



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
NOVEMBER 15, 2022
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
LOS GATOS, CA
7:00 P.M.**

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

PARTICIPATION IN THE PUBLIC PROCESS

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

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

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 Tuesdays 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]

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110 EAST MAIN STREET AND TELECONFERENCE
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LOS GATOS, CA
7:00 PM**

IMPORTANT NOTICE

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions listed below. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube.

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/82811087775?pwd=UklxenJkN2pHelJTV2FxUDZmaGNBdz09>
Passcode: 973936. You can also type in 828 1108 7775 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
 - 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.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100
 - If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** If you wish to speak during the meeting, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Clerk. If you wish to speak to an item on the agenda, please list the item number. If you wish to speak on an item NOT on the agenda, please list the subject and you may speak during the “Verbal Communications” period. The time allocated to speakers may change to better facilitate the Town Council meeting.

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

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

RULES OF DECORUM AND CIVILITY

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

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

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

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

MEETING CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

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 the Draft Minutes of the November 1, 2022 Closed Session Town Council Meeting.
2. Approve the Draft Minutes of the November 1, 2022 Town Council Meeting.
3. Adopt a Resolution Reaffirming Resolution 2021-044 and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and, Due to Health and Safety Concerns for the Public, Authorizing the Use of Hybrid Meetings for the Town Council and the Continued Use of Virtual Meetings for Boards and Commissions While Town Staff Makes the Necessary Arrangements to Transition to Hybrid Meetings for All Town Boards, Commissions, and Committees.
4. Adopt an Ordinance to Amend Town Code Section 1.10.075, "Official Town Holidays – Designated; Exceptions," to Add the Juneteenth Holiday.

5. Adopt an Ordinance Effecting Amendments to Chapter 29 (Zoning Regulations) of the Town Code to Regulate Urban Lot Splits and Two-Unit Housing Developments in Compliance with Senate Bill 9. Town Code Amendment Application A-22-002. Location: Town-wide. Applicant: Town of Los Gatos.
6. Adopt an Ordinance Effecting Amendments Repealing and Replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the New 2022 California Building and Fire Codes, as Amended, Including Reach Codes. Town Code Amendment Application A-22-003. Project Location: Town Wide. Applicant: Town of Los Gatos.
7. Los Gatos Creek Trail to Highway 9 Trailhead Connector (CIP No. 832-4505):
 - a. Authorize the Town Manager to Execute the 2016 Measure B Funding Agreement with the Santa Clara Valley Transportation Authority to Accept Grant Funding in the Amount of \$693,500 for the Project Construction; and
 - b. Authorize the Town Manager to Negotiate and Execute a Transportation Fund for Clean Air Funding Agreement with the Santa Clara Valley Transportation Authority to Accept Grant Funding in the Amount of \$755,921 for the Project Construction.
8. Receive the First Quarter Investment Report (July through September 2022) for Fiscal Year 2022/23.
9. Approve the Assignment of the North 40 Market Hall Transportation Demand Management Agreement from SummerHill N40 LLC to Yuki Farms, a California General Partnership.

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

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

10. Adopt a Resolution Accepting Funds from the California Supplemental Law Enforcement Service Fund (SLESF).

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. Consider Adoption of a Resolution Establishing Objective Standards for Qualifying Multi-Family and Residential Mixed-Use Developments.
Location: Town-wide. Applicant: Town of Los Gatos.

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

- [12.](#) Receive an Update on Community Outreach Activities for the Highway 17 Bicycle and Pedestrian Overcrossing Project (CIP Number 818-0803) and Approve the Concrete Box Girder as the Preferred Bridge Type for Final Design.

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

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

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 1

**DRAFT
Minutes of the Town Council Special Meeting – Closed Session
November 1, 2022**

The Town Council of the Town of Los Gatos conducted a special meeting in-person and utilizing teleconferencing means on Tuesday, November 1, 2022 to hold a Closed Session at 5:45 p.m.

MEETING CALLED TO ORDER AT 5:46 P.M.

ROLL CALL

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

Absent: None.

VERBAL COMMUNICATIONS

None.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. Conference with Legal Counsel – Existing Litigation (Gov. Code Section 54956.9) Name of Case: Town of Los Gatos v. County of Santa Clara et al, Case No. 22CV395530
2. Public Employee Appointment, Employment, Evaluation of Performance, Discipline, and Dismissal [Government Code Section 54957(b)(1)]

Titles: Town Manager and Town Attorney

Conference with Labor Negotiator (Government Code Section 54957.6)

Town Negotiator: Salina Flores, Human Resources Director

ADJOURNMENT

Closed Session adjourned at 6:54 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Town Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 2

**DRAFT
Minutes of the Town Council
November 1, 2022**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, November 1, 2022 at 7:00 p.m.

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

ROLL CALL

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

Absent: None

PLEDGE OF ALLEGIANCE

Ryan Idemoto led the Pledge of Allegiance. The audience was invited to participate.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated Council met as duly noted on the November 1, 2022 Closed Session agenda and stated there is no reportable action.

COUNCIL / MANAGER MATTERS

Council Matters

- Council Member Hudes stated he met with the Senior Service Roadmap Sub-Committee and attended the Senior Service Committee meeting.
- Vice Mayor Ristow stated she attended Senior Service Committee meeting; met with residents on numerous topics; filled in for the Mayor to assist with a lesson on Government at Lexington School; attended a fentanyl awareness event at Los Gatos High School; attended the Housing Element Advisory Board meeting; attended the Citizen's Police Academy graduation; attended the Santa Clara Valley Water Commission meeting; announced the First Fridays Senior Service Committee event at the Palms for community members 55 and older will take place on Friday.
- Council Member Badame stated she met with a member of KCAT regarding "The Producers Network"; toured The Club in Los Gatos; attended the West Valley Waste Management Authority Board meeting; attended the Democracy Tent community meeting; and attended the Almond Grove Halloween festivities.
- Council Member Sayoc commented on the fentanyl awareness event and stated several more events will be taking place sponsored by the local high schools in Santa Clara County; and attended the Hate Prevention and Inclusion Task Force meeting.

Council Matters – continued

- Mayor Rennie stated he met with KCAT representative to discuss “The Producers Network”; met with representatives from The Club of Los Gatos; toured Google’s new building; attended a Silicon Valley Leadership Group forum; attended with the Town Manager an update on United Against Hate efforts; attended the West Valley Mayors and Managers meeting; and performed a ribbon cutting the Dry Bar and Design on Trend.

Manager Matters

- Announced free COVID testing will take place at the Adult Recreation Center on November 8, 2022. Appointments are now available.
- Announced that Board, Commission, and Committee recruitment is underway, applications are due on December 2, at 4:00 p.m. and more information can be found on the Clerk webpage.
- Announced a Community Emergency Response Team (CERT) drill will take place on Saturday, November 5, 2022.

CONSENT ITEMS

1. Approve Draft Minutes of the October 18, 2022 Closed Session Town Council Meeting.
2. Approve Minutes of the October 18, 2022 Town Council Meeting.
3. Adopt a Resolution Reaffirming Resolution 2021-044 and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and, Due to Health and Safety Concerns for the Public, Authorizing the Use of Hybrid Meetings for the Town Council and the Continued Use of Virtual Meetings for Boards and Commissions While Town Staff Makes the Necessary Arrangements to Transition to Hybrid Meetings for All Town Boards, Commissions, and Committees. **RESOLUTION 2022-068**
4. Authorize the Town Manager to Execute a Two-Year Agreement with Los Gatos Saratoga Union High School District and Los Gatos Union Elementary School District for School Resource Officer Services for the Period October 1, 2022 through June 30, 2024, and Approve a Revenue Budget Increase in the Amount of \$46,738.75 to Match the Proposed Agreement Term and Agreement Amount.
5. Adopt a Resolution to Designate the Director of Parks and Public Works, Nicolle Burnham, to the Board of Directors of the Los Gatos-Monte Sereno Safe Routes to School Organization. **RESOLUTION 2022-069**
6. Authorize Revenue and Expenditure Budget Adjustments to the Roadside Fire Fuel Reduction Project (CIP No. 812-0130) in the Amount of \$750,000 to Recognize Receipt and Expenditure of Federal Financial Assistance, and Acceptance of Match Requirements.

Opened public comment.

No one spoke.

Closed public comment.

Consent Items – continued

MOTION: Motion by Council Member Badame to approve items 1-6. Seconded by Vice Mayor Ristow.

VOTE: Motion passes unanimously.

VERBAL COMMUNICATIONS

Mimi Kearns

- Commented on Narcan and inquired how residents could obtain it.

PUBLIC HEARING

7. Introduce an Ordinance, By Title Only, to Amend Town Code Section 1.10.075, “Official Town Holidays – Designated; Exceptions,” to Add the Juneteenth Holiday.

Gabrielle Whelan, Town Attorney, presented the staff report.

Opened Public Comment.

No one spoke.

Closed Public Comment.

MOTION: Motion by Council Member Badame to introduce an ordinance, by title only, to amend Town Code Section 1.10.075, “Official Town Holidays – Designated; Exceptions,” to add the Juneteenth Holiday. Seconded by Council Member Hudes.

VOTE: Motion passes unanimously.

Town Clerk Wood read the title of the ordinance.

OTHER BUSINESS

8. Discuss the Water Service Interruption Associated with the San Jose Water Company Villa Avenue Improvements.

Laurel Prevetti, Town Manager, presented the staff report.

John Tang, San Jose Water, presented additional information.

Opened Public Comment.

Other Business Item #8 – continued

Mimi Kearns

- Commented on the cause of the water leak, inquired how San Jose Water will prevent leaks like these in the future, and asked how to submit a reimbursement request to San Jose Water.

Pat Kearns

- Commented on the water rupture, requested Council consider convening a task force, and consider having an independent group adjudicate the cost and reimbursement to the customers.

Closed Public Comment.

John Tang, San Jose Water, responded to comments.

Council discussed the item and provided feedback to San Jose Water representative John Tang.

PUBLIC HEARING

9. Consider a Request for an Exception to the Story Pole Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned O. Located at 15860-15894 Winchester Boulevard and 17484 Shelburne Way. APN 529-11-013, -038, -039, and -040. Applicant/Property Owner: Green Valley Corp. d.b.a. Swenson. Project Planner: Jennifer Armer.

Jennifer Armer, Planning Manager, presented the staff report.

Opened Public Comment.

Richard Kananen

- Commented in opposition of the story pole exception.

Applicant Jessie Bristow, Swanson Builders, provided information to support the request for an exception to the Story Pole Policy.

Closed Public Comment.

Council discussed the item.

Public Hearing Item #9 - continued

MOTION: Motion by Vice Mayor Ristow to grant a request for an exception to allow an alternative to the standard story pole installation with the requirement that double flagging must be used where the netting would be used. **Seconded by Council Member Hudes.**

VOTE: Motion passes 4-1, Council Member Badame voted no.

OTHER BUSINESS

10. Receive the Design Update and Provide Feedback Regarding the Proposed Improvements to the Oak Meadow Park Bandstand (CIP Project No. 831-4007).

Nicolle Burnham, Director of Parks and Public Works, presented the staff report.

Opened Public Comment.

Margaret Smith

- Requested improvements to the restrooms at Oak Meadow Park.

Closed Public Comment.

Council discussed the item and received the update.

Recess 8:53 p.m.

Reconvene 9:03 p.m.

PUBLIC HEARING

11. Introduce an Ordinance, by Title Only, Amending Chapter 29 (Zoning Regulations) of the Town Code to Regulate Urban Lot Splits and Two-Unit Housing Developments in Compliance with Senate Bill 9. Town Code Amendment Application A-22-002. Location: Town-wide. Applicant: Town of Los Gatos.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Scott Watson

- Referenced material he submitted for the record and commented on requirements in Section 7 titled Cut and Fill and Section 8 titled Building Sites.

Public Hearing Item #11 - continued

Ivy

- Commented on concerns with slope restrictions; height limitation; 1,200 sq. ft. limitation for the first SB9 unit; and standard zoning setbacks.

David Hutchinson

- Commented on concerns with the 30% slope restriction and setback privacy restrictions.

Russ Knister

- Commented on the Floor Area Ratio (FAR) rules for split lots and suggested increasing the FAR.

Christopher Bajorek

- Commented on concerns with the subdivision of a lots and enforcement of the intent to occupy.

Eric Wade

- Commented in support of fewer restrictions on SB9 lots.

Tony Jeans

- Commented on flag lot setbacks from the rear property line; commented on stepback requirements for the second floor; and stated support for an 18-foot height limit on hillsides.

Lee Quintana

- Commented on having a separate section of the ordinance specific to hillside properties; calculations to determine the FAR; flag lot setbacks; supported an 18-foot height limit on hillsides; and stated concerns with the using objective and discretionary standards.

Closed Public Comment.

Council discussed the item.

Public Hearing Item #11 - continued

MOTION: Motion by Council Member Hudes to introduce the Ordinance, by title only, as recommended by the Planning Commission with the following modifications: no required front setbacks on flag lots; 18-foot driveway; an occupancy affidavit modeled after the ones used by the Town of Atherton and Santa Clara County which also includes language that says applicants for an urban lot split under SB9 will sign and record a deed restriction that they will use one of the units as their primary residence for a minimum of three years; bring back in three months options to address Fire Hazard Area and affordability models by looking at what other municipalities have done; include standard notifications used for minor residential development with a QR code; and amend the ordinance to change the five-foot step-back to be interior and rear only. **Seconded by Council Member Badame.**

VOTE: Motion passes unanimously.

Town Clerk Wood read the title of the ordinance.

12. Introduce an Ordinance, by Title Only, Effecting Amendments Repealing and Replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the New 2022 California Building and Fire Codes, as Amended, Including Reach Codes. Town Code Amendment Application A-22-003. Project Location: Town Wide. Applicant: Town of Los Gatos.

Robert Gray, Chief Building Official, presented the staff report.

Opened Public Comment.

Kristel Wickham, Sierra Club Loma Prieta Chapter

- Commented in support of the proposed draft ordinance.

Closed Public Comment.

The Council discussed the item.

MOTION: Motion by Council Member Sayoc to introduce an ordinance, by title only, effecting amendments repealing and replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the new 2022 California Building and Fire Codes, as amended, including reach codes. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passes unanimously.

Public Hearing Item #12 - continued

Town Clerk Wood read the title of the ordinance.

OTHER BUSINESS

13. Provide Direction on the Approach to the Plant-Based Diet Education Implementation Program in the 2040 General Plan (Environment and Sustainability Element Program CC).

Laurel Prevetti, Town Manager, presented the staff report. Library Director Ryan Baker provided additional information.

Opened Public Comment.

Lisa Wade

- Commented in support of plant-based education program funding and advertising.

Karen Aidi

- Commented in support of a plant-based education program.

Richard Kananen

- Commented in support of a low-cost, plant-based education program.

Closed Public Comment.

Council discussed the item and provided direction to staff.

ADJOURNMENT

The meeting adjourned at 11:38 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 3

DATE: November 3, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Reaffirming Resolution 2021-044 and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and, Due to Health and Safety Concerns for the Public, Authorizing the Use of Hybrid Meetings for the Town Council and the Continued Use of Virtual Meetings for Boards and Commissions While Town Staff Makes the Necessary Arrangements to Transition to Hybrid Meetings for All Town Boards, Commissions, and Committees

RECOMMENDATION:

Adopt a Resolution reaffirming Resolution 2021-044 and making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and, due to health and safety concerns for the public, authorizing the use of hybrid meetings for the Town Council and the continued use of virtual meetings for Boards and Commissions while Town staff makes the necessary arrangements to transition to hybrid meetings for all Town Boards, Commissions, and Committees.

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.

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

PREPARED BY: Wendy Wood
Town Clerk

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

BACKGROUND (continued):

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.

DISCUSSION:

The County Public Health Officer continues to recommend that public meetings be conducted remotely. The Town Council will continue to provide a remote participation option in addition to in-person meetings. Staff will gradually transition all Town Board, Commission, and Committee meetings to a similar hybrid format.

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
- April 5, 2022 adopted Resolution 2022-013
- April 19, 2022 adopted Resolution 2022-017
- May 3, 2022 adopted Resolution 2022-021
- May 17, 2022 adopted Resolution 2022-031
- June 7, 2022 adopted Resolution 2022-032
- June 21, 2022 adopted Resolution 2022-037
- July 12, 2022 adopted Resolution 2022-048
- August 2, 2022 adopted Resolution 2022-050
- August 16, 2022 adopted Resolution 2022-055
- September 6, 2022 adopted Resolution 2022-056

DISCUSSION (continued):

- September 20, 2022 adopted Resolution 2022-059
- October 4, 2022 adopted Resolution 2022-060
- October 18, 2022 adopted Resolution 2022-065
- November 1, 2022 adopted Resolution 2022-068

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. The Town Council will conduct hybrid meetings and staff will work to prepare for a transition to hybrid meetings for all Town Boards, Commissions, and Committees.

COORDINATION:

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

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

DRAFT 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

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, that the Santa Clara County Public Health Department continues to recommend that public bodies meet remotely to the extent possible; 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 wishes to conduct hybrid meetings, at which members of the public have the option to participate remotely, and to transition to hybrid meetings for the Town's Boards, Commissions, and Committees; and

WHEREAS, the Town Council wishes 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 inperson may present 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, attendees may wish to participate in Town meetings remotely.

4. As authorized by Assembly Bill 361, the Town Council wishes to conduct hybrid meetings and to transition to hybrid meetings for the Town's Boards, Commissions, and Committees.

5. Staff are directed to take all actions necessary to implement this Resolution for all Town Council meetings and Town Board, Commission, and Committee meetings on a rolling basis, 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 15th day of November 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: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 4

DATE: November 8, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt an Ordinance to Amend Town Code Section 1.10.075, "Official Town Holidays – Designated; Exceptions," to Add the Juneteenth Holiday

RECOMMENDATION:

Adopt an Ordinance (Attachment 1) to Amend Town Code Section 1.10.075, "Official Town Holidays – Designated; Exceptions," to Add the Juneteenth Holiday.

DISCUSSION:

On November 1, 2022 the Town Council considered and voted to introduce an ordinance amending Town Code Section 1.10.075, "Official Town Holidays – Designated; Exceptions," to Add the Juneteenth Holiday. Adoption of the Attached Ordinance (Attachment 1) would finalize that decision. The Ordinance will take effect 30 days after its adoption.

COORDINATION:

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

FISCAL IMPACT:

This agenda item will add one new paid holiday to the Town's official holiday calendar.

ENVIRONMENTAL ASSESSMENT:

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

PREPARED BY: Bridgette Falconio
Administrative Technician

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

PAGE 2 OF 2

SUBJECT: Add the Juneteenth Holiday to Official Town Holidays

DATE: November 8, 2022

Attachments:

1. Redline Draft Ordinance
2. Clean Draft Ordinance

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING TOWN CODE SECTION 1.10.075, "OFFICIAL TOWN HOLIDAYS – DESIGNATED; EXCEPTIONS" TO ADD JUNETEENTH AS A TOWN HOLIDAY

WHEREAS, Section 1.10.075, "Official Town Holidays – Designated; Exceptions," lists the Town holidays;

WHEREAS, Juneteenth has been included as a holiday in the Town's recently-amended memorandums of understanding with the Town's labor organizations; and

WHEREAS, the Town Council deems it necessary to amend Section 1.10.075, "Official Town Holidays – Designated; Exceptions," of the Town Code to add Juneteenth, to the list of recognized Town holidays in the Town Code;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS as follows:

SECTION I. Section 1.10.075, "Official Town Holidays – Designated; Exceptions," of the Town Code is hereby amended to add the following underlined language and re-number the holidays:

Sec. 1.10.075. Official Town holidays—Designated; exceptions.

(a) The following days shall be holidays for the Town:

- (1) January first.
- (2) The third Monday in January.
- (3) The third Monday in February.
- (4) The last Monday in May.
- (5) Juneteenth
- ~~(6)(5)~~ July fourth.
- ~~(7)(6)~~ The first Monday in September.
- ~~(8)(7)~~ Thanksgiving Day.
- ~~(9)(8)~~ The Friday following Thanksgiving Day.
- ~~(10)(9)~~ December twenty-fifth.
- ~~(11)(10)~~ Every day appointed by the President or Governor for a public fast, thanksgiving or holiday, which is also designated as a Town holiday by the Mayor through written directive.

ATTACHMENT 1

- (b) If any of the holidays designated above fall upon a Saturday, the preceding Friday, instead of Saturday, shall be the holiday. If any of the holidays designated above fall upon a Sunday, the succeeding Monday, instead of Sunday, shall be the holiday.
- (c) If provisions of this section are in conflict with provisions of a memorandum of understanding, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, then the provisions shall not become effective unless approved by the Town Council in the annual budget.

(Code 1968, § 1-13)

SECTION 2. SEVERABILITY CLAUSE. 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 3. 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 4. PUBLICATION. The Town Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the Town of Los Gatos and to cause publication once in the Los Gatos Weekly, the official publication of legal notices of the Town of Los Gatos, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

SECTION 5. EFFECTIVE DATE. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of ____ 20 , and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of ____ 20 . This ordinance takes effect 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:

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

DATE: _____

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING TOWN CODE SECTION 1.10.075, "OFFICIAL TOWN HOLIDAYS – DESIGNATED; EXCEPTIONS" TO ADD JUNETEENTH AS A TOWN HOLIDAY

WHEREAS, Section 1.10.075, "Official Town Holidays – Designated; Exceptions," lists the Town holidays;

WHEREAS, Juneteenth has been included as a holiday in the Town's recently-amended memorandums of understanding with the Town's labor organizations; and

WHEREAS, the Town Council deems it necessary to amend Section 1.10.075, "Official Town Holidays – Designated; Exceptions," of the Town Code to add Juneteenth, to the list of recognized Town holidays in the Town Code;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS as follows:

SECTION I. Section 1.10.075, "Official Town Holidays – Designated; Exceptions," of the Town Code is hereby amended to add the following underlined language and re-number the holidays:

Sec. 1.10.075. Official Town holidays—Designated; exceptions.

(a) The following days shall be holidays for the Town:

- (1) January first.
- (2) The third Monday in January.
- (3) The third Monday in February.
- (4) The last Monday in May.
- (5) Juneteenth
- (6) July fourth.
- (7) The first Monday in September.
- (8) Thanksgiving Day.
- (9) The Friday following Thanksgiving Day.
- (10) December twenty-fifth.
- (11) Every day appointed by the President or Governor for a public fast, thanksgiving or holiday, which is also designated as a Town holiday by the Mayor through written directive.

ATTACHMENT 2

- (b) If any of the holidays designated above fall upon a Saturday, the preceding Friday, instead of Saturday, shall be the holiday. If any of the holidays designated above fall upon a Sunday, the succeeding Monday, instead of Sunday, shall be the holiday.
- (c) If provisions of this section are in conflict with provisions of a memorandum of understanding, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, then the provisions shall not become effective unless approved by the Town Council in the annual budget.

(Code 1968, § 1-13)

SECTION 2. SEVERABILITY CLAUSE. 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 3. 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 4. PUBLICATION. The Town Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the Town of Los Gatos and to cause publication once in the Los Gatos Weekly, the official publication of legal notices of the Town of Los Gatos, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

SECTION 5. EFFECTIVE DATE. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of ____ 20 , and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of ____ 20 . This ordinance takes effect 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:

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 5

DATE: November 10, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt an Ordinance Effecting Amendments to Chapter 29 (Zoning Regulations) of the Town Code to Regulate Urban Lot Splits and Two-Unit Housing Developments in Compliance with Senate Bill 9. Town Code Amendment Application A-22-002. Location: Town-wide. Applicant: Town of Los Gatos

RECOMMENDATION:

Adopt an Ordinance effecting amendments to Chapter 29 (Zoning Regulations) of the Town Code to regulate urban lot splits and two-unit housing developments in compliance with Senate Bill 9.

