.8: Web-Based General Plan								0	$0
Subtotal	***4***	***12***	***12***	***0***	***0***	***2***	***4***	***34***	***$6,420***
Project Management									
Subtotal								0	$0
TOTAL									
Total Hours	42	204	288	120	26	48	77	805	-
2018 Billing Rates (subject to change every January 1st)	$285	$235	$140	$130	$320	$140	$125	-	-
Labor Subtotals	$11,970	$47,940	$40,320	$15,600	$8,320	$6,720	$9,625	-	***$140,495***
Direct Expenses (e.g., printing, travel, Engagement HQ fee)									$12,000
TOTAL COST									***$152,495***
CONTINGENCY [3]									
Contingency (10%)									

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	Applied Development Economics (ADE)					
PHASES/TASKS	SVENSSON President	CHENG Senior Associate	DAYSOG Senior Associate	Production	TOTAL HOURS	TOTAL COST
Task A: Project Initiation						
	6				6	$1,200
Task A.2: Assemble GIS Data and Prepare Base Maps					0	$0
Task A.3: Existing Data Collection and Compilation					0	$0
Subtotal	**6**	**0**	**0**	**0**	**6**	**$1,200**
Task B: Prepare Background Report						
Task B.1: Administrative Draft Existing Conditions Background Report	48	60	60	10	178	$28,450
Task B.2: Public Draft Background Report	4	8	8		20	$3,200
Task B.3: General Plan Audit Report					0	$0
Subtotal	**52**	**68**	**68**	**10**	**198**	**$31,650**
Task C: Identify Community Issues, Opportunities, and Constraints						
Task C.1: Administrative Draft Issues and Opportunities Summary					0	$0
Task C.2: Public Draft Issues and Opportunities Summary					0	$0
Task C.3: Final Issues and Opportunities Summary					0	$0
Subtotal	**0**	**8**	**0**	**0**	**0**	**$0**
Task D: Development of General Plan Vision						
Task D.1: Administrative Draft Vision and Guiding Principles					0	$0
Task D.2: Public Draft Vision and Guiding Principles					0	$0
Task D.3: Final Vision and Guiding Principles					0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**$0**
Task E: Development of Alternatives						
Task E.1: Administrative Draft Alternatives Report					0	$0
Subtask E.1a: Fiscal Impact Analysis	60		24	4	88	$15,940
Subtask E.1b: Transportation System Alternatives					0	$0
Task E.2: Public Draft Alternatives Report					0	$0
Subtotal	**60**	**0**	**24**	**4**	**88**	**$15,940**
Task F: General Plan Goals and Policy Development						
Task F.1: Administrative Draft General Plan	8	8			16	$2,800
Alternative VMT Thresholds					0	$0
Task F.2: Administrative Draft Land Use and Circulation Diagrams					0	$0
Task F.3: Preliminary Draft General Plan	2				2	$400
Task F.4: Public Draft General Plan					0	$0
Task F.5: General Plan Consultation and Referrals					0	$0
Subtotal	**10**	**8**	**0**	**0**	**18**	**$3,200**
Task G: Environmental Impact Report						
Task G.1: Staff Work Session on Program EIR Preparation					0	$0
Task G.2: Notice of Preparation					0	$0
Task G.3: Scoping Meeting					0	$0
Task G.4: Administrative Draft Program EIR					0	$0
Task G.5: Staff Review/Screen Check Draft Program EIR					0	$0
Task G.6: Draft Program EIR					0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**$0**
Task H: Community Outreach and Engagement						
Task H.1: Community Engagement Strategy					0	$0
Task H.2: Branding and Project Logo					0	$0
Task H.3: Set Up Online Engagement					0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4					0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6					0	$0
Task H.6 (18 additional GPAC meetings)					0	$0
Task H.7: Community Workshop #1: Project Initiation	6				6	$1,200
Task H.8: Joint Study Session #1, Introduction to the General Plan Update					0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report					0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification					0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report					0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles					0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles					0	$0
Task H.19: Community Workshop #4, Alternative Choices	8				8	$1,600
Task H.21: Planning Commission Meeting	8				8	$1,600
Task H.22: Town Council Meeting	8				8	$1,600
Task H.24: Joint Study Sessions #5, #6, and #7	8				8	$1,600
Task H.26: Community Workshop #5, Draft General Plan	8				8	$1,600
Task H.27: Online Engagement					0	$0
Task H.28: Ongoing Communication					0	$0
Task H.29: Pop-up Booth for Festivals and Events					0	$0
Subtotal	**46**	**0**	**0**	**0**	**46**	**$9,200**
Task I: Certification of EIR and Adoption of the General Plan						
Task I.1: Response to Comments					0	$0
Task I.2: Mitigation, Monitoring, and Reporting Program					0	$0
Task I.3: Final Program EIR					0	$0
Task I.4: Planning Commission Hearing					0	$0
Task I.5: Town Council Hearings (2)					0	$0
Task I.6: Final General Plan Documents					0	$0
Task I.7: Town Council Adoption Hearing					0	$0
Task I.8: Web-Based General Plan					0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**$0**
Project Management						
Subtotal					0	$0
TOTAL						
Total Hours	174	76	92	14	356	-
2018 Billing Rates (subject to change every January 1st)	$200	$150	$150	$85	-	-
Labor Subtotals	$34,800	$11,400	$13,800	$1,190	-	$61,190
Direct Expenses (e.g., printing, travel, Engagement HQ fee)						$6,000
TOTAL COST						$67,190
CONTINGENCY [3]						
Contingency (10%)						

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

PHASES/TASKS	Urban Green			GRAND TOTAL
	HEID Principal	TOTAL HOURS	TOTAL COST	
Task A: Project Initiation				
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour	6	6	$1,350	$16,555
Task A.2: Assemble GIS Data and Prepare Base Maps		0	$0	$2,660
Task A.3: Existing Data Collection and Compilation		0	$0	$5,840
Subtotal	**6**	**6**	**$1,350**	**$25,055**
Task B: Prepare Background Report				
Task B.1: Administrative Draft Existing Conditions Background Report		0	$0	$154,195
Task B.2: Public Draft Background Report		0	$0	$24,850
Task B.3: General Plan Audit Report		0	$0	$5,730
Subtotal	**0**	**0**	**$0**	**$184,775**
Task C: Identify Community Issues, Opportunities, and Constraints				
Task C.1: Administrative Draft Issues and Opportunities Summary		0	$0	$4,420
Task C.2: Public Draft Issues and Opportunities Summary		0	$0	$4,900
Task C.3: Final Issues and Opportunities Summary		0	$0	$1,345
Subtotal	**0**	**0**	**$0**	**$10,665**
Task D: Development of General Plan Vision				
Task D.1: Administrative Draft Vision and Guiding Principles		0	$0	$6,255
Task D.2: Public Draft Vision and Guiding Principles		0	$0	$5,610
Task D.3: Final Vision and Guiding Principles		0	$0	$1,685
Subtotal	**0**	**0**	**$0**	**$13,850**
Task E: Development of Alternatives				
Task E.1: Administrative Draft Alternatives Report	20	20	$4,500	$39,110
Subtask E.1a: Fiscal Impact Analysis		0	$0	$16,280
Subtask E.1b: Transportation System Alternatives		0	$0	$18,320
Task E.2: Public Draft Alternatives Report		0	$0	$8,010
Subtotal	**20**	**20**	**$4,500**	**$81,720**
Task F: General Plan Goals and Policy Development				
Task F.1: Administrative Draft General Plan	8	8	$1,800	$110,825
Alternative VMT Thresholds		0	$0	$16,535
Task F.2: Administrative Draft Land Use and Circulation Diagrams		0	$0	$7,625
Task F.3: Preliminary Draft General Plan		0	$0	$37,775
Task F.4: Public Draft General Plan		0	$0	$11,180
Task F.5: General Plan Consultation and Referrals		0	$0	$2,720
Subtotal	**8**	**8**	**$1,800**	**$186,660**
Task G: Environmental Impact Report				
Task G.1: Staff Work Session on Program EIR Preparation		0	$0	$4,230
Task G.2: Notice of Preparation		0	$0	$1,750
Task G.3: Scoping Meeting		0	$0	$4,155
Task G.4: Administrative Draft Program EIR		0	$0	$161,595
Task G.5: Staff Review/Screen Check Draft Program EIR		0	$0	$20,890
Task G.6: Draft Program EIR		0	$0	$9,000
Subtotal	**0**	**0**	**$0**	**$201,620**
Task H: Community Outreach and Engagement				
Task H.1: Community Engagement Strategy		0	$0	$4,190
Task H.2: Branding and Project Logo		0	$0	$2,900
Task H.3: Set Up Online Engagement		0	$0	$8,890
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4		0	$0	$16,280
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6		0	$0	$28,110
Task H.6 (18 additional GPAC meetings)		0	$0	$46,980
Task H.7: Community Workshop #1: Project Initiation	6	6	$1,350	$7,490
Task H.8: Joint Study Session #1, Introduction to the General Plan Update		0	$0	$4,090
Task H.11: Joint Study Session #2, Review Existing Conditions Report		0	$0	$4,090
Task H.12: Community Workshop #2, Issues and Opportunities Identification		0	$0	$7,930
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report		0	$0	$4,090
Task H.15: Community Workshop #3, Vision and Guiding Principles	12	12	$2,700	$12,610
Task H.17: Joint Study Session #4, Vision and Guiding Principles		0	$0	$4,090
Task H.19: Community Workshop #4, Alternative Choices	12	12	$2,700	$17,330
Task H.21: Planning Commission Meeting	8	8	$1,800	$8,170
Task H.22: Town Council Meeting	8	8	$1,800	$6,940
Task H.24: Joint Study Sessions #5, #6, and #7		0	$0	$17,275
Task H.26: Community Workshop #5, Draft General Plan		0	$0	$14,750
Task H.27: Online Engagement		0	$0	$8,420
Task H.28: Ongoing Communication		0	$0	$10,800
Task H.29: Pop-up Booth for Festivals and Events		0	$0	$4,880
Subtotal	**46**	**46**	**$10,890**	**$239,805**
Task I: Certification of EIR and Adoption of the General Plan				
Task I.1: Response to Comments		0	$0	$19,230
Task I.2: Mitigation, Monitoring, and Reporting Program		0	$0	$3,850
Task I.3: Final Program EIR		0	$0	$4,940
Task I.4: Planning Commission Hearing		0	$0	$9,060
Task I.5: Town Council Hearings (2)		0	$0	$13,595
Task I.6: Final General Plan Documents		0	$0	$16,850
Task I.7: Town Council Adoption Hearing		0	$0	$5,530
Task I.8: Web-Based General Plan		0	$0	$22,750
Subtotal	**0**	**0**	**$0**	**$85,805**
Project Management				
Subtotal		0	$0	**$66,820**
TOTAL				
Total Hours	80	80	-	7,320
2018 Billing Rates (subject to change every January 1st)	$225	-	-	-
Labor Subtotals	$18,000	-	**$18,000**	**$1,105,975**
Direct Expenses (e.g., printing, travel, Engagement HQ fee)			$500	$69,000
TOTAL COST			**$18,500**	**$1,174,975**
CONTINGENCY [3]				
Contingency (10%)				**$117,498**

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 04/28/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Point West Insurance Assoc. 1455 Response Road #240 Sacramento, CA 95815 M Stuart Nelson	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS:
INSURED Mintier Harnish LP dba:Mintier Harnish 1415 20th Street Sacramento, CA 95814 IHH: 20.218	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Hartford Casualty Company — 29424 INSURER B : Hartford Fire Insurance Co — 19682 INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR	Y		57SBAEF2053	04/24/2020	04/24/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person)	$ 2,000,000 $ 1,000,000 $ 10,000
A	X Hired/NOwned Auto			57SBAEF2053	04/24/2020	04/24/2021	PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG H/NO Auto	$ 2,000,000 $ 4,000,000 $ 4,000,000 $ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC							
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (PER ACCIDENT)	$ $ $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		57WECNU9666	04/24/2020	04/24/2021	X WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

General Liability Additional Insured and Primary wording included in the SS0008 04/05 endorsement attached.

CERTIFICATE HOLDER	CANCELLATION
Town of Los Gatos 110 East Main Street Los Gatos, CA 95030	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE MSE

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jarmer@losgatosca.gov

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MINTIER HARNISH LP
POLCY 57SBAEF2053
04/24/20 TO 04/24/21

QUICK REFERENCE
BUSINESS LIABILITY COVERAGE FORM
READ YOUR POLICY CAREFULLY

BUSINESS LIABILITY COVERAGE FORM	Beginning on Page
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BUSINESS LIABILITY COVERAGE FORM

Various provisions in this policy restrict coverage. Read the entire policy carefully to determine rights, duties and what is and is not covered.

Throughout this policy the words "you" and "your" refer to the Named Insured shown in the Declarations. The words "we", "us" and "our" refer to the stock insurance company member of The Hartford providing this insurance.

The word "insured" means any person or organization qualifying as such under Section **C**. - Who Is An Insured.

Other words and phrases that appear in quotation marks have special meaning. Refer to Section **G**. - Liability And Medical Expenses Definitions.

A. COVERAGES

1. BUSINESS LIABILITY COVERAGE (BODILY INJURY, PROPERTY DAMAGE, PERSONAL AND ADVERTISING INJURY)

Insuring Agreement

a. We will pay those sums that the insured becomes legally obligated to pay as damages because of "bodily injury", "property damage" or "personal and advertising injury" to which this insurance applies. We will have the right and duty to defend the insured against any "suit" seeking those damages. However, we will have no duty to defend the insured against any "suit" seeking damages for "bodily injury", "property damage" or "personal and advertising injury" to which this insurance does not apply.

We may, at our discretion, investigate any "occurrence" or offense and settle any claim or "suit" that may result. But:

(1) The amount we will pay for damages is limited as described in Section **D.** - Liability And Medical Expenses Limits Of Insurance; and

(2) Our right and duty to defend ends when we have used up the applicable limit of insurance in the payment of judgments, settlements or medical expenses to which this insurance applies.

No other obligation or liability to pay sums or perform acts or services is covered unless explicitly provided for under Coverage Extension - Supplementary Payments.

b. This insurance applies:

(1) To "bodily injury" and "property damage" only if:

(a) The "bodily injury" or "property damage" is caused by an "occurrence" that takes place in the "coverage territory";

(b) The "bodily injury" or "property damage" occurs during the policy period; and

(c) Prior to the policy period, no insured listed under Paragraph **1.** of Section **C.** – Who Is An Insured and no "employee" authorized by you to give or receive notice of an "occurrence" or claim, knew that the "bodily injury" or "property damage" had occurred, in whole or in part. If such a listed insured or authorized "employee" knew, prior to the policy period, that the "bodily injury" or "property damage" occurred, then any continuation, change or resumption of such "bodily injury" or "property damage" during or after the policy period will be deemed to have been known prior to the policy period.

(2) To "personal and advertising injury" caused by an offense arising out of your business, but only if the offense was committed in the "coverage territory" during the policy period.

c. "Bodily injury" or "property damage" will be deemed to have been known to have occurred at the earliest time when any insured listed under Paragraph **1.** of Section **C.** – Who Is An Insured or any "employee" authorized by you to give or receive notice of an "occurrence" or claim:

(1) Reports all, or any part, of the "bodily injury" or "property damage" to us or any other insurer;

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(2) Receives a written or verbal demand or claim for damages because of the "bodily injury" or "property damage"; or

(3) Becomes aware by any other means that "bodily injury" or "property damage" has occurred or has begun to occur.

d. Damages because of "bodily injury" include damages claimed by any person or organization for care, loss of services or death resulting at any time from the "bodily injury".

e. **Incidental Medical Malpractice**

(1) "Bodily injury" arising out of the rendering of or failure to render professional health care services as a physician, dentist, nurse, emergency medical technician or paramedic shall be deemed to be caused by an "occurrence", but only if:

(a) The physician, dentist, nurse, emergency medical technician or paramedic is employed by you to provide such services; and

(b) You are not engaged in the business or occupation of providing such services.

(2) For the purpose of determining the limits of insurance for incidental medical malpractice, any act or omission together with all related acts or omissions in the furnishing of these services to any one person will be considered one "occurrence".

2. **MEDICAL EXPENSES**

Insuring Agreement

a. We will pay medical expenses as described below for "bodily injury" caused by an accident:

(1) On premises you own or rent;

(2) On ways next to premises you own or rent; or

(3) Because of your operations;

provided that:

(1) The accident takes place in the "coverage territory" and during the policy period;

(2) The expenses are incurred and reported to us within three years of the date of the accident; and

(3) The injured person submits to examination, at our expense, by physicians of our choice as often as we reasonably require.

b. We will make these payments regardless of fault. These payments will not exceed the applicable limit of insurance. We will pay reasonable expenses for:

(1) First aid administered at the time of an accident;

(2) Necessary medical, surgical, x-ray and dental services, including prosthetic devices; and

(3) Necessary ambulance, hospital, professional nursing and funeral services.

3. **COVERAGE EXTENSION - SUPPLEMENTARY PAYMENTS**

a. We will pay, with respect to any claim or "suit" we investigate or settle, or any "suit" against an insured we defend:

(1) All expenses we incur.

(2) Up to $1,000 for the cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which Business Liability Coverage for "bodily injury" applies. We do not have to furnish these bonds.

(3) The cost of appeal bonds or bonds to release attachments, but only for bond amounts within the applicable limit of insurance. We do not have to furnish these bonds.

(4) All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to $500 a day because of time off from work.

(5) All costs taxed against the insured in the "suit".

(6) Prejudgment interest awarded against the insured on that part of the judgment we pay. If we make an offer to pay the applicable limit of insurance, we will not pay any prejudgment interest based on that period of time after the offer.

(7) All interest on the full amount of any judgment that accrues after entry of the judgment and before we have paid, offered to pay, or deposited in court the part of the judgment that is within the applicable limit of insurance.

Any amounts paid under **(1)** through **(7)** above will not reduce the limits of insurance.

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b. If we defend an insured against a "suit" and an indemnitee of the insured is also named as a party to the "suit", we will defend that indemnitee if all of the following conditions are met:

(1) The "suit" against the indemnitee seeks damages for which the insured has assumed the liability of the indemnitee in a contract or agreement that is an "insured contract";

(2) This insurance applies to such liability assumed by the insured;

(3) The obligation to defend, or the cost of the defense of, that indemnitee, has also been assumed by the insured in the same "insured contract";

(4) The allegations in the "suit" and the information we know about the "occurrence" are such that no conflict appears to exist between the interests of the insured and the interest of the indemnitee;

(5) The indemnitee and the insured ask us to conduct and control the defense of that indemnitee against such "suit" and agree that we can assign the same counsel to defend the insured and the indemnitee; and

(6) The indemnitee:

(a) Agrees in writing to:

(i) Cooperate with us in the investigation, settlement or defense of the "suit";

(ii) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the "suit";

(iii) Notify any other insurer whose coverage is available to the indemnitee; and

(iv) Cooperate with us with respect to coordinating other applicable insurance available to the indemnitee; and

(b) Provides us with written authorization to:

(i) Obtain records and other information related to the "suit"; and

(ii) Conduct and control the defense of the indemnitee in such "suit".

So long as the above conditions are met, attorneys' fees incurred by us in the defense of that indemnitee, necessary litigation expenses incurred by us and necessary litigation expenses incurred by the indemnitee at our request will be paid as Supplementary Payments.

Notwithstanding the provisions of Paragraph **1.b.(b)** of Section **B.** – Exclusions, such payments will not be deemed to be damages for "bodily injury" and "property damage" and will not reduce the Limits of Insurance.

Our obligation to defend an insured's indemnitee and to pay for attorneys' fees and necessary litigation expenses as Supplementary Payments ends when:

(1) We have used up the applicable limit of insurance in the payment of judgments or settlements; or

(2) The conditions set forth above, or the terms of the agreement described in Paragraph **(6)** above, are no longer met.

B. EXCLUSIONS

1. Applicable To Business Liability Coverage

This insurance does not apply to:

a. Expected Or Intended Injury

(1) "Bodily injury" or "property damage" expected or intended from the standpoint of the insured. This exclusion does not apply to "bodily injury" or "property damage" resulting from the use of reasonable force to protect persons or property; or

(2) "Personal and advertising injury" arising out of an offense committed by, at the direction of or with the consent or acquiescence of the insured with the expectation of inflicting "personal and advertising injury".

b. Contractual Liability

(1) "Bodily injury" or "property damage"; or

(2) "Personal and advertising injury"

for which the insured is obligated to pay damages by reason of the assumption of liability in a contract or agreement.

This exclusion does not apply to liability for damages because of:

(a) "Bodily injury", "property damage" or "personal and advertising injury" that the insured would have in the absence of the contract or agreement; or

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(b) "Bodily injury" or "property damage" assumed in a contract or agreement that is an "insured contract", provided the "bodily injury" or "property damage" occurs subsequent to the execution of the contract or agreement. Solely for the purpose of liability assumed in an "insured contract", reasonable attorneys' fees and necessary litigation expenses incurred by or for a party other than an insured are deemed to be damages because of "bodily injury" or "property damage" provided:

(i) Liability to such party for, or for the cost of, that party's defense has also been assumed in the same "insured contract", and

(ii) Such attorneys' fees and litigation expenses are for defense of that party against a civil or alternative dispute resolution proceeding in which damages to which this insurance applies are alleged.

c. Liquor Liability

"Bodily injury" or "property damage" for which any insured may be held liable by reason of:

(1) Causing or contributing to the intoxication of any person;

(2) The furnishing of alcoholic beverages to a person under the legal drinking age or under the influence of alcohol; or

(3) Any statute, ordinance or regulation relating to the sale, gift, distribution or use of alcoholic beverages.

This exclusion applies only if you are in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages.

d. Workers' Compensation And Similar Laws

Any obligation of the insured under a workers' compensation, disability benefits or unemployment compensation law or any similar law.

e. Employer's Liability

"Bodily injury" to:

(1) An "employee" of the insured arising out of and in the course of:

(a) Employment by the insured; or

(b) Performing duties related to the conduct of the insured's business, or

(2) The spouse, child, parent, brother or sister of that "employee" as a consequence of **(1)** above.

This exclusion applies:

(1) Whether the insured may be liable as an employer or in any other capacity; and

(2) To any obligation to share damages with or repay someone else who must pay damages because of the injury.

This exclusion does not apply to liability assumed by the insured under an "insured contract".

f. Pollution

(1) "Bodily injury", "property damage" or "personal and advertising injury" arising out of the actual, alleged or threatened discharge, dispersal, seepage, migration, release or escape of "pollutants":

(a) At or from any premises, site or location which is or was at any time owned or occupied by, or rented or loaned to any insured. However, this subparagraph does not apply to:

(i) "Bodily injury" if sustained within a building and caused by smoke, fumes, vapor or soot produced by or originating from equipment that is used to heat, cool or dehumidify the building, or equipment that is used to heat water for personal use, by the building's occupants or their guests;

(ii) "Bodily injury" or "property damage" for which you may be held liable, if you are a contractor and the owner or lessee of such premises, site or location has been added to your policy as an additional insured with respect to your ongoing operations performed for that additional insured at that premises, site or location and such premises, site or location is not and never was owned or occupied by, or rented or loaned to, any insured, other than that additional insured; or

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(iii) "Bodily injury" or "property damage" arising out of heat, smoke or fumes from a "hostile fire";

(b) At or from any premises, site or location which is or was at any time used by or for any insured or others for the handling, storage, disposal, processing or treatment of waste;

(c) Which are or were at any time transported, handled, stored, treated, disposed of, or processed as waste by or for:

(i) Any insured; or

(ii) Any person or organization for whom you may be legally responsible;

(d) At or from any premises, site or location on which any insured or any contractors or subcontractors working directly or indirectly on any insured's behalf are performing operations if the "pollutants" are brought on or to the premises, site or location in connection with such operations by such insured, contractor or subcontractor. However, this subparagraph does not apply to:

(i) "Bodily injury" or "property damage" arising out of the escape of fuels, lubricants or other operating fluids which are needed to perform the normal electrical, hydraulic or mechanical functions necessary for the operation of "mobile equipment" or its parts, if such fuels, lubricants or other operating fluids escape from a vehicle part designed to hold, store or receive them. This exception does not apply if the "bodily injury" or "property damage" arises out of the intentional discharge, dispersal or release of the fuels, lubricants or other operating fluids, or if such fuels, lubricants or other operating fluids are brought on or to the premises, site or location with the intent that they be discharged, dispersed or released as part of the operations being performed by such insured, contractor or subcontractor;

(ii) "Bodily injury" or "property damage" sustained within a building and caused by the release of gases, fumes or vapors from materials brought into that building in connection with operations being performed by you or on your behalf by a contractor or subcontractor; or

(iii) "Bodily injury" or "property damage" arising out of heat, smoke or fumes from a "hostile fire"; or

(e) At or from any premises, site or location on which any insured or any contractors or subcontractors working directly or indirectly on any insured's behalf are performing operations if the operations are to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of, "pollutants".

(2) Any loss, cost or expense arising out of any:

(a) Request, demand, order or statutory or regulatory requirement that any insured or others test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of, "pollutants"; or

(b) Claim or suit by or on behalf of a governmental authority for damages because of testing for, monitoring, cleaning up, removing, containing, treating, detoxifying or neutralizing, or in any way responding to, or assessing the effects of, "pollutants".

However, this paragraph does not apply to liability for damages because of "property damage" that the insured would have in the absence of such request, demand, order or statutory or regulatory requirement, or such claim or "suit" by or on behalf of a governmental authority.

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g. Aircraft, Auto Or Watercraft

"Bodily injury" or "property damage" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any insured. Use includes operation and "loading or unloading".

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage" involved the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft that is owned or operated by or rented or loaned to any insured.

This exclusion does not apply to:

(1) A watercraft while ashore on premises you own or rent;

(2) A watercraft you do not own that is:

(a) Less than 51 feet long; and

(b) Not being used to carry persons for a charge;

(3) Parking an "auto" on, or on the ways next to, premises you own or rent, provided the "auto" is not owned by or rented or loaned to you or the insured;

(4) Liability assumed under any "insured contract" for the ownership, maintenance or use of aircraft or watercraft;

(5) "Bodily injury" or "property damage" arising out of the operation of any of the equipment listed in Paragraph **f.(2)** or **f.(3)** of the definition of "mobile equipment"; or

(6) An aircraft that is not owned by any insured and is hired, chartered or loaned with a paid crew. However, this exception does not apply if the insured has any other insurance for such "bodily injury" or "property damage", whether the other insurance is primary, excess, contingent or on any other basis.

h. Mobile Equipment

"Bodily injury" or "property damage" arising out of:

(1) The transportation of "mobile equipment" by an "auto" owned or operated by or rented or loaned to any insured; or

(2) The use of "mobile equipment" in, or while in practice or preparation for, a prearranged racing, speed or demolition contest or in any stunting activity.

i. War

"Bodily injury", "property damage" or "personal and advertising injury", however caused, arising, directly or indirectly, out of:

(1) War, including undeclared or civil war;

(2) Warlike action by a military force, including action in hindering or defending against an actual or expected attack, by any government, sovereign or other authority using military personnel or other agents; or

(3) Insurrection, rebellion, revolution, usurped power, or action taken by governmental authority in hindering or defending against any of these.

j. Professional Services

"Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of or failure to render any professional service. This includes but is not limited to:

(1) Legal, accounting or advertising services;

(2) Preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications;

(3) Supervisory, inspection, architectural or engineering activities;

(4) Medical, surgical, dental, x-ray or nursing services treatment, advice or instruction;

(5) Any health or therapeutic service treatment, advice or instruction;

(6) Any service, treatment, advice or instruction for the purpose of appearance or skin enhancement, hair removal or replacement or personal grooming;

(7) Optical or hearing aid services including the prescribing, preparation, fitting, demonstration or distribution of ophthalmic lenses and similar products or hearing aid devices;

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(8) Optometry or optometric services including but not limited to examination of the eyes and the prescribing, preparation, fitting,demonstration or distribution of ophthalmic lenses and similar products;

(9) Any:

(a) Body piercing (not including ear piercing);

(b) Tattooing, including but not limited to the insertion of pigments into or under the skin; and

(c) Similar services;

(10) Services in the practice of pharmacy; and

(11) Computer consulting, design or programming services, including web site design.

Paragraphs **(4)** and **(5)** of this exclusion do not apply to the Incidental Medical Malpractice coverage afforded under Paragraph **1.e.** in Section **A.** - Coverages.

k. Damage To Property

"Property damage" to:

(1) Property you own, rent or occupy, including any costs or expenses incurred by you, or any other person, organization or entity, for repair, replacement, enhancement, restoration or maintenance of such property for any reason, including prevention of injury to a person or damage to another's property;

(2) Premises you sell, give away or abandon, if the "property damage" arises out of any part of those premises;

(3) Property loaned to you;

(4) Personal property in the care, custody or control of the insured;

(5) That particular part of real property on which you or any contractors or subcontractors working directly or indirectly on your behalf are performing operations, if the "property damage" arises out of those operations; or

(6) That particular part of any property that must be restored, repaired or replaced because "your work" was incorrectly performed on it.

Paragraphs **(1)**, **(3)** and **(4)** of this exclusion do not apply to "property damage" (other than damage by fire) to premises, including the contents of such premises, rented to you for a period of 7 or fewer consecutive days. A separate Limit of Insurance applies to Damage To Premises Rented To You as described in Section **D.** - Limits Of Insurance.

Paragraph **(2)** of this exclusion does not apply if the premises are "your work" and were never occupied, rented or held for rental by you.

Paragraphs **(3)** and **(4)** of this exclusion do not apply to the use of elevators.

Paragraphs **(3)**, **(4)**, **(5)** and **(6)** of this exclusion do not apply to liability assumed under a sidetrack agreement.

Paragraphs **(3)** and **(4)** of this exclusion do not apply to "property damage" to borrowed equipment while not being used to perform operations at a job site.

Paragraph **(6)** of this exclusion does not apply to "property damage" included in the "products-completed operations hazard".

l. Damage To Your Product

"Property damage" to "your product" arising out of it or any part of it.

m. Damage To Your Work

"Property damage" to "your work" arising out of it or any part of it and included in the "products-completed operations hazard".

This exclusion does not apply if the damaged work or the work out of which the damage arises was performed on your behalf by a subcontractor.

n. Damage To Impaired Property Or Property Not Physically Injured

"Property damage" to "impaired property" or property that has not been physically injured, arising out of:

(1) A defect, deficiency, inadequacy or dangerous condition in "your product" or "your work"; or

(2) A delay or failure by you or anyone acting on your behalf to perform a contract or agreement in accordance with its terms.

This exclusion does not apply to the loss of use of other property arising out of sudden and accidental physical injury to "your product" or "your work" after it has been put to its intended use.

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o. Recall Of Products, Work Or Impaired Property

Damages claimed for any loss, cost or expense incurred by you or others for the loss of use, withdrawal, recall, inspection, repair, replacement, adjustment, removal or disposal of:

(1) "Your product";

(2) "Your work"; or

(3) "Impaired property";

if such product, work or property is withdrawn or recalled from the market or from use by any person or organization because of a known or suspected defect, deficiency, inadequacy or dangerous condition in it.

p. Personal And Advertising Injury

"Personal and advertising injury":

(1) Arising out of oral, written or electronic publication of material, if done by or at the direction of the insured with knowledge of its falsity;

(2) Arising out of oral, written or electronic publication of material whose first publication took place before the beginning of the policy period;

(3) Arising out of a criminal act committed by or at the direction of the insured;

(4) Arising out of any breach of contract, except an implied contract to use another's "advertising idea" in your "advertisement";

(5) Arising out of the failure of goods, products or services to conform with any statement of quality or performance made in your "advertisement";

(6) Arising out of the wrong description of the price of goods, products or services;

(7) Arising out of any violation of any intellectual property rights such as copyright, patent, trademark, trade name, trade secret, service mark or other designation of origin or authenticity.

However, this exclusion does not apply to infringement, in your "advertisement", of

(a) Copyright;

(b) Slogan, unless the slogan is also a trademark, trade name, service mark or other designation of origin or authenticity; or

(c) Title of any literary or artistic work;

(8) Arising out of an offense committed by an insured whose business is:

(a) Advertising, broadcasting, publishing or telecasting;

(b) Designing or determining content of web sites for others; or

(c) An Internet search, access, content or service provider.

However, this exclusion does not apply to Paragraphs **a.**, **b.** and **c.** under the definition of "personal and advertising injury" in Section **G.** – Liability And Medical Expenses Definitions.

For the purposes of this exclusion, placing an "advertisement" for or linking to others on your web site, by itself, is not considered the business of advertising, broadcasting, publishing or telecasting;

(9) Arising out of an electronic chat room or bulletin board the insured hosts, owns, or over which the insured exercises control;

(10) Arising out of the unauthorized use of another's name or product in your e-mail address, domain name or metatags, or any other similar tactics to mislead another's potential customers;

(11) Arising out of the violation of a person's right of privacy created by any state or federal act.

However, this exclusion does not apply to liability for damages that the insured would have in the absence of such state or federal act;

(12) Arising out of:

(a) An "advertisement" for others on your web site;

(b) Placing a link to a web site of others on your web site;

(c) Content from a web site of others displayed within a frame or border on your web site. Content includes information, code, sounds, text, graphics or images; or

(d) Computer code, software or programming used to enable:

(i) Your web site; or

(ii) The presentation or functionality of an "advertisement" or other content on your web site;

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(13) Arising out of a violation of any anti-trust law;

(14) Arising out of the fluctuation in price or value of any stocks, bonds or other securities; or

(15) Arising out of discrimination or humiliation committed by or at the direction of any "executive officer", director, stockholder, partner or member of the insured.

q. Electronic Data

Damages arising out of the loss of, loss of use of, damage to, corruption of, inability to access, or inability to manipulate "electronic data".

r. Employment-Related Practices

"Bodily injury" or "personal and advertising injury" to:

(1) A person arising out of any:

(a) Refusal to employ that person;

(b) Termination of that person's employment; or

(c) Employment-related practices, policies, acts or omissions, such as coercion, demotion, evaluation, reassignment, discipline, defamation, harassment, humiliation or discrimination directed at that person; or

(2) The spouse, child, parent, brother or sister of that person as a consequence of "bodily injury" or "personal and advertising injury" to the person at whom any of the employment-related practices described in Paragraphs **(a)**, **(b)**, or **(c)** above is directed.

This exclusion applies:

(1) Whether the insured may be liable as an employer or in any other capacity; and

(2) To any obligation to share damages with or repay someone else who must pay damages because of the injury.

s. Asbestos

(1) "Bodily injury", "property damage" or "personal and advertising injury" arising out of the "asbestos hazard".

(2) Any damages, judgments, settlements, loss, costs or expenses that:

(a) May be awarded or incurred by reason of any claim or suit alleging actual or threatened injury or damage of any nature or kind to persons or property which would not have occurred in whole or in part but for the "asbestos hazard";

(b) Arise out of any request, demand, order or statutory or regulatory requirement that any insured or others test for, monitor, clean up, remove, encapsulate, contain, treat, detoxify or neutralize or in any way respond to or assess the effects of an "asbestos hazard"; or

(c) Arise out of any claim or suit for damages because of testing for, monitoring, cleaning up, removing, encapsulating, containing, treating, detoxifying or neutralizing or in any way responding to or assessing the effects of an "asbestos hazard".

t. Violation Of Statutes That Govern E-Mails, Fax, Phone Calls Or Other Methods Of Sending Material Or Information

"Bodily injury", "property damage", or "personal and advertising injury" arising directly or indirectly out of any action or omission that violates or is alleged to violate:

(1) The Telephone Consumer Protection Act (TCPA), including any amendment of or addition to such law;

(2) The CAN-SPAM Act of 2003, including any amendment of or addition to such law; or

(3) Any statute, ordinance or regulation, other than the TCPA or CAN-SPAM Act of 2003, that prohibits or limits the sending, transmitting, communicating or distribution of material or information.

Damage To Premises Rented To You – Exception For Damage By Fire, Lightning or Explosion

Exclusions **c.** through **h.** and **k.** through **o.** do not apply to damage by fire, lightning or explosion to premises rented to you or temporarily occupied by you with permission of the owner. A separate Limit of Insurance applies to this coverage as described in Section **D.** - Liability And Medical Expenses Limits Of Insurance.

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2. Applicable To Medical Expenses Coverage

We will not pay expenses for "bodily injury":

a. Any Insured
To any insured, except "volunteer workers".

b. Hired Person
To a person hired to do work for or on behalf of any insured or a tenant of any insured.

c. Injury On Normally Occupied Premises
To a person injured on that part of premises you own or rent that the person normally occupies.

d. Workers' Compensation And Similar Laws
To a person, whether or not an "employee" of any insured, if benefits for the "bodily injury" are payable or must be provided under a workers' compensation or disability benefits law or a similar law.

e. Athletics Activities
To a person injured while practicing, instructing or participating in any physical exercises or games, sports or athletic contests.

f. Products-Completed Operations Hazard
Included with the "products-completed operations hazard".

g. Business Liability Exclusions
Excluded under Business Liability Coverage.

C. WHO IS AN INSURED

1. If you are designated in the Declarations as:

a. An individual, you and your spouse are insureds, but only with respect to the conduct of a business of which you are the sole owner.

b. A partnership or joint venture, you are an insured. Your members, your partners, and their spouses are also insureds, but only with respect to the conduct of your business.

c. A limited liability company, you are an insured. Your members are also insureds, but only with respect to the conduct of your business. Your managers are insureds, but only with respect to their duties as your managers.

d. An organization other than a partnership, joint venture or limited liability company, you are an insured. Your "executive officers" and directors are insureds, but only with respect to their duties as your officers or directors. Your stockholders are also insureds, but only with respect to their liability as stockholders.

e. A trust, you are an insured. Your trustees are also insureds, but only with respect to their duties as trustees.

2. Each of the following is also an insured:

a. Employees And Volunteer Workers

Your "volunteer workers" only while performing duties related to the conduct of your business, or your "employees", other than either your "executive officers" (if you are an organization other than a partnership, joint venture or limited liability company) or your managers (if you are a limited liability company), but only for acts within the scope of their employment by you or while performing duties related to the conduct of your business.

However, none of these "employees" or "volunteer workers" are insureds for:

(1) "Bodily injury" or "personal and advertising injury":

(a) To you, to your partners or members (if you are a partnership or joint venture), to your members (if you are a limited liability company), or to a co-"employee" while in the course of his or her employment or performing duties related to the conduct of your business, or to your other "volunteer workers" while performing duties related to the conduct of your business;

(b) To the spouse, child, parent, brother or sister of that co-"employee" or that "volunteer worker" as a consequence of Paragraph **(1)(a)** above;

(c) For which there is any obligation to share damages with or repay someone else who must pay damages because of the injury described in Paragraphs **(1)(a)** or **(b)** above; or

(d) Arising out of his or her providing or failing to provide professional health care services.

If you are not in the business of providing professional health care services, Paragraph **(d)** does not apply to any nurse, emergency medical technician or paramedic employed by you to provide such services.

(2) "Property damage" to property:

(a) Owned, occupied or used by,

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(b) Rented to, in the care, custody or control of, or over which physical control is being exercised for any purpose by you, any of your "employees", "volunteer workers", any partner or member (if you are a partnership or joint venture), or any member (if you are a limited liability company).

b. Real Estate Manager

Any person (other than your "employee" or "volunteer worker"), or any organization while acting as your real estate manager.

c. Temporary Custodians Of Your Property

Any person or organization having proper temporary custody of your property if you die, but only:

(1) With respect to liability arising out of the maintenance or use of that property; and

(2) Until your legal representative has been appointed.

d. Legal Representative If You Die

Your legal representative if you die, but only with respect to duties as such. That representative will have all your rights and duties under this insurance.

e. Unnamed Subsidiary

Any subsidiary and subsidiary thereof, of yours which is a legally incorporated entity of which you own a financial interest of more than 50% of the voting stock on the effective date of this Coverage Part.

The insurance afforded herein for any subsidiary not shown in the Declarations as a named insured does not apply to injury or damage with respect to which an insured under this insurance is also an insured under another policy or would be an insured under such policy but for its termination or upon the exhaustion of its limits of insurance.

3. Newly Acquired Or Formed Organization

Any organization you newly acquire or form, other than a partnership, joint venture or limited liability company, and over which you maintain financial interest of more than 50% of the voting stock, will qualify as a Named Insured if there is no other similar insurance available to that organization. However:

a. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier; and

b. Coverage under this provision does not apply to:

(1) "Bodily injury" or "property damage" that occurred; or

(2) "Personal and advertising injury" arising out of an offense committed

before you acquired or formed the organization.

4. Operator Of Mobile Equipment

With respect to "mobile equipment" registered in your name under any motor vehicle registration law, any person is an insured while driving such equipment along a public highway with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the equipment, and only if no other insurance of any kind is available to that person or organization for this liability. However, no person or organization is an insured with respect to:

a. "Bodily injury" to a co-"employee" of the person driving the equipment; or

b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

5. Operator of Nonowned Watercraft

With respect to watercraft you do not own that is less than 51 feet long and is not being used to carry persons for a charge, any person is an insured while operating such watercraft with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the watercraft, and only if no other insurance of any kind is available to that person or organization for this liability.

However, no person or organization is an insured with respect to:

a. "Bodily injury" to a co-"employee" of the person operating the watercraft; or

b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

6. Additional Insureds When Required By Written Contract, Written Agreement Or Permit

The person(s) or organization(s) identified in Paragraphs **a.** through **f.** below are additional insureds when you have agreed, in a written

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contract, written agreement or because of a permit issued by a state or political subdivision, that such person or organization be added as an additional insured on your policy, provided the injury or damage occurs subsequent to the execution of the contract or agreement, or the issuance of the permit.

A person or organization is an additional insured under this provision only for that period of time required by the contract, agreement or permit.

However, no such person or organization is an additional insured under this provision if such person or organization is included as an additional insured by an endorsement issued by us and made a part of this Coverage Part, including all persons or organizations added as additional insureds under the specific additional insured coverage grants in Section **F.** – Optional Additional Insured Coverages.

a. Vendors

Any person(s) or organization(s) (referred to below as vendor), but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business and only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

(1) The insurance afforded to the vendor is subject to the following additional exclusions:

This insurance does not apply to:

(a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;

(b) Any express warranty unauthorized by you;

(c) Any physical or chemical change in the product made intentionally by the vendor;

(d) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

(e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

(f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

(g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

(h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

(i) The exceptions contained in Subparagraphs **(d)** or **(f)**; or

(ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

(2) This insurance does not apply to any insured person or organization from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.

b. Lessors Of Equipment

(1) Any person or organization from whom you lease equipment; but only with respect to their liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person or organization.

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(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after you cease to lease that equipment.

c. Lessors Of Land Or Premises

(1) Any person or organization from whom you lease land or premises, but only with respect to liability arising out of the ownership, maintenance or use of that part of the land or premises leased to you.

(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:

(a) Any "occurrence" which takes place after you cease to lease that land or be a tenant in that premises; or

(b) Structural alterations, new construction or demolition operations performed by or on behalf of such person or organization.

d. Architects, Engineers Or Surveyors

(1) Any architect, engineer, or surveyor, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

(a) In connection with your premises; or

(b) In the performance of your ongoing operations performed by you or on your behalf.

(2) With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of or the failure to render any professional services by or for you, including:

(a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

(b) Supervisory, inspection, architectural or engineering activities.

e. Permits Issued By State Or Political Subdivisions

(1) Any state or political subdivision, but only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:

(a) "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or

(b) "Bodily injury" or "property damage" included within the "products-completed operations hazard".

f. Any Other Party

(1) Any other person or organization who is not an insured under Paragraphs **a.** through **e**. above, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

(a) In the performance of your ongoing operations;

(b) In connection with your premises owned by or rented to you; or

(c) In connection with "your work" and included within the "products-completed operations hazard", but only if

(i) The written contract or written agreement requires you to provide such coverage to such additional insured; and

(ii) This Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:

"Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

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(a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

(b) Supervisory, inspection, architectural or engineering activities.

The limits of insurance that apply to additional insureds are described in Section **D.** – Limits Of Insurance.

How this insurance applies when other insurance is available to an additional insured is described in the Other Insurance Condition in Section **E.** – Liability And Medical Expenses General Conditions.

No person or organization is an insured with respect to the conduct of any current or past partnership, joint venture or limited liability company that is not shown as a Named Insured in the Declarations.

D. LIABILITY AND MEDICAL EXPENSES LIMITS OF INSURANCE

1. The Most We Will Pay

The Limits of Insurance shown in the Declarations and the rules below fix the most we will pay regardless of the number of:

a. Insureds;

b. Claims made or "suits" brought; or

c. Persons or organizations making claims or bringing "suits".

2. Aggregate Limits

The most we will pay for:

a. Damages because of "bodily injury" and "property damage" included in the "products-completed operations hazard" is the Products-Completed Operations Aggregate Limit shown in the Declarations.

b. Damages because of all other "bodily injury", "property damage" or "personal and advertising injury", including medical expenses, is the General Aggregate Limit shown in the Declarations.

This General Aggregate Limit applies separately to each of your "locations" owned by or rented to you.

"Location" means premises involving the same or connecting lots, or premises whose connection is interrupted only by a street, roadway or right-of-way of a railroad.

This General Aggregate limit does not apply to "property damage" to premises while rented to you or temporarily occupied by you with permission of the owner, arising out of fire, lightning or explosion.

3. Each Occurrence Limit

Subject to **2.a.** or **2.b** above, whichever applies, the most we will pay for the sum of all damages because of all "bodily injury", "property damage" and medical expenses arising out of any one "occurrence" is the Liability and Medical Expenses Limit shown in the Declarations.

The most we will pay for all medical expenses because of "bodily injury" sustained by any one person is the Medical Expenses Limit shown in the Declarations.

4. Personal And Advertising Injury Limit

Subject to **2.b.** above, the most we will pay for the sum of all damages because of all "personal and advertising injury" sustained by any one person or organization is the Personal and Advertising Injury Limit shown in the Declarations.

5. Damage To Premises Rented To You Limit

The Damage To Premises Rented To You Limit is the most we will pay under Business Liability Coverage for damages because of "property damage" to any one premises, while rented to you, or in the case of damage by fire, lightning or explosion, while rented to you or temporarily occupied by you with permission of the owner.

In the case of damage by fire, lightning or explosion, the Damage to Premises Rented To You Limit applies to all damage proximately caused by the same event, whether such damage results from fire, lightning or explosion or any combination of these.

6. How Limits Apply To Additional Insureds

The most we will pay on behalf of a person or organization who is an additional insured under this Coverage Part is the lesser of:

a. The limits of insurance specified in a written contract, written agreement or permit issued by a state or political subdivision; or

b. The Limits of Insurance shown in the Declarations.

Such amount shall be a part of and not in addition to the Limits of Insurance shown in the Declarations and described in this Section.

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If more than one limit of insurance under this policy and any endorsements attached thereto applies to any claim or "suit", the most we will pay under this policy and the endorsements is the single highest limit of liability of all coverages applicable to such claim or "suit". However, this paragraph does not apply to the Medical Expenses limit set forth in Paragraph **3.** above.

The Limits of Insurance of this Coverage Part apply separately to each consecutive annual period and to any remaining period of less than 12 months, starting with the beginning of the policy period shown in the Declarations, unless the policy period is extended after issuance for an additional period of less than 12 months. In that case, the additional period will be deemed part of the last preceding period for purposes of determining the Limits of Insurance.

E. LIABILITY AND MEDICAL EXPENSES GENERAL CONDITIONS

1. Bankruptcy

Bankruptcy or insolvency of the insured or of the insured's estate will not relieve us of our obligations under this Coverage Part.

2. Duties In The Event Of Occurrence, Offense, Claim Or Suit

a. Notice Of Occurrence Or Offense

You or any additional insured must see to it that we are notified as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, notice should include:

(1) How, when and where the "occurrence" or offense took place;

(2) The names and addresses of any injured persons and witnesses; and

(3) The nature and location of any injury or damage arising out of the "occurrence" or offense.

b. Notice Of Claim

If a claim is made or "suit" is brought against any insured, you or any additional insured must:

(1) Immediately record the specifics of the claim or "suit" and the date received; and

(2) Notify us as soon as practicable.

You or any additional insured must see to it that we receive a written notice of the claim or "suit" as soon as practicable.

c. Assistance And Cooperation Of The Insured

You and any other involved insured must:

(1) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the claim or "suit";

(2) Authorize us to obtain records and other information;

(3) Cooperate with us in the investigation, settlement of the claim or defense against the "suit"; and

(4) Assist us, upon our request, in the enforcement of any right against any person or organization that may be liable to the insured because of injury or damage to which this insurance may also apply.

d. Obligations At The Insured's Own Cost

No insured will, except at that insured's own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first aid, without our consent.

e. Additional Insured's Other Insurance

If we cover a claim or "suit" under this Coverage Part that may also be covered by other insurance available to an additional insured, such additional insured must submit such claim or "suit" to the other insurer for defense and indemnity.

However, this provision does not apply to the extent that you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured's own insurance.

f. Knowledge Of An Occurrence, Offense, Claim Or Suit

Paragraphs **a.** and **b.** apply to you or to any additional insured only when such "occurrence", offense, claim or "suit" is known to:

(1) You or any additional insured that is an individual;

(2) Any partner, if you or an additional insured is a partnership;

(3) Any manager, if you or an additional insured is a limited liability company;

(4) Any "executive officer" or insurance manager, if you or an additional insured is a corporation;

(5) Any trustee, if you or an additional insured is a trust; or

(6) Any elected or appointed official, if you or an additional insured is a political subdivision or public entity.

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This Paragraph **f.** applies separately to you and any additional insured.

3. Financial Responsibility Laws

a. When this policy is certified as proof of financial responsibility for the future under the provisions of any motor vehicle financial responsibility law, the insurance provided by the policy for "bodily injury" liability and "property damage" liability will comply with the provisions of the law to the extent of the coverage and limits of insurance required by that law.

b. With respect to "mobile equipment" to which this insurance applies, we will provide any liability, uninsured motorists, underinsured motorists, no-fault or other coverage required by any motor vehicle law. We will provide the required limits for those coverages.

4. Legal Action Against Us

No person or organization has a right under this Coverage Form:

a. To join us as a party or otherwise bring us into a "suit" asking for damages from an insured; or

b. To sue us on this Coverage Form unless all of its terms have been fully complied with.

A person or organization may sue us to recover on an agreed settlement or on a final judgment against an insured; but we will not be liable for damages that are not payable under the terms of this insurance or that are in excess of the applicable limit of insurance. An agreed settlement means a settlement and release of liability signed by us, the insured and the claimant or the claimant's legal representative.

5. Separation Of Insureds

Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this policy to the first Named Insured, this insurance applies:

a. As if each Named Insured were the only Named Insured; and

b. Separately to each insured against whom a claim is made or "suit" is brought.

6. Representations

a. When You Accept This Policy

By accepting this policy, you agree:

(1) The statements in the Declarations are accurate and complete;

(2) Those statements are based upon representations you made to us; and

(3) We have issued this policy in reliance upon your representations.

b. Unintentional Failure To Disclose Hazards

If unintentionally you should fail to disclose all hazards relating to the conduct of your business at the inception date of this Coverage Part, we shall not deny any coverage under this Coverage Part because of such failure.

7. Other Insurance

If other valid and collectible insurance is available for a loss we cover under this Coverage Part, our obligations are limited as follows:

a. Primary Insurance

This insurance is primary except when **b.** below applies. If other insurance is also primary, we will share with all that other insurance by the method described in **c.** below.

b. Excess Insurance

This insurance is excess over any of the other insurance, whether primary, excess, contingent or on any other basis:

(1) Your Work

That is Fire, Extended Coverage, Builder's Risk, Installation Risk or similar coverage for "your work";

(2) Premises Rented To You

That is fire, lightning or explosion insurance for premises rented to you or temporarily occupied by you with permission of the owner;

(3) Tenant Liability

That is insurance purchased by you to cover your liability as a tenant for "property damage" to premises rented to you or temporarily occupied by you with permission of the owner;

(4) Aircraft, Auto Or Watercraft

If the loss arises out of the maintenance or use of aircraft, "autos" or watercraft to the extent not subject to Exclusion **g.** of Section **A.** – Coverages.

(5) Property Damage To Borrowed Equipment Or Use Of Elevators

If the loss arises out of "property damage" to borrowed equipment or the use of elevators to the extent not subject to Exclusion **k.** of Section **A.** – Coverages.

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(6) When You Are Added As An Additional Insured To Other Insurance

That is other insurance available to you covering liability for damages arising out of the premises or operations, or products and completed operations, for which you have been added as an additional insured by that insurance; or

(7) When You Add Others As An Additional Insured To This Insurance

That is other insurance available to an additional insured.

However, the following provisions apply to other insurance available to any person or organization who is an additional insured under this Coverage Part:

(a) Primary Insurance When Required By Contract

This insurance is primary if you have agreed in a written contract, written agreement or permit that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in **c.** below.

(b) Primary And Non-Contributory To Other Insurance When Required By Contract

If you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs **(a)** and **(b)** do not apply to other insurance to which the additional insured has been added as an additional insured.

When this insurance is excess, we will have no duty under this Coverage Part to defend the insured against any "suit" if any other insurer has a duty to defend the insured against that "suit". If no other insurer defends, we will undertake to do so, but we will be entitled to the insured's rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

(1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and

(2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, with any other insurance that is not described in this Excess Insurance provision and was not bought specifically to apply in excess of the Limits of Insurance shown in the Declarations of this Coverage Part.

c. Method Of Sharing

If all the other insurance permits contribution by equal shares, we will follow this method also. Under this approach, each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

8. Transfer Of Rights Of Recovery Against Others To Us

a. Transfer Of Rights Of Recovery

If the insured has rights to recover all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce them. This condition does not apply to Medical Expenses Coverage.

b. Waiver Of Rights Of Recovery (Waiver Of Subrogation)

If the insured has waived any rights of recovery against any person or organization for all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, we also waive that right, provided the insured waived their rights of recovery against such person or organization in a contract, agreement or permit that was executed prior to the injury or damage.

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F. OPTIONAL ADDITIONAL INSURED COVERAGES

If listed or shown as applicable in the Declarations, one or more of the following Optional Additional Insured Coverages also apply. When any of these Optional Additional Insured Coverages apply, Paragraph **6.** (Additional Insureds When Required by Written Contract, Written Agreement or Permit) of Section **C.**, Who Is An Insured, does not apply to the person or organization shown in the Declarations. These coverages are subject to the terms and conditions applicable to Business Liability Coverage in this policy, except as provided below:

1. **Additional Insured - Designated Person Or Organization**

   WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

   a. In the performance of your ongoing operations; or

   b. In connection with your premises owned by or rented to you.

2. **Additional Insured - Managers Or Lessors Of Premises**

   a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured - Designated Person Or Organization; but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Declarations.

   b. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

   This insurance does not apply to:

   (1) Any "occurrence" which takes place after you cease to be a tenant in that premises; or

   (2) Structural alterations, new construction or demolition operations performed by or on behalf of such person or organization.

3. **Additional Insured - Grantor Of Franchise**

   WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured - Grantor Of Franchise, but only with respect to their liability as grantor of franchise to you.

4. **Additional Insured - Lessor Of Leased Equipment**

   a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured – Lessor of Leased Equipment, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person(s) or organization(s).

   b. With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after you cease to lease that equipment.

5. **Additional Insured - Owners Or Other Interests From Whom Land Has Been Leased**

   a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured – Owners Or Other Interests From Whom Land Has Been Leased, but only with respect to liability arising out of the ownership, maintenance or use of that part of the land leased to you and shown in the Declarations.

   b. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

   This insurance does not apply to:

   (1) Any "occurrence" that takes place after you cease to lease that land; or

   (2) Structural alterations, new construction or demolition operations performed by or on behalf of such person or organization.

6. **Additional Insured - State Or Political Subdivision – Permits**

   a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the state or political subdivision shown in the Declarations as an Additional

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Insured – State Or Political Subdivision - Permits, but only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

b. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

(1) "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or

(2) "Bodily injury" or "property damage" included in the "product-completed operations" hazard.

7. Additional Insured – Vendors

a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) (referred to below as vendor) shown in the Declarations as an Additional Insured - Vendor, but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business and only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

b. The insurance afforded to the vendor is subject to the following additional exclusions:

(1) This insurance does not apply to:

(a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;

(b) Any express warranty unauthorized by you;

(c) Any physical or chemical change in the product made intentionally by the vendor;

(d) Repackaging, unless unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

(e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

(f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

(g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

(h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

(i) The exceptions contained in Subparagraphs **(d)** or **(f)**; or

(ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

(2) This insurance does not apply to any insured person or organization from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.

8. Additional Insured – Controlling Interest

WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured – Controlling Interest, but only with respect to their liability arising out of:

a. Their financial control of you; or

b. Premises they own, maintain or control while you lease or occupy these premises.

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This insurance does not apply to structural alterations, new construction and demolition operations performed by or for that person or organization.

9. **Additional Insured – Owners, Lessees Or Contractors – Scheduled Person Or Organization**

   a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured – Owner, Lessees Or Contractors, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

      (1) In the performance of your ongoing operations for the additional insured(s); or

      (2) In connection with "your work" performed for that additional insured and included within the "products-completed operations hazard", but only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

   b. With respect to the insurance afforded to these additional insureds, this insurance does not apply to "bodily injury", "property damage" or "personal an advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

      (1) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

      (2) Supervisory, inspection, architectural or engineering activities.

10. **Additional Insured – Co-Owner Of Insured Premises**

    WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or Organization(s) shown in the Declarations as an Additional Insured – Co-Owner Of Insured Premises, but only with respect to their liability as co-owner of the premises shown in the Declarations.

The limits of insurance that apply to additional insureds are described in Section **D.** – Limits Of Insurance.

How this insurance applies when other insurance is available to an additional insured is described in the Other Insurance Condition in Section **E.** – Liability And Medical Expenses General Conditions.

G. LIABILITY AND MEDICAL EXPENSES DEFINITIONS

1. "Advertisement" means the widespread public dissemination of information or images that has the purpose of inducing the sale of goods, products or services through:

   a. **(1)** Radio;
      (2) Television;
      (3) Billboard;
      (4) Magazine;
      (5) Newspaper;

   b. The Internet, but only that part of a web site that is about goods, products or services for the purposes of inducing the sale of goods, products or services; or

   c. Any other publication that is given widespread public distribution.

   However, "advertisement" does not include:

   a. The design, printed material, information or images contained in, on or upon the packaging or labeling of any goods or products; or

   b. An interactive conversation between or among persons through a computer network.

2. "Advertising idea" means any idea for an "advertisement".

3. "Asbestos hazard" means an exposure or threat of exposure to the actual or alleged properties of asbestos and includes the mere presence of asbestos in any form.

4. "Auto" means a land motor vehicle, trailer or semi-trailer designed for travel on public roads, including any attached machinery or equipment. But "auto" does not include "mobile equipment".

5. "Bodily injury" means physical:

   a. Injury;

   b. Sickness; or

   c. Disease

   sustained by a person and, if arising out of the above, mental anguish or death at any time.

6. "Coverage territory" means:

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a. The United States of America (including its territories and possessions), Puerto Rico and Canada;

b. International waters or airspace, but only if the injury or damage occurs in the course of travel or transportation between any places included in **a.** above;

c. All other parts of the world if the injury or damage arises out of:

(1) Goods or products made or sold by you in the territory described in **a.** above;

(2) The activities of a person whose home is in the territory described in **a.** above, but is away for a short time on your business; or

(3) "Personal and advertising injury" offenses that take place through the Internet or similar electronic means of communication

provided the insured's responsibility to pay damages is determined in the United States of America (including its territories and possessions), Puerto Rico or Canada, in a "suit" on the merits according to the substantive law in such territory, or in a settlement we agree to.

7. "Electronic data" means information, facts or programs:

a. Stored as or on;

b. Created or used on; or

c. Transmitted to or from

computer software, including systems and applications software, hard or floppy disks, CD-ROMS, tapes, drives, cells, data processing devices or any other media which are used with electronically controlled equipment.

8. "Employee" includes a "leased worker". "Employee" does not include a "temporary worker".

9. "Executive officer" means a person holding any of the officer positions created by your charter, constitution, by-laws or any other similar governing document.

10. "Hostile fire" means one which becomes uncontrollable or breaks out from where it was intended to be.

11. "Impaired property" means tangible property, other than "your product" or "your work", that cannot be used or is less useful because:

a. It incorporates "your product" or "your work" that is known or thought to be defective, deficient, inadequate or dangerous; or

b. You have failed to fulfill the terms of a contract or agreement;

if such property can be restored to use by:

a. The repair, replacement, adjustment or removal of "your product" or "your work"; or

b. Your fulfilling the terms of the contract or agreement.

12. "Insured contract" means:

a. A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for damage by fire, lightning or explosion to premises while rented to you or temporarily occupied by you with permission of the owner is subject to the Damage To Premises Rented To You limit described in Section **D.** – Liability and Medical Expenses Limits of Insurance.

b. A sidetrack agreement;

c. Any easement or license agreement, including an easement or license agreement in connection with construction or demolition operations on or within 50 feet of a railroad;

d. Any obligation, as required by ordinance, to indemnify a municipality, except in connection with work for a municipality;

e. An elevator maintenance agreement; or

f. That part of any other contract or agreement pertaining to your business (including an indemnification of a municipality in connection with work performed for a municipality) under which you assume the tort liability of another party to pay for "bodily injury" or "property damage" to a third person or organization, provided the "bodily injury" or "property damage" is caused, in whole or in part, by you or by those acting on your behalf. Tort liability means a liability that would be imposed by law in the absence of any contract or agreement.

Paragraph **f.** includes that part of any contract or agreement that indemnifies a railroad for "bodily injury" or "property damage" arising out of construction or demolition operations within 50 feet of any railroad property and affecting any railroad bridge or trestle, tracks, road-beds, tunnel, underpass or crossing.

However, Paragraph **f.** does not include that part of any contract or agreement:

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(1) That indemnifies an architect, engineer or surveyor for injury or damage arising out of:

(a) Preparing, approving or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

(b) Giving directions or instructions, or failing to give them, if that is the primary cause of the injury or damage; or

(2) Under which the insured, if an architect, engineer or surveyor, assumes liability for an injury or damage arising out of the insured's rendering or failure to render professional services, including those listed in (1) above and supervisory, inspection, architectural or engineering activities.

13. "Leased worker" means a person leased to you by a labor leasing firm under an agreement between you and the labor leasing firm, to perform duties related to the conduct of your business. "Leased worker" does not include a "temporary worker".

14. "Loading or unloading" means the handling of property:

a. After it is moved from the place where it is accepted for movement into or onto an aircraft, watercraft or "auto";

b. While it is in or on an aircraft, watercraft or "auto"; or

c. While it is being moved from an aircraft, watercraft or "auto" to the place where it is finally delivered;

but "loading or unloading" does not include the movement of property by means of a mechanical device, other than a hand truck, that is not attached to the aircraft, watercraft or "auto".

15. "Mobile equipment" means any of the following types of land vehicles, including any attached machinery or equipment:

a. Bulldozers, farm machinery, forklifts and other vehicles designed for use principally off public roads;

b. Vehicles maintained for use solely on or next to premises you own or rent;

c. Vehicles that travel on crawler treads;

d. Vehicles, whether self-propelled or not, on which are permanently mounted:

(1) Power cranes, shovels, loaders, diggers or drills; or

(2) Road construction or resurfacing equipment such as graders, scrapers or rollers;

e. Vehicles not described in **a.**, **b.**, **c.**, or **d.** above that are not self-propelled and are maintained primarily to provide mobility to permanently attached equipment of the following types:

(1) Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment; or

(2) Cherry pickers and similar devices used to raise or lower workers;

f. Vehicles not described in **a.**, **b.**, **c.**, or **d.** above maintained primarily for purposes other than the transportation of persons or cargo.

However, self-propelled vehicles with the following types of permanently attached equipment are not "mobile equipment" but will be considered "autos":

(1) Equipment, of at least 1,000 pounds gross vehicle weight, designed primarily for:

(a) Snow removal;

(b) Road maintenance, but not construction or resurfacing; or

(c) Street cleaning;

(2) Cherry pickers and similar devices mounted on automobile or truck chassis and used to raise or lower workers; and

(3) Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment.

16. "Occurrence" means an accident, including continuous or repeated exposure to substantially the same general harmful conditions.

17. "Personal and advertising injury" means injury, including consequential "bodily injury", arising out of one or more of the following offenses:

a. False arrest, detention or imprisonment;

b. Malicious prosecution;

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c. The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that the person occupies, committed by or on behalf of its owner, landlord or lessor;

d. Oral, written or electronic publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services;

e. Oral, written or electronic publication of material that violates a person's right of privacy;

f. Copying, in your "advertisement", a person's or organization's "advertising idea" or style of "advertisement";

g. Infringement of copyright, slogan, or title of any literary or artistic work, in your "advertisement"; or

h. Discrimination or humiliation that results in injury to the feelings or reputation of a natural person.

18. "Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste. Waste includes materials to be recycled, reconditioned or reclaimed.

19. "Products-completed operations hazard";

a. Includes all "bodily injury" and "property damage" occurring away from premises you own or rent and arising out of "your product" or "your work" except:

(1) Products that are still in your physical possession; or

(2) Work that has not yet been completed or abandoned. However, "your work" will be deemed to be completed at the earliest of the following times:

(a) When all of the work called for in your contract has been completed.

(b) When all of the work to be done at the job site has been completed if your contract calls for work at more than one job site.

(c) When that part of the work done at a job site has been put to its intended use by any person or organization other than another contractor or subcontractor working on the same project.

Work that may need service, maintenance, correction, repair or replacement, but which is otherwise complete, will be treated as completed.

The "bodily injury" or "property damage" must occur away from premises you own or rent, unless your business includes the selling, handling or distribution of "your product" for consumption on premises you own or rent.

b. Does not include "bodily injury" or "property damage" arising out of:

(1) The transportation of property, unless the injury or damage arises out of a condition in or on a vehicle not owned or operated by you, and that condition was created by the "loading or unloading" of that vehicle by any insured; or

(2) The existence of tools, uninstalled equipment or abandoned or unused materials.

20. "Property damage" means:

a. Physical injury to tangible property, including all resulting loss of use of that property. All such loss of use shall be deemed to occur at the time of the physical injury that caused it; or

b. Loss of use of tangible property that is not physically injured. All such loss of use shall be deemed to occur at the time of "occurrence" that caused it.

As used in this definition, "electronic data" is not tangible property.

21. "Suit" means a civil proceeding in which damages because of "bodily injury", "property damage" or "personal and advertising injury" to which this insurance applies are alleged. "Suit" includes:

a. An arbitration proceeding in which such damages are claimed and to which the insured must submit or does submit with our consent; or

b. Any other alternative dispute resolution proceeding in which such damages are claimed and to which the insured submits with our consent.

22. "Temporary worker" means a person who is furnished to you to substitute for a permanent "employee" on leave or to meet seasonal or short-term workload conditions.

23. "Volunteer worker" means a person who:

a. Is not your "employee";

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b. Donates his or her work;

c. Acts at the direction of and within the scope of duties determined by you; and

d. Is not paid a fee, salary or other compensation by you or anyone else for their work performed for you.

24. "Your product":

a. Means:

(1) Any goods or products, other than real property, manufactured, sold, handled, distributed or disposed of by:

(a) You;

(b) Others trading under your name; or

(c) A person or organization whose business or assets you have acquired; and

(2) Containers (other than vehicles), materials, parts or equipment furnished in connection with such goods or products.

b. Includes:

(1) Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your product"; and

(2) The providing of or failure to provide warnings or instructions.

c. Does not include vending machines or other property rented to or located for the use of others but not sold.

25. "Your work":

a. Means:

(1) Work or operations performed by you or on your behalf; and

(2) Materials, parts or equipment furnished in connection with such work or operations.

b. Includes:

(1) Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your work"; and

(2) The providing of or failure to provide warnings or instructions.

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SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

THIS SECOND AMENDMENT AGREEMENT is dated for identification this 1ST day of August 2021 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Mintier Harnish, LP, ("Consultant"), whose address is 1415 20th Street, Sacramento, CA 95811. This Agreement is made with reference to the following facts.

RECITALS

A. The Town and Consultant entered into an Agreement dated July 9, 2018 to provide Consultant Services for preparation of the General Plan update and Environmental Impact Report (Exhibit A).

B. The Town and Consultant entered into a First Amendment Agreement dated August 1, 2020 to extend the term to July 31, 2021.

C. The Town desires to extend the Agreement to March 31, 2022.

AMENDMENT

1. Time of Performance of the Second Amendment Agreement is hereby amended to provide that the term of the Agreement is for the period of August 1, 2021 through March 31, 2022.

2. All other terms and conditions of the Agreement dated July 9, 2018, remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Second Amendment Agreement as of the date indicated above.

Town of Los Gatos:

DocuSigned by:
Laurel Prevetti 8/25/2021
853FEEA2EB39470...
Laurel Prevetti, Town Manager

Consultant:

jim harnish
jim harnish (Aug 20, 2021 14:30 PDT)
Jim Harnish,
Mintier Harnish, LP

Department Approval:

DocuSigned by:
Joel Paulson 8/25/2021
5035A0632FE1477...
Joel Paulson, Community Development Director

Approved as to Form:

DocuSigned by:
Robert W. Schultz 8/25/2021
2FE0938555B744C...
Robert Schultz, Town Attorney

Attest:

DocuSigned by:
Shelley Neis 8/26/2021
F65B1F34F6...
Shelley Neis, MMC, CPMC, Town Clerk

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AGR 18.165

IHH_____

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is dated for identification this 9th day of July 2018 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Mintier Harnish, LP, ("Consultant"), whose address is 1415 20th Street, Sacramento, CA 95811. This Agreement is made with reference to the following facts.

I. RECITALS

1.1 Town desires to engage Consultant to provide Consultant Services for preparation of the General Plan update and Environmental Impact Report.

1.2 Consultant represents and affirms that they are qualified and willing to perform the desired work pursuant to this Agreement

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

II. AGREEMENTS

2.1 Scope of Services. Consultant shall provide the services as described in the Scope of Services attached as Exhibit A-1 and the schedule attached as Exhibit A-2.

2.2 Term and Time of Performance. This contract will remain in effect from the date of execution through July 31, 2020.

2.3 Compliance with Laws. Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state, and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

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

2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of the these documents or information available to any

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

2.6 Compensation. Compensation for Consultant's professional services **shall not exceed** the **$1,174,975** inclusive of all costs. Payment shall be made against tasks at costs as set forth in Exhibit B Fee Schedule. Consultant shall be compensated for services in addition to those described in Exhibit A-1 only if Consultant and Town execute a written amendment to this Agreement describing the additional services to be performed and the compensation to be paid for such services. Fees for additional services will be allocated from the ten percent contingency identified on Exhibit B Fee Schedule.

2.7 Flexibility. As noted in Exhibit B Fee Schedule, the distribution of hours between firms, staff categories, and tasks are an estimate. While the total costs shall not exceed amount in Section 2.6 above, the distribution of hours/costs may vary depending on actual execution.

2.8 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed, by whom, at what rate, and on what date.

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

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655

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

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

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

2.12 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

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

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance.

i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars ($1,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage.

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ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy insuring him/her and his/her staff to an amount not less than one million dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

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

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

General Liability

i. The Town, its officers, officials, employees, and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant; and premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.

ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees, and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.

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

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has

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been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

3.3 Workers' Compensation. Consultant shall maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town. Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

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

IV. GENERAL TERMS

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

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

4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

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

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

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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:

To Town:

Joel Paulson
Community Development Director
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030
Fax: (408) 354-7593
Phone: (408) 354-6879
E-mail: *jpaulson@losgatosca.gov*

To Consultant:

Jim Harnish
Mintier Harnish
1415 20th Street
Sacramento, CA 95811

Phone: (916) 446-0522
E-mail: *jim@mintierharnish.com*

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

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect to the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

4.8 Entire Agreement. This Agreement, including Exhibits A-1, A-2, and B, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos

Laurel R. Prevetti, Town Manager
Town of Los Gatos

Consultant:

Jim Harnish
Mintier Harnish, LP

Department Approval:

Joel Paulson
Community Development Director

Approved as to Form:

Robert W. Schultz
Town Attorney

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Scope of Work

The following section provides our work program for the preparation of the Town of Los Gatos General Plan Update. This program is designed to respond to the scope items included in the Town's Request of Proposal (RFP) and provides for the formulation of a thoughtful and user-friendly General Plan and comprehensive program-level Environmental Impact Report (EIR) that can be used to streamline subsequent project-level proposals. The work program includes appropriate technical studies and community engagement opportunities that explore issues, opportunities, and solutions to guide the community to the year 2040.

In this work program, the term "Consultants" refers to members of the Consultant Team assembled for the project.

Details on community engagement activities are described under Task H, with placeholders shown under each task to show their relationship to the overall work program.

Task A Project Initiation

During this task, the Consultants will work with Town staff to lay the foundation for the General Plan Update, including developing tools to be used throughout the Update, meeting with the General Plan Advisory Committee (GPAC), the Planning Commission, and Town Council, and initiating the community engagement program.

Task A.1 Project Scoping Meeting, Kick-off Meeting, and Town Tour

The Consultants will meet with Town staff to discuss expectations for the schedule, process, and work products and to refine the scope of work to address Town comments.

Following execution of the contract, the Consultants and Town staff will hold a project kick-off meeting. This meeting will confirm roles and responsibilities, establish communication protocols, refine and detail the project schedule based on actual start date, and discuss the initial ideas and strategies for community engagement (which will be refined and documented under Task H.1). Immediately following the kick off, the Consultants will tour the community with Town staff to examine key issues and opportunities that will be addressed in the General Plan Update.

Task A.2 Assemble GIS Data and Prepare Base Maps

The Consultants will work with Town staff to confirm the Planning Area and gather and format information for a Geographic Information Systems (GIS) database covering the Planning Area. The Consultants will prepare base maps suitable for reports and display presentation, including establishing a uniform legend and title block.

During the project kick-off meeting (Task A.1), the Consultants will work with Town staff to identify and obtain existing GIS resources from the Town and other identified agencies with GIS data covering the Planning Area. We will develop new GIS data and maps consistent with Town protocols and data formats to ensure easy integration into the Town's information system. At the end of the project, the Consultants will provide the Town the native files of all original data as well as project-specific GIS layers modified or created by the Consultants for the General Plan Update.

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As described in Task H.3, the Consultants will also present selected geographic data online using ESRI ArcGIS Online and/or ESRI Story Map.

Task A.3 Existing Data Collection and Compilation

Knowledge of existing conditions within the Town of Los Gatos will give the Consultants, and the community, a more thorough understanding of how the Town can move forward and what has changed since the last General Plan was prepared. At the beginning of the Update process, and prior to initiation of public engagement, the Consultants will compile (including native format files whenever possible) the following:

Applicable plans, studies, and analysis documents that currently exist within the various departments in the Town of Los Gatos that pertain to the General Plan. Documents may include, but are not limited to:

- General Plan
- Specific Plans
- Hazard mitigation plan
- Parks, open space, trails and recreation plans
- Municipal Code
- Any other pertinent information, documents, plans, and other items identified by Town Staff
- Applicable plans, studies, and analysis documents concerning Infrastructure and utilities
- Geographic information system (GIS) data
- Transportation plans

Pertinent information that is contained in these documents will be reviewed and used by the Consultants to develop the Existing Conditions Background Report (see Task B) that will be provided with the General Plan Update.

The Consultants will use and rely upon these existing resources to develop the General Plan and EIR information. The scope of work and budget are based on the availability and use of secondary data and the development of planning level qualitative assessments that are typical for a general plan update. This information will be supplemented with data collected by our team as described in Task B, Existing Conditions Background Report

GPAC Meeting #1 will be held during this task to facilitate data identification and collection (see Task H.5).

Engagement Activities During Task A:

- Task H.1: Community Engagement Strategy
- Task H.2: Branding and Project Logo
- Task H.3: Set Up Online Engagement
- Task H.4: Newsletter #1, General Plan Update Overview
- Task H-5: GPAC #1
- Task H-7: Community Workshop #1, Project Initiation
- Task H.8: Joint Study Session #1, Introduction to the General Plan Update

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Products:

- Kick-off Meeting Summary (digital version)
- GIS Base Maps (digital version)

The term "digital version" is used in this scope of work as the provision of deliverables in both their native format for staff use (e.g., MS Word, MS Excel) and a PDF format that is both print ready and bookmarked for online use.

Task B Prepare Existing Conditions Background Report

During this task, the Consultants will compile information on existing conditions within the town and Planning Area organized by the topics to be covered in the General Plan Update. The Existing Conditions Background Report (Background Report) will focus on identifying and evaluating existing conditions and future trends that will influence the development of the General Plan Update, the EIR, and the future of the community.

Task B.1 Administrative Draft Background Report

The Consultants will prepare an Administrative Draft Background Report and submit it to Town staff for review and comment. The Report will highlight current conditions and trends, and identify future opportunities and constraints, which will lay the groundwork for subsequent policy development. The report will address, at a minimum, the topics described in the request for proposals (RFP), although some reorganization and combinations are proposed.

- Land Use
- Population, Employment, and Housing
- Circulation and Transportation
- Biological Resources
- Cultural Resources
- Economics
- Infrastructure
- Public Services
- Noise
- Air Quality
- Safety and Hazards
- Geology
- Hydrology and Water Quality

During this task, the Consultants will compile information on existing conditions within the Planning Area organized by the topics identified above. This assessment will not only support the development of goals, policies, and programs, but will also serve as the setting information sections in the EIR.

Compiling existing conditions information will involve reviewing existing and draft documents (e.g., existing General Plan elements, zoning, other plans, special studies, EIRs) and contacting appropriate agencies and organizations serving the community. The Existing Conditions Report will include maps, charts, graphs, and photographs to illustrate conditions and trends in an easy-to-read format. Each topic area of the report will address the following:

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- Introduction to the topic;
- Key terms (as appropriate to topic);
- Regulatory setting outlining key Federal, State, and local regulations and policies that are pertinent to the topic;
- A summary of existing conditions and setting;
- A brief description of key constraints and opportunities; and
- References (i.e., document citations, websites, and personal communications).

Land Use. The Consultants will analyze the existing General Plan land uses and adopted plans that affect development in Los Gatos. The Consultant will map and analyze existing land uses based on available GIS and/or Assessor's data and identify opportunities and constraints for future development and reuse. The Consultants will also describe regional planning efforts affecting the town.

This section will also summarize the community character of Los Gatos neighborhoods and districts and the design characteristics of each. This will include describing architectural patterns, community gateways, and major geographic features that define the character of Los Gatos.

Population, Employment, Housing, and Fiscal Stability. The Consultants will examine the demographic, employment, and market demand data for different land uses, including retail, industrial, and office development. For the demographic information, the Consultants will use a combination of primary data from the U.S. Census of Population, the American Community Survey, the Local Employment Dynamics database, Association of Bay Area Governments (ABAG), and the California Department of Finance. This data, supplemented by information provided by Town staff, will include measures and trends such as population, housing characteristics, income distribution, educational attainment, ethnicity, commute patterns, and tenure.

We will prepare an overview of economic characteristics and analyze the recent employment trends to verify the leading sectors in the Los Gatos economic base. This analysis will address the types of office and light industrial uses that may be attracted to Los Gatos. For the local demand component, the Consultants will analyze the retail market in Los Gatos, including household demand, business-to-business transactions, and visitor spending. Using sales data provided by the Town sales tax audit firm, we will prepare the retail leakage analysis and provide recommendations on potential commercial development opportunities. We will also prepare a projection of future market growth for Los Gatos based on anticipated household growth and trends in the regional market area. Based on this analysis, the Consultants will develop recommendations for strategic actions and policies to help support the town's retail sector and address potential market threats related to changing market conditions.

The Consultants will also look at the current job-housing balance and use the labor force data and commute patterns to assess housing needs. We will look at how the existing labor force patterns compare with the employment base. The distribution of occupational employment and labor force by occupation can serve as an indicator for the types of housing that the labor force and job base will demand. The Consultants will also identify the existing service levels for various institutions in Los Gatos, such as education and health care facilities, and compare them with other communities. This will help assess future needs, based on population and/or employment growth.

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Based on the market analysis above and factoring in the potential supply of land for different uses (employment-generating and residential), we will produce a market projection that addresses future demand for different land uses, as well as forecasts that will identify a range of potential needs for different types of spaces.

The Consultants will also prepare an analysis of the Town budget and how land uses affect Town revenues and costs. This will provide a foundation for later fiscal analysis of land use alternatives or changes in development capacity through the General Plan process.

Circulation and Transportation (Mobility). The Consultants will compile data and information on the existing transportation system, including roadways, transit services, and bicycle and pedestrian facilities. The Consultants will prepare a detailed description accompanied with maps and graphics illustrating the roadway system, bicycle and pedestrian facilities, peak hour traffic counts, pedestrian/bicycle counts, and transit routes/stops. We will use available Census and travel survey data to describe the travel behavior of Los Gatos residents and employees. Federal, State, regional, and local regulations pertaining to multimodal circulation in Los Gatos.

The Consultants will review collision data available through the California Highway Patrol's SWITRS reports to identify specific "hot spots" that have experienced high rates of automobile, pedestrian, and/or bicyclist collisions.

The Consultants will determine existing intersection levels of service using the collected traffic volume data, intersection geometric configurations, and signal phasing (to be provided by the Town). The Consultants will conduct weekday AM and PM peak period traffic counts (vehicles, bikes, and pedestrians) for 10 key study intersections and 24-hour counts on 20 roadway segments (for informational purposes). We will develop the exact list of locations in cooperation with Town staff. To represent typical conditions, we will collect all data during a typical non-holiday weekday and while local schools are in session.

Using transit ridership data from VTA and input from Town staff, we will map key transit trip origins and destinations and used to assess connectivity of transit service. Transit operations will include the peak load factors for bus routes serving Los Gatos.

We will map key pedestrian and bicycle origins and destinations to assess the pedestrian and bicycle network completeness. We will identify gaps in the pedestrian and bicycle networks.

Biological Resources. The Consultant will summarize sensitive habitats, principal vegetation cover types, and special-status and endangered species. This will include primary source material from the Santa Clara Valley Habitat Plan, supplemented with limited windshield surveys and review of existing biology studies completed for the town.

Cultural Resources. The Consultant will summarize historic structures and locations and conduct archeological sensitivity analyses for both prehistoric and historic sites using records maintained at the regional information center and in published research papers. The Consultant will ensure that appropriate individuals are contacted with the surrounding Native American Tribes to ensure sensitive cultural resources are documented appropriately. This section will include areas for the protection of cultural resources consistent with recent State mandates (SB 18).

Economics. See Economics, Population, Employment, and Housing description, above.

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Public Facilities, Services, and Infrastructure. The Consultant will summarize infrastructure, resources, services, and facilities related to: water supply and delivery, wastewater collection and disposal, stormwater drainage, solid waste and recycling, energy and telecommunications, law enforcement, fire protection, health care, schools and education, and government services. For each of the topical areas described, the Consultant will identify planned facility improvements and estimate future demands based on projected development compared to available capacity and planned improvements, identifying potential facility and/or service shortfalls. The Consultant will also assess if the General Plan must include information related to recent State mandates that require cities to identify service needs for unincorporated disadvantaged communities (SB 244).

Noise. The Consultant will review existing noise data, including recent EIRs and studies, and summarize the existing noise environment in Los Gatos resulting from major roadways and highways, and stationary noise sources and activities. The Consultant will also document existing noise-sensitive areas and sites. The Consultant will also summarize current information on ground vibration. The Consultant will also update existing noise contours based on the data collected during the noise monitoring survey and traffic data developed/collected.

Air Quality. The Consultant will summarize existing air quality conditions within Los Gatos and the nearby vicinity. This will specifically include the location of existing sensitive receptors and emission sources, existing mass emissions, ambient air quality concentration data from the most applicable monitoring station(s), attainment designations, and natural factors that relate to the transport and dispersion of air pollutants. This summary will include applicable Federal, State, and local regulations, as well as thresholds of significance recommended by Bay Area Air Quality Management District (BAAQMD) and rules for which compliance will be required.

Safety and Hazards (including Geology). The Consultant will summarize existing natural and manmade hazards. As part of this evaluation, the Consultant will summarize the geological environment and associated hazards. This section will address Seismic Hazard Zones (i.e., Seismic Hazards Mapping Act of 1990 and the Alquist-Priolo Earthquake Fault Zoning Act of 1972) and soil strength properties. The Consultant will describe major creeks, streams, and drainages, and will summarize the latest FEMA floodplain mapping to illustrate potential safety and development constraints. The Consultant will summarize urban and wildland fire risks, fire hazard risk areas, and fire protection resources. The Consultant will also summarize major users and producers of hazardous materials within or adjacent to the Town.

Hydrology and Water Quality. The Consultant will summarize sources of groundwater and surface water, water consumption rates, measures used to conserve water, and renewable water facilities and resources. This section will document potential pollution sources, areas susceptible to water quality degradation, and source issues and capacity constraints.

Greenhouse Gas Emissions and Climate Change Adaptation. The Consultants will prepare a climate change background report and existing GHG inventory that includes a discussion of climate change and how the General Plan Update should address this issue, including both the reduction of GHG emissions and climate change vulnerability and adaptation. The report will briefly summarize relevant background information regarding these topics and lay out a framework for the General Plan Update to address climate change, including how the General Plan can implement the existing Sustainability Plan (2012) to serve as a "plan for the reduction of GHG emission" to achieve streamlining benefits per Section 15183.5 of the State CEQA Guidelines.

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- **GHG Emissions.** The Consultants will summarize relevant legislation and guidance regarding preparation of a GHG reduction strategy or climate action plan, including the five-step process of preparing an inventory (updates since the 2012 inventory was conducted) and forecasts (including through 2030 and the General Plan horizon year), setting new GHG targets, and developing updated and/or new GHG reduction measures.
  The Consultants will also prepare an inventory of recent annual GHG emissions for communitywide activities within Los Gatos, building off of the data contained in the 2012 Sustainability Plan, using information provided by the Town, energy utilities, the traffic consultant, and other sources such as Plan Bay Area or other regional planning documents. The Consultants will prepare the inventory in accordance with established GHG inventory protocols that are appropriate for local municipalities (e.g., Local Government Operations Protocol [LGOP] and ICLEI Communitywide Protocol). The inventory will be focused primarily on emissions that are within the Town's jurisdictional control or influence. The inventory will not attempt to quantify emissions that are outside the scope of the effort, such as lifecycle/carbon footprint analysis or changes in carbon sequestration or storage in natural or working lands. The inventory will serve as the reference point from which emissions forecasts and reduction targets can be prepared during later phases of the project.
- **Climate Change Adaptation.** The Consultants will prepare a communitywide, planning-level climate change vulnerability assessment, using tools and methods established by the Governor's Office of Planning and Research (OPR), the California Natural Resources Agency (CNRA), and the California Energy Commission (CEC), including the Cal-Adapt web-based tool, the Adaptation Planning Guide, the 2017 General Plan Guidelines, and other resources. The assessment will examine the adverse effects of climate change relevant to Los Gatos, building on townwide work already completed as part of the Sustainability Plan and existing policies/programs contained in the existing Environment and Sustainability Element. Key issues that will be addressed include extreme heat, changes in precipitation and drought, increased risk of flooding and wildfire, and other impacts. The assessment will help inform SB 379 adaptation measures to be included in the General Plan Policy Document.

Healthy Communities. The Healthy Communities chapter will examine public health challenges facing Los Gatos and identify opportunities for improving health and well-being of residents though a variety of land use, transportation, and other built environment strategies. Our analyses will shed light on key public health issues impacted by the built environment including: obesity, chronic diseases, lack of physical activity and unhealthy eating, injuries, asthma, and health disparities. The Consultant will look at the impact of these issues on special populations such as children, youth, and seniors. The Consultant will also identify a set of healthy community indicators that will be used to describe community factors in Los Gatos that support or act as barriers to active and healthy lifestyles. The Consultant will use GIS maps and graphics to present these findings and illustrate the local "place-health" connections.

Environmental Justice. Community health, environmental justice, and social equity are emerging as important issues that communities are addressing in general plans. SB 1000 requires jurisdictions that have disadvantaged communities to adopt an environmental justice (EJ) element or incorporate EJ policies into their general plans. Based on a review of CalEnviroscreen 3.0, which is considered the default tool used to identify disadvantaged communities, there are not currently any areas identified that would require special treatment as part of the General Plan Update, but this fact will be documented as part of the Background Report.

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Task B.2 Public Draft Background Report

Following review by Town staff, the Consultants will revise the Background Report and provide a Public Draft document for review with the GPAC, the Planning Commission, Town Council, and community (see Tasks H.9and H.11).

Task B.3 General Plan Audit Report

An initial step in the update of the General Plan will be an assessment (audit) of the current General Plan. This assessment will look at the current plan and revisions and additions needed to address changes in State law, the new 2017 OPR General Plan Guidelines, and contemporary planning practice and content.

In addition to meeting current requirements and planning practice, we will also work with Town staff to evaluate the existing General Plan to determine what works, what does not work, and where the plan is not providing adequate or current guidance. This will be done using our proprietary General Plan Evaluation Tool. This Tool provides insights on the existing General Plan clarity; linkages to other plans; progress in achieving desired outcomes; and whether goals, policies, and actions should be carried forward, modified, or removed. The results of this review will be documented in a General Plan Audit Report.

Engagement Activities During Task B:

- Task H.3: Online Existing Conditions Story Map (digital version)
- Task H.9: GPAC Meeting #2, Review Existing Conditions Report
- Task H.10: Newsletter #2, Existing Conditions and Trends
- Task H.11: Joint Study Session #2, Review Existing Conditions Report

Products:

- Administrative Draft Background Report (8 hard copies and digital version)
- Public Draft Background Report (30 hard copies, CD, and digital version)
- General Plan Audit Report (digital version)

Task C Identify Issues, Opportunities, and Constraints

The objective of this task will be to work with the community on the identification of the issues, opportunities, and constraints that should be addressed as part of the General Plan Update. The items to be addressed will be identified by:

- Items identified by the Town Council for the Update (RFP page 3)
- Findings from the Background Report and technical input from the Consultants
- Input from the community (Community Workshop #2)
- Input from stakeholder interviews
- Updated input from the Town Council and Planning Commission

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Task C.1 Administrative Draft Issues, Opportunities, and Constraints Summary

The Consultants will summarize the key issues, opportunities, and constraints identified based on the findings in the Draft Background Report, input from community workshops, stakeholder interviews, and Joint Town Council/Planning Commission study sessions.

Task C.2 Public Draft Issues, Opportunities, and Constraints Summary

Following review by Town staff, the Consultants will revise the Administrative Draft and prepare a Public Draft Issues, Opportunities, and Constraints Summary for review with the GPAC, the Planning Commission, Town Council, and community (Tasks H.12, H.13, and H.14).

Task C.3 Final Issues, Opportunities, and Constraints Summary

Following review by the Town Council and Planning Commission, the Consultants will revise the document and prepare a final Issues, Opportunities, and Constraints Summary.

Engagement Activities During Task C:

- Task H.12: Community Workshop #2, Issues, Opportunities, and Constraints Identification
- Task H.13: GPAC Meeting #3, Review Issues, Opportunities, and Constraints Report
- Task H.14: Joint Study Session #3, Review Issues, Opportunities, and Constraints Report

Products:

- Administrative Draft Issues, Opportunities, and Constraints Report (digital version)
- Public Draft Issues, Opportunities, and Constraints Report (30 hard copies, digital version)
- Final Issues, Opportunities, and Constraints Report (digital version)

Task D Development of a General Plan Vision

A General Plan vision statement and guiding principles are intended to reflect what community members value most about their community and the shared aspirations of what they envision their community being in the future. The vision statement should be inspirational and set the key values and aspirations for the General Plan's guiding principles, goals, policies, and implementation measures. The guiding principles should provide more specific guidance that provides the fundamental rules or doctrine that the Town will use to guide General Plan goals, policies, and implementation measures.

During this task, the Los Gatos Vision Statement and Guiding Principles will be developed to guide the preparation of the General Plan Update.

Task D.1 Administrative Draft Vision and Guiding Principles

The Consultants will prepare the Administrative Draft Vision Statement that represents the ideal future for the community and a set of Guiding Principles that support the Vision and represent the Town's core values. We will base the Vision and Guiding Principles on public input gathered at the stakeholder interviews, community workshops, GPAC meetings, and Town Council/Planning Commission study sessions, as well as input from Town staff.

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Task D.2 Public Draft Vision and Guiding Principles

Following review by Town staff, the Consultants will revise the Administrative Draft and prepare a Public Draft Vision and Guiding Principles for review with the GPAC, the Planning Commission, Town Council, and community (Tasks H.15, H.16, and H.17).

Task D.3 Final Vision and Guiding Principles

Following review by the Town Council and Planning Commission, the Consultants will revise the document and prepare the final Vision and Guiding Principles that the Town will use to guide development of the General Plan Update.

Engagement Activities During Task D:

- Task H.15: Community Workshop #3, Vision and Guiding Principles
- Task H.16: GPAC Meeting #4, Review Draft Vision and Guiding Principles
- Task H.17: Joint Study Session #4, Vision and Guiding Principles

Products:

- Administrative Draft Vision and Guiding Principles (digital version)
- Public Draft Vision and Guiding Principles (30 hard copies, digital version)
- Final Vision and Guiding Principles (digital version)

Task E Development of Alternatives

During this task, the Consultants will work with Town staff and the community to prepare, evaluate, and ultimately define a preferred policy and land use alternative that will be the basis of the General Plan Update. This task involves developing alternative scenarios for special planning areas and other key locations in the community and evaluating the implications of each alternative. We will also evaluate each alternative based on responsiveness to the key issues, opportunities, and constraints (from Task C) and the Vision and Guiding Principles developed in Task D.

Task E.1 Administrative Draft Alternatives Report

Based on inputs received from the community as well as ideas from the Consultant team, the Consultants will prepare an Administrative Draft Alternatives Report for review by Town staff and the GPAC. This Report will contain a mix of land use and circulation alternatives as well as key policy alternatives. Based on the RFP, the land use and circulation alternatives may potentially address: land use mix, development options for key sites, approaches to commercial corridors, circulation options, and interactions between land use and transportation systems.

The Alternatives Report will include maps and descriptions for land use, circulation, and policy alternatives that cover each of the areas and topics identified earlier. We will group location-specific alternatives into alternative packages that achieve the Vision and Guiding Principles. The assessment conducted will include an evaluation of alternatives in terms of implications for land use and community character, economic development, fiscal health, mobility and connectivity, public facilities and services, and the natural environment. For each policy alternative, the Consultants will identify the issues for which there is clear policy choice and direction, as well as issues where choice and direction is not as clear. We will complete a

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qualitative comparative assessment of the policy implications of each alternative based on clarity and congruence with key issues.

The Consultants will prepare an Alternatives Report that clearly communicates the potential implications of each alternative, supporting a more informed choice. We will base the assessment of each alternative choice primarily on a qualitative look at factors that can be used to differentiate the alternatives and their potential impacts on the community relative to achieving the Vision and Guiding Principles. There are two areas where we will provide more quantifiable information: fiscal impacts and the transportation system.

The work done at this stage is designed to help the community evaluate the alternatives presented and is not intended to be a full CEQA alternatives analysis (which will be performed as part of a later task).

Subtask E.1a Fiscal Impact Analysis

The Consultants will prepare an analysis of the fiscal and economic impact of proposed land use changes being considered as part of the General Plan Update. This may be in the form of an alternatives analysis or an analysis of the preferred land use plan, as needed in the overall process. The fiscal analysis will project Town tax revenues and other revenues normally affected by growth in population, jobs, and development. The Consultants will estimate the increases in service capacity needed to support the proposed growth levels or from changes in the land use mix. The fiscal model allows us to evaluate land uses separately to assist in identifying an optimal land use mix from the standpoint of generating sufficient tax base to support Town services.

Subtask E.1b Transportation System Alternatives

The Consultants will develop trip generation and VMT estimates using our MainStreet tool for each of the land use alternatives. These trip generation and VMT estimates will be used in the selection of the preferred alternative. The Consultants will also provide qualitative assessments of each alternative using criteria developed in concert with Town staff to reflect Los Gatos community values. They may include items such as the availability of transportation services, the potential to increase traffic congestion, and the potential to reduce average VMT.

Task E.2 Public Draft Alternatives Report

Following review by Town staff, the Consultants will revise the Administrative Draft and prepare a Public Draft Alternatives Report for review with the GPAC, Planning Commission, Town Council, and community (Tasks H.19, H.20, H.21, and H.22).

Engagement Activities During Task E:

- Task H.18: Newsletter #3: Alternatives
- Task H.19: Community Workshop #4, Alternative Choices
- Task H.20: GPAC Meeting #5, Review Draft Alternatives Report
- Task H.21: Planning Commission Study Session #5, Alternatives Report
- Task H.22: Town Council Study Session #5, Alternatives Report

Products:

- Administrative Draft Alternatives Report (digital version)
- Public Draft Alternatives Report (30 hard copies and digital version)

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Task F General Plan Goals and Policy Development

Based on the extensive work resulting from the Background Report, technical studies, visioning, and alternatives planning in previous tasks, the Consultants will prepare the draft General Plan. The Consultants will prepare a General Plan document that is attractive, contemporary, and user-friendly, using extensive photos, illustrations, and maps. We are also proposing to include the development of a web-based General Plan at the end of the project.

Task F.1 Administrative Draft General Plan

For the Update, the Consultants will address all the requirements of State law, such as complete streets, flood risk reduction, and environmental justice, using the 2017 OPR General Plan Guidelines as a guide. The Plan will reflect best practices for addressing contemporary planning issues, such as retail trends, transportation technology, and community health. It is expected that the cross-cutting topics of climate change, sustainability, resiliency, and healthy communities would be themes addressed throughout the Plan, rather than separate, standalone elements; however, we will discuss options with Town staff.

The General Plan will include an Introduction and Table of Contents, and at a minimum, will update the content of the elements that make up the current Los Gatos General Plan:

- Land Use Element;
- Community Design;
- Transportation Element (Circulation);
- Vasona Light Rail Element;
- Open Space, Parks, and Recreation Element (Open Space);
- Environment and Sustainability Element (Conservation);
- Noise Element;
- Safety Element; and
- Human Services Element.

Prior to the start of this task, and considering the results of the General Plan Audit conducted earlier, the Consultants will work with Town staff to determine the outline (framework) for the General Plan Update. To support this, the Consultants will review with Town staff a selection of plan formats that could be used. This could include the combination of existing elements or the addition of new elements to meet current and projected needs.

As part of this task, the Consultants will develop policies and programs to reduce GHG emissions as part of an integrated GHG reduction strategy.

The current Housing Element will be integrated into the General Plan Update when the final documents are prepared at the end of the project. The Town's current Housing Element will not be updated as part of this project.

Implementation Strategy

The Consultants will prepare a comprehensive implementation strategy that includes discrete, tangible actions the Town will undertake to implement the goals and policies. The Consultants will also review current implementation ordinances/regulations (e.g., zoning, subdivision, historic preservation, public arts, and other

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implementing ordinances) and include recommendations as a part of the implementation programs for ordinance revisions needed to maintain consistency with the General Plan.

As part of the Update, the Consultants will review and develop new objective standards that provide clear direction on application and intent.

Task F.2 Administrative Draft Land Use and Circulation Diagrams

The Consultants will prepare an updated General Plan (Land Use) Diagram and Circulation Diagram as part of the Administrative Draft General Plan. We will update the Land Use Diagram with any changes made to the designations and locations they apply based on the preferred alternative. For the Circulation Diagram, we could use VMT to develop roadway standards instead of or in addition to LOS standards (as desired).

Task F.3 Preliminary Draft General Plan

Based on direction from Town staff, the Consultants will revise the Administrative Draft General Plan and prepare a Preliminary Draft General Plan for review and confirmation by the GPAC, Planning Commission, and Town Council. We recommend this review to confirm direction on changes to the General Plan before preparation of the EIR (see Task H.23 and H.24). This approach helps reduce the potential for major changes to the Plan during or after the environmental review process.

Task F.4 Public Draft General Plan

Based on direction from the Town Council, the Consultants will prepare the Public Draft General Plan for publication and environmental review.

Task F.5 General Plan Consultation and Referrals

State law requires consultation with a variety of Federal, State, regional, and local agencies whenever a jurisdiction updates or amends its general plan. These statutes are located throughout the Government Code and have varying requirements for when draft and final documents must be submitted and how long agencies have to review and provide comments. We maintain a checklist of agency consultation requirements that we will use to ensure the Town provides the Public Draft General Plan to the appropriate agencies.

Engagement Activities During Task F:

- Task H.23: GPAC #6
- Task H.24: Joint Study Sessions #5, #6, and #7
- Task H.25: Newsletter #4, Draft General Plan
- Task H.26: Community Workshop #5, Draft General Plan

Products:

- Administrative Draft General Plan (digital version)
- Administrative Draft Land Use and Circulation Diagrams (digital version)
- Preliminary Draft General Plan (30 hard copies, digital version)
- Public Draft General Plan (30 hard copies, CD, digital version)

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Task G Environmental Impact Report

Based on review of the RFP and our experience preparing General Plan EIRs, we recommend the preparation of a Program EIR pursuant to State CEQA Guidelines Section 15168. Although the legally-required contents of a Program EIR are technically the same as those of a Project EIR, Program EIRs are by necessity more general and may contain a broader discussion of impacts, alternatives, and mitigation measures than a Project EIR.

Use of a Program EIR provides the Town with the opportunity to consider broad policy alternatives and program-wide mitigation measures and greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Once a Program EIR has been certified, subsequent activities within the program may be evaluated to determine what, if any, additional CEQA documentation needs to be prepared. If the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be consistent with the Program EIR mitigation parameters and additional environmental documentation may not be required (CEQA Guidelines Section 15168(c)). In this case, the Program EIR serves a valuable purpose as the first-tier environmental analysis that will assist in streamlining and possibly exempting future projects from CEQA with the idea that the General Plan Program EIR can be used for such exemptions when projects are consistent with the General Plan Update.

Task G.1 Staff Work Session on Program EIR Preparation

The consultants will facilitate a work session with Town staff on preparing the Program EIR and completing the adoption process. The session, often referred to as a CEQA kickoff meeting, will cover the following topics:

Evaluating Environmental Impacts

- Strategies for CEQA compliance
- Coordination of environmental document with general plan preparation
- Developing a reasonable range of alternatives
- Using new or revised policies as mitigation measures
- GHG gap analysis

Completing the Process

- Agency consultation
- Public notice
- Hearings
- Adoption
- Final documents

Task G.2 Notice of Preparation

The Consultants will work with Town staff to develop a project description and will prepare a draft Notice of Preparation (NOP) for Town staff to review. The NOP is intended to alert other public agencies about the undertaking, and to solicit their input on the scope of the study. The Consultants will submit a final PDF copy of the NOP to Town staff for posting on its website and for distribution to public agencies. It is assumed that the Town will distribute the NOP using the Town's NOP distribution list. The Consultants will review and make suggestions regarding the list. The Consultants will be responsible for filing the NOP with the State Clearinghouse/OPR.

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Task G.3 Scoping Meeting

The Consultants will facilitate a public and agency scoping meeting associated with the release of the NOP. The Scoping Meeting will be held during the 30-day NOP period to introduce the community to the EIR process and obtain input on the Program EIR scope of work. It will include a brief presentation, followed by public comment and input from meeting attendees. The Consultants will prepare a summary of all input gathered, which will be included in the Draft Program EIR along with any written public comments received during the NOP comment period.

Task G.4 Administrative Draft Program EIR

The Consultants will prepare an Administrative Draft Program EIR (ADPEIR) in compliance with CEQA requirements using information gathered as part of the General Plan update effort and comments on the NOP, as well as information from other relevant CEQA documents completed by the Town in recent years. The Consultants will be responsible for development of a legally-adequate and appropriate Program EIR for the General Plan.

The Consultants will prepare the ADPEIR based on the project description approved by the Town Council. The description of the environmental and regulatory setting for the General Plan EIR will be based on the Background Reports prepared for the project (see Task B), and information from other relevant CEQA documents completed by the Town in recent years, as well as any information received during the General Plan Update process. Materials will be presented in a user-friendly format.

We will introduce each topical section in the environmental analysis with a brief statement of its context in the ADPEIR and the development of the General Plan. This effort may include interpretive information for the reader to better understand how the General Plan affects the environment, as well as the sources of data used in the analysis.

The setting for each topical section will describe existing conditions relevant to the topic and provide the groundwork for impact analysis. The number of impacts to be analyzed and the depth of analysis will be determined based on areas of concern identified by the Consultants and Town staff, as well as responses to the NOP. Thresholds used to determine the significance of project impacts will be clearly stated and will include thresholds in the CEQA Guidelines, Appendix G, as well as existing regulatory standards, if applicable. Impacts will be identified, and mitigation measures will be prepared, to reduce significant impacts to a less-than-significant level, when feasible. For each potentially significant impact identified in the ADPEIR, the Consultants will identify mitigation measures or policy statements proposed by the Town as part of the General Plan Update to avoid or reduce identified impacts. Mitigation measures will be constructed as policy statements or implementation measures to facilitate incorporation into the General Plan Update.

In order to prepare an ADPEIR that meets the needs of the Town and regulatory requirements of the State, the ADPEIR will comprise the following sections:

Executive Summary. This section will provide a summary of the entire ADPEIR and include the following:

- a discussion of the project objectives;
- a brief description of the proposed project;
- a summary of the environmental setting for the Planning Area;
- a summary of impacts;

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- a summary of mitigation measures (mitigating policies or programs);
- a discussion of alternatives considered; and
- areas of controversy, and issues remaining to be resolved.

Introduction. The ADPEIR will contain an introductory chapter that provides an overview of the project and context, summarizes CEQA requirements and the environmental review process, describes the legal purpose of the ADPEIR, outlines the environmental issues being addressed, and presents the organization of the report.

Project Description and Environmental Setting. This section will contain the Town's objectives for the General Plan and a summary of the General Plan components. It will also outline the Planning Area boundaries and summarize existing conditions and new land uses proposed as a part of the project. We will describe the information in a mix of text, tabular, and graphic form (i.e., maps and diagrams).

Analysis, Impacts, and Mitigation Measures. The environmental analysis section will include four main components:

- **Setting –** description of current conditions with respect to the issue in question, including the existing regulatory environment
- **Impact analysis –** statement of significance thresholds and discussion of potentially significant effects of the proposed project
- **Programmatic mitigation measures –** methods by which significant effects can be reduced or eliminated, often presented as General Plan policies to be introduced back into the plan
- **Level of significance after mitigation –** discussion of whether proposed mitigation measures reduce impacts to below the adopted significance threshold

We will consider adverse impacts that meet or exceed significance thresholds significant. Additionally, all impacts will be characterized in terms of short- or long-term effects and presented in a logical discussion that the public can understand. We will discuss any inconsistencies with local or regional plans.

We will discuss approaches to the impact analysis for the Program EIR with Town staff and will be consistent with the assumptions and methodologies used in recent Town-certified EIRs to the extent possible. In general, the impact analysis will focus on the issues present in the Planning Area and likely to be affected or impacted by the General Plan Update. Some issues, such as agriculture and mineral resources may not require a detailed analysis relative to other issues because they do not occur in Los Gatos or would be unaffected by the project.

Issues to be analyzed in a programmatic framework will include:

- Aesthetics
- Agriculture
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials

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- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Resources
- Utilities and Service Systems
- All the mandatory CEQA sections including energy and growth inducement

Greenhouse Gas Emissions Analysis

The Consultants will conduct necessary analysis to address CEQA Guidelines Section 15064.4. The Consultants will prepare the GHG section of the ADPEIR addressing the contribution of GHG emissions generated by buildout of the General Plan and their contribution to cumulative impacts related to climate change. Potential impacts and mitigation measures will be coordinated with the recommended targets and GHG emission reduction potential of the updated General Plan's policies and program.

Prepare GHG Forecasts and Reduction Targets

Based on the GHG emission inventory (conducted in Task 2.2), the Consultants will prepare GHG emissions forecasts (e.g., "business-as-usual") for communitywide sources for two future-year scenarios: 1) without applicable legislative actions; and 2) with reductions associated with implementation of adopted Federal and State legislation (e.g., renewable energy portfolio standards, California Green Building Code standards, vehicle emissions controls, fuel efficiency standards). The Consultants will forecast GHG emissions for 2020 (consistent with AB 32), 2030 (consistent with SB 32), and 2050 (consistent with Executive Order B- S-3-05), along with the GPU buildout year (i.e., 2040).

The Consultants will also calculate GHG reduction targets required to meet the Town's local fair share of the State's 2020 and 2030 GHG reduction goals in AB 32 and SB 32, per guidance from CARB in the 2017 Scoping Plan Update and the 2017 General Plan Guidelines.

Quantify GHG Reduction Measures and Perform Gap Analysis

The Consultants will quantify the GHG reduction potential of proposed General Plan policies and programs and conduct a "GHG reduction gap analysis" to determine whether the proposed policies and programs in the Draft General Plan can achieve the Town's GHG reduction targets and goals.

As part of the GHG quantification process, the Consultants will evaluate and prioritize policies and actions using the following or similar criteria:

- Quantified VMT or trip reduction potential;
- Quantified energy conservation or fuel savings potential;
- Quantified renewable energy generation potential;
- Quantified water efficiency and conservation potential;

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- Quantified solid waste reduction and recycling potential;
- Administrative/political responsibility and feasibility, implementation costs, possible funding sources, and public and private sector implementation partners.

We will add all information, assumptions, and target indicators used to quantify GHG emissions reductions required to meet the targets into the ADPEIR as a technical appendix, creating a single, master data-set for the GHG reduction analysis. If it is determined during preparation of the ADPEIR that the identified draft policies and program are not enough to achieve the Town's reduction targets and goals, the Consultants will increase participation rates of GHG reduction actions or identify new potential GHG reduction policies and actions to fill the gap. If needed, revised or new policies and implementation programs will be added to the General Plan and/ or recommended as mitigation measures.

Transportation Analysis

The operations of study intersections and freeway segments on SR 17 and SR 85 will be evaluated with LOS calculations during the AM and PM peak hours for the following traffic study scenarios:

- Existing Conditions
- Cumulative 2040 without Project
- Cumulative 2040 with Updated General Plan Land Use and Circulation Element

The Consultants will use transportation forecasts from the VTA's travel demand model to determine the growth in traffic, including regional traffic growth on SR 17 and SR 85 for a plan year (2040). We will add traffic estimates from Task 3 for the preferred land use to develop traffic forecasts for Scenario 3.

We will prepare a LOS table showing operating conditions of all study intersections for each of the study scenarios, along with "Project plus mitigated conditions" (if mitigations required and/or are feasible). We will use the Town of Los Gatos and VTA criteria to identify significant impacts to intersections and freeway segments.

Pedestrian, Bicycle, and Transit Analysis

The Circulation Element will include improvements to pedestrian, bicycle, and transit facilities and services. If bus rapid transit (BRT) is included in the Circulation Element, we will evaluate its impact at a planning level by comparing person carrying capacities and levels of service at a few selected intersections with and without its implementation.

VMT Travel Forecast Model Runs to Support Air Quality and Noise Analyses

The Consultants will use the VTA's model to provide input for the air quality and noise analyses.

For Air Quality and Greenhouse Gas Emissions Analysis:

1. Average Daily Vehicle Trips associated with existing land uses (2018) in Los Gatos
2. VMT associated with existing land uses in the Los Gatos
3. Average Daily Vehicle Trips associated with 2040 without Project and with Project land uses in Los Gatos (at the planning horizon)

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4. VMT associated with the 2040 without Project and with Project land uses in Los Gatos – GP Plan Year
5. VMT by I-X, X-I, I-I (excluding X-X trips), if available

For Noise Analysis:

1. Daily Segment Traffic Volumes for Existing for all segments analyzed
2. Daily Segment Traffic Volumes for 2040 without Project and 2040 GP Plan Year for all segments analyzed
3. Speed limits on the segments for existing and future time frames, if available

Alternatives Analysis. We will consider a range of alternatives in the ADPEIR. State CEQA Guidelines require consideration of the "No Project" Alternative. For purposes of this Program EIR, the No Project Alternative would be a continuation of the existing General Plan without any updates or additions. In addition to the "No-Project" Alternative, the Consultants will consider other alternatives (such as alternative land use scenarios) that were developed during the General Plan Update. Evaluation of alternatives will be in less detail than that for the proposed project, though the analysis will provide decision-makers and the public adequate information to decide between alternatives. This section will also identify the "environmentally superior alternative." If the "No Project" Alternative is determined to be environmentally superior, the ADPEIR will identify the environmentally superior alternative among the remaining scenarios.

For transportation impacts, the Consultants will analyze up to two project alternatives in a qualitative manner, with a discussion of trip generation and general discussion of potential impact differences compared to the preferred land use plan.

Cumulative Impacts. We will evaluate cumulative impacts based on planning documents for the Planning Area. We will also estimate and discuss the contribution of the proposed project to the overall cumulative impacts.

Other CEQA Sections. The ADPEIR will provide, in addition to the sections discussed above, all other required CEQA sections, including areas of known controversy, growth inducement effects, energy, and significant unavoidable impacts.

Task G.5 Staff Review/Screen Check Draft Program EIR

The Consultants will incorporate Town staff input into the ADPEIR and provide Town staff with digital versions of the ADPEIR in both Word and PDF formats. Town staff will conduct one review of the ADPEIR and provide consolidated comments and edits. The Consultants will incorporate appropriate revisions and prepare a Screen Check Draft Program EIR. We will provide the Screen Check version in a digital format.

Task G.6 Draft Program EIR

Once the Town staff approves the Screen Check Draft Program EIR, the Consultants will prepare the Draft EIR for public circulation. The Consultants will prepare and distribute the required copies of the Draft Program EIR to the State Clearinghouse, including all required accompanying forms, such as the Notice of Completion (NOC). The Consultants will also file the Notice of Availability (NOA) of the Draft Project EIR with the Santa Clara County Clerk's office. We assume that Town staff will distribute the NOA of the Draft Program EIR to responsible agencies, and interested agencies, organizations, and persons. We also assume that the Town will be responsible for required newspaper ads and other public noticing of the document's availability, such

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as radius label mailing or onsite posting. As required by State law, the Draft Program EIR will require at least a 45-day public review period.

Products:

- Draft and Final Notice of Preparation (digital version and submittal of copies of the NOP with the State Clearinghouse)
- Scoping Meeting Materials
- Administrative Draft Program EIR (2 hard copies and 10 CD copies to the Town)
- Screen Check Draft Program EIR (digital version)
- Draft Program EIR (30 hard copies and 30 CD copies sent to the Town and 30 hard copies of the Executive Summary and 15 CD copies of the Draft Program EIR submitted to the State Clearinghouse, NOA submitted to the County Clerk)

Task H Engagement

Task A Engagement

The following activities will occur in conjunction with the work under Task A.

Task H.1 Community Engagement Strategy

Based on input from the kick-off meeting (Task A.1), the Consultants will work with Town staff to prepare a comprehensive Community Engagement Strategy that will document the outreach methods to be used throughout the project. The Strategy will describe outreach responsibilities, publicity protocols, and how the engagement will be structured to ensure comprehensive community engagement. The Strategy will be structured to be inclusive of all those who make up the "community," including residents; workers; visitors; businesses; property owners; educational institutions; civic, community, and non-profit organizations; religious, social, cultural and ethnic communities; and public agencies. In addition to being inclusive, our goal is to create meaningful opportunities for involvement throughout the development of the Update.

Task H.2 Branding and Project Logo

The Consultants will develop a branding package for the General Plan Update. The branding package will include a project logo and style templates that we will use for all work products, the website, and publicity materials to build enthusiasm about the project and ensure that this effort is distinct in the minds of the community. We will provide the Town with up to three options from which to choose.

Task H.3 Set Up Online Engagement

During this task, we will design and develop a project-specific website for the Los Gatos General Plan Update. In our work on dozens of general plan projects, we have found that having a stand alone project website, with links to and from the Town's website, provides a responsive platform for community engagement while not adding additional work for Town staff.

The Consultants will build the website on a modern, user-friendly platform that allows quick and easy updates to the website. In addition to being an important public outreach and information tool, the website will serve as an administrative record of the project. It will include all meeting announcements/materials, draft and final documents, and meeting summaries. The website will also be used to link to online

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engagement opportunities, including Engagement HQ, developed during the project. This scope of work includes all needed maintenance and updates to the website for the duration of the project.

As part of the online outreach, we propose to use the Engagement HQ software tool and online mapping using ESRI ArcGIS Online and ESRI Story Map. For more information, see "Enhanced Community Engagement Tools" inset on page 41.

Task H.4 Newsletter #1, General Plan Update Overview

The Consultants will prepare a newsletter that describes what a general plan is, how and why it is being updated, the project schedule, and how the public can be involved in the update. The newsletter will be used to promote engagement opportunities.

Task H.5 Form the General Plan Advisory Committee (GPAC), GPAC Meeting #1

The Consultants will facilitate the first meeting of the GPAC. We will first present and get consensus on the overall GPAC meeting format, rules, and operating procedures. We will summarize the community engagement strategy and get GPAC input on strategy refinements. We will also ask the GPAC members to identify key issues they feel should be addressed during the General Plan Update.

Task H.6 Other GPAC Meetings

Six GPAC meetings, associated with specific deliverables are detailed in the Scope of Work. Budget to cover an additional 18 GPAC meetings is included and will be placed as needed.

Task H.7 Community Workshop #1, Project Initiation

At the beginning of the process, the Consultants will conduct the first community workshop. At the Town Hall, the Consultants will provide an overview of the key steps in the General Plan Update process, the opportunities the community will have for engagement, and changes in State law/regulations and other important issues that will affect the General Plan Update. During this Town Hall, the Consultants will also conduct an exercise to start the identification of issues and opportunities that should be addressed as part of the General Plan Update.

Task H.8 Joint Study Session #1, Introduction to the General Plan Update

At the beginning of the process, the Consultants will facilitate a Joint Study Session with the Town Council and Planning Commission. Given the significance of the General Plan Update, it will be important for the Council and Commission to meet the Consultants early in the program and to have a clear understanding of what to expect during the process. This meeting will provide a common understanding of the need for and purpose of the General Plan, the key steps in the preparation process, the strategy for community engagement, changes in State law and regulations since the last update, and other important issues affecting the General Plan preparation process. The workshop will also help establish stronger working relationships between the Consultants and Town leaders.

Engagement Products During this Task:

- Community Engagement Strategy (digital version)
- Project Logo and Design Theme Alternatives (up to 3 alternative approaches, digital version)
- Project Website and Engagement HQ Site Setup

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- GPAC #1 Meeting Materials and summary minutes (digital version)
- Newsletter #1 (100 hard copies and digital version on website)
- Stakeholder Interview Summary (digital version)
- Joint Study Session #1 Meeting Materials and Summary Report (digital version)

Task B Engagement

The following activities will occur in conjunction with the work under Task B.

Task H.9 GPAC Meeting #2, Review Background Report

The Consultants will facilitate Town staff and GPAC review of the GPAC Draft Background Report.

Task H.10 Newsletter #2, Existing Conditions and Trends

The Consultants will prepare a newsletter summarizing key findings from the Background Report and initial outreach efforts. The newsletter will be used to characterize existing conditions and trends influencing the community and promote the online engagement opportunities.

Task H.11 Joint Study Session #2, Review Existing Conditions Report

The Consultants will facilitate a joint study session with the Town Council and Planning Commission to present the major findings from the Public Review Draft Background Report. The Consultants will facilitate a discussion with the Council members and Commissioners about the implications of the findings on the future of the community.

Engagement Products During this Task:

- GPAC Meeting #2 Materials and Summary Report (digital version)
- Newsletter #2 (100 hard copies and digital version on website)
- Joint Study Session #2 Meeting Materials and Summary Report (digital version)

Task C Engagement

The following activities will occur in conjunction with the work under Task C.

Task H.12 Community Workshop #2, Issues and Opportunities Identification

The second community workshop will be a three-part event. During the first part of the event, the Consultants will provide the community with an overview of the information developed for the Background Report. This component will highlight the existing conditions and trends that will influence the future of the community. The second part of the event will involve interactive exercises designed to gain input on the issues and opportunities that the public would like to see addressed in the General Plan Update.

From the issues and opportunities discussion, workshop participants will segue to the third part of the workshop, in which the Consultants will work with smaller groups to answer questions such as: What is unique about Los Gatos that is not found anywhere else? We will work with participants to define a list of places they like to take out-of-town visitors, places they consider "public-places" (i.e., places where people gather), and natural or manmade features that make the community unique.

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Task H.13 GPAC Meeting #3, Review Issues and Opportunities Report

The Consultants will facilitate Town staff and GPAC review of the Administrative Draft Issues and Opportunities Report.

Task H.14 Joint Study Session #3, Review Issues and Opportunities Report

The Consultants will facilitate a joint study session with the Town Council and Planning Commission to present the major findings from the Issues and Opportunities Report. The Consultants will facilitate a discussion with the Council members and Commissioners about the implications of the findings for new or revised General Plan policies and programs and solicit input on key issues and opportunities the Update should consider, and other interests and expectations of the Council members and Commissioners.

Engagement Products During this Task:

- Community Workshop #2 Materials and Summary Report (60 printed, digital versions)
- GPAC Meeting #3 Materials and Summary Report (digital version)
- Newsletter #2 (100 hard copies and digital version on website)
- Joint Study Session #3 Meeting Materials and Summary Report (digital version)

Task D Engagement

The following activities will occur in conjunction with the work under Task D.

Task H.15 Community Workshop #3, Vision and Guiding Principles

The third community workshop will include several interactive visioning exercises that encourage community participation and dialogue about the future of Los Gatos. There are several options for how to structure the community workshop (e.g., open house format or small group exercises) and which exercises to conduct. The Consultants will work with Town staff prior to the workshop to identify the format that will work best for the community.

Task H.16 GPAC Meeting #4, Review Draft Vision and Guiding Principles

The Consultants will facilitate Town staff and GPAC review of the Draft Vision and Guiding Principles. At this meeting, the Consultants will also review the General Plan Audit Report and confirm content to be updated and new topics to be addressed.

Task H.17 Joint Study Session #4, Vision and Guiding Principles

The Consultants will facilitate a joint study session with the Town Council and Planning Commission to present the draft Vision Statement and Guiding Principles. The purpose of the study session will be to gain consensus on these items and provide direction to the Consultants that will guide the development of the goals, policies, and implementation measures in the General Plan Update.

Engagement Products During this Task:

- Community Workshop #3 Materials and Summary Report (60 printed, digital versions)
- GPAC Meeting #4 Materials and Summary Report (digital version)
- Joint Study Session #4 Meeting Materials and Summary Report (digital version)

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Task E Engagement

The following activities will occur in conjunction with the work under Task E.

Task H.18 Newsletter #3: Alternatives

The Consultants will prepare a newsletter that summarizes the land use and policy alternatives. We will use the newsletter to educate community members on the alternatives process and generate public interest and attendance for the upcoming community workshop.

Task H.19 Community Workshop #4, Alternative Choices

The Consultants will facilitate the fourth community workshop, which will focus on identifying land use and topical (policy) choices based on previous community inputs. Policy alternatives could address items such as transportation options, healthy community updates, public facility choices, and so forth. The workshop will contain an educational component on the fiscal, transportation, environmental, and other considerations that need to be assessed with any alternatives.

The Consultants will take the input received at the community workshop to prepare preliminary land use concepts and relevant topical alternatives for further consideration.

Task H.20 GPAC Meeting #5, Review Draft Alternatives Report

The Consultants will facilitate Town staff and GPAC review of the Draft Alternatives Report.

Task H.21 Planning Commission Meeting

The Consultants and Town staff will facilitate a meeting with the Planning Commission to review the Alternatives Report and solicit their feedback and recommendations on a preferred land use alternative and key policy choices presented. Recommendations from the Planning Commission will be presented to the Town Council for consideration and direction.

Task H.22 Town Council Meeting

The Consultants and Town staff will facilitate a meeting with the Town Council to review the Alternatives Report and recommendations from the Planning Commission. The purpose of this meeting will be to gain Council direction on the preferred alternatives package that will be used to create the Draft General Plan.

Engagement Products During this Task:

- Newsletter #3 (100 hard copies and digital version on website)
- Community Workshop #4 Materials and Summary Report (60 printed, digital versions)
- GPAC Meeting #5 Materials and Summary Report (digital version)
- Planning Commission #5 Meeting Materials and Summary Report (digital version)
- Town Council #5 Meeting Materials and Summary Report (digital version)

Task F Engagement

The following activities will occur in conjunction with the work under Task F.

Task H.23 GPAC #6: Draft General Plan

The Consultants will facilitate Town staff and GPAC review of the GPAC Draft General Plan

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Task H.24 Joint Study Sessions #5, #6, and #7

The Consultants will conduct up to three joint study sessions with the Town Council and Planning Commission to review and confirm the changes to the General Plan. The Planning Commission will recommend any final revisions or adjustments to the Town Council. The Town Council will then provide direction on any final revisions or adjustments to the General Plan prior to the preparation of the EIR. During one of these study sessions, a presentation on VMT will be included.

Task H.25 Newsletter #4, Public Draft General Plan

The Consultants will prepare a newsletter summarizing the Public Draft General Plan that provides highlights of the key features and changes in the new General Plan.

Task H.26 Community Workshop #5, Draft General Plan

Upon release of the Public Draft General Plan, the Consultants will facilitate an open house to present the Plan to the community. The open house could be set up in the format where residents can visit stations or "booths" focused on each element of the Plan. Town staff and Consultants will be stationed at each booth to discuss the elements, answer questions, and gather feedback. The Consultants will promote the public review process and hearings for the General Plan.

Engagement Products During this Task:

- Joint Study Session Meeting Materials and Summary Reports (digital version)
- Newsletter #4 (100 hard copies, digital version)
- Community Workshop #5 Materials and Summary Report (60 printed, digital versions)
- Community Workshop #5 Display Boards

Enhanced Community Engagement Tools

Task H.27 Online Engagement

While workshops and meetings are essential to an effective planning process, these traditional outreach methods of engagement are not enough to obtain the broad mix of inputs needed to make a plan responsive to the entire community. This is especially true for younger generations who are busy with work, family commitments, and other social engagements. Our approach to public outreach is to supplement community workshops with web-based crowd-sourcing and social media tools to attract and engage the broadest possible audience. As part of the Update program, we will offer a range of online engagement tools that allow participation in the process while at home, work, the coffee shop, or wherever inspiration strikes.

Project Website. The website will serve as the hub of project communication and information, including an overview of the project, announcements about upcoming meetings and information on past meetings and events, document library, and contact information.

Engagement HQ. In addition to the Project Website as an information portal, we also propose to use Engagement HQ software tools to develop an exciting platform for online public engagement. Engagement HQ allows us to engage with the community through surveys, opinion polls, discussion forums, photo sharing, mapping exercises, and more. It also offers analysis and reporting tools to understand who is participating and easily summarizes community inputs. During the General Plan Update, we will use this tool to poll the community on a range of topics.

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If desired, the Consultants will also train Town staff to administer the site, so it can be maintained beyond the General Plan Update project as an ongoing forum for general civic engagement. We will use Engagement HQ software for active public engagement over a 12-month period during the development of the General Plan, with the site maintained during the public review portions of the project. For more information on Engagement HQ, visit: www.bangthetable.com/engagementhq

Online Mapping. To help the community better understand the range of existing and future factors (natural and manmade) that will influence the future of Los Gatos, the Consultants will prepare an online mapping tool (ESRI Story Map). This online Story Map will provide maps of these factors (items such as wildland fire hazards, biological resources, environmental hazards, transportation connectivity) and a short description that will describe the implications of the factor shown on each map. This type of online map atlas will help support the discussion of issues and opportunities and be a component of the alternatives development.

Social Media. As part of the Update process, we will provide content for social media posts that Town staff can publish on the Town of Los Gatos Facebook (https://www.facebook.com/losgatosca/), Twitter (https://twitter.com/townlg?lang=en), Nextdoor (https://nextdoor.com/neighborhood/losgatosmain--los-gatos--ca/), and other Town social media feeds at key points in the Update process.

Task H.28 Ongoing Communication

Email Blasts. As part of the Update process, the Consultants will work with the Town to develop project-specific email notifications that the Town will distribute using the Town's existing e-notification system. Additional e-mail addresses for interested individuals that are collected by the Consultants at meetings, events, or the Project website will be provided to the Town to add to their current notification lists.

Press Releases. Prior to every community workshop, we will prepare and distribute news releases to inform media outlets serving the community about upcoming meetings and ensure accurate coverage that sets realistic expectations for what the General Plan does and does not do.

Task H.29 Pop-up Booth for Festivals and Events

Booths at Festivals and Events. The Consultants will provide materials for Town staff to set up a "pop-up" booth at up to four sets of festivals and events in Los Gatos. The booth would feature boards and hand-outs that provide an overview of the General Plan Update, information on opportunities to get involved, and depending on which phase of the project we are in, exercises that are similar to the exercises from the most recent community workshop. It is assumed that Town staff will attend and run the booth with support from the Consultants.

Materials will be provided relative to the following four major components of the Update: 1) project overview, 2) issues and opportunities exercise, 3) alternatives exercise, and 4) draft General Plan.

Town Hall Displays. Like the booths at festivals and events, the Consultants will provide materials for Town staff to display at Town Hall. These displays will provide timely information on the Update process, provide posters on current project developments, and provide some opportunities for interactive displays designed to gain community input.

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Task I Certification of the EIR and Adoption of the General Plan Update

Task I.1 Response to Comments

Within three weeks of receipt of all comment letters on the Draft Program EIR, the Consultants will submit a draft Response to Comments to Town staff for review. The Response to Comments document will include a list of commenters, comment letters, responses to comments, and any added or revised text of the Draft Program EIR that may be necessary. All responses will include reasoned analysis and, as necessary, will include additional analysis. The final version of the Response to Comments will be incorporated as an appendix to the Final Program EIR.

The scope and budget assume a level of effort that would include 100 hours of staff time for this task. This assumes receipt of approximately 15 to 25 comment letters. If the number of comment letters and the effort to prepare responses is greater than anticipated, the Consultants will notify Town staff immediately and discuss options to amend our scope of work and budget as necessary. Following receipt of Town staff comments, the Consultants will finalize the Response to Comments.

Task I.2 Mitigation, Monitoring, and Reporting Program

Concurrent with the Response to Comments, the Consultants will prepare a Mitigation Monitoring and Reporting Plan (MMRP), which will be included in the Final Program EIR. The MMRP will be provided in a format designed for use by planners, environmental monitors, or code enforcement officers. Essentially, this plan will take the form of a detailed table that describes:

- Persons/agencies responsible for monitoring compliance with each condition
- Timing when monitoring must occur
- Frequency of monitoring
- Criteria to be used to determine compliance with conditions

The final version of the MMRP will be incorporated as an appendix to the Final Program EIR.

Task I.3 Final Program EIR

The Consultants will complete the Final Program EIR after the review period has closed and all comments submitted during that period have been received. The Final Program EIR will include corrections to the Draft Program EIR (if warranted), comments received, and responses. The Consultants will prepare a Screen Check Final Program EIR for Town staff review and confirmation followed by a Final Program EIR after incorporating comments from Town staff. The Consultants will produce print and digital copies of the Final Program EIR. Within one day of Final Program EIR certification and project approval, the Consultants will submit the draft Notice of Determination (NOD) to Town staff for delivery to the County Clerk and/or State Clearinghouse.

Task I.4 Planning Commission Hearing

The Consultants will attend a public hearing with the Planning Commission to review the Public Draft General Plan and Final Program EIR. The Planning Commission will consider the comments made during the public hearing and make recommendations to the Town Council.

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Task I.5 Town Council Hearings (2)

The Consultants will attend two public hearings with the Town Council to review the Public Draft 2040 General Plan and Final Program EIR. At these hearings, the Town Council will consider the Planning Commission recommendations and the comments made at the Planning Commission public hearing. After the hearings, the Town Council will direct the Consultants to incorporate their recommendations and prepare the Final General Plan and Final Program EIR.

Task I.6 Final General Plan Documents

Following public review of the Draft Public General Plan, the Consultants will prepare the Final General Plan for adoption.

Task I.7 Town Council Adoption Hearing

The Consultants will attend one hearing with the Town Council for certification of the Final Program EIR and adoption of the Final General Plan.

Task I.8 Web-Based General Plan

The Consultants will design the Final General Plan as an interactive web-based General Plan. The web-based plan will not simply be a document that is published online, but will be a dynamic communication tool that provides transparency, accessibility, and efficiency in local government.

The web-based plan will be highly graphical and structured and designed to meet the specific needs of the Town. It will be fully searchable, allowing decision-makers and other users to quickly locate relevant information. The online format will allow cross-referenced links to related policies, programs, maps, or background information.

Products

- Response to Comments (digital version)
- Mitigation, Monitoring, and Reporting Program (digital version)
- Final Program EIR (30 hard copies and 30 CD copies to the Town)
- Tracking of comments and recommendations (all meetings, digital versions)
- Final General Plan (100 hard copies, 100 CDs, digital version, 2 unbound originals for reproduction)
- Color Land Use Element Exhibits (100 copies, sizes and scales to be determined)
- Compilation CD with all milestone documents, data, and GIS files (3 CDs)
- Web-based General Plan

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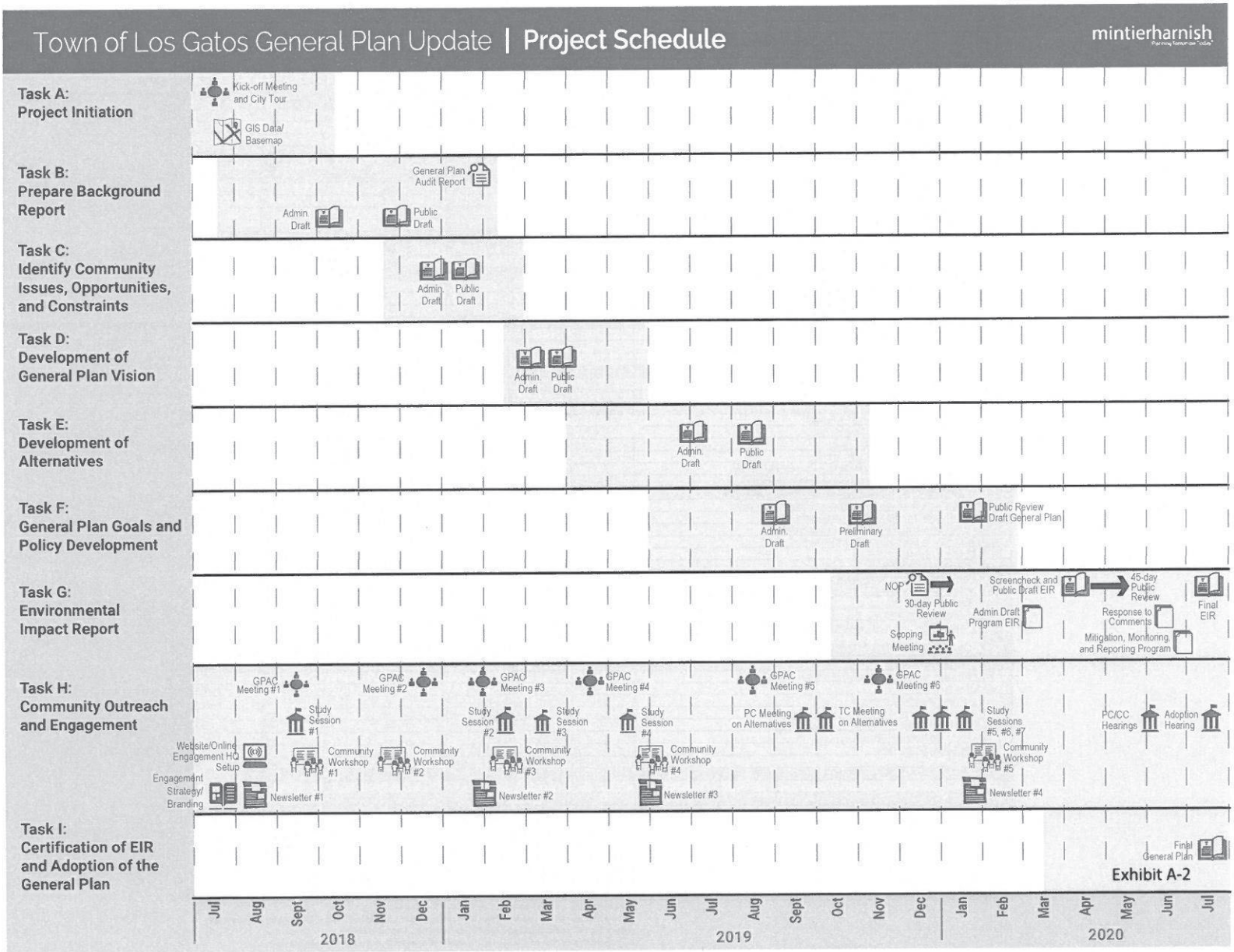

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	Mintier Harnish						
PHASES/TASKS	HARNISH Principal/ Owner	RUST Principal Planner	PAYNE Senior Project Manager	FUNSTON/ YANG Planner	Graphics/ Admin.	TOTAL HOURS	TOTAL COST
Task A: Project Initiation							
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour	8	8	12	16	4	48	$7,700
Task A.2: Assemble GIS Data and Prepare Base Maps		2		16	4	22	$2,660
Task A.3: Existing Data Collection and Compilation		8	8	24			$5,840
Subtotal	**8**	**18**	**20**	**56**	**8**	**70**	**$16,200**
Task B: Prepare Background Report							
Task B.1: Administrative Draft Existing Conditions Background Report	8	40	72	200	40	360	$49,440
Task B.2: Public Draft Background Report	2	12	44	56	20	134	$18,750
Task B.3: General Plan Audit Report	2	8	16	8		34	$5,730
Subtotal	**12**	**60**	**132**	**264**	**60**	**528**	**$73,920**
Task C: Identify Community Issues, Opportunities, and Constraints							
Task C.1: Administrative Draft Issues and Opportunities Summary		4	8	16	4	32	$4,420
Task C.2: Public Draft Issues and Opportunities Summary		4	8	20	4	36	$4,900
Task C.3: Final Issues and Opportunities Summary		1	2	6	1	10	$1,345
Subtotal	**0**	**9**	**18**	**42**	**9**	**78**	**$10,665**
Task D: Development of General Plan Vision							
Task D.1: Administrative Draft Vision and Guiding Principles	2	4	12	24	1	43	$6,255
Task D.2: Public Draft Vision and Guiding Principles		4	16	16	2	38	$5,610
Task D.3: Final Vision and Guiding Principles		1	4	6	1	12	$1,685
Subtotal	**2**	**9**	**32**	**46**	**4**	**93**	**$13,550**
Task E: Development of Alternatives							
Task E.1: Administrative Draft Alternatives Report	2	16	48	80	24	170	$23,450
Subtask E.1a: Fiscal Impact Analysis			2			2	$340
Subtask E.1b: Transportation System Alternatives			2			2	$340
Task E.2: Public Draft Alternatives Report		6	16	24	8	54	$7,480
Subtotal	**2**	**22**	**68**	**104**	**32**	**228**	**$31,610**
Task F: General Plan Goals and Policy Development							
Task F.1: Administrative Draft General Plan	8	52	180	80	16	336	$53,760
Alternative VMT Thresholds			8			8	$1,360
Task F.2: Administrative Draft Land Use and Circulation Diagrams		2	12	16	16	46	$5,720
Task F.3: Preliminary Draft General Plan	2	16	76	64	16	174	$25,610
Task F.4: Public Draft General Plan	2	4	24	16	8	54	$7,930
Task F.5: General Plan Consultation and Referrals		2	8	8		18	$2,720
Subtotal	**12**	**76**	**308**	**184**	**56**	**636**	**$97,100**
Task G: Environmental Impact Report							
Task G.1: Staff Work Session on Program EIR Preparation		6	6			12	$2,220
Task G.2: Notice of Preparation		1	2			3	$540
Task G.3: Scoping Meeting			8			8	$1,360
Task G.4: Administrative Draft Program EIR	8	24	48	48		128	$20,520
Task G.5: Staff Review/Screen Check Draft Program EIR		4	16	16		36	$5,440
Task G.6: Draft Program EIR			8			8	$1,360
Subtotal	**8**	**35**	**88**	**64**	**0**	**195**	**$31,440**
Task H: Community Outreach and Engagement							
Task H.1: Community Engagement Strategy	2	4	6	16		28	$4,190
Task H.2: Branding and Project Logo		1	2		16	19	$1,900
Task H.3: Set Up Online Engagement	2	4	8	24	40	78	$8,890
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4		8	32	60	24	124	$16,280
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6		48	72	48	6	174	$28,110
Task H.6 (18 additional GPAC meetings)		72	72	144	36	324	$46,980
Task H.7: Community Workshop #1: Project Initiation		8	12	8	4	32	$4,940
Task H.8: Joint Study Session #1, Introduction to the General Plan Update		8	8	8	2	26	$4,090
Task H.11: Joint Study Session #2, Review Existing Conditions Report		8	8	8	2	26	$4,090
Task H.12: Community Workshop #2, Issues and Opportunities Identification	6	8	12	16	12	54	$7,930
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report		8	8	8	2	26	$4,090
Task H.15: Community Workshop #3, Vision and Guiding Principles	6	8	16	24	16	70	$9,910
Task H.17: Joint Study Session #4, Vision and Guiding Principles		8	8	8	2	26	$4,090
Task H.19: Community Workshop #4, Alternative Choices	6	12	20	32	24	94	$13,030
Task H.21: Planning Commission Meeting		8	12	8	2	30	$4,770
Task H.22: Town Council Meeting		8	10	2		20	$3,540
Task H.24: Joint Study Sessions #5, #6, and #7		24	30	30	9	93	$14,265
Task H.26: Community Workshop #5, Draft General Plan	6	8	16	24	32	86	$11,270
Task H.27: Online Engagement		8	20	20	12	60	$8,420
Task H.28: Ongoing Communication		8	20	20	40	88	$10,800
Task H.29: Pop-up Booth for Festivals and Events		4	16		16	36	$4,880
Subtotal	**28**	**273**	**408**	**508**	**297**	**1514**	**$216,465**
Task I: Certification of EIR and Adoption of the General Plan							
Task I.1: Response to Comments		4	20			24	$4,200
Task I.2: Mitigation, Monitoring, and Reporting Program			1			1	$170
Task I.3: Final Program EIR			1			1	$170
Task I.4: Planning Commission Hearing		6	12	8	4	30	$4,540
Task I.5: Town Council Hearings (2)		12	16	8	4	40	$6,420
Task I.6: Final General Plan Documents		8	16	24	16	64	$8,560
Task I.7: Town Council Adoption Hearing		6	8	4		18	$3,040
Task I.8: Web-Based General Plan	2	16	40	60	60	178	$22,750
Subtotal	**2**	**52**	**114**	**104**	**84**	**356**	**$49,850**
Project Management							
Subtotal	16	80	120		112	**328**	**$49,520**
TOTAL							
Total Hours	90	634	1,308	1,372	662	4,026	-
2018 Billing Rates (subject to change every January 1st)	$225	$200	$170	$120	$85	-	-
Labor Subtotals	$20,250	$126,800	$222,360	$164,640	$56,270	-	**$590,320**
Direct Expenses (e.g., printing, travel, Engagement HQ fee)							$33,000
TOTAL COST							**$623,320**
CONTINGENCY [3]							
Contingency (10%)							

1) This represents a total cost based on the approved scope of work.
2) The distribution of hours between firms, staff categories and tasks are an estimate. While the total costs will not change, the distribution of hours/costs may vary depending on actual execution.
3) Contingency funds can only be used with written authorization from the Town's Project Manager.

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	WRT							
PHASES/TASKS	STICKLEY Principal	NARKAR Project Manager	WINCH Senior Planner	Planner/ Urban Designer II	Urban Designer I/ Graphic Support	Admin.	TOTAL HOURS	TOTAL COST
Task A: Project Initiation								
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour		8					8	$1,400
Task A.2: Assemble GIS Data and Prepare Base Maps							0	$0
Task A.3: Existing Data Collection and Compilation							0	$0
Subtotal	**0**	**8**	**0**	**0**	**0**	**0**	**8**	**$1,400**
Task B: Prepare Background Report								
Task B.1: Administrative Draft Existing Conditions Background Report	2	16	24	32	16	2	92	$12,640
Task B.2: Public Draft Background Report		4	8	8			20	$2,900
Task B.3: General Plan Audit Report							0	$0
Subtotal	**2**	**20**	**32**	**40**	**16**	**2**	**112**	**$15,540**
Task C: Identify Community Issues, Opportunities, and Constraints								
Task C.1: Administrative Draft Issues and Opportunities Summary							0	$0
Task C.2: Public Draft Issues and Opportunities Summary							0	$0
Task C.3: Final Issues and Opportunities Summary							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Task D: Development of General Plan Vision								
Task D.1: Administrative Draft Vision and Guiding Principles							0	$0
Task D.2: Public Draft Vision and Guiding Principles							0	$0
Task D.3: Final Vision and Guiding Principles							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Task E: Development of Alternatives								
Task E.1: Administrative Draft Alternatives Report	4	8	24	16	32		84	$11,160
Subtask E.1a: Fiscal Impact Analysis							0	$0
Subtask E.1b: Transportation System Alternatives							0	$0
Task E.2: Public Draft Alternatives Report							0	$0
Subtotal	**4**	**8**	**24**	**16**	**32**	**0**	**84**	**$11,160**
Task F: General Plan Goals and Policy Development								
Task F.1: Administrative Draft General Plan							0	$0
Alternative VMT Thresholds							0	$0
Task F.2: Administrative Draft Land Use and Circulation Diagrams							0	$0
Task F.3: Preliminary Draft General Plan							0	$0
Task F.4: Public Draft General Plan							0	$0
Task F.5: General Plan Consultation and Referrals							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Task G: Environmental Impact Report								
Task G.1: Staff Work Session on Program EIR Preparation							0	$0
Task G.2: Notice of Preparation							0	$0
Task G.3: Scoping Meeting							0	$0
Task G.4: Administrative Draft Program EIR							0	$0
Task G.5: Staff Review/Screen Check Draft Program EIR							0	$0
Task G.6: Draft Program EIR							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Task H: Community Outreach and Engagement								
Task H.1: Community Engagement Strategy							0	$0
Task H.2: Branding and Project Logo							0	$0
Task H.3: Set Up Online Engagement							0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4							0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6							0	$0
Task H.6 (18 additional GPAC meetings)							0	$0
Task H.7: Community Workshop #1: Project Initiation							0	$0
Task H.8: Joint Study Session #1, Introduction to the General Plan Update							0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report							0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification							0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report							0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles							0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles							0	$0
Task H.19: Community Workshop #4, Alternative Choices							0	$0
Task H.21: Planning Commission Meeting							0	$0
Task H.22: Town Council Meeting							0	$0
Task H.24: Joint Study Sessions #5, #6, and #7							0	$0
Task H.26: Community Workshop #5, Draft General Plan							0	$0
Task H.27: Online Engagement							0	$0
Task H.28: Ongoing Communication							0	$0
Task H.29: Pop-up Booth for Festivals and Events							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Task I: Certification of EIR and Adoption of the General Plan								
Task I.1: Response to Comments							0	$0
Task I.2: Mitigation, Monitoring, and Reporting Program							0	$0
Task I.3: Final Program EIR							0	$0
Task I.4: Planning Commission Hearing							0	$0
Task I.5: Town Council Hearings (2)							0	$0
Task I.6: Final General Plan Documents							0	$0
Task I.7: Town Council Adoption Hearing							0	$0
Task I.8: Web-Based General Plan							0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**$0**
Project Management								
Subtotal	8	12				16	**36**	**$5,300**
TOTAL								
Total Hours	14	48	56	56	48	18	240	-
2018 Billing Rates (subject to change every January 1st)	$240	$175	$150	$125	$100	$80	-	-
Labor Subtotals	$3,360	$8,400	$8,400	$7,000	$4,800	$1,440	-	**$33,400**
Direct Expenses (e.g., printing, travel, Engagement HQ fee)								$2,500
TOTAL COST								**$35,900**
CONTINGENCY [3]								
Contingency (10%)								

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	Rincon									
PHASES/TASKS	SVETE Principal II	FELDMAN/ HAMANN Principal I	MADDOX Supervisor	DIX/BERLIN/ CARMACK/ BERSBACH Senior Professional	Professional	Technical Editor	GIS Specialist	Admin.	TOTAL HOURS	TOTAL COST
Task A: Project Initiation										
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour			6						6	$1,110
Task A.2: Assemble GIS Data and Prepare Base Maps									0	$0
Task A.3: Existing Data Collection and Compilation									0	$0
Subtotal	***0***	***0***	***6***	***0***	***0***	***0***	***0***	***0***	***6***	***$1,110***
Task B: Prepare Background Report										
Task B.1: Administrative Draft Existing Conditions Background Report	8	8	48	24	72	5	12	4	181	$26,885
Task B.2: Public Draft Background Report									0	$0
Task B.3: General Plan Audit Report									0	$0
Subtotal	***8***	***8***	***48***	***24***	***72***	***5***	***12***	***4***	***181***	***$26,885***
Task C: Identify Community Issues, Opportunities, and Constraints										
Task C.1: Administrative Draft Issues and Opportunities Summary									0	$0
Task C.2: Public Draft Issues and Opportunities Summary									0	$0
Task C.3: Final Issues and Opportunities Summary									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task D: Development of General Plan Vision										
Task D.1: Administrative Draft Vision and Guiding Principles									0	$0
Task D.2: Public Draft Vision and Guiding Principles									0	$0
Task D.3: Final Vision and Guiding Principles									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task E: Development of Alternatives										
Task E.1: Administrative Draft Alternatives Report									0	$0
Subtask E.1a: Fiscal Impact Analysis									0	$0
Subtask E.1b: Transportation System Alternatives									0	$0
Task E.2: Public Draft Alternatives Report									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task F: General Plan Goals and Policy Development										
Task F.1: Administrative Draft General Plan	16	14	66	24	144	8	24	8	304	$43,980
Alternative VMT Thresholds									0	$0
Task F.2: Administrative Draft Land Use and Circulation Diagrams									0	$0
Task F.3: Preliminary Draft General Plan	4	3	20	4	46		2	2	81	$11,765
Task F.4: Public Draft General Plan	2		6		8	4		4	24	$3,250
Task F.5: General Plan Consultation and Referrals									0	$0
Subtotal	***22***	***17***	***92***	***28***	***198***	***12***	***26***	***14***	***409***	***$58,995***
Task G: Environmental Impact Report										
Task G.1: Staff Work Session on Program EIR Preparation			6	6					12	$2,010
Task G.2: Notice of Preparation	1		1		6			1	9	$1,210
Task G.3: Scoping Meeting			6	6	4		2	1	19	$2,795
Task G.4: Administrative Draft Program EIR	30	11	92	164	370	16	21	16	720	$100,580
Task G.5: Staff Review/Screen Check Draft Program EIR	4		20	12	20		6	4	66	$9,810
Task G.6: Draft Program EIR	4		12	8	20			12	56	$7,640
Subtotal	***39***	***11***	***137***	***196***	***420***	***16***	***29***	***34***	***882***	***$124,045***
Task H: Community Outreach and Engagement										
Task H.1: Community Engagement Strategy									0	$0
Task H.2: Branding and Project Logo									0	$0
Task H.3: Set Up Online Engagement									0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4									0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6									0	$0
Task H.6 (18 additional GPAC meetings)									0	$0
Task H.7: Community Workshop #1: Project Initiation									0	$0
Task H.8: Joint Study Session #1, Introduction to the General Plan Update									0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report									0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification									0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report									0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles									0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles									0	$0
Task H.19: Community Workshop #4, Alternative Choices									0	$0
Task H.21: Planning Commission Meeting									0	$0
Task H.22: Town Council Meeting									0	$0
Task H.24: Joint Study Sessions #5, #6, and #7									0	$0
Task H.26: Community Workshop #5, Draft General Plan									0	$0
Task H.27: Online Engagement									0	$0
Task H.28: Ongoing Communication									0	$0
Task H.29: Pop-up Booth for Festivals and Events									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task I: Certification of EIR and Adoption of the General Plan										
Task I.1: Response to Comments	6		30	20	40			4	100	$15,030
Task I.2: Mitigation, Monitoring, and Reporting Program	1		6	6	12				25	$3,680
Task I.3: Final Program EIR	1		8	8	8			12	37	$4,770
Task I.4: Planning Commission Hearing	6		6						12	$2,490
Task I.5: Town Council Hearings (2)	12		12						24	$4,980
Task I.6: Final General Plan Documents	2		11		24	4		4	45	$6,095
Task I.7: Town Council Adoption Hearing	6		6						12	$2,490
Task I.8: Web-Based General Plan									0	$0
Subtotal	***34***	***0***	***79***	***34***	***84***	***4***	***0***	***20***	***255***	***$39,535***
Project Management										
Subtotal	16		32					32	***80***	***$12,000***
TOTAL										
Total Hours	119	36	394	282	774	37	67	104	1,813	-
2018 Billing Rates (subject to change every January 1st)	$230	$215	$185	$150	$120	$105	$115	$75	-	-
Labor Subtotals	$27,370	$7,740	$72,890	$42,300	$92,880	$3,885	$7,705	$7,800	-	***$262,570***
Direct Expenses (e.g., printing, travel, Engagement HQ fee)										$15,000
TOTAL COST										***$277,570***
CONTINGENCY [3]										
Contingency (10%)										

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	Fehr & Peers								
PHASES/TASKS	HAYNES Principal	CHURCH Project Manager	COLES Planner/ Engineer	Planner/ Engineer	MILAM SB 743 Expert	GIS/ Graphics	Admin	TOTAL HOURS	TOTAL COST
Task A: Project Initiation									
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour	4	6	8				1	19	$3,795
Task A.2: Assemble GIS Data and Prepare Base Maps								0	$0
Task A.3: Existing Data Collection and Compilation								0	$0
Subtotal	***4***	***6***	***8***	***0***	***0***	***0***	***1***	***19***	***$3,795***
Task B: Prepare Background Report									
Task B.1: Administrative Draft Existing Conditions Background Report	6	44	44	90	2	32	14	232	$36,780
Task B.2: Public Draft Background Report								0	$0
Task B.3: General Plan Audit Report								0	$0
Subtotal	***6***	***44***	***44***	***90***	***2***	***32***	***14***	***232***	***$36,780***
Task C: Identify Community Issues, Opportunities, and Constraints									
Task C.1: Administrative Draft Issues and Opportunities Summary								0	$0
Task C.2: Public Draft Issues and Opportunities Summary								0	$0
Task C.3: Final Issues and Opportunities Summary								0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task D: Development of General Plan Vision									
Task D.1: Administrative Draft Vision and Guiding Principles								0	$0
Task D.2: Public Draft Vision and Guiding Principles								0	$0
Task D.3: Final Vision and Guiding Principles								0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task E: Development of Alternatives									
Task E.1: Administrative Draft Alternatives Report								0	$0
Subtask E.1a: Fiscal Impact Analysis								0	$0
Subtask E.1b: Transportation System Alternatives	8	20	40	30			12	110	$17,980
Task E.2: Public Draft Alternatives Report						2	2	4	$530
Subtotal	***8***	***20***	***40***	***30***	***0***	***2***	***14***	***114***	***$18,510***
Task F: General Plan Goals and Policy Development									
Task F.1: Administrative Draft General Plan	4	16	12		4		5	41	$8,485
Alternative VMT Thresholds	4	24	6		20	2	7	63	$15,175
Task F.2: Administrative Draft Land Use and Circulation Diagrams		4	4			2	1	11	$1,905
Task F.3: Preliminary Draft General Plan								0	$0
Task F.4: Public Draft General Plan								0	$0
Task F.5: General Plan Consultation and Referrals								0	$0
Subtotal	***8***	***44***	***22***	***0***	***24***	***4***	***13***	***115***	***$25,565***
Task G: Environmental Impact Report									
Task G.1: Staff Work Session on Program EIR Preparation								0	$0
Task G.2: Notice of Preparation								0	$0
Task G.3: Scoping Meeting								0	$0
Task G.4: Administrative Draft Program EIR	8	56	154			8	19	245	$40,495
Task G.5: Staff Review/Screen Check Draft Program EIR	4	8	8				12	32	$5,640
Task G.6: Draft Program EIR								0	$0
Subtotal	***12***	***64***	***162***	***0***	***0***	***8***	***31***	***277***	***$46,135***
Task H: Community Outreach and Engagement									
Task H.1: Community Engagement Strategy								0	$0
Task H.2: Branding and Project Logo								0	$0
Task H.3: Set Up Online Engagement								0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4								0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6								0	$0
Task H.6 (18 additional GPAC meetings)								0	$0
Task H.7: Community Workshop #1: Project Initiation								0	$0
Task H.8: Joint Study Session #1, Introduction to the General Plan Update								0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report								0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification								0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report								0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles								0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles								0	$0
Task H.19: Community Workshop #4, Alternative Choices								0	$0
Task H.21: Planning Commission Meeting								0	$0
Task H.22: Town Council Meeting								0	$0
Task H.24: Joint Study Sessions #5, #6, and #7		6						6	$1,410
Task H.26: Community Workshop #5, Draft General Plan		8						8	$1,880
Task H.27: Online Engagement								0	$0
Task H.28: Ongoing Communication								0	$0
Task H.29: Pop-up Booth for Festivals and Events								0	$0
Subtotal	***0***	***14***	***0***	***0***	***0***	***0***	***0***	***14***	***$3,290***
Task I: Certification of EIR and Adoption of the General Plan									
Task I.1: Response to Comments								0	$0
Task I.2: Mitigation, Monitoring, and Reporting Program								0	$0
Task I.3: Final Program EIR								0	$0
Task I.4: Planning Commission Hearing		4	4			2	2	12	$2,030
Task I.5: Town Council Hearings (2)	2	4	4				1	11	$2,195
Task I.6: Final General Plan Documents	2	4	4				1	11	$2,195
Task I.7: Town Council Adoption Hearing								0	$0
Task I.8: Web-Based General Plan								0	$0
Subtotal	***4***	***12***	***12***	***0***	***0***	***2***	***4***	***34***	***$6,420***
Project Management									
Subtotal								0	$0
TOTAL									
Total Hours	42	204	288	120	26	48	77	805	-
2018 Billing Rates (subject to change every January 1st)	$285	$235	$140	$130	$320	$140	$125	-	-
Labor Subtotals	$11,970	$47,940	$40,320	$15,600	$8,320	$6,720	$9,625	-	***$140,495***
Direct Expenses (e.g., printing, travel, Engagement HQ fee)									$12,000
TOTAL COST									***$152,495***
CONTINGENCY [3]									
Contingency (10%)									

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	Applied Development Economics (ADE)					
PHASES/TASKS	SVENSSON President	CHENG Senior Associate	DAYSOG Senior Associate	Production	TOTAL HOURS	TOTAL COST
Task A: Project Initiation						
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour	6				6	$1,200
Task A.2: Assemble GIS Data and Prepare Base Maps					0	$0
Task A.3: Existing Data Collection and Compilation					0	$0
Subtotal	***6***	***0***	***0***	***0***	***6***	***$1,200***
Task B: Prepare Background Report						
Task B.1: Administrative Draft Existing Conditions Background Report	48	60	60	10	178	$28,450
Task B.2: Public Draft Background Report	4	8	8		20	$3,200
Task B.3: General Plan Audit Report					0	$0
Subtotal	***52***	***68***	***68***	***10***	***198***	***$31,650***
Task C: Identify Community Issues, Opportunities, and Constraints						
Task C.1: Administrative Draft Issues and Opportunities Summary					0	$0
Task C.2: Public Draft Issues and Opportunities Summary					0	$0
Task C.3: Final Issues and Opportunities Summary					0	$0
Subtotal	0	0	0	0	0	***$0***
Task D: Development of General Plan Vision						
Task D.1: Administrative Draft Vision and Guiding Principles					0	$0
Task D.2: Public Draft Vision and Guiding Principles					0	$0
Task D.3: Final Vision and Guiding Principles					0	$0
Subtotal	0	0	0	0	0	***$0***
Task E: Development of Alternatives						
Task E.1: Administrative Draft Alternatives Report					0	$0
Subtask E.1a: Fiscal Impact Analysis	60		24	4	88	$15,940
Subtask E.1b: Transportation System Alternatives					0	$0
Task E.2: Public Draft Alternatives Report					0	$0
Subtotal	***60***	***0***	***24***	***4***	***88***	***$15,940***
Task F: General Plan Goals and Policy Development						
Task F.1: Administrative Draft General Plan	8	8			16	$2,800
Alternative VMT Thresholds					0	$0
Task F.2: Administrative Draft Land Use and Circulation Diagrams					0	$0
Task F.3: Preliminary Draft General Plan	2				2	$400
Task F.4: Public Draft General Plan					0	$0
Task F.5: General Plan Consultation and Referrals					0	$0
Subtotal	***10***	***8***	***0***	***0***	***18***	***$3,200***
Task G: Environmental Impact Report						
Task G.1: Staff Work Session on Program EIR Preparation					0	$0
Task G.2: Notice of Preparation					0	$0
Task G.3: Scoping Meeting					0	$0
Task G.4: Administrative Draft Program EIR					0	$0
Task G.5: Staff Review/Screen Check Draft Program EIR					0	$0
Task G.6: Draft Program EIR					0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***$0***
Task H: Community Outreach and Engagement						
Task H.1: Community Engagement Strategy					0	$0
Task H.2: Branding and Project Logo					0	$0
Task H.3: Set Up Online Engagement					0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4					0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6					0	$0
Task H.6 (18 additional GPAC meetings)					0	$0
Task H.7: Community Workshop #1: Project Initiation	6				6	$1,200
Task H.8: Joint Study Session #1, Introduction to the General Plan Update					0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report					0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification					0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report					0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles					0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles					0	$0
Task H.19: Community Workshop #4, Alternative Choices	8				8	$1,600
Task H.21: Planning Commission Meeting	8				8	$1,600
Task H.22: Town Council Meeting	8				8	$1,600
Task H.24: Joint Study Sessions #5, #6, and #7	8				8	$1,600
Task H.26: Community Workshop #5, Draft General Plan	8				8	$1,600
Task H.27: Online Engagement					0	$0
Task H.28: Ongoing Communication					0	$0
Task H.29: Pop-up Booth for Festivals and Events					0	$0
Subtotal	***46***	***0***	***0***	***0***	***46***	***$9,200***
Task I: Certification of EIR and Adoption of the General Plan						
Task I.1: Response to Comments					0	$0
Task I.2: Mitigation, Monitoring, and Reporting Program					0	$0
Task I.3: Final Program EIR					0	$0
Task I.4: Planning Commission Hearing					0	$0
Task I.5: Town Council Hearings (2)					0	$0
Task I.6: Final General Plan Documents					0	$0
Task I.7: Town Council Adoption Hearing					0	$0
Task I.8: Web-Based General Plan					0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***$0***
Project Management						
Subtotal					0	$0
TOTAL						
Total Hours	174	76	92	14	356	-
2018 Billing Rates (subject to change every January 1st)	$200	$150	$150	$85	-	-
Labor Subtotals	$34,800	$11,400	$13,800	$1,190	-	$61,190
Direct Expenses (e.g., printing, travel, Engagement HQ fee)						$6,000
TOTAL COST						$67,190
CONTINGENCY [3]						
Contingency (10%)						

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Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

PHASES/TASKS	Urban Green			GRAND TOTAL
	HEID Principal	TOTAL HOURS	TOTAL COST	
Task A: Project Initiation				
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour	6	6	$1,350	$16,555
Task A.2: Assemble GIS Data and Prepare Base Maps		0	$0	$2,660
Task A.3: Existing Data Collection and Compilation		0	$0	$5,840
Subtotal	***6***	***6***	***$1,350***	***$25,055***
Task B: Prepare Background Report				
Task B.1: Administrative Draft Existing Conditions Background Report		0	$0	$154,195
Task B.2: Public Draft Background Report		0	$0	$24,850
Task B.3: General Plan Audit Report		0	$0	$5,730
Subtotal	***0***	***0***	***$0***	***$184,775***
Task C: Identify Community Issues, Opportunities, and Constraints				
Task C.1: Administrative Draft Issues and Opportunities Summary		0	$0	$4,420
Task C.2: Public Draft Issues and Opportunities Summary		0	$0	$4,900
Task C.3: Final Issues and Opportunities Summary		0	$0	$1,345
Subtotal	***0***	***0***	***$0***	***$10,665***
Task D: Development of General Plan Vision				
Task D.1: Administrative Draft Vision and Guiding Principles		0	$0	$6,255
Task D.2: Public Draft Vision and Guiding Principles		0	$0	$5,610
Task D.3: Final Vision and Guiding Principles		0	$0	$1,685
Subtotal	***0***	***0***	***$0***	***$13,550***
Task E: Development of Alternatives				
Task E.1: Administrative Draft Alternatives Report	20	20	$4,500	$39,110
Subtask E.1a: Fiscal Impact Analysis		0	$0	$16,280
Subtask E.1b: Transportation System Alternatives		0	$0	$18,320
Task E.2: Public Draft Alternatives Report		0	$0	$8,010
Subtotal	***20***	***20***	***$4,500***	***$81,720***
Task F: General Plan Goals and Policy Development				
Task F.1: Administrative Draft General Plan	8	8	$1,800	$110,825
Alternative VMT Thresholds		0	$0	$16,535
Task F.2: Administrative Draft Land Use and Circulation Diagrams		0	$0	$7,625
Task F.3: Preliminary Draft General Plan		0	$0	$37,775
Task F.4: Public Draft General Plan		0	$0	$11,180
Task F.5: General Plan Consultation and Referrals		0	$0	$2,720
Subtotal	***8***	***8***	***$1,800***	***$186,660***
Task G: Environmental Impact Report				
Task G.1: Staff Work Session on Program EIR Preparation		0	$0	$4,230
Task G.2: Notice of Preparation		0	$0	$1,750
Task G.3: Scoping Meeting		0	$0	$4,155
Task G.4: Administrative Draft Program EIR		0	$0	$161,595
Task G.5: Staff Review/Screen Check Draft Program EIR		0	$0	$20,890
Task G.6: Draft Program EIR		0	$0	$9,000
Subtotal	***0***	***0***	***$0***	***$201,620***
Task H: Community Outreach and Engagement				
Task H.1: Community Engagement Strategy		0	$0	$4,190
Task H.2: Branding and Project Logo		0	$0	$1,900
Task H.3: Set Up Online Engagement		0	$0	$8,890
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4		0	$0	$16,280
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6		0	$0	$28,110
Task H.6 (18 additional GPAC meetings)		0	$0	$46,980
Task H.7: Community Workshop #1: Project Initiation	6	6	$1,350	$7,490
Task H.8: Joint Study Session #1, Introduction to the General Plan Update		0	$0	$4,090
Task H.11: Joint Study Session #2, Review Existing Conditions Report		0	$0	$4,090
Task H.12: Community Workshop #2, Issues and Opportunities Identification		0	$0	$7,930
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report		0	$0	$4,090
Task H.15: Community Workshop #3, Vision and Guiding Principles	12	12	$2,700	$12,610
Task H.17: Joint Study Session #4, Vision and Guiding Principles		0	$0	$4,090
Task H.19: Community Workshop #4, Alternative Choices	12	12	$2,700	$17,330
Task H.21: Planning Commission Meeting	8	8	$1,800	$8,170
Task H.22: Town Council Meeting	8	8	$1,800	$6,940
Task H.24: Joint Study Sessions #5, #6, and #7		0	$0	$17,275
Task H.26: Community Workshop #5, Draft General Plan		0	$0	$14,750
Task H.27: Online Engagement		0	$0	$8,420
Task H.28: Ongoing Communication		0	$0	$10,800
Task H.29: Pop-up Booth for Festivals and Events		0	$0	$4,880
Subtotal	***46***	***46***	***$10,350***	***$239,305***
Task I: Certification of EIR and Adoption of the General Plan				
Task I.1: Response to Comments		0	$0	$19,230
Task I.2: Mitigation, Monitoring, and Reporting Program		0	$0	$3,850
Task I.3: Final Program EIR		0	$0	$4,940
Task I.4: Planning Commission Hearing		0	$0	$9,060
Task I.5: Town Council Hearings (2)		0	$0	$13,595
Task I.6: Final General Plan Documents		0	$0	$16,850
Task I.7: Town Council Adoption Hearing		0	$0	$5,530
Task I.8: Web-Based General Plan		0	$0	$22,750
Subtotal	***0***	***0***	***$0***	***$95,805***
Project Management				
Subtotal		0	$0	***$66,820***
TOTAL				
Total Hours	80	80	-	7,320
2018 Billing Rates (subject to change every January 1st)	$225	-	-	-
Labor Subtotals	$18,000	-	***$18,000***	***$1,105,975***
Direct Expenses (e.g., printing, travel, Engagement HQ fee)			$500	$69,000
TOTAL COST			***$18,500***	***$1,174,975***
CONTINGENCY [3]				
Contingency (10%)				**$117,498**

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TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 08/17/2021
ITEM NO:

DATE: August 6, 2021

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to execute a Second Amendment to an Agreement for Consultant Services with Mintier Harnish for preparation of the General Plan update and Environmental Impact Report (EIR).

RECOMMENDATION:

Authorize the Town Manager to execute a Second Amendment to an Agreement for Consultant Services with Mintier Harnish for preparation of the General Plan update and Environmental Impact Report (EIR).

BACKGROUND:

On July 9, 2018, the Town Council authorized the Town Manager to enter into an Agreement with Mintier Harnish for the preparation of the General Plan update and EIR. The term of the original Agreement that was executed had an expiration date of July 31, 2020

On August 1, 2020 the Town approved a First Amendment to an Agreement to extend the term expiration to July 31, 2021.

DISCUSSION:

The General Plan update and EIR have not been considered by the Planning Commission or Town Council. Therefore, staff is requesting that the term expiration be extended to March 31, 2022.

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to excecute a Second Amendment to an Agreement (Attachment 1) with Mintier Harnish so the General Plan update and EIR processes can be completed.

COORDINATION:

PREPARED BY: Joel Paulson
Community Development Director

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

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

FISCAL IMPACT:

There is no Fiscal Impact as the only item being amended is the expiration of the term.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Draft Mintier Harnish Second Amendment to an Agreement
2. Original Agreement for Consultant Services

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MINTI-1 OP ID: CC

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 05/06/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Point West Insurance Assoc.
1455 Response Road #240
Sacramento, CA 95815
M Stuart Nelson

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Hartford Casualty Company	29424
INSURER B : Hartford Fire Insurance Co	19682
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Mintier Harnish LP
dba:Mintier Harnish
1415 20th Street
Sacramento, CA 95814

IHH: 21.126

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR	Y		57SBAEF2053	04/24/2021	04/24/2022	EACH OCCURRENCE	$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 10,000
A	X Hired/NOwned Auto			57SBAEF2053	04/24/2021	04/24/2022	PERSONAL & ADV INJURY	$ 2,000,000
							GENERAL AGGREGATE	$ 4,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 4,000,000
							H/NO Auto	$ 2,000,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (PER ACCIDENT)	$
								$
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		57WECNU9666	04/24/2021	04/24/2022	X WC STATU-TORY LIMITS OTH-ER	
							E.L. EACH ACCIDENT	$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

General Liability Additional Insured and Primary wording included in the SS0008 04/05 endorsement attached.

CERTIFICATE HOLDER

Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

M Stuart Nelson

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jarmer@losgatosca.gov

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QUICK REFERENCE
BUSINESS LIABILITY COVERAGE FORM
READ YOUR POLICY CAREFULLY

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BUSINESS LIABILITY COVERAGE FORM

Various provisions in this policy restrict coverage. Read the entire policy carefully to determine rights, duties and what is and is not covered.

Throughout this policy the words "you" and "your" refer to the Named Insured shown in the Declarations. The words "we", "us" and "our" refer to the stock insurance company member of The Hartford providing this insurance.

The word "insured" means any person or organization qualifying as such under Section **C**. - Who Is An Insured.

Other words and phrases that appear in quotation marks have special meaning. Refer to Section **G**. - Liability And Medical Expenses Definitions.

A. COVERAGES

1. BUSINESS LIABILITY COVERAGE (BODILY INJURY, PROPERTY DAMAGE, PERSONAL AND ADVERTISING INJURY)

Insuring Agreement

a. We will pay those sums that the insured becomes legally obligated to pay as damages because of "bodily injury", "property damage" or "personal and advertising injury" to which this insurance applies. We will have the right and duty to defend the insured against any "suit" seeking those damages. However, we will have no duty to defend the insured against any "suit" seeking damages for "bodily injury", "property damage" or "personal and advertising injury" to which this insurance does not apply.

We may, at our discretion, investigate any "occurrence" or offense and settle any claim or "suit" that may result. But:

(1) The amount we will pay for damages is limited as described in Section **D.** - Liability And Medical Expenses Limits Of Insurance; and

(2) Our right and duty to defend ends when we have used up the applicable limit of insurance in the payment of judgments, settlements or medical expenses to which this insurance applies.

No other obligation or liability to pay sums or perform acts or services is covered unless explicitly provided for under Coverage Extension - Supplementary Payments.

b. This insurance applies:

(1) To "bodily injury" and "property damage" only if:

(a) The "bodily injury" or "property damage" is caused by an "occurrence" that takes place in the "coverage territory";

(b) The "bodily injury" or "property damage" occurs during the policy period; and

(c) Prior to the policy period, no insured listed under Paragraph **1.** of Section **C.** – Who Is An Insured and no "employee" authorized by you to give or receive notice of an "occurrence" or claim, knew that the "bodily injury" or "property damage" had occurred, in whole or in part. If such a listed insured or authorized "employee" knew, prior to the policy period, that the "bodily injury" or "property damage" occurred, then any continuation, change or resumption of such "bodily injury" or "property damage" during or after the policy period will be deemed to have been known prior to the policy period.

(2) To "personal and advertising injury" caused by an offense arising out of your business, but only if the offense was committed in the "coverage territory" during the policy period.

c. "Bodily injury" or "property damage" will be deemed to have been known to have occurred at the earliest time when any insured listed under Paragraph **1.** of Section **C.** – Who Is An Insured or any "employee" authorized by you to give or receive notice of an "occurrence" or claim:

(1) Reports all, or any part, of the "bodily injury" or "property damage" to us or any other insurer;

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(2) Receives a written or verbal demand or claim for damages because of the "bodily injury" or "property damage"; or

(3) Becomes aware by any other means that "bodily injury" or "property damage" has occurred or has begun to occur.

d. Damages because of "bodily injury" include damages claimed by any person or organization for care, loss of services or death resulting at any time from the "bodily injury".

e. **Incidental Medical Malpractice**

(1) "Bodily injury" arising out of the rendering of or failure to render professional health care services as a physician, dentist, nurse, emergency medical technician or paramedic shall be deemed to be caused by an "occurrence", but only if:

(a) The physician, dentist, nurse, emergency medical technician or paramedic is employed by you to provide such services; and

(b) You are not engaged in the business or occupation of providing such services.

(2) For the purpose of determining the limits of insurance for incidental medical malpractice, any act or omission together with all related acts or omissions in the furnishing of these services to any one person will be considered one "occurrence".

2. MEDICAL EXPENSES

Insuring Agreement

a. We will pay medical expenses as described below for "bodily injury" caused by an accident:

(1) On premises you own or rent;

(2) On ways next to premises you own or rent; or

(3) Because of your operations;

provided that:

(1) The accident takes place in the "coverage territory" and during the policy period;

(2) The expenses are incurred and reported to us within three years of the date of the accident; and

(3) The injured person submits to examination, at our expense, by physicians of our choice as often as we reasonably require.

b. We will make these payments regardless of fault. These payments will not exceed the applicable limit of insurance. We will pay reasonable expenses for:

(1) First aid administered at the time of an accident;

(2) Necessary medical, surgical, x-ray and dental services, including prosthetic devices; and

(3) Necessary ambulance, hospital, professional nursing and funeral services.

3. COVERAGE EXTENSION - SUPPLEMENTARY PAYMENTS

a. We will pay, with respect to any claim or "suit" we investigate or settle, or any "suit" against an insured we defend:

(1) All expenses we incur.

(2) Up to $1,000 for the cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which Business Liability Coverage for "bodily injury" applies. We do not have to furnish these bonds.

(3) The cost of appeal bonds or bonds to release attachments, but only for bond amounts within the applicable limit of insurance. We do not have to furnish these bonds.

(4) All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to $500 a day because of time off from work.

(5) All costs taxed against the insured in the "suit".

(6) Prejudgment interest awarded against the insured on that part of the judgment we pay. If we make an offer to pay the applicable limit of insurance, we will not pay any prejudgment interest based on that period of time after the offer.

(7) All interest on the full amount of any judgment that accrues after entry of the judgment and before we have paid, offered to pay, or deposited in court the part of the judgment that is within the applicable limit of insurance.

Any amounts paid under **(1)** through **(7)** above will not reduce the limits of insurance.

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b. If we defend an insured against a "suit" and an indemnitee of the insured is also named as a party to the "suit", we will defend that indemnitee if all of the following conditions are met:

(1) The "suit" against the indemnitee seeks damages for which the insured has assumed the liability of the indemnitee in a contract or agreement that is an "insured contract";

(2) This insurance applies to such liability assumed by the insured;

(3) The obligation to defend, or the cost of the defense of, that indemnitee, has also been assumed by the insured in the same "insured contract";

(4) The allegations in the "suit" and the information we know about the "occurrence" are such that no conflict appears to exist between the interests of the insured and the interest of the indemnitee;

(5) The indemnitee and the insured ask us to conduct and control the defense of that indemnitee against such "suit" and agree that we can assign the same counsel to defend the insured and the indemnitee; and

(6) The indemnitee:

(a) Agrees in writing to:

(i) Cooperate with us in the investigation, settlement or defense of the "suit";

(ii) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the "suit";

(iii) Notify any other insurer whose coverage is available to the indemnitee; and

(iv) Cooperate with us with respect to coordinating other applicable insurance available to the indemnitee; and

(b) Provides us with written authorization to:

(i) Obtain records and other information related to the "suit"; and

(ii) Conduct and control the defense of the indemnitee in such "suit".

So long as the above conditions are met, attorneys' fees incurred by us in the defense of that indemnitee, necessary litigation expenses incurred by us and necessary litigation expenses incurred by the indemnitee at our request will be paid as Supplementary Payments.

Notwithstanding the provisions of Paragraph **1.b.(b)** of Section **B.** – Exclusions, such payments will not be deemed to be damages for "bodily injury" and "property damage" and will not reduce the Limits of Insurance.

Our obligation to defend an insured's indemnitee and to pay for attorneys' fees and necessary litigation expenses as Supplementary Payments ends when:

(1) We have used up the applicable limit of insurance in the payment of judgments or settlements; or

(2) The conditions set forth above, or the terms of the agreement described in Paragraph **(6)** above, are no longer met.

B. EXCLUSIONS

1. Applicable To Business Liability Coverage

This insurance does not apply to:

a. Expected Or Intended Injury

(1) "Bodily injury" or "property damage" expected or intended from the standpoint of the insured. This exclusion does not apply to "bodily injury" or "property damage" resulting from the use of reasonable force to protect persons or property; or

(2) "Personal and advertising injury" arising out of an offense committed by, at the direction of or with the consent or acquiescence of the insured with the expectation of inflicting "personal and advertising injury".

b. Contractual Liability

(1) "Bodily injury" or "property damage"; or

(2) "Personal and advertising injury"

for which the insured is obligated to pay damages by reason of the assumption of liability in a contract or agreement.

This exclusion does not apply to liability for damages because of:

(a) "Bodily injury", "property damage" or "personal and advertising injury" that the insured would have in the absence of the contract or agreement; or

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(b) "Bodily injury" or "property damage" assumed in a contract or agreement that is an "insured contract", provided the "bodily injury" or "property damage" occurs subsequent to the execution of the contract or agreement. Solely for the purpose of liability assumed in an "insured contract", reasonable attorneys' fees and necessary litigation expenses incurred by or for a party other than an insured are deemed to be damages because of "bodily injury" or "property damage" provided:

(i) Liability to such party for, or for the cost of, that party's defense has also been assumed in the same "insured contract", and

(ii) Such attorneys' fees and litigation expenses are for defense of that party against a civil or alternative dispute resolution proceeding in which damages to which this insurance applies are alleged.

c. Liquor Liability

"Bodily injury" or "property damage" for which any insured may be held liable by reason of:

(1) Causing or contributing to the intoxication of any person;

(2) The furnishing of alcoholic beverages to a person under the legal drinking age or under the influence of alcohol; or

(3) Any statute, ordinance or regulation relating to the sale, gift, distribution or use of alcoholic beverages.

This exclusion applies only if you are in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages.

d. Workers' Compensation And Similar Laws

Any obligation of the insured under a workers' compensation, disability benefits or unemployment compensation law or any similar law.

e. Employer's Liability

"Bodily injury" to:

(1) An "employee" of the insured arising out of and in the course of:

(a) Employment by the insured; or

(b) Performing duties related to the conduct of the insured's business, or

(2) The spouse, child, parent, brother or sister of that "employee" as a consequence of **(1)** above.

This exclusion applies:

(1) Whether the insured may be liable as an employer or in any other capacity; and

(2) To any obligation to share damages with or repay someone else who must pay damages because of the injury.

This exclusion does not apply to liability assumed by the insured under an "insured contract".

f. Pollution

(1) "Bodily injury", "property damage" or "personal and advertising injury" arising out of the actual, alleged or threatened discharge, dispersal, seepage, migration, release or escape of "pollutants":

(a) At or from any premises, site or location which is or was at any time owned or occupied by, or rented or loaned to any insured. However, this subparagraph does not apply to:

(i) "Bodily injury" if sustained within a building and caused by smoke, fumes, vapor or soot produced by or originating from equipment that is used to heat, cool or dehumidify the building, or equipment that is used to heat water for personal use, by the building's occupants or their guests;

(ii) "Bodily injury" or "property damage" for which you may be held liable, if you are a contractor and the owner or lessee of such premises, site or location has been added to your policy as an additional insured with respect to your ongoing operations performed for that additional insured at that premises, site or location and such premises, site or location is not and never was owned or occupied by, or rented or loaned to, any insured, other than that additional insured; or

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(iii) "Bodily injury" or "property damage" arising out of heat, smoke or fumes from a "hostile fire";

(b) At or from any premises, site or location which is or was at any time used by or for any insured or others for the handling, storage, disposal, processing or treatment of waste;

(c) Which are or were at any time transported, handled, stored, treated, disposed of, or processed as waste by or for:

(i) Any insured; or

(ii) Any person or organization for whom you may be legally responsible;

(d) At or from any premises, site or location on which any insured or any contractors or subcontractors working directly or indirectly on any insured's behalf are performing operations if the "pollutants" are brought on or to the premises, site or location in connection with such operations by such insured, contractor or subcontractor. However, this subparagraph does not apply to:

(i) "Bodily injury" or "property damage" arising out of the escape of fuels, lubricants or other operating fluids which are needed to perform the normal electrical, hydraulic or mechanical functions necessary for the operation of "mobile equipment" or its parts, if such fuels, lubricants or other operating fluids escape from a vehicle part designed to hold, store or receive them. This exception does not apply if the "bodily injury" or "property damage" arises out of the intentional discharge, dispersal or release of the fuels, lubricants or other operating fluids, or if such fuels, lubricants or other operating fluids are brought on or to the premises, site or location with the intent that they be discharged, dispersed or released as part of the operations being performed by such insured, contractor or subcontractor;

(ii) "Bodily injury" or "property damage" sustained within a building and caused by the release of gases, fumes or vapors from materials brought into that building in connection with operations being performed by you or on your behalf by a contractor or subcontractor; or

(iii) "Bodily injury" or "property damage" arising out of heat, smoke or fumes from a "hostile fire"; or

(e) At or from any premises, site or location on which any insured or any contractors or subcontractors working directly or indirectly on any insured's behalf are performing operations if the operations are to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of, "pollutants".

(2) Any loss, cost or expense arising out of any:

(a) Request, demand, order or statutory or regulatory requirement that any insured or others test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of, "pollutants"; or

(b) Claim or suit by or on behalf of a governmental authority for damages because of testing for, monitoring, cleaning up, removing, containing, treating, detoxifying or neutralizing, or in any way responding to, or assessing the effects of, "pollutants".

However, this paragraph does not apply to liability for damages because of "property damage" that the insured would have in the absence of such request, demand, order or statutory or regulatory requirement, or such claim or "suit" by or on behalf of a governmental authority.

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g. Aircraft, Auto Or Watercraft

"Bodily injury" or "property damage" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any insured. Use includes operation and "loading or unloading".

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage" involved the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft that is owned or operated by or rented or loaned to any insured.

This exclusion does not apply to:

(1) A watercraft while ashore on premises you own or rent;

(2) A watercraft you do not own that is:

(a) Less than 51 feet long; and

(b) Not being used to carry persons for a charge;

(3) Parking an "auto" on, or on the ways next to, premises you own or rent, provided the "auto" is not owned by or rented or loaned to you or the insured;

(4) Liability assumed under any "insured contract" for the ownership, maintenance or use of aircraft or watercraft;

(5) "Bodily injury" or "property damage" arising out of the operation of any of the equipment listed in Paragraph **f.(2)** or **f.(3)** of the definition of "mobile equipment"; or

(6) An aircraft that is not owned by any insured and is hired, chartered or loaned with a paid crew. However, this exception does not apply if the insured has any other insurance for such "bodily injury" or "property damage", whether the other insurance is primary, excess, contingent or on any other basis.

h. Mobile Equipment

"Bodily injury" or "property damage" arising out of:

(1) The transportation of "mobile equipment" by an "auto" owned or operated by or rented or loaned to any insured; or

(2) The use of "mobile equipment" in, or while in practice or preparation for, a prearranged racing, speed or demolition contest or in any stunting activity.

i. War

"Bodily injury", "property damage" or "personal and advertising injury", however caused, arising, directly or indirectly, out of:

(1) War, including undeclared or civil war;

(2) Warlike action by a military force, including action in hindering or defending against an actual or expected attack, by any government, sovereign or other authority using military personnel or other agents; or

(3) Insurrection, rebellion, revolution, usurped power, or action taken by governmental authority in hindering or defending against any of these.

j. Professional Services

"Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of or failure to render any professional service. This includes but is not limited to:

(1) Legal, accounting or advertising services;

(2) Preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications;

(3) Supervisory, inspection, architectural or engineering activities;

(4) Medical, surgical, dental, x-ray or nursing services treatment, advice or instruction;

(5) Any health or therapeutic service treatment, advice or instruction;

(6) Any service, treatment, advice or instruction for the purpose of appearance or skin enhancement, hair removal or replacement or personal grooming;

(7) Optical or hearing aid services including the prescribing, preparation, fitting, demonstration or distribution of ophthalmic lenses and similar products or hearing aid devices;

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(8) Optometry or optometric services including but not limited to examination of the eyes and the prescribing, preparation, fitting,demonstration or distribution of ophthalmic lenses and similar products;

(9) Any:

(a) Body piercing (not including ear piercing);

(b) Tattooing, including but not limited to the insertion of pigments into or under the skin; and

(c) Similar services;

(10) Services in the practice of pharmacy; and

(11) Computer consulting, design or programming services, including web site design.

Paragraphs **(4)** and **(5)** of this exclusion do not apply to the Incidental Medical Malpractice coverage afforded under Paragraph **1.e.** in Section **A.** - Coverages.

k. Damage To Property

"Property damage" to:

(1) Property you own, rent or occupy, including any costs or expenses incurred by you, or any other person, organization or entity, for repair, replacement, enhancement, restoration or maintenance of such property for any reason, including prevention of injury to a person or damage to another's property;

(2) Premises you sell, give away or abandon, if the "property damage" arises out of any part of those premises;

(3) Property loaned to you;

(4) Personal property in the care, custody or control of the insured;

(5) That particular part of real property on which you or any contractors or subcontractors working directly or indirectly on your behalf are performing operations, if the "property damage" arises out of those operations; or

(6) That particular part of any property that must be restored, repaired or replaced because "your work" was incorrectly performed on it.

Paragraphs **(1)**, **(3)** and **(4)** of this exclusion do not apply to "property damage" (other than damage by fire) to premises, including the contents of such premises, rented to you for a period of 7 or fewer consecutive days. A separate Limit of Insurance applies to Damage To Premises Rented To You as described in Section **D.** - Limits Of Insurance.

Paragraph **(2)** of this exclusion does not apply if the premises are "your work" and were never occupied, rented or held for rental by you.

Paragraphs **(3)** and **(4)** of this exclusion do not apply to the use of elevators.

Paragraphs **(3)**, **(4)**, **(5)** and **(6)** of this exclusion do not apply to liability assumed under a sidetrack agreement.

Paragraphs **(3)** and **(4)** of this exclusion do not apply to "property damage" to borrowed equipment while not being used to perform operations at a job site.

Paragraph **(6)** of this exclusion does not apply to "property damage" included in the "products-completed operations hazard".

l. Damage To Your Product

"Property damage" to "your product" arising out of it or any part of it.

m. Damage To Your Work

"Property damage" to "your work" arising out of it or any part of it and included in the "products-completed operations hazard".

This exclusion does not apply if the damaged work or the work out of which the damage arises was performed on your behalf by a subcontractor.

n. Damage To Impaired Property Or Property Not Physically Injured

"Property damage" to "impaired property" or property that has not been physically injured, arising out of:

(1) A defect, deficiency, inadequacy or dangerous condition in "your product" or "your work"; or

(2) A delay or failure by you or anyone acting on your behalf to perform a contract or agreement in accordance with its terms.

This exclusion does not apply to the loss of use of other property arising out of sudden and accidental physical injury to "your product" or "your work" after it has been put to its intended use.

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o. Recall Of Products, Work Or Impaired Property

Damages claimed for any loss, cost or expense incurred by you or others for the loss of use, withdrawal, recall, inspection, repair, replacement, adjustment, removal or disposal of:

(1) "Your product";

(2) "Your work"; or

(3) "Impaired property";

if such product, work or property is withdrawn or recalled from the market or from use by any person or organization because of a known or suspected defect, deficiency, inadequacy or dangerous condition in it.

p. Personal And Advertising Injury

"Personal and advertising injury":

(1) Arising out of oral, written or electronic publication of material, if done by or at the direction of the insured with knowledge of its falsity;

(2) Arising out of oral, written or electronic publication of material whose first publication took place before the beginning of the policy period;

(3) Arising out of a criminal act committed by or at the direction of the insured;

(4) Arising out of any breach of contract, except an implied contract to use another's "advertising idea" in your "advertisement";

(5) Arising out of the failure of goods, products or services to conform with any statement of quality or performance made in your "advertisement";

(6) Arising out of the wrong description of the price of goods, products or services;

(7) Arising out of any violation of any intellectual property rights such as copyright, patent, trademark, trade name, trade secret, service mark or other designation of origin or authenticity.

However, this exclusion does not apply to infringement, in your "advertisement", of

(a) Copyright;

(b) Slogan, unless the slogan is also a trademark, trade name, service mark or other designation of origin or authenticity; or

(c) Title of any literary or artistic work;

(8) Arising out of an offense committed by an insured whose business is:

(a) Advertising, broadcasting, publishing or telecasting;

(b) Designing or determining content of web sites for others; or

(c) An Internet search, access, content or service provider.

However, this exclusion does not apply to Paragraphs **a.**, **b.** and **c.** under the definition of "personal and advertising injury" in Section **G.** – Liability And Medical Expenses Definitions.

For the purposes of this exclusion, placing an "advertisement" for or linking to others on your web site, by itself, is not considered the business of advertising, broadcasting, publishing or telecasting;

(9) Arising out of an electronic chat room or bulletin board the insured hosts, owns, or over which the insured exercises control;

(10) Arising out of the unauthorized use of another's name or product in your e-mail address, domain name or metatags, or any other similar tactics to mislead another's potential customers;

(11) Arising out of the violation of a person's right of privacy created by any state or federal act.

However, this exclusion does not apply to liability for damages that the insured would have in the absence of such state or federal act;

(12) Arising out of:

(a) An "advertisement" for others on your web site;

(b) Placing a link to a web site of others on your web site;

(c) Content from a web site of others displayed within a frame or border on your web site. Content includes information, code, sounds, text, graphics or images; or

(d) Computer code, software or programming used to enable:

(i) Your web site; or

(ii) The presentation or functionality of an "advertisement" or other content on your web site;

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(13) Arising out of a violation of any anti-trust law;

(14) Arising out of the fluctuation in price or value of any stocks, bonds or other securities; or

(15) Arising out of discrimination or humiliation committed by or at the direction of any "executive officer", director, stockholder, partner or member of the insured.

q. Electronic Data

Damages arising out of the loss of, loss of use of, damage to, corruption of, inability to access, or inability to manipulate "electronic data".

r. Employment-Related Practices

"Bodily injury" or "personal and advertising injury" to:

(1) A person arising out of any:

(a) Refusal to employ that person;

(b) Termination of that person's employment; or

(c) Employment-related practices, policies, acts or omissions, such as coercion, demotion, evaluation, reassignment, discipline, defamation, harassment, humiliation or discrimination directed at that person; or

(2) The spouse, child, parent, brother or sister of that person as a consequence of "bodily injury" or "personal and advertising injury" to the person at whom any of the employment-related practices described in Paragraphs **(a)**, **(b)**, or **(c)** above is directed.

This exclusion applies:

(1) Whether the insured may be liable as an employer or in any other capacity; and

(2) To any obligation to share damages with or repay someone else who must pay damages because of the injury.

s. Asbestos

(1) "Bodily injury", "property damage" or "personal and advertising injury" arising out of the "asbestos hazard".

(2) Any damages, judgments, settlements, loss, costs or expenses that:

(a) May be awarded or incurred by reason of any claim or suit alleging actual or threatened injury or damage of any nature or kind to persons or property which would not have occurred in whole or in part but for the "asbestos hazard";

(b) Arise out of any request, demand, order or statutory or regulatory requirement that any insured or others test for, monitor, clean up, remove, encapsulate, contain, treat, detoxify or neutralize or in any way respond to or assess the effects of an "asbestos hazard"; or

(c) Arise out of any claim or suit for damages because of testing for, monitoring, cleaning up, removing, encapsulating, containing, treating, detoxifying or neutralizing or in any way responding to or assessing the effects of an "asbestos hazard".

t. Violation Of Statutes That Govern E-Mails, Fax, Phone Calls Or Other Methods Of Sending Material Or Information

"Bodily injury", "property damage", or "personal and advertising injury" arising directly or indirectly out of any action or omission that violates or is alleged to violate:

(1) The Telephone Consumer Protection Act (TCPA), including any amendment of or addition to such law;

(2) The CAN-SPAM Act of 2003, including any amendment of or addition to such law; or

(3) Any statute, ordinance or regulation, other than the TCPA or CAN-SPAM Act of 2003, that prohibits or limits the sending, transmitting, communicating or distribution of material or information.

Damage To Premises Rented To You – Exception For Damage By Fire, Lightning or Explosion

Exclusions **c.** through **h.** and **k.** through **o.** do not apply to damage by fire, lightning or explosion to premises rented to you or temporarily occupied by you with permission of the owner. A separate Limit of Insurance applies to this coverage as described in Section **D.** - Liability And Medical Expenses Limits Of Insurance.

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2. Applicable To Medical Expenses Coverage

We will not pay expenses for "bodily injury":

a. Any Insured
To any insured, except "volunteer workers".

b. Hired Person
To a person hired to do work for or on behalf of any insured or a tenant of any insured.

c. Injury On Normally Occupied Premises
To a person injured on that part of premises you own or rent that the person normally occupies.

d. Workers' Compensation And Similar Laws
To a person, whether or not an "employee" of any insured, if benefits for the "bodily injury" are payable or must be provided under a workers' compensation or disability benefits law or a similar law.

e. Athletics Activities
To a person injured while practicing, instructing or participating in any physical exercises or games, sports or athletic contests.

f. Products-Completed Operations Hazard
Included with the "products-completed operations hazard".

g. Business Liability Exclusions
Excluded under Business Liability Coverage.

C. WHO IS AN INSURED

1. If you are designated in the Declarations as:

a. An individual, you and your spouse are insureds, but only with respect to the conduct of a business of which you are the sole owner.

b. A partnership or joint venture, you are an insured. Your members, your partners, and their spouses are also insureds, but only with respect to the conduct of your business.

c. A limited liability company, you are an insured. Your members are also insureds, but only with respect to the conduct of your business. Your managers are insureds, but only with respect to their duties as your managers.

d. An organization other than a partnership, joint venture or limited liability company, you are an insured. Your "executive officers" and directors are insureds, but only with respect to their duties as your officers or directors. Your stockholders are also insureds, but only with respect to their liability as stockholders.

e. A trust, you are an insured. Your trustees are also insureds, but only with respect to their duties as trustees.

2. Each of the following is also an insured:

a. Employees And Volunteer Workers

Your "volunteer workers" only while performing duties related to the conduct of your business, or your "employees", other than either your "executive officers" (if you are an organization other than a partnership, joint venture or limited liability company) or your managers (if you are a limited liability company), but only for acts within the scope of their employment by you or while performing duties related to the conduct of your business.

However, none of these "employees" or "volunteer workers" are insureds for:

(1) "Bodily injury" or "personal and advertising injury":

(a) To you, to your partners or members (if you are a partnership or joint venture), to your members (if you are a limited liability company), or to a co-"employee" while in the course of his or her employment or performing duties related to the conduct of your business, or to your other "volunteer workers" while performing duties related to the conduct of your business;

(b) To the spouse, child, parent, brother or sister of that co-"employee" or that "volunteer worker" as a consequence of Paragraph **(1)(a)** above;

(c) For which there is any obligation to share damages with or repay someone else who must pay damages because of the injury described in Paragraphs **(1)(a)** or **(b)** above; or

(d) Arising out of his or her providing or failing to provide professional health care services.

If you are not in the business of providing professional health care services, Paragraph **(d)** does not apply to any nurse, emergency medical technician or paramedic employed by you to provide such services.

(2) "Property damage" to property:

(a) Owned, occupied or used by,

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(b) Rented to, in the care, custody or control of, or over which physical control is being exercised for any purpose by you, any of your "employees", "volunteer workers", any partner or member (if you are a partnership or joint venture), or any member (if you are a limited liability company).

b. Real Estate Manager

Any person (other than your "employee" or "volunteer worker"), or any organization while acting as your real estate manager.

c. Temporary Custodians Of Your Property

Any person or organization having proper temporary custody of your property if you die, but only:

(1) With respect to liability arising out of the maintenance or use of that property; and

(2) Until your legal representative has been appointed.

d. Legal Representative If You Die

Your legal representative if you die, but only with respect to duties as such. That representative will have all your rights and duties under this insurance.

e. Unnamed Subsidiary

Any subsidiary and subsidiary thereof, of yours which is a legally incorporated entity of which you own a financial interest of more than 50% of the voting stock on the effective date of this Coverage Part.

The insurance afforded herein for any subsidiary not shown in the Declarations as a named insured does not apply to injury or damage with respect to which an insured under this insurance is also an insured under another policy or would be an insured under such policy but for its termination or upon the exhaustion of its limits of insurance.

3. Newly Acquired Or Formed Organization

Any organization you newly acquire or form, other than a partnership, joint venture or limited liability company, and over which you maintain financial interest of more than 50% of the voting stock, will qualify as a Named Insured if there is no other similar insurance available to that organization. However:

a. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier; and

b. Coverage under this provision does not apply to:

(1) "Bodily injury" or "property damage" that occurred; or

(2) "Personal and advertising injury" arising out of an offense committed

before you acquired or formed the organization.

4. Operator Of Mobile Equipment

With respect to "mobile equipment" registered in your name under any motor vehicle registration law, any person is an insured while driving such equipment along a public highway with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the equipment, and only if no other insurance of any kind is available to that person or organization for this liability. However, no person or organization is an insured with respect to:

a. "Bodily injury" to a co-"employee" of the person driving the equipment; or

b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

5. Operator of Nonowned Watercraft

With respect to watercraft you do not own that is less than 51 feet long and is not being used to carry persons for a charge, any person is an insured while operating such watercraft with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the watercraft, and only if no other insurance of any kind is available to that person or organization for this liability.

However, no person or organization is an insured with respect to:

a. "Bodily injury" to a co-"employee" of the person operating the watercraft; or

b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

6. Additional Insureds When Required By Written Contract, Written Agreement Or Permit

The person(s) or organization(s) identified in Paragraphs **a.** through **f.** below are additional insureds when you have agreed, in a written

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contract, written agreement or because of a permit issued by a state or political subdivision, that such person or organization be added as an additional insured on your policy, provided the injury or damage occurs subsequent to the execution of the contract or agreement, or the issuance of the permit.

A person or organization is an additional insured under this provision only for that period of time required by the contract, agreement or permit.

However, no such person or organization is an additional insured under this provision if such person or organization is included as an additional insured by an endorsement issued by us and made a part of this Coverage Part, including all persons or organizations added as additional insureds under the specific additional insured coverage grants in Section **F.** – Optional Additional Insured Coverages.

a. Vendors

Any person(s) or organization(s) (referred to below as vendor), but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business and only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

(1) The insurance afforded to the vendor is subject to the following additional exclusions:

This insurance does not apply to:

(a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;

(b) Any express warranty unauthorized by you;

(c) Any physical or chemical change in the product made intentionally by the vendor;

(d) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

(e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

(f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

(g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

(h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

(i) The exceptions contained in Subparagraphs **(d)** or **(f)**; or

(ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

(2) This insurance does not apply to any insured person or organization from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.

b. Lessors Of Equipment

(1) Any person or organization from whom you lease equipment; but only with respect to their liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person or organization.

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(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after you cease to lease that equipment.

c. Lessors Of Land Or Premises

(1) Any person or organization from whom you lease land or premises, but only with respect to liability arising out of the ownership, maintenance or use of that part of the land or premises leased to you.

(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:

(a) Any "occurrence" which takes place after you cease to lease that land or be a tenant in that premises; or

(b) Structural alterations, new construction or demolition operations performed by or on behalf of such person or organization.

d. Architects, Engineers Or Surveyors

(1) Any architect, engineer, or surveyor, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

(a) In connection with your premises; or

(b) In the performance of your ongoing operations performed by you or on your behalf.

(2) With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of or the failure to render any professional services by or for you, including:

(a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

(b) Supervisory, inspection, architectural or engineering activities.

e. Permits Issued By State Or Political Subdivisions

(1) Any state or political subdivision, but only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:

(a) "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or

(b) "Bodily injury" or "property damage" included within the "products-completed operations hazard".

f. Any Other Party

(1) Any other person or organization who is not an insured under Paragraphs **a.** through **e**. above, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

(a) In the performance of your ongoing operations;

(b) In connection with your premises owned by or rented to you; or

(c) In connection with "your work" and included within the "products-completed operations hazard", but only if

(i) The written contract or written agreement requires you to provide such coverage to such additional insured; and

(ii) This Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:

"Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

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(a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

(b) Supervisory, inspection, architectural or engineering activities.

The limits of insurance that apply to additional insureds are described in Section **D.** – Limits Of Insurance.

How this insurance applies when other insurance is available to an additional insured is described in the Other Insurance Condition in Section **E.** – Liability And Medical Expenses General Conditions.

No person or organization is an insured with respect to the conduct of any current or past partnership, joint venture or limited liability company that is not shown as a Named Insured in the Declarations.

D. LIABILITY AND MEDICAL EXPENSES LIMITS OF INSURANCE

1. The Most We Will Pay

The Limits of Insurance shown in the Declarations and the rules below fix the most we will pay regardless of the number of:

a. Insureds;

b. Claims made or "suits" brought; or

c. Persons or organizations making claims or bringing "suits".

2. Aggregate Limits

The most we will pay for:

a. Damages because of "bodily injury" and "property damage" included in the "products-completed operations hazard" is the Products-Completed Operations Aggregate Limit shown in the Declarations.

b. Damages because of all other "bodily injury", "property damage" or "personal and advertising injury", including medical expenses, is the General Aggregate Limit shown in the Declarations.

This General Aggregate Limit applies separately to each of your "locations" owned by or rented to you.

"Location" means premises involving the same or connecting lots, or premises whose connection is interrupted only by a street, roadway or right-of-way of a railroad.

This General Aggregate limit does not apply to "property damage" to premises while rented to you or temporarily occupied by you with permission of the owner, arising out of fire, lightning or explosion.

3. Each Occurrence Limit

Subject to **2.a.** or **2.b** above, whichever applies, the most we will pay for the sum of all damages because of all "bodily injury", "property damage" and medical expenses arising out of any one "occurrence" is the Liability and Medical Expenses Limit shown in the Declarations.

The most we will pay for all medical expenses because of "bodily injury" sustained by any one person is the Medical Expenses Limit shown in the Declarations.

4. Personal And Advertising Injury Limit

Subject to **2.b.** above, the most we will pay for the sum of all damages because of all "personal and advertising injury" sustained by any one person or organization is the Personal and Advertising Injury Limit shown in the Declarations.

5. Damage To Premises Rented To You Limit

The Damage To Premises Rented To You Limit is the most we will pay under Business Liability Coverage for damages because of "property damage" to any one premises, while rented to you, or in the case of damage by fire, lightning or explosion, while rented to you or temporarily occupied by you with permission of the owner.

In the case of damage by fire, lightning or explosion, the Damage to Premises Rented To You Limit applies to all damage proximately caused by the same event, whether such damage results from fire, lightning or explosion or any combination of these.

6. How Limits Apply To Additional Insureds

The most we will pay on behalf of a person or organization who is an additional insured under this Coverage Part is the lesser of:

a. The limits of insurance specified in a written contract, written agreement or permit issued by a state or political subdivision; or

b. The Limits of Insurance shown in the Declarations.

Such amount shall be a part of and not in addition to the Limits of Insurance shown in the Declarations and described in this Section.

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If more than one limit of insurance under this policy and any endorsements attached thereto applies to any claim or "suit", the most we will pay under this policy and the endorsements is the single highest limit of liability of all coverages applicable to such claim or "suit". However, this paragraph does not apply to the Medical Expenses limit set forth in Paragraph **3.** above.

The Limits of Insurance of this Coverage Part apply separately to each consecutive annual period and to any remaining period of less than 12 months, starting with the beginning of the policy period shown in the Declarations, unless the policy period is extended after issuance for an additional period of less than 12 months. In that case, the additional period will be deemed part of the last preceding period for purposes of determining the Limits of Insurance.

E. LIABILITY AND MEDICAL EXPENSES GENERAL CONDITIONS

1. Bankruptcy

Bankruptcy or insolvency of the insured or of the insured's estate will not relieve us of our obligations under this Coverage Part.

2. Duties In The Event Of Occurrence, Offense, Claim Or Suit

a. Notice Of Occurrence Or Offense

You or any additional insured must see to it that we are notified as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, notice should include:

(1) How, when and where the "occurrence" or offense took place;

(2) The names and addresses of any injured persons and witnesses; and

(3) The nature and location of any injury or damage arising out of the "occurrence" or offense.

b. Notice Of Claim

If a claim is made or "suit" is brought against any insured, you or any additional insured must:

(1) Immediately record the specifics of the claim or "suit" and the date received; and

(2) Notify us as soon as practicable.

You or any additional insured must see to it that we receive a written notice of the claim or "suit" as soon as practicable.

c. Assistance And Cooperation Of The Insured

You and any other involved insured must:

(1) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the claim or "suit";

(2) Authorize us to obtain records and other information;

(3) Cooperate with us in the investigation, settlement of the claim or defense against the "suit"; and

(4) Assist us, upon our request, in the enforcement of any right against any person or organization that may be liable to the insured because of injury or damage to which this insurance may also apply.

d. Obligations At The Insured's Own Cost

No insured will, except at that insured's own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first aid, without our consent.

e. Additional Insured's Other Insurance

If we cover a claim or "suit" under this Coverage Part that may also be covered by other insurance available to an additional insured, such additional insured must submit such claim or "suit" to the other insurer for defense and indemnity.

However, this provision does not apply to the extent that you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured's own insurance.

f. Knowledge Of An Occurrence, Offense, Claim Or Suit

Paragraphs **a.** and **b.** apply to you or to any additional insured only when such "occurrence", offense, claim or "suit" is known to:

(1) You or any additional insured that is an individual;

(2) Any partner, if you or an additional insured is a partnership;

(3) Any manager, if you or an additional insured is a limited liability company;

(4) Any "executive officer" or insurance manager, if you or an additional insured is a corporation;

(5) Any trustee, if you or an additional insured is a trust; or

(6) Any elected or appointed official, if you or an additional insured is a political subdivision or public entity.

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This Paragraph **f.** applies separately to you and any additional insured.

3. Financial Responsibility Laws

a. When this policy is certified as proof of financial responsibility for the future under the provisions of any motor vehicle financial responsibility law, the insurance provided by the policy for "bodily injury" liability and "property damage" liability will comply with the provisions of the law to the extent of the coverage and limits of insurance required by that law.

b. With respect to "mobile equipment" to which this insurance applies, we will provide any liability, uninsured motorists, underinsured motorists, no-fault or other coverage required by any motor vehicle law. We will provide the required limits for those coverages.

4. Legal Action Against Us

No person or organization has a right under this Coverage Form:

a. To join us as a party or otherwise bring us into a "suit" asking for damages from an insured; or

b. To sue us on this Coverage Form unless all of its terms have been fully complied with.

A person or organization may sue us to recover on an agreed settlement or on a final judgment against an insured; but we will not be liable for damages that are not payable under the terms of this insurance or that are in excess of the applicable limit of insurance. An agreed settlement means a settlement and release of liability signed by us, the insured and the claimant or the claimant's legal representative.

5. Separation Of Insureds

Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this policy to the first Named Insured, this insurance applies:

a. As if each Named Insured were the only Named Insured; and

b. Separately to each insured against whom a claim is made or "suit" is brought.

6. Representations

a. When You Accept This Policy

By accepting this policy, you agree:

(1) The statements in the Declarations are accurate and complete;

(2) Those statements are based upon representations you made to us; and

(3) We have issued this policy in reliance upon your representations.

b. Unintentional Failure To Disclose Hazards

If unintentionally you should fail to disclose all hazards relating to the conduct of your business at the inception date of this Coverage Part, we shall not deny any coverage under this Coverage Part because of such failure.

7. Other Insurance

If other valid and collectible insurance is available for a loss we cover under this Coverage Part, our obligations are limited as follows:

a. Primary Insurance

This insurance is primary except when **b.** below applies. If other insurance is also primary, we will share with all that other insurance by the method described in **c.** below.

b. Excess Insurance

This insurance is excess over any of the other insurance, whether primary, excess, contingent or on any other basis:

(1) Your Work

That is Fire, Extended Coverage, Builder's Risk, Installation Risk or similar coverage for "your work";

(2) Premises Rented To You

That is fire, lightning or explosion insurance for premises rented to you or temporarily occupied by you with permission of the owner;

(3) Tenant Liability

That is insurance purchased by you to cover your liability as a tenant for "property damage" to premises rented to you or temporarily occupied by you with permission of the owner;

(4) Aircraft, Auto Or Watercraft

If the loss arises out of the maintenance or use of aircraft, "autos" or watercraft to the extent not subject to Exclusion **g.** of Section **A.** – Coverages.

(5) Property Damage To Borrowed Equipment Or Use Of Elevators

If the loss arises out of "property damage" to borrowed equipment or the use of elevators to the extent not subject to Exclusion **k.** of Section **A.** – Coverages.

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(6) When You Are Added As An Additional Insured To Other Insurance

That is other insurance available to you covering liability for damages arising out of the premises or operations, or products and completed operations, for which you have been added as an additional insured by that insurance; or

(7) When You Add Others As An Additional Insured To This Insurance

That is other insurance available to an additional insured.

However, the following provisions apply to other insurance available to any person or organization who is an additional insured under this Coverage Part:

(a) Primary Insurance When Required By Contract

This insurance is primary if you have agreed in a written contract, written agreement or permit that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in **c.** below.

(b) Primary And Non-Contributory To Other Insurance When Required By Contract

If you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs **(a)** and **(b)** do not apply to other insurance to which the additional insured has been added as an additional insured.

When this insurance is excess, we will have no duty under this Coverage Part to defend the insured against any "suit" if any other insurer has a duty to defend the insured against that "suit". If no other insurer defends, we will undertake to do so, but we will be entitled to the insured's rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

(1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and

(2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, with any other insurance that is not described in this Excess Insurance provision and was not bought specifically to apply in excess of the Limits of Insurance shown in the Declarations of this Coverage Part.

c. Method Of Sharing

If all the other insurance permits contribution by equal shares, we will follow this method also. Under this approach, each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

8. Transfer Of Rights Of Recovery Against Others To Us

a. Transfer Of Rights Of Recovery

If the insured has rights to recover all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce them. This condition does not apply to Medical Expenses Coverage.

b. Waiver Of Rights Of Recovery (Waiver Of Subrogation)

If the insured has waived any rights of recovery against any person or organization for all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, we also waive that right, provided the insured waived their rights of recovery against such person or organization in a contract, agreement or permit that was executed prior to the injury or damage.

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F. OPTIONAL ADDITIONAL INSURED COVERAGES

If listed or shown as applicable in the Declarations, one or more of the following Optional Additional Insured Coverages also apply. When any of these Optional Additional Insured Coverages apply, Paragraph **6.** (Additional Insureds When Required by Written Contract, Written Agreement or Permit) of Section **C.**, Who Is An Insured, does not apply to the person or organization shown in the Declarations. These coverages are subject to the terms and conditions applicable to Business Liability Coverage in this policy, except as provided below:

1. **Additional Insured - Designated Person Or Organization**

   WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

   a. In the performance of your ongoing operations; or

   b. In connection with your premises owned by or rented to you.

2. **Additional Insured - Managers Or Lessors Of Premises**

   a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured - Designated Person Or Organization; but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Declarations.

   b. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

   This insurance does not apply to:

   (1) Any "occurrence" which takes place after you cease to be a tenant in that premises; or

   (2) Structural alterations, new construction or demolition operations performed by or on behalf of such person or organization.

3. **Additional Insured - Grantor Of Franchise**

   WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured - Grantor Of Franchise, but only with respect to their liability as grantor of franchise to you.

4. **Additional Insured - Lessor Of Leased Equipment**

   a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured – Lessor of Leased Equipment, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person(s) or organization(s).

   b. With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after you cease to lease that equipment.

5. **Additional Insured - Owners Or Other Interests From Whom Land Has Been Leased**

   a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured – Owners Or Other Interests From Whom Land Has Been Leased, but only with respect to liability arising out of the ownership, maintenance or use of that part of the land leased to you and shown in the Declarations.

   b. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

   This insurance does not apply to:

   (1) Any "occurrence" that takes place after you cease to lease that land; or

   (2) Structural alterations, new construction or demolition operations performed by or on behalf of such person or organization.

6. **Additional Insured - State Or Political Subdivision – Permits**

   a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the state or political subdivision shown in the Declarations as an Additional

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Insured – State Or Political Subdivision - Permits, but only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

b. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

(1) "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or

(2) "Bodily injury" or "property damage" included in the "product-completed operations" hazard.

7. Additional Insured – Vendors

a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) (referred to below as vendor) shown in the Declarations as an Additional Insured - Vendor, but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business and only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

b. The insurance afforded to the vendor is subject to the following additional exclusions:

(1) This insurance does not apply to:

(a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;

(b) Any express warranty unauthorized by you;

(c) Any physical or chemical change in the product made intentionally by the vendor;

(d) Repackaging, unless unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

(e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

(f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

(g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

(h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

(i) The exceptions contained in Subparagraphs **(d)** or **(f)**; or

(ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

(2) This insurance does not apply to any insured person or organization from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.

8. Additional Insured – Controlling Interest

WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured – Controlling Interest, but only with respect to their liability arising out of:

a. Their financial control of you; or

b. Premises they own, maintain or control while you lease or occupy these premises.

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This insurance does not apply to structural alterations, new construction and demolition operations performed by or for that person or organization.

9. **Additional Insured – Owners, Lessees Or Contractors – Scheduled Person Or Organization**

   a. WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured – Owner, Lessees Or Contractors, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

      (1) In the performance of your ongoing operations for the additional insured(s); or

      (2) In connection with "your work" performed for that additional insured and included within the "products-completed operations hazard", but only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

   b. With respect to the insurance afforded to these additional insureds, this insurance does not apply to "bodily injury", "property damage" or "personal an advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

      (1) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

      (2) Supervisory, inspection, architectural or engineering activities.

10. **Additional Insured – Co-Owner Of Insured Premises**

    WHO IS AN INSURED under Section **C.** is amended to include as an additional insured the person(s) or Organization(s) shown in the Declarations as an Additional Insured – Co-Owner Of Insured Premises, but only with respect to their liability as co-owner of the premises shown in the Declarations.

The limits of insurance that apply to additional insureds are described in Section **D.** – Limits Of Insurance.

How this insurance applies when other insurance is available to an additional insured is described in the Other Insurance Condition in Section **E.** – Liability And Medical Expenses General Conditions.

G. LIABILITY AND MEDICAL EXPENSES DEFINITIONS

1. "Advertisement" means the widespread public dissemination of information or images that has the purpose of inducing the sale of goods, products or services through:

   a. **(1)** Radio;
      (2) Television;
      (3) Billboard;
      (4) Magazine;
      (5) Newspaper;

   b. The Internet, but only that part of a web site that is about goods, products or services for the purposes of inducing the sale of goods, products or services; or

   c. Any other publication that is given widespread public distribution.

   However, "advertisement" does not include:

   a. The design, printed material, information or images contained in, on or upon the packaging or labeling of any goods or products; or

   b. An interactive conversation between or among persons through a computer network.

2. "Advertising idea" means any idea for an "advertisement".

3. "Asbestos hazard" means an exposure or threat of exposure to the actual or alleged properties of asbestos and includes the mere presence of asbestos in any form.

4. "Auto" means a land motor vehicle, trailer or semi-trailer designed for travel on public roads, including any attached machinery or equipment. But "auto" does not include "mobile equipment".

5. "Bodily injury" means physical:

   a. Injury;

   b. Sickness; or

   c. Disease

   sustained by a person and, if arising out of the above, mental anguish or death at any time.

6. "Coverage territory" means:

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a. The United States of America (including its territories and possessions), Puerto Rico and Canada;

b. International waters or airspace, but only if the injury or damage occurs in the course of travel or transportation between any places included in **a.** above;

c. All other parts of the world if the injury or damage arises out of:

(1) Goods or products made or sold by you in the territory described in **a.** above;

(2) The activities of a person whose home is in the territory described in **a.** above, but is away for a short time on your business; or

(3) "Personal and advertising injury" offenses that take place through the Internet or similar electronic means of communication

provided the insured's responsibility to pay damages is determined in the United States of America (including its territories and possessions), Puerto Rico or Canada, in a "suit" on the merits according to the substantive law in such territory, or in a settlement we agree to.

7. "Electronic data" means information, facts or programs:

a. Stored as or on;

b. Created or used on; or

c. Transmitted to or from

computer software, including systems and applications software, hard or floppy disks, CD-ROMS, tapes, drives, cells, data processing devices or any other media which are used with electronically controlled equipment.

8. "Employee" includes a "leased worker". "Employee" does not include a "temporary worker".

9. "Executive officer" means a person holding any of the officer positions created by your charter, constitution, by-laws or any other similar governing document.

10. "Hostile fire" means one which becomes uncontrollable or breaks out from where it was intended to be.

11. "Impaired property" means tangible property, other than "your product" or "your work", that cannot be used or is less useful because:

a. It incorporates "your product" or "your work" that is known or thought to be defective, deficient, inadequate or dangerous; or

b. You have failed to fulfill the terms of a contract or agreement;

if such property can be restored to use by:

a. The repair, replacement, adjustment or removal of "your product" or "your work"; or

b. Your fulfilling the terms of the contract or agreement.

12. "Insured contract" means:

a. A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for damage by fire, lightning or explosion to premises while rented to you or temporarily occupied by you with permission of the owner is subject to the Damage To Premises Rented To You limit described in Section **D.** – Liability and Medical Expenses Limits of Insurance.

b. A sidetrack agreement;

c. Any easement or license agreement, including an easement or license agreement in connection with construction or demolition operations on or within 50 feet of a railroad;

d. Any obligation, as required by ordinance, to indemnify a municipality, except in connection with work for a municipality;

e. An elevator maintenance agreement; or

f. That part of any other contract or agreement pertaining to your business (including an indemnification of a municipality in connection with work performed for a municipality) under which you assume the tort liability of another party to pay for "bodily injury" or "property damage" to a third person or organization, provided the "bodily injury" or "property damage" is caused, in whole or in part, by you or by those acting on your behalf. Tort liability means a liability that would be imposed by law in the absence of any contract or agreement.

Paragraph **f.** includes that part of any contract or agreement that indemnifies a railroad for "bodily injury" or "property damage" arising out of construction or demolition operations within 50 feet of any railroad property and affecting any railroad bridge or trestle, tracks, road-beds, tunnel, underpass or crossing.

However, Paragraph **f.** does not include that part of any contract or agreement:

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(1) That indemnifies an architect, engineer or surveyor for injury or damage arising out of:

(a) Preparing, approving or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

(b) Giving directions or instructions, or failing to give them, if that is the primary cause of the injury or damage; or

(2) Under which the insured, if an architect, engineer or surveyor, assumes liability for an injury or damage arising out of the insured's rendering or failure to render professional services, including those listed in (1) above and supervisory, inspection, architectural or engineering activities.

13. "Leased worker" means a person leased to you by a labor leasing firm under an agreement between you and the labor leasing firm, to perform duties related to the conduct of your business. "Leased worker" does not include a "temporary worker".

14. "Loading or unloading" means the handling of property:

a. After it is moved from the place where it is accepted for movement into or onto an aircraft, watercraft or "auto";

b. While it is in or on an aircraft, watercraft or "auto"; or

c. While it is being moved from an aircraft, watercraft or "auto" to the place where it is finally delivered;

but "loading or unloading" does not include the movement of property by means of a mechanical device, other than a hand truck, that is not attached to the aircraft, watercraft or "auto".

15. "Mobile equipment" means any of the following types of land vehicles, including any attached machinery or equipment:

a. Bulldozers, farm machinery, forklifts and other vehicles designed for use principally off public roads;

b. Vehicles maintained for use solely on or next to premises you own or rent;

c. Vehicles that travel on crawler treads;

d. Vehicles, whether self-propelled or not, on which are permanently mounted:

(1) Power cranes, shovels, loaders, diggers or drills; or

(2) Road construction or resurfacing equipment such as graders, scrapers or rollers;

e. Vehicles not described in **a.**, **b.**, **c.**, or **d.** above that are not self-propelled and are maintained primarily to provide mobility to permanently attached equipment of the following types:

(1) Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment; or

(2) Cherry pickers and similar devices used to raise or lower workers;

f. Vehicles not described in **a.**, **b.**, **c.**, or **d.** above maintained primarily for purposes other than the transportation of persons or cargo.

However, self-propelled vehicles with the following types of permanently attached equipment are not "mobile equipment" but will be considered "autos":

(1) Equipment, of at least 1,000 pounds gross vehicle weight, designed primarily for:

(a) Snow removal;

(b) Road maintenance, but not construction or resurfacing; or

(c) Street cleaning;

(2) Cherry pickers and similar devices mounted on automobile or truck chassis and used to raise or lower workers; and

(3) Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment.

16. "Occurrence" means an accident, including continuous or repeated exposure to substantially the same general harmful conditions.

17. "Personal and advertising injury" means injury, including consequential "bodily injury", arising out of one or more of the following offenses:

a. False arrest, detention or imprisonment;

b. Malicious prosecution;

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c. The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that the person occupies, committed by or on behalf of its owner, landlord or lessor;

d. Oral, written or electronic publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services;

e. Oral, written or electronic publication of material that violates a person's right of privacy;

f. Copying, in your "advertisement", a person's or organization's "advertising idea" or style of "advertisement";

g. Infringement of copyright, slogan, or title of any literary or artistic work, in your "advertisement"; or

h. Discrimination or humiliation that results in injury to the feelings or reputation of a natural person.

18. "Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste. Waste includes materials to be recycled, reconditioned or reclaimed.

19. "Products-completed operations hazard";

a. Includes all "bodily injury" and "property damage" occurring away from premises you own or rent and arising out of "your product" or "your work" except:

(1) Products that are still in your physical possession; or

(2) Work that has not yet been completed or abandoned. However, "your work" will be deemed to be completed at the earliest of the following times:

(a) When all of the work called for in your contract has been completed.

(b) When all of the work to be done at the job site has been completed if your contract calls for work at more than one job site.

(c) When that part of the work done at a job site has been put to its intended use by any person or organization other than another contractor or subcontractor working on the same project.

Work that may need service, maintenance, correction, repair or replacement, but which is otherwise complete, will be treated as completed.

The "bodily injury" or "property damage" must occur away from premises you own or rent, unless your business includes the selling, handling or distribution of "your product" for consumption on premises you own or rent.

b. Does not include "bodily injury" or "property damage" arising out of:

(1) The transportation of property, unless the injury or damage arises out of a condition in or on a vehicle not owned or operated by you, and that condition was created by the "loading or unloading" of that vehicle by any insured; or

(2) The existence of tools, uninstalled equipment or abandoned or unused materials.

20. "Property damage" means:

a. Physical injury to tangible property, including all resulting loss of use of that property. All such loss of use shall be deemed to occur at the time of the physical injury that caused it; or

b. Loss of use of tangible property that is not physically injured. All such loss of use shall be deemed to occur at the time of "occurrence" that caused it.

As used in this definition, "electronic data" is not tangible property.

21. "Suit" means a civil proceeding in which damages because of "bodily injury", "property damage" or "personal and advertising injury" to which this insurance applies are alleged. "Suit" includes:

a. An arbitration proceeding in which such damages are claimed and to which the insured must submit or does submit with our consent; or

b. Any other alternative dispute resolution proceeding in which such damages are claimed and to which the insured submits with our consent.

22. "Temporary worker" means a person who is furnished to you to substitute for a permanent "employee" on leave or to meet seasonal or short-term workload conditions.

23. "Volunteer worker" means a person who:

a. Is not your "employee";

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b. Donates his or her work;

c. Acts at the direction of and within the scope of duties determined by you; and

d. Is not paid a fee, salary or other compensation by you or anyone else for their work performed for you.

24. "Your product":

a. Means:

(1) Any goods or products, other than real property, manufactured, sold, handled, distributed or disposed of by:

(a) You;

(b) Others trading under your name; or

(c) A person or organization whose business or assets you have acquired; and

(2) Containers (other than vehicles), materials, parts or equipment furnished in connection with such goods or products.

b. Includes:

(1) Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your product"; and

(2) The providing of or failure to provide warnings or instructions.

c. Does not include vending machines or other property rented to or located for the use of others but not sold.

25. "Your work":

a. Means:

(1) Work or operations performed by you or on your behalf; and

(2) Materials, parts or equipment furnished in connection with such work or operations.

b. Includes:

(1) Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your work"; and

(2) The providing of or failure to provide warnings or instructions.

AGR 18.165

IHH_____

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is dated for identification this 9th day of July 2018 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Mintier Harnish, LP, ("Consultant"), whose address is 1415 20th Street, Sacramento, CA 95811. This Agreement is made with reference to the following facts.

I. RECITALS

1.1 Town desires to engage Consultant to provide Consultant Services for preparation of the General Plan update and Environmental Impact Report.

1.2 Consultant represents and affirms that they are qualified and willing to perform the desired work pursuant to this Agreement

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

II. AGREEMENTS

2.1 Scope of Services. Consultant shall provide the services as described in the Scope of Services attached as Exhibit A-1 and the schedule attached as Exhibit A-2.

2.2 Term and Time of Performance. This contract will remain in effect from the date of execution through July 31, 2020.

2.3 Compliance with Laws. Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state, and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

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

2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of the these documents or information available to any

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

2.6 Compensation. Compensation for Consultant's professional services **shall not exceed** the **$1,174,975** inclusive of all costs. Payment shall be made against tasks at costs as set forth in Exhibit B Fee Schedule. Consultant shall be compensated for services in addition to those described in Exhibit A-1 only if Consultant and Town execute a written amendment to this Agreement describing the additional services to be performed and the compensation to be paid for such services. Fees for additional services will be allocated from the ten percent contingency identified on Exhibit B Fee Schedule.

2.7 Flexibility. As noted in Exhibit B Fee Schedule, the distribution of hours between firms, staff categories, and tasks are an estimate. While the total costs shall not exceed amount in Section 2.6 above, the distribution of hours/costs may vary depending on actual execution.

2.8 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed, by whom, at what rate, and on what date.

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

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655

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

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

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

2.12 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

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

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance.

i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars ($1,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage.

ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy insuring him/her and his/her staff to an amount not less than one million dollars ($1,000,000) combined single limit per accident for bodily injury and property damage.

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

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

General Liability

i. The Town, its officers, officials, employees, and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant; and premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.

ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees, and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.

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

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has

been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

3.3 Workers' Compensation. Consultant shall maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town. Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

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

IV. GENERAL TERMS

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

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

4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

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

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

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

To Town:

Joel Paulson
Community Development Director
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030
Fax: (408) 354-7593
Phone: (408) 354-6879
E-mail: *jpaulson@losgatosca.gov*

To Consultant:

Jim Harnish
Mintier Harnish
1415 20th Street
Sacramento, CA 95811

Phone: (916) 446-0522
E-mail: *jim@mintierharnish.com*

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

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect to the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

4.8 Entire Agreement. This Agreement, including Exhibits A-1, A-2, and B, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos

Laurel R. Prevetti, Town Manager
Town of Los Gatos

Consultant:

Jim Harnish
Mintier Harnish, LP

Department Approval:

Joel Paulson
Community Development Director

Approved as to Form:

Robert W. Schultz
Town Attorney

Scope of Work

The following section provides our work program for the preparation of the Town of Los Gatos General Plan Update. This program is designed to respond to the scope items included in the Town's Request of Proposal (RFP) and provides for the formulation of a thoughtful and user-friendly General Plan and comprehensive program-level Environmental Impact Report (EIR) that can be used to streamline subsequent project-level proposals. The work program includes appropriate technical studies and community engagement opportunities that explore issues, opportunities, and solutions to guide the community to the year 2040.

In this work program, the term "Consultants" refers to members of the Consultant Team assembled for the project.

Details on community engagement activities are described under Task H, with placeholders shown under each task to show their relationship to the overall work program.

Task A Project Initiation

During this task, the Consultants will work with Town staff to lay the foundation for the General Plan Update, including developing tools to be used throughout the Update, meeting with the General Plan Advisory Committee (GPAC), the Planning Commission, and Town Council, and initiating the community engagement program.

Task A.1 Project Scoping Meeting, Kick-off Meeting, and Town Tour

The Consultants will meet with Town staff to discuss expectations for the schedule, process, and work products and to refine the scope of work to address Town comments.

Following execution of the contract, the Consultants and Town staff will hold a project kick-off meeting. This meeting will confirm roles and responsibilities, establish communication protocols, refine and detail the project schedule based on actual start date, and discuss the initial ideas and strategies for community engagement (which will be refined and documented under Task H.1). Immediately following the kick off, the Consultants will tour the community with Town staff to examine key issues and opportunities that will be addressed in the General Plan Update.

Task A.2 Assemble GIS Data and Prepare Base Maps

The Consultants will work with Town staff to confirm the Planning Area and gather and format information for a Geographic Information Systems (GIS) database covering the Planning Area. The Consultants will prepare base maps suitable for reports and display presentation, including establishing a uniform legend and title block.

During the project kick-off meeting (Task A.1), the Consultants will work with Town staff to identify and obtain existing GIS resources from the Town and other identified agencies with GIS data covering the Planning Area. We will develop new GIS data and maps consistent with Town protocols and data formats to ensure easy integration into the Town's information system. At the end of the project, the Consultants will provide the Town the native files of all original data as well as project-specific GIS layers modified or created by the Consultants for the General Plan Update.

As described in Task H.3, the Consultants will also present selected geographic data online using ESRI ArcGIS Online and/or ESRI Story Map.

Task A.3 Existing Data Collection and Compilation

Knowledge of existing conditions within the Town of Los Gatos will give the Consultants, and the community, a more thorough understanding of how the Town can move forward and what has changed since the last General Plan was prepared. At the beginning of the Update process, and prior to initiation of public engagement, the Consultants will compile (including native format files whenever possible) the following:

Applicable plans, studies, and analysis documents that currently exist within the various departments in the Town of Los Gatos that pertain to the General Plan. Documents may include, but are not limited to:

- General Plan
- Specific Plans
- Hazard mitigation plan
- Parks, open space, trails and recreation plans
- Municipal Code
- Any other pertinent information, documents, plans, and other items identified by Town Staff
- Applicable plans, studies, and analysis documents concerning Infrastructure and utilities
- Geographic information system (GIS) data
- Transportation plans

Pertinent information that is contained in these documents will be reviewed and used by the Consultants to develop the Existing Conditions Background Report (see Task B) that will be provided with the General Plan Update.

The Consultants will use and rely upon these existing resources to develop the General Plan and EIR information. The scope of work and budget are based on the availability and use of secondary data and the development of planning level qualitative assessments that are typical for a general plan update. This information will be supplemented with data collected by our team as described in Task B, Existing Conditions Background Report

GPAC Meeting #1 will be held during this task to facilitate data identification and collection (see Task H.5).

Engagement Activities During Task A:

- Task H.1: Community Engagement Strategy
- Task H.2: Branding and Project Logo
- Task H.3: Set Up Online Engagement
- Task H.4: Newsletter #1, General Plan Update Overview
- Task H-5: GPAC #1
- Task H-7: Community Workshop #1, Project Initiation
- Task H.8: Joint Study Session #1, Introduction to the General Plan Update

Products:

- Kick-off Meeting Summary (digital version)
- GIS Base Maps (digital version)

The term "digital version" is used in this scope of work as the provision of deliverables in both their native format for staff use (e.g., MS Word, MS Excel) and a PDF format that is both print ready and bookmarked for online use.

Task B Prepare Existing Conditions Background Report

During this task, the Consultants will compile information on existing conditions within the town and Planning Area organized by the topics to be covered in the General Plan Update. The Existing Conditions Background Report (Background Report) will focus on identifying and evaluating existing conditions and future trends that will influence the development of the General Plan Update, the EIR, and the future of the community.

Task B.1 Administrative Draft Background Report

The Consultants will prepare an Administrative Draft Background Report and submit it to Town staff for review and comment. The Report will highlight current conditions and trends, and identify future opportunities and constraints, which will lay the groundwork for subsequent policy development. The report will address, at a minimum, the topics described in the request for proposals (RFP), although some reorganization and combinations are proposed.

- Land Use
- Population, Employment, and Housing
- Circulation and Transportation
- Biological Resources
- Cultural Resources
- Economics
- Infrastructure
- Public Services
- Noise
- Air Quality
- Safety and Hazards
- Geology
- Hydrology and Water Quality

During this task, the Consultants will compile information on existing conditions within the Planning Area organized by the topics identified above. This assessment will not only support the development of goals, policies, and programs, but will also serve as the setting information sections in the EIR.

Compiling existing conditions information will involve reviewing existing and draft documents (e.g., existing General Plan elements, zoning, other plans, special studies, EIRs) and contacting appropriate agencies and organizations serving the community. The Existing Conditions Report will include maps, charts, graphs, and photographs to illustrate conditions and trends in an easy-to-read format. Each topic area of the report will address the following:

- Introduction to the topic;
- Key terms (as appropriate to topic);
- Regulatory setting outlining key Federal, State, and local regulations and policies that are pertinent to the topic;
- A summary of existing conditions and setting;
- A brief description of key constraints and opportunities; and
- References (i.e., document citations, websites, and personal communications).

Land Use. The Consultants will analyze the existing General Plan land uses and adopted plans that affect development in Los Gatos. The Consultant will map and analyze existing land uses based on available GIS and/or Assessor's data and identify opportunities and constraints for future development and reuse. The Consultants will also describe regional planning efforts affecting the town.

This section will also summarize the community character of Los Gatos neighborhoods and districts and the design characteristics of each. This will include describing architectural patterns, community gateways, and major geographic features that define the character of Los Gatos.

Population, Employment, Housing, and Fiscal Stability. The Consultants will examine the demographic, employment, and market demand data for different land uses, including retail, industrial, and office development. For the demographic information, the Consultants will use a combination of primary data from the U.S. Census of Population, the American Community Survey, the Local Employment Dynamics database, Association of Bay Area Governments (ABAG), and the California Department of Finance. This data, supplemented by information provided by Town staff, will include measures and trends such as population, housing characteristics, income distribution, educational attainment, ethnicity, commute patterns, and tenure.

We will prepare an overview of economic characteristics and analyze the recent employment trends to verify the leading sectors in the Los Gatos economic base. This analysis will address the types of office and light industrial uses that may be attracted to Los Gatos. For the local demand component, the Consultants will analyze the retail market in Los Gatos, including household demand, business-to-business transactions, and visitor spending. Using sales data provided by the Town sales tax audit firm, we will prepare the retail leakage analysis and provide recommendations on potential commercial development opportunities. We will also prepare a projection of future market growth for Los Gatos based on anticipated household growth and trends in the regional market area. Based on this analysis, the Consultants will develop recommendations for strategic actions and policies to help support the town's retail sector and address potential market threats related to changing market conditions.

The Consultants will also look at the current job-housing balance and use the labor force data and commute patterns to assess housing needs. We will look at how the existing labor force patterns compare with the employment base. The distribution of occupational employment and labor force by occupation can serve as an indicator for the types of housing that the labor force and job base will demand. The Consultants will also identify the existing service levels for various institutions in Los Gatos, such as education and health care facilities, and compare them with other communities. This will help assess future needs, based on population and/or employment growth.

Based on the market analysis above and factoring in the potential supply of land for different uses (employment-generating and residential), we will produce a market projection that addresses future demand for different land uses, as well as forecasts that will identify a range of potential needs for different types of spaces.

The Consultants will also prepare an analysis of the Town budget and how land uses affect Town revenues and costs. This will provide a foundation for later fiscal analysis of land use alternatives or changes in development capacity through the General Plan process.

Circulation and Transportation (Mobility). The Consultants will compile data and information on the existing transportation system, including roadways, transit services, and bicycle and pedestrian facilities. The Consultants will prepare a detailed description accompanied with maps and graphics illustrating the roadway system, bicycle and pedestrian facilities, peak hour traffic counts, pedestrian/bicycle counts, and transit routes/stops. We will use available Census and travel survey data to describe the travel behavior of Los Gatos residents and employees. Federal, State, regional, and local regulations pertaining to multimodal circulation in Los Gatos.

The Consultants will review collision data available through the California Highway Patrol's SWITRS reports to identify specific "hot spots" that have experienced high rates of automobile, pedestrian, and/or bicyclist collisions.

The Consultants will determine existing intersection levels of service using the collected traffic volume data, intersection geometric configurations, and signal phasing (to be provided by the Town). The Consultants will conduct weekday AM and PM peak period traffic counts (vehicles, bikes, and pedestrians) for 10 key study intersections and 24-hour counts on 20 roadway segments (for informational purposes). We will develop the exact list of locations in cooperation with Town staff. To represent typical conditions, we will collect all data during a typical non-holiday weekday and while local schools are in session.

Using transit ridership data from VTA and input from Town staff, we will map key transit trip origins and destinations and used to assess connectivity of transit service. Transit operations will include the peak load factors for bus routes serving Los Gatos.

We will map key pedestrian and bicycle origins and destinations to assess the pedestrian and bicycle network completeness. We will identify gaps in the pedestrian and bicycle networks.

Biological Resources. The Consultant will summarize sensitive habitats, principal vegetation cover types, and special-status and endangered species. This will include primary source material from the Santa Clara Valley Habitat Plan, supplemented with limited windshield surveys and review of existing biology studies completed for the town.

Cultural Resources. The Consultant will summarize historic structures and locations and conduct archeological sensitivity analyses for both prehistoric and historic sites using records maintained at the regional information center and in published research papers. The Consultant will ensure that appropriate individuals are contacted with the surrounding Native American Tribes to ensure sensitive cultural resources are documented appropriately. This section will include areas for the protection of cultural resources consistent with recent State mandates (SB 18).

Economics. See Economics, Population, Employment, and Housing description, above.

Public Facilities, Services, and Infrastructure. The Consultant will summarize infrastructure, resources, services, and facilities related to: water supply and delivery, wastewater collection and disposal, stormwater drainage, solid waste and recycling, energy and telecommunications, law enforcement, fire protection, health care, schools and education, and government services. For each of the topical areas described, the Consultant will identify planned facility improvements and estimate future demands based on projected development compared to available capacity and planned improvements, identifying potential facility and/or service shortfalls. The Consultant will also assess if the General Plan must include information related to recent State mandates that require cities to identify service needs for unincorporated disadvantaged communities (SB 244).

Noise. The Consultant will review existing noise data, including recent EIRs and studies, and summarize the existing noise environment in Los Gatos resulting from major roadways and highways, and stationary noise sources and activities. The Consultant will also document existing noise-sensitive areas and sites. The Consultant will also summarize current information on ground vibration. The Consultant will also update existing noise contours based on the data collected during the noise monitoring survey and traffic data developed/collected.

Air Quality. The Consultant will summarize existing air quality conditions within Los Gatos and the nearby vicinity. This will specifically include the location of existing sensitive receptors and emission sources, existing mass emissions, ambient air quality concentration data from the most applicable monitoring station(s), attainment designations, and natural factors that relate to the transport and dispersion of air pollutants. This summary will include applicable Federal, State, and local regulations, as well as thresholds of significance recommended by Bay Area Air Quality Management District (BAAQMD) and rules for which compliance will be required.