DISCUSSION:

On November 1, 2022, the Town Council considered and voted unanimously to introduce an Ordinance amending Chapter 29 (Zoning Regulations) of the Town Code to regulate urban lot splits and two-unit housing developments in compliance with Senate Bill 9 (SB 9), with specific modifications. Adoption of the attached Ordinance (Attachment 1) would finalize this decision and includes the modifications requested by the Town Council described below.

The Town Council motion included four specific modifications to the Draft Ordinance, which are reflected in Attachment 1:

1. Removal of the front setback requirement for flag/corridor lots (Table 1-2, Exception (5) of Section 29.10.630);
2. Reduction of the driveway depth requirement from 25 feet to 18 feet to match the garage entry setback requirement in Table 1-2 (Section 29.10.630(a)(2)b);

PREPARED BY: Ryan Safty
Associate Planner

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

DISCUSSION (continued):

3. Removal of second-floor step-back requirement for two-unit developments facing a street (Section 29.10.630 (b)(5)); and
4. Inclusion of neighborhood notification requirements consistent with those specified in Town Code Section 29.20.480 for Minor Residential Planning Applications [Sections 29.10.640(a)(3) and 29.10.660(a)(3)].

The Town Council also provided the following direction to staff:

1. Revise the Occupancy Affidavit for SB 9 Urban Lot Split applications to be modeled on those used by the Town of Atherton and Santa Clara County;
2. Return to Council in three months with information regarding Very High Fire Hazard Severity Zone exclusions; applicability of Hillside Residential zones; and affordability models; and
3. Return to Council in one year to report on and receive direction on continuation of the new public noticing provision.

Attachment 2 contains public comments received following the November 1, 2022 Town Council hearing.

ENVIRONMENTAL ASSESSMENT:

In accordance with Government Code Section 66411.7(n) and 66452.21(g), SB 9 ordinances are not a project subject to CEQA.

Attachments:

1. Draft Ordinance
2. Public comments received between 11:01 a.m., Tuesday, November 1, 2022, and 11:00 a.m., Thursday, November 10, 2022

DRAFT ORDINANCE

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

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

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

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

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

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

WHEREAS, SB 9 eliminates discretionary review and public oversight of proposed housing developments containing no more than two residential units by removing public notice and hearings by the Development Review Committee or Planning Commission, by authorizing only administrative review of the project, and by requiring ministerial approval of a two-unit housing development that meets objective standards; and

WHEREAS, SB 9 eliminates discretionary review and public oversight of the proposed subdivision of one lot into two parcels by removing public notice and hearings by the Development Review Committee or Planning Commission, by requiring only administrative review of the project, and by providing ministerial approval of an urban lot split; and

WHEREAS, SB 9 exempts SB 9 projects from environmental review as required by the California Environmental Quality Act (CEQA), by establishing a ministerial review process without discretionary review or a public hearing; and

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

ATTACHMENT 1

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

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

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 1, 2022.

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

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

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

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

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

Acting in concert means persons, as defined by Government Code Section 82047, as that section existed on January 1, 2022, acting jointly to pursue development of real property whether or not pursuant to a written agreement and irrespective of individual financial interest.

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

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

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

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

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

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

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

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

Flag lot means "lot, corridor" as defined in Section 29.10.020 of Town Code.

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

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

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

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

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

Sufficient for separate conveyance means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential

condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.

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

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

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

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

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

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

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

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

(f) Excluding Earthquake Fault Zone. A parcel that is not located within a delineated earthquake fault zone as determined by the State Geologist on any official maps published by the State Geologist, unless the two-unit housing development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Health and Safety Code Division 13), and by any local building department under Chapter 12.2 (commencing with Section 8875)

of Division 1 of Title 2.

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

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

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

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

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

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

(2) Driveways. Each parcel shall include no more than a single driveway unless the parcel has more than 100 feet of contiguous street frontage, and any new driveway shall satisfy the following requirements:

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

b. A minimum depth of 18 feet measured from the front or street side property line;

- c. Surfacing shall comply with Town Code Section 29.10.155(e);
 - d. Only a single driveway curb-cut shall be permitted per parcel unless the parcel has more than 100 feet of contiguous street frontage, designed in accordance with the Town's Standard Specifications and Plans for Parks and Public Works Construction; and
 - e. A maximum slope of 15 percent.
- (3) Dwelling Unit Type. The primary dwelling units comprising a two-unit housing development may take the form of detached single-family dwellings, attached units, and/or duplexes. A duplex may consist of two dwelling units in a side-by-side or front-to-back configuration within the same structure or one dwelling unit located atop another dwelling unit within the same structure;
- (4) Fencing. All new fencing shall comply with the requirements of Sections 29.40.030 through 29.40.0325 of the Zoning Code;
- (5) Floor Area Ratio and Lot Coverage.
- a. The maximum floor area ratio and lot coverage shall be as specified by the applicable zoning regulations.
 - b. For flag/corridor lots, the gross lot size includes the access corridor for the purposes of determining maximum floor area ratio and lot coverage as follows:
 - 1. When an easement is used to provide access, the access corridor is included in the gross lot size for the lot granting the easement; and
 - 2. When the access corridor is owned in-fee and is part of the rear lot, the access corridor is included in the gross lot size for the rear lot.
 - c. The maximum size of the first new residential unit shall not exceed 1,200 square feet.
 - d. When a two-unit housing development is proposed, a 10 percent increase in the floor area ratio standards for residential structures is allowed, excluding garages, and this increase in floor area cannot be combined with a separate increase for an Accessory Dwelling Unit allowed by Town Code Section 29.10.320. The additional floor area allowed by this subsection shall not exceed 1,200 square feet.
 - e. Notwithstanding the floor area ratio standards in this subsection, a new two-unit housing development with unit sizes of 800 square feet or less shall be permitted.
- (6) Grading.
- a. To the extent required by Chapter 12, Article II and Section 29.10.09045(b) of the Town Code, the grading activities set forth in subsection (b.) below may require a Grading Permit, but will not require discretionary review of an Architecture and Site Application;
 - b. Grading activity associated with a two-unit housing development shall not exceed 50 cubic yards, cut plus fill, except:
 - 1. Light wells that do not exceed the minimum required per Building Code shall not count as grading activity for the purpose of this section;
 - 2. Grading activities required to provide the minimum driveway and fire access as required by the Santa Clara County Fire Department shall not count as grading activity for the purpose of this section; and
 - 3. Excavation within the footprint of a primary dwelling unit or garage shall not count as grading activity for the purpose of this section.

(7) Cut and Fill. Two-unit housing developments shall be subject to the cut and fill requirements specified by Table 1-1 (Cut and Fill Requirements) below:

Table 1-1 – Cut and Fill Requirements		
Site Element	Cut *	Fill *
House and attached garage	8' **	3'
Detached accessory building *	4'	3'
Driveways ***	4'	3'
Other (decks, yards) *	4'	3'
* Combined depths of cut plus fill for development other than the main residence shall be limited to 6 feet.		
** Excludes below grade square footage pursuant to Section 29.40.072 of the Town Code and light-wells that do not exceed the minimum required per Building Code.		
*** Excludes cut and fill for the minimum driveway and fire access standards as required by the Santa Clara County Fire Department.		

(8) Building Sites. The footprint of the proposed residential unit(s) and garage(s) shall not be located on lands with an average slope exceeding 30 percent. This provision applies only to the building site, not the property as a whole;

(9) Retaining Walls. Retaining walls shall not exceed five feet in height and shall not run in a straight continuous direction for more than 50 feet without a break, offset, or planting pocket. Retaining walls shall have a five-foot landscaped buffer adjacent to the street;

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

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

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

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

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

(15) Parking.

a. One parking stall per primary dwelling unit shall be required, except for two-unit housing developments located on parcels within one-half mile walking distance of

public transportation; or where there is a designated parking area for one or more car-share vehicles within one block of the parcel.

b. Parking stalls may either be uncovered or covered (garage or carport) in compliance with applicable developments standards of the Zoning Code, including Chapter 29, Article I, Division 4, "Parking," except that uncovered parking spaces may be provided in a front or side setback abutting a street on a driveway (provided that it is feasible based on specific site or fire and life safety conditions) or through tandem parking;

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

Table 1-2 – Setback Requirements		
Setback		Requirement (2)
Property Line Setbacks (1)	Front	Per the applicable zoning district. (5)
	Garage Entry	18 feet
	Interior Sides	4 feet (3)
	Rear	
	Street Side	Per the applicable zoning district.
Separation Between Detached Structures (4)		5 feet
Exceptions: (1) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys, or other similar architectural features may extend into required setbacks as specified Section 29.40.070(b) of the Zoning Code. (2) No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure. (3) No interior side setback shall be required for two-unit housing development units constructed as attached units on separate lots, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance as a separate fee parcel. (4) Except for primary dwellings constructed as a duplex or attached single-family residences. (5) Flag/corridor lots shall use the interior side setback requirements for all property lines other than the rear.		

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

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

(b) Design Review Standards

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

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

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

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

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

(5) Step-back. The interior side and rear elevations of the second story of a two-story primary dwelling unit shall be recessed by five feet from the first story, as measured wall to wall;

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

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

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

(c) General Requirements and Restrictions

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

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

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

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

(4) Encroachment Permits. Separate encroachment permits, issued by the Parks and Public Works Department, shall be required for the installation of utilities to

serve two-unit housing developments. Applicants shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric, and all other utility work.

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

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

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

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

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

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

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

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

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

(d) Exceptions

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

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

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

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

(1) Application Type. Two-unit housing developments shall be reviewed ministerially by the Community Development Director for compliance with the applicable regulations. The permitting provisions of Town Code Sections 29.20.135 through 29.20.160, "Architecture and Site Approval," shall not be applied;

(2) Application Filing. An application for a two-unit housing development, including the required application materials and fees, shall be filed with the Community Development Department;

(3) Neighbor Notification. In addition to the standard application materials, the applicant will be required to submit one (1) set of stamped, addressed envelopes to neighboring residents and property owners. The Planning Department will assist the applicant in determining the neighboring properties to be notified (which will consist of all properties abutting the applicant's parcel, properties directly across the street and the two (2) parcels on each side of the applicant's parcel).

(4) Building Permits. Approval of a two-unit housing development application shall be required prior to acceptance of an application for building permit(s) for the new and/or modified primary dwelling unit(s) comprising the two-unit housing development;

(5) Denial. The Community Development Director may deny a two-unit housing development project only if the Building Official makes a written finding, based upon a preponderance of the evidence, that the two-unit housing development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

(6) Appeals. Two-unit housing application decisions are ministerial and are not subject to an appeal.

Section 29.10.650. Subdivision Standards. Urban lot splits shall comply with the following objective subdivision standards, and general requirements and restrictions:

(a) Subdivision Standards

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

(1) Flag/Corridor Lots. The access corridor of a flag/corridor lot (Town Code Section 29.10.085) shall be either in fee as part of the parcel or as an easement, and shall be a minimum width of 12 feet;

(2) Minimum Lot Size. Each new parcel shall be approximately equal in lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no event shall a new parcel be less than 1,200 square feet in lot area. If one of the proposed lots is a flag/corridor lot, the area

of the access corridor shall count toward the lot area as follows:

1. When an easement is used to provide access, the access corridor is included in the gross lot size for the lot granting the easement; and

2. When the access corridor is owned in-fee and is part of the rear lot, the access corridor is included in the gross lot size for the rear lot.

- (3) Minimum Lot Width. Each new parcel shall maintain a minimum lot width of 20 feet;

- (4) Minimum Public Frontage. Each new parcel shall have frontage upon a street with a minimum frontage dimension of 20 feet, except as allowed above for flag/corridor lots;

- (5) Number of Lots. The parcel map to subdivide an existing parcel shall result in no more than two parcels; and

- (6) Lot Merger. Lots resulting from an urban lot split shall not be merged unless that lot merger can be done without loss of housing units and without causing a non-conforming building, lot, or use.

(b) General Requirements and Restrictions

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

- (1) Adjacent Parcels. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously conducted an urban lot split to create an adjacent parcel as provided for in this Division;

- (2) Dedication and Easements. The Town Engineer shall not require dedications of rights-of-way nor the construction of offsite improvements but may, however, require recording of easements necessary for the provision of private services, facilities, and future public improvements or future public services, facilities, and future public improvements;

- (3) Existing Structures. Existing structures located on a parcel subject to an urban lot split shall not be subject to a setback requirement. However, any such existing structures shall not be located across the shared property line resulting from an urban lot split, unless the structure is converted to an attached unit as provided for in Table 1-2 (Setback Requirements, Exception Number 3). All other existing structures shall be modified, demolished, or relocated prior to recordation of a parcel map;

- (4) Intent to Occupy. The applicant shall submit a signed affidavit to the Community Development Director attesting that the applicant intends to occupy one of the housing units on the newly created parcels as their principal residence for a minimum of three years from either:

- a. The date of the approval of the urban lot split when the intent is to live in an existing residence; or

- b. Certificate of occupancy when the intent is to occupy a newly constructed residential unit.

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

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

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

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

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

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

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

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

If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an urban lot split shall sign an affidavit, stating that none of the conditions listed above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years on a form prescribed by the Town. The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an urban lot split;

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

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

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

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

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

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

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

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

Section 29.10.660. Application Process for Urban Lot Splits.

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

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

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

(3) Neighbor Notification. In addition to the standard application materials, the applicant will be required to submit one (1) set of stamped, addressed envelopes to neighboring residents and property owners. The Planning Department will assist the applicant in determining the neighboring properties to be notified (which will consist of all properties abutting the applicant's parcel, properties directly across the street and the two (2) parcels on each side of the applicant's parcel).

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

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

(6) Denial. The Community Development Director may deny an urban lot split only if the Building Official makes a written finding, based upon a preponderance of the evidence, that an urban lot split or two-unit housing development located on the proposed new parcels would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and

(7) Appeals. Urban lot split application decisions are ministerial and are not subject to an appeal.

Section 29.10.670. Sunset Clause. If SB 9 is repealed or otherwise rescinded by

the California State Legislature or by the People of the State of California, this Division shall be repealed.”

Section 3. CEQA. In accordance with Government Code Sections 66411.7(n) and 66452.21(g), adoption of this Ordinance is not a project subject to CEQA.

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

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

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

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 1st day of November 2022 and adopted at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the _____ day of _____ 20__, 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: _____

Councilmembers:

Thank you for your deliberation on this matter this last week. I think that a reasonable decision was made as to the final wording of the ordinance. I still have some reservations as to the 'Objective Design Restrictions', but can live with them for a while and will use the A&S proceed after an ULS where I cannot.

Now that I have gone through a few of these Urban Lot Splits in various jurisdictions, I just wanted to share with you some practical insights about a concern voiced at the hearing [and put in the motion for a 3-month review] that I think you should be aware of - specifically in the HR Zoning Districts. This might not prove to be such a concern in the long run.

Specifically, when a property is located in a VHFHZ the Fire Department looks at the projects **very carefully!** More specifically they apply a set of recently enacted state rules related to "Access". It is unlikely that they will approve a project if any of the following conditions occurs:

1. The property is on a dead-end street with no alternate egress. The length of street allowed varies by zoning district, but would not typically be over 1/4 mile.
2. The street used to access the property is less than 20 ft in width. [many roads/streets in HR are less than that].
3. There is no fire hydrant with adequate psi and flow rate within 600 ft of the rear of the residence.
4. There is no fire truck turnaround at the end of the street.

In a project in Monte Sereno in which I am involved there is a 950 ft long private dead-end street in the HR-1 zoning district [equivalent]. Based on Fire Department conditions [not the City's - as it cannot legally impose off-site improvements], the homeowner has elected to:

1. Widen the street, within the roadway easement, to satisfy fire truck access requirements.
2. Install a second fire hydrant on the street.
3. Improve the Emergency Vehicle turnaround at the end of the street.

So in the end we have a situation where - yes - a project was approved in a hillside VHFHZ. But the entire neighborhood has benefitted significantly with a widened street, a new hydrant, a new home which will have fire sprinklers, and generally-improved fire hazard security to the community. I contend that instead of finding some hyper-restrictive wording with which to justify denial of a project we let the fire department constraints dictate project feasibility. They have the true knowledge and expertise in this field and state law to back it up. Projects in "difficult to access" Hillside areas will not be feasible. This might not satisfy some homeowners in more remote areas, but it will put the brakes on indiscriminate hillside development in Fire Hazard Zones.

With that in mind, I would ask that the Planning Process should ask for a preliminary SCCFD Review for VHFHZ [or perhaps all] projects prior to asking a homeowner to invest tens of thousands of dollars to create detailed plans after Preliminary approval only to hit a 'Fire-wall' when they submit for a detailed ULS or 2UD.

Thank you for your consideration.

Tony Jeans

Tony-

I like your argument that often these projects improve the fire safety of the general neighborhood, by widening the street, adding hydrants, and adding turnarounds. Indeed I have a project that is doing exactly that in order to even be able to build. So being able to add units in fact improves fire safety in VHSFZ . We should all push this point.

Noel

Noel Cross+Architects

From: Ivy Chang
Sent: Monday, November 7, 2022 9:39 AM
To: Attorney <Attorney@losgatosca.gov>; Gabrielle Whelan <
Cc: Scott Watson <
Subject: SB9 Ordinance - 30% Slope Restriction

EXTERNAL SENDER

To: Town Attorney Ms. Whelan,

Congratulations on your appointment to Town Attorney in April. Since your service in the Town of Los Gatos is less than one year, I would like to provide some history regarding slope restriction in the Hillside Development Standards and Guideline, as well as Town Code.

The Hillside Development Standards and Guidelines was adopted by Council in January 2004.

In Chapter 2, Site Selection, page 12 - It says "LRDA - least restrictive development area. Topography, with emphasis on slopes over 30%.

In Chapter 6, Site Elements, page 53 - it says Swimming Pools and Sport Courts are prohibited on slope greater than 30 percent.

It only restricts 30% slope for swimming pool and sport courts, NOT for the development of a house. However, the Town added 30% slope restriction in the SB9 Ordinance to lessen the intensity of housing.

I've reached out to the Attorney General regarding this violation of the Housing Crisis Act of 2019. Rob Bonta's office encouraged me to continue to work with local government towards a resolution. I also reached out to Compliant Review @HCD. HCD told me that they do not have enforcement authority over SB9, however they will review the potential violation of the HCA. Per my conversation with a land use attorney, adding 30% slope restriction on SB9 will reduce the intensity of use, which is clearly a violation of HCA state law. I've attached SB9 factsheet regarding HCA at page 7. (Gov. Code, § 66300, subd. (b)(1)(A).)":

In the Nov 1, 2022 Town Council meeting, there were 4 hillside residents who expressed concerns on the SB9 30% slope restriction during the public hearing. However, there was zero feedback to address the 30% slope restriction by the Town Mayor, Town Council or Town Attorney.

Town of Los Gatos has used both Hillside Development Standards and Guideline and Town Code since 2004. For each development, the LRDA is reviewed by planning commission. For at least one development in 2017, the Town approved a building site with 55% slope – far greater than the 30% guidance. I provide more details below.

I'm writing my email to try again to get resolution as suggested by Attorney General Rob Bonta. Please investigate:

1. Why there is no 30% slope restriction for house development in the Town Code?

Town Code define 8' cut restriction, which is measurable by Town's inspector. The geotechnical, and geological reports are required for building permit. If the investigation and engineers confirmed the site is buildable, even it is 31% slope on average house site, it is still buildable. I believe it is the reason there is no 30% slope restriction language in Town Code.

2. Why Town Council approved a 55% slope development site, while restricting SB9 development by code to 30% slope?

Town Staff suggested to approve the application of 55% slope development (26 Alpine Ave) in July 2017. Town Council granted approval in Dec 2017. The house is under construction today at 55% average slope of house footprint.

During the Town Council meeting, Both Town Mayer Rob Rennie and Town Attorney Robert Schultz repeated Geotechnical's comment regarding it is buildable lot. The 55% slope did not stop the project in standard development per Town Code. There is no state law to allow the Town to add 30% slope restriction ONLY on SB9 development.

3. Town Staff told me that all of the restriction will be exempted for a minimum 800 sqft SB9 development. This statement might be correct under SB9 state law, however, adding 30% slope restriction ONLY on SB9 development still violates HCA state law by reducing the intensity of land use. I expect the Town Attorney to educate Town Staff.

I respectfully request the Town REMOVES the "30% slope restriction" in SB9 Ordinance, because it is not in Town's standard development code, and hence violates HCA state law. The SB9 ordinance page 7 Cut and Fill table can well control hillside development as defined by Town Code and Hillside Development Standards and Guideline.

Please advise if you conclude that the Town can legally add a 30% slope restriction to reduce the intensity of land use by SB9 ordinance. If so, please provide the code. I have also attached two public comments which we sent regarding slope restriction to staff before Nov 1 Town Council Meeting.

Below is more detailed information regarding 55% slope development I referred:

Address: 26 Alpine Avenue

Footprint of house average slope: 55%

Average slope of lot: 41%.

Planning commission hearing on July 26, 2017, time 40:49
<https://www.youtube.com/watch?v=CC7f48FsP5M&t=12s>.

Town staff explain the chapter 2 - "LRDA including many things beyond just slopes", time 2:46:21:

Town Council hearing on Dec 19, 2017, time
1:45:55 <https://www.youtube.com/watch?v=GLCLgb4VIEM&t=6696s>

Town Attorney Robert Schultz commented "both the Geotech and it was peer-reviewed say it is a buildable lot", time 2:42:00

Town Mayor Rob Rennie commented "geotechnical consultants that it is doable and safe, so I'm more on the side of accepting the project (55% slope project)", time 2:50:48

[Item 04 - 26 Alpine Ave - Laserfiche WebLink \(losgatosca.gov\)](#) - Planning Commission July 26, 2017

[Item 19 - 26 Alpine Ave - Architecture and Site Application S-16-052 and Mitigated Negative Declaration ND-17-001 - Laserfiche WebLink \(losgatosca.gov\)](#) - Town Council, December 19, 2017

[Item 2 - 26 Alpine Ave - Time Extension - Laserfiche WebLink \(losgatosca.gov\)](#) – Planning Commission, November 13, 2019 for Time Extension

I look forward to hearing from you.

Best Regards,
Ivy Chang and Scott Watson

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 5

DESK ITEM

DATE: November 15, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt an Ordinance Effecting Amendments to Chapter 29 (Zoning Regulations) of the Town Code to Regulate Urban Lot Splits and Two-Unit Housing Developments in Compliance with Senate Bill 9. Town Code Amendment Application A-22-002. Location: Town-wide. Applicant: Town of Los Gatos

REMARKS:

Attachment 3 includes additional public comments received between 11:01 a.m., Thursday, November 10, 2022, and 11:00 a.m., Tuesday, November 15, 2022.

ATTACHMENTS:

Attachments previously with November 15, 2022 Staff Report:

1. Draft Ordinance
2. Public comments received between 11:01 a.m., Tuesday, November 1, 2022, and 11:00 a.m., Thursday, November 10, 2022

Attachments with this Desk Item:

3. Public comments received between 11:01 a.m., Thursday, November 10, 2022, and 11:00 a.m., Tuesday, November 15, 2022

PREPARED BY: Jennifer Armer
Planning Manager

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

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From: Ivy Chang [REDACTED]
Sent: Monday, November 14, 2022 3:32 PM
To: Rob Rennie <RRennie@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>
Cc: Gabrielle Whelan <GWhelan@losgatosca.gov>; Ryan Safty <RSafty@losgatosca.gov>; Jennifer Armer <JArmer@losgatosca.gov>
Subject: SB9 Ordinance

EXTERNAL SENDER

Dear Town Mayor and Town Councils,
This is Ivy Chang, a homeowner and resident of hillside Los Gatos.

I've reached out to the Attorney General regarding a SB9 violation. Rob Bonta's office encouraged me to continue to work with local government towards a resolution. Therefore, I'm writing you this email directly.

1. 30% slope restriction in SB9 Ordinance.

It is not only violating State law, but also inviting violations!

If a residence has a 30% slope building footprint, will they give up SB9 ministerial approval and go for 2+ years A&S application? Or they will ask topographic surveyor to adjust to 29.9%? How about if it's 31%, 33% or even 35% slope development? What will they do? What will you do?