Safety and Hazards (including Geology). The Consultant will summarize existing natural and manmade hazards. As part of this evaluation, the Consultant will summarize the geological environment and associated hazards. This section will address Seismic Hazard Zones (i.e., Seismic Hazards Mapping Act of 1990 and the Alquist-Priolo Earthquake Fault Zoning Act of 1972) and soil strength properties. The Consultant will describe major creeks, streams, and drainages, and will summarize the latest FEMA floodplain mapping to illustrate potential safety and development constraints. The Consultant will summarize urban and wildland fire risks, fire hazard risk areas, and fire protection resources. The Consultant will also summarize major users and producers of hazardous materials within or adjacent to the Town.

Hydrology and Water Quality. The Consultant will summarize sources of groundwater and surface water, water consumption rates, measures used to conserve water, and renewable water facilities and resources. This section will document potential pollution sources, areas susceptible to water quality degradation, and source issues and capacity constraints.

Greenhouse Gas Emissions and Climate Change Adaptation. The Consultants will prepare a climate change background report and existing GHG inventory that includes a discussion of climate change and how the General Plan Update should address this issue, including both the reduction of GHG emissions and climate change vulnerability and adaptation. The report will briefly summarize relevant background information regarding these topics and lay out a framework for the General Plan Update to address climate change, including how the General Plan can implement the existing Sustainability Plan (2012) to serve as a "plan for the reduction of GHG emission" to achieve streamlining benefits per Section 15183.5 of the State CEQA Guidelines.

- **GHG Emissions.** The Consultants will summarize relevant legislation and guidance regarding preparation of a GHG reduction strategy or climate action plan, including the five-step process of preparing an inventory (updates since the 2012 inventory was conducted) and forecasts (including through 2030 and the General Plan horizon year), setting new GHG targets, and developing updated and/or new GHG reduction measures.

  The Consultants will also prepare an inventory of recent annual GHG emissions for communitywide activities within Los Gatos, building off of the data contained in the 2012 Sustainability Plan, using information provided by the Town, energy utilities, the traffic consultant, and other sources such as Plan Bay Area or other regional planning documents. The Consultants will prepare the inventory in accordance with established GHG inventory protocols that are appropriate for local municipalities (e.g., Local Government Operations Protocol [LGOP] and ICLEI Communitywide Protocol). The inventory will be focused primarily on emissions that are within the Town's jurisdictional control or influence. The inventory will not attempt to quantify emissions that are outside the scope of the effort, such as lifecycle/carbon footprint analysis or changes in carbon sequestration or storage in natural or working lands. The inventory will serve as the reference point from which emissions forecasts and reduction targets can be prepared during later phases of the project.
- **Climate Change Adaptation.** The Consultants will prepare a communitywide, planning-level climate change vulnerability assessment, using tools and methods established by the Governor's Office of Planning and Research (OPR), the California Natural Resources Agency (CNRA), and the California Energy Commission (CEC), including the Cal-Adapt web-based tool, the Adaptation Planning Guide, the 2017 General Plan Guidelines, and other resources. The assessment will examine the adverse effects of climate change relevant to Los Gatos, building on townwide work already completed as part of the Sustainability Plan and existing policies/programs contained in the existing Environment and Sustainability Element. Key issues that will be addressed include extreme heat, changes in precipitation and drought, increased risk of flooding and wildfire, and other impacts. The assessment will help inform SB 379 adaptation measures to be included in the General Plan Policy Document.

Healthy Communities. The Healthy Communities chapter will examine public health challenges facing Los Gatos and identify opportunities for improving health and well-being of residents though a variety of land use, transportation, and other built environment strategies. Our analyses will shed light on key public health issues impacted by the built environment including: obesity, chronic diseases, lack of physical activity and unhealthy eating, injuries, asthma, and health disparities. The Consultant will look at the impact of these issues on special populations such as children, youth, and seniors. The Consultant will also identify a set of healthy community indicators that will be used to describe community factors in Los Gatos that support or act as barriers to active and healthy lifestyles. The Consultant will use GIS maps and graphics to present these findings and illustrate the local "place-health" connections.

Environmental Justice. Community health, environmental justice, and social equity are emerging as important issues that communities are addressing in general plans. SB 1000 requires jurisdictions that have disadvantaged communities to adopt an environmental justice (EJ) element or incorporate EJ policies into their general plans. Based on a review of CalEnviroscreen 3.0, which is considered the default tool used to identify disadvantaged communities, there are not currently any areas identified that would require special treatment as part of the General Plan Update, but this fact will be documented as part of the Background Report.

Task B.2 Public Draft Background Report

Following review by Town staff, the Consultants will revise the Background Report and provide a Public Draft document for review with the GPAC, the Planning Commission, Town Council, and community (see Tasks H.9and H.11).

Task B.3 General Plan Audit Report

An initial step in the update of the General Plan will be an assessment (audit) of the current General Plan. This assessment will look at the current plan and revisions and additions needed to address changes in State law, the new 2017 OPR General Plan Guidelines, and contemporary planning practice and content.

In addition to meeting current requirements and planning practice, we will also work with Town staff to evaluate the existing General Plan to determine what works, what does not work, and where the plan is not providing adequate or current guidance. This will be done using our proprietary General Plan Evaluation Tool. This Tool provides insights on the existing General Plan clarity; linkages to other plans; progress in achieving desired outcomes; and whether goals, policies, and actions should be carried forward, modified, or removed. The results of this review will be documented in a General Plan Audit Report.

Engagement Activities During Task B:

- Task H.3: Online Existing Conditions Story Map (digital version)
- Task H.9: GPAC Meeting #2, Review Existing Conditions Report
- Task H.10: Newsletter #2, Existing Conditions and Trends
- Task H.11: Joint Study Session #2, Review Existing Conditions Report

Products:

- Administrative Draft Background Report (8 hard copies and digital version)
- Public Draft Background Report (30 hard copies, CD, and digital version)
- General Plan Audit Report (digital version)

Task C Identify Issues, Opportunities, and Constraints

The objective of this task will be to work with the community on the identification of the issues, opportunities, and constraints that should be addressed as part of the General Plan Update. The items to be addressed will be identified by:

- Items identified by the Town Council for the Update (RFP page 3)
- Findings from the Background Report and technical input from the Consultants
- Input from the community (Community Workshop #2)
- Input from stakeholder interviews
- Updated input from the Town Council and Planning Commission

Task C.1 Administrative Draft Issues, Opportunities, and Constraints Summary

The Consultants will summarize the key issues, opportunities, and constraints identified based on the findings in the Draft Background Report, input from community workshops, stakeholder interviews, and Joint Town Council/Planning Commission study sessions.

Task C.2 Public Draft Issues, Opportunities, and Constraints Summary

Following review by Town staff, the Consultants will revise the Administrative Draft and prepare a Public Draft Issues, Opportunities, and Constraints Summary for review with the GPAC, the Planning Commission, Town Council, and community (Tasks H.12, H.13, and H.14).

Task C.3 Final Issues, Opportunities, and Constraints Summary

Following review by the Town Council and Planning Commission, the Consultants will revise the document and prepare a final Issues, Opportunities, and Constraints Summary.

Engagement Activities During Task C:

- Task H.12: Community Workshop #2, Issues, Opportunities, and Constraints Identification
- Task H.13: GPAC Meeting #3, Review Issues, Opportunities, and Constraints Report
- Task H.14: Joint Study Session #3, Review Issues, Opportunities, and Constraints Report

Products:

- Administrative Draft Issues, Opportunities, and Constraints Report (digital version)
- Public Draft Issues, Opportunities, and Constraints Report (30 hard copies, digital version)
- Final Issues, Opportunities, and Constraints Report (digital version)

Task D Development of a General Plan Vision

A General Plan vision statement and guiding principles are intended to reflect what community members value most about their community and the shared aspirations of what they envision their community being in the future. The vision statement should be inspirational and set the key values and aspirations for the General Plan's guiding principles, goals, policies, and implementation measures. The guiding principles should provide more specific guidance that provides the fundamental rules or doctrine that the Town will use to guide General Plan goals, policies, and implementation measures.

During this task, the Los Gatos Vision Statement and Guiding Principles will be developed to guide the preparation of the General Plan Update.

Task D.1 Administrative Draft Vision and Guiding Principles

The Consultants will prepare the Administrative Draft Vision Statement that represents the ideal future for the community and a set of Guiding Principles that support the Vision and represent the Town's core values. We will base the Vision and Guiding Principles on public input gathered at the stakeholder interviews, community workshops, GPAC meetings, and Town Council/Planning Commission study sessions, as well as input from Town staff.

Task D.2 Public Draft Vision and Guiding Principles

Following review by Town staff, the Consultants will revise the Administrative Draft and prepare a Public Draft Vision and Guiding Principles for review with the GPAC, the Planning Commission, Town Council, and community (Tasks H.15, H.16, and H.17).

Task D.3 Final Vision and Guiding Principles

Following review by the Town Council and Planning Commission, the Consultants will revise the document and prepare the final Vision and Guiding Principles that the Town will use to guide development of the General Plan Update.

Engagement Activities During Task D:

- Task H.15: Community Workshop #3, Vision and Guiding Principles
- Task H.16: GPAC Meeting #4, Review Draft Vision and Guiding Principles
- Task H.17: Joint Study Session #4, Vision and Guiding Principles

Products:

- Administrative Draft Vision and Guiding Principles (digital version)
- Public Draft Vision and Guiding Principles (30 hard copies, digital version)
- Final Vision and Guiding Principles (digital version)

Task E Development of Alternatives

During this task, the Consultants will work with Town staff and the community to prepare, evaluate, and ultimately define a preferred policy and land use alternative that will be the basis of the General Plan Update. This task involves developing alternative scenarios for special planning areas and other key locations in the community and evaluating the implications of each alternative. We will also evaluate each alternative based on responsiveness to the key issues, opportunities, and constraints (from Task C) and the Vision and Guiding Principles developed in Task D.

Task E.1 Administrative Draft Alternatives Report

Based on inputs received from the community as well as ideas from the Consultant team, the Consultants will prepare an Administrative Draft Alternatives Report for review by Town staff and the GPAC. This Report will contain a mix of land use and circulation alternatives as well as key policy alternatives. Based on the RFP, the land use and circulation alternatives may potentially address: land use mix, development options for key sites, approaches to commercial corridors, circulation options, and interactions between land use and transportation systems.

The Alternatives Report will include maps and descriptions for land use, circulation, and policy alternatives that cover each of the areas and topics identified earlier. We will group location-specific alternatives into alternative packages that achieve the Vision and Guiding Principles. The assessment conducted will include an evaluation of alternatives in terms of implications for land use and community character, economic development, fiscal health, mobility and connectivity, public facilities and services, and the natural environment. For each policy alternative, the Consultants will identify the issues for which there is clear policy choice and direction, as well as issues where choice and direction is not as clear. We will complete a

qualitative comparative assessment of the policy implications of each alternative based on clarity and congruence with key issues.

The Consultants will prepare an Alternatives Report that clearly communicates the potential implications of each alternative, supporting a more informed choice. We will base the assessment of each alternative choice primarily on a qualitative look at factors that can be used to differentiate the alternatives and their potential impacts on the community relative to achieving the Vision and Guiding Principles. There are two areas where we will provide more quantifiable information: fiscal impacts and the transportation system.

The work done at this stage is designed to help the community evaluate the alternatives presented and is not intended to be a full CEQA alternatives analysis (which will be performed as part of a later task).

Subtask E.1a Fiscal Impact Analysis

The Consultants will prepare an analysis of the fiscal and economic impact of proposed land use changes being considered as part of the General Plan Update. This may be in the form of an alternatives analysis or an analysis of the preferred land use plan, as needed in the overall process. The fiscal analysis will project Town tax revenues and other revenues normally affected by growth in population, jobs, and development. The Consultants will estimate the increases in service capacity needed to support the proposed growth levels or from changes in the land use mix. The fiscal model allows us to evaluate land uses separately to assist in identifying an optimal land use mix from the standpoint of generating sufficient tax base to support Town services.

Subtask E.1b Transportation System Alternatives

The Consultants will develop trip generation and VMT estimates using our MainStreet tool for each of the land use alternatives. These trip generation and VMT estimates will be used in the selection of the preferred alternative. The Consultants will also provide qualitative assessments of each alternative using criteria developed in concert with Town staff to reflect Los Gatos community values. They may include items such as the availability of transportation services, the potential to increase traffic congestion, and the potential to reduce average VMT.

Task E.2 Public Draft Alternatives Report

Following review by Town staff, the Consultants will revise the Administrative Draft and prepare a Public Draft Alternatives Report for review with the GPAC, Planning Commission, Town Council, and community (Tasks H.19, H.20, H.21, and H.22).

Engagement Activities During Task E:

- Task H.18: Newsletter #3: Alternatives
- Task H.19: Community Workshop #4, Alternative Choices
- Task H.20: GPAC Meeting #5, Review Draft Alternatives Report
- Task H.21: Planning Commission Study Session #5, Alternatives Report
- Task H.22: Town Council Study Session #5, Alternatives Report

Products:

- Administrative Draft Alternatives Report (digital version)
- Public Draft Alternatives Report (30 hard copies and digital version)

Task F General Plan Goals and Policy Development

Based on the extensive work resulting from the Background Report, technical studies, visioning, and alternatives planning in previous tasks, the Consultants will prepare the draft General Plan. The Consultants will prepare a General Plan document that is attractive, contemporary, and user-friendly, using extensive photos, illustrations, and maps. We are also proposing to include the development of a web-based General Plan at the end of the project.

Task F.1 Administrative Draft General Plan

For the Update, the Consultants will address all the requirements of State law, such as complete streets, flood risk reduction, and environmental justice, using the 2017 OPR General Plan Guidelines as a guide. The Plan will reflect best practices for addressing contemporary planning issues, such as retail trends, transportation technology, and community health. It is expected that the cross-cutting topics of climate change, sustainability, resiliency, and healthy communities would be themes addressed throughout the Plan, rather than separate, standalone elements; however, we will discuss options with Town staff.

The General Plan will include an Introduction and Table of Contents, and at a minimum, will update the content of the elements that make up the current Los Gatos General Plan:

- Land Use Element;
- Community Design;
- Transportation Element (Circulation);
- Vasona Light Rail Element;
- Open Space, Parks, and Recreation Element (Open Space);
- Environment and Sustainability Element (Conservation);
- Noise Element;
- Safety Element; and
- Human Services Element.

Prior to the start of this task, and considering the results of the General Plan Audit conducted earlier, the Consultants will work with Town staff to determine the outline (framework) for the General Plan Update. To support this, the Consultants will review with Town staff a selection of plan formats that could be used. This could include the combination of existing elements or the addition of new elements to meet current and projected needs.

As part of this task, the Consultants will develop policies and programs to reduce GHG emissions as part of an integrated GHG reduction strategy.

The current Housing Element will be integrated into the General Plan Update when the final documents are prepared at the end of the project. The Town's current Housing Element will not be updated as part of this project.

Implementation Strategy

The Consultants will prepare a comprehensive implementation strategy that includes discrete, tangible actions the Town will undertake to implement the goals and policies. The Consultants will also review current implementation ordinances/regulations (e.g., zoning, subdivision, historic preservation, public arts, and other

implementing ordinances) and include recommendations as a part of the implementation programs for ordinance revisions needed to maintain consistency with the General Plan.

As part of the Update, the Consultants will review and develop new objective standards that provide clear direction on application and intent.

Task F.2 Administrative Draft Land Use and Circulation Diagrams

The Consultants will prepare an updated General Plan (Land Use) Diagram and Circulation Diagram as part of the Administrative Draft General Plan. We will update the Land Use Diagram with any changes made to the designations and locations they apply based on the preferred alternative. For the Circulation Diagram, we could use VMT to develop roadway standards instead of or in addition to LOS standards (as desired).

Task F.3 Preliminary Draft General Plan

Based on direction from Town staff, the Consultants will revise the Administrative Draft General Plan and prepare a Preliminary Draft General Plan for review and confirmation by the GPAC, Planning Commission, and Town Council. We recommend this review to confirm direction on changes to the General Plan before preparation of the EIR (see Task H.23 and H.24). This approach helps reduce the potential for major changes to the Plan during or after the environmental review process.

Task F.4 Public Draft General Plan

Based on direction from the Town Council, the Consultants will prepare the Public Draft General Plan for publication and environmental review.

Task F.5 General Plan Consultation and Referrals

State law requires consultation with a variety of Federal, State, regional, and local agencies whenever a jurisdiction updates or amends its general plan. These statutes are located throughout the Government Code and have varying requirements for when draft and final documents must be submitted and how long agencies have to review and provide comments. We maintain a checklist of agency consultation requirements that we will use to ensure the Town provides the Public Draft General Plan to the appropriate agencies.

Engagement Activities During Task F:

- Task H.23: GPAC #6
- Task H.24: Joint Study Sessions #5, #6, and #7
- Task H.25: Newsletter #4, Draft General Plan
- Task H.26: Community Workshop #5, Draft General Plan

Products:

- Administrative Draft General Plan (digital version)
- Administrative Draft Land Use and Circulation Diagrams (digital version)
- Preliminary Draft General Plan (30 hard copies, digital version)
- Public Draft General Plan (30 hard copies, CD, digital version)

Task G Environmental Impact Report

Based on review of the RFP and our experience preparing General Plan EIRs, we recommend the preparation of a Program EIR pursuant to State CEQA Guidelines Section 15168. Although the legally-required contents of a Program EIR are technically the same as those of a Project EIR, Program EIRs are by necessity more general and may contain a broader discussion of impacts, alternatives, and mitigation measures than a Project EIR.

Use of a Program EIR provides the Town with the opportunity to consider broad policy alternatives and program-wide mitigation measures and greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Once a Program EIR has been certified, subsequent activities within the program may be evaluated to determine what, if any, additional CEQA documentation needs to be prepared. If the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be consistent with the Program EIR mitigation parameters and additional environmental documentation may not be required (CEQA Guidelines Section 15168(c)). In this case, the Program EIR serves a valuable purpose as the first-tier environmental analysis that will assist in streamlining and possibly exempting future projects from CEQA with the idea that the General Plan Program EIR can be used for such exemptions when projects are consistent with the General Plan Update.

Task G.1 Staff Work Session on Program EIR Preparation

The consultants will facilitate a work session with Town staff on preparing the Program EIR and completing the adoption process. The session, often referred to as a CEQA kickoff meeting, will cover the following topics:

Evaluating Environmental Impacts

- Strategies for CEQA compliance
- Coordination of environmental document with general plan preparation
- Developing a reasonable range of alternatives
- Using new or revised policies as mitigation measures
- GHG gap analysis

Completing the Process

- Agency consultation
- Public notice
- Hearings
- Adoption
- Final documents

Task G.2 Notice of Preparation

The Consultants will work with Town staff to develop a project description and will prepare a draft Notice of Preparation (NOP) for Town staff to review. The NOP is intended to alert other public agencies about the undertaking, and to solicit their input on the scope of the study. The Consultants will submit a final PDF copy of the NOP to Town staff for posting on its website and for distribution to public agencies. It is assumed that the Town will distribute the NOP using the Town's NOP distribution list. The Consultants will review and make suggestions regarding the list. The Consultants will be responsible for filing the NOP with the State Clearinghouse/OPR.

Task G.3 Scoping Meeting

The Consultants will facilitate a public and agency scoping meeting associated with the release of the NOP. The Scoping Meeting will be held during the 30-day NOP period to introduce the community to the EIR process and obtain input on the Program EIR scope of work. It will include a brief presentation, followed by public comment and input from meeting attendees. The Consultants will prepare a summary of all input gathered, which will be included in the Draft Program EIR along with any written public comments received during the NOP comment period.

Task G.4 Administrative Draft Program EIR

The Consultants will prepare an Administrative Draft Program EIR (ADPEIR) in compliance with CEQA requirements using information gathered as part of the General Plan update effort and comments on the NOP, as well as information from other relevant CEQA documents completed by the Town in recent years. The Consultants will be responsible for development of a legally-adequate and appropriate Program EIR for the General Plan.

The Consultants will prepare the ADPEIR based on the project description approved by the Town Council. The description of the environmental and regulatory setting for the General Plan EIR will be based on the Background Reports prepared for the project (see Task B), and information from other relevant CEQA documents completed by the Town in recent years, as well as any information received during the General Plan Update process. Materials will be presented in a user-friendly format.

We will introduce each topical section in the environmental analysis with a brief statement of its context in the ADPEIR and the development of the General Plan. This effort may include interpretive information for the reader to better understand how the General Plan affects the environment, as well as the sources of data used in the analysis.

The setting for each topical section will describe existing conditions relevant to the topic and provide the groundwork for impact analysis. The number of impacts to be analyzed and the depth of analysis will be determined based on areas of concern identified by the Consultants and Town staff, as well as responses to the NOP. Thresholds used to determine the significance of project impacts will be clearly stated and will include thresholds in the CEQA Guidelines, Appendix G, as well as existing regulatory standards, if applicable. Impacts will be identified, and mitigation measures will be prepared, to reduce significant impacts to a less-than-significant level, when feasible. For each potentially significant impact identified in the ADPEIR, the Consultants will identify mitigation measures or policy statements proposed by the Town as part of the General Plan Update to avoid or reduce identified impacts. Mitigation measures will be constructed as policy statements or implementation measures to facilitate incorporation into the General Plan Update.

In order to prepare an ADPEIR that meets the needs of the Town and regulatory requirements of the State, the ADPEIR will comprise the following sections:

Executive Summary. This section will provide a summary of the entire ADPEIR and include the following:

- a discussion of the project objectives;
- a brief description of the proposed project;
- a summary of the environmental setting for the Planning Area;
- a summary of impacts;

- a summary of mitigation measures (mitigating policies or programs);
- a discussion of alternatives considered; and
- areas of controversy, and issues remaining to be resolved.

Introduction. The ADPEIR will contain an introductory chapter that provides an overview of the project and context, summarizes CEQA requirements and the environmental review process, describes the legal purpose of the ADPEIR, outlines the environmental issues being addressed, and presents the organization of the report.

Project Description and Environmental Setting. This section will contain the Town's objectives for the General Plan and a summary of the General Plan components. It will also outline the Planning Area boundaries and summarize existing conditions and new land uses proposed as a part of the project. We will describe the information in a mix of text, tabular, and graphic form (i.e., maps and diagrams).

Analysis, Impacts, and Mitigation Measures. The environmental analysis section will include four main components:

- **Setting –** description of current conditions with respect to the issue in question, including the existing regulatory environment
- **Impact analysis –** statement of significance thresholds and discussion of potentially significant effects of the proposed project
- **Programmatic mitigation measures –** methods by which significant effects can be reduced or eliminated, often presented as General Plan policies to be introduced back into the plan
- **Level of significance after mitigation –** discussion of whether proposed mitigation measures reduce impacts to below the adopted significance threshold

We will consider adverse impacts that meet or exceed significance thresholds significant. Additionally, all impacts will be characterized in terms of short- or long-term effects and presented in a logical discussion that the public can understand. We will discuss any inconsistencies with local or regional plans.

We will discuss approaches to the impact analysis for the Program EIR with Town staff and will be consistent with the assumptions and methodologies used in recent Town-certified EIRs to the extent possible. In general, the impact analysis will focus on the issues present in the Planning Area and likely to be affected or impacted by the General Plan Update. Some issues, such as agriculture and mineral resources may not require a detailed analysis relative to other issues because they do not occur in Los Gatos or would be unaffected by the project.

Issues to be analyzed in a programmatic framework will include:

- Aesthetics
- Agriculture
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Resources
- Utilities and Service Systems
- All the mandatory CEQA sections including energy and growth inducement

Greenhouse Gas Emissions Analysis

The Consultants will conduct necessary analysis to address CEQA Guidelines Section 15064.4. The Consultants will prepare the GHG section of the ADPEIR addressing the contribution of GHG emissions generated by buildout of the General Plan and their contribution to cumulative impacts related to climate change. Potential impacts and mitigation measures will be coordinated with the recommended targets and GHG emission reduction potential of the updated General Plan's policies and program.

Prepare GHG Forecasts and Reduction Targets

Based on the GHG emission inventory (conducted in Task 2.2), the Consultants will prepare GHG emissions forecasts (e.g., "business-as-usual") for communitywide sources for two future-year scenarios: 1) without applicable legislative actions; and 2) with reductions associated with implementation of adopted Federal and State legislation (e.g., renewable energy portfolio standards, California Green Building Code standards, vehicle emissions controls, fuel efficiency standards). The Consultants will forecast GHG emissions for 2020 (consistent with AB 32), 2030 (consistent with SB 32), and 2050 (consistent with Executive Order B- S-3-05), along with the GPU buildout year (i.e., 2040).

The Consultants will also calculate GHG reduction targets required to meet the Town's local fair share of the State's 2020 and 2030 GHG reduction goals in AB 32 and SB 32, per guidance from CARB in the 2017 Scoping Plan Update and the 2017 General Plan Guidelines.

Quantify GHG Reduction Measures and Perform Gap Analysis

The Consultants will quantify the GHG reduction potential of proposed General Plan policies and programs and conduct a "GHG reduction gap analysis" to determine whether the proposed policies and programs in the Draft General Plan can achieve the Town's GHG reduction targets and goals.

As part of the GHG quantification process, the Consultants will evaluate and prioritize policies and actions using the following or similar criteria:

- Quantified VMT or trip reduction potential;
- Quantified energy conservation or fuel savings potential;
- Quantified renewable energy generation potential;
- Quantified water efficiency and conservation potential;

- Quantified solid waste reduction and recycling potential;
- Administrative/political responsibility and feasibility, implementation costs, possible funding sources, and public and private sector implementation partners.

We will add all information, assumptions, and target indicators used to quantify GHG emissions reductions required to meet the targets into the ADPEIR as a technical appendix, creating a single, master data-set for the GHG reduction analysis. If it is determined during preparation of the ADPEIR that the identified draft policies and program are not enough to achieve the Town's reduction targets and goals, the Consultants will increase participation rates of GHG reduction actions or identify new potential GHG reduction policies and actions to fill the gap. If needed, revised or new policies and implementation programs will be added to the General Plan and/ or recommended as mitigation measures.

Transportation Analysis

The operations of study intersections and freeway segments on SR 17 and SR 85 will be evaluated with LOS calculations during the AM and PM peak hours for the following traffic study scenarios:

- Existing Conditions
- Cumulative 2040 without Project
- Cumulative 2040 with Updated General Plan Land Use and Circulation Element

The Consultants will use transportation forecasts from the VTA's travel demand model to determine the growth in traffic, including regional traffic growth on SR 17 and SR 85 for a plan year (2040). We will add traffic estimates from Task 3 for the preferred land use to develop traffic forecasts for Scenario 3.

We will prepare a LOS table showing operating conditions of all study intersections for each of the study scenarios, along with "Project plus mitigated conditions" (if mitigations required and/or are feasible). We will use the Town of Los Gatos and VTA criteria to identify significant impacts to intersections and freeway segments.

Pedestrian, Bicycle, and Transit Analysis

The Circulation Element will include improvements to pedestrian, bicycle, and transit facilities and services. If bus rapid transit (BRT) is included in the Circulation Element, we will evaluate its impact at a planning level by comparing person carrying capacities and levels of service at a few selected intersections with and without its implementation.

VMT Travel Forecast Model Runs to Support Air Quality and Noise Analyses

The Consultants will use the VTA's model to provide input for the air quality and noise analyses.

For Air Quality and Greenhouse Gas Emissions Analysis:

1. Average Daily Vehicle Trips associated with existing land uses (2018) in Los Gatos
2. VMT associated with existing land uses in the Los Gatos
3. Average Daily Vehicle Trips associated with 2040 without Project and with Project land uses in Los Gatos (at the planning horizon)

4. VMT associated with the 2040 without Project and with Project land uses in Los Gatos – GP Plan Year
5. VMT by I-X, X-I, I-I (excluding X-X trips), if available

For Noise Analysis:

1. Daily Segment Traffic Volumes for Existing for all segments analyzed
2. Daily Segment Traffic Volumes for 2040 without Project and 2040 GP Plan Year for all segments analyzed
3. Speed limits on the segments for existing and future time frames, if available

Alternatives Analysis. We will consider a range of alternatives in the ADPEIR. State CEQA Guidelines require consideration of the "No Project" Alternative. For purposes of this Program EIR, the No Project Alternative would be a continuation of the existing General Plan without any updates or additions. In addition to the "No-Project" Alternative, the Consultants will consider other alternatives (such as alternative land use scenarios) that were developed during the General Plan Update. Evaluation of alternatives will be in less detail than that for the proposed project, though the analysis will provide decision-makers and the public adequate information to decide between alternatives. This section will also identify the "environmentally superior alternative." If the "No Project" Alternative is determined to be environmentally superior, the ADPEIR will identify the environmentally superior alternative among the remaining scenarios.

For transportation impacts, the Consultants will analyze up to two project alternatives in a qualitative manner, with a discussion of trip generation and general discussion of potential impact differences compared to the preferred land use plan.

Cumulative Impacts. We will evaluate cumulative impacts based on planning documents for the Planning Area. We will also estimate and discuss the contribution of the proposed project to the overall cumulative impacts.

Other CEQA Sections. The ADPEIR will provide, in addition to the sections discussed above, all other required CEQA sections, including areas of known controversy, growth inducement effects, energy, and significant unavoidable impacts.

Task G.5 Staff Review/Screen Check Draft Program EIR

The Consultants will incorporate Town staff input into the ADPEIR and provide Town staff with digital versions of the ADPEIR in both Word and PDF formats. Town staff will conduct one review of the ADPEIR and provide consolidated comments and edits. The Consultants will incorporate appropriate revisions and prepare a Screen Check Draft Program EIR. We will provide the Screen Check version in a digital format.

Task G.6 Draft Program EIR

Once the Town staff approves the Screen Check Draft Program EIR, the Consultants will prepare the Draft EIR for public circulation. The Consultants will prepare and distribute the required copies of the Draft Program EIR to the State Clearinghouse, including all required accompanying forms, such as the Notice of Completion (NOC). The Consultants will also file the Notice of Availability (NOA) of the Draft Project EIR with the Santa Clara County Clerk's office. We assume that Town staff will distribute the NOA of the Draft Program EIR to responsible agencies, and interested agencies, organizations, and persons. We also assume that the Town will be responsible for required newspaper ads and other public noticing of the document's availability, such

as radius label mailing or onsite posting. As required by State law, the Draft Program EIR will require at least a 45-day public review period.

Products:

- Draft and Final Notice of Preparation (digital version and submittal of copies of the NOP with the State Clearinghouse)
- Scoping Meeting Materials
- Administrative Draft Program EIR (2 hard copies and 10 CD copies to the Town)
- Screen Check Draft Program EIR (digital version)
- Draft Program EIR (30 hard copies and 30 CD copies sent to the Town and 30 hard copies of the Executive Summary and 15 CD copies of the Draft Program EIR submitted to the State Clearinghouse, NOA submitted to the County Clerk)

Task H Engagement

Task A Engagement

The following activities will occur in conjunction with the work under Task A.

Task H.1 Community Engagement Strategy

Based on input from the kick-off meeting (Task A.1), the Consultants will work with Town staff to prepare a comprehensive Community Engagement Strategy that will document the outreach methods to be used throughout the project. The Strategy will describe outreach responsibilities, publicity protocols, and how the engagement will be structured to ensure comprehensive community engagement. The Strategy will be structured to be inclusive of all those who make up the "community," including residents; workers; visitors; businesses; property owners; educational institutions; civic, community, and non-profit organizations; religious, social, cultural and ethnic communities; and public agencies. In addition to being inclusive, our goal is to create meaningful opportunities for involvement throughout the development of the Update.

Task H.2 Branding and Project Logo

The Consultants will develop a branding package for the General Plan Update. The branding package will include a project logo and style templates that we will use for all work products, the website, and publicity materials to build enthusiasm about the project and ensure that this effort is distinct in the minds of the community. We will provide the Town with up to three options from which to choose.

Task H.3 Set Up Online Engagement

During this task, we will design and develop a project-specific website for the Los Gatos General Plan Update. In our work on dozens of general plan projects, we have found that having a stand alone project website, with links to and from the Town's website, provides a responsive platform for community engagement while not adding additional work for Town staff.

The Consultants will build the website on a modern, user-friendly platform that allows quick and easy updates to the website. In addition to being an important public outreach and information tool, the website will serve as an administrative record of the project. It will include all meeting announcements/materials, draft and final documents, and meeting summaries. The website will also be used to link to online

engagement opportunities, including Engagement HQ, developed during the project. This scope of work includes all needed maintenance and updates to the website for the duration of the project.

As part of the online outreach, we propose to use the Engagement HQ software tool and online mapping using ESRI ArcGIS Online and ESRI Story Map. For more information, see "Enhanced Community Engagement Tools" inset on page 41.

Task H.4 Newsletter #1, General Plan Update Overview

The Consultants will prepare a newsletter that describes what a general plan is, how and why it is being updated, the project schedule, and how the public can be involved in the update. The newsletter will be used to promote engagement opportunities.

Task H.5 Form the General Plan Advisory Committee (GPAC), GPAC Meeting #1

The Consultants will facilitate the first meeting of the GPAC. We will first present and get consensus on the overall GPAC meeting format, rules, and operating procedures. We will summarize the community engagement strategy and get GPAC input on strategy refinements. We will also ask the GPAC members to identify key issues they feel should be addressed during the General Plan Update.

Task H.6 Other GPAC Meetings

Six GPAC meetings, associated with specific deliverables are detailed in the Scope of Work. Budget to cover an additional 18 GPAC meetings is included and will be placed as needed.

Task H.7 Community Workshop #1, Project Initiation

At the beginning of the process, the Consultants will conduct the first community workshop. At the Town Hall, the Consultants will provide an overview of the key steps in the General Plan Update process, the opportunities the community will have for engagement, and changes in State law/regulations and other important issues that will affect the General Plan Update. During this Town Hall, the Consultants will also conduct an exercise to start the identification of issues and opportunities that should be addressed as part of the General Plan Update.

Task H.8 Joint Study Session #1, Introduction to the General Plan Update

At the beginning of the process, the Consultants will facilitate a Joint Study Session with the Town Council and Planning Commission. Given the significance of the General Plan Update, it will be important for the Council and Commission to meet the Consultants early in the program and to have a clear understanding of what to expect during the process. This meeting will provide a common understanding of the need for and purpose of the General Plan, the key steps in the preparation process, the strategy for community engagement, changes in State law and regulations since the last update, and other important issues affecting the General Plan preparation process. The workshop will also help establish stronger working relationships between the Consultants and Town leaders.

Engagement Products During this Task:

- Community Engagement Strategy (digital version)
- Project Logo and Design Theme Alternatives (up to 3 alternative approaches, digital version)
- Project Website and Engagement HQ Site Setup

- GPAC #1 Meeting Materials and summary minutes (digital version)
- Newsletter #1 (100 hard copies and digital version on website)
- Stakeholder Interview Summary (digital version)
- Joint Study Session #1 Meeting Materials and Summary Report (digital version)

Task B Engagement

The following activities will occur in conjunction with the work under Task B.

Task H.9 GPAC Meeting #2, Review Background Report

The Consultants will facilitate Town staff and GPAC review of the GPAC Draft Background Report.

Task H.10 Newsletter #2, Existing Conditions and Trends

The Consultants will prepare a newsletter summarizing key findings from the Background Report and initial outreach efforts. The newsletter will be used to characterize existing conditions and trends influencing the community and promote the online engagement opportunities.

Task H.11 Joint Study Session #2, Review Existing Conditions Report

The Consultants will facilitate a joint study session with the Town Council and Planning Commission to present the major findings from the Public Review Draft Background Report. The Consultants will facilitate a discussion with the Council members and Commissioners about the implications of the findings on the future of the community.

Engagement Products During this Task:

- GPAC Meeting #2 Materials and Summary Report (digital version)
- Newsletter #2 (100 hard copies and digital version on website)
- Joint Study Session #2 Meeting Materials and Summary Report (digital version)

Task C Engagement

The following activities will occur in conjunction with the work under Task C.

Task H.12 Community Workshop #2, Issues and Opportunities Identification

The second community workshop will be a three-part event. During the first part of the event, the Consultants will provide the community with an overview of the information developed for the Background Report. This component will highlight the existing conditions and trends that will influence the future of the community. The second part of the event will involve interactive exercises designed to gain input on the issues and opportunities that the public would like to see addressed in the General Plan Update.

From the issues and opportunities discussion, workshop participants will segue to the third part of the workshop, in which the Consultants will work with smaller groups to answer questions such as: What is unique about Los Gatos that is not found anywhere else? We will work with participants to define a list of places they like to take out-of-town visitors, places they consider "public-places" (i.e., places where people gather), and natural or manmade features that make the community unique.

Task H.13 GPAC Meeting #3, Review Issues and Opportunities Report

The Consultants will facilitate Town staff and GPAC review of the Administrative Draft Issues and Opportunities Report.

Task H.14 Joint Study Session #3, Review Issues and Opportunities Report

The Consultants will facilitate a joint study session with the Town Council and Planning Commission to present the major findings from the Issues and Opportunities Report. The Consultants will facilitate a discussion with the Council members and Commissioners about the implications of the findings for new or revised General Plan policies and programs and solicit input on key issues and opportunities the Update should consider, and other interests and expectations of the Council members and Commissioners.

Engagement Products During this Task:

- Community Workshop #2 Materials and Summary Report (60 printed, digital versions)
- GPAC Meeting #3 Materials and Summary Report (digital version)
- Newsletter #2 (100 hard copies and digital version on website)
- Joint Study Session #3 Meeting Materials and Summary Report (digital version)

Task D Engagement

The following activities will occur in conjunction with the work under Task D.

Task H.15 Community Workshop #3, Vision and Guiding Principles

The third community workshop will include several interactive visioning exercises that encourage community participation and dialogue about the future of Los Gatos. There are several options for how to structure the community workshop (e.g., open house format or small group exercises) and which exercises to conduct. The Consultants will work with Town staff prior to the workshop to identify the format that will work best for the community.

Task H.16 GPAC Meeting #4, Review Draft Vision and Guiding Principles

The Consultants will facilitate Town staff and GPAC review of the Draft Vision and Guiding Principles. At this meeting, the Consultants will also review the General Plan Audit Report and confirm content to be updated and new topics to be addressed.

Task H.17 Joint Study Session #4, Vision and Guiding Principles

The Consultants will facilitate a joint study session with the Town Council and Planning Commission to present the draft Vision Statement and Guiding Principles. The purpose of the study session will be to gain consensus on these items and provide direction to the Consultants that will guide the development of the goals, policies, and implementation measures in the General Plan Update.

Engagement Products During this Task:

- Community Workshop #3 Materials and Summary Report (60 printed, digital versions)
- GPAC Meeting #4 Materials and Summary Report (digital version)
- Joint Study Session #4 Meeting Materials and Summary Report (digital version)

Task E Engagement

The following activities will occur in conjunction with the work under Task E.

Task H.18 Newsletter #3: Alternatives

The Consultants will prepare a newsletter that summarizes the land use and policy alternatives. We will use the newsletter to educate community members on the alternatives process and generate public interest and attendance for the upcoming community workshop.

Task H.19 Community Workshop #4, Alternative Choices

The Consultants will facilitate the fourth community workshop, which will focus on identifying land use and topical (policy) choices based on previous community inputs. Policy alternatives could address items such as transportation options, healthy community updates, public facility choices, and so forth. The workshop will contain an educational component on the fiscal, transportation, environmental, and other considerations that need to be assessed with any alternatives.

The Consultants will take the input received at the community workshop to prepare preliminary land use concepts and relevant topical alternatives for further consideration.

Task H.20 GPAC Meeting #5, Review Draft Alternatives Report

The Consultants will facilitate Town staff and GPAC review of the Draft Alternatives Report.

Task H.21 Planning Commission Meeting

The Consultants and Town staff will facilitate a meeting with the Planning Commission to review the Alternatives Report and solicit their feedback and recommendations on a preferred land use alternative and key policy choices presented. Recommendations from the Planning Commission will be presented to the Town Council for consideration and direction.

Task H.22 Town Council Meeting

The Consultants and Town staff will facilitate a meeting with the Town Council to review the Alternatives Report and recommendations from the Planning Commission. The purpose of this meeting will be to gain Council direction on the preferred alternatives package that will be used to create the Draft General Plan.

Engagement Products During this Task:

- Newsletter #3 (100 hard copies and digital version on website)
- Community Workshop #4 Materials and Summary Report (60 printed, digital versions)
- GPAC Meeting #5 Materials and Summary Report (digital version)
- Planning Commission #5 Meeting Materials and Summary Report (digital version)
- Town Council #5 Meeting Materials and Summary Report (digital version)

Task F Engagement

The following activities will occur in conjunction with the work under Task F.

Task H.23 GPAC #6: Draft General Plan

The Consultants will facilitate Town staff and GPAC review of the GPAC Draft General Plan

Task H.24 Joint Study Sessions #5, #6, and #7

The Consultants will conduct up to three joint study sessions with the Town Council and Planning Commission to review and confirm the changes to the General Plan. The Planning Commission will recommend any final revisions or adjustments to the Town Council. The Town Council will then provide direction on any final revisions or adjustments to the General Plan prior to the preparation of the EIR. During one of these study sessions, a presentation on VMT will be included.

Task H.25 Newsletter #4, Public Draft General Plan

The Consultants will prepare a newsletter summarizing the Public Draft General Plan that provides highlights of the key features and changes in the new General Plan.

Task H.26 Community Workshop #5, Draft General Plan

Upon release of the Public Draft General Plan, the Consultants will facilitate an open house to present the Plan to the community. The open house could be set up in the format where residents can visit stations or "booths" focused on each element of the Plan. Town staff and Consultants will be stationed at each booth to discuss the elements, answer questions, and gather feedback. The Consultants will promote the public review process and hearings for the General Plan.

Engagement Products During this Task:

- Joint Study Session Meeting Materials and Summary Reports (digital version)
- Newsletter #4 (100 hard copies, digital version)
- Community Workshop #5 Materials and Summary Report (60 printed, digital versions)
- Community Workshop #5 Display Boards

Enhanced Community Engagement Tools

Task H.27 Online Engagement

While workshops and meetings are essential to an effective planning process, these traditional outreach methods of engagement are not enough to obtain the broad mix of inputs needed to make a plan responsive to the entire community. This is especially true for younger generations who are busy with work, family commitments, and other social engagements. Our approach to public outreach is to supplement community workshops with web-based crowd-sourcing and social media tools to attract and engage the broadest possible audience. As part of the Update program, we will offer a range of online engagement tools that allow participation in the process while at home, work, the coffee shop, or wherever inspiration strikes.

Project Website. The website will serve as the hub of project communication and information, including an overview of the project, announcements about upcoming meetings and information on past meetings and events, document library, and contact information.

Engagement HQ. In addition to the Project Website as an information portal, we also propose to use Engagement HQ software tools to develop an exciting platform for online public engagement. Engagement HQ allows us to engage with the community through surveys, opinion polls, discussion forums, photo sharing, mapping exercises, and more. It also offers analysis and reporting tools to understand who is participating and easily summarizes community inputs. During the General Plan Update, we will use this tool to poll the community on a range of topics.

If desired, the Consultants will also train Town staff to administer the site, so it can be maintained beyond the General Plan Update project as an ongoing forum for general civic engagement. We will use Engagement HQ software for active public engagement over a 12-month period during the development of the General Plan, with the site maintained during the public review portions of the project. For more information on Engagement HQ, visit: www.bangthetable.com/engagementhq

Online Mapping. To help the community better understand the range of existing and future factors (natural and manmade) that will influence the future of Los Gatos, the Consultants will prepare an online mapping tool (ESRI Story Map). This online Story Map will provide maps of these factors (items such as wildland fire hazards, biological resources, environmental hazards, transportation connectivity) and a short description that will describe the implications of the factor shown on each map. This type of online map atlas will help support the discussion of issues and opportunities and be a component of the alternatives development.

Social Media. As part of the Update process, we will provide content for social media posts that Town staff can publish on the Town of Los Gatos Facebook (https://www.facebook.com/losgatosca/), Twitter (https://twitter.com/townlg?lang=en), Nextdoor (https://nextdoor.com/neighborhood/losgatosmain--los-gatos--ca/), and other Town social media feeds at key points in the Update process.

Task H.28 Ongoing Communication

Email Blasts. As part of the Update process, the Consultants will work with the Town to develop project-specific email notifications that the Town will distribute using the Town's existing e-notification system. Additional e-mail addresses for interested individuals that are collected by the Consultants at meetings, events, or the Project website will be provided to the Town to add to their current notification lists.

Press Releases. Prior to every community workshop, we will prepare and distribute news releases to inform media outlets serving the community about upcoming meetings and ensure accurate coverage that sets realistic expectations for what the General Plan does and does not do.

Task H.29 Pop-up Booth for Festivals and Events

Booths at Festivals and Events. The Consultants will provide materials for Town staff to set up a "pop-up" booth at up to four sets of festivals and events in Los Gatos. The booth would feature boards and hand-outs that provide an overview of the General Plan Update, information on opportunities to get involved, and depending on which phase of the project we are in, exercises that are similar to the exercises from the most recent community workshop. It is assumed that Town staff will attend and run the booth with support from the Consultants.

Materials will be provided relative to the following four major components of the Update: 1) project overview, 2) issues and opportunities exercise, 3) alternatives exercise, and 4) draft General Plan.

Town Hall Displays. Like the booths at festivals and events, the Consultants will provide materials for Town staff to display at Town Hall. These displays will provide timely information on the Update process, provide posters on current project developments, and provide some opportunities for interactive displays designed to gain community input.

Task I Certification of the EIR and Adoption of the General Plan Update

Task I.1 Response to Comments

Within three weeks of receipt of all comment letters on the Draft Program EIR, the Consultants will submit a draft Response to Comments to Town staff for review. The Response to Comments document will include a list of commenters, comment letters, responses to comments, and any added or revised text of the Draft Program EIR that may be necessary. All responses will include reasoned analysis and, as necessary, will include additional analysis. The final version of the Response to Comments will be incorporated as an appendix to the Final Program EIR.

The scope and budget assume a level of effort that would include 100 hours of staff time for this task. This assumes receipt of approximately 15 to 25 comment letters. If the number of comment letters and the effort to prepare responses is greater than anticipated, the Consultants will notify Town staff immediately and discuss options to amend our scope of work and budget as necessary. Following receipt of Town staff comments, the Consultants will finalize the Response to Comments.

Task I.2 Mitigation, Monitoring, and Reporting Program

Concurrent with the Response to Comments, the Consultants will prepare a Mitigation Monitoring and Reporting Plan (MMRP), which will be included in the Final Program EIR. The MMRP will be provided in a format designed for use by planners, environmental monitors, or code enforcement officers. Essentially, this plan will take the form of a detailed table that describes:

- Persons/agencies responsible for monitoring compliance with each condition
- Timing when monitoring must occur
- Frequency of monitoring
- Criteria to be used to determine compliance with conditions

The final version of the MMRP will be incorporated as an appendix to the Final Program EIR.

Task I.3 Final Program EIR

The Consultants will complete the Final Program EIR after the review period has closed and all comments submitted during that period have been received. The Final Program EIR will include corrections to the Draft Program EIR (if warranted), comments received, and responses. The Consultants will prepare a Screen Check Final Program EIR for Town staff review and confirmation followed by a Final Program EIR after incorporating comments from Town staff. The Consultants will produce print and digital copies of the Final Program EIR. Within one day of Final Program EIR certification and project approval, the Consultants will submit the draft Notice of Determination (NOD) to Town staff for delivery to the County Clerk and/or State Clearinghouse.

Task I.4 Planning Commission Hearing

The Consultants will attend a public hearing with the Planning Commission to review the Public Draft General Plan and Final Program EIR. The Planning Commission will consider the comments made during the public hearing and make recommendations to the Town Council.

Task I.5 Town Council Hearings (2)

The Consultants will attend two public hearings with the Town Council to review the Public Draft 2040 General Plan and Final Program EIR. At these hearings, the Town Council will consider the Planning Commission recommendations and the comments made at the Planning Commission public hearing. After the hearings, the Town Council will direct the Consultants to incorporate their recommendations and prepare the Final General Plan and Final Program EIR.

Task I.6 Final General Plan Documents

Following public review of the Draft Public General Plan, the Consultants will prepare the Final General Plan for adoption.

Task I.7 Town Council Adoption Hearing

The Consultants will attend one hearing with the Town Council for certification of the Final Program EIR and adoption of the Final General Plan.

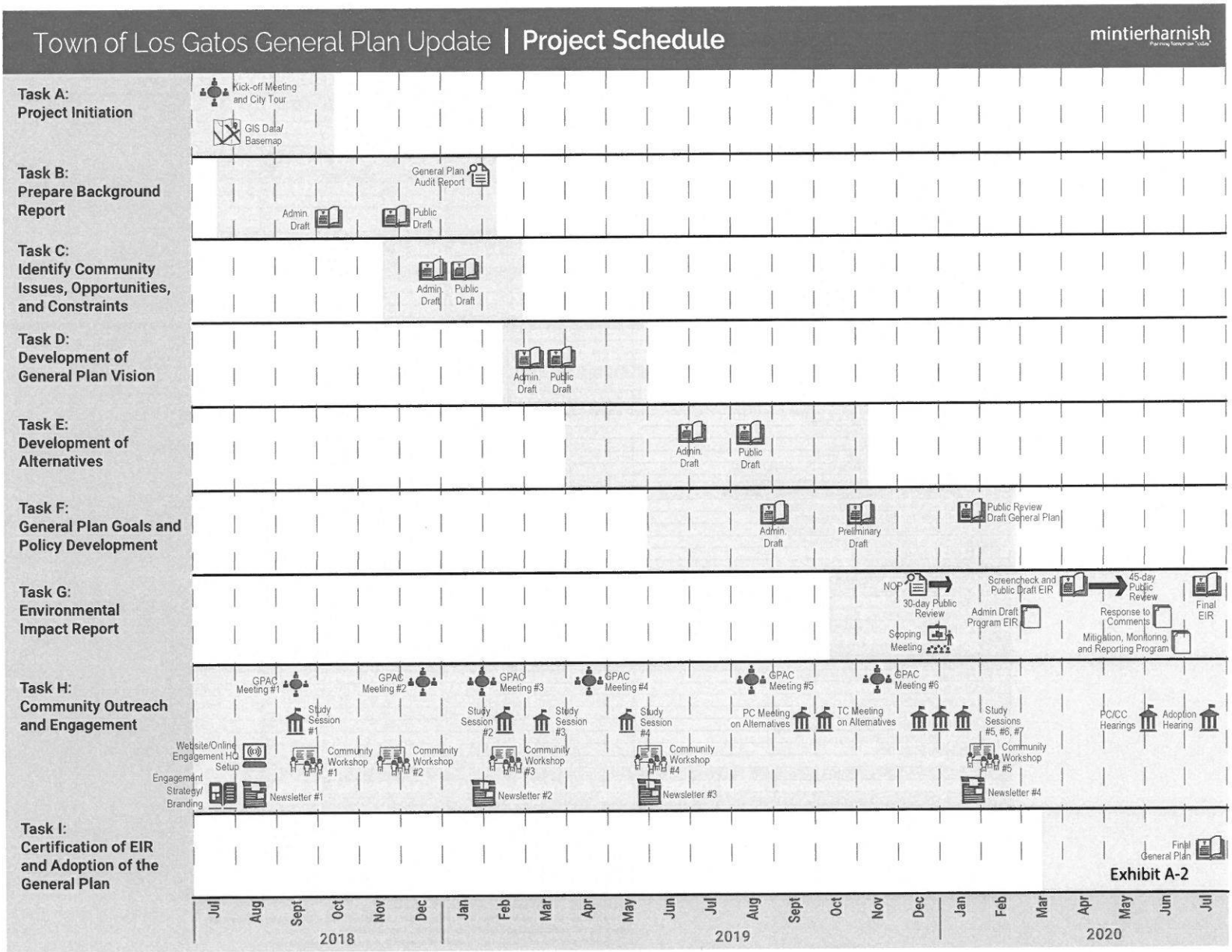
Task I.8 Web-Based General Plan

The Consultants will design the Final General Plan as an interactive web-based General Plan. The web-based plan will not simply be a document that is published online, but will be a dynamic communication tool that provides transparency, accessibility, and efficiency in local government.

The web-based plan will be highly graphical and structured and designed to meet the specific needs of the Town. It will be fully searchable, allowing decision-makers and other users to quickly locate relevant information. The online format will allow cross-referenced links to related policies, programs, maps, or background information.

Products

- Response to Comments (digital version)
- Mitigation, Monitoring, and Reporting Program (digital version)
- Final Program EIR (30 hard copies and 30 CD copies to the Town)
- Tracking of comments and recommendations (all meetings, digital versions)
- Final General Plan (100 hard copies, 100 CDs, digital version, 2 unbound originals for reproduction)
- Color Land Use Element Exhibits (100 copies, sizes and scales to be determined)
- Compilation CD with all milestone documents, data, and GIS files (3 CDs)
- Web-based General Plan


Town of Los Gatos General Plan Update | Project Schedule
mintierharnish
Task A: Project Initiation
Kick-off Meeting and City Tour
GIS Data/ Basemap
Task B: Prepare Background Report
General Plan Audit Report
Admin. Draft
Public Draft
Task C: Identify Community Issues, Opportunities, and Constraints
Admin. Draft
Public Draft
Task D: Development of General Plan Vision
Admin. Draft
Public Draft
Task E: Development of Alternatives
Admin. Draft
Public Draft
Task F: General Plan Goals and Policy Development
Admin. Draft
Preliminary Draft
Public Review Draft General Plan
Task G: Environmental Impact Report
NOP
30-day Public Review
Scoping Meeting
Screencheck and Public Draft EIR
Admin Draft Program EIR
45-day Public Review
Response to Comments
Mitigation, Monitoring and Reporting Program
Final EIR
Task H: Community Outreach and Engagement
GPAC Meeting #1
GPAC Meeting #2
GPAC Meeting #3
GPAC Meeting #4
GPAC Meeting #5
GPAC Meeting #6
Study Session #1
Study Session #2
Study Session #3
Study Session #4
PC Meeting on Alternatives
TC Meeting on Alternatives
Study Sessions #5, #6, #7
PC/CC Hearings
Adoption Hearing
Website/Online Engagement HQ Setup
Community Workshop #1
Community Workshop #2
Community Workshop #3
Community Workshop #4
Community Workshop #5
Engagement Strategy/ Branding
Newsletter #1
Newsletter #2
Newsletter #3
Newsletter #4
Task I: Certification of EIR and Adoption of the General Plan
Final General Plan
Exhibit A-2
Jul Aug Sept Oct Nov Dec Jan Feb Mar Apr May Jun Jul Aug Sept Oct Nov Dec Jan Feb Mar Apr May Jun Jul
2018
2019
2020

Town of Los Gatos General Plan Update Budget [1)(2)]
Mintier Harnish

PHASES/TASKS	Mintier Harnish						
	HARNISH Principal/ Owner	RUST Principal Planner	PAYNE Senior Project Manager	FUNSTON/ YANG Planner	Graphics/ Admin.	TOTAL HOURS	TOTAL COST
Task A: Project Initiation							
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour	8	8	12	16	4	48	$7,700
Task A.2: Assemble GIS Data and Prepare Base Maps		2		16	4	22	$2,660
Task A.3: Existing Data Collection and Compilation		8	8	24			$5,840
Subtotal	***8***	***18***	***20***	***56***	***8***	***70***	***$16,200***
Task B: Prepare Background Report							
Task B.1: Administrative Draft Existing Conditions Background Report	8	40	72	200	40	360	$49,440
Task B.2: Public Draft Background Report	2	12	44	56	20	134	$18,750
Task B.3: General Plan Audit Report	2	8	16	8		34	$5,730
Subtotal	***12***	***60***	***132***	***264***	***60***	***528***	***$73,920***
Task C: Identify Community Issues, Opportunities, and Constraints							
Task C.1: Administrative Draft Issues and Opportunities Summary		4	8	16	4	32	$4,420
Task C.2: Public Draft Issues and Opportunities Summary		4	8	20	4	36	$4,900
Task C.3: Final Issues and Opportunities Summary		1	2	6	1	10	$1,345
Subtotal	***0***	***9***	***18***	***42***	***9***	***78***	***$10,665***
Task D: Development of General Plan Vision							
Task D.1: Administrative Draft Vision and Guiding Principles	2	4	12	24	1	43	$6,255
Task D.2: Public Draft Vision and Guiding Principles		4	16	16	2	38	$5,610
Task D.3: Final Vision and Guiding Principles		1	4	6	1	12	$1,685
Subtotal	***2***	***9***	***32***	***46***	***4***	***93***	***$13,550***
Task E: Development of Alternatives							
Task E.1: Administrative Draft Alternatives Report	2	16	48	80	24	170	$23,450
Subtask E.1a: Fiscal Impact Analysis			2			2	$340
Subtask E.1b: Transportation System Alternatives			2			2	$340
Task E.2: Public Draft Alternatives Report		6	16	24	8	54	$7,480
Subtotal	***2***	***22***	***68***	***104***	***32***	***228***	***$31,610***
Task F: General Plan Goals and Policy Development							
Task F.1: Administrative Draft General Plan	8	52	180	80	16	336	$53,760
Alternative VMT Thresholds			8			8	$1,360
Task F.2: Administrative Draft Land Use and Circulation Diagrams		2	12	16	16	46	$5,720
Task F.3: Preliminary Draft General Plan	2	16	76	64	16	174	$25,610
Task F.4: Public Draft General Plan	2	4	24	16	8	54	$7,930
Task F.5: General Plan Consultation and Referrals		2	8	8		18	$2,720
Subtotal	***12***	***76***	***308***	***184***	***56***	***636***	***$97,100***
Task G: Environmental Impact Report							
Task G.1: Staff Work Session on Program EIR Preparation		6	6			12	$2,220
Task G.2: Notice of Preparation		1	2			3	$540
Task G.3: Scoping Meeting			8			8	$1,360
Task G.4: Administrative Draft Program EIR	8	24	48	48		128	$20,520
Task G.5: Staff Review/Screen Check Draft Program EIR		4	16	16		36	$5,440
Task G.6: Draft Program EIR			8			8	$1,360
Subtotal	***8***	***35***	***88***	***64***	***0***	***195***	***$31,440***
Task H: Community Outreach and Engagement							
Task H.1: Community Engagement Strategy	2	4	6	16		28	$4,190
Task H.2: Branding and Project Logo		1	2		16	19	$1,900
Task H.3: Set Up Online Engagement	2	4	8	24	40	78	$8,890
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4		8	32	60	24	124	$16,280
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6		48	72	48	6	174	$28,110
Task H.6 (18 additional GPAC meetings)		72	72	144	36	324	$46,980
Task H.7: Community Workshop #1: Project Initiation		8	12	8	4	32	$4,940
Task H.8: Joint Study Session #1, Introduction to the General Plan Update		8	8	8	2	26	$4,090
Task H.11: Joint Study Session #2, Review Existing Conditions Report		8	8	8	2	26	$4,090
Task H.12: Community Workshop #2, Issues and Opportunities Identification	6	8	12	16	12	54	$7,930
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report		8	8	8	2	26	$4,090
Task H.15: Community Workshop #3, Vision and Guiding Principles	6	8	16	24	16	70	$9,910
Task H.17: Joint Study Session #4, Vision and Guiding Principles		8	8	8	2	26	$4,090
Task H.19: Community Workshop #4, Alternative Choices	6	12	20	32	24	94	$13,030
Task H.21: Planning Commission Meeting		8	12	8	2	30	$4,770
Task H.22: Town Council Meeting		8	10	2		20	$3,540
Task H.24: Joint Study Sessions #5, #6, and #7		24	30	30	9	93	$14,265
Task H.26: Community Workshop #5, Draft General Plan	6	8	16	24	32	86	$11,270
Task H.27: Online Engagement		8	20	20	12	60	$8,420
Task H.28: Ongoing Communication		8	20	20	40	88	$10,800
Task H.29: Pop-up Booth for Festivals and Events		4	16		16	36	$4,880
Subtotal	***28***	***273***	***408***	***508***	***297***	***1514***	***$216,465***
Task I: Certification of EIR and Adoption of the General Plan							
Task I.1: Response to Comments		4	20			24	$4,200
Task I.2: Mitigation, Monitoring, and Reporting Program			1			1	$170
Task I.3: Final Program EIR			1			1	$170
Task I.4: Planning Commission Hearing		6	12	8	4	30	$4,540
Task I.5: Town Council Hearings (2)		12	16	8	4	40	$6,420
Task I.6: Final General Plan Documents		8	16	24	16	64	$8,560
Task I.7: Town Council Adoption Hearing		6	8	4		18	$3,040
Task I.8: Web-Based General Plan	2	16	40	60	60	178	$22,750
Subtotal	***2***	***52***	***114***	***104***	***84***	***356***	***$49,850***
Project Management							
Subtotal	16	80	120		112	***328***	***$49,520***
TOTAL							
Total Hours	90	634	1,308	1,372	662	4,026	-
2018 Billing Rates (subject to change every January 1st)	$225	$200	$170	$120	$85	-	-
Labor Subtotals	$20,250	$126,800	$222,360	$164,640	$56,270	-	***$590,320***
Direct Expenses (e.g., printing, travel, Engagement HQ fee)							$33,000
TOTAL COST							***$623,320***
CONTINGENCY [3)]							
Contingency (10%)							

1) This represents a total cost based on the approved scope of work.
2) The distribution of hours between firms, staff categories and tasks are an estimate. While the total costs will not change, the distribution of hours/costs may vary depending on actual execution.
3) Contingency funds can only be used with written authorization from the Town's Project Manager.

Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	WRT							
PHASES/TASKS	STICKLEY Principal	NARKAR Project Manager	WINCH Senior Planner	Planner/ Urban Designer II	Urban Designer I/ Graphic Support	Admin.	TOTAL HOURS	TOTAL COST
Task A: Project Initiation								
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour		8					8	$1,400
Task A.2: Assemble GIS Data and Prepare Base Maps							0	$0
Task A.3: Existing Data Collection and Compilation							0	$0
Subtotal	***0***	***8***	***0***	***0***	***0***	***0***	***8***	***$1,400***
Task B: Prepare Background Report								
Task B.1: Administrative Draft Existing Conditions Background Report	2	16	24	32	16	2	92	$12,640
Task B.2: Public Draft Background Report		4	8	8			20	$2,900
Task B.3: General Plan Audit Report							0	$0
Subtotal	***2***	***20***	***32***	***40***	***16***	***2***	***112***	***$15,540***
Task C: Identify Community Issues, Opportunities, and Constraints								
Task C.1: Administrative Draft Issues and Opportunities Summary							0	$0
Task C.2: Public Draft Issues and Opportunities Summary							0	$0
Task C.3: Final Issues and Opportunities Summary							0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task D: Development of General Plan Vision								
Task D.1: Administrative Draft Vision and Guiding Principles							0	$0
Task D.2: Public Draft Vision and Guiding Principles							0	$0
Task D.3: Final Vision and Guiding Principles							0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task E: Development of Alternatives								
Task E.1: Administrative Draft Alternatives Report	4	8	24	16	32		84	$11,160
Subtask E.1a: Fiscal Impact Analysis							0	$0
Subtask E.1b: Transportation System Alternatives							0	$0
Task E.2: Public Draft Alternatives Report							0	$0
Subtotal	***4***	***8***	***24***	***16***	***32***	***0***	***84***	***$11,160***
Task F: General Plan Goals and Policy Development								
Task F.1: Administrative Draft General Plan							0	$0
Alternative VMT Thresholds							0	$0
Task F.2: Administrative Draft Land Use and Circulation Diagrams							0	$0
Task F.3: Preliminary Draft General Plan							0	$0
Task F.4: Public Draft General Plan							0	$0
Task F.5: General Plan Consultation and Referrals							0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task G: Environmental Impact Report								
Task G.1: Staff Work Session on Program EIR Preparation							0	$0
Task G.2: Notice of Preparation							0	$0
Task G.3: Scoping Meeting							0	$0
Task G.4: Administrative Draft Program EIR							0	$0
Task G.5: Staff Review/Screen Check Draft Program EIR							0	$0
Task G.6: Draft Program EIR							0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task H: Community Outreach and Engagement								
Task H.1: Community Engagement Strategy							0	$0
Task H.2: Branding and Project Logo							0	$0
Task H.3: Set Up Online Engagement							0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4							0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6							0	$0
Task H.6 (18 additional GPAC meetings)							0	$0
Task H.7: Community Workshop #1: Project Initiation							0	$0
Task H.8: Joint Study Session #1, Introduction to the General Plan Update							0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report							0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification							0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report							0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles							0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles							0	$0
Task H.19: Community Workshop #4, Alternative Choices							0	$0
Task H.21: Planning Commission Meeting							0	$0
Task H.22: Town Council Meeting							0	$0
Task H.24: Joint Study Sessions #5, #6, and #7							0	$0
Task H.26: Community Workshop #5, Draft General Plan							0	$0
Task H.27: Online Engagement							0	$0
Task H.28: Ongoing Communication							0	$0
Task H.29: Pop-up Booth for Festivals and Events							0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task I: Certification of EIR and Adoption of the General Plan								
Task I.1: Response to Comments							0	$0
Task I.2: Mitigation, Monitoring, and Reporting Program							0	$0
Task I.3: Final Program EIR							0	$0
Task I.4: Planning Commission Hearing							0	$0
Task I.5: Town Council Hearings (2)							0	$0
Task I.6: Final General Plan Documents							0	$0
Task I.7: Town Council Adoption Hearing							0	$0
Task I.8: Web-Based General Plan							0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Project Management								
Subtotal	***8***	***12***				***16***	***36***	***$5,300***
TOTAL								
Total Hours	14	48	56	56	48	18	240	-
2018 Billing Rates (subject to change every January 1st)	$240	$175	$150	$125	$100	$80	-	-
Labor Subtotals	$3,360	$8,400	$8,400	$7,000	$4,800	$1,440	-	***$33,400***
Direct Expenses (e.g., printing, travel, Engagement HQ fee)								$2,500
TOTAL COST								***$35,900***
CONTINGENCY [3]								
Contingency (10%)								

Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

PHASES/TASKS	Rincon									
	SVETE Principal II	FELDMAN/ HAMANN Principal I	MADDOX Supervisor	DIX/BERLIN/ CARMACK/ BERSBACH Senior Professional	Professional	Technical Editor	GIS Specialist	Admin.	TOTAL HOURS	TOTAL COST
Task A: Project Initiation										
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour			6						6	$1,110
Task A.2: Assemble GIS Data and Prepare Base Maps									0	$0
Task A.3: Existing Data Collection and Compilation									0	$0
Subtotal	***0***	***0***	***6***	***0***	***0***	***0***	***0***	***0***	***6***	***$1,110***
Task B: Prepare Background Report										
Task B.1: Administrative Draft Existing Conditions Background Report	8	8	48	24	72	5	12	4	181	$26,885
Task B.2: Public Draft Background Report									0	$0
Task B.3: General Plan Audit Report									0	$0
Subtotal	***8***	***8***	***48***	***24***	***72***	***5***	***12***	***4***	***181***	***$26,885***
Task C: Identify Community Issues, Opportunities, and Constraints										
Task C.1: Administrative Draft Issues and Opportunities Summary									0	$0
Task C.2: Public Draft Issues and Opportunities Summary									0	$0
Task C.3: Final Issues and Opportunities Summary									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task D: Development of General Plan Vision										
Task D.1: Administrative Draft Vision and Guiding Principles									0	$0
Task D.2: Public Draft Vision and Guiding Principles									0	$0
Task D.3: Final Vision and Guiding Principles									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task E: Development of Alternatives										
Task E.1: Administrative Draft Alternatives Report									0	$0
Subtask E.1a: Fiscal Impact Analysis									0	$0
Subtask E.1b: Transportation System Alternatives									0	$0
Task E.2: Public Draft Alternatives Report									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task F: General Plan Goals and Policy Development										
Task F.1: Administrative Draft General Plan	16	14	66	24	144	8	24	8	304	$43,980
Alternative VMT Thresholds									0	$0
Task F.2: Administrative Draft Land Use and Circulation Diagrams									0	$0
Task F.3: Preliminary Draft General Plan	4	3	20	4	46		2	2	81	$11,765
Task F.4: Public Draft General Plan	2		6		8	4		4	24	$3,250
Task F.5: General Plan Consultation and Referrals									0	$0
Subtotal	***22***	***17***	***92***	***28***	***198***	***12***	***26***	***14***	***409***	***$58,995***
Task G: Environmental Impact Report										
Task G.1: Staff Work Session on Program EIR Preparation			6	6					12	$2,010
Task G.2: Notice of Preparation	1		1		6			1	9	$1,210
Task G.3: Scoping Meeting			6	6	4		2	1	19	$2,795
Task G.4: Administrative Draft Program EIR	30	11	92	164	370	16	21	16	720	$100,580
Task G.5: Staff Review/Screen Check Draft Program EIR	4		20	12	20		6	4	66	$9,810
Task G.6: Draft Program EIR	4		12	8	20			12	56	$7,640
Subtotal	***39***	***11***	***137***	***196***	***420***	***16***	***29***	***34***	***882***	***$124,045***
Task H: Community Outreach and Engagement										
Task H.1: Community Engagement Strategy									0	$0
Task H.2: Branding and Project Logo									0	$0
Task H.3: Set Up Online Engagement									0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4									0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6									0	$0
Task H.6 (18 additional GPAC meetings)									0	$0
Task H.7: Community Workshop #1: Project Initiation									0	$0
Task H.8: Joint Study Session #1, Introduction to the General Plan Update									0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report									0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification									0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report									0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles									0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles									0	$0
Task H.19: Community Workshop #4, Alternative Choices									0	$0
Task H.21: Planning Commission Meeting									0	$0
Task H.22: Town Council Meeting									0	$0
Task H.24: Joint Study Sessions #5, #6, and #7									0	$0
Task H.26: Community Workshop #5, Draft General Plan									0	$0
Task H.27: Online Engagement									0	$0
Task H.28: Ongoing Communication									0	$0
Task H.29: Pop-up Booth for Festivals and Events									0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task I: Certification of EIR and Adoption of the General Plan										
Task I.1: Response to Comments	6		30	20	40			4	100	$15,030
Task I.2: Mitigation, Monitoring, and Reporting Program	1		6	6	12				25	$3,680
Task I.3: Final Program EIR	1		8	8	8			12	37	$4,770
Task I.4: Planning Commission Hearing	6		6						12	$2,490
Task I.5: Town Council Hearings (2)	12		12						24	$4,980
Task I.6: Final General Plan Documents	2		11		24	4		4	45	$6,095
Task I.7: Town Council Adoption Hearing	6		6						12	$2,490
Task I.8: Web-Based General Plan									0	$0
Subtotal	***34***	***0***	***79***	***34***	***84***	***4***	***0***	***20***	***255***	***$39,535***
Project Management										
Subtotal	16		32					32	***80***	***$12,000***
TOTAL										
Total Hours	119	36	394	282	774	37	67	104	1,813	-
2018 Billing Rates (subject to change every January 1st)	$230	$215	$185	$150	$120	$105	$115	$75	-	-
Labor Subtotals	$27,370	$7,740	$72,890	$42,300	$92,880	$3,885	$7,705	$7,800	-	***$262,570***
Direct Expenses (e.g., printing, travel, Engagement HQ fee)										$15,000
TOTAL COST										***$277,570***
CONTINGENCY [3]										
Contingency (10%)										

Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

	Fehr & Peers								
PHASES/TASKS	HAYNES Principal	CHURCH Project Manager	COLES Planner/ Engineer	Planner/ Engineer	MILAM SB 743 Expert	GIS/ Graphics	Admin	TOTAL HOURS	TOTAL COST
Task A: Project Initiation									
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour	4	6	8				1	19	$3,795
Task A.2: Assemble GIS Data and Prepare Base Maps								0	$0
Task A.3: Existing Data Collection and Compilation								0	$0
Subtotal	***4***	***6***	***8***	***0***	***0***	***0***	***1***	***19***	***$3,795***
Task B: Prepare Background Report									
Task B.1: Administrative Draft Existing Conditions Background Report	6	44	44	90	2	32	14	232	$36,780
Task B.2: Public Draft Background Report								0	$0
Task B.3: General Plan Audit Report								0	$0
Subtotal	***6***	***44***	***44***	***90***	***2***	***32***	***14***	***232***	***$36,780***
Task C: Identify Community Issues, Opportunities, and Constraints									
Task C.1: Administrative Draft Issues and Opportunities Summary								0	$0
Task C.2: Public Draft Issues and Opportunities Summary								0	$0
Task C.3: Final Issues and Opportunities Summary								0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task D: Development of General Plan Vision									
Task D.1: Administrative Draft Vision and Guiding Principles								0	$0
Task D.2: Public Draft Vision and Guiding Principles								0	$0
Task D.3: Final Vision and Guiding Principles								0	$0
Subtotal	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***0***	***$0***
Task E: Development of Alternatives									
Task E.1: Administrative Draft Alternatives Report								0	$0
Subtask E.1a: Fiscal Impact Anaiysis								0	$0
Subtask E.1b: Transportation System Alternatives	8	20	40	30			12	110	$17,980
Task E.2: Public Draft Alternatives Report						2	2	4	$530
Subtotal	***8***	***20***	***40***	***30***	***0***	***2***	***14***	***114***	***$18,510***
Task F: General Plan Goals and Policy Development									
Task F.1: Administrative Draft General Plan	4	16	12		4		5	41	$8,485
Alternative VMT Thresholds	4	24	6		20	2	7	63	$15,175
Task F.2: Administrative Draft Land Use and Circulation Diagrams		4	4			2	1	11	$1,905
Task F.3: Preliminary Draft General Plan								0	$0
Task F.4: Public Draft General Plan								0	$0
Task F.5: General Plan Consultation and Referrals								0	$0
Subtotal	***8***	***44***	***22***	***0***	***24***	***4***	***13***	***115***	***$25,565***
Task G: Environmental Impact Report									
Task G.1: Staff Work Session on Program EIR Preparation								0	$0
Task G.2: Notice of Preparation								0	$0
Task G.3: Scoping Meeting								0	$0
Task G.4: Administrative Draft Program EIR	8	56	154			8	19	245	$40,495
Task G.5: Staff Review/Screen Check Draft Program EIR	4	8	8				12	32	$5,640
Task G.6: Draft Program EIR								0	$0
Subtotal	***12***	***64***	***162***	***0***	***0***	***8***	***31***	***277***	***$46,135***
Task H: Community Outreach and Engagement									
Task H.1: Community Engagement Strategy								0	$0
Task H.2: Branding and Project Logo								0	$0
Task H.3: Set Up Online Engagement								0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4								0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6								0	$0
Task H.6 (18 additional GPAC meetings)								0	$0
Task H.7: Community Workshop #1: Project Initiation								0	$0
Task H.8: Joint Study Session #1, Introduction to the General Plan Update								0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report								0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification								0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report								0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles								0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles								0	$0
Task H.19: Community Workshop #4, Alternative Choices								0	$0
Task H.21: Planning Commission Meeting								0	$0
Task H.22: Town Council Meeting								0	$0
Task H.24: Joint Study Sessions #5, #6, and #7		6						6	$1,410
Task H.26: Community Workshop #5, Draft General Plan		8						8	$1,880
Task H.27: Online Engagement								0	$0
Task H.28: Ongoing Communication								0	$0
Task H.29: Pop-up Booth for Festivals and Events								0	$0
Subtotal	***0***	***14***	***0***	***0***	***0***	***0***	***0***	***14***	***$3,290***
Task I: Certification of EIR and Adoption of the General Plan									
Task I.1: Response to Comments								0	$0
Task I.2: Mitigation, Monitoring, and Reporting Program								0	$0
Task I.3: Final Program EIR								0	$0
Task I.4: Planning Commission Hearing		4	4			2	2	12	$2,030
Task I.5: Town Council Hearings (2)	2	4	4				1	11	$2,195
Task I.6: Final General Plan Documents	2	4	4				1	11	$2,195
Task I.7: Town Council Adoption Hearing								0	$0
Task I.8: Web-Based General Plan								0	$0
Subtotal	***4***	***12***	***12***	***0***	***0***	***2***	***4***	***34***	***$6,420***
Project Management									
Subtotal								0	$0
TOTAL									
Total Hours	42	204	288	120	26	48	77	805	-
2018 Billing Rates (subject to change every January 1st)	$285	$235	$140	$130	$320	$140	$125	-	-
Labor Subtotals	$11,970	$47,940	$40,320	$15,600	$8,320	$6,720	$9,625	-	***$140,495***
Direct Expenses (e.g., printing, travel, Engagement HQ fee)									$12,000
TOTAL COST									$152,495
CONTINGENCY [3]									
Contingency (10%)									

Town of Los Gatos General Plan Update Budget [1][2]
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	Applied Development Economics (ADE)					
PHASES/TASKS	SVENSSON President	CHENG Senior Associate	DAYSOG Senior Associate	Production	TOTAL HOURS	TOTAL COST
Task A: Project Initiation						
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour	6				6	$1,200
Task A.2: Assemble GIS Data and Prepare Base Maps					0	$0
Task A.3: Existing Data Collection and Compilation					0	$0
Subtotal	**6**	**0**	**0**	**0**	**6**	**$1,200**
Task B: Prepare Background Report						
Task B.1: Administrative Draft Existing Conditions Background Report	48	60	60	10	178	$28,450
Task B.2: Public Draft Background Report	4	8	8		20	$3,200
Task B.3: General Plan Audit Report					0	$0
Subtotal	**52**	**68**	**68**	**10**	**198**	**$31,650**
Task C: Identify Community Issues, Opportunities, and Constraints						
Task C.1: Administrative Draft Issues and Opportunities Summary					0	$0
Task C.2: Public Draft Issues and Opportunities Summary					0	$0
Task C.3: Final Issues and Opportunities Summary					0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**$0**
Task D: Development of General Plan Vision						
Task D.1: Administrative Draft Vision and Guiding Principles					0	$0
Task D.2: Public Draft Vision and Guiding Principles					0	$0
Task D.3: Final Vision and Guiding Principles					0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**$0**
Task E: Development of Alternatives						
Task E.1: Administrative Draft Alternatives Report					0	$0
Subtask E.1a: Fiscal Impact Analysis	60		24	4	88	$15,940
Subtask E.1b: Transportation System Alternatives					0	$0
Task E.2: Public Draft Alternatives Report					0	$0
Subtotal	**60**	**0**	**24**	**4**	**88**	**$15,940**
Task F: General Plan Goals and Policy Development						
Task F.1: Administrative Draft General Plan	8	8			16	$2,800
Alternative VMT Thresholds					0	$0
Task F.2: Administrative Draft Land Use and Circulation Diagrams					0	$0
Task F.3: Preliminary Draft General Plan	2				2	$400
Task F.4: Public Draft General Plan					0	$0
Task F.5: General Plan Consultation and Referrals					0	$0
Subtotal	**10**	**8**	**0**	**0**	**18**	**$3,200**
Task G: Environmental Impact Report						
Task G.1: Staff Work Session on Program EIR Preparation					0	$0
Task G.2: Notice of Preparation					0	$0
Task G.3: Scoping Meeting					0	$0
Task G.4: Administrative Draft Program EIR					0	$0
Task G.5: Staff Review/Screen Check Draft Program EIR					0	$0
Task G.6: Draft Program EIR					0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**$0**
Task H: Community Outreach and Engagement						
Task H.1: Community Engagement Strategy					0	$0
Task H.2: Branding and Project Logo					0	$0
Task H.3: Set Up Online Engagement					0	$0
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4					0	$0
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6					0	$0
Task H.6 (18 additional GPAC meetings)					0	$0
Task H.7: Community Workshop #1: Project Initiation	6				6	$1,200
Task H.8: Joint Study Session #1, Introduction to the General Plan Update					0	$0
Task H.11: Joint Study Session #2, Review Existing Conditions Report					0	$0
Task H.12: Community Workshop #2, Issues and Opportunities Identification					0	$0
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report					0	$0
Task H.15: Community Workshop #3, Vision and Guiding Principles					0	$0
Task H.17: Joint Study Session #4, Vision and Guiding Principles					0	$0
Task H.19: Community Workshop #4, Alternative Choices	8				8	$1,600
Task H.21: Planning Commission Meeting	8				8	$1,600
Task H.22: Town Council Meeting	8				8	$1,600
Task H.24: Joint Study Sessions #5, #6, and #7	8				8	$1,600
Task H.26: Community Workshop #5, Draft General Plan	8				8	$1,600
Task H.27: Online Engagement					0	$0
Task H.28: Ongoing Communication					0	$0
Task H.29: Pop-up Booth for Festivals and Events					0	$0
Subtotal	**46**	**0**	**0**	**0**	**46**	**$9,200**
Task I: Certification of EIR and Adoption of the General Plan						
Task I.1: Response to Comments					0	$0
Task I.2: Mitigation, Monitoring, and Reporting Program					0	$0
Task I.3: Final Program EIR					0	$0
Task I.4: Planning Commission Hearing					0	$0
Task I.5: Town Council Hearings (2)					0	$0
Task I.6: Final General Plan Documents					0	$0
Task I.7: Town Council Adoption Hearing					0	$0
Task I.8: Web-Based General Plan					0	$0
Subtotal	**0**	**0**	**0**	**0**	**0**	**$0**
Project Management						
Subtotal					0	$0
TOTAL						
Total Hours	174	76	92	14	356	-
2018 Billing Rates (subject to change every January 1st)	$200	$150	$150	$85	-	-
Labor Subtotals	$34,800	$11,400	$13,800	$1,190	-	**$61,190**
Direct Expenses (e.g., printing, travel, Engagement HQ fee)						$6,000
TOTAL COST						**$67,190**
CONTINGENCY [3]						
Contingency (10%)						

Town of Los Gatos General Plan Update Budget [1][2]
Mintier Harnish

PHASES/TASKS	Urban Green			GRAND TOTAL
	HEID Principal	TOTAL HOURS	TOTAL COST	
Task A: Project Initiation				
Task A.1: Project Scoping, Kick-off Meeting, and Town Tour	6	6	$1,350	$16,555
Task A.2: Assemble GIS Data and Prepare Base Maps		0	$0	$2,660
Task A.3: Existing Data Collection and Compilation		0	$0	$5,840
Subtotal	***6***	***6***	***$1,350***	***$25,055***
Task B: Prepare Background Report				
Task B.1: Administrative Draft Existing Conditions Background Report		0	$0	$154,195
Task B.2: Public Draft Background Report		0	$0	$24,850
Task B.3: General Plan Audit Report		0	$0	$5,730
Subtotal	***0***	***0***	***$0***	***$184,775***
Task C: Identify Community Issues, Opportunities, and Constraints				
Task C.1: Administrative Draft Issues and Opportunities Summary		0	$0	$4,420
Task C.2: Public Draft Issues and Opportunities Summary		0	$0	$4,900
Task C.3: Final Issues and Opportunities Summary		0	$0	$1,345
Subtotal	***0***	***0***	***$0***	***$10,665***
Task D: Development of General Plan Vision				
Task D.1: Administrative Draft Vision and Guiding Principles		0	$0	$6,255
Task D.2: Public Draft Vision and Guiding Principles		0	$0	$5,610
Task D.3: Final Vision and Guiding Principles		0	$0	$1,685
Subtotal	***0***	***0***	***$0***	***$13,550***
Task E: Development of Alternatives				
Task E.1: Administrative Draft Alternatives Report	20	20	$4,500	$39,110
Subtask E.1a: Fiscal Impact Analysis		0	$0	$16,280
Subtask E.1b: Transportation System Alternatives		0	$0	$18,320
Task E.2: Public Draft Alternatives Report		0	$0	$8,010
Subtotal	***20***	***20***	***$4,500***	***$81,720***
Task F: General Plan Goals and Policy Development				
Task F.1: Administrative Draft General Plan	8	8	$1,800	$110,825
Alternative VMT Thresholds		0	$0	$16,535
Task F.2: Administrative Draft Land Use and Circulation Diagrams		0	$0	$7,625
Task F.3: Preliminary Draft General Plan		0	$0	$37,775
Task F.4: Public Draft General Plan		0	$0	$11,180
Task F.5: General Plan Consultation and Referrals		0	$0	$2,720
Subtotal	***8***	***8***	***$1,800***	***$186,660***
Task G: Environmental Impact Report				
Task G.1: Staff Work Session on Program EIR Preparation		0	$0	$4,230
Task G.2: Notice of Preparation		0	$0	$1,750
Task G.3: Scoping Meeting		0	$0	$4,155
Task G.4: Administrative Draft Program EIR		0	$0	$161,595
Task G.5: Staff Review/Screen Check Draft Program EIR		0	$0	$20,890
Task G.6: Draft Program EIR		0	$0	$9,000
Subtotal	***0***	***0***	***$0***	***$201,620***
Task H: Community Outreach and Engagement				
Task H.1: Community Engagement Strategy		0	$0	$4,190
Task H.2: Branding and Project Logo		0	$0	$1,900
Task H.3: Set Up Online Engagement		0	$0	$8,890
Task H.4, H.10, H.18, H.25: Newsletter2 #1, 2, 3, and 4		0	$0	$16,280
Task H.5, H.9, H.13, H.16, H.20, H.23: GPAC #1 - #6		0	$0	$28,110
Task H.6 (18 additional GPAC meetings)		0	$0	$46,980
Task H.7: Community Workshop #1: Project Initiation	6	6	$1,350	$7,490
Task H.8: Joint Study Session #1, Introduction to the General Plan Update		0	$0	$4,090
Task H.11: Joint Study Session #2, Review Existing Conditions Report		0	$0	$4,090
Task H.12: Community Workshop #2, Issues and Opportunities Identification		0	$0	$7,930
Task H.14: Joint Study Session #3, Review Issues and Opportunities Report		0	$0	$4,090
Task H.15: Community Workshop #3, Vision and Guiding Principles	12	12	$2,700	$12,610
Task H.17: Joint Study Session #4, Vision and Guiding Principles		0	$0	$4,090
Task H.19: Community Workshop #4, Alternative Choices	12	12	$2,700	$17,330
Task H.21: Planning Commission Meeting	8	8	$1,800	$8,170
Task H.22: Town Council Meeting	8	8	$1,800	$6,940
Task H.24: Joint Study Sessions #5, #6, and #7		0	$0	$17,275
Task H.26: Community Workshop #5, Draft General Plan		0	$0	$14,750
Task H.27: Online Engagement		0	$0	$8,420
Task H.28: Ongoing Communication		0	$0	$10,800
Task H.29: Pop-up Booth for Festivals and Events		0	$0	$4,880
Subtotal	***46***	***46***	***$10,350***	***$239,305***
Task I: Certification of EIR and Adoption of the General Plan				
Task I.1: Response to Comments		0	$0	$19,230
Task I.2: Mitigation, Monitoring, and Reporting Program		0	$0	$3,850
Task I.3: Final Program EIR		0	$0	$4,940
Task I.4: Planning Commission Hearing		0	$0	$9,060
Task I.5: Town Council Hearings (2)		0	$0	$13,595
Task I.6: Final General Plan Documents		0	$0	$16,850
Task I.7: Town Council Adoption Hearing		0	$0	$5,530
Task I.8: Web-Based General Plan		0	$0	$22,750
Subtotal	***0***	***0***	***$0***	***$95,805***
Project Management				
Subtotal		0	$0	***$66,820***
TOTAL				
Total Hours	80	80	-	7,320
2018 Billing Rates (subject to change every January 1st)	$225	-	-	-
Labor Subtotals	$18,000	-	***$18,000***	***$1,105,975***
Direct Expenses (e.g., printing, travel, Engagement HQ fee)			$500	$69,000
TOTAL COST			**$18,500**	**$1,174,975**
CONTINGENCY [3]				
Contingency (10%)				**$117,498**

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DATE: March 29, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Adopt Amendments to the Town Council Late Night Entertainment Policy No. 1-03 to Clarify the Use of Public Right-of-Way and Semi-Permanent Parklets for Entertainment as Recommended by the Town Council Policy Committee

RECOMMENDATION:

Adopt amendments to the Town Council Late Night Entertainment Policy No. 1-03 (Attachment 2) to clarify the use of public right-of-way and semi-permanent parklets for entertainment as recommended by the Town Council Policy Committee.

BACKGROUND:

In 2015, the Town Council held a study session focused on Economic Vitality which resulted in a series of policy and ordinance updates to allow greater flexibility for businesses in Los Gatos. One of the updates that came from this effort was the Late Night Entertainment Policy that allowed businesses to offer entertainment by-right until 10 p.m. within their business' premises, governed only by the Town Code. For entertainment after 10 p.m., the Policy allowed businesses to obtain a staff-level Late Night Entertainment Permit.

On June 21, 2016, the Town Council adopted the Late Night Entertainment Policy (Attachment 1) to create provisions for entertainment to be offered by businesses and community members throughout Town. The intent of the Policy was to create consistent guidelines for all businesses and provide an opportunity for those with a more restrictive Conditional Use Permit (CUP) to modify their conditions to align with the Policy.

CUPs modified or created after the adoption of this Policy include language that allows for entertainment at the premise consistent with the Entertainment Policy.

PREPARED BY: Monica Renn
Economic Vitality Manager

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

DISCUSSION:

Since the adoption of the Late Night Entertainment Policy, the economic environment has evolved dramatically. Before the COVID-19 Pandemic, businesses were striving to create an experience that drew customers into their physical locations in an effort to compete with the rising online marketplace. Then, in 2020, when the COVID-19 Pandemic mandated business shutdowns and an even more dynamic economic environment, businesses were again faced with the need to adapt their operations to remain successful.

One of the adaptions that proved to be crucial for businesses through the shutdowns was the additions of parklets using temporary krail barriers to secure public right-of-way, which then evolved into a Town subsidized semi-permanent parklet program that is currently underway. Through 2020 and most of 2021, the Town remained extremely flexible with outdoor offerings in the parklets as indoor activities were drastically reduced, or completely closed in many cases. As the most recent Omicron variant has tapered off and local mask and occupancy restrictions have lifted, the vibrancy and ability for businesses to return to a pre-COVID operation structure is also beginning to take shape.

With comfort levels for gatherings on the rise and with the available outdoor space of parklets, staff is aware that the Late Night Entertainment Policy, as written, may not provide the needed clarity for businesses. Thus, on March 22, 2022, staff brought the Policy to the Council Policy Committee with recommended modifications for the Committee to consider. Attachment 2 provides the redlined version of the 2016 Late Night Entertainment Policy reviewed, discussed, and recommended by the Council Policy Committee. While the intent and high-level provisions of the Policy remain the same, the draft modifications provide specific language relating to parklets and use of outdoor public right-of-way for entertainment.

The intent of the modified Policy is to continue to allow businesses to offer amplified and unamplified entertainment by-right within the private property of their business, including patios, parking lots, and other private outdoor areas, given the offerings and noise levels remain in compliance with the Entertainment Policy and Town Code. Those businesses with a semi-permanent parklet may additionally offer unamplified entertainment outdoors in their parklet space during their operating hours, in compliance with the associated Conditional Use Permit (CUP).

Should a business wish to offer amplified entertainment within their semi-permanent parklet, an approved special event permit is required. Likewise, a special event permit is required if any business or other community stakeholder would like to offer amplified entertainment within a public parklet (including Grays Lane), park, parking lot, sidewalk, or other public right-of-way area. Providing this level of review allows for event organizers to notify surrounding neighbors and eliminates the ability for multiple amplified entertainment acts to be occupying similar areas of public right-of-way simultaneously.

DISCUSSION (Continued):

Staff is not recommending modifications to the portion of the Policy that relates to the previously adopted provisions for the Late Night Entertainment permit for entertainment within a business premises after 10 p.m. The Policy further clarifies that no entertainment, amplified or unamplified, is permitted outdoors after 10 p.m.

The Council Policy Committee received public testimony from Chamber of Commerce Executive Director Catherine Somers who emphasized the importance of maintaining the opportunity for entertainment, clarifying entertainment in the parklets, and requesting that the Town consider a "minor" special event permit for amplified music in public rights-of-way. Staff was open to this suggestion and explained that a Code change would be needed to create a minor special event permit.

The Council Policy Committee discussed the recommended modifications and how they provide clarification while maintaining the original intent of the Policy to provide flexibility for businesses on a consistent and level playing field. At the conclusion of the meeting, the Council Policy Committee voted to move the recommendations forward to the Town Council for its consideration.

CONCLUSION:

Adopt recommended amendments to the Town Council Late Night Entertainment Policy No. 1-03 to clarify the use of public right-of-way and semi-permanent parklets for entertainment as recommended by the Town Council Policy Committee.

COORDINATION:

This staff report and the recommended modifications to the Late Night Entertainment Policy No. 1-03 were drafted in collaboration with the Town Manager's Office, Town Attorney's Office, and Community Development and Police Departments.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the recommended modifications.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:
1. Late Night Entertainment Policy No. 1-03 adopted June 21, 2016
2. Redlined Late Night Entertainment Policy with recommended modifications

Title: Policy Regulating Late Night Entertainment	Policy Number: 1-03
Effective Date: 6/22/16	Pages: 2
Enabling Actions:	Revised Date:
Approved:	

PURPOSE

Entertainment contributes to Los Gatos' vibrancy and adds to the richness of events and gatherings, and shall not be regulated other than by Town Code. However, entertainment occurring after 10 p.m. ("late night entertainment") can compromise the quality of life for Town residents. Therefore, this policy has been created to establish a permitting process and regulations for late night entertainment.

For the purposes of this policy, entertainment means any activity conducted for the primary purpose of diverting or entertaining persons in a premises open to the general public. Such entertainment may include, but shall not be limited to, live musical performances, instrumental or vocal, dance acts, concerts, live shows, amplified music or sound, dancing, DJ, karaoke, jam sessions, and/or other similar activities.

Late night entertainment is a discretionary privilege and is not to be construed to be a right of development nor run with the land. The following provisions are intended to maintain and enhance the continuing vibrancy and viability of the Town's public and commercial centers while providing reasonable protections to residential neighborhoods in close proximity to those areas.

POLICY AND PROCEDURES

I. Review Processes for Establishments with Late Night Entertainment

1. A late night entertainment permit shall be issued be the Town Manager. The Town Manager may refer any application for a permit to the Development Review Committee for its consideration and determination, which may be appealed to Planning Commission and Town Council. The Town Manager or other deciding body retains the right of approval or denial of each application based on its merits.

2. In determining whether to approve or deny an application for a late night entertainment permit, the following factors will be considered:

    a. The proposed use of the property is essential or desirable to the public convenience or welfare;

    b. The proposed use will not impair the integrity and character of the zone;

c. The proposed use would not be detrimental to public health, safety or general welfare; and

d. The proposed use of the property is in harmony with the applicable guidelines, zoning ordinances, and/or provisions of the general plan.

3. An application and permit for late night entertainment shall be subject to all applicable requirements of the Town Code, and any permit issued pursuant to this policy shall include the following conditions:

a. The applicant shall be responsible for ensuring that noise resulting from the entertainment meets all applicable provisions of the Town's noise ordinance. If noise complaints are received by Town Staff, the Town reserves the right to require the applicant/permittee to hire a consultant to monitor noise levels to ensure that noise levels are within the parameters established by Town Code for the zone in which entertainment is occurring.

b. Security measures, which may include the requirement that the applicant employ private security personnel, shall be undertaken and established in and around the entertainment venue to deter unlawful conduct or disturbance to adjacent residential neighborhoods.

c. Additional appropriate conditions may be included in any permit as may be determined necessary to protect the public health, safety or general welfare.

4. Any venue with a Conditional Use Permit (CUP) that expressly prohibits entertainment will be required to obtain an amendment to its CUP in order to offer entertainment pursuant to this policy. An applicant's request to amend an existing CUP for the express purpose of adding permitted entertainment will not open the remainder of the CUP to amendment or alteration unless specifically requested by the applicant.

5. Any permit issued pursuant to this policy may be suspended, modified or revoked by the body that approved the permit following a public hearing if it is determined that sufficient evidence exists that the permitted entertainment is operating, or has operated, in a manner inconsistent with the requirements of its permit, or in a manner that constitutes a public nuisance.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

Title: Policy Regulating Entertainment in the Public Right-of-Way and Late Night Entertainment	**Policy Number: 1-03**
Effective Date: 6/22/2016	**Pages: 3**
Enabling Actions:	**Revised Date:**
Approved:	

PURPOSE

Entertainment contributes to the vibrancy of Los Gatos ~~'vibrancy~~ and adds to the richness of events and gatherings and shall not be regulated other than by Town Code. However, entertainment occurring after 10 p.m. ("late night entertainment"), or when amplified in the public right-of-way can compromise the quality of life for Town residents. Therefore, this policy has been created to establish a permitting process and regulations for entertainment in the public right-of-way and late night entertainment.

For the purposes of this policy:

Entertainment means any activity conducted for the primary purpose of diverting or entertaining persons. ~~in a premises open to the general public.~~ Such entertainment may include, but shall not be limited to, live musical performances, instrumental or vocal, dance acts, concerts, live shows, ~~amplified music or sound,~~ dancing, DJ, karaoke, jam sessions, comedy acts, poetry readings, trivia/group games and/or other similar activities.

Amplified Sound means the entertainment source's volume is increased by any electric, electronic, mechanical, battery, or motor-powered equipment.

Public Right-of-Way means any public property that is not owned by a private entity including but not limited to public streets and roadways regardless of their current status to support moving vehicles, alley ways, sidewalks, parking lots, and public parklets and planter boxes.

Semi-Permanent Parklet means a parklet that has been constructed in the public right-of-way through the Town's Parklet Program, being operated under a public-private partnership between the Town and the adjacent business(es) with a valid operational agreement and certificate of insurance with the Town of Los Gatos.

Entertainment with amplified sound is not permitted within the public right-of-way (including public parks and open spaces, sidewalks, public parklets, parking lots, parking spaces, etc.) or within a semi-permanent parklet located in the public right-of-way without an approved special event permit subject to the provisions of the Town Code.

Entertainment, with or without amplified sound, completely contained within the private property of a business, including indoors, private patios and private parking lots, may occur until 10 p.m., given the entertainment is compliant with the Town Code and the business' Conditional Use Permit (CUP).

No outdoor entertainment is permitted past 10 p.m.

Late night entertainment is a discretionary privilege and is not to be construed to be a right of development nor run with the land. The following provisions are intended to maintain and enhance the continuing vibrancy and viability of the Town's public and commercial centers while providing reasonable protections to residential neighborhoods in close proximity to those areas.

POLICY AND PROCEDURES

I. Review Processes for Establishments with Late Night Entertainment

1. A late night entertainment permit shall be issued be the Town Manager. The Town Manager may refer any application for a permit to the Development Review Committee for its consideration and determination, which may be appealed to Planning Commission and Town Council. The Town Manager or other deciding body retains the right of approval or denial of each application based on its merits.

2. In determining whether to approve or deny an application for a late night entertainment permit, the following factors will be considered:

    a. The proposed use of the property is essential or desirable to the public convenience or welfare;
    b. The proposed use will not impair the integrity and character of the zone;
    c. The proposed use would not be detrimental to public health, safety or general welfare; and
    d. The proposed use of the property is in harmony with the applicable guidelines, zoning ordinances, and/or provisions of the general plan.

3. An application and permit for late night entertainment shall be subject to all applicable requirements of the Town Code, and any permit issued pursuant to this policy shall include the following conditions:

    a. The applicant shall be responsible for ensuring that noise resulting from the entertainment meets all applicable provisions of the Town's noise ordinance. If noise complaints are received by Town Staff, the Town reserves the right to require the applicant/permittee to hire a

consultant to monitor noise levels to ensure that noise levels are within the parameters established by Town Code for the zone in which entertainment is occurring.

b. Security measures, which may include the requirement that the applicant employ private security personnel, shall be undertaken and established in and around the entertainment venue to deter unlawful conduct or disturbance to adjacent residential neighborhoods.

c. Additional appropriate conditions may be included in any permit as may be determined necessary to protect the public health, safety or general welfare.

4. Any venue with a ~~Conditional Use Permit (~~CUP~~)~~ that expressly prohibits entertainment will be required to obtain an amendment to its CUP in order to offer entertainment pursuant to this policy. An applicant's request to amend an existing CUP for the express purpose of adding permitted entertainment will not open the remainder of the CUP to amendment or alteration unless specifically requested by the applicant.

5. Any permit issued pursuant to this policy may be suspended, modified or revoked by the body that approved the permit following a public hearing if it is determined that sufficient evidence exists that the permitted entertainment is operating, or has operated, in a manner inconsistent with the requirements of its permit, or in a manner that constitutes a public nuisance.

Approved as to Form:

_____
Town Attorney

DATE: March 28, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Authorize the Town Manager to Execute an Amended and Restated Agreement Between the County of Santa Clara and the Town of Los Gatos for Weed Abatement Services

RECOMMENDATION:

Authorize the Town Manager to execute an Amended and Restated Agreement between the County of Santa Clara and the Town of Los Gatos for weed abatement services (Attachment 1).

BACKGROUND:

Pursuant to California Government Code Sections 39501 et seq., the Town has the authority to require and provide for the abatement of hazardous weeds on properties within its jurisdiction either by ordinance or pursuant to the procedures set forth in Article 2 of Chapter 13, Division 3 of Title 4 of the Government Code (commencing with Section 39560).

The Town has established, under Chapter 11, Article II of the Los Gatos Town Code, a program to abate as a public nuisance hazardous weeds and brush situated on properties in the Town. For reasons of efficiency, economy of operations and resources, and the mutual benefit of both the Town and the County of Santa Clara (County), the County provides weed abatement services on properties in the Town and assists in administering certain parts of the Town's weed abatement program. The Town and County entered into an "Agreement for the Abatement of Weeds by the County of Santa Clara for the Town of Los Gatos" on March 6, 1978, as subsequently amended, which provided for the abatement of weeds by the County on behalf of the Town.

PREPARED BY: Meredith Johnston
Administrative Technician

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

BACKGROUND (continued):

This amended and restated agreement for the abatement of weeds allows the County to fully recover its service costs in administering the Town's weed abatement program.

DISCUSSION:

The County operates this program on a 100% cost recovery basis. It is the intent of the County to obtain full cost recovery through assessments on parcels that are in the program. This amended and restated agreement provides that, should the funding associated with the assessments fall short of the total program cost, the Town would reimburse the County for its share of the costs on a pro-rata share of the program such that the County achieves full cost recovery.

Cost overages are most likely to occur due to the County's program personnel cost increases. It is also possible, though it has not occurred in Los Gatos, that the Town Council might waive the assessment of fees associated with a particular parcel or the Council declines to accept any fee or cost presented in the County fee schedule.

The agreement allows for cancellation by either the Town or the County at the conclusion of any weed abatement cycle.

CONCLUSION:

Authorize Town Manager to execute an Amended and Restated Agreement between the County of Santa Clara and the Town of Los Gatos for weed abatement services.

COORDINATION:

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

FISCAL IMPACT:

The County's Weed Abatement Program administers services for 13 local agencies which operates on a 100% cost recovery basis, and it is the intent of the County to obtain cost recovery through assessments on parcels that are in the program. The estimated program cost related to each agency is based on the number of parcels per agency. For Fiscal Year 2021/22, the estimated cost is $21,599.65. Funds are provided in the Fiscal Year (FY) 2021/22 Operating Budget to cover the cost of publishing all required legal notices. If the County needs to request additional funds, this would be absorbed in the PPW budget.

FISCAL IMPACT (continued):

Should the funding associated with the assessments fall short of the total program cost, the Town will be billed for a pro-rata share of the program such that the County achieves full cost recovery.

Attachment:
1. Amended and Restated Agreement Between the County of Santa Clara and the Town of Los Gatos for Weed Abatement Services

AMENDED AND RESTATED AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA AND THE TOWN OF LOS GATOS FOR WEED ABATEMENT SERVICES

THIS AGREEMENT for the Abatement of Weeds by County of Santa Clara for the Town of Los Gatos ("AGREEMENT") is made and entered into by and among the County of Santa Clara, a political subdivision of the State of California ("COUNTY"), and the Town of Los Gatos ("TOWN"), a Town corporation, effective this _____ ("EFFECTIVE DATE"). COUNTY and TOWN may be collectively referred to herein as the "PARTIES" and individually as a "PARTY," unless specifically identified otherwise.

RECITALS

WHEREAS, pursuant to California Government Code Sections 39501 et seq., the TOWN has the authority to require and provide for the abatement of hazardous weeds on properties within its jurisdiction either by ordinance or pursuant to the procedures set forth in Article 2 of Chapter 13, Division 3 of Title 4 of the Government Code (commencing with Section 39560); and

WHEREAS, the TOWN has duly established under Chapter 11, Article II of the Los Gatos Town Code a program to abate as a public nuisance hazardous weeds and brush situated on properties in the TOWN; and

WHEREAS, under provisions of the California Health and Safety Code and its ordinances, the County also has duly established a program to enforce the abatement of hazardous weeds; and

WHEREAS, for reasons of efficiency, economy of operations and resources, and the mutual benefit of both parties, the TOWN and the COUNTY desire the COUNTY to provide weed abatement services on properties in the TOWN and to assist the TOWN in administering certain parts of the TOWN'S weed abatement program under Chapter 11, Article II of the Los Gatos Town Code, all in accordance with the terms and provisions set forth in this AGREEMENT; and

WHEREAS, the TOWN may contract with COUNTY pursuant to Government Code section 51300 et seq. for the County's performance of specified Town functions; and

WHEREAS, the TOWN and COUNTY entered into an "Agreement for the Abatement of Weeds by the County of Santa Clara for the Town of Los Gatos" on March 6, 1978, as subsequently amended, which provided for the abatement of weeds by the COUNTY on behalf of the TOWN; and

WHEREAS, the TOWN and COUNTY desire to enter into an amended and restated AGREEMENT for the abatement of weeds to provide for the COUNTY to fully recover its service costs in administering the TOWN's weed abatement program and to make other clarifying changes.

NOW, THEREFORE, in consideration of their mutual promises, covenants, and agreements set forth in this AGREEMENT, the PARTIES hereby agree as follows:

SECTION 1. PURPOSE.

The purpose of this AGREEMENT is to promote efficiency and economy of operations and resources in the abatement of weeds in the TOWN and COUNTY. To achieve this end, the TOWN hereby delegates

to the COUNTY and the COUNTY hereby accepts the responsibility of abating weeds on properties in the TOWN and administering the TOWN's weed abatement program, set forth in Chapter 11, Article II of the Los Gatos Town Code ("PROGRAM"), subject to and in accordance with this AGREEMENT.

SECTION 2. TERM.

This AGREEMENT shall become effective as of the EFFECTIVE DATE and shall continue until the governing body of the TOWN or the COUNTY exercises the right to terminate this AGREEMENT pursuant to SECTION 18 of this AGREEMENT. This AGREEMENT supersedes and replaces the previous "Agreement for the Abatement of Weeds by the County of Santa Clara for the Town of Los Gatos" and any and all subsequent amendments thereto.

SECTION 3. SCOPE OF SERVICES; PERFORMANCE SCHEDULE.

A. The COUNTY shall perform weed abatement services on properties located in the TOWN and administer the PROGRAM (collectively, the "SERVICES") in accordance with all applicable laws, rules, and regulations, including Chapter 11, Article II of the Los Gatos Town Code, and the provisions of this AGREEMENT, as they may be amended from time to time.

B. The COUNTY shall perform these SERVICES in accordance with the schedule set forth in EXHIBIT "A," entitled SCHEDULE OF PERFORMANCE," attached hereto and incorporated herein by this reference, except that SERVICES on properties owned by the TOWN shall be performed only upon written request by the TOWN.

C. The COUNTY shall attend all meetings of the TOWN Council or meetings of other TOWN committees, boards or hearing bodies at which weed abatement SERVICES, refunds of weed abatement charges, or other issues related to the SERVICES or this AGREEMENT are discussed, when the COUNTY's attendance is requested by the TOWN.

D. Upon request by the TOWN, the COUNTY shall provide to the TOWN for its review and comment the COUNTY's specifications and qualifications for contractors or other agents of the COUNTY obtained or hired by the COUNTY to perform weed abatement SERVICES on behalf of the COUNTY on properties located in the TOWN.

SECTION 4. NOTICES.

The COUNTY shall prepare copies of all notices required in connection with the SERVICES and cause such notices to be posted, published, mailed, and/or distributed as required by applicable law. The COUNTY shall provide copies of such notices to the TOWN for prior review and approval as set forth on EXHIBIT A, entitled "SCHEDULE OF PERFORMANCE," or where not provided for in the SCHEDULE OF PERFORMANCE, at least thirty (30) days prior to the date that the COUNTY desires or is required to post, publish, mail, or otherwise distribute the material.

SECTION 5. HEARINGS.

The TOWN Council, or the committee, board, or other hearing body designated by the TOWN Council to conduct hearings in connection with the PROGRAM, retains the responsibility to conduct public hearings and adopt appropriate resolutions and orders in accordance with Chapter 11, Article II of the Los Gatos Town Code and this AGREEMENT, including its EXHIBIT A, "SCHEDULE OF PERFORMANCE."

SECTION 6. STATEMENT OF COSTS.

A. In December of each calendar year, the COUNTY shall deliver to the TOWN a schedule of all reasonable and necessary fees and costs approved and adopted by the COUNTY Board of Supervisors for administrative, enforcement, and abatement services to be provided under this AGREEMENT ("FEE SCHEDULE"). Such fees and costs shall not exceed the reasonable costs of providing such services. All fees and costs in said FEE SCHEDULE shall be recoverable by the COUNTY pursuant to this SECTION and SECTION 7 of this AGREEMENT unless within sixty (60) days of the COUNTY's delivery of said schedule to the TOWN, the Town Council of the TOWN expressly declines to accept any fee or cost in said FEE SCHEDULE. In the event the Town Council does decline to accept any fee or cost in said FEE SCHEDULE, the COUNTY shall be relieved of any and all obligations to provide any SERVICES under this AGREEMENT for the weed abatement season associated with the disapproved fee or cost.

B. At least ten (10) days prior to the date of the public hearing before the TOWN regarding the placement of special assessment liens on properties for weed abatement charges, which meeting usually occurs before August 10 of each year, the COUNTY shall render to the TOWN a report of weed abatement SERVICES performed by the COUNTY on properties within the TOWN during the preceding twelve (12) months ("REPORT"). The REPORT shall include, without limitation, all of the following information:

1. The total number of weed abatements performed in the TOWN;

2. The total number of properties upon which weed abatements were performed in the TOWN;

3. A statement of all the costs and expenses incurred by or on behalf of the COUNTY for weed abatement SERVICES performed on properties located in the TOWN, itemized with the aggregate administrative, enforcement, and abatement expenses and costs incurred by the COUNTY on each property, which shall be in accord with the fees and costs in the FEE SCHEDULE submitted by the COUNTY to the TOWN pursuant to Section 6.A of this AGREEMENT;

4. A description of all the properties in the TOWN, by address and Assessor's Parcel Number, on which weed abatement SERVICES were performed; and

5. Verification of the truthfulness, accuracy, and completeness of the REPORT, executed by the COUNTY employee charged with the supervision of the SERVICES.

SECTION 7. PAYMENT FOR SERVICES.

A. Except as provided in SECTIONS 7.B and 7.C, the COUNTY shall be reimbursed for SERVICES provided under this AGREEMENT by remittances from property owners for weed abatement and related costs and expenses for SERVICES performed on their respective lots and parcels of land. The TOWN Council, after hearing, shall require the costs and expenses of SERVICES performed for the current year to be entered as a special assessment on bills for taxes levied against the respective lots and parcels of land. Such special assessments shall be liens on the respective properties until paid to the COUNTY.

B. Within 60 days of receipt of an invoice for costs and expenses incurred on TOWN-owned parcels, the TOWN shall reimburse the COUNTY for the costs of such SERVICES. Charges for SERVICES on parcels owned by the TOWN shall equal the cost of SERVICES performed by the weed abatement contractor on the TOWN-owned parcels plus 20% of said contractor service costs.

C. If the amounts submitted for collection from property owners in Santa Clara County for provision of weed abatement services by the COUNTY are inadequate to reimburse the COUNTY for its fixed costs of administering countywide services during the preceding twelve (12) months, the COUNTY may make a demand to the TOWN for its proportional share of the shortfall (less amounts offset by accrued program revenues) by September 1 of each year. The TOWN agrees to pay the COUNTY for the TOWN's proportional share of any such shortfall within sixty (60) days of demand by the COUNTY. The TOWN'S proportional share shall be calculated based on the percentage of parcels on which weed abatement services were performed which are located in the TOWN as compared to the total number of parcels on which weed abatement services are provided. (For example, for Fiscal Year 2022, the TOWN'S parcels constitute 3.2% of the total parcels. This would result in an estimated maximum share of shortfall contribution by the TOWN of $21,599.65 for Fiscal year 2022.) The COUNTY's demand for payment under this SECTION 7.C. shall be accompanied by a statement of the total shortfall in the COUNTY's reimbursement for fixed program costs for the preceding twelve (12) months and of any accrued program revenues available to offset the shortfall, as well as a statement of the TOWN's proportional share of that shortfall (minus offsets by accrued program revenues).

D. Except as provided in SECTIONS 7.B and 7.C., the TOWN has and assumes no liability for the payment of salary, wages, benefits, pensions, compensation or any other amounts to officers, agents, employees or contractors of COUNTY performing SERVICES hereunder.

SECTION 8. INDEMNIFICATION.

In lieu of and notwithstanding the pro rata risk allocation, which might otherwise be imposed between the PARTIES pursuant to Government Code Section 895.6, the PARTIES agree that all losses or liabilities incurred by PARTY shall not be shared pro rata but, instead, COUNTY and TOWN agree that, pursuant to Government Code Section 895.4, each of the PARTIES hereto shall fully indemnify and hold each of the other PARTIES, their officers, board members, employees, and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined in Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying PARTY, its officers, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this AGREEMENT. No PARTY, nor any officer, board member or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other PARTIES hereto, their officers, board members, employees, or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other PARTIES under this AGREEMENT.

SECTION 9. RECORDS.

Each officer or department of the COUNTY performing any SERVICES pursuant to this AGREEMENT shall keep itemized and detailed work or job records covering the costs of services performed under this AGREEMENT. COUNTY shall maintain these records for a minimum period of three (3) years, or for any longer period required by law, following the performance of any SERVICES.

SECTION 10. ENTIRE AGREEMENT.

This AGREEMENT and its Appendices (if any) constitutes the final, complete and exclusive statement of the terms of the agreement between the PARTIES. It incorporates and supersedes all the agreements, covenants and understandings between the PARTIES concerning the subject matter hereof, and all such agreements, covenants and understandings have been merged into this AGREEMENT. No prior or contemporaneous agreement or understanding, verbal or otherwise, of the PARTIES or their agents shall be valid or enforceable unless embodied in this AGREEMENT.

SECTION 11. AMENDMENTS.

This AGREEMENT may only be amended by a written instrument signed by the PARTIES.

SECTION 12. GOVERNING LAW, VENUE.

This AGREEMENT has been executed and delivered in, and shall be construed and enforced in accordance with, the laws of the State of California. Proper venue for legal action regarding this AGREEMENT shall be in the County of Santa Clara.

SECTION 13. ASSIGNMENT.

No assignment of this AGREEMENT or of the rights and obligations hereunder shall be valid without the prior written consent of the other PARTY.

SECTION 14. WAIVER.

No delay or failure to require performance of any provision of this AGREEMENT shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a PARTY shall be in writing and shall apply to the specific instance expressly stated.

SECTION 15. COMPLIANCE WITH LAWS.

COUNTY and TOWN shall comply with all applicable Federal, State, and local laws, regulations, rules, and policies in the performance of services under this AGREEMENT.

SECTION 16. THIRD PARTY BENEFICIARIES.

This AGREEMENT does not, and is not intended to, confer any rights or remedies upon any person or entity other than the PARTIES.

SECTION 17. INDEPENDENT CONTRACTORS.

The COUNTY and the TOWN agree that this AGREEMENT is by and between independent contractors. This AGREEMENT is not intended, nor shall it be construed, to create a relationship of agent, servant, employee, partnership, joint venture, or association between the COUNTY and the TOWN.

SECTION 18. TERMINATION

A. The COUNTY or the TOWN may terminate this AGREEMENT as of the first day of September of any year by giving notice to the other PARTY not less than thirty (30) days prior to the date of termination.

B. The Parks and Public Works Director, or his or her delegate or designee, is authorized to terminate this AGREEMENT on behalf of the TOWN.

C. The COUNTY's Agricultural Commissioner, or his or her delegate or designee, is authorized to terminate this AGREEMENT on behalf of the COUNTY.

SECTION 19. NOTICES

Except as otherwise stated, any notice required or permitted by this AGREEMENT will be in writing and delivered as follows with notice deemed given as indicated: (a) by personal delivery when delivered personally; (b) by overnight courier upon written verification of delivery; (c) by email, telecopy, or facsimile transmission upon acknowledgment of receipt of electronic transmission; or (d) by certified or registered mail, upon confirmation of delivery. The PARTIES may deliver notice as follows:

TO COUNTY:
County of Santa Clara Consumer and Environmental Protection Agency
1553 Berger Drive #200, San Jose, CA 95112
Fax: 408-286-2460
Email: SCCweedabatement@cep.sccgov.org
Attn: Weed Abatement Manager

TO TOWN:
Town of Los Gatos
Parks and Public Works
110 E Main St
Los Gatos, CA 95030

SECTION 20. INTERPRETATION.

The captions preceding the sections of this AGREEMENT have been inserted for convenience of reference only and such captions shall in no way define or limit the scope or intent of any provision of this AGREEMENT. This Agreement has been negotiated at arm's length and between parties sophisticated and knowledgeable in the matters contained herein. This AGREEMENT shall be interpreted to achieve the intents and purposes of the PARTIES, without any presumption against the PARTY responsible for drafting any part of this AGREEMENT. Provisions in this AGREEMENT relating to number of days shall be calendar days, unless otherwise specified, provided that if the last day of any period to give notice, reply to a notice or to undertake any other action occurs on a Saturday, Sunday or a bank or COUNTY holiday, then the last day for undertaking the action or giving or replying to the notice shall be the next succeeding business day. The Recitals are incorporated and made a part of this AGREEMENT.

SECTION 21. COUNTERPARTS.

This AGREEMENT may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

SECTION 22. CONTRACT EXECUTION

Unless otherwise prohibited by law or COUNTY policy, the PARTIES agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term "electronic copy of a signed contract" refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term "electronically signed contract" means a contract that is executed by applying an electronic signature using technology approved by the COUNTY.

THE PARTIES TO THIS AGREEMENT hereby indicate their acknowledgement and acceptance of the terms and conditions stated herein as evidenced by the following signatures of their duly authorized representatives.

COUNTY OF SANTA CLARA	**TOWN OF LOS GATOS**
Jeffrey V. Smith County Executive	Laurel Prevetti Town Manager
Dated: _____	Dated: _____
APPROVED AS TO FORM AND LEGALITY:	Approved as to Form:
Willie Nguyen Deputy County Counsel	_____ Robert Schultz, Town Attorney
	Attest:
	_____ Shelley Neis, MMC, CPMC, Town Clerk

EXHIBIT "A"

SCHEDULE OF PERFORMANCE

The COUNTY shall perform the SERVICES as follows:

On or before November 15 of each year:	The County shall request a resolution from the TOWN declaring that certain weeds located on properties in the TOWN constitute a public nuisance and setting a date for a public hearing.
Before the date of the TOWN governing body meeting declaring weeds a nuisance subject to abatement:	The COUNTY shall provide to the TOWN for review and processing by the TOWN a complete Master List of properties, including Assessor's Parcel Numbers, located in the TOWN upon which hazardous weeds are growing or are likely to grow.
No later than ten (10) days prior to the day of the TOWN hearing on objections to the notices to destroy weeds:	The COUNTY shall post notices to destroy weeds at property or mail notices to destroy weeds to property owners regarding the TOWN hearing, as directed by resolution of the TOWN Council.
No later than ten (10) days prior to the day of the Town hearing on objections to the notices to destroy weeds:	The COUNTY shall deliver to the TOWN a FEE SCHEDULE listing all reasonable and necessary fees and costs approved and adopted by the COUNTY Board of Supervisors for administrative, enforcement, and abatement services to be provided under this AGREEMENT in accordance with SECTION 6.A of this AGREEMENT.
	The TOWN Council shall hold a public hearing to hear objections to the notices to destroy weeds. By resolution at the conclusion of the hearing, the TOWN Council shall allow or overrule any or all objections to the proposed abatement of weeds.
After adoption of TOWN resolution ordering the abatement of weeds on certain properties as public nuisances:	The TOWN shall proceed with weed abatement work on properties located in the TOWN in accordance with the resolution adopted by the TOWN Council and this AGREEMENT.
At least ten (10) days prior to the date of the public hearing before the TOWN's governing body regarding the placement of special assessment liens on properties for weed abatement charges:	Pursuant to SECTION 6.B of this AGREEMENT, the COUNTY shall provide to the TOWN for review and processing a complete and accurate REPORT of costs and expenses incurred by or on behalf of the COUNTY for weed abatement SERVICES performed in the TOWN during the preceding twelve (12) months under this AGREEMENT.
On or before August 10 of each year:	The COUNTY shall obtain a resolution from the TOWN to confirm the REPORT and order the weed abatement costs to be a special assessment against the affected properties.

At least ten (10) days prior to the TOWN meeting to hear objections to the REPORT:	The TOWN shall mail a notice to all property owners identified in the REPORT, which provides the date, time, and place of the TOWN Council's hearing on the REPORT at which person may appear and object to the REPORT.
Upon adoption of resolution by the TOWN Council confirming or amending REPORT and ordering weed abatement costs become a special assessment lien against the affected properties and filing of REPORT with COUNTY Auditor:	The COUNTY shall enter each such assessment on the COUNTY tax roll and cause such amounts to be collected at the same time, and in the same manner, as general TOWN taxes are collected.
Upon request by TOWN	The COUNTY shall perform weed abatement SERVICES on TOWN-owned lots and parcels.

DATE: March 29, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Approve the Senior Service Committee Request to Seek Targeted Solicitations to Host a Community Reception Per the Town Solicitation and Donation Policy

RECOMMENDATION:

Approve the Senior Service Committee request to seek targeted solicitations to host a community reception per the Town Solicitation and Donation Policy.

BACKGROUND:

On August 3, 2021, the Town Council adopted a Resolution 2021-035 establishing a Senior Service Committee for the development of a long-term vision and plan for senior service provision in Los Gatos. In addition, on September 7, 2021, the Town Council reviewed American Rescue Plan Act (ARPA) funding recommendations from the Community Health and Senior Service Commission to restore and enhance senior services in Town. As part of that discussion, Council allocated $21,500 in ARPA funding to the Saratoga Area Senior Coordinating Council (SASCC) to administer and the facilitation of senior survey in Town.

DISCUSSION:

In conjunction with SASCC and survey provider Polco, the Senior Service Committee launched the Community Assessment Survey for Older Adults (CASOA) on January 26, 2022. The survey closed on March 15, 2022, and the draft report of results is scheduled for early April. In anticipation of the survey results, the Senior Service Committee is coordinating a community reception at the Adult Recreation Center (Los Gatos Saratoga Recreation site) to engage the community in the results. Committee members desire to solicit donations (food, beverages, etc.) for the community reception and to do so, the Town Council Solicitation and Donation

PREPARED BY: Arn Andrews
Assistant Town Manager

Reviewed by: Town Manager and Town Attorney

DISCUSSION (continued):

Policy 2-17 (Attachment 1) requires prior Council approval as stated below:

"Targeted solicitation is defined as the direct petition or contact of specific individuals, companies, foundations or other entities initiated by the Town Council and other elected officials, Council advisory bodies, and Town employees herein called "Town Officials" for the purpose of receiving goods, services, or other contributions for the Town. Targeted solicitation excludes the direct petition for government, private, or non-profit grants for Council-approved programs, projects, and services. Unless prior approval has been given by Council, Town Officials shall not engage in targeted solicitation activities on behalf of the Town."

CONCLUSION:

Council approval for the Senior Service Committee to seek targeted solicitations would allow the Committee to host a community event to debut the results of the Town senior survey.

COORDINATION:

This staff report was coordinated with the Town Manager and Town Attorney

FISCAL IMPACT:

None.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:
1. Solicitation and Donation Policy

Title: Solicitation and Donation Policy	Policy Number: 2-17
Effective Date: 10/6/15	Pages: 4
Enabling Actions:	Revised Date:
Approved:	

PURPOSE

The purpose of this policy is to effect Town donations and solicitations in a manner that complies with both the letter and spirit of California ethics laws and, within that that framework, to expand the potential for community donations by establishing a mechanism by which individuals and organizations may be more readily advised of donation opportunities.

SOLICITATION GUIDELINES

Targeted Solicitation

Targeted solicitation is defined as the direct petition or contact of specific individuals, companies, foundations or other entities initiated by the Town Council and other elected officials, Council advisory bodies, and Town employees herein called "Town Officials" for the purpose of receiving goods, services, or other contributions for the Town. Targeted solicitation excludes the direct petition for government, private, or non-profit grants for Council-approved programs, projects, and services. Unless prior approval has been given by the Council, Town Officials shall not engage in targeted solicitation activities on behalf of the Town.

BROAD OUTREACH GUIDELINES

Broad Outreach

Broad outreach is defined as the process of informing a broad spectrum of individuals, companies, foundations, non-profit organizations, or other entities of donation opportunities through various communication vehicles, including but not limited to written, electronic, or internet-related publications, flyers, brochures, news releases, and television or radio announcements. Broad outreach is permitted by the Town Manager or designee subject to the guidelines provided in this policy.

The following broad outreach guidelines apply when communicating a Town need for goods, services, or other contributions:

- Broad outreach must relate to a Town Council-approved purpose, service, project, or program.
- Broad outreach for goods, services, or other contributions should be made by using a variety of communication methodologies to ensure outreach to the entire community.
- Donations shall not be made under the guise, pretense, or presumption of receiving official Town endorsement or approval of the donating party, product, project, or activity.

PROCEDURE FOR ESTABLISHING COUNCIL APPROVED TOWN NEEDS

The Council shall direct the Town Manager to develop a list of recommended Town needs for donation opportunities. Council consideration and approval of the list of Town needs may occur as part of the annual operating and capital budget development process and can be amended by Council at any time.

DONATION ACCEPTANCE GUIDELINES

All goods, services, or other contributions offered by individuals, companies, foundations, non-profit organizations, or other entities will be considered for acceptance or rejection, including items offered for donation that are identified on a Council approved list of needs. The acceptance of all donations to the Town will be based on the following guidelines.

- Purpose of the donation.
- Community or municipal need for the donation.
- Compatibility of the donation with Los Gatos Municipal Code, policies, programs, and other applicable laws.
- Timeliness of the donation as it relates to implementation.
- Level of benefit and financial impact to the Town.

All donations should be reviewed by the Town Manager or designee in advance of acceptance to ensure consistency with established policy guidelines.

AUTHORITY TO ACCEPT DONATIONS

The authority to accept all donations is based on the market value of the donation as reasonably determined.

Donations $25,000 and Under

The Town Manager or designee is authorized to accept or reject all minor donations that have a market value equal to or less than $25,000.

Donations over $25,000

The Town Council shall consider and accept or reject all major donations that have a market value greater than $25,000.

Ongoing Annual Donations from 501(c)(3) Organizations dedicated to supporting specific Town Departments in Offering Community Services:

- Potential uses for donation funds will be discussed and agreed upon with the respective non-profit bodies, in accordance with the Council approved Solicitation and Donation Policy.
- Funds donated will be placed into accounts as designated by the Finance Director.
- The departments may expend donated funds once received and deposited into the appropriate account only for items identified on the Council approved Town of Los Gatos Donation Opportunities List of Town Needs, which is approved annually with the Town's operating budget.
- At the end of each fiscal year, a written listing of items purchased from these accounts, in accordance with the Donation Policy, shall be provided to the Town Manager and Town Council.

PROCEDURES FOR ACCEPTING MAJOR DONATIONS

For all major donations, a staff report, containing analysis based on the donation acceptance guidelines established in this policy, will be written to guide the Council when considering major donations. The report will also provide donation recognition alternatives for Council consideration should the donation be accepted. The Council will determine on a case by case basis if the donation should be accepted or rejected.

DONOR RECOGNITION GUIDELINES

Acceptance of donations shall be acknowledged by the Town. Donation recognition practices shall be implemented in a consistent manner and adhere to Town Municipal Code, all applicable laws, regulations, and policies. Recognition of donations will be determined by the Council or Town Manager and shall be consistent with acceptance requirements of this policy and the guidelines set forth below:

Donations accepted by the Town may be acknowledged through one or more of the forms of recognition as indicated below. Other forms of recognition may be approved by the Town Council via resolution if compelled by special circumstances which shall be specified in the resolution.

- Written and/or verbal recognition.
- Public recognition at Town Council meetings.
- Inclusion in Town public communication materials, such as electronic media and selected publications.
- Plaques.

Plaques may be used to commemorate donations accepted by the Town from persons, businesses, and organizations according to the following standards:

Plaques used for recognition purposes may be affixed to an appropriate Town facility, which includes, but is not limited to a building or any portion thereof, structure, equipment, furniture or natural asset. Plaques shall include the name(s) of the person(s) being recognized and applicable date, with standard wording limited to:

- The Town of Los Gatos recognizes and appreciates _____ [and his/her family] for [his/her/their] donation to [identify facility].
- The Town of Los Gatos recognizes and appreciates _____ [business or organization] for its donation to [identify facility].
- The Town of Los Gatos recognizes and appreciates _____ for [his/her/its] donation to [identify facility] in the name of _____.
- Or language acceptable to the Town Council.

The size of the plaque shall not exceed 8"x10," unless the number of donors exceeds the allowable space. For multiple donors, the names of the donors should be proportioned thereto, and the size of the plaque shall not exceed four (4) square feet. The location, materials, size and color of plaques shall be consistent with acceptance requirements of this policy or by Council on a case by case basis should special circumstances exist, which shall be specified in a resolution. Unless compelled by special circumstances and approved by the Town Council via resolution, Town facilities shall not be named after an individual, group, organization or business as a result of any donated good, service, or other contribution to the Town.

APPROVED AS TO FORM:

_____

Robert Schultz, Town Attorney

DATE: March 30, 2022

TO: Mayor and Town Council

FROM: Robert Schultz, Town Attorney

SUBJECT: Introduction and First Reading of an Ordinance Repealing and Replacing Article III of Chapter 10 of the Los Gatos Town Code Regulating Food Service Ware by Food Facilities to Align with New State Laws

RECOMMENDATION:

Accept public comment then move for the introduction and first reading of an Ordinance (Attachment 2), by title only, repealing and replacing Article III of Chapter 10 of the Los Gatos Town Code regulating Food Service Ware.

BACKGROUND:

The Town has a substantial interest in protecting its residents, and the environment, from negative impacts associated with disposable food service ware items. Disposable (also referred to as single-use, or nonreusable) food service ware items—including cups, bowls, plates, containers, utensils, straws, cup lids, napkins, and drink stirrers and plugs —contribute to street litter, ocean pollution, wildlife harm, and greenhouse gas emissions. The production and disposal of non-reusable food service ware accessories have significant environmental impacts, including the contamination of the environment, the depletion of natural resources, use of non-renewable polluting fossil fuels, greenhouse gas emissions, and increased clean-up and end of life management costs. Disposable plastic is especially problematic in the environment, as it breaks apart easily into small pieces and is often mistaken as food by birds, fish, and wildlife.

The small plastic items addressed in this proposed ordinance, such as straws and stirrers, are light and therefore easily transported by wind and stormwater to waterways. In fact, plastic straws and drink stirrers are among the top 10 most commonly found items on beaches nationally. Plastics in waterways and oceans break down into smaller pieces that are not biodegradable and are present in most of the world's oceans.

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

BACKGROUND (continued):

On December 16, 2014, the Town Council adopted the Polystyrene Foam Food Service Ware Ordinance (2235), creating the Town's first food service ware regulations. This ordinance added Article III to Chapter 10 of the Los Gatos Town Code, prohibiting food providers from using polystyrene foam food service ware and banning retail sale of foam food service ware and foam ice chests or coolers (Attachment 1).

In 2018, California adopted Assembly Bill (AB) 1884, requiring single-use plastic straws to only be provided upon consumer request in full-service restaurants. The State expanded on this and strengthened enforcement through passage of AB 1276 in October 2021. AB 1276 prohibits food facilities from providing consumers, unless requested, certain single-use food service ware accessories and standard condiments packaged for single use. It directs the Town to authorize an enforcement agency to enforce these provisions by June 1, 2022.

On October 5, 2021, Governor Newsom signed AB 1200, prohibiting the sale or distribution of food packaging containing Per and Polyfluoroakyl Substances (PFAS) by January 1, 2023. This regulation will apply to paper, paperboard, or other natural fiber food packaging.

In 2021, the Town's Youth Commission began working with the Town Attroney to develop a Single Use Disposable Foodware ordinance and on January 25, 2022, the Town Council adopted as one of its Ordinance and Policy Priorities the adoption of Single Use Disposable Foodware Ordinance. Single use disposable foodware and packaging (SUDs) includes plates, cutlery, cups, lids, straws, "clamshells" and other containers. Reducing the use of SUDs and/or requiring compostable products in the Town of Los Gatos is a key strategy to achieve the Town's Zero Waste and Climate Action goals, and to address the many environmental impacts and costs associated with the use and disposal of single-use foodware and packaging.

In the Bay Area and in other parts of the state, several municipalities have adopted various forms of legislation regulating food service ware and/or food service ware accessories with the intent of reducing environmental harm caused by these items. These agencies include Palo Alto, Mountain View, Berkeley, San Francisco, Oakland, Alameda, Davis, Santa Cruz, Watsonville, and other cities. A comprehensive list of jurisdictions that have enacted policies that have restricted disposable foodware items and brought reusables into food service for on-site dining, take-out and delivery can be found at https://upstreamsolutions.org/policytracker .

Relevant legislation and existing federal, state, and local regulations align with the adoption of the draft Ordinance (Attachment 2) prepared by the Youth Commission and the Town Attorney.

DISCUSSION:

The draft ordinance is applicable to food providers and addresses the landfilled waste, health impacts, and litter resulting from disposable food packaging in key areas both covered and not covered by the new State legislation. A food provider is any entity serving public food and beverages in Los Gatos regardless of whether there is a charge. Food providers include restaurants, coffee or juice shops, bakeries, mobile food trucks, caterers, event venues, corporate cafeterias, private schools, and convenience stores.

The draft ordinance provisions include:

- Continue the Town's existing polystyrene foam food ware ban.

- Beginning January 1, 2023, food providers may only use nonreusable food service ware (cups, bowls, plates, trays, cartons, boxes, wrappers or liners, and hinged containers, etc.) that is compostable (natural fiber-based) and third-party certified free of PFAS, with the exception of food service ware made entirely of aluminum, which is recyclable.

- Beginning January 1, 2023, food providers may not use the following nonreusable food service ware accessories if made from or packaged in plastic, including biologically based polymers or compostable plastic: straws, stirrers, food picks, or toothpicks. Exceptions for plastic straws may be provided upon request to consumers for medical reasons, and health-care facilities may distribute plastic straws to patients who require them with or without a request.

- Automatic exemptions are provided during an emergency, although food providers will be encouraged to maintain compliance if possible.

- Temporary exemptions for certain food service ware items if the Parks and Public Works Director determines a reasonably feasible compliant alternative does not exist.

- Similar to the original Polystyrene Foam Food Service Ware Ordinance, food providers may apply for a one-year waiver from the requirements that food service ware be compostable and certified PFAS-free. The waiver may be granted by the Parks and Public Works Director due to exceptional circumstances, such as economic hardship or unique food packaging needs.

The ordinance's implementation timeline is consistent with all relevant State laws and designed to give food providers enough time to prepare for the new requirements, including training

DISCUSSION (continued):

staff, using up noncompliant food ware, and finding compliant food packaging. The Town with the help of the Youth Commission will concurrently provide outreach and education to businesses to assist in understanding the Ordinance.

CONCLUSION:

It is recommended that the Town Council move for the introduction and first reading of an Ordinance (Attachment 2), by title only, Repealing and Replacing Article III of Chapter 10 of the Los Gatos Town Code Regulating Food Service Ware by Food Facilities to Align with New State Laws.

COORDINATION:

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

FISCAL IMPACT:

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

ENVIRONMENTAL ASSESSMENT:

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

Attachment:
1. Current Ordinance
2. Draft Ordinance

ARTICLE III. EXPANDED POLYSTYRENE FOAM FOOD SERVICE CONTAINER-WARE

Sec. 10.30.010. Findings and purpose.

The Town Council finds and determines that:

(1) Plastic debris and in particular expanded polystyrene foam ("EPS") is a distinctive litter concern because it is lightweight, floats, and readily travels from land to inland waterways and out to the ocean where it breaks down into small pieces which may be mistaken for food by birds and other marine wildlife.

(2) EPS disposable food service ware comprises a majority of EPS litter observed in storm drains.

(3) The proposed ban of EPS disposable food service ware would require food providers to use alternative disposable food service ware that should result in a reduction of EPS litter, reduce the risk of harm to aquatic wildlife, and improve water quality in the Town of Los Gatos creeks and Southern San Francisco Bay.

This Council does, accordingly, find and declare that it should prohibit the use of expanded polystyrene foam food service container-ware.

(Ord. No. 2235, § I(Exh. A), 12-16-14)

Sec. 10.30.015. Definitions.

[For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.]

Customer means any person obtaining prepared food from a food provider.

Disposable food service ware or food container means a container or single-use disposable product that is used, or intended to be used, to hold prepared food. Disposable food service ware or food container includes, but is not limited to, plates, trays, cups, bowls, and hinged or lidded containers (clamshells), and includes polystyrene foam coolers or ice chests which are not wholly encapsulated or encased within a more durable material. Disposable food service ware does not include straws, utensils or drink lids.

Food provider means any establishment, vendor, business, organization, entity, group or individual located or operating in the Town of Los Gatos that offers prepared food or beverages, regardless of whether there is a charge for the food or beverage; (1) to the public for consumption on or off its premises; (2) as a catered event; and/or (3) at cafeterias of private schools and places of employment, whether or not such establishments are open to the general public. Food provider includes, but is not limited to, Town-sponsored events, Town-permitted events, restaurants, retail food establishments, caterers, cafeterias, stores, shops, sales outlets, grocery stores, pubs, coffee shops, convenience stores, liquor stores, supermarkets, delicatessens, fraternal clubs serving the public, itinerant restaurants, mobile food vendors, vehicles or carts, or roadside stands.

Vendor means any store or business, organization, or entity that sells or offers goods or merchandise, located or operating within the Town of Los Gatos.

Polystyrene foam means the thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent (expanded polystyrene) including, but not limited to, fusion of polymer

spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam is commonly made into disposable food service ware products. Polystyrene foam does not include clear or solid polystyrene (oriented polystyrene).

Prepared food means food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises. Prepared food does not include (1) any raw, uncooked meat products or fruits or vegetables unless it can be consumed without further preparation; or (2) prepackaged food that is delivered to the food vendor wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food vendor in the same container or packaging.

(Ord. No. 2235, § I(Exh. A), 12-16-14)

Sec. 10.30.020. Polystyrene foam disposable food service ware prohibited.

On or after June 1, 2015, any food provider or vendor shall not dispense prepared food to a customer in a polystyrene foam food container or sell polystyrene foam coolers or ice chests which are not wholly encapsulated or encased within a more durable material.

(Ord. No. 2235, § I(Exh. A), 12-16-14)

Sec. 10.30.025. Exemption to the polystyrene foam disposable food service ware prohibition.

(a) Raw eggs and raw, butchered meat, fish, or poultry that is sold from a butcher case or a similar retail appliance.

(b) A food provider may seek an exemption from the prohibition under section 10.30.[020] due to a "unique packaging hardship" under subsection [(c)] of this section or a "financial hardship" under subsection [(d)] of this section.

(c) The food provider must demonstrate that no reasonably feasible alternative exists to a specific and unique polystyrene foam disposable food service ware in order to qualify for a "unique packaging hardship" exemption.

(d) The food provider must demonstrate both of the following to qualify for a "financial hardship" exemption: (1) a gross income under three hundred thousand dollars ($300,000.00) on its annual income tax filing for the most recent tax year; and (2) with respect to each specific and necessary polystyrene foam disposable food service ware, that there is no feasible alternative that would cost the same or less than the polystyrene foam disposable food service ware.

(e) The food provider may submit a written application for an exemption on a form provided by the Department of Parks and Public Works. The Director of Parks and Public Works ("Director") may require the applicant to submit additional information or documentation to make a determination regarding the exemption requested. A request for exemption shall be reviewed on a case by case basis, and may be granted in whole or in part, with or without conditions, for a period of up to twelve (12) months. The national food vendor or food vendor must apply for a new exemption period no later than sixty (60) days prior to the expiration of the then current exemption period to preserve a continuous exemption status. Each application shall be reviewed anew and will be based on the most current information available. The determination of the Director shall be final and is not subject to appeal.

(Ord. No. 2235, § I(Exh. A), 12-16-14)

Sec. 10.30.030. Administrative penalty.

A penalty may be imposed upon findings made by the Town's code compliance officer that any food provider has provided a "disposable food service ware" or "food container" in violation of this chapter. The amount of penalty and the penalty procedures applicable to any violation of this chapter are contained in the Los Gatos Municipal Code, Article III, Section 1.30, entitled "Administrative Citations."

(Ord. No. 2235, § I(Exh. A), 12-16-14)

Sec. 10.30.040. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed to be a separate, distinct and independent provision and such decision shall not affect the validity of the remaining portion thereof.

(Ord. No. 2235, § I(Exh. A), 12-16-14)

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REPEALING AND REPLACING ARTICLE III OF CHAPTER 10 OF THE LOS GATOS TOWN CODE RELATED TO FOOD SERVICE WARE

WHEREAS, on December 16, 2014, the Town of Los Gatos adopted an ordinance (2235) prohibiting food providers from selling or providing prepared food using food packaging containing polystyrene foam, and vendors from selling polystyrene foam food service, currently codified as Article III of Chapter 10 of the Town Code; and

WHEREAS, this ordinance continues to prohibit the sale and use of polystyrene foam food service ware and also further regulates nonreusable plastic food service ware and food service ware accessories in Los Gatos ; and

WHEREAS, on October 5, 2021, AB 1276 was signed into law by Governor Gavin Newsom. AB 1276 restricts the distribution of single use foodware accessories (e.g., utensils, straws, stirrers, condiment packets, etc.) by restaurants and other food facilities; and

WHEREAS, on October 5, 2021, AB 1200 was also signed into law by the Governor which prohibits the sale or distribution of food packaging made primarily from paper, paperboard, or other natural fiber that contains per- and polyfluoroalkyl substances (PFAS) in California beginning January 1, 2023; and

WHEREAS, Ordinance 2235 includes requirements that are well aligned with many of the requirements on foodware in AB 1276 and AB 1200; however, some discrepancies exist. As such, the Ordinance must be amended to ensure alignment with requirements in both State bills; and

WHEREAS, Assembly Bill 1200 does not include a verification mechanism to assist food providers in identifying whether the food packaging contains PFAS; and

WHEREAS, this ordinance, as an exercise of the Town's police power, requires that food service ware used by a food provider in Los Gatos be certified as PFAS-free by an independent third-party certifying organization to assist Los Gatos food providers in identifying PFAS-free food service ware; and

WHEREAS, the State also recently adopted Assembly Bill 1276, which prohibits the distribution of single-use food service ware accessories and standard condiments packaged for single use by food providers except upon request by the consumer; and

WHEREAS, a prohibition of plastics for specified nonreusable food service ware accessories further the Town's goals and is more restrictive than the recently enacted State law; and

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WHEREAS, this ordinance is consistent with the Town of Los Gatos 's Sustainability Plan that seeks to reduce solid waste at its source and reduce nonreusable food service ware and packaging; and

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

Section 1. Chapter 10, Article III consisting of Sections 10.30.010 through 10.30.040, relating to use of polystyrene foam food service ware by food providers, is hereby repealed in its entirety and replaced by a new Article III Chapter 10 of the Los Gatos Town Code,to read as follows:

"**ARTICLE III. - REGULATION OF NONREUSABLE FOOD SERVICE WARE**

SEC. 10.30.010. – Findings and purpose.

The Town Council finds and determines that:

a. Nonreusable food service ware, including plates, cutlery, cups, lids, straws, "clamshells" and other containers, is a major contributor to street litter, ocean pollution, marine and other wildlife harm, and greenhouse gas emissions.

b. It is in the interest of the health, safety, and welfare of all who live, work, and do business in the Town of Los Gatos that the amount of litter on public streets, parks and in other public places be reduced.

c. The production and disposal of nonreusable food service ware and foodservice ware accessories have significant environmental impacts, including the contamination of the environment, the depletion of natural resources, use of nonrenewable polluting fossil fuels, greenhouse gas emissions and increased clean-up and end-of-life management costs.

d. Food service ware made from plastic polymers may last for hundreds and even thousands of years and have broad, long-lasting negative impacts, even though most food service ware is discarded after only a single use.

e. Certain synthetic chemicals known as per- and polyfluoroalkyl substances (PFAS), which are commonly used in disposable food service ware to repel water and grease, pose a public health risk as they have been linked to serious health effects.

f. Nonreusable plastic and polystyrene foam food service ware breaks apart easily into small pieces, can end up as litter and is often mistaken as food by birds, fish and wildlife. Plastics in waterways and oceans break down into smaller pieces that arenot biodegradable and are present in most of the world's oceans.

g. Polystyrene foam food service ware is a distinctive litter concern because it is

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lightweight, easily windblown into streets and waterways, and floats in water until it reaches the San Francisco Bay and ocean.

h. Eliminating the use of polystyrene foam and other noncompostable and nonrecyclable single-use food service ware items and requiring certification that food service ware is PFAS-free will maximize the operating life of landfills, lessen the economic and environmental costs of waste management for businesses and residents ofthe Town of Los Gatos and further protect the public health and safety of residents, the natural environment, waterways, and wildlife.

i. Compostable natural fiber-based food service ware can be diverted from landfill and processed into an organic soil amendment and breaks down in the environment if littered.

j. Reduction of nonreusable food service ware and accessories will advance compliance with the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit by helping to reduce trash and litter in the waterways, thus improving water quality in Town waterways and reduces risk of harm to wildlife.

k. The Town Council does, accordingly, find and declare that it should restrict the use of nonreusable food service ware and food service ware accessories. The Town of Los Gatos has a substantial interest in protecting its residents and the environmentfrom the negative impacts of nonreusable food service ware. This Chapter is consistent with the Town's Zero Waste Policy and Plan.

SEC 10.30.015. - Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

a. "Aluminum foil-based" means any nonreusable food service ware composed entirely of aluminum, including, but not limited to, aluminum trays, aluminum foil wrappers and aluminum foil baskets.

b. "Compostable" means that an item or material will break down or otherwise become part of usable compost in a safe and timely manner consistent with the composting facility used by the city's franchisee and: (1) is natural fiber-based (includingitems that are natural fiber-based and coated or lined with biologically based polymer, such as corn or other plant sources, if certified by an independent third-party certifying organization approved by the public works director or designee); or (2) made from othermaterials approved by the public works director or designee. Compostable does not include items made primarily of biologically based polymer, PLA or other "compostable"plastic, even if labeled or certified as compostable.

c. "Disposable" means designed to be discarded after a single or limited number of uses and not designed or manufactured for longer-term multiple reuse.

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d. “Food provider” means any establishment, vendor, business, organization, entity, group or individual located or operating in the Town of Los Gatos that offersprepared food or beverages, regardless of whether there is a charge for the food or beverage: (1) to the public for consumption on or off its premises; (2) as a catered event;and/or (3) at cafeterias of private schools and places of employment, whether or not suchestablishments are open to the general public. “Food provider” includes, but is not limited to, restaurants, retail food establishments, caterers, cafeterias, stores, shops, salesoutlets, grocery stores, delicatessens, fraternal clubs serving the public, mobile food vendors, vehicles or carts, or roadside stands.

e. “Food service ware” means any products used for serving or packaging prepared food and includes, but is not limited to, cups, bowls, plates, trays, cartons, boxes, wrappers or liners, hinged or lidded containers (clamshells) and other items usedas part of food or beverage service, or in which prepared food is placed or packaged on afood provider’s premises. Food service ware does not include a food service wareaccessory.

f. “Food service ware accessory” means any other item used as part of a preparedfood or beverage service that accompanies food service ware such as straws, stirrers, napkins, utensils, condiment packets, cup sleeves, tops, lids, splash sticks and other similar accessory or accompanying items.

g. “Health-care facilities” means places that provide health-care services. Health-care facilities include, but are not limited to, hospitals, clinics, outpatient care centers, nursing homes, psychiatric care centers, medical offices, hospice homes, mental health and addiction treatment centers, orthopedic and other rehabilitation centers, urgent care,birth centers, etc.

h. “Nonreusable” means food service ware or food service ware accessories thatare designed to be discarded after a single or limited number of uses and not designed or manufactured for sanitation and reuse over an extended period of time.

i. “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

j. “Regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS” means either of the following:

1. PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product.

2. The presence of PFAS in a product or product component at or above one hundred (100) parts per million, as measured in total organic fluorine.

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j. “Polystyrene foam” means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent (expanded polystyrene or EPS), including, but not limited to, fusion of polymer spheres (expandablebead polystyrene), injection molding, form molding and extrusion-blow molding (extruded foam polystyrene). “Polystyrene foam” is commonly made into nonreusable food service ware products. “Polystyrene foam” does not include clear or solid polystyrene (oriented polystyrene).

k. “Prepared food” means food or beverages that are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premisesof a food provider for consumption, including, but not limited to, ready-to-eat, dine-in, take-out or complimentary food or beverage. “Prepared food” does not include: (1) raw eggs and raw, butchered meat, fish or poultry that is sold from a butcher case or a similarretail method; (2) prepackaged food that is delivered to the food provider wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food provider in the same container or packaging; or (3) nonpolystyrenefoam prepackaged items prepared on-site, which are not made to order and sold as “grocery items.”

l. “Vendor” means any store, business, organization, or entity that sells or offersgoods or merchandise, located or operating within the Town of Los Gatos .

SEC 10.30.020. - Nonreusable food service ware requirements.

a. **Polystyrene foam:**

1. No food provider within the Town of Los Gatos shall use, sell or otherwise provide prepared food using food service ware made from polystyrene foam.

2. Food service ware made from polystyrene foam and coolers, or ice chestsmade from polystyrene foam that are not wholly encapsulated or encased within a more durable material shall not be sold or provided by any vendor in the Town of Los Gatos .

b. **Certified PFAS-free and compostable:**

Effective as of January 1, 2023, food providers within the Town of Los Gatos, when providing prepared food in nonreusable food service ware, must ensure it is: (1) certified as free of all regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS by an independent third-party certifying organization approved by the Parks and Public Works Director or designee; and (2) compostable.

SEC 10.30.025. - Plastics prohibited for nonreusable food service ware accessories.

Effective as of January 1, 2023, the following shall apply to nonreusable food serviceware accessories:

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a. Food providers shall not use, provide, distribute, or sell the following nonreusable food service ware accessories if they are made from or packaged in plastic, including biologically based polymers or compostable plastic: beverage straws, drink stirrers, food picks or toothpicks.

b. **Exception.** Food providers that customarily offer straws may maintain a smallsupply of plastic or compostable plastic straws to accommodate individuals who may require and request the use of plastic straws due to disability or other medical or physical conditions or circumstances. Health-care facilities may distribute plastic straws with or without a request by a patient at the discretion of the health-care facility staff based on the physical or medical needs of the patient. Nothing in this Article shall conflict with or be construed to conflict with the Americans with Disabilities Act or any other applicablelaw concerning the rights of individuals with disabilities.

SEC 10.30.030. - Exemptions.

The following are exempt from the provisions of this Article:

a. Nonreusable food service ware that is entirely aluminum foil-based.

b. The Parks and Public Works Director or designee may approve temporary exemption of specific nonreusable food service ware items. if the Parks and Public Works Director or designee determines that a reasonably feasible nonreusable food service ware item that complies with this Chapter is not available at the time of evaluation, this item will be exempt from the provisions of this Article until the Parks and Public Works Director, or designee determines that a reasonably feasible alternative is readily available on the market for purchase. The Town will publicly list any items approved as temporarily exempt from the ordinance.

c. In the event of an emergency, the provisions of this Article shall be suspended until the emergency has terminated. An emergency is defined as a sudden, unexpected occurrence posing a clear and imminent danger that requires immediate action to preventor mitigate the loss or impairment of life, health, property, or essential public services. Examples of an emergency include, but are not limited to, natural disasters, emergencies due to release of hazardous materials, emergencies associated with loss of power and/or water or emergency medical response.

SEC 10.30.035. - Waivers.

a. A food provider may apply, in writing, to the public works director or designeefor a waiver from compliance with Sec. 16.92, Nonreusable food service ware requirements, subsection (b), Certified PFAS-free and Compostable, if compliance with the Section will impose a unique hardship not generally applicable to other persons in similar circumstances, including, but not limited to, the following:

1. An undue economic hardship.

2. A suitable packaging alternative that conforms to the requirements of this Article does not exist for a specific usage.

3. The omission of noncompliant items from the city's waste streams, whichcould include, but is not limited to, a city-approved on-site waste processing system.

b. The Parks and Public Works Director or designee shall issue a written decision to grant ordeny a waiver and may exempt the food provider for no more than one (1) year from thedate of the decision. The Parks and Public Works Director's or designee's decision shall be final and is not subject to appeal.

c. The Parks and Public Works Director or designee may require independent verification ofthe basis for the requested waiver, which may include, but is not limited to, a request for supporting documentation.

SEC 10.30.045 - Penalties and enforcement.

a. Code Compliance or designee shall have primary responsibility for the enforcement of this Article. The Parks and Public Works Director or designee is authorized to promulgate regulations and take any and all other actions reasonable and necessary to enforce this Article, including, but not limited to, entering the premises of any food provider during regular business hours to verify compliance.

b. A food provider, vendor or other entity violating or failing to comply with any requirement of this Article may be subject to enforcement and penalties pursuant to Chapter 1 Article III of the Los Gatos Town code.

c. Violation of this Article shall be deemed to constitute a public nuisance subject to all applicable civil, administrative, and criminal remedies and penalties according to the provisions and procedures contained in this Article and state law, including, but notlimited to, an action for abatement or injunctive relief.

d. The remedies and penalties provided by this Article are cumulative and in addition to any other remedies available at law or in equity.

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 _____ day of _____ 2022, by the following vote:

COUNCIL MEMBERS:
AYES
NAYS:
ABSENT:
ABSTAINING:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATED:_____

ATTEST:

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

DATE: _____

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DATE: March 31, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Approve the Employment Agreement Between the Town of Los Gatos and Gabrielle Whelan for Appointment to Town Attorney and Authorize the Mayor to Execute the Agreement.

RECOMMENDATION:

Approve the employment agreement between the Town of Los Gatos and Gabrielle Whelan for appointment to Town Attorney and authorize the Mayor to execute the agreement (Attachment 1).

BACKGROUND:

In accordance with the Town's Municipal Code, the Town Attorney is appointed by the Town Council. The terms and conditions of employment historically have been set forth in an employment agreement between the appointee and the Town. The employment agreement is established at the time of appointment and updated periodically on an as-needed basis.

The Town contracted with an executive search firm, Teri Black & Company, for the recruitment of the new Town Attorney. The competitive recruitment process is now complete and the Town Council selected Gabrielle Whelan from a pool of highly qualified candidates for the position.

DISCUSSION:

The attached employment agreement sets forth the terms and conditions of Gabrielle Whelan's appointment to the position. Under the proposed agreement, Ms. Whelan commences her position as the Town Attorney on Monday, May 16, 2022. The proposed annual base salary is $249,900.

PREPARED BY: Salina Flores
Human Resources Director

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

CONCLUSION:

Approve the employment agreement between the Town and Gabrielle Whelan and authorize the Mayor to execute the agreement on behalf of the Town.

FISCAL IMPACT:

The adoption of this agreement results in no new costs to the Town. The funding to support the salary and benefits is authorized in the annual budget each fiscal year along with all other Town employee compensation and benefits.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:
1. Employment Agreement – Town Attorney

TOWN ATTORNEY EMPLOYMENT AGREEMENT

This Agreement is made and entered into the ____ day of April 2022, by and between the Town of Los Gatos, a municipal corporation in the State of California ("TOWN"), and Gabrielle Whelan ("ATTORNEY").

RECITALS

A. The Town Council of the Town of Los Gatos desires to appoint Gabrielle Whelan to the position of Town Attorney of the Town of Los Gatos on May 16, 2022.

B. It is the desire of the Town Council to establish the terms and conditions of employment of Gabrielle Whelan as Town Attorney of the Town of Los Gatos, including the duties, salary, and benefits of employment.

C. Gabrielle Whelan desires to accept employment as Town Attorney of the Town of Los Gatos under the terms set forth herein.

NOW, THEREFORE, in consideration of the respective and mutual covenants hereinafter contained and made, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, and subject to all the terms and conditions hereof, the parties agree as follows:

SECTION I. DUTIES AND RESPONSIBILITIES:

A. Appointment as Town Attorney. TOWN hereby agrees to employ ATTORNEY in the capacity of Town Attorney for TOWN during the term of this Agreement. ATTORNEY will perform the functions and duties specified in Section 2.30.505 of the Los Gatos Municipal Code for this position and perform such other legally permissible and proper duties and functions as the Town Council may from time to time assign or delegate. Legal services shall include, but not be limited to, the preparation and review of ordinances, resolutions, agreements, and contracts; legal research; attendance at Town Council meetings and other meetings upon request (such as high profile Planning Commission meetings); rendering of legal opinions to the Town Council and Town Manager; representation of the Town, members of the Town Council and other Town officers and employees in claims and litigation filed by or against the Town, except those that the Town Attorney or Town Council determine should be handled by outside counsel; and such other legal services as may be directed by Town Council or Town Manager. Consistent with other demands of the office, Attorney will use best efforts to handle general municipal and land use litigation herself to reduce costs of outside counsel.

B. Exclusive Employment. During the term of this Agreement, ATTORNEY shall be in the exclusive employ of TOWN; provided, however, that the term "exclusive employ" shall not prohibit future part-time employment which the Employee may desire to accept with appropriate prior knowledge and approval of the Town Council. "Appropriate prior knowledge and approval of the Town Council" shall mean that ATTORNEY shall give four (4) weeks written notice to the Town Council prior to accepting part-time employment and approval of the Town Council shall be deemed given unless any Town Council member states in writing that they desire a closed session to discuss the part-time employment. Such part-time employment shall not in any way conflict in time or interest with ATTORNEY's responsibilities to TOWN. Town Council shall have uncontrolled discretion in granting part-time outside employment and its determination to grant or deny part-time outside employment shall be final.

SECTION 2. SALARY:

A. Initial Salary. TOWN agrees to pay ATTORNEY for her services rendered in the amount of $249,900 annually, payable in installments at the same time as other employees of TOWN are paid.

B. Performance Evaluations. The Town Council shall evaluate the ATTORNEY's performance on or before November 30, 2022, and in November annually thereafter.

C. Salary Increases. Should the Town Council, upon completion of its review of ATTORNEY's performance pursuant to this Agreement, determine that ATTORNEY has met its performance expectations; the Town Council shall increase ATTORNEY's compensation at least consistent with compensation increases granted by Town Council to other Town Management (At-Will/Unrepresented) Employees. ATTORNEY understands and agrees that she has no entitlement to an increase in compensation. Any decision to increase ATTORNEY's compensation shall be retroactive to the beginning of the pay period immediately preceding the evaluation conducted in accordance with Section 2(B) above.

SECTION 3. BENEFITS:

All provisions of the Town Code and regulations and rules of Town relating to vacation and sick leave, medical, dental, vision, retirement (2% at 60 formula, 36-month highest average salary) and pension system contributions, holidays, cash out provisions, and other fringe benefits and working conditions pertaining to Town Management (At-Will/Unrepresented) Employees as they now exist or hereafter may be amended, except as otherwise set forth herein, also shall apply to ATTORNEY. Nothing in this Agreement shall affect any vacation, personal leave, administrative leave, sick time, pension system contributions or accruals, or other benefits which ATTORNEY has accrued and is owed or attributable to ATTORNEY as of the date of this Agreement, all of which shall remain accrued, owing, and attributable to ATTORNEY until used or redeemed by ATTORNEY.

SECTION 4. HOURS OF WORK AND LEAVE BENEFITS:

A. Regular Hours. ATTORNEY's duties may involve expenditures of time in excess of eight (8) hours per day and/or forty (40) hours per week, and may also include time outside normal office hours such as attendance at Town Council and other meetings. ATTORNEY shall not be entitled to additional compensation for any work performed in excess of the TOWN's regular workweek.

B. **Administrative Leave.** It is recognized that ATTORNEY must devote a great deal of her time outside normal office hours without benefit of paid overtime in the conduct of TOWN business, and, to that end, ATTORNEY shall be entitled to administrative leave in an equivalent amount to that granted Town Management (At-Will/Unrepresented) Employees, which the parties agree is five (5) days per year. ATTORNEY shall be entitled to accrue, use or redeem administrative leave in whatever manner is permitted pursuant to Town policy, as same may be amended from time to time by action of the Town Council.

C. Personal Leave. ATTORNEY shall be entitled to personal leave in the amount of five (5) days per year. ATTORNEY shall be entitled to accrue, use or redeem personal leave in whatever manner is permitted pursuant to Town policy, as same may be amended from time to time by action of the Town Council.

D. Vacation Leave. ATTORNEY shall be entitled to vacation leave in the amount of

25 days per year. ATTORNEY shall be entitled to accrue, use or redeem personal leave in whatever manner is permitted pursuant to Town policy, as same may be amended from time to time by action of the Town Council.

E. Sick Leave. ATTORNEY shall be entitled to sick leave in the amount of 12 days per year. ATTORNEY shall be entitled to accrue, use or redeem personal leave in whatever manner is permitted pursuant to Town policy, as same may be amended from time to time by action of the Town Council.

F. Mileage Reimbursement, Cell Phone Stipend, Holidays, Bereavement/Compassion Leave, Flexible Health Spending Account, Employee Assistance Program, and Other Fringe Benefits. ATTORNEY shall be entitled to mileage reimbursement, cell phone stipend, holidays, bereavement/compassion leave, Flexible Health Spending Account, Employee Assistance Program, and other fringe benefits as they now exist or hereafter may be amended for Town Department Directors.

SECTION 5. TECHNOLOGY:

A. Technology. TOWN agrees to budget, within the budget amount approved by the TOWN, a technology budget to assist ATTORNEY in keeping technologically current and personal productivity high. The technology improvements will be used to pay the cost of acquisition of equipment and purchase of services related to information systems, data handling, communications and productivity and shall be budgeted for the good of the Town in accordance with approved budgeting limitations. Purchases for technology improvements shall remain the property of the TOWN.

SECTION 6. ADDITIONAL EXPENSES:

A. Dues and Subscriptions. TOWN agrees to pay the professional dues and subscriptions of ATTORNEY necessary for her continuation and full participation in such national, regional, state and local associations and organizations as are necessary and desirable for her continued professional participation, growth, and advancement and for the good of TOWN in accordance with approved budgetary limitations.

B. **Professional Development.** TOWN agrees that attendance at State Bar Association, Santa Clara County Bar Association, League of California Cities (Attorneys Department), the Bay Area City Attorneys Association, Santa Clara County City Attorneys Association, and other professional development activities is both beneficial and expected. TOWN hereby agrees to pay the travel, lodging, and subsistence expenses of ATTORNEY for professional and official travel, lodging, meetings, and occasions, and for short courses, institutes, and seminars necessary to continue the professional development of ATTORNEY, and to adequately pursue necessary official and other functions for TOWN, in accordance with approved budgetary limitations.

C. Executive Expenses. TOWN recognizes that certain expenses of a non-personal and job-affiliated nature are incurred by ATTORNEY and hereby agrees to reimburse such expenses upon presentation of a receipt and submission of the appropriate confining purchase requisition to the Mayor and Town Finance Department, in accordance with approved budgetary limitations and subject any policies and guidelines the Town Council may impose.

SECTION 7. TERM; TERMINATION:

A. Term of Agreement. This Agreement shall commence upon execution by the parties and become effective May 16, 2022 and extend indefinitely until terminated as provided

hereinafter.

B. At-Will Employment. ATTORNEY's employment with the Town is "at-will" and ATTORNEY serves at the pleasure of the Town Council. As such, a majority of the Town Council may terminate ATTORNEY's employment at any time, with or without cause pursuant to the provisions in this agreement.

C. Termination Without Cause. In the event that TOWN terminates ATTORNEY's employment for reasons other than those set forth in subsection D below, including without limitation, for no reason stated, within the term of this Agreement, or any extensions, TOWN agrees to pay ATTORNEY a cash payment equal to six (6) months of the ATTORNEY's then current salary and any benefits that are lawfully required to be continued pursuant to COBRA and other statutes. Following such six (6) month period, ATTORNEY retains the right to participate in Town health and related benefit programs, should such programs be instituted during the term of this Agreement, at ATTORNEY's own and sole expense pursuant to the terms of COBRA. ATTORNEY shall be compensated for any unused vacation leave, holidays, and other benefits then accrued consistent with Town policies. The schedule of the payment pursuant to this section shall be at the sole discretion of the ATTORNEY.

D. Termination With Cause. The TOWN may terminate ATTORNEY's employment hereunder at any time for cause. No lump sum cash payment or other severance pay shall be due ATTORNEY upon any termination for cause. For purposes of this Agreement, "cause" shall mean any of the following: (i) a gross or habitual failure to perform the functions and duties of the Town ATTORNEY or any other obligations *as* required by the terms of this Agreement; (ii) Any other intentional or grossly negligent action or inaction by ATTORNEY that materially and substantially: (A) impedes or disrupts the operations of the TOWN or its organizational units; (B) is detrimental to employee or public safety; or (C) violates properly established rules or procedures of the Town causing a material and substantial adverse effect on the TOWN's interests as clearly defined and delineated by properly established Town Council action taken by the Town Council as a body, policy, regulations or ordinances of the TOWN; (iii) That ATTORNEY has been willfully and intentionally absent without leave, or has willfully and intentionally failed to report after leave of absence has expired; (iv) That ATTORNEY has willfully failed or refused to appear in obedience to lawful process or order of the Town Council or to answer questions under oath, before the TOWN Council or before a duly authorized committee of Congress of the United States or of the Legislature of the State of California, or a committee or subcommittee of said Congress or Legislature, or before any authorized court, office or tribunal, or before a Grand Jury, on any subject relating to (I) matters connected with the conduct of official business of the TOWN or of any division, department, board or commission thereof, or (2) any of the matters set forth in sections 1028 and 1028.1 of the Government Code of the State of California; or (v) That ATTORNEY has been convicted of a misdemeanor involving a crime of moral turpitude or a felony, or entry of a plea of nolo contendere with regard to a misdemeanor involving a crime of moral turpitude or a felony.

E. Voluntary Resignation. ATTORNEY may voluntarily resign her position with TOWN before expiration of the term of this Agreement by giving TOWN sixty (60) days prior written notice. No lump sum cash payment or other severance pay shall be due ATTORNEY upon any voluntary resignation.

F. Termination Based on Disability or Death. ln the event ATTORNEY is permanently disabled, as determined by ATTORNEY's duly licensed physician, or is otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity or health reasons for a period of three (3) consecutive months beyond any accrued sick leave, Town may terminate this Agreement.

G. Limitation on Obligation. Notwithstanding anything to the contrary herein, TOWN shall not be obligated to pay, and shall not pay, any amounts or continue any benefits under this agreement if ATTORNEY is terminated in the event ATTORNEY is convicted of a crime involving an abuse of her office or position. Any paid leave salary offered by TOWN to ATTORNEY pending an investigation shall be fully reimbursed by ATTORNEY if ATTORNEY is convicted of a crime involving an abuse of her office or position. For the purposes of this section, "abuse of office or position" means and is limited to the definition under Government Code section 53243.4 either of the fo1lowing: (a) an abuse of public authority including but not limited to waste, fraud, and violation of the law under color of authority; or (b) a crime against public justice, including but not limited to, a crime described in Title 7 (commencing with Section 92) of Part I of the California Penal Code.

SECTION 8. GENERAL PROVISIONS:

A. Entire Agreement. This Agreement shall constitute the full, complete and exclusive agreement between the parties hereto and shall supersede all prior and contemporaneous agreements, understandings and representations regarding the subject matter hereof, whether oral or written.

B. Indemnification. TOWN agrees to defend, hold harmless and indemnify ATTORNEY against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out an alleged act or omission occurring in the performance of ATTORNEY's duties. TOWN, at its direction, is not required to indemnify ATTORNEY for any illegal or criminal acts for which a court of competent jurisdiction has determined, without possibility of appeal, was committed by ATTORNEY.

C. Bonding Requirements. TOWN shall bear full cost of the Fidelity Bond required of ATTORNEY under any law or ordinance.

D. Assignment. This Agreement shall be binding upon, inure to the benefit of, and be enforceable by TOWN and ATTORNEY and their respective successors, assigns, heirs and executors, except that ATTORNEY may not assign this Agreement or delegate any of her obligations hereunder and may only assign her rights hereunder with the prior written consent of TOWN.

E. Severability. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement or portion thereof shall be deemed severable, shall not be affected and shall remain in full force and effect.

F. Notices. Any notice required under this Agreement shall be in writing, shall be sent by personal delivery, courier or first class mail, return receipt requested, and shall be deemed effective upon receipt.

G. Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of California, without regard to its conflicts of laws principles.

H. Attorney's Fees. In the event of any dispute between the parties hereto relating to or arising out of this Agreement, the prevailing party shall be entitled to receive its reasonable attorneys' fees and costs, in addition to any other relief it may receive.

IN WITNESS WHEREOF, the Town of Los Gatos has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested to by its Town Clerk, and the ATTORNEY has signed and executed this Agreement the day and year first above written.

ATTORNEY:

Gabrielle Whelan

TOWN OF LOS GATOS:

Robert Rennie, Mayor

Approved As To Form:

Robert Schultz, Town Attorney

Attest:

Shelley Neis, MMC, CPMC, Town Clerk

DATE: April 5, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Introduce an Ordinance Approving a Military Equipment Funding, Acquisition, and Use Policy Pursuant to Assembly Bill 481.

RECOMMENDATION:

Introduce an ordinance (Attachment 1) approving a military equipment funding, acquisition, and use policy (Attachment 2) pursuant to Assembly Bill 481 (Attachment 4).

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 Chiu (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 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."

Furthermore, AB 481 requires similar approval for the continued use of "military equipment" acquired by the Los Gatos-Monte Sereno Police Department prior to January 1, 2022, 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.

PREPARED BY: Derek Moye
Interim Operations Captain

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

DISCUSSION:

AB 481 requires the governing body that oversees a law enforcement agency to approve an ordinance adopting a Military Equipment Use Policy at a regular meeting of the governing body held in accordance with the Brown Act (Attachment 4). The Assembly Bill has designated certain types of law enforcement equipment as "military equipment." Out of the fifteen categories of "military equipment" listed under AB 481, 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 (Attachment 3).

This Ordinance would add Article III to Chapter 21 of the Town Code governing the use of military equipment by the Police Department. In addition, the Ordinance outlines the Policy for military equipment funding, acquisition, and use pursuant to Assembly Bill 481. The Ordinance must be adopted before Los Gatos-Monte Sereno Police Department may 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 development of a future acquisition process and mandated transparency requirements. Los Gatos-Monte Sereno Police contracts with Lexipol, a public safety policy and training organization, for policy development and implementation. The proposed LGMSPD Policy 704-Military Equipment is based on a Lexipol policy and outlines purpose, scope, definitions, and categories deemed as military equipment (Attachment 2).

The Town's Ordinance must include certain standards of approval, including:

A. The "military equipment" identified in Los Gatos-Monte Sereno Police Department Policy 704-Military Equipment 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 Policy 704 will safeguard the public's welfare, safety, civil rights, and civil liberties.
C. The "military equipment" identified in Los Gatos-Monte Sereno Police Department Policy 704 is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safe.

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.

DISCUSSION (continued):

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).

Los Gatos-Monte Sereno Police Department held a community outreach meeting to discuss AB 481 via zoom on March 29, 2022. Five members of the public and members of the press attended, asked questions, and provided comments. Comments continue to be welcome on the proposed Ordinance. The proposed Ordinance, LGMSPD Policy 704, and the detailed list of existing military equipment are posted on the Police Department website.

CONCLUSION:

It is recommended that the Town Council introduce the Ordinance to approve and adopt the Military Equipment Use Policy including the Los Gatos Police Department's Policy 704.

ALTERNATIVES:

If this ordinance is not approved, Los Gatos-Monte Sereno Police Department will cease the use of equipment designated by AB 481 as military equipment on April 30, 2022. Los Gatos-Monte Sereno Police Department will be required to redesign policies, procedures, and operations for critical incident response. This would include the Department's ability to provide and receive mutual aid, address an immediate threat, or have a more expansive de-escalation option. Public safety may be negatively impacted with diminished access to the resources currently in the Police Department's inventory. For these reasons, staff is not recommending this alternative.

FISCAL IMPACT:

There is no fiscal impact in adopting this ordinance and the military equipment use policy.

Attachments:
1. Ordinance
2. LGMSPD Lexipol Policy 704 (Exhibit A to the Ordinance in Attachment 1)
3. AB 481 Defined list of Military Equipment in LGMSPD Possession (Inventory).
4. Assembly Bill 481

ORDINANCE NO. _____

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 _____ day of _____ 2022, by the following vote:

COUNCIL MEMBERS:
AYES
NAYS:
ABSENT:
ABSTAINING:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATED:_____

ATTEST:

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

DATE: _____

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 Los Gatos Town Council is the elected body.

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.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- 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:

[Insert attachment here]

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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MILITARY EQUIPMENT INVENTORY

1. Robot (Category 1)

a. **Description, quantity, capabilities, and purchase cost:**

This equipment 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 309 – 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 Vehicles (Category 1)

a. **Description, quantity, capabilities, and purchase cost:**

The Skydio 2 pro 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 UAV-mounted camera. Camera: Sony IMX577 camera. The camera provides operators ability to switch between standard 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 Pro 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. 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 pro during approved missions. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 309 – Search and Seizure, LGMSPD Policy 314 – 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. Specialized Firearms and Ammunition (Equipment 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: $49,060, quantity:44

The Speer .223 Remington, 62 grain, GDSP cartridge is the primary duty ammunition deployed during potential lethal encounters.

II. Speer .223 Remington, 62 grain GDSP cartridge, cost: $4,780.16, quantity: 8,000.

The Federal .223 Remington, 55 grain cartridge is the primary training ammunition for the Department.

III. Federal .223 Remington, 55 grain cartridge, cost: $6,956.64, quantity: 16,000.

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.

IV. Aero Precision 308 Rifle, cost: $5,362.80, quantity: 2.

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.

V. Federal .308 WIN., 168 grain tactical tip, cost: $1,716.00, quantity: 2,000.

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 hit.
VI. Federal .308 WIN., 168 grain tactical bonded cartridge, cost: $1,520.00, quantity: 1,000.

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 rifle. All other applicable LGMSPD policies remain in effect, to include, but not limited to, LGMSPD Policy 300 – Use of Force, LGMSPD Policy 305 – Firearms Training and Qualifications, LGMSPD Policy 404 – Crisis Response Unit (CRU)

d. **Expected Lifespan:**

I. Carbine Rifle – No expiration
II. The Speer .223 Remington, 62 grain, – No expiration
III. The Federal .223 Remington, 55 grain, – No expiration
IV. Sniper Rifles – No expiration
V. The Federal .308 WIN. Tactical Tip, 168 grain – No expiration
VI. The Federal .308 WIN Tactical Bonded Tip, 168 Grain- No expiration

e. **Fiscal Impact:**

I. Carbine Rifle – Annual cost between $0-$3,000
II. The Speer .223 Remington, 62 grain- Annual cost between $0-$6,000.
III. The Federal .223 Remington, 55 grain – Annual cost between $0 -$9,000.
IV. Sniper Rifle – Annual cost between $0-unknown for maintenance.
V. The Federal .308 WIN. Tactical Tip, 168 grain – Annual cost between $0 - $2,000.
VI. The Federal .308 WIN Tactical Bonded Tip, 168 Grain-Annual cost between $0-$2000.

4. 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: $2,612.50, quantity: 50

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 - $2,612.50

5. 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: $ 361.50, quantity: 6

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:**

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

6. 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 systems that uses smokeless powder to deliver 40MM projectiles from a safe distance. The Less-Lethal launcher is capable of launching 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 are 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: $4,514.55. quantity: 5
II. Def Tech 40mm Direct Impact Sponge #6325, cost: $360.00 quantity: 20
III. Def Tech 40mm Direct Impact OC #6320LE, cost: $315.00, quantity: 15
IV. Def Tech 40mm CS liquid ferret rounds, model #1262, cost: $72.00, quantity: 3
V. Def Tech 40mm CS powder rounds, model #1292, cost: $ 120.00, quantity: 5

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 liquid ferret rounds: 5years
V. 40mm CS powder: 5 years

e. **Fiscal Impact:**

I. 40mm Launcher: estimated between $0 and $5,000.00 annually
II. 40mm Sponge Round: estimated between $0 and $500.00 annually
III. 40mm Direct Impact OC: estimate between $0 and $300.00 annually
IV. 40mm CS liquid ferret rounds: estimate between $0 and $360.00 annually
V. 40mm CS powder rounds: estimate between $0 and $360.00

AB-481 Law enforcement and state agencies: military equipment: funding, acquisition, and use. (2021-2

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Date Published: 10/01/2021 09:00 PM

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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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.

DATE: March 31, 2022

TO: Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Discuss and Provide Direction Regarding Fiscal Analysis of the Draft 2040 General Plan.

RECOMMENDATION:

Discuss and provide direction regarding fiscal analysis of the Draft 2040 General Plan.

BACKGROUND:

At the January 25, 2022 Town Council Strategic Priorities meeting, two Council Members requested an agenda item to discuss and provide direction regarding fiscal analysis for the Draft 2040 General Plan.

DISCUSSION:

In response to the request for a discussion of fiscal analysis for the Draft 2040 General Plan, Town staff asked Applied Development Economics to prepare a memo describing the different fiscal analysis options available for consideration with a General Plan update, including a summary of the analysis already completed during the development of the Draft 2040 General Plan. The resulting memo is included as Attachment 1.

This agenda item provides an opportunity for the Council to review the information provided in Attachment 1 and discuss if further information is needed.

Given the continued interest in this topic, staff plans to recommend an additional implementation program for the Draft 2040 General Plan to review fiscal impacts related to the Land Use Element every five years.

PREPARED BY: Jennifer Armer, AICP
Planning Manager

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

CONCLUSION:

The fiscal analysis that was included in the December 2019 Land Use Alternatives Report is standard practice for a General Plan update process for a municipality where future development will predominately be infill development.

Staff looks forward to Town Council discussion regarding fiscal analysis of the Draft 2040 General Plan.

Per State law, the Town Council cannot act on the draft General Plan until environmental review is completed and until the Town Council receives a recommendation from its Planning Commission.

NEXT STEPS:

The next steps in the General Plan update process include:

- Planning Commission meeting to discuss and make a recommendation on the Draft 2040 General Plan and Final Environmental Impact Report (EIR) via teleconference at 7:00 p.m. on Wednesday, April 13, 2022.
- Town Council consideration of the Draft 2040 General Plan and Final EIR, following a recommendation from the Planning Commission.

COORDINATION:

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

ENVIRONMENTAL ASSESSMENT:

A Draft EIR analyzed the Draft 2040 General Plan as required. Preparation of a Final EIR has been completed and provided for consideration by the Planning Commission and Town Council along with the Draft 2040 General Plan.

Attachment:
1. Fiscal Analysis Options Memo

MEMO

TO: **Jim Harnish**
Brent Gibbons

FROM: **Doug Svensson, AICP**

DATE: **March 22, 2022**

SUBJECT: **Additional Fiscal Analysis Options for the Draft 2040 General Plan Land Use Plan**

The Town of Los Gatos has requested a scope and cost for additional fiscal analysis of the Draft 2040 General Plan Land Use Plan. The level of analysis completed to date (Land Use Alternatives Report, December 2019), which is described briefly below, is generally considered adequate for most General Plan update studies. The completed alternatives analysis evaluated the relative performance of the alternatives in terms of their cost/revenue impact to the Town. The fiscal analysis indicated that residential uses generally require a higher level of municipal services than do non-residential land uses, which typically generate a fiscal surplus for most California cities. Los Gatos is no different in this regard.

The analysis indicated that as the number of residential units included in each alternative goes up, the added service costs begin to reduce the net benefit gained from the fixed amount of commercial development included in the alternatives. The tipping point between an overall positive vs. negative fiscal result is between Alternative C at 2,303[1] Dwelling Units (DUs) and Alternative D at 3,176 DUs[1]. In the Draft 2040 General Plan Land Use Plan, 3,238[1] DUs would be permitted, which is more units than Alternative D in the fiscal analysis. With the addition of ADUs, and the absence of any increased increments of commercial development, the overall fiscal impact would be expected to be negative.

A more detail analysis will not change this basic conclusion. However, there are options for additional analysis that could refine the estimate of the actual fiscal impact of the Draft 2040 General Plan Land Use Plan, such as considering the time frame for buildout of the General Plan and also addressing facilities improvements needed to support growth. We outline these options below.

Fiscal Analysis Completed to Date. ADE prepared a fiscal analysis of the four initial land use alternatives (attached to this scope of work). As part of this work, we constructed a fiscal model for the Los Gatos General Fund that includes all revenues and service cost categories funded through that part of the Town's budget. The model is detailed in terms of the cost and revenue categories, but the

[1]The following dwelling totals include net new dwelling units and 475 pending and approved units.

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analysis is done for full buildout of each alternative at one point in time, and does not consider the effects of inflation, which may affect Town revenue and costs differently.

In addition, the cost analysis uses an average cost methodology which assumes all development over the long term has the effect of raising costs for Town services due to increasing demand. It does not account for cases in which the existing service capacity of the Town could absorb demand from growth in the short term without increasing costs, if any such cases exist.

Finally, the analysis does not address the cost of increasing facilities and infrastructure capacities. The assumption here is that new development would bear those costs through impact fees or developer exactions, but it is possible there could be indirect capital costs that are not captured through those types of funding mechanisms.

Option 1: Update the Existing Analysis for the Draft 2040 General Plan Land Use Plan. The analysis options described below address these types of concerns, but there is also the possibility of simply updating the existing analysis to current budgetary and market conditions and using it to analyze the new growth increment in the Draft 2040 General Plan Land Use Plan. The original work was conducted about two years ago, prior to the pandemic. One concern, which must be addressed in all the options, is how much the Town's current budget is affected by the recession that accompanied the pandemic. A similar concern exists for real estate conditions in terms of the housing prices used in the analysis. It may be necessary to work with Town staff to derive a likely long term cost/revenue scenario that draws from pre-pandemic service levels and projects a budget forward when economic conditions return to "normal."

The following additional tasks would be needed:

- Update the fiscal model to "likely" long term budget levels.
- Confirm Town service standards and determine what capacity exists currently, if any, to serve an expanded service population consistent with the Draft 2040 General Plan Land Use Plan.
- Program the Draft 2040 General Plan Land Use Plan into the fiscal model, including updating projected real estate values.
- Prepare a new report with the results of the analysis and a complete methodology section.

Additional Cost: 32 hours @200 = $6,400

Expenses: $600 for real estate data

Total: $7,000

Option 2: Analyze General Plan Buildout Over Time. This analysis would use the updated fiscal model developed for Option 1, but would project the phasing of development in Los Gatos over the 20-year buildout timeframe and analyze fiscal impacts on a year by year basis. This approach would add the following features to the analysis:

- More detailed discussion with Town Departments about the existing capacity to absorb growth in the short term before additional staff or facilities are needed to support continuing growth. The analysis would also identify the growth thresholds for each service that would trigger the need for personnel and equipment expansions over time.

- The analysis would apply inflation factors to both revenues and costs, including estimates of how the Proposition 13 restrictions on assessed value increases would affect property tax revenues over time. In our experience, cities often experience cost inflation in "chunks" as new labor agreements are negotiated and new staff or facilities are added, whereas revenue inflation follows closer to the CPI and sometimes lags the cost inflation for extended periods.

- The analysis would show the cost/revenue trend year by year over the 20-year buildout period and calculate the present value of the cumulative net revenue or cost over that period.

This option would cost an additional $3,200 over Option 1, for a total cost of **$10,200**.

Option 3: Expand the Analysis Beyond the General Fund. Most fiscal studies focus on the General Fund because the key concern is whether general tax revenues in the future will be adequate to cover increasing service costs. The Town has less control over the annual amounts of general tax revenues (sales tax, property tax, transient occupancy tax) because they are subject to market forces and it is difficult to change the tax rates. Therefore, changes in land use are more important to long term increases in these revenues. Other funds in the Town budget, such as special revenue funds and enterprise funds, typically have dedicated funding sources, which can either be raised by Town Council action or are based on state funding formulas that are not affected as much by the type of land use changes included in a General Plan update.

However, there are cases where cities are concerned whether, for example, state gas taxes or water and sewer charges will keep up with operations and maintenance costs. The fiscal model used in Options 1 and 2 above could be expanded to include budgetary funds outside the General Fund. We anticipate this would add about **$1,600 to $2,400** to the cost of the analysis, depending on the extent of the model expansion and which funds are added.

Option 3: Infrastructure Financing. In cases where General Plan updates also include detailed analysis of long-term infrastructure and facilities expansion requirements, ADE is sometimes requested to address the financing options for capital improvements or to identify if gaps in funding may exist. Such analysis may include a preliminary impact fee nexus study or a land-based debt capacity analysis to determine bonding capacity to fund future improvements. One caveat here is that ADE is not staffed to prepare facilities cost estimates, but rather we rely on estimates prepared by traffic engineers or civil engineers who are typically part of the General Plan update team.

The costs for such analysis can vary widely depending on the level of information available to work with and the type of analysis needed. A general financing discussion can sometimes be completed for **$5,000 to $10,000**, but a full development impact fee nexus study would cost about **$15,000**. This analysis could be combined with either Option 1 or 2 above.

For all options, attendance at public meetings is additional, depending on the level of effort needed to prepare a presentation and the number of meetings required.

Please do not hesitate to contact me with any questions.

Fiscal Health

It is important to ensure that the future land use mix supports a healthy fiscal foundation for the Town. As discussed in the Background Report, different land uses generate different levels of revenue (taxes) and require different levels of costs (municipal services). Each of the land use alternatives has been evaluated to determine the cost/revenue balance at buildout of the land uses. The results are summarized in Table 5-4. The detailed methodology for this analysis is provided in Chapter 6: Alternatives Methodology.

Table 5-4: Comparison of Fiscal Impacts of the Alternatives on Annual Operating Revenues and Costs

	Alt. A	Alt. B	Alt. C	Alt. D
Annual Revenues	$4,320,000	$5,796,000	$6,564,000	$8,378,000
Annual Costs	$3,710,000	$5,280,000	$6,264,000	$8,413,000
Net Fiscal Impact	$610,000	$516,000	$300,000	($35,000)
Residential Net Impact	$190,000	$96,000	($121,000)	($455,000)
Non-residential Net Impact	$420,000	$420,000	$420,000	$420,000

Source: ADE, Inc. Note: figures may not exactly add due to rounding.

The figures in the Table 5-4 reflect the annual impact of the incremental growth in residential and non-residential land uses in each land use alternative. The figures depicted in Table 5-4 are not the total estimated Town General Fund budget at buildout, but only the incremental change generated by new development. The non-residential development is the same for each alternative, so the variations in performance among the alternatives is due solely to the changes in residential development.

In general, the more the development in the land use alternative, the higher the annual revenues would be. However, lower density housing units (Low-Density Residential) typically have a higher market value than higher-density units, so the amount of property tax revenues, and to some degree taxable household spending that generates sales tax, is dependent on the mix of unit types in each land use alternative.

In contrast, municipal costs are largely driven by the increase in population. For purposes of the land use alternatives analysis, all housing unit types are assumed to have the same average household size. Therefore, the bottom-line cost/revenue balance for each alternative reflects the ratio of aggregate home values and household incomes to the population it creates. Alternative A results in the highest net fiscal benefit, at about $610,000 annually. As noted in the housing affordability analysis, this alternative has the lowest number of BMP housing units and the mix of market rate units is more balanced between single family and multi-family. Generally, as the number of residential units goes up in each alternative, the fiscal benefit decreases, and Alternative D actually shows a small negative fiscal impact. The mix of units in Alternative B produces a positive fiscal benefit of $516,000 overall. Alternative C has an overall positive fiscal benefit of $300,000 per year, but the residential component generates a negative fiscal impact of -$121,000 per year.

The fiscal health results should be viewed as a relative comparison among the land use alternatives and considered a best-case scenario over the long run. In the 2040 Background Report, the fiscal analysis of existing land uses showed that residential uses require more in-service cost than they generate in Town revenues. However, that is due to the fact that existing taxable assessed values are depressed due to the limitations imposed by Proposition 13. In the current real estate market, residential prices for new single family housing are high enough to generate sufficient tax revenues to support current levels of Town services, although multi-family assessed values still produce a negative fiscal impact. Over time, the revenue generating potential of the development may decline as Proposition 13 limits the escalation of assessed values compared to the inflation of municipal service costs.

A Appendix: Alternatives Methodology

This appendix provides a description of the methodology used to determine total housing, and population for each land use alternative, followed by a description of the methodology used in the fiscal analysis.

Development Capacity Methodology

This section provides a description of the methodology used to determine total housing, population, and employment capacity for each of the land use alternatives. The purpose of this methodology is to support a "development capacity" analysis of the Town's Planning Area under each of the four alternatives. Development capacity, as used in this report, is an estimate of the total housing units, population, and non-residential building square footage calculated based on a set of development assumptions and calculations. It is important to note that a development capacity analysis reflects a theoretical buildout of the available vacant land and parcels with redevelopment potential that are within the Planning Area. It is unlikely that all of the calculated potential development will be realized by 2040. In this analysis, four basic land use alternatives were prepared. The Low Growth Alternative reflects the Town's existing General Plan relative to development density and intensity. Alternatives B, C, and D represent increasing density and intensity, increasing as you move from the lower to the higher alternative.

- Alternative A, Low Growth
- Alternative B, Medium Growth
- Alternative C, Medium High Growth
- Alternative D, High Growth

The following discussion provides an overview of the steps involved in producing the development capacity analysis.

A

B

C

D

Step 1: Scope of Analysis

The land use alternatives included in this evaluation were developed based on recommendations from the General Plan Update Advisory Committee (GPAC). Following GPACs recommendation, the Consultants identified five land use designations that could have potential for future development and should be evaluated in this analysis. The development capacity analysis focused on development within these designations:

- Low-Density Residential (LDR)
- Medium-Density Residential (MDR)
- High-Density Residential (HDR)
- Neighborhood Commercial (NC)
- Mixed-Use Commercial (MU)

Areas not included in the analysis are those designated Hillside Residential, Mobile Home Park, Office Professional, Service Commercial, Central Business District (downtown), Light Industrial, Public, and Open Space.

To determine development potential, the development capacity analysis looked at development of existing vacant parcels as well as the redevelopment and/or intensification of some areas that contain development currently within the five identified land use designations.

Step 2: Vacant Land

To identify vacant parcels in each of the five land use designations being analyzed, parcel data from the Santa Clara County Assessor's Office was used. Using the geographic information system (GIS) data provided by the Assessor, parcels with a tax use code of "Vacant" were identified. These sites were then visually reviewed against aerial photography to confirm that the site was truly vacant. Once verified, the attributes of the vacant land GIS data were exported into an Excel spreadsheet for the analysis.

Step 3: Opportunity Areas

In addition to analyzing vacant parcels, the development capacity analysis also examined the redevelopment potential of locations with existing development. Within these developed areas, locations that could support more intensive uses were identified based on location, access, infrastructure, roadway capacity, and surrounding land uses. These locations were identified and defined as "Opportunity Areas." Parcels within designated Opportunity Areas (OA) are assumed to have a higher potential redevelopment percentage and the ability to support increased density ranges (and higher maximum building heights) for residential and increased intensity for non-residential uses, expressed by increasing the allowed floor area ratio (FAR).

If a parcel is designated Neighborhood Commercial or Mixed-Use Commerical, it was assumed that square footage of existing commercial uses would remain (as currently built or as a replacement) and residential will be added to the site, therefore, there will be no net commercial loss as part of the redevelopment assumptions.

Step 4: Redevelopment

The analysis also evaluated the potential for existing developed areas to redevelop (e.g., remove an existing home and replace it with more units, such as a duplex or triplex), or increase the use of a parcel (e.g., adding additional units on a parcel with an existing home). This potential, expressed as a percentage of the total area evaluated was applied to areas both inside and outside the Opportunity Areas identified.

Step 5: Development Assumptions

All parcels inside and outside the Opportunity Areas, including vacant parcels, were assigned a set of development assumptions that were specific to the four land use alternatives. The following tables show the development assumptions for redevelopment, density, typical density, and FAR for each alternative. On each table, the following headings are shown:

- **Redevelopment Percent.** This column states what percentage of the total area under each land use designation is assumed to be redeveloped within the 2040 planning period. The percentage shown provides numbers of parcels outside the Opportunity Areas (Outside OA) and those inside the Opportunity Areas (Inside OA).

- **Density Range (DU/AC).** This column states the density range for residential that was assumed for each alternative. Density is expressed as the number of dwelling units per acre (DU/AC).
- **Typical Density.** For development, on average, maximum density/intensity is not usually obtained. For the analysis, a density that estimates the "typical" density was developed. Typical density was based on previous Town projects that were of similar size and scope to potential development in the land use alternatives. This is the number that is used in the analysis for residential development.
- **FAR.** Floor Area Ratio is a measure of intensity that is used to define the total building area allowed on a site. See page 4 for further information on FAR.

Structure height varies between each of the four land use alternatives depending on the specific land use designation and FAR. The potential maximum allowed height for the five land use designations in Alternative A is two stories, Alternative B is three to four stories, Alternative C is four stories, and Alternative D is five stories. A visual example of potential developments at these height intervals is provided in the Community Character and Urban Form section on pages 34, 35, 37, and 38.

Land Use Designation	Alternative A: Low Growth						
	Redevelopment Percent		Density Range (DU/AC)		Typical Density (DU/AC)		FAR
	Outside OA	Inside OA	Outside OA	Inside OA	Outside OA	Inside OA	
LDR	5%	5%	0 to 5	5 to 12	4	10	0.25
MDR	5%	10%	5 to 12	12 to 20	10	16	0.5
HDR	10%	10%	12 to 20	20 to 30	18	26	0.75
NC	5%	5%	0 to 20	10 to 20	18	18	0.5
MU	5%	5%	0 to 20	10 to 20	18	18	0.5

Land Use Designation	Alternative B: Medium Growth						
	Redevelopment Percent		Density Range (DU/AC)		Typical Density (DU/AC)		FAR
	Outside OA	Inside OA	Outside OA	Inside OA	Outside OA	Inside OA	
LDR	5%	5%	5 to 12	8 to 16	10	14	0.25
MDR	10%	10%	12 to 20	14 to 24	16	20	0.75
HDR	10%	10%	20 to 30	20 to 30	26	26	1
NC	10%	10%	0 to 20	10 to 20	18	18	0.75
MU	10%	15%	0 to 20	20 to 30	18	26	0.75

Land Use Designation	Alternative C: Medium-High Growth						
	Redevelopment Percent		Density Range (DU/AC)		Typical Density (DU/AC)		FAR
	Outside OA	Inside OA	Outside OA	Inside OA	Outside OA	Inside OA	
LDR	5%	10%	5 to 12	8 to 16	10	14	0.5
MDR	10%	10%	12 to 20	14 to 24	16	20	0.75
HDR	15%	15%	20 to 30	30 to 40	26	36	1.25
NC	10%	15%	0 to 20	20 to 30	18	26	0.75
MU	10%	20%	0 to 20	30 to 40	18	26	1

Land Use Designation	Alternative D: High Growth						
	Redevelopment Percent		Density Range (DU/AC)		Typical Density (DU/AC)		FAR
	Outside OA	Inside OA	Outside OA	Inside OA	Outside OA	Inside OA	
LDR	10%	15%	5 to 12	12 to 20	10	16	0.75
MDR	15%	15%	14 to 24	14 to 24	20	20	1
HDR	15%	20%	20 to 30	30 to 40	26	36	1.5
NC	15%	15%	20 to 30	20 to 30	26	26	1
MU	15%	20%	30 to 40	30 to 40	36	36	1.5

Step 6: Residential Potential

After applying the development assumptions for each of the four land use alternatives, the potential number of new housing units and population were calculated. The number of new housing units in each alternative was calculated by multiplying the typical density by the number of acres of each parcel being analyzed. For example, if a parcel was one acre in size and the typical density was 12 DU/AC, then the total potential housing units would be 12 units.

When calculating the population, the estimated number of persons per household for Los Gatos (based on data from the California Department of Finance), which is 2.4 persons per unit, was multiplied by the number of units projected. The following is a summary of the net new housing units and population for each alternative.

	Net New	
Alternative A: Low Growth	**Housing Units**	**Population**
	681	1,634

	Net New	
Alternative B: Medium Growth	**Housing Units**	**Population**
	1,416	3,398

	Net New	
Alternative C: Medium-High Growth	**Housing Units**	**Population**
	1,828	4,387

	Net New	
Alternative D: High Growth	**Housing Units**	**Population**
	2,701	6,482

Step 7: Pending and Approved Projects

In addition to the net new housing units and population figures (from Step 6), new housing units, population, jobs, and non-residential square footage based on pending and approved Town projects were also added to the total potential. Town staff provided the Consultants a list Town approved and pending projects earlier in 2019 to inform this process.

Calculating new population for pending and approved projects used the same process for calculating the net new population. Non-residential square footage was provided by Town staff on a project by project basis. To estimate the number of jobs for non-residential projects, the Consultants used an employee per square footage assumption based on current best practice (see below) and divided the non-residential square footage per project by the employee assumption. For example, if the assumption is 500 square feet per employee for commercial and a commercial project has 10,000 square feet of retail, the estimated number of jobs for that use would be 20 jobs. Below is a summary of the net new housing units, population, jobs, and non-residential square footage for the Town identified pending and approved projects.

Employee Per Square Foot Assumptions			
Office	**Retail**	**Institutional**	**Industrial**
350	**500**	**700**	**1,000**

	Net New			
Pending and Approved Town Projects	**Housing Units**	**Population**	**Jobs**	**Non-Residential Square Footage**
	475	**1,140**	**1,280**	**671,768**

Step 8: Results

After calculating the net new figures from the pending and approved projects, the Consultants added them to the existing (2018) Los Gatos housing units, population, and jobs totals, as well as the net new totals for each of the four land use alternatives. These combined totals provide a snapshot of the Townwide buildout of parcels within the five land use designations selected for analysis by the GPAC. The following is a summary of the Townwide net new population, housing units, and jobs by land use alternative.

Category	Existing (2018)**	Alt A*	Alt B*	Alt C*	Alt D*
Population	30,250	33,024	34,788	35,777	37,872
Jobs	20,650	21,930	21,930	21,930	21,930
Housing Units	13,069	14,225	14,960	15,372	16,245

Notes:
**Totals include the pending and approved projects*
***Existing data is from the American Community Survey, 2018*



Fiscal Analysis Methodology

The fiscal analysis of the land use alternatives is based on estimates derived from the Town FY 2019-2020 General Fund budget and the analysis of how different land uses affect Town service cost and tax revenues, as described in the Los Gatos Today Chapter of the General Plan Background Report published in March 2019. This section describes these calculations in more detail.

The analysis allocates major revenues such as the property tax, sales tax and transient occupancy tax (TOT) to land uses based on estimated socioeconomic characteristics of the land uses and the legislative tax formulas. Other revenues and most service costs are allocated based on per capita formulas using the existing budget data and population and employment levels in Los Gatos. Each section below describes the major assumptions and data sources used for each revenue and cost category.

Property Tax

Property tax is based on projected market values for future development shown in the table to the right (Projected Assessed Values by Land Use). The Consultants researched prices for real estate sales transactions over the past two years in Los Gatos. During that time, there were approximately 440 sales transactions for properties in the land use types and density ranges and included in the General Plan alternatives.

While property owners pay a total base property tax of one percent of assessed value, the Town receives an estimated 9.3 percent of this revenue. The remaining property tax revenue is distributed to the County and various other taxing agencies, most notably local school districts, in the area.

In addition to the base property tax, the Town receives property tax in lieu of vehicle license fees directly from the state. These revenues are based on annual increases in assessed value in each Town and are equal to nearly 21.8 percent of base tax revenues for Los Gatos.

Projected Assessed Values by Land Use

Land Use	Assessed Value
Residential	**Per Unit**
Single Family (Density)	
(4 du/ac)	$2,254,000
(10 du/ac)	$2,031,000
(14 du/ac)	$1,660,000
(16 du/ac)	$1,511,000
Multi-Family	
(18 du/ac)	$1,343,000
(20 du/ac)	$1,048,000
(26 du/ac)	$1,165,000
(36 du/ac)	$910,000
BMP Units	
Low Income	$385,000
Moderate Income	$510,000
Non-Residential	**Per Sq. Ft.**
Commercial	$1,086
Industrial	$200
Office	$556
Institutional	$189

Source: ADE,2019, based on property transaction data for 2017-2019 reported by CoreLogic ListSource.

Sales Tax

The Town receives 1.125 percent of taxable sales that occur within the Town limits. In the Background Report, the Consultants estimated that approximately 25 percent of total retail demand leaves Los Gatos as households and businesses shop at other retail centers in the regional market area.

Based on the projected home prices and rent levels for the housing units in the land use alternatives, the Consultants estimated household income levels and calculated the amount of taxable retail sales from each income segment shown in the table below (Estimated Household Incomes and Sales Tax Generation Rates).

For non-residential projects in the land use alternatives, the sales tax generation rates are based on the analysis of existing sales tax in the Background Report. In the fiscal calculations, the sales tax attributed to retail/commercial excludes sales tax generated by Los Gatos households. This was done to avoid double counting household revenues. The remaining taxable sales from retail/commercial are generated by non-Los Gatos households, visitor spending, and business to business transactions. Office, industrial, and institutional taxable sales are point of sale transactions at those places of business.

Estimated Household Incomes and Sales Tax Generation Rates

Residential Land Use Categories	Sales Price	Homeowners			Renters			Spent in Los Gatos	Sales Tax per Household
		Household Income	Retail Sales % of Income	Taxable Sales	Renter Household Income	Retail Sales	Taxable Sales		
Single Family									
(4 du/ac)	$2,254,000	$498,200	21.0%	65.7%				75.0%	$580
(10 du/ac)	$2,031,000	$448,900	21.0%	65.7%				75.0%	$523
(14 du/ac)	$1,660,000	$366,900	21.0%	65.7%				75.0%	$427
(16 du/ac)	$1,511,000	$334,000	21.0%	65.7%				75.0%	$389
Multi-Family									
(18 du/ac)	$1,343,000	$296,800	21.0%	65.7%	$88,209	34.0%	85.0%	75.0%	$241
(20 du/ac)	$1,048,000	$231,600	21.0%	65.7%	$88,209	34.0%	85.0%	75.0%	$226
(26 du/ac)	$1,165,000	$257,500	21.0%	65.7%	$88,209	34.0%	84.0%	75.0%	$230
(36 du/ac)	$910,000	$201,100	21.0%	65.7%	$88,209	34.0%	84.0%	75.0%	$217
BMP Low	$385,000	$85,050	29.8%	69.5%	$85,050	34.7%	84.0%	75.0%	$197
BMP Moderate	$510,000	$112,700	28.8%	69.1%	$112,700	34.7%	84.0%	75.0%	$260

Source: ADE, 2019. Homeowner incomes based on qualifying income for 30 year mortgage at 3.9% with 10% down payment and housing costs, including taxes and insurance, at 33% of income. Rents assumed to average $2,575 per month. The sales tax per household assumes 80% renters and 20% homeowners for the multi-family units.

Other Revenues and Costs

Other revenues and the Town service costs are projected on a per capita basis. Residents in Town generate twice the service demand per person as do the jobs supported by businesses in Town. This rule of thumb was developed through a fiscal impact methodology based on the data that nighttime residents are present at least 16 hours in a 24-hour day while those that commute into Town for employment only occupy 8-hour shifts. With the 2019 population in Los Gatos of 30,988 and an estimated job base of 19,667 jobs, this results in about 74.8 percent of Town service costs allocated to residential uses and 23.7 percent to non-residential uses. The remaining 1.5 percent are allocated to visitors based on the number of hotel rooms in Town. These percentages and the resulting per capita revenue and cost factors are shown in the table on the right (Per Capita Cost and Revenue Factors by Major Land Use).

Intergovernmental revenues, including the gas tax, tend to be allocated based on residential population only. General Government Costs are not allocated on a per capita basis but are applied as an overhead charge to other costs for each land use. General Government includes the Town management functions, finance, human resources, Town Clerk, Town Attorney, and other similar functions. Overall, these services represent about 20 percent of the total General Fund expenditures for Los Gatos.

The detailed fiscal projections for each alternative are shown in the tables on the following pages.

Per Capita Cost and Revenue Factors by Major Land Use

Budget Category	Residential		Business	
	Percent Allocation	Per Capita Factor	Percent Allocation	Per Capita Factor
Revenues				
Franchise Fees	76%	$60.51	24%	$29.66
Other taxes	76%	$34.46	24%	$16.89
Intergovernmental	100%	$31.57	0%	$0.00
Town Services	76%	$106.54	24%	$52.22
Fines and Forfeitures	75%	$11.68	24%	$5.84
Other Revenues	76%	$8.77	24%	$4.30
Debt Service Reimbursements	76%	$0.00	24%	$0.00
Transfers in	76%	$13.26	24%	$6.50
Expenditures				
Community Development	76%	$141.78	24%	$69.50
Library	76%	$72.24	24%	$35.41
Parks and Public Works	75%	$60.63	24%	$30.31
Debt Payments	76%	$0.00	24%	$0.00
Transfers Out	76%	$190.83	24%	$93.54
Franchise Fees	76%	$60.51	24%	$29.66
Other taxes	76%	$34.46	24%	$16.89

Source: ADE, 2019.

Detailed Fiscal Projections: Alternative A

Alternative A							
	Total	**Single Family**	**Multi-Family**	**Commercial**	**Industrial**	**Office**	**Institutional**
REVENUES							
Property Tax	$1,858,702	$599,216	$772,109	$391,559	$29,284	$60,067	$6,467
Property Tax in lieu of VLF	$497,736	$160,462	$206,761	$104,854	$7,842	$16,085	$1,732
Sales Tax	$720,812	$169,312	$184,914	$290,125	$11,293	$64,645	$524
Franchise Fees	$207,580	$56,645	$111,101	$23,001	$6,671	$9,852	$310
Transient Occupancy Tax	$0	$0	$0	$0	$0	$0	$0
Other taxes	$118,206	$32,256	$63,266	$13,098	$3,799	$5,610	$176
Licenses and Permits	$285,597	$77,934	$152,858	$31,646	$9,179	$13,555	$426
Intergovernmental	$87,501	$29,548	$57,954	$0	$0	$0	$0
Town Services	$365,454	$99,726	$195,599	$40,494	$11,745	$17,345	$545
Fines and Forfeitures	$40,213	$10,931	$21,440	$4,528	$1,313	$1,939	$61
Interest Earnings and Rents	$62,721	$18,513	$26,613	$13,372	$1,231	$2,839	$153
Other Revenues	$30,072	$8,206	$16,095	$3,332	$966	$1,427	$45
Transfers in	$45,470	$12,408	$24,337	$5,038	$1,461	$2,158	$68
TOTAL REVENUES	**$4,320,066**	**$1,275,158**	**$1,833,048**	**$921,048**	**$84,785**	**$195,521**	**$10,507**
EXPENDITURES							
General Government	$629,157	$167,134	$327,811	$90,283	$17,380	$25,712	$836
Community Development	$505,602	$132,714	$260,301	$80,834	$12,504	$18,523	$726
Police Dept.	$1,463,870	$382,651	$750,519	$237,738	$36,776	$54,478	$1,707
Library	$247,812	$67,623	$132,634	$27,459	$7,964	$11,761	$370
Parks and Public Works	$208,775	$56,753	$111,313	$23,507	$6,818	$10,068	$316
Transfers Out	$654,620	$178,634	$350,367	$72,536	$21,039	$31,069	$977
TOTAL EXPENDITURES	**$3,709,836**	**$985,509**	**$1,932,945**	**$532,357**	**$102,482**	**$151,612**	**$4,932**
TOTAL BUDGET NET (DEFICIT)/ SURPLUS	**$610,230**	**$289,649**	**($99,897)**	**$388,691**	**($17,697)**	**$43,910**	**$5,575**

Note: figures may not exactly add due to rounding.

Detailed Fiscal Projections: Alternative B

Alternative B							
	Total	**Single Family**	**Multi-Family**	**Commercial**	**Industrial**	**Office**	**Institutional**
REVENUES							
Property Tax	$2,478,760	$484,371	$1,507,012	$391,559	$29,284	$60,067	$6,467
Property Tax in lieu of VLF	$663,780	$129,708	$403,558	$104,854	$7,842	$16,085	$1,732
Sales Tax	$867,758	$141,992	$359,178	$290,125	$11,293	$64,645	$524
Franchise Fees	$297,814	$42,335	$215,646	$23,001	$6,671	$9,852	$310
Transient Occupancy Tax	$0	$0	$0	$0	$0	$0	$0
Other taxes	$169,590	$24,107	$122,799	$13,098	$3,799	$5,610	$176
Licenses and Permits	$409,745	$58,246	$296,694	$31,646	$9,179	$13,555	$426
Intergovernmental	$134,570	$22,083	$112,487	$0	$0	$0	$0
Town Services	$524,315	$74,532	$379,654	$40,494	$11,745	$17,345	$545
Fines and Forfeitures	$57,626	$8,170	$41,615	$4,528	$1,313	$1,939	$61
Interest Earnings and Rents	$84,157	$14,746	$51,816	$13,372	$1,231	$2,839	$153
Other Revenues	$43,145	$6,133	$31,241	$3,332	$966	$1,427	$45
Transfers in	$65,236	$9,273	$47,237	$5,038	$1,461	$2,158	$68
TOTAL REVENUES	**$5,796,495**	**$1,015,697**	**$3,568,937**	**$921,048**	**$84,785**	**$195,521**	**$10,507**
EXPENDITURES							
General Government	$895,398	$124,911	$636,275	$90,283	$17,380	$25,712	$836
Community Development	$717,013	$99,187	$505,239	$80,834	$12,504	$18,523	$726
Police Dept.	$2,073,425	$285,982	$1,456,743	$237,738	$36,776	$54,478	$1,707
Library	$355,534	$50,540	$257,440	$27,459	$7,964	$11,761	$370
Parks and Public Works	$299,181	$42,415	$216,056	$23,507	$6,818	$10,068	$316
Transfers Out	$939,181	$133,506	$680,055	$72,536	$21,039	$31,069	$977
TOTAL EXPENDITURES	**$5,279,731**	**$736,541**	**$3,751,809**	**$532,357**	**$102,482**	**$151,612**	**$4,932**
TOTAL BUDGET NET (DEFICIT)/ SURPLUS	**$516,764**	**$279,157**	**($182,872)**	**$388,691**	**($17,697)**	**$43,910**	**$5,575**

Note: figures may not exactly add due to rounding.

Detailed Fiscal Projections: Alternative C

Alternative C							
	Total	**Single Family**	**Multi-Family**	**Commercial**	**Industrial**	**Office**	**Institutional**
REVENUES							
Property Tax	$2,741,725	$558,345	$1,696,003	$391,559	$29,284	$60,067	$6,467
Property Tax in lieu of VLF	$734,198	$149,517	$454,167	$104,854	$7,842	$16,085	$1,732
Sales Tax	$963,242	$162,463	$434,192	$290,125	$11,293	$64,645	$524
Franchise Fees	$354,403	$48,013	$266,556	$23,001	$6,671	$9,852	$310
Transient Occupancy Tax	$0	$0	$0	$0	$0	$0	$0
Other taxes	$201,814	$27,341	$151,790	$13,098	$3,799	$5,610	$176
Licenses and Permits	$487,603	$66,059	$366,739	$31,646	$9,179	$13,555	$426
Intergovernmental	$164,088	$25,045	$139,043	$0	$0	$0	$0
Town Services	$623,943	$84,529	$469,284	$40,494	$11,745	$17,345	$545
Fines and Forfeitures	$68,546	$9,266	$51,440	$4,528	$1,313	$1,939	$61
Interest Earnings and Rents	$95,298	$16,914	$60,789	$13,372	$1,231	$2,839	$153
Other Revenues	$51,343	$6,956	$38,616	$3,332	$966	$1,427	$45
Transfers in	$77,632	$10,517	$58,389	$5,038	$1,461	$2,158	$68
TOTAL REVENUES	**$6,563,834**	**$1,164,965**	**$4,187,009**	**$921,048**	**$87,785**	**$195,521**	**$10,507**
EXPENDITURES							
General Government	$1,062,367	$141,666	$786,490	$90,283	$17,380	$25,712	$836
Community Development	$849,596	$112,491	$624,518	$80,834	$12,504	$18,523	$726
Police Dept.	$2,455,699	$324,342	$1,800,658	$237,738	$36,776	$54,478	$1,707
Library	$423,091	$57,319	$318,218	$27,459	$7,964	$11,761	$370
Parks and Public Works	$355,878	$48,105	$267,064	$23,507	$6,818	$10,068	$316
Transfers Out	$1,117,639	$151,413	$840,606	$72,536	$21,039	$31,069	$977
TOTAL EXPENDITURES	**$6,264,270**	**$835,336**	**$4,637,553**	**$532,357**	**$102,482**	**$151,612**	**$4,932**
TOTAL BUDGET NET (DEFICIT)/ SURPLUS	**$299,565**	**$329,629**	**($450,544)**	**$388,691**	**($17,697)**	**$43,910**	**$5,575**

Note: figures may not exactly add due to rounding.

Detailed Fiscal Projections: Alternative D

Alternative D							
	Total	**Single Family**	**Multi-Family**	**Commercial**	**Industrial**	**Office**	**Institutional**
REVENUES							
Property Tax	$3,419,046	$744,996	$2,186,673	$391,559	$29,284	$60,067	$6,467
Property Tax in lieu of VLF	$915,576	$199,500	$585,563	$104,854	$7,842	$16,085	$1,732
Sales Tax	$1,178,463	$213,283	$598,593	$290,125	$11,293	$64,645	$524
Franchise Fees	$477,885	$75,883	$362,169	$23,001	$6,671	$9,852	$310
Transient Occupancy Tax	$0	$0	$0	$0	$0	$0	$0
Other taxes	$272,131	$43,211	$206,236	$13,098	$3,799	$5,610	$176
Licenses and Permits	$657,495	$104,403	$498,287	$31,646	$9,179	$13,555	$426
Intergovernmental	$228,500	$39,583	$188,917	$0	$0	$0	$0
Town Services	$841,339	$133,595	$637,614	$40,494	$11,745	$17,345	$545
Fines and Forfeitures	$92,376	$14,644	$69,891	$4,528	$1,313	$1,939	$61
Interest Earnings and Rents	$121,642	$23,534	$80,524	$13,372	$1,231	$2,839	$153
Other Revenues	$69,232	$10,993	$52,468	$3,332	$966	$1,427	$45
Transfers in	$104,680	$16,622	$79,333	$5,038	$1,461	$2,158	$68
TOTAL REVENUES	**$8,378,365**	**$1,620,237**	**$5,546,267**	**$921,048**	**$84,785**	**$195,521**	**$10,507**
EXPENDITURES							
General Government	$1,426,709	$223,897	$1,068,600	$90,283	$17,380	$25,712	$836
Community Development	$1,138,904	$177,787	$848,529	$80,834	$12,504	$18,523	$726
Police Dept.	$3,289,855	$512,610	$2,446,546	$237,738	$36,776	$54,478	$1,707
Library	$570,505	$90,590	$432,361	$27,459	$7,964	$11,761	$370
Parks and Public Works	$479,596	$76,028	$362,859	$23,507	$6,818	$10,068	$316
Transfers Out	$1,507,050	$239,303	$1,142,128	$72,536	$21,039	$31,069	$977
TOTAL EXPENDITURES	**$8,412,619**	**$1,320,214**	**$6,301,023**	**$532,357**	**$102,482**	**$151,612**	**$4,932**
TOTAL BUDGET NET (DEFICIT)/ SURPLUS	**($34,253)**	**$300,023**	**($754,755)**	**$388,691**	**($17,697)**	**$43,910**	**$5,575**

Note: figures may not exactly add due to rounding.

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DATE: March 31, 2022

TO: Town Council

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider an Appeal of a Planning Commission Decision Approving a Request for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. **Located at 118 Olive Street**. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect.

RECOMMENDATION:

Deny the appeal of a Planning Commission decision approving a request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D, located at 118 Olive Street.

BACKGROUND:

The subject property is located on the north side of Olive Street, approximately 138 feet from the intersection with San Benito Avenue (Attachment 1, Exhibit 1). The subject property is approximately 3,680 square feet and is nonconforming as to size, where 5,000 square feet is required for a parcel in the R-1D zone.

On May 10, 2021, the applicant submitted an Architecture and Site application for a substantial remodel and second-story addition to the existing single-family residence. While processing the application, the applicant determined that full demolition of the existing residence was needed to accomplish the project. The design of the proposed residence did not change once full demolition of the existing residence was proposed.

On October 21, 2021, the application was deemed complete for processing. Project signage

PREPARED BY: Sean Mullin, AICP
Senior Planner

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

BACKGROUND (continued):

and story poles were installed on the subject property and certified by a licensed civil engineer on November 1, 2021. On December 22, 2021, notice cards were mailed to surrounding property owners and occupants as required by the Town Code.

On January 12, 2022, the Planning Commission considered the application and continued the matter to February 9, 2022 (Attachments 1 through 3). The Planning Commission directed the applicant to:

- Continue neighbor outreach efforts and contact neighbors that expressed concerns; and
- Provide a three-dimensional rendering of the proposed residence.

On February 9, 2022, the Planning Commission considered the application, including the applicant's summary of their continued neighbor outreach and a three-dimensional rendering of the proposed residence (Attachments 4 through 6). The Planning Commission approved the application subject to Conditions of Approval (Attachment 7).

On February 22, 2022, the decision of the Planning Commission was appealed to the Town Council by an interested person, Shelli Baker, property owner of 120 Olive Street (Attachment 8). The appellant indicated that the Planning Commission based their decision on incomplete and inaccurate information; that the Planning Commission did not address the concerns of surrounding neighbors; and that pertinent information provided to staff was not forwarded to the Planning Commission.

Pursuant to the Town Code, any interested person as defined by Section 29.10.020 may appeal to the Council any decision of the Planning Commission. For residential projects an interested person is defined as "a person or entity who owns property or resides within 1,000 feet of a property for which a decision has been rendered and can demonstrate that their property will be injured by the decision." The appellant meets the requirements.

Pursuant to Town Code Section 29.20.280, the appeal must be heard within 56 days of the Planning Commission hearing and in this case, by April 6, 2022. The Council must at least open the public hearing for the item and may continue the matter to a date certain if the Council does not complete its deliberations on the item.

Pursuant to Town Code Section 29.20.295, in the appeal, and based on the record, the appellant bears the burden to prove that there was an error or abuse of discretion by the Planning Commission as required by Section 29.20.275. If neither is proved, the appeal should be denied. If the appellant meets the burden, the Town Council shall grant the appeal and may modify, in whole or in part, the determination from which the appeal was taken or, at its discretion, return the matter to Planning Commission. If the basis for granting the appeal is, in

BACKGROUND (continued):

whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

DISCUSSION:

A. Project Summary

The applicant proposes demolition of the existing 814-square foot single-story residence and 253-square foot attached garage (Attachment 1, Exhibit 9) and construction of a new 1,677-square foot two-story residence with a 299-square foot attached garage (Attachment 1, Exhibit 11). The proposed residence would exceed the allowable Floor Area Ratio (FAR). In addition, the proposed residence includes a front setback of 10 feet, where 15 feet is required, and a left-side setback of three feet, where five feet is required. The project includes one off-street parking space, where two spaces are required by the Town Code. Lastly, the project also includes 1,195 square feet of below-grade square footage that would not count towards the allowable floor area pursuant to Town Code.

The subject property is approximately 3,680 square feet and is nonconforming as to size, where 5,000 square feet is required for a parcel in the R-1D zone. A single-family residence is permitted in the R-1D zone. The proposed residence complies with the zoning regulations for height and right-side and rear setbacks. The applicant requests approval to exceed the allowable FAR, reduce the front and left-side setbacks, and an exemption to the requirement to provide two off-street parking spaces. The applicant provided a Letter of Justification discussing these requests (Attachment 1, Exhibit 4). A full discussion and analysis of the application, including the requested exceptions, is provided in the January 12, 2021, staff report to the Planning Commission (Attachment 1).

B. Planning Commission

On January 12, 2022, the Planning Commission received the staff report and addendum report (Attachments 1 and 2), opened the public hearing, and considered testimony from the applicant and the public (Attachment 3). The appellant was present at this meeting and spoke in opposition to the proposed project. After asking questions of the applicant, the Planning Commission closed the public hearing and discussed the project. The Commission voted unanimously to continue the public hearing to a date certain of February 9, 2022, directing the applicant to:

- Continue neighbor outreach efforts and contact neighbors that expressed concerns; and
- Provide a three-dimensional rendering of the proposed residence.

Attachment 3 contains the verbatim minutes of the January 12, 2022, meeting.

DISCUSSION (continued):

On February 9, 2022, the Planning Commission received the staff report and desk item report (Attachments 4 and 5), opened the public hearing, and considered testimony from the applicant and the public (Attachment 6). The appellant was present at this meeting and spoke again in opposition to the proposed project. After asking questions of the applicant, the Planning Commission closed the public hearing and discussed the project. The Planning Commission voted unanimously to approve the application subject to Conditions of Approval (Attachment 7).

Attachment 6 contains the verbatim minutes of the February 9, 2022, meeting.

C. Appeal to Town Council

The decision of the Planning Commission was appealed on February 22, 2022, prior to the 5:00 p.m. deadline, by an interested person, Shelli Baker (Attachment 8).

The appeal states that the Planning Commission based their decision on incomplete and inaccurate information; did not address the concerns of surrounding neighbors; and that pertinent information provided to staff was not forwarded to the Planning Commission (Attachment 8). A summary of the specific reasons listed in the appeal form are provided below as verbatim excerpts, followed by the applicant's response in *italic* font and staff's analysis. The applicant's full response letter to the appeal is included as Attachment 9. Supplemental information provided by the appellant on March 31, 2022, is included as Attachment 10.

1. Appellant: Plans to be revised to include omitted and accurate information and condition of approval added regarding building permit submittal.

   Plans are incomplete and do not include: A Construction Management and Job Sequencing Plan, Geotech/Soils Stability Report and peer review, Site Grading Plan and Dewatering Mitigation Plan, stitch pier design for access and soil stability indicating total scope of soils export/import. (Plan currently indicates an obvious error of only 0.9 cubic yards being exported.) Storage/staging areas for lumber, waste containers, toilet, wash out area, and worker parking are also lacking from the plans.

   A sampling of omitted dimensions/call outs are: sectionals, rear setback, rear deck elevation and dimensions, and partial west side setbacks ...The plans need to be revised prior to council approval.

   Request: Include a condition of approval that any changes to the plans submitted to the building department shall be denied and resubmitted to the planning department and planning commission.

DISCUSSION (continued):

Applicant: Projects in the planning phase do not require construction management, job sequencing plan, geo/soils, peer review site grading/dewatering plan, stitch pier design, staging and storage design, waste containers or parking, unless specifically called out by way of site conditions/zoning. This project was not subject to those during planning review because the conditions do not warrant them at this time, but may be subject to review as part of the building permit process and/or the conditional of planning approval. The Planning and Building Department makes those determinations based on code compliance and site conditions.

All required dimensions were included in the drawings for Planning Department review. Some dimensions which may bring more clarity during the building permit process may have not yet been included, but will likely be part of that process at the appropriate time.

As discussed in both Town Planning Commission meetings, the rear deck elevation is less than required and is a walk-out condition from the ground level of the house, it is not elevated to produce a condition to invade any neighbor's privacy. To further clarify, the elevation of the rear deck is the same height as the existing floor finish of the home or lower as indicated on the Civil drawings. The required rear setback for the home is 20' and this project is in greater compliance than required.

Staff analysis: Sheet C2.0 of the Development Plans includes grading quantities for site work outside of the excavation required for the building (Attachment 1, Exhibit 11). The site grading quantities are evaluated by staff to determine if a Grading Permit will be required at the Building Permit stage of the project. In this case, the project includes less than one cubic yard of site grading, far below the threshold for a Grading Permit of 50 cubic yards. Excavation quantities, which are exempt from a Grading Permit, were not required by the Engineering Division during review of this application. Grading and excavation activities, including the off hauling of spoils, are addressed through Conditions 39, 40, 48, 57, 58, and 64 of the Draft Conditions of Approval (Attachment 7).

The appellant indicates several pieces of information were omitted from the Development Plans submitted with this application. Staff has provided an itemized response to each below. All referenced Draft Conditions of Approval can be found in Attachment 7.

- Construction Management and Job Sequencing Plan: Construction site management plans are not required under the Architecture and Site application, but are required with the materials submitted for a Building Permit as reflected in Conditions 46, 47, and 51 of the Draft Conditions of Approval;
- Geotech/Soils Stability Report and peer review: A Geotechnical report was not required by the Engineering Division under the Architecture and Site application as

DISCUSSION (continued):

the subject property is not located in a liquefaction zone nor in close proximity to a known fault line. Peer review of a Soils Report is required with the Building Permit as reflected in Condition 20 of the Draft Conditions of Approval;

- Site Grading Plan: A Preliminary grading plan is included in the Development Plans submitted for this application (Attachment 1, Exhibit 11, Sheet C2.0);
- Dewatering Mitigation Plan: Details for dewatering was not required under the Architecture and Site application and is not typically required under an application for a Building Permit. The Soils Report, submitted for peer review under the Building Permit application, may recommend dewatering procedures depending on the depth of the water table. If recommended, details of dewatering would be required by the Building Division during review of the Building Permit application;
- Stitch pier design for access and soil stability indicating total scope of soils export/import: Structural details of the stitch pier design are required and will be reviewed under the Building Permit application. As discussed above, site grading quantities were provided, and excavation quantities were not required by the Engineering Division under this application. Grading and excavation activities, including the off hauling of spoils, are addressed through Conditions 39, 40, 48, 57, 58, and 64 of the Draft Conditions of Approval;
- Storage/staging areas for lumber, waste containers, toilet, wash out area, and worker parking are also lacking from the plans: Construction site management plans are not required under the Architecture and Site application, but are required with the materials submitted for a Building Permit as reflected in Conditions 46, 47, and 51 of the Draft Conditions of Approval;
- Sectionals (i.e., section drawings): A building section exhibit was included on Sheet A-3 of the Development Plans (Attachment 1, Exhibit 11);
- Rear setback: The required rear setback was not included on the various Site Plans in the Development Plans (Attachment 1, Exhibit 11). Staff evaluated the project and determined that the proposed residence is located approximately 30 feet from the rear property line where a minimum 20 feet is required by the zone;
- Rear deck elevation and dimensions: Sheet C2.0 of the Development Plans includes finished elevations of the deck of 393.36 feet to 393.53 feet (sloping away from residence) above the adjacent ground elevation of 392.47 feet. Dimensions of the deck are not included, but because the deck is essentially at-grade, it is allowed anywhere on the property under Section 29.40.070(c) of the Town Code;
- Partial west side setbacks: West side setbacks are shown and dimensioned on Sheet A-1 of the Development Plans (Attachment 1, Exhibit 11); and
- Include a condition of approval that any changes to the plans submitted to the Building Department shall be denied and resubmitted to the Planning Department and Planning Commission: The Community Development Department will evaluate

DISCUSSION (continued):

the plans submitted for the Building Permit and any future revisions thereto to determine if they are in substantial conformance with the approved project, as required by Draft Condition of Approval 1. If changes exceed the scope of the approved project, a modification to the approved Architecture and Site application may be required.

2. Appellant: Add street repair condition of approval.

   A significant number of trucks and heavy equipment will be necessary to construct the home and off haul dirt associated with the basement. It will be very challenging for the narrow streets to accommodate these trucks and equipment and there will likely be significant damage done.

   Request: Add a condition of approval that Olive Street be surveyed before and after construction (e.g. video taken by public works) and that the street, curb, gutter, sidewalk and neighborhood property be repaired to original condition.

   Applicant: Projects in the planning phase do not require many of these items, however, there are required Conditions of Approval which are already part of the project: Not listed here, but there are 12 pages of Conditions of Approval of 70 items, all of which occur at the phases of work after Planning Approval.

   To note: There have been several construction projects on this block over the last several years, including one which was a completely new build, with a basement.

   Staff analysis: The Engineering Division did not require a preconstruction pavement survey for this project. Conditions 33, 35, 44, 45, 46, 47, and 48 of the Draft Conditions of Approval address restoration of public improvements; street and sidewalk closures; construction parking; and hauling of soil.

3. Appellant: New home to comply with minimum 5-foot side yard setbacks OR remove basement from plans.

   Safety/Welfare: The stitch piering necessary to construct a basement will cause excessive ground shaking and potential damage to the adjacent 80 year old home which is situated on a sloped lot with sump pumps underneath. This issue is further compounded by the request for reduced setbacks.

   Request: Remove basement or increase setbacks to conforming.

   Applicant: Projects in the planning phase do not require means and methods of construction review.

DISCUSSION (continued):

Several homes on this block have less than 3' side yard setback, including the neighbor at 120 Olive. There are also homes with basements in this neighborhood.

Stitch Pier method of construction is an industry accepted means of engineering. This method is used on even smaller 0' lot line properties. The means and methods of construction are not part of the Planning Review Process.

To Note: The soils engineer, structural engineer, architect, contractor, and homeowner all have insurances. The integrity of the design and code compliance is all part of the building permit process and construction inspections, not planning review.

Staff analysis: Section 29.10.265 of the Town Code allows for the modification of any rule of the zone on nonconforming property, including setbacks, when found to be compatible with the neighborhood. The Planning Commission found that the reduced setbacks of the new residence were compatible with the neighborhood and complied with these requirements. The proposed three-foot side setback is not likely to significantly increase any ground shaking created by stitch pier drilling over what would be experienced with a five-foot side setback.

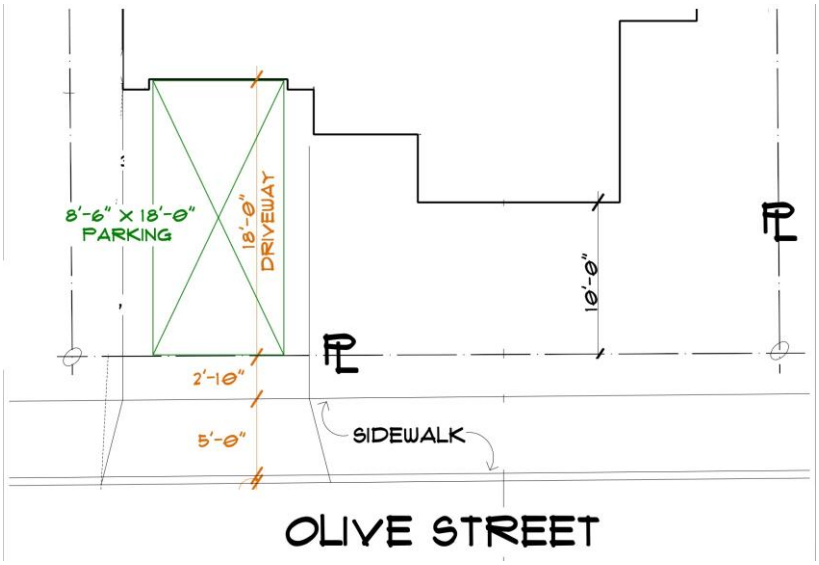
4. Appellant: Minimum 20-foot driveway added to site plan which does not include public right-of-way.

   Emergency access: The narrow street width and lack of viable on-site parking will make it more difficult for cars/trucks in general and more importantly emergency vehicles to access the homes on Olive Street.

   Request: provide a minimum 20-foot driveway for off-street parking that does not include the public right of way.

   Applicant: The Town requirement for a driveway is not 20', it is 18'. The project site has an 18' driveway to property line and includes than another 2'+ to the public right of way. The project is in compliance with code. Illustrated below:

DISCUSSION (continued):



To Note: This neighborhood has several driveways which are non-complaint, including several homes with no driveway space to park, in addition to many of the garages being constructed to not actually be able to park a car. The Town Planning Department and Planning Commission specifically reviewed this project in that context as we are adding park-able driveway (code compliant) space and adding a function (code compliant) garage, thus positively impacting to the reduction of off-street parking.

Staff analysis: Staff has provided an itemized response below.

- Driveway: Section 29.10.155 of the Town Code requires driveways to be a minimum of 18-feet in length. Sheet C3.0 of the Development Plans show an existing driveway length of 17.4 feet (Attachment 1, Exhibit 11). The applicant has set the garage door one foot deep into the wall of the new residence, resulting an increased driveway length of 18.4 feet in depth. Neither measurement of driveway length includes any portion of the public right-of-way; and
- Emergency Access: The application carries no requirement to improve the existing conditions of Olive Street. The project includes the creation of a new compliant parking space within the garage of the residence, which can be counted toward the parking requirement for the property. Two additional spaces are being created on the site via the increased-length driveway and the car lift in the garage, although these spaces cannot be counted toward the parking requirement for the property.

DISCUSSION (continued):

5. Appellant: New home not to exceed FAR calculation or basement to be removed from the plans.

   The FAR calculations for a non-conforming lot is already adjusted to a higher allowable coverage than conforming lots. The 1195sf basement is in addition to the allowable FAR. Additionally, the use of a basement was established to aid enlarging homes without unnecessarily impacting the neighborhood with excessive and out of scale designs.

   Request: Reduce the size of the house to conform to FAR guidelines.

   Applicant: This part of the project was specifically reviewed by the Planning Commission and the Planning Department. The drawings provided for planning review purposes in total is a 1195sf basement, but if reviewed against the portions of basement garage space and living area it would actually be less: Basement living: 809sf, Basement Garage: 386. The design of this project is in scale with the neighborhood as reviewed by the Town Design Guidelines, Town Staff, the Town Consulting Architect and Planning Commission. The mass and presence of the home is less than the 3 story home at the corner on 546 San Benito and homes at 125, 127 and 135 Olive as well as being very similar to its direct neighbor at 120 Olive. This is illustrated on Sheet A1.1 on the plans in profile, but was also witnessed by the Town Planning Department and Planning Commission whom all visited the site before unanimously approving the project. To also add, the story poles have been up since October 2021 (and are still up), giving proper notice for all to weigh in.

   The above ground massing is consistent with Town code 29.40.072 and was reviewed in such context with the appropriate basement usage. The second story of the project is less than the footprint of the ground floor, bringing scale to the streetscape that blends with the neighborhood pattern as well as having articulation to not be a solid mass block. 61% of the massing is on the ground level and 39% on the second story.

   Staff analysis: Section 29.40.255(c) of the Town Code allows for an FAR in excess of what is allowed when the project is found to be consistent with the residential development standards and the lot coverage, setbacks, and FAR of development on surrounding lots. The Planning Commission found that the proposed residence complied with these requirements.

6. Appellant: New home to comply w/ minimum front and side setbacks of 15 and 5 feet respectively.

DISCUSSION (continued):

There are no compelling or inherent constraints that prevent the proposed house from being built with very slight modifications.

Request: Simply repositioning the garage two feet to the east and the house five feet toward the rear of the property allows the house to be built with minimal changes to the design and maintains the overall integrity of the house. These minor alterations also solve the problematic substandard length driveway.

Applicant: These manageable adjustments will eliminate the need for three of the four exceptions/variances and satisfy many of the neighborhood objections and concerns.

This part of the project was specifically reviewed by the Planning Commission and the Planning Department. In fact, the Planning Commission acknowledged the constraints of this property are very tight and believed the work from the Town Architect, Planning Department and Architect of Record did a detailed job to explain why each part of the project warranted its use. Specifically citing the complaint garage and its use of the modified setback to gain compliance was well received to help ease parking concerns while also balancing the needs of the homeowners to gain a livable space inside the house and backyard to suit the needs of growing young families as the live in Los Gatos.

Summary of the direct neighbor's setbacks who exceed allowable:

Address	***Side yard***	***Front yard***
110	*both sided less than 3'*	*4'*
112	*3'*	*8'9"*
120	*3' on 2 story home*	*11'*
125	*1'*	*5'*
127	*1'6"*	*7'*
129	*under 2'*	
131	*under 2'*	*8'*
133	*3'*	*7'*

Staff analysis: Section 29.10.265 of the Town Code allows for the modification of any rule of the zone on nonconforming property, including setbacks, when found to be compatible with the neighborhood. The Planning Commission found that the reduced setbacks of the new residence complied with these requirements.

7. Appellant: Pertinent information was provided and not delivered to the Planning Commission. Please see attached email from Sean Mullin, Project Planner, and accompanying letter and signature page dated February 7, 2022, from the neighbors.

DISCUSSION (continued):

Applicant: A letter appears to have been inadvertently not included as part of the process, however, during both Planning Commission meetings each of the topics included in this letter were specifically cited and considered during the approval. Including: Planning Commissions acceptable of applicants neighborhood outreach, parking and driveway conditions, setbacks, square footage/FAR, rear deck height and overall height.

Staff analysis: The referenced letter (Attachment 8) from Darren Carroll was hand-delivered to the staff on February 8, 2022, at approximately 11:35 a.m., ahead of the deadline for inclusion in the February 9, 2022, Desk Item to the Planning Commission. Staff inadvertently did not include the letter in the Desk Item, but did include an updated signature page received via email on February 9, 2022 (Attachment 5, Exhibit 18). The author of the letter, as well as several of the signatures of the letter, spoke at both the January 12, 2022, and February 9, 2022, Planning Commission hearings.

PUBLIC COMMENTS:

Story poles and signage have been maintained on the site since the January 12, 2022, Planning Commission meeting. Written notice of the Town Council hearing was sent to property owners and tenants within 300 feet of the subject property. At the time of this report's preparation, the Town has not received any public comment.

ENVIRONMENTAL REVIEW:

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

CONCLUSION:

A. Recommendation

For the reasons stated in this report, it is recommended that the Town Council uphold the decision of the Planning Commission and adopt a resolution (Attachment 11) denying the appeal and approving the application with the required Findings (Attachment 11, Exhibit A), Conditions of Approval (Attachment 11, Exhibit B), and Development Plans (Attachment 1, Exhibit 11).

CONCLUSION (continued):

B. Alternatives

Alternatively, the Town Council could:

1. Adopt a resolution to grant the appeal and remand the application back to the Planning Commission with specific direction (Attachment 12);
2. Adopt a resolution granting the appeal and denying the application (Attachment 13); or
3. Continue the application to a date certain with specific direction.

ATTACHMENTS:

1. January 12, 2022 Planning Commission Staff Report, with Exhibits 1-11
2. January 22, 2022 Planning Commission Addendum Report, with Exhibits 12-13
3. January 12, 2022 Planning Commission Verbatim Minutes
4. February 9, 2022 Planning Commission Staff Report, with Exhibits 14-15
5. February 9, 2022 Planning Commission Desk Item Report, with Exhibits 16-18
6. February 9, 2022 Planning Commission Verbatim Minutes
7. February 10, 2022 Planning Commission Action Letter
8. Appeal of the Planning Commission Decision, received February 22, 2022
9. Applicant's Response to Appeal, received March 21, 2022
10. Supplemental Information from Appellant, received March 31, 2022
11. Draft Resolution to Deny Appeal and Approve Project, with Exhibits A and B
12. Draft Resolution to Grant Appeal and Remand Project to Planning Commission
13. Draft Resolution to Grant Appeal and Deny Project

TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 01/12/2022

ITEM NO: 2

DATE: January 7, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. **Located at 118 Olive Street**. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect.

RECOMMENDATION:

Consider approval for demolition of an existing single-family residence and construction of a new single-family residence to exceed Floor Area Ratio (FAR) standards with reduced front and side yard setbacks on nonconforming property zoned R-1D located at 118 Olive Street.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-1D (Single-family residential downtown – 5,000 square-foot minimum for single-family)
Applicable Plans & Standards: General Plan
Parcel Size: 3,680 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1D
South	Residential	Medium Density Residential	R-1D
East	Residential	Medium Density Residential	R-1D
West	Residential	Medium Density Residential	R-1D

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

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

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed FAR standards, for reduced front and side yard setbacks, and for an exemption from the parking requirements.
- As required by Section 29.40.075(c) of the Town Code for granting approval of an exception to the FAR standards.
- As required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements.
- As required by Section 29.10.150(h)(2) of the Town Code for reduced parking where it can be shown that the lot does not have adequate area to provide parking as required.
- As required by the Residential Design Guidelines that the project complies with the Residential Design Guidelines.

CONSIDERATIONS:

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

ACTION:

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

BACKGROUND:

The subject property is located on the north side of Olive Street, approximately 138 feet from the intersection with San Benito Avenue (Exhibit 1). The subject property is approximately 3,680 square feet and is nonconforming as to size, where 5,000 square feet is required for a parcel in the R-1D zone.