SB9 law authorize cities to adopt SB9 ordinance locally. BUT the Code states that the ordinance needs to be "uniformly verifiable". If you measure the slope from different angle, the result will be slightly different. How can Town Inspector uniformly verify the slope?

The Town Council of 2004 controls the hillside development in a smart way and does not invite violations. **The spirit of Town Code is Measurable, Verifiable and Non-debatable, including sections such as:** HSD&G Chapter 2 - "LRDA - least restrictive development area, Topography, with emphasis on slopes over 30%, Chapter 3 - A cuts and fills table. There are designed to be "uniformly verifiable" by the Town Inspector.

Even you didn't mean to invite the violation on slope, it will happen in the real world, when an ordinance of 30% slope cannot be uniformly verifiable. I follow the rules and regulations, and that is why I speak out, because ordinance which is not uniformly verifiable may invite violations.

In Summary regarding the addition of the 30% slope restriction in the Town's SB9 ordinance:

It violates 66300 - it lessens the intensity of land use.

It violates 65852.21 and 66411.7 - it's not uniformly verifiable.

And even worse.... It's inviting violation of 30%, 31% or even 35%+ development. And with ministerial approval at Staff Level, it puts hillside development at the risk.

Town staff did a great job to include HSD&G cuts and fill table in SB9 ordinance, as well as 15% slope driveway requirement to align fire dept regulation. Steep slope can't be developed by 8' cut restriction and 15% slope driveway requirement, which can well control the hillside development. Please remove to 30% slope restriction on the building site to avoid inviting violations.

If you haven't thought of the 30% slope restriction will invite the violation as it's not uniformly verifiable by Town Inspector, please revisit and remove the restriction.

If you have thought of it, but still want to keep the 30% slope restriction. Please explain how can you prevent the violation of 30%, 31% or even 35%+ development? How can you address Town's violation of SB9 code 65852.21 and 66411.7? The code says the ordinance needs to be uniformly verifiable: No personal or subjective judgment. 29.9% slope vs. 30% slope, 0.1% slope gap will be inviting personal judgement, inviting violation.

2. 1,200 sqft max of 1st SB9 unit

I'm a landlord and familiar with real estate market. Most newer homes are 1,800 sqft and above. Only older homes are less than 1,500 sqft in Los Gatos. When rental pricing increased, renter will downsize the house to save rent. However, these smaller homes are old and ugly.

When people build a new house today, they normally build 1,800 sqft or more for better return on investment. Or build a less than 1,200 sqft ADU. With that, there will be limited new house in between 1,200 sqft – 1,700 sqft in coming years.

With this SB9 first units, you have the power to fulfill the portfolio of affordable homes. An additional 100-200 sqft can add in a small office or bedroom. 10 years from now, you can be proud of yourself, because you enable the options for the affordable house market for your residence.

If you haven't thought of the portfolio of affordable homes, please approve to increase the first SB9 unit limitation to 1,400 sqft.

If you have thought of it, but still keep 1,200 sqft max, please explain why you don't give those people option between 1,300 sqft to 1,400 sqft house, when you can enable it?

In Summary

I sincerely ask your review:

1. Remove the 30% slope restriction, to make SB9 Ordinance Measurable, Verifiable and Non-debatable. It can be "uniformly verifiable" by Town Inspector, in the spirit of Town Code for hillside development.

2. Increase first SB9 unit to 1,400 sqft – give your residents some options in affordable house market. If you need more time to make right decision for your residences, please postpone Consent Agenda - Item 5 of Nov 15 Town Council meeting. I've also attached my email to Town Attorney regarding the violation of State Law in details.

I look forward to hearing from you.

Best regards,
Ivy Chang

From: Ivy Chang [REDACTED]
Subject: Re: SB9 Ordinance - 30% Slope Restriction
Date: November 14, 2022 at 3:26 PM
To: Gabrielle Wheahan GWheahan@osgatosca.gov
Cc: Ryan Safty RSafty@osgatosca.gov

IC

Dear Ms. Wheahan

Thank you for your response

I understand people interpret laws differently even among attorneys. I've consulted with a Land Use Attorney. Unfortunately, both of your interpretations of Gov. Code are different. So I am writing this email again to see if we can close the gap.

In Summary regarding the addition of the 30% slope restriction in the Town's SB9 ordinance:

It violates 66300 - it lessens the intensity of land use.

It violates 65852.21 and 66411.7 - it's not uniformly verifiable.

And even worse.... It's inviting violation of 30%, 31% or even 35%+ development. And with ministerial approval at Staff Level, it puts hillside development at the risk.

I respectfully request Town Attorney to remove the 30% slope restriction and help Town Council to adopt the SB9 Ordinance with Measurable, Verifiable and Non-debatable ordinances, in line with the spirit of existing Town Code. I will also write an email to the Town Council members and copy you to highlight my concerns.

65852.21 and 66411.7 (SB9)

There is no doubt that code authorizes towns to adopt SB9 ordinance locally. But the Code states that the ordinance needs to be "uniformly verifiable." If you measure the slope from different angles, the results will be slightly different.

(1) Please consult with Town Staff: how do they uniformly verify the 29%, 30% or 31% before approving the permit?

(2) Please consult with Town Inspector: how do they uniformly verify the slope of 29%, 30% or 31% On-Site?

I believe the Town Attorney was well involved when HDS&G was adopted in 2004 because the Town Code is Measurable, Verifiable and Non-debatable. It's "uniformly verifiable" by Town Inspector, which is in the spirit of Town Code.

As a Town Attorney today, please help the Town Council to make a "uniformly verifiable" SB9 ordinance. Adding a 30% restriction not only violates state law but also invites violation of 30%, 31% or even 35% development.

66300, subd. (b)(1)(A) Housing Crisis Act

Perhaps you are mixing the Housing Crisis Act vs. Housing Accountability Act. The state law I was referring to is under Housing Crisis Act, not Housing Accountability Act as in your email.

Code 66300 says effect on January 1, 2018, the town cannot make more restrictive ordinances to lessen the intensity of and use SB9 become law in 2021, which is applied under Code 66300. However, you interpreted SB9 law is not applied under Code 66300 because SB9 is after 2018. If that is the case, why the Code 66300 is cited in SB9 factsheet?!

SB9 factsheet page 7 clearly states: "Any proposed modification to an existing development standard applicable in the single-family residential zone must demonstrate that it would not result in a reduction in the intensity of the use."

Either the "existing development standard" refers to Town Code or SB9 800 sqft law, but neither of these have a 30% slope restriction. Therefore, adding a 30% slope restriction to lessen intensity of and use will violate Code 66300 subd. (b)(1)(A) Housing Crisis Act.

Here is the Code I referred to:

Objective Standards

(Reference: Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c))

The local agency may apply objective development standards (e.g., front setbacks and heights), objective subdivision standards (e.g., minimum lot depths), and objective design standards (e.g., roof pitch, eave projections, façade materials, etc.) as long as they do not physically preclude either of the following:

Up to Two Primary Units. The local agency must allow up to two primary units (i.e., one or two) on the subject parcel or, in the case of a lot split, up to two primary units on each of the resulting parcels.

Units at least 800 square feet in size. The local agency must allow each primary unit to be at least 800 square feet in size.

The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant proponent and the public official prior to submittal. Any objective standard that would physically preclude either or both of the two objectives noted above must be modified

Housing Crisis Act of 2019. An affected city or county is limited in its ability to amend its general plan, specific plans, or zoning code in a way that would improperly reduce the intensity of residential uses. (Gov. Code, § 66300, subd. (b)(1)(A).) This limitation applies to residential uses in all zones, including single-family residential zones. “Reducing intensity of land use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the single-family residential development capacity. (Gov. Code, § 66300, subd. (b)(1)(A).)

A local agency should proceed with caution when adopting a local ordinance that would impose unique development standards on units proposed under SB 9 (but that would not apply to other developments). Any proposed modification to an existing development standard applicable in the single-family residential zone must demonstrate that it would not result in a reduction in the intensity of the use. HCD recommends that local agencies rely on the existing objective development, subdivision, and design standards of its single-family residential zone(s) to the extent possible. Learn more about [Design Jurisdictions Prohibited from Certain Zoning-Related Actions](#) on HCD’s website

I look forward to hearing from you

Best Regards
Ivy Chang

On Nov 11 2022 at 8:55 AM Gabrielle Whean <GWhean@osgatosca.gov> wrote:

Hello, Ms. Chang.

Government Code Sections 65852.21 and 66411.7 (SB 9) authorize cities to adopt objective zoning, subdivision, and design standards that are applicable to SB 9 projects.

The state Housing Accountability Act does prohibit cities from reducing the intensity of land use below what was in effect on January 1, 2018. Since the Town's zoning ordinance did not authorize SB 9 projects until SB 9 became law, the Town is not reducing the intensity of this land use.

In addition, "intensity of land use" is defined to mean "residential development capacity." Since the Town's proposed ordinance authorizes "by right" units of 800 square feet or less, the ordinance does not limit "residential development capacity."

Gabrielle Whelan • Town Attorney

Town Attorney's Office • 110 E Main Street, Los Gatos, CA 95030

Desk: 408.354.6818 • gwhelan@losgatosca.gov

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

From: Ivy Chang [REDACTED]
Sent: Monday, November 7, 2022 9:39 AM
To: Attorney <Attorney@losgatosca.gov>; Gabrielle Whelan <GWhelan@losgatosca.gov>
Cc: Scott Watson [REDACTED]
Subject: SB9 Ordinance - 30% Slope Restriction
<image003.jpg

EXTERNAL SENDER

To: Town Attorney Ms. Whelan,

Congratulations on your appointment to Town Attorney in April. Since your service in the Town of Los Gatos is less than one year, I would like to provide some history regarding slope restriction in the Hillside Development Standards and Guideline, as well as Town Code.

The Hillside Development Standards and Guidelines was adopted by Council in January 2004.

In Chapter 2, Site Selection, page 12 - It says "LRDA - least restrictive development area. Topography, with emphasis on slopes over 30%.

In Chapter 6, Site Elements, page 53 - it says Swimming Pools and Sport Courts are prohibited on slope greater than 30 percent.

It only restricts 30% slope for swimming pool and sport courts, NOT for the development of a house. However, the Town added 30% slope restriction in the SB9 Ordinance to lessen the intensity of housing.

I've reached out to the Attorney General regarding this violation of the Housing Crisis Act of 2019. Rob Bonta's office encouraged me to continue to work with local government towards a resolution. I also reached out to Compliant Review @HCD.

HCD told me that they do not have enforcement authority over SB9, however they will review the potential violation of the HCA. Per my conversation with a land use attorney, adding 30% slope restriction on SB9 will reduce the intensity of use, which is clearly a violation of HCA state law. I've attached SB9 factsheet regarding HCA [at page 7. \(Gov. Code, § 66300, subd. \(b\)\(1\)\(A\).\):](#)

In the Nov 1, 2022 Town Council meeting, there were 4 hillside residents who expressed concerns on the SB9 30% slope restriction during the public hearing. However, there was zero feedback to address the 30% slope restriction by the Town Mayor, Town Council or Town Attorney.

Town of Los Gatos has used both Hillside Development Standards and Guideline and Town Code since 2004. For each development, the LRDA is reviewed by planning commission. For at least one development in 2017, the Town approved a building site with 55% slope – far greater than the 30% guidance. I provide more details below.

I'm writing my email to try again to get resolution as suggested by Attorney General Rob Bonta. Please investigate:

1. Why there is no 30% slope restriction for house development in the Town Code?

Town Code define 8' cut restriction, which is measurable by Town's inspector. The geotechnical, and geological reports are required for building permit. If the investigation and engineers confirmed the site is buildable, even it is 31% slope on average house site, it is still buildable. I believe it is the reason there is no 30% slope restriction language in Town Code.

2. Why Town Council approved a 55% slope development site, while restricting SB9 development by code to 30% slope?

Town Staff suggested to approve the application of 55% slope development (26 Alpine Ave) in July 2017. Town Council granted approval in Dec 2017. The house is under construction today at 55% average slope of house footprint.

During the Town Council meeting, Both Town Mayer Rob Rennie and Town Attorney Robert Schultz repeated Geotechnical's comment regarding it is buildable lot. The 55% slope did not stop the project in standard development per Town Code. There is no state law to allow the Town to add 30% slope restriction ONLY on SB9 development.

3. Town Staff told me that all of the restriction will be exempted for a minimum 800 sqft SB9 development. This statement might be correct under SB9 state law, however, adding 30% slope restriction ONLY on SB9 development still violates HCA state law by reducing the intensity of land use. I expect the Town Attorney to educate Town Staff.

I respectfully request the Town REMOVES the "30% slope restriction" in SB9 Ordinance, because it is not in Town's standard development code, and hence violates HCA state law. The SB9 ordinance page 7 Cut and Fill table can well control hillside development as defined by Town Code and Hillside Development Standards and Guideline.

Please advise if you conclude that the Town can legally add a 30% slope restriction to reduce the intensity of land use by SB9 ordinance. If so, please

provide the code. I have also attached two public comments which we sent regarding slope restriction to staff before Nov 1 Town Council Meeting.

Below is more detailed information regarding 55% slope development I referred:

Address: 26 Alpine Avenue

Footprint of house average slope: 55%

Average slope of lot: 41%.

Planning commission hearing on July 26, 2017, time 40:49
<https://www.youtube.com/watch?v=CC7f48FsP5M&t=12s>.

Town staff explain the chapter 2 - "LRDA including many things beyond just slopes", time 2:46:21:

Town Council hearing on Dec 19, 2017, time 1:45:55
<https://www.youtube.com/watch?v=GLCLgb4VIEM&t=6696s>

Town Attorney Robert Schultz commented "both the Geotech and it was peer-reviewed say it is a buildable lot", time 2:42:00

Town Mayor Rob Rennie commented "geotechnical consultants that it is doable and safe, so I'm more on the side of accepting the project (55% slope project)", time 2:50:48

[Item 04 - 26 Alpine Ave - Laserfiche WebLink \(losgatosca.gov\)](#). - Planning Commission July 26, 2017

[Item 19 - 26 Alpine Ave - Architecture and Site Application S-16-052 and Mitigated Negative Declaration ND-17-001 - Laserfiche WebLink \(losgatosca.gov\)](#). - Town Council, December 19, 2017

[Item 2 - 26 Alpine Ave - Time Extension - Laserfiche WebLink \(losgatosca.gov\)](#). – Planning Commission, November 13, 2019 for Time Extension

I look forward to hearing from you.

From: Ivy Chang [REDACTED]
Sent: Tuesday, November 15, 2022 9:37 AM
To: Rob Rennie <RRennie@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>
Cc: Gabrielle Whelan <GWhelan@losgatosca.gov>; Ryan Safty <RSafty@losgatosca.gov>; Jennifer Armer <JArmer@losgatosca.gov>
Subject: Re: SB9 Ordinance

EXTERNAL SENDER

Dear Town Attorney, Town Mayor and Town Councils,

I recommend the following resolution to eliminate the concerns of hillside development, as well as meet the state law as "uniformly verifiable":

1. Remove the **below grade square footage as attached. Only allow 8' cut, instead of no limitation cut for below grade square footage. Along with the driveway requirement in current SB9 ordinance. It can well prevent the steep slope development as below:

- House: allow 8' cut only.
 - Driveway: allow 4' cut 3' fill, minimum 12 feet width, and maximum 15% slope.
2. Remove (8) Building Site - 30% slope restriction, to avoid violation of state law or inviting violation.

I look forward the SB9 Ordinance to be Measurable, Verifiable and Non-debatable. Uniformly verifiable per State Law. NOT inviting the violation!

Also, please find the link of Planning Commission meeting on July 26, 2017.

During slope discussion of the 26 Alpine project, one of the Commissioner asked if Town verified the Applicant's slope. Staff commented that "We don't allow to do our own survey and do our own topo at every site".

Please check out the time 55:03. <https://www.youtube.com/watch?v=CC7f48FsP5M&t=13s>

The conversation of the slope verification from 52:38-55:21

(7) Cut and Fill. Two-unit housing developments shall be subject to the cut and fill requirements specified by Table 1-1 (Cut and Fill Requirements) below:

Table 1-1 – Cut and Fill Requirements		
Site Element	Cut *	Fill *
House and attached garage	8' **	3'
Detached accessory building *	4'	3'
Driveways ***	4'	3'
Other (decks, yards) *	4'	3'
* Combined depths of cut plus fill for development other than the main residence shall be limited to 6 feet.		
** Excludes below grade square footage pursuant to Section 29.40.072 of the Town Code and light wells that do not exceed the minimum required per Building Code.		
*** Excludes cut and fill for the minimum driveway and fire access standards as required by the Santa Clara County Fire Department.		

~~(8) Building Sites. The footprint of the proposed residential unit(s) and garage(s) shall not be located on lands with an average slope exceeding 30 percent. This provision applies only to the building site, not the property as a whole;~~

Best Regards,

Ivy Chang

-----Original Message-----

From: quintana

Sent: Tuesday, November 15, 2022 9:59 AM

To: Laurel Prevetti <LPrevetti@losgatosca.gov>

Subject: SB 9 Ordinance

EXTERNAL SENDER

Hi Laurel,

A follow up to our recent discussion: Please refer to Sec. 29.10.660(a)(5)

I had started comments for a desk item on the tonight's Consent Agenda Item #5 (Draft SB 9 Ordinance) Item #5. It started with a discussion of at least two ways that Sec. 29.10.660 might be interpreted:

.

- 1) Once a choice is made to use the ministerial review and approval process under the SB 9 Ordinance then any subsequent development resulting from that approval would be required to use the ministerial review and approval process established by The Ordinance (my interpretation) or
- 2) An applicant may choose to use the SB 9 Ordinance ministerial process for an initial approval subject to SB 9 but may then choose to Town's discretionary A&S process for subsequent development on the site. (Tony Gene's interpretation, as stated in the first paragraph of Attachment 2' letter from Tony Gene)

This came to an abrupt halt when I reach the following on page 14 of the 15 page text:

Sec. 29.10.660 Application Process for an Urban Lot Split (a)(5) Development. Development on the resulting parcel is limited to a project approval by the two-unit housing development process or through the Town's standard discretionary process.

My immediate reaction was Really! You Have To Be Joking! Is this really the intent of the Ordinance! and then:

- 1) This relates more to the Two-Unit Development Process than to the application process for an Urban Lot Split.
- 2) Why is it buried at on the 14th page Ordinance that has 15 pages of text? -
- 3) Was this intentional?
- 3) Is this really the intention of the Town and Town Council?

I will toss my all old draft comments and instead only wish to speak to this at the meeting tonight. Do I ask to speak under Public Communication or under the Consent Calendar? Please acknowledge receipt of this e-mail. And please forward to others, if appropriate.

Thanks, Lee



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 6

DATE: November 10, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt an Ordinance Effecting Amendments Repealing and Replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the New 2022 California Building and Fire Codes, as Amended, Including Reach Codes. Town Code Amendment Application A-22-003. Project Location: Town Wide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Adopt an Ordinance (Attachment 1), effecting amendments repealing and replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the new 2022 California Building and Fire Codes, as amended, including reach codes.

DISCUSSION:

On November 1, 2022 the Town Council considered and voted to introduce an Ordinance amending Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection including reach codes. Adoption of the attached Ordinance (Attachment1) would finalize that decision.

This ordinance containing the new 2022 CCR, Title 24, with local amendments including reach codes will become effective January 1, 2023.

PREPARED BY: Robert Gray
Building Official

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

PAGE 2 OF 2

SUBJECT: Town Code Amendments – Building and Fire Codes

DATE: October 27, 2022

ENVIRONMENTAL ASSESSMENT:

Adoption of this ordinance is not a project subject to CEQA, because it can be seen with certainty that it will not impact the physical environment. (CEQA Guidelines Section 15378.) If adoption of this ordinance were a project, it would be categorically exempt from CEQA as an action by a regulatory agency for the protection of natural resources (CEQA Guidelines Section 15307) and the environment (CEQA Guidelines Section 15308).

Attachment:

1. Draft Ordinance Adopting New Building and Fire Codes.

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REPEALING AND REPLACING CHAPTER 6, BUILDING REGULATIONS, AND CHAPTER 9, FIRE PREVENTION AND PROTECTION, AND ADOPTING NEW 2022 CALIFORNIA BUILDING AND FIRE CODES, AS AMENDED, INCLUDING REACH CODES

WHEREAS, every three years, 14 State of California agencies review, amend, and propose model codes to be adopted by the Building Standards Commission; and

WHEREAS, the California Building Standards Commission completed the adoption and approval of 12 new building codes, and local jurisdictions are required to adopt these codes by January 1, 2023; and

WHEREAS, the Town of Los Gatos is proposing to adopt and amend Part 1, the California Administrative Code to address administrative provisions; and

WHEREAS, the Town of Los Gatos is proposing to adopt the California Code of Regulations (CCR), Title 24 as Chapter 6 and the California Fire Code as Chapter 9 of the Town Code and to make amendments to address climatic, topographic, and geological conditions; and

WHEREAS, the Town of Los Gatos is proposing to adopt the 2021 International Property Maintenance Code to provide procedures for the maintenance, repair, and demolition of existing buildings; and

WHEREAS, the Town of Los Gatos, in adopting these codes will be consistent with the State of California and other local municipalities; and

WHEREAS, Section 17958 of the Health and Safety Code requires that cities and towns choose between adopting ordinances and regulations imposing locally amended uniform codes setting rules and regulations for building, fire, mechanical, plumbing, electrical, and housing, or adopting the regulations adopted by the State Building Standards Commission; and

WHEREAS, the Town of Los Gatos, in Chapter 6 and Chapter 9 of the Town Code, had previously adopted the locally amended uniform codes; and

WHEREAS, the State of California Building Standards Commission adopted 12 new Parts for the CCR Title 24, which the Town will be required to enforce as written or as adopted with local amendments; and

WHEREAS, Sections 17958.5 and 17958.7 of the Health and Safety Code permit cities and towns to modify the California Code requirements if it makes express findings that such modifications are reasonably necessary because of local climatic, geological, geographical, or topographical conditions.

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

Section 1.

LEGISLATIVE FINDINGS

In accordance with Health and Safety Code Sections 17958 and following, the Town Council finds that local amendments are reasonably necessary because of the following local climatic, geological, or topographical conditions:

1. The Town of Los Gatos experiences low humidity, high wind, and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush, and structure fires.
2. The Town of Los Gatos is situated adjacent to active earthquake faults capable of producing substantial seismic events.
3. The Town of Los Gatos is partially located in rugged, steep, and heavily vegetated hillsides accessible over limited roadways that are steep, narrow, and circuitous.
4. The Town of Los Gatos is divided by a creek, freeways and other traffic corridors, and is partially located in hillside areas with limited access, the occurrence of a major earthquake would significantly impact the ability of fire crews to respond to emergencies should one or more bridges collapse or be substantially damaged. Additionally, fire suppression capabilities will be severely limited should the water system be extensively damaged during a seismic event.
5. Climate change exacerbates fire risk in the Town. Greenhouse gas emissions contribute to climate change. The State of California has outlined specific steps to reduce greenhouse gas emissions to prevent these negative impacts of changing climate, including moving the State to 100 percent clean energy by 2045. This gives local governments the opportunity to achieve greenhouse gas emission reductions with a climate positive impact by powering buildings from clean electricity. The proposed Reach Code would ensure that new buildings use cleaner sources of energy that are greenhouse gas free, in line with Mitigation

Measure GHG-1 of the General Plan Environmental Impact Report. The proposed Electric Vehicle Reach Code ensures that new buildings can charge a greater number of electric vehicles beyond State code requirements and reduce greenhouse gas emissions. These climatic conditions along with the greenhouse emissions generated from structures in both the residential and non-residential sectors requires exceeding the energy standards for building construction established in the 2022 California Buildings Standards Code.

6. Due to the Town's local climatic, geological, geographical, and topographical conditions, mitigation measures are necessary such as automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials, and other safeguards in order to minimize the risks to citizens, firefighters, and property resulting from the severity of a fire threat and potential delays in responding to such threats.