This Architecture and Site application is being referred to the Planning Commission because the applicant is proposing to exceed the maximum allowable FAR and reduced

BACKGROUND (continued):

front and side setbacks. The residence would have the third largest floor area in terms of FAR and square footage in the immediate neighborhood based on Town and County records.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 3,680 square feet, located on the north side of Olive Street (Exhibit 1). The subject site and surrounding properties are comprised of single-family homes.

B. Project Summary

The applicant proposes demolition of the existing 814-square foot single-story residence and 253-square foot attached garage (Exhibit 9) and construction of a new 1,677-square foot two-story residence with a 299-square foot attached garage (Exhibit 11). The proposed residence would exceed the allowable FAR. In addition, the proposed residence includes a front setback of 10 feet, where 15 feet is required, and a left-side setback of three feet, where five feet is required. The project includes one off-street parking space, where two spaces are required by the Town Code. Lastly, the project also includes 1,195 square feet of below-grade square footage that would not count towards the allowable floor area.

C. Zoning Compliance

The subject property is approximately 3,680 square feet and is nonconforming as to size, where 5,000 square feet is required for a parcel in the R-1D zone. A single-family residence is permitted in the R-1D zone. The proposed residence complies with the zoning regulations for height and right-side and rear setbacks. The applicant requests approval to exceed the allowable FAR, reduce the front and left-side setbacks, as well as an exemption to the requirement to provide two off-street parking spaces. The applicant provided a Letter of Justification discussing these requests (Exhibit 4).

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes demolition of the existing single-story residence and construction of a 1,677-square foot two-story residence with a 299-square foot attached garage and 1,195 square feet of below-grade square footage that would not count towards the allowable floor area (Exhibit 11). The proposed residence would have a front setback of 10 feet,

DISCUSSION (continued):

where 15 feet is required, and a left-side setback of three feet, where five feet is required, as discussed in Section D below. The project also includes one off-street parking space, where two spaces are required by the Town Code, as discussed in Section E below. The applicant provided a Letter of Justification discussing the project and the requested exceptions (Exhibit 4).

A summary of the floor area for the existing and proposed homes is included in the table below.

Floor Area Summary

	Allowed SF	Existing SF	Proposed SF
Main Residence	1,369	814	1,677
Below-Grade Area*	--	0	1,195
Garage	400	253	299
** Pursuant to Sec. 29.10.020, floor area means the entire enclosed area of all floors that are more than four feet above the proposed grade, measured from the outer face of exterior walls or in the case of party walls from the centerline.*			

The neighborhood compatibility of the proposed floor area is discussed in Section B below.

B. Neighborhood Compatibility

Pursuant to Section 29.40.075 of the Town Code, the maximum FAR for the subject property is 0.37 (1,369 square feet). The proposed residence would have an FAR of 0.46 (1,677 square feet), exceeding the allowable FAR by 0.09 (308 square feet). The table on the following page reflects the current conditions of the homes in the immediate neighborhood and the proposed project.

DISCUSSION (continued):

Immediate Neighborhood Comparison

Address	Zoning	House SF	Garage SF	Total SF	Site SF	Building FAR	Garage FAR	Exceed FAR?
114 Olive St	R-1D	1,311	220	1,531	3,680	0.36	0.060	No
116 Olive St	R-1D	969	220	1,189	3,680	0.26	0.060	No
120 Olive St	R-1D	1,429	300	1,729	3,680	0.39	0.082	Yes +0.02 (+60 sf)
122 Olive St	R-1D	1,267	360	1,627	3,680	0.34	0.098	No
127 Olive St	R-1D	1,518	300	1,818	3,626	0.42	0.083	Yes +0.05 (+166 sf)
129 Olive St	R-1D	916	162	1,078	3,625	0.25	0.045	No
131 Olive St	R-1D	1,125	215	1,340	3,624	0.31	0.059	No
133 Olive St	R-1D	975	190	1,165	3,542	0.28	0.054	No
135 Olive St	R-1D	1,699	0	1,699	3,542	0.48	0.000	Yes +0.11 (+373 sf)
546 San Benito Av	R-1D	1,767	0	1,767	3,680	0.48	0.000	Yes +0.11 (+398 sf)
118 Olive St (e)	**R-1D**	**814**	**253**	**1,067**	**3,680**	**0.22**	**0.069**	**No**
118 Olive St (p)	**R-1D**	**1,677**	**299**	**1,976**	**3,680**	**0.46**	**0.081**	**Yes +0.09 (+308 sf)**

Based on Town and County records, the homes in the immediate neighborhood range in size from 916 square feet to 1,767 square feet and building FARs range from 0.22 to 0.48. The applicant is proposing a 1,677-square foot residence (not including the proposed below grade square footage) and a 299-square foot attached garage on a 3,680-square foot parcel. The proposed residence would be the third largest in terms of FAR and square footage in the immediate neighborhood. As shown in the table below, there are four homes in the immediate neighborhood which currently exceed their maximum allowable FAR. The proposed residence would rank in the middle of the homes in the immediate neighborhood that exceed FAR standards.

Residences in Immediate Neighborhood Exceeding FAR – Ranked by FAR Exceedance

Address	Zoning	House SF	Site SF	Allowed FAR	Building FAR	Exceed FAR?
546 San Benito Av	R-1D	1,767	3,680	0.37	0.48	Yes +0.11 (+398 sf)
135 Olive St	R-1D	1,699	3,542	0.37	0.48	Yes +0.11 (+373 sf)
118 Olive St (p)	**R-1D**	**1,677**	**3,680**	**0.37**	**0.46**	**Yes +0.09 (+308 sf)**
127 Olive St	R-1D	1,518	3,626	0.37	0.42	Yes +0.05 (+166 sf)
120 Olive St	R-1D	1,429	3,680	0.37	0.39	Yes +0.02 (+60 sf)

DISCUSSION (continued):

Section 29.40.075(c) of the Town Code states that the deciding body may allow a FAR in excess of the maximum allowed FAR if the following findings can be made:

1. The design theme, sense of scale, exterior materials, and details of the proposed project are consistent with the provisions of the adopted residential development standards; and
2. The lot coverage, setbacks, and FAR of the proposed project is compatible with the development on surrounding lots.

Exhibit 4 contains the applicant's Letter of Justification addressing the findings required to grant an exception to the maximum allowable FAR. In addition, the applicant states that the proposed residence has been designed with thorough consideration of the Residential Design Guidelines and to be compatible with the neighborhood in terms of mass, area, and scale.

C. Building Design

The applicant proposes a contemporary two-story residence with traditional forms, natural materials, and neutral colors. Proposed exterior materials include a dark gray standing seam metal roof, off-white plaster siding, natural stained cedar siding, gray and white stone veneer, and recessed dark aluminum windows (Exhibit 5).

The Town's Consulting Architect reviewed the proposed residence on August 4, 2021 (Exhibit 6). At the time of this review, the project did not include full demolition of the existing residence and was considered a significant remodel and second-story addition. While processing the application, the applicant decided that full demolition of the existing residence was needed to accomplish the project. The design of the proposed residence did not change once full demolition of the existing residence was proposed. After reviewing the project, the Consulting Architect noted that the proposed residence has the potential to blend well with the immediate neighborhood (Exhibit 6). The Consulting Architect identified several issues and provided six recommendations for changes to the original design to increase compatibility with the immediate neighborhood and the Residential Design Guidelines. In response to these recommendations, the applicant made several modifications to the design of the residence and provided written responses to the recommendations (Exhibit 7). The Consulting Architect's recommendations are provided on the following page, followed by the applicant's response in *italics*.

DISCUSSION (continued):

1. Use similar flat roof forms on both the garage and Family room/Kitchen pop out. Optional usable roof deck over garage for Bedroom 2 and/or Master Bedroom.

   We have created a deck over the garage per our attached revised plan. Our design steps the deck back to the garage face providing a stepped back more attractive street presence.

2. Integrate the entry column into the garage wall and add a canopy over the entry and the garage.

   The element in question is not a column. It is the end of a wall that extends from the entry to the face of the building. Comment is not applicable.

3. Recess the garage door - similar to new home nearby to the right (114 Olive Street).

   The garage door has been recessed by 1'-0."

4. Match the gable roof slopes.

   The roofs in question oppose each other and no contrast between their slope differences will be visually apparent. The roof slopes were chosen to blend the house appropriately and to keep the mass of the house appealing. If the side gable slope were to match the front of the house, mass would be increased. I believe the intent of the code is to prevent unequal slopes on the gable as illustrated in the drawing above, left. Larry Canon just approved a house w/dissimilar roof slopes at 515 Bachman Ave. The photo that Larry Canon is using is 114 Olive is my design. Those roof slopes do not match, but since the roof directions oppose each other, the appearance is wholly acceptable and not apparent resulting in reduced mass and bulk.

5. Add trim to all windows consistent with Residential Design Guideline 3.7.4 and recess large windows- similar to new home nearby to the right (114 Olive Street).

   This design calls for trimless, recessed windows per the exception noted at 3.7.4, Page 4 of Canon's report. The exterior walls will be 6" thick and the windows will be recessed as far as practical. For this style of architecture, window trim would not be appropriate.

The applicant provided additional details to staff that the proposed windows would be recessed into the wall by approximately two inches. The windows would also have dark frames in contrast with the wall color to further accentuate the recess.

DISCUSSION (continued):

6. Eliminate the stone on the front facade.

   The stone wraps around the architectural element at the front of the house and is distinct. No such elements exist at sides and rear to create a similar condition. The proposed color of the stone compliments and blends with the color of the roof.

As seen above, the applicant has responded to the recommendations made by the Consulting Architect with both design changes and written justification. Staff notes that the responses to recommendations 2 and 4 were minimal. The applicant's response to item 2 clarifies that the entry column referenced in the recommendation is a wall that projects from the front elevation and supports the second story above (Exhibit 11, Sheet A-2, Ground Floor Plan). The applicant chose not to incorporate a canopy above the entry and garage, as recommended, but did change the sloped roof above the garage to a terrace, creating a flat roof profile above the garage (as recommended in item 1). In response to recommendation 4, the applicant clarifies that the roof sections with differing slopes oppose each other and that the different roof pitches would not be visually apparent in this configuration. Further, the applicant provides examples of homes in the neighborhood and beyond with similar roof configurations to show compatibility with the neighborhood.

If the Planning Commission finds that additional changes are necessary, they can be incorporated into the Conditions of Approval for the project.

D. Setbacks

Pursuant to Town Code, the R-1D zone requires a front setback of 15 feet, rear setback of 20 feet, and side setbacks of five feet. Section 29.10.265(3) of the Town Code allows any rule of the zone, including setbacks, to be modified on a nonconforming lot when the deciding body finds that the building and its use will be compatible with the neighborhood. As noted, the subject property is nonconforming as to size. The proposed residence includes a front setback of 10 feet, where 15 feet is required, and a left-side setback of three feet, where five feet is required (Exhibit 11). In their Letter of Justification, the applicant provides six examples of residences along Olive Street having front setbacks between four feet and eight feet, nine inches (Exhibit 4). Additionally, the applicant provides seven examples of residences along Olive Street with side setbacks between zero feet and three feet. The examples provided by the applicant are also shown on Sheet A-1.1 of the Development Plans (Exhibit 11).

E. Parking

Town Code Section 29.10.150 requires two off-street parking spaces for a single-family residence. Section 29.10.150(h)(2) allows an exemption from the parking requirement

DISCUSSION (continued):

when the deciding body finds that the subject property does not have adequate area to provide parking as required. Further, if the deciding body makes the finding, parking shall be provided to the maximum extent possible.

The proposed project includes only one off-street parking space. The applicant requests an exemption to the Town Code parking requirement and provided a Letter of Justification detailing their request (Exhibit 4). The applicant indicates that the subject property is nonconforming as to size with inadequate area to provide additional parking. The existing residence includes a one-car garage that does not meet the required dimensions for a one-car garage. The proposed residence includes a one-car garage that would meet the required dimensions and would be consistent with the neighborhood pattern of one-car garages.

F. Neighbor Outreach

The property owner has indicated that they have shared the plans with surrounding neighbors as outlined in Exhibit 8.

G. CEQA Determination

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

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by December 22, 2021, in anticipation of the January 12, 2022 Planning Commission hearing. Public comments received by 11:00 a.m., Friday, January 7, 2022, are included as Exhibit 10.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for demolition of an existing residence and construction of a new two-story residence to exceed FAR standards with reduced front and side yard setbacks on nonconforming property. The applicant has responded to all recommendations of the Town's Consulting Architect and provided justification for the proposed FAR and reduced setbacks, demonstrating their consistency with the immediate neighborhood. The applicant also requests an exemption from the parking requirements due to the substandard size of their property and provided

CONCLUSION (continued):

justification showing that the one-car garage would be an improvement to existing conditions and would be consistent with the immediate neighborhood.

B. Recommendation

Based on the analysis above, staff recommends approval of the Architecture and Site application subject to the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:

1. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction (Exhibit 2);
2. Make the findings as required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed FAR standards, for reduced front and side yard setbacks, and for an exemption from the parking requirements (Exhibit 2);
4. Make the findings as required by Section 29.40.075(c) of the Town Code for granting approval of an exception to the FAR standards (Exhibit 2);
5. Make the findings as required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements (Exhibit 2);
6. Make the findings as required by 29.10.150(h)(2) of the Town Code for reduced parking where it can be shown that the lot does not have adequate area to provide parking as required (Exhibit 2);
7. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
9. Approve Architecture and Site Application S-21-003 with the conditions contained in Exhibit 3 and the Development Plans in Exhibit 11.

C. Alternatives

Alternatively, the Planning Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification, dated August 2, 2021
5. Color and Materials Board
6. Consulting Architect's Report, dated August 4, 2021
7. Applicant's response to Consulting Architect's Report
8. Owner's summary of neighbor outreach
9. Photos of existing residence
10. Public comments received by 11:00 a.m., Friday, January 7, 2022
11. Development Plans

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118 Olive Street

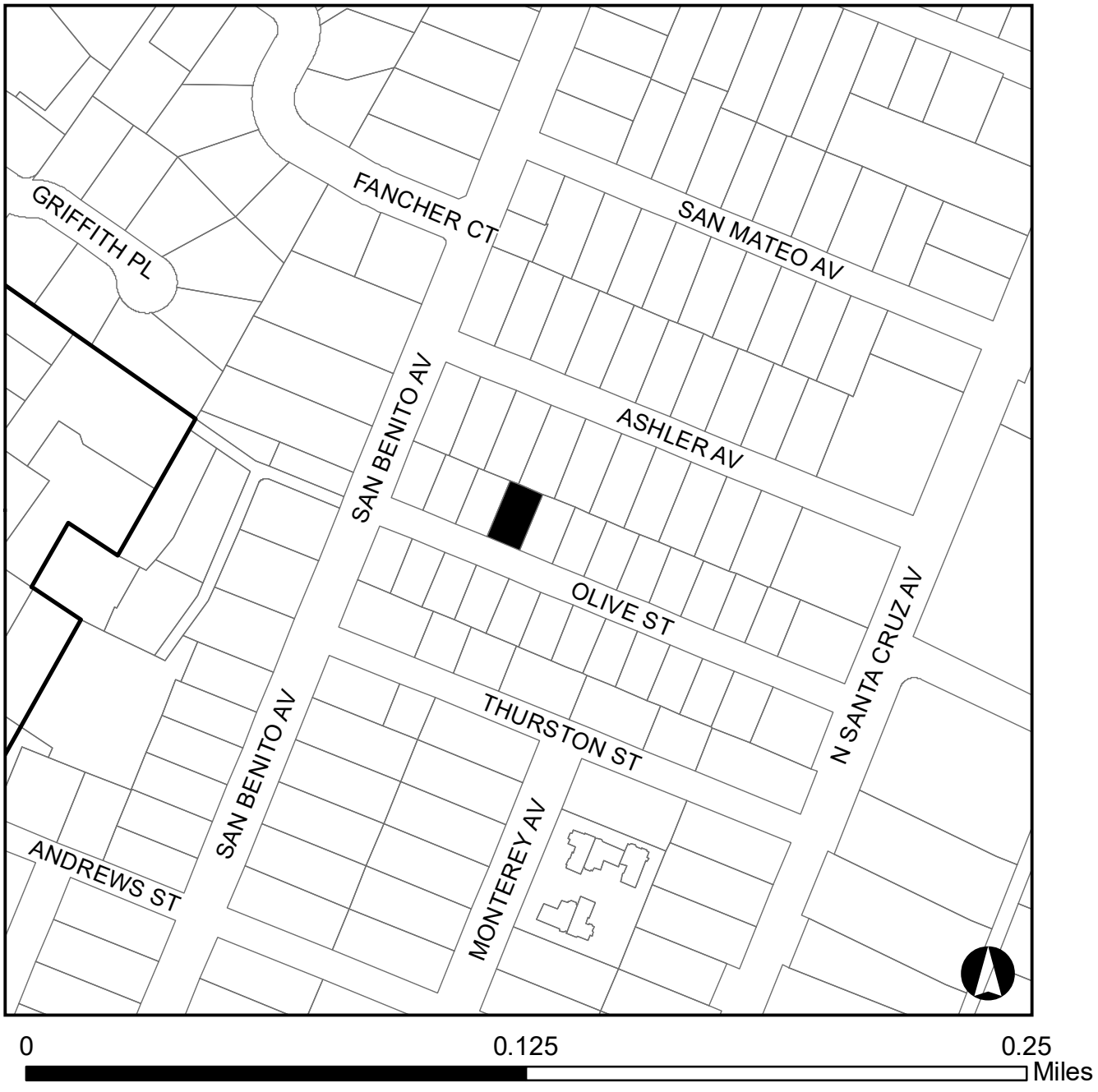

EXHIBIT 1

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PLANNING COMMISSION – *January 12, 2022*
REQUIRED FINDINGS AND CONSIDERATIONS FOR:

118 Olive Street
Architecture and Site Application S-21-013

Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. APN 410-15-022.

PROPERTY OWNER: Thomas and Meredith Reichert
APPLICANT: Jay Plett, Architect
PROJECT PLANNER: Sean Mullin

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 15303: New Construction.

Required finding for the technical demolition of existing structures:

- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:

    1. The Town's housing stock will be maintained as the single-family residence will be replaced.
    2. The existing structure has no architectural or historical significance.
    3. The property owner does not desire to maintain the structure as it exists; and
    4. The economic utility of the structures was considered.

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed Floor Area Ratio (FAR) standards, for reduced front and side yard setbacks, and for an exemption from the parking requirements.

EXHIBIT 2

Required finding to exceed floor area ratio (FAR) standards:

- As required by Section 29.40.075(c) of the Town Code for allowing a FAR in excess of the FAR standards in the Town Code:

    1. The design theme, sense of scale, exterior materials, and details of the proposed project are consistent with the provisions of the adopted residential development standards; and
    2. The lot coverage, setbacks, and FAR of the proposed project are compatible with the development on surrounding lots.

Required finding for reduced side setbacks on a nonconforming lot:

- As required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements:

    1. The subject property is nonconforming with regard to lot size.
    2. The front and left-side setbacks of the new residence are compatible with the neighborhood.

Required finding for an exemption to single-family parking requirements:

- As required by Section 29.10.150(h)(2) of the Town Code for reduced parking where it can be shown that the lot does not have adequate area to provide parking as required:

    1. The subject property is nonconforming with regard to lot size with inadequate area to meet the single-family parking requirement. The existing residence includes a one-car garage that does not meet the required dimensions for a parking space. The proposed residence includes a one-car garage that would meet the required dimensions and would be consistent with the neighborhood pattern of one-car garages.

Required compliance with the Residential Design Guidelines:

- The project is in compliance with the Residential Design Guidelines for single-family residences not in hillside areas. The project was reviewed by the Town's Consulting Architect and recommendations were provided to address the consistency of the project with the Residential Design Guidelines. The applicant responded to all recommendations.

CONSIDERATIONS

Required considerations in review of Architecture and Site applications:

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

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PLANNING COMMISSION –*January 12, 2022*
CONDITIONS OF APPROVAL

<u>118 Olive Street</u>
Architecture and Site Application S-21-013

Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. APN 410-15-022.

PROPERTY OWNER: Thomas and Meredith Reichert
APPLICANT: Jay Plett, Architect
PROJECT PLANNER: Sean Mullin

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

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

EXHIBIT 3

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

Building Division

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

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

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

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

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

Engineering Division

30. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
31. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
32. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
33. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional

compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

34. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
35. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
36. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any building permits.
37. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
38. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval.
39. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.
40. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
41. PRECONSTRUCTION MEETING: Prior to issuance of any building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
    b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
42. DEMOLITION: Within 60-days of the Development Review Committee approval action being final (i.e. after the 10-day appeal period and no requested appeals being submitted

to the Town), the Property Owner shall record a Deed Restriction on each of the parcels in question which prohibits the recording of a Certificate of Compliance until one of the two (2) prerequisite actions occurs prior to the proposed recordation: 1) removal of any structures which cross lot/property lines or 2) the Property Owner successfully obtaining an Architecture & Site approval from the Town of Los Gatos for the demolition of the existing house and construction of a replacement house.

43. WATER METER: The existing water meter, currently located within the Olive Street right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate
44. SIDEWALK REPAIR: The Owner shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
45. CURB AND GUTTER REPAIR: The Owner shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
46. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
47. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
48. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a building permit, the Owner or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner to place

construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.

49. CONSTRUCTION HOURS: All site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
50. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
51. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any building permits, the Owner's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Project Schedule, site security fencing, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
52. MAINTENANCE ACCESS: Prior to the issuance of any building permits, the Owner shall propose maintenance access improvements for the Town Engineer to review, comment on, and approve. The Engineering Division of the Parks and Public Works Department shall approve the surface materials over each public easement.
53. BEST MANAGEMENT PRACTICES (BMPs): The Owner is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
54. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.
    d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
    e. Use landscaping to treat stormwater.

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55. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
56. LANDSCAPING: In finalizing the landscape plan for the biotreatment area(s), it is recommended that the landscape architect ensure that the characteristics of the selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.
57. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
58. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
    b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
    c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
    d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
    e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control

device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.

f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

59. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
60. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
61. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
62. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public

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right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense.

63. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: Immediately upon approval of an encroachment permit, the Owner shall initiate a weekly neighborhood email notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.
64. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

65. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
66. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A-1) An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: 1) In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 SF whether by increasing the area of the primary residence or by creation of an attached Accessory Dwelling Unit. 2) In all new basements and in existing basements that are expanded by more than 50%. 3) In all attached ADUs, additions or alterations to an existing one- and two-family dwelling that have an existing fire sprinkler system. Exceptions: 1) One or more additions made to a building after January 1, 2011 that does not total more than 1,000 square feet of building area and meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code. This project is categorized as a new dwelling according to scope.
67. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
68. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency

response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

69. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
70. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

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PROJECT DESCRIPTION and JUSTIFICATION

THE NEIGHBORHOOD IS IN A TRANSITION OF RENEWAL AND COMPRISED OF VARYING STYLES. THE PROJECT CONSISTS OF A NEW HOME OF TRADITIONAL AMERICAN FORMS AND SHOULD BE CONSIDERED APPROPRIATE FOR THE NEIGHBORHOOD. THE ADDITION IS DESIGNED TO BLEND AMICABLY INTO THIS ECLECTIC NEIGHBORHOOD, IN MANY WAYS ITS FORM RESEMBLING THE 2 STORY NEXT TO IT AT 120 OLIVE.

FLOOR AREA and F.A.R. COMPARISONS

THE PROJECT FLOOR AREA = 1,677 SF/FAR .456
THERE ARE 4 HOMES WITHIN ITS IMMEDIATE SPHERE THAT ARE OVER THE ALLOWED FLOOR AREA

120 OLIVE = 1,429 SF / FAR = .390
135 OLIVE = 1,699 SF / FAR = .480
127 OLIVE = 1,518 SF / FAR = .423
546 SAN BENITO = 1,767 SF / FAR = .480

THE AVERAGE OF THESE 4 BEING 1,603 SF WITH AN AVERAGE FAR OF .44. THIS HOME FLOOR AREA FALLS IN THE MIDDLE - WITH 2 NEIGHBORS BEING LARGER AND 2 NEIGHBORS BEING SMALLER.

SETBACK COMPARISONS

Fronts

PROJECT 10'-0"
133 OLIVE 7'-0"
131 OLIVE 8'-0"
127 OLIVE 7'-0"
125 OLIVE 5'-0"
112 OLIVE 8'-9"
110 OLIVE 4'-0"

THE PROPOSED PROJECT'S FRONT SETBACK IS WELL WITHIN THE NEIGHBORHOOD PATTERNS AS MANY HOMES POSSESS MUCH SMALLER FRONT SETBACKS.

SETBACK COMPARISONS (continued)

Sideyards

PROJECT 3'-0"
120 OLIVE 3'-0" +-
135 OLIVE 0'-0"
131 OLIVE 2'-0" +-
129 OLIVE 2'-0" +-
127 OLIVE 1'-6" +-
110 OLIVE 0'-0"
112 OLIVE 3'-0"

THE PROPOSED PROJECTS SIDEYARD SETBACK IS WELL WITHIN THE NEIGHBORHOOD PATTERNS AS MANY HOMES POSSESS MUCH SMALLER SIDEYARD SETBACKS.

PARKING

THE SITE IS NONCONFORMING WITH INADEQUATE AREA AND DIMENSIONS TO PROVIDE ADDITIONAL PARKING. THE PATTERN OF THE NEIGHBORHOOD IS ONE-CAR GARAGES. THE PROJECT HOME'S GARAGE IS NON-CONFORMING WITH AN EXISTING 10'-0" INSIDE WIDTH. THE PROPOSED GARAGE WILL BE IMPROVED TO 12'-0" INSIDE CLEAR WIDTH, THUS PROVIDING A CONFORMING ONE-CAR GARAGE.

S U M M A R Y

THE PROJECT'S FLOOR AREA IS COMPARABLE WITH THE FOUR NEIGHBORS; ITS F.A.R. IS LESS THAN THE AVERAGE OF THOSE FOUR NEIGHBORS, WHICH EXCEED THE FAR. THE HOME/ADDITION HAS BEEN DESIGNED WITH THOROUGH CONSIDERATION OF THE TOWN'S DESIGN GUIDELINES, TO FIT AND BLEND AMICABLY WITHIN IT'S NEIGHBORHOOD BY MATCHING THE MASS, AREA AND SCALE of ADJACENT NEIGHBORS.

MATERIAL BOARD



STONE VENEER
(GRAY + WHITE TONES)

OFF WHITE PLASTER WALLS



STANDING SEAM METAL ROOF
(GUN METAL GRAY)



TRIMLESS RECESSED ALUMINIUM FRAMED WINDOWS IN PLASTER, DARK COLOR



ALTERNATE CEDAR SIDING

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CDG
CANNON
DESIGN
GROUP

ARCHITECTURE PLANNING URBAN DESIGN

August 4, 2021

Mr. Sean Mullin
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 118 Olive Street

Dear Sean:

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

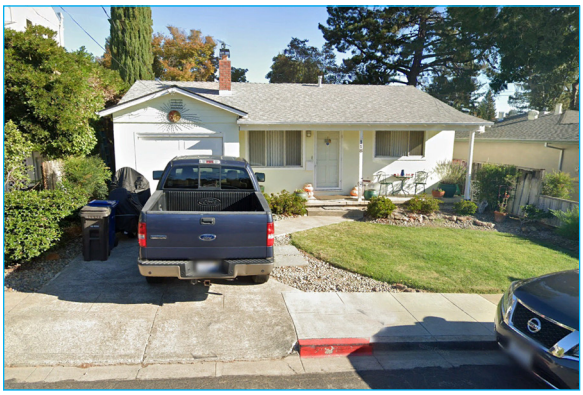
NEIGHBORHOOD CONTEXT

The site is located in an established neighborhood containing a mix of one and two-story homes. Photos of the site and surrounding neighborhood context are shown on the following page.



700 LARKSPUR LANDING CIRCLE . SUITE 199 . LARKSPUR . CA . 94939

TEL: 415.331.3795
CDGPLAN@PACBELL.NET



The Site and Existing House



Houses immediately to the left



House to the immediate left



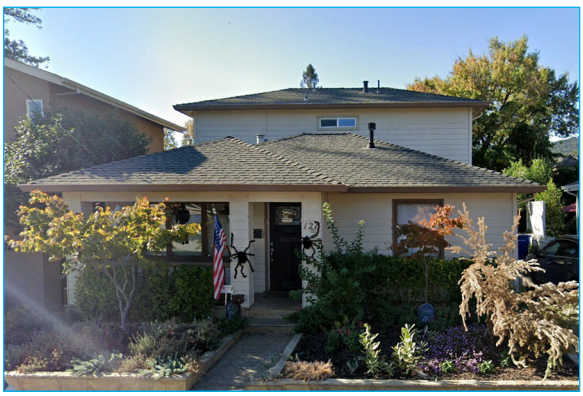
House to the immediate right



Nearby house immediately across Olive Street



Nearby house to the right



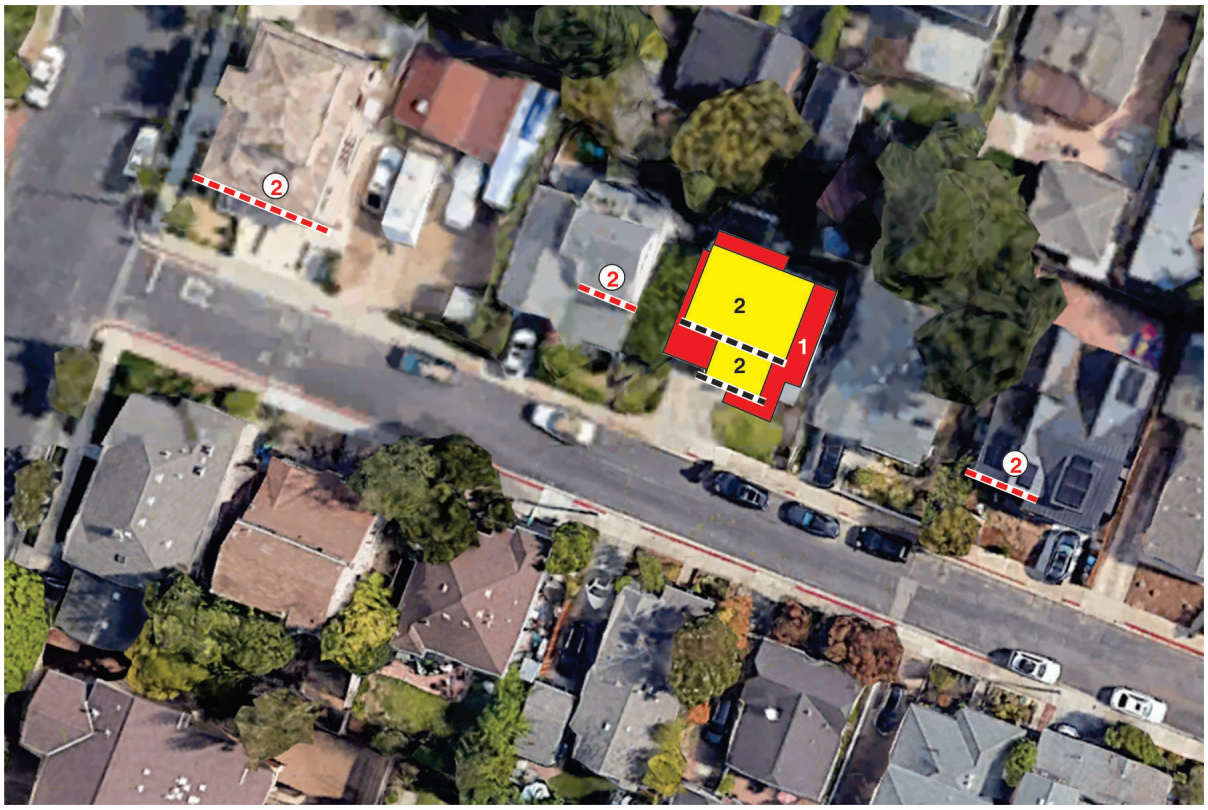
Nearby house across Olive Street

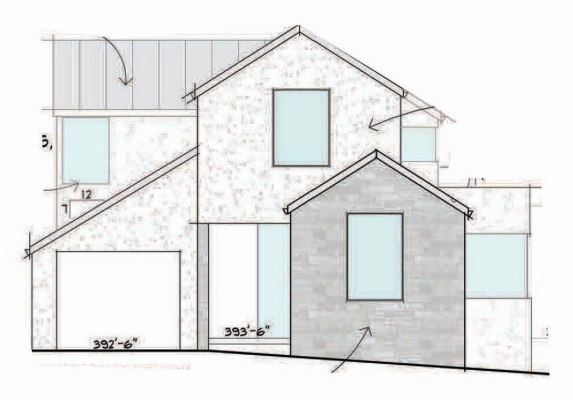


Nearby house across Olive Street

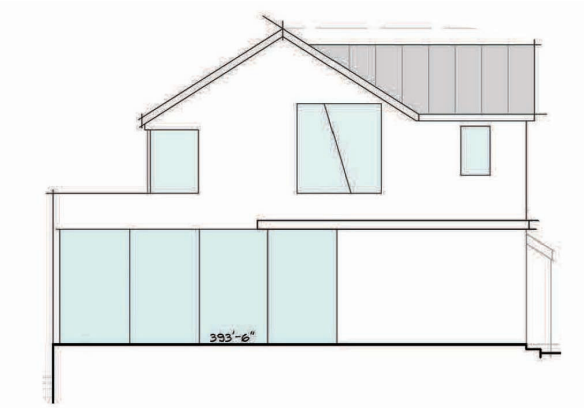
ISSUES AND CONCERNS

The proposed first and second floor footprints, shown in relationship to other nearby homes, and elevations are shown below.

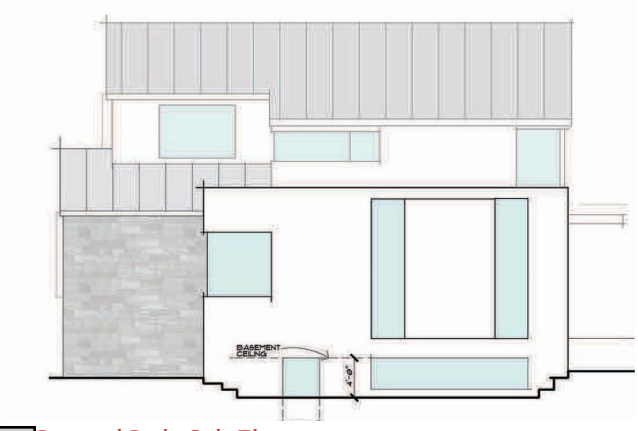




Proposed Front Elevation



Proposed Rear Elevation

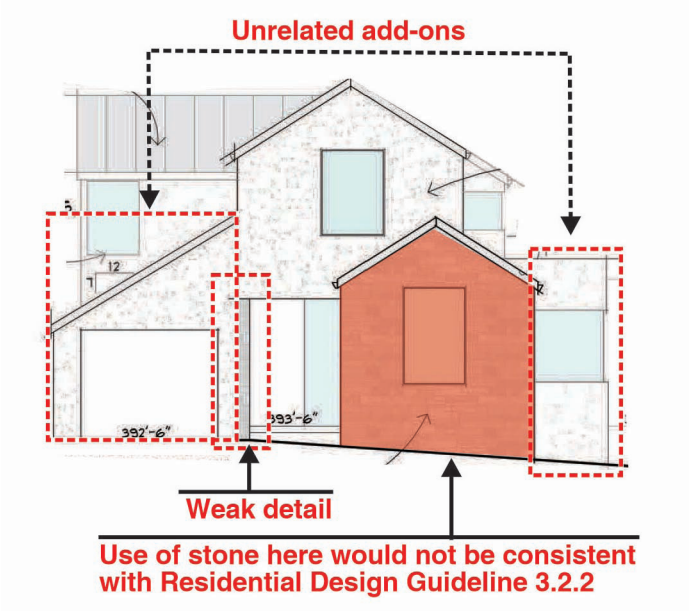


Proposed Right Side Elevation



Proposed Left Side Elevation

The additions seem appropriate, and have the potential to blend well with the existing house and immediate neighborhood. There are, however, a few issues, as follows:



1. The use of stone on the front elevation, while not carrying it around consdsistently on the other three facades would not be consistent with Residential Design Guideline 3.2.2.

   3.2.2 Design for architectural integrity

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

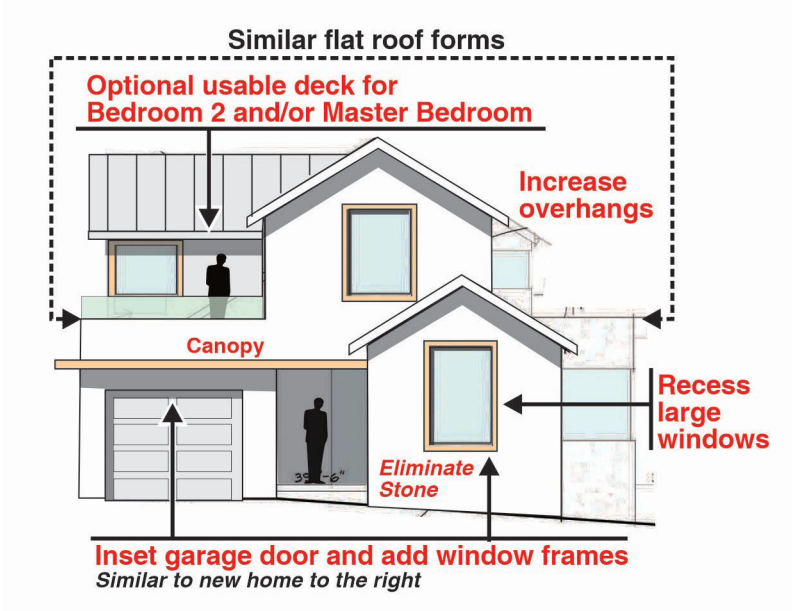
2. The column detail shown at the entry is not well detailed, and does not look like it is an integral part of the facade,
3. The existing house is simple in its forms, and the addition should relate to that. However, the garage form and the popout form on the right side elevation at the Family Room/Kitchen are quite foreign to main forms of the house and to each other.
3. There appears to be no trim at the window, and windows do not appear to be substantially recessed from the face of the wall which would not be consistent with Residential Design Guideline 3.7.4.

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

   - *Most architectural styles - except Mission, Spanish Eclectic or Modern - should have wood trim around the windows. The trim width should be matched to the style, but in general, should not be less than 3 1/2 inches wide. Head trim depth should be equal to or wider than the jamb casing, but not less than one-sixth of the opening width.*
   - *Projecting window sills and heads are strongly encouraged unless the architectural style would not normally have those features.*
   - *Wood trim is also encouraged on stucco houses unless the window frames are recessed at least 6 inches from the outside face of the wall. The use of stucco covered foam trim is strongly discouraged.*

4. Gable roof slopes do not match which would not be consistent with Residential Design Guideline 3.5.1.

RECOMMENDATIONS



1. Use similar flat roof forms on both the garage and Family room/Kitchen popout. Optional usable roof deck over garage for Bedroom 2 and/or Master Bedroom.
2. Integrate the entry column into the garage wall, and add a conopy over the entry and the garage.



3. Recess the garage door - similar to new home nearby to the right (photo below).
4. Match the gable roof slopes.
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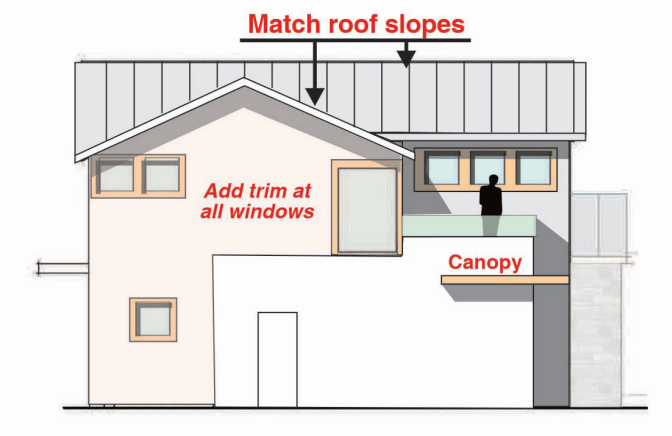

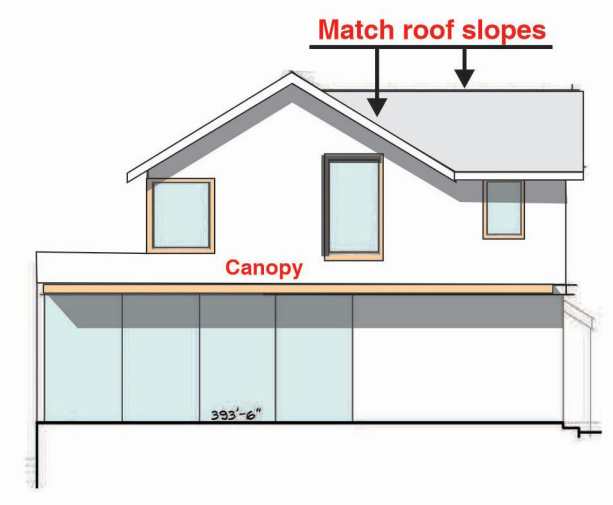

Sean, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon

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ARCHITECTURE PLANNING URBAN DESIGN

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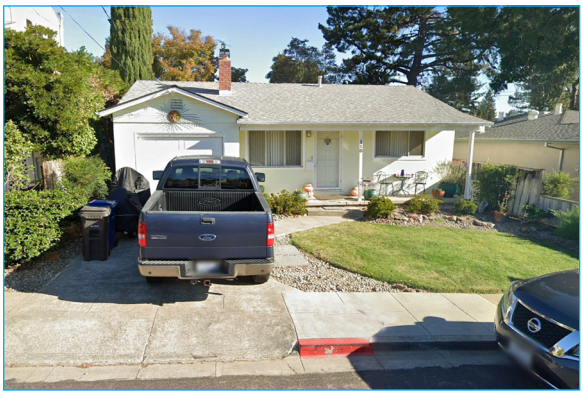
EXHIBIT 7



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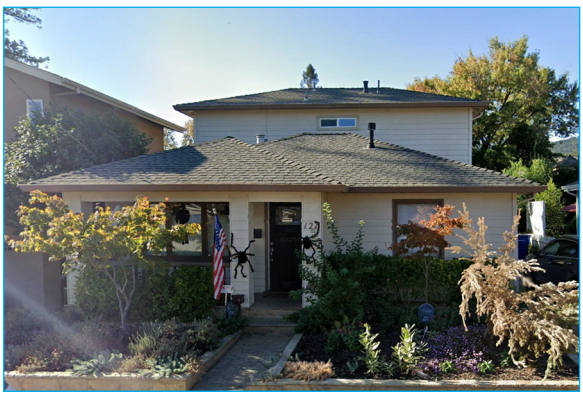

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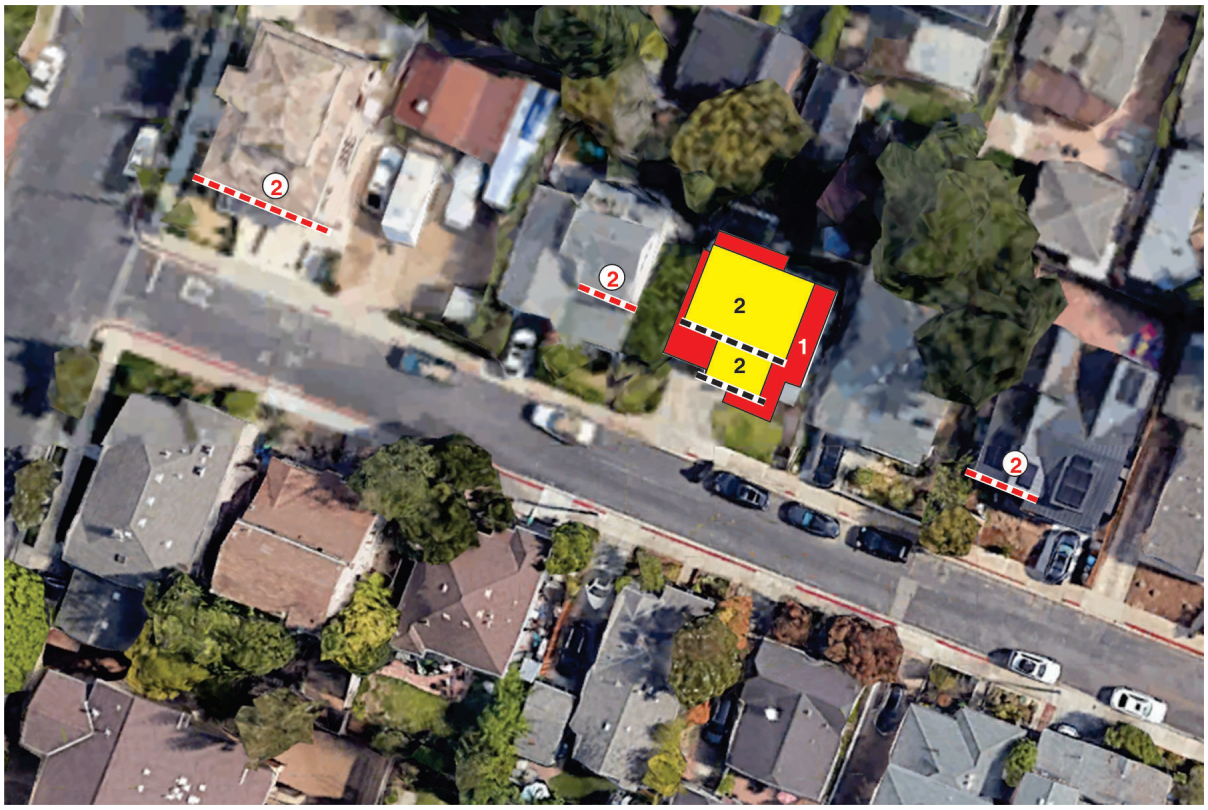

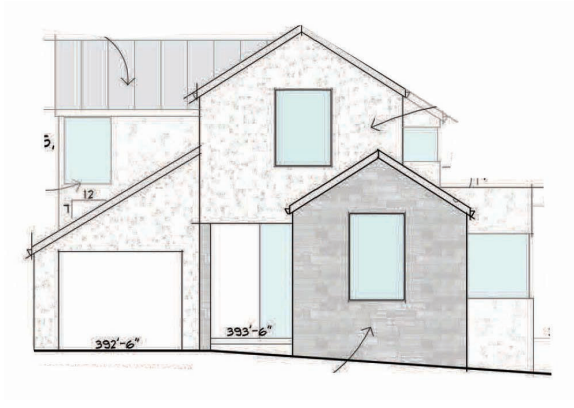

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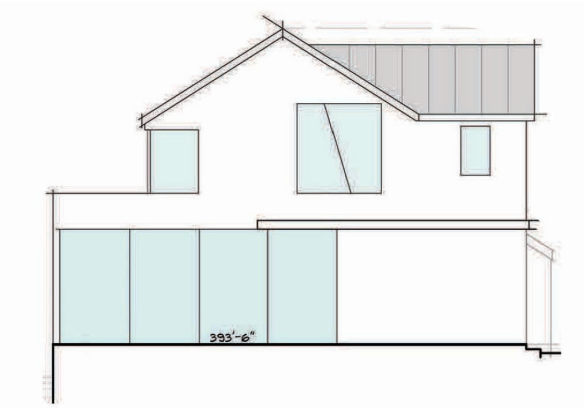

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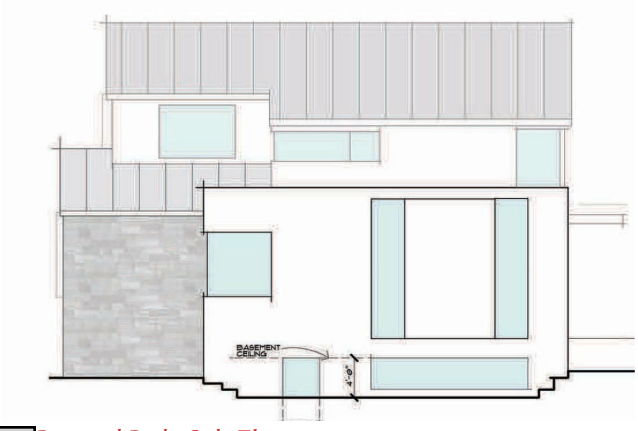

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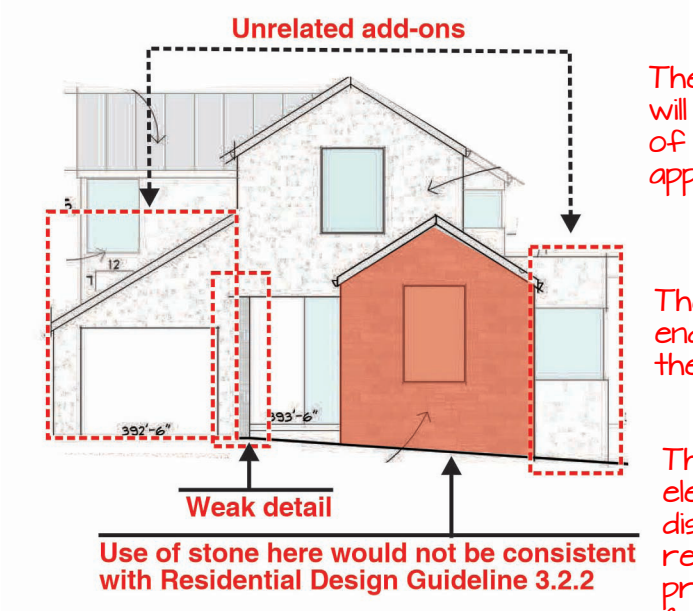

The exterior walls will be 6" thick and the windows will be recessed as far as practical. For this style of architecture, window trim would not be appropirate

The element in question is not a column. It is the end of a wall that extends from the entry to the face of the building. Comment is N/A

The stone wraps around the architectural element @ The front of the house and is distinct. No such elements exist @ sides & rear to create a similar condition. The proposed color of the stone compliments & blends with the color of the roof

1. The use of stone on the front elevation, while not carrying it around consdsistently on the other three facades would not be consistent with Residential Design Guideline 3.2.2.

3.2.2 Design for architectural integrity

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

2. The column detail shown at the entry is not well detailed, and does not look like it is an integral part of the facade,
3. The existing house is simple in its forms, and the addition should relate to that. However, the garage form and the popout form on the right side elevation at the Family Room/Kitchen are quite foreign to main forms of the house and to each other. We have created a deck over the garage per Canon suggestion
3. There appears to be no trim at the window, and windows do not appear to be substantially recessed from the face of the wall which would not be consistent with Residential Design Guideline 3.7.4.

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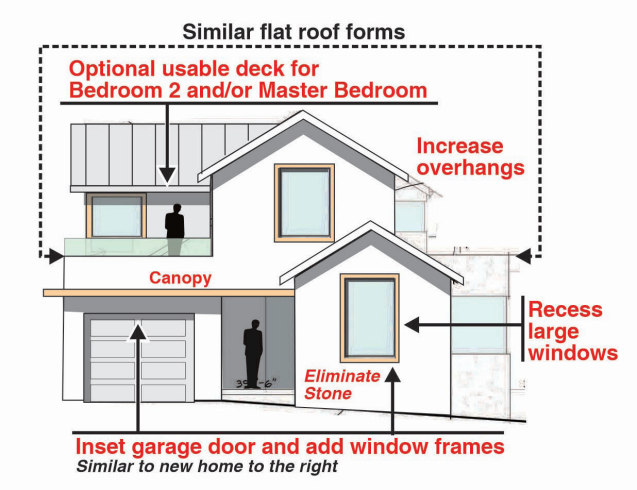
unequal slopes @ a single gable



4. Gable roof slopes do not match which would not be consistent with Residential Design Guideline 3.5.1.

The roofs in question oppose each other and no contrast between their slope differences will be visually apparent. The roof slopes were chosen to blend the house appropriately and to keep the mass of the house appealing. If the side gable slope were to match the front of the house, mass would be increased. I believe the intent of the code is to prevent unequal slopes on the gable as illustrated in the dr ove, left. Larry Canon just approved a house w/dissimilar roof slopes @ 515 Bachman Ave

RECOMMENDATIONS



We have created a deck over the Garage per our attached revised plan. Our design steps the deck back to the garage face providing a stepped back more attractive street presence

1. Use similar flat roof forms on both the garage and Family room/Kitchen popout. Optional usable roof deck over garage for Bedroom 2 and/or Master Bedroom.
2. Integrate the entry column into the garage wall, and add a conopy over the entry and the garage.

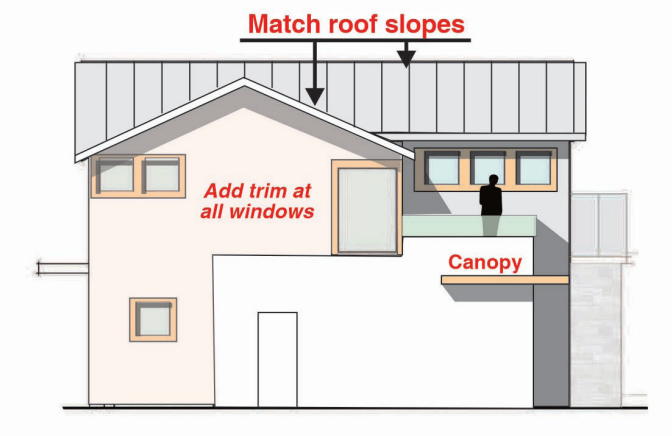
As mentioned earlier on the previous page point number 2., there is no entry column



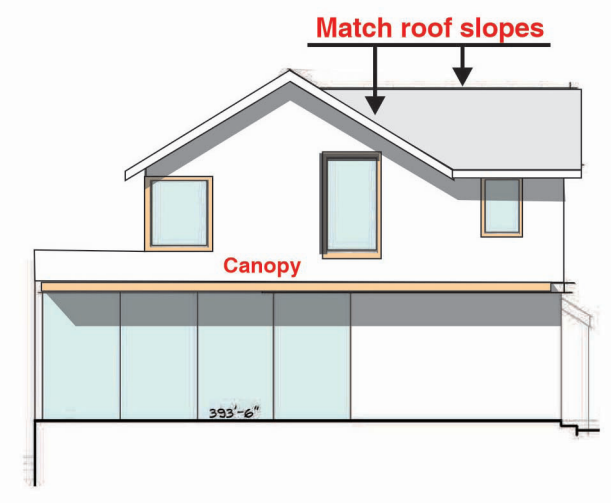
3. Recess the garage door - similar to new home nearby to the right (photo below). The garage door has been recessed by 1'-0"
4. Match the gable roof slopes.
5. Add trim to all windows consistent with Residential Design Guideline 3.7.4 and recess large windows- similar to new home nearby to the right (photo above). This design calls for trimless, recessed windows per the exception noted @3.7.4, Page 4 of Canon's report
6. Eliminate the stone on te front facade.

Answered on the previous page, point number 1.

Answered on the previous page point number 4., The photo that Larry Canon is using of 114 Olive is my design. Those roof slopes do not match, but since the roof directions oppose each other, the appearance is wholly acceptable and not apparent resulting in reduced mass and bulk



As discussed earlier, the dissimilar roof slopes are acceptable as we have applied them



The canopy as extended per Larry Canon is not desirable. This is a north elevation and we prefer as much solar access as possible here. The canopy as designed, it is purely functional- It sheds the main person door and the future kitchen area from the weather.

Sean, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon

-------- Forwarded Message --------
Subject:118 Olive St project
Date: Thu, 10 Jun 2021 13:04:51 -0700
From:thomas reichert <thomasmichaelreichert@gmail.com>
To: Jay Plett <jay@plett-arc.com>

Hi Jay,
As part of the planning process with the Town, they requested we submit feedback about our communication regarding the project with our neighbors. Feel free to pass this on as part of their request, see below for some feedback from our experience since moving in:

My wife, Meredith, and I moved from San Francisco to Los Gatos to be closer to our family who live in the nearby neighborhood. My wife grew up here and we hope to raise our daughters in our new home on Olive Street. We just settled into the home in early 2021 during the pandemic, but have been able to meet many of our new neighbors already despite the health and safety precautions we are undertaking- seems like such a wonderful community and specifically on our block. With the state of the world it has been particularly difficult to engage in activities that would typically support socializing and sharing, but we have been able to at least open up and introduce ourselves as part of the social fabric as we look to root in town.

- We met Marcus, Celeste and their family just before we bought the home, they live at 114 Olive. They have helped us so much since arriving, daycare/school recommendations, setting up dinner party events, helping us find architects to plan the renovation, introducing us to the other neighbors etc; I would say having these types of neighbors (but them specifically) makes living here amazing. They are in full support of the project and have helped introduce us to many of the processes we will need to navigate since having just completed a project of their own.
- We met Mark, Christie and their family at 114 Olive. More great neighbors and are fully supportive of the project. We trade stories about their ongoing project and our planning process. We have kids around the same age and are excited to watch as the neighborhood kids all grow up together.
- We met Pam at 133 Olive. She is our favorite neighbor. While Jazz on the Plaza is currently not happening, she invites us to the backyard to have a substitute event until the eventual return of the Towns official Jazz parties begin. She is supportive of the project and we are

happy to have her as our friend.

- We were friends with 131 Olive residents when we moved here, but they have moved and its been vacant for quite some time. I assume if someone moves in we will meet them as well and welcome them to the street.
- We met Mark and his son at 129 Olive, recently moved in. Excited to get some bbq parties going and have them join the fun. Not only are they supportive of the project, they might help build it.
-
- We just recently met Andrea who lives in 120 Olive with her family and hope to get to know them better.
- We have met Maria, Haley and their family who live at 116 Olive. They have been very nice and seem glad to have another young family move into town. When we had passing conversations about the proposed project they liked the revitalization of the older style homes as many are being updated and leaving others behind as somewhat dated (like ours is currently),

There are a few other neighbors we are excited to meet, but haven't had a chance to yet with the state of the world. Hoping this information speaks to the nature of our earnest attempts to be part of the neighborhood, picking an architect that advises/responds to the character of the design to fit contextually and align with respecting our neighbors in the build of our home.
Thank you

--

Thomas M. Reichert
858-449-4536



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Project House
WEST VALLEY
Griffith Pl
Page 389
Los Gatos M
& Smoke H

EXHIBIT 9


Project House

From: AnnMarie Zimmermann <[redacted]>
Sent: Sunday, October 31, 2021 6:58 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Ralph Cell Zimmermann <[redacted]>
Subject: Opposing 118 Olive Plans

EXTERNAL SENDER

Hello Sean,

I hope you are doing well.

We oppose the plans at 118 Olive (https://www.losgatosca.gov/2388/O) for the same reasons we opposed 114 Olive:

- Parking implications on Ashler, Olive and San Benito by waving the side-by-side parking requirement. Parking and traffic conditions have only gotten worse since we last corresponded.
- Privacy. We've attached a picture of 114 Olive overlooking our backyard and kitchen even after revised plans. It's still very obtrusive and uncomfortable.
- Potential damage to the Oak tree between 114 and 118 Olive. The family at 114 Olive periodically cut the Oak over their house.
- Precedence setting by continuing to look for exceptions for non-conforming lots rather than preserving the cottage like style and history of the neighborhood.

Ralph and AnnMarie Zimmermann

[redacted]

Los Gatos, CA

From: Celeste Lam <[redacted]>
Sent: Friday, December 17, 2021 1:44 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Marcus Lam [redacted]>
Subject: 118 Olive St plans

EXTERNAL SENDER

Hi Sean,
It's been a little while. I hope this finds you well! Marcus and I are writing in support of the plans for 118 Olive St. Similar to us, the Reichert family have two young children and we understand the need to upgrade the once weekend bungalow homes on our street to meet the needs of modern families. Especially when the Bay Area is experiencing an unprecedented housing crunch.

Let us know if we can be of assistance. We would have loved positive support during our building process, so however we can help we'd like to.

Thanks & Happy Holidays!
Celeste & Marcus Lam

From: Christie Boskovich <[redacted]>
Sent: Monday, December 20, 2021 7:24 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Mark Boskovich <[redacted]>
Subject: Letter of Support for 118 Olive St Project

EXTERNAL SENDER

Hi Sean,

Hope you are well. Unrelated to our project, Mark and I just wanted to let you know we are fully supportive of Meredith and Thomas Reichert's remodel plan. They have reached out to us personally to let us know their plan and we think it will be an excellent upgrade for our neighborhood. It makes a very efficient use of space. We believe they are balancing their family's needs with the needs of the neighborhood very well and we hope their plans get approved. If you have any questions for us, please let us know.

Thank you!

Christie and Mark Boskovich

From: Mark De Mattei <[redacted]>
Sent: Monday, December 20, 2021 1:27 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Jay Plett <[redacted]>; Thomas Reichert <[redacted]>; Zachary De Mattei <[redacted]>
Subject: Reichert residence olive street

EXTERNAL SENDER

Hi Sean ,
We own the home at 129 olive which is directly across the street from the Reichert proposed project. I am e mailing you regarding my support of the Reichert residence project . I have reviewed the design and story poles . I feel this is a positive addition to the Neighborhood .

Kind Regards
Mark

Mark De Mattei
President

[redacted]

APPLICATION S-21-013

Town of Los Gatos Planning Department

December 17, 2021

Attention Sean Mullin.

Re: 118 Olive St. Los Gatos, CA 95030

Dear Mr. Mullin

As neighbors of the property at 118 Olive Street, we are very concerned about the following cumulative issues with the proposed project:

Olive Street may be the narrowest street in the town. As such, parking, emergency access and daily traffic is an ongoing challenge. This project does nothing to help the issue as it appears to have a substandard length driveway, a one car garage with the impractical solution for secondary parking via a below grade car lift. Since this is a blank slate there is no arguable reason why an improvement such as a two car garage (detached or attached) is not attainable.

Another distinct character of Olive Street is that it has the smallest lots of any street in Town. The proposed home is 308sf over the allowed floor area ratio of approximately 1,369sf which does not include the garage or below ground living and storage of 1,195sf for a total of 2,872sf. This is a large home by any standard and it is excessively out of proportion to this small lot of only 3,680sf. Additionally, there are requests for reduced setbacks from 15 to 10 feet in the front and from 5 to 3 feet on the west. We see no mitigating circumstances that necessitate such impositions on the neighbors when this will be a newly constructed house without inherent limitations.

The height of this house and the request for reduced setbacks further magnifies the intrusion on a very narrow street and small lots. It will effectively create a wall that is 28 feet tall, only 3 feet from the adjacent neighbor completely blocking out all view and significantly diminishing the natural light from the entry, living room, kitchen, dining, master and backyard (see shadow study) of 120 Olive Street. It will also tower over the home at 116 Olive St. and the balance of the neighbors across the street. Additionally, this may be more noticeable as there is no orange netting depicting the East elevation of the exterior walls for the mid-level.

The street elevations outlining height use 546 San Benito Avenue and 120 Olive Street as comparative examples is deceptive. The home at 546 San Benito Avenue shows a side elevation and was built on a lot that has approximately 9 feet of slope from corner to corner. The door and garage doors are depicted at street level when in fact they are below grade by several feet. The garage door for 120 Olive Street is inaccurately depicted and is also significantly below grade. The height of the proposed house should be proportionate to the neighborhood and consistent with the slope of the street.

Furthermore, the home at 546 San Benito Avenue was built within all (and more stringent corner lot) building setbacks - evidence that there is no need for the requested side and front set-back reductions of the proposed residence.

As with any neighborhood, privacy is a big concern. The proposed terrace off of the third level primary bedroom is an infringement on several neighbor's privacy. This is especially noticeable to the neighbors at 120 Olive Street due to the fact that they are requesting a reduction in setbacks from 5 to 3 feet and

APPLICATION 5-21-013

it is located with a bird's eye view of the living areas. The three windows and door serving the terrace further encourage use and thereby affect privacy. Also, several homes across Olive St. will lose privacy as this looks directly into the front of their houses. Another privacy concern is the covered rear deck appears to be a few feet above grade which will allow a view over the good neighbor fences on all three sides.

Special circumstances surround this neighborhood that make construction excessively noisy, congested, inconvenient and potentially dangerous. The narrow street and small lot will make it extremely challenging to build a residence that requires a massive amount of excavation to incorporate a below grade living area of 1195 square feet. Concerns are many and include ground stabilization to the adjoining properties, vibration of heavy equipment use and digging causing damage. The use, delivery and staging of such large machinery preventing access to our residences, emergency vehicles, caretakers, gardeners, housekeepers or even deliveries for extended periods of time is not something any of us should contend with for months at a time.

Several instances of flat tires from construction debris, broken pavers from trucks turning around in driveways, damaged landscaping, daily littering, and constant parking on the sidewalk, in permit only spots or in red zones have occurred during the last two projects on Olive Street. To hopefully deter this from repeating itself during the proposed project, we would suggest that the town implement some sort of parking, staging, and delivery guidelines.

The majority of the homes on Olive Street are comprised of very distinctive, thoughtful styles. None of which are very vertical, modern, stucco homes with metal roofs. The sole home that the architect claims this home resembles has wood siding, a composition roof, and was originally a cottage style home with an open front porch. The style, mass, area and scale certainly do not match the adjacent neighbors as the architect's summary states. A more conforming home would suit the neighborhood. Thereby keeping it a neighborhood rather than a bunch of houses on the same street.

While it is understood that neighborhood input is not a requisite for applying to build a home in the Town of Los Gatos, it is encouraged by the Town Planning Department and is usually very productive. Unfortunately, this step was not implemented by the property owners and as such, the story poles were quite a surprise. Had an invitation to discuss the project been initiated, this letter would certainly be a lot briefer or maybe even unnecessary.

Sincerely,

The following neighbors:

APPLICATION S-21-013

1. Shelli Baker — Signature — 12/17/21 — Date

[redacted] — Address

2. [signature] — Signature — 12/19/21 — Date

[redacted] — Address

3. [signature] — Signature — 12/19/21 — Date

[redacted] — Address

4. James W Cooper — Signature — 12/22/21 — Date

[redacted] — Address

5. [signature] — Signature — 12/23/21 — Date

[redacted] — Address

APPLICATION 5-21-01

6. Lyn Woodford 12/27/21

[redacted]

Address

7. D. Rosenst 12/29/2021

Signature Date

[redacted]

Address

8. Annette McNeil 1/1/22

Signature Date

[redacted]

Address

9. _____ _____

Signature Date

_____

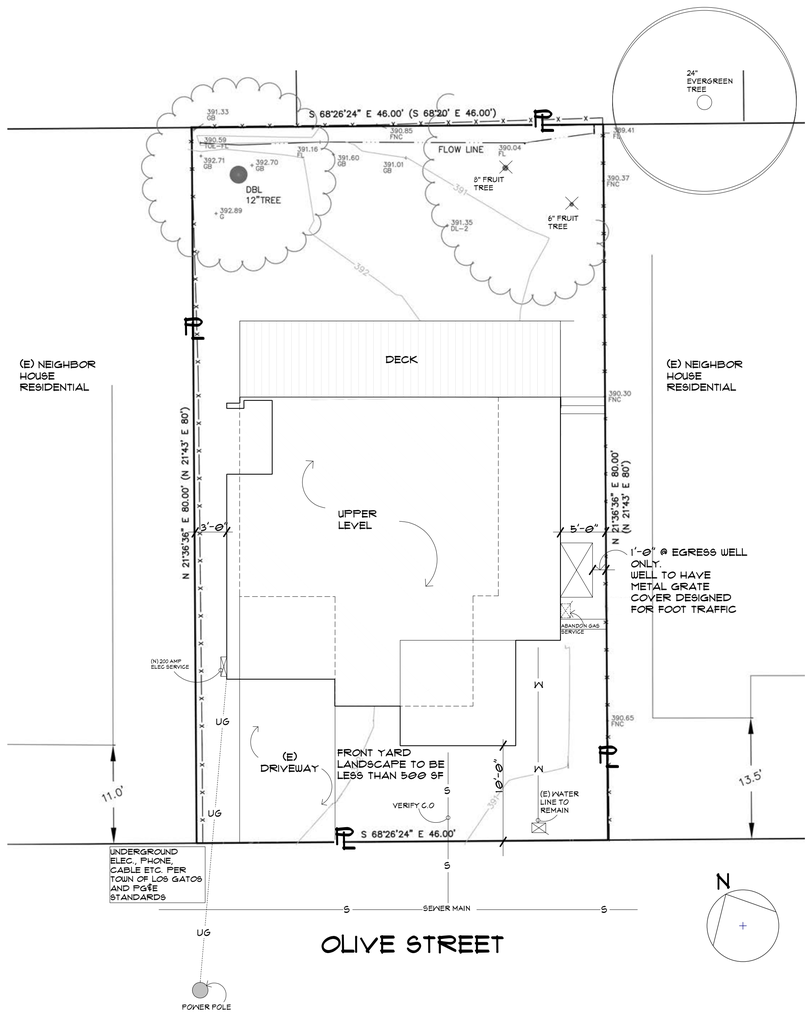
Address

10. _____ _____

Signature Date

_____

Address



SITE PLAN

1/8" = 1'-0"

ABREVIATION & SYMBOL LEGEND

(E)	EXISTING
(P)	PROPOSED
FYSB	FRONT YARD SET BACK
RYSB	REAR YARD SET BACK
SYSB	SIDE YARD SET BACK
—G—	GAS LINE
—PL—	PROPERTY LINE
—PP—	POWER POLE
—OH—	OVERHEAD ELEC LINE
—S—	SEWER LINE
—W—	WATER LINE

THE HOUSE IS TO BE EQUIPPED WITH FIRE SPRINKLERS

SITE NOTES:
- NO GRADING PROPOSED
- (E) SITE DRAINAGE PATTERNS TO REMAIN UNCHANGED
- (N) DOWNSPOUTS W/ SPLASH BLOCKS TO DIVERT RUNOFF ONTO VEGETATED AREAS

TREE PROTECTION MEASURES WILL BE INSTALLED AROUND ALL PROTECTED TREES AS REQ'D BY SECTION 29.10.1005

NOTE: NO UTILITIES VISIBLE FROM STREET INCLUDING HB'S

A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE PV SYSTEM THAT IS REQUIRED BY THE ENERGY CALCULATIONS COMPLIANCE MODELING. THE SEPARATE PV SYSTEM PERMIT MUST BE FINALED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

THIS RESIDENCE WILL COMPLY WITH THE TOWNS ALL ELECTRIC APPLIANCE, ELECTRIC VEHICLE AND ENERGY STORAGE SYSTEM REQUIREMENTS IN ACCORDANCE WITH TOWN CODE SECTION 6.10.020 AND 6.120.020.

PROJECT DESCRIPTION

THE NEIGHBORHOOD IS IN A TRANSITION OF RENEWAL AND COMPRISED OF VARYING ARCHITECTURAL STYLES. THE PROJECT WILL BE A NEW DWELLING COMPOSED OF TRADITIONAL AMERICAN FORMS BLENDING AMICABLY INTO IT'S ECLECTIC NEIGHBORHOOD. THIS HOME DESIGN IS APPROPRIATE FOR THE NEIGHBORHOOD- IN MANY WAYS ITS FORM RESEMBLING THE 2 STOREY RIGHT NEXT TO IT AT 120 OLIVE.

SITE PARTICULARS

SITE IS NON-CONFORMING IN BOTH AREA AND DIMENSION
APN: 410 15 022
ZONING:R1-D
AVG SLOPE: 4%
SITE AREA: 3680 SF
FAR HOUSE: 0.372
ALLOWED FLOOR AREA: 1369 SF
REQUIRED SETBACKS: FRONT= 15', REAR= 20', SIDE'S= 5'

OWNERS

THOMAS & MEREDITH REICHERT
118 OLIVE STREET, LOS GATOS, CA 95030
PH: 858 449 4536
EMAIL: THOMASMICHAELREICHERT@GMAIL.COM

AREA SUMMARY

MAIN LEVEL	896 SF
UPSTAIRS LEVEL	781 SF
TOTAL FLOOR AREA	1677 SF
BELOW GROUND LIVING	896 SF
BELOW GROUND STORAGE	299 SF
GARAGE	299 SF

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A-5 SHADOW STUDY
C1.0 thru C4.0- CIVIL

Print date :
09.23.21
09.01.21
06.15.21
04.26.21

JAY PLETT ARCHITECT
408.354.4551
jay@plett-arc.com
www.plett-arc.com
213 Bean Avenue
Los Gatos, CA 95030

REICHERT HOME
REMODEL & ADDITION
118 OLIVE
APN: 410 15 022

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Revisions :

PRELIM
PLAN CK
PRICING SET
CONST. SET

Scale :
Date :

Sheet
A-1
EXHIBIT 11

TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

STAFF TECHNICAL REVIEW
Engineering Division
September 14, 2021

ITEM 2: 118 Olive Street; APN: 410-15-022
Architecture and Site Application S-21-013
Requesting approval for construction of a second story addition to an existing SFR to exceed FAR with reduced setbacks on property zoned R-1D.
PROPERTY OWNER: Rauch Thomas M/Meredith A.
APPLICANT: Jay Plett

PROJECT PLANNER: Sean Mullin
LAST REVIEWED: August 17, 2021

DEFICIENCIES: (GENERAL)

1) Relocate the existing water meter outside of the Olive Street right-of-way per Condition of Approval 14 below.

DRAFT CONDITIONS:
TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:
(Engineering Division)

1) GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
2) APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
3) CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.

TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

4) RESTORATION OF PUBLIC IMPROVEMENTS: The Owner or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing 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. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
5) SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
6) STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
7) INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any building permits.
8) DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
9) PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval.
10) GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.
11) ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.

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TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

12) PRECONSTRUCTION MEETING: Prior to issuance of any building permits or the commencement of any site work, the general contractor shall:
a) Along with the Owner, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
b) Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
13) DEMOLITION: Within 60-days of the Development Review Committee approval action being final (i.e, after the 10-day appeal period and no requested appeals being submitted to the Town), the Property Owner shall record a Deed Restriction on each of the parcels in question which prohibits the recording of a Certificate of Compliance until one of the two (2) prerequisite actions occurs prior to the proposed recordation: 1) removal of any structures which cross lot/property lines or 2) the Property Owner successfully obtaining an Architecture & Site approval from the Town of Los Gatos for the demolition of the existing house and construction of a replacement house.
14) WATER METER: The existing water meter, currently located within the Olive Street right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate
15) SIDEWALK REPAIR: The Owner shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
16) CURB AND GUTTER REPAIR: The Owner shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The

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PARKS AND PUBLIC WORKS COMMENTS

improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
17) CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
18) ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
19) HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a building permit, the Owner or their representative shall work with the Town Building Department and Engineering Division inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
20) CONSTRUCTION HOURS: All site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
21) CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If a device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
22) CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any building permits, the Owner's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Project Schedule, site security fencing, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
23) MAINTENANCE ACCESS: Prior to the issuance of any building permits, the Owner shall propose maintenance access improvements for the Town Engineer to review, comment on,

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TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

and approve. The Engineering Division of the Parks and Public Works Department shall approve the surface materials over each public easement.
24) BEST MANAGEMENT PRACTICES (BMPs): The Owner is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
25) SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
a) Protect sensitive areas and minimize changes to the natural topography.
b) Minimize impervious surface areas.
c) Direct roof downspouts to vegetated areas.
d) Use pervious or permeable pavement surfaces on the driveway, at a minimum.
e) Use landscaping to treat stormwater.
26) UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
27) LANDSCAPING: In finalizing the landscape plan for the bioretreatment area(s), it is recommended that the landscape architect ensure that the characteristics of the selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.
28) DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to

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TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
29) AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
b) All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
c) All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
d) As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
e) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
f) All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
g) All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
h) Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
i) All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
j) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
30) CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.

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TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

31) SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
32) SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
33) GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense.
34) NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: Immediately upon approval of an encroachment permit, the Owner shall initiate a weekly neighborhood email notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project permitted.
35) COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

Corvell Sparks
Assistant Civil Engineer
CSparks@losgatosca.gov
408.395.5340

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TOWN OF LOS GATOS
STAFF TECHNICAL
REVIEW COMMENTS

STAFF TECHNICAL REVIEW
PLANNING DIVISION
September 23, 2021

ITEM: 118 Olive Street
Architecture and Site Application S-21-013

Requesting Approval for Demolition of an Existing Single-family residence and Construction of a New Single-family Residence to Exceed Floor Area Ratio Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. APN 410-15-022.

PROPERTY OWNER: Thomas and Meredith Reichert
APPLICANT: Jay Plett, Architect

PROJECT PLANNER: Sean Mullin
LAST REVIEWED BY STAFF: Third Review

COMMENTS: This Architecture and Site Application submittal is **INCOMPLETE** and requires resubmittal of plans and application materials to address deficiencies noted.

ENVIRONMENTAL: The project appears to be Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

MODIFICATIONS TO PLANS:
1) Sheet A-1.1: Update the floor area/FAR comparisons table to reflect the revised size of the residence (see annotations).
2) Sheet A-2:
a) Dimension the depth of the proposed parking space within the garage.
b) The bay window at the office bedroom is not depicted on the front elevation on Sheet A-4.

GENERAL COMMENTS
3) This Architectural and Site application is required to follow the Town's Height Pole and Netting Policy. Height poles and project identification signs will be required prior to the public notice of any pending approval.
4) Please modify plans per the above comments and resubmit to Planning with a compliance memorandum through the Town's online portal. As part of the resubmittal materials,

TOWN OF LOS GATOS
STAFF TECHNICAL
REVIEW COMMENTS

please provide a transmittal sheet. The transmittal sheet must list number of items and the name of each of the item(s) that are being resubmitted.
5) WELO Review (advisory): If new irrigated landscape areas of 500 square feet or more are proposed with this or future Building Permits, the project will require submittal of a Landscape Documentation Package pursuant to the State's Water Efficient Landscape Ordinance (WELO) prior to issuance of a Building Permit. This is a separate submittal from your Building Permit. A review deposit based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
6) Pursuant to the adopted fee schedule, in the event additional processing services by the Town are required due to changes, modifications, additions, errors, omissions, or discrepancies caused by the applicant of his/her agents or representatives, the applicant shall pay an additional fee as determined by the Director of Community Development to cover the actual cost.
7) Pursuant to the adopted fee schedule, if the requested information from any of the Tech Review Staff is not submitted within 180 days of this meeting, the applicant will be required to pay a fee of 10% of the current application fee at the time the requested information is submitted. Any resubmittal after one year will be processed as a new application, subject to new fees.
8) Pursuant to the adopted fee schedule, if after three meetings, any additional review is required by the Technical Review Committee and/or DRC, there will be an additional fee based on time and material cost.

Please resubmit and provide a compliance memorandum showing how all of the deficiencies and general comments have been addressed. PLEASE NOTE THAT COMMENTS/DEFICIENCIES LISTED ABOVE MAY NOT BE AN EXHAUSTIVE LIST OF ALL STAFF TECHNICAL REVIEW COMMENTS OR CONDITIONS.

Sean R. Mullin, AICP
Associate Planner
SMullin@losgatosca.gov
(408) 354-6823

N:\DEV\Sean\GM_Projects\Olive Street, 118\S-21-013\Comment\ATC\Olive Street, 118 - Tech Review - 08-17-21.docx

TOWN OF LOS GATOS
BUILDING DIVISION CONDITIONS OF APPROVAL

STAFF TECHNICAL REVIEW
Building Division
September 8, 2021

ITEM: 118 Olive Street
Architecture and Site Application S-21-013
Last reviewed August 9, 2021

Requesting Approval for Demolition of an Existing Single-family residence and Construction of a New Single-family Residence to Exceed Floor Area Ratio Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. APN 410-15-022.

PROPERTY OWNER: Thomas M/Meredith A Reichert
APPLICANT: Jay Plett
PROJECT PLANNER: Sean Mullin

GENERAL COMMENTS:

1. A comprehensive plan review has not been completed for this project under consideration by the Development Review Committee or Town Council. Advisory Comments may be provided by the Building Division as part of a cursory review. Comprehensive Plan review will be part of the separate building permit application process. Once the Development Review Committee and/or Planning Commission approvals have been obtained and the requisite appeal period has passed, submit complete sets of construction drawings and documents to the Building Counter. No construction work can be commenced without an appropriate building permit.
2. One of the requirements of the Town's newly adopted Energy Reach Code require that all new homes use electricity as the only source of energy for space heating, water heating (including pools and spas), cooking appliances, clothes drying appliances, and other features for both interior and exterior applications. **Please remove all reference to gas appliances and add a note to the cover sheet of the plans stating the following:** *"This residence will comply with the Town's all electric appliance, electric vehicle and energy storage system requirements in accordance with Town Code Section 6.70.020 and 6.120.020."*

DRAFT CONDITIONS:
TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:
(Building Division)

1. PERMITS REQUIRED: A Demolition Permit is required for the demolition of the existing single-family residence. A separate Building Permit is required for the construction of the new single-family residence and attached garage. An additional Building Permit will be required for the PV System if the system is required by the California Energy Code.
2. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.

3. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
4. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
5. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
6. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the Air District's JR Certificate, PG&E verification, and three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
7. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
8. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
9. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
a. Building pad elevation
b. Finish floor elevation
c. Foundation corner locations
d. Retaining wall(s) locations and elevations
10. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
11. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
b. All passage doors shall be at least 32-inch wide doors on the accessible floor level.
c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
d. A door buzzer, bell or chime shall be hard wired at primary entrance.
12. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos

Town of Los Gatos • Community Development • Building Division • 110 E. Main St., Los Gatos, CA 95031
408.354.6876 • www.losgatosca.gov • www.facebook.com/losgatosca

Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
13. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
14. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
15. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of $2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.
16. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
a. Community Development – Planning Division: (408) 354-6874
b. Engineering/Parks & Public Works Department: (408) 399-5771
c. Santa Clara County Fire Department: (408) 378-4010
d. West Valley Sanitation District: (408) 378-2407
e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

Robert Gray, CBO
Chief Building Official
rgray@losgatosca.gov

N:\DEV\Robert Gray\Conditions of Approval\2021\Olive118_v3.docx

SANTA CLARA COUNTY FIRE DEPARTMENT
14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN REVIEW No. 21 4035
BLDG PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

Plans and Scope of Review:

This project shall comply with the following:

The California Fire (CFC) & Building (CBC) Code, 2019 edition, as adopted by the Town of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

The scope of this project includes the following:

Proposed new 3,171 SF two-story single-family residence with basement and attached garage.

Plan Status:

Plans are **APPROVED with the following conditions**.

Plan Review Comments:

1. **Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.**

2. **Fire Sprinklers Required:** *(As Noted on Sheet A-1)* An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: 1) In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 SF whether by increasing the area of the primary residence or by creation of an attached Accessory Dwelling Unit. 2) In all new basements and in existing basements that are expanded by more than 50%. 3) In all attached ADUs, additions or alterations to an existing one- and two-family dwelling that have an existing fire sprinkler system. **Exceptions:** 1) One or more additions made to a building after January 1, 2011 that does not total more than 1,000 square feet of building area and meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code. *This project is categorized as a new dwelling according to scope.*

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	Applicant Name	DATE	PAGE
LGA	☒	☐	☒	☒	☒	R-3/U	VB	Jay Plett Architect	09/22/2021	1 OF 2

SEQUELAH	AREA	LOAD	PROJECT DESCRIPTION	PROJECT TYPE OR SYSTEM
2+Invest	3171		Residential Development	Design Review

NAME OF PROJECT	LOCATION
SFR	118 Olive Los Gatos

TABULAR FIRE FLOW	REDUCTION FOR FIRE SPRINKLERS	REQUIRED FIRE FLOW @ 20 PSI	BY
500		500	Ip, Kenny

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.

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14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN REVIEW No. 21 4035
BLDG PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

3. **Water Supply Requirements:** Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such water and to comply with the requirements of that purveyor. Submit approved documents from the water purveyor to the fire code official prior to rough framing. Automatic fire suppression water supply systems (tanks) or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

4. **Address identification:** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

5. **Construction Site Fire Safety:** All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. (CFC, Ch.1, 105.3.6)

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	Applicant Name	DATE	PAGE
LGA	☒	☐	☒	☒	☒	R-3/U	VB	Jay Plett Architect	09/22/2021	2 OF 2

SEQUELAH	AREA	LOAD	PROJECT DESCRIPTION	PROJECT TYPE OR SYSTEM
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Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.

TOWN AND FIRE CONDITIONS OF APPROVAL

Print date :

09.23.21
09.01.21
06.15.21
04.26.21

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REICHERT
REMODEL & ADDITION
118 OLIVE
APN: 410-15-022

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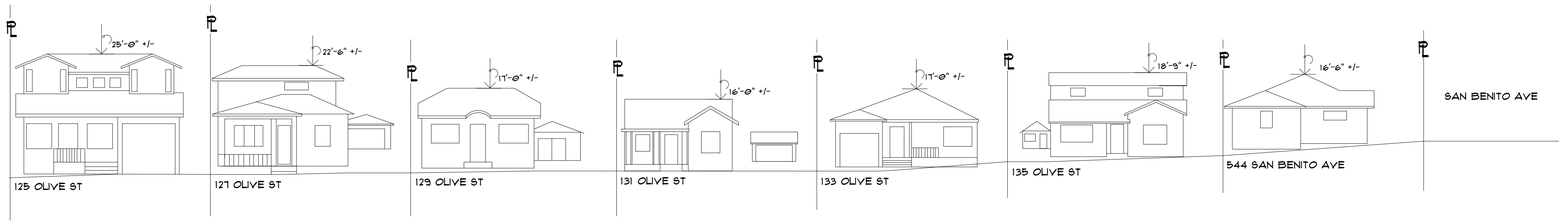
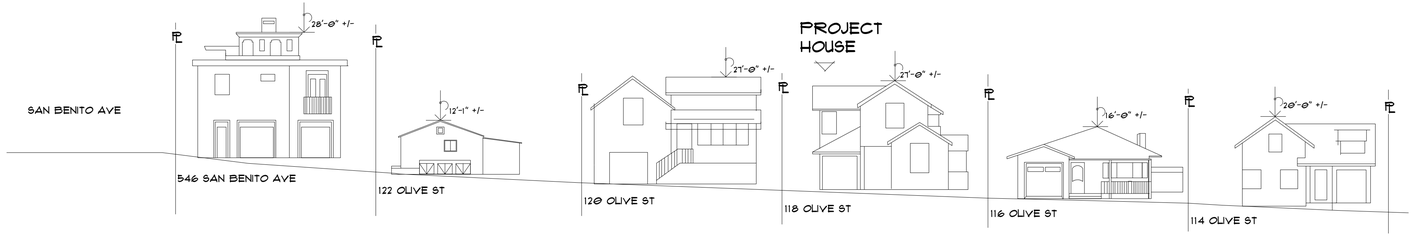


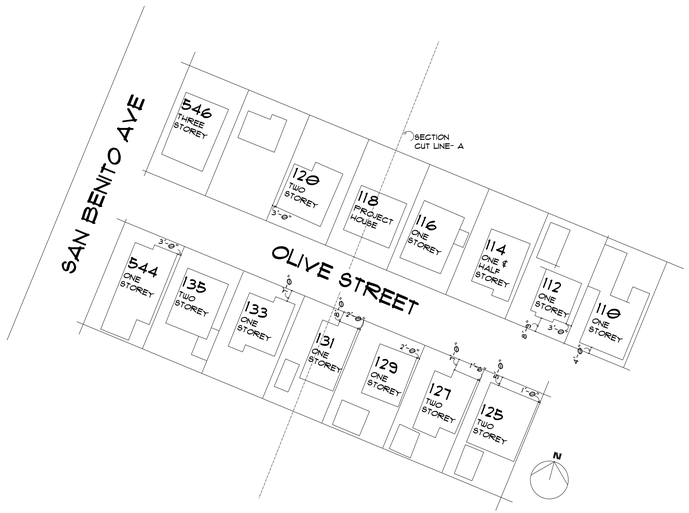
OLIVE STREET LOOKING ACROSS FROM PROJECT

1/16" = 1'-0"



OLIVE STREET LOOKING AT PROJECT

1/16" = 1'-0"



NEIGHBORHOOD PLAN

1" = 50'

FLOOR AREA/FAR COMPARISONS

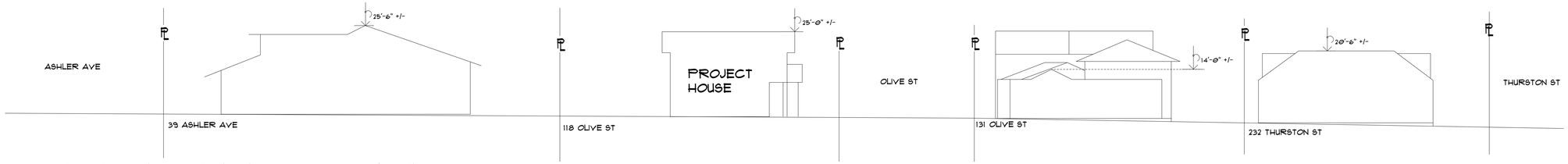
ADDRESS	LOT SIZE	FLR AREA	ALLOWED/OVER FLR AREA	FAR HOUSE	GARAGE (SF)
114 OLIVE ST	3680	1311		0.356	220
116 OLIVE ST	3680	969		0.263	220
120 OLIVE ST	3680	1429	1369/60 SF	0.388	300
135 OLIVE ST	3542	*1699	1326/373 SF	**0.479	0
133 OLIVE ST	3542	975		0.375	190
131 OLIVE ST	3624	1125		0.310	215
129 OLIVE ST	3588	916		0.255	162
127 OLIVE ST	3588	1518	1340/178 SF	0.423(COMP. FAR)	300
546 SAN BENITO AVE	3680	*1767	1369/398 SF	**0.480	360
PROJECT HOUSE					
118 OLIVE ST	3680	1677	1369/308 SF	0.456	242

ANALYSIS

*2 NEIGHBOR HOMES HAVE GREATER FLOOR AREA

** 2 NEIGHBOR HOMES HAVE GREATER FAR

AS THE STREETSCAPE ILLUSTRATES, THE PROJECT HOUSE BLENDS AMICABLY WITH THE SCALE OF THE NEIGHBORHOOD



NEIGHBORHOOD SECTION-A

1/16" = 1'-0"

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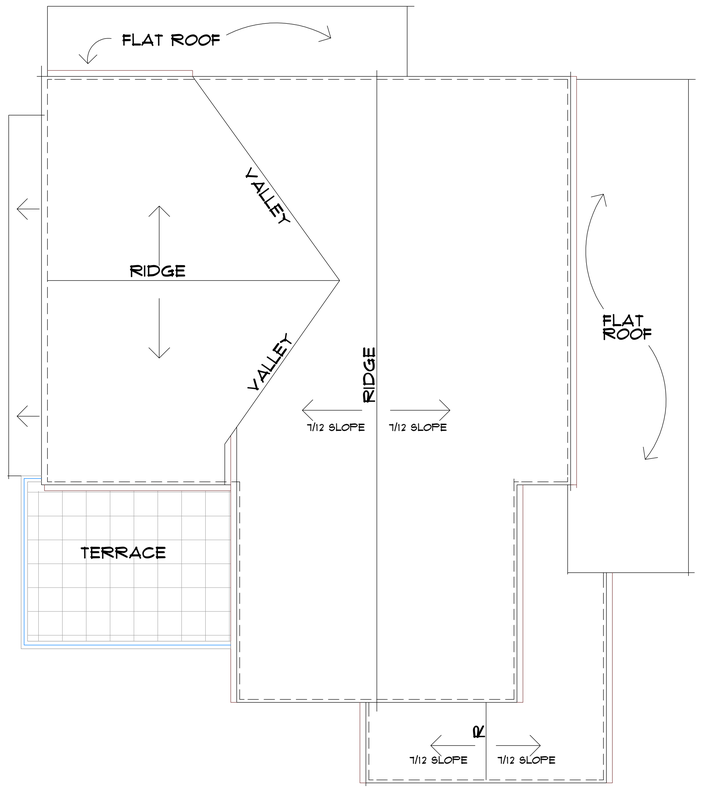
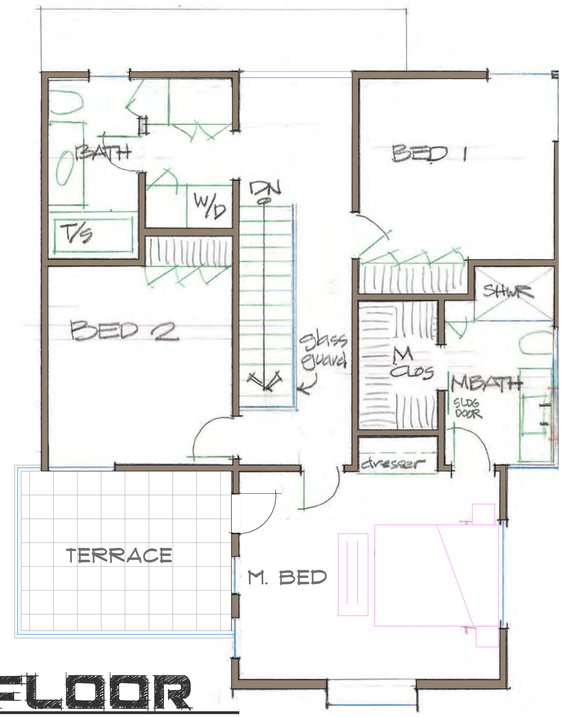


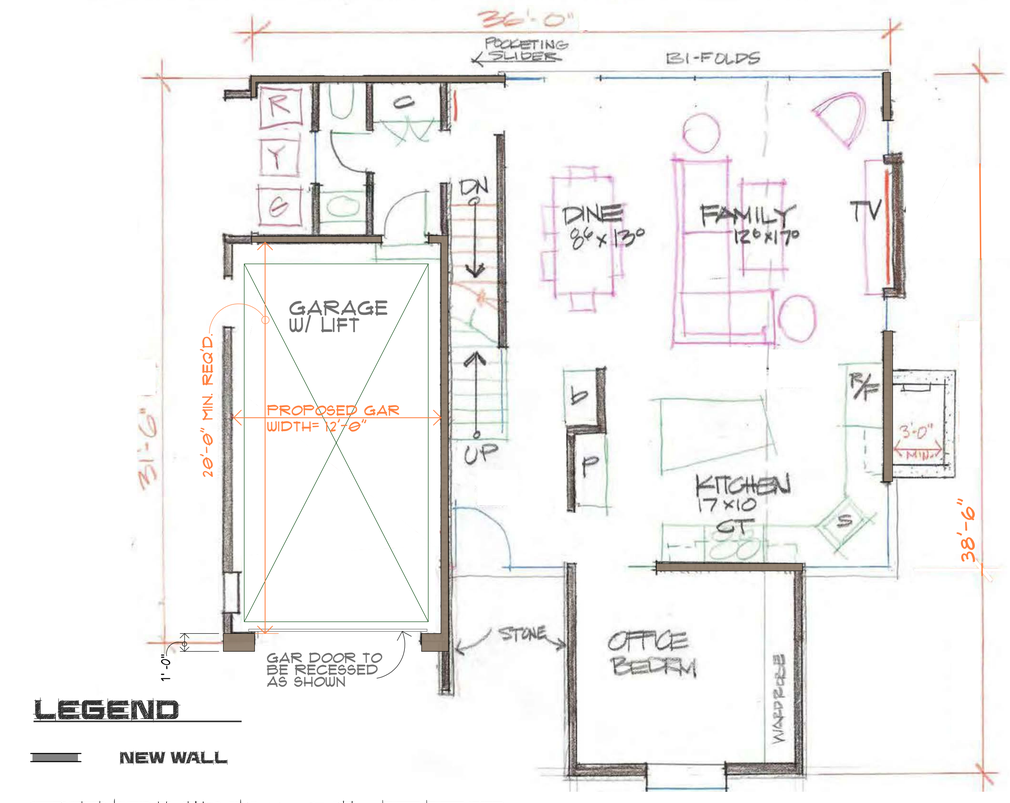
ROOF PLAN

1/4" = 1'-0"



UPPER FLOOR

1/4" = 1'-0"



LEGEND

NEW WALL

GROUND FLOOR

1/4" = 1'-0"

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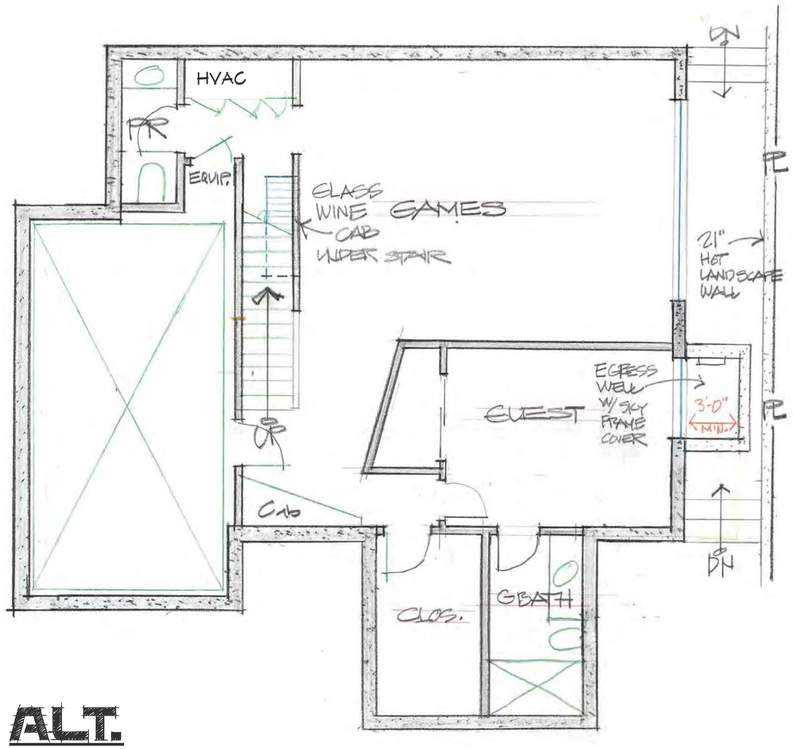
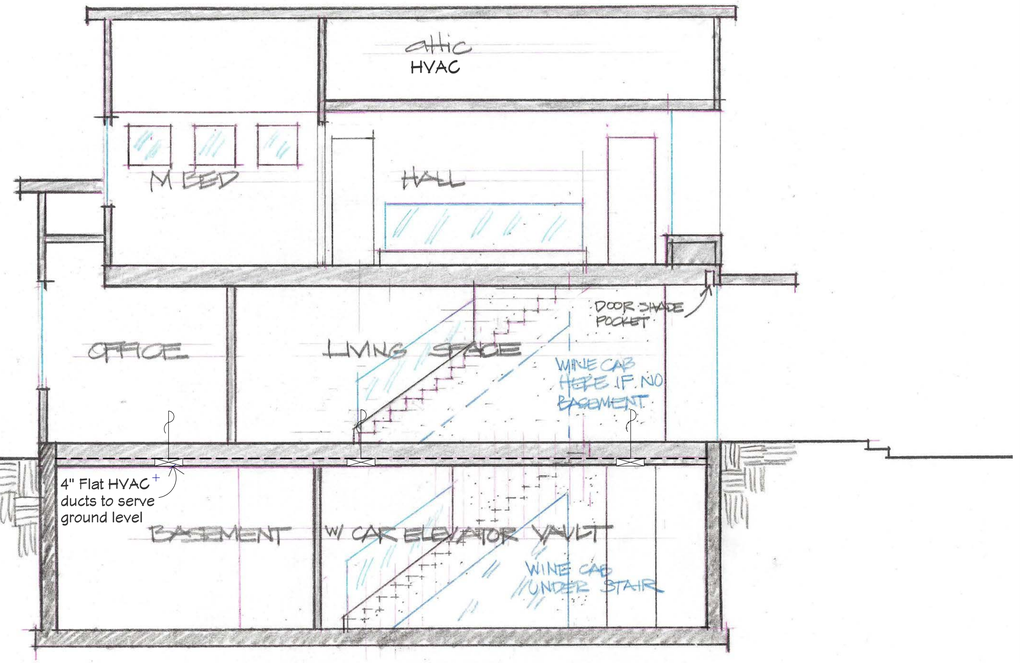


ALT. BASEMENT

1/4" = 1'-0"



SECTION

1/4" = 1'-0"

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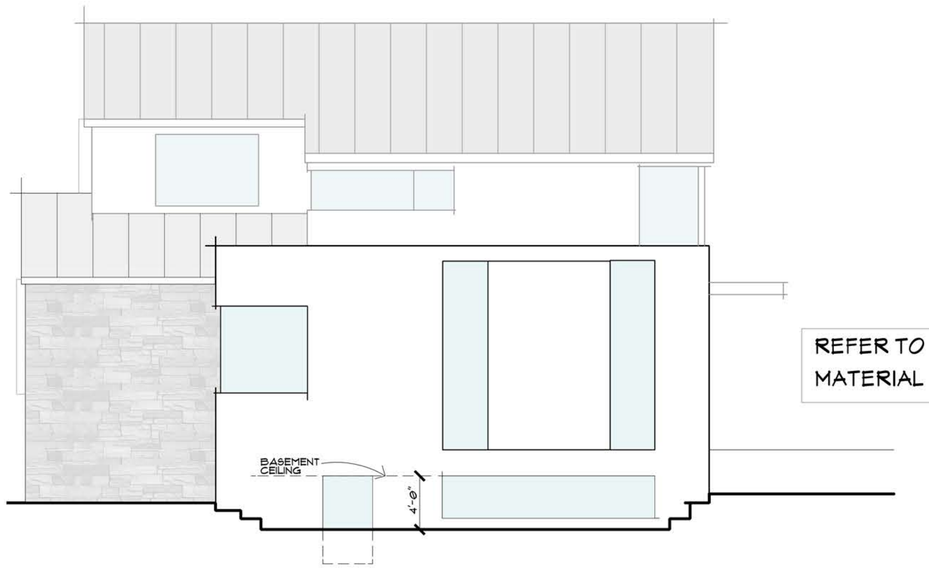
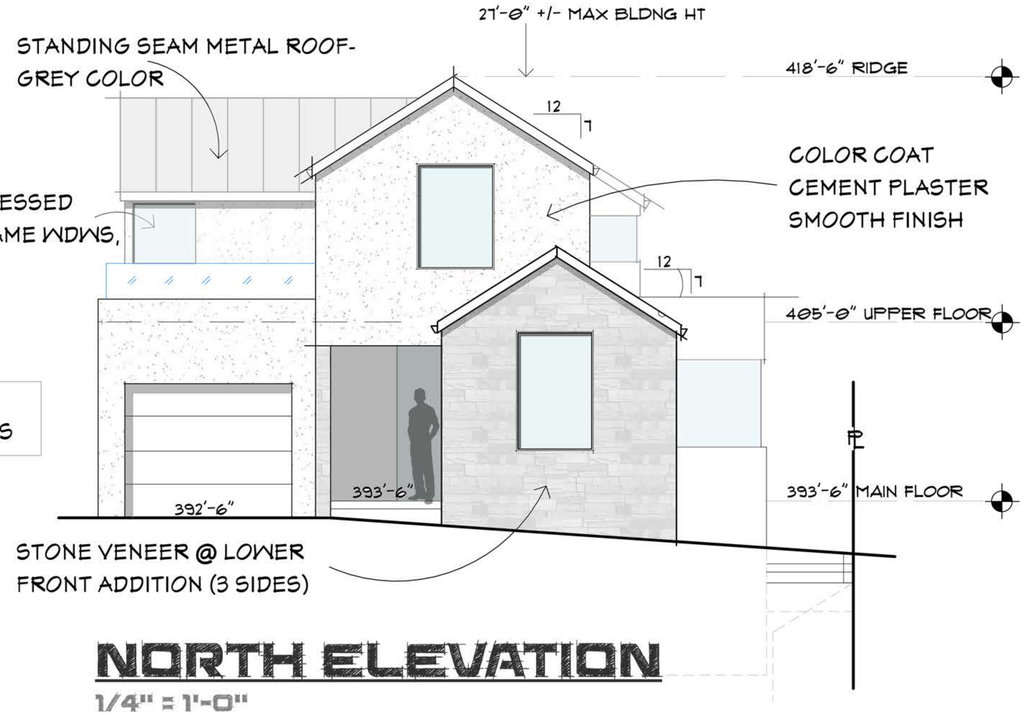
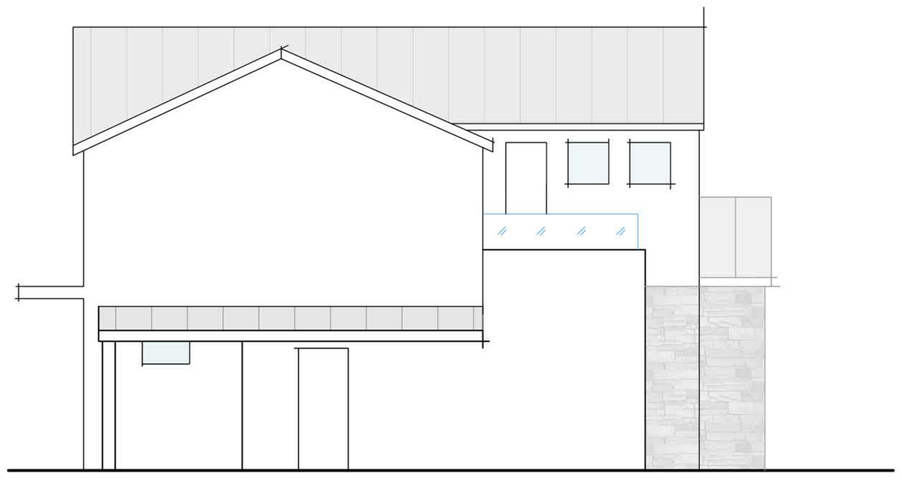


REFER TO COLOR SAMPLE/
MATERIAL BOARD FOR COLORS

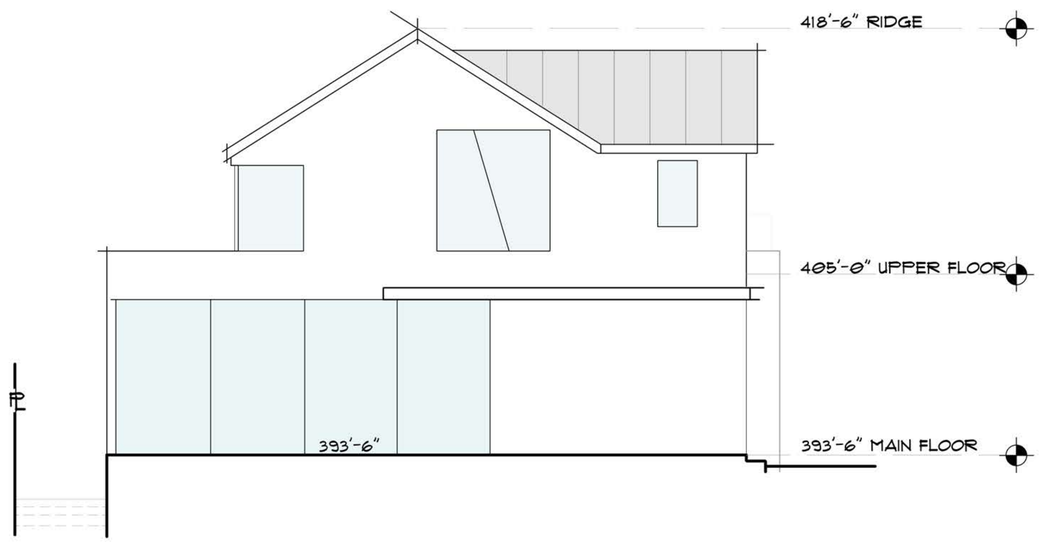
WEST ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"

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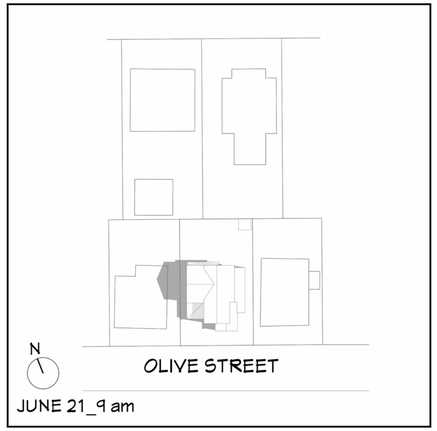
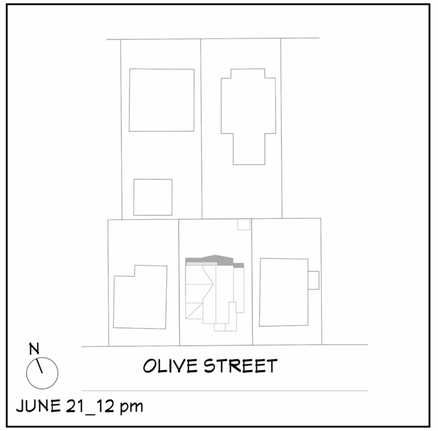


JUNE 21_9 am



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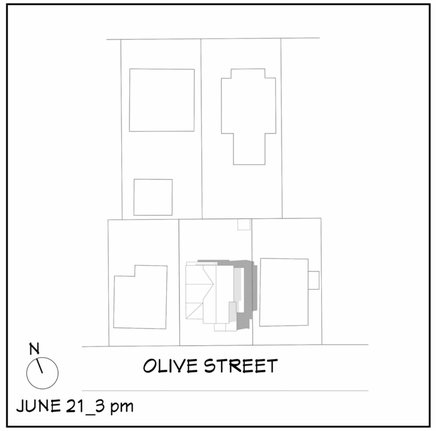

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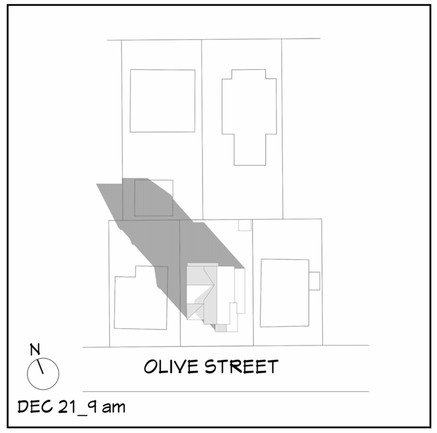

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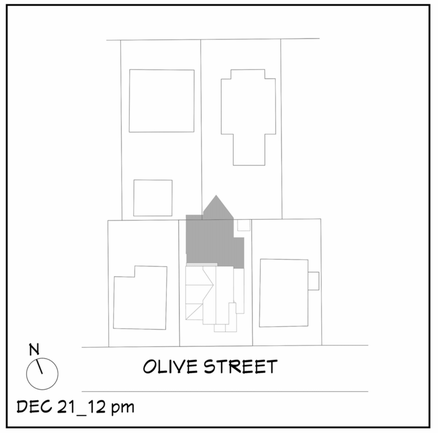

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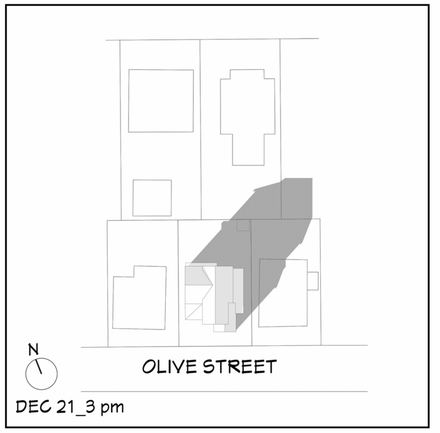

DEC 21_3 pm

SHADOW STUDY

NOT TO SCALE

Print date :

09.23.21
09.01.21
06.15.21
04.26.21

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Date :

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A-5

REICHERT ADDITION & REMODEL
APN: 410-15-022
118 OLIVE AVENUE, LOS GATOS, CA.

GENERAL NOTES

I. GENERAL:

1. ADJUSTMENTS TO BUILDING PAD ELEVATIONS OR PARKING LOT GRADES TO ACHIEVE EARTHWORK BALANCE SHALL BE MADE ONLY WITH APPROVAL OF THE ENGINEER.

2. COMPACTION TO BE DETERMINED USING ASTM D1557-LATEST EDITION.

3. THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THE IMPROVEMENT PLANS WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. THE CONTRACTOR IS CAUTIONED THAT ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. (A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL KNOWN UNDERGROUND UTILITIES.) HOWEVER, THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF THE DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THESE DRAWINGS.

4. CONTRACTOR TO VERIFY ALL EXISTING INVERT ELEVATIONS FOR STORM DRAIN AND SANITARY SEWER CONSTRUCTION PRIOR TO ANY SITE WORK. ALL WORK FOR STORM AND SANITARY INSTALLATION SHALL BEGIN AT THE DOWNSTREAM CONNECTION POINT. THIS WILL ALLOW FOR ANY NECESSARY ADJUSTMENTS TO BE MADE PRIOR TO THE INSTALLATION OF THE ENTIRE LINE. IF THE CONTRACTOR FAILS TO BEGIN AT THE DOWNSTREAM CONNECTION POINT AND WORKS UPSTREAM, HE SHALL PROCEED AT HIS OWN RISK AND BE RESPONSIBLE FOR ANY ADJUSTMENTS NECESSARY.

5. SHOULD DISCREPANCIES EXIST BETWEEN THE ACTUAL ELEVATIONS AND LOCATIONS OF EXISTING UTILITY CONNECTIONS AND THOSE AS SHOWN ON THESE PLANS, THE CONTRACTOR SHALL NOTIFY GKM ENGINEERS, AT (408) 656-5917 BEFORE ADJUSTING UTILITY DESIGN.

6. CONTRACTOR SHALL UNCOVER AND EXPOSE ALL EXISTING UTILITY AND SEWER LINES WHERE THEY ARE TO BE CROSSED ABOVE OR BELOW BY THE NEW FACILITY BEING CONSTRUCTED IN ORDER TO VERIFY THE GRADE AND TO ASSURE THAT THERE IS SUFFICIENT CLEARANCE. IF THE CONTRACTOR REQUIRES ASSISTANCE HE SHALL CALL GKM ENGINEERS AT (408) 656-5917 AND REQUEST A SURVEY CREW TO MAKE THE DETERMINATION. PIPE SHALL NOT BE STRUNG NOR TRENCHING COMMENCED UNTIL ALL CROSSINGS HAVE BEEN VERIFIED FOR CLEARANCE. IF THE CONTRACTOR FAILS TO FOLLOW THIS PROCEDURE, HE WILL BE SOLELY RESPONSIBLE FOR ANY EXTRA WORK OR MATERIAL REQUIRED IF MODIFICATIONS TO THE DESIGN ARE NECESSARY.

7. THE CONTRACTOR SHALL SET HIS STRING OR WIRE THROUGH AT LEAST THREE GRADE STAKES TO VERIFY THE GRADE. IF THE STAKES DO NOT PRODUCE A UNIFORM GRADE, NOTIFY THE ENGINEER IMMEDIATELY AND HAVE THE GRADES CHECKED PRIOR TO TRENCHING.

8. STORM DRAIN PIPES DESIGNATED AS "SD FROM 4" TO 24" IN DIAMETER SHALL BE SDR-35 P.V.C. (HANCOR SURE-LOK WT PIPE OR APPROVED EQUAL), CLASS HDPE SMOOTH INTERIOR PIPE PER ASTM D3212 (HANCOR SURE-LOK WT PIPE OR APPROVED EQUAL) OR DUCTILE IRON PIPE (D.I.P.), IF SPECIFIED ON PLANS. NO MATERIAL SUBSTITUTION SHALL BE ALLOWED FOR DUCTILE IRON PIPE. ANY PIPES LARGER THAN 24" IN DIAMETER SHALL BE CLASS III REINFORCED CONCRETE PIPE (R.C.P.). HDPE AND P.V.C. PIPE SHALL ONLY BE USED WHEN THE MANUFACTURER RECOMMENDATION REQUIREMENTS ARE MET. PIPE MADE OF ANY OTHER MATERIAL MAY BE USED ONLY AFTER APPROVAL OF THE ENGINEER.

9. ALL UTILITY STRUCTURES INCLUDING, BUT NOT LIMITED TO MANHOLES, CATCH BASINS, WATER VALVES, FIRE HYDRANTS, TELEPHONE AND ELECTRIC VAULTS AND PULL BOXES THAT LIE WITHIN AREAS EFFECTED BY WORK ON THIS PROJECT SHALL BE ADJUSTED TO GRADE BY THE CONTRACTOR OR THE RESPECTIVE UTILITY COMPANY. THE CONTRACTOR IS RESPONSIBLE TO AFFECT COORDINATION.

10. ALL AREAS TO BE GRADED AT 1% MINIMUM FOR DRAINAGE EXCEPT ALONG FLOWLINE OF CURB AND GUTTER OR VALLEY GUTTER, AS SHOWN.

11. CONTRACTOR SHALL GRADE EVENLY BETWEEN SPOT ELEVATIONS SHOWN.

12. PROPOSED SPOT GRADES (ELEVATIONS) SHOWN HEREON ARE FINISHED PAVEMENT GRADES, NOT TOP OF CURB GRADES, UNLESS NOTED OTHERWISE.

13. ESTIMATED EARTHWORK QUANTITIES: EARTHWORK QUANTITIES SHOWN (IF ANY), OR OTHERWISE SUPPLIED BY GKM, ARE APPROXIMATE ONLY AND SHOWN FOR THE PURPOSES OF CALCULATING GRADING PERMIT FEES. GKM ASSUMES NO LIABILITY FOR THE ACCURACY OF THESE QUANTITIES.

14. WHEN A GRADING PERMIT IS ISSUED ON THIS PROJECT THE AGENCY APPROVAL APPLIES ONLY TO GRADING. THE CONTRACTOR IS RESPONSIBLE FOR SECURING ALL OTHER NECESSARY PERMITS TO ACCOMPLISH PROPOSED SITE WORK. IT IS STRONGLY RECOMMENDED THAT THE CONTRACTOR OBTAIN ALL NECESSARY UNDERGROUND PERMITS BEFORE ROUGH GRADING THE SITE, AS REVISIONS TO UNDERGROUND FACILITIES MANDATED BY PLAN CHECKING AGENCIES MAY SUBSTANTIALLY EFFECT GRADING INCLUDING FINISHED FLOOR ELEVATIONS.

15. THE CONTRACTOR SHALL VERIFY THE CONTENTS AND THICKNESSES OF THE BUILDING SLAB SECTION (IE: CONCRETE, SAND, ROCK) WITH THE STRUCTURAL PLANS AND THE ELEVATIONS SHOWN HEREON PRIOR TO COMMENCEMENT OF GRADING OPERATIONS.

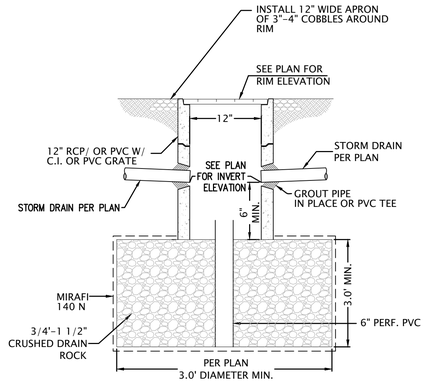
16. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH APPLICABLE O.S.H.A. REGULATIONS.

17. CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

18. WHERE OFF-SITE DRIVEWAY APPROACHES ARE TO BE CONSTRUCTED THE ON-SITE DRIVEWAY SHALL NOT BE CONSTRUCTED UNTIL THE OFF-SITE IMPROVEMENTS ARE INSTALLED. THE ON-SITE DRIVEWAY SHALL CONFORM TO THE COMPLETED OFF-SITE DRIVEWAY.

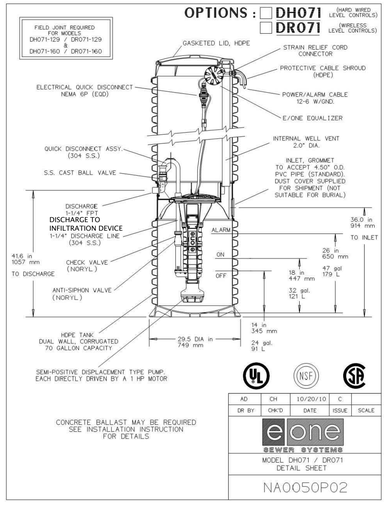
19. ALL PIPES SHALL HAVE A MINIMUM COVER OF 3' FROM FINISH GRADE UNLESS OTHERWISE SPECIFIED ON THE PLANS.

20. BENCHMARK:_____



NOT TO SCALE

INFILTRATION DEVICE | 6



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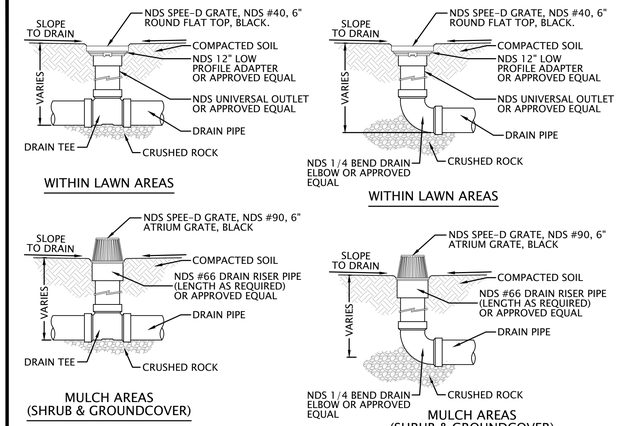
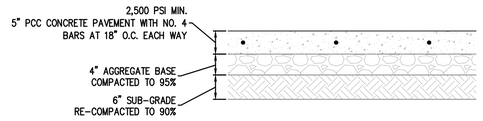
PUMP STATION | 3



NOT TO SCALE

AREA DRAIN | 1



NOTES

1. SEE SOILS REPORT FOR COMPACTION REQUIREMENTS AND FOR ADDITIONAL INFORMATION NOT SHOWN OR NOTED.

NOT TO SCALE

CONCRETE PAVEMENT SECTION | 5

811 Know what's below. Call 811 before you dig.

SHEET INDEX

C1.0	COVER SHEET, DETAILS, & GENERAL NOTES
C1.1	BEST MANAGEMENT PRACTICES
C2.0	GRADING AND DRAINAGE PLAN
C3.0	EROSION CONTROL PLAN
C4.0	TOPOGRAPHIC SITE SURVEY

FOR PLANNING PURPOSES ONLY

REGISTERED PROFESSIONAL ENGINEER No. 77629 CIVIL STATE OF CALIFORNIA

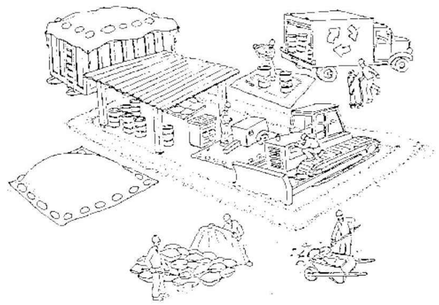
No.	BY	REVISION
1		RESPONSE TO ENG. COMMENTS - 6/08/2021
2		RESPONSE TO ENG. COMMENTS - 9/14/2021

GKM Engineering
CIVIL ENGINEERING • SURVEYING • LAND PLANNING
16185 Los Gatos Blvd., Suite 205
Los Gatos, Ca 95032
(408) 656 5917
GKMengineering.com

COVER SHEET, DETAILS AND GENERAL NOTES
REICHERT ADDITION & REMODEL
APN: 410-15-022
118 OLIVE AVENUE
LOS GATOS CALIFORNIA

DATE	9/23/2021
SCALE	AS SHOWN
DESIGNER	GM
DRAFTER	GM
JOB	A210614
SHEET	C1.0
OF	5 SHEETS

Pollution Prevention — It's Part of the Plan



Make sure your crews and subs do the job right!



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

Materials storage & spill cleanup

Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed.
- ✓ Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities.
- ✓ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

Hazardous materials management

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

Spill prevention and control

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

Vehicle and equipment maintenance & cleaning



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

Earthwork & contaminated soils

- ✓ Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use hay bales, silt fences, or other control measures to minimize the flow of silt off the site.



- ✓ Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place hay bales down-slope until soil is secure.
- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call your local fire department for help in determining what testing should be done.
- ✓ Manage disposal of contaminated soil according to Fire Department instructions.

Dewatering operations



- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✓ Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

Saw cutting

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

Paving/asphalt work



- ✓ Do not pave during wet weather or when rain is forecast.
- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Place drip pans or absorbent material under paving equipment when not in use.
- ✓ Protect gutters, ditches, and drainage courses with hay bales, sand bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt concrete pavement.

Concrete, grout, and mortar storage & waste disposal

- ✓ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.



- ✓ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.
- ✓ If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.

Painting



- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

FOR PLANNING PURPOSES ONLY

BASMAA Bay Area Stormwater Management Agencies Association (BASMAA)
1-888-BAYWISE

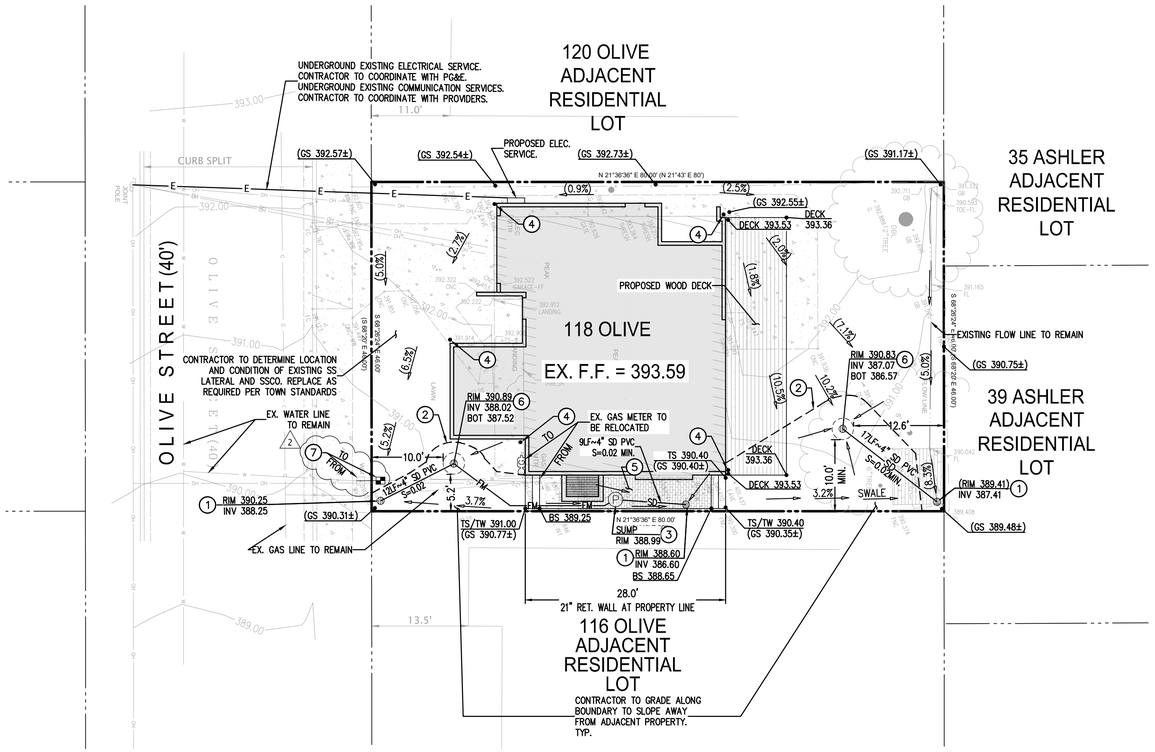
Storm drain polluters may be liable for fines of up to $10,000 per day!

GKM Engineering
CIVIL ENGINEERING • SURVEYING • LAND PLANNING
16185 Los Gatos Blvd., Suite 205
Los Gatos, Ca 95032
(408) 656 5917
GKMengineering.com

No.	REVISION	BY
1	RESPONSE TO ENG. COMMENTS – 6/08/2021	
2	RESPONSE TO ENG. COMMENTS – 9/14/2021	

BEST MANAGEMENT PRACTICES
REICHERT ADDITION & REMODEL
APN: 410-15-022
118 OLIVE AVENUE
LOS GATOS CALIFORNIA

DATE	9/23/2021
SCALE	AS SHOWN
DESIGNER	GM
DRAFTER	GM
JOB	A210614
SHEET	C1.1
OF	5 SHEETS



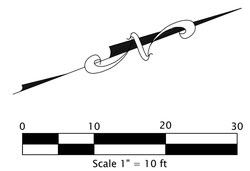
LEGEND

– – – – – – – –	LIMITS OF GRADING
—SD—	STORM DRAIN LINE
—FM—	STORM DRAIN FORCE MAIN LINE
—E—	UNDERGROUND ELECTRIC
GS 102.18	SPOT GRADE
GS 102.18 OR (GS 102.18)	EX GRADE
2%	DIRECTION OF FLOW
(2%)	EXISTING DIRECTION OF FLOW

ABBREVIATIONS

AB	AGGREGATE BASE	IRR	IRRIGATION
AC	ASPHALTIC CONCRETE	L/S	LANDSCAPE
AD	AREA DRAIN	MAX	MAXIMUM
BOT	BOTTOM	MIN	MINIMUM
BS	BOTTOM OF STEP	MIN.	MINIMUM
C	CONCRETE	NO.	NUMBER
C&G	CURB AND GUTTER	O.C.	ON CENTER
CL	CENTERLINE	PV	PAVEMENT
CLR	CLEAR	PVC	POLYVINYL CHLORIDE
CONC	CONCRETE	RIM	RIM ELEVATION
DWY	DRIVEWAY	RWL	RAIN WATER LEADER
EX.	EXISTING	RYSB	REAR YARD SETBACK
F.F.	FINISH FLOOR	SD	STORM DRAIN
FF	FINISH FLOOR	SDCB	STORM DRAIN CATCH BASIN
FL	FLOW LINE	SDCO	STORM DRAIN CLEAN OUT
FS	FIRE SERVICE or FINISH SURFACE	STD.	STANDARD
FYSB	FRONT YARD SETBACK	SYSB	SIDE YARD SETBACK
GB	GRADE BREAK	TS	TOP OF SLAB
GS	GROUND SURFACE	TYP.	TYPICAL
HP	HIGH POINT	W/	WITH
ICV	IRRIGATION CONTROL VALVE		
INV	INVERT ELEVATION		

EARTHWORK QUANTITIES	
ROUGH GRADING CUT:	0.9 CUYDS
ROUGH GRADING FILL:	0.0 CUYDS
IMPORT:	0 CUYDS
EXPORT:	0.9 CUYDS



CONSTRUCTION NOTES

1. PROVIDE AREA DRAIN PER DETAIL 1/C1.0.
2. LIMITS OF GRADING
3. PROVIDE STORM DRAIN PUMP PER DETAIL 3/C1.0
4. ALL ROOF RAINWATER LEADERS ARE TO BE DISCHARGED ONTO SPLASH BLOCKS THAT ARE DESIGNED TO SPREAD OUT THE RAIN WATER SO THAT IT ENTERS THE LANDSCAPE AREAS AS SHEET FLOW
5. CONSTRUCT CONCRETE WALK PER DETAIL 5/C1.0.
6. PROVIDE INFILTRATION DEVICE PER DETAIL 6/C1.0.
7. RELOCATE EXISTING WATER METER OUTSIDE OF PUBLIC RIGHT-OF-WAY. (2)

RAINWATER LEADER NOTE

All roof rainwater leaders are to be discharged onto splash blocks that are designed to spread out the rain water so that it enters the landscape areas as sheet flow

SURVEY NOTE

THIS SURVEY WAS PREPARED BY:
ALPHA LAND SURVEYS, INC.
4444 SCOTTS VALLEY DR #7
SCOTTS VALLEY, CA 95066
DATED 3/1/21 JOB#: 2020-065

GKM ENGINEERING IS NOT LIABLE TO THE ACCURACY OF ANY OF THE EXISTING TOPOGRAPHIC, FIXED WORKS, BOUNDARY, AND/OR ENCUMBRANCE INFORMATION SHOWN ON THESE PLANS

FOR PLANNING PURPOSES ONLY

REGISTERED PROFESSIONAL ENGINEER GREGORY K. MICHAELS No. 77629 STATE OF CALIFORNIA

No.	REVISION	BY
1	RESPONSE TO ENG. COMMENTS - 6/08/2021	
2	RESPONSE TO ENG. COMMENTS - 9/14/2021	

GKM Engineering
CIVIL ENGINEERING • SURVEYING • LAND PLANNING
16185 Los Gatos Blvd., Suite 205
Los Gatos, Ca 95032
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GRADING AND DRAINAGE PLAN
REICHERT ADDITION & REMODEL
APN: 410-15-022
118 OLIVE AVENUE
LOS GATOS CALIFORNIA

DATE	9/23/2021
SCALE	AS SHOWN
DESIGNER	GM
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SHEET	C2.0
OF	5 SHEETS

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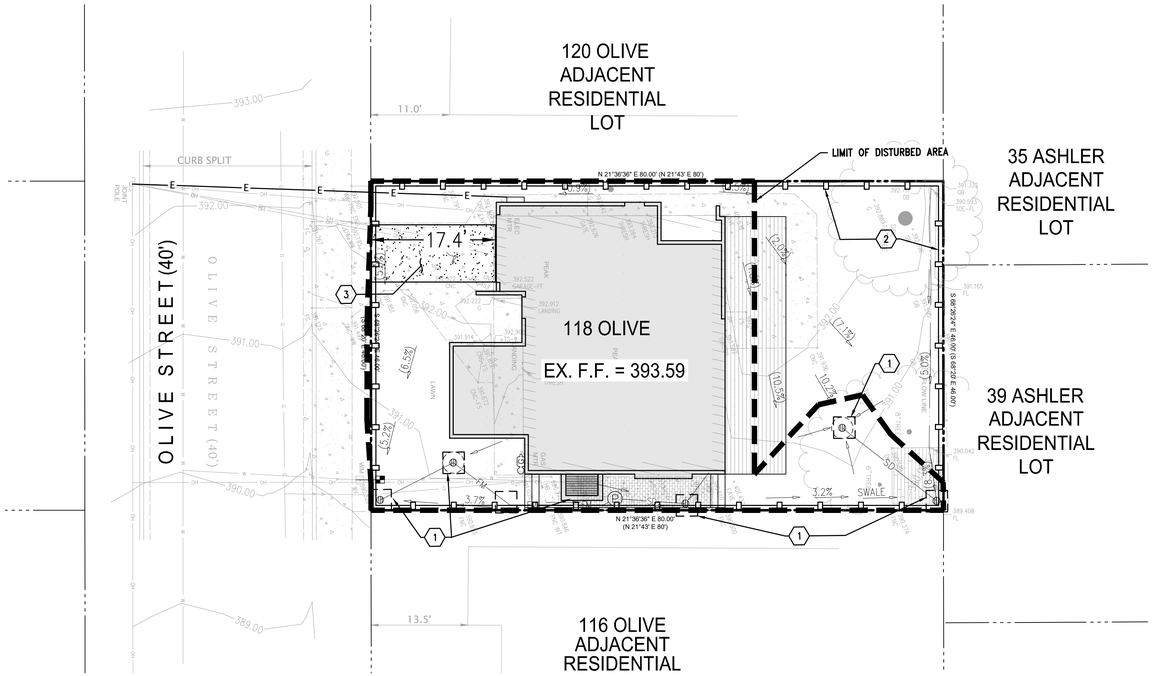
EROSION CONTROL NOTES

1. EROSION CONTROL FACILITIES AND MEASURES ARE TO BE INSTALLED AND OPERABLE BY OCTOBER 15 AND SHALL CONTINUE IN EFFECT UNTIL APRIL 15, OR UNTIL INSTALLATION OF THE PERMANENT PROJECT LANDSCAPING AND PAVING.
2. CHANGES TO THE EROSION CONTROL MEASURES INDICATED ON THESE PLANS AND DESCRIBED HEREIN TO ACCOMMODATE FIELD CONDITIONS MAY BE MADE ONLY WITH THE PRIOR APPROVAL OF OR AT THE DIRECTION OF THE CITY ENGINEER.
3. A CONSTRUCTION ENTRANCE SHALL BE PROVIDED AT ANY POINT OF EGRESS FROM THE SITE. THE CONSTRUCTION ENTRANCE SHOULD BE COMPOSED OF COARSE DRAIN ROCK (GREATER THAN 3" BUT SMALLER THAN 6" IN DIAMETER) AT LEAST TWELVE (12) INCHES THICK BY FIFTY (50) FEET LONG BY TWELVE (12) FEET WIDE AND SHALL BE MAINTAINED UNTIL THE SITE IS PAVED.
4. SEDIMENT TRAPS SHALL BE CONSTRUCTED AND MAINTAINED IN PLACE AROUND EACH STORM INLET AS INDICATED ON THE DEMOLITION PLAN. SEE THE "DRAIN INLET PROTECTION" DETAIL ON THIS SHEET. ALL INLETS WHICH ARE NOT PROTECTED BY SEDIMENT TRAPS SHALL BE COMPLETELY BLOCKED AS LONG AS THE EROSION CONTROL PLAN IS IN EFFECT.
5. ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO PREVENT SEDIMENT-LADEN RUNOFF FROM ENTERING THE STORM DRAINAGE SYSTEM OR ADJACENT PROPERTIES.
6. ALL EROSION CONTROL FACILITIES SHALL BE INSPECTED BY THE CONTRACTOR AND REPAIRED, AS REQUIRED, AT THE CONCLUSION OF EACH WORKING DAY DURING THE RAINY SEASON. THE CONTRACTOR SHALL INSPECT THE EROSION CONTROL FACILITIES AND MAKE NECESSARY REPAIRS THERETO PRIOR TO ANTICIPATED STORMS, AND SHALL PERIODICALLY INSPECT THE SITE AT REASONABLE INTERVALS DURING STORMS OF EXTENDED DURATION. REPAIRS TO DAMAGED FACILITIES SHALL BE REPAIRED IMMEDIATELY.
7. FOLLOWING EACH STORM, THE CONTRACTOR SHALL INSPECT EACH STORM INLET SEDIMENT TRAP TO ASSURE THE INTEGRITY OF THE BASIN AND OUTLET PIPE. ANY DAMAGE TO THESE OR OTHER EROSION CONTROL DEVICES SHALL BE REPAIRED AS SOON AS PRACTICABLE.
8. AS SOON AS PRACTICABLE FOLLOWING EACH STORM, THE CONTRACTOR SHALL REMOVE ANY ACCUMULATION OF SILT OR DEBRIS FROM THE SEDIMENT TRAP BASIN AND SHALL CLEAR THE OUTLET PIPE OF ANY BLOCKAGE.
9. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF THE EROSION CONTROL FACILITIES AND SHALL CONDUCT PERIODIC INSPECTION OF THE PROJECT SITE DURING STORMS OF PROLONGED DURATION AND/OR HEAVY INTENSITY TO ASSURE THAT THEY FUNCTION IN THE MANNER DESCRIBED HEREIN.

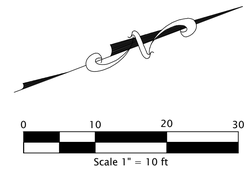


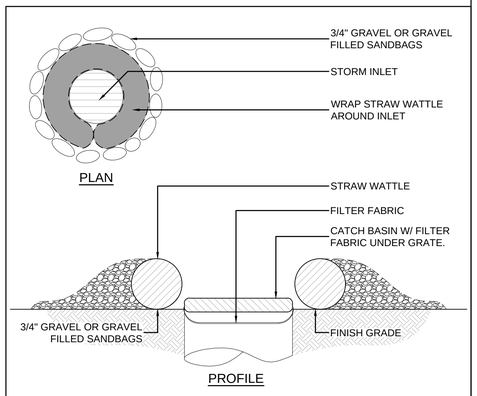
EROSION CONTROL NOTES

1. PROVIDE INLET PROTECTION PER DETAIL 1 THIS SHEET.
2. PROVIDE FIBER ROLL EROSION BARRIER PER DETAIL 2 THIS SHEET.
3. PROVIDE CONSTRUCTION ENTRANCE PER DETAIL 3 THIS SHEET.

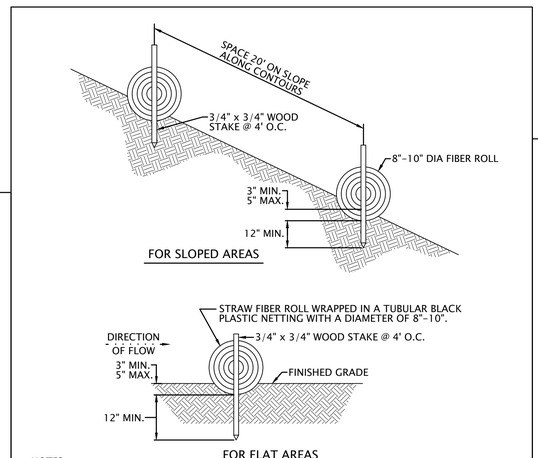
LEGEND

KEY NOTE (X)
FIBER ROLL EROSION BARRIER
LIMIT OF DISTURBED AREA
INLET SEDIMENT PROTECTION
STABILIZED CONSTRUCTION ENTRANCE





DRAIN INLET PROTECTION | 1

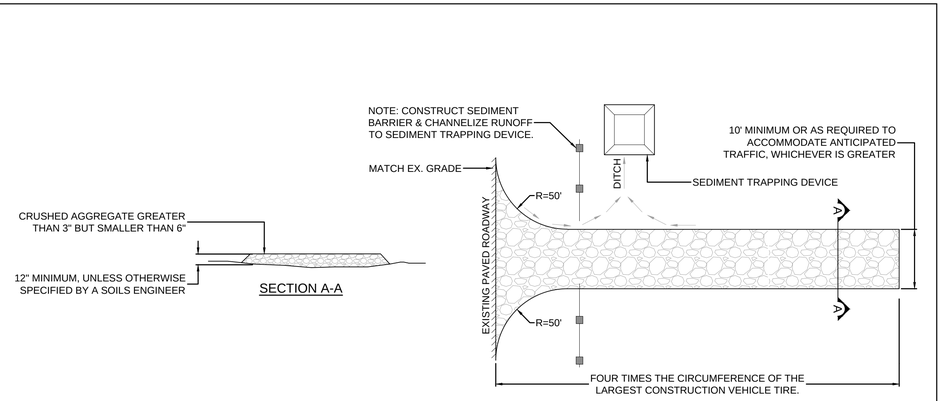


NOTES:

1. FIBER ROLL COMPOSED OF BIO-DEGRADEABLE FIBERS STUFFED INTO A PHOTO-DEGRADEABLE OPEN WEAVE NETTING.
2. FIBER ROLL EROSION BARRIER TRAPS SEDIMENT AND REDUCES SHEET AND HILL SIDE EROSION BY REDUCING SLOPE GRADIENT. IT INCREASING INFILTRATION RATES AND BY PRODUCING A FAVORABLE ENVIRONMENT FOR PLANT ESTABLISHMENT.
3. FIBER ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE FIBER ROLL IN A TRENCH 3"-5" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND FIBER ROLL.

N.T.S.

FIBER ROLL EROSION BARRIER | 2



STABILIZED CONSTRUCTION ENTRANCE | 3

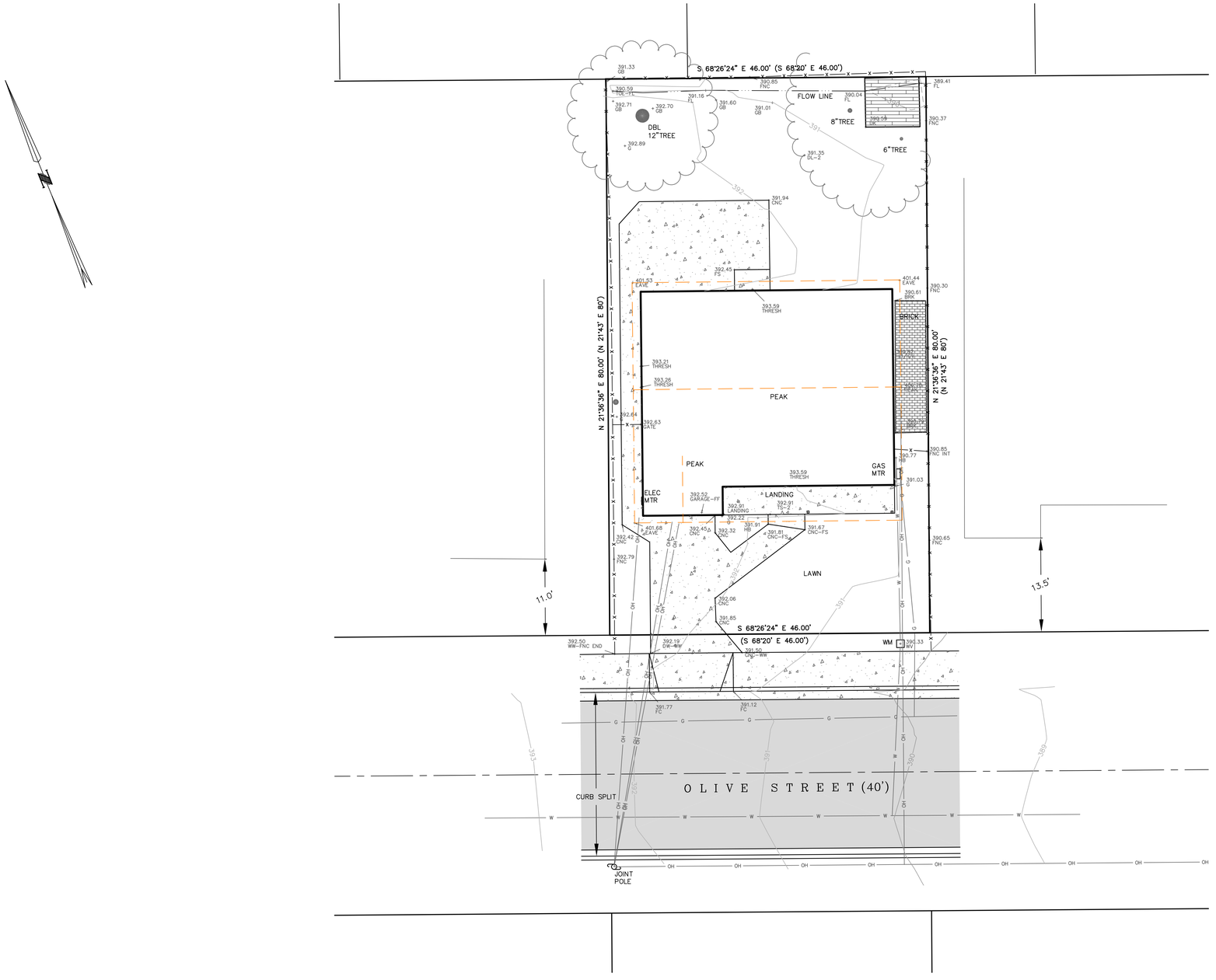
FOR PLANNING PURPOSES ONLY
REGISTERED PROFESSIONAL ENGINEER
No. 77629
CIVIL
STATE OF CALIFORNIA

No.	BY	REVISION
1		RESPONSE TO ENG. COMMENTS - 6/08/2021
2		RESPONSE TO ENG. COMMENTS - 9/14/2021

GKM Engineering
CIVIL ENGINEERING • SURVEYING • LAND PLANNING
16185 Los Gatos Blvd., Suite 205
Los Gatos, Ca 95032
(408) 656-5917
GKMengineering.com

EROSION CONTROL PLAN
REICHERT ADDITION & REMODEL
APN: 410-15-022
118 OLIVE AVENUE
LOS GATOS CALIFORNIA

DATE	9/23/2021
SCALE	AS SHOWN
DESIGNER	GM
DRAFTER	GM
JOB	A210614
SHEET	C3.0
OF	5 SHEETS



PARCEL DATA:

APN: 410-15-022

AREA: 3,680 SF +/-

ABBREVIATIONS

PUE – PUBLIC UTILITY EASEMENT
WCE – WIRE CLEARANCE EASEMENT
SDE – STORM DRAIN EASAEMENT
ICV – IRRIGATION CONTROL VALVE
AE – ANCHOR EASEMENT
OH – OVERHEAD UTILITY LINES
FS – FACE OF STEPS
TS – TOP OF STEPS
GB – GRADE BREAK
HB – HOSE BIB

ELEVATION DATUM

ELEVATIONS ARE DERIVED FROM A GPS READING AND BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, ELEVATIONS HAVE NOT BEEN TIED TO A PUBLISHED BENCHMARK.

REFERENCES

(A) U-M-49

(B) 328-M-42

(C) DOC# 24808153

BASIS OF BEARINGS

BEARINGS ARE BASED UPON THE CENTER LINE OF FANCHER COURT AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 328 OF MAPS AT PAGE 42, SANTA CLARA COUNTY RECORDS

NORTH 60° 56' 16" WEST

NOTES

A TITLE REPORT WAS NOT PROVIDED FOR THIS SURVEY. EASEMENTS SHOWN, IF ANY, ARE COMPILED FROM RECORD MAPS AND THE CURRENT DEED FOR THE PROPERTY. THERE MAY BE ADDITIONAL EASEMENTS THAT BURDEN OR BENEFIT THE SUBJECT PROPERTY THAT WOULD ONLY BE REVEALED ON A TITLE REPORT.

SCALE

8 0 4 8 16 32

(IN FEET)
1 inch = 8 ft.

LICENSED LAND SURVEYOR
JEAN-PAUL HAPPEE
8807
STATE OF CALIFORNIA

JEAN-PAUL HAPPEE, PLS 8807

ALPHA LAND SURVEYS, INC.				
4444 SCOTTS VALLEY DR. #7 SCOTTS VALLEY, CA 95066 (831) 438-4453		P.O. BOX 1146 MORGAN HILL, CA 95038 (831) 438-4453	TOPOGRAPHIC MAP OF 118 OLIVE STREET TOWN OF LOS GATOS SANTA CLARA COUNTY	SHEET C4.0 OF ONE
1" = 8'	DATE: 3/1/21	JOB#: 2020-065		

TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 01/12/2022
ITEM NO: 2
ADDENDUM

DATE: January 11, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. **Located at 118 Olive Street**. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect.

REMARKS:

Exhibit 12 includes the applicant's response to previously distributed public comments. Exhibit 13 includes additional public comments received between 11:01 a.m., Friday, January 7, 2022 and 11:00 a.m., Tuesday, January 11, 2022.

EXHIBITS:

Previously received with the January 12, 2022 Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification, dated August 2, 2021
5. Color and Materials Board
6. Consulting Architect's Report, dated August 4, 2021
7. Applicant's response to Consulting Architect's Report
8. Owner's summary of neighbor outreach
9. Photos of existing residence
10. Public comments received by 11:00 a.m., Friday, January 7, 2022
11. Development Plans

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

EXHIBITS (continued):

Received with this Addendum Report:
12. Applicant's response to public comments
Public comments received between 11:01 a.m., Friday, January 7, 2022 and 11:00 a.m., Tuesday, January 11, 2022

Town of Los Gatos Planning Department
Attention Sean Mullin
Re 118 Olive St Los Gatos Ca 95030

January 10, 2022
Application 5-21-013

Dear Mr. Mullin,

This letter is in response to the letter received (reference letter) which is dated December 17th 2021 and received January 6th 2022 by the Town Planning Department reguarding 118 Olive.

Response to Issue 1- Parking: The current proposed project site has 1 car parking garage and 1 driveway space. We are proposing to build a functional garage and maintain the driveway parking space, which would park all our cars, not contributing to any on street parking. There are several homes on this block which have small or unusable garages (including our current home) and no driveways, this combined with many painted red curbs may impact parking, however even with all of this, we have personally had no parking limitations since we have moved to Olive street since it is required to have permits to park.

Response to Issue 2- FAR and setbacks: As noted in the reference letter 118 Olive seeks approval of FAR to exceed allowable SF, there are 4 other homes in the immediate location that also exceed allowable:

Project Site (308 SF)

- *120 Olive (60 SF)
- 135 Olive (373 SF)
- 127 Olive (178 SF)
- *546 San Benito (398 SF)

As noted in the reference letter 118 Olive seeks approval of front and side yard setback reductions. There are many homes in the immediate location that are built with considerably more intrusive setbacks than our proposal.

Front Setback

Project Site 10'-0”

- 133 Olive 7'-0”
- 131 Olive 8'-0”
- 127 Olive 7'-0”
- 125 Olive 5'-0”
- 112 Olive 8'-9”
- *110 Olive 4'-0”
- *546 San Benito 8’-0

Side yard Setback

Project Site 3'-0" (limited to the garage on the West side first story)

- *120 Olive 3'-0" +- (along the entire length of the home for 2 stories)
- 135 Olive 0'-0"
- 131 Olive 2'-0" +-
- 129 Olive 2'-0" +-
- 127 Olive 1'-6" +-
- *110 OLIVE 0'-0"
- 112 OLIVE 3'-0"

Response to Issue 3- building height and scale: We worked very closely with the Town planner, Architect and our design architect to be respectful to the scale of the proposed project, the adjacent properties and the neighborhood character- all which have been reviewed and align with the Los Gatos residential design guidelines and General plan by the town planning staff and consultants. We reviewed, iterated and collaborated to align on topics such as street presence, neighborhood patterns, forming, mass, garage guidelines etc. including talking with many neighbors.

- One point in the reference letter is in regard to 120 Olive and our proposal to build a 2 story home next to their 2 story home. If I understand it correctly, this home has a 3' side yard set back as is our proposal, and this home is a 2 story and we are proposing the same. The building height of our proposal is within the Towns guidelines and is not as tall as either of its neighbors to the West, furthermore 546 San Benito can be seen from Santa Cruz Ave even above our proposed flags which speaks to the considerations of our proposal to understand the scale of the neighborhood patterns and less than the max build height allowable.



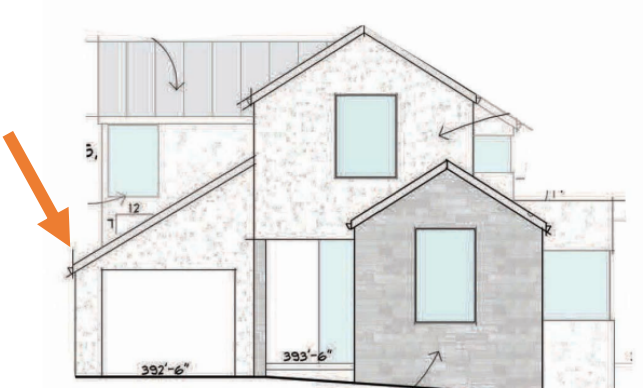
- Another point in the referenced letter is in regard to the elevation drawings. The letter makes a good point about the sketches of 120 Olive and 546 San Benito being difficult to show accurately in drawing given the large slope of the site. That being said, the planner and reviewers are aware, make site visits and have photographs to understand streetscape and context of the neighborhood. A project of this scale and scope have significant review periods, we have been engaged with the Town planning department since April 2021 in making appropriate considerations. Additionally, the flag poles are only suggested to be up 10 day prior to the proposed hearing, as part of better understanding the context we elected to work with the Town Planning Department to have them up since before Halloween 2021 ahead of our January 12th 2022 hearing. This allowed as much feedback and context to be seen and reviewed, far exceeding the minimum required timing.
- In the reference letter it specifically highlights 546 San Benito elevations and building. If I understand it correctly, this is the largest house in the neighbor sphere by height, FAR, elevations, street presence and has taken advantage of the Towns allowances for basement space to not count against its FAR as its encouraged to build below grade to not overbuild the sight lines. Our project proposal is smaller in every comparison, and we too hope to take advantage of the Towns allowances for basement. To further clarify, our basement proposal is predominately underground, 546 San Benito elevation from San Benito Street is similarly positioned, but because of the significant site slope, when you turn the corner to Olive Street the elevation is an entire 3 story building (the only one on the street), it is far more imposing that our proposed standard 2 story project. That being said, I believe that 546 San Benito followed the rules, as does ours with heights, scale and basement.



Considered Basement Level, with 2 floors above

Response to Issue 4- Privacy: In terms of privacy for 120 Olive related to our proposed terrace. We can agree with the reference letters concern. This was discussed with the Towns consulting architect and Planning Department and is a good time to revisit given the concern. We recommend the terrace be reconsidered to allow us to do an alternate proposal of a sloped roof as referenced in the Consulting Architects review. This would allow proper massing and

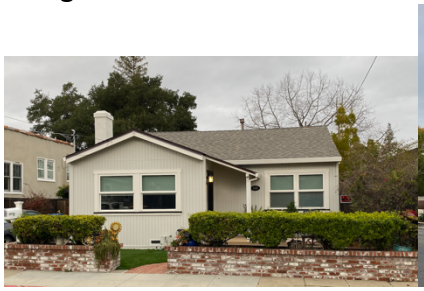
scale relative to streetscape, while aligning with the design of the proposed home AND provide the privacy we think 120 Olive deserves. The design concern which was brought up during the consultant architects review of the roof vs terrace was regarding streetscape, to address this we highlight that the proposed roof will have a low top plate at its lowest point, thereby reduce the presence both to the direct 120 Olive neighbors and limit the overall height of the roof. Shown below as our proposed resolution to have terrace changed to roof.



Another point of privacy from the reference letter regarding the rear deck as potentially being a concern. The proposed deck would be level with exiting the back door and provides no vantage point for us to view into neighbor's yard, to clarify and press upon, we don't want to view anyone's yard from our own. Similar to the point of the lots being sloped, the deck as proposed would just make a safe and level exit from our house to the back yard.

Response to Issue 5- construction disruption: We agree with all the sentiment about how construction can be disruptive. Please note that we believe construction is allowed to take place where permits are issued and follow all rules and guidelines AND as any good neighbors would do we would work with each other to minimize distributions. Many of the neighbors on this very block have successfully completed construction work despite the issues noted- two house finished work this last few years and one of the homes who signed the letter of reference (546 San Benito) did a very extensive build.

Response to Issue 6- Design: Included here is several photos of the block highlighting the eclectic design of neighborhood. Also to note, we have reviewed this the Town Planning Department and consulting Architect to ensure our proposal fits with Los Gatos Residential Design Guidelines.







In closing: We believe the proposed project is reasonable, well fit and a benefit to the neighborhood which has many neighbors (who have become our friends) who support the project. We believe to have worked in good faith with the planning team and our neighbors to adequately address concerns and ask that this project proceed with planning approval.

We would like to thank the neighbors who chose to sign the reference letter. Having these comments is a valuable part of the process and helps us make more informed decisions and build a project with any concerns as part of the considerations. We hope that we could also come to agreement on other neighborhood issues like abandon houses or underutilized lots to support the housing crisis which the Towns General Plan hopes to make progress. For example, the abandoned home on the corner of Thurston and San Benito which is very close to all of us and might be an avenue for us to collaborate on to improve the neighborhood.

It makes sense to acknowledge that while we have met many friends and neighbors since moving to this home, COVID-19 has made it even more difficult to meet every neighbor- we ourselves have been conservative in our social activities since our immediate family has high risk factors to potential exposures. Interestingly, each homeowner who signed the reference letter is a someone we haven't gotten a chance to meet- we have since made headway into meeting these extended neighbors. Hoping these exchanged letters will bring a renewed sense of community given the context of living with the reality of a COVID-19 pandemic.

Sincerely,
The Reichert Family

*Parties who signed the reference letter of concern

- 107, 108, 110, 116, 120, 121 and 122 Olive and 546 San Benito

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From: Jason Malinsky <[redacted]>
Sent: Saturday, January 8, 2022 7:58 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: 118 Olive Street

EXTERNAL SENDER

Mr. Mullin:

I write in support of the proposed project at 118 Olive Street. I have reviewed the basic plans as well as walked and driven by the house numerous times as I live just a couple blocks away on San Benito and pass it daily as I take my son to kindergarten. The project appears eminently reasonable for the size and character of the neighborhood. Additionally, adding a property like this to the area encourages more families with children to live here as it is a more suitable home for a family than the current home on the lot. More families with kids roots people deeper into the community as I know the owners of 118 Olive are committed to being when their new home is constructed. This is what makes Los Gatos great and allows it to evolve to meet the needs of families that want to be here.

Please approve the project as designed.

Jason Malinsky
[redacted]

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

Los Gatos Planning Commissioners:	Kathryn Janoff, Chair Jeffrey Barnett Kylie Clark Melanie Hanssen Steve Raspe Reza Tavana Emily Thomas
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Robert Schultz
Transcribed by:	Vicki L. Blandin (619) 541-3405

P R O C E E D I N G S:

CHAIR JANOFF: We now move on to the public hearing, Agenda Item #2, which is requesting approval for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side setbacks on nonconforming property zoned R:1D, located at 118 Olive Street. APN: 410-15-022. Architecture and Site Application: S-21-013. Property owners: Thomas and Meredith Reichert. Applicant: Jay Plett, Architect.

I understand Mr. Mullin will be giving the Staff Report tonight.

SEAN MULLIN: Thank you, Chair. Before you this evening is a request to demolish an existing residence and construct a new two-story residence. The subject property is nonconforming; the size being 3,680 square feet where 5,000 is required. The proposed two-story residence would be 1,677 square feet with a 299 square foot garage. The project also includes a partial 1,195 square foot basement that does not count towards the FAR. The Applicant is requesting approval to exceed the allowable FAR for the

property for reduced front and side yard setbacks, and for an exemption from the parking requirements.

The Applicant proposes a contemporary two-story residence with traditional forms, natural materials, and neutral colors. The Town's Consulting Architect reviewed the project and noted that the proposed residence had the potential to blend well with the immediate neighborhood.

The Consulting Architect provided six recommendations for the project to increase its consistency with the Residential Design Guidelines and surrounding neighborhood. The Applicant responded through design changes and written justification as detailed in your Staff Report.

As mentioned, the project would exceed the floor area by 9%, or 308 square feet. The Planning Commission may approve an FAR above what is allowed when making findings related to the consistency with the Residential Design Guidelines and compatibility with the surrounding properties.

At the requested size the residence would be the third largest in terms of FAR and square footage in the immediate neighborhood. There are also four other homes in the immediate neighborhood that exceed their allowable FAR,

and the FAR of the proposed residence would rank in the middle of these homes.

The project also proposes reduced front and rear setbacks on a nonconforming lot. Required setbacks on a nonconforming property, as well as other rules of the zone, may be modified under an Architecture and Site Application when findings can be made related to the proposal's compatibility with the neighborhood. The proposed residence includes a front setback of 10 feet where 15 feet is required, and a left side setback of 3 feet where 5 feet is required. The Applicant has provided examples of homes along Olive Street with reduced front and side yard setbacks consistent with the proposed residence.

Lastly, the Town Code requires that two off-street parking spaces be provided for a single-family residence. The code also allows for exemptions from these parking requirements when a property is found to not have adequate parking area. The subject property as mentioned is nonconforming as to size.

The existing residence includes a single non-compliant parking space in the garage, and the proposed residence would include a one-car garage, meeting the required dimensions for a parking space, and would be

consistent with the neighborhood pattern of one-car garages.

Based upon the analysis provided in your Staff Report, Staff recommends approval of the Architecture and Site Application subject to the recommended Conditions of Approval included in Exhibit 3. An addendum to your Staff Report has been distributed this evening, including a response to public comments prepared by the property owner, and additional public comment received after publishing of the Staff Report.

This concludes Staff's presentation and we are available to answer any questions.

CHAIR JANOFF: Thank you for that report, Mr. Mullin. Before I proceed with any questions of you, may I see a show of hands of Commissioners who have visited this property? Thank you very much. Now, do Commissioners have any questions for Mr. Mullin or Staff at this time?

I don't see any hands raised, so we will now open the public hearing and give the Applicant up to five minutes to address the Commission.

JOEL PAULSON: Thank you. Whoever is going to be speaking on behalf of the Applicant, please raise your hand. It looks like I have a hand from Darren, but I don't believe that's the Applicant. Mr. Plett or the property

owner? Mr. Plett, you can unmute yourself and you have up to five minutes.

JAY PLETT: Okay, thank you. Good evening, Commission members. I'm the project architect for this house.

We designed this project with regard to the Town's Residential Design Guidelines, consultation with Staff, and also the Consulting Architect. The neighborhood is in a state of transition with regard to young families moving in and homes being enlarged to accommodate them.

From the inception of the project's design we sought to design a home that blends in with the fabric of the neighborhood, neither the largest floor area nor the largest floor area ratio, but to all within the average of the four largest homes. The form of the home is consistent with traditional American design and closely resembles the form and mass of several neighboring houses. As a result of these efforts, Staff has recommended approval of the project. We also believe it is worthy of your approval.

I'd like to allow the owners now to speak as well on behalf of the project.

THOMAS REICHERT: Thanks, Jay. Also, thank you all for inviting us here to go through the project. It is also our first Commission meeting, so I know it sounds like

there are a few new Commission members, so welcome to you guys, but tonight is our very first meeting.

We moved into the neighborhood about a year ago. I'm here with my wife, and grandma, who lives about seven minutes away, is watching the two kids at home. We love this neighborhood, and my wife grew up here, so we're happy to be back here close to family.

We are excited about the potential to expand this house to meet the demands of our family and continue to grow a long time here in the community, especially given some of the constraints that COVID has brought to us in our new environment. Oftentimes the kids have to be home from school or we have to work from home. These last two years have proven that a little extra space really can make a big difference in some mental wellbeing and home life balance.

We chose to work with Jay. He designed a few houses in the neighborhood, including several on this exact block, he has his home office here in downtown Los Gatos, and he really helped us get a good sense from working with Jay that he has a good understanding of the context of the neighborhood, working with the Town, both Planning, Building, and Planning Commission over time, so that's been a wonderful part of the process for us.

One thing in particular about Jay that I really liked is that he helped us, as homeowners who have never done a project like this, get a good sense of understanding how to come to a very realistic type project when we have come to the table saying we wanted a very large house, or we want everything and have our cake and eat too, and right from the beginning Jay sort of brought us to reality and said, "Don't submit that. You need to submit something that's way more realistic," to come in here.

So, going through that process with Jay, and kudos also to Sean and his team, is the very first time that we went in for submittal. We started from the point of something that was already reasonable and fit and then were able to make very meaningful changes through the process that we were okay with from the beginning. I've been really happy with the process so far and just wanted to say thanks both to Jay and the neighbors who have helped us get to this point, so appreciate it.

CHAIR JANOFF: Thank you for the comments, and at this time do Commissioners have questions for the Applicant or homeowner? Commissioner Hanssen.

COMMISSIONER HANSSEN: Thank you for your comments and presentation. I wanted to ask about neighborhood outreach. I read everything that was in the

Staff Report, and I read the Applicant's letter in terms of talking about some of the neighbors that you knew and how you became friends with them, and then as I read on there was a letter signed by about eight neighbors opposing your project, so what I wanted to understand was what process you went through to do neighborhood outreach. Did you reach out to everyone, or just people that you knew, and then what did you discuss with them? Did you share your plans or did you just tell them about your project? This is for Mr. Reichert.

THOMAS REICHERT: Thanks for the great question. In the first letter that I think you just referenced, it's pretty difficult during this time of COVID—even this meeting itself is being hosted virtually—and we had just moved to the neighborhood, so we didn't know a single person before we moved in. But to answer your question very directly, we didn't reach out to everyone for a couple of reasons. One, we didn't know anyone, so we reached out to quite a few people in our own personal comfort level during COVID. We were in pretty tight of a bubble. We lived with close family that had some potential issues, so the people that we did meet were actually really closely related to where the kids were going to school and people that we had

passed in the street. We didn't go knocking door-to-door or anything like that.

One part of the process that I would highlight is actually we erected the story poles significantly longer than they would need to be required. That's a way for us to communicate our intentions and sort of freely let everyone know, not just the ten-day minimum.

COMMISSIONER HANSSEN: And then am I to understand the response that you gave was primarily to that letter and the objections that were raised by several neighbors?

THOMAS REICHERT: I didn't understand that question.

COMMISSIONER HANSSEN: You had given a response and we got it in the addendum yesterday, I guess it was, and it talked about some different points, and you had some drawings. Was that intended to interest the neighbors in opposition?

THOMAS REICHERT: That's correct.

COMMISSIONER HANSSEN: My final question and I'll be done, Chair. You had two different drawings that your architect put up, and one was included in the addendum, which was where you had offered to basically take off that deck to the side?

THOMAS REICHERT: Yeah.

COMMISSIONER HANSSEN: You had two versions, so you're willing to do that, but we would probably want to keep it. Where do you stand on that?

THOMAS REICHERT: That's a great point. I understand we have three minutes at the end of public comment and I was hoping to talk about that a little bit based on if there are more potential comments, but yes, to talk to your point, we have a potential modified plan that might address some of the concerns that we brought up with more detail between understanding what that comment was and now, and we would be open to modify the plan in that way as a concession to I think the concern specifically was around privacy. So, yes, open to modify it in a way that allows them to maintain their privacy.

COMMISSIONER HANSSEN: Thank you for answering my questions.

CHAIR JANOFF: I have one more follow up question regarding the long-term of the story poles. Did you receive any direct communication by mail, email, notes left on your doorstep, from your neighbors once those story poles went up? Or were the objections we saw in the Staff Report new to you?

THOMAS REICHERT: Every single person who signed that letter I actually had never talked to before. Coincidentally, after that I talked to a few of them, reached out. Some I didn't hear back from, but a couple of them I did; we talked about the project and shared plans directly. But to your point, we had not talked to a single person, not a note, not a phone call, not a come to the door to say anything.

CHAIR JANOFF: All right, thank you for that. Any other questions of the Applicant at this time? Commissioner Barnett.

COMMISSIONER BARNETT: I actually have five questions. I don't want to monopolize the evening, but I wonder if we could get started on some of them anyway?

My first question is as to the proposed deck, is that 2 feet or more above grade? The reason I ask is that the Residential Design Guidelines say that there need to be special setbacks under those circumstances.

THOMAS REICHERT: Are you referring the deck in the back yard, or the one off of the master bedroom and off the garage?

COMMISSIONER BARNETT: The back yard, not the terrace off the master bedroom.

THOMAS REICHERT: The proposed deck is under 2 feet, and actually it's just a level walkout from the back door, so it's not above 2 feet.

COMMISSIONER BARNETT: Okay, thank you for that. If I might ask further, are there provisions made to protect the privacy of 120 Olive with respect to the window placement, size, and type? I couldn't tell from the plan.

THOMAS REICHERT: Great question. I think the terrace is probably the thing that impedes the biggest part of their privacy. In terms of windows, zero of the windows fact that direction and I that think goes a long way with the potential modification. The windows that are in the master bedroom that face towards 120 Olive are all clerestory, like you can't see them when you're walking, even on our side of the house; they're just for light.

COMMISSIONER BARNETT: Okay, thank you. If I might continue, the architect recommended the continuation of the stone on the front façade around the sides for continuity, and I understand that the owner rejected that, and I was wondering if you could comment further on that?

THOMAS REICHERT: Maybe I misspoke when I said it. I agree with it, we should wrap the stone around the corner of the front, and I think that's the way that Sean and Larry Cannon think, so yes, that's in the intent.

COMMISSIONER BARNETT: Thank you for the clarification. I noticed there's a possible provision for an elevator for the car parking. I was wondering if that's part of the intended project and if that would allow space for parking for a third vehicle?

THOMAS REICHERT: That's the intent. We've planned it with Jay so that would be possible. I think ultimately it will come down to a financial decision, like if it costs way too much money, then it will be very difficult for us to accommodate that additional parking spot. I really want it. I think it provides an additional off-view spot; I just really like the idea of having an extra car in the garage.

COMMISSIONER BARNETT: I have a final question for Mr. Schultz. I know that you've commented previously about the issue of the law and the Town Code with respect to the right to a view, and I wonder for the record in this matter if you could repeat your advice on that point?

ROBERT SCHULTZ: Thank you. Yes, our code does not address views whatsoever. I do know some jurisdictions that have adopted codes that do protect views, but unless it's specifically set forth in the code and General Plan there is no right to a view.

COMMISSIONER BARNETT: Thank you, those are my questions.

CHAIR JANOFF: I do have one additional question for the architect, Mr. Plett. You refer to the house at 114 Olive as being similar in mass as 118 Olive. Can you tell me the height of 114 and the height of 118, please?

JAY PLETT: 114 is about 20 feet, and then 118, we're at 27 feet.

CHAIR JANOFF: All right, thank you. Any other questions for the Applicant at this time? Commissioner Clark.

COMMISSIONER CLARK: I have a few questions. First is you're requesting a reduction of the front setback and I wanted to ask if it has been an option to reduce the back setback instead or if there was some wiggle room there, and if so, why you're not reducing that?

THOMAS REICHERT: The front setback, we are asking for that. We are by no means even at the 10 feet. The closest front setback, some are as low as 5 feet, so we shot to do that. It articulates the front elevation and the massing very well, and we also would like to preserve as much of the back yard as possible, because it's such a small site, so the reasoning with that is a back yard, a play area for the kids.

COMMISSIONER CLARK: Thank you. And something else I wanted to ask about was the suggestion by the architect to add trim, and it sounded like you are not going to do that. I wanted to first verify that that's still the case, and then also ask to hear your reasoning.

THOMAS REICHERT: Yes, the windows will be inset instead of having trim that would protrude on the building face. In lieu of that, the windows will be set in and recessed into the wall.

COMMISSIONER CLARK: Okay, thank you. I have a follow up about the 120 Olive property. Something that struck me during the site visit was how close it seemed like the buildings would be together, and then how tall they would be. Are those neighbors supportive of this project, or do you know?

THOMAS REICHERT: Commissioner Clark, the homeowner and the renter both are not in support, and I did reach out to both of them and unfortunately was unable to even talk to them. One of them had COVID and a trial case they were working on, and the other was unable to communicate outside of just both signing the letter, so no, we have not been able to communicate with either of the people at that location. I think in my response letter I offer what I think might be a good compromise, having the

ability to talk to them was we're not proposing anything that they don't have. They have a 3-foot setback; we'd like a 3-foot setback. They have a two-story; we would like a two-story. Their two-story is the entire length of the home; we're only proposing to have two-stories on a very short portion outside of the garage.

COMMISSIONER CLARK: Got it. Thank you.

JAY PLETT: If I could add to that, only the ground level is asking for the 3-foot setback. The second floor is a 5-foot setback as it exists right now.

COMMISSIONER CLARK: Okay, got it. Thank you. One last question. Something that the neighbors brought up in that letter that they signed was the excavation that will be necessary for such a large basement, and I was wondering if that's anything that you would ever consider eliminating or reducing because of how inconvenient it sounds like that could be?

THOMAS REICHERT: Yes, obviously we're not to that part of the building process yet, but one of the things we did is we already hired the soils engineer to let us know if it is possible to build on that site. We did that in advance, at risk, to better understand it with more perspective. He suggesting using a technique called "stitch

piering," which allows us to do the entire construction on our side of the fence on the property line.

COMMISSIONER CLARK: Thank you. Those are all my questions.

CHAIR JANOFF: All right, thank you. I just want to remind the Commission, and especially our newer members, that we'll know more if we hear from the members of the public how these particular concerns are articulated, and then the Applicant will have a chance to address those in his next session. Do we have any other questions from Commissioners? Commissioner Barnett.

COMMISSIONER BARNETT: I had one follow up question. Is the height of the proposed residence lower than the height of 120 Olive Street?

JAY PLETT: Thanks for that, Commissioner Barnett. Yes, the height of our proposed product is lower than both of the two heights of the western properties.

COMMISSIONER BARNETT: I thought that's how I read your material, but thank you for that.

CHAIR JANOFF: Any other questions from Commissioners? I don't see any hands raised, so at this time we will ask if any members of the public would like to speak on this item?

JOEL PAULSON: Next will be Shelli. Shelli, you can unmute yourself.

SHELLI BAKER: Good evening to all and thanks for your time. I no longer live at 120 Olive Street, but in 2004 we did purchase that home for two reasons. Number one, it has a beautiful amount of natural light that streams through the entire home. Number two, there is a quite beautiful mountain view out of the master suite, which is the only second story part to this home, and it was probably done back in the forties. This home, by the way, is approximately 1,500 square feet total.

We bought the home for those reasons, and this is also a reason why since 2012 it is easy to rent. People go in, this is a happy place. It's bright, it's sunny, it's cozy, it's cute, it's open, and it's very dated also inside. It's an old house, but it's very easy to rent. We moved up in the hills of Los Gatos, but our intentions are during retirement to move back to 120 Olive Street, so it's not just like a rental property for us, although when you have a rental you also of course very much care about the value of the home, which I do.

I looked very carefully at what was available early on, about a month ago. The shadow study scared me. I looked at it very carefully, watching the way the from mid-

December to June the light coming into the entry, kitchen, living room, dinning room, master bedroom, and our back yard will be completely in the shadow for most of the day, and December, January, February, March, these are the months where you need light more than anything, so that was exceptionally disturbing to me.

The privacy of course, reducing a setback, it's only a 5-foot setback to 3 feet. I just don't understand. The house is enormous. I know there are other enormous houses, but these are the tiniest lots. That's actually why we left, because we have three children and we're like we better go get a house, a space, so they have a place, because it's tiny. I just feel like reducing setbacks and putting the house closer to the street, and it's already going to be very vertical, and exceeding the FAR, those are the reasons why I'm not in agreement with it.

Even if I didn't live right next door, I feel like 120 Olive will be imposed more than any other home directly on the street based on its proximity, but even if I lived down the street or around the corner, it's something that I don't think we should set a precedent for: let's exceed the FAR, let's reduce the setbacks front and side. That's not my stance and never has been.

If you visited the site, you can see that if that terrace does remain—I heard that that is now in question—but if that terrace does remain…

CHAIR JANOFF: Ms. Baker, excuse me, I need to interrupt you. You're time has expired. Thank you. Do any Commissioners have questions for Ms. Baker? Commissioner Hanssen.

COMMISSIONER HANSSEN: Thank you for sharing all of your concerns about the project. From your point of view, what would make this project acceptable?

SHELLI BAKER: The bare minimum, I would say I would not reduce setbacks. The lots are 3,600 square feet, so why reduce setbacks on a home that is already exceeding the FAR? I wouldn't even say exceed the FAR, because then the next house is going to exceed the FAR because this one did; it sets a precedent.

It's not the street for large houses. I know we have a few and that's great, but not. It's just not; they're tiny. There's no parking. We lived there for ten years, so we know what it's like.

CHAIR JANOFF: Thank you. Commissioner Hanssen, has your question been answered?

COMMISSIONER HANSSEN: Unless there was something else. What I was looking more for was a specific

suggestion. You said that if the setback is reduced, then that would be an issue, but I did want to follow up on that. The Applicant claimed that you also have a 3 foot setback, is that correct?

SHELLI BAKER: No, I do not believe so. On one side, on the uphill side, there is a smaller setback. That's because had a problem with the lot line. (Telephone rings.) Hold on. This is Darren Carroll as well, because he probably couldn't unmute, so I can arrange if you would like to hear from Darren Carroll as well.

CHAIR JANOFF: Ms. Baker, hang on. Let's let Director Paulson manage the speakers and their sequence. Commissioner Hanssen, do you have any further questions?

COMMISSIONER HANSSEN: No.

CHAIR JANOFF: All right, thank you. Any other questions for Ms. Baker? I don't see any hands raised, so thank you for your comments, Ms. Baker. Director Paulson, do we have any other speakers tonight?

JOEL PAULSON: We do. The next speaker will be Mark. Mark, you can unmute yourself.

MARK BOSKOVICH: Good evening, everyone. My name is Mark Boskovich. I live at 112 Olive Street. I live a couple of houses down from the Reicherts. I had the pleasure of spending time with their family, we have a

young family as well, and they're a wonderful family and we love their design. We think it will just be a beautiful addition to this neighborhood. We see it as a huge upgrade and it's going to raise the values of all the homes on this beautiful street. It has that Los Gatos touch thanks to a great Los Gatos architect in Jay Plett.

I've been hearing a lot of comments about the setbacks, and I don't know if you've taken a really close look at this street, but the setbacks are all unorthodox in this area. My next-door neighbor's setback from the front is probably 4-5 feet, and that's just kind of the norm in this neighborhood, unorthodox setbacks, and so I don't think it's setting any kind of dangerous precedent. Most of the places in this area have different, unusual setbacks.

CHAIR JANOFF: Thank you for your comments, Mr. Boskovich. Any questions from Commissioners? I don't see any hands raised.

MARK BOSKOVICH: Can I make one more comment too? I just want to say that the Reicherts made a huge effort with some of the neighbors, including myself, to speak with us to make sure that we were okay with the plans. I think they did their best under some very difficult circumstances.

CHAIR JANOFF: All right, thank you for that addition. Director Paulson, do we have any other speakers who wish to address the Commission?

JOEL PAULSON: We do. The next speaker will be Bonnie. Bonnie, if you unmute yourself, you have three minutes.

BONNIE HURWITZ: Hi. Thank you very much for allowing me to speak. My name is Bonnie Hurwitz and I'm at 121 Olive Street; I've lived here for 18 years.

Yes, it's an eclectic neighborhood. The gentleman who just spoke before me is brand new to the neighborhood and I don't think has as much experience living here; probably been here maybe two or three months.

The reason that I'm speaking up is because we've already discussed at length the size of the proposed home, so I'm not going to belabor that again, but I do need to address the parking situation on this street.

It is quite a narrow street with parking that alternates between one side and another, and to add additional parking that's really outside the scope of what the norm should be is really going to be problematic. It's already permit-only parking on this street, which means that when everybody has a car on the street, I personally had to go around the block and park around the corner from

where my home is, and that's really problematic as far as I'm concerned.

As regards the outreach portion of this, again, I've lived here for 18 years, and nobody came to talk to me at all, and I see that as a huge issue. Yes, we have a pandemic. Yes, I understand we don't want to be up close and personal with people we don't know, but there was no correspondence, no letter provided in my mailbox, which sits on the outside of my house. I was not approached in any fashion to address these new neighbors to explain what their position was on any of this, and to me it was quite a surprise.

When I saw those poles go up, I was really shocked at the size of the proposed structure. Thank you very much.

CHAIR JANOFF: Thank you, Ms. Hurwitz. Do any Commissioners have questions at this time? Commissioner Raspe.

COMMISSIONER RASPE: Thank you, Chair. Ms. Hurwitz, first of all, thank you for your comments and for taking the time to appear this evening. I wanted to ask you one question specifically with respect to parking.

The materials that we were provided seem to indicate that there is a pattern of one-car garages in that

neighborhood, and that this project would fall into that norm or pattern. Do you find that to be an accurate statement, or do you have a different experience?

BONNIE HURWITZ: I personally have an easement for my home. I don't have a driveway that sits on Olive Street, I have an easement that is provided on Thurston, which is the street parallel to Olive Street, so I'm probably out of the norm, but having said that, most of the homes do have one-car garages, but also having said that, many of those homes are too small for cars. For example, on the one side of me there's a home that is way too small. It would probably fit a car from 30-40 years ago, but that garage and many other garages on Olive Street do not fit conventional cars that are built today, which means people are parking on the street. And again, it's permit-only parking and you get two spots and then that's it.

CHAIR JANOFF: Let me just interrupt you, Ms. Hurwitz. Commissioner Raspe, did you have your question answered?

COMMISSIONER RASPE: My question has been answered. Thank you.

CHAIR JANOFF: All right, thank you. I do have a follow up question. It's my understanding that the current house has a nonconforming garage and a car doesn't fit into

it, and that the proposed project would have a garage that a modern car would fit into. Does that not sound like it would contribute to easing some of the parking problems?

BONNIE HURWITZ: Not from the size of the driveway, from what I recall seeing on the drawing, and I don't have a drawing in front of me, but some of the homes on the street have longer driveways that can actually fit the additional car in the driveway itself, so that parking on the street is not impacted, but I thought with this short a driveway that wouldn't be possible.

CHAIR JANOFF: All right, thank you for your comments. Any other questions for Ms. Hurwitz. I don't see any hands raised. Director Paulson, do we have anyone else wishing to speak on this item?

JOEL PAULSON: Do you want me to try Darren one more time? We do have additional speakers, but I'm going to see if he can unmute himself.

DARREN CARROLL: What I want to say is that several of the people that signed the letter with the eight signatures asked me to just relay the fact that their position hasn't changed, they're just unable to call in because of several reasons, including not being technically savvy, as I obviously should be in that category.

But I'd also like point out there are a couple of other things that are not necessarily specific to the house, but to the notification process, and that is I don't think the netting depicts the true setting of the house to the southeast corner. The architect's summary and the signs on the property say that it is an addition, not a new construction, and that's confusing and misleading. Several people walking the neighborhood have said, "Oh, they're adding on." I was like, "No, they're building new." So, I think the implications might be a little bit deceiving on that.

Along with that, my main concerns are the setback requirements. I just feel they're starting with a clean slate. There are no real mitigating circumstances that dictate a size reduction or a font reduction for setbacks on it. I know my house is a larger house in the neighborhood, but I didn't ask for any of the building setback requirements on that and I was able to do a nice house, and I even have more restrictive setbacks than that one does.

I'd just like to point out, Olive Street is probably the narrowest street with the smallest lots in the whole town, and when you turn onto Olive Street from San Benito or from Santa Cruz Avenue, the netting on that house

just eclipses everything around it, including pretty much mine. A nice house can be designed there, and I'm not denying anybody that possibility, but I just don't see the need to build a house that's almost 28 feet tall 10 feet from the property; it just is going to look like a lighthouse there. If they want to build that house, then meet the setbacks, that is my biggest concern.

I've always been under the impression that there was some sort of a community benefit by building a house that you had to put into it, whether it was additional parking, or landscaping, or a privacy concern or something like that, and I just truly don't see that. I see a big, huge house that's making every attempt to manipulate every avenue to build a big house on a lot that truly doesn't support it, and that's why I'm asking that the Town, specifically you people tonight, do not support this.

If I have extra time I'd like to address a couple of questions that were brought up earlier regarding notification to neighbors when the story poles went up. Is that okay?

CHAIR JANOFF: Darren, it looks like your time is up, so you won't be able to proceed, but I do want to ask Commissioners if you have questions for this speaker? Thank

you for your comments. We appreciate it. Commissioner Barnett, did you have a question?

COMMISSIONER BARNETT: Yes, I do. Darren, can you tell me what the height of your residence is?

DARREN CARROLL: Offhand, I can't, but I'm going to guess. It's tall, but my house is on a corner that has a 9-foot shift from end-to-end, so from the front of my house, which is on San Benito Avenue, it's just a normal two-story house. If you walk around to the back of my property, there's a walk-out basement, and that's just fitting the topography, this is not where I had a flat lot to build with and I wanted to go that high. If you took all of my levels, three of them, I don't exceed the 28 feet that that house is above grade, so what's visible at my house from the front and back are substantially lower than that. I just have the benefit of being higher topographically than that property and the lot that it was very difficult to design a house for.

COMMISSIONER BARNETT: I do understand your response and I appreciate it.

CHAIR JANOFF: Thank you, Commissioner, and thank you, Darren. At this time, I'll ask Director Paulson if there are other speakers on this matter.

JOEL PAULSON: Yes, the next speaker will be Lee.

LEE QUINTANA: I have a few comments. One of them is on the history of the San Benito house that is included in the comparison table. I have two comments.

One, if my memory serves me well, when I was on the Planning Commission that house was a very difficult decision, it was very controversial and it was a split-decision because of the fact that it does seem to be so big and it was feared that that would lead to a domino effect.

The thing I would like to say is that this was originally proposed as a remodel. As remodels, they would not have had to fix the nonconforming setbacks to the side, but as a demo the Town says that you have to meet the requirements of the zone. In this case that means wider setbacks. However, there are provisions for exceptions for nonconforming residences, but this project is asking for four or five different exemptions, and each one may individually meet the findings, but cumulatively it may have a bigger impact.

The other thing I wanted to mention is that it's my understanding that granting an exception is not required. The Commission *may* grant an exception if they meet the findings necessary, but they're not required to, and so I would ask you to very carefully consider what exceptions you actually give. The parking might be

reasonable in the sense that they are making the garage more conforming than it had been, but I also question shortening the driveway, and specifically the request for an exemption to the FAR. They're using a cellar, and the Cellar Policy states that it should be in lieu of visible space; it doesn't say that it counts towards the FAR, but it should help with a house being more consistent with the others in the neighborhood.

The last thing I want to say is I do have a very personal feeling about Olive Street. I think it is one of the cutest streets in the Town; I really love that street because of all the small cottages that are there, and it's changing so that that's no longer its character. Thank you.

CHAIR JANOFF: Thank you, Lee. Any questions for the speaker? I don't see any hands raised. Director Paulson, do we have anyone else wishing to speak on this topic?

JOEL PAULSON: We do, and the next speaker will be Leslie.

LESLIE GARRISON: Thank you, Director Paulson. Good evening, Commissioners. My name is Leslie Garrison; I own the property at 15 Ashler Avenue on the other side of the fence from Olive Street. I've lived here since 2016 with my family, and my son is currently in Cub Scouts with

the Reicherts' daughter, whom we've had the pleasure to meet and get to know very well as a direct result of being neighbors. Having just completed my own renovation on a historic property I have come to appreciate this process, so thank you for considering my comments.

I find the Reichert proposal to be a tasteful plan. It's in line with the neighborhood aesthetics and is likely to yield broader property value improvements for the wider neighborhood. As a full-time working parent with one child already in Los Gatos public schools and soon to have three in Los Gatos public schools, I can relate to some of the constraints and desires of the Reichert family. Given my stellar experience in this neighborhood—I love living here—I really encourage the Commissioners to reduce barriers to new families being able to buy and stay here in our beautiful walkable neighborhood, rather than create conditions that push families farther away.

I really do understand and appreciate all comments being made tonight and I understand that reasonable minds can disagree on these details, but I really welcome neighbors to respectfully make efforts to do more with less space, and I express my support for this plan. Thank you for considering my input.

CHAIR JANOFF: Thank you, Ms. Garrison, for your comments. Any questions for the speaker? I don't see any hands raised. Do we have anyone else wishing to speak?

JOEL PAULSON: We do. The next speaker will be Marcus.

MARCUS LAM: Hi, thank you for allowing me to speak. I'm at 114 Olive Street. Our house was recently remodeled right before the end of COVID. Jay Plett was our architect. My wife Celeste and I have been here since 2014, when this house was originally 800 square feet. Obviously, that's not enough space to accommodate a growing family with two boys now; one is in school at Daves and the other is in preschool at Growing Footprint.

To mirror the point made by the Ashler neighbor, we appreciate how nice this neighborhood is, but we also need to find ways to accommodate the changing demographics in this town with growing families trying to move in. My wife and I had a very difficult submission process for our remodel. We actually tried to do two stories as well, but because of the feedback from neighbors around us we were very discouraged from that and had to compromise with a different plan. We hope that with the Reicherts, having met them and gotten to know them very well, don't also have to

compromise if they don't have to, and we are very in support of their project.

CHAIR JANOFF: Thank you, Mr. Lam, for your comments. Do any Commissioners have questions for Mr. Lam? I don't see any hands raised, so thank you for that. Director Paulson, do we have other speakers on this item?

JOEL PAULSON: The next speaker will be Andrea.

ANDREA GALATEA: Hi, everybody. My name is Andrea Galatea; I am actually the renter at 120 Olive and I just wanted to make a few comments. I live here with my three children, twin daughters and my son.

Mr. Reichert was very, very nice to come over. I was very busy with some child stuff that I was doing, but I did want to make a comment, because I saw the orange stuff coming up about a month ago.

The first thing that I wanted to say is when we rented—we moved from Saratoga—what drew me to this house was the character and charm of that small town feel, and I think that a large house like this, though I'm sure it would be very beautiful, probably belongs on a large property, because the aesthetics of it, though very pretty, takes away from the feel of the neighborhood and that quaintness of the neighborhood charm that we have here.

As far as the setbacks, the other thing that drew me to this house was the light and all of the beautiful windows, and it is an old house, but that's the charm that I like. The single pane windows. When I wake up and have my coffee in the morning in that little front area of the sunroom, what I love is the views and the light and being able to watch the sunrise, and I think that all I will see are walls of the neighboring home, and whether it's me or somebody else, that's what they will see.

Also, the master bedroom, instead of looking out at a beautiful view, from my bed at night I can see the moon, and there's a huge pine tree up off in the distance, and all that will be gone and it will darken the master bedroom, and so definitely the light in the home is going to be gone.

CHAIR JANOFF: I'm sorry to interrupt you. Your time is up. Thank you for your comments. Do any Commissioners have questions for Andrea? I don't see any hands raised. Thank you. Director Paulson, do we have any other speakers on this item?

JOEL PAULSON: I don't see any other hands raised at this time. Again, I see Mark, who already spoke, but let's see if there's another member of the household that wants to speak.

CHRISTY BOSKOVICH: This is Christy Boskovich; I'm Mark's wife. Sorry, I was helping put the kids to bed.

I just wanted to add in a note of how supportive we are of the Reicherts' plan. They're such a wonderful family in the community. We've really enjoyed getting to know them; they have a daughter at Daves and they've just been so wonderful and really have that community spirit of bringing everyone together, and I really just want to support more and more young families coming to our street.

I just think that their plan is so tasteful; it's very thoughtful. I thought it was such a smart idea to do the basement so that they could get a little more space so that when everyone is home in this COVID world they have that, but it's not making the house super large.

I think it's going to look very tasteful, very beautiful, and really start to match the neighborhood, and we're just so, so supportive and we really hope that they can build the house of their dreams and they can build this family and live here a really long time, and really just continue to contribute to the Los Gatos community.

CHAIR JANOFF: Thank you for your comments. Do any Commissioners have questions at this time? I don't see any hands raised. Director Paulson, are there any other speakers on this matter?

JOEL PAULSON: There are not, so we go back to the Applicant.

CHAIR JANOFF: All right, thank you for that. At this time we'll invite the Applicant to come back to the Commission. You'll have up to three minutes to address any of the comments made or provide any additional information.

THOMAS REICHERT: I just want to thank everyone for participating, and I think it's what Leslie said that resonates most in my head, that we can all communicate civilly and all have a good way of communicating and talking about it, so I appreciate everyone participating.

I think I want to start with Andrea and Shelli at 120 Olive. They had some really good points, and one of the proposals that they talked about was a large focus on the light. When we look at the lighting study, the part of the house that they're talking about, as Andrea mentioned, she has her morning coffee there, and actually that's probably when I see her the most, give a wave or pass by, that part of the house is actually not proposed to change one bit. It's not getting any closer to the front setback and they will not loose… The lighting study changes zero. We're not going to be going up higher than the garage at that point. That's not necessarily intentional; we didn't know that that was a big part of potential concern, but in terms of

the context and neighborhood plan, in fact they won't be losing any light in that main living area. Their view won't change at all.

Then in terms of the back where the second story is, unfortunately we are proposing a second story right next to their second story, so I'm not sure what considerations we made; that's kind of what we're just asking for. It's the second story right next to their second story.

Jay, you got something?

JAY PLETT: Yes. I'd just like to add that the statement was made that it's 10 feet away and it's 28 feet tall, and that's not quite accurate. It's 27 feet tall and the second story portion of the house has a 15-foot setback. The 10-foot setback only pertains to the first floor, but the second story has a conforming setback of 15 feet, which I believe is correct in that neighborhood.

I would also differ with the perception. If you look at the house, if you look up from Santa Cruz Avenue, both 120 Olive and especially 546 Santa Cruz Avenue loom over our story poles, and by no means would our project be dominant; 546 Santa Cruz will still be well above the perceptible view of our project.

Our driveway length will not be changing.

THOMAS REICHERT: Jay, I wanted to point that out. One of the concerns I heard was from the neighbor Bonnie. Sorry we haven't met yet. I'm excited to potentially meet and sorry that that's the circumstance. But the parking driveway, to Jay's point, in addition to having the new conforming proposed garage, a full size car does fit in our current driveway and we are proposing no changes to that, so both of our cars would be parked onsite, on property, with the proposed plan.

CHAIR JANOFF: Director Paulson, are you indicating that the time has expired? He is, so your time as expired, but if Commissioners have questions of the Applicant, now is the time to ask. Yes, Commissioner Tavana.

COMMISSIONER TAVANA: Yes, thank you, Chair. Just one quick question. I can't quite see it clearly in the drawings, but what is the length of the driveway as proposed?

THOMAS REICHERT: I think Jay is going to probably measure it, like this scale. On the CRB and it fits without walking on any of the sidewalk, because the ticket person is vigilant about making sure that doesn't happen, so it fits fully in the driveway.

JAY PLETT: Yes, the existing driveway is 18 feet and will remain that way.

CHAIR JANOFF: Just a follow up question on that. I'm looking at sheet C-3 and it indicates that the driveway is 17 feet, 4 inches. Mr. Plett, are you saying that the driveway is going to stay at 18 feet, or will it actually be at 17 feet, 4 inches?

THOMAS REICHERT: There's a slight variation between Jay's measuring off the property line, but technically the City owns part of the driveway. That could be the variation of the measurement. The dirt and grass and part of the driveway are technically part of the City property on our easement.

CHAIR JANOFF: But it sounds like that area is parkable, and so it probably adds a few inches to the 17 inches, 4 inches.

THOMAS REICHERT: It's not part of the sidewalk, correct.

CHAIR JANOFF: Any other questions for the Applicant? I do have one, probably for the architect. It's a little bit difficult to gather this, because your elevations don't indicate what your plate heights are, but could you clarify what your ceiling heights are on each floor?

JAY PLETT: We have a 10 foot ceiling on the main level, and then on the upper level the plates heights vary. Let me go to the elevations here. The plate heights vary from 8 feet in the master bedroom, at the rear we have a plate of 7 feet, the master bathroom we are at 6 feet, 6 inches.

CHAIR JANOFF: Let me make it a little easier. Is there a plate height on the second story that is over 8 feet?

JAY PLETT: No.

CHAIR JANOFF: And then the middle story, the living space, you say it has a 10 foot plate height, and then the basement level looks like it also has a 10-foot place height?

JAY PLETT: No. Let me go to that sheet. It would be 9 feet in the basement.

CHAIR JANOFF: And could I just clarify, is it your intention at a future date to include a lift and a lower level garage in that area?

JAY PLETT: Yes.

CHAIR JANOFF: And is there a requirement for a 9-foot plate height for a subterranean garage?

JAY PLETT: In a basement garage, I've done them before with a 9-foot basement. I don't know if we could go lower than that.

CHAIR JANOFF: All right, thank you. Any other questions for the Applicant at this time? I don't see any hands raised, so at this time we'll close the public hearing on this item and ask if Commissioners have any questions of Staff, wish to comment on the application, introduce a motion, or anything else? Commissioner Hanssen.

COMMISSIONER HANSSEN: I'm going to go back to where I was asking a question earlier. My first reaction was there are a lot of neighbors who are supportive, and then when I saw the letter that was signed by eight neighbors opposing the project, several of whom have spoken tonight, but not all. I think we have a situation that needs to be addressed.

But as far as the application itself, it seems to be a pretty well designed house. I think they've made a lot of effort to make it fit into the neighborhood, but on the other hand, they are asking for quite a few exceptions: the FAR, front and side setbacks, and also the parking. From my perspective I think that it really isn't enough for them to answer some of these questions in the hearing tonight. I think that some additional work should be done with the

eight people that signed that letter to try to assuage some of their concerns. It may not be possible. We would hope that those people would be amenable to being cooperative and trying to come up with a compromise, but from my perspective I think that more work needs to be done with the neighbors in order for this to go through.

CHAIR JANOFF: Thank you, Commissioner Hanssen. Do any other Commissioners have comments or thoughts they'd like to share at this time? Let me ask a different question of the Commissioners. Do we have a position on the Commission where Commissioners are in favor of the proposal as submitted to us tonight? Commissioner Tavana, Commissioner Barnett, Commissioner Raspe.

COMMISSIONER TAVANA: Sorry, Chair, if you don't mind. I understand your concerns, Commissioner Hanssen, but I'm not entirely sure based on what I heard tonight what the chief concern was. Some of it was FAR, but it's coming from neighbors whose own houses have exceeded the FAR. Height was brought up as an issue, but looking at sheet A-1.1, Olive Street looking at the project, the height is actually rather in line with a lot of the houses in the immediate neighborhood, so I'm not sure what the chief concern was and what could possibly be addressed by going

back to the neighbors, so in general I am in support of this project tonight.

CHAIR JANOFF: Thank you, Commissioner Tavana. Any other Commissioners wish to speak? Yes, Commissioner Raspe.

COMMISSIONER RASPE: I'll join in Commissioner Tavana's comments. I noted in the materials and in the comments tonight that the home in its height, setbacks, and FAR wouldn't be unique if we were to grant the request as presented tonight. I thought the design is fairly thoughtful. My only concern in coming into the hearing was the parking, and that concern has been assuaged, as well as the privacy concern, and as I understand it from the opening comments, the redesign would largely take care of privacy concerns, so as presented I'm in favor of this project.

CHAIR JANOFF: Thank you for your comments. Commissioner Barnett.

COMMISSIONER BARNETT: I'll explain my reasoning as well. Residential Design Guidelines do put a lot of weight on neighborhood compatibility and character, but there's also language in there about the inevitability of change and I think that this is a case where the neighborhood is in flux. I understand the desire of certain

of the neighbors to maintain the traditional architectural values that are in place, but I think as was mentioned with growing families, and frankly the value of lots and the opportunity to improve them to current standards, makes sense in this case, and I think that the exceptions have been addressed or are justifiable under the code.

CHAIR JANOFF: Thank you for your comments, Commissioner Barnett. Any other comments? Commissioner Thomas.

COMMISSIONER THOMAS: I am a little bit on the fence with all of this. Coming into this I think that this is a nonconforming lot. It's small, but reduced setbacks were not a huge problem as far as I was concerned. I was a little bit surprised to hear so many neighbors commenting on that and FAR, especially when so much of the neighborhood does exceed the FAR and does not have regular setbacks.

So, from that perspective I don't see a huge issue with approving the application. I do wonder though about the below grade square footage, is that really in lieu of above grade square footage?

I understand the COVID situation, and being new to the neighborhood I completely understand, it just is unfortunate that it puts us in a position where we're in

between two parties because of the situation. I know that part of our job is mediating, so I am interested to hear what suggestions Chair Janoff and Commissioner Hanssen have, because you've been doing this longer than the rest of us.

CHAIR JANOFF: Commissioner Hanssen.

COMMISSIONER HANSSEN: I should clarify that my comments were more directed at a continuance than they were at denying the application. I think at the end of the day the application has merit, but I don't feel like the proper due diligence has been done with the neighbors, and I recognize the complications of COVID, but we've seen so many other hearings in the last year-and-a-half where they managed to figure out a way to connect with the neighbors on Zoom or on a phone call or something like that, so I would feel better about approving this and the exceptions if that step had been done, and could be done as a follow up to this meeting, to at least go over the plans with the neighbors, and I think they'll find that most of those concerns are actually addressed, but some of those neighbors didn't even come and speak tonight, so I would be in favor of a continuance to give them time to speak to those other neighbors that are opposing, and that would be my recommendation.

CHAIR JANOFF: I'll add onto that. You're correct, Commissioner Thomas, our job is in some cases to mediate, but it is not make a decision perhaps in a vacuum, so I think what Commissioners Raspe, Tavana, and Barnett are saying is it's important, that this is a project that technically has many merits and it has the endorsement of the consulting architect, it helps the parking because of the driveway length and the conforming garage, so it's helping in those respects.

I don't have an issue with the nonconforming setbacks; it seems to be standard in the neighborhood because these are exceptionally small lots, and how are you going to fit what you need to fit onto them without some exceptions, so I don't have an issue with that.

I did have a bit of an issue with height. It's difficult for me to understand from the information we have from the architect. Story poles give you just sort of a basic data point, but we don't have the kind of elevation renderings that we often get at the Planning Commission where we can really see the articulation of a design and you sort of get a little more perspective on where your mass is articulated, forward or backward, so you begin to see the impact it might have on some of the neighboring structures, and I think that's important for us to see. I'm

in favor of the project as it is, but I think it would be very helpful, especially for the neighbors, to be able to see how the massing of the proposed project looks. It looks so flat from these illustrations that we have; it's really difficult.

Having said all that, I think it's very important, especially in a neighborhood that's this tight physically and emotionally, you've got a lot of friendships yet to come, for the Applicants to reach out to their neighbors, see if compromise can be made. It may be that that is not possible, but at least show that you've respected your neighbors and your neighborhood and get a little feedback from them. It may change the position of a window in the master bedroom so that your neighbor on that side doesn't feel privacy has been infringed.

I'm actually in favor of the project, as three Commissioners have noted, but I would like to see more outreach to the neighborhood to make this really a neighborhood-accepted project. I think having some harmony in the neighborhood rather than controversy is probably a good thing.

I would be in favor of Commissioner Hanssen's request for a continuance in order for the neighborhood outreach to be developed, and then we can hear whether that

outreach has resulted in any changes to the plan, large or small, at a continued meeting.

CHAIR JANOFF: Commissioner Thomas, then I saw Commissioner Clark as well. Go ahead, Commissioner Thomas.

COMMISSIONER THOMAS: Thank you. I agree with everything that was just said, Chair Janoff, and I also am in support of a continuance.

I think that there are some cases where it might be difficult for the neighbors to articulate specific changes that they're asking for, and if that's the case and the Applicant can bring that to us, and we've been in support of the project thus far, and we don't have any very specific feedback about changes, then I don't see why we can't move on with a continuance.

I have really appreciated Mr. Plett's ability to verbally communicate and answer many of the questions that we've had, but it was difficult in person at the site and on paper to really visualize with these visuals that we have. He was correcting us a couple of times, we were getting clarifications on things, and we spent a lot of time with these materials, so I think also getting some better renderings and having a better idea of what the mass and scale actually is on the property will hopefully allow

the neighbors to come to agreement or feel more comfortable with the project moving forward.

I just wanted to say that I've appreciated the clarifications tonight and I think that a few more things just need to be clarified and one last attempt to come to some agreement on a few things, so I'm in support of a continuance.

CHAIR JANOFF: Thank you, Commissioner Thomas. Commissioner Clark.

COMMISSIONER CLARK: Thank you, Chair Janoff. Just a couple of additions to what was said. I do agree that the outreach was not done to the extent that it needs to be, and it honestly sounds like the Applicant wasn't aware that it's very important and normal to go door-to-door and actually talk to their neighbors, and so I do think it would be important to give them the opportunity to do that and to try to address those concerns with their neighbors, because it would be really sad to see relationships with neighbors hurt through this, and once the house goes up just there being resentment around that. I think it would be nice to give them some time, see if there's anything that they're able to explain to neighbors, and then also maybe there are some really minor changes

that they'd be able to make that would make other people feel a lot better.

I agree it helps the parking situation, it was built with a lot of intention, and I like the design as it is, but I think that there should be more outreach before I'm comfortable approving it.

CHAIR JANOFF: Thank you for your comments, Commissioner Clark, and I did want to just clarify that when we recommend further outreach, it doesn't need to be face-to-face. If the Applicant and neighbors are concerned regarding face-to-face communication given COVID, please make an attempt to provide phone numbers or emails, but it's so much better to talk than do the emailing thing, so you could certainly distribute a flyer to your neighbors and say, "Please give us a call. We'd like to hear from you." So again, it doesn't have to be face-to-face. It can be if you want to have a street meeting; that might be interesting, but having said that, do I have any other comments from Commissioners? Commissioner Tavana.

COMMISSIONER TAVANA: I have a concern about continuing this tonight and the fact that it could open up… I want to see if we can maybe limit the scope of the continuance just to neighborhood outreach as opposed to re-reviewing the whole entire project as a whole. I think that

would be unfair to the Applicants tonight. They came all this way to present to us, we've been discussing this for an hour-and-a-half, and we've just continued it for neighborhood outreach, which I do believe they did do. Folks that we did hear tonight are not part of the immediate neighborhood. So, is there a way we can just limit the scope of the continuance tonight is my question?

CHAIR JANOFF: I think we can do that. Staff?

JOEL PAULSON: You definitely can limit the scope to whatever is in motion. That doesn't mean that that's all that may get discussed, but I think that direction might be helpful just so folks know where the Commission is if that's where they're interested in going.

CHAIR JANOFF: Commissioner Hanssen.

COMMISSIONER HANSSEN: What my intent was by suggesting this, and I'll stop short of making the motion at the moment, was to limit the scope of this to simply extending the neighborhood outreach to at least the eight people that signed that letter, and anyone else that had written in, and anyone else that's in the immediate neighborhood as we defined it by the Town Residential Design Guidelines if they haven't already been spoken to.

I'm not suggesting that they have to meet the requirements of those neighbors, but if there's something

that's reasonable… I'll just give an example. If the neighbor says, "I don't think houses should exceed FAR," and there's no harm that can be demonstrated because of it, that might not be a good feedback, that's your opinion but it isn't a harm that you're experiencing, so what I would envision is having some dialogue, doesn't have to be face-to-face, limited to the immediate neighborhood, and I'm assuming that all the people that signed that letter were in the immediate neighborhood.

CHAIR JANOFF: Thank you for that clarification. I would just like to add, for those who may not know, that the Residential Design Guidelines define "immediate neighborhood" as the two houses to the left and right of the property and the five houses across the street from the property, so those would be the primary outreach homes. I don't recall whether the eight names on the letter were all on Olive or from other areas, so we would want the focus to be on those 2-2-5 houses in particular.

I think it's clear from the discussion tonight that the Commission is generally in favor of the project as provided but that we would like to see some renderings so that we can get a better understanding of it, and that those renderings may help neighbors better understand what they're looking at over the story poles, and that we would

not be expecting wholesale design changes. These would be minor modifications that would help neighbors feel more comfortable with the design proposed. With that, Commissioner Barnett.

COMMISSIONER BARNETT: Based on all the discussions that we've just heard, I would make a motion to continue this hearing for a period of 30 days or more to allow the Applicant to reach out to the neighborhood as has been described by Chair Janoff, and also that the additional elevations be provided; I think that would be helpful.

CHAIR JANOFF: Thank you for that motion. Do I have a second? Commissioner Hanssen.

COMMISSIONER HANSSEN: I second the motion.

CHAIR JANOFF: Thank you for that. Any comments regarding the motion on the table? Director Paulson.

JOEL PAULSON: I would just suggest that we do a date certain of February 9th. If they're not ready then, then we can continue it to the next meeting.

CHAIR JANOFF: Is that modification to the motion acceptable to the maker and the seconder of the motion?

COMMISSIONER BARNETT: It is to me.

COMMISSIONER HANSSEN: (Makes thumbs up motion.)

CHAIR JANOFF: All right, with that then, I don't see any hands raised to further discuss, so I'll call the question. By roll call vote please indicate yes, no, or abstain. Commissioner Hanssen.

COMMISSIONER HANSSEN: Yes.

CHAIR JANOFF: Commissioner Tavana.

COMMISSIONER TAVANA: Yes.

CHAIR JANOFF: Commissioner Barnett.

COMMISSIONER BARNETT: Yes.

CHAIR JANOFF: Commissioner Thomas.

COMMISSIONER THOMAS: Yes.

CHAIR JANOFF: Commissioner Clark.

COMMISSIONER CLARK: Yes.

CHAIR JANOFF: And Commissioner Raspe.

COMMISSIONER RASPE: Yes.

CHAIR JANOFF: I vote yes as well, so the motion to continue this matter for 30 days or to a date certain as Director Paulson has provided is approved. Director Paulson, there are no appeal rights for a continuance, are there?

JOEL PAULSON: That's correct. There are not.

CHAIR JANOFF: All right, thank you.

TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 02/09/2022

ITEM NO: 2

DATE: February 4, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. **Located at 118 Olive Street**. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect.

REMARKS:

On January 12, 2022, the Planning Commission considered the application and continued the matter to February 9, 2022. The Planning Commission directed the applicant to:

- Continue neighbor outreach efforts and contact neighbors that expressed concerns; and
- Provide a three-dimensional rendering of the proposed residence.

Following the meeting of January 12, 2022, the applicant provided updates to staff of their continued neighbor outreach efforts (Exhibit 14). Additionally, the applicant provided a rendering showing the exterior of the residence (Exhibit 15).

STORY POLES:

The installed story poles have remained in place on the site. The project sign was updated to reflect the February 9, 2022, Planning Commission meeting.

PUBLIC COMMENTS:

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

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

CONCLUSION:

A. Summary

The applicant has submitted a summary of their continued neighbor outreach and a three-dimensional rendering at the direction of the Planning Commission.

B. Recommendation

Based on the analysis in the January 12, 2022, Staff Report and the additional information provided by the applicant, staff recommends approval of the Architecture and Site application subject to the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:

1. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction (Exhibit 2);
2. Make the findings as required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed FAR standards, for reduced front and side yard setbacks, and for an exemption from the parking requirements (Exhibit 2);
4. Make the findings as required by Section 29.40.075(c) of the Town Code for granting approval of an exception to the FAR standards (Exhibit 2);
5. Make the findings as required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements (Exhibit 2);
6. Make the findings as required by 29.10.150(h)(2) of the Town Code for reduced parking where it can be shown that the lot does not have adequate area to provide parking as required (Exhibit 2);
7. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
9. Approve Architecture and Site Application S-21-003 with the conditions contained in Exhibit 3 and the Development Plans in Exhibit 11.

CONCLUSION (continued):

C. Alternatives

Alternatively, the Planning Commission can:

a. Continue the matter to a date certain with specific direction; or
b. Approve the application with additional and/or modified conditions; or
c. Deny the application.

EXHIBITS:

Previously received with the January 12, 2022 Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification, dated August 2, 2021
5. Color and Materials Board
6. Consulting Architect's Report, dated August 4, 2021
7. Applicant's response to Consulting Architect's Report
8. Owner's summary of neighbor outreach
9. Photos of existing residence
10. Public comments received by 11:00 a.m., Friday, January 7, 2022
11. Development Plans

Received with the January 12, 2022 Addendum Report:

12. Applicant's response to public comments
13. Public comments received between 11:01 a.m., Friday, January 7, 2022 and 11:00 a.m., Tuesday, January 11, 2022

Received with this Staff Report:

14. Neighborhood outreach summary
15. Three-dimensional rendering

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From: thomas reichert <thomasmichaelreichert@gmail.com>
Sent: Thursday, January 13, 2022 4:03 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Jay Plett <jay@plett-arc.com>
Subject: 118 Olive Planning Commission Follow up

EXTERNAL SENDER

Hi Sean,
Thank you for the call to discuss follow up steps based on the January 12th planning commission direction for a continuance until February 9th. As part of the follow up, see notes on our outreach efforts:

- As of this evening, January 13, 2022 we sent a note (see below for content of note) to the direct neighborhood sphere as well as those signing the opposition letter Dated December 17th, 2021. This note included our personal contact information and an invitation to our home to discuss the project in plain view of the project.

Included in the distribution is the following (hand delivered):

- 114, 116, 120, 122, 127, 129, 131, 133, 135. 107, 108, 110 and 121 Olive
- 546 San Benito (believe they may also be the owner of 122 olive, but left 2 separate invitations)
- 630 San Benito (home owner of 116 Olive)
- 19330 Overlook Rd (home owner of 116 Olive)

Additionally, specifically for 19330 Overlook Rd I was able to obtain their phone number from a mutual neighbor and have called to leave a voicemail and sent a text message to relay contact information.

Note that went out (also included was our family holiday card):

"Dear Neighbors,

You are invited to join for a meet and greet with the new residents of 118 Olive St.: Thomas and Meredith Reichert and their Family. We have lived here for the past year and would love to meet and share our proposed project to expand our current home to meet the needs of our family. We plan to be out front of our home on Monday January 17th and Friday January 28th around 530p if you're available to join. If you prefer to email, call or text, my contact is below:
thomasmichaelreichert@gmail.com (858)449-4536

Sincerely,
The Reichert Family "

--
Thomas M. Reichert

EXHIBIT 14

From: thomas reichert <thomasmichaelreichert@gmail.com>
Sent: Tuesday, January 18, 2022 1:52 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Jay Plett <jay@plett-arc.com>
Subject: Re: 118 Olive Planning Commission Follow up

EXTERNAL SENDER

Hi Sean,
Reporting back on a few updates for planning commission follow up:

- When I was hand delivering the invitations on January 13th, the resident of [redacted] Olive happened to be outside, Jim. We were able to connect and discuss the reason he signed the reference letter opposing the project. He specifically said he signed because he didn't want us to use the same contractor that performed the [redacted] Olive which he had issues with during their project. I let him know that we are not having that contractor on our bid list and he said he was happy for our project to move forward in that case.
- Lynn, the resident at [redacted] and owner of [redacted] Olive reached out after receiving our note for outreach. She agreed that it was helpful to have neighborhood outreach and she hopes to make it to one of the invite dates.
- First neighborhood invite for Jan 17th at 530p. Residents of [redacted] and [redacted] Olive showed up to discuss and hang out. They both were already in favor of the project and haven't changed their support. We stayed out until 7p. Additionally Pam, resident at [redacted] Olive happened to be walking by on her way to dinner, she stayed to say hi and discuss the project quickly, but actually didn't realize there was an invite in her envelope- sounds like she will try to come out for the second session.
- Haven't heard from any other neighbors since the notes went out with our contact yet.

Thanks and let me know if you think there is anything you believe would be beneficial given the outreach attempts.

- Thomas Reichert

From: thomas reichert <thomasmichaelreichert@gmail.com>
Sent: Thursday, January 27, 2022 1:01 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Jay Plett <jay@plett-arc.com>
Subject: Re: 118 Olive Planning Commission Follow up

EXTERNAL SENDER

Hi Sean,
More follow up on our post Planning Commission work, we just got back in town so some of these may be slightly behind their actual date of occurrence.

- Pam, resident of [redacted] Olive confirmed she did receive the invite and contact. She hopes to join us for our second session.
- The outdoor public signage was updated with minor wording corrections based on your direction
- The story pole flag was repaired, as noted during a storm which had a single area wrapped around a pole.
- We have talked to the residents, outfront of our homes in verbal conversations not at the formal outreach sessions, at both [redacted] Olive and [redacted] Olive who support our plan

Confirming we still plan to have a second outreach day tomorrow January 28th.
Thank you and let us know about any information needed for the upcoming Planning Commission we should be preparing to attend.
-Thomas Reichert

From: thomas reichert <thomasmichaelreichert@gmail.com>
Sent: Tuesday, February 1, 2022 10:41 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Jay Plett <jay@plett-arc.com>
Subject: Re: 118 Olive Planning Commission Follow up

EXTERNAL SENDER

Hi Sean,

First, thank you for the call and check in. We appreciate you helping us stay on progress. You should have also received a rendering from our architect last week, we don't believe there were any other items from the Planning Commissions requested prior to our next Town meeting.

Following up on the second neighbor outreach night. We had good attendance: Bonnie, Antoinette, Darren, Shellie/Keith, Pam, Jim, Mark/Christie, and Eric.
At first the discussions had a bit of friction and we felt a bit teamed up on, as many of the neighbors who signed the original opposition letter arrived together at the same time. However, after about an hour of talking it felt much friendlier and was quite pleasant, although we didn't agree on everything about the proposed project. My overall takeaways from the night were that we were able to communicate several clarifications that did ease some concerns, the general sentiment was our home design was well received, but there was some reservation about the Towns recommendation for approval of our variances. Additionally it was great to meet a few more neighbors who we hadn't yet known on the block.

Bonnie ([redacted] Olive)- Like several of the neighbors she was concerned about parking and the contractor selection. We clarified that we do not intend to use the contractor from the [redacted] Olive project and we will do our best to use parking on property to ease neighborhood congestion. There were also some good clarifications that we were building lower and smaller than she believed, specifically we ensured that the only area we encroached on the 5' setback on the side yard was at the single story garage area. She previously believed we requested encroachment for both side yards for full length as well as building into our rear yard. I'm not sure if she had an objection with our front set back proposal, but that did come up with Darren. In general, the full group discussed that many other houses on the street have closer setbacks yet several of them voiced concern that they still wanted us to not have any variances (even though many of those with opposition have varances themselves).

Annette ([redacted] Olive)- She had very similar concerns as Bonnie.

Shellie/Keith ([redacted] Olive owner)- They share a similar stance as Bonnie and Annette, but had additional concerns about their view and lighting. We walked by the story poles and clarified the proposed changes above the garage from a patio to a single story roof. In general they liked that change and understood the 2 story addition did follow the 5' setback, but would block some of the views they currently have. We think the clarification that our proposed project is not requesting maximum allowable height was a good common area of sharing. However, they still don't like that we are proposing a 2 story. Several other neighbors were also unaware that our proposal was less than the max allowable height and this seemed to be commonly acceptable once clarified.

Darren [redacted] Olive and [redacted])- While he shared similar concerns with the above, he seemed to primarily be concerned with our requests for any variances. He would prefer we have no variances to

maintain the property in its current zoning conditions. We discussed how the neighborhood has many examples of variances, including those who signed the opposition letter, but continued his position. Overall we learned he likes the project and design, but would prefer if we had no variances. He also mentioned he wished there was more outreach earlier in the project- one area we think in retrospect would have been great advice to take. Our architect mentioned it to us early, but we as new owners and first time home renovators didn't realize the impacts. The Planning Commission's advice to extend to give us this additional time really did help us to engage further and give adequate time to discuss with our neighbors. Another topic which was discussed that night was our driveway length, some concerns about us having less than 20'. The next morning we were able to get a measurement from the garage to the sidewalk and measured it at 20'-4", We believe this clarification helps ease these concerns, but we weren't able to discuss it at the time we all met. In our initial analysis of the neighborhood variances we didn't call out driveway compliance, if we did, [redacted] appears to be one of many homes which doesn't have a 20' clearance. Additionally, we didn't note that this home has an entry stairway that appears to be within 10' of the front setback because we were only reviewing Olive St homes.

Pam ([redacted] Olive)- She continued to stay neutral on her position on the project. She was helpful to keep the conversation as friendly as possible and provided a good neighborly fabric for us all to align with positivity.

Mark/Christie ([redacted]Olive)- They continued their support for the project. One point at the beginning of the meeting we really appreciated their positive support of the project because it felt very much like we were being teamed up against. As mentioned the meeting ended up much better than where it started.

Jim ([redacted] Olive)- He joined the meeting after most others left, but came and shared that he supported our project as long as we don't use the contractor from the [redacted] Olive project.

Eric ([redacted] Olive resident)- He also joined late, but continues to share his support for the project. Additionally he confirmed what we believed in regards to Lynn ([redacted] Olive Owner at [redacted]) that she has now supports our project, but has general concerns about the neighborhood being able to maintain its character in the long term.

In summary of the 2+2 on each side and 5 across from our project during the extension by Planning Commission:
114, 116, 129 and 132 support the project
120 and 122 like the project, but don't agree with the variances and blocking views
127 and 135 have not participated in the outreach
133 remains neutral

We believe the additional time to meet the neighbors was a positive recommendation and that we used that time to engage with the intent of the extension. We suggest the proposed change above the garage to a roof be accepted by the Planning Commission as part of the good faith discussions to take feedback from the neighbors. We don't believe any changes to the variances would be necessary given the Planning Commission's instruction to limit the scope of the extension, the examples given of the immediate neighborhood which also have similar setbacks and FAR's (which were considered as part of the Planning Department recommendation for approval and inline with the the Town's zoning code which allows for variances on these specific types of non-conforming lots and fits the neighborhood streetscape), as well as an understanding from the neighbors that they acknowledged the intention of our meetings would likely not result in significant changes.

Thank you

-Thomas Reichert

PS.
FYI. See follow up note we plan to distribute to the neighbors who came on Friday:

"Hi Neighbors,
It was great to meet you at our house on Friday. We wanted to confirm that we heard your concerns. It's our intention to be mindful of our design and keep in line with the context of the neighborhood. Specifically we understand that there are many homes on this block that exceed the FAR and setback exceptions, we looked at each of these categories and chose to not be the largest, tallest or closest in any position to ensure that any future precedence would not impact greater growth that what already exists on the block, yet still allow families to grow in an environment with rising housing costs and shortages. We will continue to suggest the patio above the garage be changed to a roof to maintain the privacy of our direct neighbor. We also wanted to clarify that our driveway will functionally be designed to be more than 20', which was highly discussed to ensure we have a driveway and a garage space. Lastly, while we know there were several other topics, we would urge you to reach out to us if you would like to discuss further.
Thank you
Thomas, Meredith and Family"



EXHIBIT 15

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TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 02/09/2022
ITEM NO: 2
DESK ITEM

DATE: February 9, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. **Located at 118 Olive Street**. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect.

REMARKS:

Exhibit 16 includes an updated three-dimensional rendering with added dimensions. Exhibit 18 includes additional public comments received between 11:01 a.m., Wednesday, January 12, 2022, and 11:00 a.m., Wednesday, February 9, 2022, including one comment that was erroneously not included in the staff report packet. Exhibit 17 includes the applicant's response to the additional public comments.

EXHIBITS:

Previously received with the January 12, 2022 Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification, dated August 2, 2021
5. Color and Materials Board
6. Consulting Architect's Report, dated August 4, 2021
7. Applicant's response to Consulting Architect's Report
8. Owner's summary of neighbor outreach
9. Photos of existing residence
10. Public comments received by 11:00 a.m., Friday, January 7, 2022
11. Development Plans

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

EXHIBITS (continued):

Received with the January 12, 2022 Addendum Report:

12. Applicant's response to public comments
13. Public comments received between 11:01 a.m., Friday, January 7, 2022 and 11:00 a.m., Tuesday, January 11, 2022

Received with the February 9, 2022 Staff Report:

14. Neighborhood outreach summary
15. Three-dimensional rendering

Received with this Desk Item Report:

16. Three-dimensional rendering with dimensions
17. Applicant's response to public comments
18. Public comments received between 11:01 a.m., Wednesday, January 12, 2022 and 11:00 a.m., Wednesday, February 9, 2022

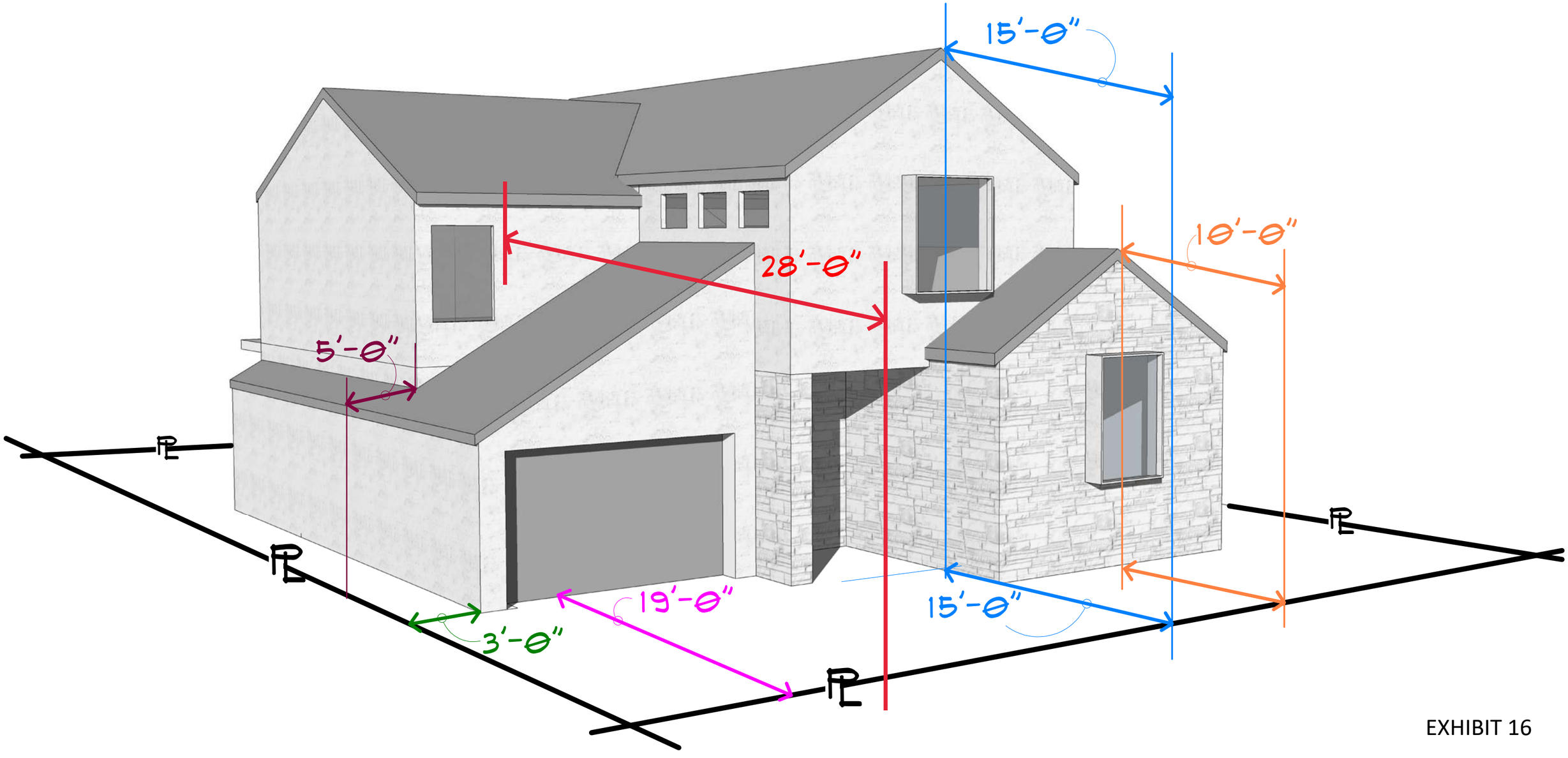

EXHIBIT 16

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From: thomas reichert <thomasmichaelreichert@gmail.com>
Sent: Wednesday, February 9, 2022 9:12 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Jay Plett <jay@plett-arc.com>
Subject: Re: 118 Olive - Public Comments

EXTERNAL SENDER

Hi Sean,
Thanks for sending this public comment. Going into the meeting tonight we realize there may not be enough time allotted to speak, so we'll summarize a few thoughts after reviewing this additional information.

First, we appreciate the open nature of the process for neighbors to be able to share concerns.

In our Planning Commission meeting last month they asked us All to discuss the project as neighbors- in person would be ideal, but phone or e-mail would work. We personally reached out with a letter to each household identified, shared our personal contact information, hosted two meetings at our home and had follow up letters suggesting our openness to any further direct contact to discuss. We supplied a summary of all the discussions that took place to the Planning Department for reference (as accurate as possible knowing it would be open to public scrutiny) for anyone to review.

We wanted to call out one specific item with the recent public comment letter. Understanding everyone is entitled to voice their opinions, there was one comment that was expressed which was different from our interpretation in regard to the meeting at our home on Jan 28th with Jim from 110 Olive. After reading the public comment, which we had a separate conversation with Jim we were immediately concerned that he may have been offended about our outreach attempt. Just in case, we wanted to make sure Jim didn't not share the perspective in the public comment. We reached out to connect directly with him last night at his home where he confirmed we didn't offend him during our meeting on Jan 28th and that he is still good with our proposed project given our feedback. Furthermore, suggested we ignore the representation from the public comment in regard to the negative impact of that letter. We are very aware some neighbors may choose to change their mind or avoid potential conflict, but are pointing out that all our interactions with Jim continue to be positive.

Not specific to the public comment submitted, but to clarify some of the history of the planning process we have up to this point:

We originally submitted the home as a renovation project. As we moved further along the process with Planning Department it became clear they were ready to proceed to with a recommendation for Planning Commission, but we started to discuss pros and cons of a project of this scale to either be a new build vs saving 50% of the structure to fall under specific guidelines for renovation. At this point we grew concerned that unexpected costs from delays, wood dry rot or other unknown issues may be outweighed by doing a new build. We engaged

Planning to understand that we could potentially keep the design exactly the same as if we were planning a renovation, but make concessions as if it were a new build: add fire sprinklers, lose gas powered appliances, underground utilities, etc. This wasn't a straightforward or easy decision, the cost of renovating a home and building a basement while maintaining the structure with understanding the overall impact and disruptions to the neighbors while we either lift or roll the existing structure to the back of the lot for months while we dig a basement. All to say, we made compromises to our intentions, thinking about overall impacts to the neighbors and project costs which ultimately plays into our feasibility to expand the house for our growing family.

Our current design for a new home is EXACTLY the same as it was when we had recommended approval for a renovation (except the placement of one window). The design keeps the house in the EXACT same setting as it sits today, with only 2 small difference- (1) garage is bumped out to be compliant and help with parking and (2) we have a small room added to the front which adds visual appeal/street presence scale so the massing of the house isn't a large flat 2 story. To add, the design brings massing off of the second story and maintains most of the volume on the ground floor which intentionally is meant to be part of the neighborhood context.

In regard to the front setback: the front is set back similar to the context of the neighbors. If we tried to move the whole house back it would limit the already small area for our kids to play in back and we want to respect the back neighbor's privacy by not getting closer to their property.

One of the questions that we haven't heard a strong case for yet based on the discussion to this point: How does our use of the FAR or setbacks impact the other homes for this lot and context? Specifically citing, the code allows these exceptions for this use case and there are so many examples in the immediate neighbors that have similar exceptions, including those who signed the public comment of opposition. It was not clear to us what issue would be solved by making an adjustment to our plan that wasn't readily part of the fabric of many of the adjacent homes. We believe that Town Planning Commission and the Planning Department with their consulting architect considered all the details in recommending our plan for approval.

A bit long winded here, apologies. Just wanted to write since the time to discuss may be very limited during the actual session.
Thank you,
The Reichert's

From: Andrea Galatea <[redacted]>
Sent: Wednesday, January 12, 2022 2:12 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Proposed project at 118 Olive Street, Los Gatos

EXTERNAL SENDER

Dear Sean,

My name is Andrea Galatea and I have resided at [redacted], Los Gatos for several years. [redacted]. is next door to the proposed project at 118 Olive St. I am writing to let you and the planning commission know that I am definitely not in support of the proposed project. Please feel free to email me should you have any questions, and I would be happy to elaborate. Best, Andrea Galatea

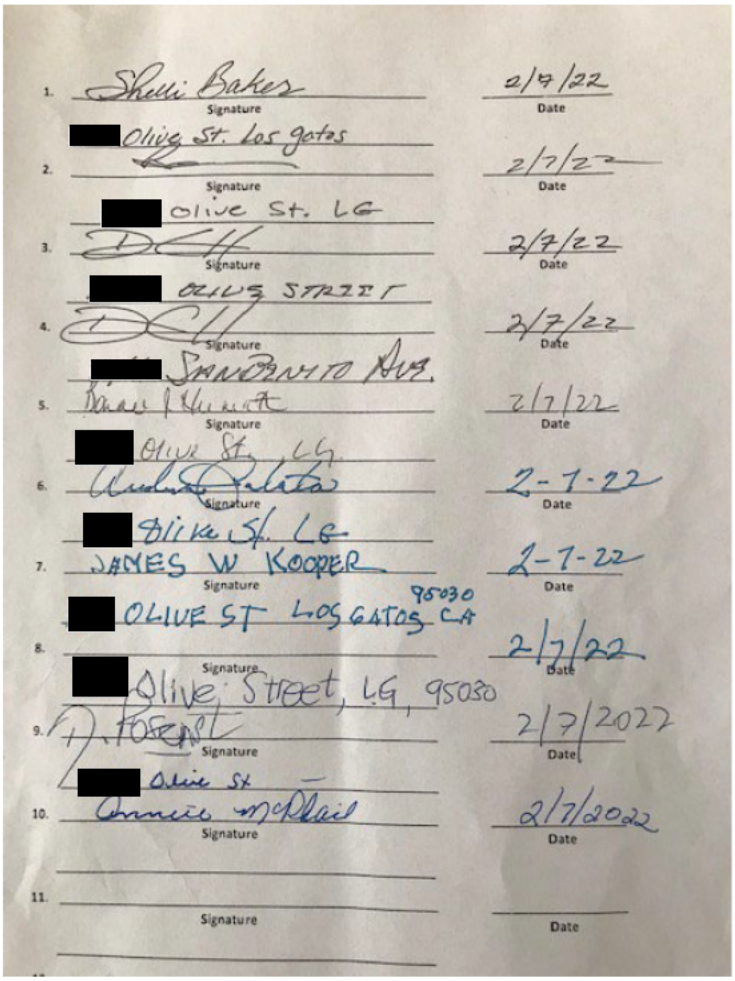
EXHIBIT 18

From: Carroll, Darren <[redacted]>
Sent: Wednesday, February 9, 2022 10:00 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Additional signatures opposing 118 Olive street

EXTERNAL SENDER
Good morning Sean - please add to the file

Also, would you please send me the instructional information that would allow a couple of our older neighbors participate in tonight's meeting via the use of a land line

Thank you



Sent from my iPhone
Wire Fraud is Real. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

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

Los Gatos Planning Commissioners:	Melanie Hanssen, Chair Jeffrey Barnett, Vice Chair Kylie Clark Kathryn Janoff Steve Raspe
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Robert Schultz
Transcribed by:	Vicki L. Blandin (619) 541-3405

P R O C E E D I N G S:

CHAIR HANSSEN: We can move on to the public hearing portion of the meeting and we will be going to Agenda Item #2, which is requesting approval for the demolition of an existing single-family residence and construction of a new single-family residence to exceed the floor area ratio standards with reduced front and side yard setbacks on a nonconforming property zoned R-1D. This is located at 118 Olive Street. APN 410-15-022. Architecture and Site Application S-21-013. Property owners Thomas and Meredith Reichert. Applicant: Jay Plett, Architect. Our project planner is Sean Mullin.

This agenda item is a continuation from our January 12, 2022 Planning Commission meeting, however, I will still ask if there are any disclosures that any Commissioners need to make from the time that we had our last meeting? And are there any Commissioners that visited the site since the last meeting? All right, we have no disclosures, so we can move on to the Staff Report. Mr. Mullin, will you be giving a Staff Report?

JENNIFER ARMER: I will be making the presentation on behalf of Mr. Mullin this evening. Good evening, Chair, Vice Chair, Commissioners.

The item before you, as was just stated, is a continuation of your discussion on January 12th. At that meeting the Planning Commission considered the application and directed the Applicant to continue neighbor outreach efforts and contact neighbors that expressed concerns, and provide a three-dimensional rendering of the proposed residence.

In addition to the information that was provided, in response to these two items as Exhibits 14 and 15 for your Staff Report, a Desk Item was also provided today with revised three-dimensional rendering with dimensions, additional public comments, and the Applicant's response to public comments.

This concludes Staff's presentation, but we would be happy to answer any questions.

CHAIR HANSSEN: Do any Commissioners have questions for Staff at this time? Commissioner Raspe.

COMMISSIONER RASPE: Thank you, Chair, and just one quick clarification. Nothing substantively has changed in the plans since we last discussed it, is that correct?

JENNIFER ARMER: That's correct. It really was just doing the additional outreach and providing the additional information rendering that was requested.

COMMISSIONER RASPE: Thank you so much.

CHAIR HANSSEN: Do any other Commissioners have questions for Staff? I had one quick question about the Desk Item, and that was we had a couple comments that came in and I was curious as to whether or not those commenters were part of the group that we asked the Applicant to address that hadn't spoken previously on the item?

JENNIFER ARMER: I've not gone back and compared the names, but I think we can ask that of the Applicant to let us know whether that those are people that they had previously reached out to.

CHAIR HANSSEN: Very good, thank you. If no other Commissioners have questions, then I will move on to the Applicant, and the Applicant is able to address the Commission for up to five minutes.

JOEL PAULSON: Mr. Plett, you can unmute yourself and begin your presentation.

JAY PLETT: Good evening, Commission Members. Per the instruction that we received we submitted a three-dimensional diagram of the structure, and we submitted a Desk Item that depicts the various dimensions from property line that shows that this is not a flat façade of any kind that might have been conveyed through just a flat elevation. There is a lot of depth and back and forth on the façade of this house.

The change though that you spoke of, the balcony over the garage, that is shown removed in the three-dimensional depiction that you have as a Desk Item, so that shows a sloping shed roof over the garage in lieu of the balcony that was there.

We also did conduct further outreach to the neighbors and they were able to walk around the property, invited onto the property, could view the story poles close up, and have the discussion with the owners of the property.

I'll turn it over to Thomas Reichert now to talk about the one specific neighbor.

THOMAS REICHERT: I think the question was specific around the people who signed the current letter. I believe that there is only one person that signed it that did not show up, and that was 108 Olive. I had not talked about it here previously or to this point at all. Everyone else who signed it I believe participated in the previous one as well as showed up to the second open house to discuss the project.

CHAIR HANSSEN: Are you finished with your comments?

JAY PLETT: Yes. we're open for questions.

CHAIR HANSSEN: Of course, and I will ask if the Commission has any questions for the Applicant? Commissioner Janoff.

COMMISSIONER JANOFF: Thank you. That was a very brief presentation, but I'm curious to know from the property owner what you included in your item; we have a summary of the outreach. Can you summarize the summary and let us know whether in your opinion you were able to assuage neighbors' concerns? You made a change to the plans by moving the balcony. Can you just give us a quick update on whether you found this to be an action that moves your project along in the direction you had hoped?

THOMAS REICHERT: That's a great question, and I would say the overall takeaway was it was nice to meet the new neighbors, or as the new neighbors to meet everyone, so I think that was really a positive point in the participation. Everyone who came in that second session was someone who I had not met since moving in. Because it was during COVID we hadn't met any of those neighbors and they had also not reached out to us as the new neighbors, so it was nice to have this happening to discuss that.

Another point outside of that, more to your question was I think there was some clarity brought, because not everyone is familiar with reading plans, so

when you see it just on 2-D paper. One of the specifics was people thought we were going for more build, higher build, more side build, more front build, and when they came and they looked and could see it and we could discuss it in person, the fact that we weren't going for the maximum height, the fact that we weren't going for full length, two-story, all the way across, those were points that we came to a little bit of clarity on.

I think some of the issues with parking and the fact that we were asking for exemptions were points that no one changed their opinions on, but that became very clear on the sticking points that we didn't necessarily agree with.

CHAIR HANSSEN: So that answers your question, Commissioner Janoff. Do any other Commissioners have questions for the Applicant? Vice Chair Barnett.