Section 2.

CHAPTER 6, Buildings and Building Regulations of the Los Gatos Town Code IS DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:

Chapter 6 BUILDINGS AND BUILDING REGULATIONS Table of Contents

ARTICLE I. (reserved)

ARTICLE II. ADMINISTRATION OF CODES

Sec. 6.20.010. Conflicting provisions.

ARTICLE III. CALIFORNIA BUILDING CODE

Sec. 6.30.010. Adopted.

Sec. 6.30.020. Fire protection systems.

Sec. 6.30.025. Smoke Control Systems.

Sec. 6.30.030. Roof drainage.

Sec. 6.30.040. Roof covering requirements in a wildland-urban interface fire area and other areas.

Sec. 6.30.060. Concrete strength.

Sec. 6.30.070. Modification to ACI 318.

Sec. 6.30.085. Swimming pools, spas, and hot tubs.

Sec. 6.30.090. IBC oversight.

Sec. 6.30.170. Fees.

Sec. 6.30.180. Refunds.

ARTICLE IV. PLUMBING CODE

Sec. 6.40.010. Adopted.

Sec. 6.40.020. Backflow protection.

ARTICLE V. MECHANICAL CODE

Sec. 6.50.010. Adopted.

ARTICLE VI. ELECTRICAL CODE

Sec. 6.60.010. Adopted.

ARTICLE VII. ENERGY CODE

Sec. 6.70.010. Adopted.

ARTICLE VIII. REFERENCE STANDARDS CODE

Sec. 6.80.010. Adopted.

ARTICLE IX. HISTORICAL BUILDING CODE

Sec. 6.90.010. Adopted.

ARTICLE X. EXISTING BUILDING CODE

Sec. 6.100.010. Adopted.

ARTICLE XI. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 6.110.010. Adopted.

Sec. 6.110.020. Application of other codes.

ARTICLE XII. CALIFORNIA GREEN BUILDING STANDARDS CODE

Sec. 6.120.010. Adopted.

Sec. 6.120.020. Additions and alterations.

Sec. 6.120.030. EV Charging Definitions.

Sec. 6.120.040. Residential EV Charging.

Sec. 6.120.050. Non-Residential EV Charging.

Sec. 6.120.060. All Electric Construction Definitions.

Sec. 6.120.070. Residential All Electric Construction.

Sec. 6.120.080. Nonresidential All Electric Construction.

ARTICLE XIII. (reserved)

ARTICLE XIV. BUILDING RELOCATION CODE OF THE TOWN

DIVISION 1. GENERALLY

Sec. 6.140.010. Title.

Sec. 6.140.020. Interference with demolition or removal of building.

DIVISION 2. PERMIT

Sec. 6.140.030. Required, exceptions.

Sec. 6.140.040. Application.

Sec. 6.140.050. Review of application, duty of applicant.

Sec. 6.140.060. Issuance, fees.

Sec. 6.140.070. When issuance prohibited.

Sec. 6.140.080. Conditions of issuance.

Sec. 6.140.090. Bond required.

Sec. 6.140.100. Conditions of bond.

Sec. 6.140.110. Default on bond.

Sec. 6.140.120. Bond other than surety bond—Default.

Sec. 6.140.130. Same—Release.

ARTICLE XV. CALIFORNIA RESIDENTIAL BUILDING CODE

Sec. 6.150.010. Adopted.

Sec. 6.150.020. Fire protection amendments.

Sec. 6.150.040. Limits on methods using gypsum board and cement plaster.

ARTICLE I. (reserved)

ARTICLE II. ADMINISTRATION OF CODES

Sec. 6.20.010. Conflicting Provisions.

When any provisions of the administrative sections of the codes adopted in this Chapter 6 are in conflict with the administrative provisions found in the California Administrative or Building Codes, the California Administrative and Building Codes shall apply. If any code adopted in this Chapter does not include administrative provisions, the administrative provisions of the California Administrative and Building Codes shall apply.

ARTICLE III. CALIFORNIA BUILDING CODE

Sec. 6.30.010. Adopted.

The 2021 International Building Code (IBC) as amended by the State of California Building Standards Commission and known as the 2022 California Building Code (CBC), California Code of Regulations Title 24, Part 2, Volumes 1 and 2, with Appendices I, and J, are adopted by reference and amended as follows.

The 2022 California Administrative Code, California Code of Regulations, Title 24, Part 1, is also adopted by reference.

Sec. 6.30.020. Fire Protection Systems.

Section 903.2 of the California Building Code adopted by this article is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21.

For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. An automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, except as follows:
 - a. Buildings and structures not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area.
 - b. Buildings and structures located in any Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area.
 - c. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the following:
 - i. Noncombustible construction.
 - ii. Maximum 5,000 square feet in building area.
 - iii. Structure is open on not less than three (3) sides nor 75% of structure perimeter.
 - iv. Minimum of 10 feet separation from existing buildings, or similar structures, unless area is separated by fire walls complying with California Building Code 706.
 - d. Canopies, constructed in accordance with CBC 406.7.2, used exclusively for weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area.

2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area.

Exception: Accessory Dwelling Unit, provided that all of the following are met:

- a. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
 - b. The existing primary residence does not have automatic fire sprinklers.
 - c. The accessory dwelling unit does not exceed 1,200 square feet in size.
 - d. The unit is on the same lot as the primary residence.
 - e. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.
3. An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations.
 4. An automatic sprinkler system shall be installed throughout existing buildings with a Group R fire area when additions are made causing the fire area to exceed 3,600 square feet.

Exception: Additions where all of the following are met:

- a. Building addition does not exceed 500 square feet.
 - b. The resultant structure meets all water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.
5. An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, L, M, S and U buildings and structures, when additions are made that increase the fire area to more than 3,600 square feet or that create conditions described in Sections 903.2.1 through 903.2.18.
 6. Any change in the character of occupancy or in use of any building with a fire area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹ or increased fire risk², shall require the installation of an approved fire automatic fire sprinkler system.

¹ Life Safety – Shall include, but not limited to: Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/day-care facilities, large residential care facilities housing non-ambulatory clients.

² Fire Risks – Shall include, but not limited to: High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased

fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flames).

Add Section 903.2.11.7 as follows:

903.2.11.7 Chemical Fume Hood Fire Protection.

Approved automatic fire extinguishing systems shall be provided in chemical fume hoods in the following cases:

1. Existing hoods having interiors with a flame spread index greater than 25 in which flammable liquids are handled
2. If a hazard assessment determines that an automatic extinguishing system is required for the chemical fume hood, then the applicable automatic fire protection system standard shall be followed.

Amend Section 907.8 as follows:

907.8 Inspection, testing and maintenance.

The maintenance and testing schedules and procedures for fire alarm and fire detection systems shall be in accordance with California Fire Code Section 907.8.1 through 907.8.4 and NFPA 72. Records of inspection, testing and maintenance shall be documented using NFPA 72 record of inspection and testing forms.

Sec. 6.30.025 Smoke Control Systems

Section 909.22.1 is added as follows:

909.22.1 Schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established and operational testing must occur at least annually.

Sec. 6.30.030. Roof Drainage.

Section 1502 is amended to add Section 1502.5 as follows:

Section 1502.5 Over Public Property.

Roof drainage water from a building shall not be permitted to flow over public property.

Exception(s): 1) Group R3, and Group U Occupancies
2) Other occupancies where the drainage plan and method of drainage have been approved by the "Building Official."

Sec. 6.30.040. Roof Covering Requirements in a Wildland-Urban Interface Fire Area and other areas.

Section 1505.1.2 is amended as follows:

1505.1.2 Roof coverings within all other areas.

The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be fire-retardant roof covering that is at least Class A.

707A.10 is amended as follows:

707A.10 Underside of appendages. The underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed under-floor shall be protected by one or more of the following:

1. Noncombustible material.
2. Ignition-resistant material. The ignition-resistant material shall be labeled for exterior use and shall meet the requirements of Section 704A.2.
3. Fire-retardant-treated wood. The fire-retardant-treated wood shall be labeled for exterior use and shall meet the requirements of Section 2303.2.
4. Materials approved for not less than 1-hour fire-resistance-rated construction on the exterior side, as tested in accordance with ASTM E119 or UL 263.
5. One layer of 5/8-inch (15.9 mm) Type X gypsum sheathing applied behind the exterior covering on the underside of the appendage projection.
6. The exterior portion of a 1-hour fire-resistance-rated exterior assembly, as tested in accordance with ASTM E119 or UL 263, applied to the underside of the appendage, including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
7. The underside of an appendage assembly that meets the performance criteria in Section 707A.11 when tested in accordance with the test procedures set forth in ASTM E2957.
8. The underside of an appendage assembly that meets the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.

Exception to Section 707A.10: Structural columns and beams do not require protection when constructed with sawn lumber or glue laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). Sawn or glue-laminated planks shall be splined, tongue-and-groove, or set close together and well spiked.

Sec. 6.30.060. Concrete Strength.

Section 1705.3, Exception 1 is amended as follows:

Exception: Special inspections and tests shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock where the structural design of the footing is based on a specified compressive strength, f'_c , not more than 2,500 pounds per square inch (psi) (17.2 Mpa) regardless of the compressive strength specified in the construction documents or used in the footing construction.

Sec. 6.30.070 Limits on methods using Gypsum Board and Cement Plaster

Table 2308.6.1 Wall Bracing Requirements is amended as follows:

The title of Table 2308.6.1 is amended to read:

TABLE 2308.6.1^{a, f, g}

Footnotes “f” and “g” are added to Table 2308.6.1, to read:

- f. Methods PBS, HPS, and SFB are not permitted in Seismic Design Categories D or E.
- g. Methods GB, DWB and PCP are not permitted in Seismic Design Category E.

Sec. 6.30.085. Swimming Pools, Spas, and Hot Tubs:

Section 3109 Swimming Pools Spas and Hot Tubs is adopted in its entirety.

Sec. 6.30.090. IBC Oversight. The California adoption of the new 2021 International Building Code may have inadvertently eliminated some construction requirements by oversight or erroneous reference to another code. In cases where the code adoption has inadvertently deleted or missed referenced necessary construction requirements, the Town of Los Gatos Building Official may authorize use of construction requirements from the last previously adopted International Codes.

Sec. 6.30.170 Schedule of Permit Fees:

Section 109.2 is amended as follows:

Section 109.2 Schedule of permit fees. Administration Chapter 1, Division II, Section 109.2 of the 2022 California Building Code adopted by this article states that “... a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority (Town of Los Gatos).”

109.7. Plan Review Fees.

Section 109.7 is added as follows:

When submittal documents are required by Section 109, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee. The plan review fees specified in this section are separate fees from the permit fees and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the per hour plan review rate as adopted by the Town of Los Gatos.

Sec. 6.30.180. Refunds:

Administrative Chapter 1, Section 109.6 of the 2022 California Building Code adopted by this Article is amended to add Section 109.6.1.

Section 109.6.1 is added as follows:

109.6.1. Refunds. The building official may authorize refunds of Building Division fees which were erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work or inspections has been done under an issued permit.

The building official may authorize refunding of not more than 80 percent of the collected plan review fee when the plan check application is withdrawn or cancelled prior to any plan review work being done.

The building official shall not authorize refunding of any collected fee until a written request for a refund by the original permittee or applicant is received. Requests must be received no later than 180 days after the date of fee payment.

ARTICLE IV. PLUMBING CODE

Sec. 6.40.010. Adopted.

The Uniform Plumbing Code, 2021 Edition, as amended by the State of California Building Standards Commission, California Code of Regulations, Title 24, Part 5, as the 2022 California Plumbing Code is adopted with Appendix Chapters A, B, D, G, I, K, and L only.

Sec. 6.40.020. Backflow protection.

Section 710.1 is amended as follows:

710.1. Backflow Protection. Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Administrative Authority. Cleanouts for drains that pass through a backwater valve shall be clearly identified with a permanent label stating, “backwater valve downstream.”

ARTICLE V. MECHANICAL CODE

Sec. 6.50.010. Adopted.

The Uniform Mechanical Code (UMC), 2021 Edition, amended by the State of California Building Standards Commission, California Code of Regulations, Title 24, Part 4, as the 2022 California Mechanical Code is adopted by reference.

ARTICLE VI. ELECTRICAL CODE

Sec. 6.60.010. Adopted.

The National Electrical Code, 2020 Edition, as amended by the State of California Building Standards Commission, California Code of Regulations, Title 24, Part 3, as the 2022 California Electrical Code is adopted by reference.

ARTICLE VII. ENERGY CODE

Sec. 6.70.010. Adopted.

The 2022 California Energy Code, California Code of Regulations, Title 24, Part 6 is adopted by reference.

ARTICLE VIII. REFERENCE STANDARDS CODE

Sec. 6.80.010. Adopted.

The 2022 California Referenced Standards Code, California Code of Regulations, Title 24, Part 12, is adopted by reference.

ARTICLE IX. HISTORICAL BUILDING CODE

Sec. 6.90.010. Adopted.

The 2022 California Historical Building Code, California Code of Regulations, Title 24, Part 8 including Appendix A is adopted by reference.

ARTICLE X. EXISTING BUILDING CODE

Sec. 6.100.010. Adopted.

The 2021 International Existing Building Code (IEBC) as amended by the State of California Building Standards Commission and known as the 2022 California Existing Building Code, California Code of Regulations, Title 24, Part 10, including Chapter 14, Appendices A2, A3, A4, and A5, is adopted by reference.

ARTICLE XI. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 6.110.010. Adopted.

The 2022 International Property Maintenance Code, as published by International Code Council (ICC), is adopted by reference and amended as follows.

Sec. 6.110.020. Application of other codes.

Section 102.3 is amended as follows:

Sec. 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Code, California Plumbing Code, California Electrical Code, and California Mechanical Code. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the Town of Los Gatos Zoning Code.

ARTICLE XII. CALIFORNIA GREEN BUILDING STANDARDS CODE

Sec. 6.120.010. Adopted.

The 2022 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11, Chapters 1 through 8 only, are adopted by reference and amended as follows.

Sec. 6.120.020 Additions and alterations.

301.1.1 is amended as follows:

301.1.1 Additions and alterations. [HCD] The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

The mandatory provisions of Section 4.106.4.2 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing multifamily buildings.

The mandatory provisions of Section 5.106.5.3 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing nonresidential buildings.

NOTE: Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section.

Sec. 6.120.030 EV Charging Definitions

Section 202 Definitions are amended as follows:

AFFORDABLE HOUSING. Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed by local agencies to be affordable based on area median income.

AUTOMATIC LOAD MANAGEMENT SYSTEM (ALMS). A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

DIRECT CURRENT FAST CHARGING (DCFC). A parking space provided with electrical infrastructure that meets the following conditions:

- i. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- ii. Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

ELECTRIC VEHICLE CHARGING STATION (EVCS). One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. Electric vehicle charging stations are not considered parking spaces. A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

ELECTRIC VEHICLE (EV) READY SPACE. A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

ELECTRIC VEHICLE (EV) CAPABLE SPACE. A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The conductors, including the ungrounded, grounded and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

LEVEL 2 ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). [HCD] The 208/240 Volt 40-ampere branch circuit, and the electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

LEVEL 2 EV CAPABLE. A parking space provided with electrical infrastructure that meets the following requirements:

- i. Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.
- ii. The conduit shall be designed to accommodate at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.
- iii. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as "EV CAPABLE."
- iv. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.
- v. The parking space shall contain signage with at least a 12" font adjacent to the parking space indicating the space is EV Capable.

LEVEL 1 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.

- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

LEVEL 2 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

LOW POWER LEVEL 2 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

LOW POWER LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING RECEPTACLE. [HCD] A 208/240 Volt 20- ampere minimum branch circuit and a receptacle for use by an EV driver to charge their electric vehicle or hybrid electric vehicle.

OFF-STREET LOADING SPACES. [BSC-CG, DSA-SS] An area, other than a public street, public way, or other property (and exclusive of off-street parking spaces), permanently reserved or set aside for the loading or unloading of motor vehicles, including ways of ingress and egress and maneuvering areas. Whenever the term "loading space" is used, it shall, unless the context clearly requires otherwise, be construed as meaning off-street loading space. This excludes designated passenger loading/unloading.

Sec. 6.120.040 Residential EV Charging

DIVISION 4.1, PLANNING AND DESIGN is amended as follows:

SECTION 4.106 SITE DEVELOPMENT

4.106.4 Electric vehicle (EV) charging. Residential construction shall comply with Section 4.106.4.1 or 4.106.4.2, and 4.106.4.3, to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the *California Electrical Code*, Article 625. Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the

following conditions:

- 1.1. Where there is no local utility power supply, or the local utility is unable to supply adequate power.
- 1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may increase construction cost by an average of \$4,500 per parking space for market rate housing or \$400 per parking space for affordable housing. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.
2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. Detached ADUs, attached ADUs, and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of 4.106.4.1.
3. Multifamily residential R-2 building projects that have approved entitlements before the code effective date. shall provide, based on the total number of parking spaces, at least five percent (5%) with EVCS Level 2 EV Ready, twenty-five percent (25%) with Low Power Level 2 EV Ready, and ten percent (10%) with Level 2 EV Capable according to 2022 California Green Building Standards Code requirements.

4.106.4.1 One- and two-family dwellings and town-houses with private garages.

4.106.4.1.1 New Construction. One parking space provided shall be a *Level 2 EV Ready* space. If a second parking space is provided, it shall be provided with a *Level 1 EV Ready space*.

4.106.4.1.2. Existing Building. Parking additions or electrical panel upgrades must have reserved breaker spaces and electrical capacity according to the requirements of 4.106.4.1.1.

4.106.4.2 Multifamily dwellings with residential parking facilities. Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.

4.106.4.2.1 New Construction. Forty percent (40%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a Level 1 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

Note: The total number of EV spaces should be one-hundred percent (100%) of dwelling units or one-hundred percent (100%) of parking spaces, whichever is less.

4.106.4.2.2 Existing Buildings.

1. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.
2. When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

4.106.4.3 Electric vehicle charging stations (EVCS).

Electric vehicle charging stations required by Section 4.106.4.2 shall comply with Section 4.106.4.3.

Exception: Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See *California Building Code*, Chapter 11B, for applicable requirements.

4.106.4.3.1 Location.

EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the *California Building Code*, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the *California Building Code*, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the *California Building Code*, Chapter 11B, are not required to comply with Section 4.106.4.3.1 and Section 4.106.4.3.2 Item 3.

4.106.4.3.2 Dimensions.

The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8- foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
 - a. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in

48 units horizontal (2.083 percent slope) in any direction.

Exception: Where the City's Municipal or Zoning Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a project, an exception may be granted while remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

4.106.4.4 Direct current fast charging stations. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

Sec. 6.120.050 Non-Residential EV Charging

DIVISION 5.1, PLANNING AND DESIGN is amended as follows:

SECTION 5.106 SITE DEVELOPMENT

5.106.5.3 Electric vehicle (EV) charging. ~~[N]~~ Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 and shall be provided in accordance with regulations in the *California Building Code* and the *California Electrical Code*. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3*. Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
 - a. Where there is no local utility power supply.
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.
2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

5.106.5.3.1 Nonresidential Occupancy Class B Offices – Shared Parking Space.

5.106.5.3.1.1 New Construction. Twenty percent (20%) of parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Thirty percent (30%) of parking spaces provided shall be Level 2 EV Capable.

5.106.5.3.1.2 Existing Buildings. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

5.106.5.3.2 Hotel and Motel Occupancies – Shared Parking Facilities.

5.106.5.3.2.1 New Construction. Five percent (5%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Twenty-five percent (25%) of parking spaces provided shall be Low Power Level 2 EV Ready space. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

5.106.5.3.2.2 Existing Buildings. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

5.106.5.3.3 All Other Nonresidential Occupancies – Shared Parking Facilities.

5.106.5.3.3.1 New Construction. Ten percent (10%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

5.106.5.3.3.2 Existing Buildings. When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten percent (10%) of the total number of parking spaces added or altered shall be EVCS with Level 2 EV Ready. Any existing EV Capable spaces on the building property required by the locally adopted codes at the time of building permit shall be upgraded to a minimum of Level 1 EV Ready. Upgrades shall be required at currently designated vehicle parking spaces. Upgrades shall be required for remaining parking spaces after meeting the accessibility requirements of California Building Code Chapters 11A and 11B.

5.106.5.3.4 Direct current fast charging stations. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 5.106.5.3.1, 5.106.5.3.2, and 5.106.5.3.3. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

5.106.5.4 Electric vehicle charging readiness: medium-duty and heavy-duty. [N] Construction shall comply with Section 5.106.5.4.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3*.

Exceptions:

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
 - a. Where there is no local utility power supply.
 - b. Where the local utility is unable to supply adequate power.
 - c. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

5.106.5.4.1 Warehouses, grocery stores and retail stores with planned off-street loading spaces. [N] In order to avoid future demolition when adding EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s) or subpanel(s) shall be installed at the time of construction in accordance with the *California Electrical Code*. Construction plans and specifications shall include, but are not limited to, the following:

1. The transformer, main service equipment and subpanels shall meet the minimum power requirement in Table 5.106.5.4.1 to accommodate the dedicated branch circuits for the future installation of EVSE.
2. The construction documents shall indicate one or more location(s) convenient to the planned off-street loading space(s) reserved for medium- and heavy-duty EV charging cabinets and charging dispensers, and a pathway reserved for routing of conduit from the termination of the raceway(s) or busway(s) to the charging cabinet(s) and dispenser(s), as shown in Table 5.106.5.4.1.
3. Raceway(s) or busway(s) originating at a main service panel or a subpanel(s) serving the area where potential future medium- and heavy-duty EVSE will be located and shall terminate in close proximity to the potential future location of the charging equipment for medium- and heavy-duty vehicles.

4. The raceway(s) or busway(s) shall be of sufficient size to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty EVs as shown in Table 5.106.5.4.1.

TABLE 5.106.5.4.1, Raceway Conduit and Panel power Requirements for Medium-and-Heavy-Duty EVSE [N]

Building type	Building Size (sq. ft.)	Number of Off-street loading spaces	Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel
Grocery	10,000 to 90,000	1 or 2	200
		3 or Greater	400
	Greater than 90,000	1 or Greater	400
Retail	10,000 to 135,000	1 or 2	200
		3 or Greater	400
	Greater than 135,000	1 or Greater	400
Warehouse	20,000 to 256,000	1 or 2	200
		3 or Greater	400
	Greater than 256,000	1 or Greater	400

Sec. 6.120.060 All Electric Construction Definitions

Section 202 Definitions are amended as follows:

ADDITION. An extension or increase in floor area of an existing building or structure.

ALL-ELECTRIC BUILDING. A building that contains no *combustion equipment* or plumbing for combustion equipment serving space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbeques), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service.

ALTERATION OR ALTER. Any construction or renovation to an existing structure other than repair for the purpose of maintenance or addition.

COMBUSTION EQUIPMENT. Any equipment or appliance used for space heating, water heating, cooking, clothes drying and/or lighting that uses *fuel gas*.

COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT. Equipment used in a food establishment for heat-processing food or utensils and that produces grease vapors, steam, fumes, smoke, or

odors that are required to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.

ELECTRIC HEATING APPLIANCE. A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

FUEL GAS. A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.

NEWLY CONSTRUCTED (or NEW CONSTRUCTION). A newly constructed building (or new construction) does not include additions, alterations, or repairs.

Sec. 6.120.070 Residential All Electric Construction

SECTION 4.106 SITE DEVELOPMENT

Section 4.106.5, 4.106.5.1, and 4.106.5.2 are added as follows:

4.106.5 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use combustion equipment or are ready to accommodate installation of electric heating appliances.

4.106.5.1. New construction and qualifying alteration projects. All newly constructed buildings shall be all-electric buildings. Substantial renovations/alterations that include replacement of over 50 percent of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall be all-electric buildings, and shall meet the new construction requirements of California Code of Regulations, Title 24, as modified by the Town of Los Gatos, including Reach Codes. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the all-electric building and all new construction requirements.

Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by the local enforcing agency.

Exceptions:

1. If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building system under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local

enforcing agency may grant a modification. The applicant shall comply with Section 4.106.5.2.

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The local enforcing authority shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

4.106.5.2 Requirements for combustion equipment.

Where combustion equipment is allowed per Exceptions under 4.106.5.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
2. Labeling of both ends of the unused conductors or conduit shall be with "For Future Electrical Appliance"; and
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (e.g. "Reserved for Future Electric Range"), and positioned on the opposite end of the panel supply conductor connection; and
4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

Sec. 6.120.080 Nonresidential All Electric Construction

SECTION 5.106 SITE DEVELOPMENT

Section 5.106.13, 5.106.13.1, and 5.106.13.2 are added as follows:

5.106.13 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use *combustion equipment* or are ready to facilitate future electrification.

5.106.13.1. New construction and qualifying alteration projects. All newly constructed buildings shall be all-electric buildings. Substantial renovations/alterations that include replacement of over 50 percent of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall be all-electric buildings, and shall meet the new construction requirements of California Code of Regulations, Title 24, as modified by the Town of Los Gatos, including Reach Codes. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the all-electric building and all new construction requirements.

Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by the local enforcing agency.

Exceptions:

1. Nonresidential buildings containing kitchens located in a place of public accommodation, as defined in the California Building Code Chapter 2, may apply to the local enforcing agency for a modification to install commercial food heat-processing equipment served by fuel gas. The local enforcing agency may grant the modification if they find:
 - a. A business-related need to cook with combustion equipment; and
 - b. The need cannot be achieved equivalently with an electric heating appliance; and
 - c. The applicant has installed energy efficient equipment based on Energy Star or California Energy Wise qualifications, as available.
 - d. The applicant shall comply with Section 5.106.13.2.
2. If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building system under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local

enforcing agency may grant a modification. The applicant shall comply with Section 5.106.13.2.

3. Non-residential buildings that will be constructed to Office of Statewide Health Planning and Development (OSHPD) Hospital standards ("OHSPD 1" as described in California Building Code Vol. 1, section 1224) may contain non-electric space-conditioning, water-heating, and process load systems.

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, shall not have a meter installed, and/or shall not otherwise be used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The local enforcing agency shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

5.106.13.2. Requirements for combustion equipment.

Where combustion equipment is allowed per exceptions under Section 5.106.13.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
2. Labeling of both ends of the unused conductors or conduit shall be with "For Future Electrical Appliance"; and
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (e.g. "Reserved for Future Electric Range"), and positioned on the opposite end of the panel supply conductor connection; and
4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s),

shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

ARTICLE XIII.

Sec. 6.130.010. Reserved. ARTICLE XIV. BUILDING RELOCATION CODE OF THE TOWN

DIVISION 1. GENERALLY

Sec. 6.140.010. Title.

This article is the Building Relocation Code of the Town of Los Gatos.

Sec. 6.140.020. Interference with demolition or removal of building.

It shall be unlawful for any person to interfere with or obstruct the Building Official, any person engaged by the Town, or any representative of any surety, engaged in inspection or in the work of completing, demolishing, or removing any building or structure for which a building relocation permit has been issued under Division 2 of this article, after a default has occurred in timely completion of the work or in the performance of the other terms or conditions of the permit.

DIVISION 2. PERMIT

Sec. 6.140.030. Required, exceptions.

It shall be unlawful for any person to move any building or structure on any parcel of land in the Town (except a contractor's tool house, construction building or similar structure which is moved as construction work requires) without first obtaining a permit and posting a bond as provided in this article.

Sec. 6.140.040. Application.

An application for a permit required by the provisions of this division shall be made in writing on the form provided by the Town. The application shall:

- (1) Be signed by the permittee or the permittee's authorized agent (who may be required to submit evidence proving authority);
- (2) Be accompanied by plans, photographs or other substantiating data as reasonably may be required by the Building Official; and

(3) Contain such information as reasonably may be required by the Building Official in order to carry out the purposes of this chapter.

Sec. 6.140.050. Review of application, duty of applicant.

The application for a permit required by the provisions of this division, including the plans and other data filed with it, shall be checked by the Building Official, who is authorized to conduct any investigation in connection therewith may be deemed reasonably necessary. If, when the Building Official has completed such investigation and has notified the applicant that a permit will issue, the applicant fails for a period of sixty (60) days to post the bond and any other instrument required by this division, the application shall become void.

Sec. 6.140.060. Issuance, fees.

(a) Subject to the requirements contained in this article, if in the judgment of the Building Official the conditions of the building or structure can be effectively and practically repaired or restored to comply with this Code, the Building Official shall issue a permit to the owner of the property where the building or structure is to be located.

(b) A permit fee shall be paid at the time of issuance of the permit. The amount of the fee shall be fixed by resolution of the Town Council.

Sec. 6.140.070. When issuance prohibited.

The Building Official shall not issue a permit under this division for any building or structure:

- (1) Which does not or cannot be repaired or modified to comply with this code, as it presently exists or hereafter may be amended;
- (2) Which is so constructed or in such condition as to be a substandard building;
- (3) Which is infested with pests or is unsanitary;
- (4) Which is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the existing improvements on nearby property;
- (5) If the proposed use is prohibited by the zoning ordinance;
- (6) If the structure is of a type prohibited at the site of the proposed relocation by this code, or any other statute or ordinance; or
- (7) If the structure or site has not received approval as prescribed in sections 29.20.140 through 29.20.155 of the Town Code. The body granting such approval shall first consider and determine that the proposed site and building are compatible in use, size and architecture with other buildings and structures in the area of the proposed relocation.

Sec. 6.140.080. Conditions of issuance.

In connection with the issuance of any permit under this division, the Building Official or the body granting architecture and site approval or both may attach to the permit such conditions

which are necessary to assure compliance with the purposes of this article and the zoning ordinance, and to assure that the building or structure when relocated will be compatible with and not detrimental or injurious to the buildings or structures in the area of the proposed relocation. Such conditions may include, but are not limited to:

- (1) A limitation of the period of time required to complete the work of relocation;
- (2) Requirements for changes, alterations, additions or repairs;
- (3) The providing of all utility services by the time the building relocation is finished;
- (4) Provision for any improvement work or dedication provided for by the zoning ordinance;
- (5) The applicant's written agreement to indemnify the Town for any and all damages or injury to Town property incurred in the course of the moving, including but not limited to damage or injury to streets, thoroughfares, pavements, curbs, gutters, sidewalks, sewers, public lighting equipment and plants.

Sec. 6.140.090. Bond required.

(a) As a condition precedent to the issuance of any building relocation permit, the applicant shall post a surety bond, the form of which is subject to approval by the Town Attorney, issued by a surety company conducting business in the State. The penal sum of the bond shall be an amount equal to the estimated cost, plus ten (10) percent, of all the work required to perform the relocation to comply with all of the conditions of the permit. The cost estimate is made by the Building Official.

(b) The applicant, in lieu of posting a surety bond, may deposit with the town an amount equal to the required bond amount, in cash.

Sec. 6.140.100. Conditions of bond.

A surety bond shall contain, and any deposit shall be subject to, the following conditions:

- (1) All work, including performance of conditions of the permit (except for performance of conditions such as street improvements when provision is made in a contract with the Town to do the work at a later time) shall be performed and completed within one hundred twenty (120) days after the date of issuance of the permit. After that time, the permit expires.
- (2) The time limit and expiration date of the permit may be extended for good cause after written request of both the principal and the surety. The request may be made either during or after the one-hundred-twenty-day period. If the Building Official decides to grant the request the Building Official shall notify the principal and surety in writing stating the new deadline. The Building Official need not grant the request if the work is not being done continuously and diligently, or if reasonable progress has not been made.
- (3) The term of each bond shall begin on the date the bond instrument is delivered to the town and shall end upon the acceptance by the Building Official of performance of all the terms and conditions of the permit as satisfactory and complete.
- (4) The Building Official, the surety and their representatives shall have access to the premises to inspect the progress of the work.

(5) Upon default by the principal, the surety shall be required to complete the work and to perform all conditions of the permit. The principal shall give the surety right-of-entry onto the site for those purposes.

(6) In the event of any default in the performance of any term or condition of the permit, or failure to complete the work before the permit expires, the surety or any person employed or engaged on its behalf, or the building official, or any person employed or engaged on behalf of the Town may go on the premises to complete the required work or to remove or demolish the building or structure, and clear, clean and restore the site.

Sec. 6.140.110. Default on bond.

(a) If the permittee as principal on the bond defaults in the performance of the conditions required by the permit, or fails to complete the work before the permit expires, the Building Official shall give notice in writing to the principal and the surety, stating the conditions which have not been complied with and the period of time deemed by the Building Official to be reasonably necessary for the completion of the work.

(b) After receipt of the notice, the surety, within the time therein specified, shall finish the work. When the principal has defaulted in any way, the surety, at its option, in lieu of completing the work required, may remove or demolish the building or structure and clear, clean and restore the site.

Sec. 6.140.120. Bond other than surety bond--Default.

If a deposit has been made as provided in Section 6.140.090, the Building Official shall give notice of default, as provided in section 6.140.110, to the permittee. If the permittee does not perform within the time specified in the notice, the Building Official shall proceed without delay and without further notice or proceeding whatever to use the deposit, or any portion of the deposit necessary to cause the required work to be done by contract or otherwise at the Building Official's discretion, upon the completion of the work. The balance, if any, of the deposit, shall be returned to the depositor or to the depositor's successors or assigns after deducting the cost of the work plus ten (10) percent of the cost, which is an amount to defray the Town's cost in enforcement and administration.

Sec. 6.140.130. Same--Release. When a deposit has been made as provided in Section 6.140.090 and all requirements of the permit have been completed, the Building Official shall return the deposit to the depositor or to the depositor's successors or assigns, except any portion thereof that may have been used or deducted as provided in this section.

ARTICLE XV. CALIFORNIA RESIDENTIAL BUILDING CODE

Sec. 6.150.010. Adopted.

The 2021 International Residential Code (IRC) as amended by the State of California Building Standards Commission and known as the 2022 California Residential Code, California Code of Regulations, Title 24, Part 2.5 including Appendices AH, AK, AO, AQ, AX, and AZ is adopted by reference and amended as follows.

Sec. 6.150.020. Fire Protection Amendments.

R313.2 One- and two-family dwellings automatic fire sprinkler systems is amended as follows:

R313.2 One- and two-family dwellings automatic sprinkler systems.

An automatic sprinkler system shall be installed in all new one- and two-family dwellings and existing one- and two-family dwellings when additions are made that increase the fire area to more than 3,600 square feet.

Exceptions:

1. Accessory Dwelling Unit, provided that all of the following are met:
 - 1.1. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
 - 1.2. The existing primary residence does not have automatic fire sprinklers.
 - 1.3. The accessory dwelling unit does not exceed 1,200 square feet in size.
 - 1.4. The unit is on the same lot as the primary residence.
 - 1.5. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.
2. When additions are made to existing structures, causing the fire area to exceed 3,600 square feet, and all of the following are met:
 - 2.1. Building addition does not exceed 500 square feet.
 - 2.2. The resultant structure meets all water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.

Section R328.7 is amended as follows:

R328.7 Fire detection. Rooms and areas within dwelling units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section R314. A heat detector, listed and interconnected to the smoke alarms, shall be installed in locations within dwelling units and attached garages where smoke alarms cannot be installed based on their listing.

ESS installed in Group R-3 and townhomes shall comply with the following:

1. Rooms and areas within dwellings units, sleeping units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section R314.

2. A listed heat alarm interconnected to the smoke alarms shall be installed in locations within dwelling units, sleeping units, and attached garages where smoke alarms cannot be installed based on their listing.

Exceptions:

1. A listed heat detector may be used in place of a heat alarm, so long as it is interconnected with devices that provide an audible alarm at all sleeping areas.
2. A fire sprinkler associated with an approved automatic sprinkler system that triggers an audible alarm upon activation of the waterflow switch, may be used in place of a heat alarm.

R337.7.10 is amended as follows:

R337.7.10 Underside of appendages. The underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed under-floor shall consist of one of the following:

1. Noncombustible material
2. Ignition-resistant material
3. One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the floor projection
4. The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the floor including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual
5. The underside of a floor assembly that meets the performance criteria in accordance with test procedures set forth in either of the following:
 - 5.1 SFM Standard 12-7A3; or
 - 5.2 ASTM E2957

Exception: Structural column and beams do not require protection when constructed with sawn lumber or glue laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). Sawn or glue-laminated planks splined, tongue-and-groove, or set close together and well spiked.

R902.1.2 is amended as follows:

R902.1.2 Roof coverings in all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be fire-retardant roof covering that is at least Class A.

R902.1.3 is amended as follows:

R902.1.3 Roofing requirements in a wildland urban interface fire area. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A. Roofing requirements for structures located in a Wildland-Urban Interface Fire Area shall also comply with Section R337.5.

Sec. 6.150.040. Limits on methods using Gypsum Board and Cement Plaster.

Table R602.10.3(3) Bracing Requirements Based On Seismic Design Category is amended as follows:

The title of Table R602.10.3(3) is amended to read:

TABLE R602.10.3(3)^{i, j}

Footnotes “i” and “j” are added to Table R602.10.3(3), to read:

- i. Methods PBS, HPS, SFB and CS-SFB are not permitted in Seismic Design Categories D₀, D₁, and D₂.
- j. Methods GB, DWB and PCP are not permitted in Seismic Design Categories D₀, D₁, and D₂ where S₁ is greater than or equal to 0.75.

Section 3.

CHAPTER 9, Fire Prevention and Protection of the Los Gatos Town Code IS DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:

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ARTICLE I. IN GENERAL

Sec. 9.10.010. Inclusion in Central Fire District; Definitions.

- (a) The Town is included in the Santa Clara County Central Fire Protection District. The Town's inclusion is provided for in Ordinance No. 997 of the Town.
- (b) As used in this Code, the following definitions shall apply:
 - (i) "*Fire Department*" means the Santa Clara County Central Fire Protection District.
 - (ii) "*Fire Chief*" means the Chief of the Fire Department.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 9.20.010. Delegation of duties.

Whenever a provision appears that requires or allows the Fire Chief to do some act or make certain inspections, it is to be construed to authorize the Fire Chief to designate, delegate, and authorize subordinates to perform the act or make the inspection unless the terms of the provision or section provide otherwise.

Sec. 9.20.015. Plan review.

The Fire Department will review all plans submitted to the Town for the construction of all buildings except the interior of dwellings for the purpose of ascertaining and causing to be

corrected any condition liable to cause fire, to endanger life from fire, or to create or perpetuate any violation of the provisions or intent of this Code or State law affecting fire safety.

Sec. 9.20.020. Citations.

Fire Department officers authorized by the Fire Chief and State law may issue citations for violations of this chapter pursuant to the Code.

Sec. 9.20.025. Abatement of hazards by Fire Chief.

- (a) If any person fails to comply with the orders of the Fire Chief, or in the event the Fire Chief is unable to locate the responsible person within a reasonable time, the Fire Chief may take such steps to abate the fire hazard as are necessary for the protection of the public health and safety. In no event is notice necessary before abatement when the fire hazard constitutes a clear and present danger to the public welfare.
- (b) The cost of any such abatement is a debt to the Town of the owner of the premises or of any person who, by act or inaction, caused or permitted the fire hazard to exist. The cost of the abatement shall become a lien on the premises when the need for the abatement and the amount of the cost have been established in the manner provided in Article 8 of Chapter 6 of this Code.

Sec. 9.20.030. Fees for checking, inspection services and permits.

The Town Council may, by resolution, establish a schedule of fees to be charged and collected for checking and inspection services performed and for the issuance and enforcement of permits and requirements under this chapter.

Sec. 9.20.035. Building Official to forward plans.

The Building Official will provide the Fire Chief with one (1) copy of any plans and specifications required to be reviewed by the Fire Department.

ARTICLE III. CALIFORNIA FIRE CODE

Sec. 9.30.005. California Fire Code

The 2021 International Fire Code (IFC) as amended by the State of California Building Standards Commission and known as the 2022 California Fire Code (CFC), California Code of Regulations Title 24, Part 9, with Appendices B, C, and D, is adopted by reference and amended as follows.

CHAPTER 1, DIVISION II Administration

Amend Chapter 1, Division II of the 2022 California Fire Code as follows:

Sec. 9.30.745 Construction permit fees.

107.2.1 is added as follows:

107.2.1 Construction permit fees. Construction permit fees and plan review fees for fire hydrant systems, fire extinguishing systems, and fire alarm systems shall be paid to the Santa Clara County Fire Department in accordance with the following table based on valuation. The valuation shall be limited to the value of the system installation for which the permit is being issued. Plan review fees are 65 percent of the Permit Fee amount. For the purposes of determining the total fee amount for each permit, the plan review fee shall be added to the Permit Fee.

TOTAL VALUATIONS	PERMIT FEE
\$1.00 TO \$500.00	\$23.50
\$501.00 TO \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2001.00 TO \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 TO \$50,000.00	\$391.25 for the first \$25,000.00 plus \$4.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 TO \$100,000.00	\$630.15 for the first \$50,000.00 plus \$13.60 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$986.75 for the first \$100,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000.00	\$3,228.15 for the first \$500,000.00 plus \$5.35 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001 and up	\$5,604.00 for the first \$1,000,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof
Additional re-inspections, in connection with the permits above, are to be paid at \$120.00 for each occurrence at the discretion of the fire code official.	
Cancelled inspections without advance notice are to be paid at \$120.00 for each occurrence.	

Sec. 9.30.750. Operational permit fees.

107.2.2 is added as follows:

107.2.2 Operational permit fees. Operational permit fees shall be paid to the Santa Clara County Fire Department as follows:

FACILITY TYPE		PERMIT FEE
1.	Institutional	
	A. More than 6 persons	\$75.00 - Annually
	B. Over 50 persons	\$100.00 - Annually
2.	Day Care Facilities	
	More than 6 clients	\$35.00 - Annually
3.	Places of Assembly	
	A. 50-300 persons	\$50.00 - Annually
	B. Over 300 persons	\$85.00 - Annually
4.	Temporary Membrane Structures, Tents, and Canopies (Only those requiring permits in accordance with Section 105.6.47).	\$85.00 – Each occurrence

Sec. 9.30.780. Final inspection.

108.5 is added as follows:

108.5 Final inspection. No final inspection as to all or any portion of a development shall be deemed completed until the installation of the required fire protection facilities and access ways have been completed and approved. No final certificate of occupancy may be granted until the Fire Department issues notice of final clearance of such fire protection facilities and access ways to the Building Department.

Sec. 9.30.785. Violations.

110.4 is deleted.

CHAPTER 2 DEFINITIONS

202 GENERAL DEFINITIONS

202 is amended to amend and add the following definitions:

CORROSIVE LIQUID. Corrosive liquid is:

- 1) any liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action; or
- 2) any liquid having a pH of 2 or less or 12.5 or more; or
- 3) any liquid classified as corrosive by the U.S. Department of Transportation; or
- 4) any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

HEALTH HAZARD – OTHER. A hazardous material which affects target organs of the body, including but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage), sensitizers or teratogens (effect on fetuses).

LARGE-SCALE FIRE TESTING. Testing a representative energy storage system that induces a significant fire into the device under test and evaluates whether the fire will spread to adjacent energy storage system units, surrounding equipment, or through an adjacent fire-resistance-rated barrier.

MODERATELY TOXIC GAS. A chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

SECONDARY CONTAINMENT. Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

SPILL CONTROL. That level of containment that is external to and separate from the primary containment and is capable of safely and securely containing the contents of the largest container and prevents the materials from spreading to other parts of the room.

WORKSTATION. A defined space or an independent principal piece of equipment using flammable or unstable (Class 3 or 4 as ranked by NFPA 704) hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, detection devices, electrical devices and other processing and scientific equipment.

CHAPTER 5 FIRE SERVICE FEATURES

Amend Chapter 5 of the 2022 California Fire Code as follows:

SECTION 503 FIRE APPARATUS ACCESS ROADS

Section 503.1 is amended as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and in accordance with the fire department's access standards.

Section 503.1.1 is amended as follows:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements for this section and shall extend to within 150 feet (45 720 mm) 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.

Exceptions:

1. In other than R-3 or U occupancies, when the building is equipped throughout with an approved automatic sprinkler system, installed in accordance with Section 903.3.1.1 the dimension may be increased to a maximum of 300 feet when approved by the fire code official.
2. When there are not more than two Group R-3 or accessory Group U occupancies, the dimension may be increased to a maximum of 200 feet.
3. When apparatus roads cannot be installed because of topography, waterways, nonnegotiable grades or other similar conditions, an approved alternative means of fire protection shall be provided.

Section 503.2.1 is amended as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) for engines, and 26 feet (7925 mm) for aerial fire apparatus exclusive of shoulders, except for approved gates or barricades in accordance with Sections 503.5.1 and 503.6. The unobstructed vertical clearance shall be a minimum of 13 feet 6 inches (4115 mm), or as determined by the fire code official.

Exception: When there are not more than two residential parcels, having only Group R, Division 3, or Group U occupancy structures, the access road width may be modified by the fire code official.

Section 503.2.4 is amended as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be a minimum of 30 feet (9144 mm) inside, and a minimum of 50 feet (15240 mm) outside.

Section 503.2.7 is amended as follows:

503.2.7 Grade. The maximum grade of a fire department apparatus access road shall not exceed 15-percent, unless approved by the fire code official.

Section 503.5 is amended as follows:

503.5 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails, or other accessways, not including the public streets, alleys, or highways. The minimum width for commercial applications is 20 feet (6096 mm), and 12 feet (4268 mm) for single-family dwellings. Electric gate operators, where provided shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

Section 503.6 is amended as follows:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. The minimum width for commercial applications is 20 feet (6096 mm), and 12 feet (4268 mm) for single-family dwellings.

SECTION 504 ACCESS TO BUILDING OPENINGS AND ROOFS

Section 504.5 is added to read:

504.5 Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to within and throughout the building, are installed, such devices shall be approved by the fire code official. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire code official. Access control devices must also comply with Chapter 10.

SECTION 505 PREMISES IDENTIFICATION

Section 505.1 is amended as follows:

505.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (153 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. 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 identification shall be maintained.

The following is a guideline for adequate address number dimensions:

- The number posted up to 49 feet from the public street shall be of one solid color which is contrasting to the background and be at least six (6) inches high with a half (½) inch stroke.
- The number posted from 50 to 100 feet from the public street shall be of one solid color which is contrasting to the background and be at least six (6) inches high with a one (1) inch stroke.
- The number posted over 100 to 199 feet from the public street shall be of one solid color which is contrasting to the background and be at least ten (10) inches high with a one and a half (1½) inch stroke.
- The number posted over 200 to 299 feet from the public street shall be of one solid color which is contrasting to the background and be at least ten (18) inches high with a one and a half (2) inch stroke.
- The number posted over 300 to 400 feet from the public street shall be of one solid color which is contrasting to the background and be at least ten (24) inches high with a one and a half (2½) inch stroke.

SECTION 510 EMERGENCY RESPONDER COMMUNICATION COVERAGE

Section 510.1 is amended as follows:

510.1 Emergency responder communication coverage in new buildings. Approved radio coverage for emergency responders shall be provided within all buildings meeting any one of the following conditions:

1. There are more than 3 stories above grade plane (as defined by the Building Code Section 202);
2. The total building area is 30,000 square feet or more;

3. The total basement area is 5,000 square feet or more;
4. Where required by the fire code official and radio coverage signal strength levels are not consistent with the minimum levels set forth in Section 510.4.1

Exceptions:

1. Where approved by the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained in lieu of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. Buildings and areas of buildings that have minimum radio coverage signal strength levels of the Silicon Valley Regional Interoperability Authority (SVRIA) P25 Phase 2 700 MHz Digital Trunked Radio System within the building in accordance with Section 510.4.1 without the use of an indoor radio coverage system.

The radio coverage system shall be installed and maintained in accordance with Sections 510.4 through 510.6.4 of this code and with the applicable provisions of NFPA 1221, Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems.

The coverage shall be 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.

Section 510.1.1 is added as follows:

510.1.1 Obstruction by new buildings. No obstruction of the public safety system backhaul shall be allowed without an approved mitigating plan.

Section 510.3 is amended as follows:

510.3 Permit required. A construction permit, for the installation of, or modification of, emergency responder radio coverage systems and related equipment is required as specified in Section 105.6.4. Maintenance performed in accordance with this code is not considered a modification and does not require a permit. A frequency change made to an existing system is considered to be new construction and will require a construction permit.

Section 510.4 is amended as follows:

510.4 Technical requirements. Equipment required to provide in-building, two-way emergency responder communication coverage shall be listed in accordance with UL 2524. Systems, components and equipment required to provide the emergency responder radio coverage system shall comply with Sections 510.4.1 through 510.4.2.8 and the current Emergency Responders Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

Section 510.4.1.1 is amended as follows:

510.4.1.1 Minimum signal strength into the building. The minimum inbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The inbound signal level shall be sufficient to provide not less than a Delivered Audio Quality (DAQ) of 3.0 for analog communications and DAQ of 3.4 for digital communications systems or an equivalent Signal-to-Interference-Plus-Noise Ratio (SINR) applicable to the technology.

Section 510.4.1.2 is amended as follows:

510.4.1.2 Minimum signal strength out of the building. The minimum outbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The outbound signal level shall be sufficient to provide not less than a DAQ of 3.0 for analog communications and DAQ of 3.4 for digital communications systems or an equivalent SINR applicable to the technology.

Section 510.5 is amended as follows:

510.5 Installation requirement. The installation of the emergency responder radio coverage system shall be in accordance with NFPA 1221 and the current Emergency Responder Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

Section 510.5.2 is amended as follows:

510.5.2 Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC or other radio licensing authority shall not be installed without prior coordination and approval of the fire code official and the agency FCC license holder or systems administrator.

Section 510.5.4 is amended as follows:

510.5.4 Acceptance test procedure. Where an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to verify that two-way coverage on each floor of the building is not less than 95 percent. Final system acceptance will require ERRCS power level and DAQ testing with agency FCC license holder, systems administrators, or designee.

CHAPTER 6 BUILDING SERVICES AND SYSTEMS

Amend Chapter 6 of the 2022 California Fire Code as follows:

SECTION 603 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS

Section 603.11 is added to read:

603.11 Immersion Heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

SECTION 605 FUEL-FIRED APPLIANCES

Section 605.5 is amended as follows:

605.5 Portable unvented heaters. Portable unvented fuel-fired heating equipment shall be prohibited in occupancies in Groups A, B, E, I, R-1, R-2, R2.1, R2.2, R-3, R3.1 and R-4 and ambulatory care facilities.

Exceptions:

1. Portable unvented fuel-fired heaters listed in accordance with UL 647 are permitted to be used in one and two-family dwellings, where operated and maintained in accordance with the manufacturer's instructions.
2. Portable outdoor gas-fired heating appliances in accordance with Section 605.5.2.

Section 605.5.2.1.1 is amended as follows:

605.5.2.1.1 Prohibited locations. The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:

1. Inside of any occupancy where connected to the fuel gas container.
2. Inside of tents, canopies and membrane structures.
3. On exterior balconies, and rooftops.

CHAPTER 7 FIRE AND SMOKE PROTECTION FEATURES

Amend Chapter 7 of the 2022 California Fire Code as follows:

SECTION 703 PENETRATIONS

Section 703.3 is added to read:

703.3 Fire-resistant penetrations and joints. In high-rise buildings, in buildings assigned to Risk Category III or IV, or in fire areas containing Group R occupancies with an occupant load greater than 100, and other occupancies as determined necessary special inspections for through-penetrations, membrane penetration firestops, fire resistant joint systems and perimeter fire containment systems that are tested and listed in accordance with CBC Sections 714.4.1.2, 714.5.1.2, 715.3.1 and 715.4 shall be in accordance with Section 1705.18.1 or 1705.18.2.

CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS

Amend Chapter 9 of the 2022 California Fire Code as follows:

SECTION 901 GENERAL

Section 901.6.2 is amended to read:

901.6.2 Integrated testing. Where two or more fire protection or life safety systems are interconnected, the intended response of subordinate fire protection and life safety systems shall be verified when required testing of the initiating system is conducted. In addition, integrated testing shall be performed in accordance with Sections 901.6.2.1 and 901.6.2.2.

901.6.2.1 High-rise buildings. For high-rise buildings, integrated testing shall comply with NFPA 4, with an integrated test performed prior to issuance of the certificate of occupancy and at intervals not exceeding 10 years, unless otherwise specified by an integrated system test plan prepared in accordance with NFPA 4. If an equipment failure is detected during integrated testing, a repeat of the integrated test shall not be required, except as necessary to verify operation of fire protection or life safety functions that are initiated by equipment that was repaired or replaced. For existing buildings, the testing timeframe shall be specified by the integrated systems test plan prepared in accordance with NFPA 4 as approved by the fire code official.

901.6.2.2 Smoke control systems. Where a fire alarm system is integrated with a smoke control system as outlined in Section 909, integrated testing shall comply with NFPA 4, with an integrated test performed prior to issuance of the certificate of occupancy and at intervals not exceeding 10 years, unless otherwise specified by an integrated system test plan prepared in accordance with NFPA 4. If an equipment failure is detected during integrated testing, a repeat of the integrated test shall not be required, except as

necessary to verify operation of fire protection or life safety functions that are initiated by equipment that was repaired or replaced. For existing buildings, the testing timeframe shall be specified by the integrated systems test plan prepared in accordance with NFPA 4 as approved by the fire code official.

Section 901.6.3 is amended to read:

901.6.3 Records Information. Records of all system inspections, tests and maintenance required by the referenced standard shall be maintained on the premises for a minimum of five years. See 907.7 & 907.8 for fire alarm system inspection, testing and maintenance documentation requirements.

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

Section 903.2 is amended to read:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21.

For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. An automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, except as follows:
 - a. Buildings and structures not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area.
 - b. Buildings and structures located in any Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area.
 - c. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the following:
 - i. Noncombustible construction.
 - ii. Maximum 5,000 square feet in building area.
 - iii. Structure is open on not less than three (3) sides nor 75% of structure perimeter.
 - iv. Minimum of 10 feet separation from existing buildings, or similar structures, unless area is separated by fire walls complying with California Building Code 706.
 - d. Canopies, constructed in accordance with CBC 406.7.2, used exclusively for weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area.

2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area.

Exception: Accessory Dwelling Unit, provided that all of the following are met:

- a. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
 - b. The existing primary residence does not have automatic fire sprinklers.
 - c. The accessory dwelling unit does not exceed 1,200 square feet in size.
 - d. The unit is on the same lot as the primary residence.
 - e. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.
3. An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations.
 4. An automatic sprinkler system shall be installed throughout existing buildings with a Group R fire area when additions are made causing the fire area to exceed 3,600 square feet.

Exception: Additions where all of the following are met:

- a. Building addition does not exceed 500 square feet.
 - b. The resultant structure meets all water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.
5. An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, L, M, S and U buildings and structures, when additions are made that increase the fire area to more than 3,600 square feet or that create conditions described in Sections 903.2.1 through 903.2.18.
 6. Any change in the character of occupancy or in use of any building with a fire area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹ or increased fire risk², shall require the installation of an approved fire automatic fire sprinkler system.

¹ Life Safety – Shall include, but not limited to: Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/day-care facilities, large residential care facilities housing non-ambulatory clients.

² Fire Risks – Shall include, but not limited to: High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flames).

Section 903.2.11.7 is added to read:

903.2.11.7 Chemical Fume Hood Fire Protection.

Approved automatic fire extinguishing systems shall be provided in chemical fume hoods in the following cases:

1. Existing hoods having interiors with a flame spread index greater than 25 in which flammable liquids are handled.
2. If a hazard assessment determines that an automatic extinguishing system is required for the chemical fume hood, then the applicable automatic fire protection system standard shall be followed.

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

Section 907.8 is amended to read:

907.8 Inspection, testing and maintenance. The maintenance and testing schedules and procedures for fire alarm and fire detection systems shall be in accordance with Sections 907.8.1 through 907.8.4 and NFPA 72. Records of inspection, testing and maintenance shall be documented using NFPA 72 record of inspection and testing forms.

SECTION 909 SMOKE CONTROL SYSTEMS

Section 909.22.1 is amended to read:

909.22.1 Schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established and operational testing must occur at least annually.

CHAPTER 12 ENERGY SYSTEMS

Amend Chapter 12 of the 2022 California Fire Code as follows:

SECTION 1202 DEFINITIONS

Section 1202.1.1 is amended to read:

1202.1 Definitions. The following terms are defined in Chapter 2:

BATTERY SYSTEM, STATIONARY STORAGE.

BATTERY TYPES.

CAPACITOR ENERGY STORAGE SYSTEM.

CRITICAL CIRCUIT.

EMERGENCY POWER SYSTEM.

ENERGY STORAGE MANAGEMENT SYSTEMS.

ENERGY STORAGE SYSTEM (ESS).

ENERGY STORAGE SYSTEM, ELECTROCHEMICAL.

ENERGY STORAGE SYSTEM, MOBILE.

ENERGY STORAGE SYSTEM, WALK-IN UNIT.

ENERGY STORAGE SYSTEM CABINET.

ENERGY STORAGE SYSTEM COMMISSIONING.

ENERGY STORAGE SYSTEM DECOMMISSIONING.

FUEL CELL POWER SYSTEM, STATIONARY.

LARGE-SCALE FIRE TESTING

PORTABLE GENERATOR.

STANDBY POWER SYSTEM.

SECTION 1207 ELECTRICAL ENERGY STORAGE SYSTEMS (ESS)

ELECTRICAL ENERGY STORAGE SYSTEMS (ESS)

Section 1207.1.5 is amended to read:

1207.1.5 Large-scale fire test. Where required elsewhere in Section 1207, large-scale fire testing shall be conducted in accordance with NFPA 855, and UL 9540A. The testing shall be conducted or witnessed and reported by an approved testing laboratory and show that a fire involving one ESS will not propagate to an adjacent ESS, and where installed within buildings, enclosed areas and walk-in units will be contained within the room, enclosed area or walk-in unit for a duration equal to the fire-resistance rating of the room separation specified in Section 1207.7.4. The test report shall be provided to the fire code official for review and approval in accordance with Section 104.8.2.

Section 1207.2.2.1 is amended to read:

1207.2.2.1 Ongoing inspection and testing. Systems that monitor and protect the ESS installation shall be inspected and tested in accordance with the manufacturer's instructions and the operation and maintenance manual. Inspection and testing records shall be maintained in the operation and maintenance manual and made available to the fire code official upon request.

Section 1207.5.2 is amended to read:

1207.5.2 Maximum allowable quantities. Fire areas within rooms, areas and walk-in units containing electrochemical ESS shall not exceed the maximum allowable quantities in Table 1207.5. The allowable number of fire areas, maximum allowable quantity, and fire-resistance rating of fire-barriers shall comply with Table 1207.5.1.

Exceptions:

Where approved by the fire code official, rooms, areas and walk-in units containing electrochemical ESS that exceed the amounts in Table 1207.5 shall be permitted based on a hazardous mitigation analysis in accordance with Section 1207.1.4 and large-scale fire testing complying with Section 1207.1.5.

1. Lead-acid and nickel-cadmium battery systems installed in facilities under the exclusive control of communications utilities and operating at less than 50 VAC and 60 VDC in accordance with NFPA 76.
2. Dedicated-use buildings in compliance with Section 1207.7.1.

TABLE 1207.5.1 DESIGN AND NUMBER OF ESS FIRE AREAS				
STORY		PERCENTAGE OF MAXIMUM ALLOWABLE QUANTITY PER FIRE AREA	NUMBER OF FIRE AREAS PER STORY	FIRE-RESISTANCE RATING FOR FIRE BARRIERS IN HOURS
Above grade plan	Higher than 9	25	1	3
	7-9	50	2	2
	6	50	2	2
	5	50	2	2
	4	75	4	2
	3	100	6	2
	2	100	6	2
	1	100	6	2
Below grade plan	1	100	4	3
	2	50	2	3
	Lower than 2	Not Allowed	Not Allowed	Not Allowed

Section 1207.5.5 is amended to read:

1207.5.5 Fire suppression systems. Rooms and areas within buildings and walk-in units containing electrochemical ESS shall be protected by an automatic fire suppression system designed and installed in accordance with one of the following:

1. An automatic sprinkler system designed and installed in accordance with Section 903.3.1.1 with a minimum density of 0.3 gpm/ft² (1.14 L/min) based on the fire area or 2,500 square-foot (232 m²) design area, whichever is larger.
2. Where approved, an automatic sprinkler system designed and installed in accordance with Section 903.3.1.1 with a sprinkler hazard classification based on large-scale fire testing complying with Section 1207.1.5.
3. The following alternative automatic fire-extinguishing systems designed and installed in accordance with Section 904, provided that the installation is approved by the fire code official based on large-scale fire testing complying with Section 1207.1.5:
 - 3.1. NFPA 12, *Standard on Carbon Dioxide Extinguishing Systems*.
 - 3.2. NFPA 15, *Standard for Water Spray Fixed Systems for Fire Protection*.
 - 3.3. NFPA 750, *Standard on Water Mist Fire Protection Systems*.
 - 3.4. NFPA 2001, *Standard on Clean Agent Fire-Extinguishing Systems*.
 - 3.5. NFPA 2010, *Standard for Fixed Aerosol Fire-Extinguishing Systems*.

Exception: Fire suppression systems for lead-acid and nickel-cadmium battery systems at facilities under the exclusive control of communications utilities that operate at less than 50 VAC and 60 VDC shall be provided where required by NFPA 76.

Section 1207.11.3 is amended to read:

1207.11.3 Location. ESS shall be installed only in the following locations:

1. Detached garages and detached accessory structures.
2. Attached garages separated from the dwelling unit living space and sleeping units in accordance with Section R302.6.
3. Outdoors or on the exterior side of the exterior walls not less than 3 feet (914 mm) from doors and windows directly entering the dwelling unit and not below or above any emergency escape and rescue openings.
4. Enclosed utility closets, basements, storage or utility spaces within dwelling units with finished or noncombustible walls and ceilings. Walls and ceilings of unfinished wood-framed construction shall be provided with not less than 5/8-inch (15.9 mm) Type X gypsum wallboard.

5. ESS shall not be installed in sleeping rooms, closets, spaces opening directly into sleeping rooms or in habitable spaces of dwelling units.

Section 1207.11.6 is amended to read:

1207.11.6 Fire detection. ESS installed in Group R-3 and R-4 occupancies shall comply with the following:

1. Rooms and areas within dwellings units, sleeping units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section 907.2.11.
2. A listed heat alarm interconnected to the smoke alarms shall be installed in locations within dwelling units, sleeping units and attached garages where smoke alarms cannot be installed based on their listing.

Exceptions:

1. A listed heat detector may be used in place of a heat alarm, so long as it is interconnected with devices that provide an audible alarm at all sleeping areas.
2. A fire sprinkler associated with an approved automatic sprinkler system that triggers an audible alarm upon activation of the waterflow switch, may be used in place of a heat alarm.

CHAPTER 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

Amend Chapter 33 of the 2022 California Fire Code as follows:

SECTION 3305 PRECAUTIONS AGAINST FIRE

Section 3305.5 is amended as follows:

3305.5 Fire watch. Where required by the fire code official or the site safety plan established in accordance with Section 3303.1, a fire watch shall be provided for building demolition and for building construction. Fire watch is not intended to facilitate occupancy during ongoing construction in a new building.

Section 3305.10 is added to read:

3305.10 Fire Walls. When firewalls are required in combustible construction, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather-protected at the location of the wall(s).

SECTION 3311 ACCESS FOR FIRE FIGHTING

Section 3311.1 is added to read:

3311.1 Required access. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

Section 3311.1.1 is added to read:

3311.1.1 Fire Department Access Roadways: All construction sites shall be accessible by fire department apparatus by means of roadways having an all-weather driving service of not less than 20ft. of unobstructed width. The roads shall have the ability to withstand the live loads of fire apparatus, and have a minimum 13ft. 6 in. of vertical clearance. Dead end fire access roads in excess of 150 ft. in length shall be provided with approved turnarounds.

When approved by the Fire Code Official, temporary access roadways may be utilized until such time that the permanent roadways are installed. As a minimum, the roadway shall consist of a compacted sub base and six (6) inches of road base material (Class 2 aggregate base rock) both compacted to a minimum 95% and sealed. The perimeter edges of the roadway shall be contained and delineated by curb and gutter or other approved method. The use of geotextile reinforcing fabric underlayment or soils lime-treatment may be required if so determined by the project civil engineer. Provisions for surface drainage shall also be provided where necessary. The integrity of the roadway shall be maintained at all times.

SECTION 3312 MEANS OF EGRESS

Section 3312.1 is amended as follows:

3312.1 Stairways Required. Each level above the first story in multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception: For multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

Section 3312.4 is added to read:

Section 3312.4 Required Means of Egress. All buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the written fire safety plan as required by Section 3303.1.

SECTION 3315 AUTOMATIC FIRE SPRINKLER SYSTEM

Section 3315.1 is amended to read:

3315.1 Completion before occupancy. In buildings where an automatic sprinkler system is required by this code or the California Building Code, it shall be unlawful to occupy any portion of a building or structure until the automatic sprinkler system installation has been tested and approved.

In new buildings of combustible construction where, automatic fire sprinkler systems are required to be installed, the system shall be placed in service as soon as possible. Immediately upon the completion of sprinkler pipe installation on each floor level, the piping shall be hydrostatically tested and inspected. After inspection approval from the Fire department, each floor level of sprinkler piping shall be connected to the system supply riser and placed into service with all sprinkler heads uncovered. Protective caps may be installed on the active sprinklers during the installation of drywall, texturing and painting, but shall be removed immediately after this work is completed. For system activation notification, an exterior audible waterflow alarm shall be installed and connected to the sprinkler waterflow device prior to installation of the monitoring system.

For buildings equipped with fire sprinkler systems that are undergoing alterations, the sprinkler system(s) shall remain in service at all times except when system modifications are necessary. Fire sprinkler systems undergoing modifications shall be returned to service at the end of each workday unless otherwise approved by the fire department. The General contractor or his/her designee shall check the sprinkler control valve(s) at the end of each workday to confirm that the system has been restored to service.

CHAPTER 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Amend Chapter 49 of the 2022 California Fire Code as follows:

SECTION 4901 GENERAL

Section 4901.3 is added to read:

4901.3 Where applicable.

These requirements shall apply to all areas within the Town of Los Gatos as set forth and delineated on the map entitled "Wildland-Urban Interface Fire Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this Chapter. The map properly attested, shall be on file in the Office of the Town Clerk of the Town Los Gatos.

Section 4901.4 is added to read:

4901.4 Exemptions.

These requirements shall not apply to any land or water area acquired or managed for one or more of the following purposes or uses:

1. Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government.
2. Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.
3. Open space lands that are environmentally sensitive parklands.
4. Other lands having scenic values, as declared by the local agency, or by state or federal law.

SECTION 4902 DEFINITIONS

Section 4902 Definitions are hereby added/amended to read as follows:

Defensible Space. An area around the perimeter of a structure in which vegetation, debris, and other types of combustible fuels are treated, cleared, or reduced to slow the rate and intensity of potentially approaching wildfire or fire escaping from structure(s).

Reduced Fuel Zone. In this area of the defensible space, efforts are placed on ensuring fuels/vegetation are separated vertically and horizontally depending on the vegetation type.

Wildland-Urban Interface. A geographical area identified by the state as a " Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. The Wildland-Urban Interface Fire Area shall be defined as all areas within the Town of Los Gatos as set forth and delineated on the map entitled "Wildland-Urban Interface Fire Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this chapter. The map properly attested, shall be on file in the Office of the Town Clerk of the Town of Los Gatos.

SECTION 4906 VEGETATION MANAGEMENT

Section 4906.1.1 is added to read:

4906.1.1 Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings, to reduce the risk of fire spreading to buildings, and provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, as required by applicable laws and standards.

Section 4906.1.2 is added to read:

4906.1.2 Maintenance required.

Maintenance is required to ensure conformance with these standards and measures, and to assure continued availability, access, and utilization, of the defensible space during a wildfire.

Section 4906.1.3 is added to read:

4906.1.3 Additional measures.

No person subject to these regulations shall permit any fire hazard, as defined in this chapter, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

Section 4906.1.4 is added to read:

4906.1.4 Exemption.

For the purposes of this chapter, vegetation removal or management, undertaken in whole or in part, for fire prevention or suppression purposes shall not be deemed to alter the natural condition of public property.

Section 4906.2 is amended to read:

4906.2 Application. All new planting of vegetation in State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) designated as a Very High Fire Hazard Severity Zone or as a Wildland Urban Interface Fire Area by the Town of Los Gatos shall comply with Section 4906.3 through 4906.5.3.

SECTION 4907 DEFENSIBLE SPACE

Section 4907.1 is amended to read:

4907.1 General. Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations.

Defensible space will be managed around all buildings and structures in State Responsibility Areas (SRA) as required in Public Resources Code 4291.

Persons owning, leasing, controlling, operating, or maintaining buildings or structures, and/or lands in, upon, or adjoining the locally adopted Wildland-Urban Interface Fire Area, shall at all times comply with the following:

1. Maintain defensible space of 100 feet from each side and from the front and rear of any building or structure, but not beyond the property line except as provided by law. The 100 feet of defensible space should be segregated into the following zones:
 - a. Maintain an effective defensible space by removing and clearing away flammable vegetation and other combustible materials from areas within 30 feet of such buildings or structures.

Exception: When approved by the Fire Chief or his/her designee, single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.
 - b. Maintain an additional reduced fuel zone of 70 feet from all buildings and structures with an emphasis on vertical and horizontal separation of fuels/vegetation. Distances beyond an additional 70 feet may be required when the Fire Chief or his/her designee, determines that due to steepness of terrain or other conditions, 70 additional feet is insufficient.

Exception: When approved by the Fire Chief or his/her designee grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.
 - c. New construction must create a noncombustible area a minimum of 5 feet from structures.
2. Remove portions of trees, which extend within 10 feet of the outlet of any chimney or stovepipe.
3. Maintain any tree, shrub, or other plant adjacent to or overhanging any building or structure free of dead limbs, branches or other combustible material.
4. Maintain the roof of any structure and roof gutters free of leaves, needles, or other combustible materials.
5. Maintain defensible space as determined by the Fire Chief or his/her designee around water tank structures, water supply pumps, and pump houses.

6. Remove flammable vegetation a minimum of 10 feet around liquefied petroleum gas tanks/containers.
7. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet.

Exception: Firewood and combustible materials for consumption on the premises shall be stored as approved by the Fire Chief or his/her designee.

8. Clear areas within 10 feet of fire apparatus access roads and driveways of non-fire-resistant vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents, or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

Section 4901.1.1 is added to read:

4907.1.1 Defensible space along property lines. Pursuant to Government Code Section 51182 and Public Resources Code Section 4291(a)(2):

1. When an occupied building is less than 100 feet from a property line and combustible vegetation on an adjacent parcel presents a fire hazard for the occupied building as determined by the Fire Chief or his/her designee then the owner of the adjacent parcel where the hazard exists shall be responsible for fuel management, including removal to the satisfaction of the Fire Chief or his/her designee.

Section 4907.3 is amended to read:

4907.3 Requirements. Hazardous vegetation and fuels around all buildings, roads, driveways, and structures shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Sections 4291 through 4296.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.
3. California Government Code, Sections 51175 - 51189.

4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
5. Any local ordinance of the Town of Los Gatos.

Section 4907.4 is added to read:

4907.4 Corrective actions. When the Fire Chief or his/her designee determines defensible space to be inadequate the Town Council is authorized to instruct the Fire Chief or his/her designee to give notice to the owner of the property upon which conditions regulated by this Section exist to correct such conditions. If the owner fails to correct such conditions, the Town Council is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such conditions exist.