VICE CHAIR BARNETT: Continuing on that vein, I tried to summarize your summary, and is it correct that you had four neighbors who were unconditionally in favor of the application and one neutral?

THOMAS REICHERT: That's correct. There are only two addresses within the 5+2+2 that are opposed. It's the two neighbors I believe to the west, 120 and 122, which is

the vacant lot. All of the other neighbors were either neutral or supporting, that's correct.

VICE CHAIR BARNETT: And as to those who did not support, their concerns were primarily the variances and blocking views?

THOMAS REICHERT: That's correct. I didn't touch on the point that there was positive feedback on the fact that we were switching from the balcony to the roof. Again, didn't dissuade the sticking points, but that was the whole point of common ground.

VICE CHAIR BARNETT: Thank you, that answers my questions.

CHAIR HANSSEN: I had just a clarifying question. In the Desk Item today there was a couple of letters, and in the first one a person basically said, "I wanted to make sure that you knew that I was not in support of the project." I didn't have time to go and check to where it was relative to the last hearing. Had that person previously voiced their disapproval of the project?

THOMAS REICHERT: Correct. I think you're talking about Jim, the neighbor at 110 Olive?

CHAIR HANSSEN: Well, they blocked out the address; that was part of the problem.

THOMAS REICHERT: Jim signed both letters, and each time after he signed the letter I asked him what his concern was, and both times he said that it was a combination of parking and the contractor selection. I don't pretend know what he signed with the letter, but to me, both times he said he's fine with it as long as we are good with this parking situation and not using that contractor that worked on the project next door to him.

CHAIR HANSSEN: Good. I think that cleared it up. I felt like you did a very thorough job of documenting all the interactions you had and reaching out to the people. I wanted to make sure there weren't people coming out of the woodwork that we didn't know about before.

THOMAS REICHERT: There was one person who did not continue signing the letter; the person who owns 116 Olive refrained from resigning the newsletter.

CHAIR HANSSEN: All right, very good. I think that answers my question. Do any of the Commissioners have questions for the Applicant? We will have another chance after public comments, if we have any.

We will move on to public comments, and this would be a time for any member of the public to speak about this item on the agenda. Do we have anyone that would like to speak on this item?

JOEL PAULSON: Thank you, Chair. Anyone from the public that wishes to speak on this item, please raise your hand. We will have the telephone number ending in 1501 speak first.

SHELLI BAKER: Good evening, Planning Commission, this is Shelli Baker, owner of 120 Olive Street here again. As a reminder, our property is directly next-door on the west side of the proposed home to the left, and understandably the most effected.

As noted at the last meeting, our expansive mountain view will be completely blocked and we will be looking out of our living room, kitchen, dining, and master bedroom windows at tall walls. These same areas will loose their incredible natural lighting, as will our entire back yard, as confirmed in the shadow study provided. Unfortunately, there's nothing we can do about this.

But, it gets even worse. The proposed exception of reducing the side setback from 5 feet to 3 feet is preposterous, especially when considering the stitch piering process taking place just that much closer to our 80 year old constructed home on a sloped lot with sump pumps underneath. Given the research we've done, the stitch piering process is going to shake the heck out of our home

no matter what, but even more so if this reduced side setback exception is granted.

Additionally, the elevation of the rear, exterior walk-out decking requires clarity, as it appears that the submitted architectural renderings don't clearly depict the height. If I am guessing accurately, not only will our kitchen, dining, and back yard lack natural lighting, they will lack cherished privacy as well.

We were not able to walk the property the evening that we visited. It was 5:30 Friday night, it was very cold, it became dark, and we had some interruptions as well that did prevent us from even going down the side yard into the back yard at all. Didn't even come across the radar.

If this proposed plan is approved as is it will be the beginning of the end for Olive Street as we know it. The narrowest street with the tiniest lots in Los Gatos, every cottage sale hereafter will be viewed as a tear-down, land value, and as they turn over, more overbuilt homes with exceptions galore, will prevail. That's beginning the domino effect. I believe in hindsight the Town and Planning Commissioner will regret their hastiness in needlessly granting these types of exceptions to the rules that were set in place for valid reasons, but it will be too late and

those who have lived here and loved their homes will be the ones who have suffered.

As with most, our homes are our livelihood. Planning Commissioners, we ask that you put yourselves in our shoes, in our homes, and try to feel the situation as it really is. Imagine if this were happening in your world on your street, or even next door to your home. The important decisions you make here regarding 118 Olive Street will set a new precedent and expectations for the future owners and/or builders on Olive Street.

That's what I have to say this evening. I could say more, but thank you.

CHAIR HANSSEN: Thank you for your comments. I'd like to ask if any Commissioners have questions for Ms. Baker? I don't see any hands raised. Is there anyone else that would like to speak on this item?

JOEL PAULSON: Yes, the next speaker will be Bonnie Hurwitz. Bonnie, you can unmute yourself and then you can speak.

BONNIE HURWITZ: Thank you for allowing me to speak this evening. I agree with a good deal of what Shelli said. A couple of areas of clarification.

The gentleman that owns the property at 108 Olive is a surgeon and he's often on call, so he's unfortunately

unable to attend these calls, but he did sign both letters, and I just want to make sure you know that it's not for lack of interest in the topic that he's not on the call.

As for what Shelli said, I did attend the outreach meeting. We were not invited to walk the property, as she said. Initially it was very nice to meet the two owners of the property, Meredith and Thomas, but shortly after we convened there, yes, it was 5:30; yes, it started to get dark; yes, it become cold, but we also were interrupted by a neighbor that intervened and interrupted the conversation and didn't allow a productive conversation to proceed, unfortunately, so that neighbor didn't do any good service to the ensuing possibly productive communication that could have happened that evening. As a result, I have to admit it really was a bit of a waste of time, but on the other hand, neither was that neighbor told to please be quiet and take his viewpoint someplace else. I left there feeling that it was a decent attempt, but I got nothing really out of the meeting. Again, we weren't asked to walk the property.

When I looked at the meeting, the renderings that I saw originally, in my view and I'm not an architect, it looks like a tear-down to me. It does not look like any kind of addition being addressed there. They're going to

just dismantle the entire property, and basically when I was asking questions about the garage and the property itself, the feeling I got when I walked away that evening was that they pretty much said we know what we want, and I get that, they know what they want, and they asked for what they wanted and nobody told them they couldn't do it. There was no pushback. They asked for what they wanted and it was a bunch of checkmarks on a bunch of boxes, and check, check, check and off they went. So, that's why they proceeded with the renderings that you guys are all seeing today. They asked for everything and nobody said no, so I agree with what Shelli has said.

And by the way, on the prior call, my recollection was that one of the Commissioners, I don't recall who, said this area was in transition. This area, if you ask some of the local owners, it's not in transition and many of us have owned our properties for a long time and we intend to stay. I, for one, have owned my property for 18 years, and I bought it as a single person, and I intend to stay. Thank you very much.

CHAIR HANSSEN: Thank you so much for your comments. I'd like to ask if any Commissioners have questions for Ms. Hurwitz. Vice Chair Barnett does.

VICE CHAIR BARNETT: As I understand, there were two opportunities to meet with the owners, and I was wondering if you attended both of those or just the one where it got dark and cold and you weren't asked to view the property?

BONNIE HURWITZ: It was the second meeting and I had some personal medical thing to attend to on the prior call, so I wasn't able to attend the first meeting, but I attended the second one when I felt better. If you need to know that, that's the case and that's the truth.

VICE CHAIR BARNETT: I understand that. Thank you.

BONNIE HURWITZ: You know, the fact that it's convenient for the neighbor, it's not necessarily convenient for everybody else.

CHAIR HANSSEN: We thank you for your comments, and I think you answered Vice Chair Barnett's question. Staff, is there anyone else that would like to speak on this item. I saw a couple hands.

JOEL PAULSON: Yes. The next speaker will be Keith White.

KEITH WHITE: Thank you for the opportunity to speak. When my wife and I owned 120 Olive Street about which Shelli Baker spoke earlier, when we were looking at

buying 120 Olive Street we spent a lot of time researching the neighborhood, looking into the neighborhood to see what was going on, and trying to imagine what changes we could expect going forward in the future.

It was mostly made up of a lot of smaller homes, some remodels. Our house had been remodeled prior to us purchasing it. It's a very narrow street, very quaint, and we thought this would be great for us for now, and the change we could see would be some amount of turnover, some amount of remodels.

We went so far looking into it as to review the building codes and go down the Building Department and ask them what could be expected, what rules would be followed, and we were fairly much assured that the Town was a stickler for the rules and making sure that everybody follows them. And yet, here we are 20 years later, and it's not just the neighborhood changing, it's actually the house right next door, which we expected; but we didn't expect that it wouldn't follow all of the rules, and specifically the front and side setbacks are the ones that concern us most as those have the greatest impact on our property specifically, but also the floor area ratio being exceeded, because we expected it to be smaller homes would remain the norm.

So, the rules as they were and the rules as they still are, just not being followed, doesn't seem to be reasonable to me and I ask you why that's not the case? Why not follow the rules? I don't fault the new owners, who seem to be very nice and their architect has done a great job presenting a nice home, but it isn't that much different to just follow the rules and this problem would go away.

That's my concern. Thank you very much for the time.

CHAIR HANSSEN: Thank you for your comments. Do any Commissioners have questions for Mr. White? I don't see any hands raised, so thank you for your comments. Is there anyone else that would like to speak on this item?

JOEL PAULSON: Yes, there is. The next speaker will be Darren Carroll.

DARREN CARROLL: First thing, just quick clarification, both meetings I think were at the same time, at 5:30, so the getting dark and cold was the same thing.

The other thing is we weren't invited to walk around the house or anything of the sort.

And thirdly, we were not privy to any additional information as we had assumed was part of the direction from the Planning Commission to provide additional

renderings. Nothing was offered. No full size plans, no renderings, no sketches, no nothing.

Then I'll read as quickly as I can here. Olive Street is a charming neighborhood with older, smaller homes on a very narrow street. Unfortunately, several of the characteristics that made this a nice neighborhood are also the character (inaudible).

Parking is abysmal. Garages are often not used as intended and driveways are rarely used for more than one car, so ultimately the overflow turns into a game of musical chairs for the permitted parking on Olive Street. The losers end up on San Benito Avenue, and the residents of San Benito that are not allowed to park on Olive Street have no place to park. This is especially difficult for those of us that have family members that are aged, handicapped, or have health issues. Therefore, every effort should be made to lessen the impact of the situation by enforcing a full-length driveway that is not including the public right-of-way, and installing the car lift that is on the plans.

The homes are very close together and the Applicant had a choice to remodel a cute home that allows setbacks consistent with that home and therefore the neighborhood, or to demolish the home and build in an

entirely different direction. The Applicant has chosen the latter, yet proposes building a house that does not follow either of those criteria, and even requests several unnecessary variances. There are no inherent, compelling, or logical reasons why this needs to be. Incidentally, there has not been another home on Olive Street that was demolished and then built.

Very slight modifications to the plan bring the home back in line with the rules and lessen the concerns many neighbors have without significantly changing the design or integrity. Simply moving the house 5 feet back from the property line and 2 feet to the east for the garage will alleviate neighborhood concerns as well as solve the problematic, sub-standard length driveway.

As for the size of the house, a nonconforming lot is given the benefit of a higher floor area ratio than a conforming lot to compensate for its size. This home not only takes advantage of that, but it exceeds it by 308 square feet, or 23%. The building of a basement that did not count allowable coverage was originally implemented specifically to help nonconforming lots lessen the neighborhood impacts, not as an absolute or an addition to substantially passing allowable coverage, as this house proposes.

There have been a few comments about the participants being nice people, having kids that play together, or about helping families as reasons why this house should be approved or given special treatment. These are all nice sentiments that truly have no bearing on the situation. Any form of favoritism should not weigh in or be a consideration any differently than if a decision was based on age, sex, race, or marital status, none of which are allowed. No one is telling these people that they can't build a house. The point is they should build a house that follows the rules just like thousands of others in this town have adhered to, and hopefully with a little respect and consideration to the neighborhood and its concerned residents, we will all benefit. Thank you.

CHAIR HANSSEN: Is that all of your comments?

DARREN CARROLL: I hope so.

CHAIR HANSSEN: Thank you. It was very thorough. I just wanted to make sure you were done.

DARREN CARROLL: The point being, if you'd allow me just one second here, that that meeting served no purpose. We had no suggestions for compromise or solution. It was interrupted. We were not allowed to discuss anything, and we were provided no additional information to help process the thoughts or make any determinations or

suggestions, or perhaps even consider the fact that some of us may have been wrong about something. There were no renderings, which is something that I believe was instructed by the Commission, and no mention of that. No full size plans, no survey, no color drawings, no walking around saying see, this is where it actually is.

CHAIR HANSSEN: I think we've gotten to your three minutes.

DARREN CARROLL: I've made my point. Thank you.

CHAIR HANSSEN: Yes, and thank you for that. I'm going to ask if any Commissioners have questions for you, and it looks like Commissioner Janoff has a question.

COMMISSIONER JANOFF: Thank you. Darren, can you please restate your address?

DARREN CARROLL: I own the house at 546 San Benito Avenue, which technically shouldn't be involved with this, because I'm not in that parking district, and 122 Olive Street.

CHAIR HANSSEN: Thank you for that. Do any other Commissioners have questions for the speaker? Vice Chair Barnett.

VICE CHAIR BARNETT: Is it your position that the setbacks for this proposed house must be in strict

accordance with the code? I thought you might have said something to the contrary.

DARREN CARROLL: I don't understand why they can't be, because it's not going to change the integrity or the design of the house by meeting the code. It would follow the rules. If they want to remodel it, follow those rules. If they want to build new, follow those. I'm not opposed to either one; I just think there has to be consistency here, because I think that's what the rules are for, first off. Second of all, the exact reasons that Shelli Baker and Bonnie Hurwitz mentioned, that once these people get five exceptions to the rules or variances the next guy comes down the road and says, "Well, I just need one more," so pretty soon we're going to…

VICE CHAIR BARNETT: You've responded to my question. I appreciate that answer.

DARREN CARROLL: Okay, thank you.

CHAIR HANSSEN: Thank you. Staff, is there anyone else that wants to speak on this item?

JOEL PAULSON: Thank you, Chair. Anyone else from the public that wishes to speak on this item, please raise your hand. I don't see any other hands raised, Chair.

CHAIR HANSSEN: Very good. Then we will go back to the Applicant, and the Applicant has up to three minutes to respond to any of the comments that were just made.

JOEL PAULSON: Mr. Plett, you can unmute yourself, and you have up to three minutes.

THOMAS REICHERT: I just wanted to say thanks for everyone who commented from the public. I also wanted to point out that yes; we invited people to our home. Those were not the only two opportunities everyone had. We gave everyone our phone number, our email, and invited them to two times that worked for us. We didn't receive any other form of communication other than the one time they all came together at once at the second meeting, so there was no other outreach. If they had felt that the information they needed wasn't properly provided, they could have reached out to consume or gather than information.

I also want to point out we didn't necessarily have all the doors and gates open at the house, but also no one asked to walk to the back yard. They did walk to the side yard from the neighbor's spot, some of them did. They were on our property looking at the flags. No one asked for the plans. We had them all in the house. We talked for more than an hour, and at not one point did someone ask to see them; I had them right inside the door.

I heard some of the public comments talking about variances. We're not asking for any variances, we're asking for two exceptions per the code that specifically allow us these types of exceptions for nonconforming lots.

And we're consistent with the neighborhood. I just wanted to point out one specific thing with Shelli and Keith's home, which they talk about our setbacks and our two-story, and I just want to point out that they're potentially the most impacted home, which I agree with, but their home has a 3 foot setback, it's two-story, it's front yard setback is less than 15 feet, and it doesn't have a 20 foot driveway.

We literally are proposing the same house as theirs, and with a compliant driveway. It's basically the same. I know our previous documentation has been clear that there's context to the neighborhood, and why the Planning Department recommended for approval, and why in the last meeting the Planning Commission mentioned it fits with the context, but we wanted more time to have the neighborly talks. I know we outlined all that, but I wanted to point out the house that they say is the most affected has all of the same exceptions that we're requesting, every single one.

Jay, I don't know if you want to point out anything else in the last minute?

JAY PLETT: I would say that yes, Staff found the project worthy of approval, and that we are consistent with the patterns of the neighborhood. We're even more compliant than most of the houses in the neighborhood when it comes to setbacks, and we are not the largest and we do not have the largest floor area. I would point you to look at sheet A-1.1 of the plans, and if you go to the second drawing down from the top, it's Olive Street looking at the project, it's the street elevation and you can see the house from San Benito, how tall it is and how things are falling down, and the house at 120 Olive and its height.

CHAIR HANSSEN: Are you completed with your comments?

JAY PLETT: Yes.

CHAIR HANSSEN: Do any Commissioners have questions for the Applicant? This would be the last opportunity. Commissioner Janoff.

COMMISSIONER JANOFF: Thank you. I actually have several questions.

CHAIR HANSSEN: Go ahead.

COMMISSIONER JANOFF: I just wanted to step through some of the concerns that were raised from the

speakers tonight. There was one regarding the destruction that construction would cause to the underlying soils perhaps. It would be my understanding that the architect and geotechnical planning for this would ensure that that destruction would not occur. Mr. Plett, can you respond to that?

JAY PLETT: The basement will be constructed with stitch piers, which is a way of shoring straight down with the cut for the basement, so there will not be any slope instabilities that will be created with the method that will be used to construct the basement. And there has also been a soils report that we have produced ahead of time by a very reputable soils engineer, and the soil is very good, it's very stable, it's not loose, and it's very conducive to the construction of a basement on a small site like that.

COMMISSIONER JANOFF: All right, thank you. The next question has to do with the rear balcony, and I think we heard that the neighbors appreciated the removal of the front balcony. I don't see a rear balcony on the elevation that you provided that would impact 120 Olive. If I read your plans it would appear that any second story visibility would be on the opposite side and rear of that house, is that correct?

THOMAS REICHERT: The rear deck, it's just coming out of the sliding door on the ground floor. I think it's just a nomenclature that's it's called a deck. It's just where you walk off the back door.

COMMISSIONER JANOFF: So, it isn't a second story balcony?

THOMAS REICHERT: No, and that was also clarified in the first Planning meeting.

COMMISSIONER JANOFF: I thought so, but because since it came up again today I just wanted to further clarify. This is for either of you. Do I understand from reading the letter that you provided in the Desk Item that the house currently has the same setbacks as the proposed structure would have, did I read that correctly?

THOMAS REICHERT: No, the current house, the two things that would change, it's currently sited in the exact place as the new plan, except for two: the garage being a little wider to comply, and the front being extended for the streetscape.

COMMISSIONER JANOFF: Let me be clearer. Is the setback that borders 120 Olive currently 3 feet, or are you changing it from 5 feet to 3 feet with the garage?

THOMAS REICHERT: Five feet, and we're changing it from 5 feet to 3 feet only for the first level of the home and garage.

COMMISSIONER JANOFF: Just on the property side that borders 120 Olive.

THOMAS REICHERT: On the first story next to the garage it gets 2 feet closer, but not on the second story.

COMMISSIONER JANOFF: I'm going to keep going. There was a recommendation that you move the house back and over. Can you do that and stay within all of the setbacks, or does that create an issue for the opposite side or the rear?

THOMAS REICHERT: It does create one directly for the opposite side if there were no changes, and for the rear. I'm unclear what the rear setback is, but we are siting it to be at the exact same position out of respect for the back neighbor who talked to us at the beginning of the process and asked us not to have a house that overlooks their back yard, so that's kind of the reasoning from early conversations off the planning process.

COMMISSIONER JANOFF: All right, thank you so much. I appreciate your answers.

CHAIR HANSSEN: Do any other Commissioners have questions for the Applicant? Commissioner Clark.

COMMISSIONER CLARK: Thank you. This is kind of along the lines of Commissioner Janoff's question, but it seemed to me that clearly there's a lot of public concern about this, and a theme that came up was that they're upset about exceeding the FAR and reducing the setbacks, and since it's a demolition that would theoretically have been possible to do at the beginning, and I understand that you could leave the front setback and just have a smaller back yard, I wanted to ask why specifically you chose to change those and what kind of problems it would cause for you to conform?

THOMAS REICHERT: Was your question why did we choose to go from a renovation to a new build?

COMMISSIONER CLARK: The question is given that you're doing a new build, why was it necessary to exceed the FAR and to reduce the setbacks?

THOMAS REICHERT: It's hard to answer that question specifically, and that's why I gave the context in the Desk Item of the history of the development of the project. The entire project was developed as a remodel. As we went through the process we didn't necessarily want to pay the prices and do the work to underground utilities, put in fire sprinklers, lift the house, and do all this stuff, so it became a discussion point with the Planning

Department of like what if we were able to do a new project, what would be the things we'd have to do that we wouldn't be required to do as a renovation? So, the design of the house as a renovation was completed and essentially approvable to come to the Planning Commission, but there were not changes from the design after we'd made those decisions. I hope that answers the question.

MEREDITH REICHERT: I can add, I think the FAR has more to do with the lot size, and that's consistent with other houses on Olive Street. So again, we just tried to make that consistent with the neighborhood so it wasn't a big, mammoth house sitting in the middle, but a house that would work for our family but still fit with the neighborhood.

And again, yes, the 3 foot setback on the side was because we started as a remodel, and now that we're a new build I get that theoretically you could think like let's change that, but to change that means either a noncompliant garage or shifting our house in a way that affects the setback on the other side, which doesn't work, or we build a narrow house, but that doesn't work for an actual livable kitchen, so it's hard to come up with a successful solution on that one.

JAY PLETT: I'd also say on sheet A-1.1, if you look at the neighborhood plan, the lots are small so no matter what we do… If you look, there's a 4-foot setback at 112 Olive, and 114 Olive is 10 feet. Across the street 133 Olive has a 7-foot front setback. We have a smaller setback at 131 Olive. 125 Olive has a 5-foot front setback, no driveway.

What we have done is we've designed a house that is very much in the pattern of the neighborhood, and we are not asking for the greatest floor area, the greatest FAR, nor the smallest, shortest setback on a side, nor the smallest, shortest setback on the front. The house that we have designed falls right in the middle pattern of what the neighborhood is like. That's why Staff found the project worthy of approval, because it fits in the neighborhood.

COMMISSIONER CLARK: Thank you, and may I ask one follow up on that?

CHAIR HANSSEN: Go ahead.

COMMISSIONER CLARK: I remember from our previous meeting that the reason you reduced the front setback even though you had a large enough setback was you wanted to have a back yard area, and so would you consider maintaining the front setback and having a smaller back yard in order to appease some of the neighbors concerns?

MEREDITH REICHERT: I think that shifts the problem then to our back neighbor. That was a little bit of the comment from Thomas to the previous question, that they had requested that we don't come closer, as well as maintaining the space. If it meant we could build our house or not, we would go back and revisit that conversation with the back neighbor, absolutely, but we believe this still fits the neighborhood as it is.

THOMAS REICHERT: And I think the back neighbor is similar to us. They have kids and they play back there, and we hear each other's kids bouncing on the trampoline and singing back there. Potentially our windows would look over into their back yard, and I think that's a valid concern similar to how we're making concessions with 120 Olive to not have our patio in the front. It's really hard to appease everyone that we've heard, there are a handful of neighbors, so I think Meredith's point is of course if it only meant we can do it, I think there would be reason, but I don't think pushing one person's problem onto another was the approach that we were taking when we designed the house.

COMMISSIONER CLARK: I actually hadn't realized you had talked to the back neighbor, so that's good clarification. Thank you.

CHAIR HANSSEN: Did you get your questions answered, Commissioner Clark?

COMMISSIONER CLARK: Yes, thank you.

CHAIR HANSSEN: Commissioner Janoff.

COMMISSIONER JANOFF: I just wanted to loop back regarding the setback on the garage side. As I recall, one of the drivers for that was to create a conforming garage to enable the cars to be parked in the garage or in the driveway—well, that doesn't affect the setback—instead of being parked on the street. Could the Applicant please confirm that that was the motivation for widening the garage, so that you can alleviate some of the parking issues?

THOMAS REICHERT: I would say I don't know if it was the chicken or the egg, but as part of the Planning Department review before we even were up for Planning Commission, it all happened together, yes. And the 3-foot is only on the first floor.

COMMISSIONER JANOFF: Thank you.

CHAIR HANSSEN: Do any other Commissioners have questions for the Applicant? Vice Chair Barnett.

VICE CHAIR BARNETT: I made a note that there are four homes in the immediate neighborhood that have larger FARs. Can you confirm that?

THOMAS REICHERT: That's correct.

CHAIR HANSSEN: I just wanted to confirm along the lines of Vice Chair Barnett's questioning. If I recall from the last hearing, you had documented that there were multiple other neighbors within the immediate neighborhood that had exceeded the floor area ratio, and also I thought that you had a chart with people that had similar side and front setbacks, is that correct?

THOMAS REICHERT: That's also correct.

CHAIR HANSSEN: My recollection was that you had established that there was consistency with the neighborhood for the exceptions that you were asking for.

THOMAS REICHERT: That's also my understanding of the takeaway of the last meeting, yes.

CHAIR HANSSEN: Do any other Commissioners have questions for the Applicant before I close the public hearing? I don't see any hands raised, so I'm going to close the public hearing and ask if any Commissioners have questions for Staff, wish to comment on the application, or wish to make a motion? Commissioner Janoff.

COMMISSIONER JANOFF: Thank you. I think that the Applicant did what we requested them to do, which would be to provide opportunities for more neighborhood outreach. They did make a couple of changes to the plans that

enhanced the privacy for neighbors. That's why I feel satisfied that the Applicant conducted their work to the satisfaction of the Planning Commission.

Regarding the concerns of setback, this is an overly-constrained problem and any direction of improving the setbacks to meet Town Code will create a problem for another neighbor on one side or other or the back. Given that the setback of 3 feet is on the side, one story only, and it's the garage side and it creates a conforming garage, I'm comfortable with approving that reduced setback.

I also don't have an issue with the floor area ratio.

CHAIR HANSSEN: Thank you for that. Do any other Commissioners have questions for Staff or wish to comment on the application? Commissioner Clark.

COMMISSIONER CLARK: Thank you. I agree with Commissioner Janoff that they did what we asked of them and definitely to our satisfaction. They gave extensive reports of the outreach that they did.

But I did find some of the comments from neighbors concerning, and I think that it's worth discussing some of the concerns that were brought up. Something that I was particularly struck by was the comment

about the concern that if it becomes a precedent for cottage purchases to become tear-downs to build larger homes, that could start being a pattern that we see. And they did, they bought this property very recently, probably knowing that this was the plan, and it's important to have this variety of homes and to have these cottages that stay cottages, so that people will be able to afford them. While I think that in this case they did their due diligence and I think they do have reasonable reasons to expand their property, I think it is something to keep in mind going forward.

CHAIR HANSSEN: Thank you for your comments. I think that was very helpful. Commissioner Janoff.

COMMISSIONER JANOFF: Thank you for bringing up the issue, Commissioner Clark, of whether or not this sets a precedent. I wanted to look back to our prior meeting when there was also discussion around does this set a precedent, and we hear a lot of complaints about oversized houses, reduced setbacks, and so forth.

One thing that we didn't mention at the last meeting regarding these questions, and yours tonight, is the responsibility of the Planning Commission to hear each application as a brand new, stand on its own merits, application. We specifically don't apply the decisions that

we've made on houses in the same neighborhood. We look at each application on its own terms and it's own merits. Every application in unique, and so the guidance that we've always been given and provided to each other is that we are looking at these de novo, that there isn't a precedent to be set, and so I think that's helpful going forward and that's the way I see this particular application tonight, but it's a good question and we should keep talking about it.

CHAIR HANSSEN: I will also comment, because I was the one that made the motion to continue the item at our last meeting, if I recall. The Commission's general feeling was that the plans were appropriate for the project and the neighborhood, and that the only issue was making sure that the neighbors had an opportunity to be heard.

From my point of view I felt that the Applicant did a good job of reaching out to the neighbors. It's really impossible for anyone to be in a situation where they could possibly know to address every concern of every single neighbor, but they did open up their property to talk to people, and I felt like they did an excellent job of documenting all the conversations that they had.

I don't know that anything has changed from where we were before, which was that this is relatively modest,

given the size of the house growth for the family, and that it isn't going to exceed any of the existing boundaries in the neighborhood, which is the floor area ratios of other properties that have exceeded, as well as the setbacks. From my perspective, I think the Applicant has done what we asked.

As far as the renderings are concerned, one of the speakers did bring it up, maybe we could have but we did not ask the Applicant to produce renderings specifically for the neighborhood outreach. It was to help the Commission understand, and those are a matter of public record as well, so it's not that no one could have seen them, but it wasn't part of our direction that I recall that they had to produce those specifically for the neighborhood outreach.

Do any other Commissioners have any comments that they'd like to make, or would any Commissioner like to make a motion? Vice Chair Barnett.

VICE CHAIR BARNETT: I have a comment and I'm prepared to make a motion.

The comment is that I'm very sympathetic to the concerns regarding loss of view, but we've been told repeatedly by the Town Attorney that that's not an imbedded legal right, and I don't know if the attorney is online

here today so we could confirm that, but that's been his legal advice on a number of matters to date.

JOEL PAULSON: Through the Chair, Mr. Schultz is not able to join us, but I can confirm that Vice Chair Barnett's statement is accurate. He has stated that repeatedly.

CHAIR HANSSEN: Does that answer your question, Vice Chair Barnett?

VICE CHAIR BARNETT: Yes.

CHAIR HANSSEN: Would anyone else want to comment on the application or make a motion? Vice Chair Barnett, you said you would be prepared to make a motion. Do you have other questions that you'd like answered?

VICE CHAIR BARNETT: No, I'm prepared to proceed. Concerning 118 Olive Street, I move approval of the demolition of the existing single-family residence and construction of a new single-family residence to exceed the floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D. APN 410-15-022. Architecture and Site Application 5-21-013. Property owners Thomas and Meredith Reichert.

In terms of the findings:

One, I can make the finding that the proposed project is categorically exempt pursuant to the adopted

guidelines for the implementation of the California Environmental Quality Act, Section 15303, New Construction.

Two, I can make the findings as required by Section 29.10-0903(e) of the Town Code for the demolition of the existing structure.

Three, I can make the finding that the project complies with the objective standards of Chapter 29 of the Town Code with the exception of the request to exceed the FAR standards for reduction of the front and side setbacks, and for an exemption from the parking requirement.

Four, I can make the finding as required by Section 29.40-075(c) of the Town Code for granting approval of an exception to the FAR standards.

Five, I can make the findings as required by Section 29.10-265, subparagraph 3, of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements.

Six, I can make the finding as required by Section 29.10.150(h)(2) of the Town Code for reducing parking where it can be shown that the lot does not have adequate area to provide parking as required.

Seven, I can make the finding as required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines.

Eight, I can make the consideration as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site Application.

Nine, I approve Architecture and Site Application S-21-003 with the condition contained in Exhibit 3 and development plans in Exhibit 11.

CHAIR HANSSEN: Thank you for that very thorough motion. Do we have a second for Vice Chair Barnett's motion? Commissioner Raspe.

COMMISSIONER RASPE: I second the motion as presented.

CHAIR HANSSEN: Very good. Are there any Commissioners that wish to make any additional comments before I call the question? I don't see any hands raised, so I will call the question. By roll call please vote yes, no, or abstain. Commissioner Clark.

COMMISSIONER CLARK: Yes.

CHAIR HANSSEN: Commissioner Janoff.

COMMISSIONER JANOFF: Yes.

CHAIR HANSSEN: Commissioner Raspe.

COMMISSIONER RASPE: Yes.

CHAIR HANSSEN: Vice Chair Barnett.

VICE CHAIR BARNETT: Yes.

And I vote yes as well, so the motion passes 5-0. Director Paulson, are there appeal rights for this action by the Commission?

JOEL PAULSON: Yes, thank you, Chair Hanssen. Anyone who is not satisfied with the decision of the Planning Commission could appeal that decision to the Town Council. Forms are available online and in the Clerk's Office. There is a fee for filing the appeal. The appeal must be filed in ten days, and the deadline on the tenth day is 4:00p.m. for submittal.

CHAIR HANSSEN: Thank you for that, Director Paulson.

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 10, 2022

Jay Plett, Architect
213 Bean Avenue
Los Gatos, CA 95030
Via Email

RE: **118 Olive Street**
Architecture and Site Application S-21-013.

Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. APN 410-15-022.
PROPERTY OWNER: Thomas and Meredith Reichert.
APPLICANT: Jay Plett, Architect.
PROJECT PLANNER: Sean Mullin.

At its meeting of February 9, 2022, the Town of Los Gatos Planning Commission approved the above referenced application subject to the attached conditions of approval.

The attached conditions of approval will not be final until the Planning Commission has approved the February 9, 2022 meeting minutes at their next meeting, confirming any additional or modified conditions of approval for the project in the underlined font. You will be notified in writing once the Planning Commission has approved the minutes.

PLEASE NOTE: Pursuant to Section 29.20.275 of the Town Code, this approval may be appealed to the Town Council within 10 days of the date the approval is granted. Therefore, this action for approval should not be considered final, and no permits by the Town will be issued until the appeal period has passed.

If you have any questions, I can be contacted by email at SMullin@losgatosca.gov.

Sincerely,

Sean Mullin, AICP
Senior Planner

Cc: Thomas and Meredith Reichert, via email

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PLANNING COMMISSION –*January 12, 2022*
CONDITIONS OF APPROVAL

<u>118 Olive Street</u>
Architecture and Site Application S-21-013

Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. APN 410-15-022.

PROPERTY OWNER: Thomas and Meredith Reichert
APPLICANT: Jay Plett, Architect
PROJECT PLANNER: Sean Mullin

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

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

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

Building Division

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

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

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Building Division Service Counter for a fee of $2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.

29. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks & Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407
    e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

Engineering Division

30. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
31. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
32. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
33. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the

Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

34. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
35. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
36. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any building permits.
37. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
38. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval.
39. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.
40. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
41. PRECONSTRUCTION MEETING: Prior to issuance of any building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
    b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
42. DEMOLITION: Within 60-days of the Development Review Committee approval action being final (i.e. after the 10-day appeal period and no requested appeals being submitted to the Town), the Property Owner shall record a Deed Restriction on each of the parcels in question which prohibits the recording of a Certificate of Compliance until one of the two (2) prerequisite actions occurs prior to the proposed recordation: 1) removal of any

structures which cross lot/property lines or 2) the Property Owner successfully obtaining an Architecture & Site approval from the Town of Los Gatos for the demolition of the existing house and construction of a replacement house.

43. WATER METER: The existing water meter, currently located within the Olive Street right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate
44. SIDEWALK REPAIR: The Owner shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
45. CURB AND GUTTER REPAIR: The Owner shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
46. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
47. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
48. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a building permit, the Owner or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant

projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.

49. CONSTRUCTION HOURS: All site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
50. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
51. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any building permits, the Owner's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Project Schedule, site security fencing, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
52. MAINTENANCE ACCESS: Prior to the issuance of any building permits, the Owner shall propose maintenance access improvements for the Town Engineer to review, comment on, and approve. The Engineering Division of the Parks and Public Works Department shall approve the surface materials over each public easement.
53. BEST MANAGEMENT PRACTICES (BMPs): The Owner is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
54. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.
    d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
    e. Use landscaping to treat stormwater.
55. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful

discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.

56. LANDSCAPING: In finalizing the landscape plan for the biotreatment area(s), it is recommended that the landscape architect ensure that the characteristics of the selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.
57. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
58. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
    b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
    c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
    d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
    e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
    f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.

g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

59. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
60. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
61. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
62. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense.
63. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: Immediately upon approval of an encroachment permit, the Owner shall initiate a weekly neighborhood email

notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.

64. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

65. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
66. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A-1) An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: 1) In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 SF whether by increasing the area of the primary residence or by creation of an attached Accessory Dwelling Unit. 2) In all new basements and in existing basements that are expanded by more than 50%. 3) In all attached ADUs, additions or alterations to an existing one- and two-family dwelling that have an existing fire sprinkler system. Exceptions: 1) One or more additions made to a building after January 1, 2011 that does not total more than 1,000 square feet of building area and meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code. This project is categorized as a new dwelling according to scope.
67. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
68. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from

the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

69. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
70. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

DRAFT

FILING FEES
~~$286.00 Residential~~
$1,149.00 per Commercial, Multi-family or Tentative Map Appeal

See attach form for fees

Town of Los Gatos
Office of the Town Clerk
110 E. Main St., Los Gatos CA 95030

APPEAL OF PLANNING COMMISSION DECISION

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

BP0000407

PAID
FEB 22 2022
TOWN OF LOS GATOS

DATE OF PLANNING COMMISSION DECISION: February 9, 2022

PROJECT / APPLICATION NO: S-21-013

ADDRESS LOCATION: 118 Olive St. Los Gatos 95030

Pursuant to the Town Code, the Town Council may only grant an appeal of a Planning Commission decision in most matters if the Council finds that one of three (3) reasons exist for granting the appeal by a vote of at least three (3) Council members. Therefore, please specify how one of those reasons exist in the appeal:

1. The Planning Commission erred or abused its discretion because the Planning Commission based their decision on incomplete and inaccurate information and did not address the specific considerations of the concerned neighbors.

_____; **OR**

2. There is new information that was not reasonably available at the time of the Planning Commission decision, which is Pertinent information was provided and not delivered to the Planning Commission. Please see attached email from Sean Mullin, Project Planner, and accompanying letter and signature page dated February 7, 2022 from the neighbors.

_____ (please attach the new information if possible): **OR**

3. The Planning Commission did not have discretion to modify or address the following policy or issue that is vested in the Town Council: _____

_____

_____

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. **Appellant is responsible for fees for transcription of minutes. A $500.00 deposit is required at the time of filing.**
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
3. The Town Clerk will set the hearing withing 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967)
4. An appeal regarding a Change of Zone application or a subdivision map only must be filed within the time limit specified in the Zoning or Subdivision Code, as applicable, which is different from other appeals.
5. Once filed, the appeal will be heard by the Town Council.
6. If the reason for granting an appeal is the receipt of new information, the application will usually be returned to the Planning Commission for reconsideration.

PRINT NAME: Shelli Baker

SIGNATURE: Shelli Baker

DATE: February 22, 2022

ADDRESS: 19330 Overlook Rd.
Los Gatos, CA 95030

PHONE: 408.568.9412

***** OFFICIAL USE ONLY *****

DATE OF PUBLIC HEARING: _____

Pending Planning Department Confirmation

CONFIRMATION LETTER SENT: Date: _____

TO APPLICANT & APPELLANT BY:

DATE TO SEND PUBLICATION: _____

DATE OF PUBLICATION: _____

FILING FEES
$438.00 (PLAPPEAL) Residential
$1,763.00 (PLAPPEAL), per Commercial Multi-family or Tentative Map Appeal

TRANSCRIPTION $500 (PLTRANS)

Town of Los Gatos
Office of the Town Clerk
110 E. Main St., Los Gatos CA 95030

APPEAL OF PLANNING COMMISSION DECISION

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)
DATE OF PLANNING COMMISSION DECISION _____

PROJECT / APPLICATION NO: _____

ADDRESS LOCATION: _____

Pursuant to the Town Code, the Town Council may only grant an appeal of a Planning Commission decision in most matters if the Council finds that one of three (3) reasons exist for granting the appeal by a vote of at least three (3) Council members. Therefore, please specify how one of those reasons exists in the appeal:

1. The Planning Commission erred or abused its discretion because _____

_____

_____

_____; **OR**

2. There is new information that was not reasonably available at the time of the Planning Commission decision, which is

_____

_____

_____

_____ (please attach the new information if possible): **OR**

3. The Planning Commission did not have discretion to modify or address the following policy or issue that is vested in the Town Council: _____

_____

_____

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. **Appellant is responsible for fees for transcription of minutes. A $500.00 deposit is required at the time of filing.**
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 5:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
3. The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
4. An appeal regarding a Change of Zone application or a subdivision map only must be filed within the time limit specified in the Zoning or Subdivision Code, as applicable, which is different from other appeals.
5. Once filed, the appeal will be heard by the Town Council.
6. If the reason for granting an appeal is the receipt of new information, the application will usually be returned to the Planning Commission for reconsideration.

PRINT NAME: _____ SIGNATURE: _____

DATE: _____ ADDRESS: _____

PHONE: _____ _____

***** OFFICIAL USE ONLY *****

DATE OF PUBLIC HEARING: _____ CONFIRMATION LETTER SENT: Date:

Pending Planning Department Confirmation TO APPLICANT & APPELLANT BY:

[illegible]D PUBLICATION: _____ DATE OF PUBLICATION:

We the neighbors respectfully ask for the following changes to the plans for the reasons stated below:

1. Plans to be revised to include omitted and accurate information and condition of approval added regarding building permit submittal
2. Add street repair condition of approval
3. New home to comply with minimum 5-foot side yard setbacks OR remove basement from plans
4. Minimum 20-foot driveway added to site plan which does not include public right-of-way
5. New home not to exceed FAR calculation or basement to be removed from the plans
6. New home to comply w/ minimum front and side setbacks of 15 and 5 feet respectively

1A. Plans are incomplete and do not include: A Construction Management and Job Sequencing Plan, Geotech/Soils Stability Report and peer review, Site Grading Plan and Dewatering Mitigation Plan, stitch pier design for access and soil stability indicating total scope of soils export/import. (Plan currently indicates an obvious error of only 0.9 cubic yards being exported.) Storage/staging areas for lumber, waste containers, toilet, wash out area, and worker parking are also lacking from the plans.

A sampling of omitted dimensions/call outs are: sectionals, rear setback, rear deck elevation and dimensions, and partial west side setbacks . . . The plans need to be revised prior to council approval.

Request: Include a condition of approval that any changes to the plans submitted to the building department shall be denied and resubmitted to the planning department and planning commission.

2A. A significant number of trucks and heavy equipment will be necessary to construct the home and off haul dirt associated with the basement. It will be very challenging for the narrow streets to accommodate these trucks and equipment and there will likely be significant damage done.

Request: Add a condition of approval that Olive street be surveyed before and after construction (e.g. video taken by public works) and that the street, curb, gutter, sidewalk and neighborhood property be repaired to original condition.

3A. Safety/Welfare: The stitch piering necessary to construct a basement will cause excessive ground shaking and potential damage to the adjacent 80 year old home which is situated on a sloped lot with sump pumps underneath. This issue is further compounded by the request for reduced setbacks.

Request: Remove basement or increase setbacks to conforming.

4A. Emergency access: The narrow street width and lack of viable on-site parking will make it more difficult for cars/trucks in general and more importantly emergency vehicles to access the homes on Olive Street.

Request: provide a minimum 20-foot driveway for off-street parking that does not include the public right of way.

5A. The FAR calculations for a non-conforming lot is already adjusted to a higher allowable coverage than conforming lots. The 1195sf basement is in addition to the allowable FAR. Additionally, the use of a basement was established to aid enlarging homes without unnecessarily impacting the neighborhood with excessive and out of scale designs.

Request: Reduce the size of the house to conform to FAR guidelines.

6A. There are no compelling or inherent constraints that prevent the proposed house from being built with very slight modifications.

Request: Simply repositioning the garage two feet to the east and the house five feet toward the rear of the property allows the house to be built with minimal changes to the design and maintains the overall integrity of the house. These minor alterations also solve the problematic substandard length driveway. These manageable adjustments will eliminate the need for three of the four exceptions/variances and satisfy many of the neighborhood objections and concerns.

1. Shelli Baker — 2/21/2022
Signature — Date

[redacted]
Address

2. [signature] — 2/21/22
Signature — Date

[redacted]
Address

3. [signature] — 2/21/22
Signature — Date

[redacted]
Address

4. [signature] — 2/21/22
Signature — Date

[redacted]
Address

5. [redacted] — 2/21/22
Signature — Date

[redacted]
Address

6. [redacted] 2/21/2022
Signature Date

[redacted]
Address

7. [redacted] 2/21/22
Signature Date

[redacted]
Address

8. [redacted] 2/21/2022
Signature Date

[redacted]
Address

9. [redacted] 2/21/22
Signature Date

[redacted]
Address

10. [redacted] 2/21/22
Signature Date

[redacted]
Address

February 20, 2022

Re: 118 Olive St. Los Gatos Proposed Project Application

Dear Members of the Los Gatos Town Council,

This letter is to clarify that contrary to statements and implications made to the Planning Commission by the applicant I am not, and in no way, have ever been in support of any aspect of the proposed project.

These inaccurate statements regarding my opinion were made to the Planning Commission meeting on February 9, 2022 by the applicant.

My opinion, which I hope the Town Council supports, is clearly stated in the neighborhood letters dated 12/17/21 and 2/7/22.

Additionally, I am in support of the appeal by Shelli Baker requesting that our neighborhood concerns be addressed.

Sincerely,

James W. Kooper

[redacted]

From: Sean Mullin <SMullin@losgatosca.gov>
Date: February 16, 2022 at 8:29:13 AM PST
To: "Carroll, Darren" [redacted]
Cc: Jennifer Armer <JArmer@losgatosca.gov>
Subject: RE: 118 olive street neighborhood opposition letter

Darren,

Thank you for your email. I reviewed the documents posted with the Planning Commission agenda for February 9th and can confirm that your letter (attached) was not included with the Desk Item that was distributed to the Commission. I'm not sure how this occurred and apologize for the oversight. The letter remains part of the public file.

Planning Commission agendas available here:
https://urldefense.com/v3/__https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=ed97530d-9c22-4c95-961a-4d6a2c43b619&p=1__;!!CHCva4lQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IHi9iwjqjcC-x7qUeF9frqiOGGlo5TW_4$

Any appeal of the Planning Commission decision must be received by the Clerks Office by 4:00 PM, Tuesday, February 22, 2022.

Best regards,
Sean

Sean Mullin, AICP • Senior Planner
Community Development Department • 110 E. Main Street, Los Gatos CA 95030
Ph: 408.354.6823 • smullin@losgatosca.gov
https://urldefense.com/v3/__http://www.losgatosca.gov__;!!CHCva4lQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IHi9iwjqjcC-x7qUeF9frqiOGGk4RRcKJ$ •
https://urldefense.com/v3/__https://www.facebook.com/losgatosca__;!!CHCva4lQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IHi9iwjqjcC-x7qUeF9frqiOGGj13ScPI$

COMMUNITY DEVELOPMENT HOURS:
Counter Hours: 8:00 AM – 1:00 PM, Monday – Friday
Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday

Our offices are closed Monday, February 21st in observance of the Presidents Day Holiday.

Town offices will resume regular business hours Tuesday, February 22.
Our regular COUNTER hours are Monday through Friday, 8:00 a.m. to 1:00 p.m. and our phone hours are 8:00 a.m. to 5:00 p.m.

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

General Plan update, learn more at
https://urldefense.com/v3/__http://www.losgatos2040.com__;!!CHCva4lQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IHi9iwjqjcC-x7qUeF9frqiOGGlD9X7b5$

Housing Element update, learn more at
https://urldefense.com/v3/__https://engagelosgatoshousing.com__;!!CHCva4lQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IHi9iwjqjcC-x7qUeF9frqiOGGlurp7hn$

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

-----Original Message-----
From: Carroll, Darren [redacted]
Sent: Tuesday, February 15, 2022 5:21 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: 118 olive street neighborhood opposition letter

EXTERNAL SENDER

Hello Sean

I was looking at the town website and I could not find a copy of the letter that I hand delivered to you earlier in the day on the day before the meeting - I gave it to you at the front desk. Please guide me to its location

Also, what is the deadline to submit our appeal the decision of the planning committee?

Thank you

Darren Carroll

Sent from my iPhone
Wire Fraud is Real. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

RECEIVED

FEB 08 2022 11:35Am

TOWN OF LOS GATOS
PLANNING DIVISION

February 7, 2022

Dear Planning Commissioners of the Town of Los Gatos,

As per the Planning Commission meeting on 1/12/22 there was a motion by Commissioner Barnett to continue the public hearing for 118 Olive Street for 30 days or more to allow applicant additional time to connect with neighbors and to provide additional elevations.

The following neighbors Darren Carroll, Shelli Baker, Keith White, Bonnie Hurwitz and Annette McPhail met at 5:30pm on 1/28/22 in the front yard of 118 Olive St. Unfortunately, the applicant failed to follow the direction of the Planning Commission and did not provide additional renderings. Additionally no surveys, full size plans nor any other information that would allow the neighbors to better understand and make determinations regarding mass, scale and setbacks were provided.

Following a limited amount of discussion, it was starting to become dark outside, and we were joined and interrupted by neighbor Mark and his family ([redacted]). Mark's continuous argumentative interruptions derailed any useful discussion and made it impossible to determine important points and affects of the proposed house. Essentially, this ended the meeting prematurely and left us disappointed and with enhanced frustration.

Unfortunately, it appears that only the neighbors who signed the previously submitted letter were notified by the applicant. This is disappointing because it created a very limited opportunity for resolution by the Olive Street neighbors.

Parking and driveway length

The applicants stated that they have the right to park on the street and will continue to do so. The driveway will be functionally 20 feet and the lift is uncertain based on cost.

Since Olive Street is not fully dedicated, the neighbors believe that "Functionally 20 feet" is not the same as actual 20 feet. Calculating driveway length, including Public Right of Way, does not ensure a permanent condition and is not what the building code states.

Parking on Olive Street is inadequate. Building a house of this size warrants an increased number of occupants and visitors which creates an even greater burden on Olive Streets already crowded and sometimes dangerous parking situation. The car lift is on the plans. It is the only way applicants plan not to exacerbate the parking situation, therefore, any approvals should enforce the plans as drawn.

Set Backs:

The applicants have stated that The Town told them that they needed to widen the garage from the original plan and that is why the west side setback was reduced. The front setback is being reduced because they want a bigger backyard.

The neighbors contend that The Town is determining the garage dimensions, not the location or suggesting that it not go within the setbacks.

Again, there are no compelling or inherent constraints that prevent the proposed house from being built with very slight modifications. Simply repositioning the garage two feet to the east and the house five feet towards the rear of the property allows the house to be built with minimal changes to the design and maintains the overall integrity of the house. It will also eliminate the need for three of the four variances and satisfy many of the neighborhood objections and concerns.

Square footage:

The house is very large and exceeds FAR by 308sf or approximately 23% which does not include the basement of 1195sf. The FAR calculations for non-conforming lots is already adjusted to a higher allowable coverage than conforming lots. Additionally, the use of a basement was established to aid enlarging homes without unnecessarily impacting the neighborhoods with excessive mass and out of scale designs.

The applicants contend that they are only asking for what The Town and their architect have directed them to do.

Rear deck height:

A privacy issue is a concern based on the height of the rear deck. We are unable to determine the height as it is not clear on the submitted plans and nothing additional has been provided for clarification. Although, it is clearly higher than a "walk-out" deck as previously stated at the Planning Commission meeting.

Overall height:

The roof line could be altered and ceiling heights of 9, 10 and 8 feet respectively could be lowered to help reduce the imposing nature of the house and lessen the impact on the adjacent neighbors and impression on the neighborhood as a whole.

The applicants have stated that they are not exceeding the limit and are doing what we are allowed to do.

Neighborhood suggestion:

The house is being demolished and there are no compelling reasons or hurdles why guidelines, ordinances and neighborhood concerns about the size and placement of the proposed house on the lot cannot be met with minimal modifications of the current plan.

Olive Street is comprised exclusively of original or remodeled homes. The proposed home is entirely new construction which requires different rules and ordinances. To be consistent and objective, they should be required to meet the rules and ordinances of one or the other.

As stated in the letter of 12/17/21, due to circumstances of our meeting we still have many unaddressed concerns about the proposal and the effects on our neighborhood. We suggest that the recently approved home at 101 Broadway be an example of how to make compromises and accommodations for all concerned. The applicant's architect was responsible for the Broadway project as well as the planner, Sean Mullins, which could potentially resolve our neighborhood issues without significantly compromising the integrity of the proposed house.

Neighbor, Jim Kooper's, Outreach Experience 1/31/22

Jim Kooper (#[redacted]) arrived late to the neighbor's meeting and only Thomas (home owner) and Mark (#112) were there. According to Jim, Mark was really pushy and inserted himself in the conversation he was trying to have with Thomas.

When Jim voiced his concern about parking, the response he received from both Thomas and Mark was it's a free country and they should be able to do what they want. Jim asked that he be more considerate and thoughtful of neighbors particularly during construction since he ran into many problems when Mark was renovating #112 with equipment blocking his driveway, nails in his driveway, etc.

Jim asked - what about compromising? He tried to continue the conversation with Thomas but Mark kept interrupting and kept saying, "It's a free country."

1. Shelli Baker — 2/7/22
Signature — Date
[redacted]

2. [signature] — 2/7/22
Signature — Date
[redacted]

3. [signature] — 2/7/22
Signature — Date
[redacted]

4. [signature] — 2/7/22
Signature — Date
[redacted]

5. [signature] — 2/7/22
Signature — Date
[redacted]

6. [signature] — 2-7-22
Signature — Date
[redacted]

7. JAMES W KOOPER — 2-7-22
Signature — Date
[redacted]

8. — 2/7/22
Date
[redacted]

9. [signature] — 2/7/2022
Signature — Date

10. _____ _____
Signature — Date

11. _____ _____
Signature — Date

12. _____ _____
Signature — Date

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Town of Los Gatos Town Council
Attention Sean Mullin
Re 118 Olive St Los Gatos Ca 95030

March 14, 2022
Application 5-21-013

Dear Mr. Mullin,

This letter is in response to the Appeal of Planning Commission Decision which is dated February 22nd 2022 regarding 118 Olive Street.

Basis of Appeal: Appellant claims the approval was based on incomplete or inaccurate information at Planning Commission.

Abstract Summary: There is no new information in this appeal from the appellant, all arguments were heard and ruled upon during the decision for approval. If any errors or emissions are deemed, we object that the basis of any finding would not have changed the outcome of the decision. Fundamentally, the applicants project to have FAR and front/side yard setbacks exceptions are in line with the existing neighborhood pattern and all public comments in written and verbal communications were considered in the Planning Department and/or Planning Commission decision.

Background: The project had an initial Planning Commission meeting on January 12, 2022 in which the proposed project at 118 Olive resulted in a continuation for a hearing on February 9, 2022.

Summary of the continuance reasoning: The Planning Commission had support from all members to proceed with an approval, but asked that further due diligence of the applicants needed to be conducted, specifically to do more outreach to the 2 neighbors to each side and the 5 across the street. However, the Commission Members noted the project was unlikely to change given the constraints of the applicant's project and that the project rightfully received support of approval from the Planning Department. During the discussion, one item was marked as a concession, a proposed roof terrace was eliminated per the request of 120 Olive.

Summary of the Planning Commission meeting on February 9th, 2022: The Planning Commission confirms the applicant completed all the requested due diligence and unanimously approved the project in accordance with Planning Department support for approval.

Project Summary:
The project parcel, like every Olive Street parcel is non-confirming in terms of area and dimensions for its designated zoning. The projects setbacks are in line with the context of the neighborhood, most of the homes have less front and side setbacks. We looked closely at the existing development standards of the neighborhood, then worked with the Town Design Guidelines, Town Staff, Town Consulting Architect, Planning Commission and with the neighbors, including with neighbors' input to eliminate the front terrace as well as maximize

privacy balancing all sides of the home to gain unanimous approval of the project with the Town. There are many neighbor supporters of the project, which some of whom voiced opinions during the first Planning Meeting.

To clarify: The project is not the largest (or smallest if that is the desired metric) on the block in terms of any planning metric- FAR, dimension, height, basement, setbacks etc. This project is intentionally designed through much work with the above mentioned parties to fit in the neighborhood.

Responses to Appeal:

Appeal Item 1:

1. Plans to be revised to include omitted and accurate information and condition of approval added regarding building permit submittal

1A. Plans are incomplete and do not include: A Construction Management and Job Sequencing Plan, Geotech/Soils Stability Report and peer review, Site Grading Plan and Dewatering Mitigation Plan, stitch pier design for access and soil stability indicating total scope of soils export/import. (Plan currently indicates an obvious error of only 0.9 cubic yards being exported.) Storage/staging areas for lumber, waste containers, toilet, wash out area, and worker parking are also lacking from the plans.

A sampling of omitted dimensions/call outs are: sectionals, rear setback, rear deck elevation and dimensions, and partial west side setbacks . . . The plans need to be revised prior to council approval.

Response item 1:

Projects in the planning phase do not require construction management, job sequencing plan, geo/soils, peer review site grading/dewatering plan, stitch pier design, staging and storage design, waste containers or parking, unless specifically called out by way of site conditions/zoning. This project was not subject to those during planning review because the conditions do not warrant them at this time, but may be subject to review as part of the building permit process and/or the conditional of planning approval. The Planning and Building Department makes those determinations based on code compliance and site conditions.

All required dimensions were included in the drawings for Planning Department review. Some dimensions which may bring more clarity during the building permit process may have not yet been included, but will likely be part of that process at the appropriate time.

As discussed in both Town Planning Commission meetings, the rear deck elevation is less than required and is a walk-out condition from the ground level of the house, it is not elevated to produce a condition to invade any neighbor's privacy. To further clarify, the elevation of the rear deck is the same height as the existing floor finish of the home or lower as indicated on the Civil drawings. The required rear setback for the home is 20' and this project is in greater compliance than required.

Appeal Item 2:

2. Add street repair condition of approval

2A. A significant number of trucks and heavy equipment will be necessary to construct the home and off haul dirt associated with the basement. It will be very challenging for the narrow streets to accommodate these trucks and equipment and there will likely be significant damage done.

Response item 2:

Projects in the planning phase do not require many of these items, however, there are required Conditions of Approval which are already part of the project: Not listed here, but there are 12 pages of Conditions of Approval of 70 items, all of which occur at the phases of work after Planning Approval.

To note: There have been several construction projects on this block over the last several years, including one which was a completely new build, with a basement.

Appeal Item 3:

3. New home to comply with minimum 5-foot side yard setbacks OR remove basement from plans

3A. Safety/Welfare: The stitch piering necessary to construct a basement will cause excessive ground shaking and potential damage to the adjacent 80 year old home which is situated on a sloped lot with sump pumps underneath. This issue is further compounded by the request for reduced setbacks.

Response item 3:

Projects in the planning phase do not require means and methods of construction review.

Several homes on this block have less than 3' side yard setback, including the neighbor at 120 Olive. There are also homes with basements in this neighborhood.

Stitch Pier method of construction is an industry accepted means of engineering. This method is used on even smaller 0' lot line properties. The means and methods of construction are not part of the Planning Review Process.

To Note: The soils engineer, structural engineer, architect, contractor, and homeowner all have insurances. The integrity of the design and code compliance is all part of the building permit process and construction inspections, not planning review.

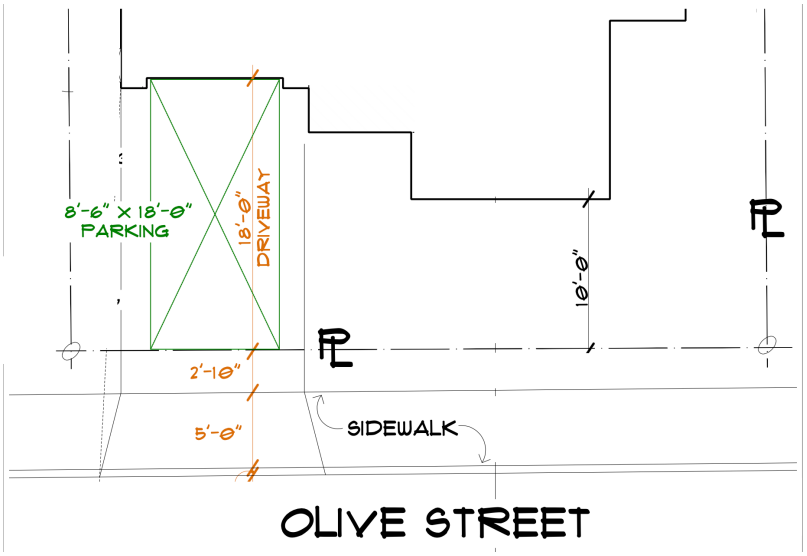
Appeal Item 4:

4. Minimum 20-foot driveway added to site plan which does not include public right-of-way

4A. Emergency access: The narrow street width and lack of viable on-site parking will make it more difficult for cars/trucks in general and more importantly emergency vehicles to access the homes on Olive Street.

Response item 4:

The Town requirement for a driveway is not 20', it is 18'. The project site has an 18' driveway to property line and includes than another 2'+ to the public right of way. The project is in compliance with code. Illustrated below:



To Note: This neighborhood has several driveways which are non-complaint, including several homes with no driveway space to park, in addition to many of the garages being constructed to not actually be able to park a car. The Town Planning Department and Planning Commission specifically reviewed this project in that context as we are adding park-able driveway (code compliant) space and adding a function (code compliant) garage, thus positively impacting to the reduction of off-street parking.

Appeal Item 5:

5. New home not to exceed FAR calculation or basement to be removed from the plans

5A. The FAR calculations for a non-conforming lot is already adjusted to a higher allowable coverage than conforming lots. The 1195sf basement is in addition to the allowable FAR. Additionally, the use of a basement was established to aid enlarging homes without unnecessarily impacting the neighborhood with excessive and out of scale designs.

Response item 5:

This part of the project was specifically reviewed by the Planning Commission and the Planning Department. The drawings provided for planning review purposes in total is a 1195sf basement, but if reviewed against the portions of basement garage space and living area it would actually be less: Basement living: 809sf, Basement Garage: 386. The design of this project is in scale with the neighborhood as reviewed by the Town Design Guidelines, Town Staff, the Town Consulting Architect and Planning Commission. The mass and presence of the home is less than the 3 story home at the corner on 546 San Benito and homes at 125, 127 and 135 Olive as well as being very similar to its direct neighbor at 120 Olive. This is illustrated on Sheet A1.1 on the plans in

profile, but was also witnessed by the Town Planning Department and Planning Commission whom all visited the site before unanimously approving the project. To also add, the story poles have been up since October 2021 (and are still up), giving proper notice for all to weigh in.

The above ground massing is consistent with Town code 29.40.072 and was reviewed in such context with the appropriate basement usage. The second story of the project is less than the footprint of the ground floor, bringing scale to the streetscape that blends with the neighborhood pattern as well as having articulation to not be a solid mass block. 61% of the massing is on the ground level and 39% on the second story.

Appeal Item 6:

6. New home to comply w/ minimum front and side setbacks of 15 and 5 feet respectively

6A. There are no compelling or inherent constraints that prevent the proposed house from being built with very slight modifications.

Response item 6:

This part of the project was specifically reviewed by the Planning Commission and the Planning Department. In fact, the Planning Commission acknowledged the constraints of this property are very tight and believed the work from the Town Architect, Planning Department and Architect of Record did a detailed job to explain why each part of the project warranted its use. Specifically citing the complaint garage and its use of the modified setback to gain compliance was well received to help ease parking concerns while also balancing the needs of the homeowners to gain a livable space inside the house and backyard to suit the needs of growing young families as the live in Los Gatos.

Summary of the direct neighbor's setbacks who exceed allowable:

Address	Side yard	Front yard
110 Olive	both sided less than 3'	4'
112	3'	8'9"
120	3' on 2 story home	11'
125	1'	5'
127	1'6"	7'
129	under 2'	
131	under 2'	8'
133	3'	7'

Other Appeal Documents:

Response to Letter included in Appeal of Planning Commission Decision from Resident at 110 Olive dated February 20th, 2022:

As stated in our desk item, submitted prior to the February 9th, 2022 Planning Commission meeting: We understand everyone is entitled to voice their opinions, including changing their mind. Regarding Jim's letter, we have specially talked with him on two separate occasions where he agreed with supporting our project if we didn't use a specific contractor for whom he has strong negative feeling. We are very aware some neighbors may choose to change their

mind to avoid potential conflict when deciding to support an appeal or approval, but are pointing out that all our interactions with him have been represented accurately.

Response to desk item, inadvertent left out during Planning Commission meeting:
A letter appears to have been inadvertently not included as part of the process, however, during both Planning Commission meetings each of the topics included in this letter were specifically cited and considered during the approval. Including: Planning Commissions acceptable of applicants neighborhood outreach, parking and driveway conditions, setbacks, square footage/FAR, rear deck height and overall height.

Other Notable Context:
In the last decade(s) on this block, only 1 other home has been approved for new construction project versus a renovation. The rules to be approved are cumbersome and can also be cost prohibitive. However, in the only other example of new constriction, all of the same FAR, basement allowance and setbacks exceptions occurred similar to our approved plans. The reason for this is because the code allows these exceptions on non-conforming parcels, which the Town Planning Department has reviewed and approved in accordance with as part of their recommendations.

Likewise, the existing home at 120 Olive Street (the Appellant) has all of the same exceptions on their property that the applicant has on their proposed approved plans. Specifically, FAR is exceeded, the front setback is less than 15', the side yard setback is 3' and additionally has a non-conforming driveway. Furthermore, as noted, the other community members who signed the appeal letter also have these exceptions on their properties.

To clarify, as noted in several of the Appeal Responses items, every home on this block has some variation of an exception to at least 1, but almost in every case, multiple exceptions to the planning code because they are all uniformly non-conforming lots. If a house on this block were to be required to meet all of these planning guidelines, without use of these exceptions: It would not fit into the neighborhood fabric and streetscape. By evidence: not one single house on this block has been built in compliance with a new build or renovation project nor is any existing house in compliance as grandfathered into today's guidelines.

Sincerely,
The Reichert Family

118 Olive St.

Public Hearing, Tuesday, April 5, 2022

By Shelli Baker & Supporting Neighbors

New Home to Comply with Minimum Front and Side Setbacks of 15 and 5 feet Respectively or Remove Basement from Plans

- Reposition the house five feet toward the rear maintaining 15 ft front setback
- Reposition the house two feet to the east maintaining a 5 ft side setback which would require minimal design changes
- Although other homes have smaller setbacks, the majority of homes on Olive St. are smaller single story original bungalow style constructed in the 1920-1940's and obviously would not meet today's guidelines and lifestyles
- NO other home have been torn down resulting in brand new construction on Olive St.
- There are NO other homes with basements on Olive St.
- The intent behind building basements is to minimize, not maximize, what's above ground
- If building a basement, reduced setbacks are not warranted

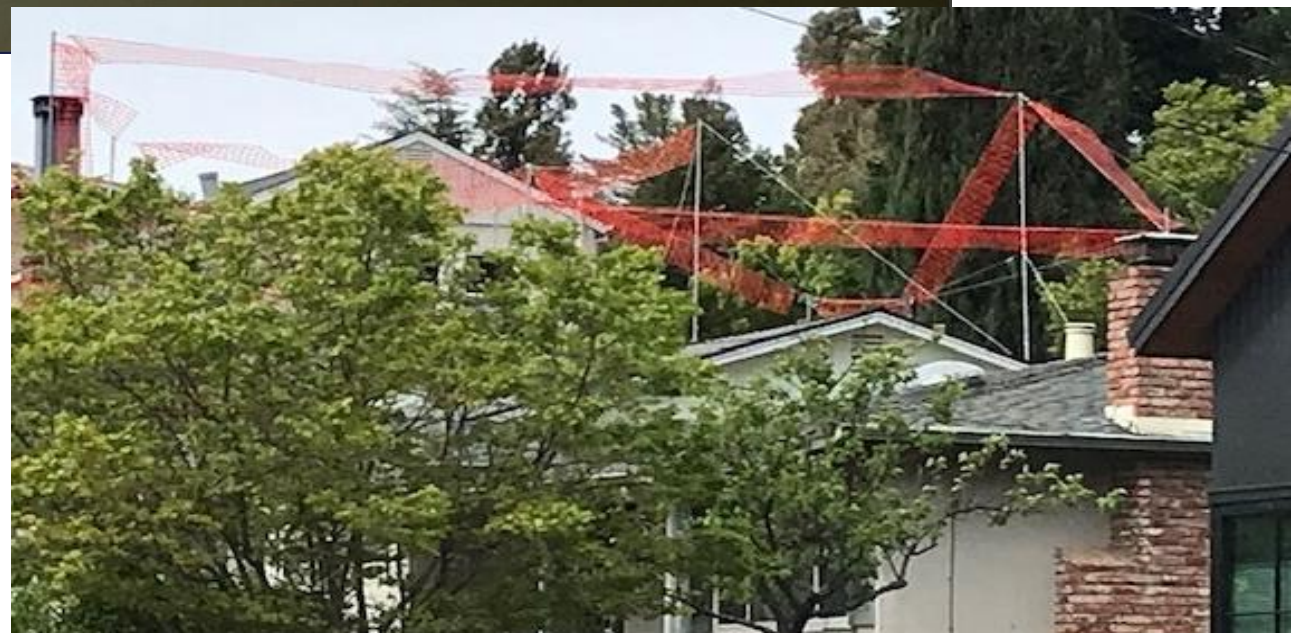


Left Photo: Netting between 118 & 120 Olive St. shown at reduced 3 ft. setback location









New Home Not to Encroach into Setbacks or Basement to be Removed from the Plans

- FAR calculations for a non-conforming lot is already adjusted to a higher allowable coverage than conforming lots
- The house exceeds FAR by 308sf (approximately 23%)
- The 1,195sf basement is in addition to the allowable FAR
- The intent behind allowing basements outside of the FAR calculations is to minimize the impact on the neighborhood without designing homes using excessive mass and out of scale design



Provide a Minimum 20-foot Driveway for Off-Street Parking that Does Not Include the Public Right of Way & Implement the Car Lift as Specified on the Plans

- Olive St. is very narrow and the parking is inadequate
- A house of this size warrants an increased number of occupants, drivers and visitors and therefore, viable on-site parking is of utmost importance
- The driveway length should be calculated, excluding the Public Right of Way, as the building code states to ensure room for a sizable vehicle
- The car lift is on the plans and therefore any approvals should enforce the plans as drawn
- Perhaps a redesign with a two car wide driveway would be appropriate




6BNA420






FedEx

Vehicles of Olive St. Occupants and Visitors Overflow onto San Benito Avenue



Vehicles of Olive St. Occupants and Visitors Regularly Overflow onto San Benito Avenue



Missing Netting on East Side





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

RESOLUTION 2022-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DENYING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION APPROVING A REQUEST FOR DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE TO EXCEED FLOOR AREA RATIO STANDARDS WITH REDUCED FRONT AND SIDE YARD SETBACKS ON NONCONFORMING PROPERTY ZONED R-1D.

APN 410-15-022
ARCHITECTURE AND SITE APPLICATION: S-21-013
PROPERTY LOCATION: 118 OLIVE STREET
APPELLANT: SHELLI BAKER
PROPERTY OWNER: THOMAS AND MEREDITH REICHERT
APPLICANT: JAY PLETT, ARCHITECT

WHEREAS, on January 12, 2022, the Planning Commission held a public hearing and considered a request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D. The Planning Commission continued the Architecture and Site application to a date certain and provided direction to the applicant.

WHEREAS, on February 9, 2022, the Planning Commission held a public hearing and considered the continued request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D. The Planning Commission approved the Architecture and Site application subject to conditions of approval.

WHEREAS, on February 22, 2022, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D.

WHEREAS, this matter came before the Town Council for public hearing on April 5, 2022, and was regularly noticed in conformance with State and Town law.

WHEREAS, the Town Council received testimony and documentary evidence from the appellant 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 material contained in the Council Agenda Report for their meeting on April 5, 2022, along with any and all subsequent reports and materials prepared concerning this application.

NOW, THEREFORE, BE IT RESOLVED:

1. The appeal of the decision of the Planning Commission approving a request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D is denied and the application is approved.

2. The Town Council hereby adopts all findings, considerations, and conditions of approval set forth in the documents attached as Exhibits A and B.

3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of April, 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

TOWN COUNCIL – *April 5, 2022*
REQUIRED FINDINGS AND CONSIDERATIONS FOR:

118 Olive Street
Architecture and Site Application S-21-013

Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. APN 410-15-022.

PROPERTY OWNER: Thomas and Meredith Reichert
APPLICANT: Jay Plett, Architect
PROJECT PLANNER: Sean Mullin

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 15303: New Construction.

Required finding for the technical demolition of existing structures:

- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:

    1. The Town's housing stock will be maintained as the single-family residence will be replaced.
    2. The existing structure has no architectural or historical significance.
    3. The property owner does not desire to maintain the structure as it exists; and
    4. The economic utility of the structures was considered.

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed Floor Area Ratio (FAR) standards, for reduced front and side yard setbacks, and for an exemption from the parking requirements.

EXHIBIT A

Required finding to exceed floor area ratio (FAR) standards:

- As required by Section 29.40.075(c) of the Town Code for allowing a FAR in excess of the FAR standards in the Town Code:

    1. The design theme, sense of scale, exterior materials, and details of the proposed project are consistent with the provisions of the adopted residential development standards; and
    2. The lot coverage, setbacks, and FAR of the proposed project are compatible with the development on surrounding lots.

Required finding for reduced side setbacks on a nonconforming lot:

- As required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements:

    1. The subject property is nonconforming with regard to lot size.
    2. The front and left-side setbacks of the new residence are compatible with the neighborhood.

Required finding for an exemption to single-family parking requirements:

- As required by Section 29.10.150(h)(2) of the Town Code for reduced parking where it can be shown that the lot does not have adequate area to provide parking as required:

    1. The subject property is nonconforming with regard to lot size with inadequate area to meet the single-family parking requirement. The existing residence includes a one-car garage that does not meet the required dimensions for a parking space. The proposed residence includes a one-car garage that would meet the required dimensions and would be consistent with the neighborhood pattern of one-car garages.

Required compliance with the Residential Design Guidelines:

- The project is in compliance with the Residential Design Guidelines for single-family residences not in hillside areas. The project was reviewed by the Town's Consulting Architect and recommendations were provided to address the consistency of the project with the Residential Design Guidelines. The applicant responded to all recommendations.

CONSIDERATIONS

Required considerations in review of Architecture and Site applications:

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

<u>118 Olive Street</u>
Architecture and Site Application S-21-013

Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. APN 410-15-022.

PROPERTY OWNER: Thomas and Meredith Reichert
APPLICANT: Jay Plett, Architect
PROJECT PLANNER: Sean Mullin

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

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

EXHIBIT B

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

Building Division

14. PERMITS REQUIRED: A Demolition Permit is required for the demolition of the existing single-family residence. A separate Building Permit is required for the construction of the new single-family residence and attached garage. An additional Building Permit will be required for the PV System if the system is required by the California Energy Code.
15. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
16. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
17. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
18. SIZE OF PLANS: Minimum size 24” x 36”, maximum size 30” x 42”.
19. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the Air District’s J# Certificate, PG&E verification, and three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
20. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
21. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.

22. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
    a. Building pad elevation
    b. Finish floor elevation
    c. Foundation corner locations
    d. Retaining wall(s) locations and elevations
23. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
24. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
    a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
    b. All passage doors shall be at least 32-inch wide doors on the accessible floor level.
    c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
    d. A door buzzer, bell or chime shall be hard wired at primary entrance.
25. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
26. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
27. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
28. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of $2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.
29. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks & Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407

e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

Engineering Division

30. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
31. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
32. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
33. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
34. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
35. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
36. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any building permits.
37. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's

project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.

38. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval.
39. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.
40. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
41. PRECONSTRUCTION MEETING: Prior to issuance of any building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
    b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
42. DEMOLITION: Within 60-days of the Development Review Committee approval action being final (i.e. after the 10-day appeal period and no requested appeals being submitted to the Town), the Property Owner shall record a Deed Restriction on each of the parcels in question which prohibits the recording of a Certificate of Compliance until one of the two (2) prerequisite actions occurs prior to the proposed recordation: 1) removal of any structures which cross lot/property lines or 2) the Property Owner successfully obtaining an Architecture & Site approval from the Town of Los Gatos for the demolition of the existing house and construction of a replacement house.
43. WATER METER: The existing water meter, currently located within the Olive Street right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate
44. SIDEWALK REPAIR: The Owner shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
45. CURB AND GUTTER REPAIR: The Owner shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and

existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

46. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
47. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
48. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a building permit, the Owner or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
49. CONSTRUCTION HOURS: All site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
50. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
51. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any building permits, the Owner's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Project Schedule, site security fencing, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
52. MAINTENANCE ACCESS: Prior to the issuance of any building permits, the Owner shall propose maintenance access improvements for the Town Engineer to review, comment on, and approve. The Engineering Division of the Parks and Public Works Department shall approve the surface materials over each public easement.

53. BEST MANAGEMENT PRACTICES (BMPs): The Owner is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
54. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.
    d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
    e. Use landscaping to treat stormwater.
55. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
56. LANDSCAPING: In finalizing the landscape plan for the biotreatment area(s), it is recommended that the landscape architect ensure that the characteristics of the selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.
57. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
58. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.

b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

59. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
60. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
61. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.

62. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense.
63. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: Immediately upon approval of an encroachment permit, the Owner shall initiate a weekly neighborhood email notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.
64. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

65. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
66. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A-1) An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: 1) In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 SF whether by increasing the area of the primary residence or by creation of an attached Accessory Dwelling Unit. 2) In all new basements and in existing basements that are expanded by more than 50%. 3) In all attached ADUs, additions or alterations to an existing one- and two-family dwelling that have an existing fire sprinkler system. Exceptions: 1) One or more additions made to a building after January 1, 2011 that does not total more than 1,000 square feet of building area and meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code. This project is categorized as a new dwelling according to scope.
67. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
68. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from

the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

69. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
70. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

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

RESOLUTION 2020-__

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS GRANTING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION APPROVING A REQUEST FOR DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE TO EXCEED FLOOR AREA RATIO STANDARDS WITH REDUCED FRONT AND SIDE YARD SETBACKS ON NONCONFORMING PROPERTY ZONED R-1D AND REMANDING THE MATTER TO THE PLANNING COMMISSION FOR FURTHER CONSIDERATION.

APN 410-15-022
ARCHITECTURE AND SITE APPLICATION: S-21-013
PROPERTY LOCATION: 118 OLIVE STREET
APPELLANT: SHELLI BAKER
PROPERTY OWNER: THOMAS AND MEREDITH REICHERT
APPLICANT: JAY PLETT, ARCHITECT

WHEREAS, on January 12, 2022, the Planning Commission held a public hearing and considered a request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D. The Planning Commission continued the Architecture and Site application to a date certain and provided direction to the applicant.

WHEREAS, on February 9, 2022, the Planning Commission held a public hearing and considered the continued request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D. The Planning Commission approved the Architecture and Site application subject to conditions of approval.

WHEREAS, on February 22, 2022, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D.

WHEREAS, this matter came before the Town Council for public hearing on April 5, 2022, and was regularly noticed in conformance with State and Town law.

WHEREAS, the Town Council received testimony and documentary evidence from the appellant 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 material contained in the Council Agenda Report for their meeting on April 5, 2022, along with any and all subsequent reports and materials prepared concerning this application.

NOW, THEREFORE, BE IT RESOLVED:

1. The appeal of the decision of the Planning Commission approving a request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D is granted and the application is remanded to the Planning Commission for further consideration.

2. The decision does not constitute a final administrative decision and the applications will be returned to Planning Commission for further consideration.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of April, 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

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

RESOLUTION 2022-__

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS GRANTING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION APPROVING A REQUEST FOR DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE TO EXCEED FLOOR AREA RATIO STANDARDS WITH REDUCED FRONT AND SIDE YARD SETBACKS ON NONCONFORMING PROPERTY ZONED R-1D.

APN 410-15-022
ARCHITECTURE AND SITE APPLICATION: S-21-013
PROPERTY LOCATION: 118 OLIVE STREET
APPELLANT: SHELLI BAKER
PROPERTY OWNER: THOMAS AND MEREDITH REICHERT
APPLICANT: JAY PLETT, ARCHITECT

WHEREAS, on January 12, 2022, the Planning Commission held a public hearing and considered a request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D. The Planning Commission continued the Architecture and Site application to a date certain and provided direction to the applicant.

WHEREAS, on February 9, 2022, the Planning Commission held a public hearing and considered the continued request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D. The Planning Commission approved the Architecture and Site application subject to conditions of approval.

WHEREAS, on February 22, 2022, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D.

WHEREAS, this matter came before the Town Council for public hearing on April 5, 2022, and was regularly noticed in conformance with State and Town law.

WHEREAS, the Town Council received testimony and documentary evidence from the appellant 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 material contained in the Council Agenda Report for their meeting on April 5, 2022, along with any and all subsequent reports and materials prepared concerning this application.

NOW, THEREFORE, BE IT RESOLVED:

1. The appeal of the decision of the Planning Commission approving a request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D is granted and the application is denied.

2. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of April, 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

DATE: April 4, 2022

TO: Town Council

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider an Appeal of a Planning Commission Decision Approving a Request for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. **Located at 118 Olive Street**. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect.

REMARKS:

Attachment 14 includes public comments received between 11:01 a.m., Thursday, March 31, 2022, and 11:00 a.m., Monday, April 4, 2022.

ATTACHMENTS:

Previously received with the April 5, 2022, Staff Report:

1. January 12, 2022 Planning Commission Staff Report, with Exhibits 1-11
2. January 22, 2022 Planning Commission Addendum Report, with Exhibits 12-13
3. January 12, 2022 Planning Commission Verbatim Minutes
4. February 9, 2022 Planning Commission Staff Report, with Exhibits 14-15
5. February 9, 2022 Planning Commission Desk Item Report, with Exhibits 16-18
6. February 9, 2022 Planning Commission Verbatim Minutes
7. February 10, 2022 Planning Commission Action Letter
8. Appeal of the Planning Commission Decision, received February 22, 2022
9. Applicant's Response to Appeal, received March 21, 2022
10. Supplemental Information from Appellant, received March 31, 2022
11. Draft Resolution to Deny Appeal and Approve Project, with Exhibits A and B
12. Draft Resolution to Grant Appeal and Remand Project to Planning Commission

PREPARED BY: Sean Mullin, AICP
Senior Planner

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

ATTACHMENTS (continued):

13. Draft Resolution to Grant Appeal and Deny Project

Received with this Addendum Report:

14. Public comments received between 11:01 a.m., Thursday, March 31, 2022, and 11:00 a.m., Monday, April 4, 2022

From: michael thomas <[redacted]>
Sent: Monday, April 4, 2022 8:06 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Re: 118 Olive St. Los Gatos Proposed Project Application

EXTERNAL SENDER
Dear Members of the Los Gatos Town Council,

As a resident on Olive Street for over 25 years, I am requesting that the project as proposed, not be approved. Olive Street is very narrow and with limited parking. This project is to build a large home on very small lot. This project will cause construction traffic problems, parking issues, and privacy concerns for neighbors.

Thank you for your time and and hoping that our neighborhood concerns be addressed.

Sincerely,

Michael Thomas

[redacted] Olive Street, Los Gatos

RECEIVED
APR 04 2022 10:14 AM
TOWN OF LOS GATOS
PLANNING DIVISION

April 1, 2022

Dear Members of the Los Gatos Town Council,

Unfortunately, I will not be able to voice my opinion and concerns regarding 118 Olive Street at the April 5, 2022 meeting. Please do not interpret this as a lack of interest or involvement.

I live at [redacted] Olive Street and this home has been in my family since 1944, and I also have run a family business in town which was established in 1947.

To begin with, I'd like to set the record straight regarding statements made by the applicants in their planning commission testimony and in their March 14, 2022 letter. I do not and I have never supported this project. I signed the two previous community opposition letters and appeal dated December 17, 2021, February 7, 2022 and February 22, 2022 respectively and I provided two independent letters regarding my involvement. (see attached)

I continue to have several concerns regarding the proposed project at 118 Olive Street:

1. The house is too close to the street and to the neighbor at 120 Olive Street especially considering its height and mass.

2. The house is too big and I don't understand why they would be allowed to exceed the floor area ratio since they are building a large basement.

3. Parking on Olive St. is very difficult at best and therefore a code conforming driveway should be enforced to prevent obstruction of the sidewalks, and the car lift on the plans should be not be optional.

4. This is new construction and there are no obstacles that prevent the above from being achieved,

This is a special and unique neighborhood and I sincerely hope our neighbors understand that consideration of your neighbors is essential to the neighborhood.

James W. Kooper

James W Kooper

Neighbor, Jim Kooper's, Outreach Experience 1/31/22

Jim Kooper (#[redacted]Olive St.) arrived late to the neighbor's meeting and only Thomas (home owner) and Mark (#[redacted]) were there. According to Jim, Mark was really pushy and inserted himself in the conversation he was trying to have with Thomas.

When Jim voiced his concern about parking, the response he received from both Thomas and Mark was it's a free country and they should be able to do what they want. Jim asked that he be more considerate and thoughtful of neighbors particularly during construction since he ran into many problems when Mark was renovating #[redacted] with equipment blocking his driveway, nails in his driveway, etc.

Jim asked - what about compromising? He tried to continue the conversation with Thomas but Mark kept interrupting and kept saying, "It's a free country."

February 20, 2022

Re: 118 Olive St. Los Gatos Proposed Project Application

Dear Members of the Los Gatos Town Council,

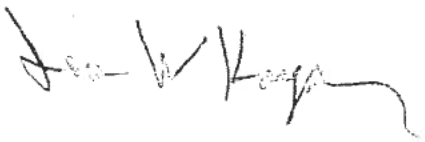
This letter is to clarify that contrary to statements and implications made to the Planning Commission by the applicant I am not, and in no way, have ever been in support of any aspect of the proposed project.

These inaccurate statements regarding my opinion were made to the Planning Commission meeting on February 9, 2022 by the applicant.

My opinion, which I hope the Town Council supports, is clearly stated in the neighborhood letters dated 12/17/21 and 2/7/22.

Additionally, I am in support of the appeal by Shelli Baker requesting that our neighborhood concerns be addressed.

Sincerely,



James W. Kooper

[redacted] Olive St. Los Gatos

RECEIVED

APR 04 2022 10:14 AM

TOWN OF LOS GATOS
PLANNING DIVISION

April 4, 2022

Dear Members of the Los Gatos Town Council,

Much time, energy and reflection has gone into the analysis and evaluation of the 118 Olive Street proposed project in our neighborhood. You have read and heard many of our voices through the planning commission meeting recordings, in our letters and in person during our visits this past week. We appreciate the time, energy and focus that you have and are dedicating to this process because it is at the heart of what's most important to all of us, our homes, our neighborhood, our town.

Although individually and as a group, our concerns are varied, we have worked diligently to narrow our concerns down to what is only most important for the betterment of Olive Street, the immediate neighborhood and the Town of Los Gatos.

A few points we would like to make are:

There is no other home on Olive Street that has been demolished and built new.

There is no other home on Olive Street with a livable basement.

There are 22 homes on Olive Street and only 4 of them are two-stories. (18%)

There is only one home out of 9, in the 2-2-5 town formula that exceeds the applicant's FAR and exceeds 118 Olive St. by only 22 sq. ft.

We are requesting the following:

Maintain the front setback of 15 ft. (The required rear setback for the home is 20 ft and this project is in greater compliance than required leaving plenty of room to move the house back 5 ft. on the lot.)

Maintain a side setback of 5 ft. (Simply reposition the garage 2 ft. to the east. This would require minimal design change.)

Reduce the size of the house to conform to FAR guidelines. (Calculations have already been adjusted to a higher allowable coverage due to non-conforming lot.) The house exceeds FAR by 308 sf (23%) which does not include the 1,195 sf basement.

Enforce the car lift identified on the plans. (Parking is horrendous on Olive Street.)

Given the complexity and precariousness of this building site location more pertinent construction management information should be provided prior to the approval.

In summary, the applicants have the full ability to conform and improve their project by complying with the guidelines set forth by the Town. There are no compelling or inherent constraints that prevent the proposed house from being built with very slight modification and therefore, no reason for the exceptions.

1. James W Kooper — 4/2/2022
Signature — Date

[redacted] Olive St.
Address

2. Barnie J Hurwitz — 4/3/2022
Signature — Date

[redacted] Olive St.
Address

3. Annette McPhail — 4/3/2022
Signature — Date

[redacted] Olive St
Address

4. Shelli Baker — 4/3/2022
Signature — Date

[redacted] Olive St.
Address

5. Ed Pearson — 4/3/22
Signature — Date

[redacted] THURSTON
Address

6. _____ 4/3/22
Signature Date

[redacted] olive
Address

7. Stacey Ulturnitz 4/3/22
Signature Date

[redacted] Olive St.
Address

8. _____ 4/3/22
Signature Date

[redacted] Olive St
Address

9. _____ 4/3/22
Signature Date

[redacted] San Benito Ave
Address

10. _____ 4/3/22
Signature Date

[redacted] Thurston St.
Address

11. [redacted] Signature [redacted] Date

[redacted] Address

12. [redacted] Signature 4/3/2022 Date

[redacted] Olive Street Address

13. [redacted] Signature 4/3/2022 Date

[redacted] Olive St Address

14. [redacted] Signature 4/3/22 Date

[redacted] Olive Street Address

15. [redacted] Signature 4/3/22 Date

[redacted] OLIVE ST. Address

DATE: April 5, 2022

TO: Town Council

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider an Appeal of a Planning Commission Decision Approving a Request for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. **Located at 118 Olive Street**. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect.

REMARKS:

Attachment 15 includes a letter signed by Shelli Baker (appellant and property owner of 120 Olive Street), Thomas Reichert (property owner of 118 Olive Street), Lynn Woodford (neighbor at 116 Olive Street), and Andrew Coven (property owner of 39 Ashler Avenue). This letter indicates that all parties have reached a compromise on the project, which would result in the following project revisions:

- Increase the west side yard setback from three feet to four feet;
- Reduce the east side yard setback from the required five feet to four feet; and
- Increase the front yard setback from 10 feet to 12 feet, six inches.

The letter indicates that the appellant is willing to withdraw their appeal of the Planning Commission approval of the project if these project revisions are implemented; however, the revised project includes a reduced east side yard setback of four feet where five feet is required, and this reduced setback was not considered by the Planning Commission or included in their approval of the project. Withdrawing the appeal would allow the project approved by the Planning Commission to stand and would allow for minor changes that are in substantial compliance with the approved plans (per Condition of Approval 1) to be approved by staff during Building Permit review. These changes could potentially include the proposed increase

PREPARED BY: Sean Mullin, AICP
Senior Planner

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

REMARKS (continued):

in front and west side yard setbacks, since the residence would not be closer to the property lines than what was approved. However, because the Planning Commission approval did not include reduced east side yard setbacks, withdrawing the appeal would not allow staff to approve a Building Permit that included the revised east side setback. The Council could consider the project revisions detailed in Attachment 15, receive public testimony, and discuss whether the revised project is consistent with the Town Code and compatible with the neighborhood. If the Council finds merit in the revised project, the Council could include the following additional Condition of Approval:

> Prior to the issuance of a Building Permit, the development plans shall be revised to include east and west side yard setbacks of no less than four feet and a front setback of no less than 12 feet, six inches.

In addition to the letter discussed above, Attachment 16 includes public comments received between 11:01 a.m., Monday, April 4, 2022, and 11:00 a.m., Tuesday, April 5, 2022.

ATTACHMENTS:

Previously received with the April 5, 2022, Staff Report:

1. January 12, 2022 Planning Commission Staff Report, with Exhibits 1-11
2. January 22, 2022 Planning Commission Addendum Report, with Exhibits 12-13
3. January 12, 2022 Planning Commission Verbatim Minutes
4. February 9, 2022 Planning Commission Staff Report, with Exhibits 14-15
5. February 9, 2022 Planning Commission Desk Item Report, with Exhibits 16-18
6. February 9, 2022 Planning Commission Verbatim Minutes
7. February 10, 2022 Planning Commission Action Letter
8. Appeal of the Planning Commission Decision, received February 22, 2022
9. Applicant's Response to Appeal, received March 21, 2022
10. Supplemental Information from Appellant, received March 31, 2022
11. Draft Resolution to Deny Appeal and Approve Project, with Exhibits A and B
12. Draft Resolution to Grant Appeal and Remand Project to Planning Commission
13. Draft Resolution to Grant Appeal and Deny Project

Previously received with the April 5, 2022, Addendum Report:

14. Public comments received between 11:01 a.m., Thursday, March 31, 2022, and 11:00 a.m., Monday, April 4, 2022

ATTACHMENTS (continued):

Received with this Desk Item Report:

15. Email from 118 Olive Street property owner with attachment, dated April 4, 2022
16. Public comments received between 11:01 a.m., Monday, April 4, 2022, and 11:00 a.m., Tuesday, April 5, 2022

From: thomas reichert <[redacted]>
Sent: Monday, April 4, 2022 9:52 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Shelli[redacted]
Cc: Meredith Reichert <[redacted]>; Jay Plett <[redacted]>; [redacted]; lynn.woodford[redacted]
Subject: 118 Olive appeal: reached compromise to withdraw appeal and proceed with approval

EXTERNAL SENDER

Hi Sean,
We've included the appellant, and our other 2 direct adjacent property owners to this e-mail as well as our architect. We have all discussed these compromises and agree to proceed. See attached docusign letter for reference.

If the Town Planning Department finds our compromise acceptable, we ask for full approvals to proceed with the project and have the appeal withdrawn.

Conditions to consider:
1) The current design of the home has a 3' side yard setback on the 120 Olive home and a 5' side yard setback on the 116 Olive home. We propose centering 118 Olive in the middle of the lot and make each side yard setback 4'.

2) The current design of the home has a 10' front yard setback. We propose making it 12'6" as a front yard setback.

All other aspects of the home remain the same, basically moving the house to one side and back to help address neighbors concerns.

A special thank you to the Town Council who helped bridge gaps in conversations that were left undone to this point, and to the neighbors as we really do appreciate all the conversations over the past week to help get to an agreement.

-Thomas and Meredith Reichert
[redacted]

Town of Los Gatos Town Council
Attention Sean Mullin
Re 118 Olive St Los Gatos Ca 95030

April 4, 2022
Application 5-21-013

Dear Mr. Mullin,

This letter is in response to the Appeal of Planning Commission Decision which is dated February 22nd 2022 regarding 118 Olive Street.

The appellant, applicant and the 2 direct effected adjacent property owners have all discussed compromises and agree to proceed to withdrawal the appeal and ask the Town Council to add conditions of approval to proceed with the project.

Conditions to consider:
1) The current design of the home has a 3' side yard setback on the 120 Olive home and a 5' side yard setback on the 116 Olive home. We propose centering 118 Olive in the middle of the lot and make each side yard setback 4'.

2) The current design of the home has a 10' front yard setback. We propose making it 12'6" as a front yard setback.

All other aspects of the home remain the same, moving the house to one side and back to help address neighbors' concerns.

Thank you,

Appellant:

Name Shelli Baker Signature DocuSigned by: Shelli Baker 378ADAE2A7514EC... Address 120 Olive St. Los Gatos

Applicant:

Name Thomas M. Reichert Signature DocuSigned by: 8014B76ED69941D... Address 118 olive st Los Gatos

Next door neighbor:

Name Lynn Woodford Signature DocuSigned by: Lynn Woodford 2257ED57BFB949D... Address 116 Olive Street. Los Gatos

Backyard neighbor:

Name ANDREW COVEN Signature DocuSigned by: Andrew Coven 7DA64E6E722D4DB... Address 39 Ashler Avenue. Los Gatos

From: AnnMarie Zimmermann <[redacted]>
Sent: Monday, April 4, 2022 2:03 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Planning <Planning@losgatosca.gov>
Cc: Ralph Cell Zimmermann <[redacted]>
Subject: Fwd: Opposing 118 Olive Plans

EXTERNAL SENDER

Hello Sean and Los Gatos Planning,
We are unable to go to the public hearing and therefore using our option to submit our opposition via email. It is unpleasant for us to do this and we wish the Reicherts the best but we believe in the rules you put in place for conforming lots (such as ours) and the reasons why you have them. That's why we fully obliged during our restoration. When a lot is non-confirming is when we believe you need those rules the most.

In additions to items in the below first email:

- We've attached the picture of cars parked in the middle of the day on Ashler. Parking in this neighborhood is impacted by the funeral home, the DMV, Bywater, La Esquina, Kickboxing studio, Enoteca Direct and other businesses within the two block radius. The area cannot support the parking we have today and it will only get worse without requiring on-site side by side parking.
- Privacy and noise concerns by these houses being so close and overbearing (as seen in the picture of the window at 114 Olive overlooking our patio and kitchen even as only a one story renovation)
- I understand that you review every application individually therefore precedence setting is not an argument we can use to oppose this. If that is the case, then you should not be allowed to use precedence (nearby homes with exceptions) to build a case in favor.
- This was a historic area of Los Gatos with small cottages where workers lived and supported the houses in Almond Grove. We are losing that history and charm.

Ralph and AnnMarie Zimmermann
[redacted]
Los Gatos, CA 95030
[redacted]

---------- Forwarded message ---------
From: **AnnMarie Zimmermann** <[redacted]>
Date: Sun, Oct 31, 2021 at 6:57 AM
Subject: Opposing 118 Olive Plans
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Ralph Cell Zimmermann <[redacted]>

Hello Sean,

I hope you are doing well.

We oppose the plans at 118 Olive (https://www.losgatosca.gov/2388/O) for the same reasons we opposed 114 Olive:

- Parking implications on Ashler, Olive and San Benito by waving the side-by-side parking requirement. Parking and traffic conditions have only gotten worse since we last corresponded.
- Privacy. We've attached a picture of 114 Olive overlooking our backyard and kitchen even after revised plans. It's still very obtrusive and uncomfortable.
- Potential damage to the Oak tree between 114 and 118 Olive. The family at 114 Olive periodically cut the Oak over their house.
- Precedence setting by continuing to look for exceptions for non-conforming lots rather than preserving the cottage like style and history of the neighborhood.

Ralph and AnnMarie Zimmermann

[redacted]

Los Gatos, CA





From: Don Wilhelm <[redacted]>
Sent: Tuesday, April 5, 2022 8:18 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: My SUPPORT of the APPEAL of Planning Commission decision approving proposed reconstruction of 118 Olive Street

EXTERNAL SENDER

Attn: Los Gatos Town Council,

My Support of the Appeal Re: 118 Olive Street

I support the opposition of neighbors of 118 Olive Street to the Planning Commission's decision approving demolition of the existing single-family cottage residence at 118 Olive Street and construction of a new & much larger single-family residence to exceed FAR standards and with reduced front yard & side yard setbacks on a non-conforming property.

In particular, I support them in objecting to the reduced setbacks for this proposed project -- regardless of precedents (examples) of relaxed (reduced from Code) setbacks on that street.

Los Gatos is replete with examples of setbacks all around property boundaries that are non-compliant with the Code's standards. But this does not, and should not, mean that any applicant can, or should, have their way with their desires for expanding their house upward and outward in all directions -- to the detriment of neighbors; i.e., without regard for the impacts on the adjacent neighbors -- the encroachments on the neighbors' properties & living spaces!

From my perspective, the Planning Division is altogether too willing to approve applicants' requests for reduced setbacks.

Background for My Support

For example -- I invite the Town Council to please look carefully at the "remodel" under reconstruction now at the tiny non-conforming 481 Woodland Avenue property. Please drive by that property, get out of your cars and look at the house and property carefully and seriously -- and also review the history of that project.

In particular, please note the unwarranted 2-ft setback on the north side (from 483 Woodland Ave.) and the super-generous 15-ft setback on the south side. FYI -- the actual true structure of the original 481 Woodland house had an 8-ft setback from the adjacent 483 Woodland Avenue property.

I consider this 2-ft northside setback from the 483 Woodland Avenue property to be a travesty in the interpretation and application of the Town's Codes -- and I so stated this opinion to Planning in my October 12, 2017 e-mail to Planning. Of course my objections were ignored by Planning, as Planning was proceeding under its "ministerial authority" for "remodels."

I have been interacting with Planning for almost 10 years on behalf of the owner of 483 Woodland Avenue -- ever since the 481 Woodland Avenue owner's 2014 proposal to demolish and reconstruct his

original cottage as a 2-story home. That plan was discouraged by the Planning Commission in October 2014. (FYI the 481 Woodland applicant purchased the property in 2012.)

And by the way, that 2014 plan was put forth with a code-compliant northside 5-ft setback. So it is mind-boggling that Planning could & would make a quantum leap from a code-compliant setback in 2014 to a flagrant Code-violating 2-ft northside setback for the "remodel" project now under construction. I contend that Planning used twisted logic to justify this 2-ft setback.

Conclusion

From my perspective it appears that Los Gatos has become a mecca for buyers looking for cottages to tear down and rebuild as 2-story homes as close to the property boundaries as possible -- without regard for the impacts on the adjacent neighbors -- especially those on each side. And without regard for & concern about preserving the character & quality of the neighborhood they are buying into.

Questions for the Town Council

Do planners ever get out into the neighborhoods they are "planning" and walk the streets -- like old time COPS on their beats -- and get to know the local homeowners & residents they might be impacting?

Do any of the Town's Planners actually live in and understand Los Gatos? I believe that to become a Town Council Member, one must be a Los Gatos resident. But can Planners come from anywhere?

Would any of the Town Council Members like to have the kind of the side setback travesty that has been permitted at 481 Woodland Avenue be permitted on a property right next to you? And with a height that would block out a lot of your sunlight and views?

A comparable travesty is pending at 118 Olive Street.

The End

Thank you for your time and consideration.

Don Wilhelm

Los Gatos, CA 95032

[redacted]

P.S. The 483 Woodland Ave. owner's request in early 2020 for an appeal of Planning's determinations about the 2-ft setback for 481 Woodland was effectively thwarted and nullified by the apparent impact of the Covid-19 pandemic on the town's operations, openness, and ability of certain key Town Government people to keep track of and follow-through on their responsibilities to facilitate that appeal.

Moreover, neither I nor the owner of 483 Woodland were ever voluntarily informed by Planning that an appeal option actual exists -- until we asked about such an option in a private meeting with planning in late 2019.

So, we can't help wondering if such "denial of basic information and right-to-know" is a common practice in such situations -- by which it benefits the Town to "prevent" appeals.

Perhaps you on the Town Council, or the Town's Attorney, might know more about this.

From: Leesa Gidaro <[redacted]>
Sent: Tuesday, April 5, 2022 1:28 AM
To: PublicComment <PublicComment@losgatosca.gov>
Subject: Public Comment Item #5 - 118 Olive Street

EXTERNAL SENDER

Olive Street is a unique location with several issues which impact the larger neighborhood.

This street is unusually narrow with limited parking. In addition, the lots are typically less than 5,000 square feet so many homes lack garages for historical reasons. As a result, there are extensive parking issues.

These problems are only exacerbated when houses are built which exceed setback and FAR regulations, and contributes to crowded and unhappy neighbors. An underground garage will not help alleviate this situation as there's already not enough parking for those who live on Olive, and it's resulted in spillover parking onto neighboring streets.

Thank you for the regulations that the Town has put in place... we appreciate them and know they were put in place for a reason. So please, for the health of our neighborhood, let's not disregard them. We love the home improvements that have taken place over the years, and completely understand the need for larger homes to fit growing families, but the best way to keep neighbors happy is to build homes which meet regulations and don't exceed FARs.

Sincerely,

--
Leesa Gidaro
Cell: [redacted]

DATE: March 31, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Requesting Approval of a Planned Development for Construction of a Senior Living Community, Removal of Large Protected Trees, and Site Improvements Requiring a Grading Permit on Property Zoned R:PD. **Located at 110 Wood Road**. APN 510-47-038. Planned Development Application PD-20-001 and Environmental Impact Report EIR-21-002. APPLICANT: Rockwood Pacific. PROPERTY OWNER: Covia Communities.

RECOMMENDATION:

It is recommended that the Town Council accept the Planning Commission's recommendation and deny the Planned Development (PD) application for construction of a senior living community, removal of large protected trees, and site improvements requiring a grading permit on property Zoned R:PD located at 110 Wood Road.

BACKGROUND:

The subject site is approximately 10.84 acres consisting of two underlying parcels at the intersection of Wood Road and South Santa Cruz Avenue (Attachment 5, Exhibit 3). The site has been occupied by the Los Gatos Meadows since 1971, a senior living development approved under a PD ordinance in 1968.

On April 9, 2008, the Conceptual Development Advisory Committee (CDAC) reviewed a preliminary proposal for redevelopment of the subject property. The staff report and minutes of the CDAC meeting are attached as Attachment 5, Exhibits 6 and 7.

In February 2019, the Los Gatos Meadows facility initiated a month's long closure and transition process to relocate all residents. By September 2019, the facility was vacant. While the property owner, Covia Communities, has completed the closure process, the property continues to be staffed to provide on-going maintenance and to ensure security of the property.

PREPARED BY: Sean Mullin, AICP
Senior Planner

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

BACKGROUND (continued):

On February 12, 2020, an application was filed by Frank Rockwood of Rockwood Pacific requesting a new PD zoning for the property for the purpose of building a new senior living community (Attachment 5, Exhibit 15). The existing zoning is Residential, Planned Development (R:PD) and the General Plan Land Use designation is Medium Density Residential.

A Draft Environmental Impact Report (EIR) for the project was prepared and circulated for a 45-day public review period from May 28, 2021, through July 12, 2021 (Attachment 5, Exhibit 1). The Final EIR, which includes the Response to Comments, was distributed on September 3, 2021 (Attachment 5, Exhibit 2).

On January 12, 2022, the Planning Commission considered the application (Attachment 5, Exhibits 5 through 8) and forwarded a recommendation of denial to the Council based on several concerns identified in the Discussion section of this report.

Additionally, the Planning Commission voted not to certify the Final EIR because it is based on a project that the Planning Commission found to be inappropriate, and environmental review is not required for denial of a project.

Should the Town Council choose an alternative action to certify the Final EIR and approve the PD ordinance, future required approvals include an Architecture and Site application, Certificate of Lot Merger, Building Permits, a Grading Permit, and a Tree Removal Permit.

DISCUSSION:

A. Project Summary

The applicant is proposing a new PD to allow for the demolition of all existing buildings, construction of a new senior living community, removal of large protected trees, and site improvements requiring a Grading Permit (Attachment 5, Exhibit 15). The senior living community would operate as a Continuing Care Retirement Community (CCRC) and would be licensed as a Residential Care Facility for the Elderly (RCFE) under the California Department of Social Services. The project would be restricted to persons aged 62 and older, providing 24/7 assisted living services to the residents. The senior living community would provide coordinated health care services, including 17 supporting care units. These proposed services would be similar to the uses offered in the previous community that closed in 2019.

Approval of the PD application would establish the regulations through an ordinance (which would include the development plans) under which the following actions would be allowed:

DISCUSSION (continued):

- Demolition of all existing buildings on the site;
- Construction of a new senior living community;
- Removal of 192 trees, including 8 large protected trees; and
- Site improvements requiring a Grading Permit.

A comparison of the existing and proposed PD conditions is provided in the table below.

Comparison of Planned Development Conditions

	Original 1968 PD	Proposed PD
Site Coverage	24.6 percent	22.5 percent
Total Number of Independent Living Units	184	174
Total Units Permitted	222	191
Open Space	75.4 percent	77.5 percent
Building Setbacks from Property Line	Front: 20 feet Side: 15 ft and 27 feet Rear: 15 feet	Front: 34.83 feet Side: 40.83 feet and 60 feet Rear: 32.92 feet
Parking	111 spaces	78 standard spaces 122 tandem spaces
Height	Predominantly 2-story with some basement or below grade space for infirmary, parking, storage, and mechanical. Heights vary between 30'-9" and 55'-2"±.	3-5 stories with below grade space for parking, storage, and mechanical. Heights vary between 59'-0" and 85'-6"±.

A full discussion and analysis of the application is provided in the January 12, 2021, staff report to the Planning Commission (Attachment 5).

B. Planning Commission

On January 12, 2022, the Planning Commission considered the application and received public comment (Attachments 5 through 7). Verbatim minutes are included as

DISCUSSION (continued):

Attachment 8. Following discussion, the Planning Commission recommended denial of the application based on the following concerns:

DISCUSSION (continued):

- Building heights;
- Tree removal;
- Lack of diversity in housing types;
- Concentration of luxury housing units; and
- Ratio of the number of units (fewer than existing) to the overall height (greater than existing).

Additionally, the Planning Commission voted not to certify the Final EIR because it is based on a project that the Planning Commission found to be inappropriate, and environmental review is not required for denial of a project.

C. Applicant response to Planning Commission

Following the January 12, 2022 Planning Commission hearing, the applicant submitted a letter responding to the Planning Commission discussion and recommendation (Attachment 9). In this letter, the applicant requests the opportunity to return to the Planning Commission to address the concerns. The letter provides the Council with a summary of the applicant's response to the Planning Commission's concerns, which includes:

- Reducing the height and massing of Villas A and C;
- Reducing the number of two-bedroom/den units and increasing the number of one-bedroom/den units and one-bedroom units;
- Reducing excavation and net off-haul quantities;
- Designating seven below market rate units; and
- Expanding on the discussion of the need for the proposed tree removal.

D. Environmental Review

An EIR was prepared for the project. As part of the environmental review process, a number of technical reports were prepared, including: species lists and database reviews; tree evaluations and arborist reports; geotechnical investigations; and traffic analyses. Reports that were prepared by outside consultants were peer reviewed by Town consultants.

The Notice of Preparation (NOP) was distributed on February 1, 2021, for a 30-day comment period. Comments received on the NOP are included as Appendix A to the Draft EIR (Attachment 1).

DISCUSSION (continued):

The Notice of Completion and Availability for review of the Draft EIR was released on May 28, 2021, with the 45-day public review period ending on July 12, 2021. On June 23, 2021, the Planning Commission held a public hearing to accept comments on the Draft EIR. No comments were received at this meeting. Written comments on the Draft EIR were received from the applicant, one public agency, and three individuals. The Final EIR, with Response to Comments, was completed in August 2021 (Attachment 2).

Through the Initial Study/EIR process, no significant and unavoidable impacts were identified. All identified significant impacts that would result from the project can be mitigated to a less-than-significant level through implementation of the Mitigation Monitoring and Reporting Program (MMRP) that has been prepared for the project as required by CEQA (Attachment 2). The MMRP includes a list of all mitigation measures and the Town Department(s) responsible for ensuring that the mitigation measures are properly implemented. All mitigation measures are included as performance standards within the draft PD Ordinance (Attachment 4).

On January 12, 2022, The Planning Commission voted not to certify the Final EIR because it is based on a project that the Planning Commission found to be inappropriate. Environmental review is not required for denial of a project.

PUBLIC COMMENTS:

Story poles and signage have been maintained on the site since the noticing for the January 12, 2022, Planning Commission meeting. Written notice of the Town Council hearing was sent to property owners and tenants within 300 feet of the subject property. Public comments received after the preparation of the Planning Commission Desk Item Report, between 11:01 a.m., Wednesday, January 12, 2022, and 11:00 a.m., Thursday, March 31, 2022, are included as Attachment 11.

CONCLUSION:

A. Summary

The applicant is proposing a new PD to allow demolition of all existing buildings, construction of a new senior living community, removal of large protected trees, and site improvements requiring a Grading Permit. The senior living community would be restricted to persons aged 62 and older, providing 24/7 assisted living services to the residents. The facility would provide coordinated health care services, including 174 independent living units and 17 supporting care units. These proposed services would be similar to the services offered in the previous community that closed in 2019. The proposal would

CONCLUSION (continued):

maintain the R:PD zoning of the property and the new PD would provide new performance standards for the project. The project complies with the General Plan, the Planned Development requirements in the Town Code, Hillside Specific Plan.

B. Recommendation

The Planning Commission recommended denial of the application based on concerns discussed above and to not certify the Final EIR because it is based on a project that the Planning Commission found to be inappropriate. Therefore, it is recommended that the Town Council accept the Planning Commission's recommendation and deny the application.

C. Alternatives

Alternatively, the Town Council may:

1. Certify the Final EIR and approve the PD application by taking the following actions:
   a. Adopt a resolution to certify the Final EIR, make the CEQA Findings of Fact (Attachment 4, Exhibit A), and adopt the Mitigation Monitoring and Reporting Program (Attachment 4, Exhibit B);
   b. Make the required finding that the zone change is internally consistent with the General Plan and its elements, and other required findings (Attachment 3) and approve the application (PD-20-001) subject to the performance standards and development plans (Attachment 10, Exhibit B), or as otherwise modified by the Town Council;
   c. Waive the reading of the Ordinance and ask the Town Clerk to read the title of the proposed Ordinance; and
   d. Introduce the Ordinance effecting the zone change; or
2. Continue the PD application to a date certain with specific direction; or
3. Remand the PD application to the Planning Commission with specific direction.

COORDINATION:

The Community Development Department coordinated with the Town Attorney's Office, Parks and Public Works Department, and the Santa Clara County Fire Department in the review of the project.

ATTACHMENTS:

Attachments previously received under separate cover:

1. May 2021 Draft Environmental Impact Report (available online at www.losgatosca.gov/110WoodRoad)
2. August 2021 Final Environmental Impact Report and Mitigation Monitoring and Reporting Program (available online at www.losgatosca.gov/110WoodRoad)

Attachments received with this Staff Report:

3. Required Findings
4. Draft Resolution to certify the Final EIR, make the required CEQA Findings of Fact (included as Exhibit A), and adopt the Mitigation Monitoring and Reporting Program (included as Exhibit B)
5. January 12, 2022 Planning Commission Staff Report (with Exhibits 3-14)
6. January 12, 2022 Planning Commission Addendum Report (with Exhibits 16-17)
7. January 12, 2022 Planning Commission Desk Item Report (with Exhibit 18-19)
8. January 12, 2022 Planning Commission Verbatim Minutes
9. Letter from the Applicant, dated March 17, 2022
10. Planned Development Ordinance with Exhibit A Rezone Area and Exhibit B Development Plans, July 27, 2021
11. Public Comments received between 11:01 a.m., January 12, 2022, and 11:00 a.m., March 31, 2022

TOWN COUNCIL – April 5, 2022
REQUIRED FINDINGS FOR:

110 Wood Road
Planned Development Application PD-20-001
Environmental Impact Report EIR-21-002

Requesting Approval of a Planned Development for Construction of a Senior Living Community, Removal of Large Protected Trees, and Site Improvements Requiring a Grading Permit on Property Zoned R:PD. APN 510-47-038.
APPLICANT: Rockwood Pacific.
PROPERTY OWNER: Covia Communities.

FINDINGS

Required finding for CEQA:

- An Environmental Impact Report (EIR) was prepared for the proposed development. The Town Council make the CEQA Findings of Fact, certify the Final EIR, and adopt the Mitigation Monitoring and Reporting Program.

Required consistency with the Town's General Plan:

- That the proposed Zone Change is consistent with the General Plan and its Elements in that the proposed development provides much needed senior housing and continuing care services to the Town.

Compliance with Hillside Specific Plan:

- The project is in compliance with the Hillside Specific Plan in that the site has served as a senior living facility since 1971 and would continue to do so under the proposed PD. The project includes modernization of the facility, circulation system, and safety characteristics; an increase in the open space area; and would include a similar number of living units, staff levels, and traffic generation. The proposal is consistent with the development criteria included in the plan.

Required finding for the adoption of a Planned Development Ordinance:

- As required by Section 29.80.095 of the Town Code for adoption of a Planned Development Ordinance:
  1. The proposed Planned Development complies with Chapter 29, Article VIII, Division 2 of the Town Code.
  2. The proposed Planned Development is consistent with the General Plan in that the development provides much needed senior housing and continuing care services to the Town.

3. The proposed Planned Development is consistent with the Hillside Specific Plan in that the project includes: modernization of the existing facility, circulation system, and safety characteristics; an increase in the open space area; and would include a similar number of living units, staff levels, and traffic generation to the existing facility.
4. The proposal is consistent with the development criteria included in the plan. The Planned Development Ordinance provides a public benefit to the Town by providing much needed senior housing and continuing care services.

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

RESOLUTION NO.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT AND MAKING CERTAIN FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION WITH A ZONE CHANGE FROM R:PD TO R:PD FOR PROPERTY LOCATED AT 110 WOOD ROAD (APN 510-47-038) PLANNED DEVELOPMENT: PD-20-001 ENVIRONMENTAL IMPACT REPORT: EIR-21-002

WHEREAS:

A. The applicant, Rockwood Pacific, proposes a Planned Development to rezone the property located at 110 Wood Road from R:PD to R:PD, to allow for the demolition of all existing buildings, construction of a new senior living community, removal of large protected trees, and site improvements requiring a Grading Permit. The project includes a Planned Development application (PD-20-001) and an Environmental Impact Report (EIR-21-002).

B. A Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Planned Development (PD-20-001) was distributed on February 1, 2021, for a 30-day comment period.

C. A Notice of Completion and Availability for review of the Draft Environmental Impact Report (Draft EIR) was prepared and issued for agency and public review and comment on May 28, 2021, for a 45-day public review period ending on July 12, 2021.

D. On June 23, 2021, the Planning Commission held a duly noticed public hearing to accept comments on the Draft EIR. No comments were received at this meeting. Written comments on the Draft EIR were received from the applicant, one public agency, and three individuals.

E. Pursuant to the California Environmental Quality Act and the implementing Guidelines adopted therefore (CEQA), the Town prepared a Final Environmental Impact Report (Final EIR), incorporating responses to comments on the Draft EIR which was issued in August 2021.

F. The Planning Commission held a duly noticed public hearing on January 12, 2022, at which time the Commission considered the public testimony, the staff report prepared for that meeting (Staff Report), and all other documentation related to the Planned Development and Final EIR, and forwarded a recommendation that the Town Council not certify the Final EIR (EIR-21-002) and deny the Planned Development (PD-20-001).

G. The Town Council held a duly noticed public hearing on April 5, 2022, at which time the Town Council considered the public testimony, the Staff Report, and all other documentation related to the Planned Development and Final EIR and made a motion to certify the Final EIR.

H. The Town Council recognizes the Town's obligation, pursuant to the Public Resources Code § 21081.6 subdivision (a), to ensure the monitoring of all adopted mitigation measures necessary to substantially lessen or avoid the significant effects of the project. Such monitoring will occur pursuant to the adopted Mitigation Monitoring and Reporting Program.

I. The location and custodian of the documents or other materials which constitute the record of proceedings upon which the Town Council's decision is based is in the office of the Town Clerk, 110 E. Main Street, Los Gatos, CA 95030.

NOW, THEREFORE, BE IT RESOLVED:

A. That the Town Council hereby certifies the Final EIR, adopts the CEQA Findings of Fact attached hereto as Exhibit A, and adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B. In certifying the Final EIR, the Town Council specifically finds that:

1. The document has been completed in compliance with CEQA;
2. The document was presented to the Town Council as the decision-making body of the lead agency, and as such, the Council has reviewed and considered the information contained therein; and
3. The Final EIR reflects the Town's independent judgment and analysis.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of April, 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS

LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS

LOS GATOS, CALIFORNIA

DATE: _____

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D R A F T

CEQA FINDINGS OF FACT

for

110 Wood Road – Los Gatos Meadows Senior Living Community

Planned Development Application PD-20-001

SCH # 2021020007

Town Council

Town of Los Gatos

October 2021

EXHIBIT A

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I. INTRODUCTION

The Draft EIR prepared for the 110 Wood Road - Los Gatos Meadows Senior Living Community Project (also referred to as the Project or proposed Project) identified several potentially significant environmental effects that the proposed project may cause. All of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Pursuant to Title 14, California Code of Regulations, Section 15090, the Town Council of Los Gatos (Council) hereby certifies that the Final Environmental Impact Report (Final EIR) for the 110 Wood Road - Los Gatos Meadows Senior Living Community project (proposed Project) has been completed in compliance with the California Environmental Quality Act, Public Resources Code (PRC) Section 21000 et seq. (CEQA), that the Final EIR was presented to the Council, and that the Council has reviewed and considered the information contained in the Final EIR prior to approving the proposed Project, as set forth below. As part of this certification, the Council hereby finds that the Final EIR reflects the independent judgment and analysis of the Council and approves the Final EIR.

II. ENVIRONMENTAL REVIEW PROCESS

CEQA (PRC Section 21000 et seq.) requires state and local government agencies to consider the environmental consequences of projects for which they have discretionary authority. This document, which has been prepared in compliance with the requirements of CEQA and the CEQA Guidelines (California Code of Regulations Title 14 Section 15000 et seq.), sets forth the findings of the Town of Los Gatos (Town), the lead agency under CEQA, regarding the 110 Wood Road – Los Gatos Meadows Senior Living Community project.

The primary source for this document is the Final Environmental Impact Report (Final EIR; SCH #2021020007) for the proposed Project, and the documents that have been incorporated into the Final EIR directly or by reference. Full descriptions of the proposed Project, associated environmental impacts, mitigation measures, Project alternatives, a Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project, and other features required under CEQA are contained in the Final EIR itself.

To determine the scope of the EIR, the Town prepared a Notice of Preparation. On February 4, 2021, the Notice of Preparation (NOP) for the proposed Project were distributed to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse. This began the 30-day public review period, which ended on March 8, 2021. These comments were considered during the preparation of the Draft EIR (see below) and are included in their entirety in Appendix A to that document.

The Draft EIR, with an accompanying Notice of Completion (NOC), was circulated to the State Clearinghouse, trustee agencies, responsible agencies, other government agencies, and interested members of the public for a 45-day review period, extending from May 28, 2021 through July 12, 2021. On June 23, 2021, the Town of Los Gatos Planning Commission held a public hearing to receive oral comment on the Draft EIR.

Comments on the Draft EIR, a list of commenters, and the Town's responses to comments are contained in the Final EIR, dated August 2021. Pursuant to CEQA Guidelines §15088(b), the Final EIR was made available for review by trustee and responsible agencies that provided written comments on the Draft EIR for a 10-day period from September 3, 2021 through September 13, 2021

The Final EIR for the Project consists of the following:

A. Draft Environmental Impact Report ("Draft EIR"), issued May 28, 2021;

B. All appendices to the Draft EIR;

C. Final EIR, dated August 2021, containing all written comments and responses on the Draft EIR, refinements and clarifications to the Draft EIR, the MMRP, and technical appendices;

D. All of the comments and staff responses entered into the record orally and in writing, as well as accompanying technical memoranda or evidence entered into the record.

The Final EIR did not provide any significant new information regarding proposed Project or cumulative impacts or mitigation measures beyond that contained in the Draft EIR.

In conformance with CEQA, the Town has taken the following actions in relation to the EIR:

A. On January 12, 2022, the Planning Commission conducted a duly and properly noticed public hearing on the Project and the EIR, and recommended that the Town Council certify the EIR and approve the redevelopment of the 10.84-acre site with a senior living community that would replace the existing Los Gatos Meadows senior living community. The project would include 174 independent residential apartments plus 17 supporting care units. The project, a Continuing Care Retirement Community (CCRC), would be licensed as a Residential Care Facility for the Elderly (RCFE) under the California Department of Social Services. The project would be restricted to persons age 62 and older and would provide 24/7 assisted living services to the residents. The project would provide coordinated health care services, including 17 supporting care units. These proposed services would be similar to the use offered in the previous community.

B. On April 5, 2022, at a duly and properly noticed public hearing, the Town Council certified the EIR and adopted findings, Mitigation Monitoring and Reporting Program related to the Planned Development application filed by the applicant requesting a "Planned Development" overlay be applied to the site's existing "Residential Planned Development" zoning designation.

III. PROJECT DESCRIPTION

A. Project Location and Current Use

The project site is located at 110 Wood Road in the Town of Los Gatos. The property is accessed directly off Wood Road (via South Santa Cruz Avenue). The project site's Assessor's parcel number is 510-47-038, and is generally located between single family residences along Broadway to the northeast and Wood Road to the south. The site is zoned "Residential Planned Development (R:PD)" and has a General Plan land use designation of Medium Density Residential. The General Plan land use designation of Medium Density Residential allows for a maximum density of 12 dwelling units per acre. A senior living community has been operating on the site since 1971 with 10 residential buildings and other support facilities and amenities. The site has three access points: two from the south off of Wood Road and one from the north via a driveway (referred to as Farwell Lane) connecting with Broadway. The facility has been closed since February 2019, after a rigorous facilities assessment concluded that continuing operations of the facility in its present form presented too great a risk to its residents. Although the facility has completed the closure process, the facility continues to be staffed to provide on-going maintenance and security of the property.

B. Project Objectives

The objective of the proposed project is to approve a new/updated Planned Development (PD) to rebuild a state-of-the art senior living community on a 10.84-acre site consistent with the *Town of Los Gatos 2020 General Plan*, Town of Los Gatos zoning code and in the spirit of the *Town of Los Gatos Hillside Design Standards and Guidelines*.

C. Project Characteristics

The Project applicant is requesting approval of the following:

- Planned Development (PD) Overlay permit (PD-20-001)

A Planned Development application has been filed by the applicant requesting a "Planned Development" overlay be applied to the site's existing "Residential Planned Development" zoning designation. A subsequent Architecture and Site application will be required if the Planned Development application is approved by the Town Council. In accordance with Town Code Section 29.20.140(d), the Architecture and Site approval is required for purposes of approving the development plan for the new senior living community to ensure conformance with Town regulations related to the height, width, shape, proportion, siting, exterior construction and design of buildings and to ensure that they are architecturally compatible with their surroundings.

IV. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The Final EIR analyzed proposed Project impacts in the following six environmental topic areas: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Wildfire Hazards. With implementation of proposed Project-specific

mitigation measures, potentially significant impacts would be reduced to less than significant impacts.

The following discussion elaborates on potentially significant impacts identified in the 110 Wood Road – Los Gatos Meadows Senior Living Community Final EIR and mitigation measures proposed for those impacts.

A. Air Quality

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact 6-5: Construction Activity Would Expose Sensitive Receptors to Toxic Air Contaminants

Sensitive receptors within 1,000 feet of construction activities would be exposed to construction TAC emissions volumes that exceed the air district significance thresholds for infant/child cancer risks and PM2.5 concentrations. These are significant impacts. Implementation of the following Mitigation Measures would reduce the impact to a less-than-significant level.

Mitigation Measures:

Mitigation Measure 6-5a During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe;
b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site;
d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
e. All vehicle speeds on unpaved roads shall be limited to five (5) mph;
f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California

airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;

h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries;
j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity;
k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established;
l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and
m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure 6-5b Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 78 percent reduction of DPM emissions and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds.

The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures:

a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met;
b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane);
c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and
d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.

Finding

All of the proposed Project specific environmental impacts on air quality will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 6-5a and 6-5b

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

B. Biological Resources

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact 7-2: Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat)

If San Francisco dusky-footed woodrat is present within the 0.3 acres of oak/bay woodland or 5.2 acres of mixed woodland within the proposed project impact area, loss or disturbance of woodrats due to midden removal during construction and fire safety activities would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure 7-2 Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.

Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat)

Potential habitat for pallid bat and Townsend's big-eared bat occurs in mature, hollow trees and around structures present within the project site. If special-status bats are present on the site, tree removal and other construction activities could result in the loss of individual animals. This would be a significant adverse environmental impact. Implementation of the

following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure 7-3 Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas.

If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.
b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery

season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.

Impact 7-4: Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds)

If nesting birds protected by state and federal regulations are present on or adjacent to the site during construction activities including vegetation removal and site preparation including building demolition, the proposed project may directly result in loss of active nests, or indirectly result in nest abandonment and thereby cause loss of fertile eggs or nestlings. This would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure 7-4 Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities.

If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.

a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.
b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.

Impact 7-5: Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage)

The Town of Los Gatos General Plan 2020 requires for all development to "protect wetlands and riparian corridors, including intermittent and ephemeral streams." The on-site drainage feature may also fall under the jurisdiction of the USACE, RWQCB, and/or CDFW. Impacts to jurisdictional wetland and waterway features are considered significant adverse environmental impacts. The following mitigation measures would assure that this potentially significant impact is reduced to less than significant.

Mitigation Measures 7-5a To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans.

Mitigation Measure 7-5b If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed

with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement.

To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:

- A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.
- To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.

Impact 7-6: Damage or Removal of Regulated Trees

The *Arborist Report Update* re-evaluated the potential impacts to trees as a result of the project as shown on the Planning Submittal Set (10/8/2020) and the Preliminary Drainage Plan (6/30/2020). The disposition of each tree is shown in the exhibit attached to the *Arborist Report Update*, and summarized in Table 7-3, Trees Planned for Removal and Preservation, below.

Table 7-3 Trees Planned for Removal and Preservation

	Protected	Large Protected	Total
Trees Planned for Removal	**205**	**8**	**213**
Trees Planned for Preservation	**109**	**9**	**118**

Source: HortScience | Bartlett Consulting 2020

The proposed project could remove up to 213 regulated trees. This would be a significant potential adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than significant level.

Mitigation Measure 7-6 Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting). Also, in accordance with the Town's Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.

Impact 7-8: Effect on Sensitive Natural Communities

Sensitive natural communities potentially present on the site are limited to highly impacted drainage channels and oak woodland. Prior mitigation measures require the developer to determine the extent of potentially regulated drainage channels and regulated trees prior to initiation of ground disturbance or construction activities. To compensate for temporary and/or permanent impacts, mitigation shall be provided as required by regulatory permits. No additional mitigation measures are necessary.

General Plan policies ENV-1.5 and ENV-1.7 prohibit the use of invasive species listed by the California Invasive Plant Council (Cal-IPC) for all new construction and requires new development to use native plants or other appropriate non-invasive plants to reduce maintenance and irrigation costs and the disturbance of adjacent natural habitat. The spread of invasive species is considered a significant potential impact. The following mitigation measure would assure that this potentially significant impact is reduced to less than significant.

Mitigation Measure 7-8 On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping.

The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.

Finding

All of the proposed Project specific environmental impacts related to biological resources will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 7-2, 7-3, 7-4, 7-5a, 7-5b, 7-6, and 7-8

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

C. Cultural Resources

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact 8-2: Potential Destruction of a Unique Paleontological Resource or Site During Construction

While it is possible that unknown unique paleontological resources could be uncovered during site preparation and/or other site disturbance activities, implementation of the following mitigation measure would ensure the impact is less than significant.

Mitigation Measure 8-2 The following measure shall be included in project plans, prior to issuance of a demolition permit:

> If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, to be approved by the Community Development Director.

Finding

All of the proposed Project specific environmental impacts related to cultural resources will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 8-2

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

D. Geology and Soils

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact Geologic impacts associated with fault surface rupture, expansive soils, and land sliding and slope instability.

The geotechnical report noted several potential geologic impacts that are to be addressed through several design recommendations for the proposed project. These recommendations include, but are not limited to, providing a 25-foot setback from a mapped surface trace of a fault along the eastern edge of the property; underlaying the foundation by ground improvement or deepening the foundation to bedrock to avoid soil instability; removing alluvial fan deposits down to bedrock and replacing with engineering fill along the proposed retaining wall along the eastside of Farwell Lane for a minimum of 15 feet; removing and replacing all undocumented fill; and designing for sufficient reinforcement for slabs-on-grade. Implementation of the following mitigation measures, as articulated in the February 2021 geotechnical peer review conducted by the Town's geotechnical consultant, would ensure potential geologic impacts are reduced to a less-than-significant level.

Mitigation Measure 13-1 The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.,) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures.

The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to issuance of building permits.

Mitigation Measures 13-2 The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to:

- site preparation and grading;
- ground improvement;
- shoring measures and design;
- site surface and subsurface drainage improvements; and
- excavations for foundations prior to placement of steel and concrete.

In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated.

The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the

geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval.

Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.

Finding

All of the proposed Project specific environmental impacts related to geology and soils will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 13-1 and 13-2

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

E. Hazards and Hazardous Materials

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact Hazardous materials impacts associated with exposure or release of asbestos and/or lead-based paint associated with demolition of existing structures.

According to the environmental site assessment, lead-based paint was banned in 1978. The existing senior community was constructed prior to 1978; therefore, lead-based paint may be present in the existing structures on the project site. Lead is a known carcinogen and its release during grading or other ground disturbing activities could pose hazards to public health and safety. This is a potentially significant impact.

Implementation of the following mitigation measure would ensure potential impacts from the release of asbestos and lead-based paint into the environment as a result of demolition activities are reduced to a less-than-significant level.

Mitigation Measure 13-3 The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead.

Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.

Finding

All of the proposed Project specific environmental impacts related to hazards and hazardous materials will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 13-3

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

F. Wildfire Hazards

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact 12-1: Short-Term Construction-Related Traffic Activity That Has The Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan

As noted previously, the Town of Los Gatos has, in conjunction with the County of Santa Clara and several other neighboring cities, an adopted EOP, which comprises, along with the 2017 Santa Clara County Operational Area Hazard Mitigation Plan, the entirety of emergency planning activities that governs emergency response and evacuation on and around the project site. Implementation of the proposed project would not interfere with an adopted emergency response or evacuation plan, but construction activities associated with the proposed project could result in short-term, temporary impacts on street traffic because of roadway improvements and potential extension of construction activities into the right-of-way. This could result in a reduction in the number of lanes or temporary closure of certain roadway segments near the project site. While any such impacts would be limited to the construction period and would affect only adjacent streets or intersections, the impact would be potentially significant. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure 12-1 In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.

Impact 12-4: Expose People or Structures to Significant Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes.

As noted in Section 13.0, Effects Not Addressed Further in this EIR, the 2007 Draft Preliminary Geologic and Geotechnical Evaluation for Los Gatos Meadows prepared by Cornerstone Earth

Group (Appendix F of the Draft EIR), the project site and surrounding areas are moderately steep to steep slope with slope inclination up to 40 degrees and noted that portions of the site are located within a State of California Earthquake-Induced Landslide Hazard Zone. However, the 2020 Geotechnical Investigation and Geologic Hazards Evaluation (geotechnical report) (Appendix F) also prepared by Cornerstone Earth Group, conducted site-specific subsurface explorations which revealed soil characteristics (alluvial fan deposits underlain by shallow bedrock) that would not suggest the existence of previous landslides through the project site. As noted in the geotechnical report, the proposed project would create relatively deep vertical, retained cuts into the terrace that encompass the developed portion of the site. Localized groundwater seepage may be encountered where the cuts intersect the bedrock surface and installing a network of subdrains and water proofing would address this. The geotechnical report also found the proposed grading plan for the project to be acceptable from a safety standpoint with the exception of a lower slope (below proposed structures) area that may experience a lack of stability with the existing alluvial fan deposit soils there. The geotechnical report recommends removal of these alluvial fan deposits at this location down to bedrock to be replaced by engineered fill. Compliance with this recommendation as incorporated in **Mitigation Measures 13-1 and 13-2** found in Section 13.0 of this EIR (under discussion of "Geology and Soils") would ensure this potentially significant impact would be reduced to a less-than-significant level.

Finding

All of the proposed Project specific environmental impacts related to wildfire hazards will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 12-1, 13-1, and 13-2

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

V. PROJECT ALTERNATIVES

The Final EIR evaluated three alternatives to the proposed Project. These were evaluated based on their ability to (1) reduce the significant impacts of the proposed Project, and (2) attain proposed Project objectives. As described earlier in this findings document, the Project applicant's objectives are to approve a new/updated Planned Development (PD) to rebuild a state-of-the art senior living community on a 10.84-acre site consistent with the *Town of Los Gatos 2020 General Plan*, Town of Los Gatos zoning code and in the spirit of the *Town of Los Gatos Hillside Design Standards and Guidelines*.

The alternatives evaluated were:

1. Alternative 1: No Project – Existing (Closed) Senior Living Community;

2. Alternative 2: No Project – Residential Project Consistent with the Project Site's General Plan Designation; and
3. Alternative 3: Reduced Scale (Removal of Villas B and C from Proposed Site Plan).

A. Alternative 1: No Project Alternative – Existing (Closed) Senior Living Community

This no project alternative investigates if the proposed project were not approved and the existing senior living community facilities were left in place though closed and vacant. The project site is currently developed with 10 residential buildings ranging from one to four stories, which include a total of 205 independent residential apartments and supporting health care units. The existing facility includes a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages. This alternative does not meet any of the basic project objectives, as it would not allow redevelopment of the project site with a revitalized and enhanced senior living community consistent with the density allowed under the site's existing PD entitlement.

B. Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation

This no project alternative investigates what could be reasonably expected to occur on the project site in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. The project site has a General Plan designation of Medium Density Residential. Under this designation, the project site could be developed with a multi-family, duplex, and/or small single-family residential project with a density range of 5 to 12 dwelling units per net acre with up to 24 persons per acre. Conceivably, such a project could include a range of home product types including townhomes, condominiums, and/or apartments. This alternative project considers the site constraints of the 10.84-acre site, much of which is steep, heavily wooded hillside that could not reasonably accommodate residential buildings. To determine a probable number of Medium Density Residential dwelling units that the site could accommodate, this alternative utilizes approximately 50 percent of the total net acreage or approximately 5.42 acres. Therefore, a Medium Density Residential project with a maximum of 65 units would be possible. Assuming an average of 2.51 persons per household (U.S. Census 2021), such a project would result in 163 new residents, substantially less than the 233 total residents anticipated as part of the proposed project. This alternative does not meet any of the basic project objectives, as it would not allow redevelopment of the project site with a revitalized and enhanced senior living community consistent with the density allowed under the site's existing PD entitlement.

C. Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan

The reduced scale alternative ("reduced scale alternative") consists of a reduction in development capacity sufficient to avoid or reduce significant, but mitigable, impacts associated with grading and removal of trees required to accommodate Villas B and C and a

corresponding area of the grade level below on the northwestern corner of the proposed site plan. The reduced scale alternative would reduce the number of living units by 20 units (Villa B) and 29 units (Villa C), for a total reduction of 49 units, and would result in the reduction of approximately 98,374 square feet of floor space in Villas B and C, approximately 26,000 square feet of floor space from the grade level including portions of the health center, and approximately 26,000 square feet of developed area (building footprints). In addition, this alternative could result in removing approximately 62 fewer trees. Removal of Villa B (70.5 feet in height) and Villa C (81.5 feet in height) would also help reduce visual impacts associated with scenic views from downtown Los Gatos towards the project site and scenic hillside areas beyond as these two buildings would be two of the most publicly visible buildings from multiple vantage points.

D. Environmentally Superior Alternative

Based on a comparison of the impacts of each alternative, Alternative 1, the no project alternative is the environmentally superior alternative. It would avoid all of the project's less-than-significant impacts, and significant but mitigable impacts. However, this alternative would not meet the project objectives.

CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternative 3, the Reduced Scale alternative, is considered to be the environmentally superior alternative among the remaining alternatives. It is the only alternative that could accomplish some of the basic project objectives while minimally reducing some of the less-than-significant and/or significant and mitigable environmental impacts identified for the proposed project.

VI. MITIGATION MONITORING AND REPORTING PROGRAM

The Town Council recognizes that any approval of the proposed Project would require concurrent approval of a Mitigation Monitoring and Reporting Program (MMRP), which ensures performance of identified mitigation measures. Such an MMRP would need to identify the entity responsible for monitoring and implementation, and the timing of such activities. The Town will use the MMRP to track compliance with proposed Project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is included as part of the Final EIR, and is hereby incorporated by reference.

VII. RECORD OF THE PROCEEDINGS

The documents and other materials that constitute the record of proceedings on which the Council bases the Findings are located at the Community Development Department, 110 East Main Street, Los Gatos, California 95030. The custodian for these documents and materials that constitute the record is the Town of Los Gatos Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Title 14 California Code of Regulations (*CEQA Guidelines*) Section 15091(e).

The environmental analysis provided in the EIR and these findings are based on and are supported by the following documents, materials and other evidence, which constitute the administrative record for the approval of the Project:

A. All application materials for the Project and supporting documents submitted by the applicant, including but not limited to those materials constituting the Project and listed in Section III of these findings.

B. The NOP, comments received on the NOP and all other public notices issued by the Town in relation to the EIR (e.g., Notice of Availability).

C. The Draft EIR, the Final EIR, all appendices to any part of the EIR, all technical materials cited in any part of the EIR, comment letters, oral testimony, responses to comments, as well as all of the comments and staff responses entered into the record orally and in writing between May 28, 2021 to July 12, 2021.

D. All non-draft and/or non-confidential reports and memoranda prepared by the Town and consultants related to the EIR, its analysis and findings.

E. Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings or scoping meetings held by the Planning Commission and the Town Council.

G. Staff reports associated with Planning Commission and Council Meetings on the Project and supporting technical memoranda and any letters or other material submitted into the record by any party.

H. Matters of common knowledge to the Planning Commission and Town Council which they consider, such as the Los Gatos General Plan, any other applicable specific plans or other similar plans, and the Los Gatos Municipal Code.

VII. SUMMARY

A. Based on substantial evidence in the foregoing Findings and in the information contained in the record, the Town Council has made the following findings with respect to each of the significant effects of the proposed Project identified in the Final EIR:

1. Changes or alterations have been required in, or incorporated into, the proposed Project which avoid or substantially lessen the significant environmental effect on the environment.

2. Based on the foregoing Findings and the information contained in the record, it is determined that:

All significant effects on the environment due to the approval of the proposed Project have been eliminated or substantially lessened where feasible.

Table 5-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
Air Quality			
Mitigation Measure 6-5a. During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe; b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site; d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; e. All vehicle speeds on unpaved roads shall be limited to five (5) mph; f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points; h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries; j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity;	Applicant requirement as a condition of approval	Director of Community Development	Ensure these measures are incorporated into project plans, prior to issuance of a demolition permit. Monitoring during construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.			
Mitigation Measure 6-5b. Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 25 percent reduction of infant/child cancer risk and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds. The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures: a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met; b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane); c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.	Applicant requirement as a condition of approval	Director of Community Development	Ensure these measures are incorporated into project plans, prior to issuance of a demolition permit. Monitoring during construction.
Biological Resources			
Mitigation Measure 7-2. Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no	Applicant requirement as a condition of approval	Director of Community Development	Ensure these measures are incorporated into project plans, prior to issuance of a grading permit.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.			Monitoring during construction.
Mitigation Measure 7-3. Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required. If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented: a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within	Applicant requirement as a condition of approval	Director of Community Development	Within 14 days prior to tree removal or other construction activities, and prior to issuance of a tree removal permit and/or grading permit. Ensure these measures are incorporated into project plans. Monitoring prior to construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
which no construction activities including tree removal or structure disturbance shall occur until after the nursery season. b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation. c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.			
Mitigation Measure 7-4. Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of tree removal, demolition, and grading permits. Ensure these measures are incorporated into project plans. Monitoring prior to construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities. b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.			
Mitigation Measures 7-5a. To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans. Mitigation Measure 7-5b. If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of any grading permit. Ensure these measures are incorporated into project plans. Monitoring during construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms: a. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process. b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.			
Mitigation Measure 7-6. Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting). Also, in accordance with the Town's Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of tree removal permit and/or grading permit. Ensure these measures are incorporated into project plans. Monitoring during construction.
Mitigation Measure 7-8. On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping. The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of final occupancy permit. Ensure these measures are incorporated into project plans. Monitoring after construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
Cultural Resources			
Mitigation Measure 8-2. The following measure shall be included in project plans, prior to issuance of a demolition permit: If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, to be approved by the Community Development Director.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of demolition permit. Ensure these measures are incorporated into project plans. Monitoring during construction.
Geology and Soils			
Mitigation Measure 13-1. The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.,) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures. The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to issuance of building permits.	Applicant requirement as a condition of approval	Town Engineer	Prior to issuance of building permits. Ensure these measures are incorporated into project plans. Monitoring during construction.
Mitigation Measure 13-2. The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: ▪ site preparation and grading; ▪ ground improvement; ▪ shoring measures and design; ▪ site surface and subsurface drainage improvements; and ▪ excavations for foundations prior to placement of steel and concrete. In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated. The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval.	Applicant requirement as a condition of approval	Town Engineer	Prior to issuance of building permits. Ensure these measures are incorporated into project plans. Monitoring prior during construction.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing and Monitoring
Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.			
Hazards and Hazardous Materials			
Mitigation Measure 13-3. The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead. Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.	Applicant requirement as a condition of approval	Director of Community Development	Prior to issuance of demolition permits. Ensure these measures are incorporated into project plans. Monitoring prior to and during construction.
Wildfire Hazards			
Mitigation Measure 12-1. In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.	Applicant requirement as a condition of approval	Director of Public Works	Prior to issuance of demolition permits. Ensure these measures are incorporated into project plans. Monitoring prior to and during construction.

SOURCE: EMC Planning Group 2021

TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 01/12/2022

ITEM NO: 3

DATE: January 7, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval of a Planned Development for Construction of a Senior Living Community, Removal of Large Protected Trees, and Site Improvements Requiring a Grading Permit on Property Zoned R:PD. **Located at 110 Wood Road**. APN 510-47-038. Planned Development Application PD-20-001 and Environmental Impact Report EIR-21-002. APPLICANT: Rockwood Pacific. PROPERTY OWNER: Covia Communities. PROJECT PLANNER: Sean Mullin.

RECOMMENDATION:

Forward a recommendation to the Town Council on a request for approval of a Planned Development (PD) for construction of a senior living community, removal of large protected trees, and site improvements requiring a Grading Permit on property zoned R:PD located at 110 Wood Road.

PROJECT DATA:

General Plan Designation:	Medium Density Residential: 5-12 dwelling units/acre
Zoning Designation:	Residential-Planned Development, R:PD
Applicable Plans & Standards:	General Plan; Hillside Specific Plan
Parcel Size:	10.84 acres

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

PROJECT DATA (continued):

Surrounding Area:

	Existing Land Use	**General Plan**	**Zoning**
North	Single- and Multi-Family Residential	Medium Density Residential	R-1D
East	Office-Professional and Commercial	Central Business District	C-2 and C-2:PD
South	Office-Professional and Single-Family Residential	Hillside Residential and Central Business District	HR-5
West	Single-Family Residential and Vacant	Hillside Residential	HR-5

CEQA:

An Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program have been prepared for the project (Exhibits 1 and 2) and are available online at www.losgatosca.gov/110WoodRoad.

FINDINGS:

- As required by the California Environmental Quality Act (CEQA) for certifying the Final EIR.
- That the PD to rezone the property is consistent with the General Plan.
- That the project is in compliance with the Hillside Specific Plan.
- As required by Section 29.80.095 of the Town Code for adoption of a Planned Development Ordinance.

ACTION:

- Forward a recommendation regarding Environmental Impact Report EIR-21-002 to the Town Council.
- Forward a recommendation regarding Planned Development application PD-20-001 to the Town Council.

BACKGROUND:

The subject site is approximately 10.84 acres consisting of two underlying parcels at the intersection of Wood Road and South Santa Cruz Avenue (Exhibit 3). The site has been occupied by the Los Gatos Meadows since 1971, a senior living development operating under a PD approved in 1968. The Conceptual Development Advisory Committee (CDAC) reviewed a

BACKGROUND (continued):

preliminary proposal for redevelopment of the subject property on April 9, 2008. The Staff Report and minutes of the CDAC meeting are attached as Exhibits 6 and 7.

In February 2019, the Los Gatos Meadows facility initiated a month's long closure and transition process to relocate all residents. By September 2019, the facility was vacant. While the property owner, Covia Communities, has completed the closure process, the property continues to be staffed to provide on-going maintenance and to ensure security of the property.

An application was filed by Frank Rockwood of Rockwood Pacific requesting a new PD zoning for the property for the purpose of building a new senior living development (Exhibit 15). The existing zoning is Residential, Planned Development (R:PD) and the General Plan Land Use designation is Medium Density Residential.

A Draft EIR for the project was prepared and circulated for a 45-day public review period from May 28, 2021, through July 12, 2021 (Exhibit 1). The Final EIR, which includes the Response to Comments, was previously provided on September 3, 2021 (Exhibit 2).

Future required approvals include an Architecture and Site application, Certificate of Lot Merger, Building Permits, a Grading Permit, and a Tree Removal Permit.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject site is approximately 10.84-acres consisting of two underlying parcels at the intersection of Wood Road and South Santa Cruz Avenue (Exhibit 3). The property rises east-to-west approximately 240 feet, and approximately 95 feet across the area of development. The subject property is characterized by a hillside setting, and is in the Hillside Specific Plan area, but it is not located within the hillside area as defined by the Hillside Development Standards and Guidelines (HDS&G).

The site has been occupied by the Los Gatos Meadows, a senior living development, since 1971. The existing development includes 10 residential buildings with 205 independent care and support units; a dining and commons building; an infirmary, garage, and services building; a multi-purpose building; two cottages; and 130 parking spaces (Exhibit 15B, Sheet C101). Site access is currently taken from a driveway off Wood Road at the southern end of the property and from the south side of Broadway via Farwell Lane. An additional access road served from Wood Road provides access to the area uphill of the existing buildings, traversing to the center of the property, where it dead ends.

PROJECT DESCRIPTION (continued):

The surrounding area contains a mix of uses with single- and multi-family residential uses located to the north; office and commercial uses to the east; office and single-family residential uses to the south; and single-family residential uses to the west.

B. Project Summary

The applicant is proposing a new PD to allow for the demolition of all existing buildings, construction of a new senior living community, removal of large protected trees, and site improvements requiring a Grading Permit. The senior living community would operate as a Continuing Care Retirement Community (CCRC) and will be licensed as a Residential Care Facility for the Elderly (RCFE) under the California Department of Social Services. The project would be restricted to persons age 62 and older, providing 24/7 assisted living services to the residents. The senior living community would provide coordinated health care services, including 17 supporting care units. These proposed services would be similar to the uses offered in the previous community that closed in 2019.

DISCUSSION:

A. Conceptual Development Advisory Committee

The CDAC reviewed a preliminary proposal for redevelopment of the subject property on April 9, 2008 (Exhibits 6 and 7). The CDAC provided comments on the proposal related to:

- The need for senior housing and to modernize the existing facility;
- Inclusion of Below Market Price units;
- LEED certification;
- Height and visibility;
- Appropriate architectural style;
- Hillside setting; and
- Traffic, grading, and tree impacts.

The applicant's Letter of Justification responds to the feedback provided by the CDAC in 2008 (Exhibit 8).

B. Existing Planned Development Comparison

As noted in the Letter of Justification (Exhibit 8), the applicant is proposing a new PD to replace the PD approved in 1968, under which the Los Gatos Meadows has been operating since 1971. The proposed PD would retain the existing R:PD zoning for the subject property. Approval of the PD application would establish the regulations through an

DISCUSSION (continued):

ordinance (which would include the development plans) under which the following actions would be allowed:

- Demolition of all existing buildings on the site;
- Construction of a new senior living community;
- Removal of 192 trees, including 8 large protected trees; and
- Site improvements requiring a Grading Permit.

A comparison of the existing and proposed PD conditions is provided in the table below.

Comparison of Planned Development Conditions

	Original 1968 PD	Proposed PD
Site Coverage	24.6 percent	22.5 percent
Total Number of Independent Living Units	184	174
Total Units Permitted	222	191
Open Space	75.4 percent	77.5 percent
Building Setbacks from Property Line	Front: 20 feet Side: 15 ft and 27 feet Rear: 15 feet	Front: 34.83 feet Side: 40.83 feet and 60 feet Rear: 32.92 feet
Parking	111 spaces	78 standard spaces 122 tandem spaces
Height	Predominantly 2-story with some basement or below grade space for infirmary, parking, storage, and mechanical. Heights vary between 30'-9" and 55'-2" ±.	3-5 stories with below grade space for parking, storage, and mechanical. Heights vary between 59'-0" and 85'-6" ±.

Future required approvals include an Architecture and Site application, Certificate of Lot Merger, Building Permits, a Grading Permit, and a Tree Removal Permit.

C. Proposed Project Analysis

The proposed PD includes demolition of all existing structures and redevelopment of the site with a ground floor podium and eight separate buildings constructed above the podium level (Exhibit 15).

DISCUSSION (continued):

As summarized in the following table, the podium would include a ground floor level and a subterranean lower-level parking garage with 29 parking spaces. The ground floor level would include the main entrance, 17 supporting care units, dining facilities, offices, fitness center, indoor swimming pool, mechanical areas, and a parking garage accommodating 49 cars in single parking spaces and 122 cars in tandem parking spaces.

Summary of Podium

	Height Above Low Grade (+477')	Gross Floor Area	Parking Area	Parking Spaces
Lower Level Garage	11 ft (+488')	0 sf	22,136 sf	29 (standard)
Ground Floor Level	28 ft (+505')	52,904 sf	66,691 sf	49 (standard) 122 (tandem)

An outdoor terrace would be located above the podium providing common space amongst the eight villas. This landscaped terrace area would offer amenities including walkways, gardens, seating areas, courtyards, lawns, bocce ball courts, outdoor dining, and multiples trellises and gazebos (Exhibit 15B, Sheet LS-6). The eight villas would rise three to five stories above the terrace level, with heights from 42 feet, one inch, to 68 feet, seven inches above the terrace. The eight villas would include 174 one- and two-bedroom independent living units with a variety of floor plans. The characteristics of each villa are summarized in the table below.

Summary of Villas

	Number of Stories	Height Above Terrace (+505')	Height Above Ground Floor (+488')	Gross Floor Area
Villa A	5	68.58 ft	85.58 ft	157,054 sf
Villa B	3	56.00 ft	73.00 ft	41,483 sf
Villa C	5	65.08 ft	82.08 ft	56,891 sf
Villa D	4	53.58 ft	70.58 ft	31,426 sf
Villa E	5	65.00 ft	82.00 ft	40,712 sf
Villa F	5	67.50 ft	84.50 ft	40,712 sf
Villa G	4	53.50 ft	70.50 ft	31,426 sf
Villa H	3	42.08 ft	59.08 ft	31,112 sf

Sheets A201, A202, and A203 of the development plans include typical elevations for the podium and the villas but do not provide full elevations of all structures. Full elevations will be required during the future Architecture and Site application review process.

DISCUSSION (continued):

In their Letter of Justification, the applicant indicates that the materials for the proposed development were selected based on their ability to blend with the natural setting and minimize the visual impact of the proposed building heights (Exhibit 8). A materials board is included on Sheet A204 of the development plans and the typical locations of the proposed exterior materials are shown on the exterior elevations on Sheets A201 through A203 (Exhibit 15B). Typical exterior materials include:

- Standing seam metal roof in dark gray;
- Stone veneer tile;
- Brushed stainless steel window frames and railings;
- Concrete panel siding in tan/brown;
- Metal panel siding in olive green;
- Vertical standing seam siding in beige;
- Horizontal metal panel wood veneer; and
- Aluminum soffit with wood appearance.

The eight villas would be situated on the terrace level to frame two large outdoor spaces separated by Villa A: the Village Green and Town Square. These outdoor spaces would be connected through the common area located on the bottom floor of Villa A. A network of paths and walkways would provide circulation between the various amenities within the outdoor spaces. Proposed hardscape materials are included on Sheet LS-13 of the development plans (Exhibit 15B) and include:

- Stained sawcut concrete walkways;
- Seeded glass paving;
- Stone veneer retaining walls;
- Vegetated green walls; and
- Toned asphalt paved trail.

The proposed PD includes access and circulation improvements serving the development. The primary access point would be similar to the existing driveway off Wood Road at the southern end of the property (Exhibit 15B, Sheet C102). At the southwest elevation, vehicles could access the main entrance at the ground floor level or enter the lower level parking garage, which connects internally to parking on the ground floor level. Deliveries, trash collection, and other services would be accommodated through a receiving dock just north of the main entrance on the ground level. The existing access road off Wood Road uphill of the development area would be improved and extended to connect to the driveway on the east side of the development area. This extension would provide a fire

DISCUSSION (continued):

access ring road around all sides of the development. The fire access ring road would provide ladder access to the podium and each of the eight villas. Farwell Lane would be closed off to vehicle and pedestrian access and would be retained exclusively for Fire Department access from Broadway and autonomous vehicular access for the residents to the downtown area. The proposed project, including the circulation improvements, has been reviewed and approved by the Santa Clara County Fire Department.

D. Architectural Review

The Town's Consulting Architect reviewed the proposed project and noted that the project is well designed with a lot of thought given to the facilities' layout and building design (Exhibit 9). The Consulting Architect also noted that the increased building heights and proposed tree removal have the potential to create visual impacts to adjacent properties and other portions of the Town. The Consulting Architect made no recommendations for changes to the building design, but noted that the proposed materials are largely faux simulations of natural materials. Based on this feedback, the applicant revised portions of the plans to clarify the screening impact of the landscaping, updated the color of the roof material, and provided justification for the selected materials (Exhibit 8). The applicant's response to the recommendations of the Town's Consulting Architect is included in Exhibit 10. An application for Architecture and Site review is required by Performance Standard 3 of the Planned Development Ordinance (Exhibit 15).

E. Visibility

The subject property is not located within the hillside area and is not subject to the visibility regulations as defined by the HDS&G. The applicant installed story poles and provided renderings of the proposed project to represent the visual impact of the project from several view corridors (Exhibit 15B, Sheets A406 through A408). Further, the applicant provided a discussion of the building heights and visibility in the Letter of Justification (Exhibit 8).

F. Grading

The proposed project is located primarily in the areas of the property with existing development. Grading and excavation activities are required for the new podium and villas, subterranean parking garages, adjustments to the site plan, and circulation improvements (Exhibit 15B, Sheet C103). Preliminary earthwork quantities and cut and fill depths are summarized in the table on the following page. The proposed site grading exceeds the 50

DISCUSSION (continued):

cubic yard (cy) threshold for requiring a Grading Permit. The areas with the most intense site grading are adjacent to the edges of the podium, and the new and widened roadway around the site.

Preliminary Earthwork Quantities

Type	Cut (cy)	Fill (cy)	Net (cy)		Max Cut Depth (ft)	Max Fill Depth (ft)
Buildings*	113,000	1,000	112,000	<Cut>	61.5	3.5
Driveways	9,900	2,300	7,600	<Cut>	21.0	14.0
Sidewalk	3,700	700	3,000	<Cut>	20.5	10.5
Landscape	13,100	2,400	10,700	<Cut>	27.0	13.5
Utility Spoils	7,000	--	7,000	<Cut>		
GRADING PERMIT TOTAL*	**33,700**	**5,400**	**18,300**	**<Cut>**		
TOTAL	**146,700**	**6,400**	**140,300**	**<Cut>**		
* Excavation within building footprints does not count toward a Grading Permit						

G. Retaining Walls

New retaining walls are proposed to allow for the necessary slope transitions between the podium and the improved roadways (Exhibit 15B, Sheets C103, and C103.1). The heights of these retaining walls vary by location, having a maximum height of approximately 24 feet northwest of Villa D (Exhibit 15B, Sheet C103.1, Section A-A). Proposed retaining walls on the western edge of the site would be largely screened by the podium and villas, while those on the eastern edge of the development may be visible. The primary function of the proposed retaining walls is improve and extend the fire access ring road. In the Letter of Justification, the applicant discusses the need for the retaining walls, efforts to reduce wall heights, and strategies for mitigating the visual impact of taller retaining walls (Exhibit 8). A summary of the proposed retaining walls is provided in the table below.

Summary of Maximum Retaining Wall Heights

Section (C102 and C103.1)	Location	Maximum Heights (ft)
A–A	NW of Villa A	24
B–B	N of Villa A	11
C–C	N of Villa A	10
D–D	NE of Villa C	10
E–E	NE of Villa C	20
F–F	SE of Villa H	3
G–G	SW of Villa G	13
H–H	NW of Villa H	10

DISCUSSION (continued):

H. Parking

The Town Code parking requirement for convalescent homes is one parking space for every two and one-half beds. While this senior living community differs from convalescent homes for which this parking requirement was developed, it can be used to guide the determination of an appropriate parking requirement for this project, that would be enforced through the PD.

The proposed project includes 174 continuing care living units and 17 supporting care units, totaling 191 units. Applying the convalescent home parking requirement per living unit, the project requires 77 parking spaces. The project includes 78 standard parking spaces, exceeding the parking requirement.

However, some of the proposed 174 continuing care living units would be two-bedroom units, as detailed in the "Unit Data" table on the cover sheet of the development plans (Exhibit 15B). According to this table, the 174 continuing care living units would include a total of 291 bedrooms. When including the 17 supporting care units, the project includes 308 bedrooms. Using the convalescent home parking requirement and applying it per bedroom, rather than per unit, the project would require 124 parking spaces for the 308 bedrooms. In addition to the 78 standard parking spaces, the project includes 122 tandem parking spaces that would be managed under a valet parking program, for a total of 200 parking spaces. Typically, tandem parking spaces do not count toward the required parking; however, these spaces can be counted if approved under the proposed PD. If approved, details of the proposed valet parking program would be required during review of the Architecture and Site application.

I. Traffic

A Transportation Analysis was prepared for the Initial Study by Kimley-Horn (Exhibit 1, Appendices). This analysis compared the trip generation of the existing development (708 daily trips) to the anticipated trip generation of the proposed project (718 daily trips). This analysis concluded that the proposed project would result in a net increase of 10 daily trips for the proposed project relative to the baseline use, and a net decrease for AM peak (-2 trips), midday peak (-3 trips) PM peak (-4 trips), and Saturday midday peak (-3 trips).

J. Trees and Landscaping

The subject property includes thousands of existing trees. Details on the location, size, species, health, suitability, and disposition of the trees in the project area are included on Sheets T-1 through T-5 of the development plans (Exhibit 15B). The provided information

DISCUSSION (continued):

indicates that 44 trees were removed in 2019 under permit T19-167, 36 of which were protected trees. These trees were removed due to being invasive species and/or fire concerns. The project proposes removal of 213 additional trees, 192 of which are protected trees requiring a permit for removal. Eight of these trees are large protected trees. The proposed tree removal is due to their location within the development area, risk/poor health, sudden oak death carrier, and/or fire risk. An Arborist Report was prepared by Hort Science and submitted with the application materials. The Town's Consulting Arborist conducted a peer review of this report and provided recommendations to align the information with the requirements of the Town Code. The applicant submitted a revised report dated October 12, 2020 (Exhibit 11), which was deemed sufficient by the Town's Consulting Arborist on February 12, 2021 (Exhibit 12). All recommendations identified in the Arborist Report for the project have been included as performance standards in the draft PD Ordinance (Exhibit 15).

The applicant has provided details of the proposed landscape plan on Sheets LS-1 through LS-13 (Exhibit 15B). Proposed landscape plantings have been separated into two areas: the ground level areas adjacent to the roadways and podium buildings, and the terrace level. The landscape plan includes 242 new trees at the ground level and 131 new trees at the terrace level. Additionally, shrubs, groundcover, and other ornamental plantings are included on both levels, the majority of which are listed as either native or indigenous species, and drought tolerant.

K. Hillside

The subject property is characterized by a hillside setting, but it is not located within the hillside area as defined by the HDS&G. In 2008, the CDAC recognized the hillside context of the site and recommended that the spirit and intent of the HDS&G should be applied (Exhibit 7). In response, the applicant has provided details in the Letter of Justification of how the spirit of the HDS&G has been integrated into the project (Exhibit 8).

The site is located in Sub-area 6 of the Hillside Specific Plan area. The site has served as a senior living facility since 1971 and would continue to do so under the proposed PD. The project includes modernization of the facility, circulation system, and safety characteristics; an increase in the open space area; and would include a similar number of living units, staff levels, and traffic generation to the existing facility. The proposed project is consistent with the provisions of the Hillside Specific Plan.

DISCUSSION (continued):

L. General Plan

The existing General Plan land use designation is Medium Density Residential. 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 applicant's Letter of Justification provides a detailed discussion of the project's compatibility with the 2020 General Plan including applicable goals, policies, and actions; and compatibility with individual elements (Exhibit 8).

Applicable goals and policies of the 2020 General Plan include, but are not limited to the following:

- Policy HOU-5.3: Work with existing senior lifestyle living and assisted living facilities in Los Gatos, and support the development of new senior housing that includes continuum of care facilities within the Town.
- Policy LU-1.3: To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments.
- Policy LU-6.7: Continue to encourage a variety of housing types and sizes that is balanced throughout the Town and within neighborhoods, and that is also compatible with the character of the surrounding neighborhood.
- Policy CD-1.3: Buildings, landscapes, and hardscapes shall follow the natural contours of the property.
- 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.
- Goal CD-4: To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well designed, environmentally sensitive, and diverse landscaping in new and existing developments.
- Policy CD-7.1: Maximize quality usable open space in all new developments.

M. Zoning Compliance

The proposed use is not allowed by-right under the base zoning designation of Residential. The proposed project would provide a public benefit to the Town by providing much needed senior housing and continuing care services. One of the stated purposes of a PD in the Town Code is to promote projects that provide a public benefit to the Town. While the proposed project is not consistent with the by-right uses allowed under the base zoning

DISCUSSION (continued):

designation, it does meet the criteria for a PD overlay by providing a public benefit to the Town through senior housing services and is thus consistent with the Zoning Code.

N. Planned Development Application

The PD application is requesting to replace the existing PD zoning approved in 1968, maintaining the R:PD zoning of the property. The Town Code states that the purpose of a PD is to preserve, enhance, and/or promote:

- The Town's natural and historic resources;
- The production of affordable housing;
- The maximization of open space; and/or
- A project that provides a public benefit to the Town.

The applicant's Letter of Justification provides details on the relationship of the proposed project to the findings required to approve a PD application (Exhibit 8). The Planning Commission shall make a recommendation regarding the merits of the PD application to the Town Council, who will be the final deciding body. If adopted by the Town Council, the proposed PD Ordinance (Exhibit 15) would allow redevelopment of the site including demolition of all existing buildings, construction of a new senior living community, removal of large protected trees, and site improvements requiring a Grading Permit.

O. Environmental Review

An EIR was prepared for the project. As part of the environmental review process a number of technical reports were prepared, including species lists and database reviews, tree evaluations and arborist reports, geotechnical investigations, and traffic analyses. Reports that were prepared by outside consultants were peer reviewed by Town consultants.

The Notice of Preparation (NOP) was distributed on February 1, 2021, for a 30-day comment period. Comments received on the NOP are included as Appendix A to the Draft EIR (Exhibit 1).

The Notice of Completion and Availability for review of the Draft EIR was released on May 28, 2021, with the 45-day public review period ending on July 12, 2021. On June 23, 2021, the Planning Commission held a public hearing to accept comments on the Draft EIR. No comments were received at this meeting. Written comments on the Draft EIR were received from the applicant, one public agency, and three individuals. The Final EIR, with Response to Comments, was completed in August 2021 (Exhibit 2).

DISCUSSION (continued):

Through the Initial Study/EIR process, no significant and unavoidable impacts were identified. All identified significant impacts that would result from the project can be mitigated to a less-than-significant level through implementation of the Mitigation Monitoring and Reporting Program (MMRP) that has been prepared for the project as required by CEQA (Exhibit 2). The MMRP includes a list of all mitigation measures and the department(s) responsible for ensuring that the mitigation measures are properly implemented. All mitigation measures are included as performance standards within the draft PD Ordinance (Exhibit 15).

PUBLIC COMMENTS:

As detailed in the Letter of Justification, the applicant has been engaged with the surrounding neighborhood, business community, Town officials, and the greater Los Gatos community since 2018 through open house meetings, focus groups, individual in-person and video meetings, and maintenance of a project website (Exhibit 8). The applicant also provided a supplemental community engagement letter summarizing their outreach efforts that have taken place since the Letter of Justification was submitted (Exhibit 13).

Written notice was sent to property owners and tenants within 300 feet of the subject property. Story poles and flagging were installed on the site and certified by a licensed surveyor in coordination with mailing of the written notice. Project signs were also installed at the primary entrance on Wood Road and at the intersection of Farwell Lane and Broadway. Public comments received by 11:00 a.m. on Friday, January 7, 2022, are included as Exhibit 14.

CONCLUSION:

A. Summary

The applicant is proposing a new PD to allow demolition of all existing buildings, construction of a new senior living community, removal of large protected trees, and site improvements requiring a Grading Permit. The senior living community would be restricted to persons age 62 and older, providing 24/7 assisted living services to the residents. The facility would provide coordinated health care services, including 174 independent living units and 17 supporting care units. These proposed services would be similar to the services offered in the previous community that closed in 2019. The proposal would maintain the R:PD zoning of the property and the new PD would provide new performance standards for the project. The project complies with the General Plan, the Planned Development requirements in the Town Code, Hillside Specific Plan, and would provide a public benefit to the Town.

CONCLUSION (continued):

B. Recommendation

Based on the summary above, if the Commission finds merit in the proposal, the Commission can take the following actions to forward the Final EIR and PD applications to the Town Council, recommending that the Town Council:

1. Make the required findings included in Exhibit 4;
2. Make the required CEQA Findings of Fact (Exhibit 5), certify the Final EIR (Exhibit 2), and adopt the Mitigation Monitoring and Reporting Program (Exhibit 2); and
3. Adopt the Planned Development Ordinance (Exhibit 15) and approve the proposed project.

C. Alternatives

Alternatively, if the Commission has concerns with the proposed project, it can:

1. Forward a recommendation for approval of the applications with modified performance standards to the Town Council; or
2. Forward a recommendation of denial of the applications to the Town Council; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

Previously received under separate cover:

1. May 2021 Draft Environmental Impact Report (available online at www.losgatosca.gov/110WoodRoad)
2. September 2021 Final Environmental Impact Report and Mitigation Monitoring and Reporting Program (available online at www.losgatosca.gov/110WoodRoad)

Received with this Staff Report:

3. Location Map
4. Required Findings
5. Required CEQA Findings of Fact
6. Conceptual Development Advisory Committee Staff Report, April 9, 2008
7. Conceptual Development Advisory Committee meeting minutes, April 9, 2008
8. Project Description and Letter of Justification, January 3, 2022
9. Town's Consulting Architect Report, May 8, 2020
10. Applicant's response to Town's Consulting Architect recommendations, May 22, 2020
11. Arborist Report by Hort Science, October 12, 2020
12. Town's Consulting Arborist peer review report, February 12, 2021
13. Supplemental community engagement letter, December 9, 2021
14. Public comments received by 11:00 a.m., Friday, January 7, 2022
15. Planned Development Ordinance with Exhibit A Rezone Area and Exhibit B Development Plans, July 27, 2021

110 Wood Road

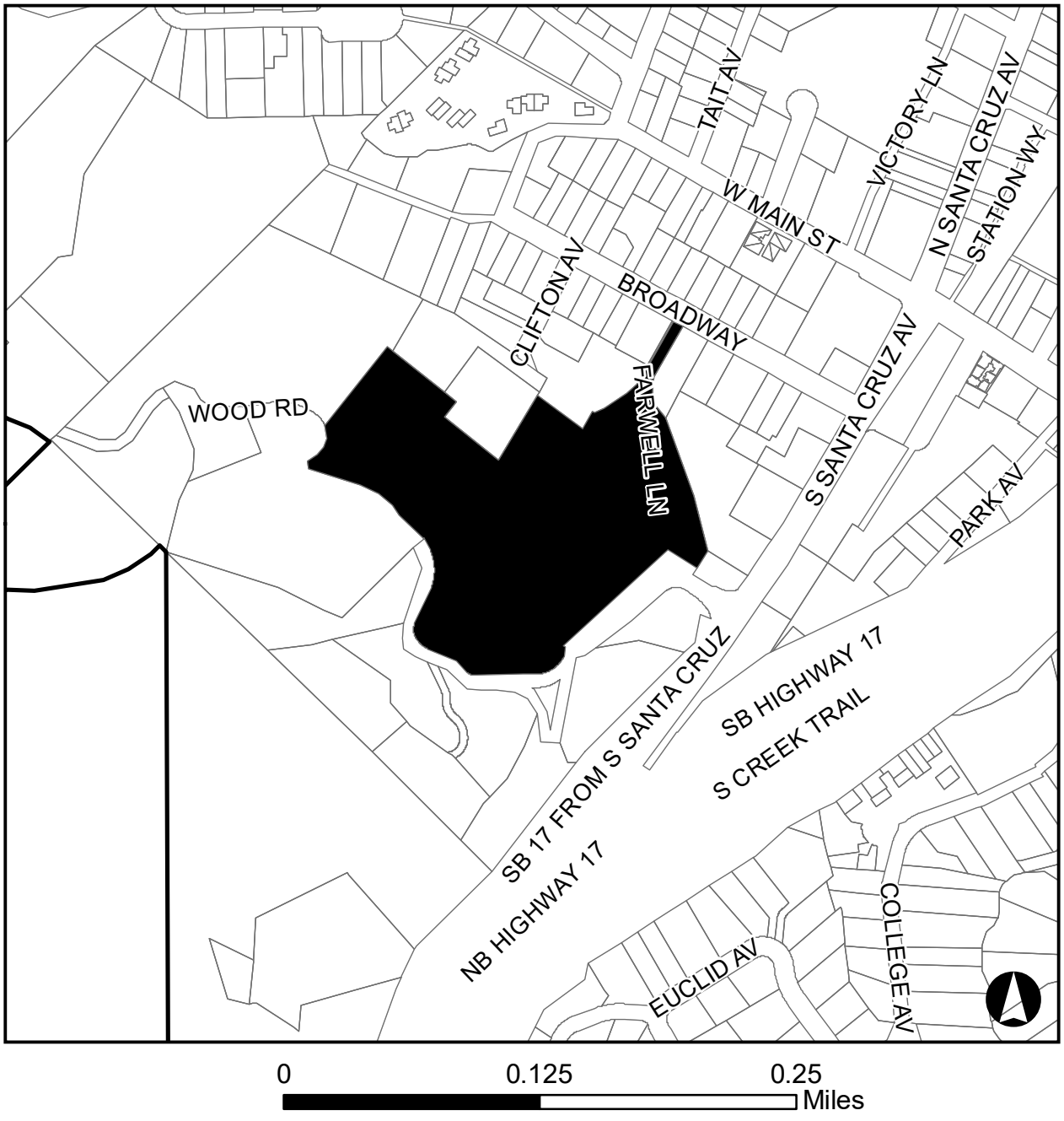

EXHIBIT 3

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PLANNING COMMISSION – January 12, 2022
REQUIRED FINDINGS FOR:

110 Wood Road
Planned Development Application PD-20-001
Environmental Impact Report EIR-21-002

Requesting Approval of a Planned Development for Construction of a Senior Living Community, Removal of Large Protected Trees, and Site Improvements Requiring a Grading Permit on Property Zoned R:PD. APN 510-47-038.
APPLICANT: Rockwood Pacific.
PROPERTY OWNER: Covia Communities.

FINDINGS

Required finding for CEQA:

- An Environmental Impact Report (EIR) was prepared for the proposed development. The Planning Commission recommends that the Town Council make the CEQA Findings of Fact, certify the Final EIR, and adopt the Mitigation Monitoring and Reporting Program.

Required consistency with the Town's General Plan:

- That the proposed Zone Change is consistent with the General Plan and its Elements in that the proposed development provides much needed senior housing and continuing care services to the Town.

Compliance with Hillside Specific Plan:

- The project is in compliance with the Hillside Specific Plan in that the site has served as a senior living facility since 1971 and would continue to do so under the proposed PD. The project includes modernization of the facility, circulation system, and safety characteristics; an increase in the open space area; and would include a similar number of living units, staff levels, and traffic generation. The proposal is consistent with the development criteria included in the plan.

Required finding for the adoption of a Planned Development Ordinance:

- As required by Section 29.80.095 of the Town Code for adoption of a Planned Development Ordinance:
  1. The proposed Planned Development complies with Chapter 29, Article VIII, Division 2 of the Town Code.

EXHIBIT 4

2. The proposed Planned Development is consistent with the General Plan in that the development provides much needed senior housing and continuing care services to the Town.
3. The proposed Planned Development is consistent with the Hillside Specific Plan in that the project includes modernization of the existing facility, circulation system, and safety characteristics; an increase in the open space area; and would include a similar number of living units, staff levels, and traffic generation to the existing facility.
4. The proposal is consistent with the development criteria included in the plan. The Planned Development Ordinance provides a public benefit to the Town by providing much needed senior housing and continuing care services.

D R A F T

CEQA FINDINGS OF FACT

for

110 Wood Road – Los Gatos Meadows Senior Living Community

Planned Development Application PD-20-001

SCH # 2021020007

Town Council

Town of Los Gatos

October 2021

EXHIBIT 5

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I. INTRODUCTION

The Draft EIR prepared for the 110 Wood Road - Los Gatos Meadows Senior Living Community Project (also referred to as the Project or proposed Project) identified several potentially significant environmental effects that the proposed project may cause. All of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Pursuant to Title 14, California Code of Regulations, Section 15090, the Town Council of Los Gatos (Council) hereby certifies that the Final Environmental Impact Report (Final EIR) for the 110 Wood Road - Los Gatos Meadows Senior Living Community project (proposed Project) has been completed in compliance with the California Environmental Quality Act, Public Resources Code (PRC) Section 21000 et seq. (CEQA), that the Final EIR was presented to the Council, and that the Council has reviewed and considered the information contained in the Final EIR prior to approving the proposed Project, as set forth below. As part of this certification, the Council hereby finds that the Final EIR reflects the independent judgment and analysis of the Council and approves the Final EIR.

II. ENVIRONMENTAL REVIEW PROCESS

CEQA (PRC Section 21000 et seq.) requires state and local government agencies to consider the environmental consequences of projects for which they have discretionary authority. This document, which has been prepared in compliance with the requirements of CEQA and the CEQA Guidelines (California Code of Regulations Title 14 Section 15000 et seq.), sets forth the findings of the Town of Los Gatos (Town), the lead agency under CEQA, regarding the 110 Wood Road – Los Gatos Meadows Senior Living Community project.

The primary source for this document is the Final Environmental Impact Report (Final EIR; SCH #2021020007) for the proposed Project, and the documents that have been incorporated into the Final EIR directly or by reference. Full descriptions of the proposed Project, associated environmental impacts, mitigation measures, Project alternatives, a Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project, and other features required under CEQA are contained in the Final EIR itself.

To determine the scope of the EIR, the Town prepared a Notice of Preparation. On February 4, 2021, the Notice of Preparation (NOP) for the proposed Project were distributed to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse. This began the 30-day public review period, which ended on March 8, 2021. These comments were considered during the preparation of the Draft EIR (see below) and are included in their entirety in Appendix A to that document.

The Draft EIR, with an accompanying Notice of Completion (NOC), was circulated to the State Clearinghouse, trustee agencies, responsible agencies, other government agencies, and interested members of the public for a 45-day review period, extending from May 28, 2021 through July 12, 2021. On June 23, 2021, the Town of Los Gatos Planning Commission held a public hearing to receive oral comment on the Draft EIR.

Comments on the Draft EIR, a list of commenters, and the Town's responses to comments are contained in the Final EIR, dated August 2021. Pursuant to CEQA Guidelines §15088(b), the Final EIR was made available for review by trustee and responsible agencies that provided written comments on the Draft EIR for a 10-day period from September 3, 2021 through September 13, 2021

The Final EIR for the Project consists of the following:

A. Draft Environmental Impact Report ("Draft EIR"), issued May 28, 2021;

B. All appendices to the Draft EIR;

C. Final EIR, dated August 2021, containing all written comments and responses on the Draft EIR, refinements and clarifications to the Draft EIR, the MMRP, and technical appendices;

D. All of the comments and staff responses entered into the record orally and in writing, as well as accompanying technical memoranda or evidence entered into the record.

The Final EIR did not provide any significant new information regarding proposed Project or cumulative impacts or mitigation measures beyond that contained in the Draft EIR.

In conformance with CEQA, the Town has taken the following actions in relation to the EIR:

A. On January 12, 2022, the Planning Commission conducted a duly and properly noticed public hearing on the Project and the EIR, and recommended that the Town Council certify the EIR and approve the redevelopment of the 10.84-acre site with a senior living community that would replace the existing Los Gatos Meadows senior living community. The project would include 174 independent residential apartments plus 17 supporting care units. The project, a Continuing Care Retirement Community (CCRC), would be licensed as a Residential Care Facility for the Elderly (RCFE) under the California Department of Social Services. The project would be restricted to persons age 62 and older and would provide 24/7 assisted living services to the residents. The project would provide coordinated health care services, including 17 supporting care units. These proposed services would be similar to the use offered in the previous community.

B. On DATE TBD, at a duly and properly noticed public hearing, the Town Council certified the EIR and adopted findings, Mitigation Monitoring and Reporting Program related to the Planned Development application filed by the applicant requesting a "Planned Development" overlay be applied to the site's existing "Residential Planned Development" zoning designation.

III. PROJECT DESCRIPTION

A. Project Location and Current Use

The project site is located at 110 Wood Road in the Town of Los Gatos. The property is accessed directly off Wood Road (via South Santa Cruz Avenue). The project site's Assessor's parcel number is 510-47-038, and is generally located between single family residences along Broadway to the northeast and Wood Road to the south. The site is zoned "Residential Planned Development (R:PD)" and has a General Plan land use designation of Medium Density Residential. The General Plan land use designation of Medium Density Residential allows for a maximum density of 12 dwelling units per acre. A senior living community has been operating on the site since 1971 with 10 residential buildings and other support facilities and amenities. The site has three access points: two from the south off of Wood Road and one from the north via a driveway (referred to as Farwell Lane) connecting with Broadway. The facility has been closed since February 2019, after a rigorous facilities assessment concluded that continuing operations of the facility in its present form presented too great a risk to its residents. Although the facility has completed the closure process, the facility continues to be staffed to provide on-going maintenance and security of the property.

B. Project Objectives

The objective of the proposed project is to approve a new/updated Planned Development (PD) to rebuild a state-of-the art senior living community on a 10.84-acre site consistent with the *Town of Los Gatos 2020 General Plan*, Town of Los Gatos zoning code and in the spirit of the *Town of Los Gatos Hillside Design Standards and Guidelines*.

C. Project Characteristics

The Project applicant is requesting approval of the following:

- Planned Development (PD) Overlay permit (PD-20-001)

A Planned Development application has been filed by the applicant requesting a "Planned Development" overlay be applied to the site's existing "Residential Planned Development" zoning designation. A subsequent Architecture and Site application will be required if the Planned Development application is approved by the Town Council. In accordance with Town Code Section 29.20.140(d), the Architecture and Site approval is required for purposes of approving the development plan for the new senior living community to ensure conformance with Town regulations related to the height, width, shape, proportion, siting, exterior construction and design of buildings and to ensure that they are architecturally compatible with their surroundings.

IV. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The Final EIR analyzed proposed Project impacts in the following six environmental topic areas: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Wildfire Hazards. With implementation of proposed Project-specific

mitigation measures, potentially significant impacts would be reduced to less than significant impacts.

The following discussion elaborates on potentially significant impacts identified in the 110 Wood Road – Los Gatos Meadows Senior Living Community Final EIR and mitigation measures proposed for those impacts.

A. Air Quality

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact 6-5: Construction Activity Would Expose Sensitive Receptors to Toxic Air Contaminants

Sensitive receptors within 1,000 feet of construction activities would be exposed to construction TAC emissions volumes that exceed the air district significance thresholds for infant/child cancer risks and PM2.5 concentrations. These are significant impacts. Implementation of the following Mitigation Measures would reduce the impact to a less-than-significant level.

Mitigation Measures:

Mitigation Measure 6-5a During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe;
b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site;
d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
e. All vehicle speeds on unpaved roads shall be limited to five (5) mph;
f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California

airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;

h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries;
j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity;
k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established;
l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and
m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure 6-5b Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 78 percent reduction of DPM emissions and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds.

The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures:

a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met;
b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane);
c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and
d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.

Finding

All of the proposed Project specific environmental impacts on air quality will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 6-5a and 6-5b

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

B. Biological Resources

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact 7-2: Potential Effect on Candidate, Sensitive, or Special-Status Species (San Francisco Dusky-Footed Woodrat)

If San Francisco dusky-footed woodrat is present within the 0.3 acres of oak/bay woodland or 5.2 acres of mixed woodland within the proposed project impact area, loss or disturbance of woodrats due to midden removal during construction and fire safety activities would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure 7-2 Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.

Impact 7-3. Potential Effect on Candidate, Sensitive, or Special-Status Species (Pallid Bat, Townsend's Big-Eared Bat)

Potential habitat for pallid bat and Townsend's big-eared bat occurs in mature, hollow trees and around structures present within the project site. If special-status bats are present on the site, tree removal and other construction activities could result in the loss of individual animals. This would be a significant adverse environmental impact. Implementation of the

following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure 7-3 Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas.

If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.
b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery

season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.

Impact 7-4: Potential Effect on Candidate, Sensitive, or Special-Status Species (Nesting Raptors and Migratory Birds)

If nesting birds protected by state and federal regulations are present on or adjacent to the site during construction activities including vegetation removal and site preparation including building demolition, the proposed project may directly result in loss of active nests, or indirectly result in nest abandonment and thereby cause loss of fertile eggs or nestlings. This would be a significant adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

Mitigation Measure 7-4 Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities.

If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.

a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.
b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.

Impact 7-5: Effect on Federally- and State-Protected Wetlands or Waters of the U.S. (Intermittent or Ephemeral Drainage)

The Town of Los Gatos General Plan 2020 requires for all development to "protect wetlands and riparian corridors, including intermittent and ephemeral streams." The on-site drainage feature may also fall under the jurisdiction of the USACE, RWQCB, and/or CDFW. Impacts to jurisdictional wetland and waterway features are considered significant adverse environmental impacts. The following mitigation measures would assure that this potentially significant impact is reduced to less than significant.

Mitigation Measures 7-5a To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans.

Mitigation Measure 7-5b If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed

with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement.

To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:

- A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.
- To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.

Impact 7-6: Damage or Removal of Regulated Trees

The *Arborist Report Update* re-evaluated the potential impacts to trees as a result of the project as shown on the Planning Submittal Set (10/8/2020) and the Preliminary Drainage Plan (6/30/2020). The disposition of each tree is shown in the exhibit attached to the *Arborist Report Update*, and summarized in Table 7-3, Trees Planned for Removal and Preservation, below.

Table 7-3 Trees Planned for Removal and Preservation

	Protected	Large Protected	Total
Trees Planned for Removal	**205**	**8**	**213**
Trees Planned for Preservation	**109**	**9**	**118**

Source: HortScience | Bartlett Consulting 2020

The proposed project could remove up to 213 regulated trees. This would be a significant potential adverse environmental impact. Implementation of the following mitigation measure would reduce the potential impact to a less-than significant level.

Mitigation Measure 7-6 Prior to issuance of a tree removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting). Also, in accordance with the Town's Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.

Impact 7-8: Effect on Sensitive Natural Communities

Sensitive natural communities potentially present on the site are limited to highly impacted drainage channels and oak woodland. Prior mitigation measures require the developer to determine the extent of potentially regulated drainage channels and regulated trees prior to initiation of ground disturbance or construction activities. To compensate for temporary and/or permanent impacts, mitigation shall be provided as required by regulatory permits. No additional mitigation measures are necessary.

General Plan policies ENV-1.5 and ENV-1.7 prohibit the use of invasive species listed by the California Invasive Plant Council (Cal-IPC) for all new construction and requires new development to use native plants or other appropriate non-invasive plants to reduce maintenance and irrigation costs and the disturbance of adjacent natural habitat. The spread of invasive species is considered a significant potential impact. The following mitigation measure would assure that this potentially significant impact is reduced to less than significant.

Mitigation Measure 7-8 On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping.

The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.

Finding

All of the proposed Project specific environmental impacts related to biological resources will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 7-2, 7-3, 7-4, 7-5a, 7-5b, 7-6, and 7-8

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

C. Cultural Resources

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact 8-2: Potential Destruction of a Unique Paleontological Resource or Site During Construction

While it is possible that unknown unique paleontological resources could be uncovered during site preparation and/or other site disturbance activities, implementation of the following mitigation measure would ensure the impact is less than significant.

Mitigation Measure 8-2 The following measure shall be included in project plans, prior to issuance of a demolition permit:

> If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, to be approved by the Community Development Director.

Finding

All of the proposed Project specific environmental impacts related to cultural resources will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 8-2

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

D. Geology and Soils

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact Geologic impacts associated with fault surface rupture, expansive soils, and land sliding and slope instability.

The geotechnical report noted several potential geologic impacts that are to be addressed through several design recommendations for the proposed project. These recommendations include, but are not limited to, providing a 25-foot setback from a mapped surface trace of a fault along the eastern edge of the property; underlaying the foundation by ground improvement or deepening the foundation to bedrock to avoid soil instability; removing alluvial fan deposits down to bedrock and replacing with engineering fill along the proposed retaining wall along the eastside of Farwell Lane for a minimum of 15 feet; removing and replacing all undocumented fill; and designing for sufficient reinforcement for slabs-on-grade. Implementation of the following mitigation measures, as articulated in the February 2021 geotechnical peer review conducted by the Town's geotechnical consultant, would ensure potential geologic impacts are reduced to a less-than-significant level.

Mitigation Measure 13-1 The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.,) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures.

The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to issuance of building permits.

Mitigation Measures 13-2 The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to:

- site preparation and grading;
- ground improvement;
- shoring measures and design;
- site surface and subsurface drainage improvements; and
- excavations for foundations prior to placement of steel and concrete.

In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated.

The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the

geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval.

Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.

Finding

All of the proposed Project specific environmental impacts related to geology and soils will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 13-1 and 13-2

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

E. Hazards and Hazardous Materials

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact Hazardous materials impacts associated with exposure or release of asbestos and/or lead-based paint associated with demolition of existing structures.

According to the environmental site assessment, lead-based paint was banned in 1978. The existing senior community was constructed prior to 1978; therefore, lead-based paint may be present in the existing structures on the project site. Lead is a known carcinogen and its release during grading or other ground disturbing activities could pose hazards to public health and safety. This is a potentially significant impact.

Implementation of the following mitigation measure would ensure potential impacts from the release of asbestos and lead-based paint into the environment as a result of demolition activities are reduced to a less-than-significant level.

Mitigation Measure 13-3 The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead.

Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.

Finding

All of the proposed Project specific environmental impacts related to hazards and hazardous materials will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 13-3

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

F. Wildfire Hazards

1. Potentially Significant Impacts Reduced to Less Than Significant Levels

Impact 12-1: Short-Term Construction-Related Traffic Activity That Has The Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan

As noted previously, the Town of Los Gatos has, in conjunction with the County of Santa Clara and several other neighboring cities, an adopted EOP, which comprises, along with the 2017 Santa Clara County Operational Area Hazard Mitigation Plan, the entirety of emergency planning activities that governs emergency response and evacuation on and around the project site. Implementation of the proposed project would not interfere with an adopted emergency response or evacuation plan, but construction activities associated with the proposed project could result in short-term, temporary impacts on street traffic because of roadway improvements and potential extension of construction activities into the right-of-way. This could result in a reduction in the number of lanes or temporary closure of certain roadway segments near the project site. While any such impacts would be limited to the construction period and would affect only adjacent streets or intersections, the impact would be potentially significant. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure 12-1 In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.

Impact 12-4: Expose People or Structures to Significant Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes.

As noted in Section 13.0, Effects Not Addressed Further in this EIR, the 2007 Draft Preliminary Geologic and Geotechnical Evaluation for Los Gatos Meadows prepared by Cornerstone Earth

Group (Appendix F of the Draft EIR), the project site and surrounding areas are moderately steep to steep slope with slope inclination up to 40 degrees and noted that portions of the site are located within a State of California Earthquake-Induced Landslide Hazard Zone. However, the 2020 Geotechnical Investigation and Geologic Hazards Evaluation (geotechnical report) (Appendix F) also prepared by Cornerstone Earth Group, conducted site-specific subsurface explorations which revealed soil characteristics (alluvial fan deposits underlain by shallow bedrock) that would not suggest the existence of previous landslides through the project site. As noted in the geotechnical report, the proposed project would create relatively deep vertical, retained cuts into the terrace that encompass the developed portion of the site. Localized groundwater seepage may be encountered where the cuts intersect the bedrock surface and installing a network of subdrains and water proofing would address this. The geotechnical report also found the proposed grading plan for the project to be acceptable from a safety standpoint with the exception of a lower slope (below proposed structures) area that may experience a lack of stability with the existing alluvial fan deposit soils there. The geotechnical report recommends removal of these alluvial fan deposits at this location down to bedrock to be replaced by engineered fill. Compliance with this recommendation as incorporated in **Mitigation Measures 13-1 and 13-2** found in Section 13.0 of this EIR (under discussion of "Geology and Soils") would ensure this potentially significant impact would be reduced to a less-than-significant level.

Finding

All of the proposed Project specific environmental impacts related to wildfire hazards will be reduced to less than significant with the implementation of the proposed mitigation measures.

Mitigation Measures: 12-1, 13-1, and 13-2

Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

V. PROJECT ALTERNATIVES

The Final EIR evaluated three alternatives to the proposed Project. These were evaluated based on their ability to (1) reduce the significant impacts of the proposed Project, and (2) attain proposed Project objectives. As described earlier in this findings document, the Project applicant's objectives are to approve a new/updated Planned Development (PD) to rebuild a state-of-the art senior living community on a 10.84-acre site consistent with the *Town of Los Gatos 2020 General Plan*, Town of Los Gatos zoning code and in the spirit of the *Town of Los Gatos Hillside Design Standards and Guidelines*.

The alternatives evaluated were:

1. Alternative 1: No Project – Existing (Closed) Senior Living Community;

2. Alternative 2: No Project – Residential Project Consistent with the Project Site's General Plan Designation; and
3. Alternative 3: Reduced Scale (Removal of Villas B and C from Proposed Site Plan).

A. Alternative 1: No Project Alternative – Existing (Closed) Senior Living Community

This no project alternative investigates if the proposed project were not approved and the existing senior living community facilities were left in place though closed and vacant. The project site is currently developed with 10 residential buildings ranging from one to four stories, which include a total of 205 independent residential apartments and supporting health care units. The existing facility includes a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages. This alternative does not meet any of the basic project objectives, as it would not allow redevelopment of the project site with a revitalized and enhanced senior living community consistent with the density allowed under the site's existing PD entitlement.

B. Alternative 2: No Project - Residential Project Consistent with the Project Site's General Plan Land Use Designation

This no project alternative investigates what could be reasonably expected to occur on the project site in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. The project site has a General Plan designation of Medium Density Residential. Under this designation, the project site could be developed with a multi-family, duplex, and/or small single-family residential project with a density range of 5 to 12 dwelling units per net acre with up to 24 persons per acre. Conceivably, such a project could include a range of home product types including townhomes, condominiums, and/or apartments. This alternative project considers the site constraints of the 10.84-acre site, much of which is steep, heavily wooded hillside that could not reasonably accommodate residential buildings. To determine a probable number of Medium Density Residential dwelling units that the site could accommodate, this alternative utilizes approximately 50 percent of the total net acreage or approximately 5.42 acres. Therefore, a Medium Density Residential project with a maximum of 65 units would be possible. Assuming an average of 2.51 persons per household (U.S. Census 2021), such a project would result in 163 new residents, substantially less than the 233 total residents anticipated as part of the proposed project. This alternative does not meet any of the basic project objectives, as it would not allow redevelopment of the project site with a revitalized and enhanced senior living community consistent with the density allowed under the site's existing PD entitlement.

C. Alternative 3: Reduced Scale - Removal of Villas B and C from Proposed Site Plan

The reduced scale alternative ("reduced scale alternative") consists of a reduction in development capacity sufficient to avoid or reduce significant, but mitigable, impacts associated with grading and removal of trees required to accommodate Villas B and C and a

corresponding area of the grade level below on the northwestern corner of the proposed site plan. The reduced scale alternative would reduce the number of living units by 20 units (Villa B) and 29 units (Villa C), for a total reduction of 49 units, and would result in the reduction of approximately 98,374 square feet of floor space in Villas B and C, approximately 26,000 square feet of floor space from the grade level including portions of the health center, and approximately 26,000 square feet of developed area (building footprints). In addition, this alternative could result in removing approximately 62 fewer trees. Removal of Villa B (70.5 feet in height) and Villa C (81.5 feet in height) would also help reduce visual impacts associated with scenic views from downtown Los Gatos towards the project site and scenic hillside areas beyond as these two buildings would be two of the most publicly visible buildings from multiple vantage points.

D. Environmentally Superior Alternative

Based on a comparison of the impacts of each alternative, Alternative 1, the no project alternative is the environmentally superior alternative. It would avoid all of the project's less-than-significant impacts, and significant but mitigable impacts. However, this alternative would not meet the project objectives.

CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternative 3, the Reduced Scale alternative, is considered to be the environmentally superior alternative among the remaining alternatives. It is the only alternative that could accomplish some of the basic project objectives while minimally reducing some of the less-than-significant and/or significant and mitigable environmental impacts identified for the proposed project.

VI. MITIGATION MONITORING AND REPORTING PROGRAM

The Town Council recognizes that any approval of the proposed Project would require concurrent approval of a Mitigation Monitoring and Reporting Program (MMRP), which ensures performance of identified mitigation measures. Such an MMRP would need to identify the entity responsible for monitoring and implementation, and the timing of such activities. The Town will use the MMRP to track compliance with proposed Project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is included as part of the Final EIR, and is hereby incorporated by reference.

VII. RECORD OF THE PROCEEDINGS

The documents and other materials that constitute the record of proceedings on which the Council bases the Findings are located at the Community Development Department, 110 East Main Street, Los Gatos, California 95030. The custodian for these documents and materials that constitute the record is the Town of Los Gatos Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Title 14 California Code of Regulations (*CEQA Guidelines*) Section 15091(e).

The environmental analysis provided in the EIR and these findings are based on and are supported by the following documents, materials and other evidence, which constitute the administrative record for the approval of the Project:

A. All application materials for the Project and supporting documents submitted by the applicant, including but not limited to those materials constituting the Project and listed in Section III of these findings.

B. The NOP, comments received on the NOP and all other public notices issued by the Town in relation to the EIR (e.g., Notice of Availability).

C. The Draft EIR, the Final EIR, all appendices to any part of the EIR, all technical materials cited in any part of the EIR, comment letters, oral testimony, responses to comments, as well as all of the comments and staff responses entered into the record orally and in writing between May 28, 2021 to July 12, 2021.

D. All non-draft and/or non-confidential reports and memoranda prepared by the Town and consultants related to the EIR, its analysis and findings.

E. Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings or scoping meetings held by the Planning Commission and the Town Council.

G. Staff reports associated with Planning Commission and Council Meetings on the Project and supporting technical memoranda and any letters or other material submitted into the record by any party.

H. Matters of common knowledge to the Planning Commission and Town Council which they consider, such as the Los Gatos General Plan, any other applicable specific plans or other similar plans, and the Los Gatos Municipal Code.

VII. SUMMARY

A. Based on substantial evidence in the foregoing Findings and in the information contained in the record, the Town Council has made the following findings with respect to each of the significant effects of the proposed Project identified in the Final EIR:

1. Changes or alterations have been required in, or incorporated into, the proposed Project which avoid or substantially lessen the significant environmental effect on the environment.

2. Based on the foregoing Findings and the information contained in the record, it is determined that:

All significant effects on the environment due to the approval of the proposed Project have been eliminated or substantially lessened where feasible.

MEMORANDUM
COMMUNITY DEVELOPMENT DEPARTMENT

To: Conceptual Development Advisory Committee

From: Bud Lortz, Community Development Director

Subject: Los Gatos Meadows—110 Wood Road

Date: April 9, 2008

Project Description:

Episcopal Senior Communities has submitted a conceptual site plan for redevelopment of the Los Gatos Meadows site at 110 Wood Road. The site contains 10.6 acres. The applicant proposes to demolish the existing senior community to construct a larger facility with 256 units/beds as follows:

- 192 Independent Living
- 48 Assisted Living
- 16 Memory Assisted Living

The project will range in height from two to five stories above a multi-level parking garage. The following chart compares the existing and proposed projects:

	Existing Project	Proposed Project
Total Units/Beds	222	256
Independent Living Units	184	192
Assisted Living Units/Beds	39	48
Memory Care Units/Beds	0	16
Stories	1 to 4	2 to 5
Building Square Footage	163,825	454,815
Parking Spaces	111	350

The applicant's letter (Attachment 1) states that the existing Planned Development allows for 39 skilled nursing beds. Given the age of the files, staff has not been able to confirm this number to date. The applicant has provided a packet of illustrative drawings and photomontages for the Committee's consideration (Attachment 2).

General Plan and Zoning:

The General Plan designation is Medium Density Residential (5-12 du/ac). The current zoning designation is R:PD (Residential-Planned Development). Redevelopment of the site will require an amendment to the Planned Development zoning.

EXHIBIT 6

The site abuts Wood Road, west of South Santa Cruz Avenue (Sheet 1 of Attachment 2). Primary access to the site is from Wood Road. A secondary driveway provides access to Broadway. The site primarily abuts residential uses except to the east, where commercial uses exist.

The property has a substantial topography. The site rises roughly 180 feet in elevation from the southeast to the northwest and rises roughly 90 feet across the portion of the site where the new buildings are proposed.

Background:

The Town Council approved the Planned Development Ordinance for the existing project in January 1968. The Meadows opened in 1971. Data on the existing project is contained in the chart on Page 1.

Potential Issues:

The applicant has submitted a conceptual site plan, sections, and elevations to illustrate their development proposal (Sheets 3-5 of Attachment 2). The following is a brief list of issues and topics for CDAC. Staff has not reached conclusions on these topics but provides them to help frame the discussion and to solicit input.

1. General Plan Density:
    a. The General Plan currently designates the site for residential uses with a density range of 5-12 dwelling unit per acre (du/ac), which would permit a maximum of 127 units on the site. A General Plan Amendment to High Density Residential (12-20 du/ac) will be required.
    b. With the General Plan Amendment, the maximum number of units would be 212. The applicant proposes 256 units; however, 192 units are for fully independent living and the remainder have some level of assistance. Is this consistent with the General Plan density range?
    c. The General Plan Housing Element does allow for up to a 100% density bonus for senior housing projects.

2. Scale of Development:
    a. Height of buildings is a concern.
        i. Buildings of up to five stories are proposed (the applicant states the section drawing on Sheet 4 showing six stories is an error).
        ii. The buildings are on top of the parking structure, portions of which may be above grade, thereby increasing the height.

b. Scale of project:

   i. The existing Meadows complex contains 163,000 square feet of space; roughly 455,000 square feet are proposed.

   ii. The overall footprint of the proposal is similar to the existing complex with two exceptions. First, structures are now setback farther from the eastern property line. Second, a building is proposed toward the western portion of the site which is higher in elevation than the current complex.

c. Visibility of project:

   i. The existing complex has minimal visibility to the Town as a whole despite its size. The applicant has submitted a photomontage of the existing and proposed views from East Main Street (Sheets 10 and 11). The proposed project would be significantly more visible.

   ii. Additional study will be needed to determine if it will be visible from other areas of Town.

3. Hillside Setting:

   a. Although the site is located in a hillside setting, the site is not within the Town-designated Hillside Area to which the Hillside Development Standards and Guidelines (HDS&G) apply. The Hillside Area begins at the centerline of Wood Road and extends to the south and west of the site. This site was specifically not included in the Hillside Area because the HDS&G were developed to address single family homes.

   b. Should the HDS&G be used as a reference in evaluating this project? The Guidelines were not developed to address a project such as this, but could used as guidance to ensure the project is designed in a manner that is sensitive to the hillside environment and reflects the Town's values.

4. Architectural Character:

   a. The applicant letter states the project will be designed in a Craftsman style. The buildings will step with the topography and will have a variety of roof elements and wall planes to break-up the mass of the structures.

   b. In addition to the elevations, the applicant has provided sheets with architectural images that reflect the design theme of the project. CDAC should provide input to the applicant on the architectural character of the project.

5. Green Building:

   The applicant states the project will include numerous green building and sustainability measures. Will LEED certification be pursued?

6. Environmental Impacts:

   The following potential impacts will be evaluated in detail through the development and environmental review processes:

   - Traffic
   - Parking
   - Grading
   - Trees
   - Aesthetics and Visibility
   - Biologic

7. BMP Units:

   BMP units will need to be provided with the project. The Town Code requires that 20% of the units be affordable to low and very low incomes.

8. Phasing/Relocation:

   a. Will redevelopment of the site (and relocation of current residence) occur in phases?

   b. What are the applicant's plans on relocation of the residents?

Role of the CDAC:

The Conceptual Development Advisory Committee was formed to advise a prospective applicant on the consistency of a project with Town policies prior to submitting a formal application and initiating an expensive and time-consuming development review process. The Committee also endeavors to identify and list the problems and issues that will need to be addressed during the development review process should the applicant wish to submit an application. The issues and problems identified by the Committee are not intended to be all-inclusive and many additional issues may be identified during the formal development review process. None of the Committee's comments are binding on the Town and in no way are intended to indicate whether the project will be received favorably by the various review bodies that are charged with evaluating and deciding the application. Public input is a required and essential component in considering and deciding an application and that input will strongly influence the outcome of the application. All applicants are strongly encouraged to hold neighborhood meetings to receive input as the design of the project is evolved should they decide to proceed with the development review process.

Attachments:

1. Location Map
2. Applicant's Letter
3. Project Information

Distribution:

Kevin J. Gerber, Episcopal Senior Communities, 3650 Mt. Diablo Blvd., Suite 100, Lafayette, CA 94549
Cynthia James, Morley Bros., LLC, 99 Almaden Blvd., Suite 720, San Jose, CA 95113

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TOWN OF LOS GATOS
110 East Main Street, Los Gatos, CA 95032 (408) 354-6872

SUMMARY OF DISCUSSION OF A REGULAR MEETING OF THE **CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE** OF THE TOWN OF LOS GATOS FOR APRIL 9, 2008, HELD IN THE TOWN COUNCIL CHAMBERS, CIVIC CENTER, 110 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

The meeting was called to order at 4:30 P.M.

ATTENDANCE

Members Present:	Absences:
Barbara Spector	Mike Wasserman (replaced by Diane McNutt)
Diane McNutt	Marico Sayoc
Stephen Rice	
Joanne Talesfore	

Staff Present: Bud Lortz, Director of Community Development; Randy Tsuda, Assistant Director of Community Development

ITEM 1: 110 Wood Road
Conceptual Development Application CD-08-002

Requesting preliminary review of an amendment to a Planned Development to demolish an existing senior complex (Los Gatos Meadows) to construct a new 455,000 square foot senior continuing care complex with a total of 256 units on a property zoned R:PD. APN 510-47-038
PROPERTY OWNER/APPLICANT: Episcopal Senior Communities

Comments:

General Comments:

- **There is clearly a need to modernize and improve the Los Gatos Meadows complex. The Committee believes it is possible to design a successful project.**
- **Senior housing should be regarded as an essential service to the Town. There is a great need for this type of project.**
- **The challenge will be how to evaluate a unique project such as this.**
- **The walkability of the Farwell Lane connection should be improved. The current connection is overly steep for seniors.**
- **The applicant should clarify how the project will be phased and how existing residents will be accommodated. Applicant should provide a narrative explaining their relocation strategy. Residents should not be displaced unless it is supported by the residents.**
- **Below Market Price units should be provided.**
- **Project should obtain LEED certification.**

EXHIBIT 7

Height and Visibility:

- **The Committee expressed significant concerns with the height, visibility and mass of the project. Do not want the project to loom over Downtown.**
- **Four stories may be acceptable is visibility is addressed.**
- **The existing project, while large, is hidden from the Town.**
- **Consolidation of the buildings is good.**
- **Buildings should be stepped with the hillside.**
- **The garages should be pushed below grade.**
- **The use of technology to illustrate the visibility of the project was appreciated. It will be necessary to clearly illustrate the visibility of the project.**

Architecture:

- **Not sure if the architecture fits with the Town.**
- **Design theme is attractive but does not trump concerns with height and mass.**

Hillside Development Standards & Guidelines:

- **The Hillside Development Standards & Guidelines (HDS&G) cannot be directly applied; the Guidelines were developed for single family homes.**
- **The spirit and intent of the Guidelines should be applied.**

Impacts:

- **Concerns with traffic, both from the project and construction-related traffic.**
- **Concerns with grading and tree impacts.**

ADJOURNMENT Meeting adjourned at 5:25 p.m. The next regular meeting of the Conceptual Development Advisory Committee is Wednesday, May 14, 2008.

Prepared by:

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Bud N. Lortz, Director of Community Development

cc: Planning Commission Chair

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January 6, 2022

Ms. Melanie Hanssen, Chair
Los Gatos Planning Commission
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

RE: Letter of Justification
Rebuild of Los Gatos Meadows

Dear Ms. Hanssen:

Included in this letter is the justification for the efforts of Covia Communities to rebuild Los Gatos Meadows (the "project"), the 10.84-acre site located at 110 Wood Road (APN 510-47-038) at the intersection of Wood Road and S. Santa Cruz Avenue in Los Gatos.

Due to the amount of material covered, for ease of navigation, this letter has been organized by major topics. We have also attached the following documents to assist in your review:

- Listing of specific applicable goals/policies in the Los Gatos 2020 General Plan Related to the Project (Appendix A);
- Planned Development Ordinance Findings (Appendix B);
- Project Compatibility with General Plan and Zoning Code (Appendix C);
- Listing of Meetings with Neighbors and Community (Appendix D); and
- Listing of Communications (Appendix E).

I. Overview of the Process

Our Los Gatos Meadows rebuild efforts were initiated in 2008. We engaged in preliminary review with Town Staff and the Conceptual Development Advisory Committee ("CDAC") during this time. As such our justification letter includes responses to comments we received at the "CDAC" and Town Staff review meetings held in 2008. Shortly following these meetings, Covia made the difficult decision to put the project on-hold given uncertain economic and market conditions stemming from the Great Recession. From 2008-2018, the project was inactive.

In 2018, Covia re-initiated discussions with the Town staff about proceeding with redevelopment of the project site. Other than the declining physical condition of its buildings, no substantive site conditions had changed, and no further site planning had commenced since 2008. Site development topics and challenges identified by Town Staff and CDAC are as similar today as those expressed in 2008. Thus, re-initiation focused on respectfully addressing applicable prior CDAC and Town Staff comments; picking up where we left off, and not starting the process anew.[1]

To this end, we have spent the last three years participating in community outreach efforts with our former residents, neighbors, stakeholders, local business community members, and community residents to understand the concerns and needs specific to senior housing on this site (see Appendix D and E for details). Covia Communities has carefully considered and integrated this input as we have developed our site plan to rebuild Los Gatos Meadows. Furthermore, we have focused on how our project complies with the Town's 2020 General Plan, the Sustainability Plan (2012), and the direction of the current General Plan Update process (2040).

Responses to CDAC Feedback on Prior Site Proposals

In 2008, when rebuild efforts were initiated, Covia met with the Town Planning Staff and CDAC Committee Members. This allowed for introduction, exploration, and feedback of the proposed rebuild project, creating an open discussion for comments and concerns. During the CDAC meeting, the committee members provided valuable feedback regarding project compatibility with the General Plan, building height and massing, architectural design, impacts on trees, and construction impacts. The feedback on these items was taken with great seriousness and the project has since been redesigned in accordance with the committee's concerns.

Specifically, the CDAC recognized the need to modernize the Los Gatos Meadows complex and supported the senior residential use of the facility. The CDAC hoped to improve the walkability of the Farwell Lane connection, since the current connection is overly steep for seniors. As part of the project, Covia has included an autonomous vehicle alternative transportation solution as the means by which to address the steep slope at Farwell Lane, while enhancing connectivity and mobility between Los Gatos Meadows and Broadway. This project feature enables both safe and convenient access for residents to connect to downtown Los Gatos. The project would also incorporate a below grade parking level, a reflection of the CDAC comments regarding potential parking garages. The CDAC also expressed concerns with traffic. Covia has studied the site circulation and access accordingly, and as a result has made some substantial modifications to site circulation and parking. The proposed site plan

[1] CDAC recommended that the project include below market price units. In our assessment, California Health and Safety Code section 1569.147(b) is applicable to the proposed rebuild project and prohibits the imposition of rent regulations or controls for licensed care facilities for the elderly. Furthermore, we note the current proposal does not involve an increase in the number of units or staffing levels above those reflected in the current entitlements, and therefore does not result in impacts generating an increased need for affordable housing.

provides for an efficient on-site circulation pattern and increases the availability of parking to minimize the likelihood of spillover parking onto neighboring streets.

While the property is not located in the area subject to the hillside ordinance, the CDAC suggested that the spirit and intent of the hillside guidelines should be applied within the design of the project. To that end, the project would result in the reduction of the development pad of over a fifth of an acre and a corresponding increase in overall open space (from 75.4% to 77.5% of the project site), which would generally be consistent with the hillside design guidelines. In addition to this, the proposed buildings would not be visible from any viewing platforms and would be stepped with the hillside slope, limiting overall visual impacts throughout the Town of Los Gatos. The project would align building roof lines with the contour of the hill and incorporate smaller roof components, minimizing the contrast between buildings and the existing environment. The project would also conserve the natural features of the topography. To that end, the project would have generous replacement of mature trees and vegetation and would use natural materials for drainage and retaining walls.

Additional Outreach

Since re-initiating our rebuilding efforts in 2018, there have been several meetings with various Planning and Public Works staff to clarify and confirm the proposed architectural concepts and treatment of off- and on-site conditions, and to address specific technical challenges.

In March of 2018, the project team hosted the first of eight neighborhood open house meetings at Los Gatos Meadows to inform neighbors about the rebuilding process and to solicit their input and feedback. To further facilitate dissemination of information to the community, the project team produced a video summary update and circulated the link to this video update. The video update can be accessed from the Los Gatos Meadows page of the Covia web site: https://covia.org/los-gatos-meadows/

From 2018 through early 2021, the project team met with each council member at least once. Furthermore, in the spirit of community engagement and to commence the development of a "Town Integration" project, over the last two years, the project team has conducted over twenty in-person meetings with local businesses, associations, and interest groups (see Appendix D and E for details). Feedback from neighbors, council members, and other community leaders included concerns and comments on building/site design, parking and circulation, visual impacts, and safety, which were accounted for during the formation of the site plan and project. The project design reflects the concerns of not only the Town, but also the broader Los Gatos community.

II. Summary of Key Proposed Project Attributes

The proposed rebuild project involves the redevelopment of the 10.84-acre site with a senior living community that would replace the existing Los Gatos Meadows senior living community. The project would include a total of 174 independent residential apartments plus 17 supporting care units. The project, a Continuing Care Retirement Community (CCRC), will be licensed as a Residential Care Facility for the Elderly (RCFE) under the California Department of Social Services. The project would be restricted to persons age 62 and older

and would provide 24/7 assisted living services to the residents. The project would provide coordinated health care services, including 17 supporting care units. These proposed services would be similar to the use offered in the previous community. An estimated 120 full time equivalent (FTE) employees would be anticipated with the project; this is commensurate with the number of employees onsite prior to the closure of the facility in late 2019.

Site improvements would include on-site amenity areas, an enhanced fire access (loop) road, parking, new landscaping, a variety of energy efficient and sustainable interior and exterior building elements and improved emergency access.

Parking for residents, staff, and visitors would be provided within a new structure which would include 78 standard, non-tandem parking spaces of which approximately 30 would be near the garage entrance and the balance on the main parking level. All surface parking is proposed to be eliminated, improving fire circulation. If needed, Covia would be able to increase the parking capacity to 220 spaces by implementing a valet parking service.

Approximately 77.5 percent of the site would remain as open space, which is greater than the 75.4 percent under the existing permit condition. The project site layout, building orientation and articulation, use of open space and building materials have been designed to focus on being visually compatible with the surrounding area and to inspire a natural biophilic environment.

Site improvements would require demolition of all existing site improvements. The project is anticipated to be built over a period of approximately 26 to 30 months. Demolition of the existing improvements is expected to require approximately four (4) months.

As described in the paragraphs that follow, the project would fully comply with all applicable Town General Plan Goals and Policies, as well as applicable standards and guidelines established by the Municipal Code.

III. Current Improvements / Current Residential Planned Development Approval

Los Gatos Meadows, a CCRC owned and operated by Covia Communities, was originally developed as a CCRC and opened in 1971. The objective then, and now, is to provide seniors a place to age in place, living independently in the Los Gatos Community.

The site is currently developed with 10 residential buildings, which include a total of 205 independent residential apartments and support care units. The facility includes a dining and commons building, an infirmary, garage and services building, a multi-purpose building, and two cottages. There are 130 existing parking spaces onsite (85 within the existing structure and 45 surface parking spaces) and staff and visitors also use nearby neighborhood street parking, leased commercial space parking, and a public parking lot due to lack of parking availability on-site.

In March 1968, the Town of Los Gatos adopted Ordinance NO. 938, which rezoned the 10.84 project site to Residential Planned Development (R:PD). In 2018, the R:PD Ordinance was amended (Ordinance 2273). The Town Code 29.80.120 provides that amendments to a PD

approved both prior to and after the adoption of this Division may only be considered under this Division and its provisions and must meet the requirements set forth in the amended Ordinance. A R:PD ordinance was in effect prior to the adoption of the amendments to the Town's PD regulations in 2018; that prior ordinance will continue to apply. However, as part of our request to rebuild the existing Los Gatos Meadows facility, Covia Communities seeks a new Planned Development permit. While our current PD Permit remains valid, per Section 29.80.120 of the Town Municipal Code, we recognize the need to update the permit to reflect our desire to rebuild on the current site[2]. The site's proposed density of 16 dwelling units per acre is below the General Plan's maximum density limit of 24 dwelling units per acre allowed for the site[3]. The term "dwelling units" relates to independent residential apartments, not to the supporting care units, consistent with the interpretation of dwelling units under the original PD Permit. A comparison of the proposed project to the existing PD permit conditions is provided in Table 1 below.

Table 1: Comparison of Planned Development (PD) Permit Conditions

Permit Condition	Original 1968 PD Permit Condition	Proposed Rebuild Project
Site Coverage	24.6%	22.5%
Dwelling Unit Density	18 units per acre	16 units per acre
Total Number of Residential Apartment Units[4]	184	174
Total Units Permitted	222	191
Open Space	75.4%	77.5%
Building Setbacks from property line[5]	Front: 20'-0" Side: 15'-0", 27'-0" Rear: 15'-0"	Front: 34'-10" Side: 40'-10", 60'-0" Rear: 32'-11"
Parking[6]	111 parking spaces	78 non-tandem spaces

[2] Section 29.80.125 of the Town Municipal Code states that any change in the activities conducted on, or any new construction in such PD or RPD zone, is subject to the regulations of this division.

[3] The General Plan land use designation of Medium Density Residential allows for a maximum density of 12 dwelling units per acre. However, consistent with density bonus laws in the State of California, General Plan Action HOU-1.3 provides up to a 100 percent density bonus for developments that include housing for elderly households. Further, according to the existing entitlement (adopted by Ordinance No.938 on March 4, 1968), the project site has an allowed maximum density of 24 dwelling units per acre. As such, the 10.84-acre site would allow for up to 240 dwelling units.

[4] 184 units is the number of residential apartment & cottage units allowed; total unit count including skilled nursing beds permitted is 222 total units.

[5] Minimum building setbacks are not specified under the 1968 entitlement. Table 1 includes setbacks under the current and proposed condition.

[6] Prior to closure, Covia utilized a valet parking service and a portion of vehicles were parked in a tandem configuration. If needed, Covia would be able to increase the parking capacity to 220 spaces by implementing a valet parking service.

Table 1: Comparison of Planned Development (PD) Permit Conditions		
Permit Condition	**Original 1968 PD Permit Condition**	**Proposed Rebuild Project**
Height[7]	Predominantly 2-story with some basement or below grade space for infirmary, parking, storage and mechanical. Heights vary between 30'-9" and 55'-2" ±.	3-5 stories with below grade space for parking, storage and mechanical. Heights vary between 59'-0" and 85'-6" feet.
Architecture	Residential	Residential

Recent Site Closure

In February 2019, after undertaking a rigorous facilities assessment by a third-party firm on the condition and physical status of its buildings, Covia concluded that continuing operations of the 48-year+ old facility in its present form presented too great a risk to its residents. Of the numerous conditions reviewed during the assessment, compromised accessibility for fire response services and other fire safety issues, inadequate building systems, aging infrastructure, and the accumulated risk of all other operational and structural factors led to this decision. Thus, Covia initiated a months-long closure and transition process to ensure that these risks would not cause harm to the residents of Los Gatos Meadows. As of September 30, 2019, all residents of Los Gatos Meadows had found new homes, with a vast majority of life care residents either moving to another community owned and operated by Covia Communities or moving to a non-Covia community but retaining their life care contract with Covia. Covia initiated wind down procedures and provided relocation and transition assistance in compliance with all applicable laws and regulations, and in a manner consistent with its philosophy of care and sensitivity to all residents.

Though Covia has completed the closure process, Los Gatos Meadows continues to be staffed to provide on-going maintenance and security of the property. The Planned Development Permit for the site remains in effect, and the existing facilities legally could be re-occupied after completion of seismic and fire safety retrofit work. Covia prefers, however, to rebuild on the site to provide modern facilities that will include the types of amenities that benefit seniors and better serve the Los Gatos community.

To further mitigate the existing fire safety issues, Covia submitted a Tree Management Plan and request for Tree Removal Permit to the Town of Los Gatos on September 26, 2019. The tree management recommendations are based on fire safety, sudden oak death (SOD), species invasiveness and tree risk. Phase 1 of the Tree Management Plan identified recommendations for removal of 44 trees based on the following criteria: (1) they disproportionately contribute to fire risk or are invasive and (2) based on their health, structure, and condition, they do not contribute to site screening between properties. Fire risk and invasive trees are the most

[7] At the main entrance, the proposed elevation (in feet above mean sea level) is 488.0 in comparison to existing elevation of 491.2 (3.2 feet lower); the terrace level of the proposed project is at an elevation of 505.0 in comparison to the existing elevation 512.8 (7.8 feet lower).

imminent risk for the site. Los Gatos Meadows has been closed, in part, due to fire risk. Limiting the spread of invasive species to other portions of the site and neighboring sites is time sensitive as well. The permit, which is independent from the proposed rebuild project, was approved on December 5, 2019; applicable trees were removed in early 2020.

IV. Analysis of Specific Project Attributes

The project is expected to provide numerous benefits to the community. Furthermore, in response to comments from the Town from the January 22, 2020 application, we have provided additional information on several specific attributes of the project. This section is organized into the following subsections:

A. Relationship to Hillside Design Standards and Guidelines
B. Building Massing, Open Space and Views
C. Building Materials
D. Building Heights and Visibility
E. Landscape Character
F. Distances to Immediate Neighbors
G. LEED Certification
H. Parking
I. Height of Retaining Walls
J. Fire Safety

A. Relationship to Hillside Design Standards and Guidelines (HDS&G)

In 2008, CDAC noted that the HDS&G *are not directly applicable to this site*, but requested that the site be rebuilt in the spirit of the HDS&G. The spirit of the HDS&G is best defined by the Vision Statement found in the bullets of the introduction in the HDS&G, page 6:

- Maintains the existing open, wooded, rural character;
- Is in harmony with the natural setting;
- Conserves landforms and other features of the natural landscape;
- Preserves wildlife habitat and movement corridors; and
- Protects and preserves viewsheds and the ridgelines of the mountains.

While the project site is not within the Hillside Zone, the spirit of the HDS&G is integrated into the project by incorporation of the following:

- The buildings step up the hillside so that the building mass responds to the topography of the site.
- Breaking the project into individual buildings of varying heights with space between each building allows the community to best achieve a residential scale to fit within the open, wooded setting.
- Selecting a muted and varied natural toned palette of exterior materials allows the project to harmonize with the natural setting.
- Minimizing the overall construction footprint with compact building forms and the placement of all parking underground allows for an exceptionally efficient site

coverage ratio, thereby maximizing the retention of undisturbed sensitive landforms and native vegetation.

- Replacing an obsolete land/building plan with a new community of lesser overall footprint, enhanced storm water management systems, state-of-the-art building materials/systems, and sufficiently scaled underground parking will minimize impacts to wildlife habitat and movement corridor.
- Stepping the buildings into the hillside, minimizing the dimensions of the Town-facing buildings, investing in saving existing trees per the arborist plan, and presenting a carefully developed scale to the Town, residents, and visitors will preserve viewsheds and have no impact on hillside ridgeline profiles.

In 2008, the CDAC also requested that the buildings step with the hillsides. To this end, and in keeping with the spirit of the Hillside Guidelines, the proposed Ground Level is three feet lower than existing, which serves to minimize the impact on the community when viewed from Town. Furthermore, by placing all parking underground and with buildings grouped above and around green roof courtyards, the resulting compact footprint of the community minimizes the disturbed area of the special hillside setting. Additionally:

- The building in the northeast corner that cantilevers over the hillside is being replaced by a building that sits 45 feet further from Broadway.

- The increased distance to the neighbors and loss of the two buildings along the east side of Farwell Lane will allow for planting of additional trees that will help shelter the building mass with a strong tree canopy.

B. Building Massing, Open Space and Views

- New buildings are designed as a series of separate buildings surrounding courtyards rather than a monolithic building mass. This design breaks up the massing visible from public vantage points in Town. Additionally, the building facades step in and out to eliminate the potential for a large unbroken facade.

- The overall development footprint is smaller than the existing building footprint; the buildings closest to the neighboring properties have been pulled back to create greater physical distance between buildings.

- The design protects the oak woodland at the rear of the site thus respecting the spirit of the Town's hillside and tree preservation policies; to achieve this, greater heights are necessary to achieve a similar number of units.

- The massing of the new community steps up the hillside and, as a result, the buildings at the rear of the site will not be visible from the Town below. In addition to the buildings stepping up the hillside, individual buildings also respond to the views from the Town by pulling the top floor of the buildings back from the façade facing the Town to reduce the impact on the views from the Town. See *Section D. Building Heights and Visibility.*

- The distance between many of the existing buildings is 15 – 24 feet; separation between new buildings varies between 27 – 38 feet with a few buildings placed even further apart. This allows for views to be created between the buildings to the hillside. These views do not exist today.

- Airflow and breezes up and down the hillside will be facilitated by these breaks between buildings.

- The utility of the open space for residents in the courtyards is improved in part due to the dimensions of the Village Green and Town Square and in part due to the elimination of the existing "light well" that is currently situated near the proposed Village Square.

- There is a *visual and experiential quality* to the design that is articulated through the building placement and open space layout. This quality is best expressed by:

    - Better views extending out from all directions so that the natural setting and environmental systems are brought into and integrated with the building clusters;
    - Orientation of the eight villas respects the natural setting. The villas are surrounded by either the Village Green or Town Square where residents can come together as one community to interact, socialize or to simply enjoy the site environs;
    - The absence of long-term surface automobile parking spaces facilitates a greater visual focus on the oak woodlands and the surrounding landscape; and,
    - The creation of varying open spaces accommodates a wide range of activities, from large areas for large group gatherings to smaller, more intimate spaces cultivating individual passions, and reinforcing the feeling of a community.

C. <u>Building Materials</u>

The materials used on the building facades have been selected based on their ability to blend with the natural setting and minimize the visual impression of the building heights. Qualities of materials important to emphasize:

- Materials are darker in tone to blend with the natural environment of the hillside and trees, moving from the current, reflective color palate to one that is visually absorptive.

- The colors are varied with natural browns, greens, and tans to evoke a natural palette of soft colors, which mimic their natural setting.

- The materials vary in type both horizontally and vertically along the facade to help break up the mass of the building.

- Stone is used at the base of the building facing Los Gatos to root the building in the natural landscape.

D. *Building Heights and Visibility*

Aesthetically and architecturally, the heights of buildings are varied based on their location in relationship to visibility from Town, neighboring properties, and site topography.

- Building heights are varied to create more architectural/visual interest and variety when viewed from publicly visible vantage points. The variation created by individual villas reflects a more residential character rather than an institutional character conveyed by a single structure with long, unbroken roof lines.

- Building units and heights are sized to provide greater "independent" living space.

    - Market research has shown that larger units with usable balconies are most desired. The square footage that can fit into the Town's residential or commercial height limit(s) would either result in one long uninterrupted building mass, or far fewer units. We believe that the view of one continuous building when viewed from the Town or from neighboring properties does not fit the spirit of the Hillside Development Standards and Guidelines or the character of Los Gatos. In senior living communities, a minimum number of units are necessary to provide operational efficiencies, programming, and a sense of community; the project is at the lower end of this critical number. Reducing the number of units neither works operationally or socially, nor does it meet with the intent of providing a similar number of units that existed prior to closure.

    - Unit configurations and corresponding heights allow for appropriate COVID-19 protective measures. The smaller, but taller buildings (with fewer units in each building) vs a long continuous shorter building are better suited in a post-COVID world for several reasons:

        - Fewer residents using the same common elevators: the design includes an elevator for every building. This allows buildings to be separated functionally, providing for fewer residents in any single building and allows the units to become the place where residents can self-quarantine.

        - Most units have usable balconies, providing residents a place to be outside during a pandemic, thus providing natural ventilation and mental/emotional relief from quarantine restrictions.

        - The increased square footage of common space allows for multiple dining venues which are critical to allow for socially distanced dining.

- The most visible building from public view is at the corner of Wood Road and Farwell Lane. It is the shortest building on the site and is only 12 feet higher than the existing building in this location.

- Heights of buildings above the terrace level vary from 3 stories to 5 stories. The height of the new terrace is 7 feet lower than the existing terrace which reduces overall building heights.

- Buildings along the front of the site visible from the Town are the lower 3 and 4 story buildings on all front facades, (though some step up to 5 stories away from the front façade).

- To minimize the number of stories visible from Town, buildings step down a story in height on the side facing Town. This means that the upper floors of the buildings are hidden from the views below, and only the shorter side is visible from the Town.

- The buildings in the back of the site are nestled into the hillside. Three of these buildings have two stories benched into the hillside. The roofs of those buildings are effectively one story above the access road immediately behind them.

- With the buildings stepped into the hillside only the top three floors of many of the buildings are visible from Wood Road above. The hillside behind these buildings continues to slope up so the roofs of the buildings are only slightly higher than the level of the access road above.

- The corners of the buildings have balconies which serve to erode the mass of the buildings when viewed from the Town. This results in the front elevation appearing more narrow than actual dimensions.

- While the increased building height will affect what some neighbors will see, the buildings are not expected to cast shadows on neighbors nor materially affect their vistas.

[Refer to Project Application Plan Sheets A406-A408, Visual Simulations for exhibits specifically related to the above comments].

E. Landscape Character

The landscape character has been carefully articulated to highlight, enhance, and nurture a strong sense of community.

- The landscape builds on and celebrates the existing character of the site. The layout plan and corresponding plant palette have been carefully designed and selected to increase habitat benefits, improve water quality, and integrate with the existing horticultural character, creating a better environmental fit and fitness than exists today. It is what Covia has been referring to as “biophilia”.

- The landscape creates a far superior environment for fire resistant conditions. Unlike existing conditions, the genus species, the location, and the landscape pattern will be designed for fire protection.

- The landscape offers experimental value for the resident such as seasonal color changes, shade from the sun, and opportunities to pick an orange from a citrus tree.

F. Distances to Immediate Neighbors

Buildings are placed further from the neighbors than current buildings.

- The buildings closest to the neighbors are now set back much further from the adjacent, neighboring buildings.

    - The building closest to Wood Road would be 18 feet further away from Wood Road than the current Los Gatos Meadows buildings, thereby reducing the effect of the increased height. Also, the distance from the neighboring townhouses to the north of the improvements is 30 feet further than to the existing Los Gatos Meadows buildings.

- The two buildings along the east side of Farwell Lane (closest to Town) are to be removed and are *not* being replaced.

- The building in the northeast corner that cantilevers over the hillside is being replaced by a building that sits 45 feet further from Broadway.

- The increased distance to the neighbors and the loss of the buildings along Farwell Lane will allow for planting of additional trees that will help shelter the building mass with a strong tree canopy. The combination of new trees and landscaping in the additional setback from the neighboring buildings will shield much of the new buildings when viewed from the neighboring properties.

G. LEED Certification

In 2008, CDAC indicated that the project should obtain Leadership in Energy and Environmental Design (LEED) certification. Since 2008, there have been many changes to environmental standards. As in many areas related to environmental regulation and stewardship, the State of California's environmental standards generally surpass those of many other regions of the country in terms of regulations, standards and practices related to sustainability. Notably, many of the policy goals of the California Green Building Code, as well as the mandatory code requirements, overlap with those of independent certification systems such as the LEED certification system. The project will be subject to the most recent and rigorous update to the Cal Green Code, the 2019 Cal Green Building Standards Code (effective Jan 1, 2020), or the standard code in effect at the time of project entitlement. The project is also subject to applicable communitywide greenhouse gas emission reduction measures in conformance with the Los Gatos Sustainability Plan.

The project has been designed to be highly responsive to site context and to some of the specific sustainability priorities of the Town.

- In line with the community wide goals of the Town Sustainability Plan, Green Building Certification may utilize either the GreenPoint Rating System or LEED. The GreenPoint Rating Checklist submitted with our development application package clearly demonstrates that the project comfortably exceeds the required point totals for all five of the rating categories, including: Community, Energy, IAQ/Health, Resources and Water.

- As detailed above, the project adheres to the spirit of the Hillside Development Standards & Guidelines by minimizing site disruption and vehicle impacts, and use of compact, energy efficient building forms demonstrates a heightened commitment to sustainability and environmental goals on this sensitive site.

- A commitment to sustainable innovation is woven into the project in ways both subtle and apparent including the electric autonomous vehicle supplemental transportation system that will connect the community to the Town, a state-of-the-art care model for greater resident and staff satisfaction and health, noncombustible construction materials, and enhanced fire access and life safety systems that benefit both residents and surrounding neighbors.

Based on the sustainability components integrated into the project design, coupled with those elements required as part of the Cal Green Building Code, providing LEED certification would be both redundant, and prohibitively costly given third-party requirements to verify and monitor LEED compliance. In discussions with neighbors and potential residents, strong interest was expressed for recycling, access to natural light and energy efficiency. Accordingly, the design team has prioritized sustainability attributes that are not only compliant with the California Green Building Code but are also highly responsive to site context and the specific priorities of the local community. We are confident that our sustainability approach to the site achieves the overarching goals of the LEED program without triggering a redundant and costly certification process.

H. Parking

Seventy-Eight (78) standard parking spaces as required by the Town Code are indicated on Sheets A100 and A101 (A-C) included in Covia's current application submittal package. If necessary, by employing a valet parking service approach, the current design readily permits Covia to park up to 220 cars on the parking level.

I. Height of Retaining Walls

Planning staff has requested that we provide greater justification for why our retaining walls will need to be taller than 5 feet. We have added sheet C103.1 to our resubmittal that illustrates detailed site sections with wall heights up to 24 feet to show that we are using grading to the extent practical to reduce wall heights. The walls in excess of 5 feet in height are required to create flat areas to provide bioretention and in some cases are required for

the express purpose of reducing grading that would impact trees and otherwise undisturbed areas. Proposed walls are stepped with shorter walls under 5 feet adjacent to useable areas. The shorter walls incorporate planter pockets that will reduce the perceived scale of the taller walls and will include taller plants for additional screening.

J. *Fire Safety*

Covia has reviewed the Ad Hoc Wildfire Committee Report Action Items, as presented to Town Council on November 20, 2020. Fire safety and minimizing fire risk are one of the primary goals of the project as expressed in our Project Description, dated January 21, 2020. Based on the Ad Hoc Wildfire Committee Report Action items, the project is consistent with the five goals identified in the Ad Hoc Committee's Report related to minimizing the wildfire risks and impacts associated with those risks to the Los Gatos community, including:

- Emergency Communication
- Emergency Evacuation
- Roadside Fuel Reduction
- Open Space and Residential Land Management
- Emergency Partnerships

In furtherance of the above Wildfire Ad Hoc Committee goals, the Project Applicant has committed to assisting the Town in achieving its prioritization of the following action items:

- Maximizing the use of an emergency alert system to ensure that communication systems are fully utilized; the project would utilize technology platforms to ensure Los Gatos Meadows stays connected during possible emergencies.

- Increasing the use of social media platforms for emergency communications.

- Exploring additional non-cell/internet reliant emergency communication onsite (such as a siren system) in furtherance of enhanced emergency communication.

- Assisting SCCFD with their Ready, Set, Go Programs in Town.

- Assisting the Town by providing an additional alternative evacuation route via Farwell Lane and provision of a continuous loop road around the project site.
- Incorporating annually simulated evacuations within the Emergency Evacuation Plan once operational.

- Mapping private roadways within the project pursuant to the Roadside Fuel Reduction goal.

- Utilizing appropriate planting including fire retardant xeriscape plant species, particularly in recommended defensible spaces.

- In conjunction with residents, implement an appropriate vegetation management plan.

- Assisting the Town with exploring partnerships with SCCFD fuels crews and defensible space inspectors.

- Assisting the Town with pursuing Firewise USA® site status to satisfy homeowner insurance requirements.

While the Project Applicant recognizes that the actions noted above have not yet been memorialized in Town policy, but rather, are being considered as part of the General Plan Update process, the above action items have been contemplated as part of the overall project design, site layout, project features and elements and/or overall Project operations.

V. Benefits to the Community

We believe the benefits of the project to the Los Gatos community are substantial, and critical in meeting the needs of the broader senior community.

The project would further the Town's **Human Services Element** by revitalizing Los Gatos Meadows and continuing its role as a healthy, contemporary independent senior living community that connects seniors with existing resources in the community, encourages social interaction, improves mobility, and ensures a safe environment for Los Gatos seniors. The project would provide a mix of different unit sizes and varying levels of care that respond to the needs of an active, aging community. The project would incorporate outstanding health care services, recycled and sustainable building materials, and energy efficient operational systems.

The proximity to nearby stores and services, such as the US Postal Service, Old Town Los Gatos Shopping Center, and Los Gatos Theatre, provides residents with opportunities to participate in social, recreational, educational, and shopping activities all within a close distance. The dining area would include a demonstration kitchen for local restaurants to showcase their offerings on a rotating basis, facilitating greater **Town integration** with the Los Gatos Meadows community.

The project would result in no increase in the number of total units currently entitled or occupied up through September 2019. As a result, the project would not generate substantial new vehicle trips. There would be a modest redistribution of trips from Farwell Lane to Wood Road and Santa Cruz Avenue, though even with this redistribution, level of service would remain at an acceptable level of service (LOS B). Furthermore, the project would **improve on-site circulation** and alleviate spillover parking experienced under the prior site plan by creating additional parking spaces and decreasing the need for on-street parking in nearby neighborhoods. Importantly, the project would **provide enhanced fire access** in the area for fire personnel/equipment for fighting on-site and nearby fires **and enhanced emergency access** for neighbors living uphill of the Meadows in the event that Wood Road is closed to access.

The project would also improve the integration of the site with the broader Los Gatos community by closing Farwell Lane to through traffic and transitioning this pathway connecting Los Gatos Meadows and Broadway into a naturally landscaped, pedestrian-

friendly connection to downtown Los Gatos. The **conversion of Farwell Lane into a pedestrian and bicycle lane would improve safety for vehicle and pedestrian interaction at the intersection of Farwell Lane and Broadway.** The project would continue to use the existing driveway on Wood Road for access to the parking entrance, main entrance, and loading entrance, providing safe and efficient access to the site. The project would result in the construction of a parking structure that would include 78 standard parking spaces. If needed, by employing a valet parking service, the parking capacity in the parking structure could be increased to 220 parking spaces. Furthermore, the project would incorporate a dedicated area for fire access, which would be located on the western side of the property.

One of the extraordinary elements of the project is the planned implementation of an **autonomous vehicle alternative transportation solution along Farwell Lane** to enable a safe, convenient, and alternative means of transporting residents between the Meadows and Town retail, entertainment, and civil services. This element of the project will enable both safe and convenient access for residents to connect to Downtown Los Gatos. The project would consider Aurrigo, a vendor of autonomous vehicles, to provide this alternative transportation solution.

While difficult to gauge precisely, the combined effect of facilitating pedestrian, bicycle and self-driving vehicles on Farwell Lane is expected to materially **reduce the number of total vehicle trips to and from the community.**

From an environmental perspective, the building design would provide a **more energy efficient and healthy environment** for prospective residents. Upgraded and energy efficient buildings would assist in further reducing the current carbon footprint by minimizing energy load, enhancing the number of large shade trees, modernizing energy operations/systems, increasing the amount of landscaped space, and improving irrigation efficiency.

VI. Request for Planned Development (PD) Entitlement

This project request is for approval of a new Planned Development Overlay permit. The project complies with the Town's existing PD zoning for the property, as shown in Table 1. The project does not require any variance or exception to any rule, code, or regulation and meets the basic requirements under the existing zoning permit related to site coverage, density, open space, and parking.

The project would not impair the integrity or character of the zoning district and would not result in any additional independent residential apartments, additional supporting care units nor additional staff. The operations of the Project would have hours and staffing consistent with the most recent prior use and would result in an estimated 120 full time equivalent (FTE) employees. As noted above, proposed site coverage, unit count, open space and parking are all consistent with the current PD permit in place today (refer to Table 1). Project building heights have been articulated to protect views from adjacent properties ensuring compatibility with the neighborhood (refer to Visual Simulations, Section "C" of the project development application submittal).

The project would not be detrimental to the public health, safety, or general welfare. The project would provide state-of-the-art health care services for residents who would have access to health care facilities, open 24/7, to ensure consistent and reliable care. The project would have a dedicated fire access road, located on the western side of the property, improving fire access to the entire site, which would improve safety on-site. Because the project is a rebuild of the prior use, it will also include an updated Emergency Preparedness Plan (EPP) and evacuation plan to address the new facilities and ensure a safe environment for all residents and staff, commensurate with Covia's Risk Assessment Policy. In compliance with Covia's Risk Assessment Policy, these two plans already exist for the prior facility, but would be updated in accordance with the applicable federal, state, and local requirements in effect at the time of building occupancy.

The project would result in the reconfiguration of the existing "exit only" driveway, located on Broadway, and would convert the driveway into a pedestrian and bicycle lane, thereby creating safer conditions for pedestrians and bicyclists, as well as serve as the fixed route for an autonomous vehicle connection from the main entrance to the Broadway frontage. This would provide for safer modes of transportation between the project site and downtown Los Gatos. The project would ensure that seniors have convenient access to social and medical services, commercial areas, and transportation by providing on-demand shuttle and/or car service to the residents.