Section 4911 is added to read:

SECTION 4911 WATER SUPPLY

4911.1 General. Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area shall be provided with fire protection water supplies in accordance with Chapter 5 and Appendix B, as adopted.

Exception:

Buildings containing only private garages, carports, sheds and agricultural buildings with a building area of not more than 500 square feet (56 m²).

4911.2 Standby power. Standby power shall be provided to pumps, controllers and related electrical equipment so that stationary water supply facilities within the wildland-urban interface area that are dependent on electrical power can provide the required water supply. The standby power system shall be in accordance with the Electrical Code. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions:

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.
2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

Section 4912 is added to read:

SECTION 4912 IGNITION SOURCE CONTROL

4912.1 Fireworks. Fireworks shall not be used or possessed in the Wildland-Urban Interface Fire Area.

Chapter 50 HAZARDOUS MATERIALS-GENERAL PROVISIONS

Amend Chapter 50 of the 2022 California Fire Code as follows:

SECTION 5001 GENERAL

Section 5001.2.2.2 is amended to read:

5001.2.2.2 Health Hazards The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic and toxic materials.
2. Corrosive materials.
3. Moderately toxic gas.
4. Health hazards - Other.

SECTION 5002 DEFINITIONS

Section 5002.1 is amended to read:

5002.1 Definitions. The following terms are defined in Chapter 2:

BOILING POINT.

CEILING LIMIT.

CHEMICAL.

CHEMICAL NAME.

CLOSED CONTAINER.

CONTAINER.

CONTROL AREA.

CYLINDER.

DAY BOX.

DEFLAGRATION.

DESIGN PRESSURE.

DETACHED BUILDING.

DISPENSING.

EXCESS FLOW CONTROL.

EXHAUSTED ENCLOSURE.

EXPLOSION.

FLAMMABLE VAPORS OR FUMES.

GAS CABINET.
GAS ROOM.
HANDLING.
HAZARDOUS MATERIALS.
HEALTH HAZARD.
HEALTH HAZARD – OTHER.
IMMEDIATELY DANGEROUS TO LIFE AND
HEALTH (IDLH).
INCOMPATIBLE MATERIALS.
LIQUID.
LOWER EXPLOSIVE LIMIT (LEL).
LOWER FLAMMABLE LIMIT (LFL).
MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA.
MODERATELY TOXIC GAS.
NORMAL TEMPERATURE AND PRESSURE (NTP).
OUTDOOR CONTROL AREA.
PERMISSIBLE EXPOSURE LIMIT (PEL).
PESTICIDE.
PHYSICAL HAZARD.
PRESSURE VESSEL.
SAFETY CAN.
SAFETY DATA SHEET (SDS).
SECONDARY CONTAINMENT.
SEGREGATED.
SOLID.
SPILL CONTROL.
STORAGE, HAZARDOUS MATERIALS.
SYSTEM.
TANK, ATMOSPHERIC.
TANK, PORTABLE.
TANK, STATIONARY.
TANK VEHICLE.
UNAUTHORIZED DISCHARGE.
USE (MATERIAL).
VAPOR PRESSURE.

SECTION 5003 GENERAL REQUIREMENTS

Section 5003.1.3.1 is added to read:

5003.1.3.1 Toxic, Highly Toxic, Moderately Toxic Gases and Similarly Used or Handled Materials. The storage, use and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 6004.2.1.4 shall be in accordance with this chapter and Chapter 60.

Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

Section 5003.1.5 is added to read:

5003.1.5 Health Hazards - Other. The storage, use and handling of materials classified as other health hazards including carcinogens, irritants and sensitizers in amounts exceeding 810 cubic feet for gases, 55 gallons for liquids and 5,000 pounds for solids shall be in accordance with Section 5003.

Section 5003.1.6 is added to read:

5003.1.6 Additional Spill Control and Secondary Containment Requirements. In addition to the requirements set forth in Section 5004.2. An approved containment system is required for any quantity of hazardous materials that are liquids or solids at normal temperature, and pressure (NTP) where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. The approved containment system may be required to include a combination of spill control and secondary containment meeting the design and construction requirements set forth in Section 5004.2.

Section 5003.2.2.1 is amended to read:

5003.2.2.1 Design and Construction. Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings and related components shall be designed and fabricated from materials that are compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 and the Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and Hazardous Waste to indicate the material conveyed.
3. Manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing and provided with ready access at the following locations:
 - 3.1. The point of use.
 - 3.2. The tank, cylinder or bulk source.
4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be clearly visible, provided with ready access and identified in an approved manner.

5. Backflow prevention or check valves shall be provided where the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.
6. Where gases or liquids having a hazard ranking of:
Health hazard Class 3 or 4
Flammability Class 4
Reactivity Class 4

in accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig)(103 Kpa), an approved means of leak detection, emergency shutoff or excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

Exceptions:

1. Piping for inlet connections designed to prevent backflow.
 2. Piping for pressure relief devices.
7. Secondary containment or equivalent protection from spills or leaks shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Table 6004.2.1.4. Secondary containment includes, but is not limited to double-walled piping.

Exceptions:

1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
 2. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.
8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection for piping and instrumentation and to accommodate the expansion of regulated materials.

Section 5003.2.2.2 is amended to read:

5003.2.2.2 Additional Regulation for Supply Piping for Health Hazard Materials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 in accordance with NFPA 704 shall be in accordance with ASME B31.3 and the following:

1. Piping and tubing utilized for the transmission of highly toxic, toxic, or highly volatile corrosive liquids and gases shall have welded or brazed connections

throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.

2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.
3. All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of 1×10^{-9} cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

EXCEPTION:

Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed spaces above other occupancies where installed in accordance with Section 415.11.7.4 of the *California Building Code* for Group H-5 occupancies.

Section 5003.5.2 is added to read:

5003.5.2 Ventilation Ducting. Ducts venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

Section 5003.5.3 is added to read:

5003.5.3 "H" Occupancies. In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

Section 5003.10.4 is amended to read:

5003.10.4 Elevators utilized to transport hazardous materials.

5003.10.4.1 When transporting hazardous materials, elevators shall have no other passengers other than the individual(s) handling the chemical transport cart.

5003.10.4.1.1 When transporting cryogenic or liquefied compressed gases, there shall be no occupants in the elevator.

5003.10.4.2 Hazardous materials liquid containers shall have a maximum capacity of 20 liters (5.28 gal).

5003.10.4.3 Toxic, moderately toxic, and highly-toxic gases shall be limited to a container of a maximum water capacity of 1 pound.

5003.10.4.4 When transporting cryogenic or liquefied compressed gases, means shall be provided to prevent the elevator from being summoned to other floors.

SECTION 5004 STORAGE

Section 5004.2.1 is amended as follows:

5004.2.1 Spill Control for Hazardous Material Liquids. Rooms, buildings or areas used for storage of hazardous material liquids be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor and outdoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

Section 5004.2.2.2 is amended as follows:

5004.2.2.2 Incompatible Materials. Incompatible materials shall be separated from each other in independent secondary containment systems.

CHAPTER 54 CORROSIVE MATERIALS

Amend Chapter 54 of the 2022 California Fire Code as follows:

SECTION 5402 DEFINITION

Section 5402.1 is amended to read:

5402.1 Definition. The following term is defined in Chapter 2:

CORROSIVE.

CORROSIVE LIQUIDS.

CHAPTER 56 EXPLOSIVES AND FIREWORKS

Amend Chapter 56 of the 2022 California Fire Code as follows:

Section 5601.1.3 is amended to read:

5601.1. 3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

The use of fireworks for fireworks displays pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.

CHAPTER 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

Amend Chapter 57 of the 2022 California Fire Code as follows:

SECTION 5704 STORAGE

Section 5704.2.7.5.8 is amended to read:

5704.2.7.5.8 Overfill Prevention.

An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Section 5706.4 or 5706.7 shall have overfill protection in accordance with API 2350.

Exception: Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less need only comply with Section 5704.2.9.7.5 (Item 1, Sub-item 1.1).

An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

Exception: Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less need only comply with Section 5704.2.9.7.5 (Item 1, Sub-item 1.1).

Section 5704.2.7.5.9 is added to read:

5704.2.7.5.9 Automatic Filling of Tanks. Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

SECTION 5707 ON-DEMAND MOBILE FUELING OPERATIONS

Section 5707 is amended to read:

5707.3.3 Site plan.

A site plan shall be developed for each location or area at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate the following:

1. All buildings and structures.
2. Lot lines or property lines.
3. Electric car chargers.
4. Solar photovoltaic parking lot canopies.
5. Appurtenances on-site and their use or function.
6. All uses adjacent to the lot lines of the site.
7. Fueling locations.
8. Locations of all storm drain openings and adjacent waterways or wetlands.
9. Information regarding slope, natural drainage, curbing and impounding.
10. How a spill will be kept on the site property.
11. Scale of the site plan.

CHAPTER 58 FLAMMABLE GASES AND FLAMMABLE CRYOGENIC FLUIDS

Amend Chapter 58 of the 2022 California Fire Code as follows:

SECTION 5809 MOBILE GASEOUS FUELING OF HYDROGEN-FUELED VEHICLES

Section 5809.3.4 is amended as follows:

5809.3.4 Site plan.

For other than emergency roadside service, a site plan shall be developed for each location at which mobile gaseous hydrogen fueling occurs. The site plan shall be in sufficient detail to indicate: all buildings, structures, lot lines, property lines and appurtenances on site and their use and function, and the scale of the site plan.

CHAPTER 60 HIGHLY TOXIC AND TOXIC MATERIALS

Amend Chapter 60 of the 2022 California Fire Code as follows:

SECTION 6001 GENERAL

Section 6001.1 is amended to read:

6001.1 Scope.

The storage and use of highly toxic, toxic and moderately toxic materials shall comply with this chapter. Compressed gases shall also comply with Chapter 53.

Exceptions:

1. Display and storage in Group M and storage in Group S occupancies complying with Section 5003.11.
2. Conditions involving pesticides or agricultural products as follows:
 - 2.1 Application and release of pesticide, agricultural products and materials intended for use in weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's instruction and label directions.
 - 2.2 Transportation of pesticides in compliance with the Federal Hazardous Materials Transportation Act and regulations thereunder.
 - 2.3 Storage in dwellings or private garages of pesticides registered by the US Environmental Protection Agency to be utilized in and around the home, garden, pool, spa and patio.

SECTION 6004 HIGHLY TOXIC AND TOXIC COMPRESSED GASES

Section 6004.1 is amended to read:

6004.1 General.

The storage and use of highly toxic, toxic, and moderately toxic compressed gases shall comply with this section.

6004.1.1 Special limitations for indoor storage and use by occupancy. The indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases in certain occupancies shall be subject to the limitations contained in Sections 6004.1.1.1 through 6004.1.1.3.

6004.1.1.1 Group A, E, I or U occupancies. Moderately toxic, toxic and highly toxic compressed gases shall not be stored or used within Group A, E, I or U occupancies.

Exception: Cylinders not exceeding 20 cubic feet (0.566 m³) at normal temperature and pressure (NTP) are allowed within gas cabinets or fume hoods.

6004.1.1.2 Group R occupancies. Moderately toxic, toxic, and highly toxic compressed gases shall not be stored or used in Group R occupancies.

6004.1.1.3 Offices, retail sales and classrooms. Moderately toxic, toxic and highly toxic compressed gases shall not be stored or used in offices, retail sales or classroom portions of Group B, F, M or S occupancies.

Exception: In classrooms of Group B occupancies, cylinders with a capacity not exceeding 20 cubic feet (0.566 m³) at NTP are allowed in gas cabinets or fume hoods.

Section 6004.2 is amended to read:

6004.2 Indoor storage and use.

The indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be in accordance with Sections 6004.2.1 through 6004.2.2.10.3.

Section 6004.2.1 is amended to read:

6004.2.1 Applicability. The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.2.1.1 through 6004.2.1.4.

Section 6004.2.1.4 is added to read:

6004.2.1.4 Quantities exceeding the minimum threshold quantities but not exceeding the maximum allowable quantities per control area. The indoor storage or use of highly toxic, toxic, and moderately toxic gases in amounts exceeding the minimum threshold quantities per control area set forth in Table 6004.2.1.4 but not exceeding maximum allowable quantity per control area set forth in Table 5003.1.1(2) shall be in accordance with Sections 5001, 5003, 6001, 6004.1, and 6004.4

Table 6004.2.1.4 is added to read:

Minimum Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use	
Highly Toxic	20
Toxic	405 cubic feet
Moderately Toxic	405 cubic feet

Section 6004.4 is added to read:

6004.4. General indoor requirements. The general requirements applicable to the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be in accordance with Sections 6004.4 through 6004.4.8.2

6004.4.1 Cylinder and tank location. Cylinders shall be located within gas cabinets, exhausted enclosures or gas rooms. Portable and stationary tanks shall be located within gas rooms or exhausted enclosures.

Exceptions:

1. Where a gas detection system is provided in accordance with 6004.4.8

6004.4.2. Ventilated areas. The room or area in which gas cabinets or exhausted enclosures are located shall be provided with exhaust ventilation. Gas cabinets or exhausted enclosures shall not be used as the sole means of exhaust for any room or area.

6004.4.3. Piping and controls. In addition to the requirements of Section 5003.2.2, piping and controls on stationary tanks, portable tanks, and cylinders shall comply with the following requirements:

1. Stationary tanks, portable tanks, and cylinders in use shall be provided with a means of excess flow control on all tank and cylinder inlet or outlet connections.

Exceptions:

1. Inlet connections designed to prevent backflow.
2. Pressure relief devices.

6004.4.4 Gas rooms. Gas rooms shall comply with Section 5003.8.4 and both of the following requirements:

1. The exhaust ventilation from gas rooms shall be directed to an exhaust system.
2. Gas rooms shall be equipped with an approved automatic sprinkler system. Alternative fire- extinguishing systems shall not be used.

6004.4.5 Treatment systems. The exhaust ventilation from gas cabinets, exhausted enclosures and gas rooms, required in Section 6004.4.1 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in

accordance with Sections 6004.2.2.7.1 through 6004.2.2.7.5 and Chapter 5 of the California Mechanical Code.

Exceptions:

1. Highly toxic, toxic, and moderately toxic gases—storage. A treatment system is not required for cylinders, containers and tanks in storage where all of the following controls are provided:
 - 1.1 Valve outlets are equipped with gas- tight outlet plugs or caps.
 - 1.2 Hand wheel-operated valves have handles secured to prevent movement.
 - 1.3 Approved containment vessels or containment systems are provided in accordance with Section 6004.2.2.3.
2. Highly toxic, toxic, and moderately toxic gases —use. Treatment systems are not required for highly toxic, toxic, and moderately toxic gases supplied by stationary tanks, portable tanks, or cylinders where a gas detection system complying with Section 6004.4.8 and listed or approved automatic-closing fail- safe valves are provided. The gas detection system shall have a sensing interval not exceeding 5 minutes. Automatic-closing fail- safe valves shall be located immediately adjacent to cylinder valves and shall close when gas is detected at the permissible exposure limit (PEL) by a gas sensor monitoring the exhaust system at the point of discharge from the gas cabinet, exhausted enclosure, ventilated enclosure or gas room.

6004.4.5.1. Design. Treatment systems shall be capable of diluting, adsorbing, absorbing, containing, neutralizing, burning or otherwise processing the contents of the largest single vessel of compressed gas. Where a total containment system is used, the system shall be designed to handle the maximum anticipated pressure of release to the system when it reaches equilibrium.

6004.4.5.2. Performance. Treatment systems shall be designed to reduce the maximum allowable discharge concentrations of the gas to one-half immediate by dangerous to life and health (IDLH) at the point of discharge to the atmosphere. Where more than one gas is emitted to the treatment system, the treatment system shall be designed to handle the worst-case release based on the release rate, the quantity and the IDLH for all compressed gases stored or used.

6004.4.5.3. Sizing. Treatment systems shall be sized to process the maximum worst-case release of gas based on the maximum flow rate of release from the largest vessel utilized. The entire contents of the largest compressed gas vessel shall be considered.

6004.4.5.4 Stationary tanks. Stationary tanks shall be labeled with the maximum rate of release for the compressed gas contained based on valves or fittings that are inserted directly into the tank. Where multiple valves or fittings are provided, the maximum flow rate of release for valves or fittings with the highest flow rate shall be indicated. Where liquefied compressed gases are in contact with valves or fittings, the liquid flow rate shall be utilized for computation purposes. Flow rates indicated on the label shall be converted to cubic feet per minute (cfm/min) (m³/s) of gas at normal temperature and pressure (NTP).

6004.4.5.5 Portable tanks and cylinders. The maximum flow rate of release for portable tanks and cylinders shall be calculated based on the total release from the cylinder or tank within the time specified in Table 6004.2.2.7.5. Where portable tanks or cylinders are equipped with approved excess flow or reduced flow valves, the worst-case release shall be determined by the maximum achievable flow from the valve as determined by the valve manufacturer or compressed gas supplier. Reduced flow and excess flow valves shall be permanently marked by the valve manufacturer to indicate the maximum design flow rate. Such markings shall indicate the flow rate for air under normal temperature and pressure.

6004.4.6. Emergency power. Emergency power shall be provided for the following systems in accordance with Section 604:

1. Exhaust ventilation system.
2. Treatment system.
3. Gas detection system.
4. Smoke detection system.

6004.4.6.1. Fail-safe systems. Emergency power shall not be required for mechanical exhaust ventilation and treatment systems where approved fail-safe systems are installed and designed to stop gas flow.

6004.4.7. Automatic fire detection system. An approved automatic fire detection system shall be installed in rooms or areas where highly toxic, toxic, and moderately toxic compressed gases are stored or used. Activation of the detection system shall sound a local alarm. The fire detection system shall comply with Section 907.

6004.4.8. Gas detection system. A gas detection system complying with Section 916 shall be provided to detect the presence of gas at or below the PEL or ceiling limit of the gas for which detection is provided.

Exceptions:

1. A gas detection system is not required for toxic and moderately toxic gases when the physiological warning threshold level for the gas is at a level below the accepted PEL for the gas.

2. A gas detection system is not required for highly toxic, toxic, and moderately toxic gases where cylinders, portable tanks, and all non-continuously welded connects are within a gas cabinet or exhausted enclosures.

6004.4.8.1. Alarms. The gas detection system shall initiate a local alarm and transmit a signal to an approved location.

6004.4.8.2. Shut off of gas supply. The gas detection system shall automatically close the shut off valve at the source on gas supply piping and tubing related to the system being monitored for whichever gas is detected.

Exception: Automatic shutdown is not required for highly toxic, toxic, and moderately toxic compressed gas systems where all of the following controls are provided:

1. Constantly attended / supervised.
2. Provided with emergency shutoff valves that have ready access.

Chapter 64 PYROPHORIC MATERIALS

Amend Chapter 64 of the 2022 California Fire Code as follows:

SECTION 6405 USE

Section 6405.3.1 is added to read:

6405.3.1 Silane distribution systems automatic shutdown.

Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the silane distribution system.

CHAPTER 80 REFERENCE STANDARD

Amend Chapter 80 of the 2022 California Fire Code as follows:

Add the following reference standard to read:

855 – 20: Standard for the Installation of Stationary Energy Storage Systems

APPENDIX B FIRE FLOW REQUIREMENTS FOR BUILDINGS

SECTION B105 FIRE FLOW REQUIREMENTS FOR BUILDINGS

Section B105.2 is amended to read:

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.1(2) and B105.2.

Exceptions: *[SFM] Group B, S-2 and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:*

1. California State Parks buildings of an accessory nature (restrooms).
2. Safety roadside rest areas (SRRA), public restrooms.
3. Truck inspection facilities (TIF), CHP office space and vehicle inspection bays.
4. Sand/salt storage buildings, storage of sand and salt.

The maximum fire flow reduction for all commercial buildings greater than 30,000 square feet and residential podium buildings shall not exceed 25 percent of the fire flow specified in Table B105.1(2). The maximum fire flow reduction for all other buildings shall not exceed 50 percent of the fire flow specified in Table B105.1(2).

APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION

SECTION C102 NUMBER OF FIRE HYDRANTS

Section C102.1 is amended to read:

C102.1 Minimum number of fire hydrants for a building. The number of fire hydrants available to a building shall be not less than the minimum specified in Table C102.1, utilizing the base fire flow without fire sprinkler reduction.

APPENDIX D FIRE APPARATUS ACCESS ROADS

SECTION D103 MINIMUM SPECIFICATION

Section D103.1 is deleted:

Section D103.2 is amended as follows:

D103.2 Grade. The maximum grade of a fire department apparatus access road shall not exceed 15-percent, unless approved by the fire code official.

Section D103.3 is amended as follows:

D103.3 Turning radius. The required turning radius of a fire apparatus access roads shall be a minimum of 30 feet inside, and a minimum of 50 feet outside.

Section D103.4 is amended to read:

D103.4 Dead ends. Dead-end fire apparatus access roads and/or driveways in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Santa Clara County Fire Department apparatus access and turnaround standards.

Section D103.6 is amended to read:

D103.6 Signs. Where required by the Fire Code Official, fire apparatus access roads shall be designated and marked as a fire lane as set forth in Section 22500.1 of the California Vehicle Code and the Santa Clara County Fire Department A-6 Standard. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed, and the balance of the ordinance be enforced.

Section 5. Effect of Ordinance. Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

Section 6. Effective Date. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on November 1, 2022 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 November 15, 2022 and becomes effective January 1, 2023.

Section 7. Publication. The Town Clerk will publish this ordinance in a newspaper of general circulation within 15 days of its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its adoption, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

Section 8. CEQA. Adoption of this ordinance is not a project subject to CEQA, because it can be seen with certainty that it will not impact the physical environment. (CEQA Guidelines Section 15378.) If adoption of this ordinance were a project, it would be categorically exempt from CEQA as an action by a regulatory agency for the protection of natural resources (CEQA Guidelines Section 15307) and the environment (CEQA Guidelines Section 15308).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

ROB RENNIE
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/22

ITEM NO: 7

DATE: November 1, 2022

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Los Gatos Creek Trail to Highway 9 Trailhead Connector (CIP No. 832-4505):

- a. Authorize the Town Manager to Execute the 2016 Measure B Funding Agreement with the Santa Clara Valley Transportation Authority to Accept Grant Funding in the Amount of \$693,500 for the Project Construction; and
- b. Authorize the Town Manager to Negotiate and Execute a Transportation Fund for Clean Air Funding Agreement with the Santa Clara Valley Transportation Authority to Accept Grant Funding in the Amount of \$755,921 for the Project Construction.

RECOMMENDATION:

Los Gatos Creek Trail to Highway 9 Trailhead Connector (CIP No. 832-4505):

- a. Authorize the Town Manager to execute the 2016 Measure B funding agreement (Attachment 1) with the Santa Clara Valley Transportation Authority (VTA) to accept grant funding in the amount of \$693,500 for the project construction; and
- b. Authorize the Town Manager to negotiate and execute a Transportation Fund for Clean Air funding agreement (Attachment 2) with VTA to accept grant funding in the amount of \$755,921 for the project construction.

BACKGROUND:

The adopted Fiscal Year (FY) 2022/23-2026/27 Capital Improvement Program (CIP) Budget designates funding for Los Gatos Creek Trail to Highway 9 Trailhead Connector (CIP No. 832-4505) to install bicycle and pedestrian connections between Highway 9 and the Los Gatos Creek Trail. Proposed trail connections include the installation of a bicycle and pedestrian bridge across Los Gatos Creek just south of the Highway 9 and a pedestrian switchback ramp on the

PREPARED BY: WooJae Kim
Town Engineer

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

BACKGROUND (continued):

north side of Highway 9. The Town received \$343,000 in One Bay Area Grant Cycle 2 (OBAG 2) grant funds for the design phase and the design work started in October 2019. This project has received long-standing support from the community, schools, Complete Streets and Transportation Commission, and Town Council.