The proposed uses of the project would be in harmony with the various elements and objectives of the General Plan and the purposes of the zoning ordinance. As discussed above, the project is consistent with several of the aspects of the Los Gatos 2020 General Plan (refer to "Letter of Justification Appendix A"). The project is consistent with the Town's Sustainability element and would implement best practices both in design and operations through the adoption of biophilic design principles and sustainable design measures to best fit into the unique site while minimizing initial and ongoing environmental impacts. In addition to this, the site plan of the project incorporates environmentally appropriate design attributes, utilizing the site's topography and natural setting to create a synergy between the design and the hillside that does not exist today.

The project would allow seniors in the Town of Los Gatos to age in place with state-of-the-art health and living facilities. In addition, the proposed CCRC would continue to make a significant contribution to the Town, both as a major employer, as well as a vital resource for residents who want to remain a part of the community. We believe that the project will be a tremendous asset to the Town of Los Gatos, extending a historical legacy of quality residence and care to the broader senior community. In consideration of all the points outlined above, we welcome your review and appreciate your timely consideration of our request.

As per Town Planning Division Staff request, we have provided an analysis of how the project meets the findings required to grant a Planned Development Ordinance request as detailed in Section 29.80.095 of the Town Code. Given its length, this analysis is included as Appendix B to this letter.

VII. Justification

For all the many reasons articulated in detail throughout this letter (and appendices hereto), the rebuild project would be both essential and desirable to the Los Gatos community.

The rebuild project furthers the Town's General Plan by revitalizing the existing site and continuing provision of a healthy, contemporary independent senior living community that connects seniors with existing resources in the community, encourages social interaction, improves mobility, and ensures a safe environment for Los Gatos seniors. The project would result in the construction and/or provision of many service facilities including, but not limited to, a health center, dining venues, fitness services, and supplemental transportation services that would be located throughout the property. These services and amenities would help provide social interaction for the residents. The project would provide a wide variety of senior services and programs, including daily opportunity for health care, physical activity and recreation, and mental stimulation. In addition, the project would provide coordinated health care services, specializing in assisted living care, memory care and respite care, meeting the wide range of needs for seniors as they age.

The feedback on the proposed uses of the project from local prospects and neighbors and local leadership has been very positive. The 174 independent residential apartments would assist in the implementation of the Town's 2015-2035 Goals for providing housing opportunities, lifestyle living, and assisted living facilities for seniors. The project would provide a mix of different size apartments and varying levels of care and amenities that respond to the needs of the active, aging community found in the Town of Los Gatos. The functional site layout, floor plans, and site architecture have been specifically designed to align with the local market, providing larger apartments and on-site amenities desired by seniors.

We are confident that you will find the proposed uses of the project to be in harmony with the various elements and objectives of the General Plan, the purposes of the zoning ordinance and in concert with the feedback we have received from our extensive outreach to the Community. The project would implement best practices both in design and operations through the adoption of biophilic and sustainable design measures to best fit into the unique environs of the site while reducing environmental impacts. Our rebuild project incorporates environmentally appropriate design attributes, utilizing the site's topography and natural setting to create a synergy between the design and the hillside that does not exist today and would not exist in the absence of the project.

Finally, the project would allow seniors in the Town of Los Gatos to age in place with state-of-the-art health and living facilities. The rebuild project would continue to make a significant contribution to the Town, both as a major employer, as well as a vital resource for residents who want to remain an integrated and valued part of the community. We believe that the project will be a tremendous and valuable asset to the Town of Los Gatos, extending a historical legacy of quality residence and care to the broader senior community.

Respectfully,



_____

Francesco J. Rockwood
Rockwood Pacific Inc.
Applicant

Appendix A
Los Gatos 2020 General Plan Related to Project

Housing Element:

HOU-5.3 Work with existing senior lifestyle living and assisted living facilities in Los Gatos and support the development of new senior housing that includes continuum of care facilities within the Town.

Land Use Element:

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

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.

LU-6.7 Continue to encourage a variety of housing types and sizes that is balanced throughout the Town and within neighborhoods, and that is also compatible with the character of the surrounding neighborhood.

Community Design Element:

CD-1 Preserve and enhance Los Gatos' character through exceptional community design.

CD-1.1 Building elements shall be in conformance with those traditionally in the neighborhood.

CD-1.2 New structures, remodels, landscapes and hardscapes shall be designed to harmonize and blend with the scale and rhythm of the neighborhood and natural features in the area.

CD-1.3 Buildings, landscapes, and hardscapes shall follow the natural contours of the property.

CD-1.4 Development on all elevations shall be of high equality 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.

CD-2 To limit the intensity of new development to a level that is consistent with surrounding development and with the Town at large.

CD-3.2 Street and structural lighting shall be required to minimize its visual impacts by preventing glare, limiting the amount of light that falls on neighboring properties, and avoiding light pollution of the night sky.

CD-3.5 All landscaping shall be carefully reviewed to ensure that it is aesthetically pleasing, compatible with its neighborhood and natural environment, and water conserving.

CD-4 To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well designed, environmentally sensitive, and diverse landscaping in new and existing developments.

CD-4.5 New development shall promote visual continuity through tree planting, consistent use of low shrubs and ground cover.

CD-4.7 Landscaping plans should maximize the use of trees for energy efficiency, climate control, screening, shading (especially of parking lots), and aesthetics.

CD-7 To preserve the quality of the private open space throughout Los Gatos.

CD-7.1 Maximize quality usable open space in all new developments.

CD-7.3 All residential developments shall include private open space in proportion to the building size.

CD-15 To preserve the natural topography and ecosystems within the hillside area by regulating grading, landscaping, and lighting.

CD-15.4 Hillside landscaping shall be designed with the following goals in mind: a. Minimizing formal landscaping and hardscape. b. Siting formal landscaping and hardscape close to the house. c. Following the natural topography. d. Preserving native trees, native plant and wildlife habitats, and migration corridors.

CD-16 Promote and protect view sheds and scenic resources.

Human Services Element:

HS-8 To ensure programs and facilities for social interaction for senior citizens.

HS-8.3 Encourage the Los Gatos-Saratoga Recreation District and other service providers to provide a wide variety of senior services and programs, including daily opportunities for seniors to have physical activity, social interaction, and mental stimulation.

HS-8.5 Encourage new development to include intergenerational spaces, such as cafés or family-

oriented outdoor spaces.

HS-8.6 Encourage the establishment and operation of a dedicated space for seniors.

HS-8.5 Connect seniors with existing resources in the community.

HS-9 To improve mobility and access to care and services for seniors.

HS-9.1 Ensure that seniors have convenient access to social and medical services, commercial areas, and transportation by coordinating with senior shuttle service providers.

HS-9.2 Encourage all new senior housing developments to provide transportation services.

HS-10 To encourage a wide variety of types of senior housing, including independent living, residential care facilities, and affordable housing within the Town.

HS-10.1 Encourage new development or substantial remodels to incorporate barrier-free design principles to ensure access for people of all ages and abilities.

HS-10.1 Identify incentives for the development of a variety of types of senior housing, including independent living and residential care facilities.

HS-11 To ensure safe environments for Los Gatos seniors.

Transportation Element:

TRA-2.6 Street improvements such as curb cuts, sidewalks, bus stop turnouts, bus shelters, light poles, traffic signals, benches, and trash container shall be planned as an integral part of development projects to ensure safe movement of people and vehicles and minimize disruption to the streetscape.

TRA-3 To prevent and mitigate traffic impacts from new development (all policies under Goal TRA-3).

TRA-5 To ensure that Los Gatos streets are safe for all users, including drivers, cyclists and pedestrians.

TRA-8.4 Coordinate with appropriate agencies to provide transit service in the Town for seniors, school children, low-income people, the physically disabled, and other groups with special needs.

TRA-9.6 Require development proposals to include amenities that encourage alternate forms of transportation that reduce pollution or traffic congestion as a benefit to the community (e.g., bicycle lockers/racks, showers, dedicated vanpool or car-pool parking areas, dedicated shuttle services, innovative bus shelter designs).

TRA-13 To provide adequate parking for existing and proposed uses, and to minimize impacts on surrounding residential neighborhoods.

Environmental and Sustainability Element:

ENV-1 To preserve and protect native plants and plant communities in the Town, and promote the appropriate use of local, native plants in habitat restoration and landscaping.

ENV-9 To minimize the amount of storm water runoff, as well as to protect and improve the water quality of runoff.

ENV-10 To promote recycling and reuse as well as reduction in demand.

ENV-12 To conserve the air resources of the Town and maintain and improve acceptable air quality in Los Gatos.

ENV-13 To promote a sustainable community that protects environmental resources and the climate to prevent negative impacts to future generations.

ENV-14 To reduce overall greenhouse gas (GHG) emissions to 1990 levels by 2020.

ENV-17 To promote green buildings that minimize consumption of energy and natural resources

Los Gatos Sustainability Plan (2012):

TR-1 Support for Pedestrians, Bicyclists and Transit. Promote walking, bicycling, and transit through the following:

a. Require all new buildings, excluding single-family homes, to include a principal functional entry that faces a public space such as a street, square, park, paseo or plaza, in addition to any entrance from a parking lot, to encourage pedestrian foot traffic.
b. Require new projects, excluding single-family homes, to include pedestrian or bicycle through-connections to existing sidewalks and existing or future bicycle facilities, unless prohibited by topographical conditions.
c. Seek grant funding to establish a Safe Routes to School (SR2S) Program to increase more student walking and biking trips.
d. Design and implement affordable traffic-calming measures on specific streets to

dissuade Highway 17 cut-through traffic and attract pedestrian and bicycle traffic.

e. Implement transit access improvements through sidewalk/crosswalk safety enhancement and bus shelter improvements.

GB-4 Solar Orientation. Require measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping and sunscreens.

RE-5 Solar Ready Features. Where feasible, require that all new buildings be constructed to allow for the easy, cost-effective installation of future solar energy systems. "Solar ready" features should include proper solar orientation (i.e., south facing roof area sloped at 20 to 55 degrees from the horizontal); clear access on the south sloped roof (i.e., no chimneys, heating vents, or plumbing vents); electrical conduit installed for solar electric system wiring; plumbing installed for solar hot water system; and space provided for a solar hot water storage tank.

EC-1 Energy-Efficient Appliances and Lighting. Require new development to use energy-efficient appliances that meet Energy-Star standards and energy-efficient lighting technologies that exceed Title 24 standards by 30 percent.

EC-3 Energy-Efficient Outdoor Lighting. Require outdoor lighting fixtures to be energy-efficient. Require parking lot light fixtures and light fixtures on buildings to be on full cut-off- fixtures, except emergency exit or safety lighting, and all permanently installed exterior lighting shall be controlled by either a photocell or an astronomical time switch. Prohibit continuous all night outdoor lighting in construction sites unless required for security reasons. Revise the Town Code to include these requirements.

EC-10 Heat Gain Reduction. Require all new development and major rehabilitation (i.e. additions or remodels of 20,000 square feet of office/retail commercial or 100,000 square feet of industrial floor area) projects to incorporate any combination of the following strategies to reduce heat gain for 50 percent of the non-roof impervious site landscape, which includes roads, sidewalks, courtyards, parking lots, and driveways: shade within five years of occupancy; paving materials with a Solar Reflectance Index (SRI) of at least 29, open grid pavement system; and parking spaces underground, under deck, under roof, or under a building. Any roof used to shade or cover parking must have an SRI of at least 29.

WW-1 Water Use and Efficiency Requirements. For new development, require all water use and efficiency measures identified as voluntary in the California Green Building Standards Code, and consider more stringent targets. California Green Building Standards Code requirements include: 1) reduce indoor potable water use by 20 percent after meeting the Energy Policy Act of 1992 fixture performance requirements, and 2) reduce outdoor potable water use by 50 percent from a calibrated mid-summer baseline

case, for example, through irrigation efficiency, plant species, recycled wastewater, and captured rainwater.

WW-3 Bay Friendly Landscaping. Require new development to use native plants or other appropriate non-invasive plants that are drought-tolerant, as described in the Bay Friendly Landscaping Guidelines, available at StopWaste.Org and BayFriendlyCoalition.Org.

SW-3 Salvage, Recycled-Content and Local Construction Materials. Encourage the use of salvaged and recycled-content materials and other materials that have low production energy costs for building materials, hard surfaces, and non-plant landscaping. Require sourcing of construction materials locally, as feasible.

Appendix B
Planned Development Ordinance Findings

In the Planning Division Staff Technical Review Comment letter dated May 22, 2020, Planning staff requested the following:

1) Address in the letter of justification for the project how the project meets the findings required to grant a Planned Development Ordinance as detailed in Section 29.80.095 of the Town Code.

While the main body of this Justification Letter provides significant detail as to how the project meets the requirements of the PD Ordinance (refer to Section IV of this Letter of Justification), the following describes how the project meets the findings required to grant a Planned Development Ordinance as detailed in Section 29.80.095 of the Town Code, as requested.

- **Sec. 29.80.095. - Findings.**

(1) The proposed PD is in compliance with all sections of this division.

The proposed rebuild project (or "project") is in compliance with section 29.80.075 as it clearly meets the purpose and intent of the PD zone by enhancing and promoting the Town's natural resources, maximizing open space *and* providing a public benefit to the citizens of the Town. The project will result in a slight reduction in the overall development pad, *increasing* the amount of common open space available for all to enjoy, consistent with the Community Design Goal - 7. The project would further the Community Design Goal CD- 1, CD-4 and CD - 15, by preserving and enhancing Los Gatos' character through exceptional community design features including, but not limited to: buildings that shall follow the natural contour of the surrounding hillside; promoting visual continuity through tree planting; and designing new structures to harmonize and blend with the natural features of the area.

The project is in compliance with section, 29.80.080 of this division as it meets both the purpose and intent of this division and meets the following criteria: it provides a public benefit to the citizens of the Town, and is a property that has a current PD zone based on the combination of uses not otherwise permitted under the Town's existing zoning Ordinance.

The project similarly is consistent with section 29.80.085 as it does not seek to deviate from general plan provisions, guidelines adopted by the Town Council, standards contained in any existing land use regulation or any other provision of the Town Code

otherwise applicable to the property except as otherwise provided for in section 29.080.095.

Finally, the project is in compliance with all the requirements set forth in section 29.080.090 as the PD application includes text and plans/figures and/or diagrams that demonstrate (1) compliance with all sections of this division; (2) conformity of the PD to the goals, policies, applicable land use designations(s) and standards of the general plan; (3) includes the characteristics existing on the property which warrant application of the PD overlay zone; (4) shows the distribution, location and extent of the land uses on the site, including open space; (5) includes the proposed standards and criteria by which development will proceed; (6) includes proposed deviations from the land use regulations and development standards applicable to the underlying zoning district; and (7) describes the public benefit of the proposal. Further, as noted in our Letter of Justification, the project site is zoned as Residential Planned Development (R:PD) which is typically applied to areas where residential development is planned in the future.

However as noted earlier, this project site secured its Planned Development permit entitlements in 1968 and has operated under this permit until late September 2019. The project has been designed in conformance with the Town of Los Gatos zoning requirements for Planned Development (PD) overlay zones as described further below. As per the Municipal Code, Development in a PD zone must be in accordance with the approved "development plan". The Town of Los Gatos Municipal Code provides that the development plan must contain:

_ a land use plan locating all proposed uses, a tentative site plan,
_ schematic architectural elevations of all buildings and structures in relationship to each other,
_ a schedule for any phasing of development,
_ a tabulation of land area including the entire planned development,
_ the floor area of each occupancy,
_ the proposed number of off-street parking, and grading, soils and geologic information

Our project application includes each of these "development plan" requirements as documented in the full project application submittal.

(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 project is in conformance with the applicable goals, policies and applicable land use designations(s) and standards of the Town's general plan as described in this Letter of Justification and the Design Principles section of the Project Description.

This project request is for approval of a new Planned Development Overlay permit. The project complies with the Town's existing PD zoning for the property, as shown in Table 1 of the Letter of Justification. The project does not require any variance or exception to any rule, code, or regulation and meets the basic requirements under the existing zoning permit related to site coverage, density, open space, and parking.

Further, though the project is *not* located within the boundaries of the Hillside Zone, we have made every attempt to meet the spirit and intent of the Hillside Design Standards and Guidelines as identified in Section IV. A of this Letter of Justification.

Where we do not meet the spirit of the guidelines (e.g. retaining wall height), we have identified why and how our deviations to this non-applicable standard are needed for this site (see Section IV. I of this Letter of Justification).

(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 proposed PD is in full conformance with all other applicable land use regulations, including but not limited to Town Council adopted guidelines. The project seeks no exceptions, variances or deviations/modifications from any Town goals, policies, regulations, standards or guidelines applicable to the project site.

(4) Any proposed use or development standards that deviate from the underlying zoning district(s) result in innovative and creative site planning to develop:

a. Housing with a minimum of forty (40) percent of the units affordable to households of very low, low, or moderate income; or

b. Mixed commercial, or mixed residential, or mixed commercial and residential development; or

c. A development designed and sited to protect, preserve and enhance conservation and enrichment of hillsides, natural and/or historic resources, ridgelines, a tree or stand of trees, creek and riparian corridors, geologic hazard or fault zone, and open space; or

d. A project that maximizes open space

Approximately 77.5% of the site would be open space, contributing to the visual compatibility of the surrounding hillsides as well as to create a natural environment for residents (see Section IV. B for additional discussion related to open space). The project results in a slight *decrease* in the overall development pad, increasing the amount of common open space available for all to enjoy.

e. **The proposed PD provides a public benefit to the citizens of the Town**.

The project would allow seniors in the Town of Los Gatos to age in place with state-of-the-art health and living facilities.

The project would further the Town's General Plan by revitalizing the existing site and continuing provision of a healthy, contemporary independent senior living community that connects seniors with existing resources in the community, encourages social interaction, improves mobility and ensures a safe environment for Los Gatos seniors. The proposed uses of the project would be essential and desirable to the community. The project would result in the construction and/or provision of many service facilities including, but not limited to, a health center, dining venues, fitness services, and supplemental transportation services that would be located throughout the property. These services and amenities would help provide social interaction for the residents. The project would provide a wide variety of senior services and programs, including daily opportunity for health care, physical activity and recreation, and mental stimulation. In addition, the project would provide coordinated health care services, including 17 supporting care units with sections specializing in assisted living care, memory care and respite care, meeting the wide range of needs for seniors as they age.

The project would also improve the integration of the site with the broader Los Gatos community by closing Farwell Lane to through traffic and transitioning this pathway connecting Los Gatos Meadows and Broadway into a naturally landscaped, pedestrian friendly connection to downtown Los Gatos. The conversion of Farwell Lane into a pedestrian and bicycle lane would improve safety for vehicle and pedestrian interaction at the intersection of Farwell Lane and Broadway. The project would continue to use the existing driveway on Wood Road for access to the parking entrance, main entrance, and loading entrance, providing safe and efficient access to the site.

One of the extraordinary elements of the project is the integration of one or more autonomous vehicles and control systems deployed along Farwell Lane to enable a safe, convenient and alternative means of transporting residents between the project and Town retail, entertainment, and civil services. This element of the project will enable both safe and convenient access for residents to connect to Downtown Los Gatos. The project would consider Aurrigo, a vendor of autonomous vehicles, to provide this alternative transportation.

As consistently stated in our Project Application submittal and responses to Town staff comments thereto, the project would continue to make a significant contribution to the Town, both as a major employer, as well as a vital resource for residents who want to remain an integrated and valued part of the community. We believe that the project will be a tremendous and valuable asset to the Town of Los Gatos, extending a historical legacy of quality residence and care to the broader senior community.

Appendix C
Project Compatibility with General Plan and Zoning Code

Project Compatibility with Los Gatos 2020 General Plan

The project site has a General Plan land use designation of Medium Density Residential. The Medium Density Residential designation allows for multi-family residential, duplex, and/or small single-family homes and a maximum density of 12 dwelling units per acre. The proposed project would result in 16 dwelling units per acre, which is above the 12 dwelling units permitted for the Medium Density Residential land use designation. However, consistent with density bonus laws in the State of California, General Plan Action HOU-1.3 provides up to a 100 percent density bonus for developments that include housing for elderly households. Since the proposed project's residential uses would be restricted to seniors 62 years and older, it qualifies for the density bonus up to 100 percent. Therefore, the proposed 16 dwelling units per acre would be well within the 24 dwelling units per acre allowed for by the land use designation.

In accordance with the Town's General Plan 2020 Land Use recommendations, the project would also promote the appropriate use of local, native plants in its landscaping. The project would promote the efficient use of water and would minimize the amount of storm water runoff. Energy systems would be new, and thus offer the benefit of far more efficient systems than those currently in place. The project would result in a slight reduction in the overall development pad and would include tree replacement and retention/preservation of mature onsite trees, a Village Green area, and passive gardens to ensure aesthetic consistency with the surrounding hillside area. Finally, there are a number of features incorporated into the project design, including provision of a new loop road that will serve to improve fire safety and minimize fire risk.

Among other benefits noted above, the project would further the Town's General Plan by revitalizing the existing site into a healthy, contemporary independent senior living community that connects seniors with existing resources in the community, encourages social interaction, improves mobility, and ensures a safe environment for Los Gatos seniors. In addition, the project would provide seniors with an alternative mode of transportation by incorporating autonomous vehicle technology into the project to assist in enhanced connectivity between Los Gatos Meadows and proximate Town services such as the Library, Civic Center, and entertainment and retail establishments.

A more detailed description of how these goals/policies are incorporated into the project is included in below.

Housing and Health Services Elements

The project furthers many of the Housing and Health Services plan element goals. The project would be consistent with Goal HS-8, by providing a wide variety of senior services and programs, including daily opportunities for seniors to have physical activity, social interaction, and mental stimulation. The project would further Policy HOU-5.3, to work with existing senior lifestyle living and assisted living facilities in Los Gatos and support the building of Los Gatos Meadows in a manner that includes a continuum of care facilities within the Town. The project would bring a new state-of-the-art CCRC, incorporating outstanding health care services, recycled and sustainable building materials, and energy efficient operational systems. The project would further Health Services Goal HS – 9,

providing seniors with an alternative mode of transportation by incorporating autonomous vehicle technology into the project to assist in enhanced connectivity between Los Gatos Meadows and proximate Town services such as the Library, Civic Center, and retail and entertainment establishments.

Open Space, Parks and Recreation Element

The current architecture, with its substantial concrete façades, is not harmonious with its surroundings, nor does it provide an inviting or healthy environment sought by the senior community. The site plan of the project incorporates environmentally appropriate design attributes, utilizing the site's topography and natural setting to create a synergy between the design and the hillside that does not exist today. This attention to design detail is consistent with Goal OSP-6 to consider the provision of open space in all development decisions, and both supports and reinforces Policies OSP 6.1, 6.3 and 6.4 which are all focused on consideration of health, welfare and public safety in the design of open spaces, including the effects on watershed areas, plant and wildlife habitat. The project will result in a slight reduction in the overall development pad, increasing the amount of common open space available for all to enjoy. The proposed residential buildings would be arranged around shared courtyards. They would be oriented to blend into the hillside and natural landscape to minimize the impact of views to the site while also maximizing views from the site to surrounding hillsides and across the valley. The peer review by the Town Architect was generally favorable and the project team has or will incorporate the design recommendations of this report into the project design. In addition, the project will include generous tree replacement and use of mature trees and a Village Green area, to ensure consistency with the surrounding hillside area.

Transportation Element

The project would improve bicycle and pedestrian access for seniors to downtown Los Gatos and would improve vehicular traffic circulation at the project site. As a part of the project, Farwell Lane at Broadway, the exit-only driveway, would be closed to through traffic. Farwell Lane would be constructed into an improved pedestrian and bicycle connection, as well as serve as the fixed route for an autonomous vehicle connection from the main entrance to the Broadway frontage. This reconfiguration of Farwell Lane will further Transportation Policy TRA-5 by ensuring that project streets are safe for all uses, including drivers, cyclists, and pedestrians. The project is consistent with General Plan Policy TRA-13 and would provide adequate parking for the proposed uses, thereby minimizing impacts on surrounding residential neighborhoods. Previously, many staff members were forced to park on nearby residential streets due to the lack of on-site parking, which is a less than ideal situation for the neighborhood residents. Further, the project would provide seniors with an alternative mode of transportation by incorporating autonomous vehicle technology that will facilitate safe and reliable connections to Downtown Los Gatos. As such, the project would further the Transportation goal to provide transit services in the Town for seniors by incorporating autonomous vehicle technology for residents.

Community Design and Land Use Elements

The project will result in a slight reduction in the overall development pad, increasing the amount of common open space available for all to enjoy, consistent with the Community Design Goal - 7. The project would further the Community Design Goal CD-1, CD-4 and CD - 15, by preserving and enhancing Los Gatos' character through exceptional community design features including, but not limited to: buildings that shall follow the natural contour of the surrounding hillside; promoting

visual continuity through tree planting; and designing new structures to harmonize and blend with the natural features of the area. In addition, the proposed residential buildings would be arranged around shared courtyards. They would be oriented to blend into the hillside and natural landscape to minimize the impact of views to the site, while also maximizing views from the site to surrounding hillsides and across the valley, furthering the Town's Land Use Element. In addition, the project would be consistent with Policy LU – 1.3, and would incorporate high quality, well-designed, environmentally sensitive, and diverse landscaping.

Project Consistency with Zoning Code

The proposed project site is zoned as Residential Planned Development (R:PD) which is typically applied to areas where residential development is planned in the future. However as noted earlier, this project site secured its Planned Development permit entitlements in 1968 and has operated under this permit until late September 2019. The project has been designed in conformance with the Town of Los Gatos zoning requirements for Planned Development (PD) overlay zones as described further below. As per the Municipal Code, Development in a PD zone must be in accordance with the approved "development plan". The Town of Los Gatos Municipal Code provides that the development plan must contain:

- a land use plan locating all proposed uses,
- a tentative site plan,
- schematic architectural elevations of all buildings and structures in relationship to each other,
- a schedule for any phasing of development,
- a tabulation of land area including the entire planned development,
- the floor area of each occupancy,
- the proposed number of off-street parking spaces, and
- grading, soils, and geologic information.[1]

Our project application includes each of these "development plan" requirements.

As per the intent of the PD Ordinance, the PD zoning allows uses not ordinarily possible, only if the use and development are in compliance with the complete development plan. Further, all uses in the PD zone are permitted to the extent specified in the development plan[2]. All uses identified in the rebuild project, are in compliance with the current PD zoning permit approved by Ordinance NO. 938 in 1968.

As per the Municipal Code, any ordinance that would rezone land to a PD zone must incorporate the development plan[3]. In addition, changes in the approved development plan must be made by ordinance[4]. Planned Development overlay zones also include projects that i) provide a public benefit to the citizens of the Town, ii) are designed to preserve and enhance conservation and enrichment of hillsides and ridgelines, iii) produce affordable housing and iv) maximize open space.

The proposed project would also increase the amount of onsite open space from 75.4% to 77.5%, consistent with the prevailing Planned Development zoning overlay requirement, of maximizing

[1] Section 29.80.080 of the Town Municipal Code
[2] Section 29.80.110 of the Town Municipal Code
[3] Section 29.80.125 of the Town Municipal Code
[4] Section 29.80.145 of the Town Municipal Code

open space[5]. The open space would be controlled by topography, use of underground parking, and specific building location, in order to preserve and enhance the hillsides and ridgeline. The proposed project will also include a development plan that includes all the requirements provided.

The project would provide seniors with care housing that is subject to comprehensive statewide regulatory controls and oversite. The California Community Care Facilities Act and associated regulations establish a robust regulatory system relating to matters such as rates and refunds, personnel and administration, financing, admission agreements, and eviction proceedings. The project would not be subject to the Town's inclusionary housing requirements because state law prohibits local agencies from imposing rent controls on licensed residential care facilities for the elderly. (Health & Safety Code § 1569.147(b).) As a practical matter, it is not possible to operate a facility such as this under two different regulatory systems affecting rent and pricing. (*See Ocean House Corp. v. Permanent Rent Control Board of the City of Santa Monica,* 147 Cal. App. 3d 395 (1983).) However, the project would provide intrinsic housing benefits and it would not result in any housing impacts. Onsite employment and indirect demand for professional and other services is expected to be consistent with that of the existing care facility. Thus, the project would not contribute to any increased need for affordable housing in the community.

[5] Section 29.80.075 of the Town Municipal Code

Appendix D
Listing of Meetings with Neighbors and Community

Type of Meeting	Date	Time	Location	Attendee	Notes from Meeting	Outcome
Open House 1	03/08/18	7:30-9PM	Los Gatos Meadows	Maria Ristow, Irving & Evelyn Mitsunaga, Robert Mullan(Toll House)	General introduction of intent to rebuild Los Gatos Meadows	Kicked-off neighborhood communications plan
Open House 2	04/18/18	7-8PM	Los Gatos Meadows	Julie Ritter Southern, Maria Ristow, Claire Leclaire, Cathy Colgan	General introduction of intent to rebuild Los Gatos Meadows; similar material to first meeting	Kicked-off neighborhood communications plan
Open House 3	05/03/18	7-8PM	Los Gatos Meadows	Karen Kurtz, Linda Iversen, Sue Fairley	Attendees interested in architecture and supplemental transportation options	Design team elevated analysis of supplemental transportation alternatives
Open House 4	05/20/18	3-4PM	Los Gatos Meadows	John and Jean Richardson, Stanford Stickney and 3 other family members	Questions related to timeline, storm drainage, and fire risk	Resolved current storm drain issue and initiated planning to mitigate fire risk through brush removal
Focus Groups (3 Sessions)	10/2/2018 - 10/3/2018	Varies	Toll House	36 older adults participated in 3 sessions. Participants were drawn from the local area. Participants were promised confidentiality.	Sensitive to how various attributes or requirements may drive cost, supplemental transportation system very important, limited enthusiasm for LEED certification but recycling and energy efficiency important, limited enthusiasm for facilitating non-residents/non-guests on campus, preference for larger, more spacious units, recommendation to minimize long corridors, preference for multiple dining venues and ample on-site amenities such as fitness center, walking trails, access to town, casual dining, library, coffee shop, and access to on-site support care.	Design team made applicable refinements to concept plan
Open House 5	12/06/18	7-8PM	Los Gatos Meadows	Julie Ritter Southern, Matt and Marlena Hood and friend, Mike Wasserman	Question about timing, policy related to relocation of existing residents, impact on visibility to neighbors above, use of solar panels and roof color, impacts on traffic (with specific concerns about summer traffic), site security during closure, parking, noise impacts and construction parking. Requested advance notifications of all construction work that could affect access. Some residents on Wood Road would prefer that Farwell Lane continue to support regular vehicle traffic. A video summary of the meeting was posted at: https://vimeo.com/278024461	Feedback informed further refinement to concept plan. With regard to Wood Road traffic impacts, design team is prioritizing minimizing errant trips up Wood Road past the main entrance, and more importantly, further prioritizing the supplemental transportation system to convert more trips to autonomous vehicle, pedestrian or bike trips. Also, currently planning to include solar panels.
Open House 6	10/10/19	7-8PM	Toll House	Julie Ritter Southern, Maria Ristow, Jamie Garcia & Friend, Irving & Evelyn Mitsunaga	Questions about Wood Road traffic, availability of Wood Road for evacuation, potential impact of project on housing element, and recommendation to deploy goats to further reduce fire risk. Request for copy of facts and figures table.	Confirmed that project not expected to affect housing element. Planning to deploy goats on property this spring; planning to make commitment to make Wood Road available for evacuation during emergencies.
Open House 7	03/05/20	7-8PM	Los Gatos United Methodist Church	None	General heightened sensitivity due to COVID-19 may have been a factor in suppressing turnout.	Produced and circulated video update; available at Covia/Los Gatos Meadows website https://covia.org/los-gatos-meadows/
Open House 8	12/03/20	7-8PM	Zoom Meeting	Julie Ritter Southern, Fred Lester, Matt Wood, Zane Rowe, Gary/Jamie Garcia, Clair LaClair, Evelyn/Irving Mitsunaga, Robert Macartney, Matthew Bigge	Green roof (Fred), Solar (Julie), incline elevator (Fred), security current through construction (Matt), views from 135 Wood and story pole modification request (Julie), visualization from 100 Wood Rd (Matt), Condo v. CCRC (Julie), fire evacuation (Matt), parking for construction (Fred), construction traffic (Matt)	Provided advance notice of intent to seek modification to Town's Story Pole Policy

Appendix D
Listing of Meetings with Neighbors and Community

Type of Meeting	Date	Time	Location	Attendee	Notes from Meeting	Outcome
Public Hearing - Story Pole Exception Request	01/19/21	7-9PM	Zoom Meeting	Town Council and Town Staff (in advance of meeting, staff received letters from Claire Southern, Matthew Southern and Mark Rigoli (via Council Member Maria Ristow)	No public comments; council members discussed merits and concerns regarding proposal	Consideration for request continued to future council meeting
NOP Meeting	02/25/21	7-7:15PM	Zoom Meeting	Presenters: Joel Paulson, Jocelyn Shoopman, Sean Mullin, Terri Wissler Adam (EMC Planning). Public Attendees: Matt Hood	Matt Hood inquired about availability of video recording of the NOP meeting	
Open House 9 **(Future Meeting)**	08/09/21	7-8PM	TBD			

Appendix E
Listing of Communications

DATE	DESCRIPTION	CONSTITUENCY	COMM_TYPE	INDIVIDUALS	COVIA_TEAM_REPRESENTATIVES
10/23/2017	Meeting with Town Attorney and Planning	Town	In-Person Meeting	Laurel Prevetti, Joel Paulson, Robert Schultz	Frank Rockwood, Laura Worthington-Forbes, Barbara Schussman
2/7/2018	Meeting with Fire Department	Town	In-Person Meeting	Fardean Amadhani, Tracy Staiger	Frank Rockwood, Mark Falgout
2/27/2018	Open House 1 Invitation	Neighbors	Letter	[Sent to neighborhood distribution list]	Letter from Kevin Gerber
3/8/2018	Tour with Town Staff	Town	Tour	Laurel Prevetti, Joel Paulson	Frank Rockwood, Kevin Gerber, Chris Ichien, Eric Morley
3/8/2018	Open House 1 meeting	Neighbors	In-Person Meeting	Maria Ristow, Irving & Evelyn Mitsunaga, Robert Mullan (Toll House)	Frank Rockwood, Chris Ichien, Eric Morley, Kevin Gerber, Ron Schaefer
3/8/2018	Resident Council 1 Meeting	Residents	In-Person Meeting	[Los Gatos Meadows residents]	Frank Rockwood, Chris Ichien, Eric Morley, Kevin Gerber, Ron Schaefer
4/2/2018	Open House 2 Invitation	Neighbors	Letter/Email	[Sent to neighborhood distribution list]	Letter from Chris Ichien
4/8/2018	Open House 2 Next Door Posting by Ristow	Neighbors	NextDoor		
4/13/2018	Meeting with Toll House Hotel	Organizations	In-Person Meeting	Jason Bogan, Robert Mullan	Frank Rockwood
4/18/2018	Open House 2 meeting	Neighbors	In-Person Meeting	Julie Ritter Southern, Maria Ristow, Claire LeClair, Cathy Colgan	Chris Ichien, Frank Rockwood, Mark Falgout, Eric Morley
4/18/2018	Resident Council 2 Meeting	Residents	In-Person Meeting	[Los Gatos Meadows residents]	Chris Ichien, Frank Rockwood, Mark Falgout, Eric Morley
4/23/2018	Tour with Council Member	Town	Tour	Barbara Spector	Chris Ichien, Frank Rockwood, Mary McMullin, Eric Morley
4/23/2018	Meeting with Town Attorney	Town	In-Person Meeting	Robert Schultz, Joel Paulson	Bill Tobin, Frank Rockwood, Eric Morley, Barbara Schussman
4/24/2018	Open House 3 & 4 Invitation	Neighbors	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
4/30/2018	Meeting with Toll House	Organizations	In-Person Meeting	Jason Bogan	Frank Rockwood
4/30/2018	Meeting with Town Official	Town	In-Person Meeting	Monica Renn	Frank Rockwood
4/30/2018	Tour with Council Member	Town	Tour	Marico Sayoc	Chris Ichien, Frank Rockwood, Diana Jamison, Eric Morley
5/1/2018	Open House 3 Next Door Posting by Ristow	Neighbors	NextDoor		
5/3/2018	Meeting with Toll House business	Organizations	In-Person Meeting	Fred Lester, Dave Lazzarini (at the beginning)	Frank Rockwood, Eric Morley
5/3/2018	Open House 3 meeting	Neighbors	In-Person Meeting	Kurtz, Fairey, Iversen (and Mike Vrevich resident)	David Gates, Chris Ichien, Ron Schaefer, F Rockwood, Mark Falgout, E Morley
5/3/2018	Resident Council 3 Meeting	Residents	In-Person Meeting	[Los Gatos Meadows residents]	David Gates, Chris Ichien, Ron Schaefer, Frank Rockwood
5/3/2018	Meeting with Fire	Town	In-Person Meeting	Fardean Amadhani, Tracy Staiger	Frank Rockwood, Mark Falgout, Eric Morley
5/3/2018	Meeting with Planning	Town	In-Person Meeting	Joel Paulson	Frank Rockwood, Mark Falgout
5/4/2018	Tour with Council Member	Town	Tour	Rob Rennie	Chris Ichien, Frank Rockwood, Kevin Gerber, Eric Morley
5/3/2018	Tour with Council Member	Town	Tour	Marcia Jensen	Chris Ichien, Frank Rockwood, Mary McMullin, Eric Morley
5/4/2018	Meeting with Public Works	Town	In-Person Meeting	Jessy Pu, Lisa Pedersen	Frank Rockwood, Mark Falgout, Eric Morley
5/4/2018	Tour with Mayor	Town	Tour	Rob Rennie	Chris Ichien, Frank Rockwood, Kevin Gerber, Eric Morley
5/10/2018	Open House 4 Invitation	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
5/17/2018	Emailed Director of Chamber of	Organizations	Email	Joe Pirzynski	Email from Frank Rockwood
5/20/2018	Open House 4 meeting	Neighbors	In-Person Meeting	John and Jean Richardson, Stanford Stickney and 3 other family members	David Gates, Chris Ichien, Bill Tobin, F Rockwood, Mark Falgout
5/22/2018	Emailed Julie Ritter Southern	Neighbors	Email	Julie Ritter Southern	Email from Frank Rockwood
6/4/2018	Emailed Los Gatos Roasting Company	Organizations	Email	Teri Hope	Email from Frank Rockwood
6/4/2018	Emailed McCarthy Ranch	Organizations	Email	Joey McCarthy	Email from Frank Rockwood
6/4/2018	Emailed Time Out Clothing	Organizations	Email	Ginger Rowe	Email from Frank Rockwood
6/10/2018	Emailed Julie Ritter Southern	Neighbors	Email	Julie Ritter Southern	Email from Frank Rockwood
6/11/2018	Emailed Time Out Clothing	Organizations	Email	Ginger Rowe	Email from Frank Rockwood
6/15/2018	Meeting with Los Gatos Roasting	Organizations	In-Person Meeting	Teri Hope	Frank and Susan Rockwood
6/15/2018	Meeting with McCarthy Ranch	Organizations	In-Person Meeting	Joey McCarthy	Frank and Susan Rockwood
6/15/2018	Stopped Rural Supply Hardware	Organizations	In-Person Meeting	Ken Nelson	Frank and Susan Rockwood
6/15/2018	Stopped by Cucina Bambina	Organizations	In-Person Meeting	Met with receptionist (Izzy)	Frank and Susan Rockwood
6/15/2018	Stopped by The Spa - Los Gatos	Organizations	In-Person Meeting	Met with receptionist	Frank and Susan Rockwood
6/25/2018	Meeting with Time Out Clothing	Organizations	In-Person Meeting	Ginger Rowe	Frank and Susan Rockwood
6/25/2018	Meeting to review views of neighbor	Neighbors	In-Person Meeting	Julie Ritter Southern	Frank Rockwood and Chris Ichien
6/26/2018	Call with Town Not City Representative	Organizations	Call	Rod Teague	Frank Rockwood
6/27/2018	Emailed UMC and Live Oak	Organizations	Email	Jennifer Murdock, Trudy Burling	Email from Frank Rockwood
7/13/2018	Meeting with Chamber	Organizations	In-Person Meeting	Joe Pirzynski	Frank Rockwood, Chris Ichien
7/13/2018	Meeting with The Spa - Los Gatos	Organizations	In-Person Meeting	Patti Rice	Frank Rockwood
7/17/2018	Open House 5 & 6 Invitation and Open House 4 Video Link	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
7/18/2018	NextDoor Posting about video	Neighbors/Organizations	NextDoor		
7/19/2018	Meeting with Live Oak and LGUMC	Organizations	In-Person Meeting	Jennifer Murdock, Trudy Burling, Kathy Mlinarich	Frank Rockwood and Laura Worthington-Forbes
7/20/2018	Emailed neighbor who reached out	Neighbors	Email	James Holtz	Email from Frank Rockwood
7/23/2018	Emailed meeting invitation	Organizations	Email	Ron Tate	Email from Frank Rockwood
7/23/2018	Emailed meeting invitation	Organizations	Email	Shelly Blanchard	Email from Frank Rockwood
7/24/2018	Call with Shelly Blanchard	Organizations	Call	Shelly Blanchard/Cucina Bambina	Frank Rockwood
7/24/2018	Meeting with Fred Lester	Organizations	In-Person Meeting	Fred Lester	Frank Rockwood
7/24/2018	Meeting with Jason Bogan	Organizations	In-Person Meeting	Jason Bogan	Frank Rockwood

Appendix E
Listing of Communications

DATE	DESCRIPTION	CONSTITUENCY	COMM_TYPE	INDIVIDUALS	COVIA_TEAM_REPRESENTATIVES
7/30/2018	Email from Maria Ristow	Neighbors	Email	Maria Ristow	Email from Frank Rockwood
8/1/2018	Email from Joe Pirzynski	Organizations	Email	Joe Pirzynski	Email from Frank Rockwood
8/28/2018	Announcement re: rescheduling Open House 5 & 6 and commencement of focus groups	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
8/30/2018	James Holtz emailed re: focus group	Neighbors	Email	James Holtz	Email from Frank Rockwood
9/25/2018	Survey mailed to people in Town and vicinity	Neighbors/Vicinity	Letter	[Sent to neighborhood distribution list + mailing list for vicinity]	Brook Adams
10/2/2018; 10/3/2018	Focus Groups	Neighbors/Vicinity	In-Person Meeting	3 focus groups of about 12 each	Brook Adams
10/29/2018	Meeting with Town Staff	Town	In-Person Meeting	Laurel Prevetti, Joel Paulson, Robert Schultz	Frank Rockwood, Laura Worthington-Forbes, Eric Morley, Chris Ichien, Barbara Schussman
11/9/2018	Open House 5 Invitation	Neighbors	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
12/6/2018	Open House 5	Neighbors	In-Person Meeting	Julie Southern, Matt and Marlena Hood and friend, Mike Wasserman	D Gates, C Ichien, A Pelley, F Rockwood, M Falgout, E Morley, M McMullin, L Darling
12/6/2018	Resident Council #5 Meeting	Residents	In-Person Meeting	[Los Gatos Meadows residents]	D Gates, C Ichien, A Pelley, F Rockwood, M Falgout, E Morley, K Gerber, M McMullin, L Darling
12/7/2018	Public Works Meeting	Town	In-Person Meeting	Jessy Pu, Lisa Pedersen	Frank Rockwood, Susan Rockwood, Mark Falgout
12/11/2018	Meeting with Town Staff	Town	In-Person Meeting	Laurel Prevetti, Joel Paulson	Frank Rockwood, Eric Morley, Chris Ichien, Mark Falgout
12/11/2018	Meeting w/Town Not City	Organizations	In-Person Meeting	Rod Teague	Frank and Susan Rockwood, Eric Morley, Chris Ichien
12/12/2018	Meeting with Council Member Marico Sayoc	Town	In-Person Meeting	Marico Sayoc	Frank Rockwood, Eric Morley, Chris Ichien
12/12/2018	Meeting with Council Member Steve Leonardis	Town	In-Person Meeting	Steve Leonardis	Frank Rockwood, Eric Morley, Chris Ichien
12/12/2018	Meeting with Chamber	Organizations	In-Person Meeting	Joe Pirzynski, Catherine Somers	Frank Rockwood, Eric Morley, Chris Ichien
12/13/2018	Meeting with Toll House	Organizations	In-Person Meeting	Jason Bogan	Frank and Susan Rockwood, Victor Ceron
12/13/2018	Meeting with Council Member Rob	Town	In-Person Meeting	Rob Rennie	Frank Rockwood, Eric Morley, Kiran Kaur
12/14/2018	Meeting with Council Member Barbara Spector	Town	In-Person Meeting	Barbara Spector	Frank Rockwood, Mary McMullin
12/18/2018	Emailed link to Open House 5 Video	Town/Org/Neighbors	Email	[sent to email distribution list]	Frank Rockwood
1/29/2019	Meeting with Council Member Marcia Jensen	Town	In-Person Meeting	Marcia Jensen	Frank Rockwood, Mary McMullin, Chris Ichien
2/19/2019	Emails from Maria Ristow and Matt Hood	Neighbors	Email	Maria Ristow, Matt Hood	Frank Rockwood
2/21/2019	Phone Conversation with Rod Teague	Organizations	Call	Rod Teague	Frank Rockwood
2/22/2019	Emails with Fred Lester re: Oak Trees	Organizations	Email	Fred Lester	Frank Rockwood
3/15/2019	Meeting with Caroline and Marc Philippe	Neighbors	In-Person Meeting	Caroline and Marc Philippe	Frank Rockwood, Victor Ceron
3/15/2019	Meeting with Julie Ritter	Neighbors	In-Person Meeting	Julie Ritter Southern	Frank Rockwood, Victor Ceron
5/15/2019	Julie Ritter Emailed re: project status	Neighbors	Email	Julie Ritter Southern	Email from Frank Rockwood
7/8/2019	Email with Caroline Phillippe re: ADU/vineyard	Neighbors	Email	Caroline and Marc Philippe	Frank Rockwood
7/25/2019	Meeting with Toll House Hotel	Organizations	In-Person Meeting	Jason Bogan	Frank Rockwood
8/5/2019	Conversation with John Richardson re: status	Neighbors	Call	John Richardson	Frank Rockwood
8/15/2019	Meeting with Joel Paulson and Laurel Prevetti	Town	In-Person Meeting	Joel Paulson, Laurel Prevetti	Frank Rockwood, Laura Worthington-Forbes, David Gates, Chris Ichien
8/15/2019	Meeting with Catherine Somers from Chamber	Organizations	In-Person Meeting	Catherine Somers	Frank Rockwood, Chris Ichien
8/15/2019; 8/17/2019	Open House 6 Invitation and FAQ's	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
9/24/2019	Meeting with Toll House Hotel	Organizations	In-Person Meeting	Abel Veloz	Frank Rockwood, Victor Ceron
9/24/2019	Meeting with Fred Lester	Organizations	In-Person Meeting	Fred Lester and his wife	Frank Rockwood, Victor Ceron
9/24/2019	Meeting with Senior Commission	Town	In-Person Meeting	Arn Andrews, Commission Members	Frank and Susan Rockwood
10/1/2019	Meeting with Julio Hernandez, SDA	Town	In-Person Meeting	Julio Hernandez, SDA Church	Victor Ceron
10/10/2019	Open House 6 at Toll House Hotel	Neighbors	In-Person Meeting	Julie Ritter Southern, Jaime Garcia & friend, Irving & Evelyn Mitsunaga, Maria Ristow	F Rockwood, M Falgout, D Gates, C Ichien, V Ceron, V Troncosco, P Hillan
10/14/2019	Response re: OH 6 Questions re: schedule and security and goats	Neighbors	Email	Maria Ristow, Julie Ritter Southern, Irving and Evelyn Mitsunaga, Jaime Garcia	Frank Rockwood
10/25/2019	Email Intro to New Neighbor	Neighbors	Email	Zane Rowe (bought Phillipe property)	Frank Rockwood
12/18/2019	Meeting with Town	Town	In-Person Meeting	Joel Paulson, Sally Zarnowitz, Jocelyn Shoopman	Frank Rockwood, Laura Worthington-Forbes, David Hance
2/6/2020	Site Visit with Town Staff	Town	In-Person Meeting	Jocelyn Shoopman, Sally Zarnowitz, Mike Weisz, Robert Gray, Corvell Sparks	Frank Rockwood, Victor Ceron, Chris Ichien, Vincent Troncoso
2/11/2020	Letter from Neighbor to Town Staff re: Broadway	Neighbor/Town	Letter	Julie Ritter Southern	NA
2/12/2020	Technical Review	Town	In-Person Meeting	Jocelyn Shoopman, Sally Zarnowitz, Bob Gray, Tracy Staiger	Frank Rockwood, Arch Pelley, Mark Falgout, Kimmy Chen
2/13/2020	Open House 7 Invitation and FAQ's	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
3/5/2020	Open House 7 at Los Gatos United Methodist Church	Neighbors	In-Person Meeting	None	Frank Rockwood, Chris Ichien, Victor Ceron, Mark Falgout, David Gates

Appendix E
Listing of Communications

DATE	DESCRIPTION	CONSTITUENCY	COMM_TYPE	INDIVIDUALS	COVIA_TEAM_REPRESENTATIVES
3/6/2020; 3/10/2020	Maria Ristow inquired re: Open House 7; response addressed possible alternatives to in-person meetings; communicated that Covia is targeting distribution of video summary in May; appreciative of goats	Neighbors	Email	Maria Ristow	Emails to/from Frank Rockwood
4/2/2020	John Richardson inquired re: status; resent February FAQ; communicated that Covia is targeting distribution of video	Neighbors	Email	John Richardson	Emails to/from Frank Rockwood
4/14/2020; 4/16/2020	Julie Ritter Southern inquired re: status; complained re: unsightly trash bin; appreciative of goats; responded that Covia is targeting distribution of video summary; committed to removal of unsightly trash bin	Neighbors	Email	Julie Ritter Southern	Emails to/from Frank Rockwood
5/31/2020	Sent link to summary video to neighbors; updated Covia website with link to summary video	Neighbors	Email	[Sent to neighborhood]	Frank Rockwood
6/3/2020	Meeting with Town Staff	Town	Video Meeting	Jocelyn Shoopman	Frank Rockwood, Arch Pelley, Melissa Destout
6/3/2020	Meeting with Fire Department	Town	Video Meeting	Tracy Staiger, Kathy Baker	Frank Rockwood, Mark Falgout, Matt Lissak
6/7/2020	Zane Rowe acknowledged receipt of May 31st email; interested in meeting in person when things return to normal	Neighbors		Zane Rowe	Emails to/from Frank Rockwood
6/10/2020	Meeting with Town Staff re: Land Use CEQA Path	Town	Video Meeting	Jocelyn Shoopman, Sally Zarnowitz, Joel Paulson, Robert Schultz	Frank Rockwood, Barbara Schussman, Laura Worthington-Forbes
6/11/2020	Julie Ritter Southern forwarded link to video to Justin Draa and Brend Neudecker; requested consideration of another in-person presentation	Neighbors	Email	Julie Ritter Southern	Emails to/from Frank Rockwood
6/12/2020	Meeting with Town Staff re: Story Pole Visualization	Town	Video Meeting	Jocelyn Shoopman, Sally Zarnowitz, Joel Paulson	Frank Rockwood, Mark Falgout, David Gates, Melissa Destout
6/29/2020	Maria Ristow inquired re: status general and tagged trees behind 65 Broadway; tagged trees related to trimming project	Neighbors	Email	Maria Ristow	Emails to/from Frank Rockwood
6/29/2020	Margaret Bielski called about trees at 19 Clifton that appear to be marked for removal; understands that there is a proposal to add two units	Neighbors	Phone Call	Margaret Bielski	Call to/from Frank Rockwood
11/17/2020	Open House 8 Invitation	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
12/2/2020	Meeting with Council Member-Elect Maria Ristow	Town	Video Meeting	Maria Ristow	Frank Rockwood, Chris Ichien, Laura Worthington-Forbes
12/3/2020	Open House 8	Neighbors	Video Meeting	Julie Ritter Southern, Fred Lester, Matt Wood, Zane Rowe, Gary/Jamie Garcia, Claire LeClair, Evelyn/Irving Mitsunaga, Robert Macartney, Matthew Bigge	Frank Rockwood, Chris Ichien, David Gates, Victor Ceron, Laura Worthington-Forbes, Mark Falgout, Laura Darling
12/3/2020	Meeting with Council Member Marico Sayoc	Town	Video Meeting	Marico Sayoc	Frank Rockwood, Chris Ichien, Laura Worthington-Forbes
12/4/2020	Meeting with Jocelyn Shoopman	Town	Video Meeting	Jocelyn Shoopman	Frank Rockwood, Mark Falgout, Laura Worthington-Forbes
12/9/2020	Meeting with Council Member Rob Rennie	Town	Video Meeting	Rob Rennie	Frank Rockwood, Mary McMullin, Laura Worthington-Forbes
1/11/2021	Letter from Neighbor to Town Staff re: Story Poles and Fire Evacuation	Neighbor/Town	Letter_to_Town	Matthew Southern	N/A
1/12/2021	Letter from Neighbor to Town Staff re: Story Poles	Neighbor/Town	Letter_to_Town	Clare Southern	N/A
1/12/2021	Meeting with Council Member Matthew Hudes	Town	Video Meeting	Matthew Hudes	Frank Rockwood, Chris Ichien, Laura Worthington-Forbes
1/12/2021	Meeting with Council Member Mary Badame	Town	Video Meeting	Mary Badame	Frank Rockwood, Chris Ichien, Laura Worthington-Forbes
1/15/2021	Letter from Neighbor to Town Staff re: Story Poles and Farwell Lane	Neighbor/Town	Letter_to_Town	Mark Regoli	N/A
1/19/2021	Letter from Neighbor to Town Staff re: Story Poles and View	Neighbor/Town	Letter_to_Town	Julie Ritter Southern	N/A
1/19/2021	Town Council Hearing re: Story Pole	Town/Neighbors	Video Meeting	Matthew Hudes, Mary Badame, Jocelyn Shoopman, Rob Rennie, Marico Sayoc, Maria Ristow (recused)	Frank Rockwood, Mark Falgout, David Gates, Laura Worthington-Forbes
2/1/2021	Letter from Neighbor to Town Staff re: Story Poles	Neighbor/Town	Letter_to_Town	Bernd Neudecker	N/A
2/1/2021	Meeting with Julie Ritter Southern and Andrew Ghofrani	Neighbors	In-Person Meeting	Julie Ritter Southern (123/135 Wood Rd) and Andrew Ghofrani (121 Wood Rd)	Frank Rockwood, Chris Ichien, David Gates
2/2/2021	Julie Ritter Southern conveyed that Bernd Neudecker would be sending letter to staff	Neighbors	Email	Julie Ritter Southern (123/135 Wood Rd) and Berne Neudecker (109 Wood Rd)	Emails to/from Frank Rockwood
2/8/2021	Letter from Neighbor to Town Staff re: View and Building Height	Neighbor/Town	Letter_to_Town	Andrew Ghofrani	N/A
2/8/2021	Tour with Council Member	Town	Tour	Matthew Hudes	Frank Rockwood, Chris Ichien

Appendix E
Listing of Communications

DATE	DESCRIPTION	CONSTITUENCY	COMM_TYPE	INDIVIDUALS	COVIA_TEAM_REPRESENTATIVES
2/22/2021	Letter recap of meeting with Arn Andrews regarding Ad Hoc Wildfire Committee; Jocelyn Scoopman directed project team to incorporate contents of letter in updated Justification Letter	Town	Email	Arn Andrews	Laura Worthington Forbes
3/14/2021	Neighbor reached out about people cutting plants on property	Neighbors	Email	Cathy Colgan	Frank Rockwood, Alex Gerasimov
3/18/2021	Owner of business located at the corner of Wood Rd and S. Santa Cruz Ave reached out about construction start and length - concern of holistic tenant	Neighbor/Town	Email	Shayna Orr, Exec Asst for Owner of business located at the corner of Wood Rd and S. Santa Cruz Ave	Frank Rockwood
4/22/2021	Letter to Neighbor re: Visualizations	Neighbor	Letter	Andrew Ghofrani	Frank Rockwood
4/28/2021	Emailed Visualizations from Ghofrani Property	Neighbor	Email	Andrew Ghofrani, Julie Ritter	Frank Rockwood
5/3/2021	Email to Neighbor re: project status and tree	Neighbor	Email	John Richardson	Frank Rockwood
5/12/2021	Communication with Neighbor about Trees - to be taken down 5/15/21	Neighbor	Email	John Richardson	Alex Gerasimov
5/15/2021	Communication with Town Council Member Who Reached Out For Update	Town	Email	Maria Ristow	Frank Rockwood
5/17/2021	Communication with Neighbor about Tree Taken Down - Neighbor Said Looked Great	Neighbor	Email	John Richardson	Alex Gerasimov
5/24/2021	Communication with Neighbor re: Visualizations from House	Neighbor	Email	Andrew Ghofrani	Frank Rockwood
6/5/2021	Neighbor Reached Out Regarding Annual Clearing of Brush by 50 Clifton Ave.	Neighbor	Email	Michael Walton	Alex Gerasimov
6/14/2021	Communicate with Neighbor re: Request for Project Update	Neighbor	Email	Julie Ritter Southern	Frank Rockwood
6/14/2021	Communication with Neighbor re: Upcoming DEIR Meeting 6/23/21	Neighbor	Email	Julie Ritter Southern and Andrew Ghofrani	Frank Rockwood
7/6/2021	Communication with Neighbor re: Upcoming Open House - Checking on Aug 9 Date	Neighbor	Email	Julie Ritter Southern	Frank Rockwood

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CANNON
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GROUP

ARCHITECTURE PLANNING URBAN DESIGN

May 8, 2020

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

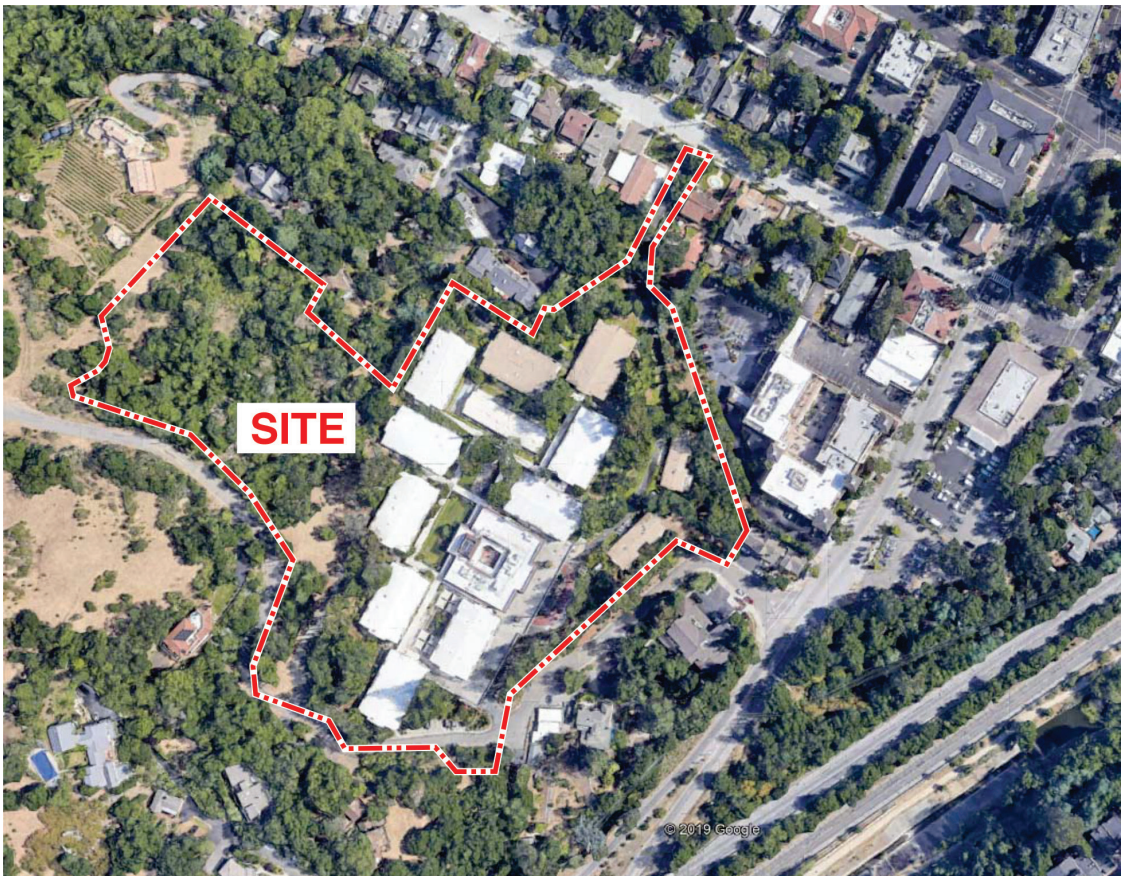
RE: 110 Wood Road

Dear Jocelyn:

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

Neighborhood Context

The site is located on a hillside parcel near Downtown Los Gatos. The proposed Los Gatos Meadows continuing retirement care facility is similar in use to the existing care facility on the site. The site is surrounded by substantial mature landscaping. A single family residential neighborhood bounds the site to the north, and a hotel and retail structures are also nearby on South Santa Cruz Avenue. Otherwise, the remainder of the site perimeter is less developed. Additional aerial photos are shown on the following page for further site context.



700 LARKSPUR LANDING CIRCLE . SUITE 199 . LARKSPUR . CA . 94939

TEL: 415.331.3795
CDGPLAN@PACBELL.NET



Aerial view of site from the south

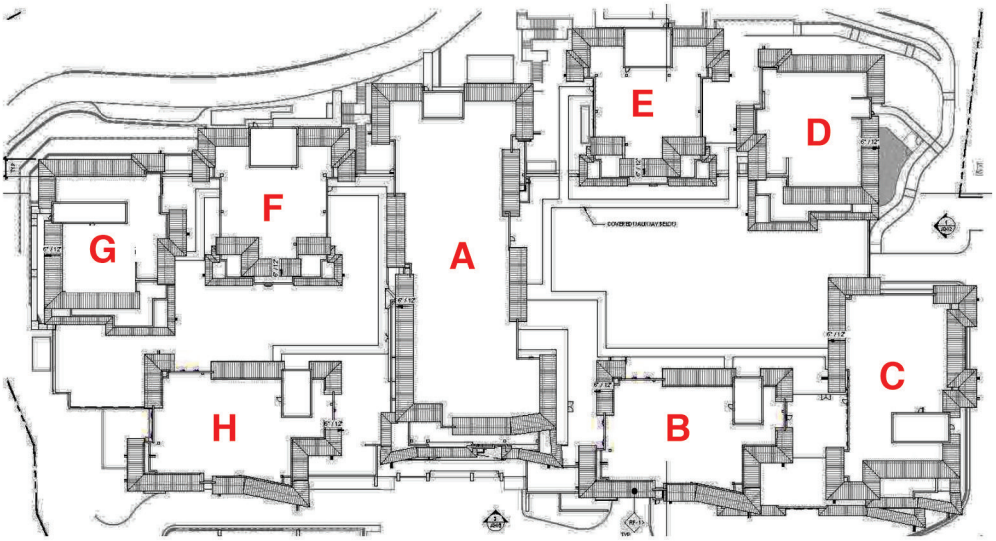


Aerial view of site from the east

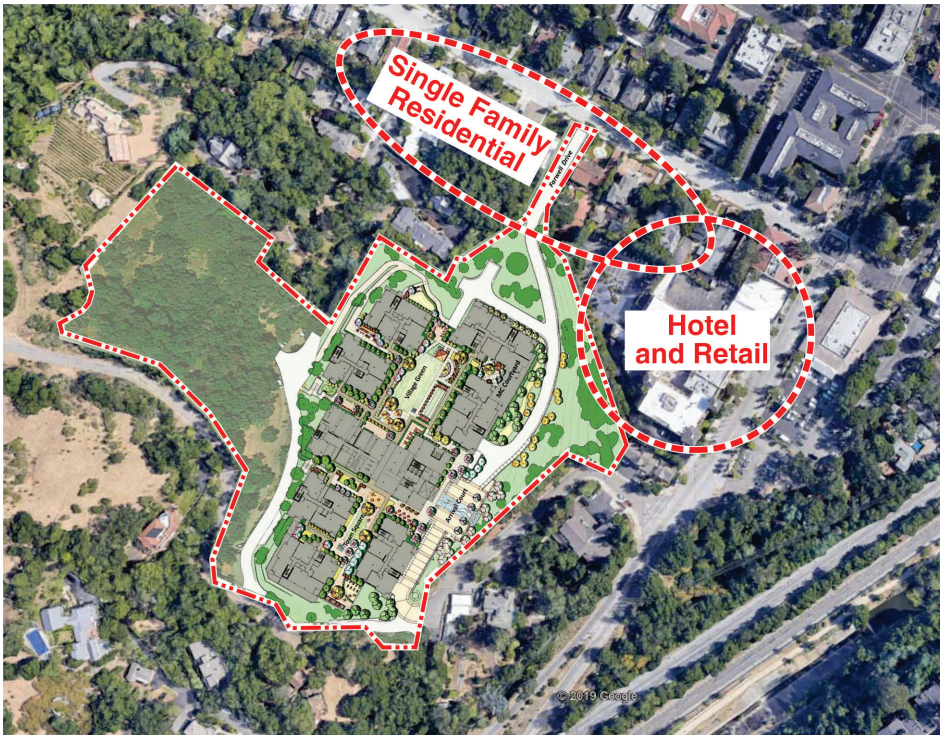
ISSUES AND RECOMMENDATIONS

The proposed project would largely be developed within the same plan area as the existing care facility on the site - See site plan over aerial photo and the building layout plan with individual building identification letters below.

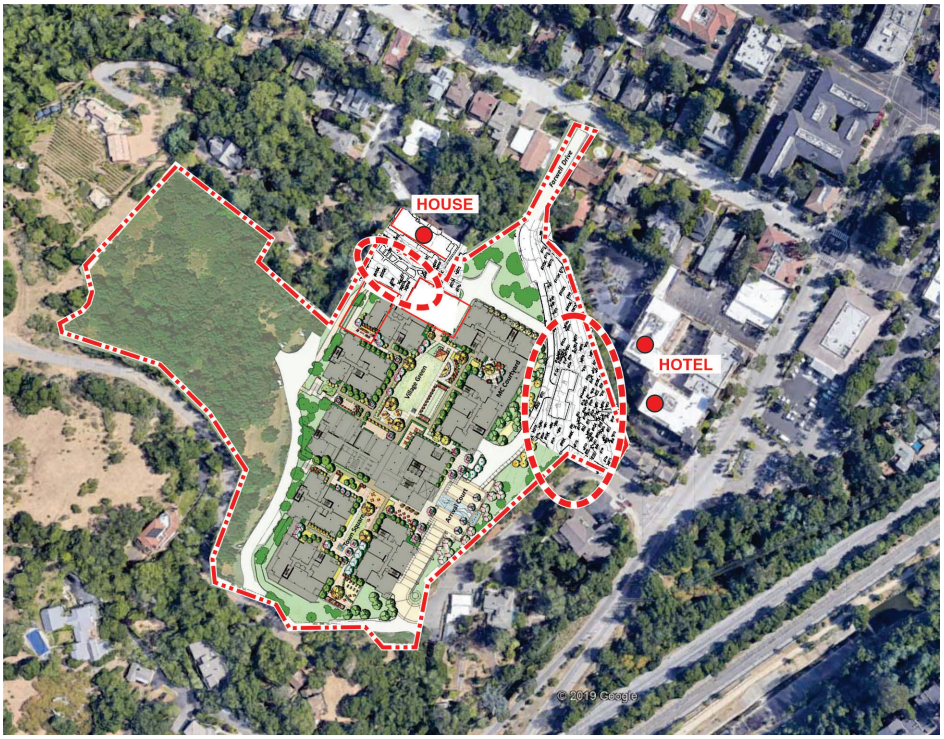


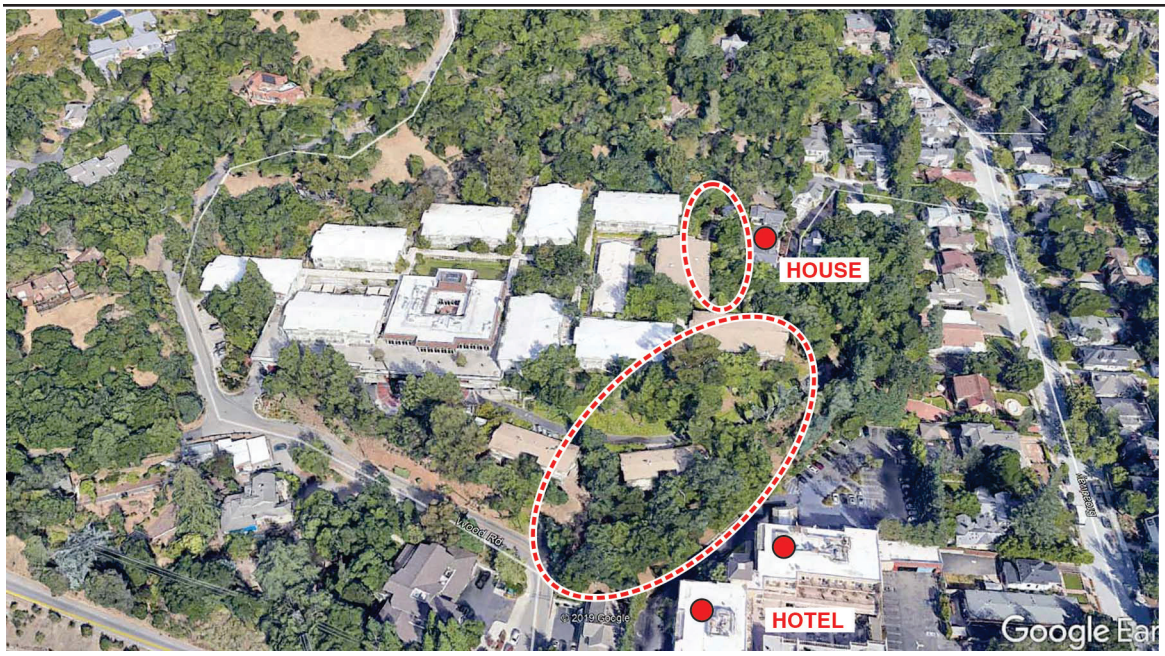


Potential visual impacts largely relate to height and proximity of a few new structures to the adjacent residential and commercial areas to the north and east and to the broader downtown area.

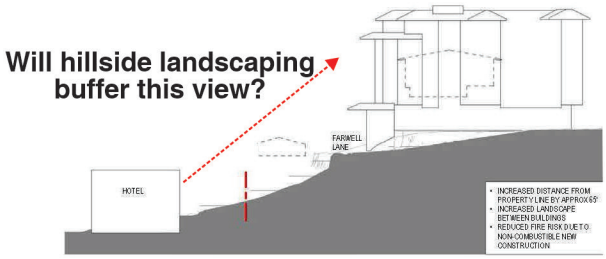


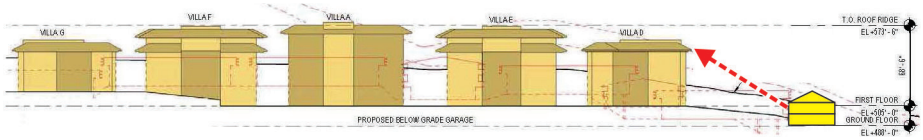
1. There are two specific areas where the removal of substantial mature landscaping and the increase in nearby building heights might create some visual impacts - adjacent to the Toll House Hotel and some of the adjacent residential neighborhood.



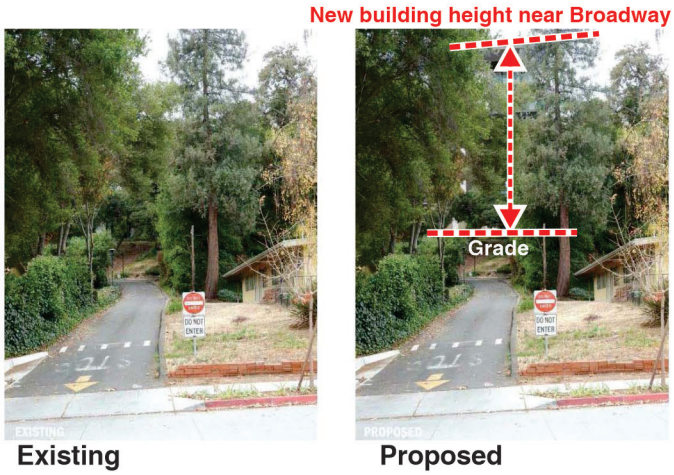


Tree removal areas of concern





There was not enough usable information regarding location and size of the trees that are proposed for retainion to be able to visualize for sure their potential visual impacts on adjacent properties or public spaces.. However. the simulation photo below suggests that without adequate tree buffering, the building height and bulk might seem very much out of character with the Town. While there are no specific guidelines which I can apply to this unique project, I would note the both the Town's Commercial and Residential Guidelines emphasize a respect for and adherence to designing to fit into the Town's small scale character.



Note that the photo simulation above is located at the Farwell Lane secondary exit street at Broadway which is about 300 feet east of Clifton Avenue where the single family home closest to this site is located.

Recommendation: Request the applicant to provide additional plan and section drawings to clarify the location and scale of both the trees to be retained and any proposed new buffer landscaping.

2. Since the proposed buildings would be substantially taller than those currently on the site, more of the project would be seen from East Main Street in the vicinity of Town Hall - see applicant's simulation photos below.



Existing **Proposed**

The evaluation of this potential impact will require a judgment as to whether the larger scale and increased building visibility is consistent with the Town's past emphasis on small scale character throughout the community.

The applicant's design team has been sensitive in designing the buildings to blend into the hillside as much as they can given their height. Deep roof overhangs, set back upper floors and the separation of individual Villa structures are intended to reduce the visual impact.

Recommendation: As noted above, this will be a community expectation issue. However, if the Town is comfortable the project scale and massing, my only recommendation would be to assure that the metal roofing selected is similar to the subdued color shown on the simulation and not the bright silver shown on the materials sheet.

ARCHITECTURAL EVALUATION

The project is well designed with a lot of thought given to the facilities' layout and building design. Some features are shown below on the partial east elevation and sketches showing the exterior and interior courtyard scale and character.

Individual building expression
Varied building heights
Set back top floor on tallest building
Sloped roofs with deep roof overhangs
Substantial outdoor private space
Good facade variety
High quality materials





ENTRY SKETCH



COURTYARD SKETCH

Recommendations:

I have no recommendations for changes to the building designs. Staff, however, may wish to discuss the materials palette with the applicant. The materials are of high quality, but they are largely, with the exception of the stone veneer, metal and concrete faux simulations of natural materials. In the Town's Commercial and Residential Design Guidelines, natural materials are strongly encouraged although provisions are made in the Residential Design Guidelines for use of synthetic materials under some circumstances (Guideline 3.8.1: Use high quality materials).

Jocelyn, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon

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PERKINS EASTMAN

RESPONSE TO TOWN OF LOS GATOS STAFF TECHNICAL REVIEW
Department: PLANNING DIVISION
Community Development Department

Item: 110 Wood Road
Planned Development Application PD-20-001
Project Name: Los Gatos Meadows Covia Community
Property Owner: Covia Communities
Applicant: Rockwood Pacific Inc.
Description: Requesting approval of a Planned Development for a senior living community on property zoned R:PD. APN 510-47-038.

Date of Staff Review Comments: May 22, 2020 (Second Review)
Project Planner: Jocelyn Shoopman

Perkins Eastman
Architects DPC

PERKINSEASTMAN.COM

Boston
Charlotte
Chicago
Costa Mesa
Dallas
Dubai
Guayaquil
Los Angeles
Mumbai
New York
Oakland
Pittsburgh
San Francisco
Shanghai
Stamford
Toronto
Washington DC

This letter is the response to the comments submitted to the Town by the consulting architect, Larry L. Cannon in his letter of May 8, 2020.

Tree Removal Area of Concern, (page 5)
Response: This view on sheet A303 is missing landscape, we have revised this section to include landscaping as part of our resubmission.

Recommendation: Request the applicant to provide additional plan and section drawings to clarify the location and scale of both the trees to be retained and any proposed new buffer landscaping. (page 5)
Response: We have coordinated with the landscape architect and have revised this view to clarify the location and scale of both the trees to be retained and proposed new buffer landscaping as shown on Sheet A406 as part of the resubmission.

Recommendation: As noted above, this will be a community expectation issue. However, if the Town is comfortable the project scale and massing, my only recommendation would be to assure that the metal roofing selected is similar to the subdued color shown on the simulation and not the bright silver shown on the materials sheet. (page 6)
Response: As recommended, we have revised the color of the roof on the material sheet A204 as part of the resubmission to the subdued color shown in the visualization.

Recommendations: I have no recommendations for changes to the building designs. Staff, however, may wish to discuss the materials palette with the applicant. The materials are of high quality, but they are largely, with the exception of the stone veneer, metal and concrete faux simulations of natural materials. (page 7)
Response: Due to building occupancy type and current building code requirements, certain natural materials, especially wood or other combustible materials, are not permitted. Therefore high quality alternatives with similar qualities were selected. These materials were chosen to keep within the spirit of the Town's Commercial and Residential Design Guidelines as well as to conform to the current building codes.

EXHIBIT 10

PERKINS EASTMAN

We believe we have answered all of the recommendations and concerns in the letter of May 8, 2020. Please let us know if any concerns remain.

Sincerely,



Arch Pelley AIA
Associate Principal
T: 412 894 8306
E: a.pelley@perkinseastman.com

Arborist Report Update

Los Gatos Meadows
Los Gatos, CA

PREPARED FOR
Covia
2185 N. California Blvd. Suite 215
Walnut Creek, CA 94596

PREPARED BY:
HortScience | Bartlett Consulting
325 Ray St.
Pleasanton, CA 94566

October 12, 2020

EXHIBIT 11

Arborist Report Update
Los Gatos Meadows
Los Gatos, CA

Table of Contents

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Tree Assessment Methods	2
Description of Trees	2
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Appraisal of Value	10
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Exhibits

Tree Assessment Plan
Tree Assessment
Tree Disposition
Tree Appraisal

Arborist Report Update
Los Gatos Meadows
Los Gatos, CA

Executive Summary

Covia is planning to re-develop the Los Gatos Meadows property in Los Gatos, CA. Trees were assessed on June 26 and 27, 2018. The assessment included all trees 4" and greater in diameter, located within and adjacent to the project area.

Three hundred seventy-five (375) trees representing 57 species were evaluated (Table 1). For all species combined, trees were in fair (42% of population) to poor (36% of population) condition with 22% of trees in good condition. One off-site tree (#251) was included in the assessment. No street trees had canopies over the project area.

The Town of Los Gatos protects all trees 4" and larger on sites being developed (Municipal Code Section 29.10). Certain species of designated sizes are excepted per Section 29.10.0970. Based on this definition, 338 of the original 375 trees were protected. These trees cannot be removed or pruned more than 25% without a permit.

Based on my evaluation of the plans:

- Two hundred twelve (213) trees will be removed (205 Protected, 8 Large Protected).
- One hundred eighteen (118) trees will be preserved (109 Protected, 9 Large Protected)

In 2019, selected trees were removed in response to a Wildland Urban Interface fire management review and the resulting Tree Management Plan prepared by HortScience | Bartlett Consulting (3/27/19). This Arborist Report incorporates the data on trees removed and responds to a Arborist's Review letter prepared by Monarch Consulting Arborists (July 6, 2020). Forty-four (44) trees were removed and three hundred thirty-one (331) trees remain.

The primary impacts of the proposed project to trees were expected to be from re-grading the slopes, reorienting and creating new roads, and re-configuring the buildings. I recommend carefully considering how future landscapes will be used before retaining trees with a low suitability for preservation. Impacts to trees being preserved can be minimized by following the **Tree Preservation Guidelines** (below).

Introduction and Overview

Covia is planning to re-develop the Los Gatos Meadows property in Los Gatos, CA. Currently the property is a senior living community with associated landscapes and natural areas. HortScience | Bartlett Consulting was asked to prepare an **Arborist Report** for the site as part of the application to the City of Los Gatos.

This report provides the following information:

1. Assessment of the health and structural condition of the trees within the proposed project area based on a visual inspection from the ground.
2. Evaluation of the impacts to trees based on development plans.
3. Appraisal of value of each tree using the Council of Tree and Landscape Appraisal methodology.
4. Guidelines for tree preservation during the design, construction and maintenance phases of development.

Tree Assessment Methods

Trees were assessed on June 26 and 27, 2018. The assessment included all trees 4" and greater in diameter, located within and adjacent to the project area. Off-site trees with canopies extending over the property line were included in the assessment and viewed from the subject property. The assessment procedure consisted of the following steps:

1. Identifying the tree as to species;
2. Tagging each tree with an identifying number and recording its location on a map; off-site trees were not tagged;
3. Measuring the trunk diameter at a point 54" above grade; for off-site trees diameters were estimated.
4. Evaluating the health and structural condition using a scale of 10%-90% based on a visual inspection from the ground:

   90% - A healthy, vigorous tree, reasonably free of signs and symptom of disease, with good structure and form typical of the species.
   70%- Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
   50%- Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
   30% - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
   10% - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.

5. Rating the suitability for preservation as "high", "moderate" or "low". Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come.

   High: Trees with good health and structural stability that have the potential for longevity at the site.

   Moderate: Trees with somewhat declining health and/or structural defects that can be abated with treatment. The tree will require more intense management and monitoring, and may have shorter life span than those in 'high' category.

   Low: Tree in poor health or with significant structural defects that cannot be mitigated. Tree is expected to continue to decline, regardless of treatment. The species or individual may have characteristics that are undesirable for landscapes and generally are unsuited for use areas.

Description of Trees

Three hundred seventy-five (375) trees representing 57 species were evaluated (Table 1). For all species combined, trees were in fair (42% of population) to poor (36% of population) condition with 22% of trees in good condition. One off-site tree (#251) was included in the assessment, and no street trees had canopies over the project area. Descriptions of each tree are found in the ***Tree Assessment***, and approximate locations are plotted on the ***Tree Assessment Plan*** (see Exhibits).

The site was notable for several reasons. The site was on the edge of Los Gatos downtown area where it transitioned into forest. Tree species diversity was high (57 species). Over half of the trees (53%, 7 species) were locally native species generally growing in natural conditions. In addition to the locally native species were:

- California species that are not native to the site such as coast redwood, Monterey pine and incense cedar;
- Common ornamental trees such as purpleleaf plum, eucalyptus and Italian cypress and,
- Less common ornamental trees such as blue blossom, Sitka spruce and white willow.

Table 1. Condition ratings and frequency of occurrence of trees Los Gatos Meadows, Los Gatos, CA

Common Name	Scientific Name	Condition			Total
		Poor (10-30%)	Fair (50%)	Good (70-90%)	
Bailey acacia	*Acacia baileyana*	5	-	-	**5**
Blackwood acacia	*Acacia melanoxylon*	4	1	2	**7**
Bigleaf maple	*Acer macrophyllum*	1	-	-	**1**
Japanese maple	*Acer palmatum*	-	1	-	**1**
Red maple	*Acer rubrum*	-	-	1	**1**
California buckeye	*Aesculus californica*	-	2	-	**2**
Red horsechestnut	*Aesculus* x *carnea*	2	1	1	**4**
African fern-pine	*Afrocarpus falcatus*	3	-	1	**4**
Marina madrone	*Arbutus* 'Marina'	-	-	1	**1**
Incense cedar	*Calocedrus decurrens*	-	-	1	**1**
Blue blossom	*Ceanothus thyrsiflorus*	1	-	-	**1**
Deodar cedar	*Cedrus deodara*	-	-	1	**1**
Hackberry	*Celtis occidentalis*	2	-	-	**2**
New Zealand cabbage palm	*Cordyline australis*	1	-	-	**1**
Flowering dogwood	*Cornus florida*	-	-	1	**1**
Italian cypress	*Cupressus sempervirens*	-	1	10	**11**
Bronze loquat	*Eriobotrya deflexa*	2	1	-	**3**
Loquat	*Eriobotrya japonica*	-	-	1	**1**
Sugar gum	*Eucalyptus cladocalyx*	3	1	-	**4**
Blue gum	*Eucalyptus globulus*	7	5	-	**12**
Red ironbark	*Eucalyptus sideroxylon*	5	1	-	**6**
Ginkgo	*Ginkgo biloba*	-	1	-	**1**
Silk oak	*Grevillea robusta*	-	1	-	**1**
Toyon	*Heteromeles arbutifolia*	-	1	-	**1**
Jacaranda	*Jacaranda mimosifolia*	-	1	-	**1**
California black walnut	*Juglans hindsii*	1	-	-	**1**
Hollywood juniper	*Juniperus chinensis* 'Kaizuka'	-	9	2	**11**
Grecian laurel	*Laurus nobilis*	3	-	-	**3**
Glossy privet	*Ligustrum lucidum*	-	1	-	**1**
Sweetgum	*Liquidambar styraciflua*	-	1	1	**2**

Common Name	Scientific Name	Condition			Total
		Poor (10-30%)	Fair (50%)	Good (70-90%)	
Crabapple	*Malus sylvestris*	2	5	4	**11**
Mayten	*Maytenus boaria*	1	-	-	**1**
Bottlebrush	*Melaleuca citrina*	-	-	1	**1**
Olive	*Olea europaea*	1	7	-	**8**
Sitka spruce	*Picea sitchensis*	-	-	1	**1**
Canary Island pine	*Pinus canariensis*	1	1	10	**12**
Aleppo pine	*Pinus halepensis*	1	-	-	**1**
Italian stone pine	*Pinus pinea*	-	2	-	**2**
Monterey pine	*Pinus radiata*	-	5	1	**6**
Victorian box	*Pittosporus undulatum*	1	2	-	**3**
Cherry	*Prunus avium*	1	-	-	**1**
Purpleleaf plum	*Prunus cerasifera*	2	-	-	**2**
Plum	*Prunus domestica*	1	1	-	**2**
Portugal laurel	*Prunus lusitanica*	1	-	-	**1**
Japanese flowering cherry	*Prunus serrulata*	-	1	-	**1**
Douglas fir	*Pseudotsuga menziesii*	2	3	2	**7**
Coast live oak	*Quercus agrifolia*	25	40	14	**79**
Blue oak	*Quercus douglasii*	1	1	-	**2**
Valley oak	*Quercus lobata*	8	10	6	**24**
African sumac	*Rhus lancea*	3	1	-	**4**
White willow	*Salix alba*	-	-	1	**1**
Arroyo willow	*Salix lasiolepis*	1	-	-	**1**
Brazilian pepper	*Schinus terebinthifolius*	-	1	-	**1**
Coast redwood	*Sequoia sempervirens*	2	2	13	**17**
Windmill palm	*Trachycarpus fortunei*	-	-	1	**1**
California bay	*Umbellularia californica*	38	46	5	**89**
Sawleaf zelkova	*Zelkova serrata*	3	1	-	**4**
Total		**135**	**158**	**82**	**375**

The most common species was California bay (89 trees, 24% of population). The bays were in fair (46 trees) to poor (38 trees) condition with five trees in good condition. They varied in development from young (4" trunk diameter) to mature (22, 12" trunk diameter). Twenty-eight (28) California bays had multiple trunks (31%). The single stem trees had an average trunk diameter of 9". The bays were generally growing in dense stands with oaks in undeveloped natural areas (Photo 1).

Seventy-nine (79) coast live oaks were assessed (21% of population). The coast live oaks were in fair condition (40 trees) with 25 trees in poor condition and 14 trees in good condition. They ranged from young (4" trunk diameter) to mature (26, 25, 17" trunk diameter). Thirteen (13) of the coast live oaks had multiple trunks (16%). The single stem trees had an average trunk diameter

of 15". Several of the oaks were declining in health. I have provided additional information on Sudden Oak Death which is somewhat of a concern in this area.

Twenty-four (24) valley oaks were assessed (6% of population). The valley oaks were in poor (8 trees) to good (6 trees) condition with 10 trees in fair condition. They ranged from relatively young (11" trunk diameter) to mature (37" trunk diameter) with an average trunk diameter of 22". Valley oaks were growing both in the natural areas and in the planted landscape. Some of the more important trees on the site were valley oaks. Valley oaks #30 and 72 were large trees in good condition growing on the eastern slope. Valley oak #206 was a mature tree in good health growing in the courtyard. Valley oak #350 was in decline and had broken two of the 6 cables installed (Photo 2). Tree #349 was a mature oak preserved in a 15x15' raised planter at the edge of a courtyard.

Seventeen (17) coast redwoods were assessed (5% of population). The redwoods were in good condition (13 trees) with two trees in fair condition and two trees in poor condition. The coast redwoods were predominantly young (average trunk diameter 11") and ranged from 4" to 40" in trunk diameter. The majority of the young redwoods still had staking which should be removed before it girdles the trees.

Twelve (12) Canary Island pines were assessed (3% of population). The pines were in good condition (10 trees) with one tree in fair condition and one in poor condition. They were mature with an average trunk diameter of 23". Most of the Canary Island pines were located just east of the road that cuts through the lower half of the property.

Twelve (12) blue gum eucalyptus trees were assessed (3% of population). The blue gums were in poor (7 trees) to fair (5 trees) condition with no trees in good condition. They were the largest trees assessed with an average trunk diameter of 44". Blue gum #62 was the largest tree assessed with a trunk diameter of 62". Blue gums #7-12 had been harshly topped with poorly attached regrowth (Photo 3).

Eleven (11) crab apples were assessed (3% of population). The crabapples were in good (4 trees) to poor (2 trees) condition with five trees in fair condition. Crabapples are typically small trees; an average trunk diameter of 10" is relatively mature for the species. Crabapple #203 was an iconic piece of the landscape.

Eleven (11) Hollywood junipers were assessed (3% of population). The junipers were in fair condition (9 trees) with two trees in good condition and no trees in poor condition. The junipers had their typical chaotic, bushy form. They were planted in a narrow location high above the walkway providing minimal benefits to the landscape (Photo 4).

Eleven (11) Italian cypresses were assessed (3% of population). The cypresses were in good condition (10 trees) with one tree in fair condition. They had the typical dense, narrow crown of their species.

The remaining 29% of trees included 48 species. Some particularly notable trees or groups of trees were:

- Douglas firs #147-153 had an 18" average trunk diameter and were growing on the southern edge of the property (Photo 5).
- Four sawleaf zelkovas were growing in the central courtyard and were declining in health.
- Sugar gums #309 and 310 were mature trees in decline with large trunk wounds.
- White willow #288 was a large mature single-stemmed tree in good condition growing in the courtyard.
- Bailey acacia seed production was impressive along the northern property boundary (Photo 6).

The Town of Los Gatos protects all trees 4" and larger on sites being developed (Municipal Code Section 29.10). Certain species of designated sizes are excepted per Section 29.10.0970. Based on this definition, 338 of the original 375 trees were protected. Some Protected trees of certain species and sizes are designated Large Protected. Protected trees cannot be removed or pruned more than 25% without a permit. Designations for individual trees are provided in the *Tree Assessment* (see *Exhibits*).

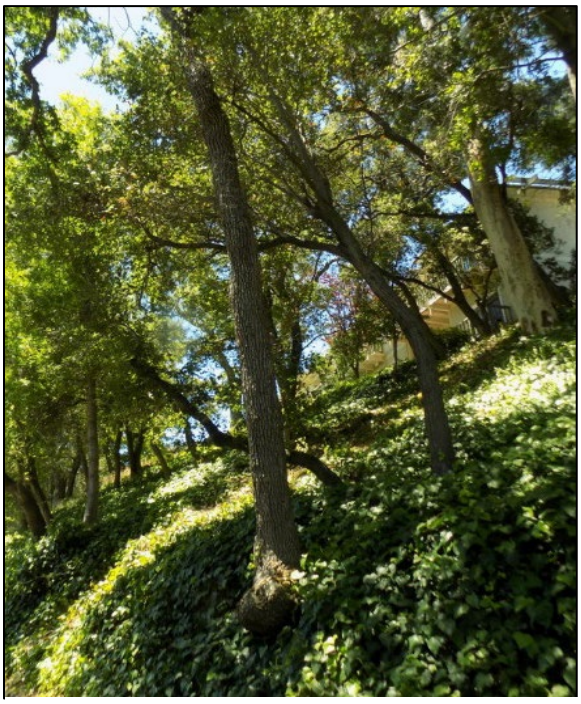
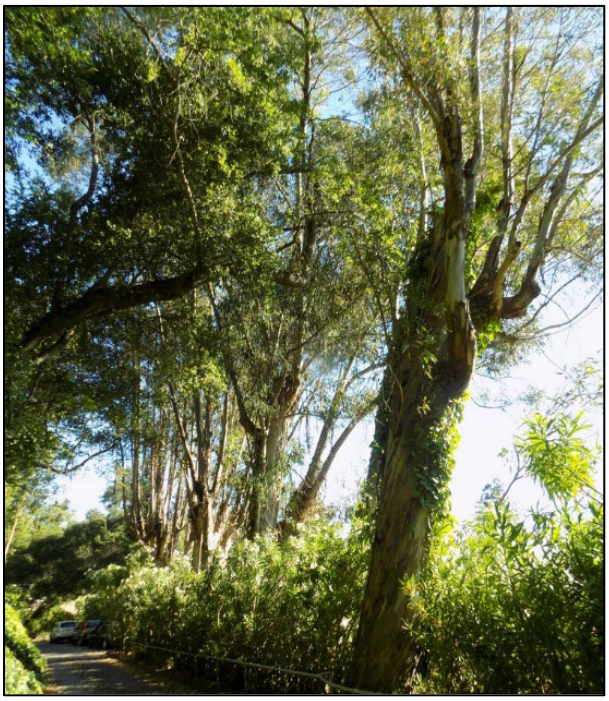




Photo 1 (upper left) – California bays and native oaks were the dominant species especially across the natural areas within the site.
Photo 2 (upper right) – Valley oak #250 was declining and had been over-pruned. Two of the six cables in the tree had broken.
Photo 3 (lower left) – Blue gums #7-12 had been topped with poorly attached regrowth.
Photo 4 (lower right) – The Hollywood junipers (#197 shown) were growing in raised planter beds next to covered sidewalks.





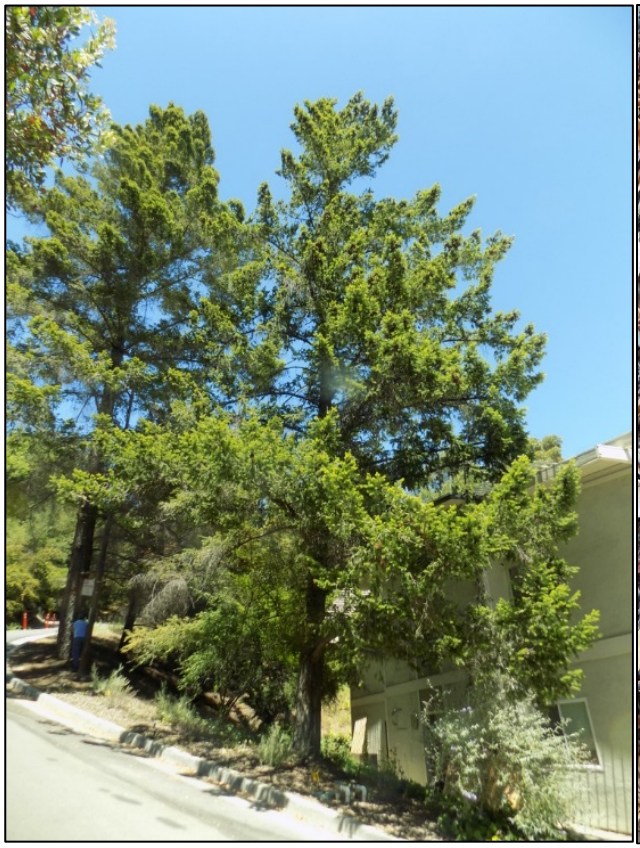


Photo 5 – Douglas firs #147 and 148 were growing near the southern boundary of the site.



Photo 6 – Bailey acacias #366-370 were growing near the northern boundary of the property and produced an extreme amount of seed.

Suitability for Preservation

Before evaluating the impacts that will occur during development, it is important to consider the quality of the tree resource itself, and the potential for individual trees to function well over an extended length of time. Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape.

Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. For trees growing in open fields, away from areas where people and property are present, structural defects and/or poor health presents a low risk of damage or injury if they fail. However, we must be concerned about safety in use areas. Therefore, where development encroaches into existing plantings, we must consider their structural stability as well as their potential to grow and thrive in a new environment. Where development will not occur, the normal life cycles of decline, structural failure and death should be allowed to continue.

Evaluation of suitability for preservation considers several factors:

- **Tree health**
  Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees. For example, sawleaf zelkova #208 was declining and unlikely to survive regardless of construction impact.

- **Structural integrity**
  Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely. For example, Valley oak #350 had a large decaying cavity and had broken cables.

- **Species response**
  There is a wide variation in the response of individual species to construction impacts and changes in the environment. For instance, coast live oaks are more tolerant of root pruning than valley oak.

- **Tree age and longevity**
  Old trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change.

- **Species invasiveness**
  Species that spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. The California Invasive Plant Inventory Database http://www.cal-ipc.org/plants/inventory/ lists species identified as being invasive. Los Gatos is part of the Central West Floristic Province. Blackwood acacia, New Zealand cabbage palm, blue gum, glossy privet, olive and purpleleaf plum are listed as limited invasiveness, and Brazilian pepper is listed as moderate invasiveness.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (see ***Tree Assessment*** in Exhibits, and Table 2). We consider trees with high suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with low suitability for preservation in areas where people or property will be present. Retention of trees with moderate suitability for preservation depends upon the intensity of proposed site changes.

Table 2. Tree suitability for preservation
Los Gatos Meadows, Los Gatos, CA

High	These are trees with good health and structural stability that have the potential for longevity at the site. Fifty-three (53) trees had high suitability for preservation.
Moderate	Trees in this category have fair health and/or structural defects that may be abated with treatment. These trees require more intense management and monitoring, and may have shorter life-spans than those in the "high" category. Ninety-seven (97) trees had moderate suitability for preservation.
Low	Trees in this category are in poor health or have significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. Two hundred twenty-five (225) trees had low suitability for preservation.

Evaluation of Impacts and Recommendations

In 2019, selected trees were removed in response to a Wildland Urban Interface fire management review and the resulting Tree Management Plan prepared by HortScience | Bartlett Consulting (3/27/19). This Arborist Report incorporates the data on trees removed, and responds to a Arborist's Review letter prepared by Monarch Consulting Arborists (July 6, 2020). Forty-four (44) trees were removed and 331 trees remain.

The *Tree Assessment* was the reference point for tree health, condition, and suitability for preservation. I used the *Planning Submittal* set (10/8/20) created by Gates + Associates and the *Preliminary Grading and Drainage Plan* (6/30/20) created by Kimley-Horn to estimate impacts to trees. The plans show a nearly complete demolition of the site within between the two roads and additional grading outside of the roads in some areas.

The disposition of each tree is shown in **Tree Disposition** Exhibit. Based on my evaluation of the plans:

- Two hundred twelve (213) trees will be removed (205 Protected, 8 Large Protected).
- One hundred eighteen (118) trees will be preserved (109 Protected, 9 Large Protected)

The primary impacts of the proposed project to trees were expected to be from re-grading the slopes, reorienting and creating new roads, and re-configuring the buildings. Impacts to trees being preserved can be minimized by following the **Tree Preservation Guidelines** (below).

I estimate that 118 trees can be preserved because construction would not be occurring in their area, all of them around the perimeter of the site, and many of these on the east slope of the property downhill of the project area. Of all the trees recommended for preservation, approximately 37% have low suitability for preservation. I generally do not recommend preserving trees with low suitability for preservation in use areas. I consider the trees being preserved to be in non-use areas, but the occupancy rates may increase post construction. If current non-use areas change after development, I recommend carefully considering how future landscapes will be used before retaining trees with a low suitability for preservation. Impacts to trees being preserved can be minimized by following the **Tree Preservation Guidelines** (below).

Appraisal of Value

The Town of Los Gatos requires establishing the value of all assessed trees. To accomplish this, I used the standard methods found in *Guide for Plant Appraisal*, 9th edition (published in 2000 by the International Society of Arboriculture, Champaign IL). In addition, I referred to *Species Classification and Group Assignment* (2004), a publication of the Western Chapter of the International Society of Arboriculture. These two documents outline the methods employed in the tree appraisal.

In 2019, the ISA published a new (10th) edition of the *Guide for Plant Appraisal*, which revised the methods for estimating tree values using the reproduction cost and specifically the trunk formula technique. For the sake of consistency, I have not updated the estimated the value of the trees in this report to the 10th edition. This report estimates values using the 9th edition, which was the most recently published at the time.

The value of landscape trees is based upon four factors: size, species, condition and location. Size is measured as trunk diameter, normally 54" above grade. The species factor considers the adaptability and appropriateness of the plant in the south bay area. The *Species Classification and Group Assignmen*t lists recommended species ratings and evaluations. Condition reflects the health and structural integrity of the individual, as noted in the ***Tree Assessment***. Location considers the site, placement and contribution of the tree in its surrounding landscape.

The appraised value of the 375 trees assessed in this report is **$991,050.** The appraised value of each tree is shown in the **Tree Appraisal** attachment. The appraised value of the:

- 44 trees already removed is **$129,650.**
- 213 trees to be removed is **$483,750**.
- 118 trees to be preserved is **$377,650.**

Sudden Oak Death

Sudden Oak Death (SOD) is caused by *Phytophthora ramorum,* a fungal pathogen (actually a water mold) affecting oaks in the red oak group, including coast live oak. Valley oak, in the white oak group, is not affected.

The disease was first recognized in Santa Cruz and Marin counties in the mid 1990's. Research indicates it was likely introduced through the nursery industry and may have been in the environment for many years before it 'escaped' into the forest.

The disease requires water to grow and spread and has many host species that are not affected by the disease but play a critical role in its spread. The disease has been shown to move from plant to plant via wind-driven rain, water, plant material and human activities. The disease typically lands on the foliage of a susceptible plant and migrates with water movement onto the trunk. Trunk lesions and foliar dieback ensue, eventually girdling the trunk, but the tree may remain green for several months or even years before it suddenly turns brown (hence the name).

Bleeding cankers and dieback are not sufficient to make a positive SOD identification. Lab analysis of plant material is required before the suspected case can be confirmed.
There are thousands of confirmed cases of SOD in Santa Clara County (mostly in the forested areas). I did not see any indications of SOD on any trees being preserved, but I consider this a relatively high likelihood of outbreak area. Several precautions are recommended to help limit the possibility of infection. A detailed list of susceptible and host species, management and monitoring guidelines and prophylactic treatments are provided on the California Oak Mortality Task Force website (http://www.suddenoakdeath.org/). Of particular concern in this situation is the combined effect of construction impact and SOD on mature oak trees.

Tree Preservation Guidelines

The goal of tree preservation is not merely tree survival during development but maintenance of tree health and beauty for many years. Trees retained on sites that are either subject to extensive injury during construction or are inadequately maintained become a liability rather than an asset. The response of individual trees will depend on the amount of excavation and grading, the care with which demolition is undertaken, and the construction methods. Coordinating any construction activity inside the **TREE PROTECTION ZONE** can minimize these impacts.

The following recommendations will help reduce impacts to trees from development and maintain and improve their health and vitality through the clearing, grading and construction phases. All tree protection measures to comply with Town of Los Gatos Municipal Code Sec.29.10.1005- Protection of Trees During Construction.

Tree Protection Zone

1. **A TREE PROTECTION ZONE** shall be identified for each tree to be preserved. The **TREE PROTECTION ZONE** for each tree shall be the dripline of the tree. In most cases, groups of trees can be protected collectively.
2. Fence all trees to be retained to completely enclose the **TREE PROTECTION ZONE** prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link with 2-inch diameter galvanized iron posts driven into the ground to a depth of at least 2 feet at no more than 10-foot spacing, or equivalent as approved by the Town. Tree #75 shall be fenced at the edge of construction. Trees to remain in the sequences of #19-102 and 101-127 can be fenced along the western edge of their collective dripline. All other trees to remain can be protected by the perimeter fencing at their collective driplines at the limit of grading on the northern, eastern, and southern edges of the project.
3. Fences must be installed before demolition, grading or construction permits are issued and must remain in place until construction is complete. Contractor shall first obtain the approval of the Consulting Arborist on record prior to removing a tree protection fence.
4. No grading, excavation, construction or storage or dumping of materials shall occur within the **TREE PROTECTION ZONE**. Excavation within the dripline of tree #75 shall be approved by and monitored by the Consulting Arborist.
5. No underground services including utilities, sub-drains, water or sewer shall be placed in the **TREE PROTECTION ZONE**.
6. 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".
7. The attachment of wires, signs or ropes to any protected tree is prohibited.

Design recommendations

1. Any changes to the plans affecting the trees should be reviewed by the consulting arborist with regard to tree impacts. These include, but are not limited to, site plans, improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans.
2. Plan for tree preservation by designing adequate space around trees to be preserved. This is the **TREE PROTECTION ZONE:** No grading, excavation, construction or storage of materials should occur within that zone. Route underground services including utilities, sub-drains, water or sewer around the **TREE PROTECTION ZONE**.
3. Consider the vertical clearance requirements near trees during design. Avoid designs that would require pruning more than 20% of a tree's canopy.

4. All plans affecting trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, grading plans, drainage plans, utility plans, and landscape and irrigation plans.
5. Irrigation systems must be designed so that no trenching severs roots larger than 1" in diameter will occur within the **TREE PROTECTION ZONE**.
6. **Tree Preservation Guidelines** prepared by the Consulting Arborist, which include specifications for tree protection during demolition and construction, should be included on all plans.
7. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
8. Do not lime the subsoil within 50' of any tree. Lime is toxic to tree roots.
9. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees should be designed to withstand differential displacement.
10. Ensure adequate but not excessive water is supplied to trees; in some cases occasional irrigation will be required. Avoid directing runoff toward trees.

Pre-demolition and pre-construction treatments and recommendations

1. The demolition and construction superintendents shall meet with the Consulting Arborist before beginning work to review all work procedures, access routes, storage areas, and tree protection measures.
2. Prior to the commencement of construction, install the fence at the dripline, or **TREE PROTECTION ZONE** 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 **TREE PROTECTION ZONE**. The dripline shall not be altered in any way so as to increase the encroachment of the construction.
3. Branches extending into the work area that can remain following demolition shall be tied back and protected from damage.
4. Fences are to remain until all grading and construction is completed. Where demolition must occur close to trees, such as removing curb and pavement, install trunk protection devices such as winding silt sock wattling around trunks or stacking hay bales around tree trunks.
5. Prune trees to be preserved to clean the crown of dead branches 1" and larger in diameter, raise canopies as needed for construction activities.
    a. All pruning shall be done by a State of California Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300).
    b. The Consulting Arborist will provide pruning specifications prior to site demolition.
    c. Branches extending into the work area that can remain following demolition shall be tied back and protected from damage.
    d. While in the tree the arborist shall perform an aerial inspection to identify any defects, weak branch and trunk attachments and decay not visible from the ground. Any additional work needed to mitigate defects shall be reported to the property owner.
6. Tree(s) to be removed that have branches extending into the canopy of tree(s) or located within the **TREE PROTECTION ZONE** of tree(s) to remain shall be removed by a Certified Arborist or Certified Tree Worker and not by the demolition contractor. The Certified Arborist or Certified Tree Worker shall remove the trees in a manner that causes no damage to the tree(s) and understory to remain. Stumps shall be ground below grade.

7. Trees to be removed shall be felled so as to fall away from **TREE PROTECTION ZONE** and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the Consulting Arborist may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.
8. All down brush and trees shall be removed from the **TREE PROTECTION ZONE** either by hand, or with equipment sitting outside the **TREE PROTECTION ZONE**. Extraction shall occur by lifting the material out, not by skidding across the ground. Brush shall be chipped and spread beneath the trees within the **TREE PROTECTION ZONE**
9. Structures and underground features to be removed within the **TREE PROTECTION ZONE** shall use equipment that will minimize damage to trees above and below ground, and operate from outside the **TREE PROTECTION ZONE**. Tie back branches and wrap trunks with protective materials to protect from injury as directed by the Project arborist. The Project arborist shall be on-site during all operations within the **TREE PROTECTION ZONE** to monitor demolition activity.
10. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

Recommendations for tree protection during construction

1. Any approved grading, construction, demolition or other work within the **TREE PROTECTION ZONE** should be monitored by the Consulting Arborist. The Consulting arborist shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project Consulting 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.
2. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.
3. Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Consulting Arborist.
4. Construction trailers, traffic and storage areas must remain outside **TREE PROTECTION ZONE** at all times.
5. Construction activities within the **TREE PROTECTION ZONE**, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree are prohibited, unless approved by the Director, per Sec.10.29.1005.
6. Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Project Arborist. Roots should be cut with a saw to provide a flat and smooth cut. Removal of roots larger than 2” in diameter should be avoided.
7. If roots 2” and greater in diameter are encountered during site work and must be cut to complete the construction, the Project Arborist must be consulted to evaluate effects on the health and stability of the tree and recommend treatment.
8. Any brush clearing required within the **TREE PROTECTION ZONE** shall be accomplished with hand-operated equipment.
9. All down brush and trees shall be removed from the **TREE PROTECTION ZONE** either by hand, or with equipment sitting outside the **TREE PROTECTION ZONE**. Extraction shall occur by lifting the material out, not by skidding across the ground.

10. Prior to grading or trenching, trees may require root pruning outside the **TREE PROTECTION ZONE.** Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Project Arborist.
11. Spoil from trench, footing, utility or other excavation shall not be placed within the **TREE PROTECTION ZONE**, neither temporarily nor permanently.
12. All grading within the dripline of trees shall be done using the smallest equipment possible. The equipment shall operate perpendicular to the tree and operate from outside the **TREE PROTECTION ZONE**. Any modifications must be approved and monitored by the Consulting Arborist.
13. All trees shall be irrigated on a schedule to be determined by the Consulting Arborist (every 3 to 6 weeks is typical). Each irrigation shall wet the soil within the **TREE PROTECTION ZONE** to a depth of 30".
14. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. The Director and Consulting Arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.
15. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the **TREE PROTECTION ZONE**. 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 are prohibited.
16. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.
17. Trees that accumulate a sufficient quantity of dust on their leaves, limbs and trunk as judged by the Consulting Arborist shall be spray-washed at the direction of the Project Arborist.

Maintenance of impacted trees
Our procedures included assessing trees for observable defects in structure. This is not to say that trees without significant defects will not fail. Failure of apparently defect-free trees does occur, especially during storm events. Wind forces, for example, can exceed the strength of defect-free wood causing branches and trunks to break. Wind forces coupled with rain can saturate soils, reducing their ability to hold roots, and blow over defect-free trees. Although we cannot predict all failures, identifying those trees with observable defects is a critical component of enhancing public safety.

Furthermore, trees change over time. Our inspections represent the condition of the tree at the time of inspection. As trees age, the likelihood of failure of branches or entire trees increases. Annual tree inspections are recommended to identify changes to tree health and structure. In addition, trees should be inspected after storms of unusual severity to evaluate damage and structural changes. Initiating these inspections is the responsibility of the client and/or tree owner.

Preserved trees will experience a physical environment different from that pre-development. As a result, tree health and structural stability should be monitored. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority.

If you have any questions about my observations or recommendations, please contact me.

HortScience | Bartlett Consulting



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Exhibits

Tree Assessment Plan

Tree Assessment

Tree Disposition

Tree Appraisal

Tree Assessment Plan

Los Gatos Meadows
110 Wood Road
Los Gatos, CA

Prepared for:
Covia
Walnut Creek, CA

July 2020 Update

No Scale

Notes:

Base map provided by:
Cal Vada Surveying, Inc.
Corona, CA
(Survey dated June 2018)
&
Sandis
Mountain View,CA
(Survey dated 2007)

Numbered tree locations are approximate.

Trees less than 4" in diameter are not included in this assessment.

Remaining tree

Tree removed in 2019

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Tree Assessment

Los Gatos Meadows
Los Gatos, CA
July 2020 update

HORT SCIENCE
BARTLETT CONSULTING

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
1	Coast redwood	40	Protected	50%	Moderate	Slight sweep in lower trunk; poor color; water stressed.
2	California bay	8,8,7	Protected	50%	Low	Multiple trunks arise from base; bushy form; decay in stem; crown one sided west.
3	California bay	6,5	Protected	30%	Low	Multiple trunks arise from base; bushy form; crown one sided east; covered in ivy.
4	Valley oak	17	Protected	50%	Moderate	Leaning south; crown one sided west; covered in ivy and another vine.
5	Valley oak	14	Protected	30%	Low	Poor form and structure; small crown; crown one sided south.
6	Coast live oak	23	Protected	70%	High	Codominant trunks arise from 12 feet with seam; dense crown; pruning wound at 5 feet; trunk wound at 2 feet; both healed.
7	Blue gum	40	Protected	30%	Low	Multiple trunks arise from 15 feet; topped at 20 feet; tall, narrow poorly attached regrowth; yellow jacket at base.
8	Blue gum	38	Protected	30%	Low	Multiple trunks arise from 15 feet; topped at 20 feet; tall, narrow poorly attached regrowth.
9	Blue gum	20,7	Exception	30%	Low	Multiple trunks arise from base; topped at 20 feet; tall, narrow poorly attached regrowth; old retaining wall at base; decay in base.
10	Blue gum	54	Protected	30%	Low	Codominant trunks arise from 15 feet; topped at 20 feet; tall, narrow poorly attached regrowth; base at old retaining wall.
11	Blue gum	28	Protected	30%	Low	Codominant trunks arise from 20 feet with dead main stem decaying into attachment; topped at 20 feet; tall, narrow poorly attached regrowth; base at old retaining wall.
12	Blue gum	39	Protected	30%	Low	Codominant trunks arise from 15 feet; topped at 20 feet; tall, narrow poorly attached regrowth; base at old retaining wall; curb bumps out around base.
13	Canary Island pine	21	Protected	70%	High	Strong central leader; crown one sided east; minor dieback.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
14	Coast live oak	15	Protected	50%	Low	Crook in trunk at 3 feet; crown one sided south; dense crown; supporting retaining wall.
15	California bay	10	Protected	50%	Moderate	Lower trunk sweeps east; holding up retaining wall; minor dieback.
16	California bay	10	Protected	50%	Moderate	Narrow upright form; sinuous trunk; interior tree.
17	California bay	9,9	Protected	30%	Low	Codominant trunks arise from base with decay running up inside of trunks; narrow upright form; small crown.
18	California bay	5	Protected	10%	Low	Main stem dead.
19	California bay	13,8	Protected	50%	Moderate	Codominant trunks arise from 3 feet; one stem bowed east; larger stem upright, narrow form.
20	California bay	11	Protected	30%	Low	Codom in upper crown; thin crown; narrow form.
21	California bay	13	Protected	30%	Low	Multiple trunks arise in upper crown; poor form and structure; dense chaotic crown.
22	California buckeye	9	Protected	50%	Moderate	Leans heavily east; suppressed by neighboring trees.
23	California bay	7	Protected	30%	Low	Main stem bowed heavily east with vertical epicormic stems.
24	California bay	17,16	Protected	70%	High	Codominant trunks arise from base; wide spreading crown; dominant tree.
25	California bay	11	Protected	30%	Low	Narrow form; sinuous trunk; cavity in base.
26	California bay	12	Protected	50%	Low	Leaning heavily east; codominant trunks arise from 10 feet; small dense crown.
27	California bay	7	Protected	10%	Low	Leaning east, closer to horizontal than vertical; epicormic sprouts.
28	California bay	8	Protected	10%	Low	Main stem totally hollow.
29	California bay	12,7,6	Protected	10%	Low	Stump sprout; can see through base.
30	Valley oak	34	Large Protected	70%	High	Codominant trunks arise from 25 feet; minor dieback; dominant tree; crown above building.
31	California bay	16	Protected	50%	Low	Leaning east; narrow upright form cabled wrapped around tree; 8 inch trunk wound on south side.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
32	California bay	8	Protected	50%	Low	Leaning east; narrow upright form; edge tree.
33	California bay	14,6	Protected	50%	Low	Codominant trunks arise from 3 feet; leaning east; wrapped around coast live oak.
34	California bay	8	Protected	30%	Low	Bowed heavily east; epicormic growing vertically.
35	California bay	11,10,7	Protected	50%	Low	Multiple trunks arise from base; sinuous trunks; minor dieback.
36	Coast live oak	19	Protected	50%	Moderate	Codominant trunks arise from 10 feet; dense crown one sided east; edge tree.
37	California bay	10	Protected	30%	Low	Leaning heavily east; topped; dense epicormic growth.
38	Blue oak	19	Protected	30%	Low	Sinuous trunk; low live crown ratio; thin, small crown; bark peeling off base.
39	Coast live oak	27	Large Protected	50%	Low	Codominant trunks arise from 20 feet; leaning east; swollen, bleeding base.
40	Valley oak	17	Protected	30%	Low	Codominant trunks arise from 15 feet with dead stem; other stem bowed over other trees, difficult to see.
41	California bay	8,5,4	Protected	50%	Moderate	Multiple trunks arise from base; bushy, interior tree.
42	California bay	5	Protected	50%	Low	Young interior tree searching for light.
43	Valley oak	14	Protected	50%	Moderate	Multiple trunks arise from 30 feet; difficult to see crown above other canopy.
44	Coast live oak	22	Protected	50%	Low	Lost codominant trunks arise from 5 feet decaying into trunk; dense wide spreading crown.
45	California bay	6,5	Protected	50%	Low	Bushy interior tree.
46	California bay	6	Protected	50%	Low	Young interior tree searching for light.
47	Valley oak	17,13	Protected	50%	Moderate	Codominant trunks arise from 2 feet; trunks bow away form each other; wide spreading crown, difficult to see.
48	California bay	22,12	Protected	10%	Low	Dead stump resprouting.
49	California bay	7	Protected	50%	Low	Young interior tree searching for light; swollen base.
50	California bay	7	Protected	50%	Low	Young interior tree searching for light; swollen base.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
51	California bay	7	Protected	30%	Low	Bowed horizontal to east; epicormic growing vertical.
52	California bay	9	Protected	30%	Low	Bowed horizontal to east; epicormic growing vertical; topped at property line.
53	California bay	10	Protected	50%	Low	Narrow upright form; cavities at base; edge tree.
54	California bay	13,9	Protected	50%	Low	Codominant trunks arise from 3 feet; swollen base; leaning east; headed at property line.
55	California bay	6,5,5,4	Protected	50%	Low	Bushy interior tree bowed to east.
56	California bay	7	Protected	30%	Low	Bowed horizontal to east; epicormic growing vertical; topped at property line.
57	California bay	9,8	Protected	30%	Low	Codominant trunks arise from base; sinuous trunks; interior tree.
58	California bay	12	Protected	30%	Low	Cavities in base; bowed horizontal east; vertical epicormic sprouting.
59	Coast live oak	27,16	Large Protected	50%	Moderate	Codominant trunks arise from base; all stems bowed east; dense chaotic crown; base at 2 bay trees.
60	California bay	14	Protected	10%	Low	Cavities in base; broken top with epicormic resprouting.
61	California bay	15	Protected	30%	Low	Bowed to east; epicormic growing vertical.
62	California bay	13	Protected	30%	Low	Bowed to east; epicormic growing vertical; headed at property line.
63	California bay	6	Protected	50%	Low	Young interior tree searching for light.
64	California bay	10,9	Protected	50%	Low	Codominant trunks arise from base; trunk sweeping east; edge tree; headed at property line.
65	California bay	9	Protected	30%	Low	Bowed horizontally to east; epicormic growing vertical.
66	California bay	11	Protected	30%	Low	Multiple trunks arise from 20 feet where it perfectly props coast live oak stem.
67	Olive	5,4,3,2	Exception	30%	Low	Multiple trunks arise from base; volunteer; thin crown; interior tree.
68	California bay	6	Protected	50%	Low	Young interior tree searching for light.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
69	California bay	7	Protected	30%	Low	Narrow form; thin crown; dieback.
70	Coast live oak	6	Protected	50%	Moderate	Codominant trunks arise from 7 feet; dense crown, one sided east.
71	California bay	17,8	Protected	50%	Moderate	Codominant trunks arise from base; swollen base; dense chaotic crown.
72	Valley oak	33	Large Protected	70%	High	Dominant tree; codominant trunks arise from 6 feet with seam; wide spreading crown.
73	Olive	5	Exception	50%	Moderate	Multiple trunks arise from 7 feet; narrow crown.
74	Coast live oak	6	Protected	50%	Moderate	Codominant trunks arise from 7 feet; dense crown, one sided south.
75	Coast live oak	30	Large Protected	50%	Moderate	Multiple trunks arise from 7 feet crown one sided south; dense crown; minor dieback.
76	Monterey pine	15	Protected	50%	Low	Sinuous trunk; thin crown; gray blue color.
77	Monterey pine	17	Protected	50%	Low	Sinuous trunk; thin crown; gray blue color.
78	Coast redwood	7	Protected	90%	High	Good young tree; remove staking.
79	Coast redwood	13	Protected	90%	High	Good form and structure; dense crown.
80	Blue oak	12	Protected	50%	Moderate	Multiple trunks arise from 10 feet; thin crown; upright form.
81	Coast redwood	5	Protected	90%	High	Good young tree; remove staking.
82	Coast redwood	7	Protected	30%	Low	Dead top.
83	Monterey pine	14	Protected	50%	Low	Sinuous trunk; thin crown; gray blue color.
84	Bigleaf maple	9	Protected	30%	Low	2 foot basal wound with decay; good form and structure; dense crown.
85	Coast redwood	7	Protected	90%	High	Good young tree; remove staking.
86	Valley oak	19	Protected	70%	Moderate	Dominant tree; codominant trunks arise from 15 feet; crown one sided east.
87	Coast redwood	10	Protected	90%	High	Good form and structure; dense crown.
88	Monterey pine	8	Protected	50%	Low	Sinuous trunk; leaning south; thin crown; gray blue color.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
89	Monterey pine	8	Protected	50%	Moderate	Strong central leader; crown one sided south; thin crown.
90	Blackwood acacia	10,6	Exception	30%	Low	Poor form and structure; invasive.
91	Blackwood acacia	5	Exception	30%	Low	Poor form and structure; invasive.
92	Blackwood acacia	8,7,4	Exception	30%	Low	Poor form and structure; invasive.
93	Blackwood acacia	5,5,5,4	Exception	30%	Low	Poor form and structure; invasive.
94	California bay	10	Protected	30%	Low	Huge basal cavity; lost half of tree.
95	California bay	16	Protected	30%	Low	Lost top; epicormic resprouting; dieback.
96	California bay	5	Protected	10%	Low	Base decayed and failed; leaning on neighboring tree.
97	California bay	10,6,5,4,4	Protected	50%	Low	Multiple trunks arise from base; base at valley oak; bushy, wrapping around valley oak.
98	Valley oak	17,16	Protected	50%	Moderate	Codominant trunks arise from base; surrounded by bays; crown one sided south; dieback throughout crown.
99	California bay	7,6,6,5	Protected	50%	Low	Multiple trunks arise from base; base at valley oak; bushy, wrapping around valley oak.
100	California bay	6	Protected	50%	Low	Base at valley oak; bushy, wrapping around valley oak.
101	California bay	5	Protected	70%	High	Good young tree.
102	California bay	5,5,5,4,4,3,3,2,2	Protected	70%	Moderate	Multiple trunks arise from base; short wide spreading bushy form.
103	Coast redwood	9	Protected	50%	Moderate	Lost top; remove staking.
104	Coast redwood	8	Protected	90%	High	Good young tree.
105	Coast redwood	9	Protected	90%	High	Good young tree.
106	Coast redwood	10	Protected	90%	High	Good young tree.
107	Coast redwood	8	Protected	90%	High	Good young tree.
108	Coast redwood	4	Protected	90%	High	Good young tree; remove staking.
109	Grecian laurel	10,9,9	Protected	30%	Low	Multiple trunks arise from base; upright form; thin crown; previously topped.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
110	Grecian laurel	6,6,5,5,4,3,3,2	Protected	30%	Low	Multiple trunks arise from base; upright form; thin crown; previously topped.
111	Grecian laurel	5,4,4,4,4,4,3,3,3	Protected	30%	Low	Multiple trunks arise from base; upright form; thin crown; previously topped.
112	Olive	6	Exception	50%	Moderate	Sinuous trunk; small crown; interior tree; healing trunk wound.
113	Olive	12,7	Exception	50%	Moderate	Codominant trunks arise from base; sinuous trunk; dieback; interior tree; healing trunk wound.
114	Olive	10,6,5,4,3,2,2,2	Exception	50%	Moderate	Multiple trunks arise from base; sinuous trunk; dieback; interior tree.
115	Valley oak	21	Protected	50%	Low	Multiple trunks arise from 12 feet; chaotic form; thin crown; weeping.
116	Blue gum	47,32,17	Large Protected	50%	Low	Multiple trunks arise from 2 feet; dominant tree; history of branch failure; growing on slope; previously topped.
117	Bronze loquat	6	Protected	30%	Low	Multiple trunks arise from 5 feet; half of crown dead.
118	Coast live oak	19,15	Protected	70%	High	Codominant trunks arise from base; dense crown; growing on slope.
119	Coast live oak	19	Protected	70%	High	Multiple trunks arise from 12 feet with seam; crown bowed south; dense crown.
120	Valley oak	14	Protected	50%	Moderate	Crook in trunk at 5 feet; crown one sided east.
121	Valley oak	19	Protected	50%	Low	Dominant tree; dieback to 5 inches; declining.
122	Coast live oak	11	Protected	50%	Moderate	Multiple trunks arise from 12 feet with wide attachment; chaotic form.
123	Olive	7,7,5,4,4,3	Exception	50%	Moderate	Multiple trunks arise from 1 foot; dense crown; 3 foot long trunk wound.
124	Coast live oak	25	Large Protected	10%	Low	Mostly dead.
125	Coast redwood	19	Protected	10%	Low	Mostly dead.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
126	Coast live oak	7,7	Protected	10%	Low	Mostly dead.
127	Coast live oak	8	Protected	10%	Low	Mostly dead.
128	Canary Island pine	28	Protected	70%	Moderate	Strong central leader; heavy sap flow; difficult to see top.
129	Coast live oak	15	Protected	50%	Low	Codominant trunks arise from 10 feet with seam; bowed south, on slope.
130	Canary Island pine	23	Protected	70%	High	Strong central leader; difficult to see top.
131	Canary Island pine	26	Protected	30%	Low	Sinuous trunk difficult to see top.
132	Coast redwood	7	Protected	90%	Moderate	Good young tree; growing into pines crown.
133	Canary Island pine	22	Protected	70%	High	Good form and structure; dense crown; difficult to see top.
134	Coast live oak	18	Protected	70%	Moderate	Multiple trunks arise from 12 feet; dense crown; minor dieback.
135	Canary Island pine	22	Protected	70%	Moderate	Codominant trunks arise in upper crown; dense crown; difficult to see top.
136	Canary Island pine	23	Protected	70%	High	Good form and structure; dense crown; difficult to see top; base 4 inches from curb.
137	Canary Island pine	21	Protected	70%	High	Good form and structure; dense crown; difficult to see top.
138	Canary Island pine	21	Protected	70%	High	Good form and structure; dense crown; difficult to see top; prune drooping branch.
139	Bronze loquat	5,3,3,3	Protected	50%	Moderate	Multiple trunks arise from 2 feet; growing in dense bushes.
140	Bronze loquat	6,4,2	Protected	30%	Low	Multiple trunks arise from 3 feet; declining
141	Crabapple	8	Exception	70%	High	Multiple trunks arise from 5 feet; wide spreading crown.
142	Coast live oak	18	Protected	70%	High	Multiple trunks arise from 8 feet; wide spreading crown; base covered in ivy.
143	Coast live oak	16	Protected	70%	High	Codominant trunks arise from 12 feet; wide spreading crown; base covered in ivy.
144	Canary Island pine	18	Protected	50%	Moderate	Lost top; dense crown; base in ivy.
145	Canary Island pine	22	Protected	70%	High	Good form and structure; dense crown; base in ivy.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
146	Canary Island pine	26	Protected	70%	Moderate	Codominant trunks arise in upper crown; dense crown; base in ivy.
147	Douglas fir	18	Protected	70%	Moderate	Good form and structure; minor dieback; epicormic growth.
148	Douglas fir	29	Protected	70%	Moderate	Good form and structure; dominant tree; root collar buried.
149	Hollywood juniper	9,5	Protected	70%	High	Codominant trunks arise from 3 feet; low branching dorm; dense crown.
150	Douglas fir	15	Protected	50%	Moderate	Good form and structure; minor dieback; thin crown.
151	Douglas fir	15	Protected	30%	Low	Multiple trunks arise from 10 feet where lost top; narrow form; dense crown.
152	Douglas fir	18	Protected	50%	Low	Good form and structure; minor dieback; lost top.
153	Douglas fir	14	Protected	50%	Moderate	Good form and structure; minor dieback; thin crown.
154	Valley oak	11	Protected	70%	High	Codominant trunks arise from 7 feet with seam; crown one sided south.
155	Silk oak	11	Protected	50%	Low	Multiple trunks arise from 25 feet; dense crown.
156	Coast live oak	17	Protected	70%	High	Multiple trunks arise from 10 feet; dense crown; buried root collar.
157	Coast live oak	15	Protected	30%	Low	Multiple trunks arise from 8 feet with seam; very non circular trunk; extensive dieback throughout crown.
158	Douglas fir	22	Protected	30%	Low	Topped at 25 feet; extensive surface roots.
159	Coast live oak	21	Protected	50%	Moderate	Codominant trunks arise from 8 feet; hose embedded in trunk at 6 feet; crown one sided west.
160	Valley oak	21	Protected	50%	Moderate	Trunk bows east; minor dieback.
161	Valley oak	16	Protected	30%	Low	Trunk bows horizontal to north; vertical branch becomes main stem; dieback throughout crown.
162	Coast live oak	20	Protected	50%	Moderate	Leaning west; dense crown.
163	Italian cypress	5	Protected	90%	High	Typical upright form; planted at edge of retaining wall.
164	Italian cypress	6	Protected	90%	High	Typical upright form; planted at edge of retaining wall.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
165	Italian cypress	6	Protected	90%	High	Typical upright form; planted at edge of retaining wall.
166	Italian cypress	5	Protected	90%	High	Typical upright form; planted at edge of retaining wall.
167	Monterey pine	4	Protected	90%	High	Good young tree.
168	Red horsechestnut	5,2	Protected	90%	High	Good young tree; prune codominant.
169	Coast live oak	7	Protected	50%	Low	Codominant trunks arise from 6 feet; crown one sided west over parking; dieback.
170	California bay	17,10,6	Protected	30%	Low	Multiple trunks arise from base; base totally hollow; wide spreading crown.
171	California bay	7,7,7,6,5,5,5,5	Protected	30%	Low	Stump sprout; decaying base.
172	California bay	8,5,5,4	Protected	30%	Low	Stump sprout; decaying base.
173	California bay	16	Protected	50%	Moderate	Upright form; thin crown; dieback.
174	Coast live oak	8	Protected	70%	Moderate	Codominant trunks arise from 15 feet; dense crown one sided east.
175	Coast live oak	15	Protected	30%	Low	Multiple trunks arise from 12 feet with bleeding seam; poor form and structure; dense crown one sided east.
176	Sugar gum	17,16	Protected	50%	Moderate	Codominant trunks arise from base; sinuous trunk; dense crown.
177	Sugar gum	12,11,11,11	Protected	30%	Low	Stump sprout; decaying base; long levers arms.
178	Deodar cedar	6	Protected	90%	High	Good young tree.
179	Coast live oak	14	Protected	50%	Moderate	Codominant trunks arise from 10 feet; dense crown; dieback throughout crown.
180	Italian cypress	5	Protected	90%	High	Typical upright form.
181	Sitka spruce	6	Protected	70%	High	Dense narrow weeping form; large surface roots.
182	Italian stone pine	22	Protected	50%	Moderate	Codominant trunks arise from 12 feet; crown one sided east over building; weeping.
183	Italian stone pine	19	Protected	50%	Moderate	Crown one sided east over building; weeping.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
184	Red ironbark	13	Exception	10%	Low	Mostly dead.
185	Incense cedar	11	Protected	90%	High	Good form and structure; dense crown.
186	Italian cypress	5	Protected	50%	Moderate	Typical upright form; grown around tie.
187	Italian cypress	5	Protected	90%	High	Typical upright form.
188	Blackwood acacia	4	Exception	70%	Low	Young invasive volunteer.
189	Coast live oak	19	Protected	50%	Moderate	Multiple trunks arise from 15 with awkward branching angles; dense flat topped crown.
190	Red ironbark	13	Exception	10%	Low	Mostly dead.
191	Blackwood acacia	17	Exception	50%	Low	Sinuous trunk; dense crown one sided north over building; invasive.
192	Red ironbark	14	Exception	10%	Low	Mostly dead.
193	Hollywood juniper	17	Protected	70%	High	Typical chaotic form; dense crown.
194	Hollywood juniper	5,5,4,3,3,3	Protected	50%	Low	Typical chaotic form; dense crown; decay at base.
195	Hollywood juniper	11,7	Protected	50%	Low	Typical chaotic form; dense crown; base 1 foot from building; crown one sided east.
196	Blue blossom	5,4,4	Protected	30%	Low	Multiple trunks arise from 1 foot with trunk wound; topped harshly.
197	Hollywood juniper	18	Protected	50%	Low	Typical chaotic form; dense crown; base 1 foot from building; crown one sided east.
198	Hollywood juniper	13	Protected	50%	Low	Typical chaotic form; dense crown; base 3 foot from building; crown one sided east.
199	Hollywood juniper	11	Protected	50%	Low	Typical chaotic form; dense crown; base 6 foot from building; crown one sided south.
200	Hollywood juniper	10	Protected	50%	Low	Typical chaotic form; dense crown; base 2 foot from building; crown one sided north.
201	Hollywood juniper	12	Protected	50%	Low	Typical chaotic form; dense crown; base 2 foot from building; crown one sided north.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
202	Hollywood juniper	13	Protected	50%	Low	Typical chaotic form; dense crown; base 1 foot from building; crown one sided east.
203	Crabapple	4,3	Exception	70%	High	Good young tree, iconic part of landscape.
204	Sawleaf zelkova	23	Protected	50%	Moderate	Multiple trunks arise from 7 feet with narrow attachment; wide spreading crown; northern half of tree declining; dieback.
205	Sawleaf zelkova	22	Protected	30%	Low	Multiple trunks arise from 7 feet with narrow attachment; wide spreading crown; tree declining; dieback.
206	Valley oak	24	Large Protected	70%	Moderate	Codominant trunks arise from 10 feet; growing in small space; vase shaped crown; minor dieback.
207	Sawleaf zelkova	19	Protected	30%	Low	Multiple trunks arise from 7 feet with narrow attachment; wide spreading crown; tree declining; dieback.
208	Sawleaf zelkova	18	Protected	30%	Low	Multiple trunks arise from 7 feet with narrow attachment; wide spreading crown; tree declining; dieback.
209	Mayten	7	Protected	30%	Low	Codominant trunks arise from 6 feet; thin crown; yellow foliage; declining.
210	Italian cypress	14	Protected	70%	Moderate	Typical upright form.
211	Italian cypress	14	Protected	70%	Low	Typical upright form; growing into buildings eve.
212	Crabapple	12	Exception	50%	Moderate	Multiple trunks arise from 6 feet; crown one sided north.
213	Crabapple	11	Exception	50%	Moderate	Multiple trunks arise from 6 feet; crown one sided north.
214	Crabapple	11	Exception	30%	Low	Multiple trunks arise from 6 feet with cavity; crown one sided north.
215	Coast live oak	22,22	Protected	50%	Low	Codominant trunks arise from 2 feet with seam; dense wide spreading crown; 2 cables in tree; significant growth around equipment.
216	California bay	10	Protected	50%	Moderate	Codominant trunks arise from 6 feet; dense crown; upright form.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
217	Brazilian pepper	5	Protected	50%	Low	Multiple trunks arise from 6 feet; bushy form; topped at 15 feet; base at deck.
218	Loquat	6	Protected	70%	Moderate	Narrow form; base 1 foot from retaining wall; dense crown.
219	Blue gum	36	Protected	50%	Moderate	Narrow form dense bushy growth; difficult to see upper crown.
220	Blue gum	62	Large Protected	50%	Moderate	Dense bushy growth; difficult to see upper crown.
221	Blue gum	36	Protected	50%	Moderate	Narrow form dense bushy growth; difficult to see upper crown; minor dieback.
222	African fern-pine	5	Protected	70%	Moderate	Good young tree; in narrow planting location.
223	California bay	13	Protected	50%	Moderate	Codominant trunks arise from 20 feet; dense crown; upright form; hole at base.
224	California bay	13,13	Protected	50%	Moderate	Codominant trunks arise from 2 feet; dense crown; upright form.
225	Coast live oak	20	Protected	70%	Moderate	Multiple trunks arise from 10 feet; crown one sided west; dense crown.
226	Red horsechestnut	8	Protected	30%	Low	Multiple trunks arise from 5 feet; thin crown; dieback.
227	Red horsechestnut	8	Protected	30%	Low	Multiple trunks arise from 3 feet; thin crown; dieback.
228	Red horsechestnut	5	Protected	50%	Moderate	Strong central leader; thin crown.
229	Coast live oak	23	Protected	70%	Moderate	Codominant trunks arise from 20 feet; crown one sided east; dense crown.
230	Red ironbark	22	Exception	30%	Low	Multiple trunks arise from 10 feet; poor form and structure; history of branch failure; dead branches.
231	Red ironbark	5,5,5,5,4	Exception	30%	Low	Stump sprout; long vertical stems from removed base.
232	Purpleleaf plum	4	Protected	30%	Low	Codominant trunks arise from 4 feet; thin small crown; low vigor; 4 foot long trunk wound.
233	Red ironbark	19	Exception	50%	Low	Codominant trunks arise from 10 feet; thin crown; wide spreading crown.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
234	Coast live oak	10,9	Protected	50%	Moderate	Codominant trunks arise from 1 foot with seam; twig dieback throughout dense crown.
235	Toyon	6,5,4,4	Protected	50%	Moderate	Multiple trunks arise from base; bushy.
236	California bay	12	Protected	50%	Low	Leaning east; codominant trunks arise from 10 feet; one stem vertical one horizontal.
237	California bay	11	Protected	50%	Moderate	Crook in trunk at 4 feet; narrow upright form.
238	Coast live oak	14	Protected	50%	Low	Codominant trunks arise from 7 feet; dense crown one sided south; under utility lines; at edge of slope.
239	Olive	10,5,5	Exception	50%	Moderate	Multiple trunks arise from 3 feet; dense crown one sided north.
240	Coast live oak	28	Large Protected	50%	Low	Multiple trunks arise from 5 feet; dead branch; pruned away from utility lines; dense two dimensional crown; exposed roots.
241	California bay	6	Protected	50%	Low	Young tree with exposed roots from eroding slope.
242	California bay	5	Protected	50%	Low	Young tree with exposed roots from eroding slope.
243	Coast live oak	27	Large Protected	10%	Low	Mostly dead.
244	Valley oak	15	Protected	30%	Low	Small crown pruned away from utilities; plastic attached to trunk to keep sprouts from growing towards utilities?
245	Coast live oak	4,4,4,3,3,2,2,2	Protected	30%	Low	Decaying stump sprout.
246	Valley oak	26	Large Protected	50%	Low	Leaning east over building; minor dieback; pruned away from; utilities.
247	Coast live oak	16	Protected	50%	Low	Trunk embedded in fence; multiple trunks arise from 10 feet; dense crown one sided east.
248	Coast live oak	6,5,3	Protected	30%	Low	Decaying stump sprout.
249	Victorian box	5,4,4,4,4,3,2	Protected	30%	Low	Multiple trunks arise from base; bushy; decaying stem at attachment.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
250	Blue gum	50	Large Protected	30%	Low	Multiple trunks arise from 15 feet; heading cuts; pruned harshly; dead branch decaying into branch; poorly attached regrowth.
251	Valley oak	28	Large Protected	70%	High	Off-site; base 15 feet from fence; overhangs fence by 20 feet.
252	Crabapple	5	Exception	50%	Low	Codominant trunks arise from 5 feet; crown one sided east; suppressed.
253	Plum	6,5,3	Exception	50%	Low	Multiple trunks arise from base; crown one sided east; suppressed.
254	Crabapple	7	Exception	30%	Low	Swollen base with cavity; thin two dimensional crown.
255	Crabapple	11	Exception	50%	Moderate	Multiple trunks arise from 3 feet; poorly pruned; dense wide spreading crown.
256	Bottlebrush	4,4	Protected	70%	Moderate	Codominant trunks arise from 1 foot; trunks wrapping; dense crown; close to building.
257	Aleppo pine	6	Protected	30%	Low	Poor form and structure; thin crown.
258	Victorian box	4,3	Protected	50%	Low	Codominant trunks arise from base; trunk wound; sweep at base; small crown.
259	Victorian box	6,5,2,2	Protected	50%	Moderate	Multiple trunks arise from base; basal sprouts; base in ivy; bushy.
260	Blue gum	52	Large Protected	50%	Low	Property line tree; no tag; cannot see base; lower 30 feet covered in ivy.
261	Jacaranda	7	Protected	50%	Moderate	Multiple trunks arise from 8 feet; sinuous trunk; attractive flowers.
262	Portugal laurel	6,5,4,4,4	Protected	30%	Low	Multiple trunks arise from base; bushy; declining; dieback.
263	Japanese flowering cherry	10	Protected	50%	Low	Multiple trunks arise from 4 feet; dieback; declining.
264	Coast live oak	20	Protected	70%	High	Codominant trunks arise from 15 feet; dense crown.
265	Cherry	12	Exception	30%	Low	Poorly attached codominant trunks arise from 5 feet; suppressed crown one sided north.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
266	California black walnut	8	Protected	30%	Low	Half dead.
267	Coast live oak	7	Protected	50%	Low	Sinuous trunk; leaning south over path; small crown.
268	California bay	5	Protected	50%	Low	Codominant trunks arise from 10 feet; interior tree; narrow upright form.
269	African sumac	12	Protected	10%	Low	Codominant trunks arise from 8 feet with 6 foot long trunk wound; poor form and structure; crown bowed south.
270	African sumac	9,9	Protected	10%	Low	Codominant trunks arise from 2 feet with 6 foot long trunk wound; poor form and structure; crown bowed south.
271	Coast live oak	11	Protected	50%	Low	Leaning north over neighboring property.
272	Coast live oak	13	Protected	50%	Moderate	Multiple trunks arise from 15 feet; partially covered in ivy; interior tree.
273	African sumac	13,11	Protected	50%	Low	Codominant trunks arise from 2 feet with 6 foot dead branch; crown bowed south.
274	Glossy privet	8,5	Exception	50%	Moderate	Codominant trunks arise from base; partially covered in ivy; dense crown.
275	African sumac	9,7	Protected	10%	Low	Codominant trunks arise from 2 feet with 6 foot long trunk wound; crown bowed south.
276	Crabapple	13	Exception	70%	Moderate	Multiple trunks arise from 6 feet; swollen base; dense crown.
277	Crabapple	13	Exception	70%	Moderate	Multiple trunks arise from 6 feet; base in ivy; dense crown.
278	California bay	6,5	Protected	70%	Moderate	Base covered in ivy; codominant trunks arise from base; dense crown.
279	Flowering dogwood	9,4	Protected	70%	High	Multiple trunks arise from 3 feet; chaotic structure; interior tree.
280	Coast live oak	12,10	Protected	50%	Low	Codominant trunks arise from base; interior tree; dieback; base covered in ivy.
281	California bay	6,4,3,2	Protected	50%	Low	Multiple trunks arise from base; base in ivy; suppressed to north.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
282	Coast live oak	15	Protected	70%	High	Codominant trunks arise from 7 feet; dense vase shaped crown.
283	Coast live oak	9	Protected	50%	Low	Covered in ivy; suppressed south.
284	Windmill palm		Exception	90%	Moderate	9 feet brown trunk height; growing in small space.
285	African fern-pine	4	Protected	30%	Low	Poor form and structure; bent top; planted against wall.
286	Hollywood juniper	12,6,5	Protected	50%	Low	Typical chaotic form; dense crown; base 4 foot from building; crown one sided north.
287	Red maple	12	Protected	70%	High	Codominant trunks arise from 12 feet; dense, spreading crown.
288	White willow	24	Protected	70%	Moderate	Codominant trunks arise from 8 feet; dense crown; basal sprout; branch headed.
289	Valley oak	28	Large Protected	30%	Low	Codominant trunks arise from 10 feet; narrow upright form; dieback; 12 inch cavity decaying into trunk.
290	Sweetgum	15	Protected	70%	High	Multiple trunks arise in upper crown; dense crown; slightly sinuous trunk; minor dieback.
291	Sweetgum	20	Protected	50%	Moderate	Multiple trunks arise from 4 feet with bulge; dense crown; slightly sinuous trunk; minor dieback.
292	Coast live oak	15	Protected	30%	Low	Codominant trunks arise from 12 feet; declining; extensive dieback.
293	Ginkgo	5	Protected	50%	Moderate	Competing with bush; narrow upright form.
294	Coast live oak	19	Protected	30%	Low	Poor form and structure; dead branch over road; dieback.
295	California bay	6	Protected	30%	Low	Bowed east; covered in ivy.
296	Coast live oak	26,25,17	Large Protected	50%	Moderate	Multiple trunks arise from base; wide spreading crown; reduced at perimeter.
297	Arroyo willow	18,16	Protected	30%	Low	Partial failure; dense bushy crown.
298	Coast live oak	18	Protected	50%	Low	Codominant trunks arise from 10 feet; crack and cavity in lowest branch; dense crown one sided east.
299	African fern-pine	8	Protected	30%	Low	Poor form and structure; crown touching building.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
300	African fern-pine	8	Protected	30%	Low	Poor form and structure; crown touching building; 8 inch trunk wound.
301	Japanese maple	5	Protected	50%	Moderate	Multiple trunks arise from 7 feet; narrow crown; growing in small space.
302	Crabapple	9	Exception	50%	Low	Codominant trunks arise from 3 feet; cavity with decay at 5 feet.
303	Coast live oak	19	Protected	50%	Moderate	Codominant trunks arise from 6 feet with seam; dense chaotic crown; headed back on east.
304	Coast live oak	13	Protected	50%	Low	Codominant trunks arise from 15; narrow upright form; crown one sided east.
305	Coast live oak	5	Protected	30%	Low	Codominant trunks arise from 4 feet; poor form and structure; suppressed.
306	Coast live oak	9	Protected	30%	Low	Bowed east to horizontal; suppressed.
307	Coast live oak	4	Protected	30%	Low	Small; stunted; suppressed; lost main stem.
308	Coast live oak	12	Protected	10%	Low	Leaning heavily on eucalyptus; declining; dieback.
309	Sugar gum	33	Protected	30%	Low	Dead main stem; 20 foot long trunk wound.
310	Sugar gum	33	Protected	30%	Low	Dead codominant at 30 foot; trunk wound spreading down from there.
311	Coast live oak	8	Protected	50%	Low	Codominant trunks arise from 4 feet; crown one sided west; narrow form; interior tree.
312	Coast live oak	12	Protected	50%	Low	Leaning west; crown one sided west; dense crown.
313	Coast live oak	17	Protected	50%	Low	Codominant trunk removed at 6 feet; upright form; thin crown; dieback.
314	California bay	18,14	Protected	70%	High	Codominant trunks arise from base; dense crown; growing in ivy.
315	California bay	9	Protected	50%	Moderate	Narrow upright form; leans west; dense crown.
316	California bay	11	Protected	50%	Moderate	Narrow upright form; leans west; dense crown.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
317	Valley oak	18	Protected	30%	Low	Extremely sinuous trunk; low live crown ratio; difficult to see crown.
318	Coast live oak	14	Protected	50%	Low	Codominant trunks arise from 5 feet; intertwined with valley oak; bushy.
319	California bay	9,6,5	Protected	50%	Moderate	Multiple trunks arise from base; base in ivy; leans west; dense crown.
320	California bay	9	Protected	50%	Low	Base in ivy; sinuous trunk crown one sided north.
321	Coast live oak	14	Protected	30%	Low	Codominant trunks arise from 10 feet with seam; narrow crown; leaning heavily east.
322	California bay	19	Protected	50%	Moderate	Codominant trunks arise from 20 feet; swollen base; yellow jacket nest at base.
323	Coast live oak	10	Protected	50%	Low	Codominant trunks arise from 12 feet; bushy growth; leaning east.
324	Valley oak	13	Protected	30%	Low	Poor form and structure; base flipped over root; small crown.
325	Coast live oak	8	Protected	30%	Low	Poor form and structure; small stunted.
326	Coast live oak	13	Protected	30%	Low	Poor form and structure; small crown; leaning east.
327	California bay	10	Protected	30%	Low	Crook in trunk at 20 feet; dense, narrow crown; decay at base.
328	California bay	12	Protected	30%	Low	Multiple trunks arise from 20 feet; dense, narrow crown; decay at base.
329	Coast live oak	8	Protected	30%	Low	Poor form and structure; small stunted; leaning east; tangled with 330.
330	California bay	10	Protected	30%	Low	Mostly dead; leaning east; tangled with 329.
331	Coast live oak	17,14	Protected	70%	Moderate	Codominant trunks arise from 3 feet; base in ivy; dense crown.
332	Purpleleaf plum	8	Protected	30%	Low	Codominant trunks arise from 5 feet; 1/4 dead, dieback.
333	Coast live oak	27	Protected	10%	Low	Only epicormic growth; cabled with no tension.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
334	California bay	12,11	Protected	30%	Low	Codominant trunks arise from 1 foot; swollen base; poor form and structure; basal decay.
335	Coast live oak	10	Protected	30%	Low	Bowed north to horizontal; suppressed.
336	California bay	10	Protected	50%	Low	Multiple trunks arise in upper crown; dense crown; dieback.
337	Coast live oak	22,10	Protected	30%	Low	Codominant trunks arise from 2 feet with unusual swelling; declining; cavities in all branches.
338	California bay	11	Protected	50%	Moderate	Narrow upright form; top bowed east; dense crown.
339	Coast live oak	15	Protected	50%	Low	Narrow upright form; epicormic growth; declining.
340	Blackwood acacia	5	Exception	70%	Low	Invasive volunteer; bushy upright form.
341	California bay	12	Protected	50%	Low	Narrow upright form; sinuous trunk; dieback.
342	California bay	12	Protected	50%	Low	Narrow upright form; sinuous trunk; dieback.
343	Coast live oak	14	Protected	50%	Moderate	Codominant trunks arise from 25 feet; top bowed east; dead branch.
344	Coast live oak	18	Protected	70%	Moderate	Upright form; crown one sided east; dense crown.
345	Coast live oak	8	Protected	10%	Low	Most of tree removed.
346	Olive	9,7	Protected	50%	Low	Codominant trunks arise from 1 foot; crown bowed east; two 4 foot long trunk wounds.
347	Coast live oak	5	Protected	30%	Low	Small stunted tree; small crown.
348	Marina madrone	14	Protected	90%	High	Nice tree; 5 feet from building.
349	Valley oak	34	Large Protected	30%	Low	In 15x15 raised planter; declining; cabled; pruned harshly.
350	Valley oak	37	Large Protected	50%	Low	Codominant trunks arise from 8 feet with 2 foot bleeding decaying cavity; thin crown; over pruned; 4 cables plus 2 failed to.
351	Coast live oak	9	Protected	50%	Low	Codominant trunks arise from 5 feet with wide attachment; dense crown one sided south.
352	Coast live oak	10	Protected	30%	Low	Codom poor form and structure; crown one sided west.

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
353	Coast live oak	13	Protected	50%	Moderate	Bowed slightly south; dense crown; growing in ivy.
354	New Zealand cabbage palm	5	Exception	30%	Low	Poor form and structure; declining.
355	Hackberry	6	Protected	10%	Low	Mostly dead.
356	Hackberry	9	Protected	30%	Low	Half dead.
357	Italian cypress	6	Protected	90%	Moderate	Typical narrow form; growing in very small curb cutout.
358	Italian cypress	8	Protected	90%	Moderate	Typical narrow form; growing in very small curb cutout.
359	California bay	10	Protected	30%	Low	Upright form; bushy crown; dieback; declining; yellow jacket nest at base.
360	California bay	9	Protected	50%	Low	Sweep in lower trunk; dense crown; upright form.
361	California bay	8	Protected	30%	Low	Narrow upright form; bowed east over road; dieback; dead branches.
362	California buckeye	9	Protected	50%	Low	Multiple trunks arise from 7 feet; bowed east towards road; dense crown.
363	Coast live oak	5,4	Protected	10%	Low	Mostly dead.
364	Coast live oak	4	Protected	50%	Low	Small, stunted; searching for light; neighboring trees recently removed.
365	California bay	4	Protected	50%	Low	Small stunted; searching for light; neighboring trees recently removed.
366	Bailey acacia	5	Protected	10%	Low	Failed; topped.
367	Bailey acacia	7	Protected	30%	Low	Topped; dead branches and decay.
368	Bailey acacia	5	Protected	30%	Low	Topped; dead branches and decay.
369	Bailey acacia	7,7,7,6	Protected	30%	Low	Poor form and structure; multiple trunks arise from base with poorly attached connections.
370	Bailey acacia	10	Protected	30%	Low	Most of base removed; one stem remaining leaning heavily north.
371	Plum	5,4	Protected	30%	Low	Codominant trunks arise from 3 feet; bowed heavily east.

Tree Assessment

Los Gatos Meadows
Los Gatos, CA
July 2020 update

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Suitability for Preservation	Comments
372	Coast live oak	9,8	Protected	50%	Low	Codominant trunks arise from 1 foot; partially covered in ivy; small crown; interior tree.
373	California bay	8	Protected	30%	Low	Completely covered in ivy.
374	Coast redwood	10	Protected	90%	High	Good young tree.
375	Coast redwood	14	Protected	90%	High	Good form and structure; dense crown.

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
1	Coast redwood	40	Protected	50%	Preserve	Outside of grading	~30
2	California bay	8,8,7	Protected	50%	Preserve	Outside of grading	~30
3	California bay	6,5	Protected	30%	Preserve	Outside of grading	~30
4	Valley oak	17	Protected	50%	Preserve	Outside of grading	~30
5	Valley oak	14	Protected	30%	Remove	Grading	~20
6	Coast live oak	23	Protected	70%	Preserve	Outside of grading	~30
7	Blue gum	40	Protected	30%	Remove	Road	~30
8	Blue gum	38	Protected	30%	Remove	Road	~30
9	Blue gum	20,7	Exception	30%	Remove	Road	~20
10	Blue gum	54	Protected	30%	Remove	Road	~50
11	Blue gum	28	Protected	30%	Remove	Road	~30
12	Blue gum	39	Protected	30%	Remove	Road	~30
13	Canary Island pine	21	Protected	70%	REMOVED	Removed 2019	~30
14	Coast live oak	15	Protected	50%	Remove	Road	~20
15	California bay	10	Protected	50%	Remove	Road	~20
16	California bay	10	Protected	50%	Remove	Grading	~20
17	California bay	9,9	Protected	30%	Remove	Grading	~20
18	California bay	5	Protected	10%	Remove	Grading	~20
19	California bay	13,8	Protected	50%	Preserve	Not developing slope	~30
20	California bay	11	Protected	30%	Remove	Grading	~20
21	California bay	13	Protected	30%	Preserve	Not developing slope	~30
22	California buckeye	9	Protected	50%	Preserve	Not developing slope	~30
23	California bay	7	Protected	30%	Preserve	Not developing slope	~50
24	California bay	17,16	Protected	70%	Preserve	Not developing slope	~50
25	California bay	11	Protected	30%	Preserve	Not developing slope	~20
26	California bay	12	Protected	50%	Preserve	Not developing slope	~20
27	California bay	7	Protected	10%	Preserve	Not developing slope	~20

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
28	California bay	8	Protected	10%	Preserve	Not developing slope	~20
29	California bay	12,7,6	Protected	10%	Preserve	Not developing slope	~50
30	Valley oak	34	Large Protected	70%	Preserve	Not developing slope	~60
31	California bay	16	Protected	50%	Preserve	Not developing slope	~30
32	California bay	8	Protected	50%	Preserve	Not developing slope	~20
33	California bay	14,6	Protected	50%	Preserve	Not developing slope	~20
34	California bay	8	Protected	30%	Preserve	Not developing slope	~20
35	California bay	11,10,7	Protected	50%	Preserve	Not developing slope	~30
36	Coast live oak	19	Protected	50%	Preserve	Not developing slope	~30
37	California bay	10	Protected	30%	Preserve	Not developing slope	~20
38	Blue oak	19	Protected	30%	Preserve	Not developing slope	~20
39	Coast live oak	27	Large Protected	50%	Preserve	Not developing slope	~30
40	Valley oak	17	Protected	30%	Preserve	Not developing slope	~20
41	California bay	8,5,4	Protected	50%	Preserve	Not developing slope	~20
42	California bay	5	Protected	50%	Preserve	Not developing slope	~20
43	Valley oak	14	Protected	50%	Preserve	Not developing slope	~30
44	Coast live oak	22	Protected	50%	Preserve	Not developing slope	~50
45	California bay	6,5	Protected	50%	Preserve	Not developing slope	~20
46	California bay	6	Protected	50%	Preserve	Not developing slope	~20
47	Valley oak	17,13	Protected	50%	Preserve	Not developing slope	~50
48	California bay	22,12	Protected	10%	Preserve	Not developing slope	~50
49	California bay	7	Protected	50%	Preserve	Not developing slope	~20
50	California bay	7	Protected	50%	Preserve	Not developing slope	~20
51	California bay	7	Protected	30%	Preserve	Not developing slope	~30
52	California bay	9	Protected	30%	Preserve	Not developing slope	~30
53	California bay	10	Protected	50%	Preserve	Not developing slope	~20
54	California bay	13,9	Protected	50%	Preserve	Not developing slope	~30

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
55	California bay	6,5,5,4	Protected	50%	Preserve	Not developing slope	~30
56	California bay	7	Protected	30%	Preserve	Not developing slope	~30
57	California bay	9,8	Protected	30%	Preserve	Not developing slope	~30
58	California bay	12	Protected	30%	Preserve	Not developing slope	~30
59	Coast live oak	27,16	Large Protected	50%	Preserve	Not developing slope	~60
60	California bay	14	Protected	10%	Preserve	Not developing slope	~20
61	California bay	15	Protected	30%	Preserve	Not developing slope	~30
62	California bay	13	Protected	30%	Preserve	Not developing slope	~30
63	California bay	6	Protected	50%	Preserve	Not developing slope	~20
64	California bay	10,9	Protected	50%	Preserve	Not developing slope	~30
65	California bay	9	Protected	30%	Preserve	Not developing slope	~30
66	California bay	11	Protected	30%	Preserve	Not developing slope	~20
67	Olive	5,4,3,2	Exception	30%	Preserve	Not developing slope	~20
68	California bay	6	Protected	50%	Preserve	Not developing slope	~20
69	California bay	7	Protected	30%	Preserve	Not developing slope	~20
70	Coast live oak	6	Protected	50%	Preserve	Not developing slope	~20
71	California bay	17,8	Protected	50%	Preserve	Not developing slope	~30
72	Valley oak	33	Large Protected	70%	Preserve	Not developing slope	~60
73	Olive	5	Exception	50%	REMOVED	Removed 2019	~10
74	Coast live oak	6	Protected	50%	Preserve	Not developing slope	~20
75	Coast live oak	30	Large Protected	50%	Preserve	Not developing slope	~50
76	Monterey pine	15	Protected	50%	REMOVED	Removed 2019	~20
77	Monterey pine	17	Protected	50%	REMOVED	Removed 2019	~20
78	Coast redwood	7	Protected	90%	Remove	Road	~10
79	Coast redwood	13	Protected	90%	Remove	Grading	~20
80	Blue oak	12	Protected	50%	Remove	Road	~20
81	Coast redwood	5	Protected	90%	Remove	Grading	~10

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
82	Coast redwood	7	Protected	30%	Preserve	Not developing slope	~20
83	Monterey pine	14	Protected	50%	REMOVED	Removed 2019	~20
84	Bigleaf maple	9	Protected	30%	Preserve	Not developing slope	~30
85	Coast redwood	7	Protected	90%	Preserve	Not developing slope	~10
86	Valley oak	19	Protected	70%	Preserve	Not developing slope	~50
87	Coast redwood	10	Protected	90%	Preserve	Not developing slope	~20
88	Monterey pine	8	Protected	50%	REMOVED	Removed 2019	~20
89	Monterey pine	8	Protected	50%	REMOVED	Removed 2019	~20
90	Blackwood acacia	10,6	Exception	30%	REMOVED	Removed 2019	~20
91	Blackwood acacia	5	Exception	30%	REMOVED	Removed 2019	~20
92	Blackwood acacia	8,7,4	Exception	30%	REMOVED	Removed 2019	~20
93	Blackwood acacia	5,5,5,4	Exception	30%	REMOVED	Removed 2019	~20
94	California bay	10	Protected	30%	Preserve	Not developing slope	~20
95	California bay	16	Protected	30%	Preserve	Not developing slope	~30
96	California bay	5	Protected	10%	Preserve	Not developing slope	~10
97	California bay	10,6,5 4 4	Protected	50%	Preserve	Not developing slope	~30
98	Valley oak	17,16	Protected	50%	Preserve	Not developing slope	~50
99	California bay	7,6,6,5	Protected	50%	Preserve	Not developing slope	~30
100	California bay	6	Protected	50%	Preserve	Not developing slope	~20
101	California bay	5	Protected	70%	Preserve	Not developing slope	~20
102	California bay	5,5,5,4,4,3,3,2,2	Protected	70%	Preserve	Not developing slope	~50
103	Coast redwood	9	Protected	50%	Preserve	Not developing slope	~20
104	Coast redwood	8	Protected	90%	Preserve	Not developing slope	~20
105	Coast redwood	9	Protected	90%	Preserve	Not developing slope	~20
106	Coast redwood	10	Protected	90%	Preserve	Not developing slope	~20
107	Coast redwood	8	Protected	90%	Preserve	Not developing slope	~20
108	Coast redwood	4	Protected	90%	Preserve	Not developing slope	~10

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
109	Grecian laurel	10,9,9	Protected	30%	Preserve	Not developing slope	~20
110	Grecian laurel	6,6,5,5,4,3,3,2	Protected	30%	Preserve	Not developing slope	~20
111	Grecian laurel	5,4,4,4,4,4,3,3,3	Protected	30%	Preserve	Not developing slope	~20
112	Olive	6	Exception	50%	Preserve	Not developing slope	~10
113	Olive	12,7	Exception	50%	Preserve	Not developing slope	~20
114	Olive	10,6,5,4,3,2,2,2	Exception	50%	Preserve	Not developing slope	~20
115	Valley oak	21	Protected	50%	Preserve	Not developing slope	~30
116	Blue gum	47,32,17	Large Protected	50%	Preserve	Not developing slope	~60
117	Bronze loquat	6	Protected	30%	Preserve	Not developing slope	~20
118	Coast live oak	19,15	Protected	70%	Preserve	Not developing slope	~50
119	Coast live oak	19	Protected	70%	Preserve	Not developing slope	~50
120	Valley oak	14	Protected	50%	Preserve	Not developing slope	~30
121	Valley oak	19	Protected	50%	Preserve	Not developing slope	~30
122	Coast live oak	11	Protected	50%	Preserve	Not developing slope	~20
123	Olive	7,7,5,4,4,3	Exception	50%	Preserve	Not developing slope	~20
124	Coast live oak	25	Large Protected	10%	Preserve	Not developing slope	~30
125	Coast redwood	19	Protected	10%	Remove	Grading	~20
126	Coast live oak	7,7	Protected	10%	Preserve	Not developing slope	~20
127	Coast live oak	8	Protected	10%	Preserve	Not developing slope	~20
128	Canary Island pine	28	Protected	70%	REMOVED	Removed 2019	~30
129	Coast live oak	15	Protected	50%	Remove	Road	~30
130	Canary Island pine	23	Protected	70%	REMOVED	Removed 2019	~30
131	Canary Island pine	26	Protected	30%	REMOVED	Removed 2019	~30
132	Coast redwood	7	Protected	90%	Remove	Road	~20
133	Canary Island pine	22	Protected	70%	REMOVED	Removed 2019	~30
134	Coast live oak	18	Protected	70%	Remove	Road	~50
135	Canary Island pine	22	Protected	70%	REMOVED	Removed 2019	~30

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
136	Canary Island pine	23	Protected	70%	REMOVED	Removed 2019	~30
137	Canary Island pine	21	Protected	70%	REMOVED	Removed 2019	~30
138	Canary Island pine	21	Protected	70%	REMOVED	Removed 2019	~30
139	Bronze loquat	5,3,3,3	Protected	50%	Remove	Road	~20
140	Bronze loquat	6,4,2	Protected	30%	Remove	Road	~20
141	Crabapple	8	Exception	70%	Remove	Grading	~30
142	Coast live oak	18	Protected	70%	Remove	Grading	~30
143	Coast live oak	16	Protected	70%	Remove	Grading	~30
144	Canary Island pine	18	Protected	50%	REMOVED	Removed 2019	~30
145	Canary Island pine	22	Protected	70%	REMOVED	Removed 2019	~30
146	Canary Island pine	26	Protected	70%	REMOVED	Removed 2019	~30
147	Douglas fir	18	Protected	70%	Remove	Grading	~30
148	Douglas fir	29	Protected	70%	Remove	Grading	~30
149	Hollywood juniper	9,5	Protected	70%	Remove	Grading	~30
150	Douglas fir	15	Protected	50%	Remove	Grading	~30
151	Douglas fir	15	Protected	30%	Remove	Grading	~30
152	Douglas fir	18	Protected	50%	Remove	Grading	~30
153	Douglas fir	14	Protected	50%	Remove	Grading	~30
154	Valley oak	11	Protected	70%	Remove	Grading	~30
155	Silk oak	11	Protected	50%	Remove	Grading	~30
156	Coast live oak	17	Protected	70%	Remove	Grading	~30
157	Coast live oak	15	Protected	30%	Remove	Grading	~50
158	Douglas fir	22	Protected	30%	Remove	Grading	~30
159	Coast live oak	21	Protected	50%	Remove	Building	~30
160	Valley oak	21	Protected	50%	Remove	Building	~50
161	Valley oak	16	Protected	30%	Remove	Grading	~30
162	Coast live oak	20	Protected	50%	Remove	Grading	~30

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
163	Italian cypress	5	Protected	90%	Remove	Grading	~10
164	Italian cypress	6	Protected	90%	Remove	Grading	~10
165	Italian cypress	6	Protected	90%	Remove	Grading	~10
166	Italian cypress	5	Protected	90%	Remove	Grading	~10
167	Monterey pine	4	Protected	90%	REMOVED	Removed 2019	~20
168	Red horsechestnut	5,2	Protected	90%	Remove	Building	~20
169	Coast live oak	7	Protected	50%	Remove	Grading	~20
170	California bay	17,10,6	Protected	30%	Preserve	Not developing slope	~50
171	California bay	7,7,7,6,5,5,5,5	Protected	30%	Preserve	Not developing slope	~30
172	California bay	8,5,5,4	Protected	30%	Preserve	Not developing slope	~30
173	California bay	16	Protected	50%	Remove	Grading	~30
174	Coast live oak	8	Protected	70%	Remove	Grading	~20
175	Coast live oak	15	Protected	30%	Remove	Grading	~30
176	Sugar gum	17,16	Protected	50%	Remove	Grading	~30
177	Sugar gum	12,11,11,11	Protected	30%	Remove	Grading	~50
178	Deodar cedar	6	Protected	90%	Remove	Grading	~20
179	Coast live oak	14	Protected	50%	Remove	Grading	~30
180	Italian cypress	5	Protected	90%	Remove	Grading	~10
181	Sitka spruce	6	Protected	70%	Remove	Building	~10
182	Italian stone pine	22	Protected	50%	REMOVED	Removed 2019	~30
183	Italian stone pine	19	Protected	50%	REMOVED	Removed 2019	~30
184	Red ironbark	13	Exception	10%	Remove	Building	~20
185	Incense cedar	11	Protected	90%	Remove	Grading	~20
186	Italian cypress	5	Protected	50%	Remove	Grading	~10
187	Italian cypress	5	Protected	90%	Remove	Grading	~10
188	Blackwood acacia	4	Exception	70%	REMOVED	Removed 2019	~10
189	Coast live oak	19	Protected	50%	Remove	Grading	~50

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
190	Red ironbark	13	Exception	10%	Remove	Grading	~30
191	Blackwood acacia	17	Exception	50%	REMOVED	Removed 2019	~30
192	Red ironbark	14	Exception	10%	Remove	Grading	~30
193	Hollywood juniper	17	Protected	70%	Remove	Grading	~20
194	Hollywood juniper	5,5,4,3,3,3	Protected	50%	Remove	Building	~20
195	Hollywood juniper	11,7	Protected	50%	Remove	Building	~20
196	Blue blossom	5,4,4	Protected	30%	Remove	Building	~20
197	Hollywood juniper	18	Protected	50%	Remove	Building	~20
198	Hollywood juniper	13	Protected	50%	Remove	Building	~20
199	Hollywood juniper	11	Protected	50%	Remove	Building	~20
200	Hollywood juniper	10	Protected	50%	Remove	Building	~20
201	Hollywood juniper	12	Protected	50%	Remove	Building	~20
202	Hollywood juniper	13	Protected	50%	Remove	Building	~20
203	Crabapple	4,3	Exception	70%	Remove	Building	~20
204	Sawleaf zelkova	23	Protected	50%	Remove	Grading	~50
205	Sawleaf zelkova	22	Protected	30%	Remove	Grading	~50
206	Valley oak	24	Large Protected	70%	Remove	Grading	~50
207	Sawleaf zelkova	19	Protected	30%	Remove	Grading	~50
208	Sawleaf zelkova	18	Protected	30%	Remove	Grading	~50
209	Mayten	7	Protected	30%	Remove	Building	~20
210	Italian cypress	14	Protected	70%	Remove	Building	~10
211	Italian cypress	14	Protected	70%	Remove	Building	~10
212	Crabapple	12	Exception	50%	Remove	Building	~20
213	Crabapple	11	Exception	50%	Remove	Building	~20
214	Crabapple	11	Exception	30%	Remove	Building	~20
215	Coast live oak	22,22	Protected	50%	Remove	Road	~50
216	California bay	10	Protected	50%	Remove	Road	~20

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
217	Brazilian pepper	5	Protected	50%	REMOVED	Removed 2019	~20
218	Loquat	6	Protected	70%	Remove	Building	~20
219	Blue gum	36	Protected	50%	REMOVED	Removed 2019	~50
220	Blue gum	62	Large Protected	50%	REMOVED	Removed 2019	~60
221	Blue gum	36	Protected	50%	REMOVED	Removed 2019	~50
222	African fern-pine	5	Protected	70%	Remove	Building	~20
223	California bay	13	Protected	50%	Remove	Road	~20
224	California bay	13,13	Protected	50%	Remove	Road	~30
225	Coast live oak	20	Protected	70%	Remove	Road	~50
226	Red horsechestnut	8	Protected	30%	Remove	Grading	~20
227	Red horsechestnut	8	Protected	30%	Remove	Grading	~20
228	Red horsechestnut	5	Protected	50%	Remove	Grading	~20
229	Coast live oak	23	Protected	70%	Remove	Grading	~30
230	Red ironbark	22	Exception	30%	Remove	Road	~30
231	Red ironbark	5,5,5,5,4	Exception	30%	Remove	Road	~20
232	Purpleleaf plum	4	Protected	30%	REMOVED	Removed 2019	~10
233	Red ironbark	19	Exception	50%	Remove	Road	~50
234	Coast live oak	10,9	Protected	50%	Remove	Grading	~20
235	Toyon	6,5,4,4	Protected	50%	Preserve	Not developing slope	~20
236	California bay	12	Protected	50%	Preserve	Not developing slope	~30
237	California bay	11	Protected	50%	Preserve	Not developing slope	~20
238	Coast live oak	14	Protected	50%	Preserve	Not developing slope	~30
239	Olive	10,5,5	Exception	50%	Preserve	Not developing slope	~20
240	Coast live oak	28	Large Protected	50%	Remove	Grading	~50
241	California bay	6	Protected	50%	Remove	Grading	~20
242	California bay	5	Protected	50%	Preserve	Not developing slope	~20
243	Coast live oak	27	Large Protected	10%	Remove	Grading	~30

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
244	Valley oak	15	Protected	30%	Remove	Grading	~20
245	Coast live oak	4,4,4,3,3,2,2,2	Protected	30%	Remove	Grading	~20
246	Valley oak	26	Large Protected	50%	Remove	Grading	~30
247	Coast live oak	16	Protected	50%	Preserve	Not developing slope	~30
248	Coast live oak	6,5,3	Protected	30%	Remove	Grading	~20
249	Victorian box	5,4,4,4,4,3,2	Protected	30%	Remove	Road	~20
250	Blue gum	50	Large Protected	30%	REMOVED	Removed 2019	~50
251	Valley oak	28	Large Protected	70%	Preserve	Outside of grading	~50
252	Crabapple	5	Exception	50%	Remove	Grading	~20
253	Plum	6,5,3	Exception	50%	Remove	Grading	~20
254	Crabapple	7	Exception	30%	Remove	Grading	~20
255	Crabapple	11	Exception	50%	Remove	Grading	~30
256	Bottlebrush	4,4	Protected	70%	Remove	Building	~20
257	Aleppo pine	6	Protected	30%	REMOVED	Removed 2019	~20
258	Victorian box	4,3	Protected	50%	Remove	Building	~20
259	Victorian box	6,5,2,2	Protected	50%	Remove	Building	~20
260	Blue gum	52	Large Protected	50%	Preserve	Outside of grading	~50
261	Jacaranda	7	Protected	50%	Preserve	Outside of grading	~20
262	Portugal laurel	6,5,4,4,4	Protected	30%	Preserve	Outside of grading	~20
263	Japanese flowering cherry	10	Protected	50%	Remove	Grading	~20
264	Coast live oak	20	Protected	70%	Remove	Grading	~30
265	Cherry	12	Exception	30%	Remove	Grading	~20
266	California black walnut	8	Protected	30%	Remove	Grading	~20
267	Coast live oak	7	Protected	50%	Remove	Grading	~10
268	California bay	5	Protected	50%	Remove	Grading	~10
269	African sumac	12	Protected	10%	Remove	Grading	~30
270	African sumac	9,9	Protected	10%	Remove	Grading	~30

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
271	Coast live oak	11	Protected	50%	Remove	Grading	~20
272	Coast live oak	13	Protected	50%	Remove	Grading	~20
273	African sumac	13,11	Protected	50%	Remove	Grading	~20
274	Glossy privet	8,5	Exception	50%	REMOVED	Removed 2019	~20
275	African sumac	9,7	Protected	10%	Remove	Grading	~20
276	Crabapple	13	Exception	70%	Remove	Road	~20
277	Crabapple	13	Exception	70%	Remove	Road	~20
278	California bay	6,5	Protected	70%	Remove	Building	~20
279	Flowering dogwood	9,4	Protected	70%	Remove	Road	~20
280	Coast live oak	12,10	Protected	50%	Remove	Grading	~30
281	California bay	6,4,3,2	Protected	50%	Remove	Grading	~20
282	Coast live oak	15	Protected	70%	Remove	Grading	~30
283	Coast live oak	9	Protected	50%	Remove	Grading	~20
284	Windmill palm	5	Exception	90%	Remove	Building	~20
285	African fern-pine	4	Protected	30%	Remove	Building	~10
286	Hollywood juniper	12,6,5	Protected	50%	Remove	Building	~20
287	Red maple	12	Protected	70%	Remove	Building	~30
288	White willow	24	Protected	70%	Remove	Building	~50
289	Valley oak	28	Large Protected	30%	Remove	Grading	~30
290	Sweetgum	15	Protected	70%	Remove	Grading	~30
291	Sweetgum	20	Protected	50%	Remove	Grading	~30
292	Coast live oak	15	Protected	30%	Remove	Grading	~30
293	Ginkgo	5	Protected	50%	Remove	Building	~20
294	Coast live oak	19	Protected	30%	Preserve	Outside of grading	~30
295	California bay	6	Protected	30%	Preserve	Outside of grading	~20
296	Coast live oak	26,25,17	Large Protected	50%	Remove	Grading	~60
297	Arroyo willow	18,16	Protected	30%	Remove	Grading	~30

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
298	Coast live oak	18	Protected	50%	Remove	Grading	~30
299	African fern-pine	8	Protected	30%	Remove	Road	~20
300	African fern-pine	8	Protected	30%	Remove	Road	~20
301	Japanese maple	5	Protected	50%	Remove	Building	~20
302	Crabapple	9	Exception	50%	Remove	Building	~20
303	Coast live oak	19	Protected	50%	Remove	Building	~30
304	Coast live oak	13	Protected	50%	Remove	Grading	~20
305	Coast live oak	5	Protected	30%	Remove	Grading	~20
306	Coast live oak	9	Protected	30%	Remove	Grading	~20
307	Coast live oak	4	Protected	30%	Remove	Grading	~20
308	Coast live oak	12	Protected	10%	Remove	Grading	~20
309	Sugar gum	33	Protected	30%	Remove	Grading	~50
310	Sugar gum	33	Protected	30%	Remove	Grading	~50
311	Coast live oak	8	Protected	50%	Remove	Grading	~20
312	Coast live oak	12	Protected	50%	Remove	Grading	~30
313	Coast live oak	17	Protected	50%	Remove	Road	~30
314	California bay	18,14	Protected	70%	Remove	Road	~30
315	California bay	9	Protected	50%	Remove	Road	~20
316	California bay	11	Protected	50%	Remove	Road	~20
317	Valley oak	18	Protected	30%	Remove	Road	~30
318	Coast live oak	14	Protected	50%	Remove	Road	~20
319	California bay	9,6,5	Protected	50%	Remove	Road	~20
320	California bay	9	Protected	50%	Remove	Grading	~20
321	Coast live oak	14	Protected	30%	Remove	Road	~20
322	California bay	19	Protected	50%	Remove	Grading	~30
323	Coast live oak	10	Protected	50%	Remove	Road	~20
324	Valley oak	13	Protected	30%	Remove	Road	~30

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
325	Coast live oak	8	Protected	30%	Remove	Road	~20
326	Coast live oak	13	Protected	30%	Remove	Road	~20
327	California bay	10	Protected	30%	Remove	Road	~20
328	California bay	12	Protected	30%	Remove	Grading	~20
329	Coast live oak	8	Protected	30%	Remove	Grading	~20
330	California bay	10	Protected	30%	Remove	Grading	~20
331	Coast live oak	17,14	Protected	70%	Remove	Grading	~30
332	Purpleleaf plum	8	Protected	30%	REMOVED	Removed 2019	~20
333	Coast live oak	27	Protected	10%	Remove	Grading	~30
334	California bay	12,11	Protected	30%	Remove	Grading	~30
335	Coast live oak	10	Protected	30%	Remove	Grading	~20
336	California bay	10	Protected	50%	Remove	Grading	~20
337	Coast live oak	22,10	Protected	30%	Remove	Grading	~30
338	California bay	11	Protected	50%	Remove	Grading	~20
339	Coast live oak	15	Protected	50%	Remove	Grading	~20
340	Blackwood acacia	5	Exception	70%	REMOVED	Removed 2019	~20
341	California bay	12	Protected	50%	Remove	Grading	~20
342	California bay	12	Protected	50%	Remove	Grading	~20
343	Coast live oak	14	Protected	50%	Remove	Grading	~30
344	Coast live oak	18	Protected	70%	Remove	Road	~30
345	Coast live oak	8	Protected	10%	Remove	Grading	~10
346	Olive	9,7	Protected	50%	REMOVED	Removed 2019	~20
347	Coast live oak	5	Protected	30%	Remove	Grading	~10
348	Marina madrone	14	Protected	90%	Remove	Building	~20
349	Valley oak	34	Large Protected	30%	Remove	Building	~30
350	Valley oak	37	Large Protected	50%	Remove	Grading	~50
351	Coast live oak	9	Protected	50%	Remove	Grading	~20

Tree Disposition

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Condition out of 100%	Disposition	Comment	Approx. crown diameter (feet)
352	Coast live oak	10	Protected	30%	Remove	Grading	~20
353	Coast live oak	13	Protected	50%	Remove	Grading	~20
354	New Zealand cabbage pal	5	Exception	30%	REMOVED	Removed 2019	~10
355	Hackberry	6	Protected	10%	Remove	Road	~10
356	Hackberry	9	Protected	30%	Remove	Road	~20
357	Italian cypress	6	Protected	90%	Remove	Road	~10
358	Italian cypress	8	Protected	90%	Remove	Road	~10
359	California bay	10	Protected	30%	Remove	Road	~20
360	California bay	9	Protected	50%	Remove	Road	~20
361	California bay	8	Protected	30%	Remove	Road	~20
362	California buckeye	9	Protected	50%	Remove	Road	~20
363	Coast live oak	5,4	Protected	10%	Remove	Grading	~20
364	Coast live oak	4	Protected	50%	Preserve	Not developing slope	~10
365	California bay	4	Protected	50%	Remove	Grading	~10
366	Bailey acacia	5	Protected	10%	REMOVED	Removed 2019	~10
367	Bailey acacia	7	Protected	30%	REMOVED	Removed 2019	~20
368	Bailey acacia	5	Protected	30%	REMOVED	Removed 2019	~20
369	Bailey acacia	7,7,7,6	Protected	30%	REMOVED	Removed 2019	~30
370	Bailey acacia	1	Protected	30%	REMOVED	Removed 2019	~30
371	Plum	5,4	Protected	30%	Preserve	Not developing slope	~20
372	Coast live oak	9,8	Protected	50%	Remove	Grading	~20
373	California bay	8	Protected	30%	Remove	Grading	~10
374	Coast redwood	10	Protected	90%	Preserve	Not developing slope	~20
375	Coast redwood	14	Protected	90%	Preserve	Not developing slope	~20

Tree Appraisal

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Appraised Value
1	Coast redwood	40	Protected	$ 14,800
2	California bay	8,8,7	Protected	$ 3,000
3	California bay	6,5	Protected	$ 650
4	Valley oak	17	Protected	$ 6,200
5	Valley oak	14	Protected	$ 2,550
6	Coast live oak	23	Protected	$ 9,400
7	Blue gum	40	Protected	$ 2,950
8	Blue gum	38	Protected	$ 2,750
9	Blue gum	20,7	Exception	$ 900
10	Blue gum	54	Protected	$ 4,300
11	Blue gum	28	Protected	$ 1,600
12	Blue gum	39	Protected	$ 2,850
13	Canary Island pine	21	Protected	$ 7,850
14	Coast live oak	15	Protected	$ 2,900
15	California bay	10	Protected	$ 1,700
16	California bay	10	Protected	$ 1,700
17	California bay	9,9	Protected	$ 1,650
18	California bay	5	Protected	$ 100
19	California bay	13,8	Protected	$ 3,900
20	California bay	11	Protected	$ 1,250
21	California bay	13	Protected	$ 1,200
22	California buckeye	9	Protected	$ 950
23	California bay	7	Protected	$ 350
24	California bay	17,16	Protected	$ 8,750
25	California bay	11	Protected	$ 850
26	California bay	12	Protected	$ 2,100
27	California bay	7	Protected	$ 150
28	California bay	8	Protected	$ 150
29	California bay	12,7,6	Protected	$ 650
30	Valley oak	34	Large Protected	$ 23,150
31	California bay	16	Protected	$ 2,950
32	California bay	8	Protected	$ 950
33	California bay	14,6	Protected	$ 3,350
34	California bay	8	Protected	$ 450
35	California bay	11,10,7	Protected	$ 3,100
36	Coast live oak	19	Protected	$ 3,950
37	California bay	10	Protected	$ 900
38	Blue oak	19	Protected	$ 3,100

Tree Appraisal

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Appraised Value
39	Coast live oak	27	Large Protected	$ 7,950
40	Valley oak	17	Protected	$ 3,200
41	California bay	8,5,4	Protected	$ 1,250
42	California bay	5	Protected	$ 300
43	Valley oak	14	Protected	$ 2,900
44	Coast live oak	22	Protected	$ 4,250
45	California bay	6,5	Protected	$ 750
46	California bay	6	Protected	$ 450
47	Valley oak	17,13	Protected	$ 6,750
48	California bay	22,12	Protected	$ 1,450
49	California bay	7	Protected	$ 600
50	California bay	7	Protected	$ 600
51	California bay	7	Protected	$ 350
52	California bay	9	Protected	$ 700
53	California bay	10	Protected	$ 1,450
54	California bay	13,9	Protected	$ 3,600
55	California bay	6,5,5,4	Protected	$ 1,500
56	California bay	7	Protected	$ 350
57	California bay	9,8	Protected	$ 1,000
58	California bay	12	Protected	$ 1,000
59	Coast live oak	27,16	Large Protected	$ 8,600
60	California bay	14	Protected	$ 450
61	California bay	15	Protected	$ 1,550
62	California bay	13	Protected	$ 1,450
63	California bay	6	Protected	$ 550
64	California bay	10,9	Protected	$ 2,600
65	California bay	9	Protected	$ 600
66	California bay	11	Protected	$ 850
67	Olive	5,4,3,2	Exception	$ 250
68	California bay	6	Protected	$ 450
69	California bay	7	Protected	$ 450
70	Coast live oak	6	Protected	$ 450
71	California bay	17,8	Protected	$ 6,750
72	Valley oak	33	Large Protected	$ 36,300
73	Olive	5	Exception	$ 350
74	Coast live oak	6	Protected	$ 600

Tree Appraisal

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Appraised Value
			Large	
75	Coast live oak	30	Protected	$ 13,000
76	Monterey pine	15	Protected	$ 750
77	Monterey pine	17	Protected	$ 1,000
78	Coast redwood	7	Protected	$ 1,000
79	Coast redwood	13	Protected	$ 2,200
80	Blue oak	12	Protected	$ 2,450
81	Coast redwood	5	Protected	$ 550
82	Coast redwood	7	Protected	$ 250
83	Monterey pine	14	Protected	$ 450
84	Bigleaf maple	9	Protected	$ 150
85	Coast redwood	7	Protected	$ 700
86	Valley oak	19	Protected	$ 7,500
87	Coast redwood	10	Protected	$ 1,300
88	Monterey pine	8	Protected	$ 150
89	Monterey pine	8	Protected	$ 150
90	Blackwood acacia	10,6	Exception	$ 250
91	Blackwood acacia	5	Exception	$ 50
92	Blackwood acacia	8,7,4	Exception	$ 250
93	Blackwood acacia	5,5,5,4	Exception	$ 150
94	California bay	10	Protected	$ 700
95	California bay	16	Protected	$ 1,800
96	California bay	5	Protected	$ 50
97	California bay	10,6,5 4 4	Protected	$ 2,250
98	Valley oak	17,16	Protected	$ 13,300
99	California bay	7,6,6,5	Protected	$ 2,800
100	California bay	6	Protected	$ 750
101	California bay	5	Protected	$ 750
102	California bay	5,5,5,4,4,3,3,2,2	Protected	$ 2,500
103	Coast redwood	9	Protected	$ 1,000
104	Coast redwood	8	Protected	$ 1,450
105	Coast redwood	9	Protected	$ 1,800
106	Coast redwood	10	Protected	$ 1,500
107	Coast redwood	8	Protected	$ 1,450
108	Coast redwood	4	Protected	$ 450
109	Grecian laurel	10,9,9	Protected	$ 2,050
110	Grecian laurel	6,6,5,5,4,3,3,2	Protected	$ 950
111	Grecian laurel	5,4,4,4,4,4,3,3,3	Protected	$ 600
112	Olive	6	Exception	$ 450
113	Olive	12,7	Exception	$ 2,200

Tree Appraisal

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Appraised Value
114	Olive	10,6,5,4,3,2,2,2	Exception	$ 2,050
115	Valley oak	21	Protected	$ 10,800
116	Blue gum	47,32,17	Protected Large	$ 11,950
117	Bronze loquat	6	Protected	$ 400
118	Coast live oak	19,15	Protected	$ 11,850
119	Coast live oak	19	Protected	$ 6,450
120	Valley oak	14	Protected	$ 4,850
121	Valley oak	19	Protected	$ 8,850
122	Coast live oak	11	Protected	$ 1,600
123	Olive	7,7,5,4,4,3	Exception	$ 1,600
124	Coast live oak	25	Protected Large	$ 1,800
125	Coast redwood	19	Protected	$ 850
126	Coast live oak	7,7	Protected	$ 300
127	Coast live oak	8	Protected	$ 200
128	Canary Island pine	28	Protected	$ 13,900
129	Coast live oak	15	Protected	$ 3,300
130	Canary Island pine	23	Protected	$ 10,700
131	Canary Island pine	26	Protected	$ 5,850
132	Coast redwood	7	Protected	$ 1,000
133	Canary Island pine	22	Protected	$ 9,800
134	Coast live oak	18	Protected	$ 6,600
135	Canary Island pine	22	Protected	$ 8,600
136	Canary Island pine	23	Protected	$ 9,400
137	Canary Island pine	21	Protected	$ 7,850
138	Canary Island pine	21	Protected	$ 7,850
139	Bronze loquat	5,3,3,3	Protected	$ 900
140	Bronze loquat	6,4,2	Protected	$ 600
141	Crabapple	8	Exception	$ 1,200
142	Coast live oak	18	Protected	$ 5,800
143	Coast live oak	16	Protected	$ 3,550
144	Canary Island pine	18	Protected	$ 3,200
145	Canary Island pine	22	Protected	$ 6,650
146	Canary Island pine	26	Protected	$ 9,300
147	Douglas fir	18	Protected	$ 2,600
148	Douglas fir	29	Protected	$ 6,650
149	Hollywood juniper	9,5	Protected	$ 850
150	Douglas fir	15	Protected	$ 1,300
151	Douglas fir	15	Protected	$ 750

Tree Appraisal

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Appraised Value
152	Douglas fir	18	Protected	$ 1,850
153	Douglas fir	14	Protected	$ 1,150
154	Valley oak	11	Protected	$ 3,700
155	Silk oak	11	Protected	$ 300
156	Coast live oak	17	Protected	$ 3,550
157	Coast live oak	15	Protected	$ 1,200
158	Douglas fir	22	Protected	$ 1,150
159	Coast live oak	21	Protected	$ 3,850
160	Valley oak	21	Protected	$ 6,500
161	Valley oak	16	Protected	$ 2,300
162	Coast live oak	20	Protected	$ 3,500
163	Italian cypress	5	Protected	$ 400
164	Italian cypress	6	Protected	$ 500
165	Italian cypress	6	Protected	$ 500
166	Italian cypress	5	Protected	$ 400
167	Monterey pine	4	Protected	$ 100
168	Red horsechestnut	5,2	Protected	$ 950
169	Coast live oak	7	Protected	$ 700
170	California bay	17,10,6	Protected	$ 4,250
171	California bay	7,7,7,6,5,5,5,5	Protected	$ 1,850
172	California bay	8,5,5,4	Protected	$ 1,300
173	California bay	16	Protected	$ 4,300
174	Coast live oak	8	Protected	$ 1,200
175	Coast live oak	15	Protected	$ 1,750
176	Sugar gum	17,16	Protected	$ 1,850
177	Sugar gum	12,11,11,11	Protected	$ 1,050
178	Deodar cedar	6	Protected	$ 900
179	Coast live oak	14	Protected	$ 2,550
180	Italian cypress	5	Protected	$ 400
181	Sitka spruce	6	Protected	$ 450
182	Italian stone pine	22	Protected	$ 2,950
183	Italian stone pine	19	Protected	$ 2,000
184	Red ironbark	13	Exception	$ 50
185	Incense cedar	11	Protected	$ 1,550
186	Italian cypress	5	Protected	$ 200
187	Italian cypress	5	Protected	$ 400
188	Blackwood acacia	4	Exception	$ 100
189	Coast live oak	19	Protected	$ 4,600
190	Red ironbark	13	Exception	$ 50
191	Blackwood acacia	17	Exception	$ 950

Tree Appraisal

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Appraised Value
192	Red ironbark	14	Exception	$ 50
193	Hollywood juniper	17	Protected	$ 2,250
194	Hollywood juniper	5,5,4,3,3,3	Protected	$ 550
195	Hollywood juniper	11,7	Protected	$ 1,200
196	Blue blossom	5,4,4	Protected	$ 450
197	Hollywood juniper	18	Protected	$ 2,250
198	Hollywood juniper	13	Protected	$ 1,200
199	Hollywood juniper	11	Protected	$ 850
200	Hollywood juniper	10	Protected	$ 700
201	Hollywood juniper	12	Protected	$ 1,000
202	Hollywood juniper	13	Protected	$ 1,200
203	Crabapple	4,3	Exception	$ 600
204	Sawleaf zelkova	23	Protected	$ 7,950
205	Sawleaf zelkova	22	Protected	$ 4,350
206	Valley oak	24	Large Protected	$ 21,850
207	Sawleaf zelkova	19	Protected	$ 3,250
208	Sawleaf zelkova	18	Protected	$ 2,950
209	Mayten	7	Protected	$ 300
210	Italian cypress	14	Protected	$ 1,500
211	Italian cypress	14	Protected	$ 1,500
212	Crabapple	12	Exception	$ 1,450
213	Crabapple	11	Exception	$ 1,200
214	Crabapple	11	Exception	$ 750
215	Coast live oak	22,22	Protected	$ 12,250
216	California bay	10	Protected	$ 1,700
217	Brazilian pepper	5	Protected	$ 350
218	Loquat	6	Protected	$ 650
219	Blue gum	36	Protected	$ 3,250
220	Blue gum	62	Large Protected	$ 6,350
221	Blue gum	36	Protected	$ 3,250
222	African fern-pine	5	Protected	$ 650
223	California bay	13	Protected	$ 2,850
224	California bay	13,13	Protected	$ 5,650
225	Coast live oak	20	Protected	$ 7,150
226	Red horsechestnut	8	Protected	$ 850
227	Red horsechestnut	8	Protected	$ 850
228	Red horsechestnut	5	Protected	$ 600
229	Coast live oak	23	Protected	$ 7,300

Tree Appraisal

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Appraised Value
230	Red ironbark	22	Exception	$ 700
231	Red ironbark	5,5,5,5,4	Exception	$ 150
232	Purpleleaf plum	4	Protected	$ 50
233	Red ironbark	19	Exception	$ 850
234	Coast live oak	10,9	Protected	$ 2,350
235	Toyon	6,5,4,4	Protected	$ 750
236	California bay	12	Protected	$ 2,450
237	California bay	11	Protected	$ 2,050
238	Coast live oak	14	Protected	$ 2,550
239	Olive	10,5,5	Exception	$ 1,500
240	Coast live oak	28	Protected Large	$ 9,900
241	California bay	6	Protected	$ 650
242	California bay	5	Protected	$ 450
243	Coast live oak	27	Protected Large	$ 1,850
244	Valley oak	15	Protected	$ 2,900
245	Coast live oak	4,4,4,3,3,2,2,2	Protected	$ 450
246	Valley oak	26	Protected Large	$ 14,450
247	Coast live oak	16	Protected	$ 3,300
248	Coast live oak	6,5,3	Protected	$ 500
249	Victorian box	5,4,4,4,4,3,2	Protected	$ 800
250	Blue gum	50	Protected Large	$ 3,400
251	Valley oak	28	Protected	$ 20,200
252	Crabapple	5	Exception	$ 300
253	Plum	6,5,3	Exception	$ 750
254	Crabapple	7	Exception	$ 300
255	Crabapple	11	Exception	$ 1,200
256	Bottlebrush	4,4	Protected	$ 500
257	Aleppo pine	6	Protected	$ 150
258	Victorian box	4,3	Protected	$ 400
259	Victorian box	6,5,2,2	Protected	$ 1,000
260	Blue gum	52	Protected Large	$ 5,950
261	Jacaranda	7	Protected	$ 300
262	Portugal laurel	6,5,4,4,4	Protected	$ 600
263	Japanese flowering cherry	10	Protected	$ 1,050

Tree Appraisal

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Appraised Value
264	Coast live oak	20	Protected	$ 6,150
265	Cherry	12	Exception	$ 950
266	California black walnut	8	Protected	$ 200
267	Coast live oak	7	Protected	$ 600
268	California bay	5	Protected	$ 400
269	African sumac	12	Protected	$ 400
270	African sumac	9,9	Protected	$ 450
271	Coast live oak	11	Protected	$ 1,350
272	Coast live oak	13	Protected	$ 1,900
273	African sumac	13,11	Protected	$ 3,750
274	Glossy privet	8,5	Exception	$ 300
275	African sumac	9,7	Protected	$ 400
276	Crabapple	13	Exception	$ 2,350
277	Crabapple	13	Exception	$ 2,350
278	California bay	6,5	Protected	$ 1,450
279	Flowering dogwood	9,4	Protected	$ 1,200
280	Coast live oak	12,10	Protected	$ 2,150
281	California bay	6,4,3,2	Protected	$ 950
282	Coast live oak	15	Protected	$ 2,800
283	Coast live oak	9	Protected	$ 950
284	Windmill palm	5	Exception	$ 800
285	African fern-pine	4	Protected	$ 200
286	Hollywood juniper	12,6,5	Protected	$ 1,450
287	Red maple	12	Protected	$ 2,100
288	White willow	24	Protected	$ 3,450
289	Valley oak	28	Large Protected	$ 12,700
290	Sweetgum	15	Protected	$ 4,750
291	Sweetgum	20	Protected	$ 6,050
292	Coast live oak	15	Protected	$ 1,700
293	Ginkgo	5	Protected	$ 200
294	Coast live oak	19	Protected	$ 2,750
295	California bay	6	Protected	$ 400
296	Coast live oak	26,25,17	Large Protected	$ 20,050
297	Arroyo willow	18,16	Protected	$ 1,000
298	Coast live oak	18	Protected	$ 4,150
299	African fern-pine	8	Protected	$ 500
300	African fern-pine	8	Protected	$ 500
301	Japanese maple	5	Protected	$ 350

Tree Appraisal

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Appraised Value
302	Crabapple	9	Exception	$ 800
303	Coast live oak	19	Protected	$ 3,550
304	Coast live oak	13	Protected	$ 1,700
305	Coast live oak	5	Protected	$ 150
306	Coast live oak	9	Protected	$ 450
307	Coast live oak	4	Protected	$ 100
308	Coast live oak	12	Protected	$ 250
309	Sugar gum	33	Protected	$ 1,500
310	Sugar gum	33	Protected	$ 1,500
311	Coast live oak	8	Protected	$ 600
312	Coast live oak	12	Protected	$ 1,300
313	Coast live oak	17	Protected	$ 2,550
314	California bay	18,14	Protected	$ 8,350
315	California bay	9	Protected	$ 950
316	California bay	11	Protected	$ 2,050
317	Valley oak	18	Protected	$ 4,200
318	Coast live oak	14	Protected	$ 2,550
319	California bay	9,6,5	Protected	$ 1,650
320	California bay	9	Protected	$ 1,400
321	Coast live oak	14	Protected	$ 1,500
322	California bay	19	Protected	$ 4,150
323	Coast live oak	10	Protected	$ 1,300
324	Valley oak	13	Protected	$ 2,200
325	Coast live oak	8	Protected	$ 500
326	Coast live oak	13	Protected	$ 1,300
327	California bay	10	Protected	$ 1,000
328	California bay	12	Protected	$ 1,000
329	Coast live oak	8	Protected	$ 350
330	California bay	10	Protected	$ 700
331	Coast live oak	17,14	Protected	$ 5,950
332	Purpleleaf plum	8	Protected	$ 200
333	Coast live oak	27	Protected	$ 1,250
334	California bay	12,11	Protected	$ 1,850
335	Coast live oak	10	Protected	$ 550
336	California bay	10	Protected	$ 1,200
337	Coast live oak	22,10	Protected	$ 3,050
338	California bay	11	Protected	$ 1,400
339	Coast live oak	15	Protected	$ 2,000
340	Blackwood acacia	5	Exception	$ 100
341	California bay	12	Protected	$ 1,700

Tree Appraisal

Tree No.	Species	Trunk Diameter (in.)	Protected Status	Appraised Value
342	California bay	12	Protected	$ 1,700
343	Coast live oak	14	Protected	$ 1,750
344	Coast live oak	18	Protected	$ 5,800
345	Coast live oak	8	Protected	$ 150
346	Olive	9,7	Protected	$ 1,300
347	Coast live oak	5	Protected	$ 150
348	Marina madrone	14	Protected	$ 5,900
349	Valley oak	34	Protected Large	$ 11,150
350	Valley oak	37	Protected Large	$ 21,450
351	Coast live oak	9	Protected	$ 750
352	Coast live oak	10	Protected	$ 550
353	Coast live oak	13	Protected	$ 2,200
354	New Zealand cabbage pal	5	Exception	$ 50
355	Hackberry	6	Protected	$ 100
356	Hackberry	9	Protected	$ 500
357	Italian cypress	6	Protected	$ 500
358	Italian cypress	8	Protected	$ 850
359	California bay	10	Protected	$ 1,000
360	California bay	9	Protected	$ 1,400
361	California bay	8	Protected	$ 650
362	California buckeye	9	Protected	$ 1,400
363	Coast live oak	5,4	Protected	$ 100
364	Coast live oak	4	Protected	$ 250
365	California bay	4	Protected	$ 250
366	Bailey acacia	5	Protected	$ -
367	Bailey acacia	7	Protected	$ 50
368	Bailey acacia	5	Protected	$ -
369	Bailey acacia	7,7,7,6	Protected	$ 150
370	Bailey acacia	1	Protected	$ 100
371	Plum	5,4	Protected	$ 250
372	Coast live oak	9,8	Protected	$ 1,600
373	California bay	8	Protected	$ 550
374	Coast redwood	10	Protected	$ 1,650
375	Coast redwood	14	Protected	$ 3,150
			Total	**$ 991,050**

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February 12, 2021

Jocelyn Shoopman
Associate Planner
Community Development Department
110 E Main Street
Los Gatos, CA 95030

Monarch Consulting Arborists

Richard Gessner
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The report contains the required information and the judgments are accurate. The report and plans have been reconciled with proper disposition and updated after recent tree removals and the recommendation requests. The T-1 sheets were enclosed updated to indicate the trees removed in 2019 with a red "X" symbol and a new column in the table provided. The sheets also indicate the tree protection guidelines and fence locations around those to be retained and protected.

The following recommendations were rectified as indicated.

1. Revise the report and plan sheets to reflect the current conditions and trees removed this year by updating the existing tables, data, and removing those trees from the plans.

Complete

2. Revise the disposition table to display the trees that are Protected, Large Protected, Exceptions, or Heritage based on the Town definitions and include a condition percentage (this may require a large format document).

Complete

3. Include crown diameters for at least all the trees indicated for removal to account for the Canopy Replacement Standard.

Complete

4. Reconcile the number of trees to be removed between the report and the T-1 sheets.

Complete

5. Place tree protection measures and the municipal code 29.20.1005 Protection of trees during construction. in both the report and the T-1 sheet. Develop tree protection measures and fence locations for the T-1 sheet. and any other tree protection notes or recommendations. Replace the "Tree Protection Notes" with appropriate information that is either in the Municipal Code or provided by the arborist.

Complete

Richard J. Gessner

ASCA Registered Consulting Arborist® #496
ISA Board Certified Master Arborist® WE-4341B

December 9, 2021

Ms. Melanie Hanssen, Chair
Los Gatos Planning Commission
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

RE: Community Engagement Update
Rebuild of Los Gatos Meadows

Dear Ms. Hanssen:

This letter supplements our prior justification letter of July 27, 2021 ("July 2021 Justification Letter"), related to the rebuild of Los Gatos Meadows (the "project"), the 10.84-acre site located at 110 Wood Road (APN 510-47-038) at the intersection of Wood Road and S. Santa Cruz Avenue in Los Gatos.

Since July, no attributes of the proposed project have changed. However, we have continued to convey and receive communications with our neighbors with the intent of maintaining an open and fluid dialogue as our project move through the Town's planning process. Accordingly, I am providing this letter to provide more current information specifically focused on our community outreach efforts.

We have invested approaching four years participating in community outreach efforts with our former residents, our neighbors, stakeholders, local business community members, and community residents to understand the concerns and needs specific to senior housing on this site. During this time, Covia Communities has consistently and carefully considered and integrated this input as we have developed and refined our site plan to rebuild Los Gatos Meadows. We believe these efforts have resulted in submittal to the Town that reflects our commitment to engage, listen and respond to the concerns expressed during our outreach process.

Since July 2021, we have held our 9th open house meeting with neighbors with a focus on additional details related to our plans for our autonomous vehicle service and to provide an update regarding expected next steps in the approval process. Questions and issues raised in that meeting are outlined herein in Appendix D.

We are currently targeting January 5th, 2022, for our next open house meeting.

To further facilitate dissemination of information to the community, the project team periodically updates a Frequently Asked Questions (FAQ) document and posts this document to the Los Gatos Meadows page of the Covia web site: https://covia.org/los-gatos-meadows/

At this same address, we have also posted a video summary of our rebuild proposal as well as a video that specifically focuses on the autonomous vehicle service we intend to implement as part of the development.

While we appreciate that not every neighbor will be supportive of every attribute of our project, the project team is confident that if the project we are proposing is developed it will contribute to improving the immediate neighborhood as well as substantially benefit the broader community.

Respectfully,



Francesco J. Rockwood
Rockwood Pacific Inc.
Applicant

Attachments
- Most Current FAQ Document
- Letter to Neighbors Dated October 12, 2021
- Updated Listing of Meetings with Neighbors and Community (Appendix D)
- Updated Listing of Communications (Appendix E)

Los Gatos Meadows
A COVIA COMMUNITY

Los Gatos Meadows Proposal
Frequently Asked Questions
October 2021

Q1: What is the Los Gatos Meadows proposal?
A1: Our proposal to rebuild Los Gatos Meadows aims to provide innovative senior care and housing on a safe and modern campus that ensures the well-being of residents, employees and neighbors. It will include sustainable, accessible and state-of-the-art features that are integrated with existing resources and are aligned with the Town of Los Gatos' long-term vision. We're committed to working closely with the community and Town leaders to ensure a transparent and thoughtful proposal review process.

Q2: What is the status of the proposal?
A2: Rockwood Pacific Inc. on behalf of Covia, the non-profit owner of Los Gatos Meadows, submitted a formal application for re-development review for 110 Wood Road to the Town of Los Gatos Planning Division on Jan. 22, 2020. The project application and all related documents (inclusive of the Draft Environmental Impact Report and supporting technical appendices) are available on the Town of Los Gatos website (www.losgatos.com) and at https://www.losgatosca.gov/2393/W.

Q3: What is the expected timeline for the rebuild proposal?
A3: We anticipate the Planning Division hearing will be scheduled for the later part of 2021 followed by a Town Council hearing. Preparation of construction documents and permit approvals are likely to take at least another 18 months. The soonest construction would start is mid-2024 and we anticipated it lasting two and a half years.

Q4: What is happening now to the buildings and grounds?
A4: Since the Los Gatos Meadows facility closed Sept. 30, 2019, Covia has provided on-site property management and security, ensuring the campus remains safe from fire, trespassing, vandalism and dumping, and providing ongoing maintenance as needed. Covia has erected a perimeter fence around the main campus and has posted no trespassing signs. We do not anticipate demolishing our existing facilities until we have a permit for the rebuild proposal.

Q5: Why did Los Gatos Meadows close?
A5: Covia concluded in early 2019 after a rigorous facilities assessment that continuing operations of the 48-year-old Los Gatos Meadows facility presented too great a safety risk to our residents and employees. We worked closely with all our residents, their families, our employees, neighbors and the Town of Los Gatos to ensure a thoughtful and smooth closing on Sept. 30, 2019.

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Q6: Who is managing the proposal?
A6: Covia, the long-standing Los Gatos Meadows non-profit property owner/operator with 50 years' experience managing senior living communities, is overseeing the proposal. Covia recently affiliated with Front Porch, a not-for-profit family of senior communities and partnerships. The two organizations are stronger together in an evolving marketplace and have increased their ability to support services and growth.

Covia has retained Rockwood Pacific Inc. to provide development management services. Other members of the team include Perkins Eastman (site planning and architecture); Kimley-Horn (planning and civil engineering); and Gates + Associates (landscape architecture).

Q7: What is the visual impact of the project on the surrounding community?
A7: Covia intends to erect story poles on all perimeter buildings to provide the community with the anticipated visual impact of the proposal for Los Gatos Meadows. We anticipate the story poles will be erected early fall and will remain in place until completion of the public hearings that are expected in the fall.

Q8: What is current plan for erecting story poles?
A8: We proposed a minor modification in late 2020 to permit fewer poles than required because sections of the site with either no or limited visual access would be of limited value in assisting the community in its understanding of the visual impacts of the project. We withdrew this request based on feedback from our neighbors. We subsequently selected a contractor experienced in erecting and maintaining story poles for projects similar to ours. The contractor raised safety concerns about employing the mesh material as specified in the Town policy. Thus, we are requesting that the Town modify its Story Pole Policy to permit us to connect the story poles with flag ropes. To be clear, we are NOT requesting any changes to the number or placement of story poles.

Q9: Who will own and operate the proposed Los Gatos Meadows?
A9: Covia, as part of its recent affiliation with non-profit Front Porch, intends to operate the proposed community and to retain full control of the property.

Q10: Are there any updates regarding the "Town Integration Plan"?
A10: Yes, design and programs for the proposed community may include improved quality-of-life experiences for residents, increased accessibility to Los Gatos businesses, and fewer car trips.

Q11: Is the proposed project expected to affect the Town of Los Gatos' Regional Housing Needs Assessment (RHNA)?

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A11: No. The current and proposed use is as a Continuing Care Retirement Community. The proposal is to amend and replace an existing Planned Development. These actions are not expected to affect the Town's RHNA calculations.

Q12: What are the plans for Farwell Lane?
A12: The proposal would minimize on-campus interactions between vehicles and pedestrians.

Q13: How do I get information regarding pricing, units and services?
A13: Information about pricing and services is not expected to be available until 2022. Please send your name, mailing address and email address to Susan Rockwood (susan@rockwoodpacific.com) to be added to a list of interested future residents.

Q14: How can I receive updates about the Los Gatos Meadows proposal? Who do I contact if I have questions?
A14: Please visit our website - https://covia.org/los-gatos-meadows/ - to stay informed about the proposal or the Town of Los Gatos Planning Division's website at https://www.losgatosca.gov/2393/W.Covia has retained Rockwood Pacific Inc. to assist in the management of the proposal. Please contact Frank Rockwood of Rockwood Pacific Inc. by emailing frank@rockwoodpacific.com for further details about information sessions and open houses.

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Los Gatos Meadows
A COVIA COMMUNITY

July 20, 2021

Dear Neighbor:

I hope you and your family are well as we continue to chart our way through these unusual times.

We are writing to **invite you to our next Open House, which will take place on August 9th at 7:00 pm.** At this meeting, we will provide a general update on the status of the project and address new questions. We intend to provide an opportunity for you to either participate in person or via Zoom.

Please note that we are currently targeting installation of story poles in late September and expecting our project to be reviewed at the October 27th planning commission hearing.

Attached is updated frequently asked questions (FAQ) document.

If you are interested in participating in this meeting, please send your name, address and email to susan@rockwoodpacific.com and she will provide you additional meeting details.

If you have any questions that you would like us to address, please send them to Frank Rockwood of Rockwood Pacific at frank@rockwoodpacific.com.

To stay updated on the status of Los Gatos Meadows (including access to the most current FAQ document), we invite you to visit our website at https://covia.org/los-gatos-meadows/, attend our information sessions/Open Houses, and/or contact Frank Rockwood at frank@rockwoodpacific.com.

Please pass along this invitation to anyone who may have an interest in our rebuild project.
I look forward to our next visit.

Sincerely,

Chris Ichien

Chris Ichien
Vice President of Life Plan Operations for Covia
(formerly Executive Director of Los Gatos Meadows)

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Appendix D
Listing of Meetings with Neighbors and Community

Type of Meeting	Date	Time	Location	Attendee	Notes from Meeting	Outcome
Open House 1	03/08/18	7:30-9PM	Los Gatos Meadows	Maria Ristow, Irving & Evelyn Mitsunaga, Robert Mullan(Toll House)	General introduction of intent to rebuild Los Gatos Meadows	Kicked-off neighborhood communications plan
Open House 2	04/18/18	7-8PM	Los Gatos Meadows	Julie Ritter Southern, Maria Ristow, Claire Leclaire, Cathy Colgan	General introduction of intent to rebuild Los Gatos Meadows; similar material to first meeting	Kicked-off neighborhood communications plan
Open House 3	05/03/18	7-8PM	Los Gatos Meadows	Karen Kurtz, Linda Iversen, Sue Fairley	Attendees interested in architecture and supplemental transportation options	Design team elevated analysis of supplemental transportation alternatives
Open House 4	05/20/18	3-4PM	Los Gatos Meadows	John and Jean Richardson, Stanford Stickney and 3 other family members	Questions related to timeline, storm drainage, and fire risk	Resolved current storm drain issue and initiated planning to mitigate fire risk through brush removal
Focus Groups (3 Sessions)	10/2/2018 - 10/3/2018	Varies	Toll House	36 older adults participated in 3 sessions. Participants were drawn from the local area. Participants were promised confidentiality.	Sensitive to how various attributes or requirements may drive cost, supplemental transportation system very important, limited enthusiasm for LEED certification but recycling and energy efficiency important, limited enthusiasm for facilitating non-residents/non-guests on campus, preference for larger, more spacious units, recommendation to minimize long corridors, preference for multiple dining venues and ample on-site amenities such as fitness center, walking trails, access to town, casual dining, library, coffee shop, and access to on-site support care.	Design team made applicable refinements to concept plan
Open House 5	12/06/18	7-8PM	Los Gatos Meadows	Julie Ritter Southern, Matt and Marlena Hood and friend, Mike Wasserman	Question about timing, policy related to relocation of existing residents, impact on visibility to neighbors above, use of solar panels and roof color, impacts on traffic (with specific concerns about summer traffic), site security during closure, parking, noise impacts and construction parking. Requested advance notifications of all construction work that could affect access. Some residents on Wood Road would prefer that Farwell Lane continue to support regular vehicle traffic. A video summary of the meeting was posted at: https://vimeo.com/278024461	Feedback informed further refinement to concept plan. With regard to Wood Road traffic impacts, design team is prioritizing minimizing errant trips up Wood Road past the main entrance, and more importantly, further prioritizing the supplemental transportation system to convert more trips to autonomous vehicle, pedestrian or bike trips. Also, currently planning to include solar panels.
Open House 6	10/10/19	7-8PM	Toll House	Julie Ritter Southern, Maria Ristow, Jamie Garcia & Friend, Irving & Evelyn Mitsunaga	Questions about Wood Road traffic, availability of Wood Road for evacuation, potential impact of project on housing element, and recommendation to deploy goats to further reduce fire risk. Request for copy of facts and figures table.	Confirmed that project not expected to affect housing element. Planning to deploy goats on property this spring; planning to make commitment to make Wood Road available for evacuation during emergencies.
Open House 7	03/05/20	7-8PM	Los Gatos United Methodist Church	None	General heightened sensitivity due to COVID-19 may have been a factor in suppressing turnout.	Produced and circulated video update; available at Covia/Los Gatos Meadows website https://covia.org/los-gatos-meadows/
Open House 8	12/03/20	7-8PM	Zoom Meeting	Julie Ritter Southern, Fred Lester, Matt Wood, Zane Rowe, Gary/Jamie Garcia, Clair LaClair, Evelyn/Irving Mitsunaga, Robert Macartney, Matthew Bigge	Green roof (Fred), Solar (Julie), incline elevator (Fred), security current through construction (Matt), views from 135 Wood and story pole modification request (Julie), visualization from 100 Wood Rd (Matt), Condo v. CCRC (Julie), fire evacuation (Matt), parking for construction (Fred), construction traffic (Matt)	Provided advance notice of intent to seek modification to Town's Story Pole Policy

Appendix D

Listing of Meetings with Neighbors and Community

Type of Meeting	Date	Time	Location	Attendee	Notes from Meeting	Outcome
Public Hearing - Story Pole Exception Request	01/19/21	7-9PM	Zoom Meeting	Town Council and Town Staff (in advance of meeting, staff received letters from Claire Southern, Matthew Southern and Mark Rigoli (via Council Member Maria Ristow)	No public comments; council members discussed merits and concerns regarding proposal	Consideration for request for fewer poles continued to future council meeting (subsequently withdrew modification request)
NOP Meeting	02/25/21	7-7:15PM	Zoom Meeting	Presenters: Joel Paulson, Jocelyn Shoopman, Sean Mullin, Terri Wissler Adam (EMC Planning). Public Attendees: Matt Hood	Matt Hood inquired about availability of video recording of the NOP meeting	
Open House 9	08/09/21	7-8PM	Zoom Meeting	Presenters: Frank Rockwood, Mark Falgout, David Gates, Chris Ichien	Comments and questions related to: clarify visual impacts (during and after construction), number of expected truck trips, construction hours, placement of parking, project schedule, emergency circulation and clarification of employee break area	
City Council Public Hearing - Story Pole Exception Request	10/19/21	7-10PM	Zoom Meeting	Town Council and Town Staff (in advance of meeting, staff received letters from Julie Southern, Esther Grant and Andrew Ghofrani)	Frank Rockwood and Mark Falgout stepped through request. No public comments; council members discussed merits and concerns regarding proposal as well as addressed policy in general	Request was granted to use flags versus netting with condition of using 2 rows of flags.
Open House 10	1/5/2022 (Target Date)	7-8PM	Zoom Meeting	TBD	TBD	TBD

Appendix E
Listing of Communications

DATE	DESCRIPTION	CONSTITUENCY	COMM_TYPE	INDIVIDUALS	COVIA_TEAM_REPRESENTATIVES
10/23/2017	Meeting with Town Attorney and Planning	Town	In-Person Meeting	Laurel Prevetti, Joel Paulson, Robert Schultz	Frank Rockwood, Laura Worthington-Forbes, Barbara Schussman
2/7/2018	Meeting with Fire Department	Town	In-Person Meeting	Fardean Amadhani, Tracy Staiger	Frank Rockwood, Mark Falgout
2/27/2018	Open House 1 Invitation	Neighbors	Letter	[Sent to neighborhood distribution list]	Letter from Kevin Gerber
3/8/2018	Tour with Town Staff	Town	Tour	Laurel Prevetti, Joel Paulson	Frank Rockwood, Kevin Gerber, Chris Ichien, Eric Morley
3/8/2018	Open House 1 meeting	Neighbors	In-Person Meeting	Maria Ristow, Irving & Evelyn Mitsunaga, Robert Mullan (Toll House)	Frank Rockwood, Chris Ichien, Eric Morley, Kevin Gerber, Ron Schaefer
3/8/2018	Resident Council 1 Meeting	Residents	In-Person Meeting	[Los Gatos Meadows residents]	Frank Rockwood, Chris Ichien, Eric Morley, Kevin Gerber, Ron Schaefer
4/2/2018	Open House 2 Invitation	Neighbors	Letter/Email	[Sent to neighborhood distribution list]	Letter from Chris Ichien
4/8/2018	Open House 2 Next Door Posting by Ristow	Neighbors	NextDoor		
4/13/2018	Meeting with Toll House Hotel	Organizations	In-Person Meeting	Jason Bogan, Robert Mullan	Frank Rockwood
4/18/2018	Open House 2 meeting	Neighbors	In-Person Meeting	Julie Ritter Southern, Maria Ristow, Claire LeClair, Cathy Colgan	Chris Ichien, Frank Rockwood, Mark Falgout, Eric Morley
4/18/2018	Resident Council 2 Meeting	Residents	In-Person Meeting	[Los Gatos Meadows residents]	Chris Ichien, Frank Rockwood, Mark Falgout, Eric Morley
4/23/2018	Tour with Council Member	Town	Tour	Barbara Spector	Chris Ichien, Frank Rockwood, Mary McMullin, Eric Morley
4/23/2018	Meeting with Town Attorney	Town	In-Person Meeting	Robert Schultz, Joel Paulson	Bill Tobin, Frank Rockwood, Eric Morley, Barbara Schussman
4/24/2018	Open House 3 & 4 Invitation	Neighbors	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
4/30/2018	Meeting with Toll House	Organizations	In-Person Meeting	Jason Bogan	Frank Rockwood
4/30/2018	Meeting with Town Official	Town	In-Person Meeting	Monica Renn	Frank Rockwood
4/30/2018	Tour with Council Member	Town	Tour	Marico Sayoc	Chris Ichien, Frank Rockwood, Diana Jamison, Eric Morley
5/1/2018	Open House 3 Next Door Posting by Ristow	Neighbors	NextDoor		
5/3/2018	Meeting with Toll House business	Organizations	In-Person Meeting	Fred Lester, Dave Lazzarini (at the beginning)	Frank Rockwood, Eric Morley
5/3/2018	Open House 3 meeting	Neighbors	In-Person Meeting	Kurtz, Fairey, Iversen (and Mike Vrevich resident)	David Gates, Chris Ichien, Ron Schaefer, F Rockwood, Mark Falgout, E Morley
5/3/2018	Resident Council 3 Meeting	Residents	In-Person Meeting	[Los Gatos Meadows residents]	David Gates, Chris Ichien, Ron Schaefer, Frank Rockwood
5/3/2018	Meeting with Fire	Town	In-Person Meeting	Fardean Amadhani, Tracy Staiger	Frank Rockwood, Mark Falgout, Eric Morley
5/3/2018	Meeting with Planning	Town	In-Person Meeting	Joel Paulson	Frank Rockwood, Mark Falgout
5/4/2018	Tour with Council Member	Town	Tour	Rob Rennie	Chris Ichien, Frank Rockwood, Kevin Gerber, Eric Morley
5/3/2018	Tour with Council Member	Town	Tour	Marcia Jensen	Chris Ichien, Frank Rockwood, Mary McMullin, Eric Morley
5/4/2018	Meeting with Public Works	Town	In-Person Meeting	Jessy Pu, Lisa Pedersen	Frank Rockwood, Mark Falgout, Eric Morley
5/4/2018	Tour with Mayor	Town	Tour	Rob Rennie	Chris Ichien, Frank Rockwood, Kevin Gerber, Eric Morley
5/10/2018	Open House 4 Invitation	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
5/17/2018	Emailed Director of Chamber of Commerce	Organizations	Email	Joe Pirzynski	Email from Frank Rockwood
5/20/2018	Open House 4 meeting	Neighbors	In-Person Meeting	John and Jean Richardson, Stanford Stickney and 3 other family members	David Gates, Chris Ichien, Bill Tobin, F Rockwood, Mark Falgout
5/22/2018	Emailed Julie Ritter Southern	Neighbors	Email	Julie Ritter Southern	Email from Frank Rockwood
6/4/2018	Emailed Los Gatos Roasting Company	Organizations	Email	Teri Hope	Email from Frank Rockwood
6/4/2018	Emailed McCarthy Ranch	Organizations	Email	Joey McCarthy	Email from Frank Rockwood
6/4/2018	Emailed Time Out Clothing	Organizations	Email	Ginger Rowe	Email from Frank Rockwood
6/10/2018	Emailed Julie Ritter Southern	Neighbors	Email	Julie Ritter Southern	Email from Frank Rockwood
6/11/2018	Emailed Time Out Clothing	Organizations	Email	Ginger Rowe	Email from Frank Rockwood
6/15/2018	Meeting with Los Gatos Roasting Company	Organizations	In-Person Meeting	Teri Hope	Frank and Susan Rockwood
6/15/2018	Meeting with McCarthy Ranch	Organizations	In-Person Meeting	Joey McCarthy	Frank and Susan Rockwood
6/15/2018	Stopped Rural Supply Hardware	Organizations	In-Person Meeting	Ken Nelson	Frank and Susan Rockwood
6/15/2018	Stopped by Cucina Bambina	Organizations	In-Person Meeting	Met with receptionist (Izzy)	Frank and Susan Rockwood
6/15/2018	Stopped by The Spa - Los Gatos	Organizations	In-Person Meeting	Met with receptionist	Frank and Susan Rockwood
6/25/2018	Meeting with Time Out Clothing	Organizations	In-Person Meeting	Ginger Rowe	Frank and Susan Rockwood
6/25/2018	Meeting to review views of neighbor	Neighbors	In-Person Meeting	Julie Ritter Southern	Frank Rockwood and Chris Ichien
6/26/2018	Call with Town Not City Representative	Organizations	Call	Rod Teague	Frank Rockwood
6/27/2018	Emailed UMC and Live Oak	Organizations	Email	Jennifer Murdock, Trudy Burling	Email from Frank Rockwood
7/13/2018	Meeting with Chamber	Organizations	In-Person Meeting	Joe Pirzynski	Frank Rockwood, Chris Ichien
7/13/2018	Meeting with The Spa - Los Gatos	Organizations	In-Person Meeting	Patti Rice	Frank Rockwood
7/17/2018	Open House 5 & 6 Invitation and Open House 4 Video Link	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
7/18/2018	NextDoor Posting about video	Neighbors/Organizations	NextDoor		
7/19/2018	Meeting with Live Oak and LGUMC	Organizations	In-Person Meeting	Jennifer Murdock, Trudy Burling, Kathy Mlinarich	Frank Rockwood and Laura Worthington-Forbes

Appendix E
Listing of Communications

DATE	DESCRIPTION	CONSTITUENCY	COMM_TYPE	INDIVIDUALS	COVIA_TEAM_REPRESENTATIVES
7/20/2018	Emailed neighbor who reached out	Neighbors	Email	James Holtz	Email from Frank Rockwood
7/23/2018	Emailed meeting invitation	Organizations	Email	Ron Tate	Email from Frank Rockwood
7/23/2018	Emailed meeting invitation	Organizations	Email	Shelly Blanchard	Email from Frank Rockwood
7/24/2018	Call with Shelly Blanchard	Organizations	Call	Shelly Blanchard/Cucina Bambina	Frank Rockwood
7/24/2018	Meeting with Fred Lester	Organizations	In-Person Meeting	Fred Lester	Frank Rockwood
7/24/2018	Meeting with Jason Bogan	Organizations	In-Person Meeting	Jason Bogan	Frank Rockwood
7/30/2018	Email from Maria Ristow	Neighbors	Email	Maria Ristow	Email from Frank Rockwood
8/1/2018	Email from Joe Pirzynski	Organizations	Email	Joe Pirzynski	Email from Frank Rockwood
8/28/2018	Announcement re: rescheduling Open House 5 & 6 and commencement of focus groups	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
8/30/2018	James Holtz emailed re: focus group	Neighbors	Email	James Holtz	Email from Frank Rockwood
9/25/2018	Survey mailed to people in Town and vicinity	Neighbors/Vicinity	Letter	[Sent to neighborhood distribution list + mailing list for vicinity]	Brook Adams
10/2/2018; 10/3/2018	Focus Groups	Neighbors/Vicinity	In-Person Meeting	3 focus groups of about 12 each	Brook Adams
10/29/2018	Meeting with Town Staff	Town	In-Person Meeting	Laurel Prevetti, Joel Paulson, Robert Schultz	Frank Rockwood, Laura Worthington-Forbes, Eric Morley, Chris Ichien, Barbara Schussman
11/9/2018	Open House 5 Invitation	Neighbors	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
12/6/2018	Open House 5	Neighbors	In-Person Meeting	Julie Southern, Matt and Marlena Hood and friend, Mike Wasserman	D Gates, C Ichien, A Pelley, F Rockwood, M Falgout, E Morley, M McMullin, L Darling
12/6/2018	Resident Council #5 Meeting	Residents	In-Person Meeting	[Los Gatos Meadows residents]	D Gates, C Ichien, A Pelley, F Rockwood, M Falgout, E Morley, K Gerber, M McMullin, L Darling
12/7/2018	Public Works Meeting	Town	In-Person Meeting	Jessy Pu, Lisa Pedersen	Frank Rockwood, Susan Rockwood, Mark Falgout
12/11/2018	Meeting with Town Staff	Town	In-Person Meeting	Laurel Prevetti, Joel Paulson	Frank Rockwood, Eric Morley, Chris Ichien, Mark Falgout
12/11/2018	Meeting w/Town Not City	Organizations	In-Person Meeting	Rod Teague	Frank and Susan Rockwood, Eric Morley, Chris Ichien
12/12/2018	Meeting with Council Member Marico Sayoc	Town	In-Person Meeting	Marico Sayoc	Frank Rockwood, Eric Morley, Chris Ichien
12/12/2018	Meeting with Council Member Steve Leonardis	Town	In-Person Meeting	Steve Leonardis	Frank Rockwood, Eric Morley, Chris Ichien
12/12/2018	Meeting with Chamber	Organizations	In-Person Meeting	Joe Pirzynski, Catherine Somers	Frank Rockwood, Eric Morley, Chris Ichien
12/13/2018	Meeting with Toll House	Organizations	In-Person Meeting	Jason Bogan	Frank and Susan Rockwood, Victor Ceron
12/13/2018	Meeting with Council Member Rob Rennie	Town	In-Person Meeting	Rob Rennie	Frank Rockwood, Eric Morley, Kiran Kaur
12/14/2018	Meeting with Council Member Barbara Spector	Town	In-Person Meeting	Barbara Spector	Frank Rockwood, Mary McMullin
12/18/2018	Emailed link to Open House 5 Video	Town/Org/Neighbors	Email	[sent to email distribution list]	Frank Rockwood
1/29/2019	Meeting with Council Member Marcia Jensen	Town	In-Person Meeting	Marcia Jensen	Frank Rockwood, Mary McMullin, Chris Ichien
2/19/2019	Emails from Maria Ristow and Matt Hood	Neighbors	Email	Maria Ristow, Matt Hood	Frank Rockwood
2/21/2019	Phone Conversation with Rod Teague	Organizations	Call	Rod Teague	Frank Rockwood
2/22/2019	Emails with Fred Lester re: Oak Trees	Organizations	Email	Fred Lester	Frank Rockwood
3/15/2019	Meeting with Caroline and Marc Philippe	Neighbors	In-Person Meeting	Caroline and Marc Philippe	Frank Rockwood, Victor Ceron
3/15/2019	Meeting with Julie Ritter	Neighbors	In-Person Meeting	Julie Ritter Southern	Frank Rockwood, Victor Ceron
5/15/2019	Julie Ritter Emailed re: project status	Neighbors	Email	Julie Ritter Southern	Email from Frank Rockwood
7/8/2019	Email with Caroline Phillippe re: ADU/vineyard	Neighbors	Email	Caroline and Marc Philippe	Frank Rockwood
7/25/2019	Meeting with Toll House Hotel	Organizations	In-Person Meeting	Jason Bogan	Frank Rockwood
8/5/2019	Conversation with John Richardson re: status	Neighbors	Call	John Richardson	Frank Rockwood
8/15/2019	Meeting with Joel Paulson and Laurel Prevetti	Town	In-Person Meeting	Joel Paulson, Laurel Prevetti	Frank Rockwood, Laura Worthington-Forbes, David Gates, Chris Ichien
8/15/2019	Meeting with Catherine Somers from Chamber	Organizations	In-Person Meeting	Catherine Somers	Frank Rockwood, Chris Ichien
8/15/2019; 8/17/2019	Open House 6 Invitation and FAQ's	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
9/24/2019	Meeting with Toll House Hotel	Organizations	In-Person Meeting	Abel Veloz	Frank Rockwood, Victor Ceron
9/24/2019	Meeting with Fred Lester	Organizations	In-Person Meeting	Fred Lester and his wife	Frank Rockwood, Victor Ceron
9/24/2019	Meeting with Senior Commission	Town	In-Person Meeting	Arn Andrews, Commission Members	Frank and Susan Rockwood
10/1/2019	Meeting with Julio Hernandez, SDA Church	Town	In-Person Meeting	Julio Hernandez, SDA Church	Victor Ceron
10/10/2019	Open House 6 at Toll House Hotel	Neighbors	In-Person Meeting	Julie Ritter Southern, Jaime Garcia & friend, Irving & Evelyn Mitsunaga, Maria Ristow	F Rockwood, M Falgout, D Gates, C Ichien, V Ceron, V Troncosco, P Hillan
10/14/2019	Response re: OH 6 Questions re: schedule and security and goats	Neighbors	Email	Maria Ristow, Julie Ritter Southern, Irving and Evelyn Mitsunaga, Jaime Garcia	Frank Rockwood
10/25/2019	Email Intro to New Neighbor	Neighbors	Email	Zane Rowe (bought Phillipe property)	Frank Rockwood
12/18/2019	Meeting with Town	Town	In-Person Meeting	Joel Paulson, Sally Zarnowitz, Jocelyn Shoopman	Frank Rockwood, Laura Worthington-Forbes, David Hance
2/6/2020	Site Visit with Town Staff	Town	In-Person Meeting	Jocelyn Shoopman, Sally Zarnowitz, Mike Weisz, Robert Gray, Corvell Sparks	Frank Rockwood, Victor Ceron, Chris Ichien, Vincent Troncoso

Appendix E
Listing of Communications

DATE	DESCRIPTION	CONSTITUENCY	COMM_TYPE	INDIVIDUALS	COVIA_TEAM_REPRESENTATIVES
2/11/2020	Letter from Neighbor to Town Staff re: Broadway	Neighbor/Town	Letter	Julie Ritter Southern	NA
2/12/2020	Technical Review	Town	In-Person Meeting	Jocelyn Shoopman, Sally Zarnowitz, Bob Gray, Tracy Staiger	Frank Rockwood, Arch Pelley, Mark Falgout, Kimmy Chen
2/13/2020	Open House 7 Invitation and FAQ's	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
3/5/2020	Open House 7 at Los Gatos United Methodist Church	Neighbors	In-Person Meeting	None	Frank Rockwood, Chris Ichien, Victor Ceron, Mark Falgout, David Gates
3/6/2020; 3/10/2020	Maria Ristow inquired re: Open House 7; response addressed possible alternatives to in-person meetings; communicated that Covia is targeting distribution of video summary in May; appreciative of goats	Neighbors	Email	Maria Ristow	Emails to/from Frank Rockwood
4/2/2020	John Richardson inquired re: status; resent February FAQ; communicated that Covia is targeting distribution of video summary	Neighbors	Email	John Richardson	Emails to/from Frank Rockwood
4/14/2020; 4/16/2020	Julie Ritter Southern inquired re: status; complained re: unsightly trash bin; appreciative of goats; responded that Covia is targeting distribution of video summary; committed to removal of unsightly trash bin	Neighbors	Email	Julie Ritter Southern	Emails to/from Frank Rockwood
5/31/2020	Sent link to summary video to neighbors; updated Covia website with link to summary video	Neighbors	Email	[Sent to neighborhood]	Frank Rockwood
6/3/2020	Meeting with Town Staff	Town	Video Meeting	Jocelyn Shoopman	Frank Rockwood, Arch Pelley, Melissa Destout
6/3/2020	Meeting with Fire Department	Town	Video Meeting	Tracy Staiger, Kathy Baker	Frank Rockwood, Mark Falgout, Matt Lissak
6/7/2020	Zane Rowe acknowledged receipt of May 31st email; interested in meeting in person when things return to normal	Neighbors		Zane Rowe	Emails to/from Frank Rockwood
6/10/2020	Meeting with Town Staff re: Land Use CEQA Path	Town	Video Meeting	Jocelyn Shoopman, Sally Zarnowitz, Joel Paulson, Robert Schultz	Frank Rockwood, Barbara Schussman, Laura Worthington-Forbes
6/11/2020	Julie Ritter Southern forwarded link to video to Justin Draa and Brend Neudecker; requested consideration of another in-person presentation	Neighbors	Email	Julie Ritter Southern	Emails to/from Frank Rockwood
6/12/2020	Meeting with Town Staff re: Story Pole Visualization	Town	Video Meeting	Jocelyn Shoopman, Sally Zarnowitz, Joel Paulson	Frank Rockwood, Mark Falgout, David Gates, Melissa Destout
6/29/2020	Maria Ristow inquired re: status general and tagged trees behind 65 Broadway; tagged trees related to trimming project	Neighbors	Email	Maria Ristow	Emails to/from Frank Rockwood
6/29/2020	Margaret Bielski called about trees at 19 Clifton that appear to be marked for removal; understands that there is a proposal to add two units	Neighbors	Phone Call	Margaret Bielski	Call to/from Frank Rockwood
11/17/2020	Open House 8 Invitation	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
12/2/2020	Meeting with Council Member-Elect Maria Ristow	Town	Video Meeting	Maria Ristow	Frank Rockwood, Chris Ichien, Laura Worthington-Forbes
12/3/2020	Open House 8	Neighbors	Video Meeting	Julie Ritter Southern, Fred Lester, Matt Wood, Zane Rowe, Gary/Jamie Garcia, Claire LeClair, Evelyn/Irving Mitsunaga, Robert Macartney, Matthew Bigge	Frank Rockwood, Chris Ichien, David Gates, Victor Ceron, Laura Worthington-Forbes, Mark Falgout, Laura Darling
12/3/2020	Meeting with Council Member Marico Sayoc	Town	Video Meeting	Marico Sayoc	Frank Rockwood, Chris Ichien, Laura Worthington-Forbes
12/4/2020	Meeting with Jocelyn Shoopman	Town	Video Meeting	Jocelyn Shoopman	Frank Rockwood, Mark Falgout, Laura Worthington-Forbes
12/9/2020	Meeting with Council Member Rob Rennie	Town	Video Meeting	Rob Rennie	Frank Rockwood, Mary McMullin, Laura Worthington-Forbes
1/11/2021	Letter from Neighbor to Town Staff re: Story Poles and Fire Evacuation	Neighbor/Town	Letter_to_Town	Matthew Southern	N/A
1/12/2021	Letter from Neighbor to Town Staff re: Story Poles	Neighbor/Town	Letter_to_Town	Clare Southern	N/A
1/12/2021	Meeting with Council Member Matthew Hudes	Town	Video Meeting	Matthew Hudes	Frank Rockwood, Chris Ichien, Laura Worthington-Forbes
1/12/2021	Meeting with Council Member Mary Badame	Town	Video Meeting	Mary Badame	Frank Rockwood, Chris Ichien, Laura Worthington-Forbes
1/15/2021	Letter from Neighbor to Town Staff re: Story Poles and Farwell Lane	Neighbor/Town	Letter_to_Town	Mark Regoli	N/A

Appendix E
Listing of Communications

DATE	DESCRIPTION	CONSTITUENCY	COMM_TYPE	INDIVIDUALS	COVIA_TEAM_REPRESENTATIVES
1/19/2021	Letter from Neighbor to Town Staff re: Story Poles and View	Neighbor/Town	Letter_to_Town	Julie Ritter Southern	N/A
1/19/2021	Town Council Hearing re: Story Pole	Town/Neighbors	Video Meeting	Matthew Hudes, Mary Badame, Jocelyn Shoopman, Rob Rennie, Marico Sayoc, Maria Ristow (recused)	Frank Rockwood, Mark Falgout, David Gates, Laura Worthington-Forbes
2/1/2021	Letter from Neighbor to Town Staff re: Story Poles	Neighbor/Town	Letter_to_Town	Bernd Neudecker	N/A
2/1/2021	Meeting with Julie Ritter Southern and Andrew Ghofrani	Neighbors	In-Person Meeting	Julie Ritter Southern (123/135 Wood Rd) and Andrew Ghofrani (121 Wood Rd)	Frank Rockwood, Chris Ichien, David Gates
2/2/2021	Julie Ritter Southern conveyed that Bernd Neudecker would be sending letter to staff	Neighbors	Email	Julie Ritter Southern (123/135 Wood Rd) and Berne Neudecker (109 Wood Rd)	Emails to/from Frank Rockwood
2/8/2021	Letter from Neighbor to Town Staff re: View and Building Height	Neighbor/Town	Letter_to_Town	Andrew Ghofrani	N/A
2/8/2021	Tour with Council Member	Town	Tour	Matthew Hudes	Frank Rockwood, Chris Ichien
2/22/2021	Letter recap of meeting with Arn Andrews regarding Ad Hoc Wildfire Committee; Jocelyn Scoopman directed project team to incorporate contents of letter in updated Justification Letter	Town	Email	Arn Andrews	Laura Worthington Forbes
3/14/2021	Neighbor reached out about people cutting plants on property	Neighbors	Email	Cathy Colgan	Frank Rockwood, Alex Gerasimov
3/18/2021	Owner of business located at the corner of Wood Rd and S. Santa Cruz Ave reached out about construction start and length - concern of holistic tenant	Neighbor/Town	Email	Shayna Orr, Exec Asst for Owner of business located at the corner of Wood Rd and S. Santa Cruz Ave	Frank Rockwood
4/22/2021	Letter to Neighbor re: Visualizations	Neighbor	Letter	Andrew Ghofrani	Frank Rockwood
4/28/2021	Emailed Visualizations from Ghofrani Property	Neighbor	Email	Andrew Ghofrani, Julie Ritter	Frank Rockwood
5/3/2021	Email to Neighbor re: project status and tree	Neighbor	Email	John Richardson	Frank Rockwood
5/12/2021	Communication with Neighbor about Trees to be taken down 5/15/21	Neighbor	Email	John Richardson	Alex Gerasimov
5/15/2021	Communication with Town Council Member Who Reached Out For Update	Town	Email	Maria Ristow	Frank Rockwood
5/17/2021	Communication with Neighbor about Tree Taken Down - Neighbor Said Looked Great	Neighbor	Email	John Richardson	Alex Gerasimov
5/24/2021	Communication with Neighbor re: Visualizations from House	Neighbor	Email	Andrew Ghofrani	Frank Rockwood
6/5/2021	Neighbor Reached Out Regarding Annual Clearing of Brush by 50 Clifton Ave.	Neighbor	Email	Michael Walton	Alex Gerasimov
6/14/2021	Communicate with Neighbor re: Request for Project Update	Neighbor	Email	Julie Ritter Southern	Frank Rockwood
6/14/2021	Communication with Neighbor re: Upcoming DEIR Meeting 6/23/21	Neighbor	Email	Julie Ritter Southern and Andrew Ghofrani	Frank Rockwood
7/6/2021	Communication with Neighbor re: Upcoming Open House - Checking on Aug 9 Date	Neighbor	Email	Julie Ritter Southern	Frank Rockwood
7/20/2021	Open House 9 Invitation	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
8/9/2021	Open House 9	Neighbors	Video Meeting	Julie Ritter Southern, Larry Lenheart, Evelyn/Irving Mitsunaga, Andrew Ghofrani, Matt Hood	Frank Rockwood, Chris Ichien, David Gates, Mark Falgout, Laura-Worthington-Forbes, Alex Gerasimov, Victor Ceron, Mary McMullin
8/10/2021	Sent Link to Recording of Open House 9 To All Registered Neighbors, Whether They Attended Or Not	Neighbors	Email	Julie Ritter Southern, Larry Lenheart, Evelyn/Irving Mitsunaga, Andrew Ghofrani, Matt Hood, Cathy Colgan, Karen Kurz, Zane Rowe, Fred Lester, James Farwell	Susan Rockwood
8/19/2021	Neighbor Reached Out Regarding RV Parked on Clifton	Neighbor	Email	Cathy Colgan	Frank Rockwood, Alex Gerasimov
8/26/2021	Neighbor Reached Out RE: Property Transfer	Neighbor	Email	Fred Lester	Frank Rockwood
10/11/2021	Letter from Neighbor to Town Staff re: Story Poles	Neighbor/Town	Letter_to_Town	Julie Ritter Southern	N/A
10/12/2021	Communication with Neighbors re: Upcoming Oct. 19 Public Meeting	Neighbors/Organizations	Letter/Email	[Sent to neighborhood & local businesses distribution list]	Letter from Chris Ichien; email from Frank Rockwood
10/18/2021	Letter from Neighbor to Town Staff re: Story Poles	Neighbor/Town	Letter_to_Town	Andrew Ghofrani	N/A
10/18/2021	Letter from Neighbor to Town Staff re: Story Poles	Neighbor/Town	Letter_to_Town	Esther Grant	N/A

Appendix E
Listing of Communications

DATE	DESCRIPTION	CONSTITUENCY	COMM_TYPE	INDIVIDUALS	COVIA_TEAM_REPRESENTATIVES
10/19/2021	Town Council Hearing re: Story Pole	Neighbor/Town	Video Meeting	Matthew Hudes, Mary Badame, Jeol Paulson, Sean Mullins Rob Rennie, Marico Sayoc, Maria Ristow (recused)	Frank Rockwood, Mark Falgout, Chris Ichien, Laura Worthington-Forbes (Ashley Snodgrass from California Story Poles was on the call but had to leave before the project was discusseed).
11/16/2016	Letter from Neighbor to Town Staff re: Story Poles	Neighbor/Town	Neighbor/Town	Julie Ritter Southern	N/A
12/1/2021	Letter from Neighbor to Town Staff re: Visual Impacts	Neighbor/Town	Neighbor/Town	Andrew Ghofrani	N/A

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From: Andrew Ghofrani <[redacted]>
Sent: Monday, February 8, 2021 10:11:19 PM
To: Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Planning <Planning@losgatosca.gov>
Cc: Ryan Safty <RSafty@losgatosca.gov>; Andrew Ghofrani <[redacted]>; Feri Ghofrani <[redacted]>
Subject: Los Gatos Meadows- Reconstruction / expansion
Dear Mrs. Zarnowitz,

I am currently a resident of Town of Los Gatos, residing at [redacted]. I have been a resident of Santa Clara County for the past 42 years. I have been an active member of this community, currently a Vice President at Granite Construction Company, responsible for the Heavy Construction Division for the Western United States. It is has come to my attention that the Meadows of Los Gatos is proposing to increase the existing building heights from 55' to 88.5'. My property is directly situated behind the Meadows on Wood Road, and this increase in elevation will directly block my view. We primarily chose this property because of its view of downtown and the valley in front of our house. Since we don't have a usable front yard, our front deck serves as our primary entertainment area and considered a special amenity with added value to our property.

Last week we had a visit by the architect, the project manager along with his assistant of the reconstruction project, asking to take a picture from our front deck point of view. In the same visit, the architect admitted that our view will be affected by the additional height. I have also learned that for some reason the Meadows management has asked for a waiver on putting up story poles in its application process.

It is really disturbing that the Meadows is planning to block our view completely without sharing its plan and the bulk of the intended buildings. A lot of my property value is directly correlate to its view and the possible blockage is totally unacceptable.

I have a serious objection to the height increase of this construction directly in front of my property and want to be on record to that effect. Please advise about the application process as I along with my neighbors want to share our opposition to this increase in elevation.

I can be reached at [redacted] or my email [redacted]

Thank you for your attention.

Andrew Ghofrani P.E

EXHIBIT 14

From: Joseph Gemignani <[redacted]>
Sent: Sunday, February 21, 2021 12:08 PM
To: Jocelyn Shoopman <jshoopman@losgatosca.gov>
Subject: 110 Wood Road

Hi Jocelyn, the project proposed at 110 Wood road just seems to tall and too dense.
Also, can we get a more traditional style of architecture?

Joseph (amateur weatherman)

From: Esther Grant <[redacted]>
Sent: Thursday, February 25, 2021 7:11:28 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Removoal of large procted trees

Property zoned R:PD APN 510-47-038, If you are removing these tree's for the purpose of having more land to build on, than I would have a Tree Surgeon, give their professional opinion! As a concerned neighbor, I would not want to see the destruction of gorgeous protected tree's for selfish reasons.

Esther Grant

[redacted]

[redacted]

From: Matthew Southern <[redacted]>
Sent: Wednesday, July 21, 2021 9:57 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: 110 Wood Road

Hello Mr. Mullin -

Thank you for your service to the town of Los Gatos.

I'm writing to you as a resident of Wood Road concerned about the plans for 110 Wood Rd.

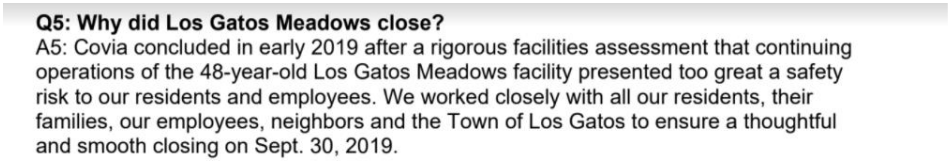
According to the town website, the planned development at 110 Wood Road is happening as the current "Los Gatos Meadows facility presented too great a safety risk to our residents and employees" (see screenshot). On that note, were there any specific risks that were provided?

I'm curious as to how a larger and taller Los Gatos Meadows facility will be safer for residents and employees - especially if the Broadway access road is to be closed as part of the plans. Considering the previous issues the Meadows has had with evacuation during the 1997 Cats fire, I would think a larger building with less access roads would be less safe than what is currently standing.

Thanks for listening to my concerns. Please let me know if there is any additional information you may need.

Thanks,
Matthew Southern

[redacted]
Los Gatos



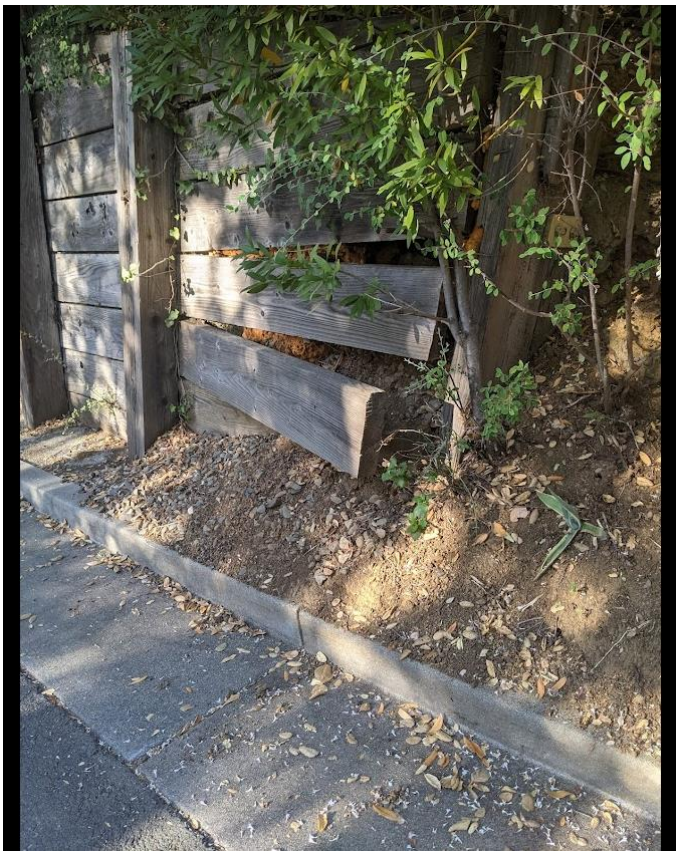
Q5: Why did Los Gatos Meadows close?
A5: Covia concluded in early 2019 after a rigorous facilities assessment that continuing operations of the 48-year-old Los Gatos Meadows facility presented too great a safety risk to our residents and employees. We worked closely with all our residents, their families, our employees, neighbors and the Town of Los Gatos to ensure a thoughtful and smooth closing on Sept. 30, 2019.

From: Julie Southern [redacted]>
Sent: Saturday, July 24, 2021 1:35 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: 145 Wood Road - new build

Hello Mr Mullin,
I live at [redacted] and received the green notice about site application s-21-003. I met with the new neighbors several months ago when the story poles went up. I have no specific issues with their plan, just the usual: increased noise and road traffic from the build, keeping their build traffic from using my driveway to park or turn around, will it be restricted to 8-5pm, M-F like it was when I built 135 Wood?

In fear of sounding like a broken record, the concern of more traffic on Wood road is that the Meadows is proposing to close one alternative access point - the only access point, except from Wood Road. I lived thru the 1997 fire and access was KEY. Again, this is a general comment to anything going on at Wood Road.

And lastly, it would be nice if the town would repair the town retaining wall adjacent to my driveway - do let me know if I should submit this to someone else! See picture below. It will only get worse with the traffic on Wood.



Thank you
Julie Southern

From: Andrew Ghofrani <[redacted]>
Sent: Monday, October 11, 2021 9:52 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Andrew Ghofrani <[redacted]>; Julie Southern [redacted]>; Bernd Neudecker <[redacted]>
Subject: 110 Wood Rd LG

EXTERNAL SENDER

Dear Sean,

It has come to my attention that the developer is asking for an exception about putting up the complete story poles for full visualization. In a joint zoom meeting in early June, I was assured that they fully intend to install story poles & orange netting in early October.
I want to be on record again about my objection to a waiver of this requirement as i have previously stated as well. The only way to truly realized the full visual impact of this massive project is to see the story poles and orange netting.
The story poles are needed for full transparency and any waiver to that will not be the right approach.

Please acknowledge the receipt of this email and adding my objection to the record.

Thank you,

Andy Ghofrani
[redacted]

From: Andrew Ghofrani <[redacted]>
Sent: Wednesday, December 1, 2021 10:40 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Bernd Neudecker [redacted]>; C So <[redacted]>; Julie Southern [redacted]>; Andrew Ghofrani <[redacted]>
Subject: Re: 110 Wood Rd LG

EXTERNAL SENDER

Dear Sean
Attached please find a current view from my front deck showing the story poles. In the first file you see the story poles and the second view shows the proposed building in darker shading. As you can see there is a major impact to my view. Please advise what is my recourse for objecting to this situation and if there are any remedies to reducing the impact.

Please add these pictures to your public project folder.

Thank you
Andy Ghofrani
[redacted]





From: Todd Johnson <[redacted]>
Sent: Thursday, December 23, 2021 10:16 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Wood Rd.

EXTERNAL SENDER

The story poles indicate this will be a massive project. The buildings will not fit into the surrounding hillside area whatsoever. Given how the town has tried to preserve the hillsides I am just shocked that someone would even propose such a development. Thus, I'm opposed to the development is it is story poles.

Todd Johnson
[redacted]
[redacted]

From: Michael Kennedy <[redacted]>
Sent: Saturday, January 1, 2022 1:39 PM
To: Rob Rennie <RRennie@losgatosca.gov>
Cc: Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>; Janette Judd <jjudd@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
Subject: Re: Proposed construction project, height blocking hillside views - site of former Los Gatos Meadows

EXTERNAL SENDER

Adding Joel Paulson and Janette Judd to distribution. It appears that the building height has been increased by 2-3X, see photos below. In a recent proposed commercial development, building heights at the north entrance of town were limited to protect hillside views. One would expect the same policy also applies for the south entrance of town. Is there an easy way to limit building height to the structures currently in place and still satisfy the needs of the community? Mike





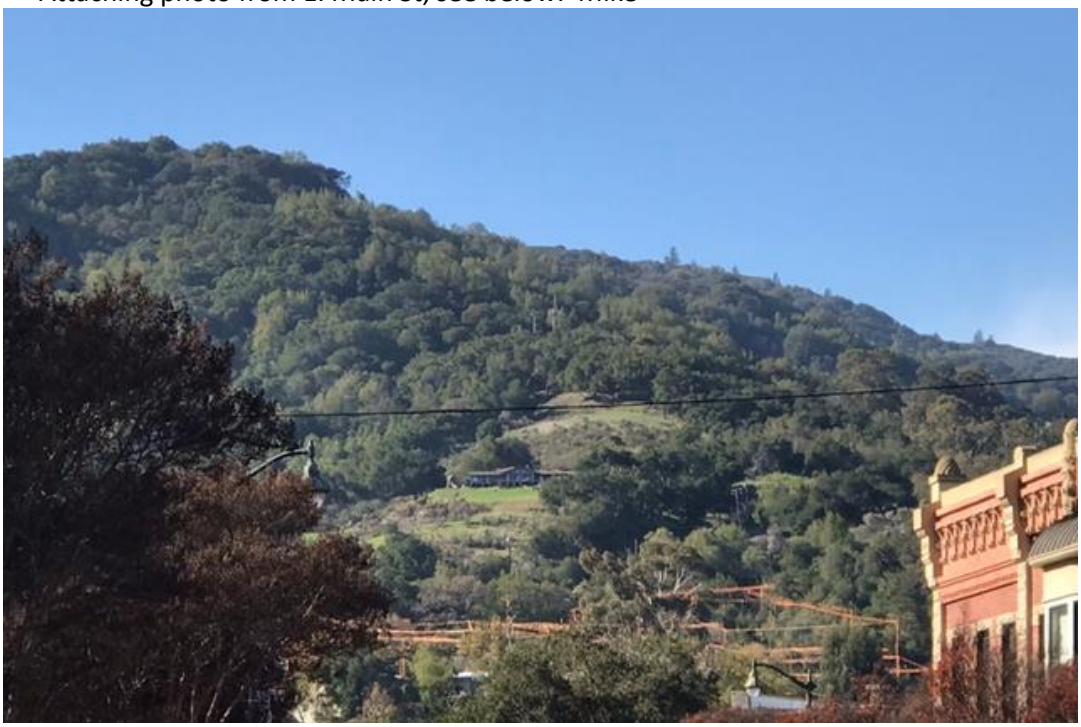


Sent from my iPhone

> On Dec 21, 2021, at 1:46 PM, Michael Kennedy <[redacted]> wrote:
> I'm also concerned about increased hillside fire risk and especially loss of privacy from proposed project views into my bathroom and bedroom windows. Mike
>



>
>
> Sent from my iPhone
>
>> On Dec 21, 2021, at 1:30 PM, Michael Kennedy <[redacted]> wrote:
>>
>> Attaching photo from E. Main St, see below. Mike



>>
>>

>>
>> Sent from my iPhone
>>
>>> On Dec 21, 2021, at 1:27 PM, Michael Kennedy <[redacted]> wrote:
>>> Dear Mr. Rennie,
>>> I'm writing to ask you and other councilmembers to kindly consider reducing the size and scale of the proposed hillside construction project on the site of former Los Gatos Meadows.
>>> I woke up the other day and saw tall story polls from my bedroom window on [redacted]. I was astonished that the proposed building height would actually extend above the nearby hillside ridge tree line, see photo below.



>>> I've provided another photo of the project returning home from the library today on the east side of town, see below. The width of the project from this perspective could be reduced in size to scale other buildings on the hillside to blend more uniformly with the surrounding landscape.
>>> I respectfully object to approval of this project as it is proposed. Can you please ask the developer to kindly scale back the project to an a more appropriate size to avoid diminishing the beautiful hillside views of our lovely town?
>>> Best regards,
>>> Mike Kennedy
>>> [redacted]
>>> Sent from my iPhone

From: Michael Kennedy <[redacted]>
Sent: Tuesday, December 28, 2021 8:28 AM
To: Rob Rennie <RRennie@losgatosca.gov>
Cc: Janette Judd <jjudd@losgatosca.gov>
Subject: Re: Proposed construction project, height blocking hillside views - site of former Los Gatos Meadows

EXTERNAL SENDER

Understood and agreed. One wonders if the community would be better served by establishing moderate building height limits to protect neighbor privacy and hillside beauty from aggressive development projects. The sudden unsightly appearance of a sprawling and tall building complex towering above all others in a scenic bucolic landscape seems wrong. Mike

Sent from my iPhone

On Dec 28, 2021, at 6:45 AM, Rob Rennie <RRennie@losgatosca.gov> wrote:

Mike,
The 1st step is planning commission. They have the authority to ask for changes or they will not approve. The council puts high consideration on planning commission work when approving projects or asking for changes.

I recommend helping to make sure there is a robust discussion at the planning commission about this project.

Thank You,

Rob Rennie

Los Gatos Town Mayor

Help me prevent brown act violations. Please do not forward this email

From: Chad <[redacted]>
Sent: Wednesday, January 5, 2022 5:24 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Cc: Lauren Kutting <[redacted]>
Subject: Regarding 110 Wood Road Application PD-20-001

EXTERNAL SENDER

Hello, my name is Chad Kutting, resident of [redacted] in Los Gatos. I received notice of the upcoming planning meeting to discuss the 110 Wood Road application. To date, we have been supportive of the revitalization of the Wood Road property but have grown concerned after the most recent story poles went up. Our home faces south towards one of the proposed buildings and the bulk and mass appears to be significantly larger than appropriate for the hillside. The unobstructed view of the trees and hillside is now covered end to end with the proposed massive structure. In the attached photos you can see how the new structure would dwarf the surrounding homes. Photos attached below.

Our hope is that this section can be reduced in mass to better fit within the guidelines for our town.

Sincerely -
Chad and Lauren Kutting
[redacted]



Source: Planning Website (https://www.losgatosca.gov/2393/W)

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DATE: January 11, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval of a Planned Development for Construction of a Senior Living Community, Removal of Large Protected Trees, and Site Improvements Requiring a Grading Permit on Property Zoned R:PD. **Located at 110 Wood Road**. APN 510-47-038. Planned Development Application PD-20-001 and Environmental Impact Report EIR-21-002. APPLICANT: Rockwood Pacific. PROPERTY OWNER: Covia Communities. PROJECT PLANNER: Sean Mullin.

REMARKS:

Below is an updated table of earthwork quantities clarifying the grading quantities that contribute to a Grading Permit. This table is to replace the table included on page nine of the Staff Report. Exhibit 16 includes a letter from the applicant providing an update on their community engagement efforts and additional renderings of the proposed project. Exhibit 17 includes additional public comments received between 11:01 a.m., Friday, January 7, 2022 and 11:00 a.m., Tuesday, January 11, 2022.

Preliminary Earthwork Quantities

Type	Cut (cy)	Fill (cy)	Net (cy)		Max Cut Depth (ft)	Max Fill Depth (ft)
Buildings*	113,000	1,000	112,000	<Cut>	61.5	3.5
Driveways	9,900	2,300	7,600	<Cut>	21.0	14.0
Sidewalk	3,700	700	3,000	<Cut>	20.5	10.5
Landscape	13,100	2,400	10,700	<Cut>	27.0	13.5
Utility Spoils	7,000	--	7,000	<Cut>		
TOTAL	**146,700**	**6,400**	**140,300**	**<Cut>**		
GRADING PERMIT TOTAL**	**33,700**	**5,400**	**39,100**			

* Excavation within building footprints does not count toward a Grading Permit.
** Cumulative total of site grading quantities counting toward a Grading Permit.

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

EXHIBITS:

Previously received under separate cover:

1. May 2021 Draft Environmental Impact Report (available online at www.losgatosca.gov/110WoodRoad)
2. September 2021 Final Environmental Impact Report and Mitigation Monitoring and Reporting Program (available online at www.losgatosca.gov/110WoodRoad)

Received with the January 12, 2022 Staff Report:

3. Location Map
4. Required Findings
5. Required CEQA Findings of Fact
6. Conceptual Development Advisory Committee Staff Report, April 9, 2008
7. Conceptual Development Advisory Committee meeting minutes, April 9, 2008
8. Project Description and Letter of Justification, January 3, 2022
9. Town's Consulting Architect Report, May 8, 2020
10. Applicant's response to Town's Consulting Architect recommendations, May 22, 2020
11. Arborist Report by Hort Science, October 12, 2020
12. Town's Consulting Arborist peer review report, February 12, 2021
13. Supplemental community engagement letter, December 9, 2021
14. Public comments received by 11:00 a.m., Friday, January 7, 2022
15. Planned Development Ordinance with Exhibit A Rezone Area and Exhibit B Development Plans, July 27, 2021

Received with this Addendum Report:

16. Supplemental community engagement letter with visualizations, January 11, 2022
17. Public comments received between 11:01 a.m., Friday, January 7, 2022 and 11:00 a.m., Tuesday, January 11, 2022

January 11, 2021

Ms. Melanie Hanssen, Chair
Los Gatos Planning Commission
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

RE: Community Engagement Update + Visualization Updates
Rebuild of Los Gatos Meadows

Dear Ms. Hanssen:

This letter supplements our justification letter of January 6, 2022, and our prior community engagement update letter of December 9, 2021, related to the rebuild of Los Gatos Meadows (the "project"), the 10.84-acre site located at 110 Wood Road (APN 510-47-038) at the intersection of Wood Road and S. Santa Cruz Avenue in Los Gatos.

Since our December 9th letter, we held our 10th neighborhood open house meeting. Given recent installation of the story poles and lead up to the Planning Commission public hearing tomorrow , it was well attended (13 neighbors). The primary focus on our update related to visual impacts and construction processes. There were several questions related to the visual impacts & simulations, construction hours/truck trips, tree removal and proposed landscaping, and building heights each of which we addressed. There were a few miscellaneous questions, not directly related to our application, but nonetheless important to our neighbors, that our team will respond to over in the next few days.

Attached herein is an updated an Updated Listing of Meetings with Neighbors and Community (Appendix D).

As previously indicated, we continue to update a Frequently Asked Questions (FAQ) document and posts this document to the Los Gatos Meadows page of the Covia web site: https://covia.org/los-gatos-meadows/

This web site also has a video summary of the overall proposed project and well as a video focusing on our plans to employ self-driving vehicles.

Respectfully,



Francesco J. Rockwood
Rockwood Pacific Inc.
Applicant

Attachment
- Updated Listing of Meetings with Neighbors and Community (Appendix D)
- Updated visualizations

Appendix D
Listing of Meetings with Neighbors and Community

Type of Meeting	Date	Time	Location	Attendee	Notes from Meeting	Outcome
Open House 1	03/08/18	7:30-9PM	Los Gatos Meadows	Maria Ristow, Irving & Evelyn Mitsunaga, Robert Mullan(Toll House)	General introduction of intent to rebuild Los Gatos Meadows	Kicked-off neighborhood communications plan
Open House 2	04/18/18	7-8PM	Los Gatos Meadows	Julie Ritter Southern, Maria Ristow, Claire Leclaire, Cathy Colgan	General introduction of intent to rebuild Los Gatos Meadows; similar material to first meeting	Kicked-off neighborhood communications plan
Open House 3	05/03/18	7-8PM	Los Gatos Meadows	Karen Kurtz, Linda Iversen, Sue Fairley	Attendees interested in architecture and supplemental transportation options	Design team elevated analysis of supplemental transportation alternatives
Open House 4	05/20/18	3-4PM	Los Gatos Meadows	John and Jean Richardson, Stanford Stickney and 3 other family members	Questions related to timeline, storm drainage, and fire risk	Resolved current storm drain issue and initiated planning to mitigate fire risk through brush removal
Focus Groups (3 Sessions)	10/2/2018 - 10/3/2018	Varies	Toll House	36 older adults participated in 3 sessions. Participants were drawn from the local area. Participants were promised confidentiality.	Sensitive to how various attributes or requirements may drive cost, supplemental transportation system very important, limited enthusiasm for LEED certification but recycling and energy efficiency important, limited enthusiasm for facilitating non-residents/non-guests on campus, preference for larger, more spacious units, recommendation to minimize long corridors, preference for multiple dining venues and ample on-site amenities such as fitness center, walking trails, access to town, casual dining, library, coffee shop, and access to on-site support care.	Design team made applicable refinements to concept plan
Open House 5	12/06/18	7-8PM	Los Gatos Meadows	Julie Ritter Southern, Matt and Marlena Hood and friend, Mike Wasserman	Question about timing, policy related to relocation of existing residents, impact on visibility to neighbors above, use of solar panels and roof color, impacts on traffic (with specific concerns about summer traffic), site security during closure, parking, noise impacts and construction parking. Requested advance notifications of all construction work that could affect access. Some residents on Wood Road would prefer that Farwell Lane continue to support regular vehicle traffic. A video summary of the meeting was posted at: https://vimeo.com/278024461	Feedback informed further refinement to concept plan. With regard to Wood Road traffic impacts, design team is prioritizing minimizing errant trips up Wood Road past the main entrance, and more importantly, further prioritizing the supplemental transportation system to convert more trips to autonomous vehicle, pedestrian or bike trips. Also, currently planning to include solar panels.
Open House 6	10/10/19	7-8PM	Toll House	Julie Ritter Southern, Maria Ristow, Jamie Garcia & Friend, Irving & Evelyn Mitsunaga	Questions about Wood Road traffic, availability of Wood Road for evacuation, potential impact of project on housing element, and recommendation to deploy goats to further reduce fire risk. Request for copy of facts and figures table.	Confirmed that project not expected to affect housing element. Planning to deploy goats on property this spring; planning to make commitment to make Wood Road available for evacuation during emergencies.
Open House 7	03/05/20	7-8PM	Los Gatos United Methodist Church	None	General heightened sensitivity due to COVID-19 may have been a factor in suppressing turnout.	Produced and circulated video update; available at Covia/Los Gatos Meadows website https://covia.org/los-gatos-meadows/
Open House 8	12/03/20	7-8PM	Zoom Meeting	Julie Ritter Southern, Fred Lester, Matt Wood, Zane Rowe, Gary/Jamie Garcia, Claire Leclair, Evelyn/Irving Mitsunaga, Robert Macartney, Matthew Bigge	Green roof (Fred), Solar (Julie), incline elevator (Fred), security current through construction (Matt), views from 135 Wood and story pole modification request (Julie), visualization from 100 Wood Rd (Matt), Condo v. CCRC (Julie), fire evacuation (Matt), parking for construction (Fred), construction traffic (Matt)	Provided advance notice of intent to seek modification to Town's Story Pole Policy
Public Hearing - Story Pole Exception Request	01/19/21	7-9PM	Zoom Meeting	Town Council and Town Staff (in advance of meeting, staff received letters from Clare Southern, Matthew Southern and Mark Rigoli (via Council Member Maria Ristow)	No public comments; council members discussed merits and concerns regarding proposal	Consideration for request for fewer poles continued to future council meeting (subsequently withdrew modification request)
NOP Meeting	02/25/21	7-7:15PM	Zoom Meeting	Presenters: Joel Paulson, Jocelyn Shoopman, Sean Mullin, Terri Wissler Adam (EMC Planning). Public Attendees: Matt Hood	Matt Hood inquired about availability of video recording of the NOP meeting	

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Appendix D
Listing of Meetings with Neighbors and Community

Type of Meeting	Date	Time	Location	Attendee	Notes from Meeting	Outcome
Open House 9	08/09/21	7-8PM	Zoom Meeting	Presenters: Frank Rockwood, Mark Falgout, David Gates, Chris Ichien	Comments and questions related to: clarify visual impacts (during and after construction), number of expected truck trips, construction hours, placement of parking, project schedule, emergency circulation and clarification of employee break area	
City Council Public Hearing - Story Pole Exception Request	10/19/21	7-10PM	Zoom Meeting	Town Council and Town Staff (in advance of meeting, staff received letters from Julie Southern, Esther Grant and Andrew Ghofrani)	Frank Rockwood and Mark Falgout stepped through request. No public comments; council members discussed merits and concerns regarding proposal as well as addressed policy in general	Request was granted to use flags versus netting with condition of using 2 rows of flags.
Open House 10	01/10/22	7-8PM	Zoom Meeting	Presenters: Frank Rockwood, Mark Falgout, David Gates, Chris Ichien, Victor Ceron, Laura Worthington-Forbes; Attendees: Gillian and Mike Verga, Julie Ritter Southern, Clare Southern, Matt Southern, Cathy Colgan, Maria Ristow, Andrew Ghofrani, Michael and Kimberley Wasserman, Omari and Kavita Bouknight, Cindy Slain	Comments and questions related to: massing, visualizations (from specific neighbors on Wood Road and Tate & Main Street), Broadway use for pedestrians, construction hours and traffic route, access to vineyard above Los Gatos Meadows, solar panels, undergrounding, PG&E lines, TV antennae tower, color of roof and buildings	Project team to follow up with neighbors re: distribution of massing and additional details on building heights

VIEW CORRIDORS

49 E MAIN STREET



EXISTING
(JULY 2021)



PROPOSED
(JULY 2021)



VIEW WITH STORY POLE
(DECEMBER 2021)



FINE TUNED ARCHITECTURE BASED ON STORY POLE LOCATIONS
(JANUARY 2022)

VIEW CORRIDORS

49 E MAIN STREET - ENLARGED



VIEW WITH STORY POLE



FINE TUNED ARCHITECTURE
BASED ON STORY POLE LOCATIONS

VIEW CORRIDORS

S SANTA CRUZ AVENUE & WOOD ROAD



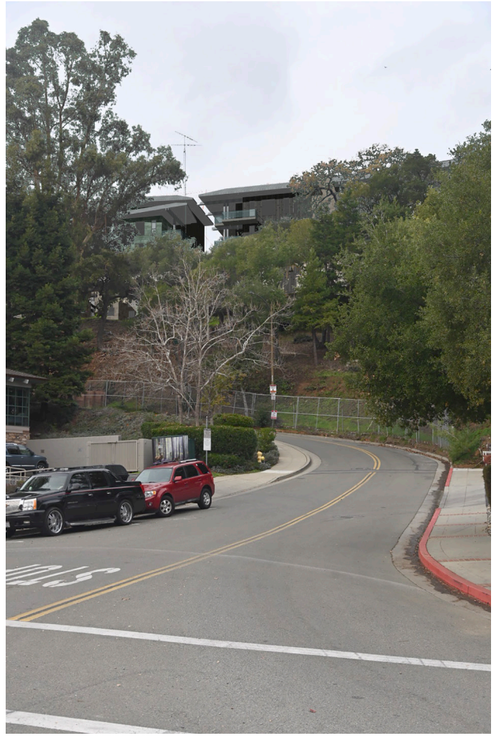
EXISTING
(JULY 2021)



PROPOSED
(JULY 2021)



VIEW WITH STORY POLE
(DECEMBER 2021)



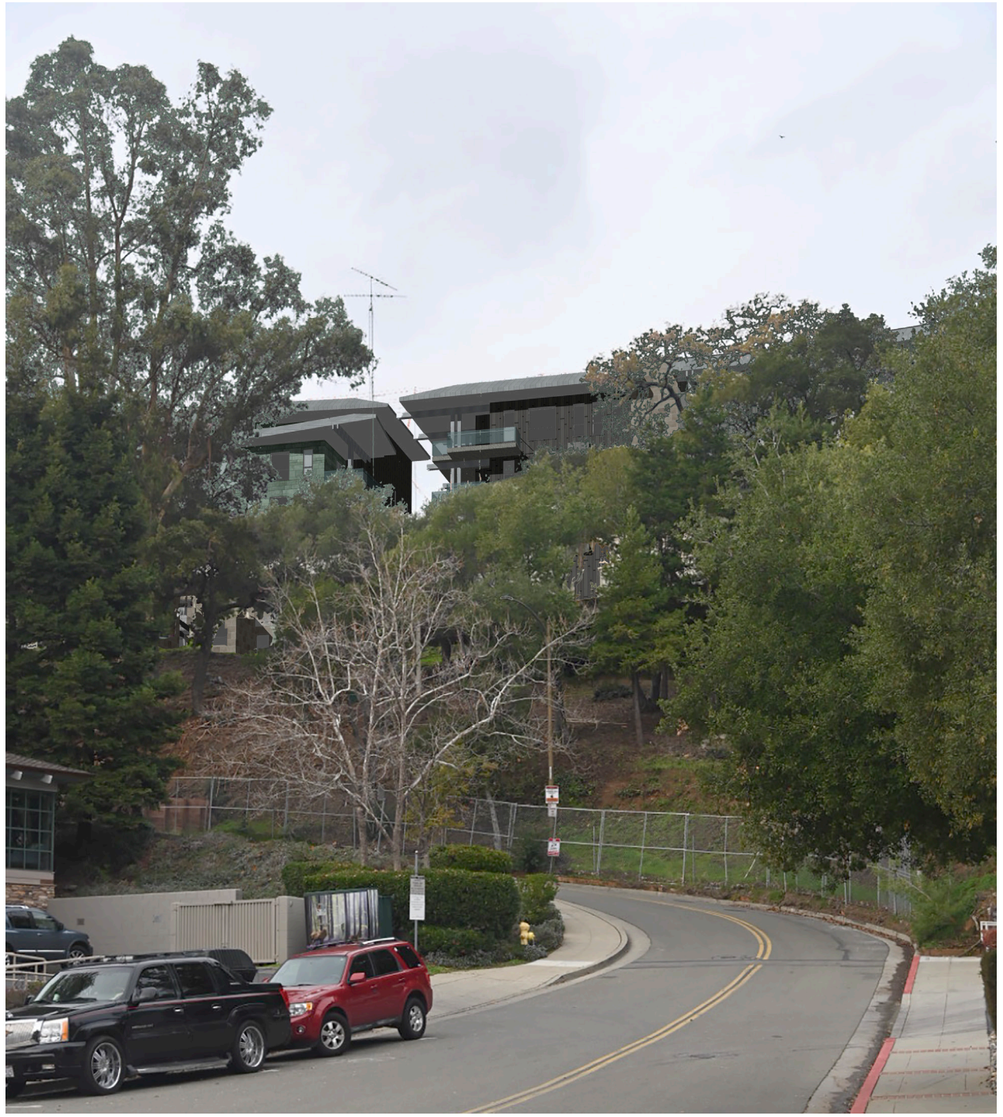
FINE TUNED ARCHITECTURE BASED ON STORY POLE LOCATIONS
(JANUARY 2022)

VIEW CORRIDORS

S SANTA CRUZ AVENUE & WOOD ROAD - ENLARGED



VIEW WITH STORY POLE



FINE TUNED ARCHITECTURE
BASED ON STORY POLE LOCATIONS

VISUALIZATION

UPPER WOOD ROAD



VIEW WITH STORY POLE

(DECEMBER 2021)



FINE TUNED ARCHITECTURE
BASED ON STORY POLE LOCATIONS

(JANUARY 2022)

VISUALIZATION

121 WOOD ROAD



PROPOSED
(MAY 2021)



VIEW WITH STORY POLE
(DECEMBER 2021)



FINE TUNED ARCHITECTURE
BASED ON STORY POLE LOCATIONS
(JANUARY 2022)

From: Michael Kennedy <[redacted]>
Sent: Sunday, January 9, 2022 11:16:33 AM
To: Rob Rennie
Cc: Maria Ristow; Mary Badame; Matthew Hudes; Marico Sayoc; Janette Judd ; Joel Paulson
Subject: Re: Proposed construction project, height blocking hillside views - site of former Los Gatos Meadows

EXTERNAL SENDER

Adding an additional photo taken from Broadway neighborhood, see below. Mike.



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DATE: January 12, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval of a Planned Development for Construction of a Senior Living Community, Removal of Large Protected Trees, and Site Improvements Requiring a Grading Permit on Property Zoned R:PD. **Located at 110 Wood Road**. APN 510-47-038. Planned Development Application PD-20-001 and Environmental Impact Report EIR-21-002. APPLICANT: Rockwood Pacific. PROPERTY OWNER: Covia Communities. PROJECT PLANNER: Sean Mullin.

REMARKS:

Exhibit 18 includes additional site plan diagrams provided by the applicant. Exhibit 19 includes additional public comments received between 11:01 a.m., Tuesday, January 11, 2022 and 11:00 a.m., Wednesday, January 12, 2022.

EXHIBITS:

Previously received under separate cover:
1. May 2021 Draft Environmental Impact Report (available online at www.losgatosca.gov/110WoodRoad)
2. September 2021 Final Environmental Impact Report and Mitigation Monitoring and Reporting Program (available online at www.losgatosca.gov/110WoodRoad)

Previously received with the January 12, 2022 Staff Report:
3. Location Map
4. Required Findings
5. Required CEQA Findings of Fact
6. Conceptual Development Advisory Committee Staff Report, April 9, 2008
7. Conceptual Development Advisory Committee meeting minutes, April 9, 2008
8. Project Description and Letter of Justification, January 3, 2022

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

EXHIBITS (continued):

9. Town's Consulting Architect Report, May 8, 2020
10. Applicant's response to Town's Consulting Architect recommendations, May 22, 2020
11. Arborist Report by Hort Science, October 12, 2020
12. Town's Consulting Arborist peer review report, February 12, 2021
13. Supplemental community engagement letter, December 9, 2021
14. Public comments received by 11:00 a.m., Friday, January 7, 2022
15. Planned Development Ordinance with Exhibit A Rezone Area and Exhibit B Development Plans, July 27, 2021

Previously received with the January 12, 2022 Addendum Report:

16. Supplemental community engagement letter with visualizations, January 11, 2022
17. Public comments received between 11:01 a.m., Friday, January 7, 2022 and 11:00 a.m., Tuesday, January 11, 2022

Received with this Desk Item Report:

18. Site plan diagrams
19. Public comments received between 11:01 a.m., Tuesday, January 11, 2022 and 11:00 a.m., Wednesday, January 12, 2022

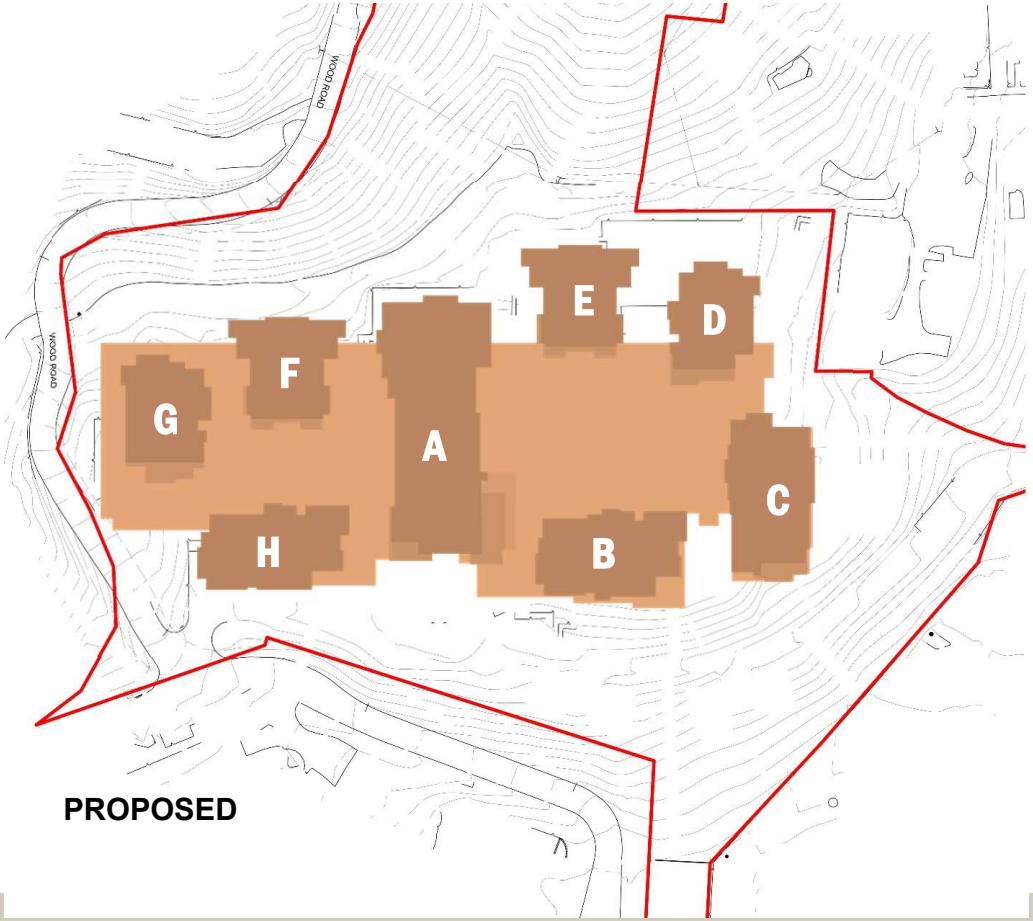

VILLA D
VILLA C
VILLA E
VILLA B
VILLA A
VILLA F
VILLA H
VILLA G
EMERGENCY ACCESS ROAD
MAIN ENTRANCE
LOADING TRASH
GARAGE ENTRANCE
WOOD ROAD
S SANTA CRUZ AVE

EXHIBIT 18

DEVELOPMENT AREA



EXISTING



PROPOSED

VILLA HEIGHTS

EXISTING ELEVATIONS



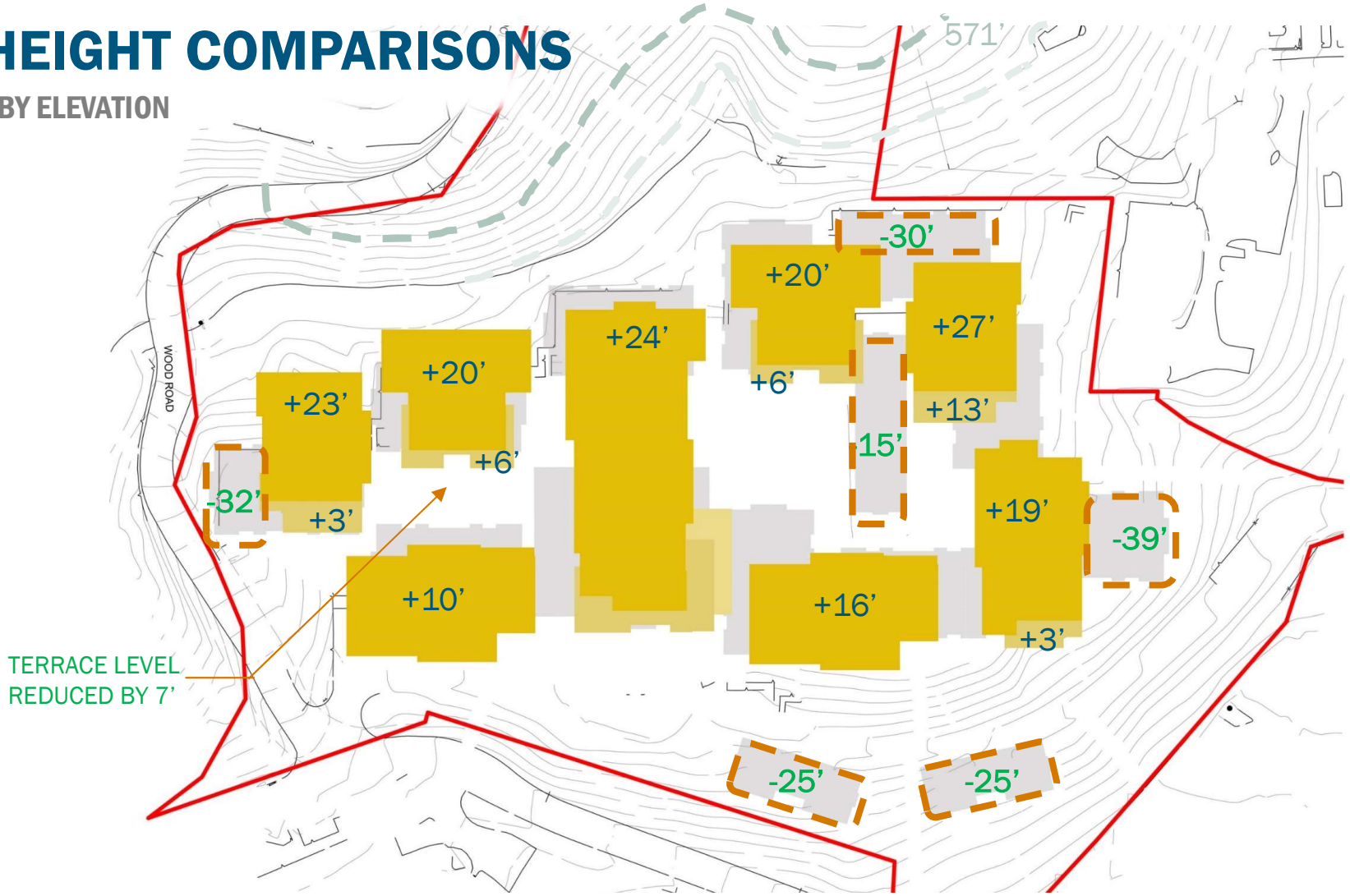
VILLA HEIGHTS

EXISTING ELEVATIONS



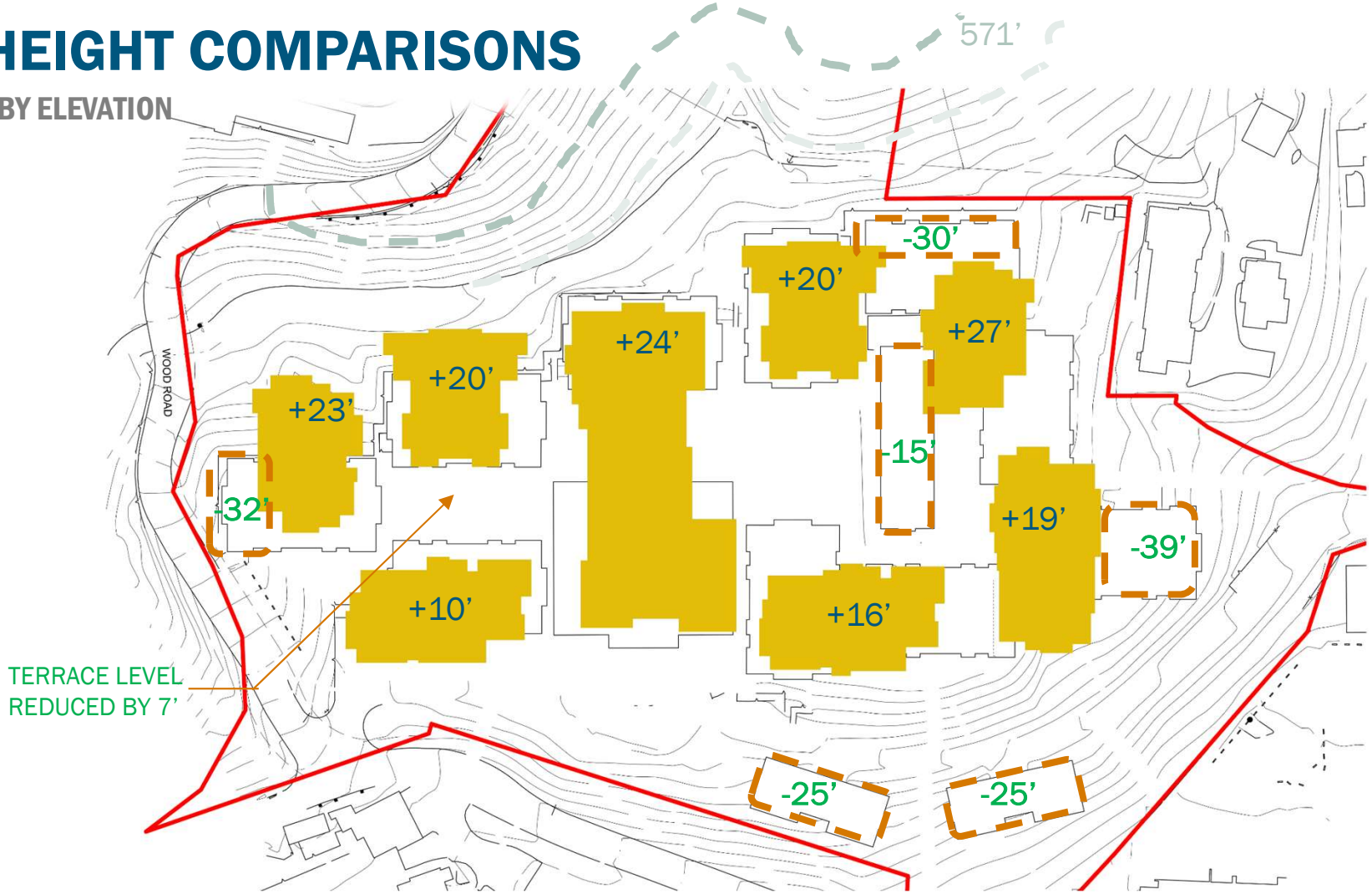
HEIGHT COMPARISONS

BY ELEVATION



HEIGHT COMPARISONS

BY ELEVATION



-----Original Message-----
From: Esther Grant <[redacted]>
To: smullin@losgatosca.gov <smullin@losgatosca.gov>
Sent: Tue, Jan 11, 2022 11:25 am
Subject: Fwd: Planed Development App.PD-20-001. APN 510-47-038

Sean,
If you want to get a prospective view(this project for PD20=001, that can be seen all over Los Gatos), go out to Main St. from your Planning Office, turn left onto Main, drive about a block and a half, look to your left, toward the foothills, until you see a"Massive Complex with Orange Flag's blowing in the wind. Now imagine living behind or surrounding this, your view is now only this structure, you will have to go through massive removal of beautiful tree'e, massive grading, massive construction, equipment noise , gas smell(dirt, dust),..... etc. You will not have the serene, open green space next to you, the quite, peaceful, Loas Gatos is gone! How would you like to live like that?

Esther Grant

From: Esther Grant <[redacted]>
Sent: Monday, October 18, 2021 1:18 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Planed Development App.PD-20-001. APN 510-47-038

EXTERNAL SENDER

Project Planner Sean Mullin,

I Esther Grant(Wincott), [redacted]., Los Gatos., my property along with 50 and 100 clifton ave., are connected to(Meadows) 110 Wood Road. At the lower right of the map you will see "Wood Road", you can also see the top of Wood Road!" MY [redacted]property is located behind the Meadows at the prior Rose Garden, and some of the existing apartment's. Our properties are also joined to "The Meadows Open Space", Green space. My concern is not only the visual, but the hazard to protected wild life, we(the Meadows) has Eagle's, Falcon's, Red tailed Hawk's(on our properties), just to name a few. We do not want "story Poles, extended flag poles, any poles with netting on them, to snag any birds"!

You can adjust the map size, at the top of the map.



I have two regular PG&E pole's, that is connected to a third pole at 110 Wood Road, the middle pole on my property connects to three sub poles, that provides our [redacted] (Clifton) PG&E electricity. See PG&E right away on [redacted]. The S/E, PG&E right/away continues to 110 Wood Road, to service the third pole. I would not want any of the proposed poles to jeopardize my land, Bird's, PG&E pole's.



Thank You for your consideration,
Esther Grant

From: Esther Grant <[redacted]>
Sent: Wednesday, January 12, 2022 8:40 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Fwd:

EXTERNAL SENDER

-----Original Message-----
From: Mike Weisz <MWeisz@losgatosca.gov>
To: Esther Grant <[redacted]>
Cc: Sean Mullin <SMullin@losgatosca.gov>; Corvell Sparks <CSparks@losgatosca.gov>
Sent: Tue, Jan 11, 2022 4:35 pm
Subject: RE: Fwd:

Good afternoon Esther,

Thank you for your email. The setbacks for the proposed development, as compared to the original/existing setbacks, are tabulated on Page 5 of 16 of the staff report. This table also includes the percentage of original and proposed open space. I have Cc'd Sean Mullin in case there is any additional information that he may have.

Thanks,
Mike

Mike Weisz, P.E. ● Senior Civil Engineer
Parks and Public Works Department ● 41 Miles Avenue, Los Gatos CA 95030
Ph: 408.354.5236 ● mweisz@losgatosca.gov
www.losgatosca.gov ● https://www.facebook.com/losgatosca

Engineering Office Counter Hours: Monday-Friday 8:00am to 1:00pm
Please note the upcoming Town closure: Mon., Jan. 17, 2022

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From: Esther Grant <[redacted]>
Sent: Tuesday, January 11, 2022 4:07 PM
To: Mike Weisz <MWeisz@losgatosca.gov>
Subject: Fwd:

EXTERNAL SENDER

Senior Civil Engineer, Mike Weisz,

The Los Gatos Medows, 110 Wood Road, is Planning a redevelopment project, application number PD20-001, the planning commission will be holding a hearing on January 12, to consider the project. The existing complex is already overbuilt, and has an open area(green area), that is next to [redacted] and [redacted] property, and along side of [redacted]s properties, and extends to Wood Rd. The project is triple the size of the current construction, it will have an underground parking, expand and replace all the two story apartments, with five story apartment's. I was under the impression that when a property development was overbuilt that an open space had to be provided, there is such a space behind the Los Gatos Medows currently, but according to the Planning Department, Project Planner Sean Mullin's, about 94 tree's have already been removed and 140 more tree's are scheduled for removal? The expansion size of he building's plan is to "remove large protected tree's", this way they can have their five story buildings right up to the property line,'s further blocking the view from the surrounding properties(like the Carrlage House Apartments, at 31 Clifton Ave., that will now have a view of a five story building's. The impact of just building(noise, gas powred equipment) this massive complex, let alone all the traffic from apartment owner's will generate from entering on Wood Rd.,(behind the Toll House Hotel, and also from removing sound barrier tree's) and exiting onto Broadway. Are the Land Developer's allowed to construct five story building's up to the property line? Can these Developer's overbuild without a open space(Green Space)? The time frame for the project hearing is tomorrow at 11:30 A.M., for comment's.

Thank you,

Esther Grant

[redacted]

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

Los Gatos Planning Commissioners:	Kathryn Janoff, Chair Melanie Hanssen, Vice Chair Jeffrey Barnett Kylie Clark Steve Raspe Reza Tavana Emily Thomas
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Robert Schultz
Transcribed by:	Vicki L. Blandin (619) 541-3405

P R O C E E D I N G S:

CHAIR JANOFF: We will resume the Planning Commission meeting and move on to Item #3, which is requesting approval of a Planned Development for construction of a senior living community, removal of large protected trees, and site improvements requiring a Grading Permit on property zoned R:PD. Located at 110 Wood Road. APN 510-47-038. Planned Development Application PD-20-001, and Environmental Impact Report EIR 21-002. Applicant, Rockwood Pacific. Property Owner, Covia Communities. The project planner is Sean Mullin.

Are there any disclosures? By a show of hands may I see which Planning Commissioners have visited the property? Thank you for that.

I understand, Mr. Mullin, you'll be giving the Staff Report tonight?

SEAN MULLIN: Yes, thank you, Chair. Before you tonight is a request for a recommendation to the Town Council for a proposed Planned Development Ordinance and Environmental Impact Report for construction of a senior community at 110 Wood Road, the current site of the Meadows senior community.

The EIR was prepared to address potential significant impacts resulting from the project and concluded that all impacts could be mitigated to less than significant.

The subject property is 10.8 acres characterized by a hillside setting, but not located in the hillside area. The site is the home to the Meadows senior community, which operated from 1971 until 2019.

The proposed Planned Development Ordinance in front of you tonight would allow for the demolition of all existing buildings on the site, construction of a new full-service senior living community with 174 independent living units and 17 assisted living units. Removal of 192 trees, including eight large protected trees, and site improvements required a Grading Permit.

The proposed senior community consists of a ground floor podium and eight separate buildings, or villas as they are termed in the plans, constructed above the podium. The podium includes the main entrance to the facility, 17 supporting care units, dining facilities, offices, a fitness center, indoor swimming pool, mechanical areas, and two levels of indoor parking. An outdoor terrace would be located above the podium level, providing common space amongst the villas. The eight villas would then rise

three to five stories above the terrace level with heights from approximately 42-68 feet. The eight villas would include the 174 one- and two-bedroom independent living units in a variety of floor plans. A full description of the project architecture, including a summary of the review by the Town's consulting architect, are included in your Staff Report.

The proposed project is located primarily in the areas of the property with existing development. Site improvements are required for the new podium and villas, subterranean parking areas adjustments to the site plan, and circulation improvements including a new fire access ring road.

Several new retaining walls are required throughout the site with heights from 3-24 feet. The primary function of the new retaining walls is to improve and extend fire access around the project site via the new ring road. As detailed in the Staff Report, the podium and villas would largely screen the walls along the western edge of the development, while those on the eastern edge may be more visible. The applicant has provided a discussion of their efforts to reduce wall heights and visibility in their Letter of Justification. This Letter of Justification does touch on many aspects of the project and

provides a detailed summary of their public outreach efforts conducted since 2018.

Based on the summary provided in the Staff Report, if the Commission finds merit in the proposal you can forward a recommendation to the City Council to make the required findings, certify the Final EIR, adopt the Mitigated Monitoring Reporting Program, and adopt the Planned Development Ordinance.

An Addendum and Desk Item to your Staff Report have been distributed, including additional materials from the Applicant, and additional public comment received after publishing the Staff Report.

This concludes Staff's presentation and we are available for any questions.

CHAIR JANOFF: Thank you, Mr. Mullin. Vice Chair Hanssen.

VICE CHAIR HANSSEN: I have a question for Staff. Since we have not seen a Planned Development proposal along with an EIR for a while, are they supposed to be separate actions? There's the recommendation of the certification of the Final EIR, there's the recommendation of the Planned Development Ordinance, and then I think you mentioned also the recommendation on the Mitigated Monitoring Reporting

Program. Are those all independent actions, or are they one action?

SEAN MULLIN: I'm going to defer to the Director for that question.

JOEL PAULSON: Thank you, Vice Chair Hanssen. They are separate actions. So, for instance, you could make the same recommendation for both the Planned Development and the actions necessary for the EIR; or you could, as an example, recommend adoption and certification of the EIR but recommend denial of the project; or recommend to the Council the Planned Development be approved with modifications. They are independent, so you could technically forward a recommendation that is different on both of those, depending on the outcome of this discussion by the Planning Commission.

VICE CHAIR HANSSEN: Then if I might, Chair, ask a follow up question. There was a discussion also that once the Planned Development Ordinance and the EIR would be approved, later on there would be an Architecture and Site and some other permits that have to be issued, so is the Architecture and Site… Since the proposed Planned Development Ordinance already includes the height, the number of buildings, and we have the plans with the size of the buildings, what would the Architecture and Site cover?

SEAN MULLIN: The Architecture and Site Application would require some additional information. For instance, the eight villas in front of you this evening in your project plans, full elevations of all eight villas are not included, so it's an opportunity to make sure that we have all elevations of those buildings and verify that any project refinements made by the Applicant fit within the framework of any approved Planned Development Ordinance.

VICE CHAIR HANSSEN: So, the Planned Development Ordinance would or would not include the height of the villas?

SEAN MULLIN: The Planned Development Ordinance would include the height of the villas, and in this case I could say that this particular plan set included for the PD is quite robust, so there's kind of a fine line between what's in front of us tonight and an Architecture and Site Application. But it would include the height, it would include approximate grading quantities, retaining wall heights, things that exceed what would normally be allowed under the zoning.

VICE CHAIR HANSSEN: Okay, thank you.

CHAIR JANOFF: Just to clarify, were we to approve the PD, it would be approving the overall form and perhaps not the details that we are seeing tonight?

SEAN MULLIN: Any PD approval would include adoption of these development plans, so maybe that's a better answer to that question than my previous. The Architecture and Site Application would need to include a project or plans that are in substantial compliance with these development plans; that includes height of the buildings. Should there be slight shifts to the location of buildings, Staff would evaluate that as whether that's in substantial conformance, or not. But the development plans would be adopted with the Planned Development

CHAIR JANOFF: All right, thank you for that clarification. Any other questions of Staff at this time? Commissioner Clark.

COMMISSIONER CLARK: Thank you. I have a quick clarification question. I believe that this would become the tallest building in Los Gatos, but I wanted to fact check myself and see if you know if that's true.

SEAN MULLIN: Without 100% certainty, I could answer the question that I believe that would be true.

JOEL PAULSON: I would just confirm that, yes, the buildings that are upwards of 85 feet would be taller than the Netflix buildings on Winchester, the newer ones that were most recently approved.

COMMISSIONER CLARK: Thank you, and do you know how tall the Netflix buildings are, by chance?

JOEL PAULSON: I believe they're approximately 75 feet, the tallest ones.

COMMISSIONER CLARK: Thank you.

CHAIR JANOFF: Any other questions for Staff? Commissioner Raspe.

COMMISSIONER RASPE: Just kind of a technical question with respect to the scope of the EIR. In the materials we were provided I believe it states that with respect to the height issue only views from public locations are part of the EIR and not any views from private locations, is that accurate?

SEAN MULLIN: I believe that's accurate and I think that dovetails into our previous discussion from the Town Attorney on the previous item about protected views. But, yes, I believe it's limited to the public areas.

Through the Chair I would also mention that our environmental consultants that prepared the environmental document are on hand, should we have more specific questions about the EIR.

COMMISSIONER RASPE: One follow up question then. As a result, any questions or comments we might have with respect to views from private areas would more properly be

directed during the comments of the PD as opposed to the EIR, is that a fair statement?

SEAN MULLIN: I think that's a fair statement.

COMMISSIONER RASPE: Thank you.

CHAIR JANOFF: Thank you. Any other questions of Staff? Yes, Commissioner Barnett.

COMMISSIONER BARNETT: Is it correct that we are making a recommendation to the Town Council on all of the issues that are on this matter, or are some of them going to be definitive at this stage?

SEAN MULLIN: Any decisions made tonight or at any future meetings would be a recommendation to the Town Council. They are the final deciding body.

CHAIR JANOFF: Thank you. Any other questions?

I did have one, and that is I understand from the Staff Report that this is not considered a hillside parcel. Sure looks like hillside to me. Can you help us understand how this parcel is not in the hillside development area? I know we have maps. Is it just a matter of it being outside a map boundary?

SEAN MULLIN: That's correct.

CHAIR JANOFF: All right, thank you. I don't see any other hands raised, so at this time I will open the

public hearing and give the Applicant up to five minutes to address the Planning Commission.

JOEL PAULSON: I will allow Mr. Rockwood to speak. Mr. Rockwood, you can unmute yourself and you have up to five minutes.

FRANK ROCKWOOD: Can you pull up the presentation? All right, so my name is Frank Rockwood; I'm with Rockwood Pacific, the Applicant. I'm here on behalf of the owners, Covia Communities. Covia Communities is a nonprofit owner/operator of reputable senior living communities throughout California.

Our proposal is quite simply to rebuild a better Los Gatos Meadows. With the exception of the last line here listed on this chart, we developed these design goals back in 2018. Please note, we are not proposing to increase the number of units, to increase the number of residents, the number of staff, or to change the use. Furthermore, note that our proposal materially mitigates issues relating to parking, fire access, and fire safety.

The current facility was approved in 1968 and opened in 1971.

In conformance with industry trends, and based on the results of focus group sessions conducted with local residents of Los Gatos, we are proposing a project that

would have materially larger units and more amenity spaces than the existing facility. While we are proposing a reduction in the number of units, given the strong demand and need for senior housing, we are proposing only a modest reduction in number of units.

We have decided not to pursue an expansion of the development pad, and in fact, we have modestly reduced the development pad in several key areas. Given this decision, combined with the other constraints and goals, our proposal would entail a material increase in massing.

Our property is approximate to numerous community resources, and while there are pros and cons in accommodating housing needs in any particular location in town, our project team strongly believes that this location is particularly well suited for our market rate senior community at the scale presented tonight.

As everyone is aware, vehicle traffic is particularly challenging in this part of Los Gatos. Our plan includes incorporating an on demand, self-driving vehicle system that will enable our residents and our Staff to get to and from many resources approximate to our community without the use of their cars.

We have made, and continue to make, a strong investment in community engagement. We conducted our first

open house session in March 2018, with our tenth session this past Monday. While it is not practical for us to be fully responsive to every individual perspective, the project team has and continues to take all comments received into consideration. While there have been a wide range of comments and concerns, most of the comments we have received relate to visual impacts and construction impacts. With regard to construction, we plan to fully conform to the Town standards, and as importantly, we are committed to a robust communication plan.

With regard to massing, we have tried to place and balance massing in the matter that while clearly impacting some of our neighbors in the broader community, it does so in a manner that we believe balances competing objectives and concerns. As the Draft Environmental Impact Report analysis concludes, visual impacts are less than significant and are deemed in compliance and compatible with the general character of the hillside area. See Impact 5.3.

Please know that we are endeavoring to build and operate an exemplary senior community that would be a resource to the seniors of Los Gatos as well as, I truly believe, on balance a beneficial change for our neighbors and the wider community. In light of the benefits of our

proposal and its alignment with several important General Plan goals and policies, including housing policies, we are respectfully requesting the Planning Commission's consideration of recommending approval of our project to the Town Council.

This concludes my short presentation, and myself and my team is available to answer any questions the commission may have. Thank you for your time.

CHAIR JANOFF: Thank you for your presentation. Do Commissioners have questions for the Applicant at this time? Vice Chair Hanssen.

VICE CHAIR HANSSEN: There was a time back in 2008 where this was brought in front of the Conceptual Development Advisory Committee, which is not a requirement of any project but is a service that our town offers, but it's often helpful to the Planning Commission and other deciding bodies to have that step. We do have access to the packet and the minutes from that meeting, and while the plans may have changed somewhat since then, it looks like there are less units than there were before.

But one of the things that was mentioned was it would be important to have a certain amount of below market rate housing, because we're under requirements with the State of California to have some level of affordable

housing, so could you comment on to what extent there will be affordable housing in this proposal.

FRANK ROCKWOOD: I'd like to point out that Covia does have a rather significant affordable housing division. Covia does not offer, and never has offered below market units or affordable market units in any of its continuing care/retirement communities.

Please note, as we've indicated on page 2 of our Letter of Justification, that state law specifically prohibits the imposition of rent regulations on CCRCs. In consulting with Perkins Coie, our counsel, we believe that this state law applies to our project.

I'd also like to observe that we are not proposing to increase the number of units or staffing, employees, etc., from our current approvals.

VICE CHAIR HANSSEN: No one has said you're required to do that, I just was asking the question if you had taken that under consideration, because that was a comment made by the CDAC back in 2008, and had you brought it to the CDAC more recently it probably would have come up again.

I have a follow up question related to the same conversation. During that same CDAC meeting there was at that time as well a proposal to go five stories, which is

unprecedented for the most part in Los Gatos even as of today. When you made your proposal, to what extent did you considered the feedback brought up by the CDAC back in 2008 that it would be a very difficult thing for the Town to even consider anything that tall?

FRANK ROCKWOOD: I can say that we studied thoroughly the feedback from CDAC, and we did consider all the comments. We did consider balancing the objectives, so for instance, there were comments about not expanding the development pad. There were comments about maintaining housing supply. We tried to balance those, and we tried to balance the density. Yes, we do have buildings at five stories, but we do believe that there is merit in keeping the housing supply, not reducing the housing supply any further than we are proposing to do here.

VICE CHAIR HANSSEN: Okay, thank you. If I might, Chair, I had one more question.

CHAIR JANOFF: Go ahead.

VICE CHAIR HANSSEN: The other question I have is about the excavation, the cut and fill. This project is not in the hillside for purposes of the Hillside Standards and Design Guidelines, so you wouldn't be subject to the guideline of the limit on the cut and fill, but there is a

need for a Grading Permit, and it did give me pause to see that.

We would require a Grading Permit for 50 cubic yards, yet we're looking at a net of 140,000, I think is what I read in the Staff Report. So, I just wondered if you could comment on where the 140,000 of cut… Because this is still our hillsides, even if it's not subject to the Hillside Design Guidelines. What are the things that are driving that? I'm sure part of it is the Fire Department, and maybe part of it is the subterranean garage, but could you break down where that 140,000 is going to come from?

FRANK ROCKWOOD: I guess maybe this is a question for Joel. Is this something I could have one of my team members jump in? There's Mark Falgout with Kimley-Horn; I'm going to hand that question off to him if that's possible or practical.

JOEL PAULSON: It is possible. One second. Mark, you're now able to speak if you unmute yourself.

MARK FALGOUT: Mark Falgout with Kimley-Horn, civil engineer. Nearly all of that excavation is coming from the subterranean garage and the fact that we are tucking this building into the hillside on the backside of the building in order to keep the heights down as low as we possibly can and to get all the parking off of the surface

area and onto the site, the excavations are required to do the subterranean garage and to nestle the building into the hillside.

VICE CHAIR HANSSEN: So, none of it is related to the fire access road then?

MARK FALGOUT: The fire access roads are not contributing to that much cut, it's more keeping the building elevation down and getting the parking taken care of.

VICE CHAIR HANSSEN: Okay, thank you very much. That is my questions for now, Chair. Thank you.

CHAIR JANOFF: Thank you. Do any other Commissioners have questions? Yes, Commissioner Clark.

COMMISSIONER CLARK: Thank you, and thank you for being here today. I want a little more information on what you were saying about affordable housing. You said that Covia has a robust affordable housing division but that you've never had any BMR units in anything that you've built. Can you clarify what the affordable housing division is doing then, and then also just state whether or not there will be any affordable units in this complex.

FRANK ROCKWOOD: First of all, to clarify, Covia has built, operates, and owns many affordable housing units, but those are what I would call more traditional

housing. The community that we're proposing to rebuild is what we characterize as a continuing care retirement community, also called Life Plan community. That typically involves an entry fee and it involves substantial services: meal services, social services, health services, etc. It's a different model, and it's a model that's service-intensive, and so, yes, Covia has never had below market rate units or affordable units in any of their continuing care retirement communities, but they do have communities that usually are exclusively focused on serving an affordable housing population.

COMMISSIONER CLARK: I understand. Thank you. I know that it's not something that anybody can require of you, but it's definitely been a really big community concern lately, and definitely in the Town of Los Gatos it's something that we're working on. Would you be open to putting any BMR units in this build?

FRANK ROCKWOOD: Unfortunately, it's very, very challenging, because we don't have… If we think of traditional housing you can have a range of units, and you can set aside a couple of units that are small, or set aside just a fraction of units that are affordable.

The service component is so heavy, and we've never kind of segmented out, there are fundamentally

different tiers of service. Everyone that moves into the community gets the same meals, very high-quality meal service and social services and health services as everybody else. Again, it's not something that Covia has ever done, and they, quite frankly, don't really think it would work in a CCRC environment.

COMMISSIONER CLARK: Okay, got it. Thank you.

CHAIR JANOFF: Just a follow up question. The CCRC environment that you're describing is one business model of operating a senior community, and there are others that don't require the same kind of entry fee and also don't provide the continuing care.

FRANK ROCKWOOD: Right.

CHAIR JANOFF: If the business model were a different senior community business model that wasn't the buy-in kind of model, would any other business model… I don't mean to be so far ranging, but is there another business model for a senior community that would allow for or would enable below market rate units to be incorporated?

FRANK ROCKWOOD: The short answer is absolutely yes. It could be just a traditional housing project. It could be an affordable housing project. Obviously, there is a whole range of different models that we haven't talked about.

CHAIR JANOFF: I'm speaking specifically of a senior community where you have rental units and you do provide meals. We have many, many of these in our wider community; they're not a CCRC model. The question is would those accommodate a below market rate unit?

FRANK ROCKWOOD: Yes, they could potentially accommodate an affordable unit, but that's not what we're proposing. All of Covia's properties that are not strictly affordable housing communities are continuing care communities.

CHAIR JANOFF: All right, thank you. Commissioner Thomas, do you have your hand raised?

COMMISSIONER THOMAS: Yes, I do. I have a question for the Applicant about the community outreach that you did with regard to the focus group and what the community needed. When did that occur, and could you just elaborate a little bit on how many individuals you talked to and what feedback you provided?

FRANK ROCKWOOD: If you want to, you could pull up slide #8; I can talk about that. We've had ten open house sessions to date. We mailed and eventually over time we received emails from our neighbors. We used the same mailing distribution. We actually had a political consultant working with us early on that procured a mailing

list that aligns with the notice mailing provision for these types of meetings.

COMMISSIONER THOMAS: Mr. Rockwood, I'm sorry. I think that I didn't ask my question clearly. I meant not necessarily with a community outreach to the immediate neighborhood. You said that you conducted some focus groups and talked to people in town about the needs?

FRANK ROCKWOOD: Yes, okay. We actually hired a consulting firm that specializes in focus groups. They actually controlled the mailing list. The majority of the participants in these focus groups were from Los Gatos, but some were from communities in the area immediately adjacent to Los Gatos. We hosted several sessions actually in the Toll House conference rooms, and they were basically all day sessions where we inquired about all kinds of preferences to guide our programming for our rebuild project.

COMMISSIONER THOMAS: What were the dates of those? Just broadly, like how long ago?

FRANK ROCKWOOD: That was in October 2018.

COMMISSIONER THOMAS: Okay, October 2018.

CHAIR JANOFF: Just a follow up question on the community outreach. Since the story poles have gone up there's been a lot of community input regarding the visible

height, particularly those seen from the downtown area. Can you comment on whether you've had any communication with the community at large regarding the impact of the story poles post-story pole installation?

FRANK ROCKWOOD: We've had meetings with our neighbors post-story pole installation. In fact, our last open house meeting was Monday. We haven't had meetings with the broader community. I'm not sure how we would do that. But yes, we've met with our neighbors post-installation of the story poles.

CHAIR JANOFF: All right, thank you. Just going back to your original presentation, you mentioned that you believed that this proposed Planned Development would be a resource for seniors in Los Gatos. That's a pretty broad statement that led me to wonder whether any portion of this community would be open to seniors who are not residents, and I don't mean guests, but residents of Los Gatos?

FRANK ROCKWOOD: Hopefully I'm tracking the question. We will in no way, shape, or form discriminate on who moves into the community based on where they're moving from, but it is our experience that most people that move into these types of communities are moving from the area, so we do expect a significant majority of the residents to

have a prior residence in the Town of Los Gatos. Did I answer your question?

CHAIR JANOFF: Not precisely. You said that this would be a resource to seniors in Los Gatos. If I'm not putting words in your mouth, what you're really saying is that this is a place where residents of Los Gatos can find senior housing, but you're not saying that it's broadly a community area that other seniors who are residents of town and not residents of the community would be able to come and enjoy the park-like setting or any amenities that you might have.

FRANK ROCKWOOD: I'm going to ask Chris Ichien, he's an executive with Covia, to elaborate on that question.

CHRIS ICHIEN: My name is Chris Ichien and I was executive director there for five years before we closed down in 2019, and currently with Covia in the operations side.

The questions regarding is our community a place where the public can come and gather, the answer to that would probably be no, since they're private property. As you can probably imagine, similar to the Terraces of Los Gatos, lots of neighbors and families and friends and children go to those communities, but they're usually

invited guests. Since this is a private residence of our guests, which it would be and historically has been, it wouldn't be open to the public to come and go as they please. I hope that answers your question.

CHAIR JANOFF: It does, thank you. Commissioner Thomas.

COMMISSIONER THOMAS: I did have a follow up question to that. I was wondering if Covia had any data from some of their other sites about the percentage of residents that move into the community, about like how far they lived before, if they have any data about like have they moved in from the same zip code, what percent comes from farther away zip codes, etc.

FRANK ROCKWOOD: I'm going to ask Mary Mullin to respond to this question. She's an executive at Covia.

MARY McMULLIN: My name is Mary McMullin; I'm Chief Advancement Officer with Covia.

Our market research has showed that typically in excess of 60% of the residents are local within a five to ten mile radius, and it's usually more on the five-mile radius side. The additional residents of the community, 30-40%, come primarily for a relationship with someone local. In other words, parents of local residents, people who lived prior in Los Gatos who are returning in retirement,

or people who view this as a destination because they have a tie to the area. Does that answer your question?

COMMISSIONER THOMAS: Yes, thank you.

CHAIR JANOFF: Thank you for that. One last question before we go to Commissioner Raspe.

In the public outreach recently, since the story poles have gone up, do you hear any feedback from anyone within the immediate neighborhood? Of course they're concerned about the height and its impact on their property. Have they also indicated the concern about height as it appears from the story poles or from your renderings from downtown? Have you addressed the height concerns of the downtown views?

FRANK ROCKWOOD: Yes. I will relay that some of the comments have related not only to personal views, but also to views from other parts of town. Again, we feel like we've done a lot of work in balancing where that massing goes, and we understand that there are some impacts from some perspectives of the massing. But the answer is yes we have gotten such comments.

CHAIR JANOFF: But in your work in addressing those comments, the consideration of reducing the overall height of your buildings has not been an alternative that you've chosen?

FRANK ROCKWOOD: That is correct. We have not explored those alternatives at this time.

CHAIR JANOFF: Thank you. Commissioner Raspe.

COMMISSIONER RASPE: Thank you. I was hoping the Applicant could address briefly the traffic issues that we would expect from the new project, how it would vary from its predecessor, including the changes in the ingress and egress to the project, and also its impacts on fire life safety as well.

FRANK ROCKWOOD: I'm going to ask Mark Falgout to take point on this. Mark, just a heads up, if you want, slides #50 and #51 may help provide backup on the traffic analysis.

MARK FALGOUT: Okay, if you'd like to display those slides, that would be great, but essentially starting from an access standpoint for fire safety.

FRANK ROCKWOOD: That's actually on #24. If you go to slide #24, that's the best slide to speak off of fire.

MARK FALGOUT: Here's the whole circulation. As I believe everybody probably knows, the Farwell Lane does currently connect from Wood Road to Broadway as a private road, and then at the rear of the existing site there's a dead-end road with a turnaround at the end of it, so from a

fire access standpoint we are looping the circulation so that Fire can circulate throughout the site, and we are going to allow emergency vehicle access from Broadway for fire and other emergency vehicles, but not regular day-to-day operations. In-and-outs is depicted by the blue line for where folks will come in off of Wood Road, pull into the valet, and the valet will go and park their car in the underground garage. So, the main change in circulation is simply that the site will not use Farwell Lane for vehicular access; typically it's just going to be emergency vehicles.

Now, we are open to should there be some reason that the neighbors up the hill would need to use Farwell to get out in an emergency situation, that would be available for neighbors up the hill.

This looping action on the access road came out of a lot of coordination with the Fire Department, so we're not only looping the road, we're also widening the road to at least 20 feet, and it's 26 feet in many cases so that they have room to set up an aerial apparatus so that they can access the roofs to serve the site.

From a traffic numbers standpoint, we did take some traffic counts in 2018, and when compared to the existing site the peak daily trips will go up minimally,

ten trips per day, which is a very small amount. But the peak hour trips will actually decrease, and the reason for that is they're just a slightly different use from the ITE Institute of Traffic Engineer's handbook for determining trip counts, and so the peak hour will go down because the peak times for those daily trips does adjust.

So, from a traffic standpoint the peak hour trips will actually be decreased, and I don't have the numbers directly in front of me, but we're talking about approximately less than 30 trips per peak hour, which means that's a trip every 30 seconds, so we're not talking about a very steady flow of traffic coming out of these things during the peak hours.

Hopefully I answered your question, but if I missed something please, let me know and I'll try to speak to it.

COMMISSIONER RASPE: Just one follow up. It sounds like the traffic patterns, or at least volumes, won't shift dramatically, but does the fact that you're using Wood Road exclusively mean there's going to be more traffic on Wood as opposed to what there was on Wood previously?

MARK FALGOUT: We did not study, we didn't take volumes of vehicles that are coming out, but that was the

point where at peak hour utilizing Wood only would be putting a car on Wood every 30 seconds, so there's plenty of space between cars and it wouldn't become a backup.

COMMISSIONER RASPE: Thank you very much.

CHAIR JANOFF: Vice Chair Hanssen.

VICE CHAIR HANSSEN: I had a follow up question. It's not a question about traffic; this is more about the construction phase. I realize that's a time-limited thing, it's not an ongoing thing, and it's not something you'd typically worry about over the long term, but since under this proposal there would be 140,000—actually more coming out than that even—how long and how many truck loads would that be during the construction phase?

FRANK ROCKWOOD: I do not know the estimated number of truck offhand. Mark, I don't know if you do.

MARK FALGOUT: I don't have the estimate offhand, but I will say that the route would be from Wood Road directly to Highway 17, even if that meant that the trucks would have to drive the wrong way on 17 and turn around in order to get to their destinations, so that we would avoid and minimize our impact on any city streets.

VICE CHAIR HANSSEN: That's good to know. I thought of it because we had some construction on my own street, and they were putting in subterranean square

footage and this was only dozens of cubic yards, and it was probably two weeks of trucks every half hour, all day long, so it's good to know that they would not be going through our streets.

CHAIR JANOFF: All right, thank you for that. Commissioner Clark.

COMMISSIONER CLARK: I have a question and then a follow up to that. I remember seeing this somewhere, I think, but I couldn't find it. How many of the units will be two-bedrooms and how many will be one-bedroom?

FRANK ROCKWELL: Let me pull out this slide deck. Slide deck #41 will show you a detailed breakout of the unit types that we're proposing. The breakout is such. Roughly two-thirds are two-bedrooms and one-third one-bedrooms. No studios. That's in alignment with the focus group sessions that we had. It's also in alignment with our experience. We actually had not that many two-bedroom units in the existing facility and always had a long, long waiting list, and we'd actually have studio units that would go vacant for years.

COMMISSIONER CLARK: Can you try to shed some light on why that is? Because it was my gut reaction that seniors are empty-nesters, they usually don't have roommates, they're retired and wouldn't theoretically need

a second office or anything, and so do you know why that is?

FRANK ROCKWOOD: I'm going to ask Mary McMullin to take point on that question.

MARY McMULLIN: As people age, the idea that they want to downsize radically is actually proving false with each successive generation, so prior years when we would develop communities they would be studios or small one-bedroom apartments. In reality, people as they retire and downsize today feel a two-bedroom apartment is a major downsizing. They still want to be able to have room for family to visit. They want to be able to have an office. They want to be able to have spare space that is not immediately lived in all the time. Or they want to be able to construct a home to allow for leisure space, workspace, workout space, you name it, so the two-bedroom apartment has really become very standard in housing as people age, because that is really how they choose to live.

COMMISSIONER CLARK: Thank you.

CHAIR JANOFF: And a follow up question to that, if I might. Two-bedrooms might be the standard, but 2,200 square foot, I guess that's your penthouse. If you go back to the other slide you can see the square footage. The

square footage seems quite generous in terms of overall space.

MARY McMULLIN: Yes, again, it is response to market demands. As people downsize out of a single-family house, our apartments offer anywhere from 40-80% of the space they experienced in a house prior to this. What they experience in the market as well as the focus groups and the market research has shown they want to be able to have their furniture, their treasures, their special pieces, with them. They want to be able to live in a way that allows for entertaining and allows for visits, and so given the size of local homes, given the focus group work, given the market research, the square footage does reflect the desire of the market.

CHAIR JANOFF: And a follow up question. I think it's reasonable to say that there are multiple steps in a downsizing process for a senior, and it often comes to the point where they want to downsize further. They may have the two-bedroom now, but they want to go down to a one-bedroom or a studio because they no longer have their spouse, or they no longer have possessions, or the ability to do the hobbies that they have. The configuration of your design looks to me as though it has minimal move-down opportunity for seniors who might be part of the community

and want to move into a smaller space and stay within the community of friends and amenities that they've been accustomed to. Can you speak to that?

MARY McMULLIN: We do have the opportunity for people to move to the one-bedroom or one-bedroom with den apartments on campus. Again, something that we found in our decades of experience is that people do choose to move down, but the numbers of people who do that is very small as a percentage of the total resident body. The preference is to stay in the apartment of origin, and then if they should choose to seek healthcare we do have the 17 care suites, which are smaller; those are studio-type homes. But we do have one-bedroom and one-bedroom with den homes that people could downside to on campus.

CHAIR JANOFF: Thank you. Any other questions for the Applicant? Commissioner Clark and then Commissioner Barnett.

COMMISSIONER CLARK: I just want to dig a little bit deeper on some of your responses about meeting market demands. In terms of it being two bedrooms to meet that and the sizing to meet that, I live in a two-bedroom, pretty big I think, apartment and it's 900 square feet. So, I think I'm going to ask, when you talk about it, it feels like you're speaking to a pretty wealthy and luxury focus

sort of group, so what are you talking about when you talk about market desires and general community desires like that?

MARY McMULLIN: I have to say, Commissioner, this is a fairly affluent opportunity for retirement, so given that, yes, our product size is to meet the needs of people who have owned homes in the Los Gatos area, who have had property, who have raised families in homes, and frankly, as a result of the success in general of the Los Gatos area, those home values are very strong, and that enables people to trade the equity in their house for lifelong security through a continuing care Life Plan community. So, yes, frankly, it is geared to a financially successful market.

COMMISSIONER CLARK: Thank you.

CHAIR JANOFF: Commissioner Barnett.

COMMISSIONER BARNETT: I actually have six questions, and I'm not sure what the order should be, sequential or intermixed with other comments from the Commissioners.

The one question I wanted to start with is related to the Planned Development and height of the buildings, which is a concern for the community. If I counted right, on the five-story buildings there are only

19 units, which if they were eliminated would reduce the project by as much as perhaps 11%. I thought I saw a comment about what's economically feasible for this project, and so the question is if 11% of the units were eliminated, would the project still be economically viable?

FRANK ROCKWOOD: Unfortunately, it's not kind of black or white, what works and what doesn't work. There are a lot of estimates that we make in the course of pursuing these projects, and some of those estimates vary as time goes on in terms of how they actually turn out, so it's almost more of a probabilistic answer. If we eliminate one unit, two units, however many units, it goes from being viable to not being viable. No, that's not the way we look at it does start to stress the project and makes it less likely that we'll be able to get through the feasibility gate and get the financing and move forward. It's a long way of saying that no, I don't think reducing the project by a handful of units would necessarily put it in a completely different category, but it would worsen the probability to some degree.

COMMISSIONER BARNETT: Chair Janoff, I don't know how you want to proceed with my additional questions. I'll defer to you.

CHAIR JANOFF: Well, I think the discussion that we're having now is both informative to the commission and it's also informative to the audience who are potential speakers, and so if you believe the questions that you have would further augment that knowledge, that the speakers would have additional information to work from, then I would say ask the questions. If these are questions that would better be a wrap-up in terms of suggested alternatives, then I would say let's hold that until we hear from the public.

COMMISSIONER BARNETT: From my perspective they'll all important and could relate to community input.

CHAIR JANOFF: All right, then proceed.

COMMISSIONER BARNETT: The draft CEQA findings identify 205 protected trees and eight large protected trees that are proposed for removal based on the arborist report. My question is are all those intended to be addressed by new plantings, or would there be in lieu fees, and if so, can you estimate the percentage of one versus the other?

FRANK ROCKWOOD: I'm going to ask David Gates to take point on this question.

DAVID GATES: Dave Gates, landscape architect on the project team. We hired an arborist to go out and study

the trees surrounding the building, which they did and there was a minority report from the City arborist in concert.

It's an oak woodland basically, which had a lot of invasive trees and a lot of suspect trees from a fire point of view and structural point of view, so the trees being removed are in most cases structurally damaged and fire suspect trees. There are some trees that will be removed for construction, so those are also gone.

Our intent, to answer your question, is to put in a lot of specimen trees, which you're seeing in the simulations now as a simulation with existing trees, and we will come back in and mitigate some of those views and we will bring back specimen oaks. In most cases there are numbers in the tree report of what the mitigation costs would be for those trees. We will probably exceed that by 300-400% coming in with the specimen trees. We aren't to that level yet, but I would guess we would be substantial in bringing in nice specimen oak trees, particularly the evergreen oaks, which will do a better job in screening.

A quick answer is we will probably exceed by three to five times the cost of the mitigation price for the trees removed, and we'll bring in the species in an appropriate way from a fire perspective with defensible

space and all the other criteria, which the species that are there now do not service well.

COMMISSIONER BARNETT: Thank you for that comment. I have a major concern about the parking at the project with active seniors. I expect that the 78 non-tandem spaces in the parking structure will be mostly inadequate, and I saw that you had an alternative suggested possibly of having a valet, so that would allow 222 cars to be parked there, which would allow, I calculated, 79% of the residences to be accommodated with at least one car. I wonder if you could comment on whether the suggestion of a valet could be made as, say, part of the condition of the PD, or whether that's something that you want to keep in a flexible state?

FRANK ROCKWOOD: I'd like to refer to slides #43 and #44 in responding to this question. The existing community, and again, similar scale in terms of the number of units that were residents (inaudible) Staff, had onsite 130 parking spaces, and we actually had a valet in the prior operation. That was insufficient. We actually had an arrangement with the Toll House to rent some of their less than 20 parking spaces there. Then we had Staff. That would actually lose the Town parking at the foot of Wood Road.

We are looking to substantially increase the number of parking spaces from what we had previously, and we're looking to eliminate all the parking that would be kind of outside of the garage. We do think that this meets the requirement, and yes, in terms of valet, again, that's something that we did previously and that's something we anticipate doing, and we certainly would not have an issue with that being a requirement imposed on this project.

COMMISSIONER BARNETT: Okay, thank you very much. On reflection, I think I'll continue the questioning after the public input.

CHAIR JANOFF: Thank you. Do we have any other questions from Commissioners? Commissioner Clark.

COMMISSIONER CLARK: I just have one last question. I was wondering, was any outreach done specifically to potential residents of Los Gatos Meadows?

FRANK ROCKWOOD: The short answer is yes. That focus group that we mentioned, all of the folks that were invited to participate in that process were effectively potential residents. There's a timing issue, so it will be some time in the best case before we would actually be able to accommodate any of those residents, but they certainly were kind of chosen based on being candidates to move into this community in this location.

COMMISSIONER CLARK: Okay, great, and like theoretically fit the demographic. Thank you.

CHAIR JANOFF: So, it's fair to say that it was as much a focus group as it was a marketing meeting, it sounds like, is that correct?

FRANK ROCKWOOD: I'm going to let Mary McMullin take point on that question.

MARY McMULLIN: Hi, it's Mary again. It is a marketing opportunity, but first and foremost it's a survey opportunity to make sure that we're designing a product that is applicable in the market. There were a number of questions asked that were iterative; so when people answered we could work off of those responses and take that into consideration with development.

We used a list of people who would financially qualify. We could obtain a similar list for marketing. We did not retain that list of people specifically from the focus group for future marketing.

FRANK ROCKWOOD: Actually, I'd like to make one more comment that I think will address this question.

CHAIR JANOFF: I'm sorry, Mr. Rockford, Ms. McMullin answered my question. If there are no further questions from Commissioners, I think it's a good time to move on to opening it for members of the public who would

wish to speak. Director Paulson, do we have anyone who wishes to speak on this matter?

JOEL PAULSON: We do. The first speaker will be Julie.

JULIE: Hello, this is Julie. I am a neighbor of Wood Road and I have attended almost all of the open houses at the Meadows. I've lived on the hill for over 30 years and I love the Meadows as a neighbor.

Very happy that the story poles have gone up so that the neighbors and myself can see a little bit more of what's going on. I still support the Meadows project, but I do have some items that I didn't get in by the timeline this morning for Sean, so that's why I'm speaking now.

The first item was that once the story poles went up they did clearly show a bit more bulk than what we were anticipating.

The second item is that we're very happy to hear that they are proposing or thinking about solar, though we hope that it doesn't add much to the height.

Third item is parking. More parking is good for the workers, but it will add more traffic regardless of what I think any traffic study may have done. Before they closed, the workers that parked offsite walked up the road.

Fourth item, Wood Road is getting lots of attention by people on foot and by car, especially now that the flags are up. Many are driving to the top end of Wood Road and are coming back down, turning around in people's driveways, etc., and really adding to the traffic flow. This is really giving us a flavor of what's going to happen once a project takes off.

This also exacerbates the fact that there is only a sidewalk a few feet up the road. It might be nice to have some sort of sidewalk or street marking where bikes or people could walk safely when they rebuild and after they have successfully built. I do understand from the open house that a sidewalk may be out of the question due to tree roots and things of that nature, but I wanted to voice my interest.

Fifth item, this also leads to my consistent request that the Meadows community have heard me say at almost every open house meeting is the closing off of the Broadway exit to neighbors. I do understand the theory, but in the open houses they said it's because when people go down to Farwell Lane they don't want to hit pedestrians on the sidewalk. Well, we don't even have a sidewalk on Wood Road, and we have to walk in the road when we're going up and down to our houses as it is today.

So, the three items that I have to that is that that current Broadway exit in front of the Meadows before they closed, it saved us during the 1997 fire. My house personally burnt down during that period of time, but traffic was able to come and go from that.

CHAIR JANOFF: I'm sorry, I need to interrupt you, but your time has expired. Do Commissioners have any questions? Vice Chair Hanssen.

VICE CHAIR HANSSEN: I just wanted to ask if you wouldn't mind submitting your comments in writing even though you were able to speak at the meeting tonight, because it would be good to have that as we move forward in working with this project. Would you be able to do that?

JULIE: I believe I did submit them to Sean, but I missed the deadline at 11:00 o'clock.

VICE CHAIR HANSSEN: Oh, you missed the deadline.

JULIE: I think I got them in at 1:00 o'clock.

VICE CHAIR HANSSEN: Okay, thank you, because your comments are very helpful, as are all comments from the public. Thank you.

CHAIR JANOFF: All right, Director Paulson, do we have anyone else wishing to speak?

JOEL PAULSON: We do. The next speaker will be Mr. Konrad.

RICHARD KONRAD: I'm the current chair of the Community Health and Senior Service Commission in Los Gatos and we recently completed a survey of service providers to deliver (inaudible), and in doing so there was a lot of concern among service providers that there are people who want to stay in Los Gatos but can't afford it, and so I urge you to consider affordability in your actions as you go forward.

Also, I'm a member of the service committee that's currently doing an extensive survey of seniors in Los Gatos in January, and that data should be available soon, and it might be of use to everyone on the commission.

That's all I have to say. Again, good luck and let's get affordable housing for seniors.

CHAIR JANOFF: Thank you, Mr. Konrad. Any questions for the speaker? I don't see any hands raised. Thank you very much. Director Paulson, do we have any other individuals wishing to speak?

JOEL PAULSON: We do. The next speaker will be Andy.

ANDY GHOFRANI: Hi, this is Andy Ghofrani. I live at 121 Wood Road on the hill directly behind the proposed development. My property has the largest visual impact by the mass of the proposed construction, and this is per the

admission of the developer and the last architect that I have discussed.

Per the EIR, as I understand it, 85 foot building heights are 35 feet more than the 50-foot original elevation, so this essentially is a 35-foot vertical reduction in my view of town and the east hills, which is replaced by buildings across my site.

As proposed, the villas farthest from me and closer to Town are higher then the villas in front of me. I would like to ask the building masses to be distributed more evenly to reduce the visual impact from my site. Since we live on a hill and don't have a front yard, my front deck acts as my yard, and this has a major effect on my view, as I mentioned. Per my conversation with Mr. Rockwood and Mr. Gates, this proposed change should not be visible from the Town's point of view, which sits at the lower angle and won't have an additional impact to what's shown in the current plans.

The second comment I have is about the truck traffic. I am in the construction business myself, so once I heard the 140,000 cubic yards of excavation volume and using ten-wheeler trucks, which carry about ten yards, that will be 14,000 trucks, and if you have the 14,000 trucks in six months you'll have about 15 trucks an hour going

through Wood Road, so you have to deal with that, and I wanted Julie to hear that, too, as a neighbor. We are neighbors and this is something new to me. Thank you.

CHAIR JANOFF: Thank you very much for your comments, and for clarifying what 140,000 square foot of dirt removal would entail in terms of truck trips. Any other comments or questions from Commissioners? I don't see any hands raised. Director Paulson, is there anyone else wishing to speak at this time?

JOEL PAULSON: I don't see any other hands raised. Let's give it a minute. If anyone else from the public would like to speak on this matter, please raise your hand. I don't see any other hands raised, Chair.

CHAIR JANOFF: All right, then we'll now close the public hearing on this item and re-invite the Applicant back for three minutes. Thank you.

FRANK ROCKWELL: I do want to make one point regarding our community outreach and regarding the marketing question. If you could go to slide #11.

I'd like to point out that in our Letter of Justification we have a comprehensive list of all of our communications with neighbors over the last several years. We have been maintaining a project website since 2018. I encourage everybody and anyone that has any interest in

this project to go into this website. There's the web address, but if you just Google "Los Gatos Meadows," this should come up. We post on this website. We have a video summary of our project proposal that really stresses the architecture. We have video on that website that talks about this self-driving vehicle system, and we update the Frequently Asked Questions on a regular basis, and that includes contact information and links, and links to the Town's website, etc.

About once a month we do get marketing inquires, so we have been keeping track of real prospects, of folks that have indicated that they do want to live in this community and want to be apprised or updated. I just wanted to get that point across.

Just one minor thing, on the sidewalk on Wood Road I just want to clarify that as part of the draft conditions we are obligated to install a sidewalk on Wood Road up to the entrance of our property, so I just wanted to clarify that.

That's it. I'm going to hand it back to you.

CHAIR JANOFF: All right, thank you, Mr. Rockwood. Do Commissioners have any additional questions for the Applicant at this time? Commissioner Barnett.

COMMISSIONER BARNETT: I had a few additional points to make, or questions to ask here.

The letter of Mr. Rockwood to Vice Chair Hanssen on January 26th, on page 13, says, "The Applicant will either use LEED or GreenPoint rating system," but later in that letter it indicates that there might be a choice already of GreenPoint, and I was wondering if you had agreed that the LEED process is more rigorous than the GreenPoint?

FRANK ROCKWOOD: I'm going to let our architect, (inaudible) Kelly address that question.

MR. KELLY: Can you repeat the question, please?

COMMISSIONER BARNETT: The question is whether Covia tends to use the LEED or the GreenPoint rating system.

MR. KELLY: The LEED rating system is actually outpaced by your California code, because it's much more strict than the LEED. We could use LEED; it requires verification. But because the California code is stricter than LEED, we just usually fall back on the California code.

COMMISSIONER BARNETT: Okay, that's very helpful. Than one other question. There's a point in the letter of Mr. Rockwood dated July 9, 2021 regarding the need for a

ten-foot setback from drainage features during tree removal, demolition, and construction activities, and the comments stated that additional information would be provided after consultation with the project team as to whether government agency approvals would be required. I was wondering what the outcome of that was.

MR. KELLY: I'm sorry, could I ask you to repeat the question? It has to do with…

COMMISSIONER BARNETT: A required ten-foot setback from site drainage features during tree removal, demolition, and construction activities.

MR. KELLY: I think that was kind of a wetland issue, staying away from a wetland condition, so Mark, I think that would be you.

MARK FALGOUT: This applies at the back of the site. There is a drainage that runs down the hill that drains into an existing inlet and it's then piped off the site, and we've pulled back any work at least ten feet away from that in order to meet that requirement.

COMMISSIONER BARNETT: Okay, so the government agency of (inaudible) will not be necessary, correct?

MARK FALGOUT: Correct.

COMMISSIONER BARNETT: Okay, thank you.

CHAIR JANOFF: Thank you for those questions, Commissioner Barnett. Any other questions for the Applicant at this time? Commissioner Thomas.

COMMISSIONER THOMAS: I just have a follow up question about the LEED versus the GreenPoint for our state standards. Are there any plans…

FRANK ROCKWOOD: I've lost audio contact, so if you could repeat that.

CHAIR JANOFF: We have lost audio as well. Commissioner Thomas, if you can hear us, we can't hear you.

JOEL PAULSON: It appears that she's frozen.

CHAIR JANOFF: All right. Let's ask the question I think Commissioner Thomas was intending to ask, and that is… Well, actually I don't know what she was going to ask for that matter, so let's not put words in her mouth, and if she rejoins us then perhaps that's a question that could be asked of Staff. If there are no other questions from Commissioners. Commissioner Clark.

COMMISSIONER CLARK: Thank you. I just have a question regarding the tree removals. I know that there are a variety of reasons for removing all of those different trees, but eight of the trees that you're planning to remove are large protected, and that's definitely not something that I take lightly. Those trees take 100 years

or more to grow, and you can't plant a 100-year-old tree. The reasoning I noticed for five of the eight was for construction, so I wanted to ask what efforts you made to preserve trees? During my site visit I noticed a lot of them were incorporated into the existing facility, and did you try to do that in any way to preserve some trees?

FRANK ROCKWOOD: I'd like to speak to that, and then I'll also have Mark Falgout speak to that.

I just emphasize that one of the reasons we decided to not expand the development pad was because of its impact on trees. Most of the tree removal, because we're keeping the same development pad it turns out—I'll let Mark speak to it—a lot of the tree removal requirements were really being driven by fire access, so we really have a bad current situation in terms of fire accessibility. Mark, I'll let you speak to that.

MARK FALGOUT: Yes, we had to widen the road, but for instance, at the back of the site we're using the uphill edge of the road as our limit, widening it into the site so that we're not affecting the trees that are up the hill, and we're not going to grade up the hill for daylight. We're going to build walls to really minimize the grading impact, because grading obviously is going to impact trees.

A major focus in the site design was how do we preserve these trees, and quite frankly, we did the same thing on the downhill side where we did have to widen the roads to meet fire access requirements, but we're using walls in order to minimize the grading down the hill where those two cottages are now so that we can preserve the trees that are down there instead of impacting them.

So, there was quite a bit of thought that went into how can we really minimize our footprint, and I think the whole idea that Frank mentioned of trying to design inside the existing footprint, as well as the way that we tried to minimize the grading outside of that footprint, speaks to that. Now, as the design progressed and our discussions with Fire continued we did have to expand in order to make sure that we got the loop along the north edge that they were going to require.

COMMISSIONER CLARK: I think I would have liked to see some more effort to incorporate those trees that are on the property into the design, but I appreciate you shedding light on the efforts that you made. Thank you.

CHAIR JANOFF: Thank you. Any other questions from Commissioners? Commissioner Barnett.

COMMISSIONER BARNETT: Actually I have one more, and this will be it. Apparently not required by CEQA, but I

am concerned about the safety at the intersection of Wood Road and the off-ramp and on-ramp to Highway 17. I was wondering if you had considered whether any traffic mitigation could be offered at that site, such as a stoplight or a roundabout?

FRANK ROCKWOOD: My quick response is we absolutely are going to contribute our fair share contributions to any of those types of improvements. Mark, I don't know if you have anything to add to that.

MARK FALGOUT: No, I don't think I have anything to add.

COMMISSIONER BARNETT: Thank you, that's appreciated.

CHAIR JANOFF: All right, any other questions from Commissioners? I don't see any hands raised, so at this time I will now close the public hearing on this item and ask if any Commissioners have questions of Staff, wish to comment on the application, or introduce a motion for consideration? Commissioner Raspe.

COMMISSIONER RASPE: I have a quick question for Staff and I'm not sure it can answered now or if it takes a little research, and specifically for our Town Attorney.

I know that Applicant's counsel has opined that the affordable housing laws are inapplicable to this

particular development, but before we proceed with that understanding I'd like get maybe a second opinion from the Town, whether there is a requirement to put affordable housing in this development. I think it would be an important thing to know as we proceed.

ROBERT SCHULTZ: And I completely agree with the statements made by the Applicant, that they are exempt from it.

COMMISSIONER RASPE: Okay, thank you, Counsel.

CHAIR JANOFF: Any other comments, questions, or concerns? Commissioner Tavana, then Vice Chair Hanssen.

COMMISSIONER TAVANA: I'll be brief here. Thank you, Chair. I do have concerns about this Planned Development specifically regarding building height and the sheer number of trees being removed. There are only eight large protected trees, but if you go to the tree inventory table there are a host of protected tress. While not all of them are large protected, they are rather large trees, and I just don't know how that will look in terms of the viewing for like a hillside perspective.

Secondly, as part of a Planned Development—I'm going back to the 2020 General Plan—it says, "The PD Overlay Zone is intended to ensure orderly planning and quality of design that will be in harmony with the existing

or potential development of the surrounding neighborhood." So, in looking at these plans and the story poles, I don't see how it blends with the entire surrounding neighborhood.

CHAIR JANOFF: All right, thank you for those comments. Vice Chair Hanssen.

VICE CHAIR HANSSEN: I have mixed feelings on this one. Certainly there is a need for additional senior housing. We all know that there is a long waiting list at the Terraces for certain kinds of units, but on the other hand we have also seen quite a number of people come into Town and are stating to want to build senior facilities. I guess where I come out on this is I was on the Planned Development Study Committee when we were looking at the Planned Development Ordinance, and the Applicant did mention about providing a public benefit, so the main public benefit I see out of this is for the most affluent people in Los Gatos in the big houses to have something that they can move down to that's easier to step down to than something that's smaller.

But who we're not providing a public benefit for is the full range of people that live in Los Gatos that might be seniors that may or may not be able to afford those penthouse units, so it troubles me to think that's a pretty narrow slice of the market. I think we all know that

Los Gatos is wealthy, but we're trying to provide housing for a wide range of people, and as Chair of the Housing Element Advisory Board and the General Plan Committee before that, it troubles me to see that this is such a narrow slice.

When I add that onto the fact that this is being built in essentially the hillsides—and even though the Hillside Design Standards and Guidelines don't apply to this project, it was mentioned by the CDAC back when they first saw it that we have to consider it at least in the spirit of Hillside Design Guidelines—I have to ask myself would we put the tallest building in Los Gatos in our hillsides? The answer to me says no, and so if I were to get comfortable with this proposal it would have to be less height.

Then I also wanted to comment on the cut and fill. This is troubling, because it is desirable from a LEED perspective to do underground parking, but this is also in the hillside, so I wonder is this for the good of Los Gatos to dig into our hillsides and remove 140,000 cubic yards of soil just to get an underground parking garage? I'm not sure that the benefit outweighs the cost of it.

For me to get comfortable with recommending approval of this there would have to be some changes, definitely in reducing the height. I'm not as sure if I would stand firm on the underground parking, because I do see a benefit and a cost, but it might be nice to know what alternatives there are to architecting it in that way.

CHAIR JANOFF: Thank you for those comments. Commissioner Clark

COMMISSIONER CLARK: Thank you. I also have a number of concerns.

First would be affordable housing and the lack of willingness to try to incorporate some form of that was concerning to me, because the reality is even if you're not required to and even if you might not profit from it, you can choose to incorporate some affordable units just so that more of the community can be welcomed and more of the needs can be met.

I also wanted to point out that 120 Staff would be hired, and we're already seeing people commuting from like Stockton in order to work here because of the housing shortage, and so I think it could be kind of hurting that in multiple ways.

My next concern is definitely the height. I think it's very interesting that there are going to be less units

but the buildings are going to be two stories taller, and it seems to me because height is such a concern the units could be smaller, and I also think that there could be less two-bedroom units in order to try to accommodate this, especially because it is in the hillsides and would be the tallest building in town.

Next is benefitting of the community at large. I agree that it doesn't really feel like it does this, because first, who knows how many Los Gatos residents can afford to live here or would get admitted in order to live here, and then the fact that the general public isn't really allowed to utilize this area, it felt to me like it is a very thin slice of the population that it would be benefitting, and it's something that a lot of us will see every single day.

Last is like I pointed out earlier, the tree removals. It feels like there could be more effort to preserve some of the trees and to incorporate them into the design and that sort of thing, and in general fit is a concerning number to remove.

Overall it feels like more luxury housing isn't exactly what we need, and to me that is concerning.

CHAIR JANOFF: Thank you for those comments, Commissioner Clark. Any other comments? Commissioner Thomas.

COMMISSIONER THOMAS: Thank you, Chair. I have a lot of concerns too with this project. At the end of the day I know that this is just moving a recommendation essentially to the Town Council, but we're still required to make some findings and I just don't think this complies with the General Plan in any way, shape, or form. Maybe not in any way, shape, or form is an extreme way to say it, but as a person who just was on the General Plan Committee and now on the Housing Element, there are fewer units, it's not the type of housing that we're looking to develop in Los Gatos and that we know we need, and the tree removal. Those are just three of many things that I think that do not, in my mind, comply with the General Plan.

I really tried to come into this with an open mind and hope that I was missing something, but the information that I've received tonight is not making me feel any better about it complying with the General Plan. I am curious to hear about what other Commissioners think about that, but as far as the information I have in front of me and what I've heard tonight, I do not feel comfortable saying that this aligns with our General Plan.

CHAIR JANOFF: Thank you for those comments, Commissioner Thomas. Any other thoughts? Commissioner Barnett.

COMMISSIONER BARNETT: I think with respect to our obligation in this matter we have to distinguish the Planned Development Application and the CEQA finding, as Commissioner Raspe pointed out in his initial remarks. From the CEQA standpoint I think that the findings can be made. From the Planned Development standpoint I share the concern about the height of the building.

With respect to the trees, although mitigation has been proposed I think that the concern about the traffic coming off of Wood Road is a material factor and should be considered by the Council to see if something could be done on that front, whether it needs to be in conjunction with the Town or otherwise.

Those are my general concerns and comments.

CHAIR JANOFF: Before calling on Vice Chair Hanssen again, I share many of the same comments as Commissioners have weighed in with tonight.

I do believe that there is a need for senior housing. I think that we can agree that there's a need for senior housing. The Meadows was sorely missed when it closed and I think we're all welcoming something coming

back into that facility, but as has been said, it feels very much like luxury, exclusive housing. I understand that it's a senior model and it does provide care, but it provides that at high expense to the residents of Los Gatos.

When we saw the renderings that the Applicant provided of the views from the Town where we see the buildings up above the tree line, it's an alarming thing to see those heights provided in penthouse format. We're losing the view of our hillside from the broader public and we're giving it to a small number of potential senior residents, and that seems like an unfair trade to me in terms of benefit to the Town of Los Gatos, so I do have a real concern about the height.

If the Applicant were to say to the Commission tonight that it would be willing to consider reduced heights so we don't see the buildings above the trees, and however they made that happen, to pencil out with fewer units or units of smaller size, I agree that so many two-bedrooms seem unnecessary. You could probably take those floors that I'm recommending be taken away and redistribute those into some smaller units. Not all of them; you could still maintain your sense of luxury. So, that's a concern.

The business model of a senior community is quite different. I've looked into this extensively for my own mother in this community at large; I'm very familiar with the different models and how they work. How below market or reduced cost housing would be provided is a great question. I don't know it would be done, but I'm sure it could be, and that would be a further benefit to the community too.

I think from my standpoint the proposal before us has gone a little bit too far in terms of height and luxury for a few people without the benefit to the rest of the Town. I would not be inclined to support it moving forward to the Town, but I would be inclined if the Applicant were interested in scheduling a continuation so that the concerns of the Planning Commission that have been heard tonight can be reconsidered in a revised plan. Vice Chair Hanssen.

VICE CHAIR HANSSEN: I'm glad you made all your comments before me. But mine was more of a process question related to what Commissioner Barnett said, so I wanted to ask our Town Attorney.

We've actually had this scenario in the past where the Commission was having issues with the project, but then the EIR is this kind of a different matter. It's sort of its own animal, and if the proper mitigation

measures are proposed, if it's not necessarily related to the provability of the project, and if it were the will of the Commission to not move forward with a recommendation, is there any point in recommending approval of the EIR; I'm asking our Town Attorney that.

ROBERT SCHULTZ: When you've completed with your deliberations, yes, you certainly could make the recommendation to Council that the CEQA document is adequate and then from there move onto your second, which would be a recommendation now that it doesn't meet the Planned Development requirements, and set forth those reasons why.

The other question you can ask, you can open the public comment for the limited issue of whether the Applicant would even consider a continuance to try to revise his application to see if he can meet the statements made by the Planning Commission; so that's the other issue. Instead of completing tonight you could ask the Applicant if he's willing to consider making changes to the project and bringing it back, but if not and the Applicant doesn't want to do that, or the Planning Commission doesn't want a continuance, then it certainly could make a motion with regard to the CEQA document and then separate regarding (inaudible) the project.

VICE CHAIR HANSSEN: Okay, thank you.

CHAIR JANOFF: Follow up question. I would assume that any changes to the proposal would not materially affect the CEQA document, and therefore approving it would not be a problem?

ROBERT SCHULTZ: You're only doing a recommendation on the CEQA document. I would imagine that it would not, but we'd have to just see where that would go to if the application were changed. I envision maybe they would do something with the height requirement, but that might do something with more grading; I'm just giving an example. You might have to then reopen CEQA if there were some new environmental issues. I just don't know at this point in time, we'd have to wait and see how that would develop.

CHAIR JANOFF: From my standpoint it seems prudent that we wouldn't recommend approval of the EIR in advance of a Planned Development that we could get our approval behind, because we really wouldn't know. If you think about it in that way, if something did dramatically change, then we would have recommended something that wouldn't be appropriate.

ROBERT SCHULTZ: Yes.

CHAIR JANOFF: So, if it is the will of the Commission to reopen the public hearing to ask the Applicant if they would be willing to undertake a continuation in order to incorporate some of the changes that the Planning Commission has expressed concern about, I'd like to see a show of hands physical. Okay, it looks like that's unanimous, so at this time, Director Paulson, if you would invite the Applicant back for that question, I would appreciate it.

JOEL PAULSON: Thank you. Mr. Rockwood, you can unmute yourself and answer this specific question as to whether or not you're amenable to a continuance.

FRANK ROCKWOOD: Joel, I'd like to have Laura Worthington-Forbes take point on this question. Would that be okay?

CHAIR JANOFF: That would be fine.

JOEL PAULSON: That is. One second. Ms. Worthington-Forbes, you're unmuted.

LAURA WORTHINGTON-FORBES: I think at this point it would be very helpful if you could clarify what your recommendations are, and then our preference would be to provide us the ability to move forward. If you can make those recommendations we would take those into

consideration in tandem with moving towards a Council hearing.

CHAIR JANOFF: Am I hearing you correctly in that you would not be willing to take a continuance to respond back to the Planning Commission?

LAURA WORTHINGTON-FORBES: That's correct. Our preference would be to understand your recommendations and then consider those recommendations in tandem with the ability to move forward to Council and address them at that time.

CHAIR JANOFF: Thank you. Now we'll close the public portion of the meeting. I have a question for Staff.

So, this is a no, and if we proceed with what sounds like a recommendation to deny the Planned Development as proposed, then we would articulate why we're saying no. It goes to the Town Council. If in between our recommendation of denial and the meeting before the Town Council the project materially changes, wouldn't it need to come back to the Planning Commission anyway? We've had this conversation before about the reasons why it would or wouldn't come back to the Planning Commission. It's usually on the matter of an appeal, so I'm asking procedurally how would that work?

ROBERT SCHULTZ: You're absolutely right. Our appeal procedures do specifically state that if new information is provided that wasn't available to the Planning Commission, then Council has the ability to send it back to Planning Commission; you've seen that happen on many occasions. This is just a recommendation, so it would be completely at the discretion of the Council. If in fact they felt like the Planning Commission needs to weigh in on the issues of a changed project, they certainly could send it back to Planning Commission, but it's not as absolute as the ordinance as it's relating to appeals.

CHAIR JANOFF: All right, thank you for the clarification. Just want to check in with members of the Commission. Is everyone clear on where we stand at this point? Commissioner Raspe, do you have a question?

COMMISSIONER RASPE: Just one quick question. I understand how we are standing with respect to the PD. What about with respect to the EIR?

CHAIR JANOFF: Good next question. If we make a recommendation to deny the PD we can also make a recommendation to deny the EIR because we don't know yet what the final form of the PD might be, or we could also say we recommend approval of the EIR *if* the Planned Development that Town Council might approve will not

materially impact the EIR. I'm not sure which is the best way to proceed.

JOEL PAULSON: I don't know if there's a best way. I'll jump in, and then if the Town Attorney has anything additional. There are multiple options. You just laid out two of them.

Also, you can have the conversation amongst yourselves. You've had this come up before where an Applicant has stated they're not interested in a continuance. Obviously, it's ultimately up to the Planning Commission, so you really have a lot of different options to move forward.

CHAIR JANOFF: Discussion for the Commission, how people would like to proceed. Commissioner Clark, then Commissioner Raspe.

COMMISSIONER CLARK: I just wanted to clarify, when we asked about their willingness to return I felt like they used the word "preference" a lot but never really said whether they would actually be willing. I wanted to point that out, because I think that there is a chance that maybe they would prefer that over outright denial.

CHAIR JANOFF: I think I asked the question, for clarification, but does the Commission agree that it was

unclear? Should we reopen to make that very specific question? Vice Chair Hanssen.

VICE CHAIR HANSSEN: I didn't think it was unclear. I think they want to take their chances with the Town Council, and that they wanted to have further direction from us, and it might have been that they wanted to make changes to the proposal between that and now and that was why you asked your question. Since this isn't truly an appeal it wouldn't apply and the Council could do whatever they wanted. But I don't think that they have an interest in coming back to the Planning Commission; that was my interpretation.

CHAIR JANOFF: Commissioner Raspe, did you have a question or comment?

COMMISSIONER RASPE: Two comments. First of all, I agree with Vice Chair Hanssen's interpretation of what just transpired. Additionally, with respect to the EIR my thinking would be that we would do a recommendation to not approve it until we have a more definitive PD in hand. I wouldn't want to create a living document, for instance, that exists out there separate from the PD. Just my thought.

CHAIR JANOFF: Commissioner Thomas.

COMMISSIONER THOMAS: I agree. I think within our recommendation to Town Council we can say we don't see any material issues with the Environmental Impact Report, right? Can we discuss that for a moment, because I'm a little bit unclear where other Commissioners stand on that specifically?

CHAIR JANOFF: Vice Chair Hanssen.

VICE CHAIR HANSSEN: I meant to comment on that. I agree 100% with Commissioner Raspe. While if the project were not to change at all from where it stands today, certainly I have no issues with the Environmental Impact Report, which was done based on the project as it stands today as well as the alternatives that are always proposed, including no project or a lesser project and so on, but it makes no sense at all to me with the number of changes that I'm hearing from the fellow Commissioners that would be desired to make this acceptable for approval.

It wouldn't make any sense to say that the EIR was certifiable because we would expect the project to change pretty substantially, and even though the changes we would be asking would probably be less impact than in the environmental report, it wouldn't be the same, so to me it doesn't make sense to recommend approval of one and not the other.

CHAIR JANOFF: All right, thank you for that. It sounds like we have a motion at hand. Are we making a motion, Director Paulson?

JOEL PAULSON: Yes, you'll need to make a motion.

CHAIR JANOFF: All right. Commissioner Barnett.

COMMISSIONER BARNETT: I'm not sure I heard Mr. Paulson right, but would it be in the power of the Planning Commission to continue this matter without agreement by the Applicant?

JOEL PAULSON: That's always at the discretion of the Planning Commission.

CHAIR JANOFF: The only problem I see with that is that we could continue it and they come back with the proposal unchanged and we've just essentially wasted a lot of time without moving it along. I heard in so many words, as Vice Chair Hanssen stated, that they're willing to take their changes with Town Council making a determination that's different from the direction that we will be recommending, so I personally would not be in favor of the Planning Commission making a unilateral decision to continue this, but I am open to other Commissioners. If that's the will of the Commission we could certainly do that. I'm seeing a shaking head. I don't see any traction

behind that approach, so I'm still looking for a motion. Vice Chair Hanssen.

VICE CHAIR HANSSEN: I will make an attempt at it. I'm going to make a motion to recommend denial of the Planned Development Ordinance as it's defined in our Staff Report for the reasons that were given, not the least of which would be the height, the trees, the lack of diversity in the housing types, too much concentration in luxury, and there were some other issues mentioned by the Commissioners. So, while project certainly has some merit, it would need to be revised to be something that we would recommend approval on.

In addition to that, because we don't find that the Planned Development Ordinance as proposed can be recommended for approval, we also recommend not certifying the Final EIR because it is not based on the project that we would like to see that we think is approvable. Is there anything else I need to include, Staff?

JOEL PAULSON: No, I think you've incorporated the findings for denial. If you or any other Commissioners or the seconder want to provide any additional comments related to why you're finding the PD doesn't meet those findings, that would also be helpful for the Council as they consider it.

CHAIR JANOFF: And the Council does receive copies of our meetings, so the details of our discussion will be available to them, but I think just a quick articulation as Vice Chair Hanssen has given is good just in case we don't get a thorough read. Is there anything else that Commissioners would like to add to that, or do we have a second to the motion? Commissioner Thomas.

COMMISSIONER THOMAS: I would ask the Maker of the Motion that we could add in the reduced number of units also, but the increase in really like the height of the buildings too, so just as a note that it seems problematic and doesn't align with the General Plan.

CHAIR JANOFF: I think what I heard you say was backward from what you intended. We have a concern with the height, and if that means reducing the number of units, then reduce the number of units or just the size?

COMMISSIONER THOMAS: Yes, they are reducing the number of units from what was previously there, but they're making it taller.

CHAIR JANOFF: Oh, I see. Right.

COMMISSIONER THOMAS: Just the ratio of number of units to the overall height and size of the buildings, and the property does not seem to be in compliance with what our town needs right now.

CHAIR JANOFF: All right.

VICE CHAIR HANSSEN: And I would even add on what Commissioner Thomas said earlier, that the things that I was citing are things that are founded in the General Plan as well as, even though it isn't strictly applicable, the spirit of it is in the Hillside Design Standards and Guidelines.

COMMISSIONER THOMAS: Yes. And then I second the motion.

CHAIR JANOFF: All right, thank you for that. Do we have any discussion of the motion or comments? Commissioner Barnett.

COMMISSIONER BARNETT: I would recommend underlining to the Council where there has been a point of agreement or two by the Applicant concerning first the valet parking and… Let's see, there was another point of agreement.

CHAIR JANOFF: I think sidewalks on Broadway.

COMMISSIONER BARNETT: Sidewalks on Broadway was another one. There's still another one.

COMMISSIONER RASPE: The traffic abatement on Wood.

COMMISSIONER BARNETT: Yes, the contribution to the traffic control on Wood Road and Highway 17.

CHAIR JANOFF: Is the Maker of the Motion comfortable with adding those?

VICE CHAIR HANSSEN: Yes.

CHAIR JANOFF: And the seconder?

COMMISSIONER THOMAS: Yes.

CHAIR JANOFF: All right. Any other changes or comments on the motion on the table? Seeing no hands raised, then I'll call the question. By roll call, please vote yes, no, or abstain. Vice Chair Hanssen.

VICE CHAIR HANSSEN: Yes.

CHAIR JANOFF: Commissioner Tavana.

COMMISSIONER TAVANA: Yes.

CHAIR JANOFF: Commissioner Barnett.

COMMISSIONER BARNETT: Yes.

CHAIR JANOFF: Commissioner Thomas.

COMMISSIONER THOMAS: Yes.

CHAIR JANOFF: Commissioner Clark.

COMMISSIONER CLARK: Yes.

CHAIR JANOFF: Commissioner Raspe.

COMMISSIONER RASPE: Yes.

CHAIR JANOFF: And I vote yes as well, so the motion carries unanimously.

March 17, 2022
Sean Mullin
Senior Planner
Town of Los Gatos
110 E. Main St.
Los Gatos, Ca. 95030

RE: Rebuild of Los Gatos Meadows
Letter of Response to Planning Commission Comments

Dear Sean:

Thank you for your continued assistance in helping navigate the proposed rebuild of Los Gatos Meadows, a Covia non-profit community, through the Town's planning and entitlement process.

As you know, based on our meetings with Town Staff and further consideration, we have requested the opportunity to go back to Planning Commission to address the comments made during the January 12th Planning Commission hearing. Given the action taken by Planning Commission, we understand we must proceed to Town Council at this time.

Therefore, the purpose of this letter is to provide you and the Town Council a detailed response to the comments and concerns expressed by the Town Planning Commissioners and members of the public during the January Public Hearing.

The Meadows has fulfilled the need for senior housing in Los Gatos for more than 50 years. Our proposal offers an opportunity to rebuild a beautiful, treasured Los Gatos asset in a manner that enhances public safety and respects the character of this unique site. We are eager to extend the historic legacy of much-needed residences and compassionate, high-quality healthcare services to the broader Los Gatos senior community.

Our project application together with the corresponding Letter of Justification provide comprehensive details related to all aspects of our rebuild proposal, including our extensive and ongoing community outreach and engagement with our neighbors, stakeholders and seniors. Our project incorporates the comments received during review by the Conceptual Development Advisory Committee (CDAC), and the Technical Project Review meetings held with Town Staff and fully complies with the Town's 2020 General Plan and the direction proposed in the 2040 General Plan Update. Our full proposal and letter of justification are available on the Town's website (https://www.losgatosca.gov/2393/W).

Additional details regarding our proposal are addressed in regularly updated responses to frequently asked questions (FAQs) and informational videos on Covia's project website (https://covia.org/los-gatos-meadows/).

The rebuild proposal as submitted represents the culmination of more than three years of community outreach and scores of meetings with stakeholders. It was calibrated finely to meet the needs of the neighbors and of the community. Our request for approval of a Planned Development Overlay permit remains unchanged, as we are confident that our project as submitted would make a significant and beneficial contribution to Los Gatos.

We are pleased to present Town Staff and Town Council with specific options for consideration to address the Planning Commissioners' feedback while respecting the time and effort of our stakeholders to shape our design. The result is a proposal that preserves the integrity of the Project Application while staying strictly within the parameters of the Town's Environmental Impact Report.

We are also taking this opportunity to better explain some of our key priorities and/or critical project elements that we may not have articulated well during the Planning Commission public hearing. Some of these were most notably raised by the Planning Commissioners and quite validly warrant better explanation.

The Tradeoff Between Height/Massing versus Housing

The primary theme of comments made by the Planning Commission and the public is related to the height/massing of our proposed project as well as issues related to the project's contribution to provide appropriate housing. These issues are directly linked. The smaller we make our project; the fewer units we can provide. As the project gets smaller, several fixed upfront and on-going costs are allocated over fewer units, increasing the minimum pricing to maintain feasibility. While Covia is a non-profit organization, it is not immune from these fundamental economic forces.

With this understanding in mind, coupled with our sensitivity to the concerns raised during the Planning Commission hearing, we are offering the following options for the Town Council's consideration that carefully balances these tradeoffs. We plan to review these options in a town hall with our neighbors prior to presentation of the project to the Council.

Option A: Select Reduction in Height and Massing

We believe that our proposal "as-is" achieves an appropriate balance between the numerous applicable factors involved.

However, herein we summarize an option (Option A) that reduces the scale of the proposed project by eliminating a floor in Villa C (loss of six units) and stepping back Villa A (loss of two units). This change would reduce visual impacts from public *and* private views. **Appendix A** includes more details related to this option.

We are planning to add additional flags in a contrasting color to demarcate the revised massing and height of Option A using the existing Story Poles. The new flags will be in place prior to the Town Council meeting. Besides the additional flags, a new visualization exhibit, while not included herein, will be prepared and available at the Town Council meeting.

It's worth noting that the Town's Consulting Architect Report (May 8, 2020) and the Draft EIR concluded, respectively, that no changes to the proposed building design are warranted and that the "impacts to the visual character of the project site associated with the proposed project would be less than significant" (Impact 5-3).

Option B: Change in Unit Mix

Several comments made during the Planning Commission meeting questioned the "luxury" positioning of the proposed project. To be clear, it is our objective to rebuild Los Gatos Meadows as a beautiful community. The proposed use and proposed target positioning of the current application does not differ from our original entitlement application secured in the late 1960s. What has changed are the expectations for senior living that have evolved markedly over the past half-century. The preferences and expectations of people born in the later part of the 1800s (the intended age cohort of the original design) differ greatly from those of the baby-boomer generation.

The unit sizes and unit mix of the proposed project is based on focus group studies with local residents and decades of Covia's experience providing similar services to thousands of older adults. A project positioning that is not in alignment with the market is not feasible.

We believe our proposal "as-is" aligns well with current local and market preferences.

However, herein we summarize an option (Option B) that makes a modest adjustment to the proposed unit mix by eliminating the five top-story penthouse units entirely, reducing the number of two bedroom/dens by eight units, increasing the number of one bedroom/dens by one unit, and adding 12 additional one-bedroom units. This option recovers the eight units lost in the implementation of Option A, while also achieving a more diverse mix in unit size/mix. **Appendix B** includes more details related to this option.

Option C: Reduction in Net Off-Haul

Meeting the operational needs for the former Los Gatos Meadows site required the use of numerous surface parking spaces as well as extensive use of off-site public and private parking that compromised fire department access. Resolving this has been a major priority of our planning efforts. In response to CDAC's recommendation, our rebuild proposal incorporates a substantial increase in the number of below grade parking spaces that would necessitate a substantial volume of soil off-hauls.

We believe our proposal "as-is" balances the trade-off between parking needs and other factors such as volume of soil removed, off-haul impacts, visual impacts, fire access and tree removal impacts.

However, we've heard Planning Commission's concerns. Herein we summarize an option (Option C) that reduces the number of parking spaces provided and the volume of soil removed by approximately 10 percent. **Appendix C** includes more details related to this option.

Each of these options, independently and collectively, preserve the integrity of our rebuild proposal. Further, they fall within the parameters of the EIR Project Description, corresponding impacts analysis and conclusions, as prepared by the Town's environmental consultant. Finally, based on review by our civil engineer, we are confident that any one or the combination of Options will result in only minor modifications to the plan sets on file.

Potential Below Market Rate Housing Contribution

We are not proposing to change the existing use. The State of California specifically prohibits the imposition of rent restrictions on this use.

In the spirit of contributing to the Town's housing goals, subject to certain conditions**, we are proposing that 7 units of our proposed rebuild be subject to similar restrictions as those imposed by the Town on the Terraces of Los Gatos.** Details regarding this proposal are outlined in **Appendix D**.

Tree Impacts

The Planning Commission review raised a concern regarding our proposed project's impact on trees. We believe we may not have sufficiently addressed this in our communications. Without such explanation and key context, we understand these concerns.

The decision to maintain and, in fact, slightly reduce the development pad was made to *prioritize tree preservation* and to keep the design consistent with the spirit of the hillside guidelines. We made a judgment call that tree preservation should be a higher priority than height and massing impacts. Accordingly, we elected not to pursue an approach that would have stepped the project up the hill any further, resulting in shorter buildings and a loss of open space and existing trees.

Given this priority, why does our rebuild proposal affect so many trees? In two words: fire access. Most of the trees affected by our project directly relate to fire access improvements including:

- Creating a drive aisle around the entire property
- Widening the access route
- Adding staging areas
- Reducing grade changes in conformance with current standards

We have taken extraordinary care to work with the Santa Clara County Fire Department to design a rebuild that respects the retention of existing trees and minimizes the existing wildfire risk.

Any rebuild on the existing development pad would be expected to trigger these requirements and would result in the loss of some trees. In the event that the property is not rebuilt, one possible scenario is that the property would be re-opened with severely compromised fire accessibility with only few improvements to wildfire risk.

Further, the new plantings as described in our rebuild proposal will provide major improvements to mitigating wildfire risk in conformance with current best practices.

Finally, please consider the long-term impact of our proposed project to the ecology of trees on our site. Our proposed project will increase the amount of open space and the number of trees, as demonstrated by Sheets LS-1 through LS-11 of our submittal.

Community Benefit

Our Justification Letter addresses community benefits related to human services, town integration, improved on-site circulation, enhanced fire access, enhanced emergency access, improved vehicle and bicycle safety, reduction of vehicle trips, and energy and healthy environment improvements (see Section V of the Justification Letter).

In addition to these benefits, we are offering to support housing objectives (see "Below Market Rate Housing" section above).

Other Questions

There were questions related to off-haul and construction traffic, PG&E lines, water pressure, pedestrian access along Wood Road, and public access over Farwell Lane. We have updated our FAQ (Appendix E) to address these questions (See Questions 11 through 20). We have been updating periodically this FAQ document. The most current version of the FAQ document is available on the Covia Los Gatos Meadows website (https://covia.org/los-gatos-meadows/).

* * *

Our current project team began our journey to rebuild Los Gatos Meadows four years ago and along the way we have had the opportunity to communicate with numerous neighbors, business leaders, community leaders and stakeholders. This project represents the culmination of their hard work and participation in our community process.

We greatly appreciate the comments provided by members of the public and Planning Commission and appreciate having the opportunity to respond in detail. Given that our request is for a PD Overlay permit, we are optimistic that any *design* refinements from this point forward can be addressed during the Architectural and Site review process, thereby allowing this process to continue its path forward.

We look forward to continuing to work with you and the Town Council to provide the residents of Los Gatos with a markedly improved, beautiful and safer Los Gatos Meadows.

Respectfully,



_____

Francesco J. Rockwood
Rockwood Pacific Inc. (Applicant)
On behalf of Covia Communities (Owner)

c: Chris Ichien, Vice President of Life Plan Operations, Covia Communities

Attachments
Appendix A – Option A
Appendix B – Option B
Appendix C – Option C
Appendix D – Potential Below Market Rate Housing Contribution
Appendix E – FAQs as of March 2022

In response to feedback on views from Main Street and neighboring properties, the design team has reduced building heights in select locations. This option includes removing a full floor from Villa C and further stepping back the upper floors of Villa A as shown in Figures 1, 2, 3 and 4. The 5th floor of Villa A in the current proposal (refer to A-105A) was stepped back with a clubhouse and rooftop patio. Figure 7 below shows the reduction of the 4th floor of Villa A (previously the 5th floor) and Figure 8 shows the 5th floor further stepped back. Figures 9 and 10 below show the impact of these reductions in section with Option A in red lines and the current proposal dashed in blue. Figures 11 and 12 illustrate the reduction in Villa A, primarily impacting the public view, and Figures 13-14 illustrate the reduction in Villa C, impacting the neighbors' views.

This will result in a reduction of 8 units, representing 14,612 gross square feet and 12,240 rentable square feet.

We are planning to add additional flags in a contrasting color to demarcate the revised massing and height of Option A using the existing Story Poles. The new flags will be in place prior to the Town Council meeting. Besides the additional flags, a new visualization exhibit, while not included herein, will be prepared and available at the Town Council meeting.

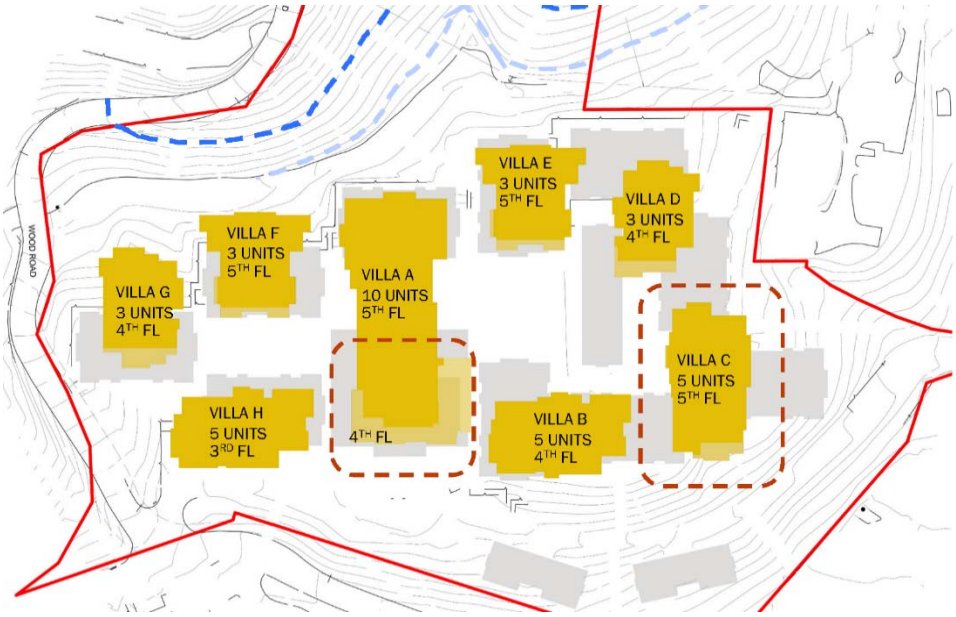

Figure 1: Current Proposal; unit count at top floor

Appendix A – Option A

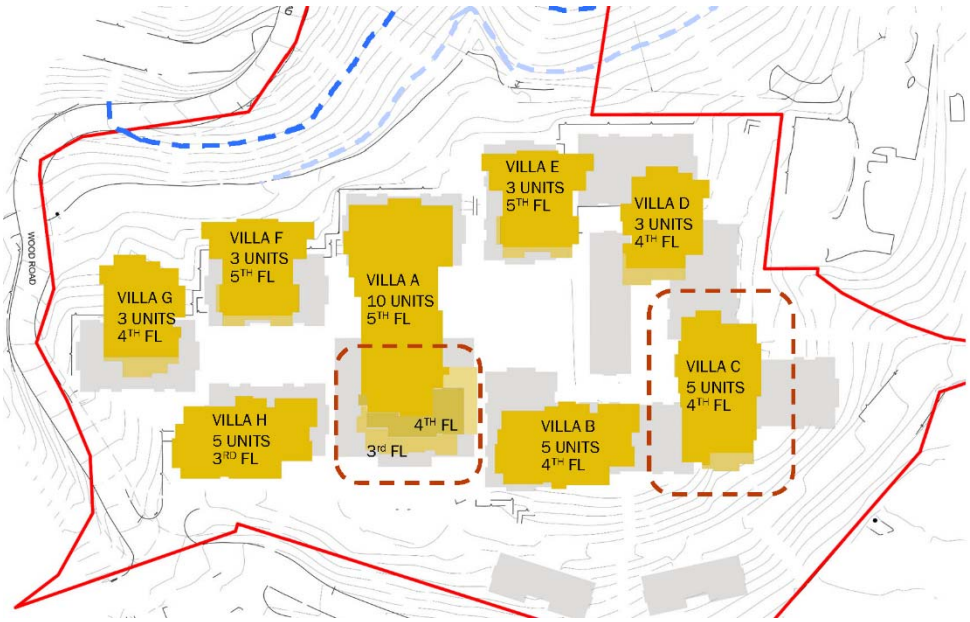

Figure 2: Option A; unit count at top floor

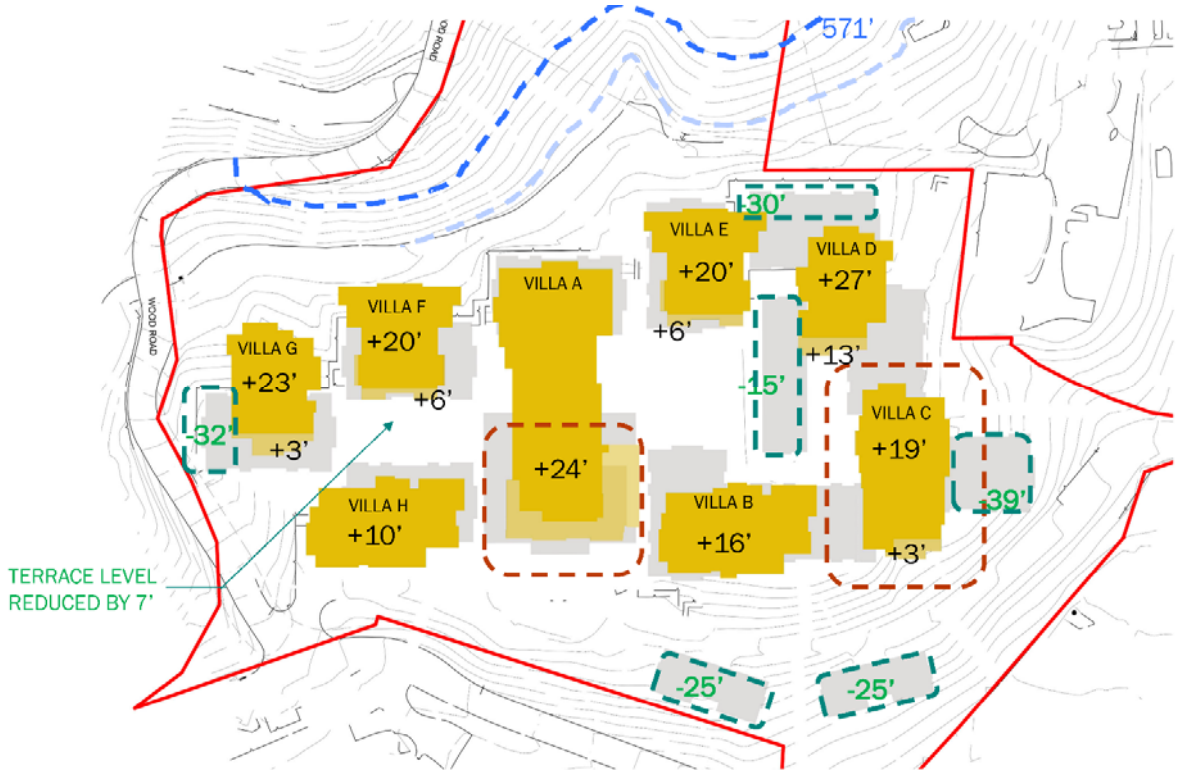

Figure 3: Current Proposal; Height comparison from existing



Figure 4: Option A; Height comparison from existing

Table 2: Summary of Proposed Buildings			
Building	**# of Apartments**	**Gross Square Feet (GSF)**	**Building Height (ft)[2]**
Building A	46	157,054[1]	85.5
Building B	20	41,483	70.5
Building C	29	56,891	81.5
Building D	15	31,426	70.5
Building E	18	40,712	82
Building F	17	40,712	82
Building G	14	31,426	70.5
Building H	15	31,112	59

[1] Building A GSF includes service spaces on Level G including entry/reception, fitness area, health center and several back of house areas.
[2] Finished building height dimensions are to ground level (+488').
Source: Perkins Eastman, January 2020

Figure 5: Current Proposal; Summary of Proposed Buildings

Table 2: Summary of Proposed Buildings			
Building	**# of Apartments**	**Gross Square Feet (GSF)**	**Building Height (ft)[2]**
Building A	44	152,795[1]	85.5
Building B	20	41,483	70.5
Building C	23	46,538	70
Building D	15	31,426	70.5
Building E	18	40,712	82
Building F	17	40,712	82
Building G	14	31,426	70.5
Building H	15	31,112	59

[1] Building A GSF includes service spaces on Level G including entry/reception, fitness area, health center and several back of house areas.
[2] Finished building height dimensions are to ground level (+488').
Source: Perkins Eastman, January 2020

Figure 6: Option A; Revised Summary of Proposed Buildings

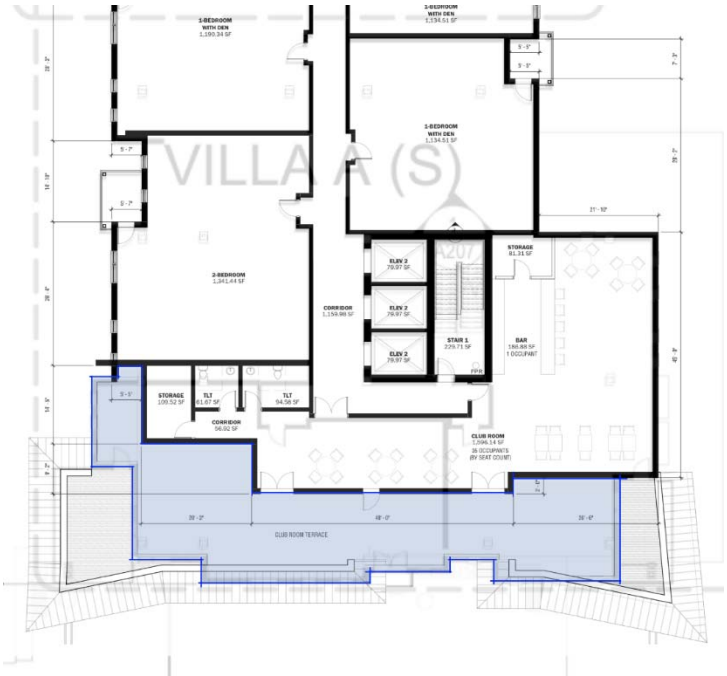

Figure 7: Villa A 4th Floor – Option A

Appendix A – Option A

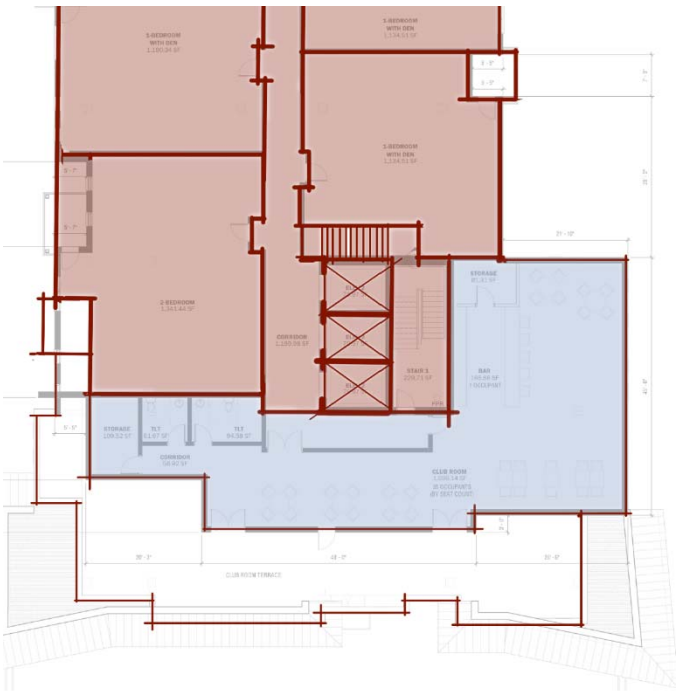

Figure 8: Villa A 5th Floor – Option A

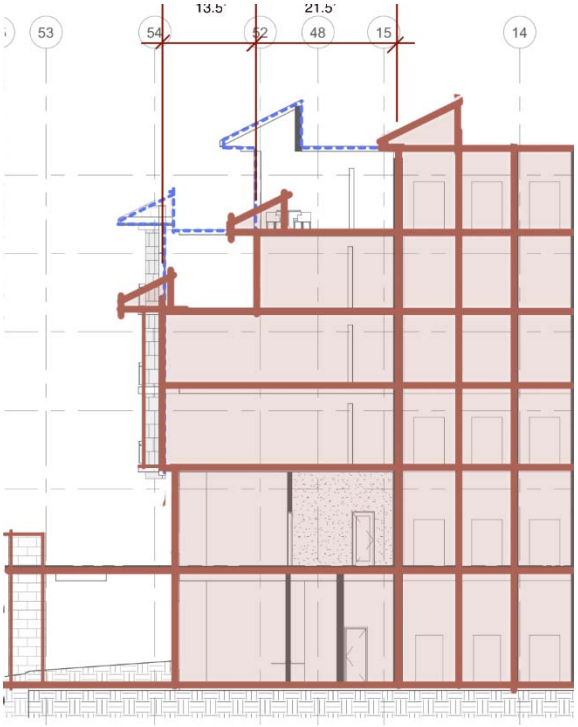

Figure 9: Villa A Section through elevators

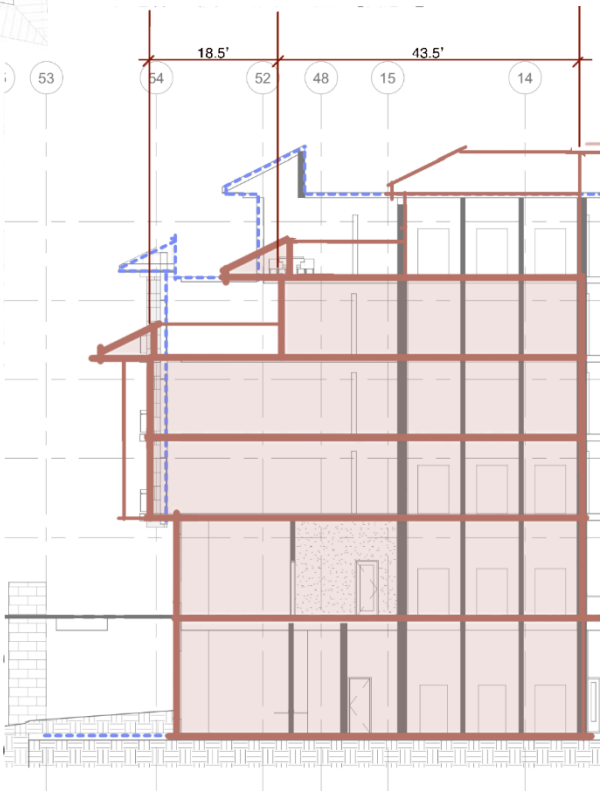

Figure 10: Villa A Section through lounge

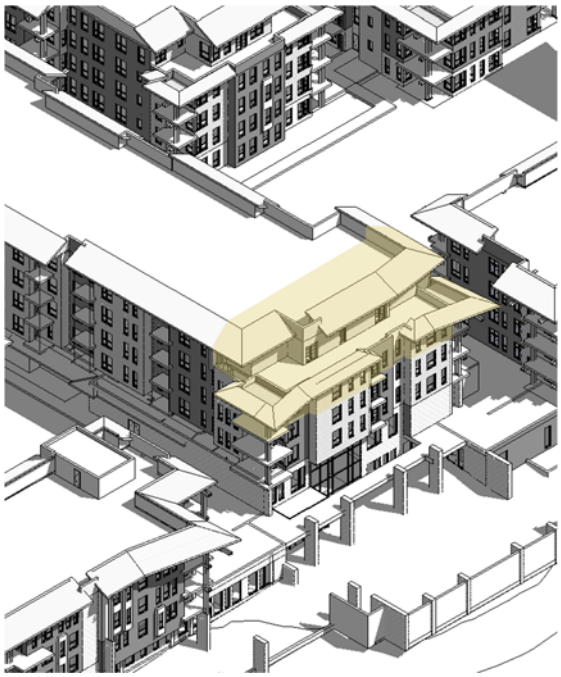

Figure 11: Current Proposal View; Villa A

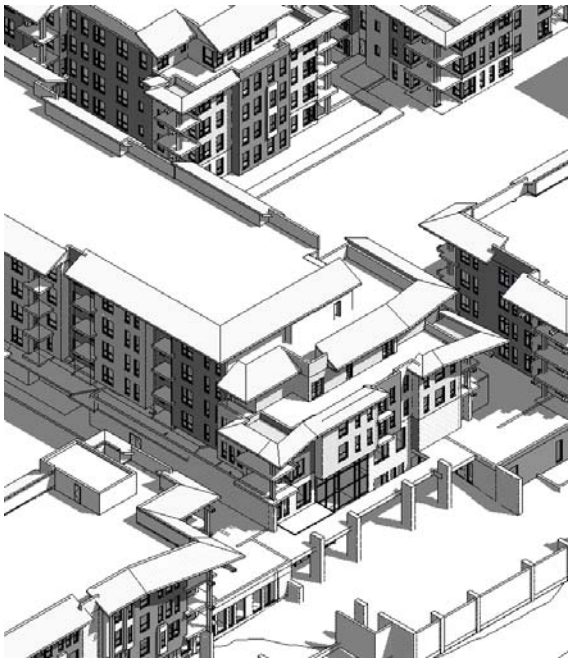

Figure 12: Option A View; Villa A



Figure 13: Current Proposal View; Villa C



Figure 14: Option A View; Villa C

Option B

In order to maintain an overall unit count of 174, the penthouse units on the upper floors of Villa E and F were reduced in size and divided into multiple units, while the stepped penthouses on C, D and G were eliminated and replaced with small units.

Figure 1 below shows the unit count in the current proposal as compared to the revised mix resulting from the reduction of units in Villas A and C and the division of units in Villas B, E, F and H.

	Current Proposal			**Option B**		
	Totals			**Totals**		
	Avg Area in SF	***Unit Count***	***Total SF of Units***	***Avg Area in SF***	***Unit Count***	***Total SF of Units***
1 Bedroom	1,067	9		1,011	21	
1 Bed/Den	1,248	48		1,231	49	
2 Bedroom	1,531	66		1,510	66	
2 Bed Den	1,693	46		1,703	38	
Penthouse	2,267	5				
TOTALS	1,493	174	259,744	1,414	174	245,974

Figure 1: Unit Mix Comparison

Option C

Reductions to the parking garage were studied in order to reduce the hillside excavation and off-haul quantities. Figure 2 shows the lower level garage reduced by the area highlighted in red, reducing parking by 15 spaces in order to eliminate approximately 10,600 CY of off-haul (per Figure 1). Figure 3 shows the ground floor parking garage reduced by the area highlighted in red, reducing parking by 4 spaces in order to eliminate approximately 2,800 CY of off-haul (per Figure 1).

As a result, total parking spaces would decrease from 200 parking spaces to 181 parking spaces. Standard parking spaces would decrease from 77 standard parking spaces to 62 standard parking spaces. At the previous site, Covia provided valet attendants that were available from 8AM and 5PM and had posted a phone number for valet services requested outside those hours. Covia intends to continue providing a similar valet service.

LOS GATOS PLANNING ANALYSIS					
Off Haul Analysis					
	GSF of Floor	Height	Total SF	CY	Parking Spaces Lost
Lower Level	8,730	11	96,030	10,670	15
Ground Floor	1,526	17	25,942	2,882	4
TOTALS	**10,256**	**28**	**121,972**	**13,552**	**19**

Figure 1: Off-haul Analysis

Appendix C – Option C

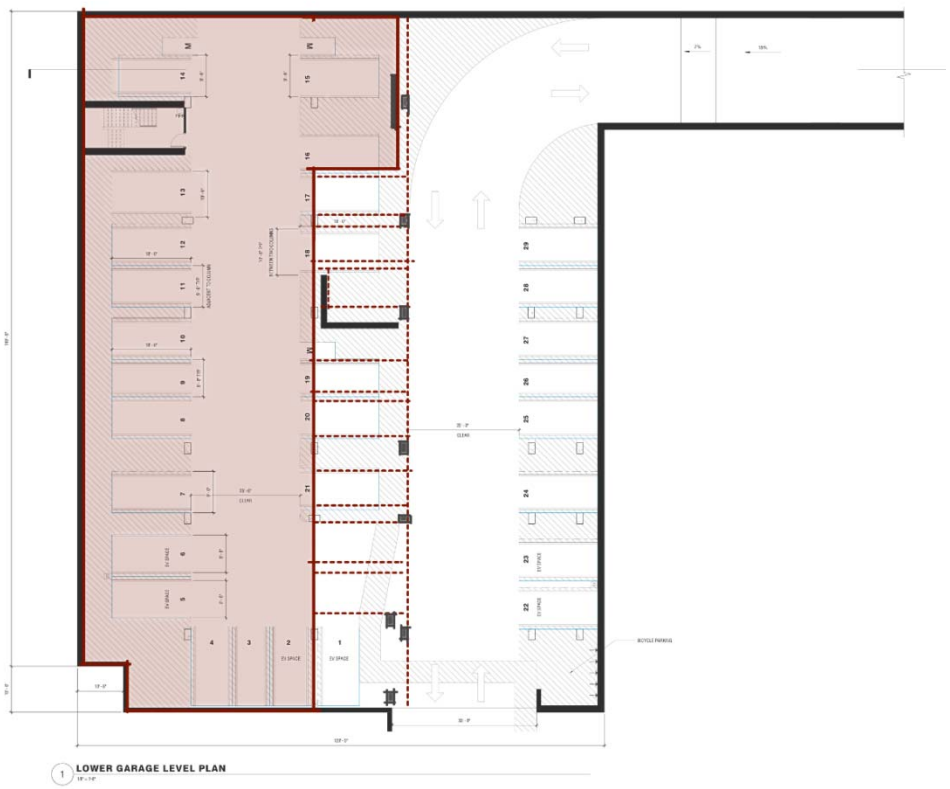

Figure 2: Lower-Level Garage Floor Reduction

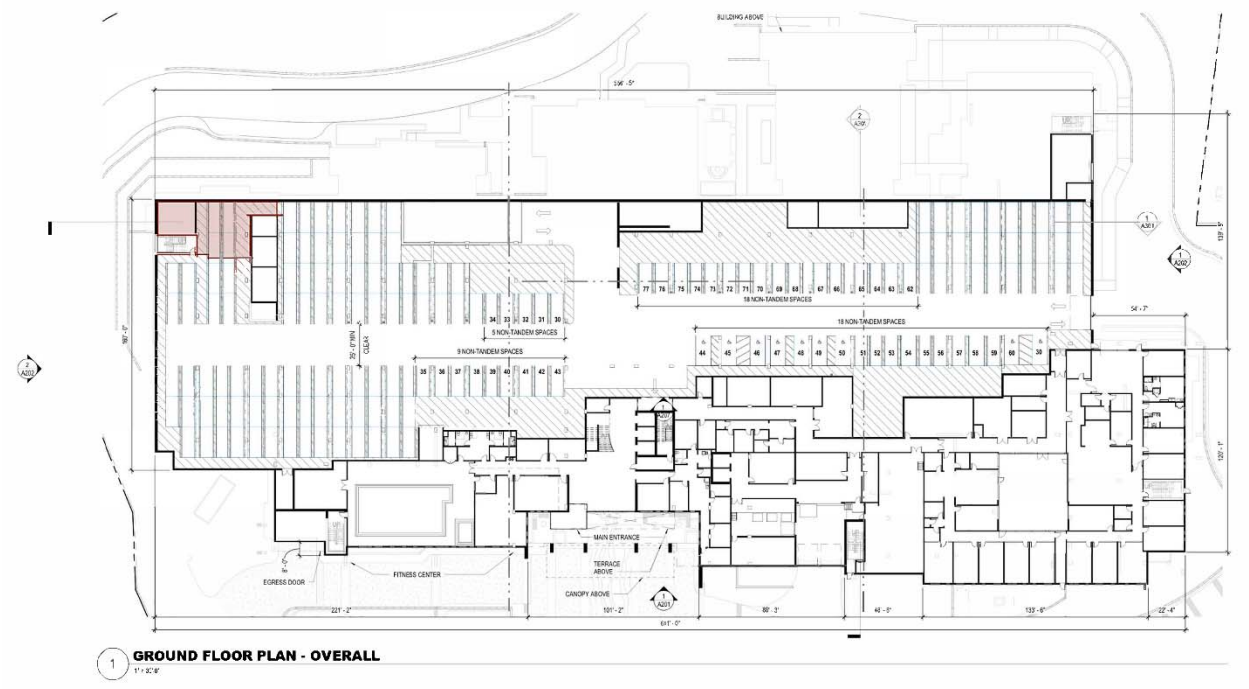

Figure 3: Ground Floor Garage Reduction

Background: The proposal to rebuild Los Gatos Meadows does not increase the number of units, residents, or on-site staff, and accordingly, the project would not affect local affordable housing conditions. Furthermore, the imposition of rent and income restrictions for the Los Gatos Meadows use category (which is proposed to remain unchanged) is prohibited by state law. However, in the spirit of expanding community benefits of the proposed project, Covia would be willing to implement a below market rent agreement contingent upon terms generally and similarly imposed on the Terraces of Los Gatos (the "Terraces") per Town of Los Gatos Resolution 1993-49 (the "1993-49 Resolution") with the adjustment, exceptions and qualifications outlined herein.

Units: Unlike the "Terraces", the proposal is a rebuild project and would not increase the number of units, residents, or staff above the current baseline conditions as reflected in our existing entitlement approval granted in 1968. We propose that units subject to this limitation be based on the number of additional units we can accommodate by having Villa buildings up to five stories versus having Villa buildings up to only four stories.

Based on our proposed project and utilizing the 20% ratio specified in the 1993-49 Resolution, this would result in 7 units being subject to the below market rate restrictions.

Proposed Project with Option B Updates

	1-BED	1-BED w DEN	2-BED	2-BED w DEN	TOTAL		RATIO	BMR Units
Terrace	8	4	10	8	**30**			
2nd Level	4	15	17	10	**46**			
3rd Level	2	14	18	11	**45**			
4th Level	3	11	14	7	**35**	**x**	20%	7 units
5th Level	4	5	7	2	**18**			
TOTAL	21	49	66	38	**174**			**7 units**

In the above calculation, we are assuming that we would keep similar setbacks, so accordingly, for the purpose of this calculation we utilize the unit counts on the fourth level.

Another way to get to the same result would be to: (i) calculate the total number of units for a hypothetical version of the project limited to four stories, (ii) determine the change in the number of units in comparison to the proposed version, and (iii) apply the 20% ratio to the difference.

By permitting the project to go up to five stories, the project can accommodate an additional 35 units (174 units less 139 units as outlined below). Applying the 20% ratio to this increase (and rounding up) yields 7 units.

Hypothetical Project

	1-BED	1-BED w DEN	2-BED	2-BED w DEN	TOTAL
Terrace	8	4	10	8	**30**
2nd Level	4	15	17	10	**46**
3rd Level	2	14	18	11	**45**
4th Level	4	5	7	2	**18**
TOTAL	18	38	52	31	**139**

Note that the calculations above assume the adoptions of adjustments contemplated in Option A and Option B as outlined in Appendix A and Appendix B herein respectively. It is worth repeating, the proposed project is a rebuild proposal that is not proposing to increase the number of units.

As with the terms specified in the 1993-49 Resolution, only smaller units (one-bedroom units and one-bedroom with den units) would be subject to the below market rate terms. The rent discount would only apply to the independent residential apartments and would not apply to the supporting care units.

Monthly Rent Discount: The market rate monthly service fee shall be reduced by the percentage specified below to determine the amount of the below market price monthly fee.

One Bedroom	18.2%
One Bedroom with Den	14.7%

These percentages may not be decreased.

Qualifications:

1. No Material Changes: This proposal is contingent on there being no material changes to the proposed project imposed by the Town Council (aside from those offered herein), including a minimum Los Gatos Meadows unit count of 174 units with a minimum average unit size of 1,414 square feet of useable area per unit.
2. Internal Approvals: Imposition of these limitations are subject to appropriate internal Covia approval processes.

Los Gatos Meadows
A COVIA COMMUNITY

Rebuild of Los Gatos Meadows
Frequently Asked Questions
March 2022

Q1: What is the Los Gatos Meadows proposal?
A1: Our proposal to rebuild Los Gatos Meadows provides innovative senior care and housing on a safe and modern campus that ensures the safety and well-being of residents, employees and neighbors. It will include sustainable, accessible and state-of-the-art features that are aligned with the Town of Los Gatos' long-term vision. We are committed to working closely with the community and Town leaders to ensure a transparent and thoughtful proposal review process.

Q2: What is the status of the proposal?
A2: Rockwood Pacific Inc. on behalf of Covia, the non-profit owner of Los Gatos Meadows, submitted a formal application for re-development review for 110 Wood Road to the Town of Los Gatos Planning Division on Jan. 22, 2020. The project application and all related documents, including the Draft Environmental Impact Report are available on the Town of Los Gatos website (www.losgatos.com) and at https://www.losgatosca.gov/2393/W.

Q3: What is the expected timeline for the rebuild proposal?
A3: The project is expected to be reviewed by the Town Council in the Spring of 2022. Preparation of construction documents and permit approvals are likely to take at least another 18 months following the Town's action on the project. The soonest construction would start is mid-2024 and we anticipate it lasting two and a half years.

Q4: What is happening now to the buildings and grounds?
A4: Since the Los Gatos Meadows facility closed Sept. 30, 2019, Covia has provided on-site property management and security, ensuring the campus remains safe from fire, trespassing, vandalism and illegal dumping. In addition, ongoing maintenance has been provided as needed. Covia has erected a perimeter fence around the main campus and has posted no trespassing signs. We do not anticipate demolishing our existing facilities until we have a permit for the rebuild proposal.

Q5: Why did Los Gatos Meadows close?
A5: In early 2019, after completion of a rigorous facilities assessment, Covia concluded that continuing operations of the 48-year-old Los Gatos Meadows facility presented too great a wildfire risk to our residents and employees. We worked closely with all our residents, their families, our employees, neighbors and the Town of Los Gatos to ensure a thoughtful and smooth closing on Sept. 30, 2019.

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Q6: Who is managing the proposal?
A6: Covia, the long-standing Los Gatos Meadows non-profit property owner/operator with 50 years' experience managing senior living communities, is overseeing the proposal. Covia recently affiliated with Front Porch, a non-profit family of senior communities and partnerships. The two organizations are stronger together in an evolving marketplace and have increased their ability to deliver services.

Covia has retained Rockwood Pacific Inc. to provide development management services. Other members of the team include Perkins Eastman (site planning and architecture); Kimley-Horn (planning and civil engineering); and Gates + Associates (landscape architecture).

Q7: What is the visual impact of the project on the surrounding community?
A7: Covia has erected story poles on all perimeter buildings to provide the community with the anticipated visual impact of the proposal for Los Gatos Meadows. We have developed numerous visualization exhibits to assist in gauging the impact of our proposed rebuild. The visual impacts have been significantly mitigated.

Q8: Who will own and operate the proposed Los Gatos Meadows?
A8: Covia, as part of its recent affiliation with the non-profit Front Porch, intends to continue to operate the proposed community and to retain full control of the property.

Q9: Are there any updates regarding the "Town Integration Plan"?
A9: Yes, design and programs for the proposed community may include improved quality-of-life experiences for residents, increased accessibility to Los Gatos businesses, and fewer car trips.

Q10: Is the proposed project expected to affect the Town of Los Gatos' Regional Housing Needs Assessment (RHNA)?
A10: No. The current and proposed use is as a Continuing Care Retirement Community. The proposal is to amend and replace an existing Planned Development. These actions are not expected to affect the Town's RHNA calculations.

Q11: What are the plans for Farwell Lane?
A11: The proposal would minimize on-campus interactions between vehicles and pedestrians. The current plan includes the integration of one or more electric autonomous vehicles (similar in size to a golf cart) to be used along a re-built and widened (with some portions widened from 12' to 26') Farwell Lane to enable the safe, convenient and alternative means of transport for residents between Los Gatos Meadows and Los Gatos retail, entertainment and civil services and reduce traffic and parking demand. The autonomous vehicles are not expected to leave the Los Gatos Meadows property.

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Neighbors have expressed a concern regarding evacuation alternatives in the event of an emergency. Though it is a private road, Covia intends to improve and operate Farwell Lane in a manner that would permit accessible use of this route by our neighbors in the event of an emergency.

The rebuilt Farwell Lane will also a critical fire access route. The Santa Clara County Fire Department intends to utilize Farwell Lane as the primary access point to the property in the event of a fire.

Q12: What is the expected traffic impact after completion?
Q12: Per the traffic analysis provided in the memorandum of Dec.10, 2020 regarding Los Gatos Meadows – Transportation Analysis, the rebuild is expected to result in a reduction in the number of peak hour trips in the mornings and evenings.

The project is expected to result in a modest increase in the number of trips on Wood Road due to the change in the use of Farwell Lane (see question above). The proposed rebuild would result in not more than an additional 30 cars per hour in or out which equates to about one car per every 2 minutes. On Saturdays, the peak hour in-bound is 39 trips.

This still equates to less than one trip per minute which is minimal. It is anticipated that the improvements to the parking conditions at Los Gatos Meadows will reduce the number of trips under prior conditions, where a visitor or staff attempts to find parking, fails and has to park at one of the off-site options.

The site further mitigates its traffic impact by utilizing electric autonomous shuttles to connect residents to downtown without impacting parking demand.

Q13: What is the expected construction traffic impact related to off-haul?
Q13: The estimated net off-haul dirt volume is 144,000 cubic yards. A combination of double bottoms, end dumps, and super dump trucks are expected to be utilized for this task. The total number of expected trips is approximately 14,000. At roughly 200 loads per day, the duration of this task is approximately three months. For outbound trips, trucks are expected to turn right onto Santa Cruz Avenue and head south on CA-17 and, as appropriate, turnaround on Bear Creek Road. For inbound trips, trucks are expected to approach the site from the CA-17 exit onto Santa Cruz Ave.

The existing draft Conditions of Approval includes a requirement for Covia to rebuild the segment of Wood Road from Santa Cruz Avenue to the project.

Per the current draft of Conditions of Approval, hauling of soil shall not occur during the morning and evening peak periods (between 7 a.m. and 9 a.m. and between 4 p.m. and

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6 p.m.) and such hauling shall be subject to a traffic control plan acceptable to the Town.

Q14: Will the project include sidewalk improvements on Wood Road?
Q14: Yes. The current draft Conditions of Approval require the installation of a sidewalk connecting the project to the intersection of Wood Road and Santa Cruz Avenue and construction of the necessary retaining wall(s), potential pedestrian crosswalk and associated ADA ramps for connectivity to the existing sidewalk on the south side of Wood Road.

Q15: Will the project affect water pressure?
Q15: No. The project is not expected to affect pressure in the area. As part of the project planning process, San Jose Water Company performed hydraulic analysis and confirmed that water pressure is suitable.

Q16: Will the project result in the undergrounding of PG&E lines?
Q16: The proposal does not address under-grounding of power lines. At an appropriate time, the project team intends to inquire with PG&E regarding the undergrounding of power lines and will plan to coordinate with interested neighbors on this matter.

Q17: Will the new roof be white?
Q17: No. Unlike the existing roof color, the new buildings are not expected to have white roofs. However, to address sustainability goals, the selected color is not expected to be dark. Roof color and other design attributes are expected to be addressed in a future phase of the project.

Q18: Will the project include solar panels and what would the panels look like?
Q18: The current proposal does not address this level of detail. The use, placement and configuration of solar panels, as applicable, are expected to be addressed in a future phase of the project (during the architectural and site application review process).

Q19: During what hours will construction occur?
A19: Per current Town policy, all construction activities shall be limited to the hours of 8 a.m. to 6 p.m. on weekdays and 9 a.m. to 4 p.m. on Saturdays. No construction is allowed on Sundays or holidays.

Q20: What are the current plans related to trails and paths?
A20: We are not planning to incorporate trails or walking paths into the project based on feedback from some neighbors.

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Q21: How did Los Gatos Meadows engage the community through the design process?
A21: Rockwood Pacific Inc., Covia's project manager, organized and participated in at least 15 public forums and approximately 75 meetings with community members, local businesses, neighbors, community groups and other stakeholders to gather public input to shape the project designs.

Q22: How will the project respect hillside character?
A22: Although Hillside Design Standards and Guidelines do not apply to this project, Los Gatos Meadows will be built in accordance to the spirit of the guidelines. Los Gatos Meadows steps into the hillside and increases available open space. Architects have selected natural, muted tones to blend in seamlessly with the surrounding environment.

Q23: Will the project meet green building standards?
A23: The project will exceed the California Green Building Standards Code, which is more rigorous than other independent certifications. In response to community feedback, the project will incorporate recycling, ample natural light, energy and water efficiency, and other environmentally sound practices.

Q24: How do I get information regarding pricing, units and services?
A24: Information about pricing and services is not expected to be available until 2023. Please send your name, mailing address and email address to Susan Rockwood (susan@rockwoodpacific.com) to be added to a list of interested future residents.

Q25: How can I receive updates about the Los Gatos Meadows proposal? Who do I contact if I have questions?
A25: Please visit our website - https://covia.org/los-gatos-meadows/ - to stay informed about the proposal or the Town of Los Gatos Planning Division's website at https://www.losgatosca.gov/2393/W. Covia has retained Rockwood Pacific Inc. to assist in the management of the proposal. Please contact Frank Rockwood of Rockwood Pacific Inc. by emailing frank@rockwoodpacific.com for further details about information sessions and open houses.

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Draft Ordinance: subject to modification by Town Council based on deliberations and direction

ORDINANCE

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE TOWN CODE EFFECTING A ZONE CHANGE FROM R:PD TO R:PD FOR PROPERTY LOCATED AT 110 WOOD ROAD (APN 510-47-038)

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 on property located at 110 Wood Road (APN 510-47-038) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from R:PD (Residential, Planned Development) to R:PD (Residential, Planned Development). Ordinance number 938, passed and adopted by the Town Council of Los Gatos on March 4, 1968, is hereby rescinded and replaced with this Ordinance.

SECTION II

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

A. An Environmental Impact Report (EIR) was completed for the proposed development and no significant unmitigated impacts are associated with the application. The Findings of Fact are made, the Final EIR is certified, and the Mitigation Monitoring and Reporting Program is adopted.

SECTION III

The PD (Planned Development Overlay) zone established by this Ordinance authorizes the following construction and use of improvements:

1. Demolition of all existing buildings on the site;
2. Construction of a new senior living facility as shown on the Official Development Plans (Exhibit B);
3. Removal of 192 trees, including 8 large protected trees;
4. Site improvements requiring a Grading Permit; and
5. Uses permitted are those specified in the R (Residential) zones by Article IV of the Town Code as it exists at the time of the adoption of this Ordinance, or as they may be amended in the future.

ATTACHMENT 10

SECTION IV

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS:

All provisions of the Town Code apply, except when the Official Development Plan specifically shows otherwise.

SECTION V

Architecture and Site Approval is required prior to submitting for Building, Tree Removal, and/or Grading Permits. Construction permits shall only be in a manner complying with Section 29.80.130 (PD Ordinance) of the Town Code.

SECTION VI

The attached Exhibit A (Map), and Exhibit B (Official Development Plans)**,** are part of the Official Development Plan. The following performance standards must be complied with before issuance of any grading, or construction permits (mitigation measures are so noted and are flagged with an asterisk):

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. OFFICIAL DEVELOPMENT PLANS: The Official Development Plans provided are conceptual in nature. Final building footprints, building designs, colors, and materials shall be determined during the Architecture and Site approval process.
2. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
3. ARCHITECTURE AND SITE APPROVAL REQUIRED: A separate Architecture and Site (A&S) application and approval is required for the project. The Architecture and Site application may be reviewed by the Development Review Committee.
4. 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.
5. ARBORIST REQUIREMENTS: All recommendations of the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting) shall be followed
6. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for trees approved

for removal prior to the issuance of demolition or grading permits.

7. REPLACEMENT TREES: New trees shall be planted to mitigate the loss of trees being removed. The number of trees shall be determined using the canopy replacement table in the Tree Protection Ordinance.
8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties prior to final inspection and issuance of occupancy permits.
9. TREE FENCING: Protective tree fencing shall be placed at the drip line of existing trees and shall remain through all phases of construction. Refer to the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting) requirements. Fencing shall be six-foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart. Include a tree protection fencing plan with the construction plans.
10. 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.
11. FINAL UTILITY LOCATIONS: The applicant shall submit plans showing the final locations and screening of all exterior utilities, including but not limited to, backflow preventers, Fire Department connections, transformers, utility boxes and utility meters. Utility devices shall be screened to the satisfaction of the Director of Community Development. The plans shall be submitted for review and approval prior to issuance of building permits for new construction.
12. PLAN INCONSISTENCY: Any inconsistencies between sheets shall be limited to whichever is more restrictive.
13. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.
14. *AIR QUALITY MITIGATION MEASURE AQ-6-5a: During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit:
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe;
    b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
    c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site;

d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
e. All vehicle speeds on unpaved roads shall be limited to five (5) mph;
f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;
h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries;
j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity;
k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established;
l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and
m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.

15. *AIR QUALITY MITIGATION MEASURE AQ-6-5b: Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 25 percent reduction of infant/child cancer risk and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds. The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures:

a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met;
b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane);
c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and
d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.

16. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-2: Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse.

    Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.

17. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-3: Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting

features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas.

If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to issuance of tree removal and demolition permits and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within the nursery season.

b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to

the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.

18. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-4: Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities.

    If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.

    a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.

    b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights

and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.

19. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-5a: To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans.

20. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-5b: If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement.

    To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:

    a. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.
    b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.

21. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-6: Prior to issuance of a tree

removal permit and/or a grading permit, developers shall retain a certified arborist to develop a site-specific tree protection plan for retained trees and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting). Also, in accordance with the Town's Tree Protection Ordinance, the developer shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.

22. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-8: On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping.

    The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.

23. *CULTURAL RESOURCES MITIGATION MEASURE CUL-8-2: The following measure shall be included in project plans, prior to issuance of a demolition permit:

    If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, to be approved by the Community Development Director.

24. *WILDFIRE HAZARDS MITIGATION MEASURE FIRE-12-1: In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.

25. *GEOLOGY AND SOILS RESOURCES MITIGATION MEASURE GEO-13-1: The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.,) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures.

    The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to

issuance of building permits.

26. *GEOLOGY AND SOILS RESOURCES MITIGATION MEASURE GEO-13-2: The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to:
    - Site preparation and grading;
    - Ground improvement;
    - Shoring measures and design;
    - Site surface and subsurface drainage improvements; and
    - Excavations for foundations prior to placement of steel and concrete.

    In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated.

    The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval.

    Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.

27. *GEOLOGY AND SOILS RESOURCES MITIGATION MEASURE GEO-13-3: The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead.

    Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.

Building Division

28. PERMITS REQUIRED: A Demolition Permit is required for the demolition of each individual building of the existing senior living community. A separate Building Permit is required for the construction of each new building located within the site.
29. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
30. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.

31. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
32. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
33. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the Air District's J# Certificate, PG&E verification, and three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
34. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
    a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes. Clear signage shall be provided for construction workers at all access points.
    b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112.
    c. Developer shall designate an on-site field supervisor to provide written notification of construction schedule to adjacent residential property owners and tenants at least one week prior to commencement of demolition and one week prior to commencement of grading with a request that all windows remain closed during demolition, site grading, excavation, and building construction activities in order to minimize exposure to NOx and PM10. The on-site field supervisor shall monitor construction emission levels within five feet of the property line of the adjacent residences for NOx and PM10 using the appropriate air quality and/or particulate monitor.
35. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
36. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
37. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation

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inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:

a. Building pad elevation
b. Finish floor elevation
c. Foundation corner locations
d. Retaining wall(s) locations and elevations

38. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
39. SITE ACCESSIBILITY: At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and 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.
40. ACCESSIBLE PARKING: The parking lots, as well as the parking structure, where parking is provided for the public as clients, guests or employees, shall provide handicap 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 with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
41. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
42. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
43. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
44. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of $2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.

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45. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks & Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407
    e. 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 & PUBLIC WORKS:

Engineering Division

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

arrive at a mutually agreeable solution that addresses safety and aesthetic issues. If no solution is reached, the vegetative screening requirement shall be waived. A Private Improvements in the Public Right-of-Way (formerly Indemnity) Agreement will be required if planters are proposed to be located within the Town's right-of-way. A copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any grading or building permits.

51. PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY (INDEMNITY AGREEMENT): The property owner shall enter into an agreement with the Town for all existing and proposed private improvements within the Town's right-of-way. The Owner shall be solely responsible for maintaining the improvements in a good and safe condition at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Director of Parks and Public Works, and subsequently recorded by the Town Clerk at the Santa Clara County Office of the Clerk-Recorder, prior to the issuance of any grading or building permits. Please note that this process may take approximately six to eight (6-8) weeks.
52. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
53. PUBLIC WORKS INSPECTIONS: The Owner and/or Applicant or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
54. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner and/or Applicant or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner and/or Applicant or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner and/or Applicant or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
55. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
56. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as

limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.

57. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
58. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any grading or building permits.
59. PUBLIC WORKS INSPECTOR: The Owner and/or Applicant shall fund a full-time public works inspector, selected by the Town of Los Gatos, for the duration of the demolition and grading operations. The Owner and/or Applicant will be charged on a time and materials basis. A deposit for the full amount, to be estimated by the Town based on the Contractor's approved schedule, shall be paid prior to issuance of the demolition permit.
60. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner and/or Applicant's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
61. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner and/or Applicant.
62. GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). After the preceding Architecture and Site Application has been approved by the respective deciding body, the grading permit application (with grading plans and associated required materials and plan check fees) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off and closing out on the issued grading permit, the Owner/Applicant's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.
63. GRADING ACTIVITY RESTRICTIONS: Upon receipt of a grading permit, any and all grading activities and operations shall not commence until after/occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15), has ended.

64. DRIVEWAY: The driveway conform to existing pavement on Wood Road shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
65. CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the Owner and/or Applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
66. DRAINAGE STUDY: Prior to the issuance of any grading or building permits, the following drainage studies shall be submitted to and approved by the Town Engineer: a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
67. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading/improvement permits, whichever comes first, the Owner and/or Applicant shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.
68. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
69. SURVEYING CONTROLS: Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
    a. Retaining wall: top of wall elevations and locations.
    b. Toe and top of cut and fill slopes.
70. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits, the general contractor shall:
    a. Along with the Owner and/or Applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
    b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
71. RETAINING WALLS: A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
72. CERTIFICATE OF LOT MERGER: A Certificate of Lot Merger shall be recorded. Two (2) copies of the legal description for exterior boundary of the merged parcel and a plat

map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded prior to the issuance of any grading or building permits.

73. DEDICATIONS: The following shall be dedicated by separate instrument. The dedication shall be recorded before any grading or building permits are issued:
    a. Emergency Access Easement: Twenty (20) feet wide, located between Wood Road and Broadway.
74. SOILS REPORT: One electronic copy (PDF) of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
75. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.
76. SOILS REVIEW: Prior to Town approval of a development application, the Owner and/or Applicant's engineers shall prepare and submit a design-level geotechnical and geological investigation for review by the Town's consultant, with costs borne by the Owner and/or Applicant, and subsequent approval by the Town. The Owner and/or Applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. Approval of the Owner and/or Applicant's soils engineer shall then be conveyed to the Town either by submitting a Plan Review Letter prior to issuance of grading or building permit(s).
77. SOILS ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner and/or Applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Owner and/or Applicant's soils engineer and submitted to the Town before a certificate of occupancy is granted.
78. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the Geotechnical Investigation and Geologic Hazards Evaluation by Cornerstone Earth Group, dated January 17, 2020, and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Owner and/or Applicant.

79. SUPPLEMENTAL GEOLOGIC AND GEOTECHNICAL STUDIES: Supplemental geologic and geotechnical engineering studies shall be performed in support of the design of the infrastructure and the podium/building, and the reports and plans shall be submitted to the Town for review.

80. IMPROVEMENT AGREEMENT: The Owner and/or Applicant shall enter into an agreement to construct public improvements in accordance with Town Code Section 24.40.020. The Owner and/or Applicant shall supply suitable securities for all public improvements that are part of the development in a form acceptable to the Town in the amount of 100% performance and 100% labor and materials prior to the issuance of any encroachment, grading or building permit. The Owner and/or Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department. An electronic copy (PDF) of the executed agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any encroachment, grading or building permit.

81. SANITARY SEWER CLEANOUT: A sanitary sewer cleanout shall be located within the property in question, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town. The Owner and/or Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.

82. 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 any grading or building permits or the recordation of a map. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued unless otherwise allowed by the Town Engineer.

    a. Wood Road: streetlights, tie-in paving, signing, striping, storm drainage and sanitary sewers, as required.
    b. Remove and replace the existing pavement section along the project frontage with a traffic-appropriate engineered structural pavement section from lip of gutter to lip of gutter from the intersection of South Santa Cruz Avenue and Wood Road extending westerly to the existing fire hydrant, water tank and water pump facilities located within the latter, or alternative pavement rehabilitation measures as approved by the Town Engineer.
    c. Installation of a sidewalk connecting the podium to the intersection of Wood Road and South Santa Cruz Avenue, as well as construction of the necessary retaining wall(s) and potential pedestrian crosswalk and associated ADA ramps for connectivity to the existing sidewalk on the south side of Wood Road.
    d. Curb and gutter along the northerly side of Wood Road along the property's frontage.

83. CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.
84. FRONTAGE IMPROVEMENTS: The Developer shall be required to improve the project's public frontage (right-of-way line to centerline and/or to limits per the direction of the Town Engineer) to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approach(es), curb ramp(s), signs, pavement, raised pavement markers, thermoplastic pavement markings, storm drain facilities, traffic signal(s), street lighting (upgrade and/or repaint) etc. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
85. ADA COMPLIANCE: The Owner and/or Applicant shall be required to meet all ADA standards, which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. This may require additional construction measures as directed by the Town.
86. UNDERGROUND PARKING GARAGE DRAINAGE: Water from the underground parking garage shall not be discharged onto the public street. The Owner and/or Applicant or their representative shall design a floor drainage system for the garage that collects all drainage and conveys runoff to the sanitary sewer system. Connecting said drainage system to the storm drain system is not permitted.
87. PARKING LOTS: Parking lots and other impervious areas shall be designed to drain stormwater runoff to vegetated drainage swales, filter strips, and/or other Low Impact Development (LID) treatment devices that can be integrated into required landscaping areas and traffic islands prior to discharge into the storm drain system and/or public right-of-way. The amount of impervious area associated with parking lots shall be minimized by utilizing design features such as providing compact car spaces, reducing stall dimensions, incorporating efficient parking lanes, using permeable pavement where feasible, and adhering to the Town's Parking Development Standards. The use of permeable paving for parking surfaces is encouraged to reduce runoff from the site. Such paving shall meet Santa Clara County Fire Department requirements and be structurally appropriate for the location.
88. UTILITIES: The Owner and/or Applicant shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner and/or Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.

89. UTILITY SETBACKS: House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.
90. PRIVATE EASEMENTS: Agreements detailing rights, limitations and responsibilities of involved parties shall accompany any proposed private easement. Access driveway shall be within the recorded access easement. A new private access easement shall be recorded, and an electronic copy (PDF) of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to issuance of a grading or building permit. A realigned access driveway shall be completed prior to the issuance of grading or building permit.
91. SIDEWALK REPAIR: The Owner and/or Applicant shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
92. CURB AND GUTTER REPAIR: The Owner and/or Applicant shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
93. CURB RAMPS: The Owner and/or Applicant shall construct all necessary curb ramps to allow for the required pedestrian connectivity in compliance with ADA Standards which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
94. CALTRANS APPROVAL: The Owner and/or Applicant shall be responsible for obtaining design approval(s) and construction encroachment permit(s) from Caltrans for any improvements within the Caltrans right-of-way. A copy of approved encroachment permit is required to be submitted to the Engineering Division of the Parks and Public

Works Department prior to grading or building permit issuance. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.

95. FRONTAGE IMPROVEMENTS (TRAFFIC): The Developer shall construct improvements including and may not be limited to signage, striping, curb/gutter/sidewalk, ADA ramps and streetlights at project frontage as directed by the Town Engineer. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
96. FRONTAGE IMPROVEMENTS (STREETLIGHTS): The Developer shall replace existing street light fixture with Town-standard street light pole and fixture. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
97. TRAFFIC IMPROVEMENTS (OFF-SITE IMPROVEMENT): Traffic improvements may be required as determined by traffic study. Construct off-site improvements as required. Plans shall be prepared by the Developer's design consultants and submitted to the Town Engineer for approval prior to construction. The Developer is required to designate necessary right-of-way for any required widening. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
98. STREETLIGHTS INSPECTION FEES: The Owner and/or Applicant shall pay $3,000.00 for the Town's inspection of streetlights. The fees shall be due at time of building permit application.
99. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM): The Owner and/or Applicant shall prepare a Transportation Demand Management Plan for the Town of Los Gatos approval prior to the issuance of any building permit. The TDM shall include, but is not limited to, measures such as bicycle facility provisions, shower facilities, local shuttle service, transit passes and subsidies, carpool incentive, designated car share parking, and other measures that may be required by the Town Engineer to obtain a goal of a 15% vehicle trip reduction. The TDM shall also include a TDM Coordinator and identify the requirement for an annual TDM effectiveness report to the Town of Los Gatos.
100. BICYCLE FACILITIES: Bicycle facilities including, but may not be limited to, bike lanes and bike boxes will be provided in all directions and approaches of improved streets and intersections as directed by Town Engineer.
101. TRAFFIC STUDY: Any development of land use that generates greater traffic impacts than those assumed in the traffic study report may require an updated traffic study in accordance with the Town's traffic impact policy.
102. TRAFFIC IMPACT MITIGATION FEE: Prior to the issuance of any building/grading permit(s), the Owner and/or Applicant shall pay the project's proportional 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 is issued. The fee shall be paid before issuance of any grading or building permit. In the event that a subdivision map, parcel map or certificate is required to be recorded the fee shall be paid prior to recordation. The final traffic impact mitigation fee for this project shall be calculated from the final plans using the current fee schedule and rate schedule in effect at the time, using a comparison between the existing and proposed uses.

103. CONSTRUCTION VEHICLE PARKING: No construction vehicles, trucks, equipment and worker vehicles shall be allowed to park on the portion of any public (Town) streets without written approval from the Town Engineer.
104. TRAFFIC CONTROL PLAN: A traffic control plan is required and must be submitted and approved by the Town Engineer prior to the issuance of an encroachment, grading or building permit. This plan shall include, but not be limited to, the following measures:
    a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
    b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
    c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
105. CALTRANS APPROVAL OF TRAFFIC CONTROL PLANS: The Owner and/or Applicant shall be responsible for submitting the proposed traffic control plans to Caltrans for approval for any work within the Caltrans right-of-way or that may affect traffic on South Santa Cruz Avenue.
106. CONSTRUCTION TRAFFIC CONTROL: All construction traffic and related vehicular routes, traffic control plan, and applicable pedestrian or traffic detour plans shall be submitted for review and approval by the Town Engineer prior to the issuance of an encroachment, grading or building permit.
107. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
108. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of an encroachment, grading or building permit, the Developer or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Developer to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional

traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.

109. CONSTRUCTION HOURS: All site improvement construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
110. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
111. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any encroachment, grading or building permits, the Developer's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
112. EMERGENCY VEHICLE ACCESS EASEMENT: Prior to the issuance of any grading or building permits, the Owner and/or Applicant shall coordinate with the Santa Clara County Fire Department to ensure that any proposed modifications to the Emergency Vehicle Access Easement that traverses the Project Site are curvilinear, allows for the Department's equipment to travel across said easement, and meets all Department specifications. Plans shall be submitted to the Santa Clara County Fire Department for approval prior to construction.
113. CALTRANS: Prior to the start of any work along or within Caltrans rights-of-way and/or easement, the Developer shall obtain necessary encroachment permits for the proposed work. A copy of approved encroachment permit is required to be submitted to the Engineering Division of the Parks and Public Works Department. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. Improvements approved by Caltrans shall be constructed and installed prior to grading or building permit issuance unless otherwise allowed by the Town Engineer.
114. STORMWATER MANAGEMENT: Construction activities including but not limited to clearing, stockpiling, grading or excavation of land, which disturbs one (1) acre or more which are part of a larger common plan of development which disturbs less than one (1) acre are required to obtain coverage under the construction general permit with the State Water Resources Control Board. The Owner and/or Applicant is required to provide proof of WDID# and keep a current copy of the storm water pollution

prevention plan (SWPPP) on the construction site and shall be made available to the Town of Los Gatos Engineering Division of the Parks and Public Works Department and/or Building Department upon request.

115. BEST MANAGEMENT PRACTICES (BMPs): The Owner and/or Applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.

116. STORMWATER DEVELOPMENT RUNOFF: All new development and redevelopment projects are subject to the stormwater development runoff requirements. Every Owner and/or Applicant or their design consultant shall submit a stormwater control plan and implement conditions of approval that reduce stormwater pollutant discharges through the construction, operation and maintenance of treatment measures and other appropriate source control and site design measures. Increases in runoff volume and flows shall be managed in accordance with the development runoff requirements.

117. REGULATED PROJECT: The project is classified as a Regulated Project per Provision C.3.b.ii. and is required to implement LID source control, site design, and stormwater treatment on-site in accordance with Provisions C.3.c. and C.3.d..

118. STATE CONSTRUCTION GENERAL PERMIT: In the event that, during the production of construction drawings for the plans approved with this application by the Planning Commission, it is determined that the project will disturb one (1) acre or more of site area, the filing of a Notice of Intent (NOI) and submittal of a Storm Water Pollution Prevention Plan (SWPPP) to the San Francisco Bay Regional Water Quality Control Board as part of a State Construction General Permit will be required. These items shall all be completed and accepted by the Engineering Division before issuance of a grading/building permit.

119. NPDES STORMWATER COMPLIANCE: In the event that, during the production of construction drawings for the plans approved with this application by the Planning Commission, it is determined that the project will create and/or replace more than 2,500 square feet of impervious area, completion of the NPDES Stormwater Compliance Small Projects Worksheet and implementation of at least one of the six low impact development site design measures it specifies shall be completed and submitted to the Engineering Division before issuance of a grading/building permit.

120. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.
    d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
    e. Use landscaping to treat stormwater.

121. BIORETENTION SYSTEM: The bioretention system(s) shall be designed to have a surface area no smaller than what is required to accommodate a 5 inches/hour stormwater runoff surface loading rate, infiltrate runoff through bioretention soil media at a minimum of 5 inches per hour, and maximize infiltration to the native soil during the life of the project. The soil media for bioretention system(s) shall be designed to sustain healthy, vigorous plant growth and maximize stormwater runoff retention and pollutant removal. Bioretention soil media that meets the minimum specifications set forth in Attachment L of Order No. R2-2009-0074, dated November 28, 2011, shall be used.
122. IMPAIRED WATER BODIES: Projects that discharge directly to CWA section 303(d) listed water bodies shall implement appropriate source control, site design and treatment measures for the listed pollutants of concern.
123. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
124. LANDSCAPING: In finalizing the landscape plan for the biotreatment area(s), it is recommended that the landscape architect ensure that the characteristics of the selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.
125. LANDSCAPE MAINTENANCE AGREEMENT: The Developer shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the Developer agrees to maintain the vegetated areas along the project's Wood Road frontage located within the public right-of-way, including the proposed retaining walls as well as street light facilities and fixtures. The agreement must be completed and accepted by the Town Attorney prior to the issuance of any encroachment, grading or building permits.
126. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one (1) acre. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal

Regional Permit (MRP). Monitoring for erosion and sediment control is required and shall be performed by the Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) as required by the Construction General Permit. Stormwater samples are required for all discharge locations and projects may not exceed limits set forth by the Construction General Permit Numeric Action Levels and/or Numeric Effluent Levels. A Rain Event Action Plan (REAP) must be developed forty-eight (48) hours prior to any likely precipitation even, defined by a fifty (50) percent or greater probability as determined by the National Oceanic and Atmospheric Administration (NOAA), and/or whenever rain is imminent. The QSD or QSP must print and save records of the precipitation forecast for the project location area from (http://www.srh.noaa.gov/forecast) which must accompany monitoring reports and sampling test data. A rain gauge is required on-site. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

127. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.

128. DUST CONTROL: The following measures shall be implemented at construction sites greater than four (4) acres in area:
    a. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
    b. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
    c. Limit traffic speeds on unpaved roads to fifteen (15) miles per hour.
    d. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
    e. Replant vegetation in disturbed areas as quickly as possible.

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

control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.

132. STORMWATER DISCHARGE: New buildings, such as food service facilities and/or multi-family residential complexes or subdivisions, shall provide a covered or enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area. Areas around trash enclosures, recycling areas, and/or food compactor enclosures shall not discharge directly to the storm drain system. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected to the sanitary sewer. The Owner and/or Applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

133. WATER FEATURES: New fountains shall have a connection to the sanitary sewer system, subject to West Valley Sanitation District's authority and standards, to facilitate draining events. Discharges from these features shall be directed to the sanitary sewer and are not allowed into the storm drain system.

134. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.

135. STORM WATER MANAGEMENT PLAN: A storm water management shall be included with the grading permit application for all Group 1 and Group 2 projects as defined in the amended provisions C.3 of the Municipal Regional Stormwater NPDES Permit, Order R2-2015-0049, NPDES Permit No. CAS612008. The plan shall delineate source control measures and BMPs together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that the storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit. The Owner and/or Applicant may elect to have the Planning submittal certified to avoid this possibility.

136. STORM WATER MANAGEMENT PLAN NOTES: The following note shall be added to the storm water management plan: "The biotreatment soil mix used in all stormwater treatment landscapes shall comply with the specifications in Attachment L of the MRP.

Proof of compliance shall be submitted by the Contractor to the Town of Los Gatos a minimum of thirty (30) days prior to delivery of the material to the job site using the Biotreatment Soil Mix Supplier Certification Statement."

137. STORM WATER MANAGEMENT PLAN CERTIFICATION: Certification from the biotreatment soils provider is required and shall be given to Engineering Division Inspection staff a minimum of thirty (30) days prior to delivery of the material to the job site. Additionally deliver tags from the soil mix shall also be provided to Engineering Division Inspection staff. Sample Certification can be found here: http://www.scvurppp-w2k.com/nd_wp.shtml?zoom_highlight=BIOTREATMENT+SOIL.
138. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS: The property owner shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by the Town's Stormwater Discharge Permit and all current amendments or modifications. The agreement shall specify that certain routine maintenance shall be performed by the property owner and shall specify device maintenance reporting requirements. The agreement shall also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded, and an electronic copy (PDF) of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to the release of any occupancy permits.
139. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and property owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
140. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner and/or Applicant's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner and/or Applicant's expense.
141. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: Prior to the issuance of an encroachment, or grading or building permit, the Developer shall initiate a weekly neighborhood email notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.
142. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
143. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
144. PRIVATE EASEMENTS: Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the map. An electronic copy (PDF) of the recorded agreement(s) shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

145. GENERAL: This application proposes installation of terrace level exterior standpipes in lieu of providing fire apparatus access, as outlined in CFC, Section 503.1.1. As the villas are built upon an elevated terrace level podium, compliant apparatus access and associated hose pull distances are exceeded. This alternative shall ensure an approved hose valve is accessible within 150-feet of all portions of the facilities and all portions of the exterior walls of the first story of each structure.
146. GENERAL: This request and associated drawings demonstrate terrace level exterior standpipe hose valves within 150-feet of all exterior portions of each structure, in lieu of apparatus access per CFC Sec. 503.1.1. An associated fire flow letter, provided by San Jose Water (SJW) indicates that they will construct a new looped public 8" water main installation with four new 6" public hydrants to supply the site. SJW has indicated in their attached analysis that they will be able to provide 1,500 GPM at a minimum 20 psi. throughout the site, including from the most demanding location, approximately 405' N/N Wood Rd. at an elevation of 525'.
147. GENERAL: All Building Permit drawings shall clearly demonstrate the water main and new hydrant installation.
148. GENERAL: A copy of the Alternate Means/Methods application form, with building and fire official's approval signatures and engineer's stamp and signature shall be made part of the building permit drawing set, to be routed to Santa Clara County Fire Department for final approval.
149. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive approval from, the Building Department all applicable construction permits.
150. FIRE SPRINKLERS REQUIRED: (As noted on Cover Sheet of Official Development Plans) In other than residential buildings, which require the installation of fire sprinklers for all new buildings according to the California Residential Code, an automatic sprinkler system shall be provided throughout all new buildings and structures. Note: Sprinklers are required for all structures and covered areas such as walkways and gazebos.
151. EMERGENCY RADIO RESPONDER COVERAGE: (As noted on Sheet C108 of Official Development Plans) All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. Refer to CFC Sec. 510 for further requirements. Emergency Radio Responder Coverage requirements applies to all buildings. [SCCFD Standard Details & Specifications, C-2].
152. STANDPIPES REQUIRED: (AMMR-See note below) Standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used

in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. Standpipes shall be manual wet type. In buildings used for high-piled combustible storage, fire hose protection shall be in accordance with Chapter 32. Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14 as amended in Chapter 80. CFC Sec. 905. Locations of proposed interior standpipes and exterior terrace standpipes to comply with hose pull distances, are noted on Sheet C109.1 of the Official Development Plans. Terrace hose valves are not allowed to be combined with automatic fire sprinkler systems for SCCFD. This review verified proposed locations. Further determination and validation of these locations will be reviewed upon submittal of the system plans.

153. ALTERNATIVE MATERIALS OR METHOD OF CONSTRUCTION REQUEST (AMMR): An AMMR request and associated drawings demonstrating terrace level exterior standpipe hose valves within 150-feet of all exterior portions of each structure, in lieu of apparatus access per CFC Sec. 503.1.1 and an associated fire flow letter, provided by San Jose Water (SJW) indicating that they will construct a new looped public 8" water main installation with four new 6" public hydrants to supply the site has been reviewed and approved by Chief Estrada on 09/14/21. SJW has indicated in their analysis that they will be able to provide 1,500 GPM at a minimum 20 psi. throughout the site, including from the most demanding location, approximately 405' N/N Wood Rd. at an elevation of 525'.

154. WATER SUPPLY REQUIREMENTS: (As noted on Sheet C108 of Official Development Plans) Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

155. PUBLIC FIRE HYDRANT(S) REQUIRED: (As noted on Sheet C106 of Official Development Plans and in SJW fire flow letter) Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1500 GPM at 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets. CFC Sec. 507, and Appendix B and associated Tables, and Appendix C. Hydrants are located on the complex side of the roadway and are immediately accessible (at road elevation) from the fire department access road. A fire flow letter, provided by San Jose Water (SJW) indicates that they will construct a new looped public 8" water main installation with four new 6" public hydrants to supply the site. SJW has indicated in their attached analysis that they will be able to provide 1,500

GPM at a minimum 20 psi. throughout the site, including from the most demanding location, approximately 405' N/N Wood Rd. at an elevation of 525'.

156. FIRE DEPARTMENT CONNECTION REQUIRED: (As noted on Sheet C109.1 of Official Development Plans) A Fire Department Connection (FDC) is required for each building to support its sprinkler system. They shall not be attached to the buildings. The FDC shall be installed at the street, on the street address side of the building. It shall not be on the opposite side of a roadway from the structure that it supplies. It shall be located within 100 feet of a public fire hydrant and within ten (10) feet 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. FDC's supplying private onsite fire hydrants shall have a minimum four (4) way inlet coupling. 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]. Locations of all FDCs are noted on Sheet C109.1 of Official Development Plans, as reference only. Construction details of the FDC supply to fire protection systems will be subject to review of design details at time of installation permit submittal. One FDC is required for support of each individual building, as currently noted on the plans. Fire Department Connections are located within 100' from an approved fire hydrant.

157. REQUIRED SECONDARY FIRE DEPARTMENT ACCESS: (As noted on Sheet C108 of Official Development Plans)

Commercial and Industrial Developments -

a. Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have a least two means of fire apparatus access for each structure.
b. Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 mm) shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having a gross building area of up to 124,000 square feet (11520 mm) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

Multi-Family Residential Developments (R-1 & R-2 occupancies)-

a. Multi-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. CFC Sec. Chp. 5. Two separate and approved fire apparatus access roads are required. Aerial access is required for 7 of the 8 buildings. A 26' wide fire lane is shown in the immediate vicinity of any building or portion of a building more than 30 feet in height above the lowest level of fire department access.

158. REQUIRED AERIAL ACCESS: (As noted on Sheet C108 and C108.3 of Official Development Plans)

Where required-

a. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire

department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Roadways shall have a paved all weather surface, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 60 feet outside, a maximum slope of 15% and be able to withstand an imposed load of 75K pounds.

b. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

c. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572mm) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official. CFC Ch. 5 and SCCFD SD&S A-1. Aerial access is required for 7 of the 8 buildings. A 26' wide circulating fire lane is shown on the plans. Special consideration shall be taken to support aerial operations. Aerial access demonstrated to the Villa parapets, and in turn to the roof decks via a structural ledge with permanently attached ladders is acknowledged and accepted. All aerial setup sections are noted to have a cross slope of no more than 2%. Conforming aerial setup capability is demonstrated for each villa on Sheet C108.3.

159. TURN RADIUS (CIRCULATING): (AMMR-See note below) The minimum outside turning radius is 42 feet for required access roadways. Greater radius up to 60 feet may be required where the Fire Department determines that Ladder Truck access is required. Circulating refers to travel along a roadway without dead ends. The turn at the entrance to the south of the arrival court has been revised and submitted with a Request for Variance. While this revision does improve the existing condition, and may now be accessible for a shorter wheel-based vehicle such as an ambulance, the cross slope at this location is still impassible for larger fire apparatus. Conforming turnaround noted in front of Villa B. Appropriate radii and angles of approach and departure are required throughout the fire access roadway. [CFC 503.2.8]. As aerial access is required throughout the site, all turns shall provide a 60' outside radius and all slope transitions and points of approach and departure shall be no greater than 5%. An application for Alternate Materials, Design or Methods of Construction for this turnaround has been submitted per CFC 104.9 for consideration. The alternate has been approved by SCCFD however, the request form requires Building Official signature, architect/engineers signed stamp/seal and subsequent inclusion on the project documents.

160. FIRE APPARATUS ACCESS ROADS REQUIRED FOR BUILDINGS AND FACILITIES: (As noted on Sheets C102 and C108 of Official Development Plans) Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or with the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. [CFC, Section 503.1.1]. Compliant hose pull access routes leading to all portions of the exterior walls of the first story are shown on Sheet C109. Stair access from the

Terrace level to the lowest level within each structure shown on Sheet C108. Proposed accessible paths for patient transfers between each villa and anticipated ambulance staging areas are noted on Sheet C108. Several locations along the proposed fire department access roadway are within an existing tributary area, draining toward Broadway. Sheet C102 Pavement Design Note indicates that the roadway design shall support: 1) 75K pound loading capacity, 2) Point loads for aerial apparatus outriggers, and 3) Drainage design sufficient to prevent roadway erosion.

161. TWO-WAY COMMUNICATION SYSTEM: (As noted on Sheet C108 of Official Development Plans) Two-way communication systems shall be designed and installed in accordance with all current editions of NFPA 72, the California Electrical Code, the California Fire Code, the California Building Code, and the city or town ordinances, policies, and standards where a two-way system is being installed. [SCCFD Standard Details & Specifications, C-1]. Other standards also contain design/installation criteria for specific life safety related equipment. These other standards are referred to in NFPA 72.
162. ADDRESS IDENTIFICATION: (As noted on Sheet C108 of Official Development Plans) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
163. CLOSURE OF FIRE APPARATUS ACCESS ROADWAYS: (As noted on Sheet C108 of Official Development Plans) The installation of gates, or other barricades across required fire department access roads or driveways shall comply with Standard Details & Specifications, G-1. Detailed plans showing the location and method of the closure are required. Due to site access constraints, Broadway will be considered the primary emergency vehicle access route. Signage shall be provided indicating it is for emergency access only as indicated on Sheet C108 and no obstruction to this access shall be installed or constructed without additional fire department review and approval.
164. FIRE LANE MARKING REQUIRED: (As noted on Sheet C108) Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and Fire Department Standard Details and Specifications A-6. CFC Sec. 503.3.
165. PARKING: (As noted on Sheet C108 of Official Development Plans) When parking is permitted on streets, in both residential/commercial applications, it shall conform to the following: Parking is permitted both sides of the street with street widths of 36 feet or more; Parking is permitted on one side of the street with street widths of 28 – 35 feet; No parking is permitted when street widths are less than 28 feet. NOTE: Rolled

curbs can be part of the curb/sidewalk and used to increase the roadway width with approval from the fire code official. Additional requirements may apply for buildings 30 feet in height or greater. No parking shall be allowed along the access road. Fire Lane markings applied throughout.

166. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the Fire Code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

DRAFT

SECTION VII

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on _____, 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 _____, and becomes effective 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

DRAFT

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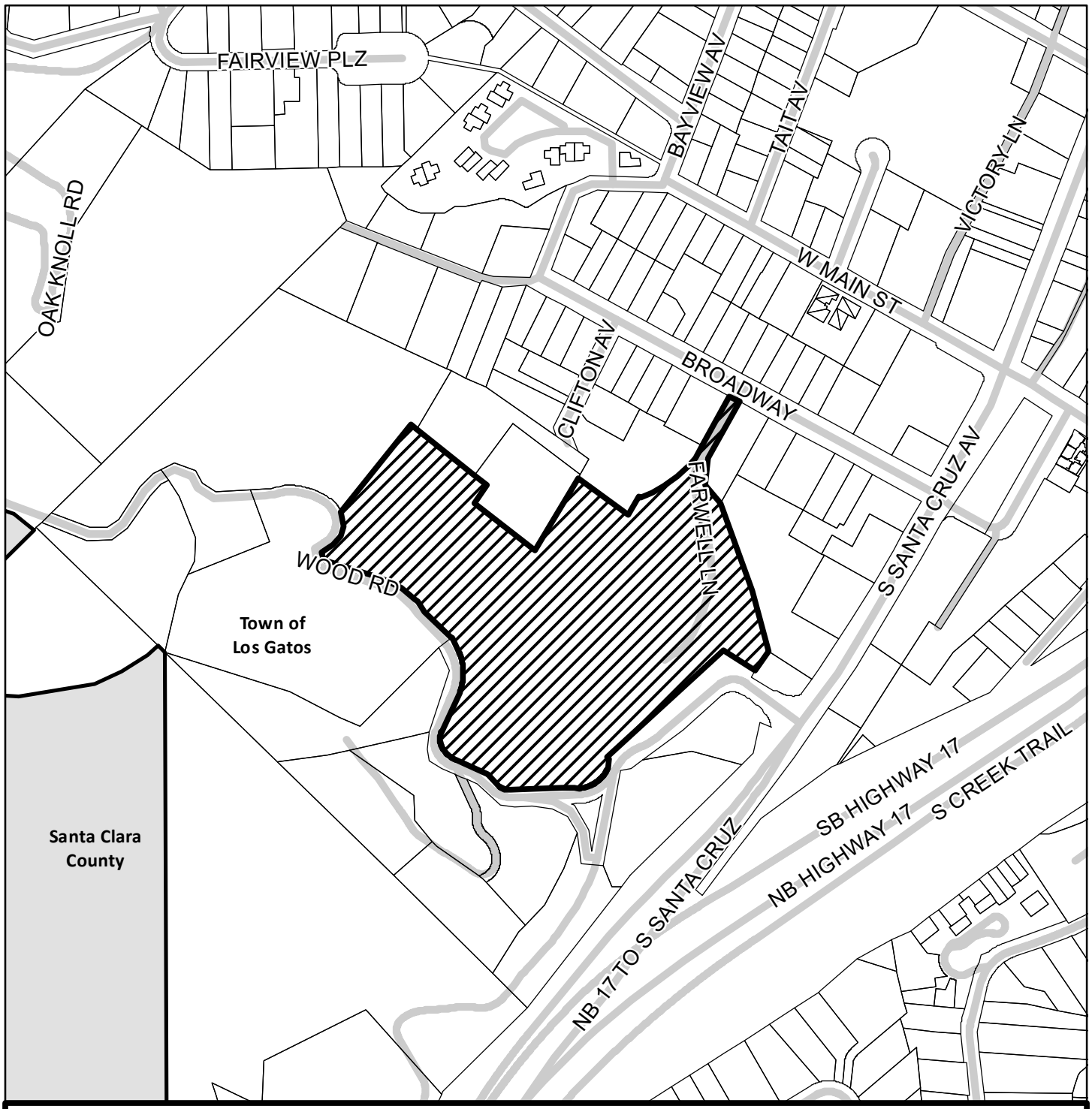

TOWN OF LOS GATOS

Application No. PD-20-001 **A.P.N. #** 510-47-038

Change of zoning map amending the Town Zoning Ordinance.

☒ **Zone Change** **From: R:PD To: R:PD**

☐ **Prezoning**

N

Forwarded by Planning Commission **Date:** January 12, 2022

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

Clerk Administrator: **Mayor:**

EXHIBIT A

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LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

Applicant:	Owner:	Civil / Site:	Landscape:	Structural:	Mechanical, Electrical, & Plumbing:	General Contractor:
ROCKWOOD PACIFIC	**COVIA**	**KIMLEY-HORN**	**GATES + ASSOCIATES**	**KPFF CONSULTING ENGINEERS**	**GLUMAC**	**DEVCON CONSTRUCTION INC**
36 SOUTHWOOD DRIVE ORINDA, CA 94563 (415) 816-7944	2185 N CALIFORNIA BLVD, SUITE 215 WALNUT CREEK, CA 94596 (925) 956-7400	4637 CHABOT DRIVE, SUITE 300 PLEASANTON, CA 94588 (925) 398-4840	2671 CROW CANYON RD SAN RAMON, CA 94583 (925) 736-8176	45 FREMONT ST, 28TH FLOOR SAN FRANCISCO, CA 94105 (415) 989-1004	150 CALIFORNIA ST, 3RD FLOOR SAN FRANCISCO, CA 94111 (415) 398-7667	690 GIBRALTAR DRIVE MILPITAS, CA 95035 (408) 942-8200

DRAWING SCHEDULE

01 - GENERAL
G000 COVER SHEET

05 - CIVIL
C101 PRELIMINARY DEMOLITION PLAN
C101.1 EXISTING DRAINAGE PLAN
C102 PRELIMINARY CIVIL SITE PLAN
C103 PRELIMINARY GRADING AND DRAINAGE PLAN
C103.1 GRADING SECTIONS
C103.2 PRELIMINARY GRADING DETAILS
C104 PRELIMINARY CUT AND FILL PLAN
C105 PRELIMINARY STORMWATER CONTROL PLAN
C105.1 PRELIMINARY STORMWATER CONTROL DETAILS
C105.2 CALIFORNIA BLUEPRINT FOR A CLEAN BAY
C106 PRELIMINARY UTILITY PLAN
C107 PRELIMINARY EROSION CONTROL PLAN
C108 PRELIMINARY FIRE ACCESS PLAN
C108.1 FIRE TURNAROUND DETAILS
C108.2 FIRE ROOF ACCESS DETAILS
C108.3 FIRE ROOF ACCESS SECTIONS
C109 PRELIMINARY HOSE PULL PLAN
C109.1 PRELIMINARY FDC PLAN

06 - LANDSCAPE
T-1 TREE PRESERVATION REMOVAL PLAN
T-2 TREE INVENTORY TABLE
T-3 TREE INVENTORY TABLE
T-4 TREE INVENTORY TABLE
T-5 TREE INVENTORY TABLE AND NOTES
LS-1 OVERALL ILLUSTRATIVE SITE PLAN
LS-2 LAYOUT NOTES AND PLANTING NOTES
LS-3 PLANT PALETTE
LS-4 GROUND LEVEL LAYOUT PLAN
LS-5 GROUND LEVEL LAYOUT PLAN - MEMORY COURTYARD
LS-6 TERRACE LEVEL LAYOUT PLAN
LS-7 TERRACE LEVEL LAYOUT PLAN - VILLAGE GREEN AND TOWN SQUARE
LS-8 GROUND LEVEL PLANTING PLAN
LS-9 GROUND LEVEL PLANTING PLAN
LS-10 TERRACE LEVEL PLANTING PLAN
LS-11 TERRACE LEVEL PLANTING PLAN - VILLAGE GREEN AND TOWN SQUARE
LS-12 SITE LIGHTING CONCEPT PLAN
LS-13 MATERIAL BOARD

08 - ARCHITECTURE
A000 AERIAL VIEW DIAGRAM
A001 OVERALL SITE PLAN
A100 FLOOR PLAN - LOWER GARAGE LEVEL
A101 GROUND FLOOR PLAN - OVERALL
A101A GROUND FLOOR PLAN - S GARAGE
A101B GROUND FLOOR PLAN - MID GARAGE
A101C GROUND FLOOR PLAN - N GARAGE
A101D GROUND FLOOR PLAN - HEALTH CENTER
A101E GROUND FLOOR PLAN - CORE
A101F GROUND FLOOR PLAN - WELLNESS
A102 1ST FLOOR PLAN - OVERALL
A102A 1ST FLOOR PLAN - VILLA A S
A102B 1ST FLOOR PLAN - VILLA A N
A102C 1ST FLOOR PLAN - VILLA B & H
A102D 1ST FLOOR PLAN - VILLA C
A102E 1ST FLOOR PLAN - VILLA D & G
A102F 1ST FLOOR PLAN - VILLA E & F
A103 2ND & 3RD FLOOR PLAN - OVERALL
A103A TYPICAL FLOOR PLAN - VILLA A S
A103B TYPICAL FLOOR PLAN - VILLA A N
A103C TYPICAL FLOOR PLAN - VILLA B&H
A103D TYPICAL FLOOR PLAN - VILLA C
A103E TYPICAL FLOOR PLAN - VILLA D & G
A103F TYPICAL FLOOR PLAN - VILLA E & F
A104 4TH FLOOR PLAN - OVERALL
A104A 4TH FLOOR PLAN - VILLA D & G
A105 5TH FLOOR PLAN - OVERALL
A105A 5TH FLOOR PLAN - VILLA A S
A105B 5TH FLOOR PLAN - VILLA C
A105C 5TH FLOOR PLAN - VILLA E & F
A106 ROOF PLAN - OVERALL
A201-E EXISTING EXTERIOR ELEVATIONS
A201 EXTERIOR ELEVATIONS SE
A202-E EXISTING EXTERIOR ELEVATIONS
A202 EXTERIOR ELEVATIONS NE & SW
A203-E EXISTING EXTERIOR ELEVATIONS
A203 EXTERIOR ELEVATIONS NW
A204 MATERIAL BOARD
A205 BUILDING OUTLINES - EXISTING AND PROPOSED
A206 BUILDING OUTLINES - LANDSCAPE OVERLAY
A207 SITE CROSS-SECTIONS
A301 OVERALL SITE SECTION
A302 ADJACENT PROPERTIES SECTIONS
A303 ADJACENT PROPERTIES SECTIONS
A400 SHADOW STUDY - DECEMBER
A401 SHADOW STUDY - JUNE
A402 SITE PHOTOS
A403 SITE PHOTOS
A404 SITE PHOTOS
A405 RENDERING IMAGES
A406 PERSPECTIVE - BEFORE AND AFTER
A407 RENDERED IMAGE PROGRESSION
A408 PERSPECTIVE - BEFORE AND AFTER
A501 TYPICAL IL UNIT PLANS

CIVIL IMPROVEMENTS ABBREVIATIONS

AB - AGGREGATE BASE	EP - EDGE OF PAVEMENT	JS - JUNCTION STRUCTURE	S - SEWER OR SOUTH
AC - ASPHALT	EX - EXISTING	LP - LOW POINT	SD - STORM DRAIN
BLDG - BUILDING	FF - FINISHED FLOOR	MH - MANHOLE	STA - STATION
BW - BACK OF WALK	FG - FINISHED GRADE	N - NORTH	SS - SANITARY SEWER
CB - CATCH BASIN	FL - FLOW LINE	PCC - PORTLAND CEMENT CONCRETE	SW - SIDEWALK
C/L - CENTERLINE	FS - FINISHED SURFACE	P/L - PROPERTY LINE	T - TELEPHONE
CO - CLEAN OUT	FW - FIRE WATER	PROP. - PROPOSED	TELE - TELECOMMUNICATION
CONC. - CONCRETE	G - GAS	PUE - PUBLIC UTILITY EASEMENT	TC - TOP OF CURB
DI - DRAIN INLET	GB - GRADE BREAK	PVC - POLYVINYL CHLORIDE	TW - TOP OF WALL ELEVATION
DW - DOMESTIC WATER	HP - HIGH POINT	R - RIDGE OR RADIUS	W - WATER OR WEST
E - EAST	INV - INVERT	RW - RECLAIMED WATER	XXX.XX - PROPOSED ELEVATION
ELEC - ELECTRIC	IRR - IRRIGATION WATER	R/W - RIGHT-OF-WAY	(XXX.XX) - EXISTING ELEVATION
ESMT - EASEMENT			

FIRE PROTECTION ABBREVIATIONS

FPR - FIRE PROTECTION RISER (STANDPIPE)
FSP - FIRE STANDPIPE



AERIAL MAP



VICINITY MAP



PROJECT DATA	
LOS GATOS MEADOWS (CONTINUING CARE RETIREMENT COMMUNITY)	
APN:	510 47 038
ADDRESS:	110 WOOD ROAD LOS GATOS CA, 95030
SITE AREA (GSF):	472,185 GSF
SITE AREA (NET):	10.66 ACRES
GROSS SITE AREA (ACRES):	10.84 ACRES
PROPOSED SITE AREA COVERAGE:	0.225**
ZONING:	RESIDENTIAL-PLANNED DEVELOPMENT
LAND USE:	MEDIUM DENSITY RESIDENTIAL
FLOOD ZONE:	X
WILDLAND URBAN INTERFACE:	YES
WUI ZONE NAME:	STATE MANDATED LRA (VHFHA)
WITHIN HILLSIDE AREA MAP BOUNDARY:	NO
TYPE OF CONSTRUCTION:	IA
OCCUPANCY:	R2.1

GROSS DATA			
LEVEL	GSF*	PARKING SF	BALCONY SF
LOWER PARKING GARAGE	0	22,136	
GRADE LEVEL	52,904	69,691	
TERRACE LEVEL	89,271		4,586
SECOND LEVEL	85,821		6,591
THIRD LEVEL	85,821		6,591
FOURTH LEVEL	73,043		7,462
FIFTH LEVEL	43,956		6,097
TOTAL GSF	430,816	91,827	31,327

*GSF excludes Parking, Balconies (not used for egress) and Generator/Cooling Tower Enclosure Areas

EXISTING GROSS DATA			
LEVEL	GSF*	PARKING SF	BALCONY SF
TOTAL EXISTING GSF	150,475	45,000	13,350

UNIT DATA							
		IL UNITS					
	SUPPORTING CARE UNITS	1-BED	1-BED W DEN	2-BED	2-BED W DEN	2-BED PENT	APT TOTAL
GRADE LEVEL	17	-	-	-	-	-	0
TERRACE LEVEL	"	5	2	10	11	-	28
SECOND LEVEL	"	1	13	17	13	-	44
THIRD LEVEL	"	1	13	17	13	-	44
FOURTH LEVEL	"	1	12	13	9	2	37
FIFTH LEVEL	"	-	8	9	-	3	21
SUBTOTAL	17	9	48	66	46	5	
TOTAL	17						174

PARKING		
TOTAL PARKING REQUIRED		77
TOTAL STANDARD SPACES PROVIDED		78
ADDITIONAL TANDEM SPACES PROVIDED PER OWNER OPERATIONAL REQUIREMENT		122
TOTAL SPACES, STANDARD + TANDEM		200
ACCESSIBLE SPACES PROVIDED	2% OF MULTIFAMILY, 5% OF OTHER USES	9
ACCESSIBLE VAN SPACES PROVIDED		2
EV SPACES FOR FUTURE EVSE	10% OF SPACES PROVIDED	20

SCOPE OF WORK
THE PROPOSED SENIOR LIVING DEVELOPMENT INCLUDES 174 INDEPENDENT RESIDENTIAL APARTMENTS AND 17 SUPPORTING CARE UNITS AS WELL AS AMENITY SPACE, BACK OF HOUSE SPACE AND SUBTERRANEAN PARKING. TOTAL SITE COVERAGE IS APPROXIMATELY 22.5% AND WITH A MAXIMUM HEIGHT OF 85.5 FEET FROM THE GROUND FLOOR ELEVATION (488'). THE PROJECT WILL BE LICENSED AS A RESIDENTIAL CARE FACILITY AND WILL COMPLY WITH THE ACCESSIBILITY GUIDELINES IN THE CALIFORNIA BUILDING CODE. PER THE CALIFORNIA ENERGY CODE AND IN KEEPING WITH THE INTENT OF THE TOWN CODE, A MINIMUM OF 15% OF THE TOTAL ROOF AREA WILL BE A DEDICATED SOLAR ZONE. AN AUTOMATIC SPRINKLER SYSTEM SHALL BE PROVIDED THROUGHOUT ALL BUILDINGS AND STRUCTURES INCLUDING COVERED WALKWAYS. A FIRE ALARM SYSTEM PER CFC SEC. 907 (NFPA 72) SHALL BE PROVIDED.

** PROPOSED SITE AREA COVERAGE

BUILDING COVERAGE AREA

1.	VILLA (APT) BUILDINGS	87,303 SF
2.	SUBTERRANEAN GARAGE	56,890 SF
3.	HEALTH CENTER	2,453 SF
3.	ENTRANCE CANOPY	1,092 SF
4.	COVERED BALCONIES	6,921 SF
5.	COVERED WALKWAYS	6,235 SF
6.	TERRACE COURTYARDS	+ 52,890 SF
7.	TERRACE OVERLOOK	+ 4,053 SF
	TOTAL	106,540 SF

EXISTING SITE AREA COVERAGE
(CALCULATED FROM EXISTING DRAWING SET)

BUILDING COVERAGE AREA

1.	RESIDENT (APT) BUILDINGS	70,300 SF
2.	SUBTERRANEAN GARAGE	21,422 SF
3.	HEALTH CENTER	12,000 SF
3.	ENTRANCE CANOPY	INCL IN GARAGE SF
4.	COVERED BALCONIES	INCL IN RESIDENTIAL BLDG
5.	COVERED WALKWAYS	12,705 SF
6.	TERRACE COURTYARDS	NA
7.	TERRACE OVERLOOK	NA
	TOTAL	116,427 SF

PERKINS — EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

PLANNING SUBMITTAL

PROJECT No. 70581.00
JULY 27, 2021
CORRECTED

EXHIBIT B



1 **AERIAL VIEW DIAGRAM**
1" = 100'-0"

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

AERIAL VIEW DIAGRAM

SCALE: 1" = 100'-0"

A000

PLANNING SUBMITTAL

JULY 27, 2021

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LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N60°02'58"W	28.68'
L2	N29°24'32"E	53.20'
L3	N37°54'32"E	23.50'
L4	N48°53'50"E	36.05'
L5	N53°57'08"E	38.95'
L6	N56°54'32"E	29.60'
L7	N66°09'32"E	29.16'
L8	N53°35'28"W	5.65'
L9	N29°24'32"E	50.00'
L10	N34°23'40"E	51.13'
L11	N08°44'40"W	37.04'
L12	N16°56'02"E	24.45'
L13	N41°10'02"E	25.08'
L14	N56°43'42"E	31.95'
L15	N11°02'58"W	19.92'
L16	N66°09'48"W	51.15'
L17	N49°20'28"W	49.11'
L18	N33°48'18"W	30.19'
L19	N26°27'28"W	78.39'
L20	N00°52'22"E	44.18'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L21	N56°26'58"W	14.35'
L22	N42°29'58"W	53.04'
L23	N88°21'58"W	61.28'
L24	N83°06'58"W	55.56'
L25	N62°58'58"W	45.95'
L26	N44°34'40"W	10.36'
L27	N32°41'20"E	57.20'
L28	N42°11'08"W	57.90'
L29	N10°38'02"E	61.25'

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	180.00	3°35'59"	11.31
C2	95.00	36°55'48"	61.23

SEE THIS SHEET FOR CONTINUATION

SEE THIS SHEET FOR CONTINUATION

JULIE A. RITTER TRUSTEE
135 WOOD ROAD
APN: 510-47-034

110 WOOD ROAD
APN: 510-47-038

BERND J. NEUDECKER
109 WOOD ROAD
APN: 510-47-041

HOOD MARLENA TRUSTEE
100 WOOD ROAD
APN: 510-47-029

EQUITY INVESTORS
200 S. SANTA CRUZ AVE
APN: 510-47-042

RAYMOND F. & GRACE LESTER
142 S. SANTA CRUZ AVE
APN: 510-45-090

LG HOTEL LLC.
140 S. SANTA CRUZ AVE
APN: 510-45-065

CARRIAGE HOUSE LLC
19 CLIFTON AVE APN:
510-45-082

CARRIAGE HOUSE LLC
23 CLIFTON AVE
APN: 510-45-082

SEVENTH DAY
ADVENTIST CHURCH
57 BROADWAY ST.
APN: 510-45-082

JOHN L AND JEAN
RICHARDSON TRUSTEE
47 BROADWAY ST.
APN: 510-45-082

EX. SD CATCH BASIN, TO BE PROTECTED
EX. SD LINE, TO BE PROTECTED
EX. SD CATCH BASIN, TO BE PROTECTED
10' DRAINAGE AVOIDANCE AREA, EX. IMPROVEMENTS TO BE PROTECTED IN PLACE
EX. FIRE HYDRANT, TO BE PROTECTED
EX. RETAINING WALL TO BE DEMOLISHED
EX. CURB TO BE DEMOLISHED
EX. SIDEWALK , TO BE REMOVED
EX. FIRE HYDRANT, TO BE PROTECTED
EX. ASPHALT ROAD , TO BE PROTECTED
EX. ASPHALT ROAD , TO BE REPLACED
EX. SD LINE, TO BE REMOVED
EX. RETAINING WALL, TO BE REMOVED
EX. BUILDING TO BE REMOVED
EX. BUILDING, TO BE REMOVED
EX. PROPERTY LINE TO BE REMOVED BY LOT MERGER
EX. 6" WATER LINE, TO BE PROTECTED
EX. MANHOLE, TO BE PROTECTED
EX. RETAINING WALL, TO BE REMOVED
EX. SD LINE, TO BE PROTECTED
EX. SS LINE TO BE PROTECTED
EX. PARKING, TO BE REMOVED
EX. 6" WATER LINE, TO BE PROTECTED
EX. ASPHALT ROAD , TO BE PROTECTED
EX. SD CATCH BASIN, TO BE PROTECTED
EX. MANHOLE, TO BE PROTECTED
EX. SD CATCH BASIN, TO BE PROTECTED
EX. MANHOLE, TO BE PROTECTED
EX. FIRE HYDRANT, TO BE PROTECTED
EX. 6" WATER LINE, TO BE PROTECTED
EX. 10" WATER LINE, TO BE PROTECTED
EX. 6" WATER LINE, TO BE PROTECTED
EX. BUILDING, TO BE PROTECTED
EX. ASPHALT ROAD , TO BE REPLACED
EX. WATER LINE, TO BE REMOVED
EX. SS MANHOLE, TO BE PROTECTED
EX. SD MANHOLE, TO BE REMOVED
EX. SD LINE, TO BE REMOVED
EX. SD CATCH BASIN, TO BE REMOVED
EX. LOADING AREA, TO BE REMOVED
EX. FDC, TO BE REMOVED
EX. SS MANHOLE, TO BE PROTECTED
EX. UTILITY VAULT, TO BE REMOVED
EX. SD CATCH BASIN, TO BE REMOVED
EX. RETAINING WALL, TO BE REMOVED
EX. SS LINE, TO BE PROTECTED
EX.WATER LINE, TO BE PROTECTED
EX. UTILITY VAULT, TO BE REMOVED
EX. ASPHALT ROAD , TO BE REPLACED
EX. SD LINE, TO BE PROTECTED
EX. BUILDING, TO BE REMOVED
EX. BUILDING, TO BE PROTECTED
EX. MANHOLE, TO BE PROTECTED
EX. SS LINE, TO BE PROTECTED
EX. SS LINE, TO BE REMOVED
EX.SS LINE, TO BE REMOVED
EX. SS LINE, TO BE PROTECTED
EX. RETAINING WALL, TO BE REMOVED
EX. BUILDING, TO BE PROTECTED
EX. BUILDING, TO BE PROTECTED
EX. BUILDING, TO BE PROTECTED
EX. BUILDING, TO BE PROTECTED
EX. BUILDING TO BE REMOVED
EX. RETAINING WALL, TO BE REMOVED
EX. BUILDING, TO BE PROTECTED
EX. 10" WATER LINE, TO BE PROTECTED
EX. SS LINE, TO BE PROTECTED
EX. FIRE HYDRANT, TO BE PROTECTED
EX. SD CATCH BASIN AND CURB CORE, TO BE RELOCATED
EX. ASPHALT ROAD , TO BE REPLACED
EX. FENCE, TO BE PROTECTED
EX. BUILDING, TO BE PROTECTED
EX. SD LINE, TO BE PROTECTED
EX. BUILDING, TO BE PROTECTED
EX. MANHOLE, TO BE PROTECTED
EX. FIRE HYDRANT, TO BE PROTECTED

T.B.M NO.:
NORTHING: 1905946.12'
EASTING: 6128709.97'
ELEVATION: 477.32'
DESC.: CHECK-AT-3

T.B.M NO.:
NORTHING: 1906191.28'
EASTING: 6128802.86'
ELEVATION: 492.29'
DESC.: SET S/X

T.B.M NO.:
NORTHING: 1906520.20'
EASTING: 6128939.35'
ELEVATION: 465.13'
DESC.: FS

SITE NOTE:
AVERAGE SLOPE: 24%

TITLE EXCEPTIONS AND EXCLUSIONS

(13) AN EASEMENT FOR PUBLIC USE FOR ALL LAWFUL PURPOSES FOREVER AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 07, 1969 IN BOOK 8732, PAGE 226 OF OFFICIAL RECORDS. IN FAVOR OF THE TOWN OF LOS GATOS, A MUNICIPAL CORPORATION, AFFECTS: THE SOUTHERLY PORTIONS OF PARCEL 2.

(15) LICENSE FOR THE ENCROACHMENT OF FENCE LINES OVER THE SOUTHEASTERLY LINE OF LYNDON LANE AS GRANTED BY LOS GATOS MEADOWS, A CALIFORNIA NON-PROFIT CORPORATION, TO DAWN PISORS AND GEORGE PISORS, RECORDED JULY 08, 1986 IN BOOK J756, PAGE 1514, INSTRUMENT NO. 8850136, OFFICIAL RECORDS.

(21) AN EASEMENT FOR THE DISTRIBUTION OF ELECTRIC ENERGY AND COMMUNICATION PURPOSES AND INCIDENTAL PURPOSES, RECORDED APRIL 25, 2013 AS INSTRUMENT NO. 22191749 OF OFFICIAL RECORDS. IN FAVOR OF PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, AFFECTS: AS DESCRIBED THEREIN.

GRAPHIC SCALE IN FEET
0 20 40 80

LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- EXISTING SANITARY SEWER LINE
- EXISTING STORM DRAIN LINE
- EXISTING WATER LINE
- EXISTING ASPHALT CONCRETE PAVEMENT
- ASPHALT CONCRETE/SIDEWALK PAVEMENT TO BE REMOVED AND REPLACED
- EXISTING BUILDING
- EXISTING TREES / REMOVE OR REPLACE (REFER TO LANDSCAPE TREE PLANS)
- EXISTING SANITARY SEWER/STORM DRAIN MANHOLE
- EXISTING FIRE HYDRANT

NO.	DATE	ISSUE

SEAL

KEY PLAN

Kimley»Horn
4637 CHABOT DRIVE, SUITE 300, PLEASANTON, CA 94588
PHONE:925-398-4840 FAX: 925-398-4849
WWW.KIMLEY-HORN.COM

Applicant:
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36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
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PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY DEMOLITION PLAN

SCALE: 1" = 40' ON 24" X 36"

C101

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C101 DEMOLITION PLAN.dwg
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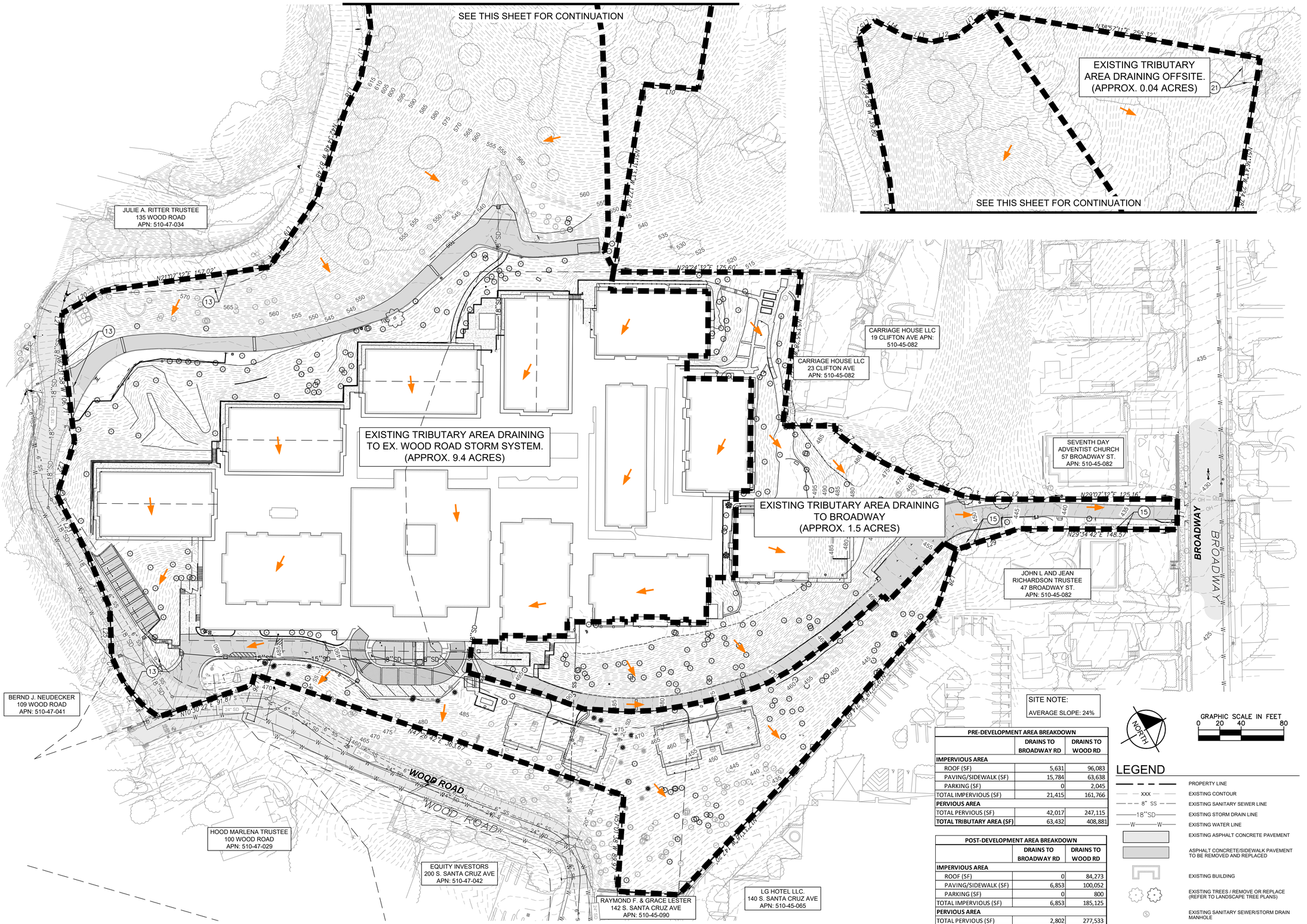

PRE-DEVELOPMENT AREA BREAKDOWN		
	DRAINS TO BROADWAY RD	DRAINS TO WOOD RD
IMPERVIOUS AREA		
ROOF (SF)	5,631	96,083
PAVING/SIDEWALK (SF)	15,784	63,638
PARKING (SF)	0	2,045
TOTAL IMPERVIOUS (SF)	21,415	161,766
PERVIOUS AREA		
TOTAL PERVIOUS (SF)	42,017	247,115
TOTAL TRIBUTARY AREA (SF)	63,432	408,881

POST-DEVELOPMENT AREA BREAKDOWN		
	DRAINS TO BROADWAY RD	DRAINS TO WOOD RD
IMPERVIOUS AREA		
ROOF (SF)	0	84,273
PAVING/SIDEWALK (SF)	6,853	100,052
PARKING (SF)	0	800
TOTAL IMPERVIOUS (SF)	6,853	185,125
PERVIOUS AREA		
TOTAL PERVIOUS (SF)	2,802	277,533
TOTAL TRIBUTARY AREA (SF	9,655	462,658

SITE NOTE:

AVERAGE SLOPE: 24%

NORTH

GRAPHIC SCALE IN FEET
0 20 40 80

LEGEND

- PROPERTY LINE
- XXX EXISTING CONTOUR
- 8" SS EXISTING SANITARY SEWER LINE
- 18"SD EXISTING STORM DRAIN LINE
- W W EXISTING WATER LINE
- EXISTING ASPHALT CONCRETE PAVEMENT
- ASPHALT CONCRETE/SIDEWALK PAVEMENT TO BE REMOVED AND REPLACED
- EXISTING BUILDING
- EXISTING TREES / REMOVE OR REPLACE (REFER TO LANDSCAPE TREE PLANS)
- EXISTING SANITARY SEWER/STORM DRAIN MANHOLE
- EXISTING FIRE HYDRANT

NO.	DATE	ISSUE

SEAL

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(415) 989-1004

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150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

EXISTING DRAINAGE PLAN

SCALE: 1" = 40' ON 24" X 36"

C101.1

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C101.1 EXISTING DRAINAGE PLAN.dwg
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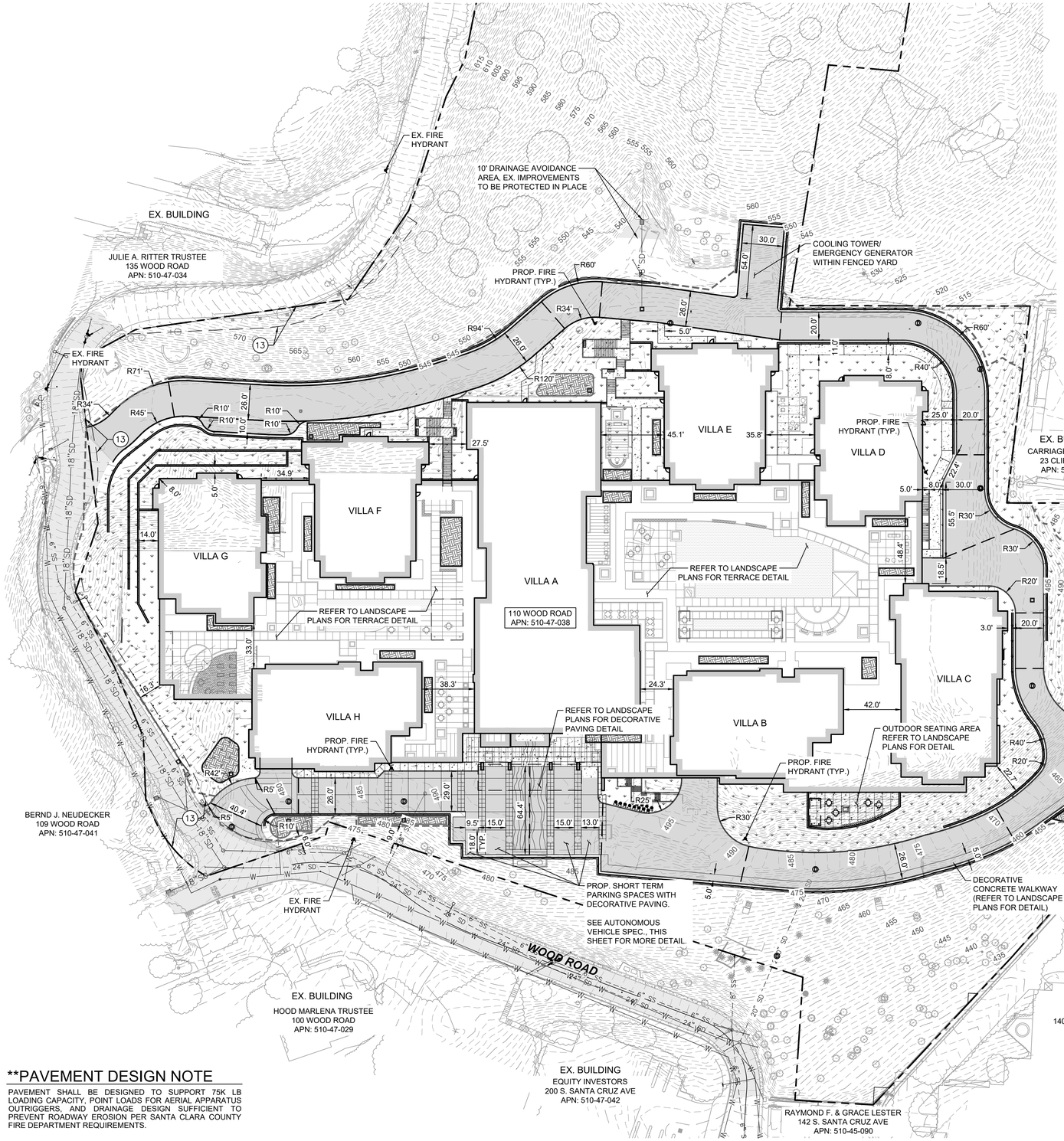
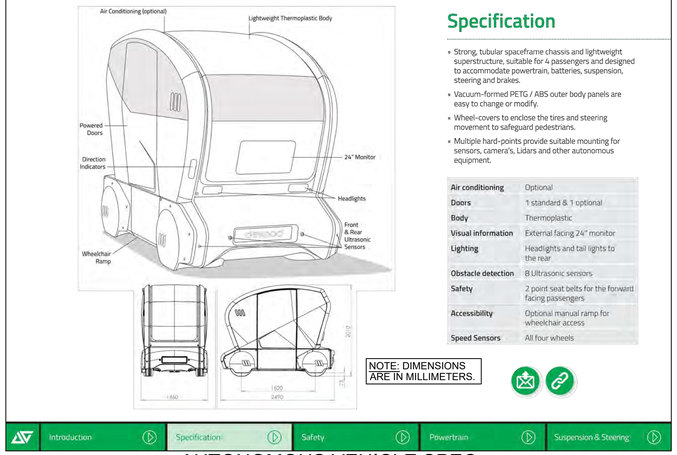


**PAVEMENT DESIGN NOTE

PAVEMENT SHALL BE DESIGNED TO SUPPORT 75K LB LOADING CAPACITY, POINT LOADS FOR AERIAL APPARATUS OUTRIGGERS, AND DRAINAGE DESIGN SUFFICIENT TO PREVENT ROADWAY EROSION PER SANTA CLARA COUNTY FIRE DEPARTMENT REQUIREMENTS.

LEGEND

- PROPERTY LINE
- EXISTING ASPHALT CONCRETE PAVEMENT
- PROPOSED ASPHALT CONCRETE PAVEMENT**
- PROPOSED SIDEWALK CONCRETE PAVEMENT
- PROPOSED LANDSCAPING
- PROPOSED BIORETENTION
- PROPOSED BUILDING
- PROPOSED RETAINING WALL
- EXISTING TREES
- PROPOSED FIRE HYDRANT
- PROPOSED STANDPIPE LOCATION



AUTONOMOUS VEHICLE SPEC.

N.T.S.

NO.	DATE	ISSUE

SEAL

KEY PLAN

Kimley»Horn
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SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY CIVIL SITE PLAN

SCALE: 1" = 40' ON 24" X 36"

C102

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C102 SITE PLAN.dwg
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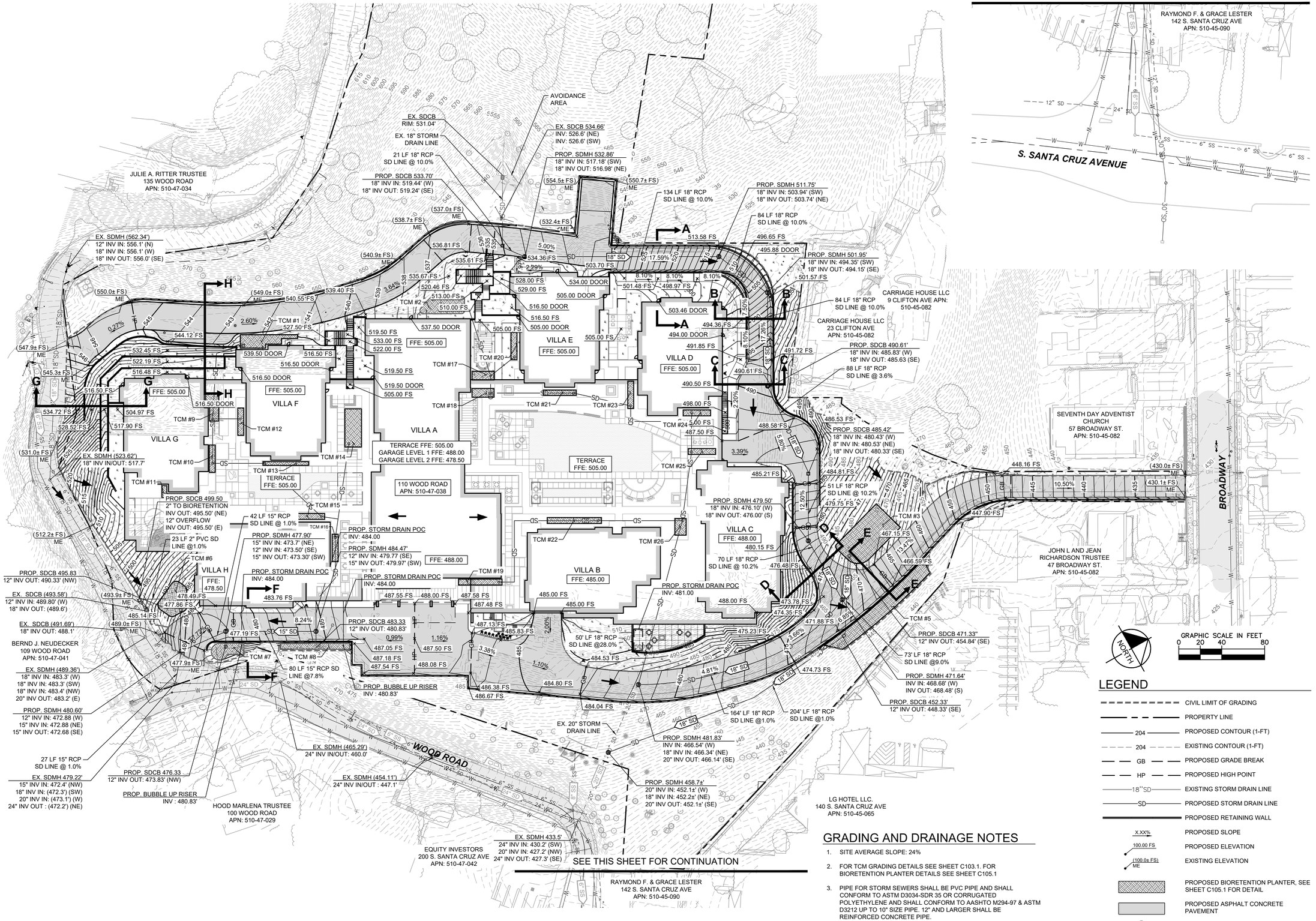

GRADING AND DRAINAGE NOTES

1. SITE AVERAGE SLOPE: 24%
2. FOR TCM GRADING DETAILS SEE SHEET C103.1. FOR BIORETENTION PLANTER DETAILS SEE SHEET C105.1
3. PIPE FOR STORM SEWERS SHALL BE PVC PIPE AND SHALL CONFORM TO ASTM D3034-SDR 35 OR CORRUGATED POLYETHYLENE AND SHALL CONFORM TO AASHTO M294-97 & ASTM D3212 UP TO 10" SIZE PIPE. 12" AND LARGER SHALL BE REINFORCED CONCRETE PIPE.
4. ALL TOP OF CURB IS 6", UNLESS OTHERWISE NOTED.

LEGEND

- CIVIL LIMIT OF GRADING
- PROPERTY LINE
- 204 — PROPOSED CONTOUR (1-FT)
- 204 — EXISTING CONTOUR (1-FT)
- GB — PROPOSED GRADE BREAK
- HP — PROPOSED HIGH POINT
- 18" SD — EXISTING STORM DRAIN LINE
- SD — PROPOSED STORM DRAIN LINE
- PROPOSED RETAINING WALL
- X.XX% — PROPOSED SLOPE
- 100.00 FS — PROPOSED ELEVATION
- (100.0± FS) ME — EXISTING ELEVATION
- PROPOSED BIORETENTION PLANTER, SEE SHEET C105.1 FOR DETAIL
- PROPOSED ASPHALT CONCRETE PAVEMENT
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED STORM DRAIN CATCH BASIN
- PROPOSED OVERLAND FLOW DIRECTION

NO.	DATE	ISSUE

SEAL

KEY PLAN

Kimley»Horn
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(925) 956-7400

Civil / Site:
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PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
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SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY GRADING AND DRAINAGE PLAN

SCALE: 1" = 40' ON 24" X 36"

C103

PLANNING SUBMITTAL

2021-07-27

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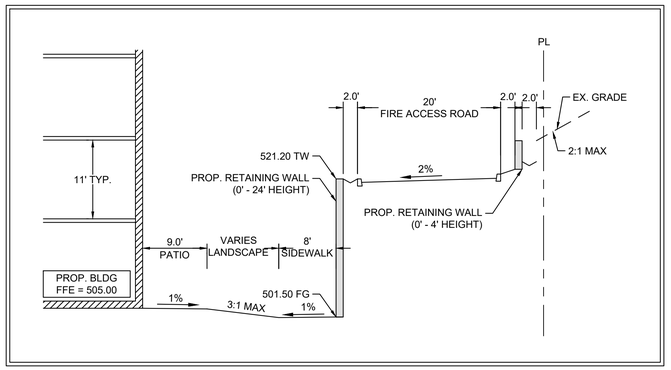
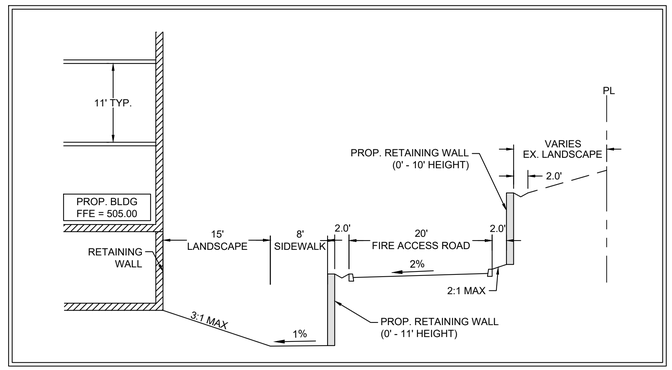


SECTION A-A

N.T.S.



SECTION B-B

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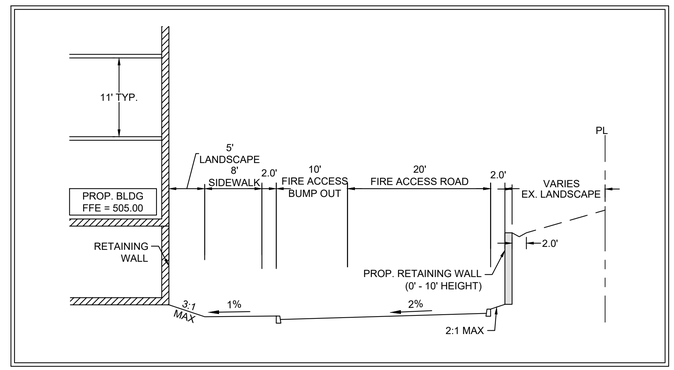

SECTION C-C

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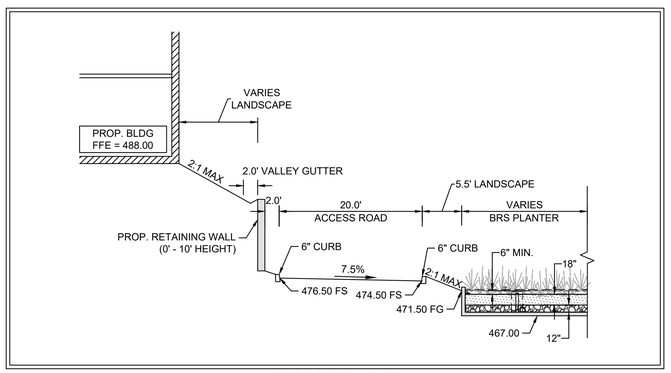

SECTION D-D

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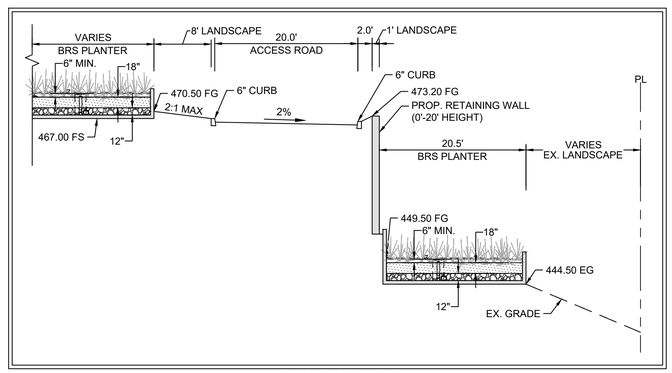

SECTION E-E

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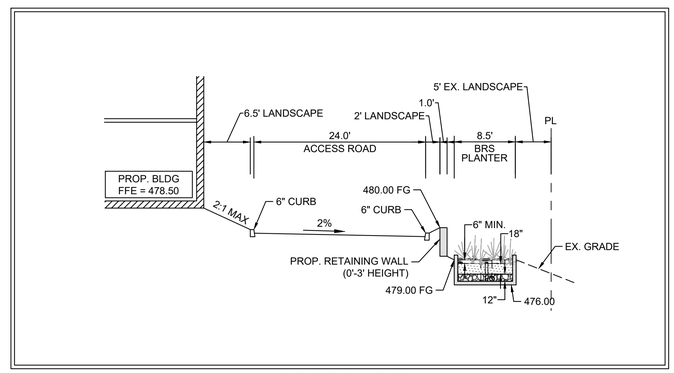

SECTION F-F

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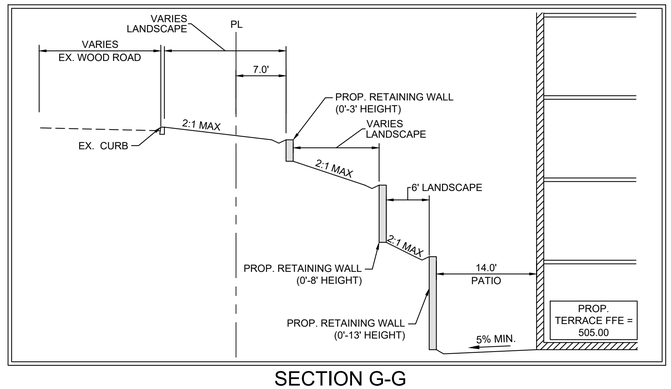

SECTION G-G

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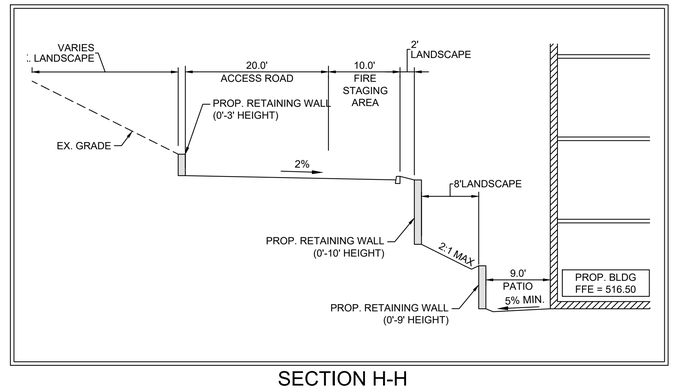

SECTION H-H

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July 24, 2021 11:38:31am

NO.	DATE	ISSUE

SEAL

KEY PLAN

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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

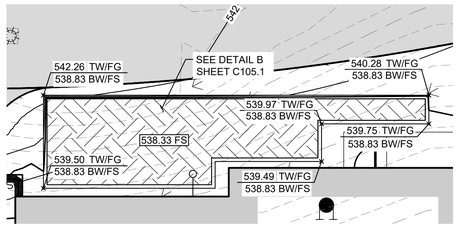
GRADING SECTIONS

SCALE: 1" = 40' ON 24" X 36"

C103.1

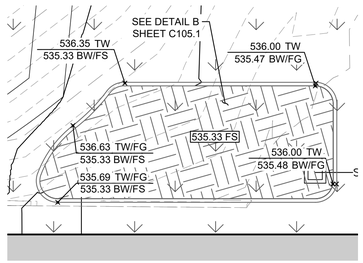
PLANNING SUBMITTAL

2021-07-27



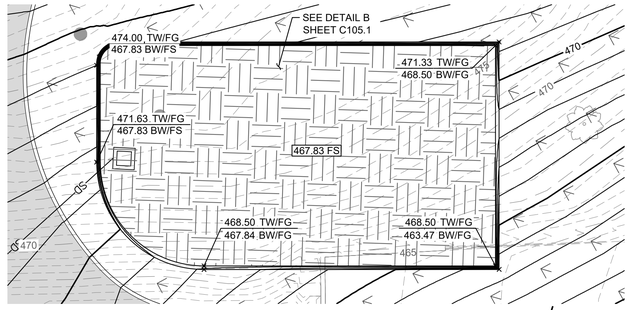
TCM #1 DETAIL

SCALE: 1"=10'



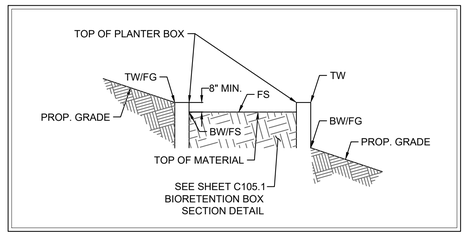
TCM #2 DETAIL

SCALE: 1"=10'



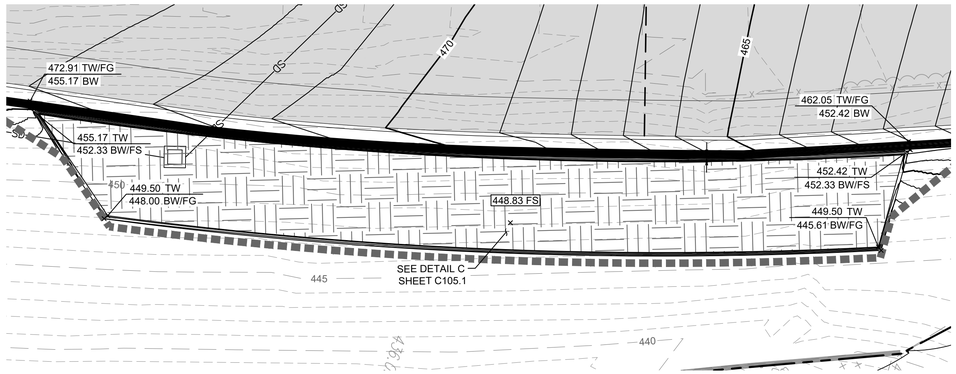
TCM #3 DETAIL

SCALE: 1"=10'



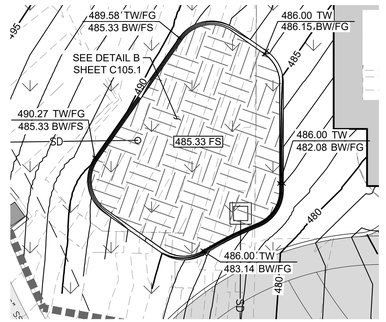
BIORETENTION GRADING SECTION

N.T.S.



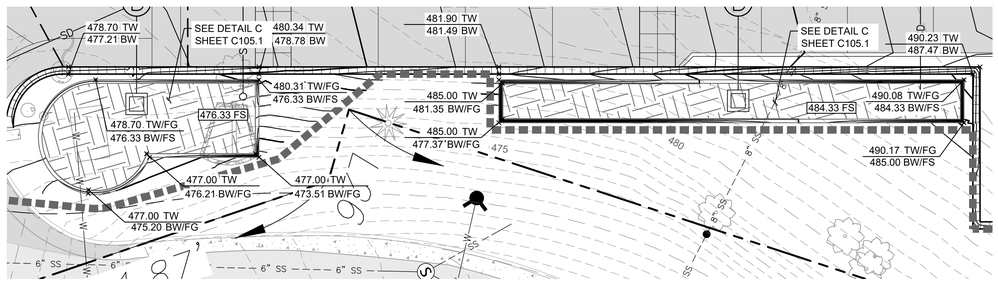
TCM #5 DETAIL

SCALE: 1"=10'



TCM #6 DETAIL

SCALE: 1"=10'



TCM #7 AND #8 DETAIL

SCALE: 1"=10'

NO.	DATE	ISSUE

SEAL

KEY PLAN

Kimley»Horn

4637 CHABOT DRIVE, SUITE 300, PLEASANTON, CA 94588
PHONE:925-398-4840 FAX: 925-398-4849
WWW.KIMLEY-HORN.COM

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY GRADING DETAILS

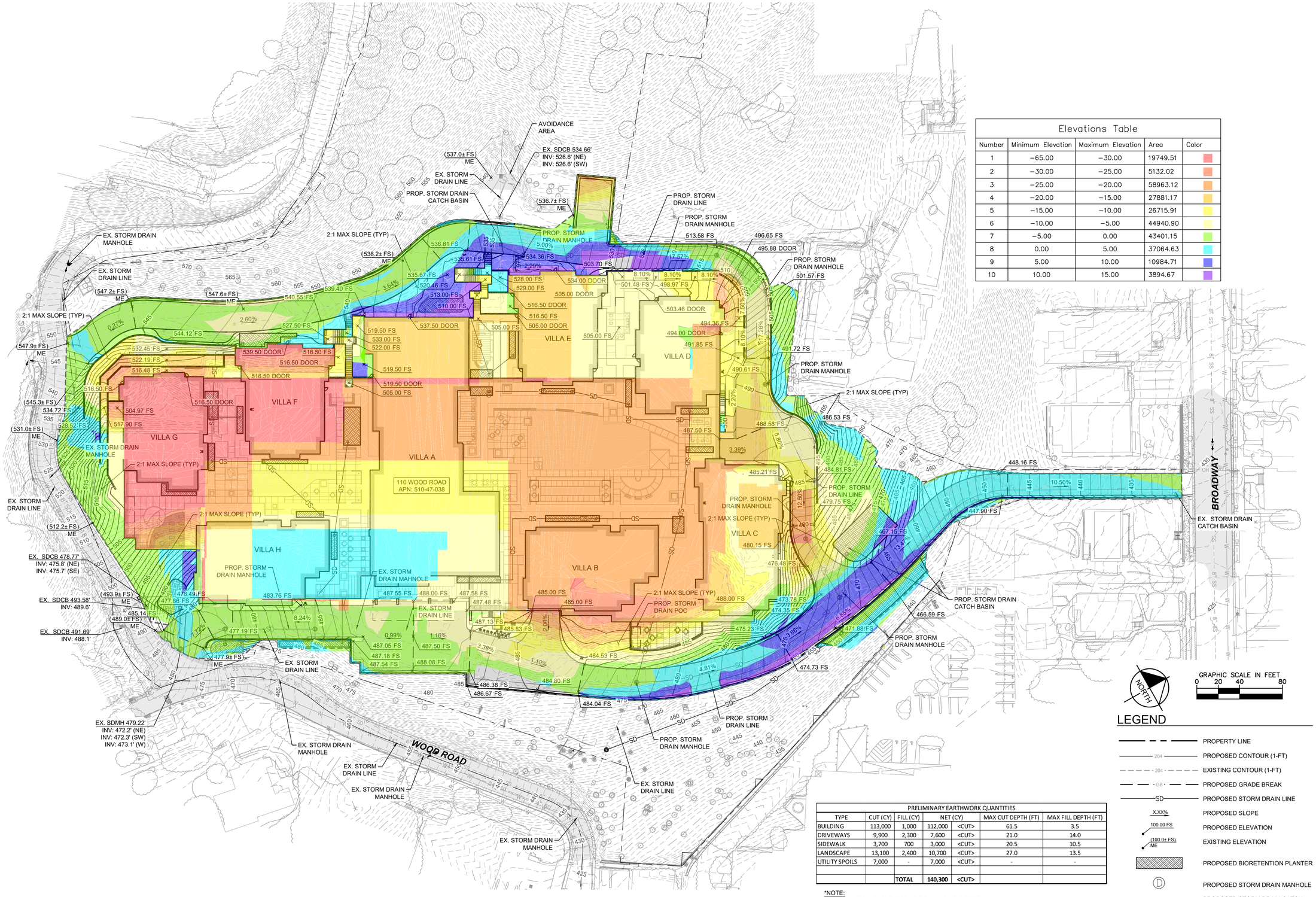
SCALE: 1" = 40' ON 24" X 36"

C103.2

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD Sheets\DD SET\C103.2 PRELIM GRADING BLOWUPS.dwg
July 24, 2021 11:39:22am



Elevations Table				
Number	Minimum Elevation	Maximum Elevation	Area	Color
1	−65.00	−30.00	19749.51	
2	−30.00	−25.00	5132.02	
3	−25.00	−20.00	58963.12	
4	−20.00	−15.00	27881.17	
5	−15.00	−10.00	26715.91	
6	−10.00	−5.00	44940.90	
7	−5.00	0.00	43401.15	
8	0.00	5.00	37064.63	
9	5.00	10.00	10984.71	
10	10.00	15.00	3894.67	

PRELIMINARY EARTHWORK QUANTITIES						
TYPE	CUT (CY)	FILL (CY)	NET (CY)		MAX CUT DEPTH (FT)	MAX FILL DEPTH (FT)
BUILDING	113,000	1,000	112,000	<CUT>	61.5	3.5
DRIVEWAYS	9,900	2,300	7,600	<CUT>	21.0	14.0
SIDEWALK	3,700	700	3,000	<CUT>	20.5	10.5
LANDSCAPE	13,100	2,400	10,700	<CUT>	27.0	13.5
UTILITY SPOILS	7,000	-	7,000	<CUT>	-	-
		TOTAL	**140,300**	**<CUT>**		

*NOTE:
- EARTHWORK QUANTITIES ARE RAW, UNADJUSTED VOLUMES. THESE CALCULATIONS ASSUME 18" FOUNDATIONS FOR PROPOSED BUILDINGS AND 12" SECTIONS FOR PROPOSED ROAD PAVING. THE UTILITY SPOILS ARE PRELIMINARY.

NORTH

GRAPHIC SCALE IN FEET
0 20 40 80

LEGEND

- PROPERTY LINE
- 204 — PROPOSED CONTOUR (1-FT)
- 204 — EXISTING CONTOUR (1-FT)
- GB — PROPOSED GRADE BREAK
- SD — PROPOSED STORM DRAIN LINE
- X.XX% — PROPOSED SLOPE
- 100.00 FS — PROPOSED ELEVATION
- (100.0± FS) ME — EXISTING ELEVATION
- PROPOSED BIORETENTION PLANTER
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED STORM DRAIN CATCH BASIN

NO.	DATE	ISSUE

SEAL

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MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY CUT AND FILL PLAN

SCALE: 1" = 40' ON 24" X 36"

C104

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C104 PRELIM CUT-FILL.dwg
July 24, 2021 11:40:07am

SITE DESIGN MEASURES:

1. PROTECT EXISTING TREES, VEGETATION, AND SOIL.
2. PRESERVE OPEN SPACE AND NATURAL DRAINAGE PATTERNS.
3. LANDSCAPING
   a. PARKING STALLS.
   b. WALKWAYS AND PATIOS.
   c. EMERGENCY VEHICLE ACCESS.
   d. PRIVATE STREETS AND SIDEWALKS.
4. DIRECT RUNOFF FROM ROOFS, SIDEWALKS, PATIOS TO LANDSCAPED AREAS.
5. PLANT TREES ADJACENT TO AND IN PARKING AREAS AND ADJACENT TO OTHER IMPERVIOUS AREAS.
6. PARKING:
   a. ON TOP OF OR UNDER BUILDINGS.
   b. NOT PROVIDED IN EXCESS OF CODE.
7. INSTALL A GREEN ROOF ON ALL OR A PORTION OF THE ROOF.

SOURCE CONTROL MEASURES:

1. BENEFICIAL LANDSCAPING.
2. USE OF WATER EFFICIENT IRRIGATION SYSTEMS.
3. MAINTENANCE (PAVEMENT SWEEPING, CATCH BASIN CLEANING, GOOD HOUSEKEEPING).
4. STORM DRAIN LABELING.

SEE THIS SHEET FOR CONTINUATION

SEE THIS SHEET FOR CONTINUATION

JULIE A. RITTER TRUSTEE
135 WOOD ROAD
APN: 510-47-034

OFFSITE DMA 1

AVOIDANCE AREA

CARRIAGE HOUSE LLC
23 CLIFTON AVE
APN: 510-45-082

CARRIAGE HOUSE LLC
19 CLIFTON AVE APN:
510-45-082

SEVENTH DAY ADVENTIST CHURCH
57 BROADWAY ST.
APN: 510-45-082

OFFSITE DMA 2

OFFSITE DMA 3

JOHN L AND JEAN RICHARDSON TRUSTEE
47 BROADWAY ST.
APN: 510-45-082

BERND J. NEUDECKER
109 WOOD ROAD
APN: 510-47-041

EQUITY INVESTORS
200 S. SANTA CRUZ AVE
APN: 510-47-042

LG HOTEL LLC.
140 S. SANTA CRUZ AVE
APN: 510-45-065

RAYMOND F. & GRACE LESTER
142 S. SANTA CRUZ AVE
APN: 510-45-090

VILLA A
110 WOOD ROAD
APN: 510-47-038

VILLA B
VILLA C
VILLA D
VILLA E
VILLA F
VILLA H

WOOD ROAD

BROADWAY

DMA 1, DMA 2, DMA 3, DMA 4, DMA 5, DMA 6, DMA 7, DMA 8, DMA 9, DMA 10, DMA 11, DMA 12, DMA 13, DMA 14, DMA 15, DMA 16, DMA 17, DMA 18, DMA 19, DMA 20, DMA 21, DMA 22, DMA 23, DMA 24, DMA 25, DMA 26

TCM #1, TCM #2, TCM #3, TCM #5, TCM #6, TCM #7, TCM #8, TCM #9, TCM #10, TCM #11, TCM #12, TCM #13, TCM #14, TCM #15, TCM #16, TCM #17, TCM #18, TCM #19, TCM #20, TCM #21, TCM #22, TCM #23, TCM #24, TCM #25, TCM #26

PROP. CURB CUTS, 10' ON CENTER
PROP. BUBBLE UP RISER
PROP. STORM DRAIN POC
PROP. OVERFLOW STRUCTURE (TYP.)
PROP. HIGH-FLOW BYPASS INLET. SEE DETAIL E, SHEET C105.1

A. TOTAL SITE AREA (ACRE):	10.84			
B. TOTAL SITE AREA DISTURBED (SF):	6.5			
		PROPOSED AREA (SF)		TOTAL POST
	EXISTING AREA (SF)	REPLACED	NEW	PROJECT AREA
IMPERVIOUS AREA				
ROOF	101,714	84,273	-	84,273
PARKING	2,045	800	-	800
SIDEWALKS AND STREETS	79,422	79,422	27,483	106,905
OTHER (E.G. TENNIS COURT)				-
C. TOTAL IMPERVIOUS AREA	183,181	164,495	27,483	191,978
D. TOTAL NEW AND REPLACED IMPERVIOUS AREA		191,978	(+8,797 NET)	
PERVIOUS AREA				
LANDSCAPING	289,132	280,335	0	280,335
PERVIOUS PAVING				
OTHER (E.G. GREEN ROOF)				
E. TOTAL PERVIOUS AREA	289,132	280,335	0	280,335
F. PERCENT REPLACEMENT OF IMPERVIOUS AREA IN REDEVELOPMENT PROJECTS (REPLACED				90%

REQUIRED BIORETENTION (SF)	
SITE IMPERVIOUS	119,817
SITE PERVIOUS	61,959
SITE BRS REQUIRED	5,041
PODIUM PERVIOUS	27,536
PODIUM BRS REQUIRED	2,997
TOTAL IMPERVIOUS	191,978
TOTAL PERVIOUS	89,495
TOTAL BRS REQUIRED	8,037

NORTH

GRAPHIC SCALE IN FEET
0 20 40 80

LEGEND

- PROPERTY LINE
- 204 PROPOSED CONTOUR (1-FT)
- 204 EXISTING CONTOUR (1-FT)
- PROPOSED DRAINAGE AREA
- SD PROPOSED STORM DRAIN LINE
- FLOW ARROW
- PROPOSED BIORETENTION PLANTER
- DMA X DMA AREA
- S EXISTING STORM DRAIN MANHOLE
- PROPOSED STORM DRAIN CATCH BASIN
- D PROPOSED STORM DRAIN MANHOLE

NO.	DATE	ISSUE

SEAL

KEY PLAN

Kimley»Horn
4637 CHABOT DRIVE, SUITE 300, PLEASANTON, CA 94588
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MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY STORMWATER CONTROL PLAN

SCALE: 1" = 40' ON 24" X 36"

C105

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C105 PRELIM STORMWATER.dwg
July 24, 2021 12:04:56pm

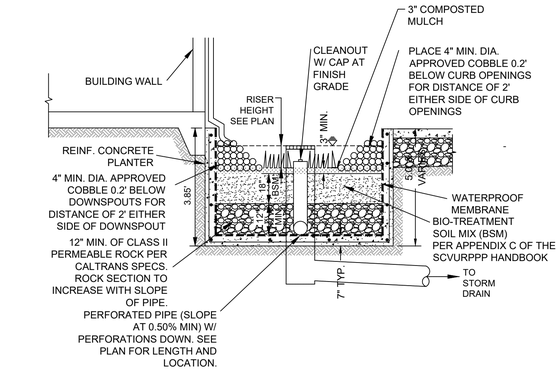
* REQUIRED TREATMENT AREA CALCULATED USING SIMPLIFIED SIZING METHOD (4% RULE) AS DESCRIBED BELOW:

REQUIRED AREA = 4% * (IMPERVIOUS AREA + (10%*PERVIOUS AREA))

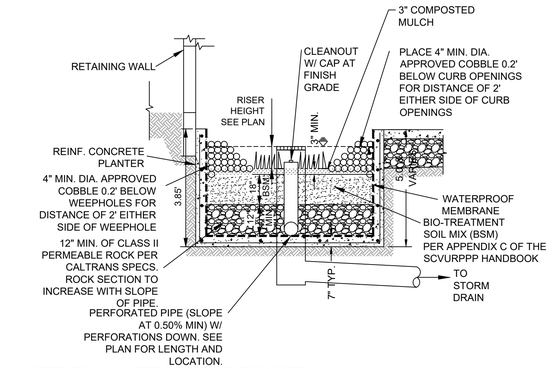
TREATMENT CONTROL MEASURE SUMMARY - SURFACE BIORETENTION

					IMPERVIOUS SURFACE TYPE								
DMA	AREA (ACRE)	AREA (SF)	PERVIOUS SURFACE (SF)	PERVIOUS SURFACE TYPE	IMPERVIOUS SURFACE (SF)	ROOF	SIDEWALK	ROAD/DRIVE	RUNOFF COEFFICIENT	TREATMENT METHOD	TCM NUMBER	TREATMENT REQUIRED (APPROX. SF)	TREATMENT PROVIDED (SF)
1	0.28	12,085	1,976	Landscape	10,109	4548	304	5257	0.85	Bioretention (Planter Box)	TCM 1	412	444
2	0.45	19,545	5,862	Landscape	13,683	5405	2565	5713	0.85	Bioretention (Planter Box)	TCM 1	571	582
3	1.27	55,120	19,282	Landscape	35,838	14991	5,064	15783	0.85	Bioretention (Planter Box)	TCM 3	1511	1650
4	0.22	9,655	2,802	Landscape	6,853	0	0	**6,853	0.85	Bioretention (Planter Box)		285 **	0
5	1.06	46,325	12,676	Landscape	33,649	5757	8,961	18931	0.85	Bioretention (Planter Box)	TCM 5	1397	1400
6	0.48	**20,782	16,668	Landscape	4,114	2694	1,420	**6835	0.85	Bioretention (Planter Box)	TCM 6	505 **	595 **
7	0.22	9,407	1,385	Landscape	8,022	4002	509	3511	0.85	Bioretention (Planter Box)	TCM 7	326	265
8	0.20	8,857	1,308	Landscape	7,549	0	2,350	5199	0.85	Bioretention (Planter Box)	TCM 8	307	315
9	0.16	7,100	1,085	Landscape	6,015	4727	1,288	0	0.85	Bioretention (Planter Box)	TCM 9	245	247
10	0.10	4,500	1,550	Landscape	2,950	0	2,950	0	0.85	Bioretention (Planter Box)	TCM 10	124	125
11	0.08	3,270	126	Landscape	3,144	3144	0	0	0.85	Bioretention (Planter Box)	TCM 11	126	126
12	0.07	3,225	125	Landscape	3,100	3100	0	0	0.85	Bioretention (Planter Box)	TCM 12	125	125
13	0.14	5,990	3,150	Landscape	2,840	0	2,840	0	0.85	Bioretention (Planter Box)	TCM 13	126	126
14	0.35	15,250	2,355	Landscape	12,895	10761	2,134	0	0.85	Bioretention (Planter Box)	TCM 14	525	525
15	0.07	3,225	125	Landscape	3,100	3100	0	0	0.85	Bioretention (Planter Box)	TCM 15	125	125
16	0.08	3,450	366	Landscape	3,084	1234	1,850	0	0.85	Bioretention (Planter Box)	TCM 16	125	125
17	0.11	4,707	2,585	Landscape	2,122	0	2,122	0	0.85	Bioretention (Planter Box)	TCM 17	95	95
18	0.11	4,650	1,000	Landscape	3,650	1401	2,249	0	0.85	Bioretention (Planter Box)	TCM 18	150	150
19	0.12	5,180	200	Landscape	4,980	4980	0	0	0.85	Bioretention (Planter Box)	TCM 19	200	200
20	0.07	3,225	125	Landscape	3,100	3100	0	0	0.85	Bioretention (Planter Box)	TCM 20	125	125
21	0.19	8,475	5,665	Landscape	2,810	0	2,810	0	0.85	Bioretention (Planter Box)	TCM 21	135	135
22	0.20	8,900	3,000	Landscape	5,900	4658	1,242	0	0.85	Bioretention (Planter Box)	TCM 22	248	250
23	0.14	6,060	3,263	Landscape	2,797	0	2,797	0	0.85	Bioretention (Planter Box)	TCM 23	125	125
24	0.09	3,975	946	Landscape	3,029	2005	1,024	0	0.85	Bioretention (Planter Box)	TCM 24	125	125
25	0.09	3,815	765	Landscape	3,050	2098	952	0	0.85	Bioretention (Planter Box)	TCM 25	125	125
26	0.11	4,700	1,105	Landscape	3,595	2568	1027	0	0.85	Bioretention (Planter Box)	TCM 26	148	150
Offsite 1	3.36	146,310	146,310	Landscape	0	N/A			0.35	N/A	N/A	N/A	N/A
Offsite 2	0.09	3,782	3,782	Landscape	0	N/A			0.35	N/A	N/A	N/A	N/A
Offsite 3	0.94	40,748	40,748	Landscape	0	N/A			0.35	N/A	N/A	N/A	N/A
Totals	**10.84**	**472,313**	**280,335**		**191,978**							**8,311**	**8,255**

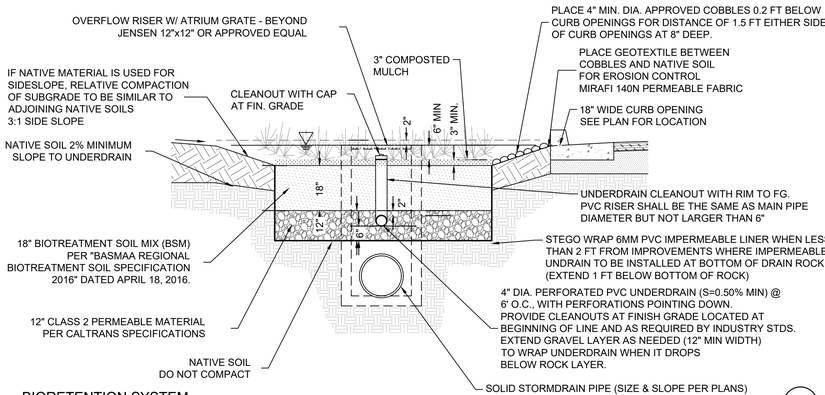
** IN-LIEU TREATMENT:
THE 6,853 SF OF IMPERVIOUS AREA THAT IS GOING UNTREATED TO BROADWAY IS BEING ACCOUNTED FOR IN DMA 6. 6,853 SF OF IMPERVIOUS PAVEMENT ON WOOD ROAD HAS BEEN INCLUDED IN DMA 6 AND TCM 6 HAS BEEN SIZED TO TREAT THIS ADDITIONAL WATER QUALITY FLOW. THE 6,853 SF AREA IS NOT COUNTED TOWARDS THE DMA 6 TOTAL AREA.



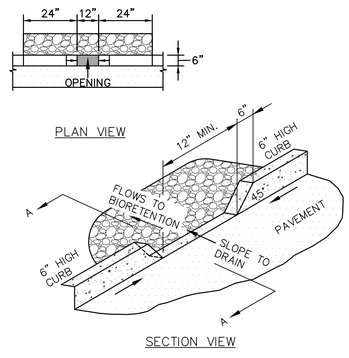
BIORETENTION SYSTEM ADJACENT TO BUILDING (B)
NTS



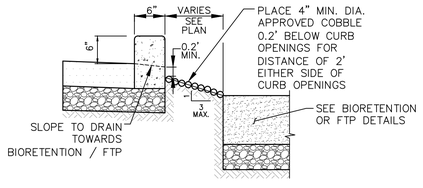
BIORETENTION SYSTEM ADJACENT TO RETAINING WALL (C)
NTS

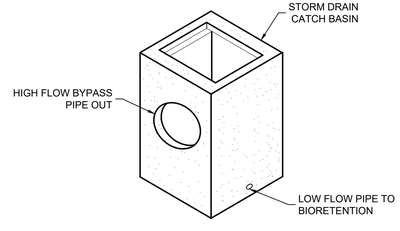


BIORETENTION SYSTEM (A)
N.T.S.



CURB CUT (D)
N.T.S.





HIGH FLOW BYPASS INLET (E)
N.T.S.

NO.	DATE	ISSUE

SEAL

KEY PLAN

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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY STORMWATER CONTOL DETAILS

SCALE: 1" = 40' ON 24" X 36"

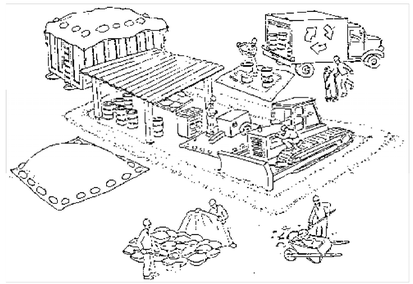
C105.1

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C105 PRELIM STORMWATER.dwg
July 24, 2021 11:40:50am

Pollution Prevention — It's Part of the Plan



Make sure your crews and subs do the job right!



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

Materials storage & spill cleanup

Non-hazardous materials management

- ✔ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✔ Use (but don't overuse) reclaimed water for dust control as needed.
- ✔ Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✔ Recycle all asphalt, concrete, and aggregate base material from demolition activities.
- ✔ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

Hazardous materials management

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

Spill prevention and control

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

Vehicle and equipment maintenance & cleaning



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

Earthwork & contaminated soils

- ✔ Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.
- ✔ Use hay bales, silt fences, or other control measures to minimize the flow of silt off the site.



- ✔ Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- ✔ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✔ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place hay bales down-slope until soil is secure.
- ✔ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call your local fire department for help in determining what testing should be done.
- ✔ Manage disposal of contaminated soil according to Fire Department instructions.

Dewatering operations



- ✔ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✔ Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✔ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

Saw cutting

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

Paving/asphalt work



- ✔ Do not pave during wet weather or when rain is forecast.
- ✔ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✔ Place drip pans or absorbent material under paving equipment when not in use.
- ✔ Protect gutters, ditches, and drainage courses with hay bales, sand bags, or earthen berms.
- ✔ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✔ Do not use water to wash down fresh asphalt concrete pavement.

Concrete, grout, and mortar storage & waste disposal

- ✔ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.
- ✔ Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.



- ✔ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.
- ✔ If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.

Painting



- ✔ Never rinse paint brushes or materials in a gutter or street!
- ✔ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✔ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✔ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

BASMAA Bay Area Stormwater Management Agencies Association (BASMAA)
1-888-BAYWISE

Storm drain polluters may be liable for fines of up to $10,000 per day!

NO. DATE ISSUE

SEAL

KEY PLAN

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Structural:
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General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

CALIFORNIA BLUEPRINT FOR A CLEAN BAY AREA

SCALE: 1" = 40' ON 24" X 36"

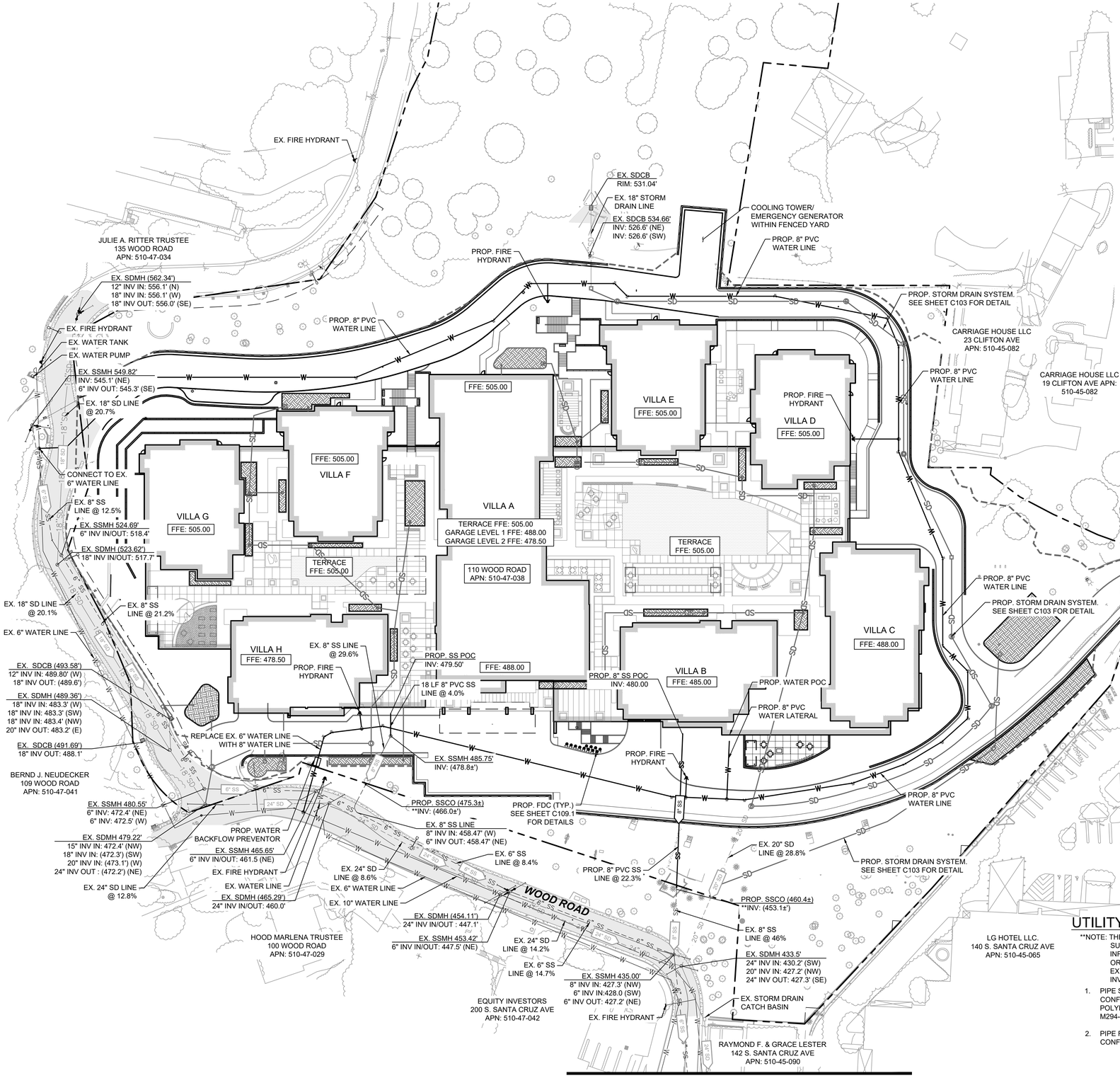
C105.2

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C105 PRELIM STORMWATER.dwg
July 24, 2021 11:40:51am

SEE THIS SHEET FOR CONTINUATION



SEE THIS SHEET FOR CONTINUATION

UTILITY NOTES

**NOTE: THE UTILITIES SHOWN ON THIS PLAN ARE FROM SURVEY AND AVAILABLE PLANS ONLY - THE INFORMATION IS VERY UNLIKELY TO BE COMPLETE OR PRECISE. CONTRACTOR TO VERIFY IN FIELD EXISTING UTILITY LOCATIONS AND SANITARY SEWER INVERT ELEVATIONS.

1. PIPE SANITARY SEWERS SHALL BE PVC PIPE AND SHALL CONFORM TO ASTM D3034-SDR 35 OR CORRUGATED POLYETHYLENE AND SHALL CONFORM TO AASHTO M294-97 & ASTM D3212
2. PIPE FOR WATER SHALL BE 8" PVC PIPE AND SHALL CONFORM TO AWWA C900.

LEGEND

- PROPERTY LINE
- EXISTING SANITARY SEWER LINE
- EXISTING STORM DRAIN LINE
- EXISTING WATER LINE
- PROPOSED STORM DRAIN LINE
- PROPOSED 8" WATER LINE
- EXISTING SANITARY SEWER MANHOLE
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED STORM DRAIN CATCH BASIN
- PROPOSED FIRE HYDRANT
- PROPOSED FDC LOCATION
- PROPOSED BIORETENTION PLANTER BOX

NO.	DATE	ISSUE

SEAL

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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY UTILITY PLAN

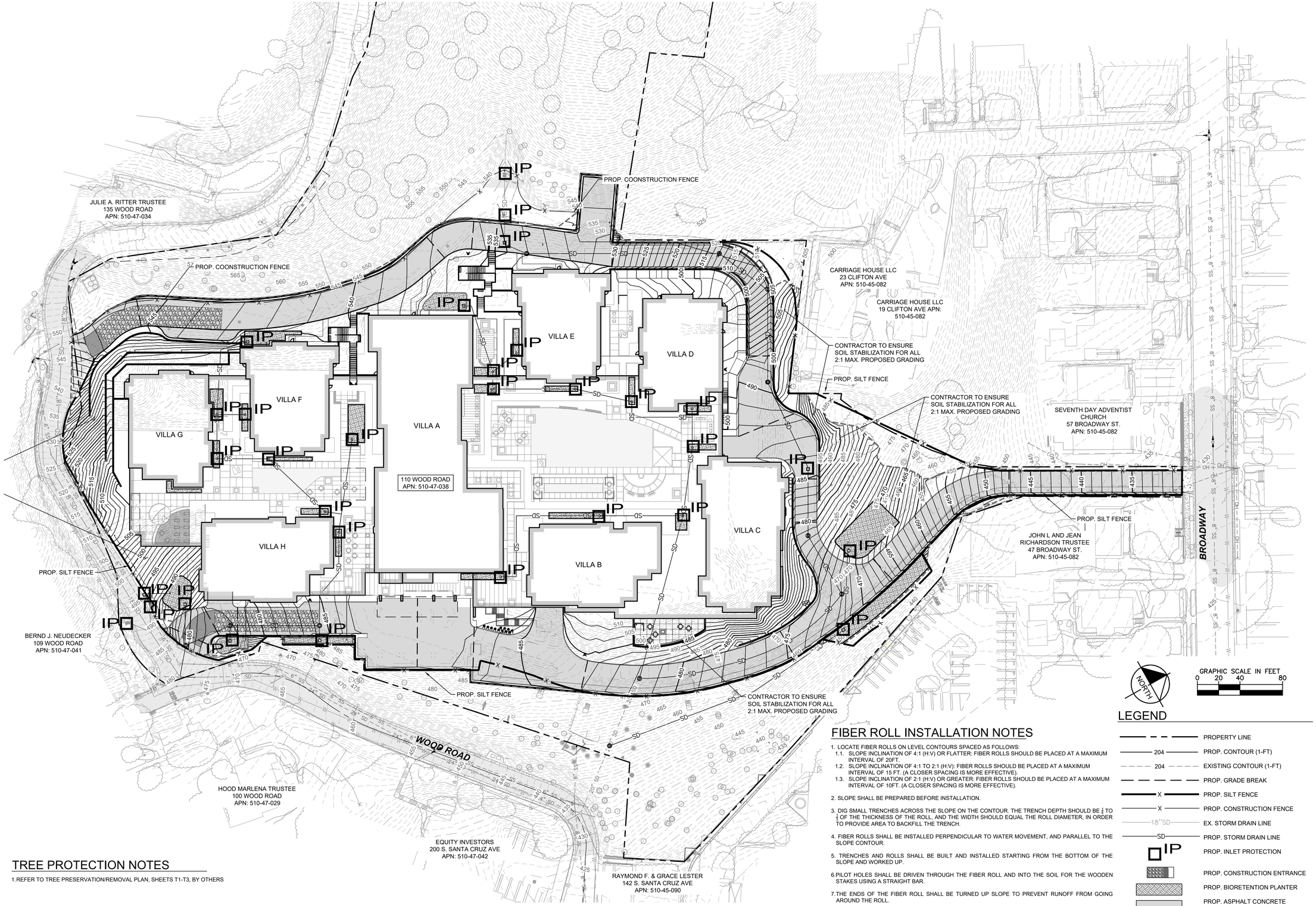
SCALE: 1" = 40' ON 24" X 36"

C106

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C106 PRELIM UTILITY PLAN.dwg
July 24, 2021 11:41:24am



TREE PROTECTION NOTES

1.REFER TO TREE PRESERVATION/REMOVAL PLAN, SHEETS T1-T3, BY OTHERS

FIBER ROLL INSTALLATION NOTES

1. LOCATE FIBER ROLLS ON LEVEL CONTOURS SPACED AS FOLLOWS:
   - 1.1. SLOPE INCLINATION OF 4:1 (H:V) OR FLATTER: FIBER ROLLS SHOULD BE PLACED AT A MAXIMUM INTERVAL OF 20FT.
   - 1.2. SLOPE INCLINATION OF 4:1 TO 2:1 (H:V): FIBER ROLLS SHOULD BE PLACED AT A MAXIMUM INTERVAL OF 15 FT. (A CLOSER SPACING IS MORE EFFECTIVE).
   - 1.3. SLOPE INCLINATION OF 2:1 (H:V) OR GREATER: FIBER ROLLS SHOULD BE PLACED AT A MAXIMUM INTERVAL OF 10FT. (A CLOSER SPACING IS MORE EFFECTIVE).
2. SLOPE SHALL BE PREPARED BEFORE INSTALLATION.
3. DIG SMALL TRENCHES ACROSS THE SLOPE ON THE CONTOUR. THE TRENCH DEPTH SHOULD BE $\frac{1}{3}$ TO $\frac{1}{4}$ OF THE THICKNESS OF THE ROLL, AND THE WIDTH SHOULD EQUAL THE ROLL DIAMETER, IN ORDER TO PROVIDE AREA TO BACKFILL THE TRENCH.
4. FIBER ROLLS SHALL BE INSTALLED PERPENDICULAR TO WATER MOVEMENT, AND PARALLEL TO THE SLOPE CONTOUR.
5. TRENCHES AND ROLLS SHALL BE BUILT AND INSTALLED STARTING FROM THE BOTTOM OF THE SLOPE AND WORKED UP.
6. PILOT HOLES SHALL BE DRIVEN THROUGH THE FIBER ROLL AND INTO THE SOIL FOR THE WOODEN STAKES USING A STRAIGHT BAR.
7. THE ENDS OF THE FIBER ROLL SHALL BE TURNED UP SLOPE TO PREVENT RUNOFF FROM GOING AROUND THE ROLL.
8. IF MORE THAN ONE FIBER ROLL IS PLACED IN A ROW, THE ROLLS SHOULD BE OVERLAPPED, NOT ABUTTED.
9. STAKE FIBER ROLLS IN TO THE TRENCH.
   - 9.1. DRIVE STAKES AT THE END OF EACH FIBER ROLL AND SPACED 4FT MAXIMUM ON CENTER.
   - 9.2. USE WOOD STAKES WITH A NOMINAL CLASSIFICATION OF 0.75 BY 0.75 IN. AND MINIMUM LENGTH

GRAPHIC SCALE IN FEET
0 20 40 80

NORTH

LEGEND

- PROPERTY LINE
- 204 PROP. CONTOUR (1-FT)
- 204 EXISTING CONTOUR (1-FT)
- PROP. GRADE BREAK
- X PROP. SILT FENCE
- X PROP. CONSTRUCTION FENCE
- 18"SD EX. STORM DRAIN LINE
- SD PROP. STORM DRAIN LINE
- IP PROP. INLET PROTECTION
- PROP. CONSTRUCTION ENTRANCE
- PROP. BIORETENTION PLANTER
- PROP. ASPHALT CONCRETE PAVEMENT
- PROP. STORM DRAIN MANHOLE
- PROP. STORM DRAIN CATCH BASIN

NO.	DATE	ISSUE

SEAL

KEY PLAN

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General Contractor:
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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY EROSION CONTROL PLAN

SCALE: 1" = 40' ON 24" X 36"

C107

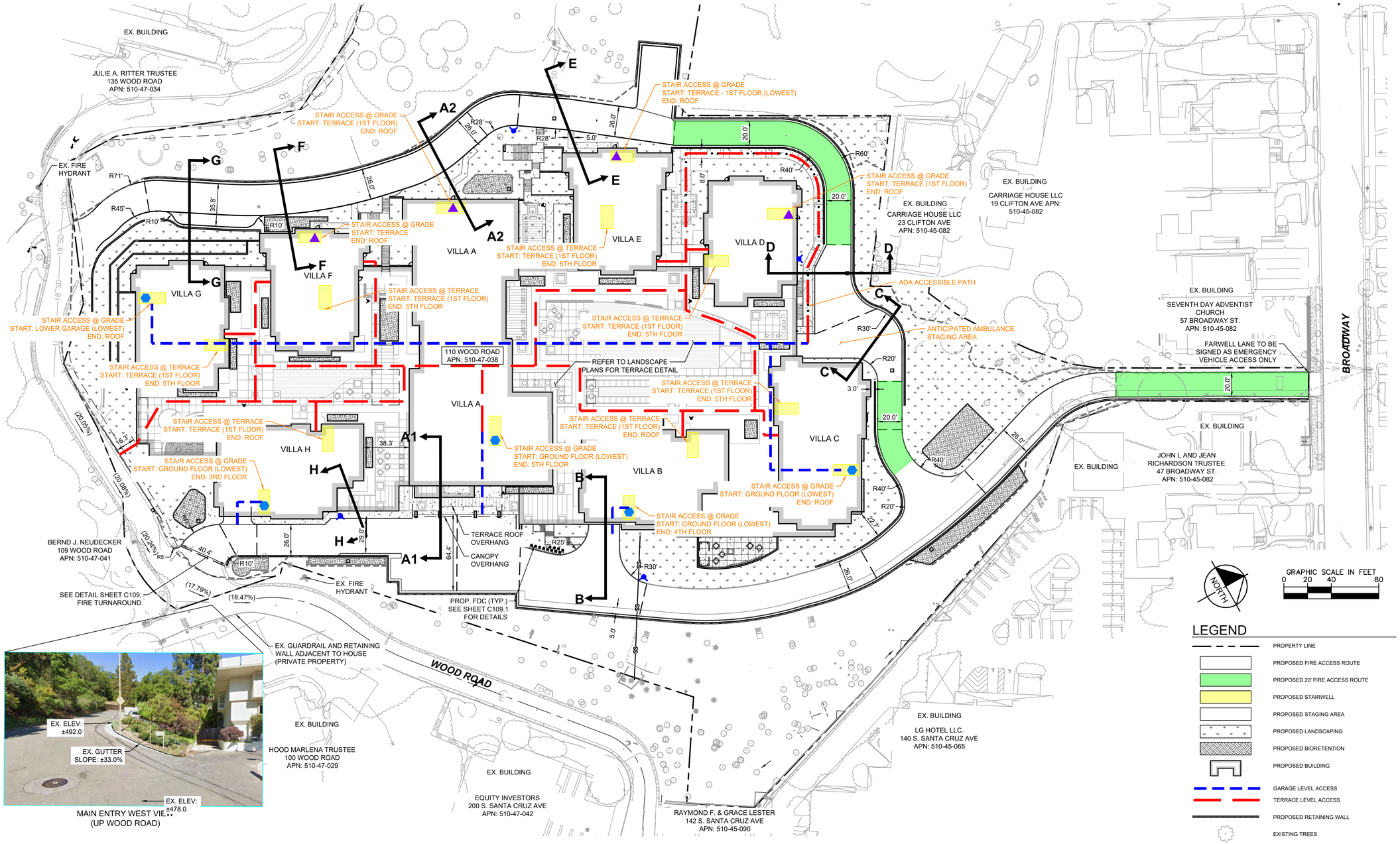
PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C107 EROSION PLAN.dwg
July 24, 2021 11:42:01am

FIRE NOTES

1. EMERGENCY RADIO RESPONDER COVERAGE: EMERGENCY RESPONDER RADIO COVERAGE IN NEW BUILDINGS. ALL NEW BUILDINGS SHALL HAVE APPROVED RADIO COVERAGE FOR EMERGENCY RESPONDERS WITHIN THE BUILDING BASED UPON THE EXISTING COVERAGE LEVELS OF THE PUBLIC SAFETY COMMUNICATION SYSTEMS OF THE JURISDICTION AT THE EXTERIOR OF THE BUILDING. THIS SECTION SHALL NOT REQUIRE IMPROVEMENT OF THE EXISTING PUBLIC SAFETY COMMUNICATION SYSTEMS. REFER TO CFC SEC. 510 FOR FURTHER REQUIREMENTS. EMERGENCY RADIO RESPONDER COVERAGE REQUIREMENTS APPLIES TO ALL BUILDINGS.
2. WATER SUPPLY REQUIREMENTS: POTABLE WATER SUPPLIES SHALL BE PROTECTED FROM CONTAMINATION CAUSED BY FIRE PROTECTION WATER SUPPLIES. IT IS THE RESPONSIBILITY OF THE APPLICANT AND ANY CONTRACTORS AND SUBCONTRACTORS TO CONTACT THE WATER PURVEYOR SUPPLYING THE SITE OF SUCH PROJECT, AND TO COMPLY WITH THE REQUIREMENTS OT THAT PURVEYOR. SUCH REQUIREMENTS SHALL BE INCORPORATED INTO THE DESIGN OF ANY WATER-BASED FIRE PROTECTION SYSTEMS, AND/OR FIRE SUPPRESSION WATER SUPPLY SYSTEMS OR STORAGE CONTAINERS THAT MAY BE PHYSICALLY CONNECTED IN ANY MANNER TO AN APPLIANCE CAPABLE OF CAUSING CONTAMINATION OF THE POTABLE WATER SUPPLY OF THE PURVEYOR OF RECORD. FINAL APPROVAL OF THE SYSTEM(S) UNDER CONSIDERATION WILL NOT BE GRANTED BY THIS OFFICE UNTIL COMPLIANCE WITH THE REQUIREMENTS OF THE WATER PURVEYOR OF RECORD ARE DOCUMENTED BY THAT PURVEYOR AS HAULING BEEN MET BY THE APPLICANT(S). 2010 CFC SEC. 903.3.5 AND HEALTH AND SAFETY CODE 13114.7
3. CONSTRUCTION SITE FIRE SAFETY: ALL CONSTRUCTION SITES MUST COMPLY WITH APPLICABLE PROVISIONS OF THE CFC CHAPTER 33 AND OUR STANDARD DETAIL AND SPECIFICATION 51-7. PROVIDE APPROPRIATE NOTATIONS ON SUBSEQUENT PLAN SUBMITTALS, AS APPROPRIATE TO THE PROJECT. CFC CHP. 33.
4. ADDRESS IDENTIFICATION. NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. WHERE REQUIRED BY THE FIRE CODE OFFICIAL, ADDRESS NUMBERS SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES (101.6 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH (1 2.7 MM). WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 505.1.
5. FIRE LANE MARKINGS FOR ALL ROADWAYS WITHIN THE PROJECT SHALL BE PER FIRE DEPARTMENT SPECIFICATIONS. INSTALLATIONS SHALL ALSO CONFORM TO LOCAL GOVERNMENT STANDARDS AND FIRE DEPARTMENT STANDARD DETAILS AND SPECIFICATIONS A-6. CFC SEC. 503.3
6. TWO-WAY COMMUNICATION SYSTEMS SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH ALL CURRENT EDITIONS OF NFPA 72, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA FIRE CODE, THE CALIFORNIA BUILDING CODE, AND THE CITY OR TOWN ORDINANCES, POLICIES, AND STANDARDS WHERE A TWO-WAY SYSTEM IS BEING INSTALLED. OTHER STANDARDS ALSO CONTAIN DESIGN/INSTALLATION CRITERIA FOR SPECIFIC LIFE SAFETY RELATED EQUIPMENT. THESE OTHER STANDARDS ARE REFERRED TO IN NFPA 72.
7. FARWELL LANE TO BE SIGNED AS AN EMERGENCY VEHICLE ACCESS ONLY.



LEGEND

- PROPERTY LINE
- PROPOSED FIRE ACCESS ROUTE
- PROPOSED 20' FIRE ACCESS ROUTE
- PROPOSED STAIRWELL
- PROPOSED STAGING AREA
- PROPOSED LANDSCAPING
- PROPOSED BIORETENTION
- PROPOSED BUILDING
- GARAGE LEVEL ACCESS
- TERRACE LEVEL ACCESS
- PROPOSED RETAINING WALL
- EXISTING TREES
- PROPOSED FIRE HYDRANT
- STAIRWELL WITH ACCESS TO LOWER GARAGE LEVEL
- STAIRWELL WITH ACCESS TO ACCESS ROADS AND GROUND LEVEL*

* GROUND LEVEL IS EQUIVALENT TO GARAGE LEVEL 1

NO.	DATE	ISSUE

SEAL

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General Contractor:
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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY FIRE ACCESS PLAN

SCALE: 1" = 40' ON 24" X 36"

C108

PLANNING SUBMITTAL

2021-07-27

Plotted By:Sargent, Kylie Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C108 FIRE ACCESS EXHIBIT.dwg
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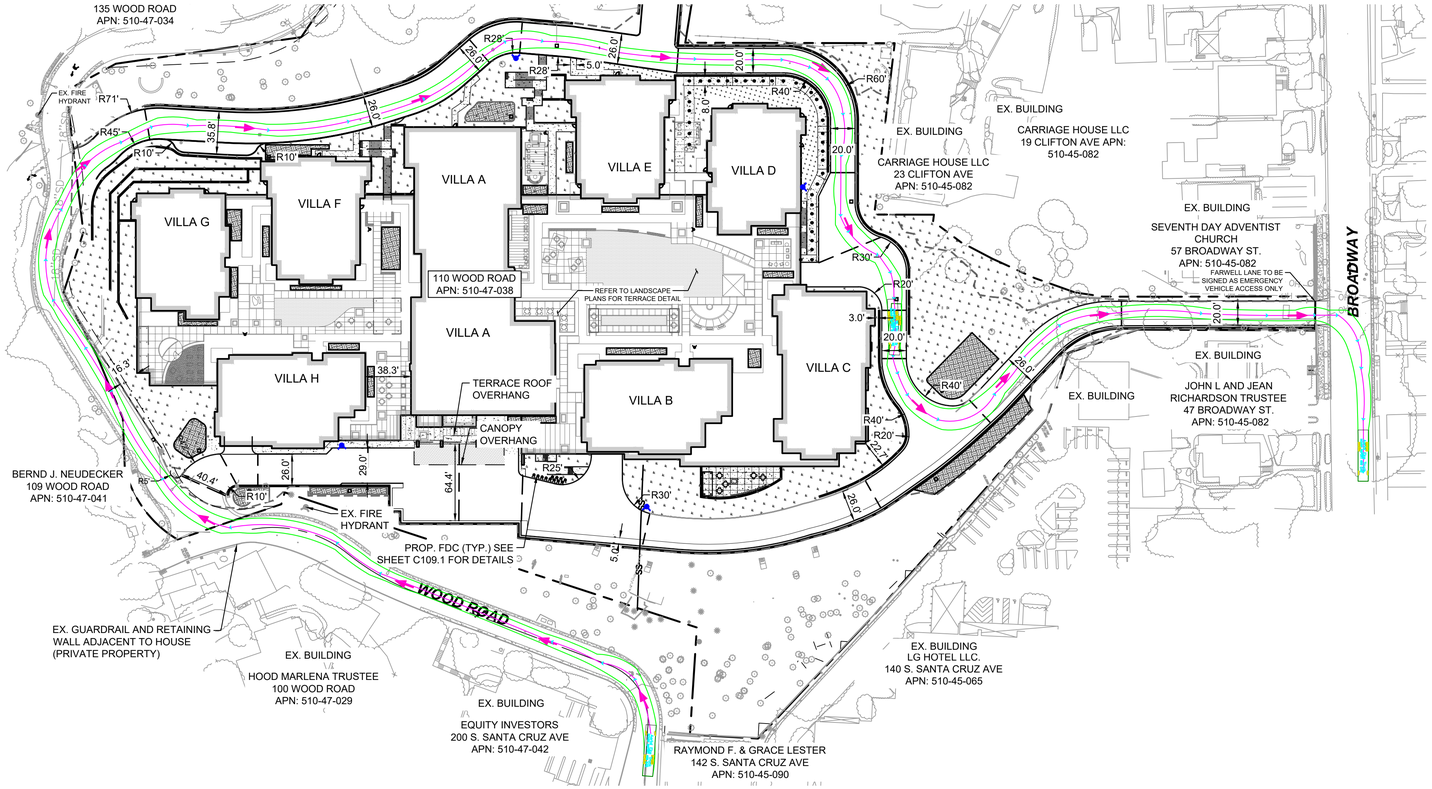
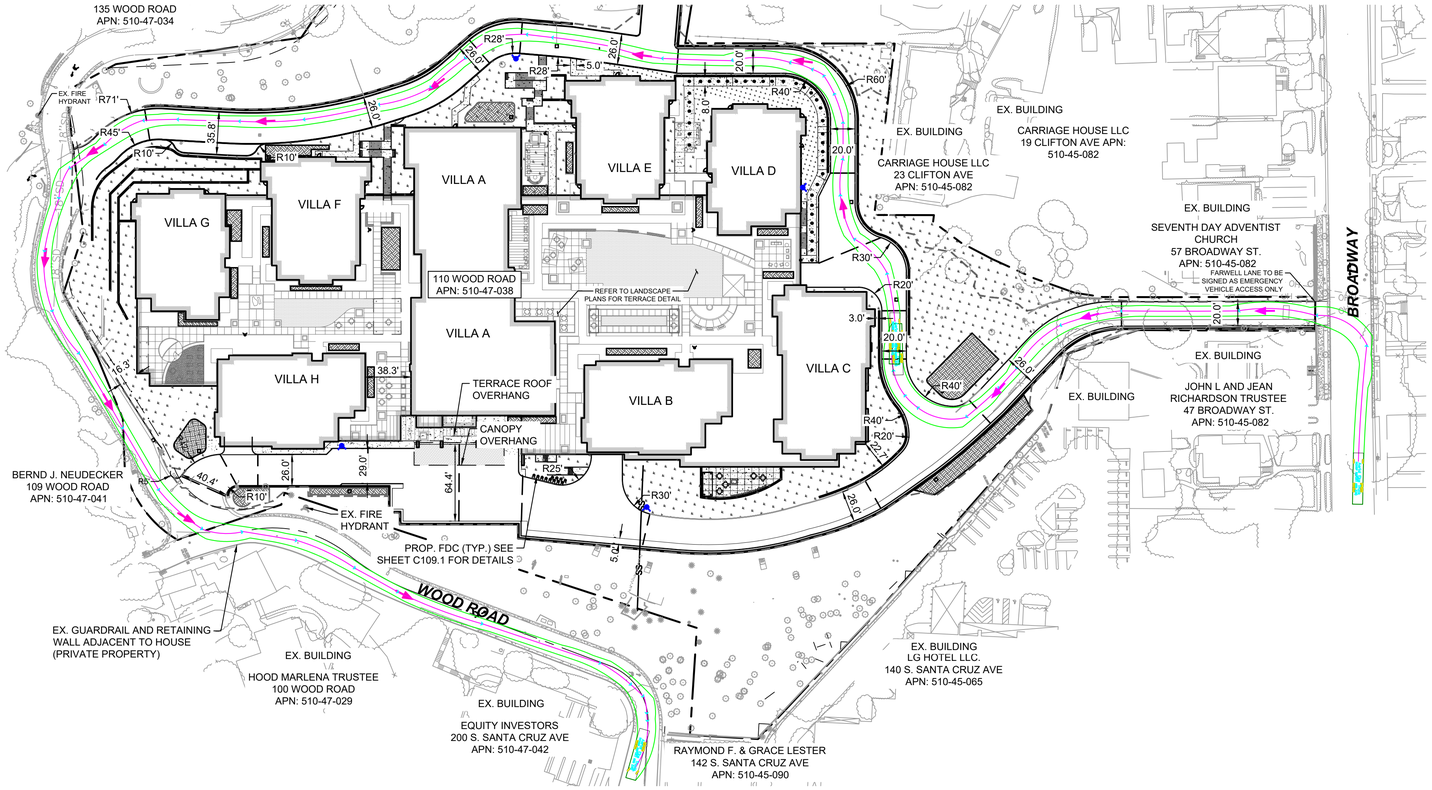
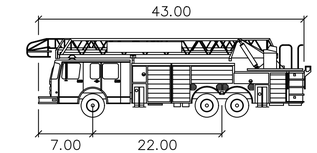


WOOD INBOUND REAR ACCESS



BROADWAY INBOUND REAR ACCESS



Aerial Fire Truck

	feet
Width	: 8.50
Track	: 8.50
Lock to Lock Time	: 6.0
Steering Angle	: 33.3

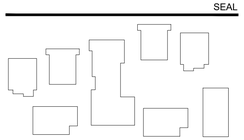


LEGEND

- PROPERTY LINE
- PROPOSED LANDSCAPING
- PROPOSED BIORETENTION
- PROPOSED BUILDING
- PROPOSED RETAINING WALL
- EXISTING TREES
- PROPOSED FIRE HYDRANT

NO.	DATE	ISSUE

SEAL



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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

FIRE TURNAROUND DETAILS - REAR ACCESS

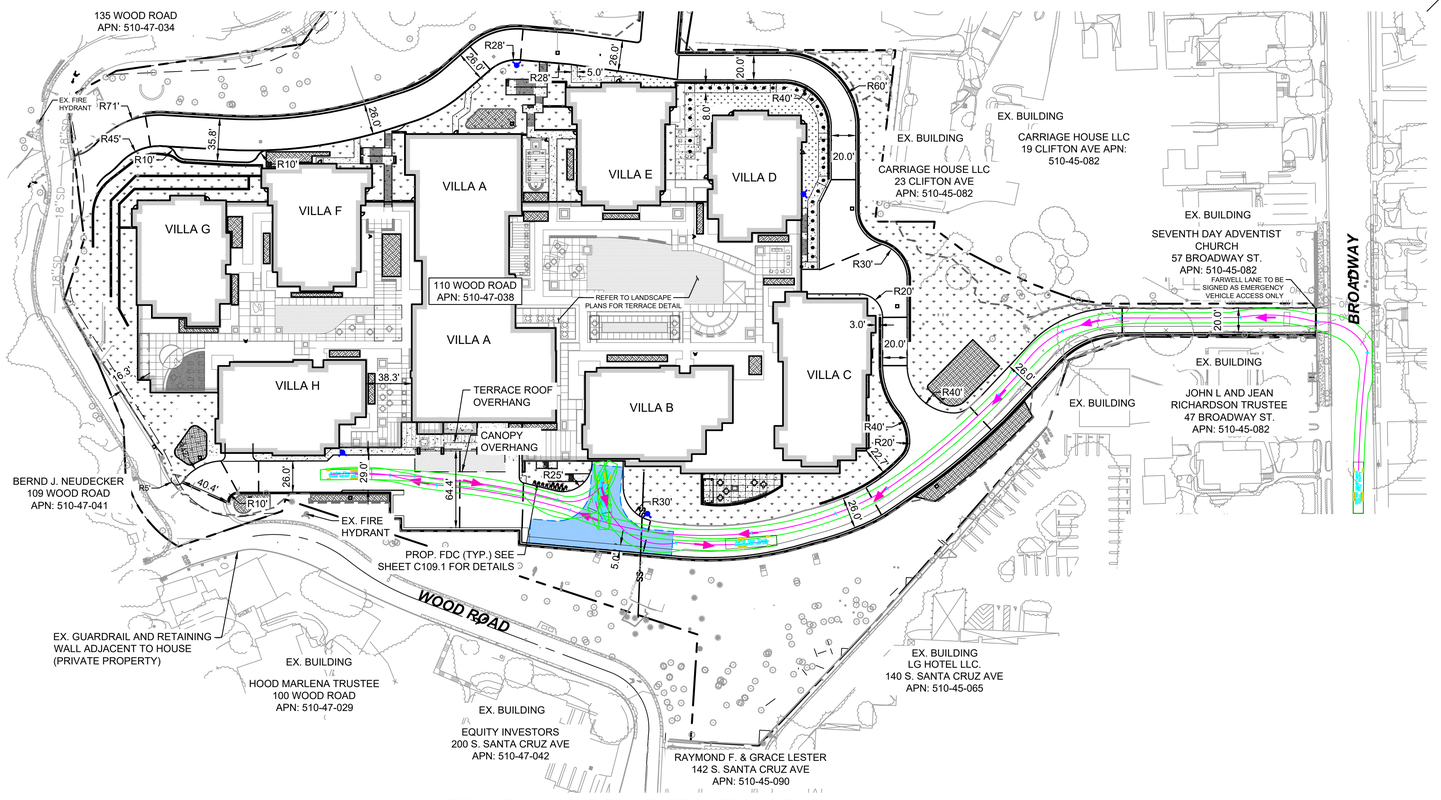
SCALE: 1" = 40' ON 24" X 36"

C108.1

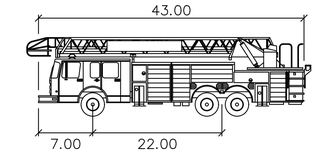
PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C108 FIRE ACCESS EXHIBIT.dwg
July 24, 2021 11:42:46am



BROADWAY INBOUND FRONT ACCESS



Aerial Fire Truck

	feet
Width	: 8.50
Track	: 8.50
Lock to Lock Time	: 6.0
Steering Angle	: 33.3

LEGEND

- PROPERTY LINE
- PROPOSED LANDSCAPING
- PROPOSED BIORETENTION
- PROPOSED FIRE TRUCK TURNAROUND. SEE DETAIL ON SHEET C109
- PROPOSED BUILDING
- PROPOSED RETAINING WALL
- EXISTING TREES
- PROPOSED FIRE HYDRANT

NO.	DATE	ISSUE

SEAL

KEY PLAN

Kimley»Horn
4637 CHABOT DRIVE, SUITE 300, PLEASANTON, CA 94588
PHONE:925-398-4840 FAX: 925-398-4849
WWW.KIMLEY-HORN.COM

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

FIRE TURNAROUND DETAILS - FRONT ACCESS

SCALE: 1" = 40' ON 24" X 36"

C108.2

PLANNING SUBMITTAL

2021-07-27

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July 24, 2021 11:42:51am

LEGEND

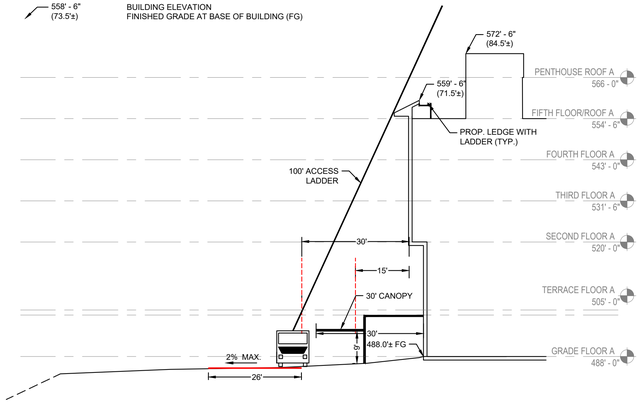
FIRE LANE WIDTH

EXISTING GRADE

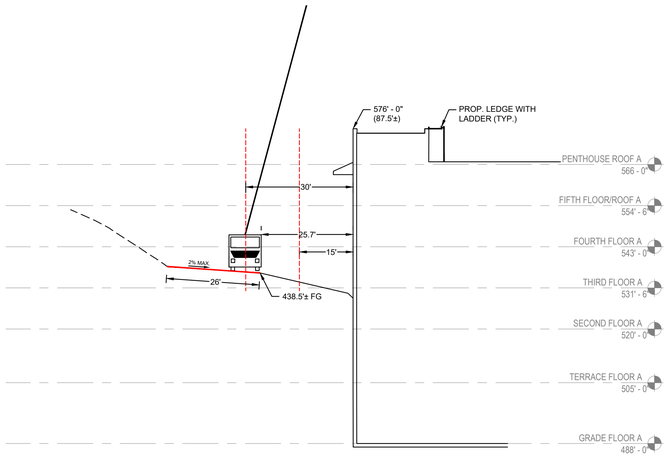
558' - 6" (73.5'±) — BUILDING ELEVATION
FINISHED GRADE AT BASE OF BUILDING (FG)

FIRE NOTES

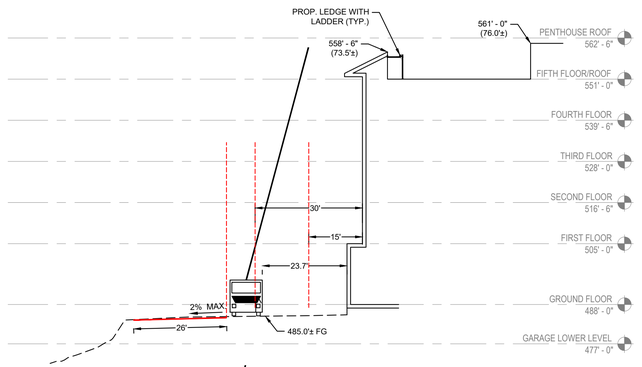
1. FIRE TRUCK SHOWN IN SECTIONS ASSUMES A 75-FT AERIAL LADDER (UNLESS NOTED OTHERWISE), CONSISTENT WITH THE SANTA CLARA COUNTY FIRE DEPARTMENT BUSINESS PLAN, DATED JANUARY 2015 - DECEMBER 2019. PER TRUCK SPECIFICATIONS, THIS ASSUMES A MAXIMUM VERTICAL ANGLE OF 75° AND A VERTICAL HEIGHT OF 75-FT FROM AS MEASURED FROM THE GROUND.



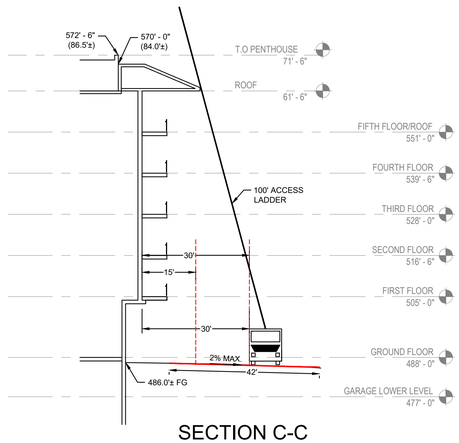
SECTION A1-A1
VILLA A



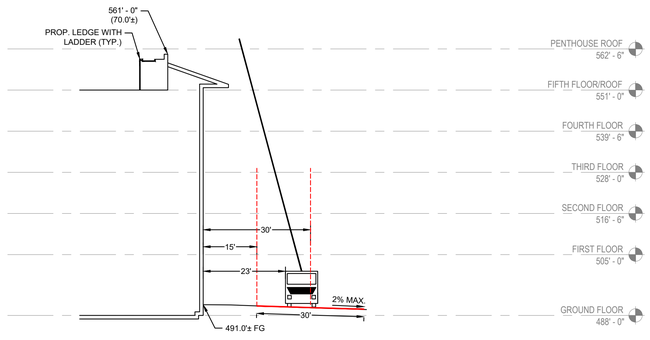
SECTION A2-A2
VILLA A



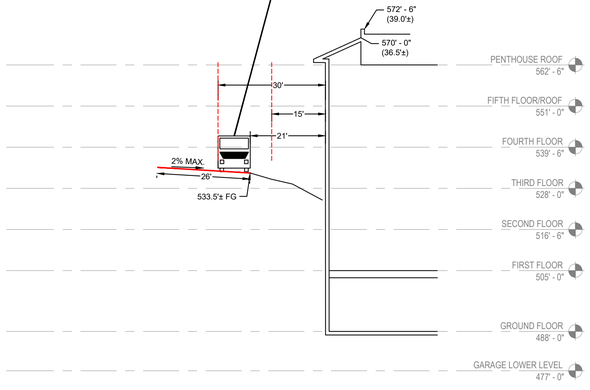
SECTION B-B
VILLA B



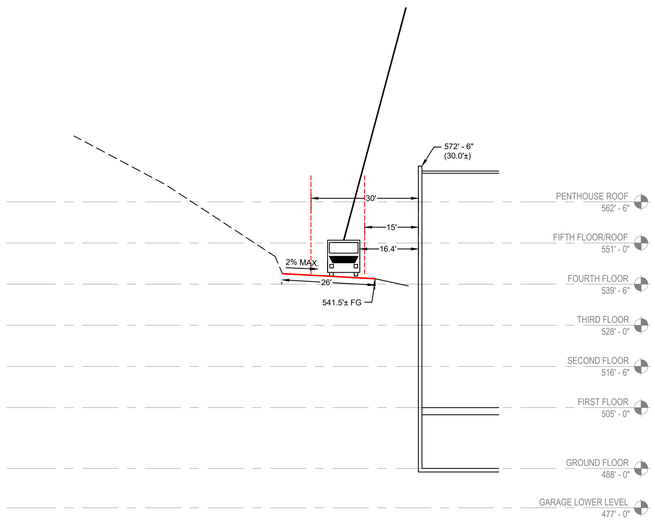
SECTION C-C
VILLA C



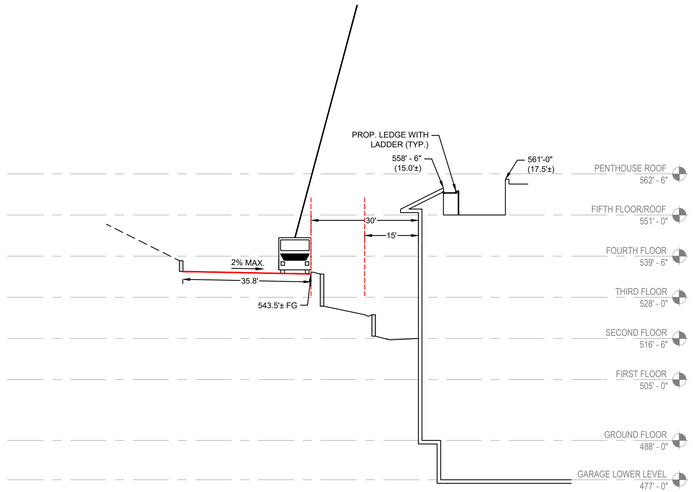
SECTION D-D
VILLA D



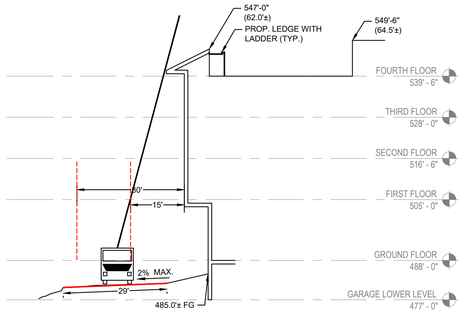
SECTION E-E
VILLA E



SECTION F-F
VILLA F



SECTION G-G
VILLA G



SECTION H-H
VILLA H

GRAPHIC SCALE IN FEET
0 10 20 40
HORIZONTAL

0 10 20 40
VERTICAL

NO.	DATE	ISSUE

SEAL

KEY PLAN

Kimley»Horn
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PHONE:925-398-4840 FAX: 925-398-4849
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General Contractor:
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MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

FIRE ROOF ACCESS SECTIONS

SCALE: 1" = 40' ON 24" X 36"

C108.3

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C108 FIRE ACCESS EXHIBIT.dwg
July 24, 2021 11:42:56am

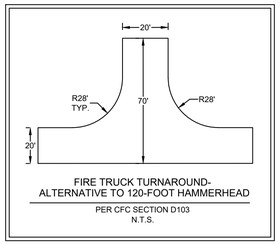
FIRE NOTES

1. EMERGENCY RADIO RESPONDER COVERAGE: EMERGENCY RESPONDER RADIO COVERAGE IN NEW BUILDINGS. ALL NEW BUILDINGS SHALL HAVE APPROVED RADIO COVERAGE FOR EMERGENCY RESPONDERS WITHIN THE BUILDING BASED UPON THE EXISTING COVERAGE LEVELS OF THE PUBLIC SAFETY COMMUNICATION SYSTEMS OF THE JURISDICTION AT THE EXTERIOR OF THE BUILDING. THIS SECTION SHALL NOT REQUIRE IMPROVEMENT OF THE EXISTING PUBLIC SAFETY COMMUNICATION SYSTEMS. REFER TO CFC SEC. 510 FOR FURTHER REQUIREMENTS. EMERGENCY RADIO RESPONDER COVERAGE REQUIREMENTS APPLIES TO ALL BUILDINGS.
2. WATER SUPPLY REQUIREMENTS: POTABLE WATER SUPPLIES SHALL BE PROTECTED FROM CONTAMINATION CAUSED BY FIRE PROTECTION WATER SUPPLIES. IT IS THE RESPONSIBILITY OF THE APPLICANT AND ANY CONTRACTORS AND SUBCONTRACTORS TO CONTACT THE WATER PURVEYOR SUPPLYING THE SITE OF SUCH PROJECT, AND TO COMPLY WITH THE REQUIREMENTS OT THAT PURVEYOR. SUCH REQUIREMENTS SHALL BE INCORPORATED INTO THE DESIGN OF ANY WATER-BASED FIRE PROTECTION SYSTEMS, AND/OR FIRE SUPPRESSION WATER SUPPLY SYSTEMS OR STORAGE CONTAINERS THAT MAY BE PHYSICALLY CONNECTED IN ANY MANNER TO AN APPLIANCE CAPABLE OF CAUSING CONTAMINATION OF THE POTABLE WATER SUPPLY OF THE PURVEYOR OF RECORD. FINAL APPROVAL OF THE SYSTEM(S) UNDER CONSIDERATION WILL NOT BE GRANTED BY THIS OFFICE UNTIL COMPLIANCE WITH THE REQUIREMENTS OF THE WATER PURVEYOR OF RECORD ARE DOCUMENTED BY THAT PURVEYOR AS HAULING BEEN MET BY THE APPLICANT(S). 2010 CFC SEC. 903.3.5 AND HEALTH AND SAFETY CODE 13114.7
3. CONSTRUCTION SITE FIRE SAFETY: ALL CONSTRUCTION SITES MUST COMPLY WITH APPLICABLE PROVISIONS OF THE CFC CHAPTER 33 AND OUR STANDARD DETAIL AND SPECIFICATION 51-7. PROVIDE APPROPRIATE NOTATIONS ON SUBSEQUENT PLAN SUBMITTALS, AS APPROPRIATE TO THE PROJECT. CFC CHP. 33.
4. ADDRESS IDENTIFICATION. NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. WHERE REQUIRED BY THE FIRE CODE OFFICIAL, ADDRESS NUMBERS SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES (101.6 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH (1 2.7 MM). WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 505.1.
5. FIRE LANE MARKINGS FOR ALL ROADWAYS WITHIN THE PROJECT SHALL BE PER FIRE DEPARTMENT SPECIFICATIONS. INSTALLATIONS SHALL ALSO CONFORM TO LOCAL GOVERNMENT STANDARDS AND FIRE DEPARTMENT STANDARD DETAILS AND SPECIFICATIONS A-6. CFC SEC. 503.3
6. TWO-WAY COMMUNICATION SYSTEMS SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH ALL CURRENT EDITIONS OF NFPA 72, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA FIRE CODE, THE CALIFORNIA BUILDING CODE, AND THE CITY OR TOWN ORDINANCES, POLICIES, AND STANDARDS WHERE A TWO-WAY SYSTEM IS BEING INSTALLED. OTHER STANDARDS ALSO CONTAIN DESIGN/INSTALLATION CRITERIA FOR SPECIFIC LIFE SAFETY RELATED EQUIPMENT. THESE OTHER STANDARDS ARE REFERRED TO IN NFPA 72.

TABLE 2: SUMMARY OF PROPOSED BUILDING FIRE AREAS

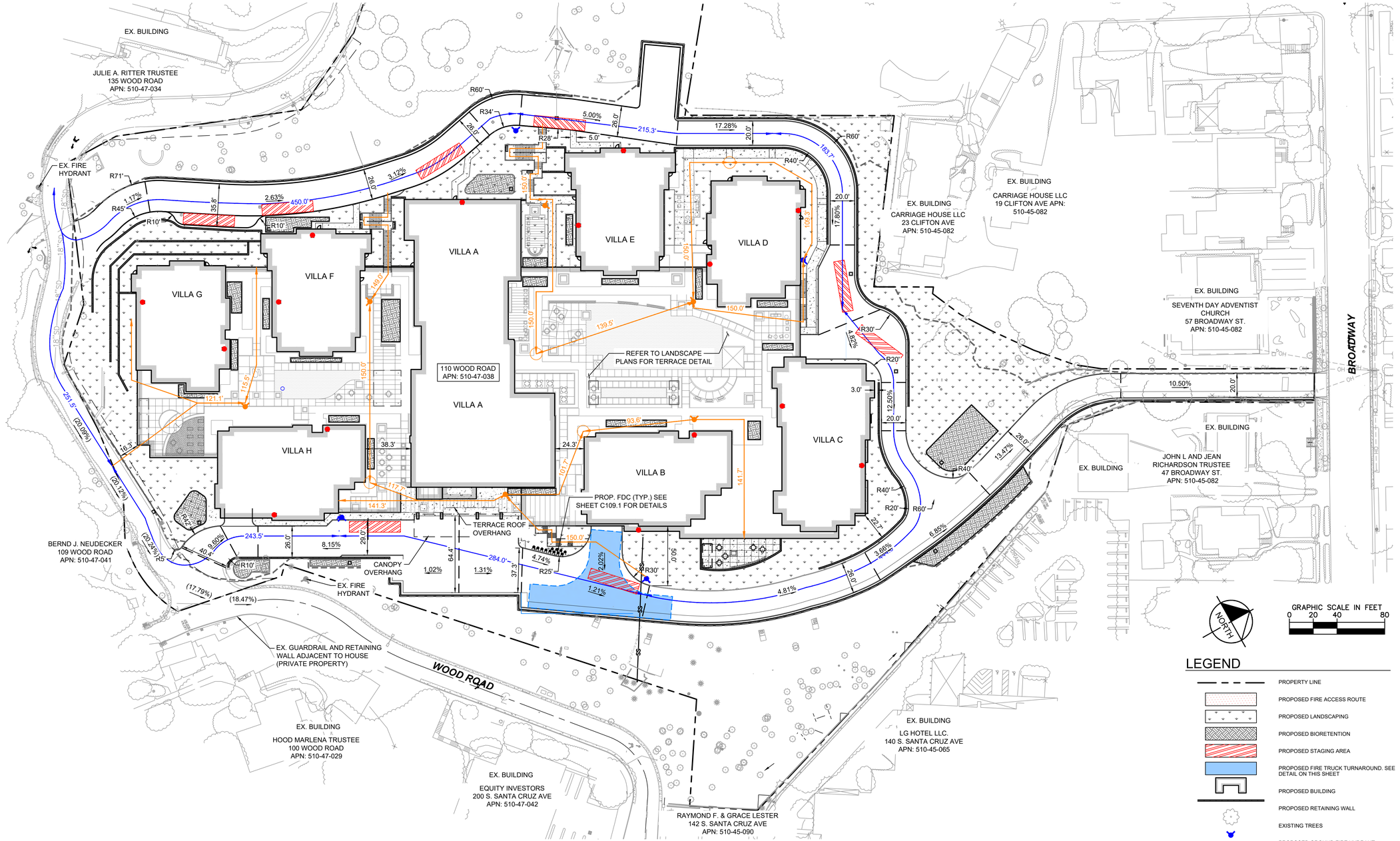
Building	# of Apartments	Gross Square Feet (GSF)	Building Height (ft)[2]
Building A	46	157,054[1]	85.5
Building B	20	41,483	70.5
Building C	29	56,891	81.5
Building D	15	31,426	70.5
Building E	18	40,712	82
Building F	17	40,712	82
Building G	14	31,426	70.5
Building H	15	31,112	59

[1] Building A GSF includes service spaces on Level G including entry/reception, fitness area, health center and several back of house areas.
[2] Finished building height dimensions are to ground level (+488').
Source: Perkins Eastman, January 2020



FIRE TRUCK TURNAROUND-
ALTERNATIVE TO 120-FOOT HAMMERHEAD

PER CFC SECTION D103
N.T.S.



LEGEND

- PROPERTY LINE
- PROPOSED FIRE ACCESS ROUTE
- PROPOSED LANDSCAPING
- PROPOSED BIORETENTION
- PROPOSED STAGING AREA
- PROPOSED FIRE TRUCK TURNAROUND. SEE DETAIL ON THIS SHEET
- PROPOSED BUILDING
- PROPOSED RETAINING WALL
- EXISTING TREES
- PROPOSED GROUND FIRE HYDRANT
- PROPOSED BUILDING STANDPIPE LOCATION
- PROPOSED TERRACE STANDPIPE LOCATION

NO.	DATE	ISSUE

SEAL

KEY PLAN

Kimley»Horn
4637 CHABOT DRIVE, SUITE 300, PLEASANTON, CA 94588
PHONE:925-398-4840 FAX: 925-398-4849
WWW.KIMLEY-HORN.COM

Applicant:
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(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINARY HOSE PULL PLAN

SCALE: 1" = 40' ON 24" X 36"

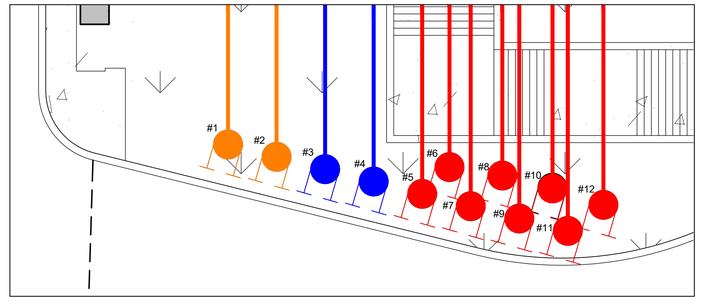
C109

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet SetKha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C109 HOSE PULL PLAN.dwg
July 24, 2021 11:43:30am

FDC LABEL	DESCRIPTION OF SERVICE
#1	TERRACE STANDPIPES 1-3
#2	TERRACE STANDPIPES 4-6
#3	BUILDING STANDPIPES FOR VILLA A, F, G & H
#4	BUILDING STANDPIPES FOR VILLA B, C, D & E
#5	FIRE SPRINKLER SYSTEM FOR VILLA H
#6	FIRE SPRINKLER SYSTEM FOR VILLA G
#7	FIRE SPRINKLER SYSTEM FOR VILLA F
#8	FIRE SPRINKLER SYSTEM FOR VILLA A
#9	FIRE SPRINKLER SYSTEM FOR VILLA C
#10	FIRE SPRINKLER SYSTEM FOR VILLA B
#11	FIRE SPRINKLER SYSTEM FOR VILLA D
#12	FIRE SPRINKLER SYSTEM FOR VILLA E



FDC LABEL DETAIL (A)
N.T.S.

EX. BUILDING
JULIE A. RITTER TRUSTEE
135 WOOD ROAD
APN: 510-47-034
EX. FIRE HYDRANT
VILLA G
VILLA F
VILLA A
VILLA E
VILLA D
VILLA H
VILLA A
VILLA B
VILLA C
110 WOOD ROAD
APN: 510-47-038
EX. BUILDING
CARRIAGE HOUSE LLC
23 CLIFTON AVE
APN: 510-45-082
EX. BUILDING
CARRIAGE HOUSE LLC
19 CLIFTON AVE APN:
510-45-082
EX. BUILDING
SEVENTH DAY ADVENTIST
CHURCH
57 BROADWAY ST.
APN: 510-45-082
EX. BUILDING
JOHN L AND JEAN
RICHARDSON TRUSTEE
47 BROADWAY ST.
APN: 510-45-082
BROADWAY
BERND J. NEUDECKER
109 WOOD ROAD
APN: 510-47-041
TERRACE ROOF
OVERHANG
CANOPY
OVERHANG
EX. FIRE HYDRANT
EX. FDC, TO BE PROTECTED
SEE DETAIL A, HEREON FOR FDC LABELS
EX. GUARDRAIL AND RETAINING WALL ADJACENT TO HOUSE (PRIVATE PROPERTY)
WOOD ROAD
EX. BUILDING
HOOD MARLENA TRUSTEE
100 WOOD ROAD
APN: 510-47-029
EX. BUILDING
EQUITY INVESTORS
200 S. SANTA CRUZ AVE
APN: 510-47-042
EX. BUILDING
LG HOTEL LLC.
140 S. SANTA CRUZ AVE
APN: 510-45-065
RAYMOND F. & GRACE LESTER
142 S. SANTA CRUZ AVE
APN: 510-45-090
R60'
R34'
R28'
R40'
R30'
R20'
R25'
R10'
R71'
R45'
(20.05%)
(20.08%)
(20.24%)
(17.79%)
(18.47%)
98.2'
24.3'
38.3'
40.4'
64.4'
37.3'
35.8'
16.3'
5.0'
3.0'
22.7'
18" SD
GRAPHIC SCALE IN FEET
0 20 40 80
NORTH

LEGEND

- PROPERTY LINE
- PROPOSED LANDSCAPING
- PROPOSED BIORETENTION
- PROPOSED BUILDING
- PROPOSED RETAINING WALL
- EXISTING TREES
- PROPOSED GROUND FIRE HYDRANT
- PROPOSED BUILDING STANDPIPE LOCATION
- PROPOSED FDC LOCATION
- PROPOSED TERRACE FIRE STANDPIPE
- PLUMBING TO BUILDING STANDPIPE
- PLUMBING TO BUILDING FIRE SPRINKLER
- PLUMBING TO TERRACE STANDPIPE

FIRE SPRINKLER NOTE

1. REFER TO ARCHITECTURAL PLANS FOR BUILDING AND VILLA SQUARE FOOTAGE.

NO.	DATE	ISSUE

SEAL

KEY PLAN

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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PRELIMINIARY FDC PLAN

SCALE: 1" = 40' ON 24" X 36"

C109.1

PLANNING SUBMITTAL

2021-07-27

Plotted By:Falgout, Mark Sheet Set:Kha K:\BAY_LDEV\197101001 - Los Gatos Meadows - MAF\08 CADD\Plan Sheets\DD SET\C109.1 PRELIMINIARY FDC PLAN.dwg
July 24, 2021 11:44:07am

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

TREES TO BE REMOVED AND PRESERVED PER THE ARBORIST REPORT BY HORTSCIENCE DATED ON OCTOBER 12, 2020

NOTES:
1. TREE NUMBER TAGGED IN THE FIELD BY HORTSCIENCE, CERTIFIED ARBORIST, SEE SHEET T-2 TO T-5 FOR TREE INVENTORY TABLE.
2. TOPOGRAPHIC SURVEY INFORMATION PROVIDED BY KIMLEY-HORN.

EXISTING TREE LEGEND

EXISTING TREE TO BE PRESERVED

EXISTING TREE TO BE REMOVED

TREE REMOVED IN 2019: 44

PROPERTY LINE
PROTECTIVE FENCING

TOTAL OF EXISTING TREES: 375
TOTAL TREES REMOVED IN 2019: 44
TOTAL OF EXISTING TREES TO BE PRESERVED: 118
TOTAL OF EXISTING TREES TO BE REMOVED: 213

PLANNING SUBMITTAL 2021.07.27

GATES +ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
T 925.736.8176 www.dgates.com

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE:	DESCRIPTION:	DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CASEY CASE · No. 6082
Signature
6/30/2020
Renewal Date
X/XX/XXXX
Date
LA
STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	1"=40'-0"

0 20' 40' 80'

TREE PRESERVATION/ REMOVAL PLAN

T-1

of -

PATH: P:\LOS GATOS\LOS GATOS MEADOWS(P5639)\CAD\SHEETS_DC-T-LOS GATOS MEADOWS.DWG
DATE: 3/22/2021 1:51 PM

TREE INVENTORY TABLE

TREE/ TAG NO.	TREE NAME	TRUNK DIAMETER (INCHES)	APPROX. CROWN DIAMETER (FEET)	CONDITION OUT OF 100%	SUITABILITY FOR PRESERVATION	PROTECTED STATUS	REMOVAL	REASON FOR REMOVAL
1	Coast Redwood *Sequioa sempervirens*	40	~30	50%	Mod	Protected		
2	California Bay *Umbellularia californica*	8,8,7	~30	50%	Low	Protected		
3	California Bay *Umbellularia californica*	6,5	~30	30%	Low	Protected		
4	Valley Oak *Quercus lobata*	17	~30	50%	Mod	Protected		
5	Valley Oak *Quercus lobata*	14	~20	30%	Low	Protected	X	New EVA. construction
6	Coast Live Oak *Quercus agrifolia*	23	~30	70%	High	Protected		
7	Blue Gum *Eucalyptus globulus*	40	~30	30%	Low	Protected	X	Invasive, fire prone
8	Blue Gum *Eucalyptus globulus*	38	~30	30%	Low	Protected	X	Invasive, fire prone
9	Blue Gum *Eucalyptus globulus*	20,7	~20	30%	Low	Exception	X	Invasive, fire prone
10	Blue Gum *Eucalyptus globulus*	54	~50	30%	Low	Protected	X	Invasive, fire prone
11	Blue Gum *Eucalyptus globulus*	28	~30	30%	Low	Protected	X	Invasive, fire prone
12	Blue Gum *Eucalyptus globulus*	39	~30	30%	Low	Protected	X	Invasive, fire prone
13	Canary Island Pine Pinus canariensis	21	~30	70%	High	Protected	2019 X	Fire prone, within 50 feet of structures
14	Coast Live Oak *Quercus agrifolia*	15	~20	50%	Low	Protected	X	New EVA. construction
15	California Bay *Umbellularia californica*	10	~20	50%	Mod	Protected	X	New EVA. construction
16	California Bay *Umbellularia californica*	10	~20	50%	Mod	Protected	X	New EVA. construction
17	California Bay *Umbellularia californica*	9,9	~20	30%	Low	Protected	X	New EVA. construction
18	California Bay *Umbellularia californica*	5	~20	10%	Low	Protected	X	New EVA. construction
19	California Bay *Umbellularia californica*	13,8	~30	50%	Mod	Protected		
20	California Bay *Umbellularia californica*	11	~20	30%	Low	Protected	X	Within grading limits
21	California Bay *Umbellularia californica*	13	~30	30%	Low	Protected		
22	California Buckeye Aesculus californica	9	~30	50%	Mod	Protected		
23	California Bay *Umbellularia californica*	7	~50	30%	Low	Protected		
24	California Bay *Umbellularia californica*	17,16	~50	70%	High	Protected		
25	California Bay *Umbellularia californica*	11	~20	30%	Low	Protected		
26	California Bay *Umbellularia californica*	12	~20	50%	Low	Protected		
27	California Bay *Umbellularia californica*	7	~20	10%	Low	Protected		
28	California Bay *Umbellularia californica*	8	~20	10%	Low	Protected		
29	California Bay *Umbellularia californica*	12,7,6	~50	10%	Low	Protected		
30	Valley Oak *Quercus lobata*	34	~60	70%	High	Large Protected		
31	California Bay *Umbellularia californica*	16	~30	50%	Low	Protected		
32	California Bay *Umbellularia californica*	8	~20	50%	Low	Protected		
33	California Bay *Umbellularia californica*	14,6	~20	50%	Low	Protected		
34	California Bay *Umbellularia californica*	8	~20	30%	Low	Protected		
35	California Bay *Umbellularia californica*	11,10,7	~30	50%	Low	Protected		
36	Coast Live Oak *Quercus agrifolia*	19	~30	50%	Mod	Protected		
37	California Bay *Umbellularia californica*	10	~20	30%	Low	Protected		
38	Blue Oak *Quercus douglasii*	19	~20	30%	Low	Protected		
39	Coast Live Oak *Quercus agrifolia*	27	~30	50%	Low	Large Protected		
40	Valley Oak *Quercus lobata*	17	~20	30%	Low	Protected		

TREES TO BE REMOVED AND PRESERVED PER THE ARBORIST REPORT BY HORTSCIENCE DATED ON OCTOBER 12, 2020

TREE INVENTORY TABLE (CONT.)

TREE/ TAG NO.	TREE NAME	TRUNK DIAMETER (INCHES)	APPROX. CROWN DIAMETER (FEET)	CONDITION OUT OF 100%	SUITABILITY FOR PRESERVATION	PROTECTED STATUS	REMOVAL	REASON FOR REMOVAL
41	California Bay *Umbellularia californica*	8,5,4	~20	50%	Mod	Protected		
42	California Bay *Umbellularia californica*	5	~20	50%	Low	Protected		
43	Valley Oak *Quercus lobata*	14	~30	50%	Mod	Protected		
44	Coast Live Oak *Quercus agrifolia*	22	~50	50%	Low	Protected		
45	California Bay *Umbellularia californica*	6,5	~20	50%	Low	Protected		
46	California Bay *Umbellularia californica*	6	~20	50%	Low	Protected		
47	Valley Oak *Quercus lobata*	17,13	~50	50%	Mod	Protected		
48	California Bay *Umbellularia californica*	22,12	~50	10%	Low	Protected		
49	California Bay *Umbellularia californica*	7	~20	50%	Low	Protected		
50	California Bay *Umbellularia californica*	7	~20	50%	Low	Protected		
51	California Bay *Umbellularia californica*	7	~30	30%	Low	Protected		
52	California Bay *Umbellularia californica*	9	~30	30%	Low	Protected		
53	California Bay *Umbellularia californica*	10	~20	50%	Low	Protected		
54	California Bay *Umbellularia californica*	13,9	~30	50%	Low	Protected		
55	California Bay *Umbellularia californica*	6,5,5,4	~30	50%	Low	Protected		
56	California Bay *Umbellularia californica*	7	~30	30%	Low	Protected		
57	California Bay *Umbellularia californica*	9,8	~30	30%	Low	Protected		
58	California Bay *Umbellularia californica*	12	~30	30%	Low	Protected		
59	Coast Live Oak *Quercus agrifolia*	27,16	~60	50%	Mod	Large Protected		
60	California Bay *Umbellularia californica*	14	~20	10%	Low	Protected		
61	California Bay *Umbellularia californica*	15	~30	30%	Low	Protected		
62	California Bay *Umbellularia californica*	13	~30	30%	Low	Protected		
63	California Bay *Umbellularia californica*	6	~20	50%	Low	Protected		
64	California Bay *Umbellularia californica*	10,9	~30	50%	Low	Protected		
65	California Bay *Umbellularia californica*	9	~30	30%	Low	Protected		
66	California Bay *Umbellularia californica*	11	~20	30%	Low	Protected		
67	Olive *Olea spp.*	5,4,3,2	~20	30%	Low	Exception		
68	California Bay *Umbellularia californica*	6	~20	50%	Low	Protected		
69	California Bay *Umbellularia californica*	7	~20	30%	Low	Protected		
70	Coast Live Oak *Quercus agrifolia*	6	~20	50%	Mod	Protected		
71	California Bay *Umbellularia californica*	17,8	~30	50%	Mod	Protected		
72	Valley Oak *Quercus lobata*	33	~60	70%	High	Large Protected		
73	Olive *Olea spp.*	5	~10	50%	Mod	Exception	2019 X	Invasive
74	Coast Live Oak Quercus agrifolia	6	~20	50%	Mod	Protected		
75	Coast Live Oak Quercus agrifolia	30	~50	50%	Mod	Large Protected		
76	Monterery Pine *Pinus radiata*	15	~20	50%	Low	Protected	2019 X	Fire prone, within 50 feet of structures
77	Monterery Pine *Pinus radiata*	17	~20	50%	Low	Protected	2019 X	Fire prone, within 50 feet of structures
78	Coast Redwood *Sequioa sempervirens*	7	~10	90%	High	Protected	X	New EVA. construction
79	Coast Redwood *Sequioa sempervirens*	13	~20	90%	High	Protected	X	Within grading limits
80	Blue Oak *Quercus douglasii*	12	~20	50%	Mod	Protected	X	New EVA. construction

TREE INVENTORY TABLE (CONT.)

TREE/ TAG NO.	TREE NAME	TRUNK DIAMETER (INCHES)	APPROX. CROWN DIAMETER (FEET)	CONDITION OUT OF 100%	SUITABILITY FOR PRESERVATION	PROTECTED STATUS	REMOVAL	REASON FOR REMOVAL
81	Coast Redwood *Sequioa sempervirens*	5	~10	90%	High	Protected	X	Within grading limits
82	Coast Redwood *Sequioa sempervirens*	7	~20	30%	Low	Protected		
83	Monterery Pine *Pinus radiata*	14	~20	50%	Low	Protected	2019 X	Fire prone, within 50 feet of structures
84	Big Leaf Maple *Acer macrophylla*	9	~30	30%	Low	Protected		
85	Coast Redwood *Sequioa sempervirens*	7	~10	90%	High	Protected		
86	Valley Oak *Quercus lobata*	19	~50	70%	Mod	Protected		
87	Coast Redwood *Sequioa sempervirens*	10	~20	90%	High	Protected		
88	Monterery Pine *Pinus radiata*	8	~20	50%	Low	Protected	2019 X	Fire prone, within 50 feet of structures
89	Monterery Pine *Pinus radiata*	8	~20	50%	Mod	Protected	2019 X	Fire prone, within 50 feet of structures
90	Blackwood Acacia *Acacia melanoxylon*	10,6	~20	30%	Low	Exception	2019 X	Invasive, Fire prone
91	Blackwood Acacia *Acacia melanoxylon*	5	~20	30%	Low	Exception	2019 X	Invasive, Fire prone
92	Blackwood Acacia *Acacia melanoxylon*	8,7,4	~20	30%	Low	Exception	2019 X	Invasive, Fire prone
93	Blackwood Acacia *Acacia melanoxylon*	5,5,5,4	~20	30%	Low	Exception	2019 X	Invasive, Fire prone
94	California Bay *Umbellularia californica*	10	~20	30%	Low	Protected		
95	California Bay *Umbellularia californica*	16	~30	30%	Low	Protected		
96	California Bay *Umbellularia californica*	5	~10	10%	Low	Protected		
97	California Bay *Umbellularia californica*	19,6,5. 4,4	~30	50%	Low	Protected		
98	Valley Oak *Quercus lobata*	17,16	~50	50%	Mod	Protected		
99	California Bay *Umbellularia californica*	7,6,6,5	~30	50%	Low	Protected		
100	California Bay *Umbellularia californica*	6	~20	50%	Low	Protected		
101	California Bay *Umbellularia californica*	5	~20	70%	High	Protected		
102	California Bay *Umbellularia californica*	5,5,5,4,4 ,3,3,2,2	~50	70%	Mod	Protected		
103	Coast Redwood *Sequioa sempervirens*	9	~20	50%	Mod	Protected		
104	Coast Redwood *Sequioa sempervirens*	8	~20	90%	High	Protected		
105	Coast Redwood *Sequioa sempervirens*	9	~20	90%	High	Protected		
106	Coast Redwood *Sequioa sempervirens*	10	~20	90%	High	Protected		
107	Coast Redwood *Sequioa sempervirens*	8	~20	90%	High	Protected		
108	Coast Redwood *Sequioa sempervirens*	4	~10	90%	High	Protected		
109	Grecian Laurel *Laurus nobilis*	10,9,9	~20	30%	Low	Protected		
110	Grecian Laurel *Laurus nobilis*	6,6,5,5, 4,3,3,2	~20	30%	Low	Protected		
111	Grecian Laurel *Laurus nobilis*	5,4,4,4,4 ,4,3,3,3	~20	30%	Low	Protected		
112	Olive *Olea spp.*	6	~10	50%	Mod	Exception		
113	Olive *Olea spp.*	12,7	~20	50%	Mod	Exception		
114	Olive *Olea spp.*	10,6,5,4 ,3,2,2,2	~20	50%	Mod	Exception		
115	Valley Oak *Quercus lobata*	21	~30	50%	Low	Protected		
116	Blue Gum *Eucalyptus globulus*	47,32, 17	~60	50%	Low	Large Protected		
117	Bronze Loquat *Eriobotrya deflexa*	6	~20	30%	Low	Protected		
118	Coast Live Oak *Quercus agrifolia*	19,15	~50	70%	High	Protected		
119	Coast Live Oak *Quercus agrifolia*	19	~50	70%	High	Protected		
120	Valley Oak *Quercus lobata*	14	~30	50%	Mod	Protected		

PLANNING SUBMITTAL 2021.07.27

GATES +ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
T 925.736.8176 www.dgates.com

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE: DESCRIPTION: DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT — CASEY CASE — No. 6282 — Signature — 6/30/2020 — Renewal Date — X/XX/XXXX — Date — LA — STATE OF CALIFORNIA

PROJECT NUMBER: 5639
DRAWN: MF/TZ
CHECK: KC
DATE: 07/27/2021
SCALE:

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TREE INVENTORY TABLE

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PATH: P:\LOS GATOS\LOS GATOS MEADOWS(5639)\CAD\SHEETS_DC-T-LOS GATOS MEADOWS.DWG
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TREE INVENTORY TABLE (CONT.)

TREE/ TAG NO.	TREE NAME	TRUNK DIAMETER (INCHES)	APPROX. CROWN DIAMETER (FEET)	CONDITION OUT OF 100%	SUITABILITY FOR PRESERVATION	PROTECTED STATUS	REMOVAL	REASON FOR REMOVAL
121	Valley Oak *Quercus lobata*	19	~30	50%	Low	Protected		
122	Coast Live Oak *Quercus agrifolia*	11	~20	50%	Mod	Protected		
123	Olive *Olea spp.*	7,7,5,4, 4,3	~20	50%	Mod	Exception		
124	Coast Live Oak *Quercus agrifolia*	25	~30	10%	Low	Large Protected		
125	Coast Redwood *Sequioa sempervirens*	19	~20	10%	Low	Protected	X	New retaining wall construction
126	Coast Live Oak *Quercus agrifolia*	7,7	~20	10%	Low	Protected		
127	Coast Live Oak *Quercus agrifolia*	8	~20	10%	Low	Protected		
128	Canary Island Pine Pinus canariensis	28	~30	70%	Mod	Protected	2019 X	Fire prone, within 50 feet of structures
129	Coast Live Oak *Quercus agrifolia*	15	~30	50%	Low	Protected	X	New bio-retention construction
130	Canary Island Pine Pinus canariensis	23	~30	70%	High	Protected	2019 X	Fire prone, within 50 feet of structures
131	Canary Island Pine Pinus canariensis	26	~30	30%	Low	Protected	2019 X	Fire prone, within 50 feet of structures
132	Coast Redwood *Sequioa sempervirens*	7	~20	90%	Mod	Protected	X	New building construction
133	Canary Island Pine Pinus canariensis	22	~30	70%	High	Protected	2019 X	Fire prone, within 50 feet of structures
134	Coast Live Oak *Quercus agrifolia*	18	~50	70%	Mod	Protected	X	New building construction
135	Canary Island Pine Pinus canariensis	22	~30	70%	Mod	Protected	2019 X	Fire prone, within 50 feet of structures
136	Canary Island Pine Pinus canariensis	23	~30	70%	High	Protected	2019 X	Fire prone, within 50 feet of structures
137	Canary Island Pine Pinus canariensis	21	~30	70%	High	Protected	2019 X	Fire prone, within 50 feet of structures
138	Canary Island Pine Pinus canariensis	21	~30	70%	High	Protected	2019 X	Fire prone, within 50 feet of structures
139	Bronze Loquat *Eriobotrya deflexa*	5,3,3,3	~20	50%	Mod	Protected	X	New EVA. construction
140	Bronze Loquat *Eriobotrya deflexa*	6,4,2	~20	30%	Low	Protected	X	New EVA. construction
141	Crabapple *Malus spp.*	8	~30	70%	High	Exception	X	New building construction
142	Coast Live Oak *Quercus agrifolia*	18	~30	70%	High	Protected	X	New building construction
143	Coast Live Oak *Quercus agrifolia*	16	~30	70%	High	Protected	X	New building construction
144	Canary Island Pine *Pinus canariensis*	18	~30	50%	Mod	Protected	2019 X	Fire prone, within 50 feet of structures
145	Canary Island Pine *Pinus canariensis*	22	~30	70%	High	Protected	2019 X	Fire prone, within 50 feet of structures
146	Canary Island Pine *Pinus canariensis*	26	~30	70%	Mod	Protected	2019 X	Fire prone, within 50 feet of structures
147	Douglas Fir *Pseudosuga menziesii*	18	~30	70%	Mod	Protected	X	Within grading limits
148	Douglas Fir *Pseudosuga menziesii*	29	~30	70%	Mod	Protected	X	New EVA. construction
149	Hollywood Juniper *Juniperus chinensis*	9,5	~30	70%	High	Protected	X	New building construction
150	Douglas Fir *Pseudosuga menziesii*	15	~30	50%	Mod	Protected	X	Within grading limits
151	Douglas Fir *Pseudosuga menziesii*	15	~30	30%	Low	Protected	X	Within grading limits
152	Douglas Fir *Pseudosuga menziesii*	18	~30	50%	Low	Protected	X	Within grading limits
153	Douglas Fir *Pseudosuga menziesii*	14	~30	50%	Mod	Protected	X	New retaining wall construction
154	Valley Oak *Quercus lobata*	11	~30	70%	High	Protected	X	New retaining wall construction
155	Silk Oak *Grevillea robusta*	11	~30	50%	Low	Protected	X	New retaining wall construction
156	Coast Live Oak *Quercus agrifolia*	17	~30	70%	High	Protected	X	New retaining wall construction
157	Coast Live Oak *Quercus agrifolia*	15	~50	30%	Low	Protected	X	New retaining wall construction
158	Douglas Fir Pseudosuga menziesii	22	~30	30%	Low	Protected	X	New retaining wall construction
159	Coast Live Oak *Quercus agrifolia*	21	~30	50%	Mod	Protected	X	New building construction
160	Valley Oak *Quercus lobata*	21	~50	50%	Mod	Protected	X	New building construction

TREE INVENTORY TABLE (CONT.)

TREE/ TAG NO.	TREE NAME	TRUNK DIAMETER (INCHES)	APPROX. CROWN DIAMETER (FEET)	CONDITION OUT OF 100%	SUITABILITY FOR PRESERVATION	PROTECTED STATUS	REMOVAL	REASON FOR REMOVAL
161	Valley Oak *Quercus lobata*	16	~30	30%	Low	Protected	X	New retaining wall construction
162	Coast Live Oak *Quercus agrifolia*	20	~30	50%	Mod	Protected	X	New retaining wall construction
163	Italian Cypress *Cupressus sempervirens*	5	~10	90%	High	Protected	X	New EVA. construction
164	Italian Cypress *Cupressus sempervirens*	6	~10	90%	High	Protected	X	New EVA. construction
165	Italian Cypress *Cupressus sempervirens*	6	~10	90%	High	Protected	X	New EVA. construction
166	Italian Cypress *Cupressus sempervirens*	5	~10	90%	High	Protected	X	New EVA. construction
167	Monterery Pine *Pinus radiata*	4	~20	90%	High	Protected	2019 X	Fire prone, within 50 feet of structures
168	Red Horsechestnut *Aesculus x carnea*	5,2	~20	90%	High	Protected	X	New building construction
169	Coast Live Oak *Quercus agrifolia*	7	~20	50%	Low	Protected	X	New EVA. construction
170	California Bay *Umbellularia californica*	17,10,6	~50	30%	Low	Protected		
171	California Bay *Umbellularia californica*	7,7,7,6, 5,5,5,5	~30	30%	Low	Protected		
172	California Bay *Umbellularia californica*	8,5,5,4	~30	30%	Low	Protected		
173	California Bay *Umbellularia californica*	16	~30	50%	Mod	Protected	X	Tested positive for SOD
174	Coast Live Oak *Quercus agrifolia*	8	~20	70%	Mod	Protected	X	Retaining Wall Construction
175	Coast Live Oak *Quercus agrifolia*	15	~30	30%	Low	Protected	X	Retaining Wall Construction
176	Sugar Gum Tree *Liquidambar styraciflua*	17,16	~30	50%	Mod	Protected	X	New EVA. construction
177	Sugar Gum Tree *Liquidambar styraciflua*	12,11,11, 1,1	~50	30%	Low	Protected	X	New building construction
178	Deodar Cedar *Cedrus deodara*	6	~20	90%	High	Protected	X	New EVA. construction
179	Coast Live Oak *Quercus agrifolia*	14	~30	50%	Mod	Protected	X	New building construction
180	Italian Cypress *Cupressus sempervirens*	5	~10	90%	High	Protected	X	New EVA. construction
181	Sitka Spruce *Picea sitchensis*	6	~10	70%	High	Protected	X	New building construction
182	Italian Stone Pine *Pinus Pinea*	22	~30	50%	Mod	Protected	2019 X	Fire prone, within 50 feet of structures
183	Italian Stone Pine *Pinus Pinea*	19	~30	50%	Mod	Protected	2019 X	Fire prone, within 50 feet of structures
184	Red Ironbark *Eucalyptus sideroxylon*	13	~20	10%	Low	Exception	X	Poor condition, SOD carrier, fire prone
185	Incense Cedar *Calocedrus decurrens*	11	~20	90%	High	Protected	X	New building construction
186	Italian Cypress *Cupressus sempervirens*	5	~10	50%	Mod	Protected	X	New EVA. construction
187	Italian Cypress *Cupressus sempervirens*	5	~10	90%	High	Protected	X	New building construction
188	Blackwood Acacia *Acacia melanoxylon*	4	~10	70%	Low	Exception	2019 X	Invasive, Fire prone
189	Coast Live Oak *Quercus agrifolia*	19	~50	50%	Mod	Protected	X	New EVA. construction
190	Red Ironbark *Eucalyptus sideroxylon*	13	~30	10%	Low	Exception	X	Poor condition, SOD carrier, fire prone
191	Blackwood Acacia *Acacia melanoxylon*	17	~30	50%	Low	Exception	2019 X	Invasive, Fire prone
192	Red Ironbark *Eucalyptus sideroxylon*	14	~30	10%	Low	Exception	X	Poor condition, SOD carrier, fire prone
193	Hollywood Juniper *Juniperus chinensis*	17	~20	70%	High	Protected	X	New building construction
194	Hollywood Juniper *Juniperus chinensis*	5,5,4,3, 3,3	~20	50%	Low	Protected	X	New building construction
195	Hollywood Juniper *Juniperus chinensis*	11,7	~20	50%	Low	Protected	X	New building construction
196	Blue Blossom *Ceanothus thysiflorus*	5,4,4	~20	30%	Low	Protected	X	New building construction
197	Hollywood Juniper *Juniperus chinensis*	18	~20	50%	Low	Protected	X	New building construction
198	Hollywood Juniper *Juniperus chinensis*	13	~20	50%	Low	Protected	X	New building construction
199	Hollywood Juniper *Juniperus chinensis*	11	~20	50%	Low	Protected	X	New building construction
200	Hollywood Juniper *Juniperus chinensis*	10	~20	50%	Low	Protected	X	New building construction

TREE INVENTORY TABLE (CONT.)

TREE/ TAG NO.	TREE NAME	TRUNK DIAMETER (INCHES)	APPROX. CROWN DIAMETER (FEET)	CONDITION OUT OF 100%	SUITABILITY FOR PRESERVATION	PROTECTED STATUS	REMOVAL	REASON FOR REMOVAL
201	Hollywood Juniper *Juniperus chinensis*	12	~20	50%	Low	Protected	X	New building construction
202	Hollywood Juniper *Juniperus chinensis*	13	~20	50%	Low	Protected	X	New building construction
203	Crabapple *Malus spp.*	4,3	~20	70%	High	Exception	X	New building construction
204	Sawleaf Zelkova *Zelkova serrata*	23	~50	50%	Mod	Protected	X	New building construction
205	Sawleaf Zelkova *Zelkova serrata*	22	~50	30%	Low	Protected	X	New building construction
206	Valley Oak *Quercus lobata*	24	~50	70%	Mod	Large Protected	X	New building construction
207	Sawleaf Zelkova *Zelkova serrata*	19	~50	30%	Low	Protected	X	New building construction
208	Sawleaf Zelkova *Zelkova serrata*	18	~50	30%	Low	Protected	X	New building construction
209	Mayten Tree *Maytens boaria*	7	~20	30%	Low	Protected	X	New building construction
210	Italian Cypress *Cupressus sempervirens*	14	~10	70%	Mod	Protected	X	New building construction
211	Italian Cypress *Cupressus sempervirens*	14	~10	70%	Low	Protected	X	New building construction
212	Crabapple *Malus spp.*	12	~20	50%	Mod	Exception	X	New building construction
213	Crabapple *Malus spp.*	11	~20	50%	Mod	Exception	X	New building construction
214	Crabapple *Malus spp.*	11	~20	30%	Low	Exception	X	New building construction
215	Coast Live Oak *Quercus agrifolia*	22,22	~50	50%	Low	Protected	X	New EVA. construction
216	California Bay *Umbellularia californica*	10	~20	50%	Mod	Protected	X	Poor condition, SOD carrier, fire prone
217	Brazilian Peppertree *Schinus terebinthifolia*	5	~20	50%	Low	Protected	2019 X	Invasive
218	Loquat *Eriobotrya japonica*	6	~20	70%	Mod	Protected	X	New building construction
219	Blue Gum *Eucalyptus globulus*	36	~50	50%	Mod	Protected	2019 X	Invasive, Fire prone
220	Blue Gum *Eucalyptus globulus*	62	~60	50%	Mod	Large Protected	2019 X	Invasive, Fire prone
221	Blue Gum *Eucalyptus globulus*	36	~50	50%	Mod	Protected	2019 X	Invasive, Fire prone
222	African Fern Pine *Afrocarpus gracilior*	5	~20	70%	Mod	Protected	X	New building construction
223	California Bay *Umbellularia californica*	13	~20	50%	Mod	Protected	X	Poor condition, SOD carrier, fire prone
224	California Bay *Umbellularia californica*	13,13	~30	50%	Mod	Protected	X	Poor condition, SOD carrier, fire prone
225	Coast Live Oak *Quercus agrifolia*	20	~50	70%	Mod	Protected	X	New EVA. construction
226	Red Horsechestnut *Aesculus x carnea*	8	~20	30%	Low	Protected	X	New EVA. construction
227	Red Horsechestnut *Aesculus x carnea*	8	~20	30%	Low	Protected	X	New EVA. construction
228	Red Horsechestnut *Aesculus x carnea*	5	~20	50%	Mod	Protected	X	New EVA. construction
229	Coast Live Oak *Quercus agrifolia*	23	~30	70%	Mod	Protected	X	New EVA. construction
230	Red Ironbark *Eucalyptus sideroxylon*	22	~30	30%	Low	Exception	X	New EVA. construction
231	Red Ironbark *Eucalyptus sideroxylon*	5,5,5,5, 4	~20	30%	Low	Exception	X	New EVA. construction
232	Purpleleaf PLum *Prunus cerasifera*	4	~10	30%	Low	Protected	2019 X	Invasive
233	Red Ironbark *Eucalyptus sideroxylon*	19	~20	50%	Low	Exception	X	New EVA. construction
234	Coast Live Oak *Quercus agrifolia*	10,9	~20	50%	Mod	Protected	X	Retaining Wall Construction
235	Toyon *Heteromeles arbutifloia*	6,5,4,4	~20	50%	Mod	Protected		
236	California Bay *Umbellularia californica*	12	~30	50%	Low	Protected		
237	California Bay *Umbellularia californica*	11	~20	50%	Mod	Protected		
238	Coast Live Oak *Quercus agrifolia*	14	~30	50%	Low	Protected		
239	Olive *Olea spp.*	10,5,5	~20	50%	Mod	Exception		
240	Coast Live Oak *Quercus agrifolia*	28	~20	50%	Low	Large Protected	X	Within grading limits

TREES TO BE REMOVED AND PRESERVED PER THE ARBORIST REPORT BY HORTSCIENCE DATED ON OCTOBER 12, 2020

PATH: P:\LOS GATOS\LOS GATOS MEADOWS(P5639)\ACAD\SHEETS_DG-T-LOS GATOS MEADOWS.DWG
PLOT DATE: 3/23/2021 1:31 PM

PLANNING SUBMITTAL 2021.07.27

GATES +ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
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LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE: DESCRIPTION: DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT · CHRIS CASE · No. 6282 · 6/30/2020 · Renewal Date · X/XX/XXXX · LA · STATE OF CALIFORNIA

PROJECT NUMBER: 5639
DRAWN: MF/TZ
CHECK: KC
DATE: 07/27/2021
SCALE:

0 1/2" 1" 2"

TREE INVENTORY TABLE

T-3

of -

TREE INVENTORY TABLE (CONT.)

TREE/ TAG NO.	TREE NAME	TRUNK DIAMETER (INCHES)	APPROX. CROWN DIAMETER (FEET)	CONDITION OUT OF 100%	SUITABILITY FOR PRESERVATION	PROTECTED STATUS	REMOVAL	REASON FOR REMOVAL
241	California Bay *Umbellularia californica*	6	~20	50%	Low	Protected	X	Within grading limits
242	California Bay *Umbellularia californica*	5	~20	50%	Low	Protected		
243	Coast Live Oak *Quercus agrifolia*	27	~30	10%	Low	Large Protected	X	Within grading limits
244	Valley Oak *Quercus lobata*	15	~20	30%	Low	Protected	X	New EVA. construction
245	Coast Live Oak *Quercus agrifolia*	4,4,4,3, 3,2,2,2	~20	30%	Low	Protected	X	New EVA. construction
246	Valley Oak *Quercus lobata*	26	~30	50%	Low	Large Protected	X	New EVA. construction
247	Coast Live Oak *Quercus agrifolia*	16	~30	50%	Low	Protected		
248	Coast Live Oak *Quercus agrifolia*	6,5,3	~20	30%	Low	Protected	X	New building construction
249	Victorian Box *Pittosporum undulatum*	5,4,4,4, 4,3,2	~20	30%	Low	Protected	X	New EVA. construction
250	Blue Gum *Eucalyptus globulus*	50	~50	30%	Low	Large Protected	2019 X	Invasive, Fire prone
251	Valley Oak *Quercus lobata*	28	~50	70%	High	Large Protected		
252	Crabapple *Malus spp.*	5	~20	50%	Low	Exception	X	New building construction
253	Plum *Prunus spp.*	6,5,3	~20	50%	Low	Exception	X	New building construction
254	Crabapple *Malus spp.*	7	~20	30%	Low	Exception	X	New building construction
255	Crabapple *Malus spp.*	11	~30	50%	Mod	Exception	X	New building construction
256	Bottlebrush *Callistemon spp.*	4,4	~20	70%	Mod	Protected	X	New building construction
257	Alepo Pine *Pinus halepensis*	6	~20	30%	Low	Protected	2019 X	Fire prone, within 50 feet of structures
258	Victorian Box *Pittosporum undulatum*	4,3	~20	50%	Low	Protected	X	New building construction
259	Victorian Box *Pittosporum undulatum*	6,5,2,2	~20	50%	Mod	Protected	X	New building construction
260	Blue Gum *Eucalyptus globulus*	52	~50	50%	Low	Large Protected		
261	Jacaranda *Jacaranda mimosifolia*	7	~20	50%	Mod	Protected		
262	Portugal Laurel *Prunus lusitanica*	6,5,4,4, 4	~20	30%	Low	Protected		
263	Japanese Cherry *Prunus serrulata*	10	~20	50%	Low	Protected	X	Grading limits
264	Coast Live Oak *Quercus agrifolia*	20	~30	70%	High	Protected	X	New building construction
265	Cherry *Prunus spp.*	12	~20	30%	Low	Exception	X	Grading limits
266	California Black Walnut *Juglans californica*	8	~20	30%	Low	Protected	X	New building construction
267	Coast Live Oak *Quercus agrifolia*	7	<10	50%	Low	Protected	X	Grading limits
268	California Bay *Umbellularia californica*	5	<10	50%	Low	Protected	X	Grading limits
269	African sumac *Searsia lancea*	12	~30	10%	Low	Protected	X	Poor condition
270	African sumac *Searsia lancea*	9,9	~30	10%	Low	Protected	X	Poor condition
271	Coast Live Oak *Quercus agrifolia*	11	~20	50%	Low	Protected	X	Within grading limits
272	Coast Live Oak *Quercus agrifolia*	13	~20	50%	Mod	Protected	X	Within grading limits
273	African sumac *Searsia lancea*	13,11	~20	50%	Low	Protected	X	Within grading limits
274	Glossy Privet *Ligustrum lucidum*	8,5	~20	50%	Mod	Exception	2019 X	Invasive
275	African sumac *Searsia lancea*	9,7	~20	10%	Low	Protected	X	Poor condition
276	Crabapple *Malus spp.*	13	~20	70%	Mod	Exception	X	New building construction
277	Crabapple *Malus spp.*	13	~20	70%	Mod	Exception	X	New building construction
278	California Bay *Umbellularia californica*	6,5	~20	70%	Mod	Protected	X	New building construction
279	Flowering Dogwood *Cornus florida*	9,4	~20	70%	High	Protected	X	New EVA. construction
280	Coast Live Oak *Quercus agrifolia*	12,10	~30	50%	Low	Protected	X	New EVA. construction

TREES TO BE REMOVED AND PRESERVED PER THE ARBORIST REPORT BY HORTSCIENCE DATED ON OCTOBER 12, 2020

TREE INVENTORY TABLE (CONT.)

TREE/ TAG NO.	TREE NAME	TRUNK DIAMETER (INCHES)	APPROX. CROWN DIAMETER (FEET)	CONDITION OUT OF 100%	SUITABILITY FOR PRESERVATION	PROTECTED STATUS	REMOVAL	REASON FOR REMOVAL
281	California Bay *Umbellularia californica*	6,4,3,2	~20	50%	Low	Protected	X	Within grading limits
282	Coast Live Oak *Quercus agrifolia*	15	~30	70%	High	Protected	X	Within grading limits
283	Coast Live Oak *Quercus agrifolia*	9	~20	50%	Low	Protected	X	Within grading limits
284	Windmill Palm *Trachycarpus fortunei*		~20	90%	Mod	Exception	X	New building construction
285	African Fern Pine *Afrocarpus gracilior*	4	~10	30%	Low	Protected	X	New building construction
286	Hollywood Juniper *Juniperus chinensis*	12,6,5	~20	50%	Low	Protected	X	New building construction
287	Red Maple *Acer rubrum*	12	~30	70%	High	Protected	X	New building construction
288	White Willow *Salix alba*	24	~50	70%	Mod	Protected	X	New building construction
289	Valley Oak *Quercus lobata*	28	~30	30%	Low	Large Protected	X	New building construction
290	Sweet Gum Tree *Liquidambar styraciflua*	15	~30	70%	High	Protected	X	New building construction
291	Sweet Gum Tree *Liquidambar styraciflua*	20	~30	50%	Mod	Protected	X	New building construction
292	Coast Live Oak *Quercus agrifolia*	15	~30	30%	Low	Protected	X	New building construction
293	Ginkgo *Ginkgo biloba*	5	~20	50%	Mod	Protected	X	New building construction
294	Coast Live Oak *Quercus agrifolia*	19	~30	30%	Low	Protected		
295	California Bay *Umbellularia californica*	6	~20	30%	Low	Protected		
296	Coast Live Oak *Quercus agrifolia*	26,25, 17	~60	50%	Mod	Large Protected	X	Retaining Wall Construction
297	Arroyo Willow *Salix lasiolepis*	18,16	~30	30%	Low	Protected	X	Poor condition
298	Coast Live Oak *Quercus agrifolia*	18	~30	50%	Low	Protected	X	New building construction
299	African Fern Pine *Afrocarpus gracilior*	8	~20	30%	Low	Protected	X	New building construction
300	African Fern Pine *Afrocarpus gracilior*	8	~20	30%	Low	Protected	X	New building construction
301	Japanese Maple *Acer palmatum*	5	~20	50%	Mod	Protected	X	New building construction
302	Crabapple *Malus spp.*	9	~20	50%	Low	Exception	X	New building construction
303	Coast Live Oak *Quercus agrifolia*	19	~30	50%	Mod	Protected	X	New building construction
304	Coast Live Oak *Quercus agrifolia*	13	~20	50%	Low	Protected	X	New building construction
305	Coast Live Oak *Quercus agrifolia*	5	~20	30%	Low	Protected	X	New building construction
306	Coast Live Oak *Quercus agrifolia*	9	~20	30%	Low	Protected	X	New building construction
307	Coast Live Oak *Quercus agrifolia*	4	~20	30%	Low	Protected	X	New building construction
308	Coast Live Oak *Quercus agrifolia*	12	~20	10%	Low	Protected	X	Poor condition
309	Sugar Gum Tree *Liquidambar styraciflua*	33	~50	30%	Low	Protected	X	Risk, poor condition
310	Sugar Gum Tree *Liquidambar styraciflua*	33	~50	30%	Low	Protected	X	Risk, poor condition
311	Coast Live Oak *Quercus agrifolia*	8	~20	50%	Low	Protected	X	New building construction
312	Coast Live Oak *Quercus agrifolia*	12	~30	50%	Low	Protected	X	New building construction
313	Coast Live Oak *Quercus agrifolia*	17	~30	50%	Low	Protected	X	New building construction
314	California Bay *Umbellularia californica*	18,14	~30	70%	High	Protected	X	New building construction
315	California Bay *Umbellularia californica*	9	~20	50%	Mod	Protected	X	New EVA. construction
316	California Bay *Umbellularia californica*	11	~20	50%	Mod	Protected	X	New EVA. construction
317	Valley Oak *Quercus lobata*	18	~30	30%	Low	Protected	X	New EVA. construction
318	Coast Live Oak *Quercus agrifolia*	14	~20	50%	Low	Protected	X	New EVA. construction
319	California Bay *Umbellularia californica*	9,6,5	~20	50%	Mod	Protected	X	New EVA. construction
320	California Bay *Umbellularia californica*	9	~20	50%	Low	Protected	X	New EVA. construction

TREE INVENTORY TABLE (CONT.)

TREE/ TAG NO.	TREE NAME	TRUNK DIAMETER (INCHES)	APPROX. CROWN DIAMETER (FEET)	CONDITION OUT OF 100%	SUITABILITY FOR PRESERVATION	PROTECTED STATUS	REMOVAL	REASON FOR REMOVAL
321	Coast Live Oak *Quercus agrifolia*	14	~20	30%	Low	Protected	X	New EVA. construction
322	California Bay *Umbellularia californica*	19	~30	50%	Mod	Protected	X	New EVA. construction
323	Coast Live Oak *Quercus agrifolia*	10	~20	50%	Low	Protected	X	New EVA. construction
324	Valley Oak *Quercus lobata*	13	~30	30%	Low	Protected	X	Risk, poor condition
325	Coast Live Oak *Quercus agrifolia*	8	~20	30%	Low	Protected	X	New EVA. construction
326	Coast Live Oak *Quercus agrifolia*	13	~20	30%	Low	Protected	X	Risk, poor condition
327	California Bay *Umbellularia californica*	10	~20	30%	Low	Protected	X	Poor condition, SOD carrier, fire prone
328	California Bay *Umbellularia californica*	12	~20	30%	Low	Protected	X	Poor condition, SOD carrier, fire prone
329	Coast Live Oak *Quercus agrifolia*	8	~20	30%	Low	Protected	X	New building construction
330	California Bay *Umbellularia californica*	10	~20	30%	Low	Protected	X	Poor condition, SOD carrier, fire prone
331	Coast Live Oak *Quercus agrifolia*	17,14	~30	70%	Mod	Protected	X	New building construction
332	Purpleleaf Plum *Prunus spp.*	8	~20	30%	Low	Protected	2019 X	Invasive
333	Coast Live Oak *Quercus agrifolia*	27	~30	10%	Low	Protected	X	Risk, poor condition
334	California Bay *Umbellularia californica*	12,11	~30	30%	Low	Protected	X	Poor condition, SOD carrier, fire prone
335	Coast Live Oak *Quercus agrifolia*	10	~20	30%	Low	Protected	X	New building construction
336	California Bay *Umbellularia californica*	10	~20	50%	Low	Protected	X	New building construction
337	Coast Live Oak *Quercus agrifolia*	22,10	~30	30%	Low	Protected	X	New building construction
338	California Bay *Umbellularia californica*	11	~20	50%	Mod	Protected	X	Poor condition, SOD carrier, fire prone
339	Coast Live Oak *Quercus agrifolia*	15	~20	50%	Low	Protected	X	New building construction
340	Blackwood Acacia *Acacia melanoxylon*	5	~20	70%	Low	Exception	2019 X	Invasive, Fire prone
341	California Bay *Umbellularia californica*	12	~20	50%	Low	Protected	X	New building construction
342	California Bay *Umbellularia californica*	12	~20	50%	Low	Protected	X	New building construction
343	Coast Live Oak *Quercus agrifolia*	14	~30	50%	Mod	Protected	X	New building construction
344	Coast Live Oak *Quercus agrifolia*	18	~10	70%	Mod	Protected	X	New building construction
345	Coast Live Oak *Quercus agrifolia*	8	~20	10%	Low	Protected	X	Poor condition
346	Olive *Olea spp.*	9,7	~20	50%	Low	Protected	2019 X	Invasive
347	Coast Live Oak *Quercus agrifolia*	5	~20	30%	Low	Protected	X	New building construction
348	Marina Madrone *Arbutus 'Marina'*	14	~20	50%	High	Protected	X	New building construction
349	Valley Oak *Quercus lobata*	34	~30	30%	Low	Large Protected	X	Risk, Poor condition
350	Valley Oak *Quercus lobata*	37	~50	50%	Low	Large Protected	X	New building construction
351	Coast Live Oak *Quercus agrifolia*	9	~20	50%	Low	Protected	X	New building construction
352	Coast Live Oak *Quercus agrifolia*	10	~20	30%	Low	Protected	X	New building construction
353	Coast Live Oak *Quercus agrifolia*	13	~20	50%	Mod	Protected	X	New building construction
354	New Zealand Cabbage *Cordyline australis*	5	~10	30%	Low	Exception	2019 X	Invasive
355	Hackberry *Celtis spp.*	6	~10	10%	Low	Protected	X	Poor condition
356	Hackberry *Celtis spp.*	9	~20	30%	Low	Protected	X	New building construction
357	Italian Cypress *Cupressus sempervirens*	6	~10	90%	Mod	Protected	X	New building construction
358	Italian Cypress *Cupressus sempervirens*	8	~10	90%	Mod	Protected	X	New building construction
359	California Bay *Umbellularia californica*	10	~20	30%	Low	Protected	X	Poor condition, SOD carrier, fire prone
360	California Bay *Umbellularia californica*	9	~20	50%	Low	Protected	X	Retaining Wall Construction

PLANNING SUBMITTAL 2021.07.27

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LANDSCAPE ARCHITECTURE
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LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE: DESCRIPTION: DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT · CHRIS GATES · No. 4583 · STATE OF CALIFORNIA
Signature
6/30/2020
Renewal Date
X/XX/XXXX
Date
LA

PROJECT NUMBER: 5639
DRAWN: MF/TZ
CHECK: KC
DATE: 07/27/2021
SCALE:

0 1/2" 1" 2"

TREE INVENTORY TABLE

T-4

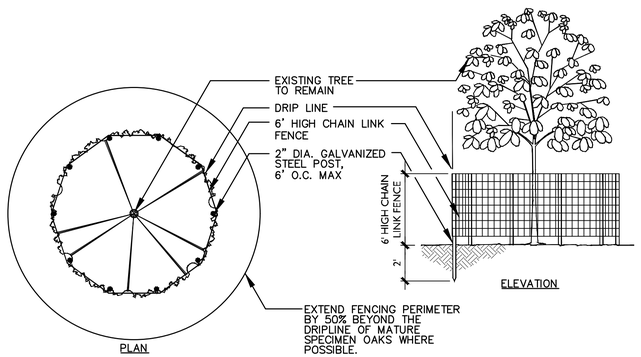
of -

PATH: P:\LOS GATOS\LOS GATOS MEADOWS(5639)\CAD\SHEETS_DC-T-LOS GATOS MEADOWS.DWG
PLOT DATE: 7/27/2021 1:31 PM

TREE INVENTORY TABLE (CONT.)

TREE/ TAG NO.	TREE NAME	TRUNK DIAMETER (INCHES)	APPROX. CROWN DIAMETER (FEET)	CONDITION OUT OF 100%	SUITABILITY FOR PRESERVATION	PROTECTED STATUS	REMOVAL	REASON FOR REMOVAL
361	California Bay *Umbellularia californica*	8	~20	30%	Low	Protected	X	Poor condition, SOD carrier, fire prone
362	California Buckeye Aesculus californica	9	~20	50%	Low	Protected	X	Retaining Wall Construction
363	Coast Live Oak *Quercus agrifolia*	5,4	~20	10%	Low	Protected	X	Within grading limits
364	Coast Live Oak *Quercus agrifolia*	4	~10	50%	Low	Protected		
365	California Bay *Umbellularia californica*	4	~10	50%	Low	Protected	X	New retaining wall construction of stormwater treatment area
366	Bailey acacia *Acacia baileyana*	5	~10	10%	Low	Protected	2019 X	Invasive
367	Bailey acacia *Acacia baileyana*	7	~20	30%	Low	Protected	2019 X	Invasive
368	Bailey acacia *Acacia baileyana*	5	~20	30%	Low	Protected	2019 X	Invasive
369	Bailey acacia *Acacia baileyana*	7,7,7,6	~30	30%	Low	Protected	2019 X	Invasive
370	Bailey acacia *Acacia baileyana*	1	~30	30%	Low	Protected	2019 X	Invasive
371	Plum *Prunus spp.*	5,4	~20	30%	Low	Protected		
372	Coast Live Oak *Quercus agrifolia*	9,8	~20	50%	Low	Protected	X	New retaining wall construction of stormwater treatment area
373	California Bay *Umbellularia californica*	8	~10	30%	Low	Protected	X	New EVA. construction
374	Coast Redwood *Sequioa sempervirens*	10	~20	90%	High	Protected		
375	Coast Redwood *Sequioa sempervirens*	14	~20	90%	High	Protected		

TREES TO BE REMOVED AND PRESERVED PER THE ARBORIST REPORT BY HORTSCIENCE DATED ON OCTOBER 12, 2020



1 EXISTING TREE PROTECTIVE FENCING

SCALE: N.T.S.

TREE PROTECTION NOTES:

THE FOLLOWING TREE PROTECTION MEASURES AND RECOMMENDATIONS ARE PREPARED BY HORTSCIENCE/BARTLETT CONSULTING DATED ON OCTOBER 12, 2020.

Tree Preservation Guidelines

The goal of tree preservation is not merely tree survival during development but maintenance of tree health and beauty for many years. Trees retained on sites that are either subject to extensive injury during construction or are inadequately maintained become a liability rather than an asset. The response of individual trees will depend on the amount of excavation and grading, the care with which demolition is undertaken, and the construction methods. Coordinating any construction activity inside the **TREE PROTECTION ZONE** can minimize these impacts.

The following recommendations will help reduce impacts to trees from development and maintain and improve their health and vitality through the clearing, grading and construction phases. All tree protection measures to comply with Town of Los Gatos Municipal Code Sec.29.10.1005- Protection of Trees During Construction.

Tree Protection Zone

1. **A TREE PROTECTION ZONE** shall be identified for each tree to be preserved. The **TREE PROTECTION ZONE** for each tree shall be the dripline of the tree. In most cases, groups of trees can be protected collectively.
2. Fence all trees to be retained to completely enclose the **TREE PROTECTION ZONE** prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link with 2-inch diameter galvanized iron posts driven into the ground to a depth of at least 2 feet at no more than 10-foot spacing, or equivalent as approved by the Town. Tree #75 shall be fenced at the edge of construction. Trees to remain in the sequences of #19-102 and 101-127 can be fenced along the western edge of their collective dripline. All other trees to remain can be protected by the perimeter fencing at their collective driplines at the limit of grading on the northern, eastern, and southern edges of the project.
3. Fences must be installed before demolition, grading or construction permits are issued and must remain in place until construction is complete. Contractor shall first obtain the approval of the Consulting Arborist on record prior to removing a tree protection fence.
4. No grading, excavation, construction or storage or dumping of materials shall occur within the **TREE PROTECTION ZONE**. Excavation within the dripline of tree #75 shall be approved by and monitored by the Consulting Arborist.
5. No underground services including utilities, sub-drains, water or sewer shall be placed in the **TREE PROTECTION ZONE**.
6. 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".
7. The attachment of wires, signs or ropes to any protected tree is prohibited.

Design recommendations

1. Any changes to the plans affecting the trees should be reviewed by the consulting arborist with regard to tree impacts. These include, but are not limited to, site plans, improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans.
2. Plan for tree preservation by designing adequate space around trees to be preserved. This is the **TREE PROTECTION ZONE:** No grading, excavation, construction or storage of materials should occur within that zone. Route underground services including utilities, sub-drains, water or sewer around the **TREE PROTECTION ZONE**.
3. Consider the vertical clearance requirements near trees during design. Avoid designs that would require pruning more than 20% of a tree's canopy.
4. All plans affecting trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, grading plans, drainage plans, utility plans, and landscape and irrigation plans.
5. Irrigation systems must be designed so that no trenching severs roots larger than 1" in diameter will occur within the **TREE PROTECTION ZONE**.
6. **Tree Preservation Guidelines** prepared by the Consulting Arborist, which include specifications for tree protection during demolition and construction, should be included on all plans.
7. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
8. Do not lime the subsoil within 50' of any tree. Lime is toxic to tree roots.
9. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees should be designed to withstand differential displacement.
10. Ensure adequate but not excessive water is supplied to trees; in some cases occasional irrigation will be required. Avoid directing runoff toward trees.

Pre-demolition and pre-construction treatments and recommendations

1. The demolition and construction superintendents shall meet with the Consulting Arborist before beginning work to review all work procedures, access routes, storage areas, and tree protection measures.
2. Prior to the commencement of construction, install the fence at the dripline, or **TREE PROTECTION ZONE** 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 **TREE PROTECTION ZONE**. The dripline shall not be altered in any way so as to increase the encroachment of the construction.
3. Branches extending into the work area that can remain following demolition shall be tied back and protected from damage.
4. Fences are to remain until all grading and construction is completed. Where demolition must occur close to trees, such as removing curb and pavement, install trunk protection devices such as winding silt sock wattling around trunks or stacking hay bales around tree trunks.
5. Prune trees to be preserved to clean the crown of dead branches 1" and larger in diameter, raise canopies as needed for construction activities.
   a. All pruning shall be done by a State of California Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300).
   b. The Consulting Arborist will provide pruning specifications prior to site demolition.
   c. Branches extending into the work area that can remain following demolition shall be tied back and protected from damage.
   d. While in the tree the arborist shall perform an aerial inspection to identify any defects, weak branch and trunk attachments and decay not visible from the ground. Any additional work needed to mitigate defects shall be reported to the property owner.
6. Tree(s) to be removed that have branches extending into the canopy of tree(s) or located within the **TREE PROTECTION ZONE** of tree(s) to remain shall be removed by a Certified Arborist or Certified Tree Worker and not by the demolition contractor. The Certified Arborist or Certified Tree Worker shall remove the trees in a manner that causes no damage to the tree(s) and understory to remain. Stumps shall be ground below grade.
7. Trees to be removed shall be felled so as to fall away from **TREE PROTECTION ZONE** and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the Consulting Arborist may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.
8. All down brush and trees shall be removed from the **TREE PROTECTION ZONE** either by hand, or with equipment sitting outside the **TREE PROTECTION ZONE**. Extraction shall occur by lifting the material out, not by skidding across the ground. Brush shall be chipped and spread beneath the trees within the **TREE PROTECTION ZONE**
9. Structures and underground features to be removed within the **TREE PROTECTION ZONE** shall use equipment that will minimize damage to trees above and below ground, and operate from outside the **TREE PROTECTION ZONE**. Tie back branches and wrap trunks with protective materials to protect from injury as directed by the Project arborist. The Project arborist shall be on-site during all operations within the **TREE PROTECTION ZONE** to monitor demolition activity.
10. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

Recommendations for tree protection during construction

1. Any approved grading, construction, demolition or other work within the **TREE PROTECTION ZONE** should be monitored by the Consulting Arborist. The Consulting arborist shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project Consulting 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.
2. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.
3. Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Consulting Arborist.
4. Construction trailers, traffic and storage areas must remain outside **TREE PROTECTION ZONE** at all times.
5. Construction activities within the **TREE PROTECTION ZONE**, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree are prohibited, unless approved by the Director, per Sec.10.29.1005.
6. Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Project Arborist. Roots should be cut with a saw to provide a flat and smooth cut. Removal of roots larger than 2" in diameter should be avoided.
7. If roots 2" and greater in diameter are encountered during site work and must be cut to complete the construction, the Project Arborist must be consulted to evaluate effects on the health and stability of the tree and recommend treatment.
8. Any brush clearing required within the **TREE PROTECTION ZONE** shall be accomplished with hand-operated equipment.
9. All down brush and trees shall be removed from the **TREE PROTECTION ZONE** either by hand, or with equipment sitting outside the **TREE PROTECTION ZONE**. Extraction shall occur by lifting the material out, not by skidding across the ground.
10. Prior to grading or trenching, trees may require root pruning outside the **TREE PROTECTION ZONE.** Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Project Arborist.
11. Spoil from trench, footing, utility or other excavation shall not be placed within the **TREE PROTECTION ZONE**, neither temporarily nor permanently.
12. All grading within the dripline of trees shall be done using the smallest equipment possible. The equipment shall operate perpendicular to the tree and operate from outside the **TREE PROTECTION ZONE**. Any modifications must be approved and monitored by the Consulting Arborist.
13. All trees shall be irrigated on a schedule to be determined by the Consulting Arborist (every 3 to 6 weeks is typical). Each irrigation shall wet the soil within the **TREE PROTECTION ZONE** to a depth of 30".
14. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. The Director and Consulting Arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.
15. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the **TREE PROTECTION ZONE**. 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 are prohibited.
16. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.
17. Trees that accumulate a sufficient quantity of dust on their leaves, limbs and trunk as judged by the Consulting Arborist shall be spray-washed at the direction of the Project Arborist.

Maintenance of impacted trees

Our procedures included assessing trees for observable defects in structure. This is not to say that trees without significant defects will not fail. Failure of apparently defect-free trees does occur, especially during storm events. Wind forces, for example, can exceed the strength of defect-free wood causing branches and trunks to break. Wind forces coupled with rain can saturate soils, reducing their ability to hold roots, and blow over defect-free trees. Although we cannot predict all failures, identifying those trees with observable defects is a critical component of enhancing public safety.

GATES +ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
T 925.736.8176 www.dgates.com

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE:	DESCRIPTION:	DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT · CASEY CASE · No. 6062 · 6/30/2020 · Renewal Date · X/XX/XXXX · L.A. · STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	

0 0" ½" 1" 2"

TREE INVENTORY TABLE AND NOTES

T-5

of -

PLANNING SUBMITTAL 2021.07.27

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+ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
T 925.736.8176 www.dgates.com

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE:	DESCRIPTION:	DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CASEY CASE · No. 6032
Signature
6/30/2020
Date
X/XX/XXXX
Date
L.A.
STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	SCALE

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OVERALL ILLUSTRATIVE SITE PLAN

LS-1

of -

PLANNING SUBMITTAL 2021.07.27

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LAYOUT NOTES

1. CONTRACTOR SHALL VERIFY ALL UTILITIES, GRADES, EXISTING CONDITIONS AND DIMENSIONS IN THE FIELD PRIOR TO COMMENCING WORK. ALL DISCREPANCIES OR QUESTIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT FOR RESOLUTION.
2. ALL WRITTEN DIMENSIONS SUPERCEDE ALL SCALED DISTANCES AND DIMENSIONS. DIMENSIONS SHOWN ARE FROM THE FACE OF THE BUILDING, WALL, BACK OF CURB, EDGE OF WALK, PROPERTY LINE, OR CENTERLINE OF COLUMN UNLESS OTHERWISE NOTED ON THE DRAWINGS.
3. ALL DIMENSIONS AT BUILDING ARE TO FACE OF BUILDING. ALL DIMENSIONS AT ROADWAY ARE TO FACE OF CURB.
4. ALL ANGLES ARE 45 DEGREE, 90 DEGREE, OR 135 DEGREE UNLESS OTHERWISE NOTED.
5. ALL CURVES AND ALL TRANSITIONS BETWEEN CURVES AND STRAIGHT EDGES SHALL BE SMOOTH.
6. ALL RETURN RADII AND CURB DATA ARE TO FACE OF CURB.
7. WHENEVER BOTTOM OF WALL (BW) ELEVATION IS GIVEN, IT IS FINISH PAVEMENT OR GRADE ELEVATION AT FACE OF WALL.
8. SCORE LINES IN SIDEWALKS SHALL BE SPACED TO EQUAL THE WIDTH OF THE WALKWAY, UNLESS OTHERWISE SHOWN. EXPANSION JOINTS IN SIDEWALKS SHALL BE 20' ON CENTER MAXIMUM.
9. EXPANSION JOINTS IN CONCRETE WALLS SHALL BE AT 40' O.C. MAXIMUM.
10. BUILDING LAYOUT AND LOCATION, SIDEWALK, CURB AND GUTTER, GRADING AND DRAINAGE IS BASED ON DRAWINGS PREPARED BY THE ARCHITECT AND THE CIVIL ENGINEER.
11. STATIONING HEREON IS ALONG CONSTRUCTION CENTERLINE UNLESS OTHERWISE SHOWN OR INDICATED.
12. ANY EXTRA CONSTRUCTION STAKING NECESSITATED SOLELY BY THE CONTRACTOR'S NEGLIGENCE WILL BE CHARGED TO THE CONTRACTOR ON A TIME AND EXPENSES BASIS AND PAID FOR BY THE CONTRACTOR.
13. SEE IRRIGATION DRAWINGS FOR GENERAL SYSTEM REQUIREMENTS AND FOR LOCATION OF IRRIGATION MAINLINE PIPING. SLEEVES TO ACCOMMODATE IRRIGATION PIPING, SIZED AS NEEDED, SHALL BE IN PLACE UNDER AND THROUGH SLABS AND WALLS, PRIOR TO POURING.
14. PROVIDE CONTINUOUS HEADERS AT THE EDGES OF ALL AC PAVING, SHRUB AREAS, LAWN AREAS, DECOMPOSED GRANITE WHERE IT IS NOT CONSTRAINED BY A CONCRETE PAVING OR MOW BAND.
15. ALL CONCRETE PAVEMENTS SHALL BE DOWELED INTO CURBS, SIDEWALKS, AND BUILDING FOUNDATIONS.
16. REFER TO GEOTECHNICAL REPORT FOR ADDITIONAL INFORMATION, SECTIONS, REINFORCEMENT, AND PREPARATION. IN CASE OF DISCREPANCY THE GEOTECHNICAL REPORT SHALL GOVERN.
17. ALL TYPICAL DETAILS SHALL APPLY UNLESS NOTED OTHERWISE.
18. ANY AND ALL WORK WITHIN TOWN OF LOS GATOS RIGHT OF WAY SHALL CONFORM TO ALL TOWN OF LOS GATOS STANDARD DETAILS AND SPECIFICATIONS.
19. CONCRETE FOOTINGS INSTALLED FOR ALL SITE FURNISHINGS, SPORTS EQUIPMENT, ETC.. IN DECORATIVE PAVEMENT, ASPHALT PAVING, DECOMPOSED GRANITE, CONCRETE PAVING, AND PLANTERS SHALL BE HELD BELOW GRADE.
20. ALL EXISTING ITEMS TO REMAIN SHALL BE PROTECTED AS REQUIRED. ANY DAMAGED ITEMS SHALL BE FULLY REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE TO THE FULL SATISFACTION OF THE OWNER.
21. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH OPERATIONS.
22. ALL QUANTITIES AND PAY ITEMS ARE AND WILL BE BASED ON HORIZONTAL MEASUREMENTS.
23. ALL PATTERNS, LINE TYPES, AND SYMBOLS SHOWN WITHIN THE PLAN SET REFERENCE THE LAYOUT LEGEND AND ARE PART OF THE SCOPE OF WORK. CALLOUTS ARE SHOWN FOR CLARIFICATION OF WORK, BUT DO NOT INDICATE EVERY AND ALL INSTANCES OF SUCH WORK. THE CONTRACTOR SHALL REQUEST CLARIFICATION TO ANY ITEMS (INCLUDING BUT NOT LIMITED TO PAVING, WALLS, FINISHES, COLORS, FENCING, FOUNTAINS, POTS, AND SITE FURNITURE) NOT CLEARLY IDENTIFIED TO BE PART OF THE SCOPE OF WORK PRIOR TO BID.
24. THE CONTRACT DRAWINGS MUST BE ACCOMPANIED BY CONTRACT SPECIFICATIONS. THE CONTRACTOR MUST CONTACT THE LANDSCAPE ARCHITECT AT 925-736-8176 FOR SPECIFICATIONS IF NOT RECEIVED.
25. THE CONTRACTOR IS RESPONSIBLE FOR ALL WORK AND MATERIALS OF THE CONTRACT DOCUMENTS INCLUDING ALL WORK AND MATERIALS PROVIDED BY SUBCONTRACTORS. ALL QUALIFICATIONS OF THE CONTRACT DOCUMENTS INCLUDING ALL SPECIFIC EXCLUSIONS OF ANY WORK, DETAILS, MATERIALS, AND INCIDENTALS SHALL BE CONFIRMED AND ACCEPTED IN WRITING BY THE CONTRACTOR AND OWNER UPON FINALIZATION OF BIDS AND CONTRACT. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED OF ALL QUALIFICATIONS AND NOTIFICATIONS.

LAYOUT LEGEND

PEDESTRIAN SAWCUT CONCRETE PAVING
TYPE: INTEGRAL COLOR CONCRETE
COLOR: PEBBLE BY DAVIS COLORS
FINISH: MEDIUM BROOM/TOPOCAST 25

VEHICULAR SAWCUT CONCRETE PAVING
TYPE: INTEGRAL COLOR CONCRETE
COLOR: DARK GRAY BY DAVIS COLORS
FINISH: MEDIUM BROOM

VEHICULAR SAWCUT CONCRETE PAVING
TYPE: INTEGRAL COLOR CONCRETE
COLOR: DARK GRAY BY DAVIS COLORS
FINISH: TOPCAST 25

VEHICULAR PAVERS
TYPE: GRANITE PAVERS
MFR: COLD SPRING GRANITE
SIZE: 8"X8"X3" THICKNESS
COLOR: ACADEM BLACK
FINISH: THERMAL

SEEDED GLASS IN PAVING
COLOR: MIX TO BE SELECTED
SIZE: 1/8" ø – 1/4" ø +/-

TONE AC PAVING (PEDESTRIAN TRAIL)
COLOR: T.B.D.

PLANTING NOTES

GENERAL

1. ALL WORK SHALL BE PERFORMED BY PERSONS FAMILIAR WITH PLANTING WORK AND UNDER THE SUPERVISION OF A QUALIFIED PLANTING FOREMAN.
2. ALL QUANTITIES AND PLANT COUNTS ARE FOR THE CONVENIENCE OF THE CONTRACTOR. IN CASE OF DISCREPANCIES, THE PLAN SHALL GOVERN.
3. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO MAKE SUBSTITUTIONS, ADDITIONS, AND DELETIONS IN THE PLANTING SCHEME AS THEY FEEL NECESSARY WHILE WORK IS IN PROGRESS, UPON APPROVAL BY THE OWNER. SUCH CHANGES ARE TO BE ACCOMPANIED BY EQUITABLE ADJUSTMENTS IN THE CONTRACT PRICE, WHEN NECESSARY.
4. PLANT MATERIAL LOCATIONS SHOWN ARE DIAGRAMMATIC AND MAY BE SUBJECT TO CHANGE IN THE FIELD BY THE LANDSCAPE ARCHITECT. PLANT LOCATIONS ARE TO BE ADJUSTED IN THE FIELD AS NECESSARY TO SCREEN UTILITIES, BUT SHALL NOT BLOCK WINDOWS, BLOCK SIGNS NOR IMPEDE ACCESS.
5. THE DESIGN INTENT OF THE PLANTING PLAN IS TO ESTABLISH AN ATTRACTIVE MATURE LANDSCAPE APPEARANCE. FUTURE PLANT GROWTH WILL NECESSITATE TRIMMING, SHAPING, AND IN SOME CASE REMOVAL OF TREES AND SHRUBS AS AN ON-GOING MAINTENANCE PROCEDURE.
6. ALL PLANTING AREA MUST BE IRRIGATED WITH AUTOMATIC IRRIGATION SYSTEM. IRRIGATION SYSTEM SHALL BE FULLY AUTOMATED AND OPERATIONAL WITH FULL COVERAGE PRIOR TO PLANTING.
7. CONTRACTOR TO REVIEW ALL EXISTING, PROPOSED, & AS BUILT UTILITY PLANS PRIOR TO CONSTRUCTION. CONTRACTOR TO TAKE PRECAUTIONS IN EXCAVATION OF ALL TREE PLANTING PITS. CONTRACTOR TO NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS FOUND DURING CONSTRUCTION.
8. CONTRACTOR MUST REVIEW ALL PLANS PRIOR TO THE BEGINNING OF CONSTRUCTION AND MAINTAIN THE FOLLOWING CLEARANCES FOR ALL TREE PLANTINGS. CONTRACTOR TO TAKE PRECAUTION IN ALL EXCAVATION ACTIVITY. NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS PRIOR TO INSTALLATION.
   FIRE HYDRANTS AND PIVS: 5' MINIMUM
   LIGHT POLES: 10' MINIMUM
   UTILITIES: 5' MINIMUM
   BUILDING ROOF EDGE: 5' MINIMUM
9. CONTRACTOR TO PROVIDE AND ARRANGE FOR PLANT MATERIAL THRU CONTRACT GROW, PLANT BROKERS, OR DIRECT PURCHASE AS REQUIRED FOR THE FULL IMPLEMENTATION OF THE PROJECTS PLANTING PLAN. CONTRACTOR MUST SUBMIT WITHIN 30 DAYS AFTER AWARD OF A BID A DETAILED NURSERY LIST OF SECURED PLANT MATERIAL, CONTRACT GROW PLANT MATERIAL, AND ANY SUBSTITUTION REQUESTS. CONTRACTOR SHALL ARRANGE AND SECURE ALL PLANT MATERIAL WITHIN 30 DAYS OF BID. UPON DELIVERY, PLANT MATERIAL THAT DOES NOT MEET NURSERY STANDARDS, IS ROOTBOUND, OF POOR QUALITY & HEALTH, SUBSTANDARD SIZE, AND / OR IS NOT APPROVED BY THE LANDSCAPE ARCHITECT SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE. MATERIAL WHICH IS NOT SECURED AND IS UNAVAILABLE IN THE SIZE SPECIFIED SHALL BE UP-SIZED, IF AVAILABLE. ALL REPLACEMENT MATERIAL, SUBSTITUTIONS OR UP-SIZED PLANT MATERIAL MUST BE PROVIDED AS REQUIRED FOR THE FULL IMPLEMENTATION OF THE PLANTING PLAN AT NO ADDITIONAL COST TO THE CONTRACT AND OWNER.
10. PROCUREMENT OF PLANT MATERIAL SHALL NOT BE LIMITED TO NORTHERN CALIFORNIA. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRUCKING, INSPECTIONS, AND INCIDENTALS FOR PROVIDING PLANT MATERIAL FROM SOURCES OUT OF STATE AS REQUIRED BY THE PROJECT PLANTING PLAN.

EXISTING PLANT MATERIAL

1. ALL EXISTING PLANT MATERIAL, TREES, OR LAWN TO REMAIN MUST BE PROTECTED AND MAINTAINED IN PLACE BY THE CONTRACTOR.
2. ANY DAMAGED MATERIAL MUST BE FULLY REPLACED TO MATCH EXISTING BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE CONTRACT AND OWNER.
3. CONTRACTOR MUST MAINTAIN ANY EXISTING IRRIGATION SYSTEMS OR PROVIDE TEMPORARY IRRIGATION SYSTEMS AS REQUIRED TO ALL EXISTING PLANTING AREAS TO REMAIN.

SOILS

1. THE CONTRACTOR MAY PROTECT AND STOCKPILE EXISTING SITE SOILS WHICH MAY BE REUSED FOR PLANTING PURPOSES. EXISTING SOILS SHALL BE TESTED PRIOR TO STOCKPILE FOR SOILS SUITABILITY PER THE REQUIREMENTS BELOW.
3. ALL ORGANIC COMPOST SHALL HAVE AN AGRICULTURAL SUITABILITIES TEST FOR COMPATIBILITY TO EXISTING SITE SOILS. TEST RESULTS SHALL BE DATED WITHIN THE LAST 3 MONTHS OF THE SUBMITTAL.
4. ALL EXISTING SITE SOILS SHALL HAVE AN AGRICULTURAL SUITABILITIES TEST BY AN APPROVED SOILS TESTING LAB (WAYPOINT ANALYTICAL OR APPROVED EQUAL) AND ANALYSIS FOR RECOMMENDATIONS ON ORGANIC COMPOST, AMENDMENTS, GRO POWER FERTILIZER AND ANY INCIDENTALS. RECOMMENDATIONS CONTAINED IN THE SOILS ANALYSIS RESULTS ARE TO BE IMPLEMENTED BEFORE PLANTING OCCURS. CONTRACTOR SHALL PROVIDE UP TO 4 COMBINED TESTS AT LOCATIONS SELECTED BY THE LANDSCAPE ARCHITECT. SOIL SAMPLES TO BE TAKEN AND COMBINED FROM A DEPTH OF 6" AND 24". PROVIDE ADDITIONAL TESTING (ONE 6" AND ONE 24" DEPTH TEST PER 25,000 SF FOR AREAS WHICH WERE LIME TREATED). THE ORGANIC COMPOST TEST RESULTS LISTED ABOVE SHALL BE SUBMITTED TO THE SOILS LAB FOR ACCURATE RECOMMENDATIONS OF THE SOIL AMENDMENT REQUIREMENTS. TEST RESULTS SHALL BE TAKEN AFTER ALL GRADING OPERATIONS ARE COMPLETE.
5. ALL LIME TREATED SOILS IN AREAS TO RECEIVE PLANTING SHALL BE FULLY REMOVED AND REPLACED WITH CLEAN APPROVED IMPORT TOP SOIL AT NO COST TO THE OWNER. AN ADDITIONAL 8 SOILS TESTS MAY BE REQUESTED BY THE LANDSCAPE ARCHITECT. ALL TESTING SHALL BE PAID FOR BY THE CONTRACTOR.
6. ALL SOILS IMPORTED ONTO THE SITE FOR ANY PURPOSE SUCH AS GRADING, NON EXPANSIVE FILL, FILL, OR FOR ANY GENERAL PURPOSE MUST BE TESTED FOR PLANT SUITABILITY PRIOR TO PLACEMENT. ALL IMPORT SOILS SHALL BE NON-DETRIMENTAL TO PLANT MATERIAL AND SOILS ANALYSIS SUBMITTED TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL. PROVIDE 1 TEST PER 500 CY OF MATERIAL.
7. ALL IMPORT SOILS SHALL BE FREE OF DELETERIOUS MATERIALS, AGGREGATES, AND ROCK. IMPORT SOIL SHALL BE LOAM/ CLAY LOAM WITH A PH BETWEEN 6 AND 7.5. SEE SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS
8. FOR BID PURPOSES AMEND ALL SOIL WITH 6 YARDS OMRI COMPOST, 50LBS GYPSUM, 20LBS SOIL SULFUR AND 16OLBS OF GRO-POWER PLUS 5-3-1 W/ M PER 1000SF. CONTRACTOR TO SUBMIT ALL DELIVERY TICKETS FOR COMPOST AND FERTILIZERS FOR VERIFICATION.
9. SOIL IS TO BE AMENDED, AT THE RATE INDICATED BY THE SOIL ANALYSIS, TO BRING THE SOIL ORGANIC MATTER CONTENT TO A MINIMUM OF 3.5% BY DRY WEIGHT, AND A MINIMUM OF 2" OF QUALITY RECYCLED COMPOST, ON ALL PLANTING AREAS.
10. ALL PLANTERS IN AREAS WHICH HAVE BEEN COMPACTED, SUCH AS CONSTRUCTION STAGING AREAS AND IN PARKING LOTS, SHALL BE CROSS RIPPED TO THE FOLLOWING DEPTHS: PLANTERS LESS THAN THREE (3) FEET WIDE SHALL HAVE COMPACTION RELIEVED TO A MINIMUM DEPTH OF TWENTY-FOUR (24) INCHES BELOW SUBGRADE. PLANTERS THREE TO TEN (3-10) FEET WIDE MUST HAVE COMPACTION RELIEVED TO A MINIMUM DEPTH OF 18" BELOW SUBGRADE, PLANTERS MORE THAN 10' WIDE SHALL HAVE COMPACTION RELIEVED TO A MINIMUM DEPTH OF 12" BELOW SUBGRADE. AREAS SHALL BE PROTECTED AFTER DECOMPACTION.
11. CONTRACTOR SHALL PERFORM A PERCOLATION TEST AT THE BEGINNING OF CONSTRUCTION AT 1 LOCATION PER ACRE (MAX OF 4) TO DETERMINE THE DRAINAGE CAPACITY OF THE EXISTING SITE SOIL FOR TREE HEALTH. NOTIFY THE LANDSCAPE ARCHITECT IF DRAINAGE IS LESS THAN 2" PER HOUR.

TREES

1. ALL TREES SHALL BE SPECIMENS UNLESS SPECIFICALLY NOTED.
2. ALL TREES ARE TO BE STAKED AS SHOWN ON THE TREE STAKING/GUYING DIAGRAMS. BRANCHING HEIGHT OF TREES SHALL BE A 6'-0" MINIMUM ABOVE FINISH GRADE. ALL TREES IN A FORMAL GROUP PLANTING MUST BE MATCHING IN SIZE AND SHAPE. ALL STREET TREES TO BE INSTALLED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE OWNER. LANDSCAPE ARCHITECT SHALL BE CONSULTED REGARDING ORIENTATION OF TREES PRIOR TO PLANTING AND/OR BACKFILLING.
3. PLANT TREES 3'-0" MINIMUM FROM FACE OF CURB AT PARKING, AND FROM EDGES OF PAVING. ALL TREES WITHIN 5' OF PAVING AREAS AND BUILDINGS MUST HAVE ROOT BARRIERS INSTALLED. SEE ROOT BARRIER DETAIL. DEEP ROOT BARRIER MODEL NO. UB.24.2. (415) 344-1464. INSTALL PER MANUFACTURER'S SPECIFICATIONS. WHERE WATER BARRIERS AND ROOT BARRIERS ARE REQUIRED, USE CENTURY PRODUCTS DUAL PURPOSE WATER/ ROOT BARRIER CR-PE24-20, (714)632-7083, S.C.D. FOR LOCATIONS OF WATER BARRIER.
4. PROVIDE 4" BERM AROUND TREE FOR WATER BASIN. SEE TREE STAKING DETAIL. BERM TO BE REMOVED IN LAWN AREA AFTER INITIAL MAINTENANCE PERIOD. MULCH TREE WELL WITH 3" LAYER OF RECYCLED CHIPPED MULCH. KEEP MULCH AWAY FROM TREE TRUNK. HOLD LAWN AND HYDROSEED 2' CLEAR FROM TRUNKS, TYP.
5. TREES MUST HAVE AN UNCUT LEADER THAT HAS A UNIFORM TAPER FROM BASE TO TIP. TREES MUST MEET AT LEAST NORMAL CALIPER AND HEIGHT FOR CONTAINER SIZE. OVERGROWN OR ROOT BOUND TREES ARE NOT ACCEPTABLE.
6. FOR ALL TREES IN STORMWATER INFILTRATION ZONES HOLD FG OF ROOTBALL 4" ABOVE FG OF FLOWLINE. ADJUST ADJACENT GRADE OF SOIL TO BLEND UNIFORMLY AROUND ROOTBALL AND ALLOW UNIMPEDED FLOW OF WATER.

SHRUBS, GROUNDCOVERS AND VINES

1. GROUNDCOVER MUST BE PLANTED AS SHOWN ON THE PLAN, INCLUDING UNDER SHRUBS AND IN TREE WATERING BASINS.
2. SHRUBS AND PERENNIALS MUST HAVE ADEQUATE SETBACK FROM THE ADJACENT SIDEWALK AND EDGES OF PARKING LOT CURBS. NOTIFY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION IF PLANT MATERIAL MAY PROTRUDE INTO THE PATH OF TRAVEL.
3. THE CONTRACTOR IS TO SECURE ALL VINES TO TRELLISES WITH APPROVED FASTENERS, ALLOWING FOR TWO (2) YEARS GROWTH. SUBMIT SAMPLE TO LANDSCAPE ARCHITECT.

ACCESSORIES

1. ALL PLANTING NOT BOUNDED BY CONCRETE OR A HARDSCAPE EDGE SHALL BE COMPLETELY SURROUNDED BY HEADERS. ALL ASPHALT AND DECOMPOSED GRANITE AREAS TO BE COMPLETELY SURROUNDED BY HEADERS OR ADJACENT CONCRETE WORK.
2. ALL PLANTING AREAS MUST BE TOP-DRESSED WITH 3" LAYER OF RECYCLED CHIPPED MULCH. COLOR: BROWN. SUBMIT SAMPLE TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO ORDERING.
3. ALL MULCH WITHIN STORMWATER PLANTING AREAS MUST BE 3" OF WASHED PEA GRAVEL. SUBMIT SAMPLE FOR REVIEW AND APPROVAL.
4. ALL STORMWATER CURB CUTS MUST BE REINFORCED WITH A MINIMUM 12" WIDE x18" LONG x 6" DEEP BAND OF COBBLE. COBBLE SHALL BE 40% 4"-6" AND 60% 2"-3" NOIYO COBBLE. PROVIDE 24" WIDE BY 6" DEPTH OF COBBLE AROUND ALL CATCH BASINS LOCATED IN DRAINAGE AREAS. SUBMIT SAMPLE FOR REVIEW AND APPROVAL
5. ALL RAINWATER LEADERS DISCHARGING INTO LANDSCAPE AREAS MUST HAVE SPLASH BLOCKS. MODEL: CDI 16X24". COLOR: TO MATCH PAVING. (800) 279-2278.
6. ALL SLOPES GREATER THAN 2.5:1 MUST BE COVERED WITH EROSION CONTROL NETTING PER THE MANUFACTURER'S SPECIFICATIONS. OVERLAP ALL EDGES A MINIMUM OF 12" AND SECURE AS REQUIRED WITH METAL STAPLES. EROSION CONTROL NETTING TO BE WESTERN EXCELSIOR, EXCEL CS-3 OR APPROVED EQUAL. AVAILABLE FROM REED & GRAHAM 888-381-0800.
7. SEE SPECIFICATIONS FOR ALL FERTILIZER REQUIREMENTS

SUBMITTALS

1. CONTRACTOR MUST SUBMIT ALL TESTS, PRODUCTS, ACCESSORIES, INCIDENTALS, CUT SHEETS OF ALL ITEMS SPECIFIED FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
2. ALL PLANT MATERIAL MUST BE REVIEWED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO DELIVERY. CONTRACTOR SHALL SUBMIT PHOTOS OF ALL SHRUBS, GROUND COVERS, VINES, AND TREES FOR PRELIMINARY REVIEW AND APPROVAL.
3. ALL SUBMITTALS AND PLANT MATERIAL NOT REVIEWED AND APPROVED IN WRITING BY THE LANDSCAPE ARCHITECT MAY BE SUBJECT TO FULL REMOVAL AND REPLACEMENT WITH APPROVED SOILS, FERTILIZERS, AND PLANT MATERIAL AT NO ADDITIONAL COST TO THE CONTRACT OR OWNER.
4. SUBMITTALS AND SITE MOCKUPS OF ALL WORK SHALL BE REQUIRED PRIOR TO FINAL PLACEMENT INCLUDING BUT NOT LIMITED TO ALL WALLS, PAVEMENTS, COLORS, FINISHES, METAL WORK, FENCING, AND PAINTING FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT. SEE SPECIFICATIONS.

MUNICIPAL REQUIREMENTS

1. ALL PLANT MATERIAL TO BE INSPECTED & APPROVED BY THE REPRESENTATIVE OF TOWN OF LOS GATOS AND LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
2. CONTACT THE PROJECT LANDSCAPE ARCHITECT FOR FINAL INSPECTION OF LANDSCAPE AND IRRIGATION. PRIOR TO RELEASE OF BUILDING FOR OCCUPANCY, THE PROJECT LANDSCAPE ARCHITECT WILL SUBMIT A LETTER TO THE TOWN CERTIFYING THE PLANTING AND IRRIGATION HAS BEEN INSTALLED IN CONFORMANCE WITH THE APPROVED PLANTING AND IRRIGATION PLANS, SUBJECT TO THE REVIEW AND APPROVAL OF THE TOWN LANDSCAPE ARCHITECT. SECURITIES IN LIEU OF INSTALLATION WILL NOT BE ACCEPTED.
3. DURING THE INSTALLATION OF LANDSCAPING AND INSTALLATION AND PRIOR TO THE ISSUANCE OF A BUILDING OCCUPANCY PERMIT, THE LANDSCAPE ARCHITECT MUST INSPECT AND MONITOR THE INSTALLATION OF MATERIALS TO VERIFY CONFORMANCE TO THESE PLANS. ONCE APPROVED, THE LANDSCAPE ARCHITECT SHALL PROVIDE A WRITTEN LETTER TO DEPARTMENT OF PLANNING AND DEVELOPMENT STATING COMPLIANCE WITH THE APPROVED PLANS.

WATER CONSERVATION STATEMENT

1. THE PLANT LIST IS PRELIMINARY IN NATURE. SPECIES SHALL BE ADDED AND SUBTRACTED TO FULFILL THE DESIGN AND HORTICULTURAL REQUIREMENTS AS NECESSARY.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED WITH WATER CONSERVATION IN MIND WHILE ACHIEVING THE GOAL OF EFFECTIVELY AND EFFICIENTLY PROVIDING THE LANDSCAPE WITH WATER BY MEANS OF SPRAY, DRIP IRRIGATION TO THE SHRUBS/GROUNDCOVER AREAS AND BUBBLERS TO THE TREES.
3. THE SPRAY SYSTEM SHALL BE TORO SPRAY HEADS WITH PRESSURE COMPENSATING NOZZLES IN A HEAD TO HEAD LAYOUT TO ACHIEVE AN EVEN LEVEL OF PRECIPITATION THROUGHOUT THE IRRIGATION SYSTEM.
4. A STATE-OF-THE-ART IRRIGATION CONTROLLER SHALL BE SPECIFIED FOR THIS PROJECT TO CONTROL THE WATER ALLOCATED TO EACH VALVE GROUPED PER INDIVIDUAL HYDROZONE (BASED ON PLANT TYPE AND EXPOSURE).

GROUND LEVEL IRRIGATED LANDSCAPE AREA: 60,527 SF
TERRACE LEVEL IRRIGATED LANDSCAPE AREA: 27,625 SF
TOTAL IRRIGATED LANDSCAPE AREA: 88,152 SF

SEE SHEET LS-4, LS-6 FOR THE PROPOSED STORMWATER TREATMENT AREA.

GATES +ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
T 925.736.8176 www.dgates.com

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE: DESCRIPTION: DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT · JAMES F. ONE · NO. 6382 · STATE OF CALIFORNIA
Signature
6/30/2020
Renewal Date
XXX/XXXX
Date
L.A.

PROJECT NUMBER: 5639
DRAWN: MF/TZ
CHECK: KC
DATE: 07/27/2021
SCALE: SCALE

0 0" 1/2" 1" 2"

LAYOUT NOTES AND PLANTING NOTES

LS-2

of -

PLANNING SUBMITTAL 2021.07.27

PLANT PALETTE

TREES


QUERCUS VIRGINIANA
SOUTHERN LIVE OAK


ACER PALMATUM 'MORTON'
MORTON JAPANESE MAPLE


ACER RUBRUM 'ARMSTRONG'
ARMSTRONG RED MAPLE


ARBUTUS X 'MARINA'
ARBUTUS STANDARD


CITRUS SPP.
ORANGE TREE


LAGERSTROEMIA INDICA 'MUSKOGEE'
MUSKOGEE CRAPE MYRTLE


LAGERSTROEMIA INDICA 'TONTO'
TONTO CRAPE MYRTLE


LAURUS NOBILIS 'SARATOGA'
SWEET BAY


LAGERSTROEMIA INDICA 'PURPLE TOWER'
PURPLE TOWER CRAPE MYRTLE


OLEA EUROPAEA 'SWAN HILL'
SWAN HILL OLIVE


PRUNUS X YEDOENSIS
YOSHINO CHERRY


PRUNUS SERRULATA 'AMANOGAWA'
JAPANESE FLOWERING CHERRY


ROSA FLORIBUNDA 'BRILLIANT PINK ICEBERG'
ROSE


SALIX LASIOLEPIS
ARROYO WILLOW


ULMUS CARPINIFOLIA X PARVIFOLIA 'FRONTIER'
FRONTIER ELM


ZELKOVA SERRATA 'MUSASHINO'
SAWLEAF ZELKOVA

SHRUBS, ORNAMENTAL GRASSES AND GROUNDCOVER


ABUTILON PALMERI
INDIAN MALLOW


ACACIA REDOLENS 'DESERT CARPET'
BANK CATCLAW


ACHILLEA MILLEFOLIUM
COMMON YARROW


AGAVE ATTENUATA 'KARA'S STRIPES'
AGAVE


ARBUTUS UNEDO
STRAWBERRY TREE SHRUB


ARCTOSTAPHYLOS MANZANITA 'DR. HURD'
DR. HURD MANZANITA


CAMELLIA SASANQUA
CHRISTMAS CAMELLIA


CEANOTHUS X 'RAY HARTMAN' MULTI-TRUNK
CALIFORNIA LILAC


CERCIS OCCIDENTALIS
WESTERN REDBUD MULTI-TRUNK


CISTUS X PURPUREUS
ORCHID ROCKROSE


COLEONEMA PULCHRUM 'SUNSET GOLD'
GOLDEN BREATH OF HEAVEN


DIETES BICOLOR
FORTNIGHT LILY


DIETES GRANDIFLORA 'VARIEGATA'
STRIPED FORTNIGHT LILY


EPILOBIUM CALIFORNICUM 'BOWMAN'S #1'
CALIFORNIA FUCHSIA


EPILOBIUM CANUM 'CATALINA'
CATALINA FUCHSIA


FESTUCA MAIREI
ATLAS FESCUE


HESPERALOE PARVIFLORA
RED YUCCA


HESPERALOE PARVIFLORA 'BRAKELIGHT'
BRAKELIGHTS RED YUCCA


HETEROMELES ARBUTIFOLIA
TOYON


HEUCHERA X 'ELECTRIC LIME'
CORAL BELLS


LAVATERA MARITIMA
TREE MALLLOW


LIGUSTRUM SINENSE 'SUNSHINE'
SUNSHINE LIGUSTRUM


LIRIOPE MUSCARI 'VARIEGATA'
VARIEGATED LILY TURF


LOMANDRA LONGIFOLIA 'BREEZE'
BREEZE MAT RUSH

MUHLENBERGIA DUBIA
PINE MUHLY

MUHLENBERGIA RIGENS
DEER GRASS

NANDINA DOMESTICA 'LEMON LIME'
LEMON LIME NANDINA

NEPETA FAASSENII
CATMINT

PODOCARPUS MACROPHYLLUS 'MAKI'
MAKI SHRUBBY YEW PODOCARPUS

RHAMNUS CALIFORNICA 'EVE CASE'
CALIFORNIA COFFEEBERRY

RHAMNUS CALIFORNICA 'LEATHERLEAF'
CALIFORNIA COFFEEBERRY

RHAMNUS CALIFORNICA 'MOUND SAN BRUNO'
SUN BRUNO COFFEEBERRY

RIBES VIBURNIFOLIUM
EVERGREEN CURRANT

ROSA CALIFORNICA
CALIFORNIA WILD ROSE

ROSA X 'FLOWER CARPET APPLEBLOSSOM'
ROSE

ROSMARINUS OFFICINALIS 'TUSCAN BLUE'
TUSCAN BLUE ROSEMARY

STORMWATER TREATMENT AREA

SALVIA LEUCANTHA 'SANTA BARBARA'
MEXICAN BUSH SAGE

SALVIA MICROPHYLLA 'HOT LIPS'
HOT LIPS SAGE

SENECIO SPP.
AMANI SENECIO

TEUCRIUM CHAMAEDRYS
GERMANDER

BOUTELOUA GRACILIS
BLUE GRAMA GRASS

CAREX TUMULICOLA
BERKELEY SEDGE

CHONDROPETALUM TECTORUM 'EL CAMPO'
CAPE RUSH

JUNCUS PATENS 'ELK BLUE'
SPREADING RUSH

LEYMUS CONDENSATUS 'CANYON PRINCE'
NATIVE BLUE RYE

MIMULUS AURANTIACUS
STICKY MONKEY FLOWER

GATES
+ASSOCIATES
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LAND PLANNING · URBAN DESIGN
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LOS GATOS
MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE: DESCRIPTION: DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CASEY CASE · NO. 6503
STATE OF CALIFORNIA
Signature
6/30/2020
Renewal Date
XXX/XXXX
Date
L.A.

PROJECT NUMBER: 5639
DRAWN: MF/TZ
CHECK: KC
DATE: 07/27/2021
SCALE: SCALE

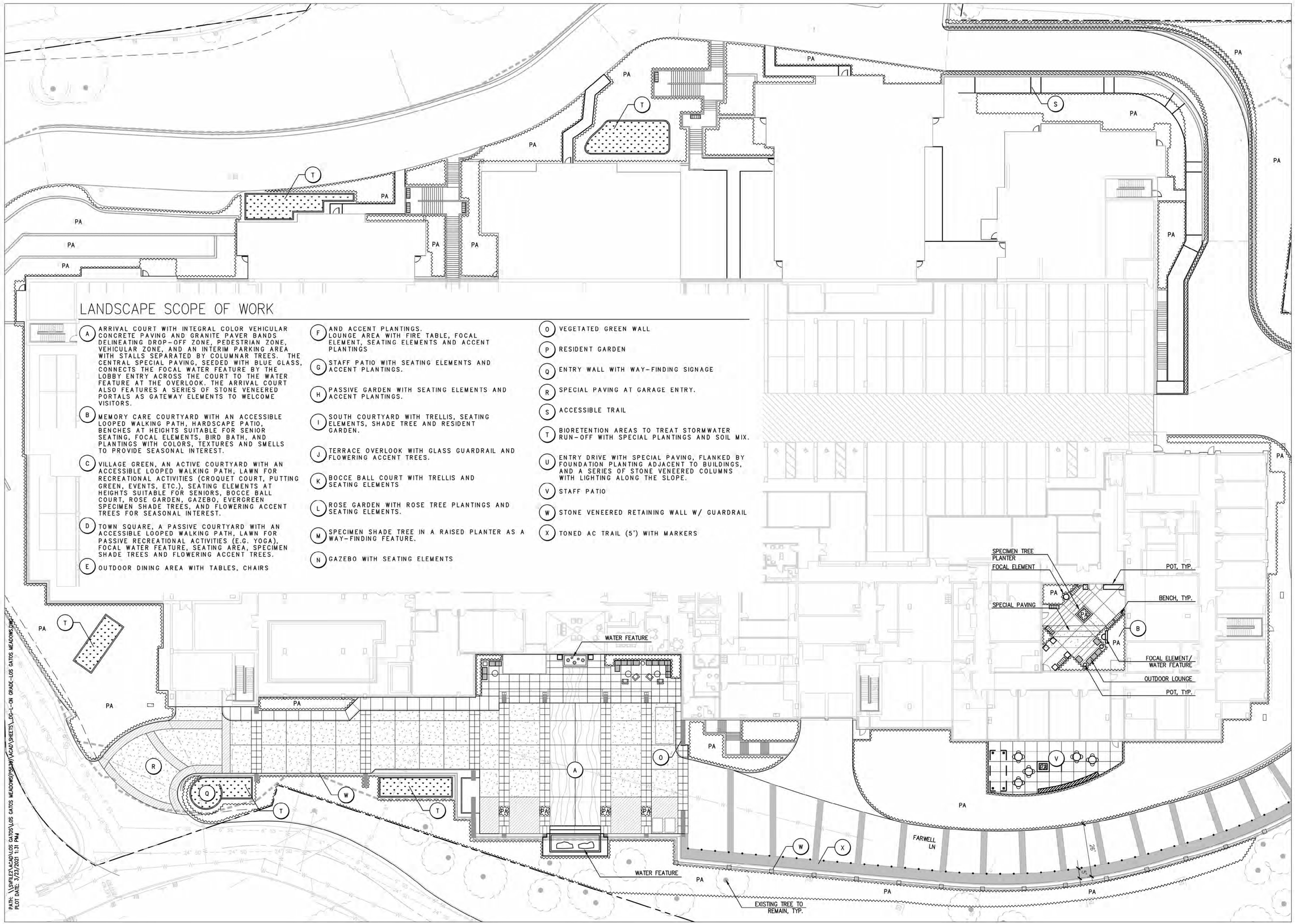
0 .5X 1X 2X
0" ½" 1" 2"

PLANT PALETTE

LS-3

of -

PLANNING SUBMITTAL 2021.07.27



LANDSCAPE SCOPE OF WORK

- (A) ARRIVAL COURT WITH INTEGRAL COLOR VEHICULAR CONCRETE PAVING AND GRANITE PAVER BANDS DELINEATING DROP-OFF ZONE, PEDESTRIAN ZONE, VEHICULAR ZONE, AND AN INTERIM PARKING AREA WITH STALLS SEPARATED BY COLUMNAR TREES. THE CENTRAL SPECIAL PAVING, SEEDED WITH BLUE GLASS, CONNECTS THE FOCAL WATER FEATURE BY THE LOBBY ENTRY ACROSS THE COURT TO THE WATER FEATURE AT THE OVERLOOK. THE ARRIVAL COURT ALSO FEATURES A SERIES OF STONE VENEERED PORTALS AS GATEWAY ELEMENTS TO WELCOME VISITORS.
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- (F) AND ACCENT PLANTINGS. LOUNGE AREA WITH FIRE TABLE, FOCAL ELEMENT, SEATING ELEMENTS AND ACCENT PLANTINGS
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- (P) RESIDENT GARDEN
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- (S) ACCESSIBLE TRAIL
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- (U) ENTRY DRIVE WITH SPECIAL PAVING, FLANKED BY FOUNDATION PLANTING ADJACENT TO BUILDINGS, AND A SERIES OF STONE VENEERED COLUMNS WITH LIGHTING ALONG THE SLOPE.
- (V) STAFF PATIO
- (W) STONE VENEERED RETAINING WALL W/ GUARDRAIL
- (X) TONED AC TRAIL (5') WITH MARKERS

PATH: \\SYFILE2\ACAD\LOS GATOS\LOS GATOS MEADOWS(P5639)\ACAD\SHEETS_DG-L-ON GRADE-LOS GATOS MEADOWS.DWG
PLOT DATE: 3/23/2021 1:31 PM

GATES +ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
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T 925.736.8176 www.dgates.com

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE:	DESCRIPTION:	DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CASEY CASE · No. 6032
Signature
6/30/2020
Revised Date
X/XX/XXXX
Date
L.A.
STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	SCALE

0 10 20 40

GROUND LEVEL LAYOUT PLAN

LS-4

of -

PLANNING SUBMITTAL 2021.07.27

LANDSCAPE SCOPE OF WORK

(A) ARRIVAL COURT WITH INTEGRAL COLOR VEHICULAR CONCRETE PAVING AND GRANITE PAVER BANDS DELINEATING DROP-OFF ZONE, PEDESTRIAN ZONE, VEHICULAR ZONE, AND AN INTERIM PARKING AREA WITH STALLS SEPARATED BY COLUMNAR TREES. THE CENTRAL SPECIAL PAVING, SEEDED WITH BLUE GLASS, CONNECTS THE FOCAL WATER FEATURE BY THE LOBBY ENTRY ACROSS THE COURT TO THE WATER FEATURE AT THE OVERLOOK. THE ARRIVAL COURT ALSO FEATURES A SERIES OF STONE VENEERED PORTALS AS GATEWAY ELEMENTS TO WELCOME VISITORS.

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(G) STAFF PATIO WITH SEATING ELEMENTS AND ACCENT PLANTINGS.

(H) PASSIVE GARDEN WITH SEATING ELEMENTS AND ACCENT PLANTINGS.

(I) SOUTH COURTYARD WITH TRELLIS, SEATING ELEMENTS, SHADE TREE AND RESIDENT GARDEN.

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(L) ROSE GARDEN WITH ROSE TREE PLANTINGS AND SEATING ELEMENTS.

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(N) GAZEBO WITH SEATING ELEMENTS

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(Q) ENTRY WALL WITH WAY-FINDING SIGNAGE

(R) SPECIAL PAVING AT GARAGE ENTRY.

(S) ACCESSIBLE TRAIL

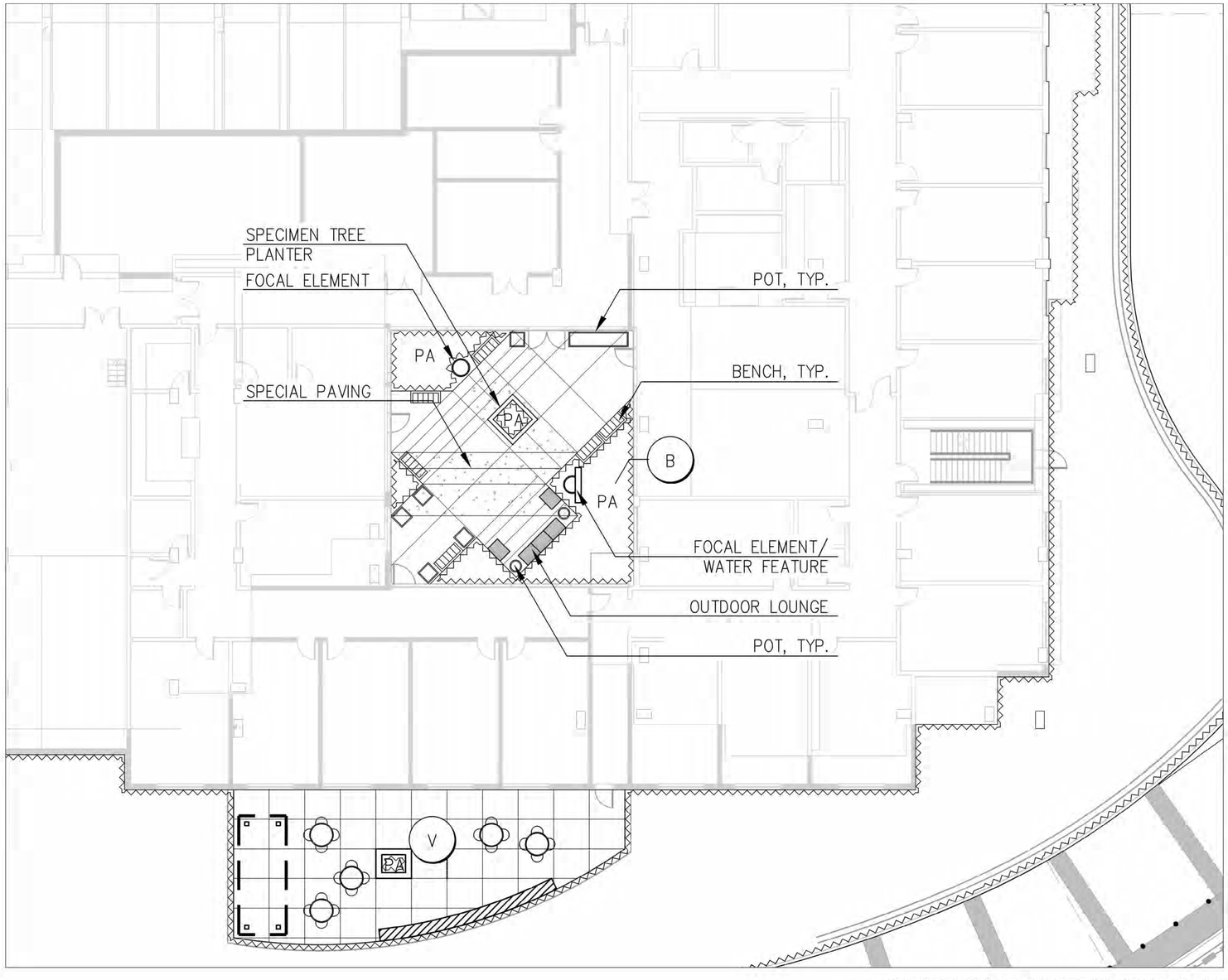
(T) BIORETENTION AREAS TO TREAT STORMWATER RUN-OFF WITH SPECIAL PLANTINGS AND SOIL MIX.

(U) ENTRY DRIVE WITH SPECIAL PAVING, FLANKED BY FOUNDATION PLANTING ADJACENT TO BUILDINGS, AND A SERIES OF STONE VENEERED COLUMNS WITH LIGHTING ALONG THE SLOPE.

(V) STAFF PATIO

(W) STONE VENEERED RETAINING WALL W/ GUARDRAIL

(X) TONED AC TRAIL (5') WTIH MARKERS



MEMORY COURTYARD LAYOUT PLAN

PLANNING SUBMITTAL 2021.07.27

GATES
+ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
T 925.736.8176 www.dgates.com

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE: DESCRIPTION: DATE:

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REGISTERED LANDSCAPE ARCHITECT
CASEY CASE No. 6032
6/30/2020
X/XX/XXXX
LA
STATE OF CALIFORNIA

PROJECT NUMBER: 5639
DRAWN: MF/TZ
CHECK: KC
DATE: 07/27/2021
SCALE: SCALE

0 5 10 20
0" 1/2" 1" 2"

GROUND LEVEL LAYOUT PLAN - MEMORY COURTYARD

LS-5

of -

PLOT DATE: 3/23/2021 1:31 PM
PATH: \\SHARE\ACAD\LOS GATOS\LOS GATOS MEADOWS(P5639)\ACAD\SHEETS_DC-L-ON GRADE-LOS GATOS MEADOWS.DWG

LANDSCAPE SCOPE OF WORK

- (A) ARRIVAL COURT WITH INTEGRAL COLOR VEHICULAR CONCRETE PAVING AND GRANITE PAVER BANDS DELINEATING DROP-OFF ZONE, PEDESTRIAN ZONE, VEHICULAR ZONE, AND AN INTERIM PARKING AREA WITH STALLS SEPARATED BY COLUMNAR TREES. THE CENTRAL SPECIAL PAVING, SEEDED WITH BLUE GLASS, CONNECTS THE FOCAL WATER FEATURE BY THE LOBBY ENTRY ACROSS THE COURT TO THE WATER FEATURE AT THE OVERLOOK. THE ARRIVAL COURT ALSO FEATURES A SERIES OF STONE VENEERED PORTALS AS GATEWAY ELEMENTS TO WELCOME VISITORS.
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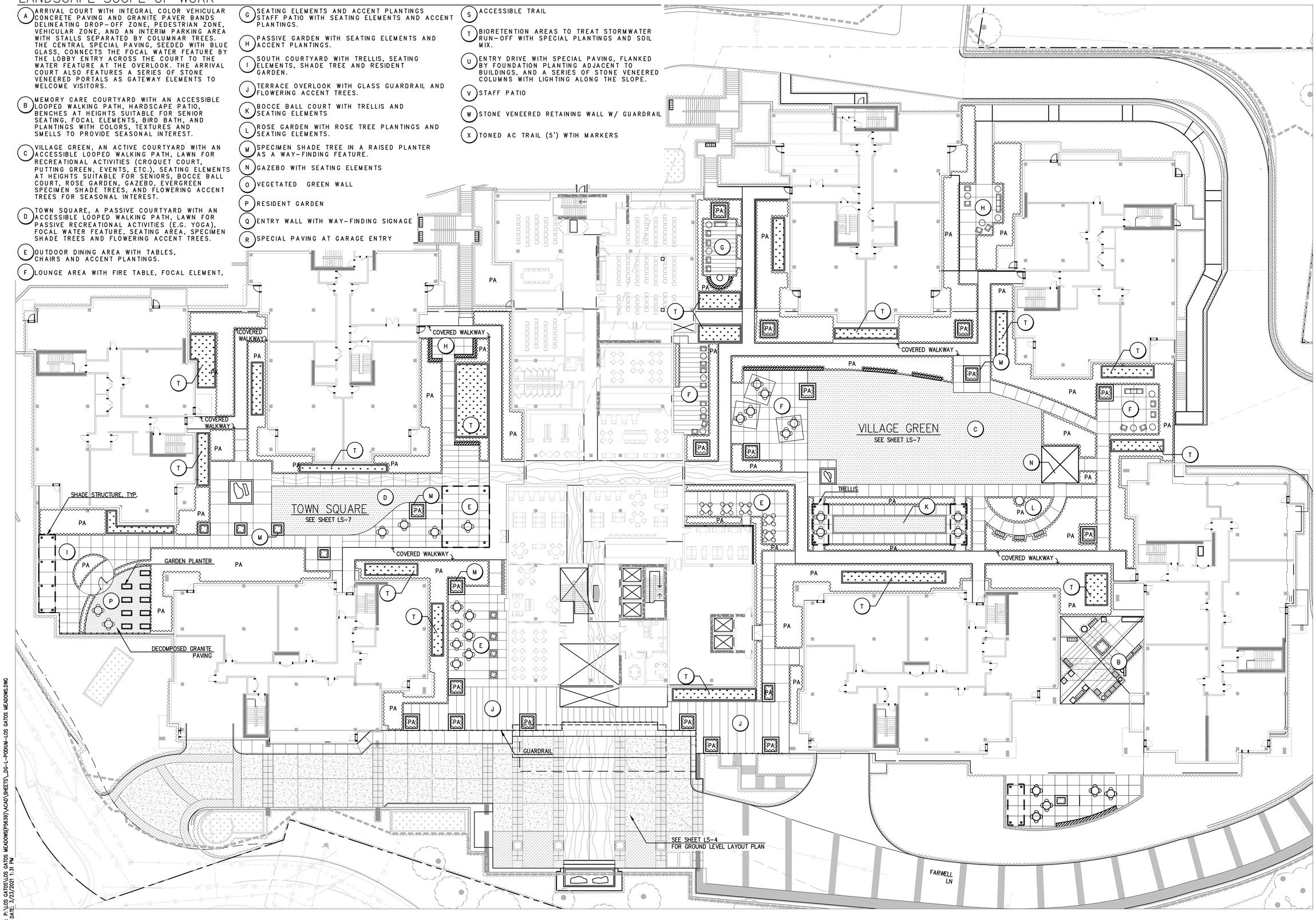

GATES +ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
T 925.736.8176 www.dgates.com

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE:	DESCRIPTION:	DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CASEY CASE · No. 6032
Signature
6/30/2020
Renewal Date
X/XX/XXXX
Date
L.A.
STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	SCALE

0 10 20 40

TERRACE LEVEL LAYOUT PLAN

LS-6

of -

PLANNING SUBMITTAL 2021.07.27

PATH: P:\LOS GATOS\LOS GATOS MEADOWS(P5639)\ACAD\SHEETS_DG-L-PODIUM-LOS GATOS MEADOWS.DWG
PLOT DATE: 3/23/2021 1:31 PM

LANDSCAPE SCOPE OF WORK

- (A) ARRIVAL COURT WITH INTEGRAL COLOR VEHICULAR CONCRETE PAVING AND GRANITE PAVER BANDS DELINEATING DROP-OFF ZONE, PEDESTRIAN ZONE, VEHICULAR ZONE, AND AN INTERIM PARKING AREA WITH STALLS SEPARATED BY COLUMNAR TREES. THE CENTRAL SPECIAL PAVING, SEEDED WITH BLUE GLASS, CONNECTS THE FOCAL WATER FEATURE BY THE LOBBY ENTRY ACROSS THE COURT TO THE WATER FEATURE AT THE OVERLOOK. THE ARRIVAL COURT ALSO FEATURES A SERIES OF STONE VENEERED PORTALS AS GATEWAY ELEMENTS TO WELCOME VISITORS.
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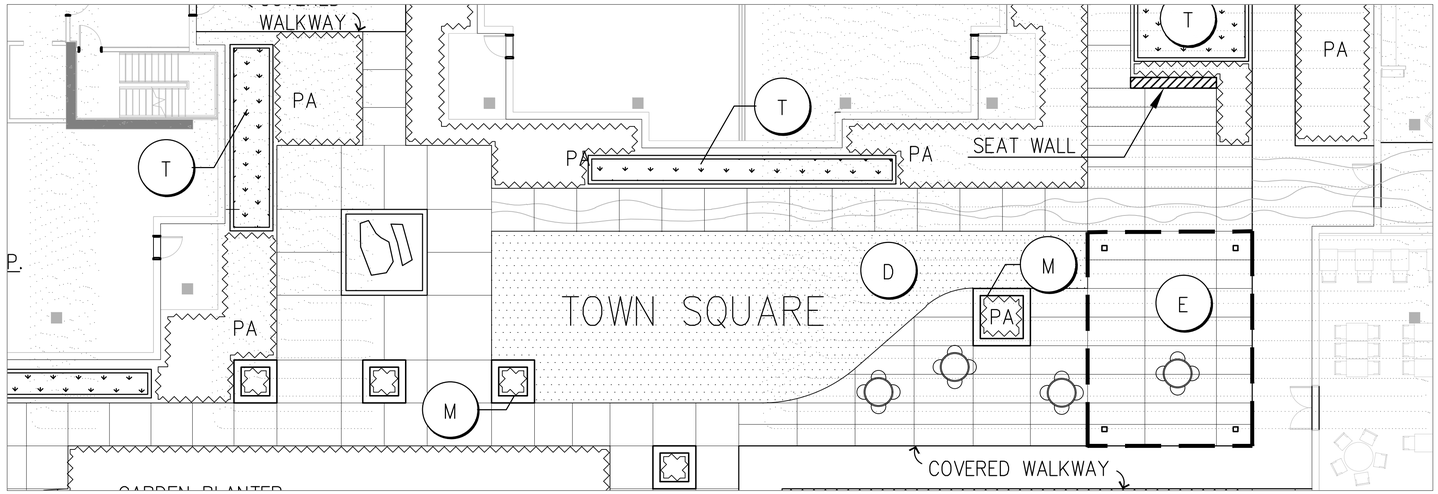
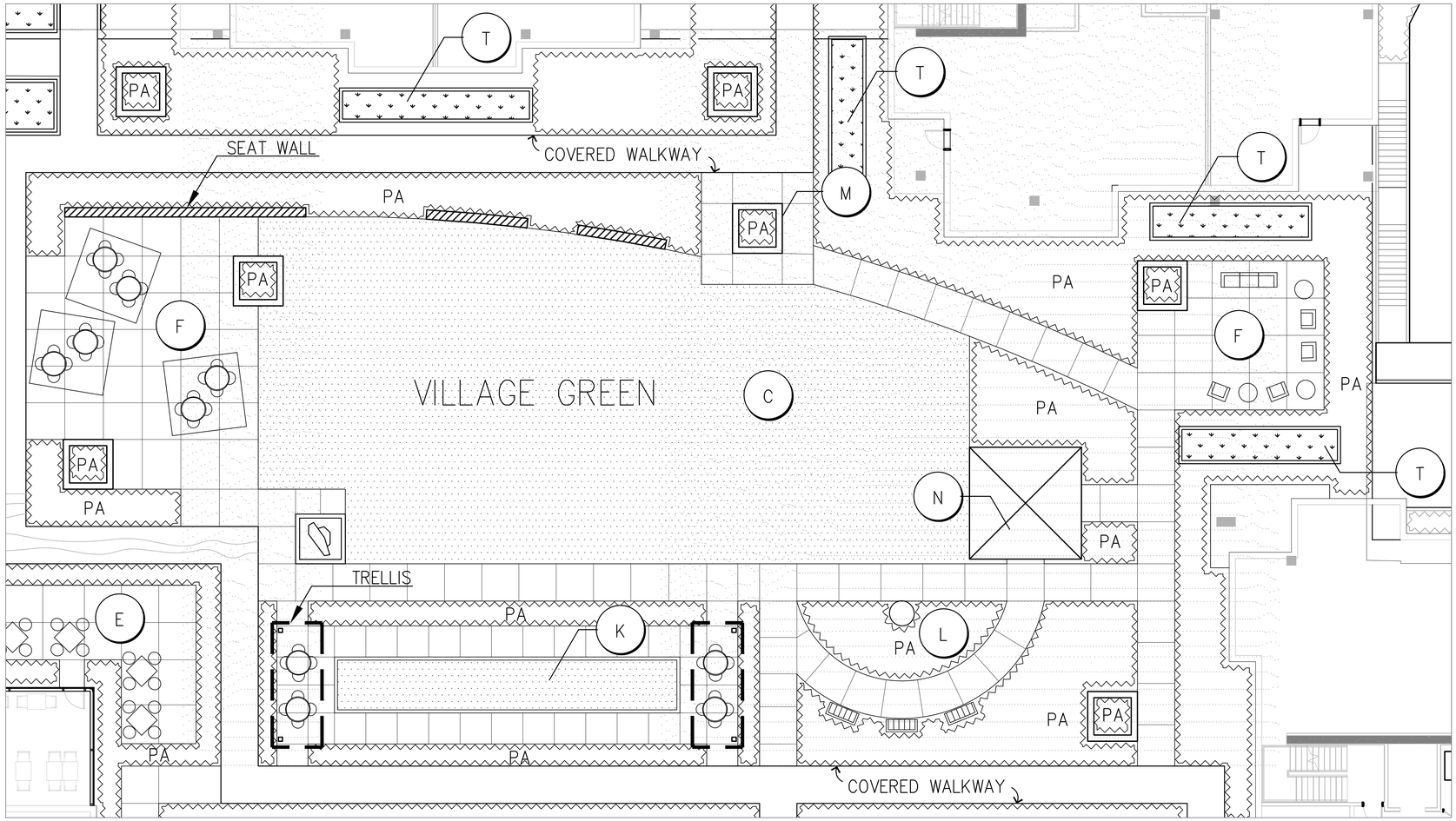
- (P) RESIDENT GARDEN
- (Q) ENTRY WALL WITH WAY-FINDING SIGNAGE
- (R) SPECIAL PAVING AT GARAGE ENTRY.
- (S) ACCESSIBLE TRAIL
- (T) BIORETENTION AREAS TO TREAT STORMWATER RUN-OFF WITH SPECIAL PLANTINGS AND SOIL MIX.
- (U) ENTRY DRIVE WITH SPECIAL PAVING, FLANKED BY FOUNDATION PLANTING ADJACENT TO BUILDINGS, AND A SERIES OF STONE VENEERED COLUMNS WITH LIGHTING ALONG THE SLOPE.
- (V) STAFF PATIO
- (W) STONE VENEERED RETAINING WALL W/ GUARDRAIL
- (X) TONED AC TRAIL (5') WTIH MARKERS



TOWN SQUARE LAYOUT PLAN



VILLAGE GREEN LAYOUT PLAN

PLANNING SUBMITTAL 2021.07.27

GATES +ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
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LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE:	DESCRIPTION:	DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CASEY CASE · No. 6032
Signature
6/30/2020
Scanned Date
X/XX/XXXX
Date
L.A.
STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	SCALE

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TERRACE LEVEL LAYOUT PLAN - VILLAGE GREEN AND TOWN SQUARE

LS-7

of -

GROUND PLANT LIST – TREES (SUBTOTAL OF PROPOSED TREES: 242)

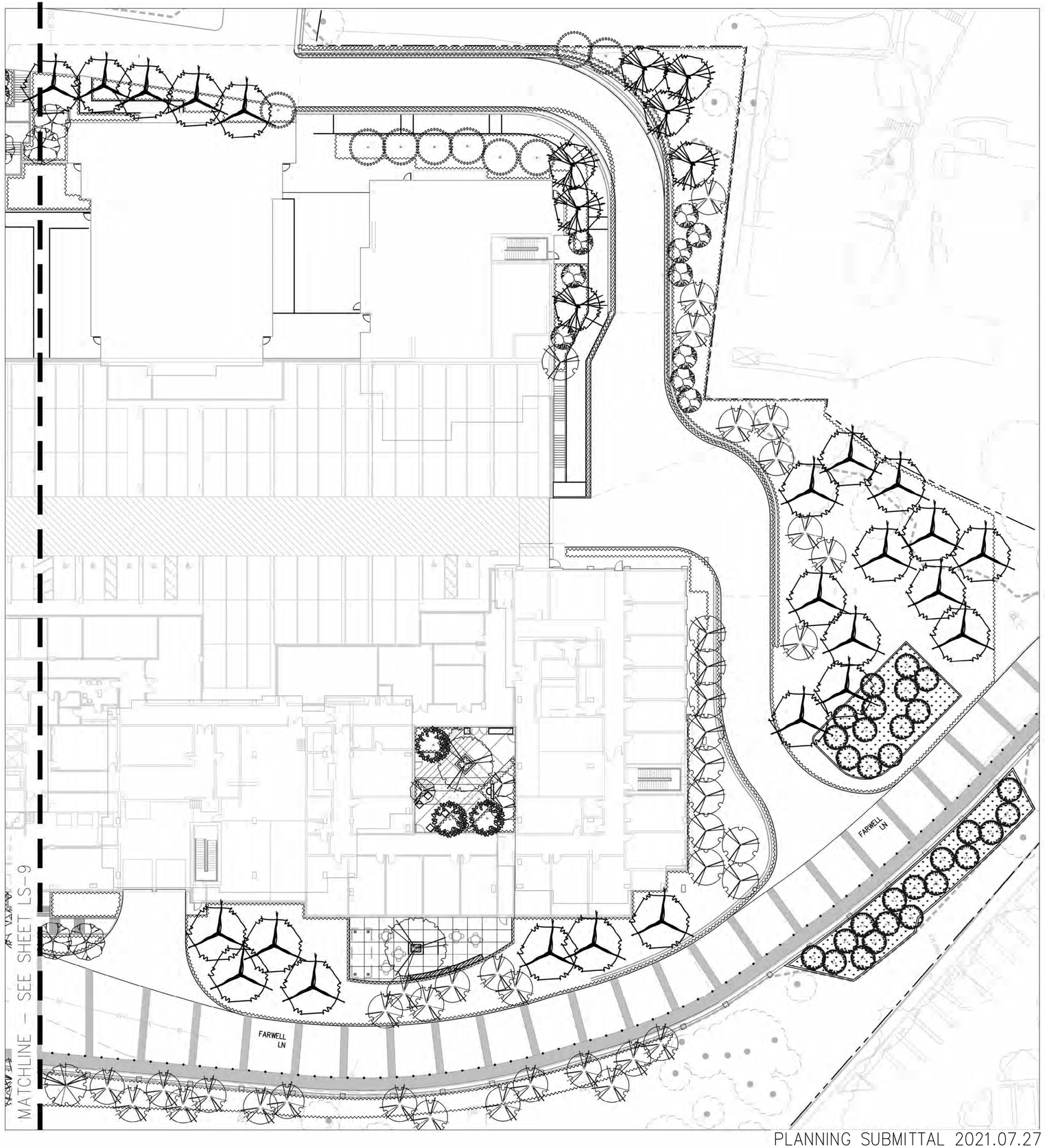
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WUCOLS ZONE	NATIVE (N) /LOCAL (L)	DROUGHT TOLERANT	NOTES
	ARA	ACER RUBRUM `ARMSTRONG`	ARMSTRONG RED MAPLE	24"BOX	16	M		N	FULL TO PT SHADE, 55'H x 20'W, DECIDUOUS
	ARM	ARBUTUS X `MARINA`	ARBUTUS STANDARD	24"BOX	33	L	N	Y	FULL SUN, 30'H x 20'W, EVERGREEN
	CER	CERCIS OCCIDENTALIS	WESTERN REDBUD	24"BOX	14	VL	N	Y	SUN/PT SHADE, SCREEN, 15'H X 10'W, DECIDUOUS
	LAM	LAGERSTROEMIA INDICA `MUSKOGEE`	MUSKOGEE CRAPE MYRTLE	24"BOX	12	L	L	Y	FULL SUN, 20'H x 15'W, DECIDUOUS
	LAT	LAGERSTROEMIA INDICA `TONTO`	TONTO CRAPE MYRTLE	24"BOX	3	L	L	Y	FULL SUN, 10'H x 6'W, DECIDUOUS
	LNS	LAURUS NOBILIS `SARATOGA`	SWEET BAY	24"BOX	3	L	L	Y	FULL SUN TO PT SHADE, 30'H x 20'W, EVERGREEN
	OES	OLEA EUROPAEA `SWAN HILL`	SWAN HILL OLIVE MULTI-TRUNK	36"BOX	2	VL	L	Y	FULL SUN TO PT SHADE, 25'H x 25'W, EVERGREEN
	QUI	QUERCUS ILEX	HOLLY OAK	36"/48" BOX	15	L	L	Y	FULL SUN TO PT SHADE, 50'H x 50'W, EVERGREEN
	QUV	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	36"/48" BOX	38	M	L	Y	FULL SUN TO PT SHADE, 50'H x 50'W, EVERGREEN
	RHU	RHUS LANCEA	AFRICAN SUMAC	24"BOX	32	L	L	Y	FULL SUN TO PT SHADE, 15'H x 20'W, EVERGREEN
	SAL	SALIX LASIOLEPIS	ARROYO WILLOW	24"BOX	49	H	N	N	FULL SUN, 35'H x 15'W, DECIDUOUS
	TRI	TRISTANIA CONFERTA	BRISBANE BOX	24"BOX	25	M		Y	FULL SUN, 40'H x 25'W, EVERGREEN

GROUND PLANT LIST – SHRUBS, ORNAMENTAL GRASSES AND GROUNDCOVER

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WUCOLS ZONE	NATIVE (N) /LOCAL (L)	DROUGHT TOLERANT	NOTES
	AM	ARCTOSTAPHYLOS MANZANITA `DR. HURD`	DR. HURD MANZANITA	15 GAL	X	L	N	Y	FULL SUN, 15'H X 12'W, EVERGREEN
	CR	CEANOTHUS X `RAY HARTMAN` MULTI-TRUNK	CALIFORNIA LILAC	15 GAL	X	L	N	Y	FULL SUN, 15'H X 10'W, EVERGREEN
	CO	CERCIS OCCIDENTALIS	WESTERN REDBUD MULTI-TRUNK	5 GAL	X	VL	N	Y	SUN/PT SHADE, SCREEN, 15'H X 10'W, DECIDUOUS
	CP	CISTUS X PURPUREUS	ORCHID ROCKROSE	15 GAL	X	L	L	Y	FULL SUN, 4'H X 4'W, EVERGREEN
	HA	HETEROMELES ARBUTIFOLIA	TOYON	5 GAL	X	L	N	Y	SUN OR SHADE, 10'H X 8'W, EVERGREEN
	MR	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL	X	L	N	Y	SUN OR SHADE, 4'H X 6'W, EVERGREEN
	RE	RHAMNUS CALIFORNICA `EVE CASE`	CALIFORNIA COFFEEBERRY	5 GAL	X	L	N	Y	SUN OR SHADE, 8'H X 8'W, EVERGREEN
	RL	RHAMNUS CALIFORNICA `LEATHERLEAF`	CALIFORNIA COFFEEBERRY	5 GAL	X	L	N	Y	SUN OR SHADE, 8'H X 8'W, EVERGREEN
	RV	RIBES VIBURNIFOLIUM	EVERGREEN CURRANT	5 GAL	X	L	N	Y	SUN OR SHADE, 4'H X 6'W, EVERGREEN
	RC	ROSA CALIFORNICA	CALIFORNIA WILD ROSE	5 GAL	X	L	N	Y	FULL SUN TO PT SHADE, 10'H X 10'W, DECIDUOUS
	EC	EPILOBIUM CANUM `CATALINA`	CATALINA FUCHSIA	1 GAL	X	L	N	Y	FULL SUN, 3'H X 4'W, DECIDUOUS

GROUND PLANT LIST – STORMWATER TREATMENT AREA

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY	WUCOLS ZONE	NATIVE (N) /LOCAL (L)	DROUGHT TOLERANT	NOTES
	BG	BOUTELOUA GRACILIS	BLUE GRAMA GRASS	1GAL	X	L	N	Y	FULL SUN TO PT SHADE, 1'H X 1'W, DECIDUOUS
	CT	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL	X	L	N	Y	SUN OR SHADE, 1'H X 2'W, EVERGREEN
	CE	CHONDROPETALUM TECTORUM `EL CAMPO`	CAPE RUSH	5 GAL	X	L	L	Y	SUN OR SHADE, 3'H X 4'W, EVERGREEN
	JE	JUNCUS PATENS `ELK BLUE`	SPREADING RUSH	5 GAL	X	L	N	Y	SUN OR SHADE, 2'H X 2'W, EVERGREEN
	LC	LEYMUS CONDENSATUS `CANYON PRINCE`	NATIVE BLUE RYE	1 GAL	X	L	N	Y	FULL SUN, 3'H X 3'W, EVERGREEN
	MA	MIMULUS AURANTIACUS	STICKY MONKEY FLOWER	5 GAL	X	VL	N	Y	FULL SUN TO PT SHADE, 4'H X 3'W, EVERGREEN



PLANNING SUBMITTAL 2021.07.27

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LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE: DESCRIPTION: DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT · CASEY CASE · No. 6032 · Signature · 6/30/2020 · Renewal Date · X/XX/XXXX · L.A. · STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	SCALE

0 10 20 40
0" 2" 1" 2"

GROUND LEVEL PLANTING PLAN

LS-8

of -

PATH: P:\LOS GATOS\LOS GATOS MEADOWS(P5639)\ACAD\SHEETS_DG-P-ON GRADE-LOS GATOS MEADOWS.DWG
PLOT DATE: 7/27/2021 1:31 PM

GROUND PLANT LIST – TREES (SUBTOTAL OF PROPOSED TREES: 242)

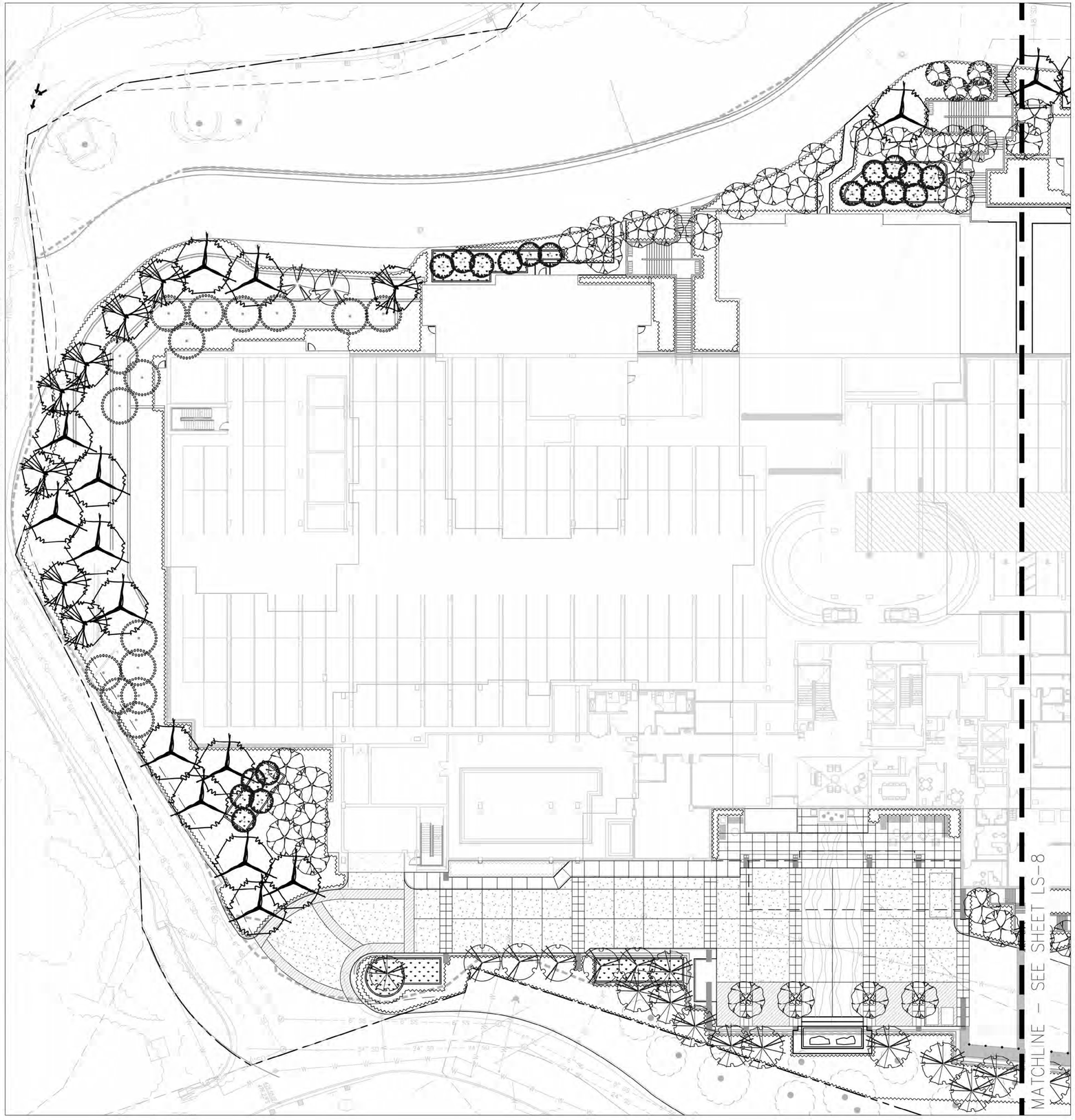
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WUCOLS ZONE	NATIVE (N) /LOCAL (L)	DROUGHT TOLERANT	NOTES
	ARA	ACER RUBRUM `ARMSTRONG`	ARMSTRONG RED MAPLE	24"BOX	16	M		N	FULL TO PT SHADE, 55'H x 20'W, DECIDUOUS
	ARM	ARBUTUS X `MARINA`	ARBUTUS STANDARD	24"BOX	33	L	N	Y	FULL SUN, 30'H x 20'W, EVERGREEN
	CER	CERCIS OCCIDENTALIS	WESTERN REDBUD	24"BOX	14	VL	N	Y	SUN/PT SHADE, SCREEN, 15'H X 10'W, DECIDUOUS
	LAM	LAGERSTROEMIA INDICA `MUSKOGEE`	MUSKOGEE CRAPE MYRTLE	24"BOX	12	L	L	Y	FULL SUN, 20'H x 15'W, DECIDUOUS
	LAT	LAGERSTROEMIA INDICA `TONTO`	TONTO CRAPE MYRTLE	24"BOX	3	L	L	Y	FULL SUN, 10'H x 6'W, DECIDUOUS
	LNS	LAURUS NOBILIS `SARATOGA`	SWEET BAY	24"BOX	3	L	L	Y	FULL SUN TO PT SHADE, 30'H x 20'W, EVERGREEN
	OES	OLEA EUROPAEA `SWAN HILL`	SWAN HILL OLIVE MULTI-TRUNK	36"BOX	2	VL	L	Y	FULL SUN TO PT SHADE, 25'H x 25'W, EVERGREEN
	QUI	QUERCUS ILEX	HOLLY OAK	36"/48" BOX	15	L	L	Y	FULL SUN TO PT SHADE, 50'H x 50'W, EVERGREEN
	QUV	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	36"/48" BOX	38	M	L	Y	FULL SUN TO PT SHADE, 50'H x 50'W, EVERGREEN
	RHU	RHUS LANCEA	AFRICAN SUMAC	24"BOX	32	L	L	Y	FULL SUN TO PT SHADE, 15'H x 20'W, EVERGREEN
	SAL	SALIX LASIOLEPIS	ARROYO WILLOW	24"BOX	49	H	N	N	FULL SUN, 35'H x 15'W, DECIDUOUS
	TRI	TRISTANIA CONFERTA	BRISBANE BOX	24"BOX	25	M		Y	FULL SUN, 40'H x 25'W, EVERGREEN

GROUND PLANT LIST – SHRUBS, ORNAMENTAL GRASSES AND GROUNDCOVER

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WUCOLS ZONE	NATIVE (N) /LOCAL (L)	DROUGHT TOLERANT	NOTES
	AM	ARCTOSTAPHYLOS MANZANITA `DR. HURD`	DR. HURD MANZANITA	15 GAL	X	L	N	Y	FULL SUN, 15'H X 12'W, EVERGREEN
	CR	CEANOTHUS X `RAY HARTMAN` MULTI-TRUNK	CALIFORNIA LILAC	15 GAL	X	L	N	Y	FULL SUN, 15'H X 10'W, EVERGREEN
	CO	CERCIS OCCIDENTALIS	WESTERN REDBUD MULTI-TRUNK	5 GAL	X	VL	N	Y	SUN/PT SHADE, SCREEN, 15'H X 10'W, DECIDUOUS
	CP	CISTUS X PURPUREUS	ORCHID ROCKROSE	15 GAL	X	L	L	Y	FULL SUN, 4'H X 4'W, EVERGREEN
	HA	HETEROMELES ARBUTIFOLIA	TOYON	5 GAL	X	L	N	Y	SUN OR SHADE, 10'H X 8'W, EVERGREEN
	MR	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL	X	L	N	Y	SUN OR SHADE, 4'H X 6'W, EVERGREEN
	RE	RHAMNUS CALIFORNICA `EVE CASE`	CALIFORNIA COFFEEBERRY	5 GAL	X	L	N	Y	SUN OR SHADE, 8'H X 8'W, EVERGREEN
	RL	RHAMNUS CALIFORNICA `LEATHERLEAF`	CALIFORNIA COFFEEBERRY	5 GAL	X	L	N	Y	SUN OR SHADE, 8'H X 8'W, EVERGREEN
	RV	RIBES VIBURNIFOLIUM	EVERGREEN CURRANT	5 GAL	X	L	N	Y	SUN OR SHADE, 4'H X 6'W, EVERGREEN
	RC	ROSA CALIFORNICA	CALIFORNIA WILD ROSE	5 GAL	X	L	N	Y	FULL SUN TO PT SHADE, 10'H X 10'W, DECIDUOUS
	EC	EPILOBIUM CANUM `CATALINA`	CATALINA FUCHSIA	1 GAL	X	L	N	Y	FULL SUN, 3'H X 4'W, DECIDUOUS

GROUND PLANT LIST – STORMWATER TREATMENT AREA

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WUCOLS ZONE	NATIVE (N) /LOCAL (L)	DROUGHT TOLERANT	NOTES
	BG	BOUTELOUA GRACILIS	BLUE GRAMA GRASS	1GAL	X	L	N	Y	FULL SUN TO PT SHADE, 1'H X 1'W, DECIDUOUS
	CT	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL	X	L	N	Y	SUN OR SHADE, 1'H X 2'W, EVERGREEN
	CE	CHONDROPETALUM TECTORUM `EL CAMPO`	CAPE RUSH	5 GAL	X	L	L	Y	SUN OR SHADE, 3'H X 4'W, EVERGREEN
	JE	JUNCUS PATENS `ELK BLUE`	SPREADING RUSH	5 GAL	X	L	N	Y	SUN OR SHADE, 2'H X 2'W, EVERGREEN
	LC	LEYMUS CONDENSATUS `CANYON PRINCE`	NATIVE BLUE RYE	1 GAL	X	L	N	Y	FULL SUN, 3'H X 3'W, EVERGREEN
	MA	MIMULUS AURANTIACUS	STICKY MONKEY FLOWER	5 GAL	X	VL	N	Y	FULL SUN TO PT SHADE, 4'H X 3'W, EVERGREEN



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LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
T 925.736.8176 www.dgates.com

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE: DESCRIPTION: DATE:

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REGISTERED LANDSCAPE ARCHITECT · CASEY CASE · No. 6082 · STATE OF CALIFORNIA
Expires 6/30/2020
X/XX/XXXX
L.A.

PROJECT NUMBER: 5639
DRAWN: MF/TZ
CHECK: KC
DATE: 07/27/2021
SCALE: SCALE

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0" 2" 1' 2'

GROUND LEVEL PLANTING PLAN

LS-9

of -

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PLOT DATE: 7/27/2021 1:31 PM

NOTE: SEE SHEET LS-11 FOR TERRACE PLANT LIST

FARWELL LN

PLANNING SUBMITTAL 2021.07.27

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LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE:	DESCRIPTION:	DATE:

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REGISTERED LANDSCAPE ARCHITECT
CASEY CASE · No. 6062
Signature
6/30/2020
Renewal Date
X/XX/XXXX
for
L.A.
STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	SCALE

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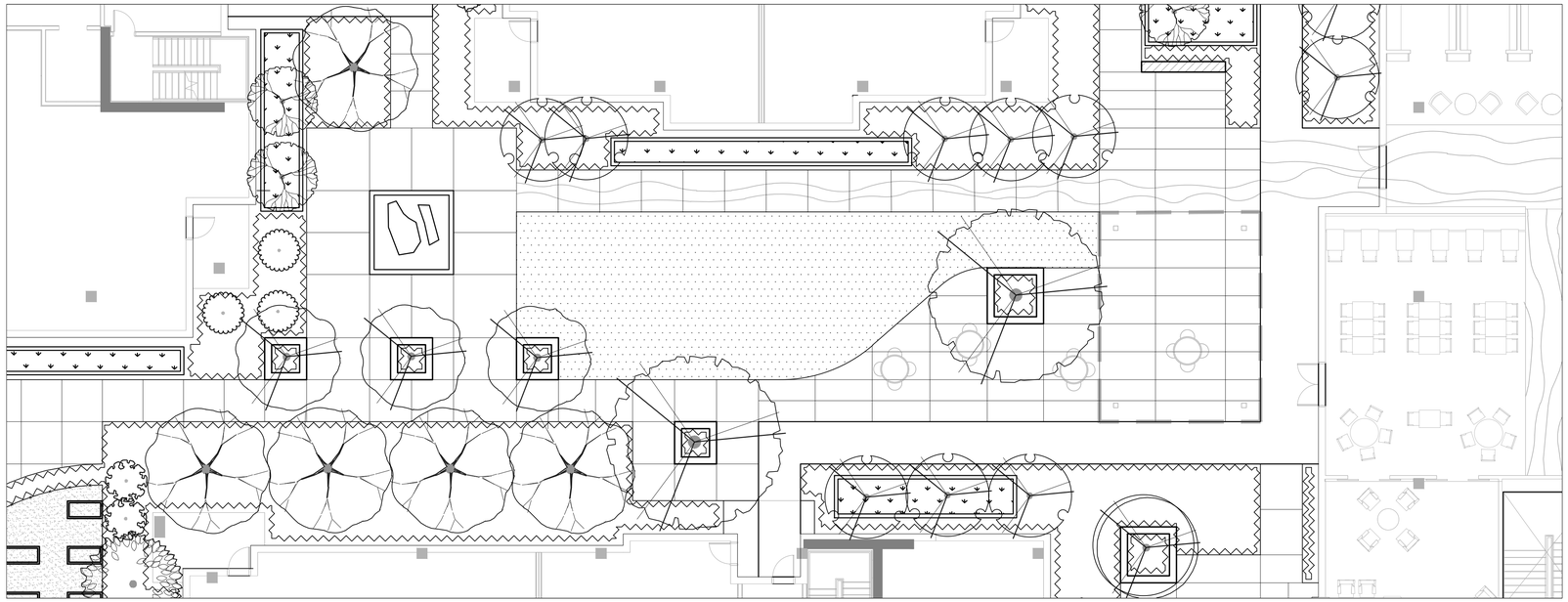
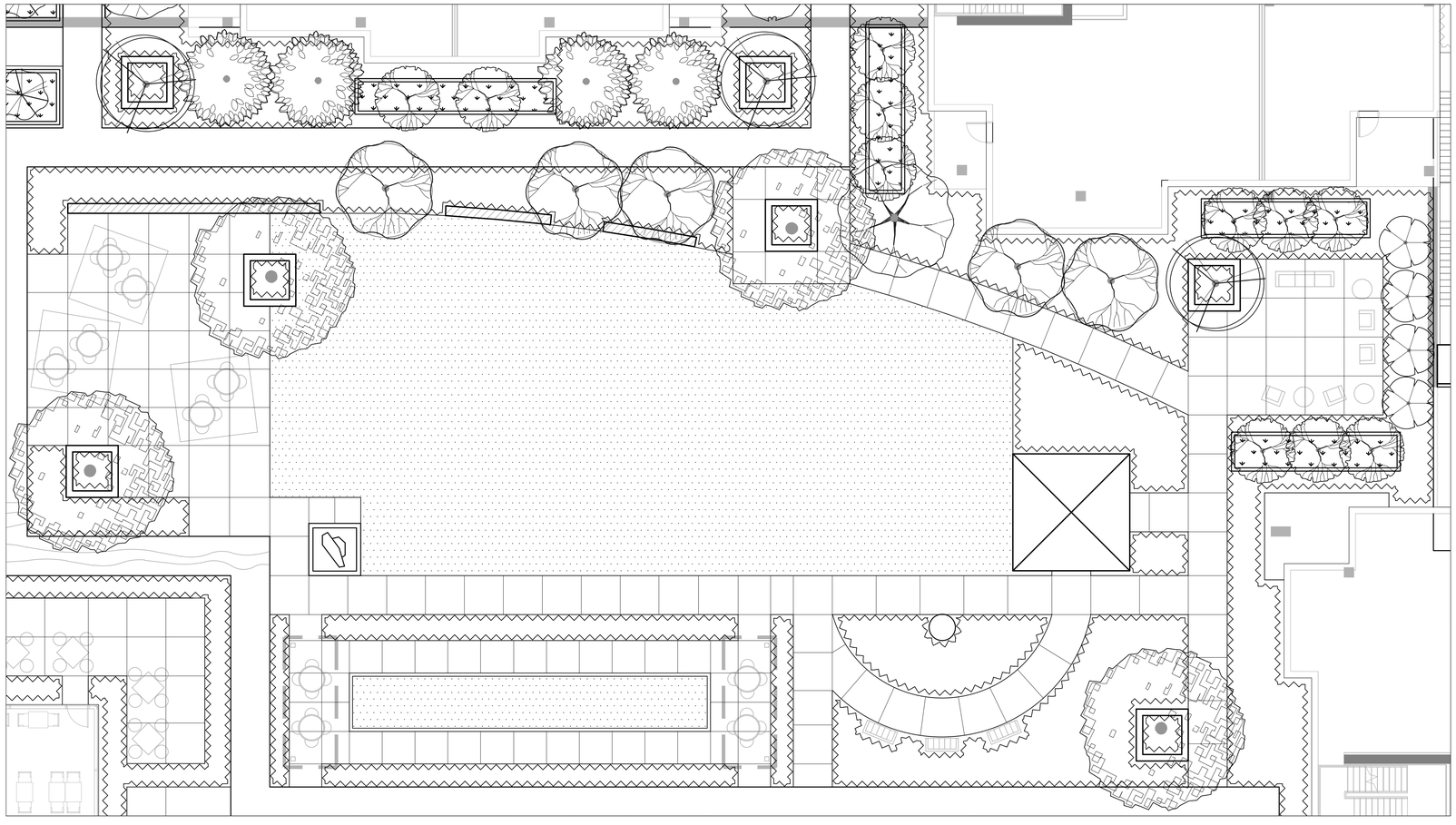
TERRACE LEVEL PLANTING PLAN

LS-10

of -



TOWN SQUARE PLANTING PLAN & BIO PLANTER



VILLAGE GREEN PLANTING PLAN

TERRACE PLANT LIST – TREES (SUBTOTAL OF PROPOSED TREES: 131)

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WUCOLS ZONE	NATIVE (N) /LOCAL (L)	DROUGHT TOLERANT	NOTES
	APM	ACER PALMATUM `MORTON`	MORTON JAPANESE MAPLE	24"BOX	9	M		N	FULL TO PT SUN, 10'H X 8'W, DECIDUOUS
	ARA	ACER RUBRUM `ARMSTRONG`	ARMSTRONG RED MAPLE	24"BOX	18	M		N	FULL TO PT SHADE, 55'H X 20'W, DECIDUOUS
	ARM	ARBUTUS X `MARINA`	ARBUTUS STANDARD	24"BOX	16	L	N	Y	FULL SUN, 30'H X 20'W, EVERGREEN
	CER	CERCIS OCCIDENTALIS	WESTERN REDBUD	24"BOX	29	VL	N	Y	SUN/PT SHADE, SCREEN, 15'H X 10'W, DECIDUOUS
	CIT	CITRUS SPP.	ORANGE TREE	24"BOX	4	M		Y	FULL SUN, 30'H X 20'W, EVERGREEN
	LAM	LAGERSTROEMIA INDICA `MUSKOGEE`	MUSKOGEE CRAPE MYRTLE	24"BOX	6	L	L	Y	FULL SUN, 20'H X 15'W, DECIDUOUS
	LAT	LAGERSTROEMIA INDICA `TONTO`	TONTO CRAPE MYRTLE	24"BOX	3	L	L	Y	FULL SUN, 10'H X 6'W, DECIDUOUS
	LIP	LAGERSTROEMIA INDICA `PURPLE TOWER`	PURPLE TOWER CRAPE MYRTLE	24"BOX	4	L	L	Y	FULL SUN, 25'H X 10'W, DECIDUOUS
	LNS	LAURUS NOBILIS `SARATOGA`	SWEET BAY	24"BOX	9	L	L	Y	FULL SUN TO PT SHADE, 30'H X 20'W, EVERGREEN
	OES	OLEA EUROPAEA `SWAN HILL`	SWAN HILL OLIVE	36"BOX	3	VL	L	Y	FULL SUN TO PT SHADE, 25'H X 25'W, EVERGREEN
	PRY	PRUNUS X YEDOENSIS	YOSHINO CHERRY	24"BOX	7	M	L	Y	FULL SUN, 40'H X 35'W, DECIDUOUS
	PSA	PRUNUS SERRULATA `AMANOGAWA`	JAPANESE FLOWERING CHERRY	15 GAL.	5	M	L	Y	PT SHADE TO FULL SUN, 25'H X 12'W, DECIDUOUS
	RPI	ROSA FLORIBUNDA `BRILLIANT PINK ICEBERG`	ROSE	15 GAL.	5	M	L	N	PT TO FULL SUN, 5'H X 5'W, DECIDUOUS
	UPF	ULMUS CARPINIFOLIA X PARVIFOLIA `FRONTIER`	FRONTIER ELM	36"BOX	4	L	L	Y	FULL SUN, 35'H X 25'W, DECIDUOUS
	ZEM	ZELKOVA SERRATA `MUSASHINO`	SAWLEAF ZELKOVA	24"BOX	9	M		Y	FULL SUN, 40'H X 20'W, DECIDUOUS

TERRACE PLANT LIST – SHRUBS, ORNAMENTAL GRASSES AND GROUNDCOVER

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WUCOLS ZONE	NATIVE (N) /LOCAL (L)	DROUGHT TOLERANT	NOTES
	AU	ARBUTUS UNEDO	STRAWBERRY TREE SHRUB	15 GAL	5	L	N	Y	FULL SUN PT SHADE, 10'H X 10'W, EVERGREEN
	PM	PODOCARPUS MACROPHYLLUS `MAKI`	MAKI SHRUBBY YEW PODOCARPUS	15 GAL	13	M		Y	FULL SUN PT SHADE, 10'H X 5'W, EVERGREEN
	PC	PRUNUS CAROLINIANA `BRIGHT AND TIGHT`	BRIGHT N TIGHT CAROLINA LAUREL	15 GAL	6	L	N	Y	SUN OR SAHDE, 10'H X 6'W, EVERGREEN
	AI	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL	X	L	N	Y	FULL SUN, 3'H X 3'W, DECIDUOUS
	AK	AGAVE ATTENUATA `KARA'S STRIPES`	AGAVE	5 GAL	X	L	N	N	SUN OR SHADE, 4'H X 4'W, EVERGREEN
	AP	ABUTILON PALMERI	INDIAN MALLOW	5 GAL	X	L	N	Y	FULL SUN, 4'H X 4'W, EVERGREEN
	CS	CAMELLIA SASANQUA	CHRISTMAS CAMELLIA	5 GAL	X	M		Y	FULL SUN TO PT SHADE, 8'H X 8'W, EVERGREEN
	CU	COLEONEMA PULCHRUM `SUNSET GOLD`	GOLDEN BREATH OF HEAVEN	5 GAL	X	M	L	Y	FULL SUN, 4'H X 6'W, EVERGREEN
	DB	DIETES BICOLOR	FORTNIGHT LILY	1GAL	X	L	L	Y	FULL SUN PT SHADE, 3'H X 2'W, EVERGREEN
	DV	DIETES GRANDIFLORA `VARIEGATA`	STRIPED FORTNIGHT LILY	5 GAL	X	L	L	Y	SUN OR PT SHADE, 4'H X 3'W, EVERGREEN
	EB	EPILOBIUM CALIFORNICUM `BOWMAN'S #1`	CALIFORNIA FUCHSIA	1 GAL	X	L	N	Y	FULL SUN, 2'H X 2'W, DECIDUOUS
	EC	EPILOBIUM CANUM `CATALINA`	CATALINA FUCHSIA	5 GAL	X	L	N	Y	FULL SUN, 3'H X 4'W, DECIDUOUS
	FM	FESTUCA MAIREI	ATLAS FESCUE	1 GAL	X	L		Y	SUN OR PT SHADE, 3'H X 3'W, EVERGREEN
	HB	HESPERALOE PARVIFLORA `BRAKELIGHTS`	BRAKELIGHTS RED YUCCA	5 GAL	X	L	L	Y	FULL SUN, 3'H X 3'W, EVERGREEN
	HE	HEUCHERA X `ELECTRIC LIME`	CORAL BELLS	1 GAL	X	M	L	Y	FULL SUN, 3'H X 3'W, EVERGREEN
	HP	HESPERALOE PARVIFLORA	RED YUCCA	5 GAL	X	L	L	Y	FULL SUN, 3'H X 4'W, EVERGREEN
	LL	LOMANDRA LONGIFOLIA `BREEZE`	BREEZE MAT RUSH	1 GAL	X	L	L	Y	SUN OR SHADE, 3'H X 4'W, EVERGREEN
	LS	LIGUSTRUM SINENSE `SUNSHINE`	SUNSHINE LIGUSTRUM	5 GAL	X	L	L	Y	FULL SUN, 6'H X 4'W, EVERGREEN
	LT	LAVATERA MARITIMA	TREE MALLLOW	5 GAL	X	L	L	Y	SUN OR SHADE, 8'H X 12'W, EVERGREEN
	LV	LIRIOPE MUSCARI `VARIEGATA`	VARIEGATED LILY TURF	1 GAL	X	M		Y	FULL SUN TO PT SHADE, 1'H X 2'W, EVERGREEN
	MD	MUHLENBERGIA DUBIA	PINE MUHLY	1 GAL	X	L	L	Y	FULL SUN, 3'H X 3'W, EVERGREEN
	NC	NEPETA FAASSENII	CATMINT	1GAL	X	L	L	Y	FULL SUN TO PT SHADE, 2'H X 3'W, EVERGREEN
	NL	NANDINA DOMESTICA `LEMON LIME`	LEMON LIME NANDINA	1GAL	X	M	L	Y	FULL SUN TO PT SHADE, 3'H X 3'W, EVERGREEN
	RF	ROSA X `FLOWER CARPET APPLEBLOSSOM`	ROSE	2 GAL	X	M	L	Y	FULL SUN, 3'H X 4'W, DECIDUOUS
	RM	RHAMNUS CALIFORNICA 'MOUND SAN BRUNO'	SUN BRUNO COFFEEBERRY	5 GAL	X	L	N	Y	SUN OR SHADE, 4'H X 12'W, EVERGREEN
	RT	ROSMARINUS OFFICINALIS `TUSCAN BLUE`	TUSCAN BLUE ROSEMARY	5 GAL	X	L	L	Y	FULL SUN, 6'H X 5'W, EVERGREEN
	SB	SALVIA LEUCANTHA `SANTA BARBARA`	MEXICAN BUSH SAGE	5 GAL	X	L	L	Y	FULL SUN, 3'H X 4'W, EVERGREEN
	SH	SALVIA MICROPHYLLA `HOT LIPS`	HOT LIPS SAGE	5 GAL	X	L	L	Y	FULL SUN TO PT SHADE, 3'H X 3'W, EVERGREEN
	SS	SENECIO SPP.	AMANI SENECIO	1 GAL	X	L	L	Y	FULL SUN TO PT SHADE, 1'H X 1'W, EVERGREEN
	TC	TEUCRIUM CHAMAEDRYS	GERMANDER	1 GAL	X	L	L	Y	FULL SUN TO PT SHADE, 1'H X 1'W, EVERGREEN

TERRACE PLANT LIST – STORMWATER TREATMENT AREA

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	WUCOLS ZONE	NATIVE (N) /LOCAL (L)	DROUGHT TOLERANT	NOTES
	BG	BOUTELOUA GRACILIS	BLUE GRAMA GRASS	1GAL	X	L	N	Y	FULL SUN TO PT SHADE, 1'H X 1'W, DECIDUOUS
	CT	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL	X	L	N	Y	SUN OR SHADE, 1'H X 2'W, EVERGREEN
	CE	CHONDROPETALUM TECTORUM `EL CAMPO`	CAPE RUSH	5 GAL	X	L	L	Y	SUN OR SHADE, 3'H X 4'W, EVERGREEN
	JE	JUNCUS PATENS `ELK BLUE`	SPREADING RUSH	5 GAL	X	L	N	Y	SUN OR SHADE, 2'H X 2'W, EVERGREEN
	LC	LEYMUS CONDENSATUS `CANYON PRINCE`	NATIVE BLUE RYE	1 GAL	X	L	N	Y	FULL SUN, 3'H X 3'W, EVERGREEN
	MA	MIMULUS AURANTIACUS	STICKY MONKEY FLOWER	5 GAL	X	VL	N	Y	FULL SUN TO PT SHADE, 4'H X 3'W, EVERGREEN

PLANNING SUBMITTAL 2021.07.27

GATES +ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
T 925.736.8176 www.dgates.com

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE:	DESCRIPTION:	DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CHRIST CASE • No. 6042
Expires 6/30/2020
X/XX/XXXX
State CA
STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	SCALE

0 5 10 20
0" ½" 1" 2"

TERRACE LEVEL PLANTING PLAN - VILLAGE GREEN AND TOWN SQUARE

LS-11

of -



LIGHT FIXTURE SCHEDULE:

■ : POST TOP LIGHT		● : BOLLARD LIGHT		▼ : WALL MOUNTED LIGHT		▼ : UPLIGHT	
MFR: BEGA MODLE: 77120, 23.4W LED POLE HEIGHT: 10' LIGHT SOURCE: LED COLOR FINISH: T.B.D.		MFR: BEGA MODLE: 77120, 23.4W LED POLE HEIGHT: 10' LIGHT SOURCE: LED COLOR FINISH: T.B.D.		MFR: BEGA MODLE: 22263, 11.8W LED SIZE: 9-7/8"X9-7/8"X5-3/8" LIGHT SOURCE: LED COLOR FINISH: T.B.D.		MFR: B-L LIGHTING MODLE: NITE STAR II SIZE: 1-5/8"X4-7/16"X2-1/4" LIGHT SOURCE: LED COLOR FINISH: T.B.D.	
				▬ : STAIR LIGHT		▼ : FOUNTAIN LIGHT	
				MFR: BEGA MODLE: 22 130, 3.4 W LED SIZE: 7-1/2"X 3-1/8"X 4" FINISH: #4 BRUSHED STAINLESS STEEL		MFR: FOUNTAIN PEOPLE MODLE: FX SERIES FOUNTAIN FLUSH MOUNT , 25.5W LED, 3000K WARM WHITE SIZE: 4.75"DIA. FINISH: STAINLESS STEEL	

NOTE: EXTERIOR FIXTURES WILL COMPLY WITH TOWN REQUIREMENTS TO BE DOWNWARD DIRECTED AND SHIELDED (FULL CUT-OFF)

PLANNING SUBMITTAL 2021.07.27

GATES
+ASSOCIATES
LANDSCAPE ARCHITECTURE
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LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE: DESCRIPTION: DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CASEY CASE · No. 6032
Signature
6/30/2020
Received Date
X/XX/XXXX
Date
L.A.
STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	SCALE

0 15 30 60

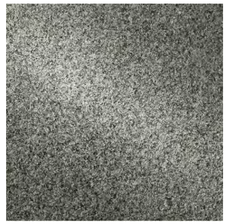
SITE LIGHTING CONCEPT PLAN

LS-12

of -

PATH: \\SVFILE2\ACAD\LOS GATOS\LOS GATOS MEADOWS(P5639)\ACAD\SHEETS_DG-LIGHTING AND MATERIAL-LOS GATOS MEADOWS.DWG
PLOT DATE: 7/23/2021 1:31 PM

PAVING



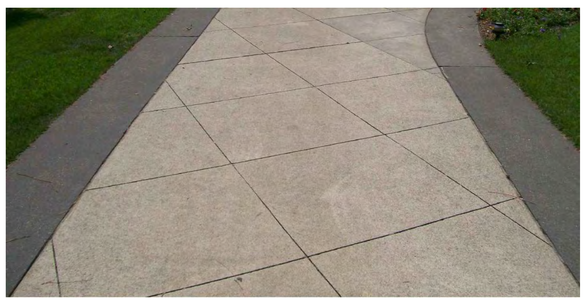

VEHICULAR PAVER BAND – 8"X8"X3" THICKNESS
GRANITE PAVERS AT ARRIVAL COURT

MFR: COLD SPRING GRANITE
COLOR: ACADEM BLACK
FINISH: THERMAL



VEHICULAR COLORED SAWCUT CONCRETE PAVING

COLOR: DARK GRAY BY DAVIS COLORS
FINISH: MEDIUM BROOM FOR THE MAIN COURT;
TOPOCAST 25 FOR THE INTERIM PARKING STALLS



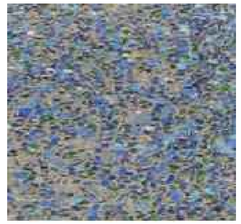
PEDESTRIAN COLORED SAWCUT CONCRETE PAVING

COLOR: PEBBLE BY DAVIS COLORS
FINISH: MEDIUM BROOM/TOPOCAST 25



TONED AC PAVING
FOR THE TRAIIL ALONG EVA

SEEDED GLASS IN PAVING


STONE VENEERED RETAINING WALL




VEGETATED GREEN WALL BIOPHILIA



GATES
+ASSOCIATES
LANDSCAPE ARCHITECTURE
LAND PLANNING · URBAN DESIGN
2671 CROW CANYON RD. SAN RAMON, CA 94583
T 925.736.8176 www.dgates.com

LOS GATOS
MEADOWS

110 WOOD ROAD
LOS GATOS
CALIFORNIA

ISSUE:	DESCRIPTION:	DATE:

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CASEY CASE · No. 6032
Signature
6/30/2020
Renewal Date
X/XX/XXXX
Date
L.A.
STATE OF CALIFORNIA

PROJECT NUMBER:	5639
DRAWN:	MF/TZ
CHECK:	KC
DATE:	07/27/2021
SCALE:	SCALE

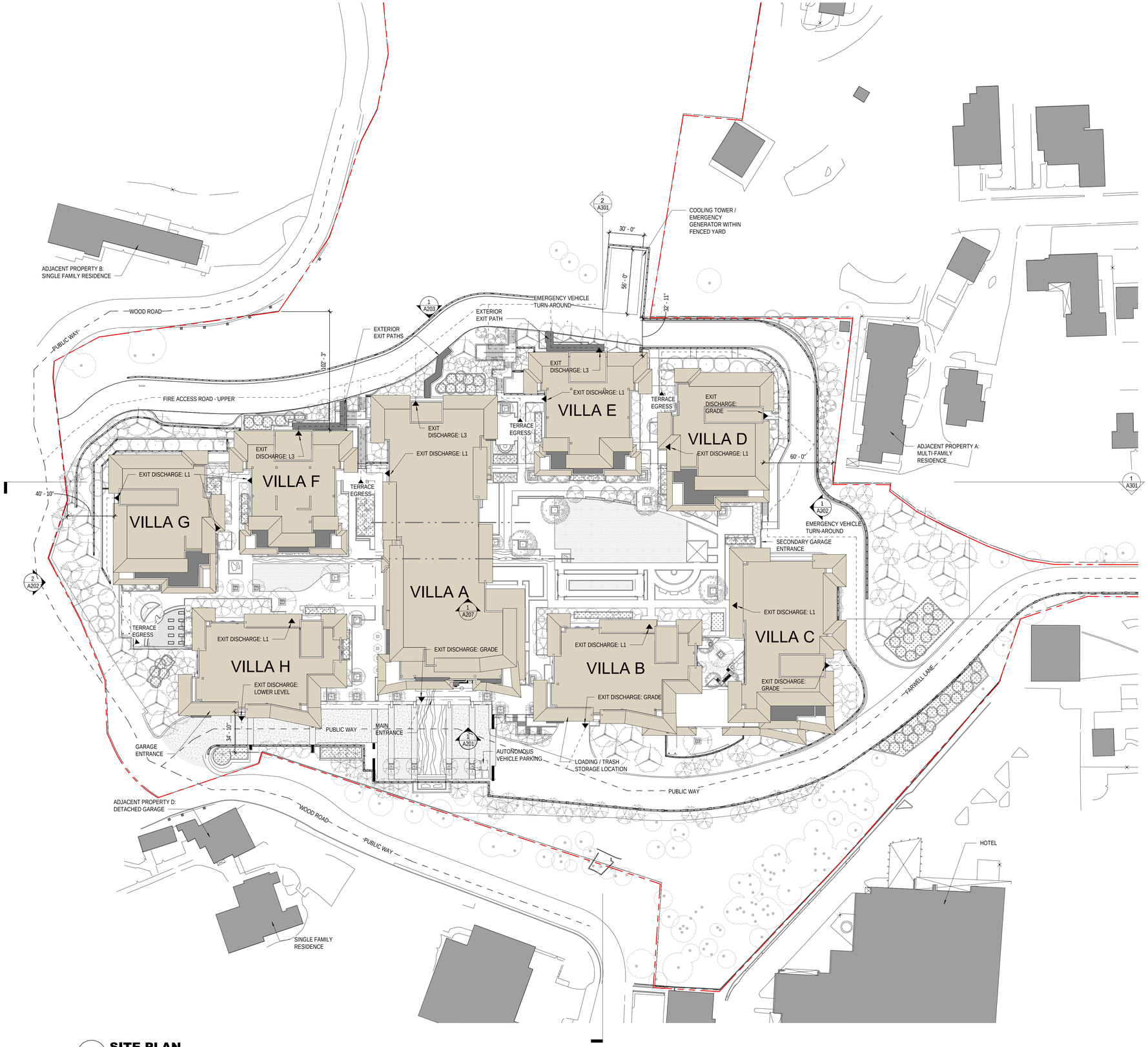
0
0" ½" 1" 2"

MATERIAL BOARD

LS-13

of -

PLANNING SUBMITTAL 2021.07.27



1 **SITE PLAN**
1" = 40'-0"

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1/13/2021 9:39:15 PM

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

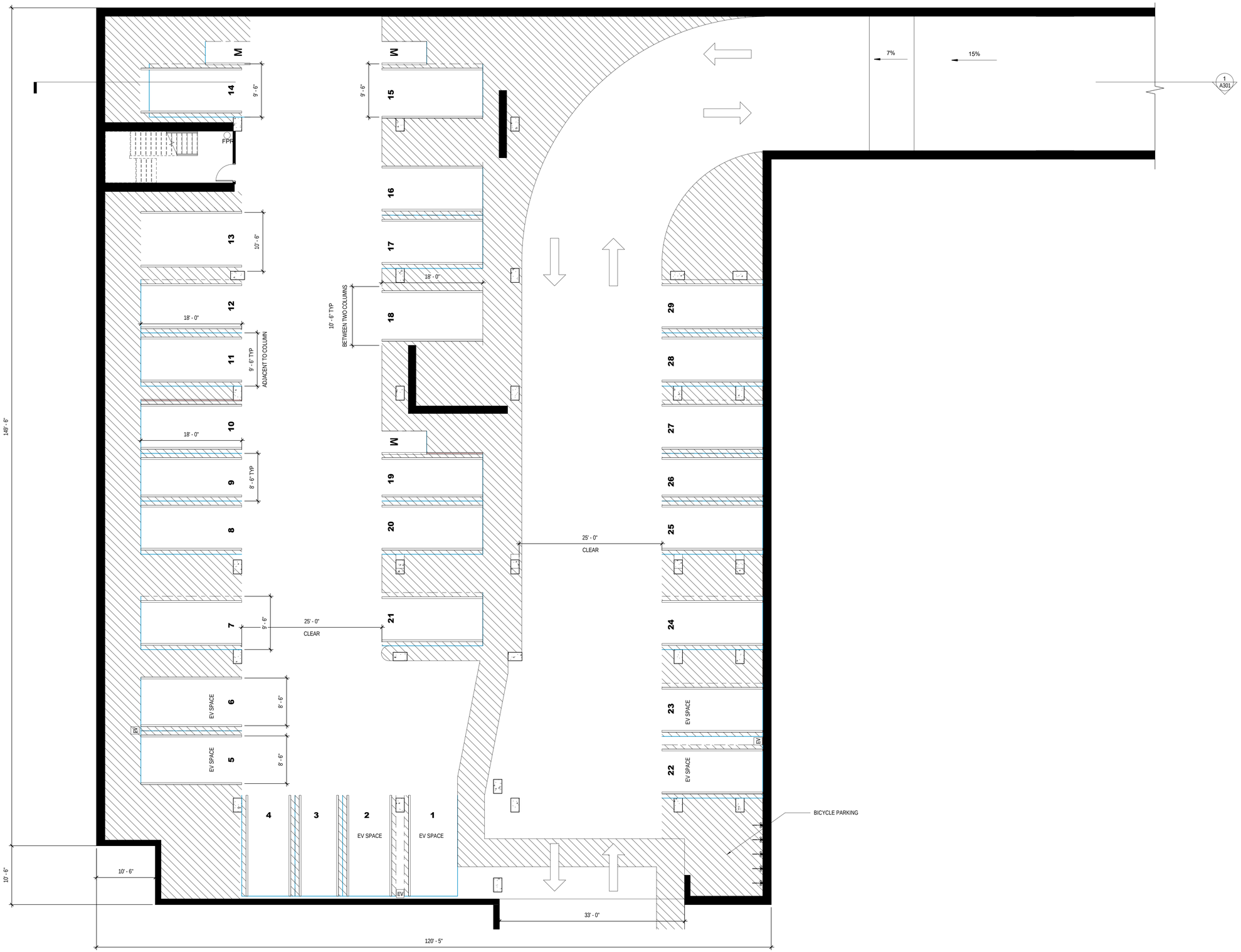
OVERALL SITE PLAN

SCALE: 1" = 40'-0"

A001

PLANNING SUBMITTAL

JULY 27, 2021



1 LOWER GARAGE LEVEL PLAN

1/8" = 1'-0"

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10/13/2020 7:36:09 PM

NO.	DATE	ISSUE

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SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
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ORINDA, CA 94563
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General Contractor:
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MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

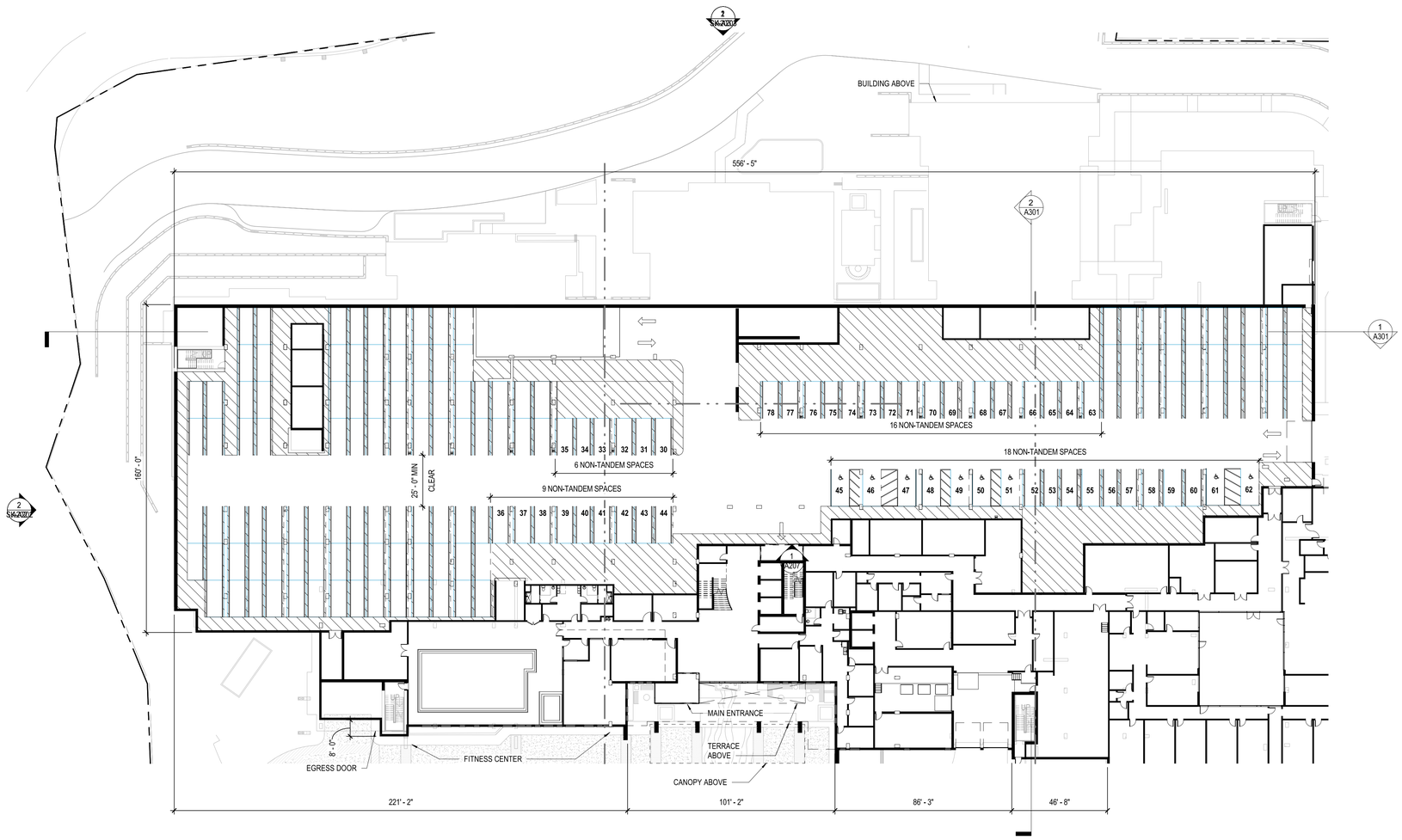
FLOOR PLAN - LOWER GARAGE LEVEL

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

A100

PLANNING SUBMITTAL

JULY 27, 2021



1 GROUND FLOOR PLAN - OVERALL

1" = 30'-0"

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NO.	DATE	ISSUE

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SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
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Applicant:
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(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

GROUND FLOOR PLAN - OVERALL

SCALE: 1" = 30'-0"

A101

PLANNING SUBMITTAL

JULY 27, 2021, CORRECTED



1 **GROUND FLOOR - SOUTH GARAGE PLAN**

1/8" = 1'-0"

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
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T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
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4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
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2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
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45 FREMONT ST, 28TH FLOOR
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(415) 989-1004

Mechanical, Electrical & Plumbing:
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(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

GROUND FLOOR PLAN - S GARAGE

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

A101A

PLANNING SUBMITTAL

JULY 27, 2021

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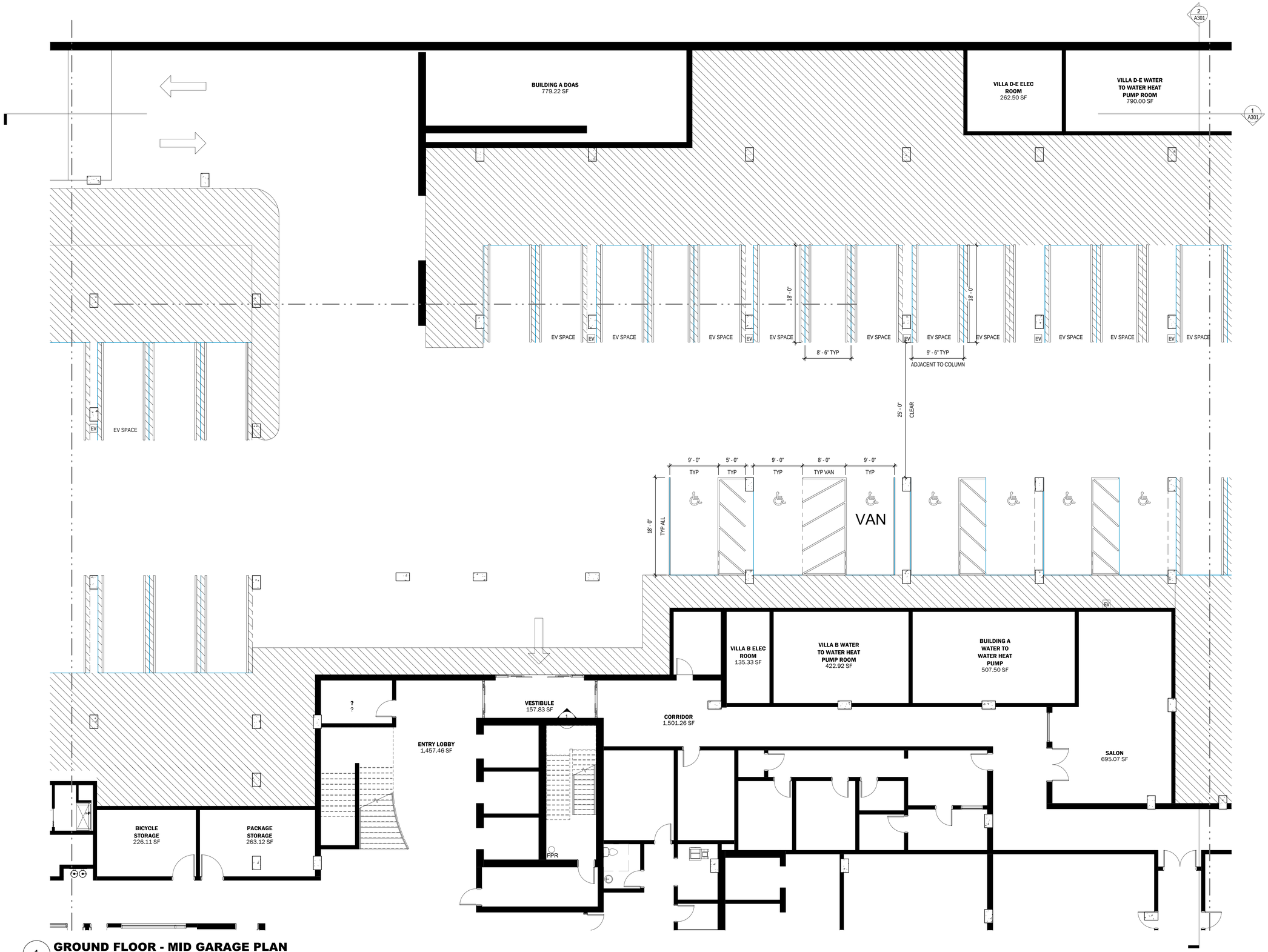

1 **GROUND FLOOR - MID GARAGE PLAN**
1/8" = 1'-0"

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

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Civil / Site:
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PLEASANTON, CA 94588
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Landscape:
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(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

GROUND FLOOR PLAN - MID GARAGE

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

A101B

PLANNING SUBMITTAL

JULY 27, 2021

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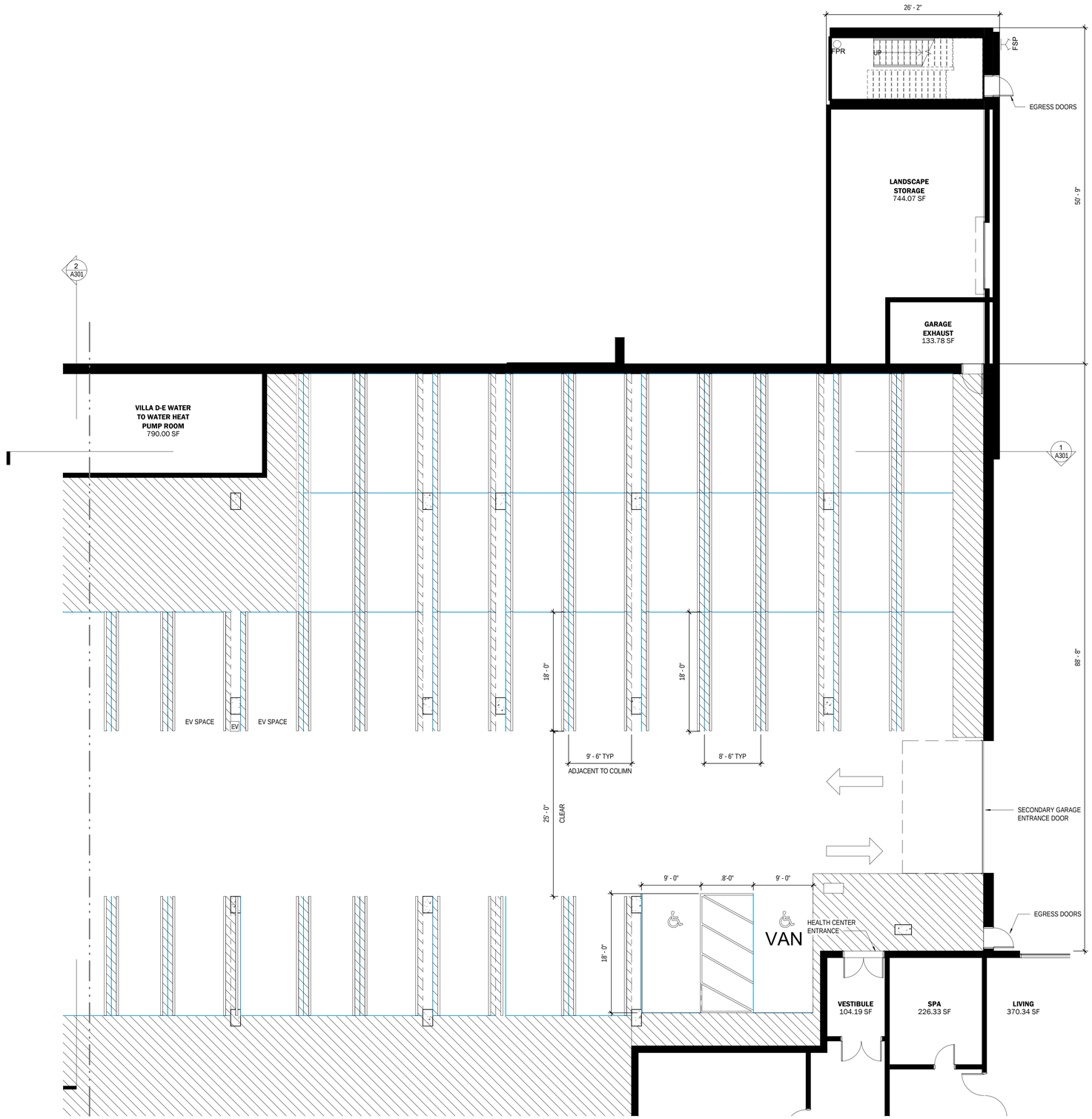


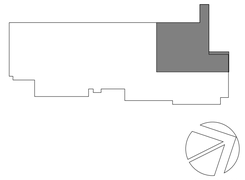
1 **GROUND FLOOR PLAN - NORTH GARAGE**

1/8" = 1'-0"

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL



KEY PLAN

PERKINS — EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

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(925) 398-4840

Landscape:
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(925) 736-8176

Structural:
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(415) 989-1004

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(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

GROUND FLOOR PLAN - N GARAGE

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

A101C

PLANNING SUBMITTAL

JULY 27, 2021

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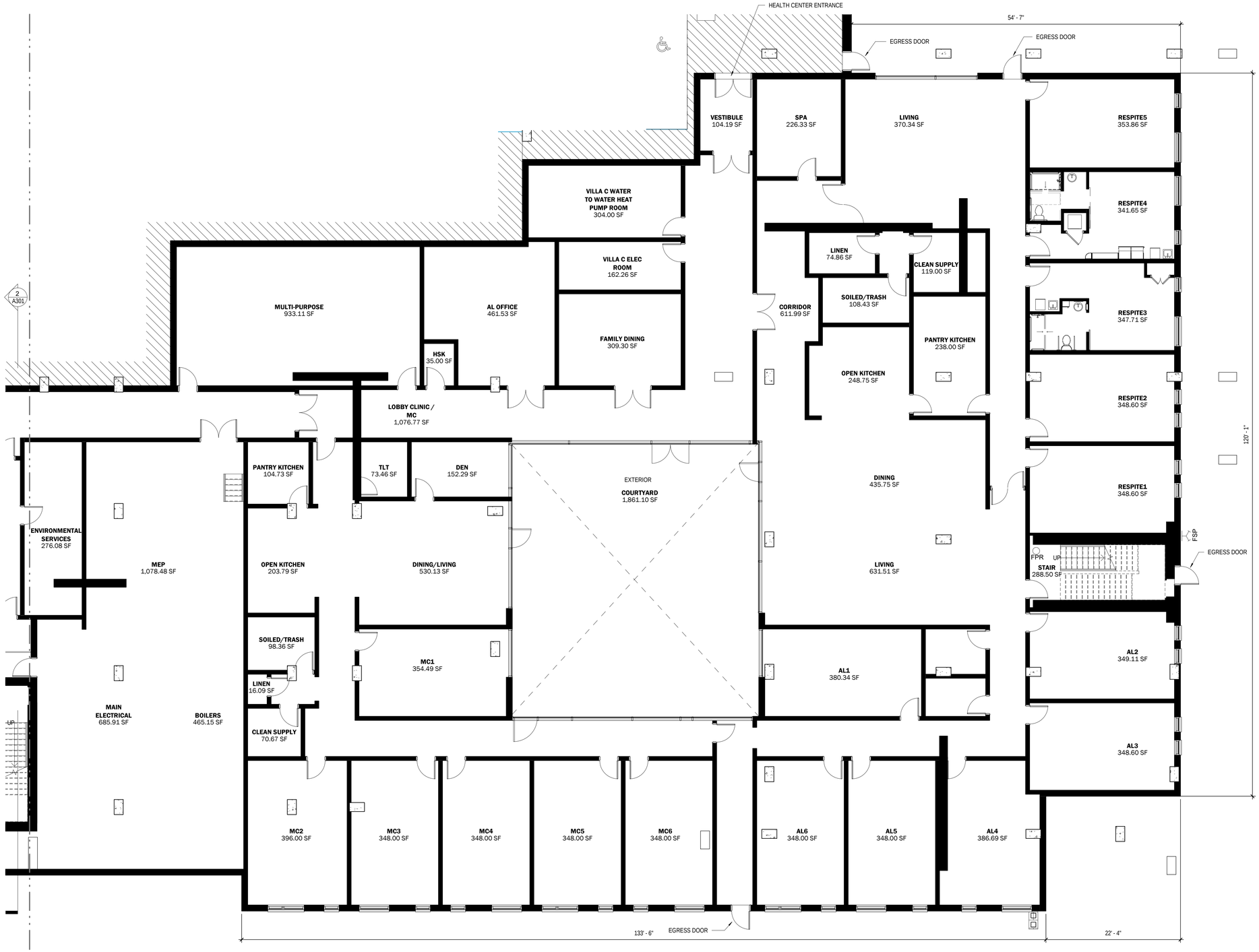

1 **GROUND FLOOR - HEALTH CENTER PLAN**
1/8" = 1'-0"

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NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
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San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
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ORINDA, CA 94563
(415) 816-7944

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Structural:
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SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
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SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

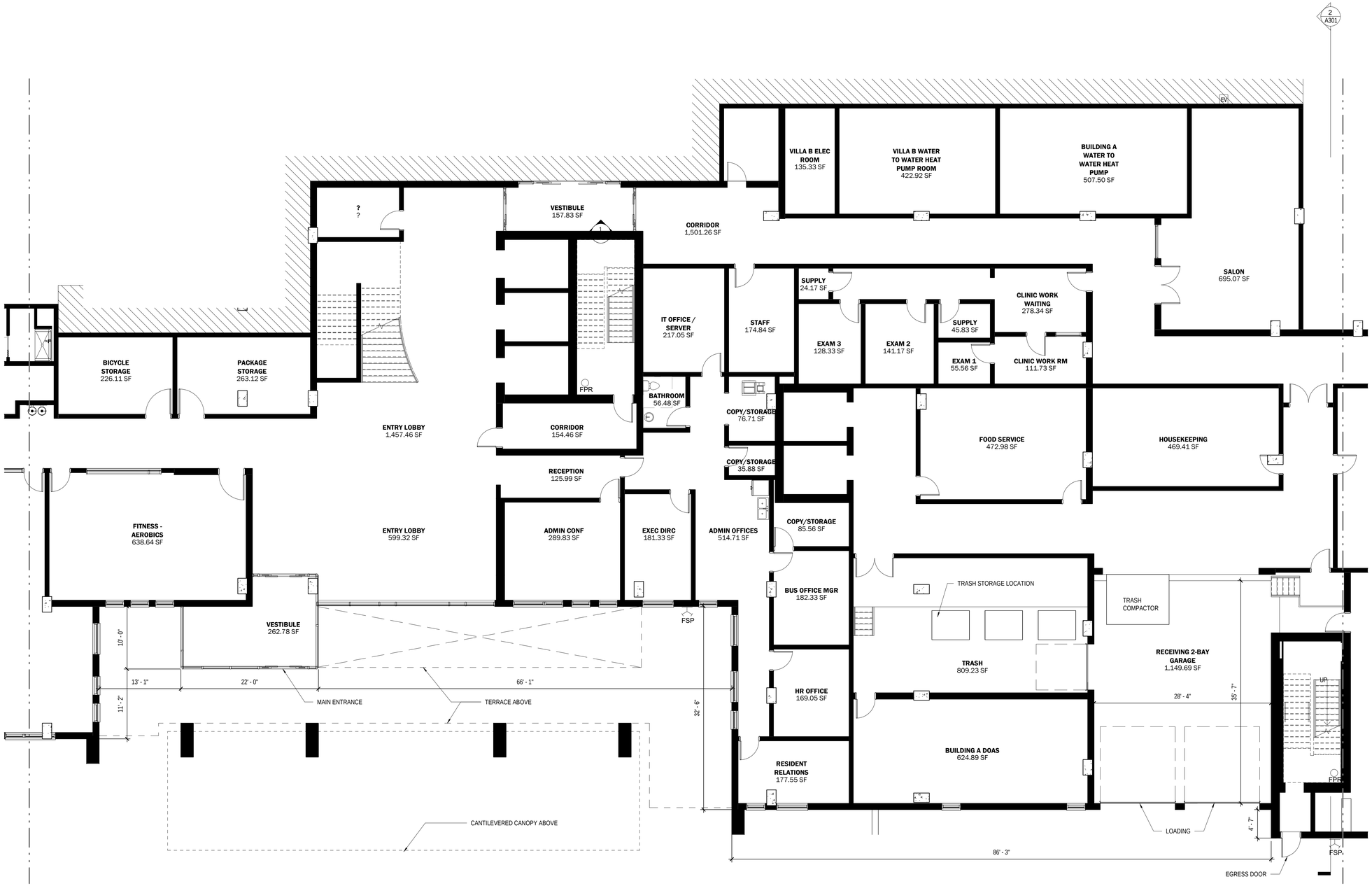
GROUND FLOOR PLAN - HEALTH CENTER

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

A101D

PLANNING SUBMITTAL

JULY 27, 2021



1 **GROUND FLOOR PLAN - CORE**

1/8" = 1'-0"

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10/13/2020 7:36:31 PM

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

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San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
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(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

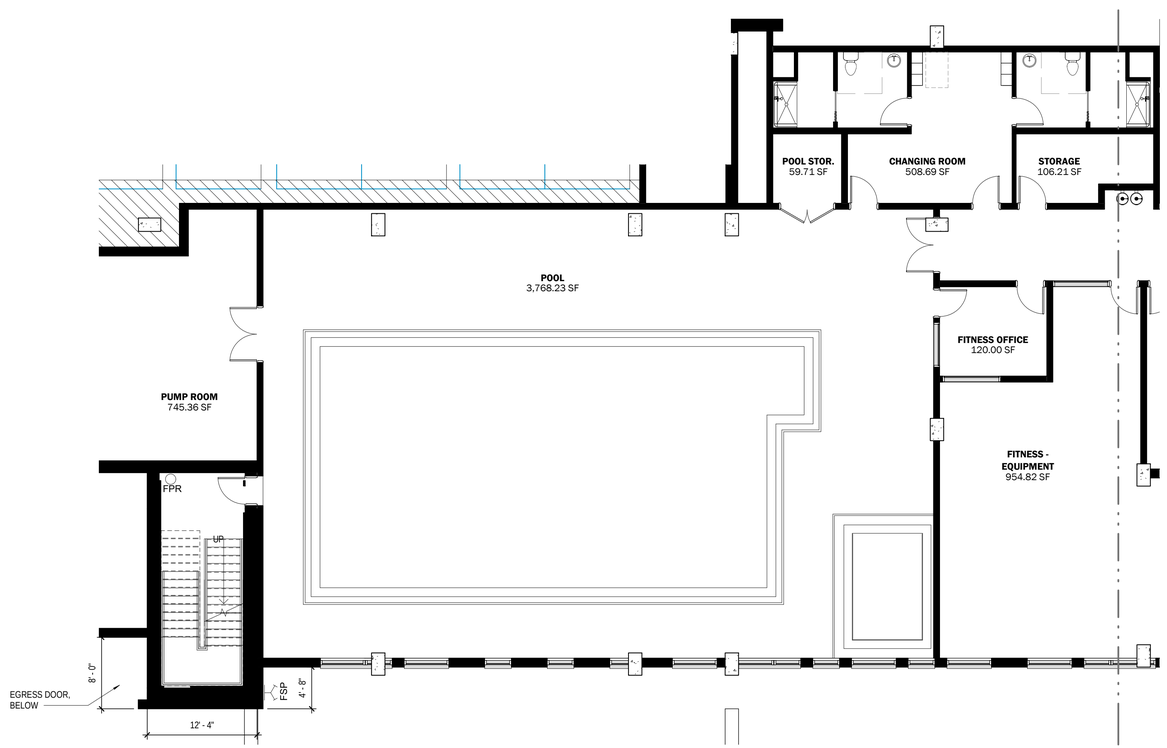
GROUND FLOOR PLAN - CORE

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

A101E

PLANNING SUBMITTAL

JULY 27, 2021



1 **GROUND FLOOR PLAN - WELLNESS**

1/8" = 1'-0"

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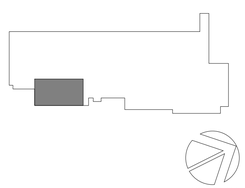

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

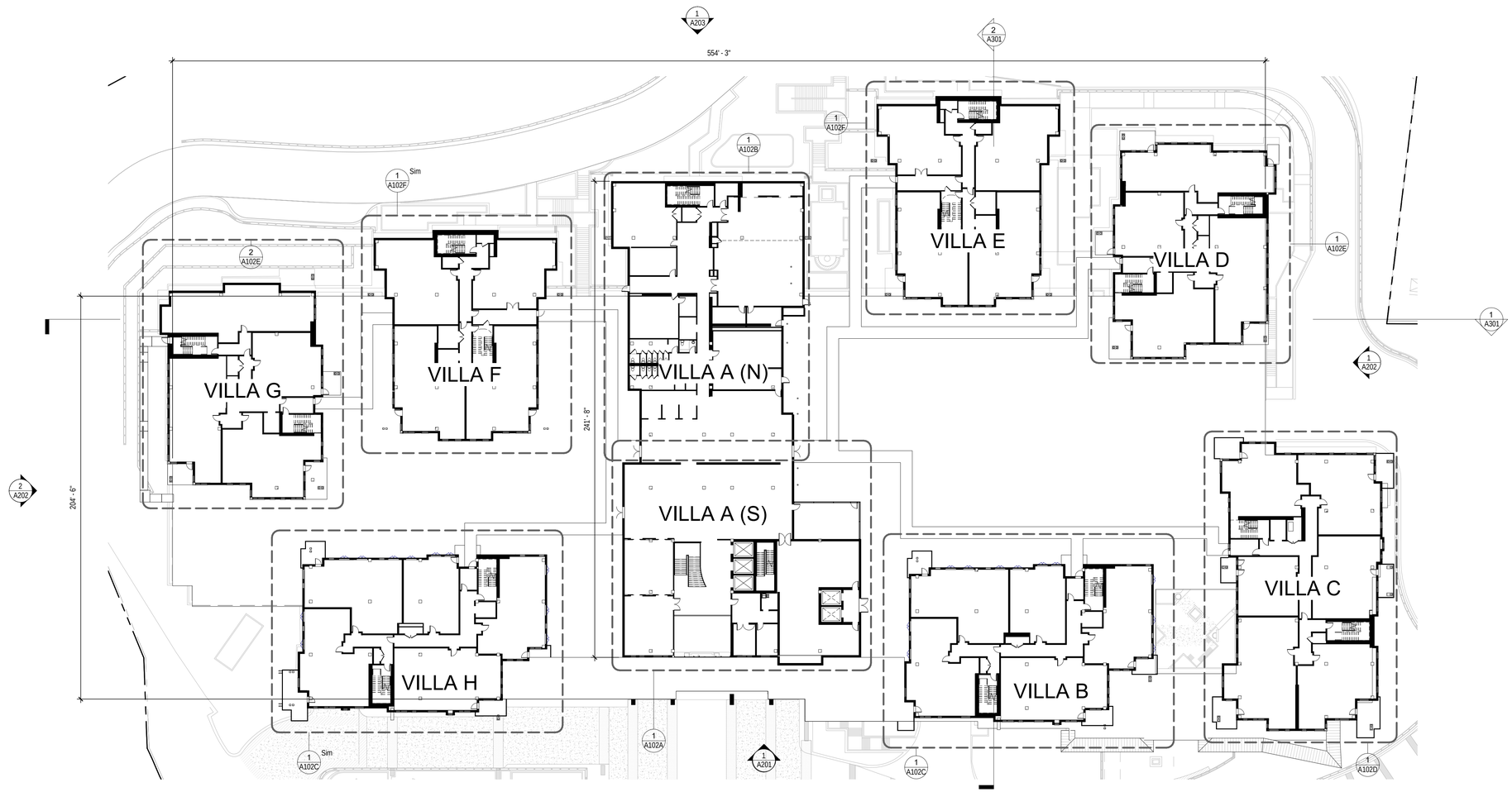
GROUND FLOOR PLAN - WELLNESS

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

A101F

PLANNING SUBMITTAL

JULY 27, 2021



1 **1ST FLOOR PLAN - OVERALL**

1" = 30'-0"

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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

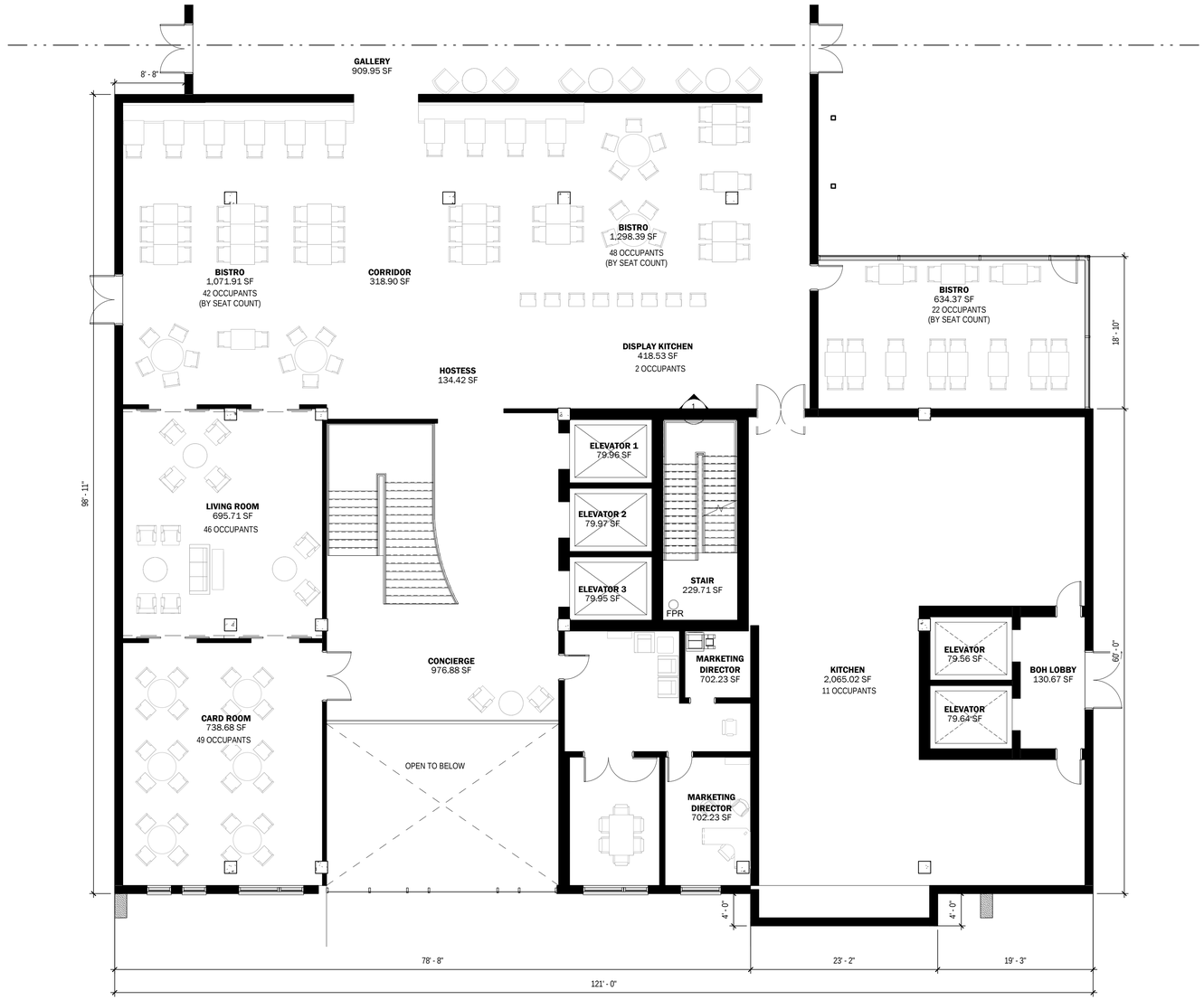
1ST FLOOR PLAN - OVERALL

SCALE: 1" = 30'-0"

A102

PLANNING SUBMITTAL

JULY 27, 2021



1 **1ST FLOOR PLAN - VILLA A SOUTH**
1/8" = 1'-0"

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100 Montgomery St., Suite 2300
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Applicant:
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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

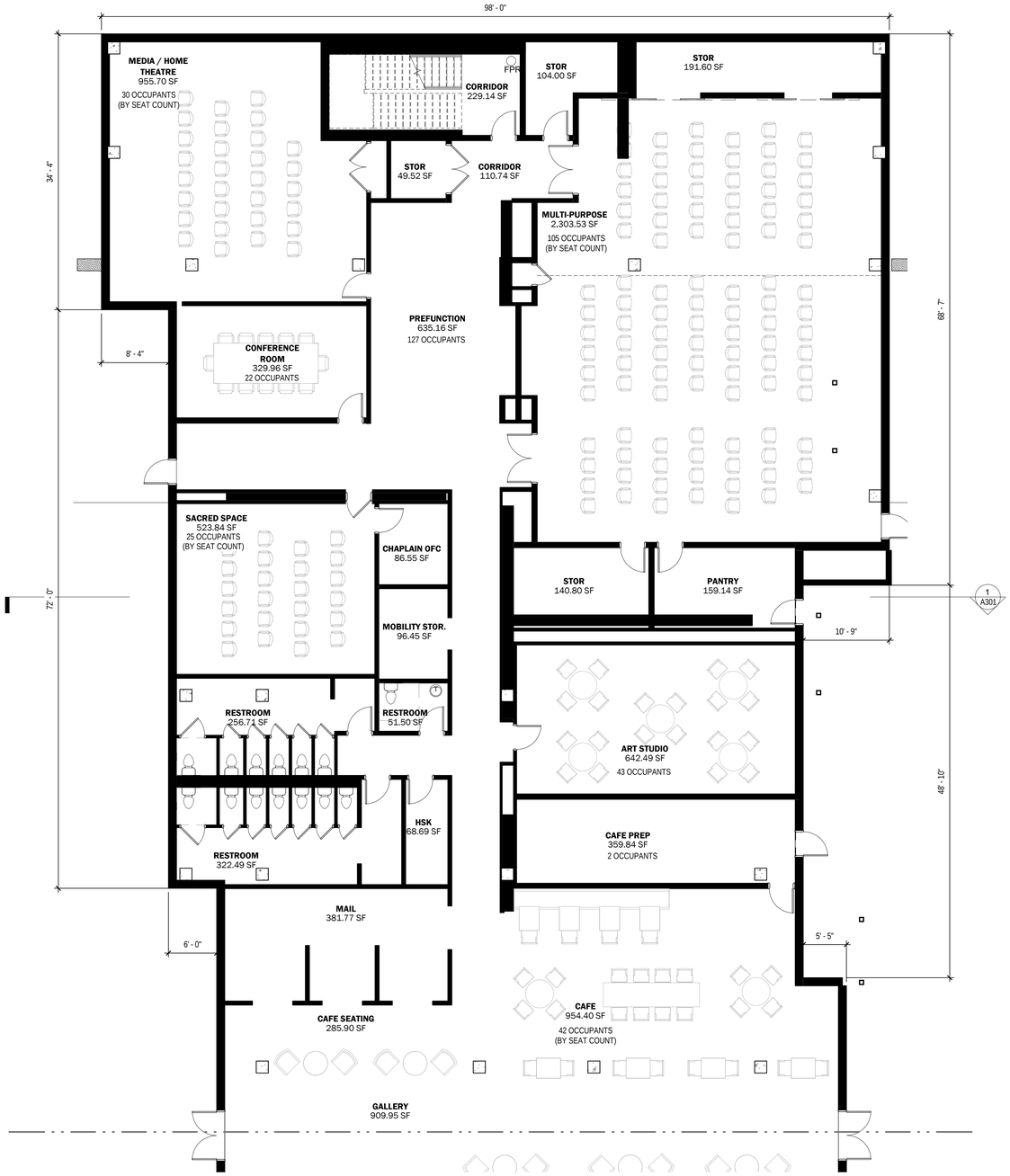
1ST FLOOR PLAN - VILLA A S

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

A102A

PLANNING SUBMITTAL

JULY 27, 2021



1 **1ST FLOOR PLAN - VILLA A NORTH**

1/8" = 1'-0"

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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

1ST FLOOR PLAN - VILLA A N

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

A102B

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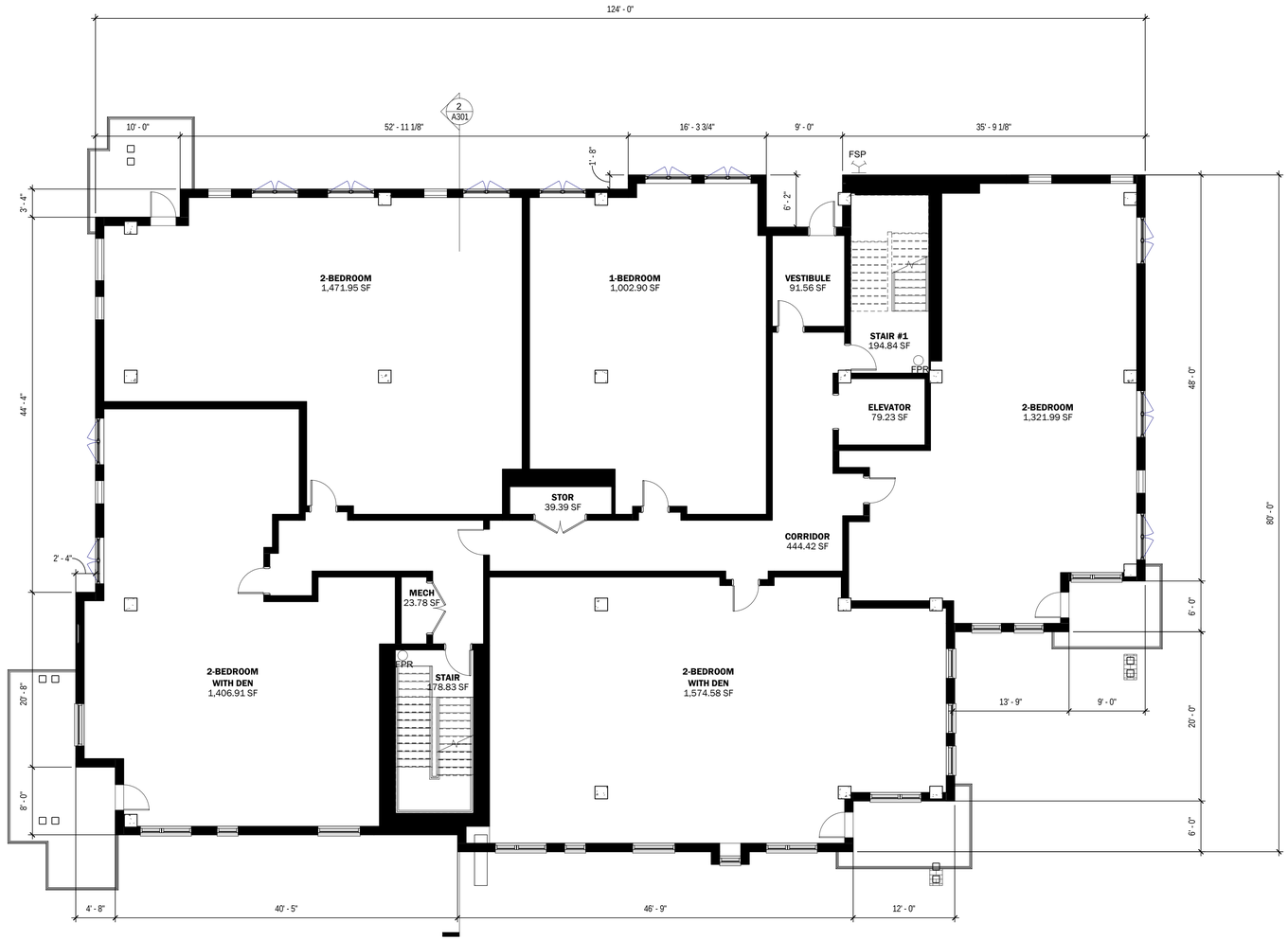

1 **1ST FLOOR PLAN - VILLA B & H**

1/8" = 1'-0"

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MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

1ST FLOOR PLAN - VILLA B & H

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

A102C

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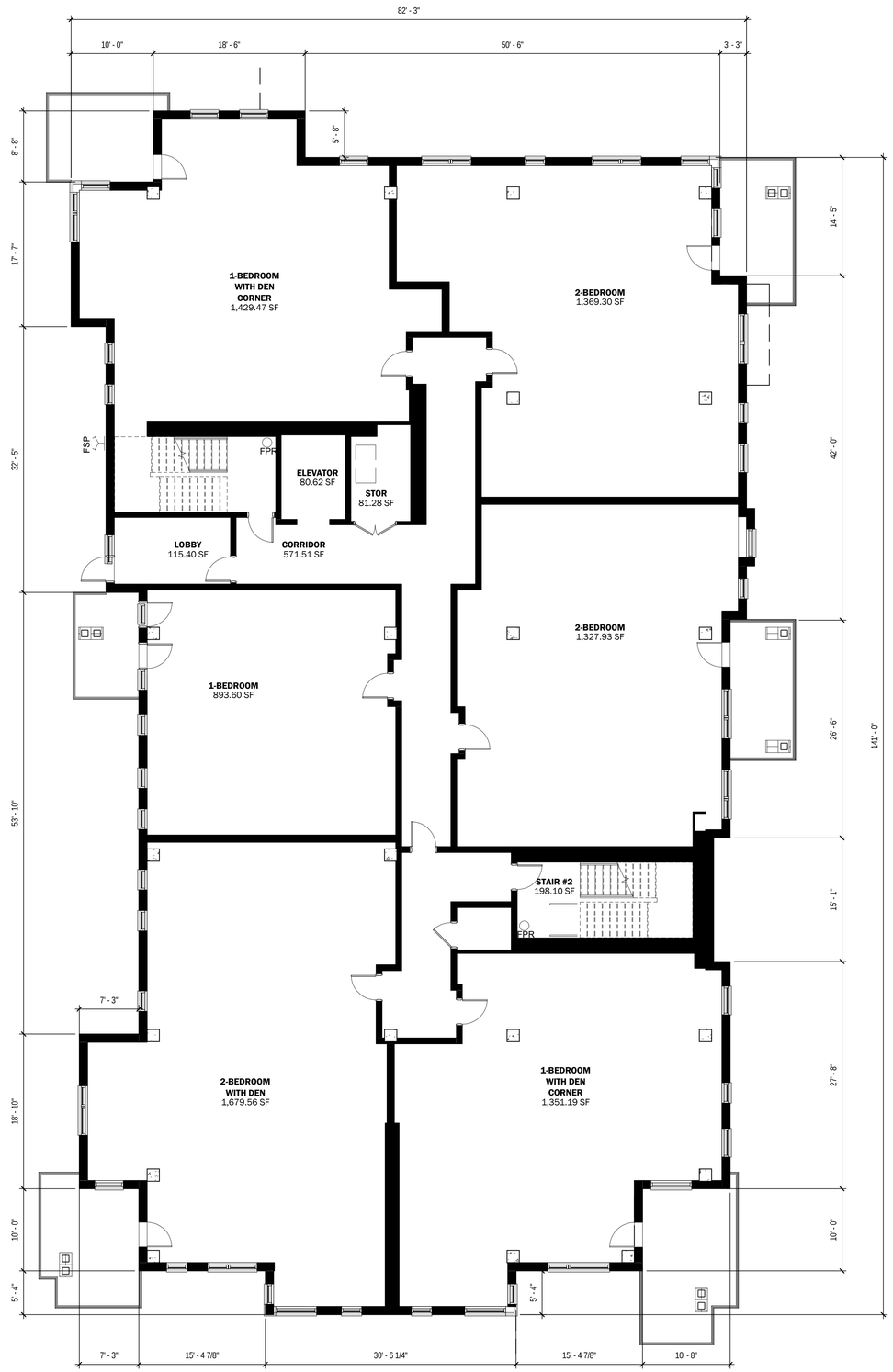

1 **1ST FLOOR PLAN - VILLA C**

1/8" = 1'-0"

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KEY PLAN

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100 Montgomery St., Suite 2300
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Applicant:
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SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

1ST FLOOR PLAN - VILLA C

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

A102D

PLANNING SUBMITTAL

JULY 27, 2021

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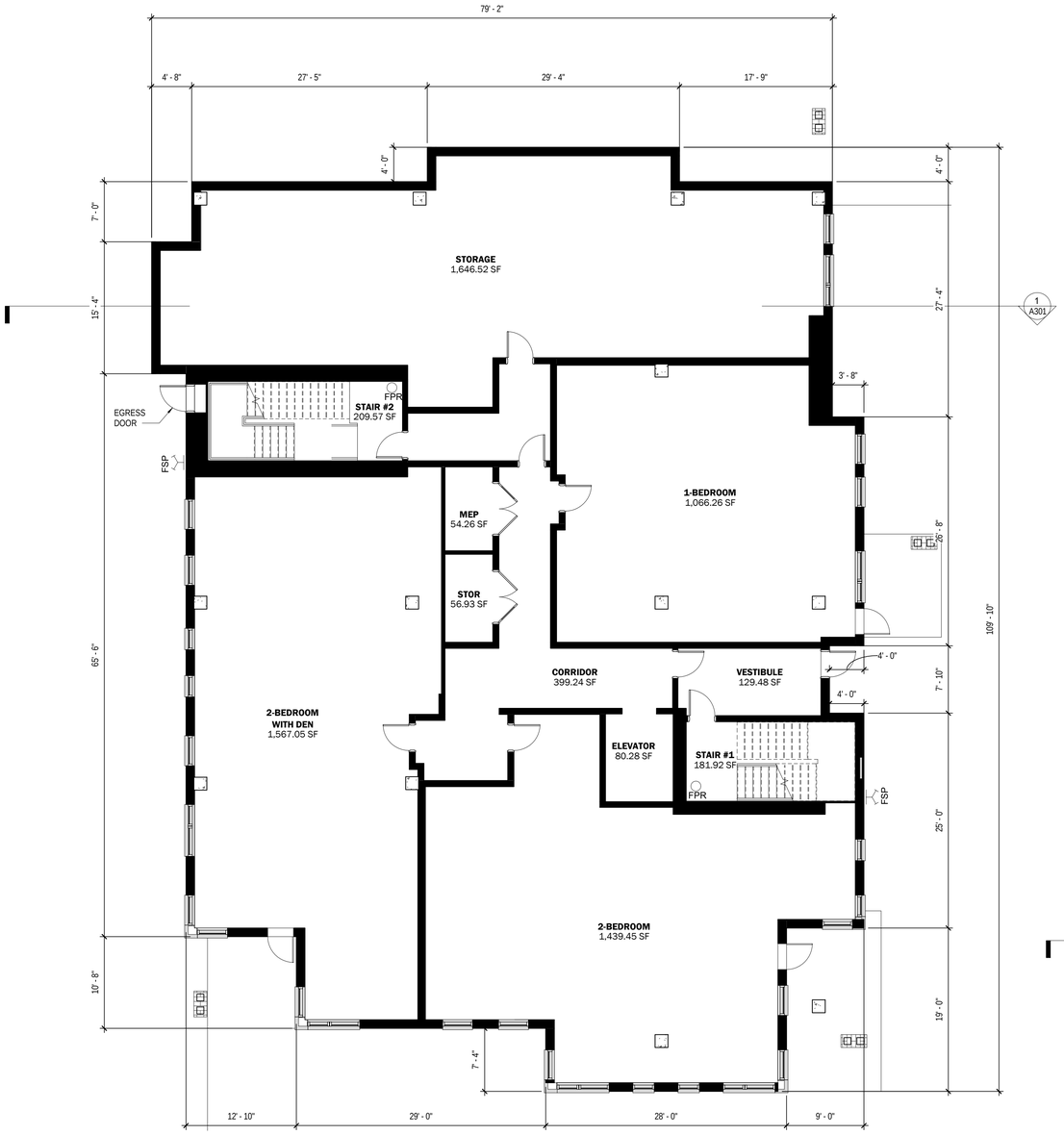
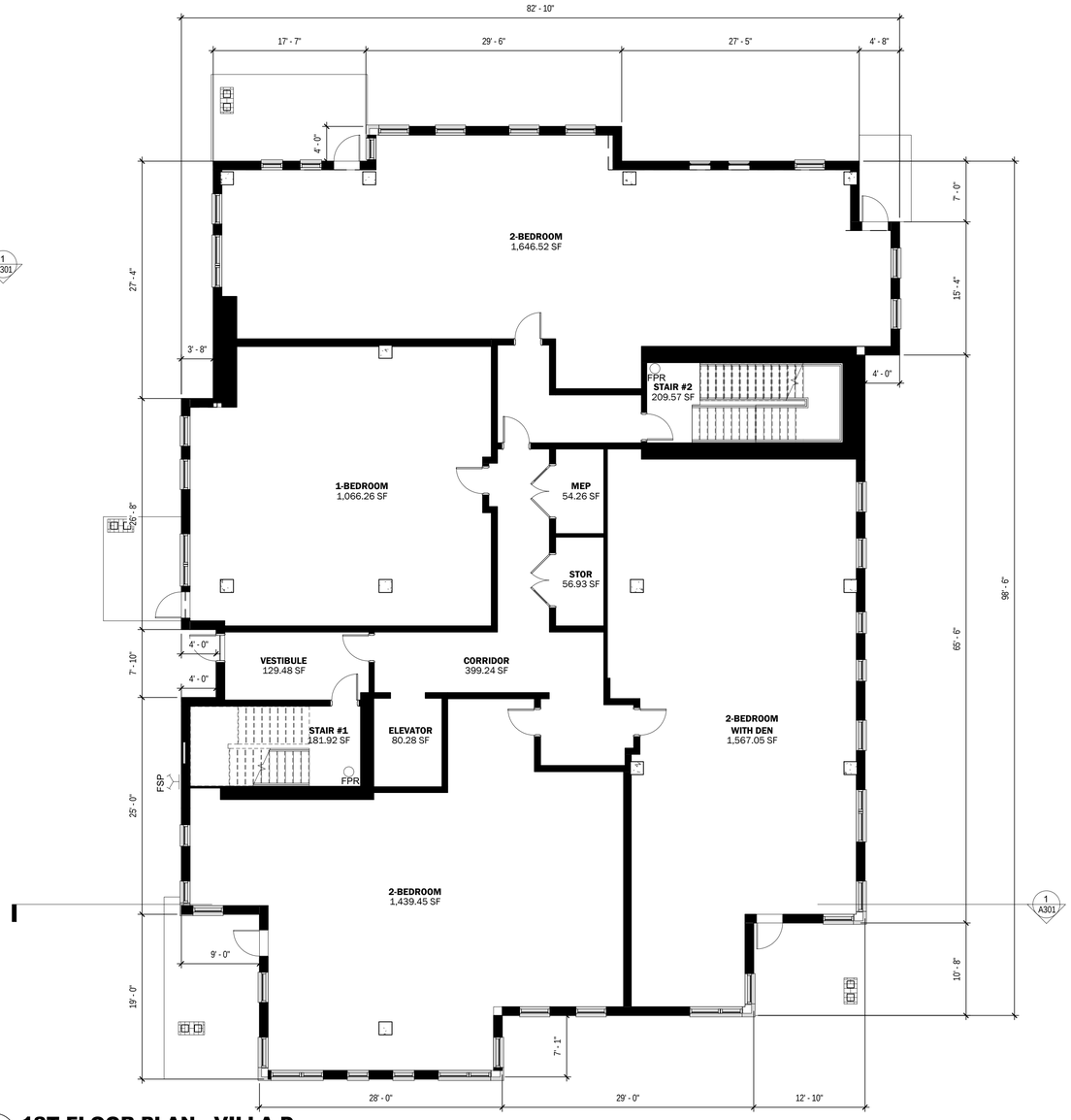


2 **1ST FLOOR PLAN - VILLA G**

1/8" = 1'-0"



1 **1ST FLOOR PLAN - VILLA D**

1/8" = 1'-0"

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
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2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
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(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

1ST FLOOR PLAN - VILLA D & G

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

A102E

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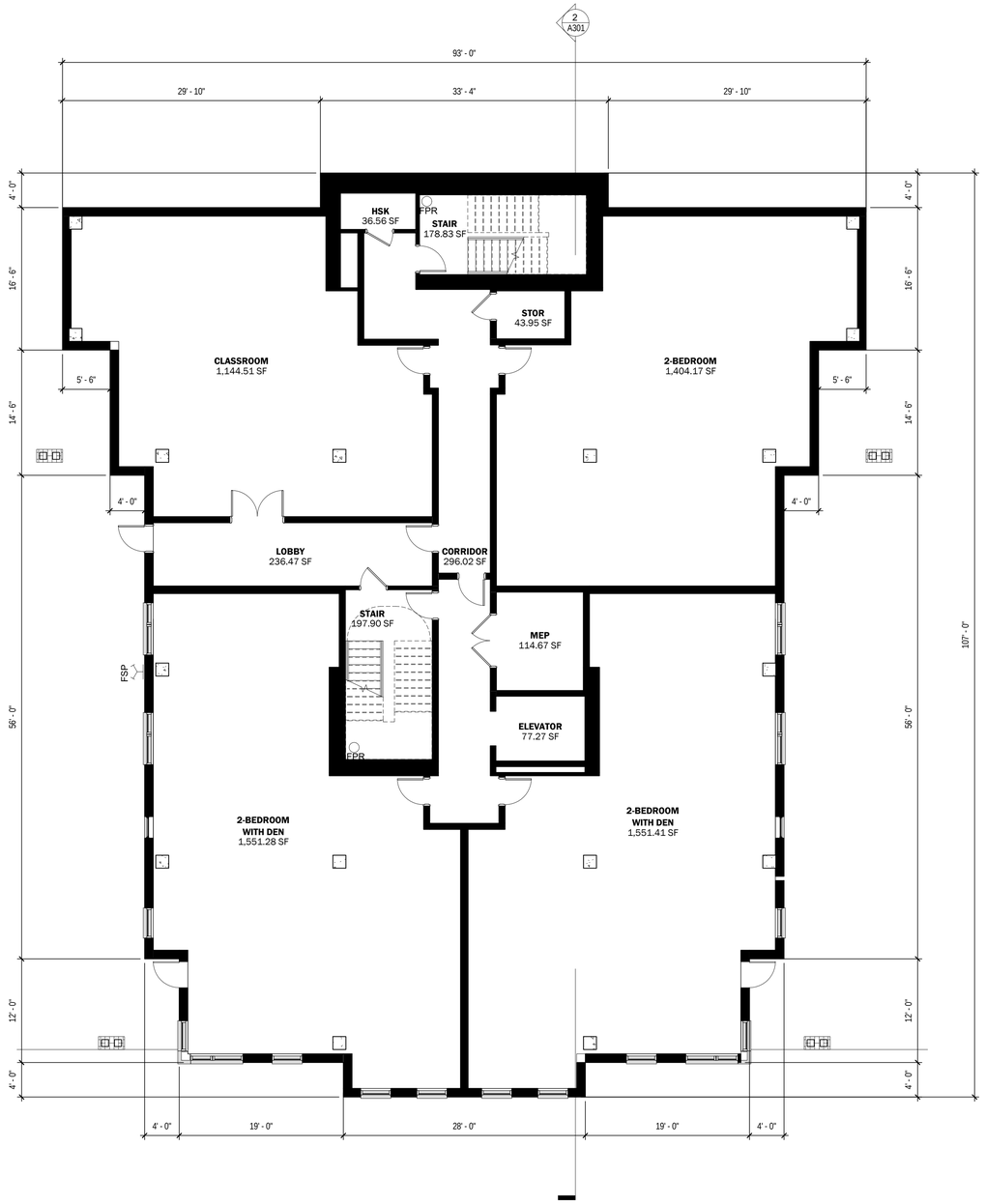

1 **1ST FLOOR PLAN - VILLA E (VILLA F OPP HAND)**

1/8" = 1'-0"

NO.	DATE	ISSUE

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SEAL

KEY PLAN

PERKINS EASTMAN
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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

1ST FLOOR PLAN - VILLA E & F

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

A102F

PLANNING SUBMITTAL

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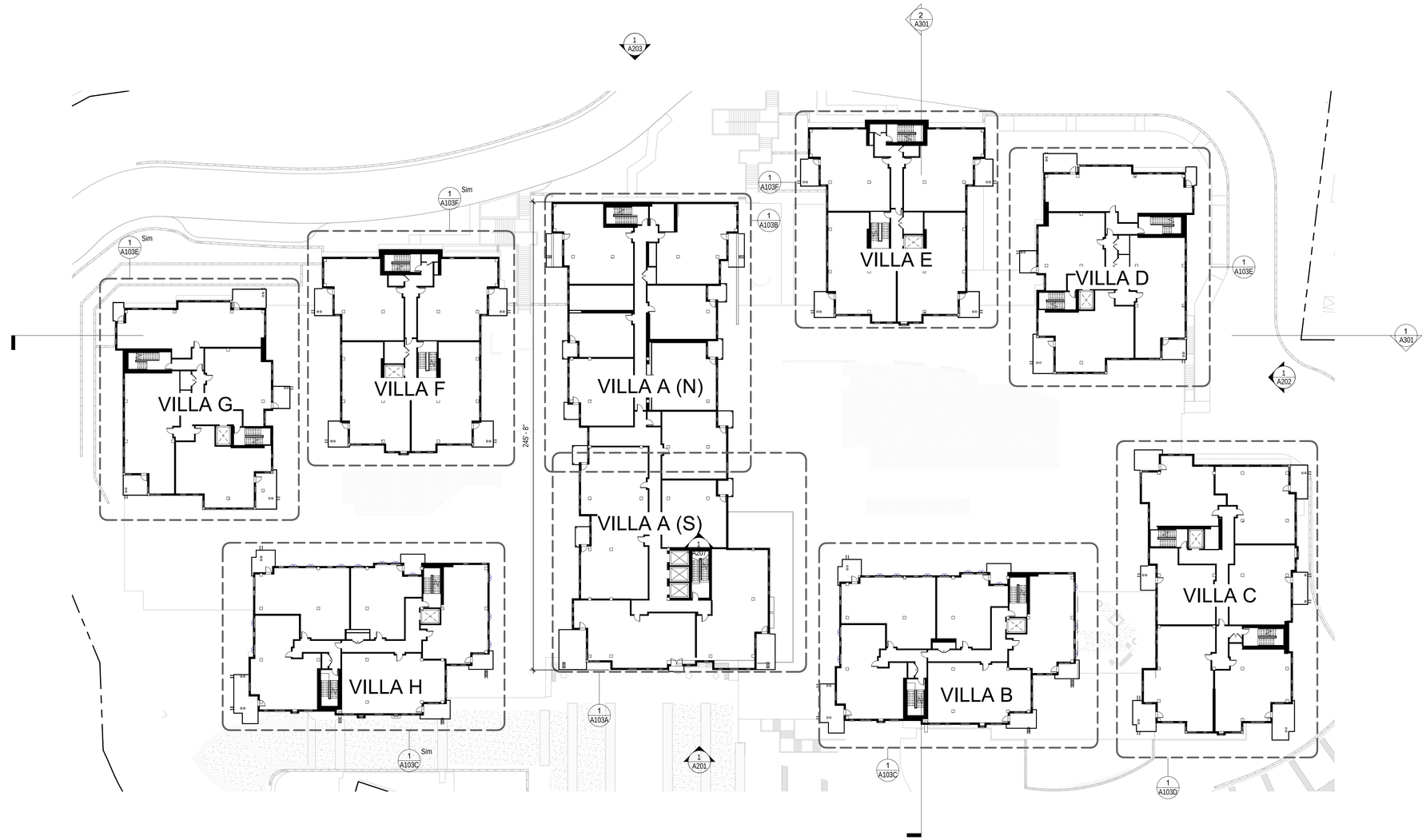

1 2ND & 3RD FLOOR PLAN - OVERALL

1" = 30'-0"

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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

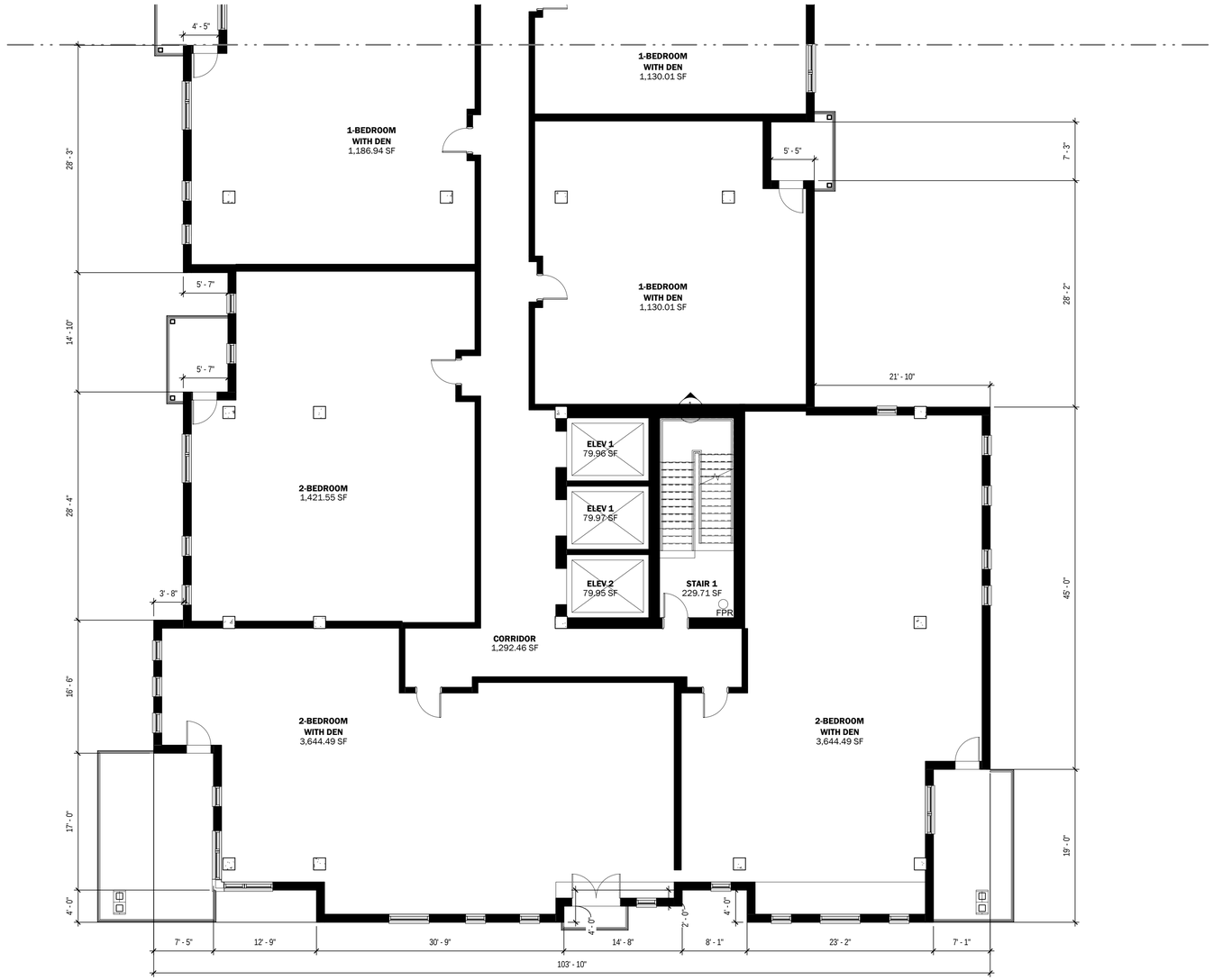
2ND & 3RD FLOOR PLAN - OVERALL

SCALE: 1" = 30'-0"

A103

PLANNING SUBMITTAL

JULY 27, 2021



1 **TYPICAL FLOOR PLAN - VILLA A SOUTH**
1/8" = 1'-0" **TYPICAL FLOORS 2-4**

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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

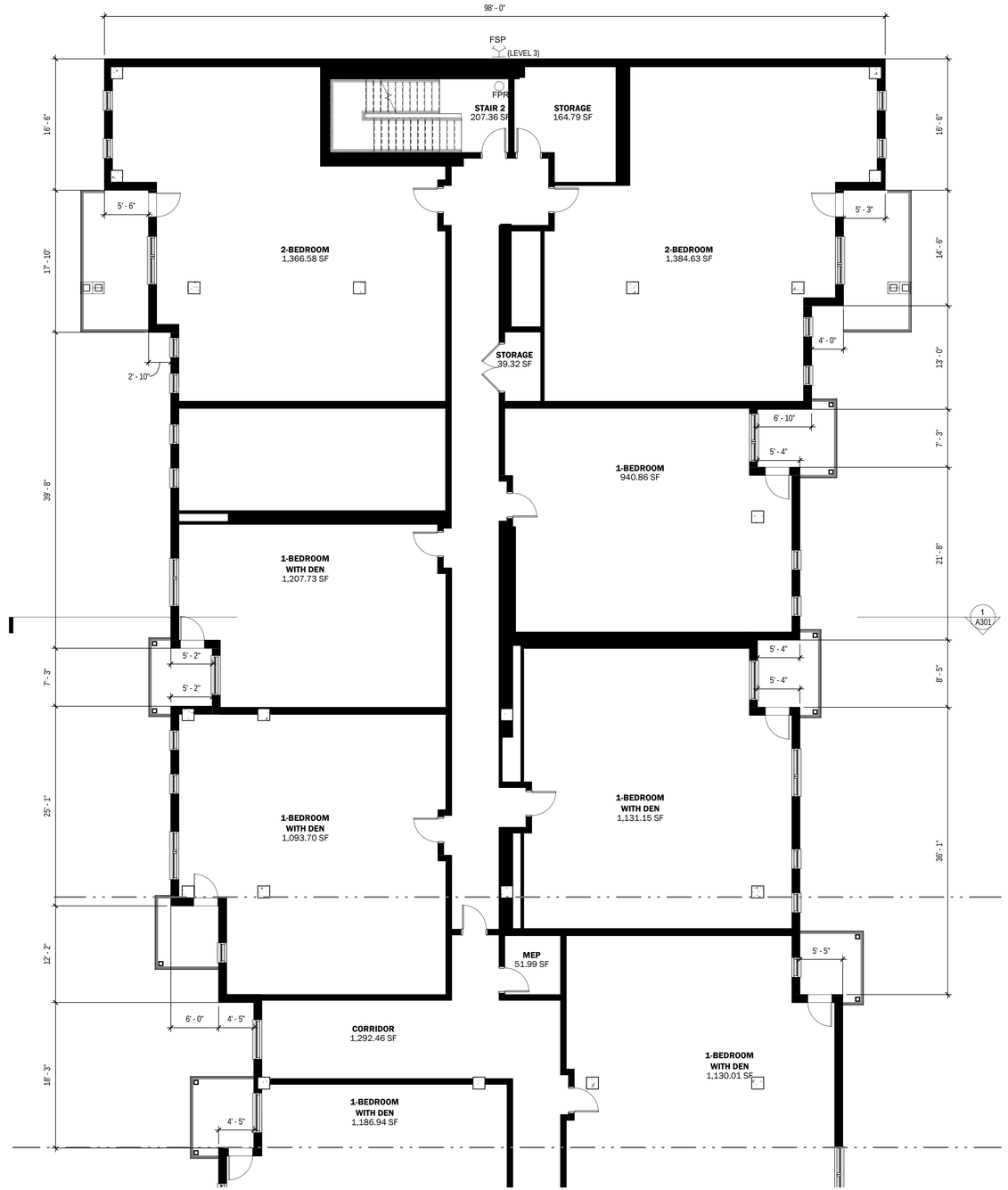
TYPICAL FLOOR PLAN - VILLA A S

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

A103A

PLANNING SUBMITTAL

JULY 27, 2021



1 **TYPICAL FLOOR PLAN - VILLA A NORTH**

1/8" = 1'-0" **TYPICAL FLOORS 2-5**

NO.	DATE	ISSUE

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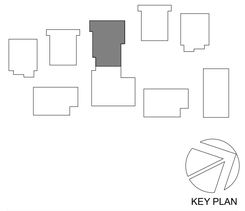

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Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

TYPICAL FLOOR PLAN - VILLA A N

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

A103B

PLANNING SUBMITTAL

JULY 27, 2021

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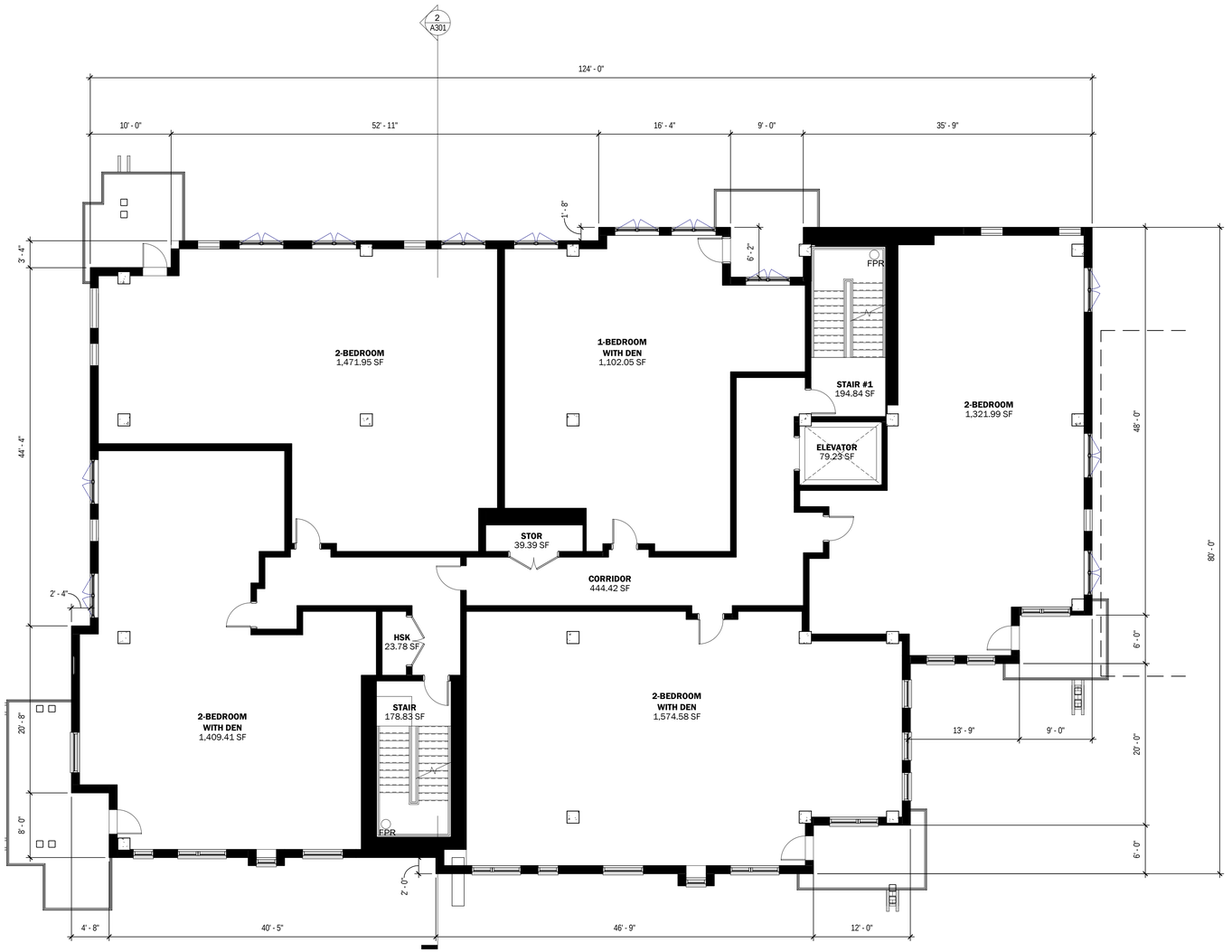

1 **TYPICAL FLOOR PLAN - VILLA B (VILLA H SIM)**

1/8" = 1'-0"

VILLA B: TYPICAL FLOORS 2-4 **VILLA H: TYPICAL FLOORS 2-3**

NO.	DATE	ISSUE

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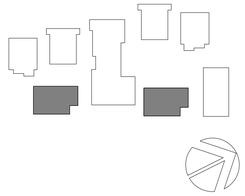

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

TYPICAL FLOOR PLAN - VILLA B&H

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

A103C

PLANNING SUBMITTAL

JULY 27, 2021

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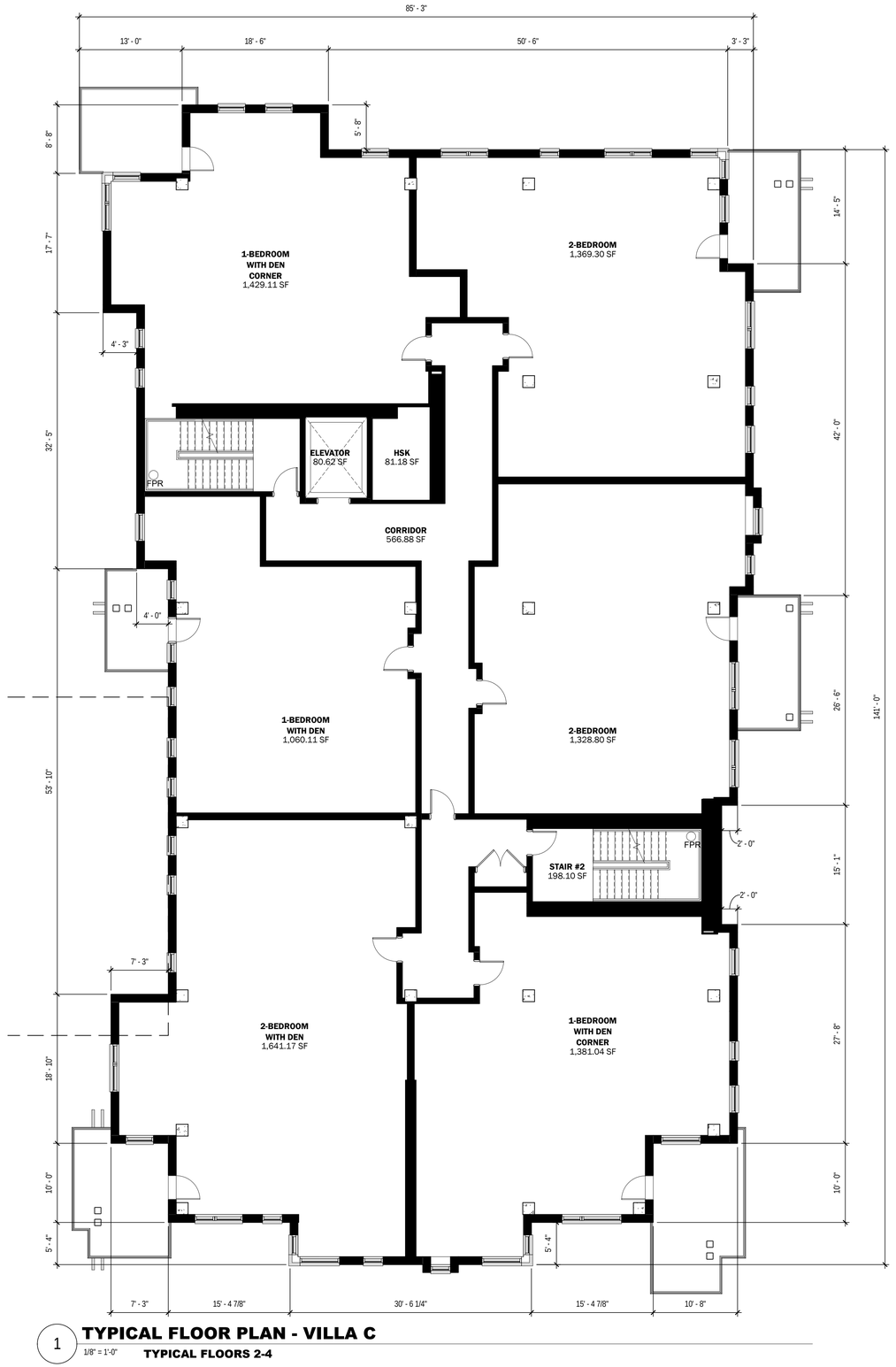

1 **TYPICAL FLOOR PLAN - VILLA C**

1/8" = 1'-0"

TYPICAL FLOORS 2-4

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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

TYPICAL FLOOR PLAN - VILLA C

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

A103D

PLANNING SUBMITTAL

JULY 27, 2021

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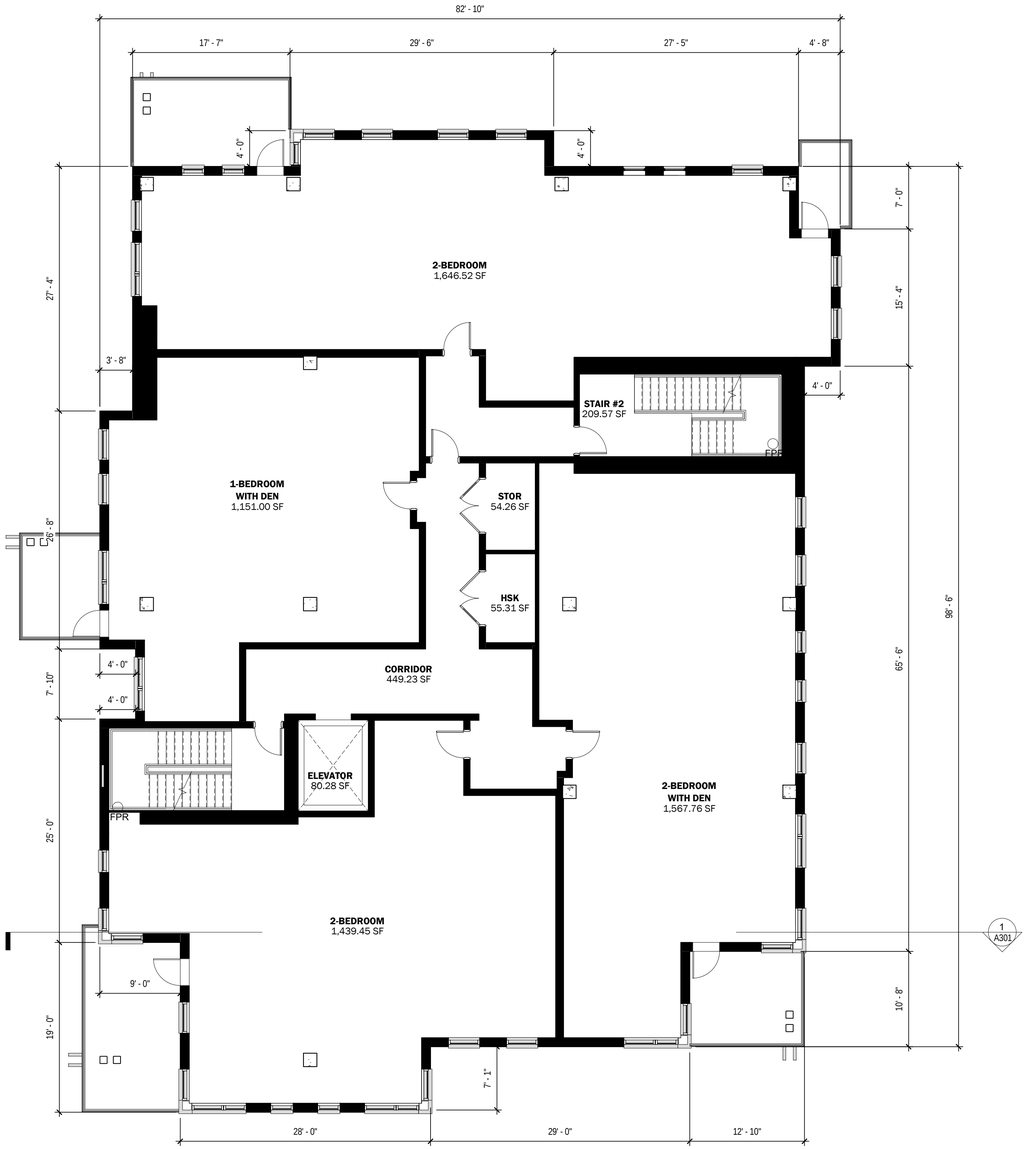

1 **TYPICAL FLOOR PLAN - VILLA D (VILLA G OPP HAND)**

1/8" = 1'-0"

TYPICAL FLOORS 2-3

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PROJECT No: 70581.00

DRAWING TITLE:

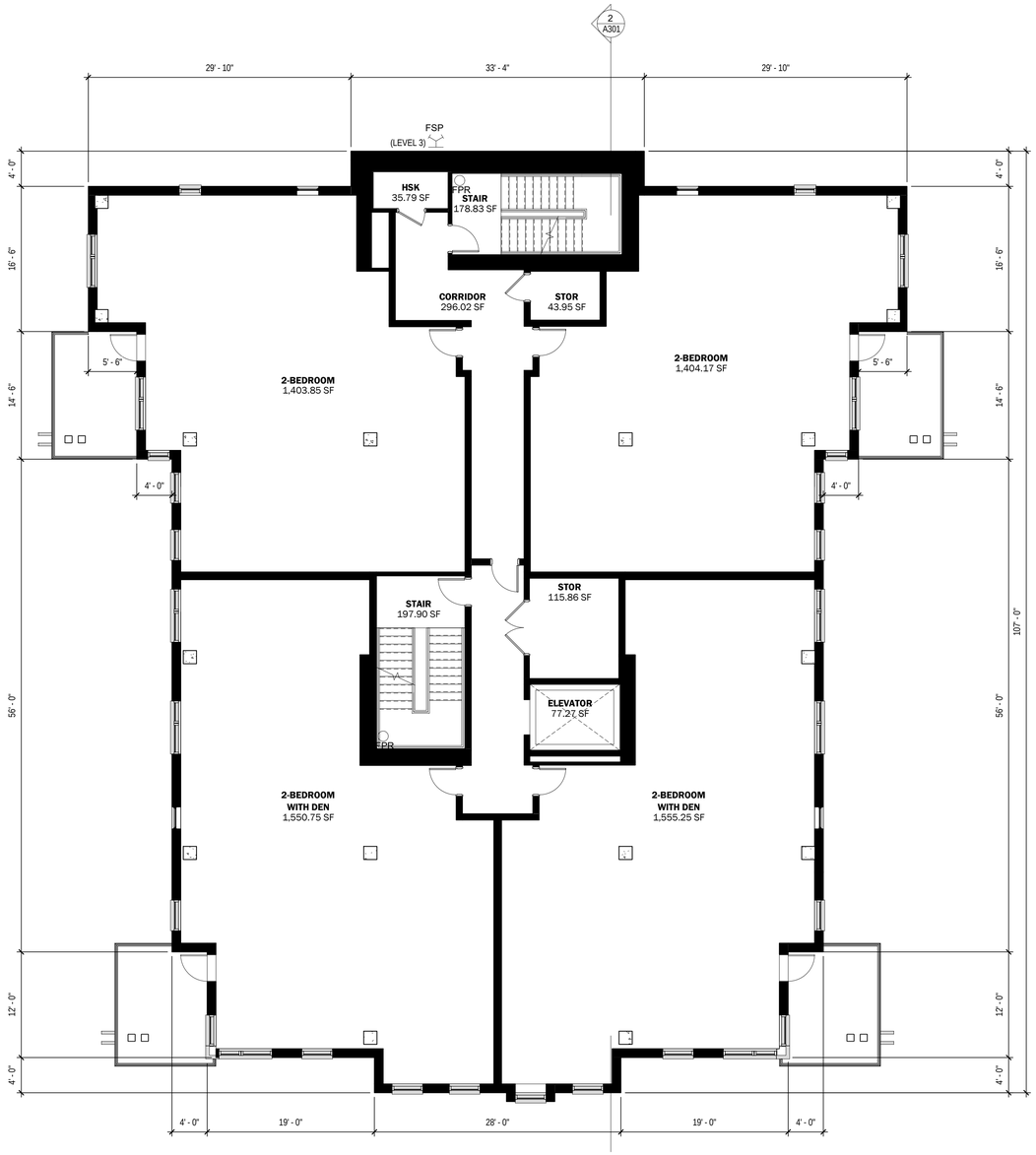
TYPICAL FLOOR PLAN - VILLA D & G

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

A103E

PLANNING SUBMITTAL

JULY 27, 2021



1 **TYPICAL FLOOR PLAN - VILLA E (VILLA F OPP HAND)**

1/8" = 1'-0" **TYPICAL FLOORS 2-4**

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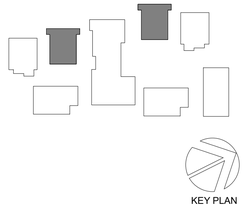

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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

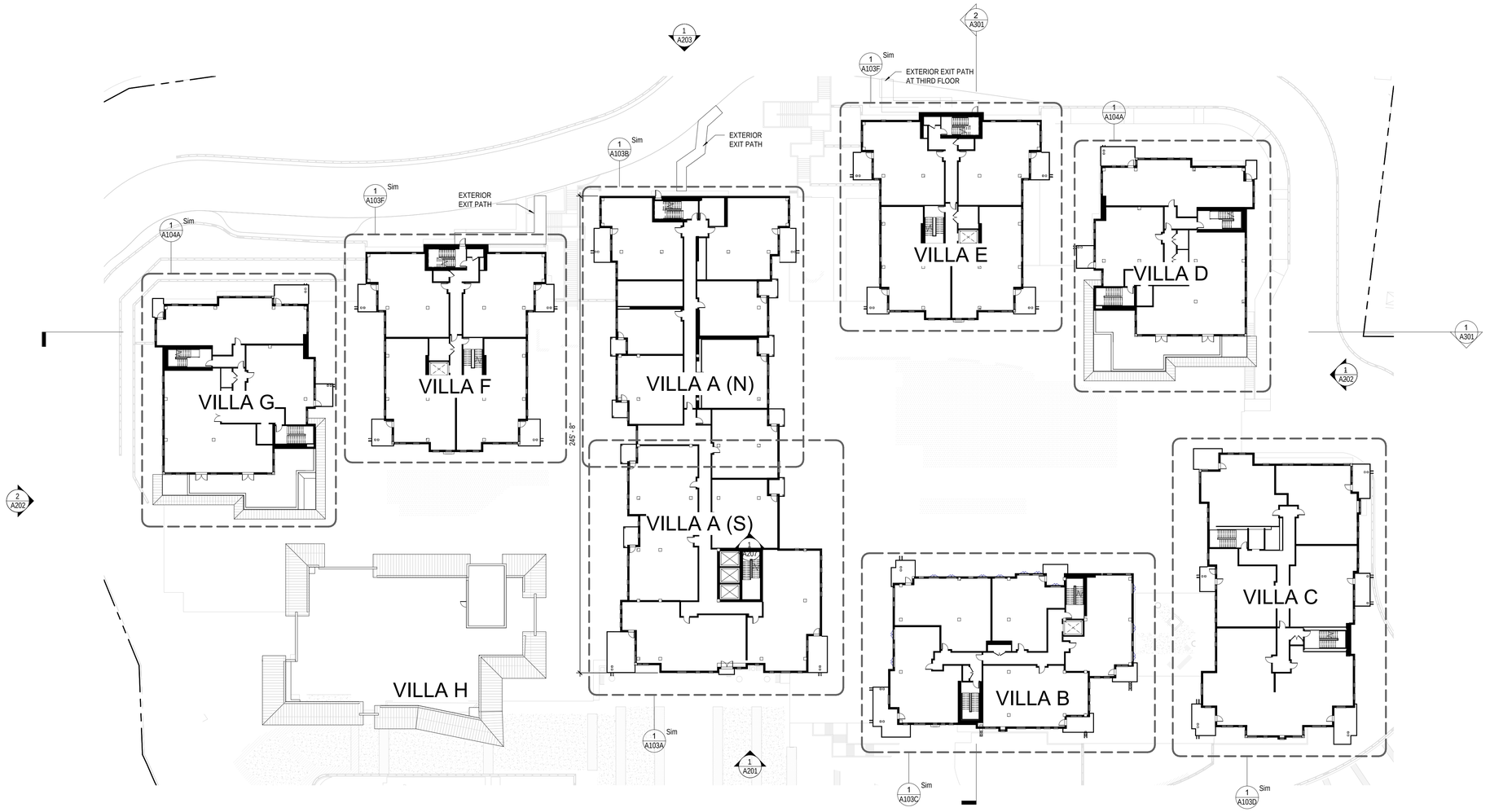
TYPICAL FLOOR PLAN - VILLA E & F

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

A103F

PLANNING SUBMITTAL

JULY 27, 2021



1 **4TH FLOOR PLAN - OVERALL**
1" = 30'-0"

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(415) 398-7667

General Contractor:
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690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

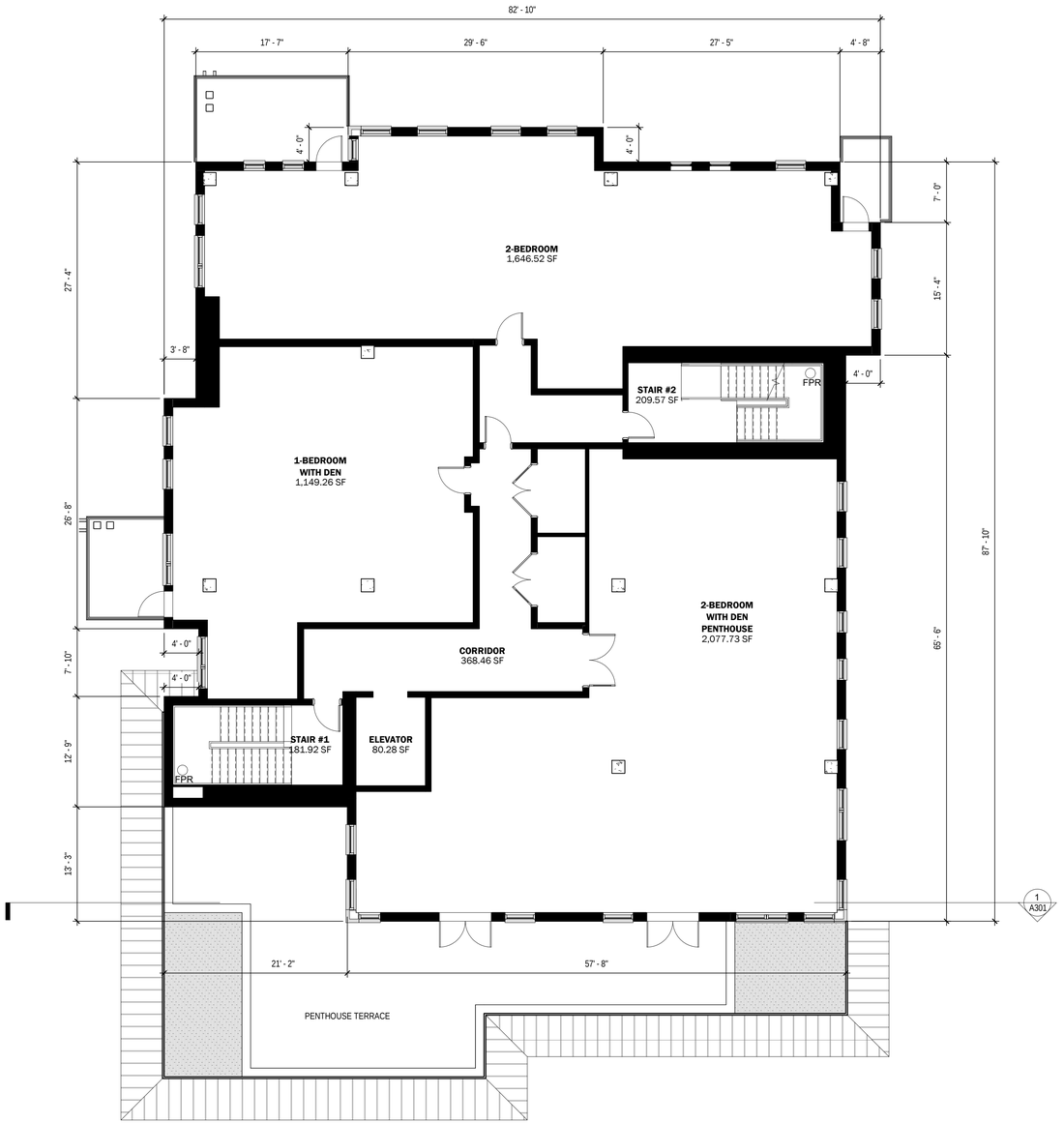
DRAWING TITLE:
4TH FLOOR PLAN - OVERALL

SCALE: 1" = 30'-0"

A104

PLANNING SUBMITTAL

JULY 27, 2021



1 **4TH FLOOR PLAN - VILLA D (VILLA G OPP HAND)**

1/8" = 1'-0"

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
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Owner:
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Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
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Mechanical, Electrical & Plumbing:
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(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

4TH FLOOR PLAN - VILLA D & G

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

A104A

PLANNING SUBMITTAL

JULY 27, 2021

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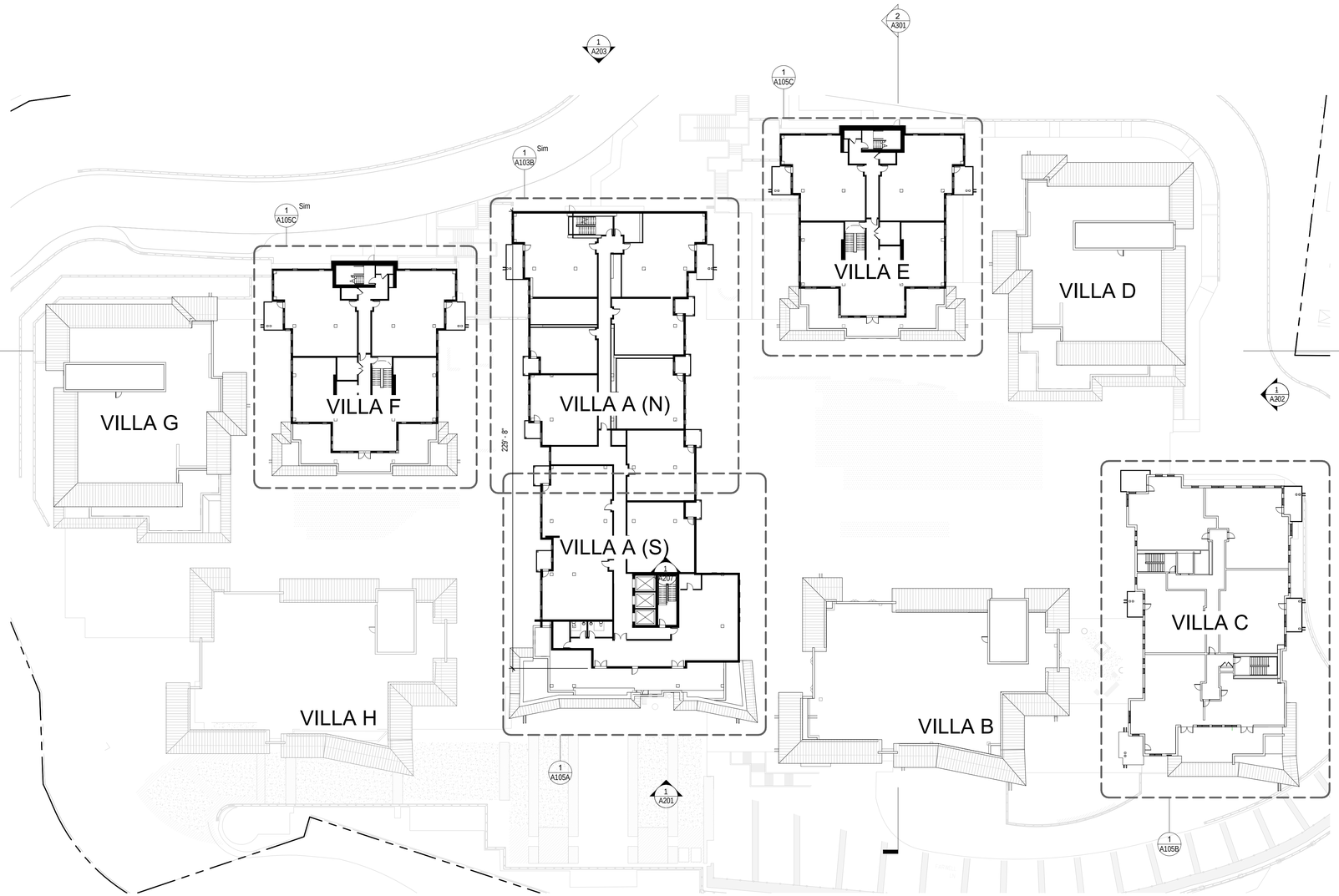

1 **5TH FLOOR PLAN - OVERALL**

1" = 30'-0"

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NO.	DATE	ISSUE

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SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
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(415) 816-7944

Owner:
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WALNUT CREEK, CA 94596
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Civil / Site:
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PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
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Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
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(415) 989-1004

Mechanical, Electrical & Plumbing:
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SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

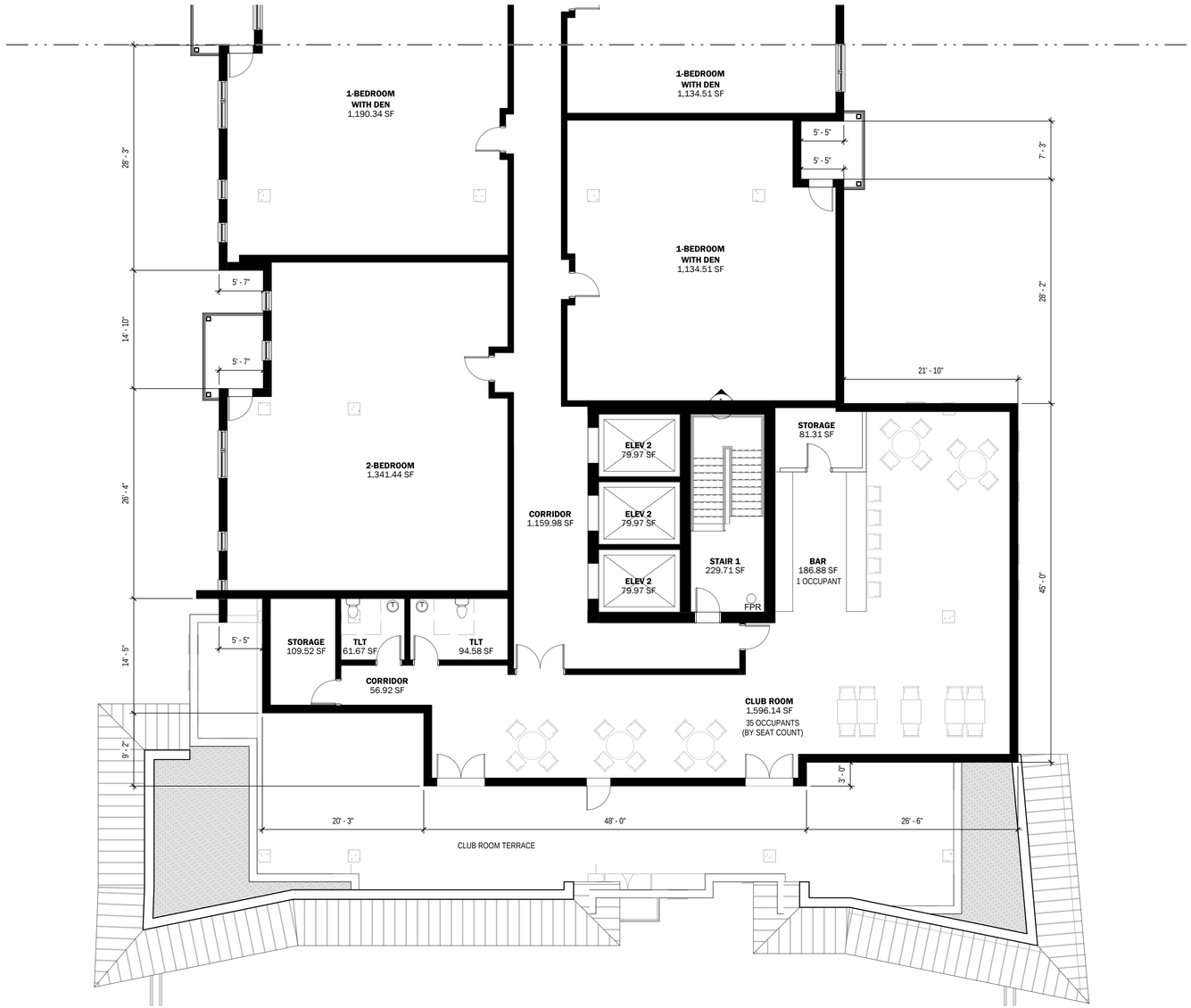
5TH FLOOR PLAN - OVERALL

SCALE: 1" = 30'-0"

A105

PLANNING SUBMITTAL

JULY 27, 2021



1 **5TH FLOOR PLAN - VILLA A SOUTH**

1/8" = 1'-0"

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NO.	DATE	ISSUE

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KEY PLAN

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100 Montgomery St., Suite 2300
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T. +1 415 926 7900

Applicant:
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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

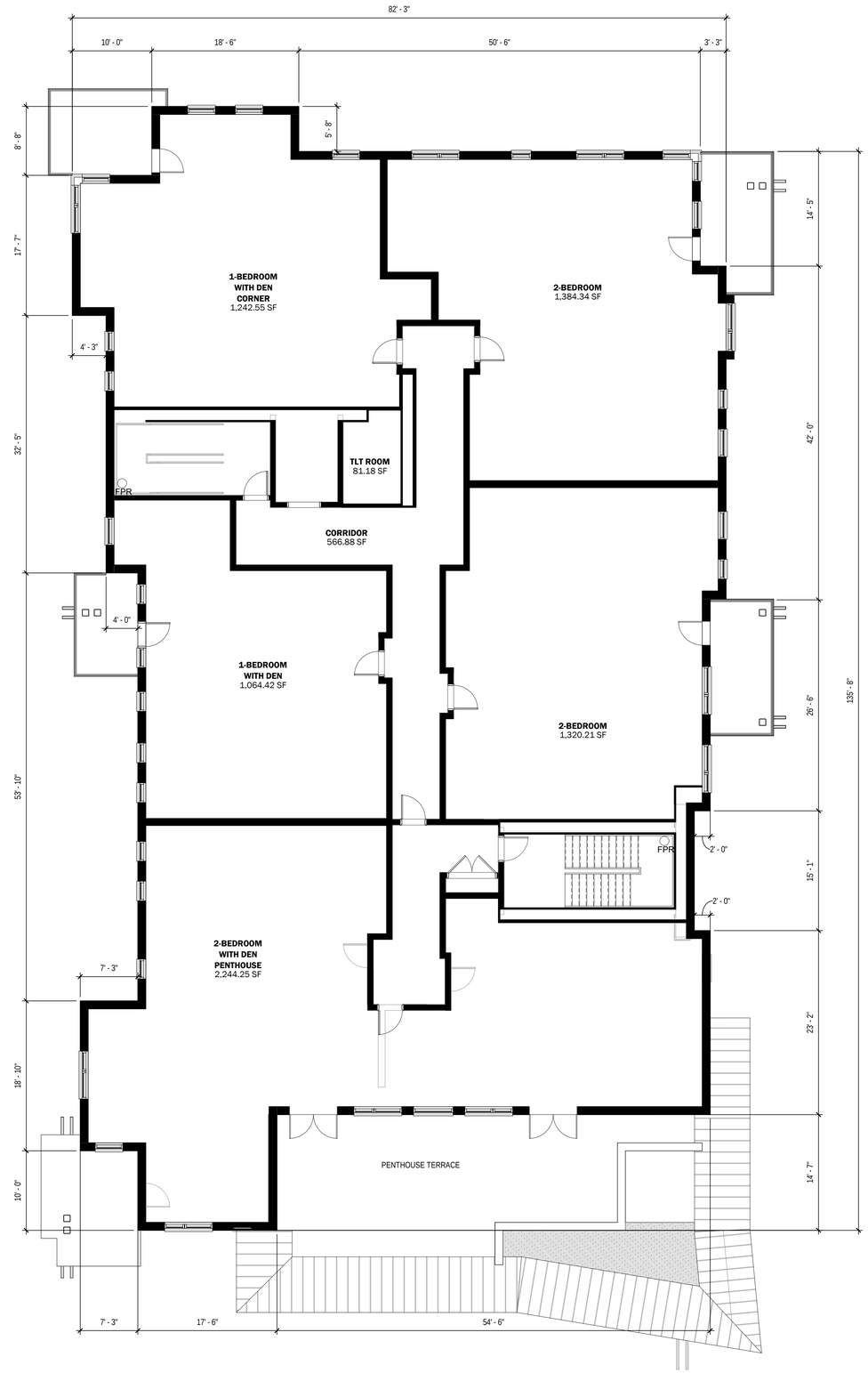
5TH FLOOR PLAN - VILLA A S

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

A105A

PLANNING SUBMITTAL

JULY 27, 2021



1 **5TH FLOOR PLAN - VILLA C**

1/8" = 1'-0"

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NO.	DATE	ISSUE

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Applicant:
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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

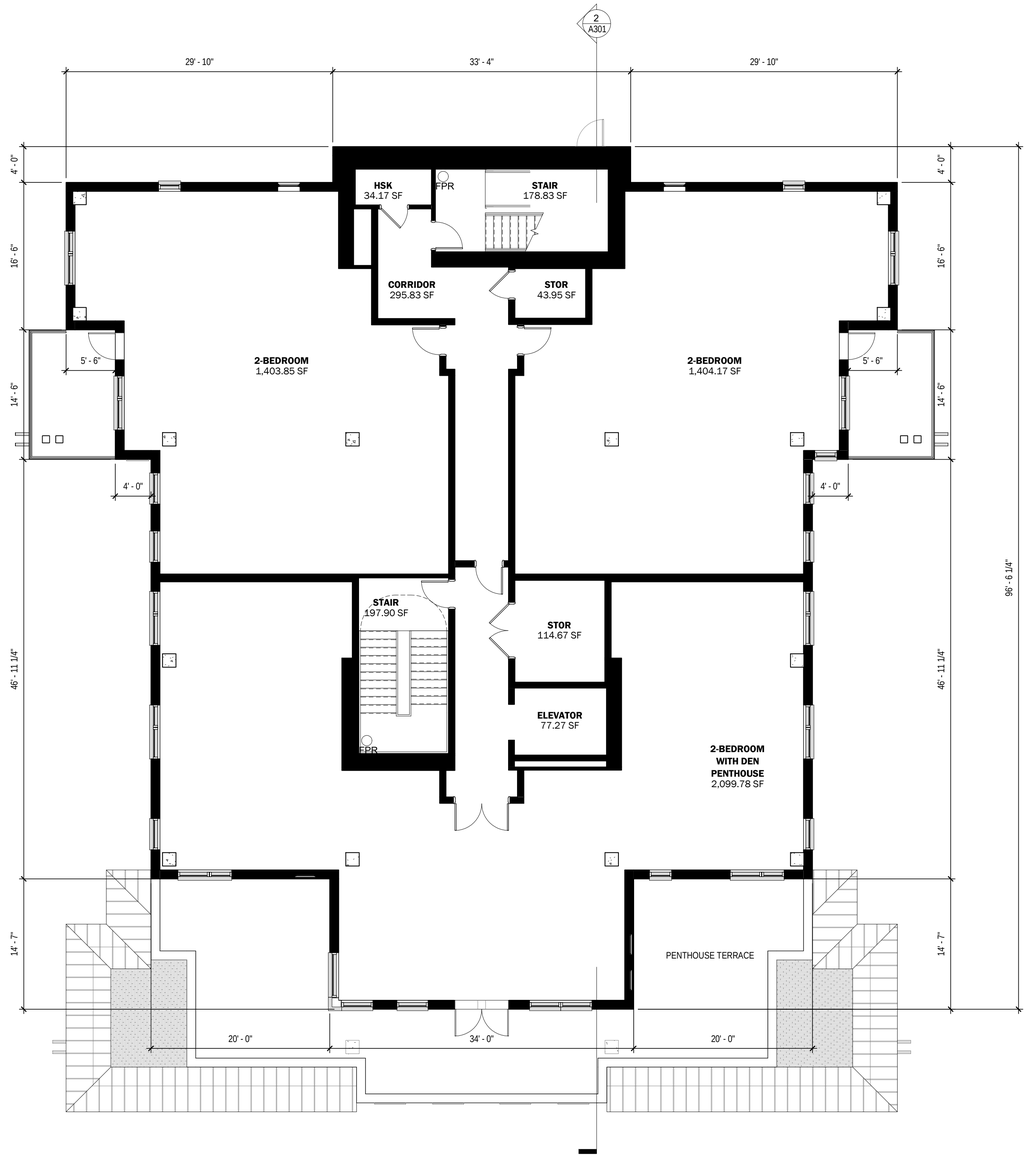
5TH FLOOR PLAN - VILLA C

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

A105B

PLANNING SUBMITTAL

JULY 27, 2021



1 **5TH FLOOR PLAN - VILLA E (VILLA F OPP HAND)**
1/8" = 1'-0"

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DRAWING TITLE:

5TH FLOOR PLAN - VILLA E & F

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

A105C

PLANNING SUBMITTAL

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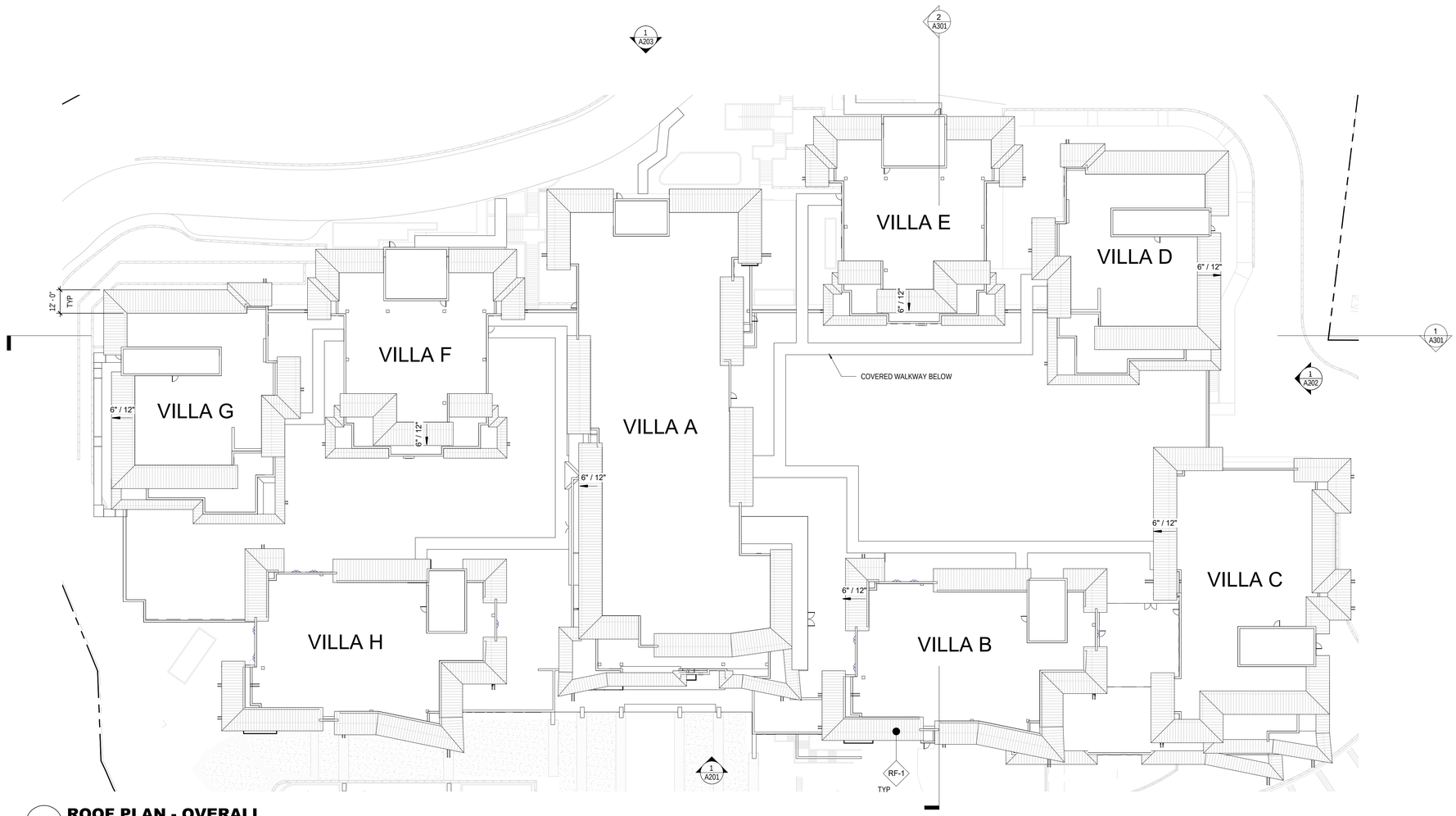

1 **ROOF PLAN - OVERALL**

1" = 30'-0"

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(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

ROOF PLAN - OVERALL

SCALE: 1" = 30'-0"

A106

PLANNING SUBMITTAL

JULY 27, 2021











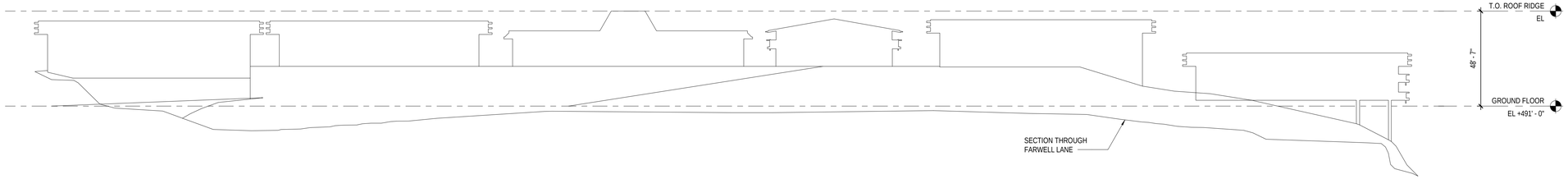

1 EXISTING ELEVATION_SOUTH-EAST

1" = 30'-0"



3 VIEW LEGEND - EXISTING ELEVATION - SE

1/2" = 1'-0"

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

EXISTING EXTERIOR ELEVATIONS

SCALE: As indicated

A201-E

PLANNING SUBMITTAL

JULY 27, 2021

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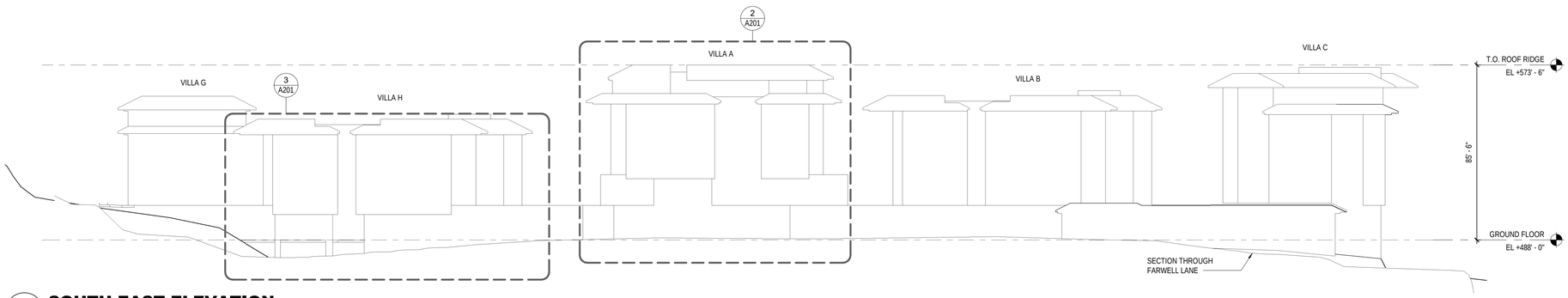
3 VILLA H SOUTH-EAST ELEVATION

3/32" = 1'-0" NOTE: SEE SHEET A204 FOR MATERIAL BOARD



2 VILLA A SOUTH-EAST ELEVATION

3/32" = 1'-0" NOTE: SEE SHEET A204 FOR MATERIAL BOARD



1 SOUTH-EAST ELEVATION

1" = 30'-0"

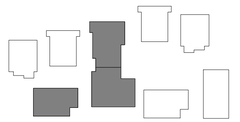
MATERIAL LEGEND

RF-1	ROOF - STANDING SEAM
ST-1	STONE TILE
MC-1	BRUSHED STAINLESS STEEL
EX-1	CONCRETE PANEL SIDING
EX-2	BALCONY FINISH
MP-1	METAL PANEL SIDING
MP-2	VERTICAL STANDING SEAM
MP-3	CONCRETE PANEL SIDING

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL



KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
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SAN RAMON, CA 94583
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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

EXTERIOR ELEVATIONS SE

SCALE: As indicated

A201

PLANNING SUBMITTAL

JULY 27, 2021

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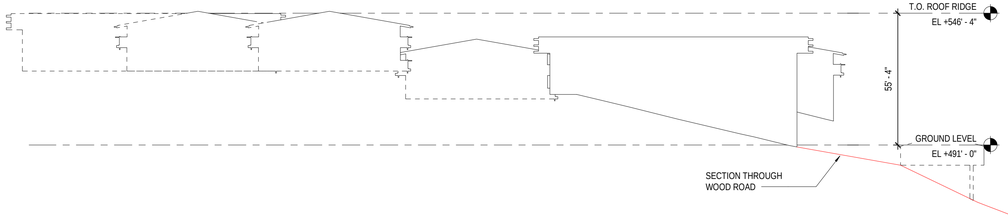
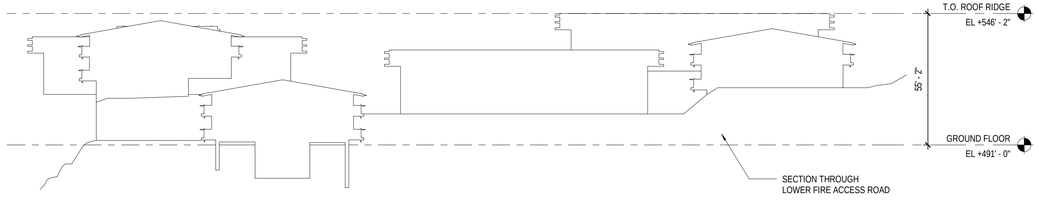


2 EXISTING ELEVATION_SOUTH-WEST

1" = 30'-0"



1 EXISTING ELEVATION_NORTH-EAST

1" = 30'-0"



4 VIEW LEGEND - EXISTING ELEVATION - SW-NE

1/2" = 1'-0"

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

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MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

EXISTING EXTERIOR ELEVATIONS

SCALE: As indicated

A202-E

PLANNING SUBMITTAL

JULY 27, 2021

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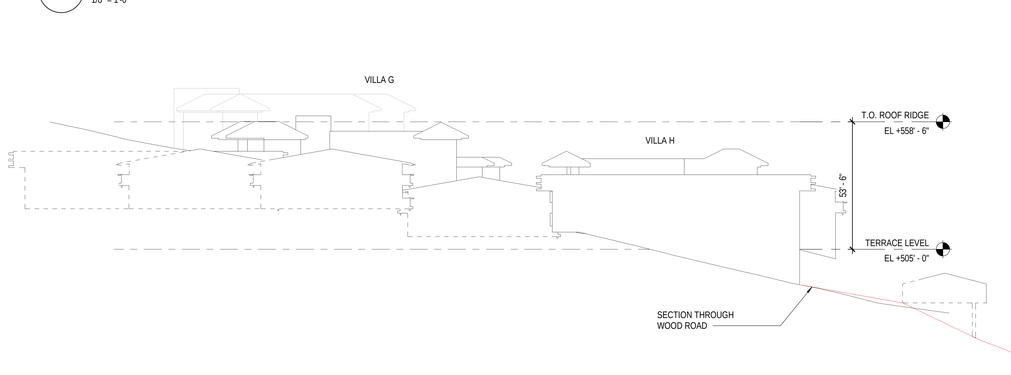
NOTE: SEE SHEET A204 FOR MATERIAL BOARD

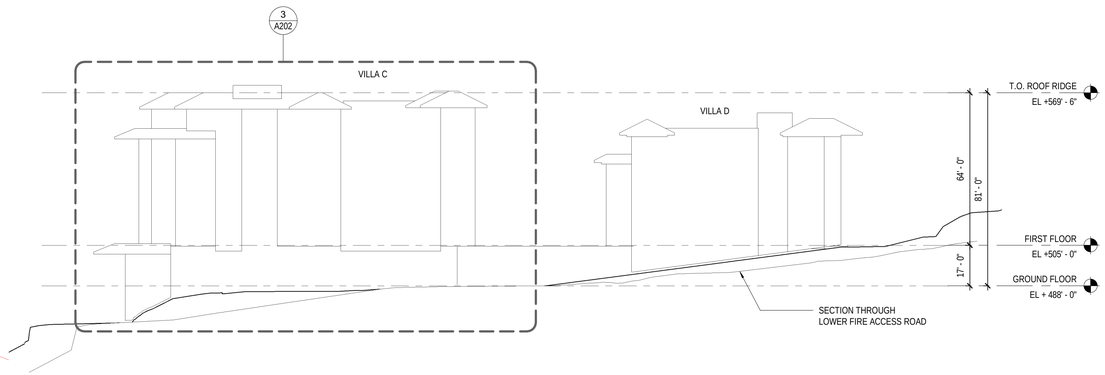
3 VILLA C NORTH-EAST ELEVATION

1/8" = 1'-0"



2 SOUTH-WEST ELEVATION

1" = 30'-0"



1 NORTH-EAST ELEVATION

1" = 30'-0"

MATERIAL LEGEND

RF-1	ROOF - STANDING SEAM
ST-1	STONE TILE
MC-1	BRUSHED STAINLESS STEEL
EX-1	CONCRETE PANEL SIDING
EX-2	BALCONY FINISH
MP-1	METAL PANEL SIDING
MP-2	VERTICAL STANDING SEAM
MP-3	CONCRETE PANEL SIDING

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

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Landscape:
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SAN RAMON, CA 94583
(925) 736-8176

Structural:
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(415) 989-1004

Mechanical, Electrical & Plumbing:
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SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

EXTERIOR ELEVATIONS NE & SW

SCALE: As indicated

A202

PLANNING SUBMITTAL

JULY 27, 2021

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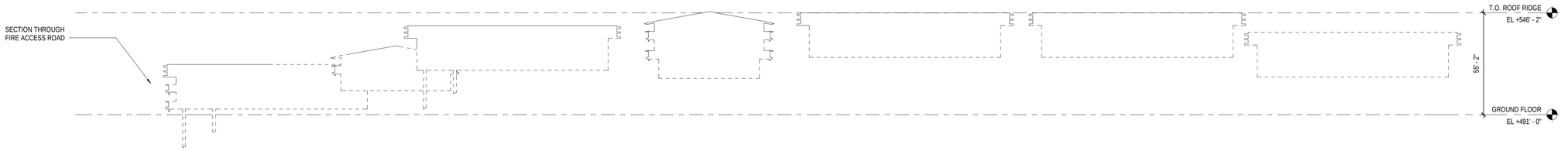
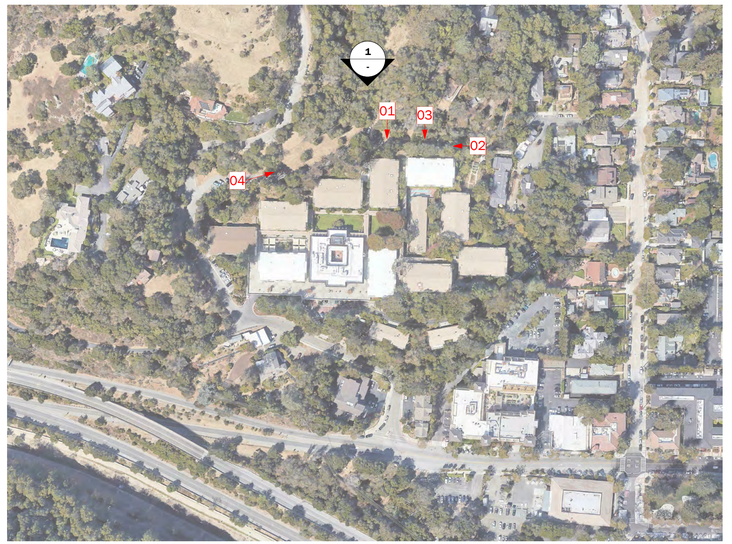


1 **EXISTING ELEVATION_NORTH-WEST**

1" = 30'-0"



3 **VIEW LEGEND - EXISTING ELEVATION - NW**

1/2" = 1'-0"

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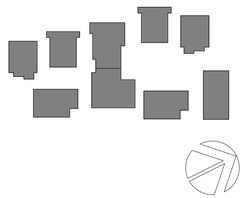
NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL



KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
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2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
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Landscape:
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SAN RAMON, CA 94583
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Structural:
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45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

EXISTING EXTERIOR ELEVATIONS

SCALE: As indicated

A203-E

PLANNING SUBMITTAL

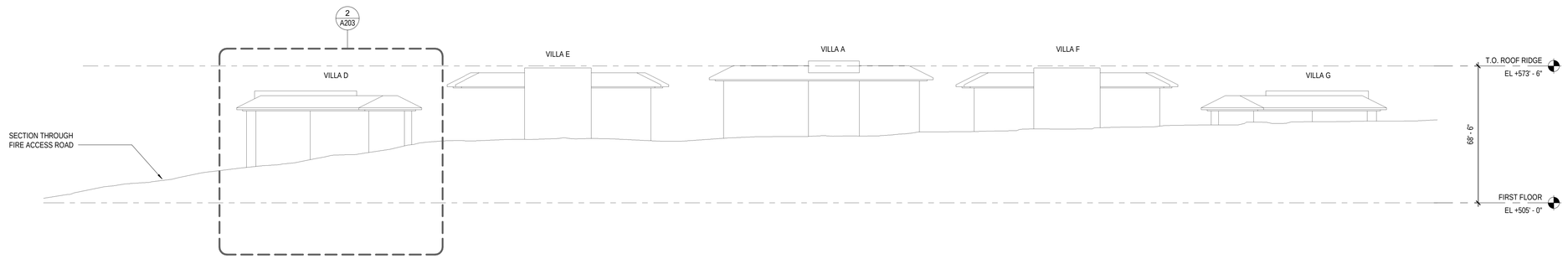
JULY 27, 2021



2 VILLA D NORTH-WEST ELEVATION

1/8" = 1'-0"

NOTE: SEE SHEET A204 FOR MATERIAL BOARD



1 NORTH-WEST ELEVATION

1" = 30'-0"

MATERIAL LEGEND

RF-1	ROOF - STANDING SEAM
ST-1	STONE TILE
MC-1	BRUSHED STAINLESS STEEL
EX-1	CONCRETE PANEL SIDING
EX-2	BALCONY FINISH
MP-1	METAL PANEL SIDING
MP-2	VERTICAL STANDING SEAM
MP-3	CONCRETE PANEL SIDING

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
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General Contractor:
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690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

EXTERIOR ELEVATIONS NW

SCALE: As indicated

A203

PLANNING SUBMITTAL

JULY 27, 2021

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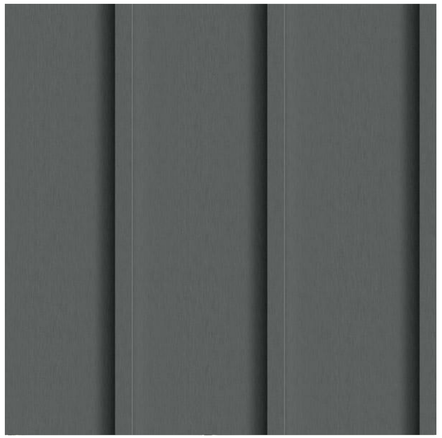
BALCONY GUARDRAIL ASSEMBLY STYLE
(GL-2) GUARDRAIL GLASS
(EX-2) BALCONY FINISH



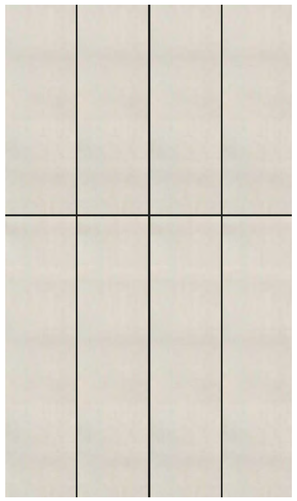
WOOD-LOOK ALUMINUM SOFFIT



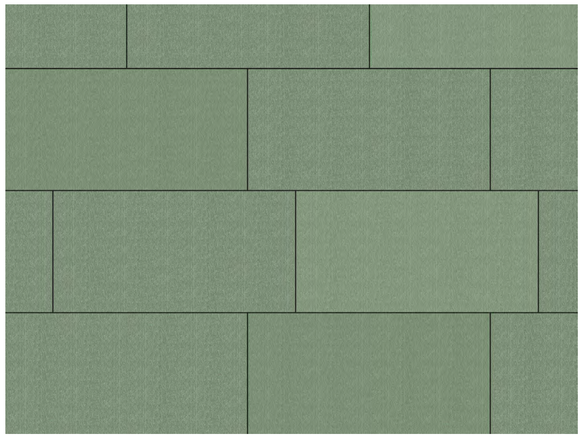
(RF-1)
STANDING SEAM ROOF



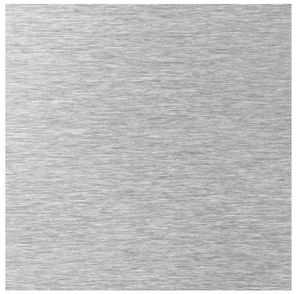
(ST-1)
STONE TILE



(MP-2)
VERTICAL STANDING SEAM



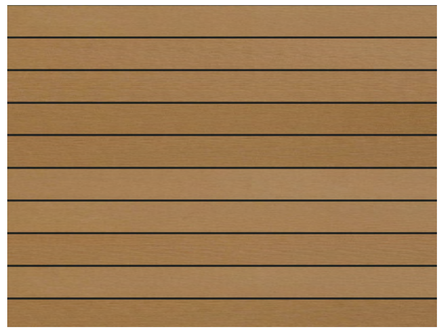
(MP-1)
METAL PANEL SIDING



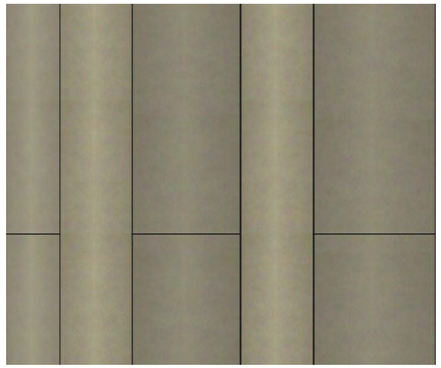
(MC-1)
BRUSHED STAINLESS STEEL (WINDOW FRAMES, RAILINGS, SECONDARY STRUCTURES)



LIGHT FIXTURE EXTERIOR (WALL-MOUNTED SCONCE) AT ENTRY CANOPY



(MP-3)
HORIZONTAL METAL PANEL W/ WOOD VENEER



(EX-1)
CONCRETE PANEL SIDING



LIGHT FIXTURE EXTERIOR (WALL-MOUNTED SCONCE) AT BALCONIES

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
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Applicant:
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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

MATERIAL BOARD

SCALE:

A204

PLANNING SUBMITTAL

JULY 27, 2021

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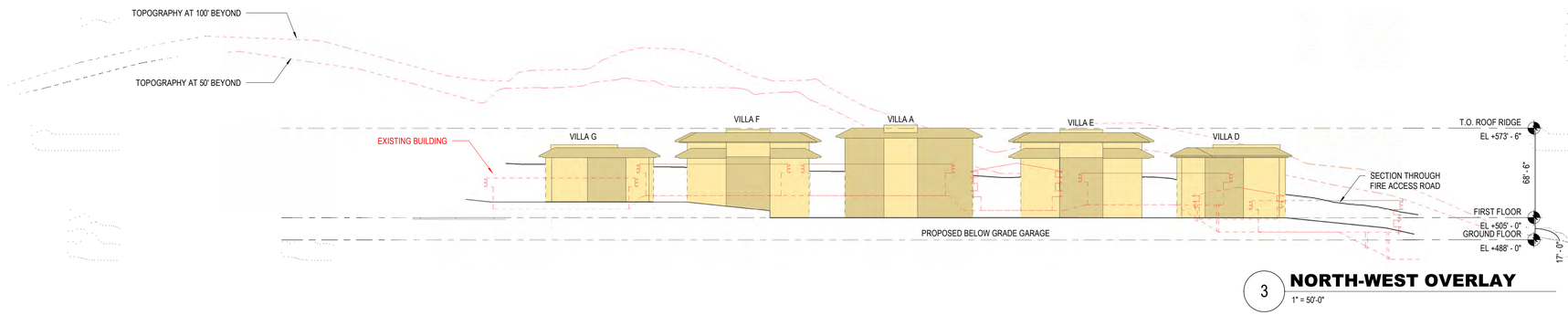
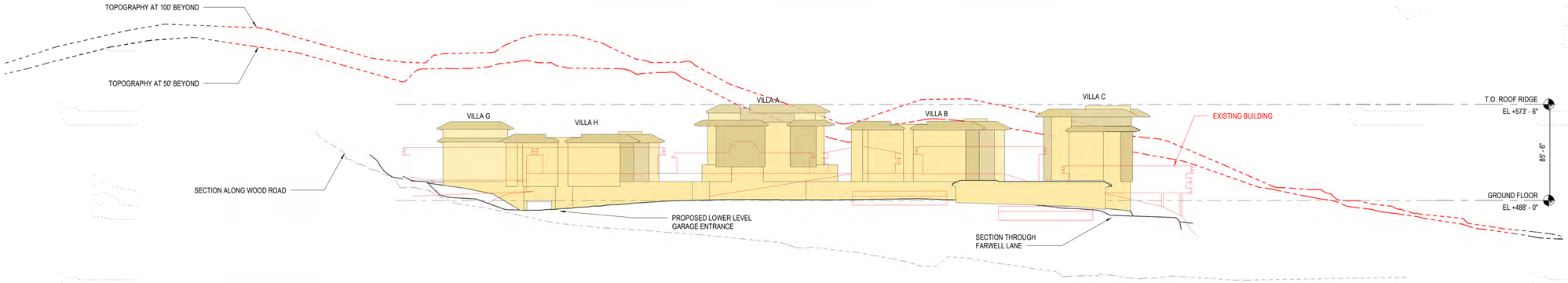
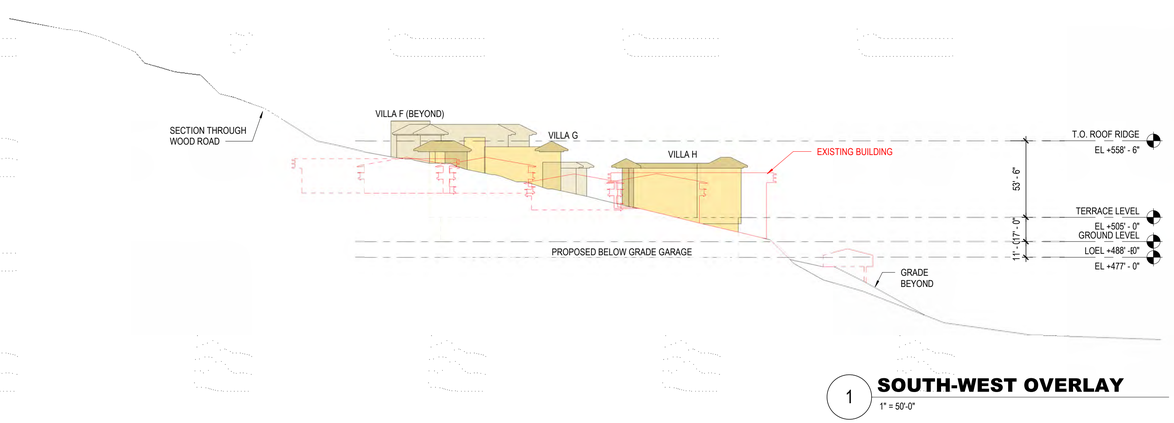


3 **NORTH-WEST OVERLAY**
1" = 50'-0"



2 **SOUTH-EAST OVERLAY**
1" = 50'-0"



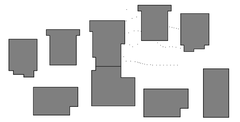
1 **SOUTH-WEST OVERLAY**
1" = 50'-0"



NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL





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GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

BUILDING OUTLINES - EXISTING AND PROPOSED

SCALE: As indicated

A205

PLANNING SUBMITTAL

JULY 27, 2021

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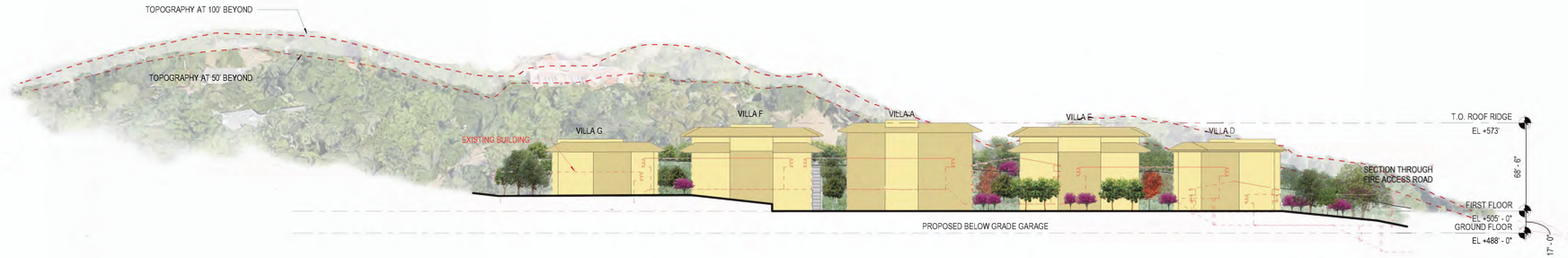
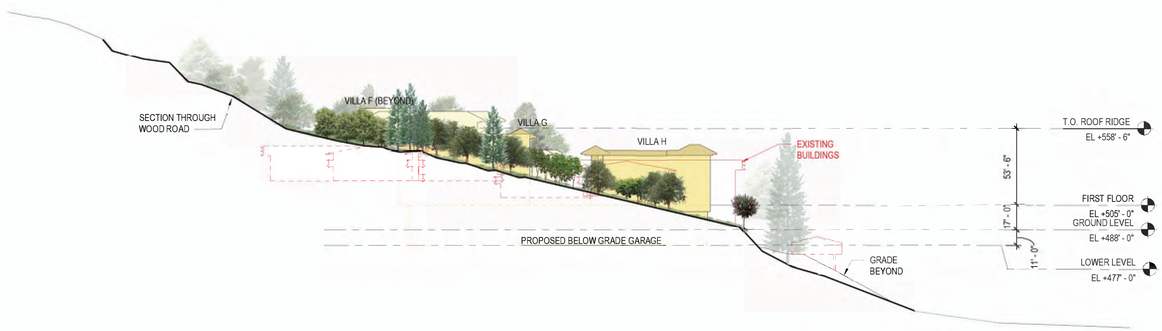


3 **NORTH-WEST OVERLAY**
1" = 50'-



2 **SOUTH-EAST ELEVATION**
1" = 50'-0"



1 **SOUTH-WEST ELEVATION**
1" = 50'-0"



NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS — EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4673 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

ELEVATION OUTLINES - LANDSCAPE OVERLAY

SCALE: As indicated

A206

PLANNING SUBMITTAL

JULY 27, 2021

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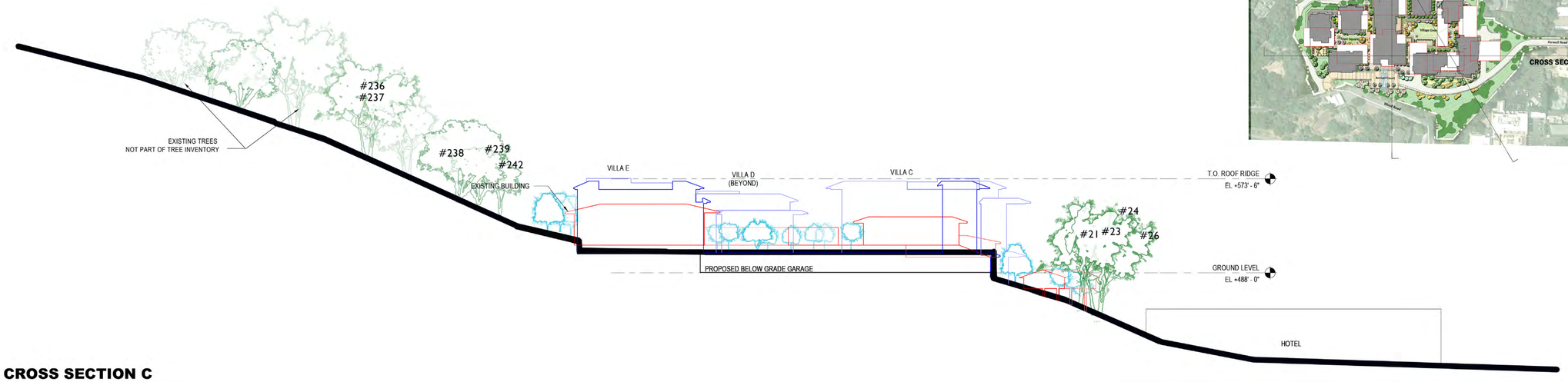
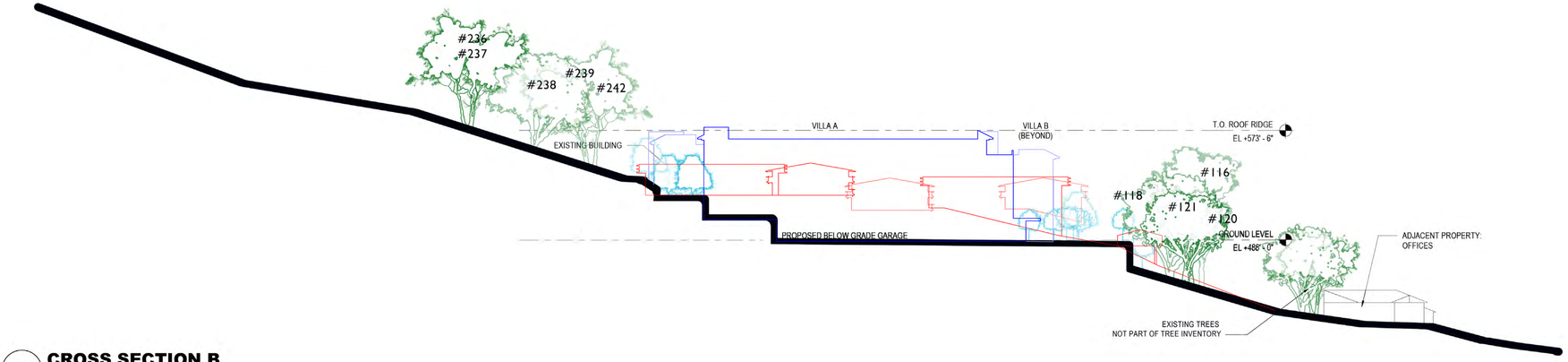
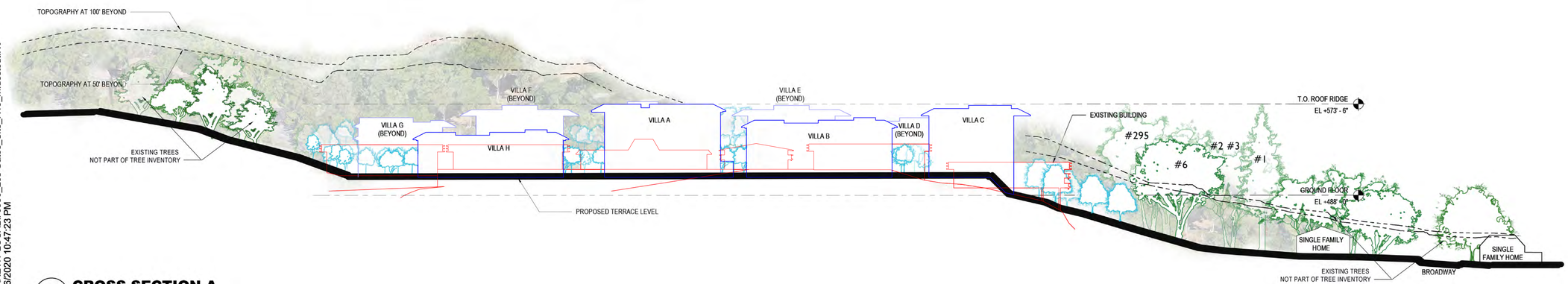


3 **CROSS SECTION C**
1" = 50'-0"





2 **CROSS SECTION B**
1" = 50'-0"



1 **CROSS SECTION A**
1" = 50'-0"

C:\REVIT LOCAL\70580_Los Gatos_Site_R19_m.destout.rvt
8/6/2020 10:47:23 PM

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

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100 Montgomery St., Suite 2300
San Francisco, CA 94104
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General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

SITE CROSS-SECTIONS

0 50 100

SCALE: As indicated

A207

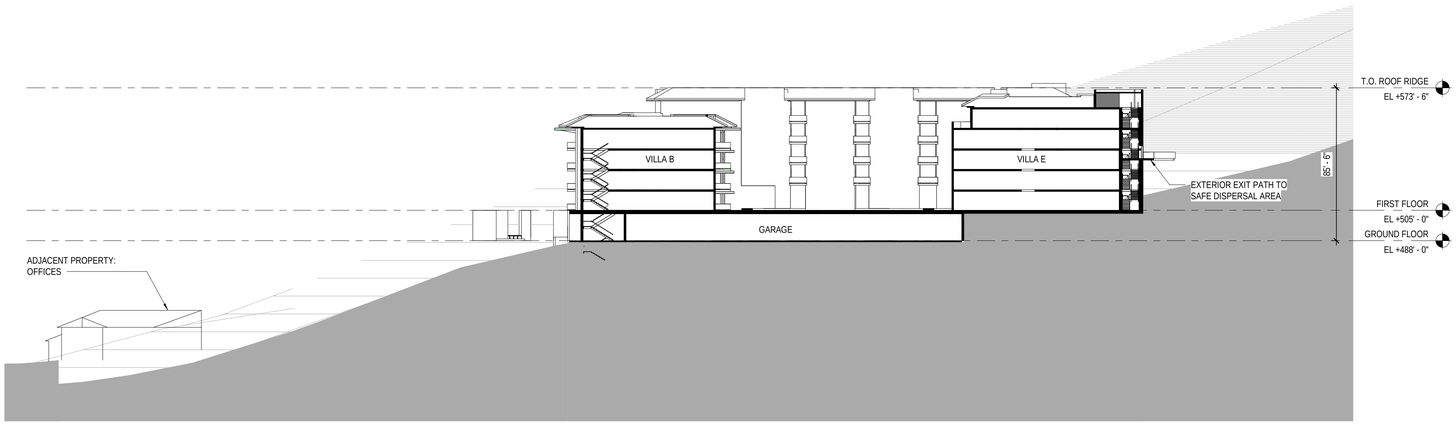
PLANNING SUBMITTAL

JULY 27, 2021



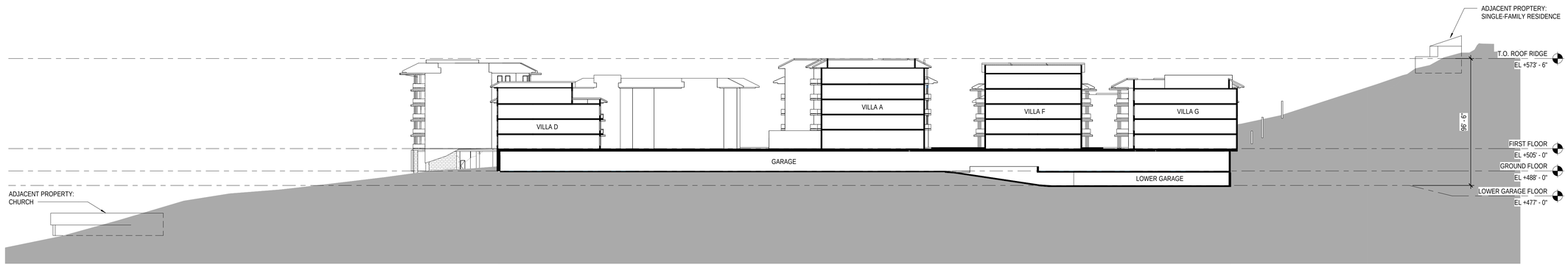
4 ADJACENT PROPERTIES MAP - PROPOSED

1" = 100'-0"



2 SITE - Overall NS Section

1" = 40'-0"



1 SITE - Overall WE Section

1" = 40'-0"

C:\REVIT LOCAL\70580_Los Gatos_Site_R19_m.destout.rvt
10/13/2020 7:40:30 PM

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

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100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

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General Contractor:
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690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

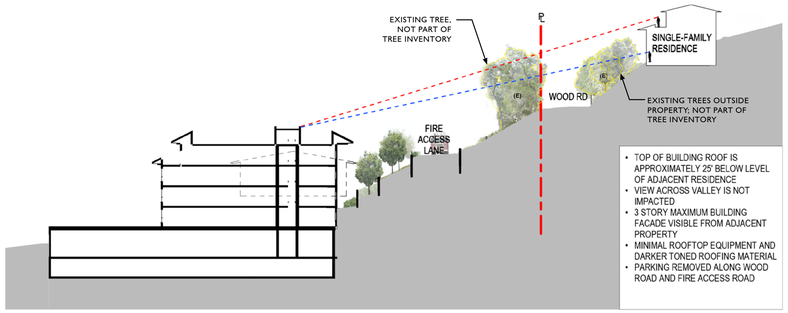
OVERALL SITE SECTION

SCALE: As indicated

A301

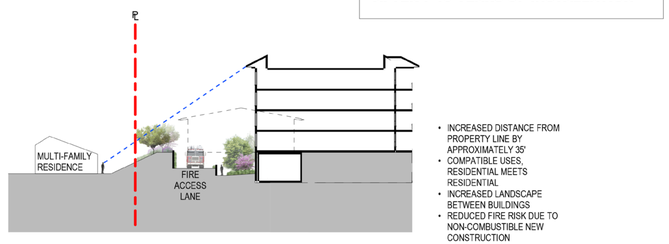
PLANNING SUBMITTAL

JULY 27, 2021



6 SITE SECTION - ADJACENT PROPERTY B

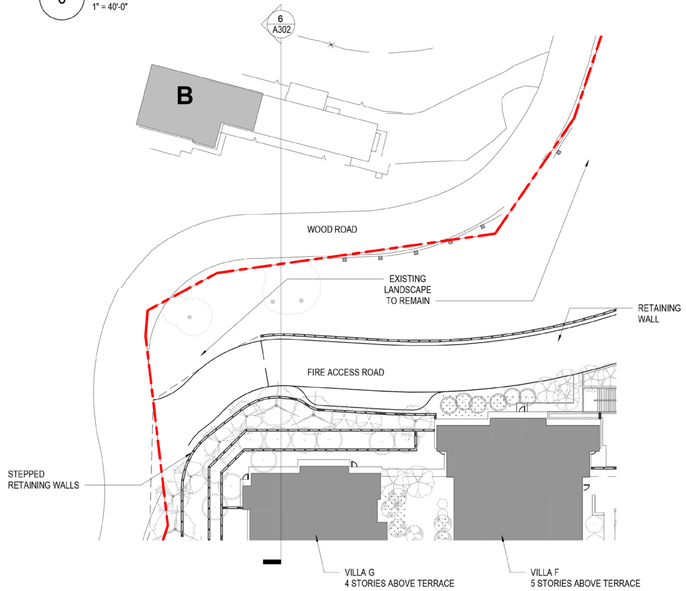
1" = 40'-0"



NOTE: PROPOSED TREES SHOWN ARE AFTER 7-10 YEARS OF INSTALLATION

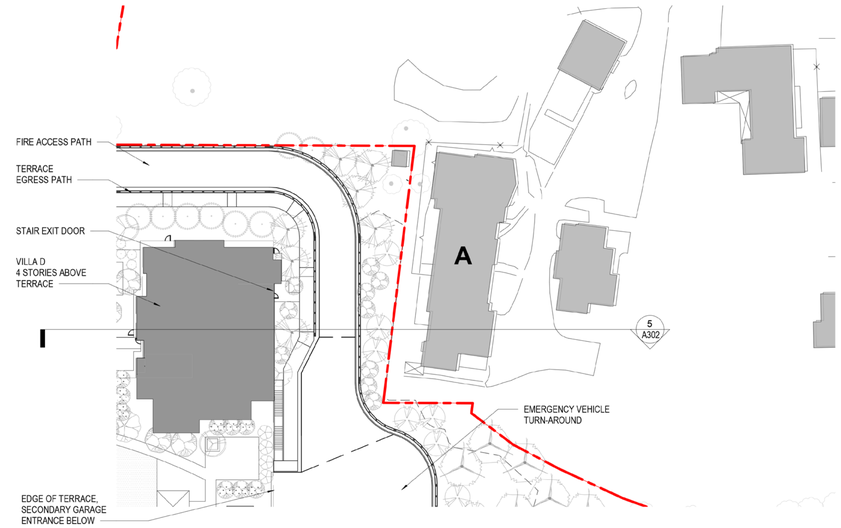
5 SITE SECTION - ADJACENT PROPERTY A

1" = 40'-0"



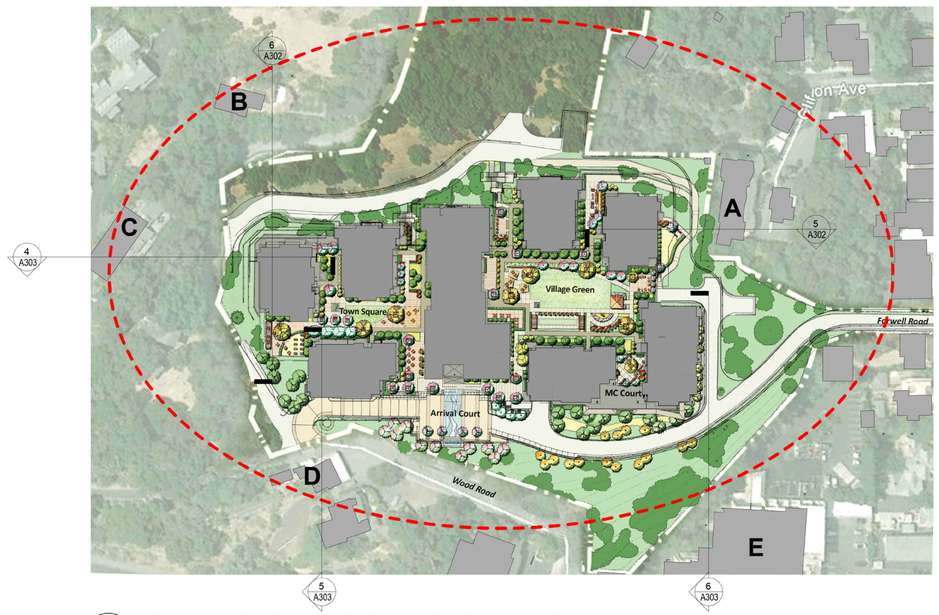
4 ENLARGED SITE PLAN - ADJACENT PROPERTY B

1" = 40'-0"



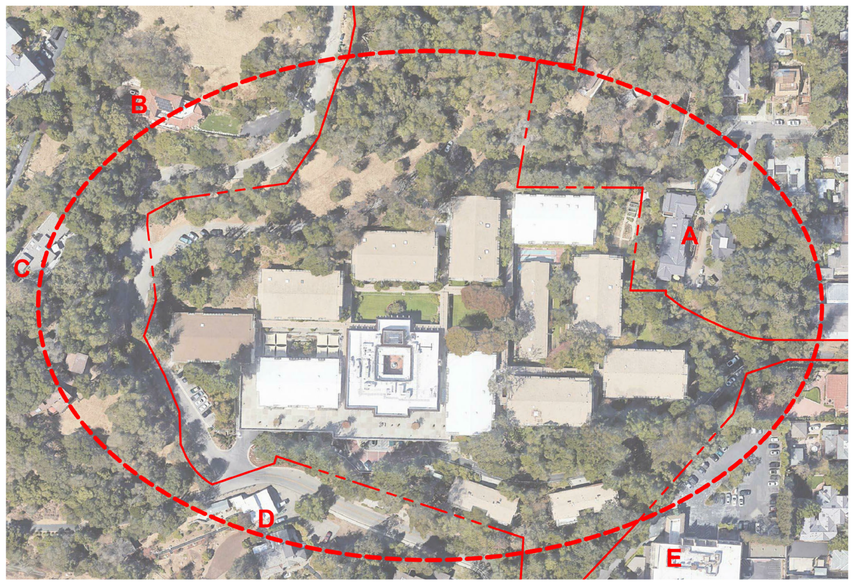
3 ENLARGED SITE PLAN - ADJACENT PROPERTY A

1" = 40'-0"



2 ADJACENT PROPERTIES MAP - PROPOSED

1" = 100'-0"



1 ADJACENT PROPERTIES MAP - EXISTING

1" = 100'-0"

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS — EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
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ORINDA, CA 94563
(415) 816-7944

Owner:
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Civil / Site:
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4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
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Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

ADJACENT PROPERTIES SECTIONS

SCALE: As indicated

A302

PLANNING SUBMITTAL

OCTOBER 13 2020

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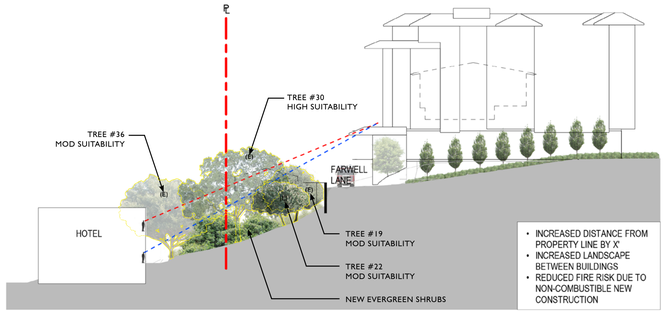
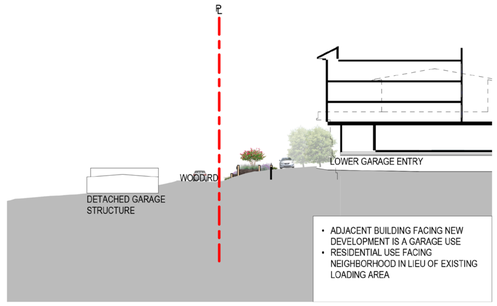


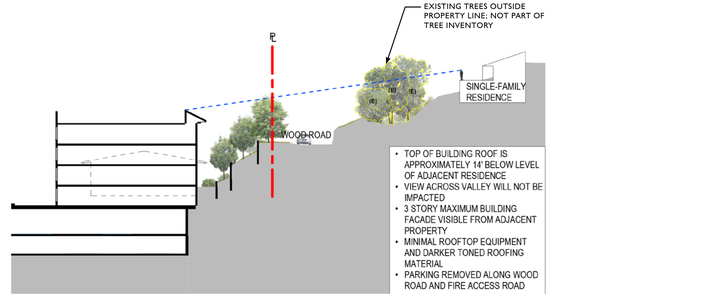
6 ADJACENT PROPERTY E

1" = 40'-0"



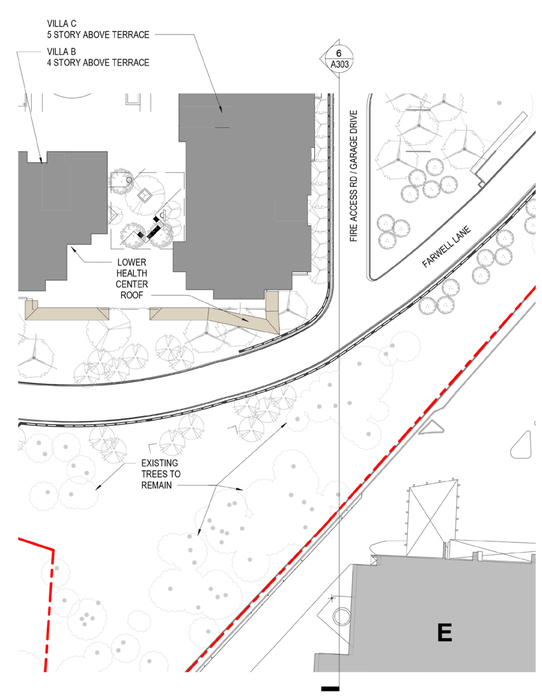
5 ADJACENT PROPERTY D

1" = 40'-0"



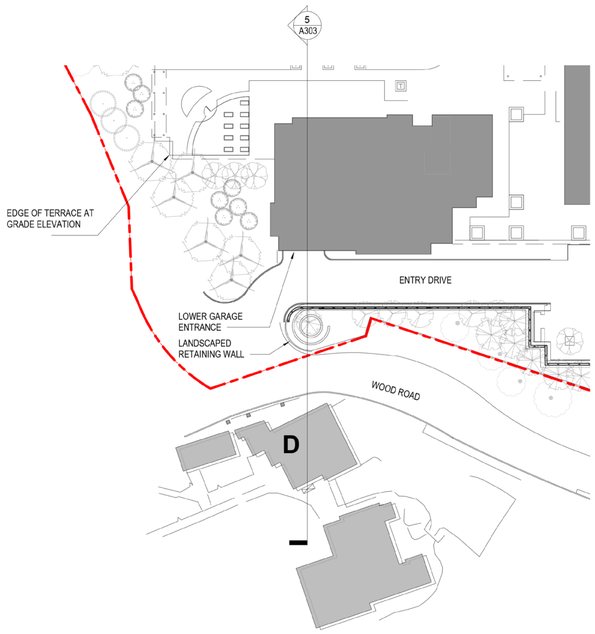
4 SITE SECTION - ADJACENT PROPERTY C

1" = 40'-0"



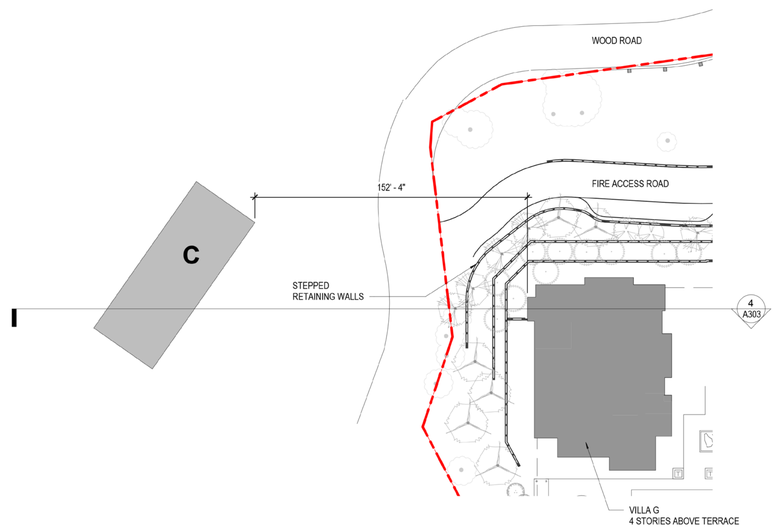
3 ENLARGED SITE PLAN - ADJACENT PROPERTY E

1" = 40'-0"



2 ENLARGED SITE PLAN - ADJACENT PROPERTY D

1" = 40'-0"



1 ENLARGED SITE PLAN - ADJACENT PROPERTY C

1" = 40'-0"

NOTE: PROPOSED TREES SHOWN ARE AFTER 7-10 YEARS OF INSTALLATION

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS — EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4673 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

ADJACENT PROPERTIES SECTIONS

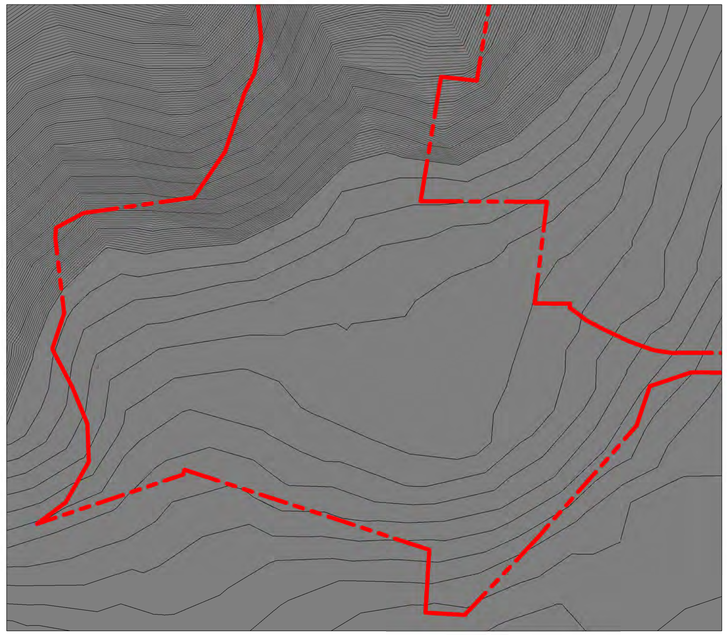
SCALE: 1" = 40'-0"

A303

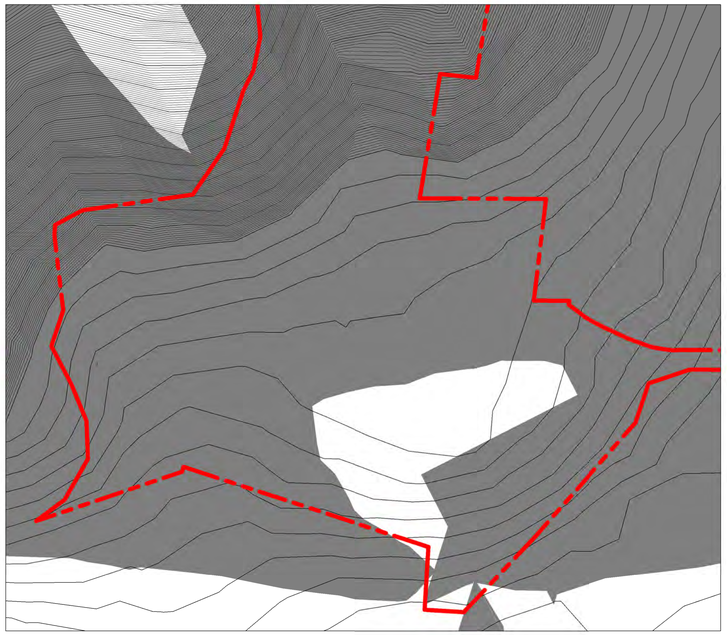
PLANNING SUBMITTAL

OCTOBER 13, 2020

C:\Users\m.destout\Documents\70580_Los Gatos_central_R19_m.destout.rvt



9 **SHADOW STUDY-TERRAIN ONLY_December 21_1500**
1/4" = 1'-0"



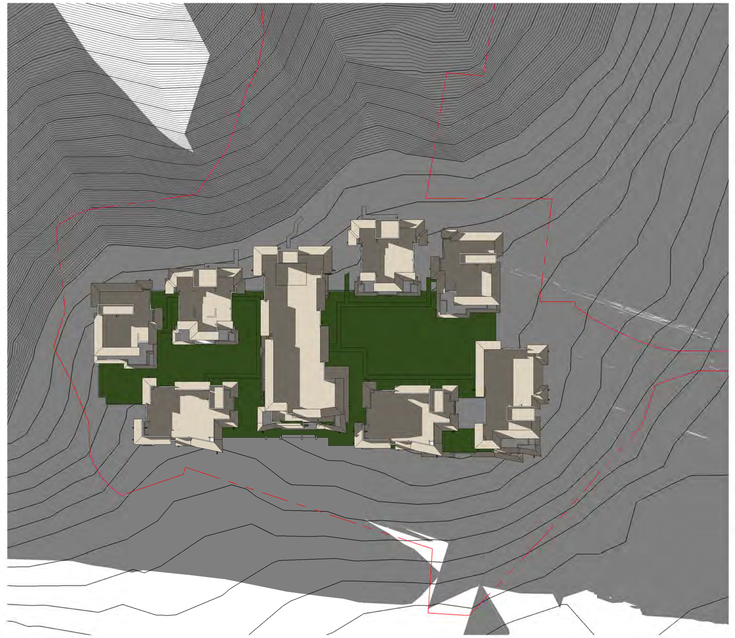
8 **SHADOW STUDY-TERRAIN ONLY_December 21_1200**
1/4" = 1'-0"



7 **SHADOW STUDY-TERRAIN ONLY_December 21_0900**
1/4" = 1'-0"



6 **SHADOW STUDY_December 21_1500**
1" = 100'-0"



5 **SHADOW STUDY_December 21_1200**
1" = 100'-0"



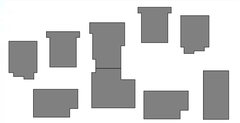
4 **SHADOW STUDY_December 21_0900**
1" = 100'-0"

NOTE: SEPARATE STUDY OF SHADOW IMPACT ON TERRAIN ONLY DOES NOT INCLUDE TREES ON HILLSIDE AS A CONSERVATIVE APPROACH TO UNDERSTAND THE IMPACT OF THE HILLSIDE ON SITE SHADING PRIOR TO THE PROPOSED DEVELOPMENT.

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL





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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

SHADOW STUDY - DECEMBER

SCALE: As indicated

A400

PLANNING SUBMITTAL

JULY 27, 2021

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10/13/2020 7:33:36 PM



6 **SHADOW STUDY-TERRAIN ONLY_June 21_1500**
1/4" = 1'-0"



5 **SHADOW STUDY-TERRAIN ONLY_June 21_1200**
1/4" = 1'-0"



4 **SHADOW STUDY-TERRAIN ONLY_June 21_0900**
1/4" = 1'-0"



3 **SHADOW STUDY_June 21_1500**
1" = 100'-0"



2 **SHADOW STUDY_June 21_1200**
1" = 100'-0"



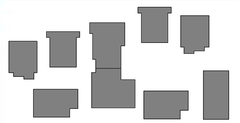
1 **SHADOW STUDY_June 21_0900**
1" = 100'-0"

NOTE: **SEPARATE STUDY OF SHADOW IMPACT ON TERRAIN ONLY DOES NOT INCLUDE TREES ON HILLSIDE AS A CONSERVATIVE APPROACH TO UNDERSTAND THE IMPACT OF THE HILLSIDE ON SITE SHADING PRIOR TO THE PROPOSED DEVELOPMENT.**

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL





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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

SHADOW STUDY - JUNE

SCALE: As indicated

A401

PLANNING SUBMITTAL

JULY 27, 2021

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2 **SITE PHOTOS 01-10**

1" = 1'-0"



1 **AERIAL VIEW DIAGRAM_SITE PHOTOS 01-10**

1" = 100'-0"

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

Owner:
COVIA
2185 N CALIFORNIA BLVD, SUITE 215
WALNUT CREEK, CA 94596
(925) 956-7400

Civil / Site:
KIMLEY-HORN
4637 CHABOT DRIVE, SUITE 300
PLEASANTON, CA 94588
(925) 398-4840

Landscape:
GATES + ASSOCIATES
2671 CROW CANYON RD
SAN RAMON, CA 94583
(925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
45 FREMONT ST, 28TH FLOOR
SAN FRANCISCO, CA 94105
(415) 989-1004

Mechanical, Electrical & Plumbing:
GLUMAC
150 CALIFORNIA ST, 3RD FLOOR
SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

SITE PHOTOS

SCALE: As indicated

A402

PLANNING SUBMITTAL

JULY 27, 2021

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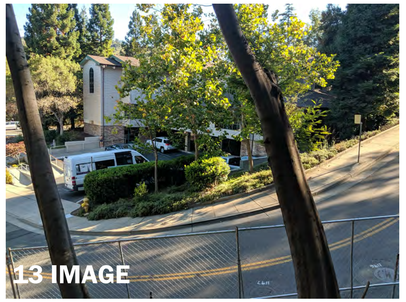







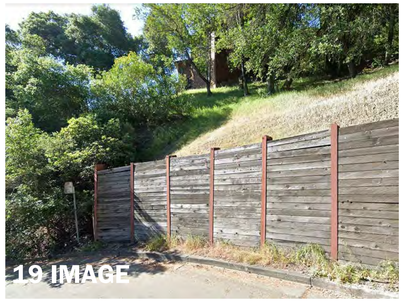







2 **SITE PHOTOS 11-20**

1" = 1'-0"



1 **AERIAL VIEW DIAGRAM_SITE PHOTOS 11-20**

1" = 100'-0"

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100 Montgomery St., Suite 2300
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Applicant:
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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

SITE PHOTOS

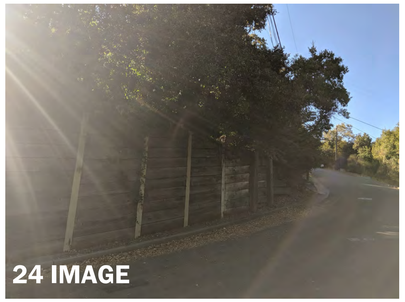
SCALE: As indicated

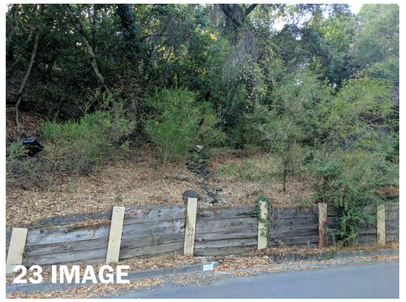
A403

PLANNING SUBMITTAL

JULY 27, 2021



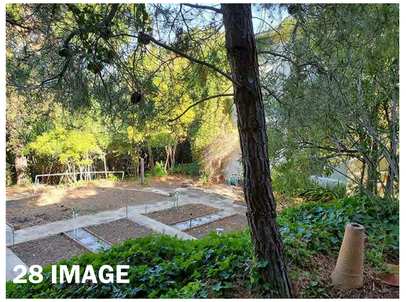


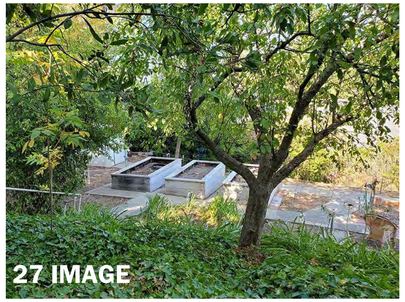














1 **SITE PHOTOS 21-29**

1" = 1'-0"



2 **AERIAL VIEW DIAGRAM_SITE PHOTOS 21-29**

1" = 100'-0"

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(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

SITE PHOTOS

SCALE: As indicated

A404

PLANNING SUBMITTAL

JULY 27, 2021



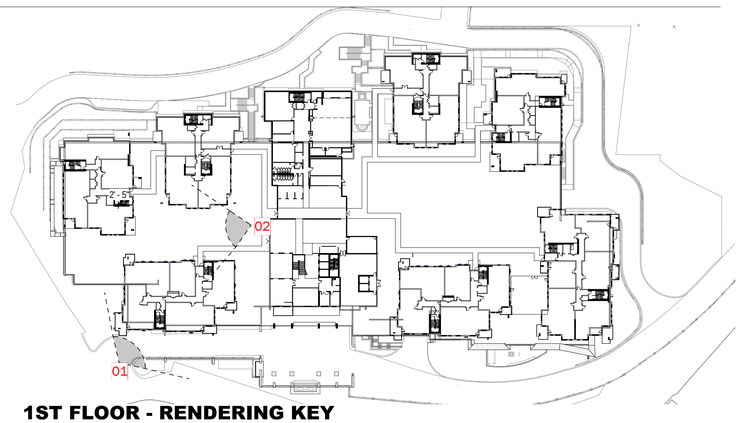
02 **RENDERING IMAGE - COURTYARD**

12" = 1'-0"



01 **RENDERING IMAGE - APPROACH**

12" = 1'-0"



1ST FLOOR - RENDERING KEY

1" = 80'-0"

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SEAL

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100 Montgomery St., Suite 2300
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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

RENDERING IMAGES

SCALE: As indicated

A405

PLANNING SUBMITTAL

JULY 27, 2021

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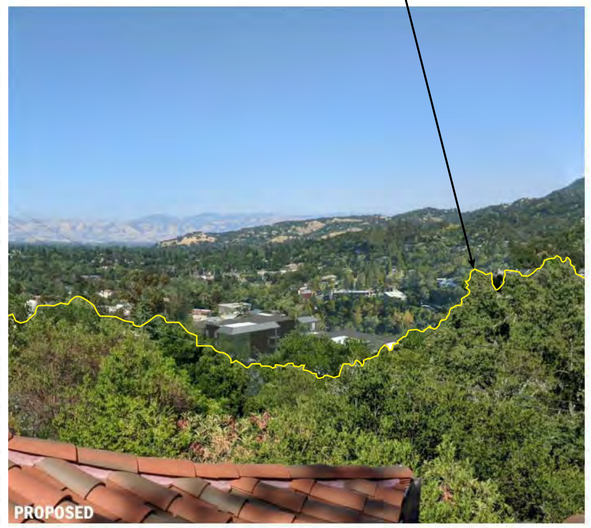
VIEW CORRIDORS
135 WOOD ROAD







VIEW CORRIDORS
49 E MAIN STREET



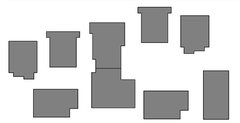




NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL





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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PERSPECTIVE - BEFORE AND AFTER

SCALE:

A406

PLANNING SUBMITTAL

JULY 27, 2021

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VIEW 1 **DIAGRAM OF BUILDING MASSING WITHOUT LANDSCAPE**
(SHOWN FOR REFERENCE OF ARCHITECTURE BEYOND)



VIEW 2 **DIAGRAM OF BUILDING MASSING WITH NEW PLANTINGS ON SITE**

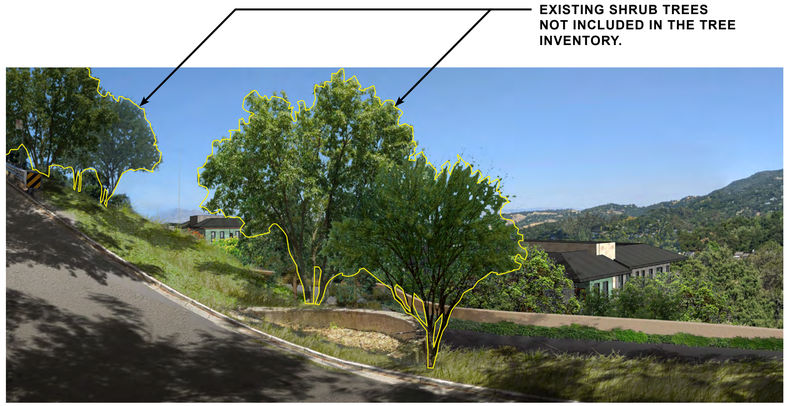
(7 YEAR GROWTH)



VIEW 3 **DIAGRAM OF BUILDING MASSING WITH NEW PLANTINGS ON SITE AND EXISTING SHRUB TREES TO REMAIN ALONG WOOD ROAD**



VIEW 4 **RENDERED BUILDINGS WITH NEW PLANTINGS ON SITE AND EXISTING SHRUB TREES TO REMAIN ALONG WOOD ROAD**



VIEW 4 **RENDERED BUILDINGS WITH NEW PLANTINGS ON SITE AND EXISTING SHRUB TREES TO REMAIN ALONG WOOD ROAD**

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS — EASTMAN
100 Montgomery St., Suite 2300
San Francisco, CA 94104
T. +1 415 926 7900

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
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Mechanical, Electrical & Plumbing:
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SAN FRANCISCO, CA 94111
(415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
(408) 942-8200

PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

RENDERED IMAGE PROGRESSION

SCALE: 1" = 30'-0"

A407

PLANNING SUBMITTAL

JULY 27, 2021

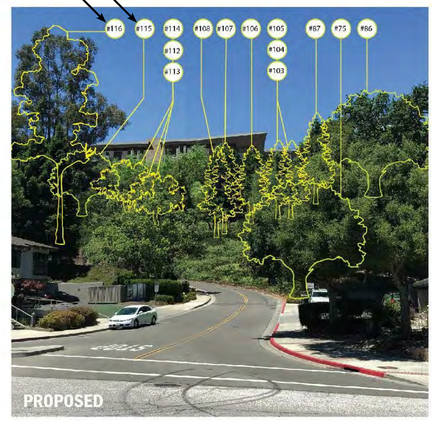
VIEW CORRIDORS

S SANTA CRUZ AVENUE & WOOD ROAD

TREE #115 AND 116 ARE OUTSIDE THE PROPERTY LINE AND WILL REMAIN INTACT.







VISUALIZATION

Farwell/Broadway







VISUALIZATION

121 Wood Road



EXISTING



PROPOSED

NO.	DATE	ISSUE

SEAL

KEY PLAN

PERKINS EASTMAN
677 Washington Blvd.
Suite 101
Stamford, CT 06901
T. +1 203 251 7400
F. +1 203 251 7474

Applicant:
ROCKWOOD PACIFIC
36 SOUTHWOOD DRIVE
ORINDA, CA 94563
(415) 816-7944

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110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

PERSPECTIVE - BEFORE AND AFTER

SCALE:

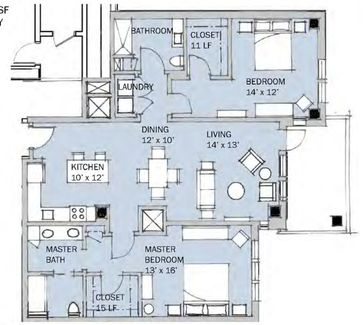
A408

PLANNING SUBMITTAL

JULY 27, 2021

TWO BEDROOM

- 64 UNITS (38%)
- AVG AREA: +/- 1,532 SF
- +1 PATIO OR BALCONY

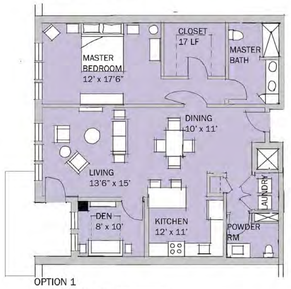




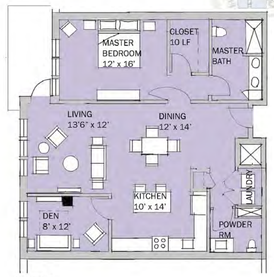
BUILDING A, E, F:
28 UNITS
1,500 SF

ONE BEDROOM WITH DEN

- 45 UNITS (27%)
- AVG AREA: +/- 1,171 SF
- +1 PATIO OR BALCONY



OPTION 1



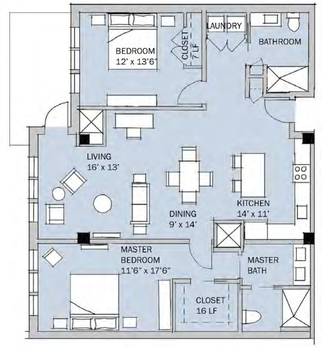
OPTION 2



BUILDING A:
24 UNITS
1,200 SF

TWO BEDROOM

- 64 UNITS (38%)
- AVG AREA: +/- 1,532 SF
- +1 PATIO OR BALCONY

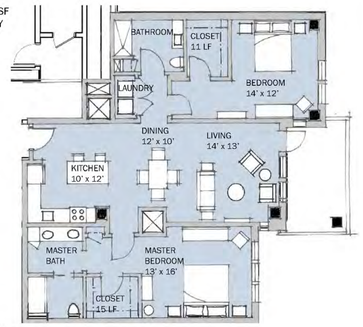




BUILDING A:
4 UNITS
1,400 SF

TWO BEDROOM

- 64 UNITS (38%)
- AVG AREA: +/- 1,532 SF
- +1 PATIO OR BALCONY





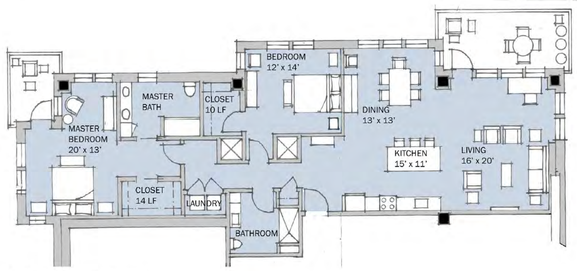
BUILDING A, E, F:
28 UNITS
1,500 SF

TWO BEDROOM

- 64 UNITS (38%)
- AVG AREA: +/- 1,532 SF
- +1 PATIO OR BALCONY



BUILDING D,G:
7 UNITS
1,660 SF

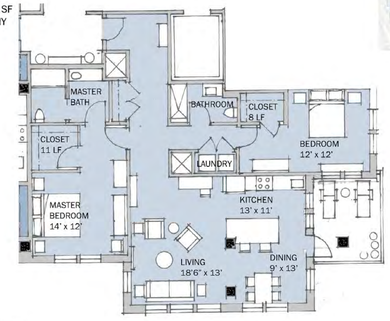


TWO BEDROOM

- 64 UNITS (38%)
- AVG AREA: +/- 1,532 SF
- +1 PATIO OR BALCONY



BUILDING D,G:
8 UNITS
1,500 SF

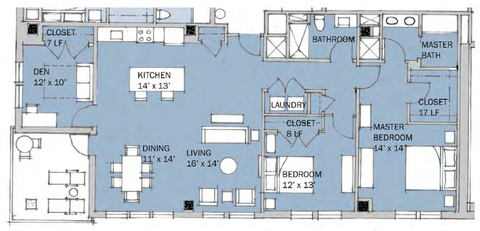


TWO BEDROOM WITH DEN

- 45 UNITS (27%)
- AVG AREA: +/- 1,680 SF
- +1 PATIO OR BALCONY



BUILDING D,G:
8 UNITS
1,750 SF

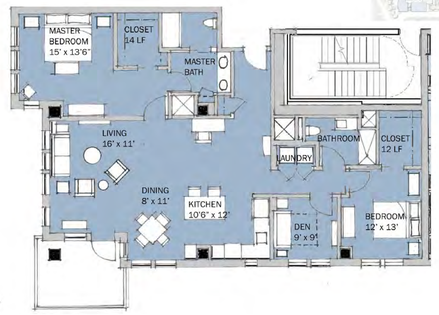


TWO BEDROOM WITH DEN

- 45 UNITS (27%)
- AVG AREA: +/- 1,680 SF
- +1 PATIO OR BALCONY



BUILDING E,F:
20 UNITS
1,900 SF

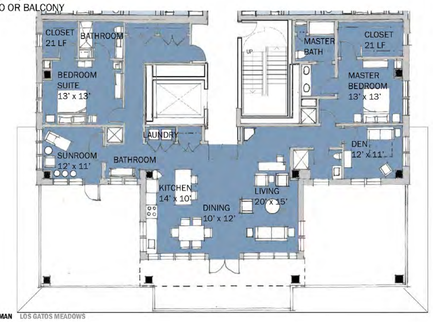


TWO BEDROOM WITH DEN (PENTHOUSE)

- 5 UNITS (3%)
- AVG AREA: +/- 2,018 SF
- +1 PATIO OR BALCONY



BUILDING E,F:
2 UNITS
2,280 SF



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10/13/2020 7:41:56 PM

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION

SEAL

KEY PLAN

PERKINS — EASTMAN
100 Montgomery St., Suite 2300
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PROJECT TITLE:

LOS GATOS MEADOWS

110 WOOD ROAD
LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:

TYPICAL IL UNIT PLANS

SCALE: 1" = 30'-0"

A501

PLANNING SUBMITTAL

JULY 27, 2021

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Photo 1, Shows the Patio's in the rear of their Apartments at the Carraige House Apartment. Netting in far trees, to be cut
Photo's 2 and 3 shows the view that I would get from my Lower property at [redacted]
Photos 4 and 5 are the view that I would get from my Patio (deck) overlook the L.C. Meadows.
Esther Grand [redacted]





Received 1/12/22 11:38 AM

From: Niki Omidi [redacted]
Sent: Wednesday, January 12, 2022 11:52 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: 110 Wood Road project concerns

EXTERNAL SENDER

Hi Sean,

I had left a voicemail on your answering service last week to discuss my concerns regarding 110 Wood Road, but I never heard from you. In any case, the story poles went up just before the holidays and it's very concerning to me how huge and visually invasive they are into the hillside, especially from my house's view (I'm at [redacted]). Is the height of Villa C (or perhaps Villa D, I can't tell which from the story poles) necessary need to be so tall? I'll be glad to include photos, if you ask for them. The visual impact of these buildings is on par with the Sacred Heart Jesuit Center (Testarossa winery), except the Center enjoys both a historical status as well as the fortune of being set quite aways back up into the hills. This Covia project on 110 Wood Road is proposing the same visual girth or magnitude as the Jesuit Center, but smack dab on top of those of us who enjoy south east views of the hills from our elevated vantage points.

Is this topic up for discussion? Please email me back, or call me at [redacted].

Niki Omidi

From: Julie Southern [redacted]>
Sent: Wednesday, January 12, 2022 12:22 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Matthew Southern [redacted]>; C So [redacted]>
Subject: 110 Wood Road comments for 12 Jan 2022 meeting

EXTERNAL SENDER

Hello Sean
I hope this is not too late for today's meeting.
I attended the Open house that the Meadows held on Monday as well as almost all prior 9 Open Houses.
I have also attempted to attend all counsel meetings that have discussed this project.

I am an interested neighbor!

Overall I am in favor of the rebuild. The Meadows services are greatly needed.

As a 30+ year resident of Wood Road though, I have a few (more) thoughts now that the orange poles are up:
1) The 30+ additional feet with the higher 3+ story buildings are quite visible. Though none directly block my across the valley view, the bulk does block view.
2) I like that they are proposing Solar, though I hope that does not add more than a foot above the existing flags today.
3) More parking is good for the workers but it will add more traffic to the Wood Road traffic. Before they closed, workers that parked offsite walked up the road.
4) Wood Road is getting LOTS of attention by people on foot and by car, especially that the flags are up - many driving to the top/end of Wood Road, and really adding to the traffic flow. This also exasperates the fact there is only a side walk a few feet up the Road. It might be nice to have some sort of sidewalk or street marking where bikes or people could walk safely when they rebuild. I understand a sidewalk may be out of the question due to tree roots, etc. but might be nice.
5) This also leads to my consistent request that they not close off the Broadway exit to neighbors.
i) It saved us during the 1997 fire. And with increased traffic, it would be a shame to remove this access to cars.
ii) It would also give neighbors an alternative during summer traffic months that sometimes are impossible to get off of Wood Road.
iii) And it seems like cars are now driving even faster on South bound S. Santa Cruz Avenue making it again difficult and sometimes unsafe to exit Wood Road.
6) The PG&E (and Comcast) line on the back of Meadows, on the Road edge is a key candidate for underground work. It serves most all the other houses on Wood Road and is quite 'sketchy' looking now (leaning).
7) Water pressure. I mentioned it at the Open House, but was curious if the water pressure would be impacted favorably with the project? Some homes suffer from water pressure.
8) The white roofs today are an eye soar. Will the new structure be able to use more friendly waterproofing colors?
Thank you - I will try to state this by raising my hand tonight, but have had technical difficulty before.
Best Regards,
Julie

From: Clare Southern <[redacted]>
Sent: Wednesday, January 12, 2022 3:08 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Julie Southern <[redacted]>; Matthew Southern <[redacted]>
Subject: Re: 110 Wood Road comments for 12 Jan 2022 meeting

EXTERNAL SENDER

Hi Sean,

Here are alternative views of the Meadows. Want to highlight two concerns that a few people brought up on the call related to the size of the increase + the powerline.

Mass increase:

Upper Wood Road (Jan)

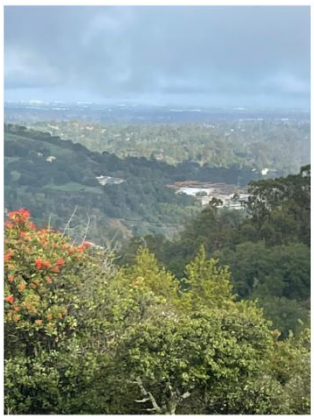




LGHS Fields (Jan)



Jones Trail (Jan)





Near Head of Jones Trail (November)





Severely leaning powerline. (Hillside burned in 1997 due to PG&E fire).



From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, January 28, 2022 8:41 AM
To: Town Manager <Manager@losgatosca.gov>
Subject: Online Form Submittal: Customer Feedback Form

EXTERNAL SENDER

Customer Feedback Form

We'd like to hear from you! Please complete the online form to share your concerns, suggestions, or praise with us.

Contact Information

Name:	Claudia Galbo
Address:	[redacted]
City:	Los Gatos
State:	CA
Zip:	95033-8330
Home Phone Number:	[redacted]
Daytime Phone Number:	*Field not completed.*
Email Address:	[redacted]
Please let us know how we are doing or what we can do for you!	I would like to express deep concern about the HUGE UGLY EYESORE MONSTROSITY that appears to be planned above the downtown area(west side). I cannot believe that the town would approve such a huge, out of place building that overpowers the view and is literally all you can see as you enter town from the west. Los Gatos is known for its natural beauty and location, PLEASE don't destroy it by allowing this monstrosity. It is/will be a huge detriment to the city's reputation.

From: Jennifer Armer <JArmer@losgatosca.gov>
Sent: Monday, February 14, 2022 8:51 AM
To: Morgan Slain <[redacted]>
Cc: Sean Mullin <SMullin@losgatosca.gov>
Subject: RE: Thanks and comments on Los Gatos Meadows proposal

Good Morning Morgan,

Thank you for stopping by the Town's booth at the Farmers Market yesterday, it was a pleasure to talk with you. By copy of this message I am forwarding your comments to Senior Planner Sean Mullin for inclusion in future public meetings' staff report materials (along with all Public Comments) regarding the proposed project at 110 Wood Road.

As the primary staff liaison for the project, Mr. Mullin can be reached at SMullin@LosGatosCA.gov or 408-354-6823 should you need anything further at this time.

Thank you for reaching out to the Town of Los Gatos and voicing your comments.

Sincerely,
Jennifer

Jennifer T.C. Armer, AICP ● Planning Manager
Community Development Department ● 110 E. Main Street, Los Gatos CA 95030
Ph: 408.399.5706 ● jarmer@losgatosca.gov
www.losgatosca.gov ● https://www.facebook.com/losgatosca

TOWN OF LOS GATOS GENERAL PLAN 2040

General Plan update, learn more at www.losgatos2040.com

TOWN OF LOS GATOS HOUSING ELEMENT

Housing Element update, learn more at https://engagelosgatoshousing.com

COMMUNITY DEVELOPMENT HOURS:
Counter Hours: 8:00 AM – 1:00 PM**,** Monday – Friday
Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday

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

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

From: Morgan Slain <[redacted]>
Sent: Monday, February 14, 2022 8:33 AM
To: Jennifer Armer <JArmer@losgatosca.gov>
Subject: Thanks and comments on Los Gatos Meadows proposal

EXTERNAL SENDER

Hi Jennifer,

Thanks again for taking time to talk with me at the farmers market yesterday.

Following up on our conversation, here are my comments as a 22-year Los Gatos resident and homeowner on Broadway about the Los Gatos Meadows proposal:

1) Developers need to make more of an effort to scale and design the project to be in keeping with the character of the Town, especially since the project is so close to the heart of our downtown. The current proposal looms over our town square and dominates the view from many places in Town. In particular, the height of the project should be scaled back so as not to be so intrusive.

2) The building envelope should more closely match the prior development so that not as many trees need to be removed, particularly heritage trees.

3) The small road leading to Broadway should never be used for regular vehicular traffic, self driving or otherwise. That road is not designed for regular traffic. It runs right over a residential sidewalk in an area where many residents walk and children play. Vehicles exiting from Los Gatos Meadows in the past frequently picked up speed on the downhill grade, ignored the private stop sign, and almost struck pedestrians. Wood Road is well designed and perfectly suitable for all vehicles entering and exiting the area.

4) With more residents in the area, particularly elderly residents, the crosswalks at the intersection of Santa Cruz Ave. and Broadway will need more safety protection for pedestrians. This is a busy intersection with zero protection for pedestrians, while motorists often tend to be in "freeway mode" coming off of or about to enter Highway 17.

Thanks,
Morgan

Morgan Slain
Director
Bronco Venture Accelerator | Santa Clara University

From: Irving MITSUNAGA <[redacted]>
Sent: Monday, March 28, 2022 12:30 PM
To: Council <Council@losgatosca.gov>
Subject: Los Gatos Meadows

EXTERNAL SENDER

TO: Town Council, Los Gatos
FROM: Irving & Evelyn Mitsunaga
RE: Los Gatos Meadows Project to Re-build

We support the rebuild of The Meadows on Wood Road, Los Gatos. We feel Los Gatos needs more living spaces exactly like the residential community that Covia is planning.

We have lived at our current address ([redacted]) since 1974. Because Broadway residents are considered neighbors of the project, we have been invited to attend Town Halls and Informational meetings, in person before Covid 19 shutdowns and then via Zoom during the pandemic. We have been impressed with the re-build team's willingness to listen to and address neighbor's concerns. We especially appreciate their commitments to providing a fire-safe site and to maintaining the natural woodland area.

This project is personal for us, because the more we learn, the more we want to live at the Los Gatos Meadows, a residental community with purpose and connectivity to the town. We are active, social seniors who want to stay near downtown and continue to enjoy and contribute to community affairs, as we have for more than 45 years. Obviously we don't move often, and we want our last move to be the right move. We think there is a significant number of town residents who are in our age category and want to stay within walking distance of downtown. However, we are concerned that continuing delays to this project mean that we, and many other long-time residents, will not be here to enjoy this beautiful facility.

We encourage the Town to allow this re-build to go forward. Thank you.

Irving & Evelyn Mitsunaga
[redacted]
Los Gatos, CA 95030
[redacted]

From: Laverne Nolan <[redacted]>
Sent: Tuesday, March 29, 2022 10:24 AM
To: Council <Council@losgatosca.gov>
Subject: Meadows Rebuild

EXTERNAL SENDER

As a resident of Los Gatos and a senior I strongly approve of the Meadows being rebuilt. It was terrible that they didn't stay open during the process of permitting the rebuild.

There is nothing in the immediate area that compares with the services that the Meadows provided.
The senior services in our Town are sorely lacking. We need to step up the game. Speed up the permitting
process.

Laverne Nolan
[redacted]

From: Gillian Verga [redacted]>
Sent: Wednesday, March 30, 2022 10:03 PM
To: Council <Council@losgatosca.gov>
Subject: Support for Los Gatos Meadows rebuild

EXTERNAL SENDER
Dear Town Council,

I'm writing in support of the Los Gatos Meadows rebuild to be presented on April 5th. I believe the benefits of making this retirement community more modern and a better place for seniors are far more important than the impact on the neighborhood's view.

I live on Broadway, and I can see the story poles from my living room window - so I am definitely impacted by the view. But my thinking is this: when I look out my window, or walk around town, I see a mix of buildings and greenery. When the Meadows is built, and we're all used to seeing it, it will just be one more building mixed with the greenery. I don't think it dominates more than other buildings I see around town. I have walked around the Almond Grove, and from many - even most - places, you can't see the story poles at all.

On the other hand, I'm now looking at retirement homes for my mom, so I can appreciate the need for this housing. The places she's considering are all new construction, modern, nicely appointed facilities with full services. Many of them are semi high-rise buildings. She'll be selling her home of 53 years, so she can afford a nice roomy place, maybe even a 2-bedroom unit. When I think about the Meadows from the perspective of a potential resident, their designs make perfect sense to build a beautiful community for seniors.

I also love the Meadows plan to have a self-driving shuttle that takes people down the hill onto Broadway, right across from my house. That means the residents can walk the remaining flat half-block into town and enjoy the coffee, shopping, restaurants, etc. One of the biggest challenges for seniors is having to stop driving, so walking access to downtown is huge for this facility and its residents.

Frankly, it seems pretty selfish to stand in the way of this development and deny hundreds of seniors a place to live - many of them near families in Los Gatos - just because our view will change a little. And, we could stall, talk about it for months - but we have a housing shortage, and I'd rather Covia get this built, make the housing available, and move on to build something else as soon as they can. Let's stop the delays and discussions that make it so hard to build new housing in our area. Let's approve this project and get more senior housing in Los Gatos.

Sincerely,
Gillian Verga
[redacted]

TOWN OF LOS GATOS

COUNCIL AGENDA REPORT

MEETING DATE: 4/5/2022

ITEM NO: 16

ADDENDUM

DATE: April 4, 2022

TO: Town Council

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval of a Planned Development for Construction of a Senior Living Community, Removal of Large Protected Trees, and Site Improvements Requiring a Grading Permit on Property Zoned R:PD. **Located at 110 Wood Road**. APN 510-47-038. Planned Development Application PD-20-001 and Environmental Impact Report EIR-21-002. APPLICANT: Rockwood Pacific. PROPERTY OWNER: Covia Communities.

REMARKS:

In their March 17, 2022 letter, the applicant requested that their application be remanded back to the Planning Commission to further address the Commission's feedback (Attachment 9). Since the Planning Commission had already acted on the current project, its recommendation was forwarded to the Council for consideration. The applicant submitted an updated request that the Council hearing be continued to a date uncertain to allow them time to continue to evaluate the Planning Commission's feedback and to update the project plans accordingly (Attachment 12). Given the applicant's previous request and their indication that updates to the application are forthcoming, a continuance to a date uncertain is not appropriate and staff recommends that the Council remand the application back to the Planning Commission for review of a revised application.

Attachment 13 includes public comments received between 11:01 a.m., Thursday, March 31, 2022, and 11:00 a.m., Monday, April 4, 2022.

PREPARED BY: Sean Mullin, AICP
Senior Planner

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

ATTACHMENTS:

Previously received under separate cover:

1. May 2021 Draft Environmental Impact Report (available online at www.losgatosca.gov/110WoodRoad)
2. August 2021 Final Environmental Impact Report and Mitigation Monitoring and Reporting Program (available online at www.losgatosca.gov/110WoodRoad)

Previously received with the April 5, 2022, Staff Report:

3. Required Findings
4. Draft Resolution to certify the Final EIR, make the required CEQA Findings of Fact (included as Exhibit A), and adopt the Mitigation Monitoring and Reporting Program (included as Exhibit B)
5. January 12, 2022 Planning Commission Staff Report (with Exhibits 3-14)
6. January 12, 2022 Planning Commission Addendum Report (with Exhibits 16-17)
7. January 12, 2022 Planning Commission Desk Item Report (with Exhibit 18-19)
8. January 12, 2022 Planning Commission Verbatim Minutes
9. Letter from the Applicant, dated March 17, 2022
10. Planned Development Ordinance with Exhibit A Rezone Area and Exhibit B Development Plans, July 27, 2021
11. Public Comments received between 11:01 a.m., January 12, 2022, and 11:00 a.m., March 31, 2022

Received with this Addendum Report:

12. Letter from the applicant requesting a continuance, dated April 1, 2022
13. Public Comments received between 11:01 a.m., Thursday, March 31, 2022, and 11:00 a.m., Monday, April 4, 2022

April 1, 2022

Sean Mullin
Senior Planner
Town of Los Gatos
110 E. Main St.
Los Gatos, Ca. 95030

RE: Rebuild of Los Gatos Meadows / PD-20-001
Request for Continuance

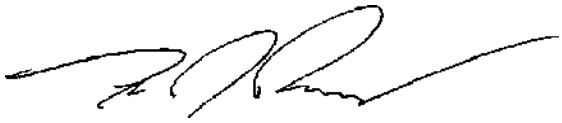
Dear Sean:

As discussed, on behalf of the owner of Los Gatos Meadows, we hereby request a continuance of the Town Council hearing for our proposed rebuild project. In part due to feedback received by the Planning Commission and others, we intend to update our application.

Incidentally, as of today, Covia Communities has merged into Front Porch Communities and Services so going forward all references to the property owner shall be to Front Porch Communities and Services.

We look forward to continuing to collaborate with you and the Town Council to provide the residents of Los Gatos with a markedly improved, beautiful and safer Los Gatos Meadows.

Respectfully,



_____
Francesco J. Rockwood
Rockwood Pacific Inc. (Applicant)
On behalf of Front Porch Communities and Services (Owner)

c: Chris Ichien, VP of Life Plan Operations, Front Porch Communities and Services
Diana Jamison, Chief Capital Strategy Office, Front Porch Communities and Services.

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From: Julie Southern [redacted]
Sent: Monday, April 04, 2022 10:41 AM
To: PublicComment <PublicComment@losgatosca.gov>
Subject: Public Comment Item #_16 - the Meadows at 110 Wood Road

EXTERNAL SENDER
Hello Town

I am a long time resident and neighbor of the Meadows at 110 Wood Road. I have been on record several times thru their application process and want to be sure you have this again.

1) I am for the rebuilding of the Meadows. It provides a needed service and they have been good neighbors over the years.

2) The current orange poles highlighted the height proposed, and was alarming. But as I understand, with a reduction of a floor (or two), it would be more like the current structure bulk and acceptable.

3) Farwell Lane should be left open, even if just for the Service Vehicles supporting the Meadows, like it did before the Meadows closed. Closing an access road to a hillside already burned in the 1997 fire (which my house was one) is shorsighted.

I appreciate the many neighbor meetings the Meadows has held over the years to keep us informed.

Thank you
Julie Southern
Wood Road, Los Gatos

April 1, 2022

Elaine M. Seid
15559 Union Ave., # 3016
Los Gatos, CA 95032
3495 Lakeside Drive #1271
Reno, Nevada 89509
T: (408) 412-3568
Elaine@EMSeidEstateLaw.com
www.EMSeidEstateLaw.com

Via email
Mayor Rob Rennie
Vice Mayor Maria Ristow
Member Marico Sayoc
Member Mary Badame
Member Matthew Hudes

Re: **Los Gatos Meadows**

Dear Honorable Members of the Council:

I support the Los Gatos Meadows Project under consideration at your April 5 meeting. My husband and I are on the waiting list to buy into this housing project when it becomes available and when we are in need.

I have been a resident of Los Gatos for over thirty years, a member of the Los Gatos Morning Rotary, a volunteer for Jazz on the Plazz and attended numerous meetings of the Town's Complete Streets & Transportation Commission and its predecessor the Bicycle and Pedestrian Advisory Commission to advocate safe roads for bicycling

We own a home in Los Gatos that is single story that we have remodeled with the idea we could age in place. However, we are realistic to know there is a chance either of us could become too frail to live alone in our home without assistance. We are fortunate to have The Terraces nearby where we could remain in Los Gatos and near our current home. However, the Terraces is in high demand, and it is difficult to secure housing larger than a one bedroom or studio. When we heard the Meadows would be redeveloped into large apartments, we jumped at the opportunity to be on the waiting list.

The advantage of the Meadows to us is it would be a safe place with onsite healthcare services and exercise facilities to allow us to age gracefully and safely. The Meadows is in a scenic location and is designed with pleasing surrounding. We could safely descend to the street level on Broadway Ave through an elevator (?) and walk around downtown to patronize our favorite restaurants, coffee shops, bakeries, stores, the farmer's market and attend Jazz on the Plazz, and the many events sponsored by the Los Gatos Chamber of Commerce and service clubs. We would not need a car or worry about parking. We prefer to walk. The town is very walkable. The Town of Los Gatos is a unique special place located in an area of natural beauty and resources with a vibrant and active downtown. We want to be able to continue to live here.

It would be an advantage to the community should we move out of our single-family house in a very desirable neighborhood and make it available to a family in need of a home in a great community with outstanding schools. We all know homes for families in Los Gatos are in short supply and in high demand. The Meadows would add to the housing supply in Los Gatos in a meaningful way for seniors who already live here and want to stay as they age.

We believe the Meadows to be a beautiful project operated by a well-regarded nonprofit. We understand the developers have taken care to listen to our desires in designing the project, have taken public safety and wildfire preparedness into consideration, and have strived to minimize the development footprint. The hillside on which the Meadows is located is steep and a challenge to develop. We commend the developers on a job well done. We disagree the structure will be overbearing to its surrounding neighborhood.

The planning commission's decision to deny the Los Gatos Meadows' application because its plans do not include low-income housing is short sighted and myopic. The Town of Los Gatos alone cannot solve the housing shortage. Even if the entire Los Gatos Meadows project were designated low-income housing, it would not solve the current housing shortage in the bay area. And who would pay for the construction and maintenance of the Meadows as low-income housing? Certainly not the Town of Los Gatos. Recent reports are the Town of Los Gatos is way behind on funding its very much needed infrastructure, let allow subsidizing low-income house in the magnitude of Meadows.

In my humble opinion, in this situation, it makes more sense to allow the private sector to market attractive senior housing in downtown Los Gatos to entice Los Gatos homeowners to relinquish and move out of their desirable single-family homes, some perhaps on large lots. The movement of seniors from their desirable homes into denser housing on less real estate opens housing opportunities for new homeowners. Or, perhaps, houses on large lots left by seniors could be redeveloped with attractive denser housing.

Thank you for reading and considering my comments. I encourage your support for this project.

Very truly yours,



ELAINE M. SEID

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