The Bicycle and Pedestrian Master Plan updated in 2020 identified the trailhead connector as one of the “Connect Los Gatos” prioritized projects. Launched in 2019, Connect Los Gatos is a program and branding of bicycle and pedestrian projects that promotes connectivity and improvements to the multimodal network throughout the Town.

The preliminary project design was presented to the Complete Streets and Transportation Commission and to the community in February of 2020. Both groups provided input and support for the project. On March 3, 2020, the Town Council approved the preliminary design and authorized staff to proceed with the final design.

DISCUSSION:

The project is close to fully funded at this time and sources include funds from the One Bay Area Grant Program - Cycle 2 (OBAG 2), the Transportation Fund for Clean Air (TFCA) regional grant, 2016 Measure B Funds, and commitment of up to \$1 million of Town local funds as approved by Council on March 1, 2022. The final distribution of funding will be presented to Council for approval once finalized within the next two months.

Following is a summary of the grant funds for construction:

Grant Program	Funding Amount
One Bay Area Grant Cycle 2 (OBAG 2)	\$3,351,000
2016 Measure B	\$693,500
Transportation Fund for Clean Air	\$755,921
Total	\$4,800,421

Subsequently, the Town’s FY 2022/23 Capital Budget included an allocation of Town General Fund Appropriated Reserve (GFAR) funding in the amount of \$928,687 to provide the balance of construction budget needed and the local matching funds necessary for the proposed grants, bringing the total construction budget to \$5,728,687.

The project design and environmental clearances have been completed, and staff is currently working with California Department of Transportation (Caltrans) to obtain the approvals and permits necessary to allow the project to move forward to construction. Staff will be

DISCUSSION (continued):

presenting the final plans and specifications to the Town Council in the near future, following the Caltrans approvals.

In order to obtain reimbursements for project construction costs for 2016 Measure B and TFCA grant funds, the Town is required to enter into funding agreements for the two grant programs. Attachment 1 is the funding agreement with VTA for 2016 Measure B. Attachment 2 is the draft TFCA funding agreement for grant award, which was reviewed by staff but is not yet in final form for execution.

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to execute the Measure B Funding Agreement as attached; and authorize the Town Manager to negotiate and execute the TFCA Funding Agreement in substantial compliance with the attached draft agreement.

FISCAL IMPACT:

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 will utilize both full-time budgeted and part-time staff. The costs for full-time staff are generally accounted for in the Department's Operating Budget. Cost for part-time staff costs incurred will be charged to the project or be reimbursed through one of the grant programs as necessary.

FISCAL IMPACT (continued):

Los Gatos Creek Trail to Highway 9 Trailhead Connector		
CIP No. 832-4505		
	Budget	Costs
OBAG 2 Grant (2017)	\$343,000	
GFAR (Design Phase)	\$330,440	
OBAG 2 Grant (2022)	\$3,351,000	
2016 Measure B	\$693,500	
TFCA Grant Funds	\$755,921	
GFAR (Construction Phase)	\$928,687	
Total Budget	\$6,402,548	
Potential Additional Funding		
Potential Adjustment from Available Traffic Impact Mitigation Fund	\$ 64,689	
Total Budget with Potential Adjustment	\$ 6,467,237	
Mott MacDonald - Design		\$576,747
Part-Time Staff Cost (Design Phase)		\$90,000
Other Expenditures (Advertising)		\$490
Construction		\$5,800,000
Total Expenditures		\$6,467,237
Remaining Budget		\$0

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 the CEQA/NEPA clearances have been obtained.

Attachments:

1. 2016 Measure B Funding Agreement
2. Draft TFCA Funding Agreement

**FUNDING AGREEMENT
BETWEEN
TOWN OF LOS GATOS
AND
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
FOR
LOS GATOS CREEK TRAIL CONNECTOR TO HIGHWAY 9 PROJECT**

This Agreement ("AGREEMENT") is between the TOWN of Los Gatos ("TOWN") and the Santa Clara Valley Transportation Authority ("VTA") is entered into as of the last date of signature below ("EFFECTIVE DATE"). Hereinafter, TOWN and VTA may be individually referred to as "PARTY" or collectively referred to as "PARTIES".

I. RECITALS

1. Whereas, on June 24, 2016, the VTA Board of Directors adopted a resolution to place a ballot measure before the voters of Santa Clara County in November 2016 to authorize a one-half of one percent retail transaction and use tax ("2016 MEASURE B") for 30 years for nine transportation-related program categories;
2. Whereas, on November 8, 2016, the voters of Santa Clara County enacted 2016 MEASURE B for 30 years to pay for the nine transportation-related program categories;
3. Whereas, the duration of 2016 MEASURE B will be 30 years from the initial year of collection, beginning April 1, 2017, and continuing through March 31, 2047;
4. Whereas, on October 5, 2017, the VTA Board of Directors established the 2016 Measure B Program ("PROGRAM") and adopted the 2016 MEASURE B Bicycle & Pedestrian Program Guidelines, attached as Attachment "A" ("GUIDELINES");
5. Whereas, the PROGRAM includes a Bicycle and Pedestrian program category ("BIKE/PED CATEGORY") to fund bicycle and pedestrian projects and educational programs;
6. Whereas, the BIKE/PED CATEGORY consists of three sub-categories, including a Capital Projects Competitive Grant Program ("BIKE/PED CAPITAL PROGRAM");
7. Whereas, on October 3, 2019 the VTA Board of Directors adopted the BIKE/PED CAPITAL PROGRAM criteria;
8. Whereas, on December 3, 2019, VTA released the Fiscal Year 2020 (July 1, 2019 to June 30, 2020) ("FY2020") to Fiscal Year 2030 (July 1, 2029 to June 30, 2030) ("FY2030") BIKE/PED CAPITAL PROGRAM call for projects;
9. Whereas on June 4, 2020, the VTA Board of Directors approved the FY2020 to FY2030 10-year priority project list for the BIKE/PED CAPITAL PROGRAM;
10. Whereas, the Kennedy Road Sidewalk and Class II Bike Lanes is an eligible project on the fiscally-constrained portion of the VTA Board of Directors-approved FY2020 to FY2030 10-year priority

project list for the BIKE/PED CAPITAL PROGRAM, and the Los Gatos Creek Trail Connector to Highway 9 ("PROJECT") is an eligible project on the unconstrained portion of the VTA Board of Directors-approved FY2020 to FY2030 10-year priority project list for the BIKE/PED CAPITAL PROGRAM;

11. Whereas, on September 1, 2022, the VTA Board of Directors approved moving the PROJECT into the fiscally-constrained portion of the FY2020 to FY2030 10-year priority project list for the BIKE/PED CAPITAL PROGRAM and moved funding from the construction phase of the Kennedy Road Sidewalk and Class II Bike Lanes to the construction phase of the PROJECT; and
12. Whereas, VTA and TOWN desire to specify herein the terms and conditions under which VTA will administer the BIKE/PED CAPITAL PROGRAM funds to TOWN as directed by the VTA Board of Directors.

NOW, THEREFORE, for good and valuable consideration, the PARTIES agree as follows:

II. AGREEMENT

1. PROJECT DESCRIPTION

The PROJECT will construct new bike and pedestrian connectors to the Los Gatos Creek Trail at Highway 9. Two connectors will be constructed to allow access to the trail from both the north and south sides of Highway 9. A pedestrian and bicycle bridge crossing the creek will be constructed along the south side of Highway 9. On the north side of Highway 9, the existing unofficial path will be replaced with an ADA-accessible pedestrian path to connect Highway 9 and the Trail.

2. SCOPE OF WORK

The SCOPE OF WORK ("SOW") for this AGREEMENT is the construction phase for the PROJECT, which includes: construction management services, construction inspection and testing services, construction, and construction contract. A project map is included as Attachment "B".

VTA must approve any changes to the PROJECT's design layout, major features, and urban design elements in the SCOPE OF WORK. TOWN must inform VTA, in writing, of any desired modifications to the PROJECT including, but not limited to, changes in the PROJECT area, design, or construction. VTA must approve such changes with written authorization from the Program Manager ("VTA PM") or the VTA PM's designee before TOWN may proceed. If the modifications to the PROJECT result in a change in TOTAL PROJECT COST, as described in Section 4 below, VTA's financial contribution to the PROJECT will change pursuant to the terms in Section 5.

3. TERM OF AGREEMENT

The term of this AGREEMENT will commence on the EFFECTIVE DATE and continue through the earlier of: (i) June 30, 2025, (ii) completion of SOW, (iii) cancellation of the PROJECT, or (iv) other termination of this AGREEMENT pursuant to its terms.

4. COST OF PROJECT

- a. **Total Project Cost.** The total cumulative dollar amount actually incurred and expended toward the Project PROJECT by all PARTIES involved, as measured at the completion or termination of the PROJECT ("TOTAL PROJECT COST") is \$6,442,000.
- b. **Construction Phase Cost.** The total cost of the Construction Phase SOW is estimated not to exceed \$5,800,000.

5. FINANCIAL CONTRIBUTION TO COST OF SOW

- a. VTA's Financial Contribution to the SOW. VTA will contribute an amount not to exceed \$693,500 of BIKE/PED CAPITAL PROGRAM funds to be used by TOWN for completion of the SOW. All funds will be available on a reimbursement basis only for ELIGIBLE COSTS (as described in Section 7 below), pursuant to this AGREEMENT.
- b. Additional Funds. TOWN will be solely responsible for any additional funds required to complete the SOW.
- c. Scope of Work Savings. If the PROJECT is delivered under budget, VTA's Financial contribution for the SOW will be reduced in proportion to TOWN's Financial contribution to the overall PROJECT.

6. TOWN'S MINIMUM CONTRIBUTION TO TOTAL PROJECT COST

TOWN is solely responsible for all funds it has expended toward the PROJECT prior to the EFFECTIVE DATE. In all circumstances, regardless of the TOTAL PROJECT COST, TOWN must contribute a minimum of 30% of the TOTAL PROJECT COST.

7. ELIGIBLE COSTS

Only the PROJECT costs TOWN incurs after the EFFECTIVE DATE will be eligible for reimbursement.

VTA will only reimburse TOWN for actual costs directly related to the SOW ("ELIGIBLE COSTS"). ELIGIBLE COSTS are costs that: (i) are directly related to the SOW and administration of the Construction Phase; and (ii) were incurred in compliance with all applicable PROGRAM requirements as set forth in Section 18 below.

The following is an illustrative, but not exhaustive, list of costs that are not eligible for reimbursement:

- (a) expenses for organizational functions, businesses services, and information technology;
- (b) Rent and utilities; and
- (c) food or beverages (e.g. as part of meetings, workshops, training, or events).

8. TOWN'S ROLE

TOWN will be the sponsor and implementing agency for the Construction Phase of the PROJECT. In its

role as sponsor and implementing agency under this AGREEMENT, TOWN must perform and/or be responsible for the following:

- i. Serving as the project manager (“PM”) for the PROJECT.
- ii. Performing all actions necessary to procure construction services for the Construction Phase including, but not limited to, advertising the work via a public solicitation, opening bids in response to the public solicitation, awarding a contract, approving contract documents, and administering the awarded construction contract in accordance with all applicable laws, regulations, and codes including, but not limited to, the California Public Contract Code and the California Labor Code.
- iii. Obtaining all necessary permits for performance of the SOW.
- ii. Serving as the construction management team for the Construction Phase of the PROJECT.
- iii. Conducting standard close-out activities for the PROJECT including, but not limited to, performing a final accounting review and reviewing all contractual requirements.

9. OTHER TOWN PROJECT MANAGEMENT DUTIES

TOWN must:

- i. Submit to VTA the most current version of VTA’s 2016 MEASURE B Complete Streets Checklist for Capital Projects (as supplied by VTA to TOWN) within five (5) business days of the EFFECTIVE DATE.
- ii. Submit a project management plan (“PMP”) to VTA within thirty (30) business days of the EFFECTIVE DATE. The PMP must be in writing and must include information regarding staffing plan, cost, schedule, contracting plan, and risk assessment.
- iii. Actively monitor actual PROJECT expenditures to ensure that the BIKE/PED CAPITAL PROGRAM funds are used to pay only for ELIGIBLE COSTS.
- iv. Provide VTA with written quarterly progress updates on the PROJECT including, but not limited to, updates on PROJECT expenditures, any changes in scope or schedule, and Project status.
- v. Upon request, provide VTA copies of PROJECT deliverables including, but not limited to, reports, designs, drawings, plans, specifications, schedules, and other materials related to the Construction Phase.
- vi. Submit the PROJECT’s final report (“FINAL REPORT”) to VTA within thirty (30) days of PROJECT’s opening to the public. This FINAL REPORT must be in writing and must include information regarding final PROJECT costs and post-construction photos along with any other information VTA may require for inclusion in the FINAL REPORT.

- vii. TOWN will make staff available to present on the PROJECT at VTA committee meetings as needed.

10. ADDITIONAL TOWN OBLIGATIONS

TOWN must:

- a. Submit first request for reimbursement of ELIGIBLE COSTS from VTA within one (1) year of the EFFECTIVE DATE.
- b. Submit to VTA all records including contractors' invoices, miscellaneous invoices, and force account charges as substantiation for invoices submitted to VTA for reimbursement.
- c. Maintain financial records, books, documents, papers, accounting records, and other evidence pertaining to costs related to this AGREEMENT for five (5) years. TOWN shall make such records available to VTA upon VTA's written request for review and audit purposes. Financial audits will be performed at VTA's sole discretion.
- d. Submit invoices to VTA, no more frequently than monthly, for reimbursement of ELIGIBLE COSTS with documentation. TOWN must submit an invoice for reimbursement within one year of TOWN incurring the cost (unless otherwise approved by VTA in writing).

11. VTA'S PROJECT ROLE. VTA will perform and/or be responsible for the following PROJECT oversight tasks:

- a. Review the PROJECT's Complete Streets checklist to ensure Complete Streets compliance.
- b. Provide technical oversight of PROJECT, including reviews of PMP and PROJECT deliverables listed in Section 9.
- c. Provide oversight of delivery of the PROJECT to ensure PROJECT compliance with the GUIDELINES.

12. VTA'S OBLIGATIONS

VTA will pay TOWN's invoices within thirty (30) calendar days of receipt provided that the invoices are for ELIGIBLE COSTS, are fully documented, and otherwise comply with the requirements of this AGREEMENT.

13. INDEMNIFICATION

Neither VTA nor any officer or employee thereof will be responsible for any damage or liability arising out of or relating to TOWN's acts or omissions under or in connection with any work, authority, or jurisdiction associated with this AGREEMENT. Pursuant to California Government Code §895.4, TOWN must fully defend, indemnify, and hold harmless VTA from all suits or actions of every name, kind, and description arising from an injury (as defined by California Government Code §810.8) relating to TOWN's acts or omissions under or in connection with any work,

authority, or jurisdiction delegated to TOWN under this AGREEMENT. This provision will survive the termination or expiration of this AGREEMENT.

14. INSURANCE

At all times during this AGREEMENT, TOWN must comply with the insurance requirements and specifications of Attachment "C" to this AGREEMENT, which is incorporated by reference. TOWN may, in its discretion, elect to self-insure, but any such self-insurance must meet the requirements and specifications in Attachment "C".

15. ADDITIONAL INSURED AND INDEMNITY PROVISION

In any agreement executed between TOWN and a third party for purposes related in any way to the subject matter of this AGREEMENT ("THIRD PARTY CONTRACT"), TOWN must require that VTA be named as: (i) an additional insured on a primary and non-contributory basis with Separation of Insureds and Waiver of Subrogation on all policies of insurance required by TOWN in the THIRD PARTY CONTRACT, except when not applicable, and (ii) an indemnified party in any indemnity provision contained in the THIRD PARTY CONTRACT. THIRD PARTY CONTRACT must contain insurance requirements with coverages at least as broad as, and limits at least as great as, the requirements of Attachment A to this AGREEMENT.

16. PUBLIC WORKS

If TOWN awards a contract to a third party for the performance of a public work (as defined in California Labor Code Section 1720 through 1720.6) (a "PUBLIC WORKS CONTRACT") in connection with this AGREEMENT, TOWN must comply, and must require such third party to comply, with the requirements of California Labor Code Section 1720 et seq. If the PUBLIC WORKS CONTRACT is funded in whole or in part with federal funds, TOWN must also comply, and must require such third party to also comply, with the requirements of the Davis Bacon Act (40 U.S.C. Sections 3141-3144 and 3146-3148).

17. COMPLIANCE WITH APPLICABLE LAW

In execution of the PROJECT and performance of its responsibilities set forth herein, TOWN must comply with all applicable requirements of local, state, and federal law.

18. COMPLIANCE WITH 2016 MEASURE B REQUIREMENTS

In its performance under this AGREEMENT, TOWN must comply, and must ensure PROJECT compliance, with all PROGRAM requirements including, but not limited to, the GUIDELINES and VTA's Complete Streets Reporting Requirement.

19. TERMINATION

Each of the PARTIES may at any time terminate this AGREEMENT by giving ten (10) business days' written notice of such termination to other PARTY. Notice must identify the EFFECTIVE

DATE of such termination and must be provided in accordance with the terms and conditions of this AGREEMENT.

In the event of such termination, TOWN must submit its final invoice to VTA within thirty (30) calendar days of the EFFECTIVE DATE of termination solely for ELIGIBLE COSTS that TOWN incurred prior to termination.

20. AUDIT AND RECORDS

- a. All PARTIES must maintain, and must require their contractors to maintain, in accordance with generally accepted accounting principles and practices, complete books, accounts, records and data pertaining to services performed under this AGREEMENT, including the costs of contract administration. Such documentation must be supported by properly executed payrolls, invoices, contracts, and vouchers evidencing in detail the nature and propriety of any charges and must be sufficient to allow a proper audit of services. All checks, payrolls, invoices, contracts and other accounting documents pertaining in whole or in part to the services must be clearly identified and readily accessible.
- b. For the duration of this AGREEMENT, and for a period of five (5) years after final payment, each PARTY must provide access to the other PARTY and its representatives during normal business hours to any books, accounts, records, data, and other relevant documents that are pertinent to this AGREEMENT for audits, examinations, excerpts, and transactions and must furnish copies upon request.

21. NOTICES

All notices required or permitted under this AGREEMENT must be in writing, will be effective five (5) days after being sent by personal service or certified mail, or forty-eight (48) hours after being sent by electronic mail to the individuals at the addresses set forth below, or to such other address that may be specified in writing by the PARTIES.

VTA:
Marcella Rensi
Deputy Director, Grants & Allocations
Santa Clara Valley Transportation Authority
3331 N First Street
San Jose, CA 95134
Email: marcella.rensi@vta.org

TOWN:
Parks and Public Works Director
TOWN of Los Gatos
41 Miles Avenue
Los Gatos, CA, 95030
Email: nburnham@losgatosca.gov

Written notification to the other PARTY must be provided, in advance, for changes in the name or address of the individuals identified above.

22. GENERAL TERMS AND CONDITIONS

- a. **Headings.** The subject headings of the articles and paragraphs in this AGREEMENT are included for convenience only and will not affect the construction or interpretation of any of its provisions.
- b. **Construction and Interpretation of AGREEMENT.** This AGREEMENT, and each of its provisions, terms and conditions, has been reached as a result of negotiations between the PARTIES. Accordingly, each PARTY expressly acknowledges and agrees that (i) this AGREEMENT will not be deemed to have been authored, prepared, or drafted by any particular PARTY and (ii) the rule of construction to the effect that ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this AGREEMENT or in the resolution of disputes.
- c. **Amendment.** No alteration or variation of the terms of this AGREEMENT will be valid unless made in writing and signed by both PARTIES, and no oral understanding or agreement not incorporated herein will be binding on either of the PARTIES.
- d. **Entire AGREEMENT.** This AGREEMENT contains the entire understanding between VTA and TOWN relating to the subject matter hereof. This AGREEMENT supersedes any and all other agreements that may have existed between the PARTIES, whether oral or written, relating to the subject matter hereof. This AGREEMENT is binding upon each PARTY and its successors and assigns for the duration of the AGREEMENT.
- e. **Representation of Authority.** Each PARTY represents and warrants that the person whose signature appears on this AGREEMENT for such PARTY has been duly authorized and has the full authority to execute this AGREEMENT.
- f. **No Waiver.** The failure of either PARTY to insist upon the strict performance of any of the terms, covenants, and conditions of this AGREEMENT will not be deemed a waiver of any right or remedy that either PARTY may have, and will not be deemed a waiver of either PARTY's right to require strict performance of all of the terms, covenants, and conditions hereunder.
- g. **Dispute Resolution.** If a question or allegation arises regarding (i) interpretation of this AGREEMENT or its performance, or (ii) the alleged failure of a PARTY to perform, the PARTY raising the question or making the allegation must give written notice thereof to the other PARTY. The PARTIES must promptly meet in an effort to resolve the issues raised. If the PARTIES fail to resolve the issues raised, alternative forms of dispute resolution, including mediation, may be pursued by mutual agreement. It is the intent of the PARTIES to avoid litigation as a method of dispute resolution to the greatest extent possible.
- h. **Severability.** If any of the provisions of this AGREEMENT (or portions or applications thereof) are held to be unenforceable or invalid by any court of competent jurisdiction, VTA and TOWN will negotiate an equitable adjustment in the provisions of this AGREEMENT with a view toward effecting the purpose of this AGREEMENT, and the validity and enforceability of the remaining provisions or portions or applications thereof will not be affected thereby.

- i. **Governing Law.** The laws of the State of California will govern this AGREEMENT and any claim that might arise between TOWN and VTA without regard to conflict of law provisions.
- j. **Venue.** Any lawsuit or legal action arising from this AGREEMENT must be commenced and prosecuted in the courts of Santa Clara County, California. TOWN agrees to submit to the personal jurisdiction of the courts located in Santa Clara County, California for the purpose of litigating all such claims.
- k. **Ownership of Work.** All reports, designs, drawings, plans, specifications, schedules, studies, memoranda, and other documents: (i) assembled for; (ii) prepared by or for; (iii) in the process of being assembled or prepared by or for; or (iv) furnished to VTA or TOWN under this AGREEMENT are the joint property of all PARTIES. Each PARTY is entitled to copies and access to these materials during the progress of the PROJECT and upon completion of the PROJECT or termination of this AGREEMENT. All PARTIES may retain a copy of all material produced under this AGREEMENT for use in their general activities.
- l. **Attribution to VTA.** TOWN must include attribution to VTA that indicates part of the work was funded by Program Funds. This provision applies to any project or publication that was funded in part or in whole by Program Funds. Acceptable forms of attribution include 2016 MEASURE B's branding on PROJECT-related documents, construction signs, public information materials, and any other applicable documents. VTA will provide Program branding to TOWN.
- m. **Non-discrimination.** The PARTIES and any contractors performing services on behalf of the PARTIES ("CONTRACTORS") will not unlawfully discriminate or permit discrimination, harass, or allow harassment against any person or group of persons because of race, color, religious creed, national origin, ancestry, age (over 40), sex, gender, gender identity, gender expression, sexual orientation, marital status, pregnancy or childbirth (including related conditions), medical condition (including cancer), mental disability, physical disability (including HIV and AIDS), genetic information, or military and veteran's status, or in any manner prohibited by federal, state, or local laws. In addition, the PARTIES and CONTRACTORS must not unlawfully deny any of their employees family care leave or discriminate against such employees on the basis of having to use family care leave. The PARTIES and CONTRACTORS must ensure that the evaluation and treatment of their employees and applicants for employment is free of such discrimination and harassment.
- n. **Relationship of the PARTIES.** It is understood that this is an AGREEMENT by and between independent parties and does not create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship other than that of independent contractor.
- o. **Execution in Counterparts / Electronic Signature.** This AGREEMENT may be executed in any number of counterparts and by each Party in separate counterparts, each of which when so executed and delivered will be deemed to be an original and all of which taken together will constitute one and the same instrument.

Unless otherwise prohibited by law, VTA policy, or TOWN policy, the PARTIES agree that both an electronic copy of a signed contract and an electronically signed contract have 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 writing as set forth in Evidence Code Section 1550. The term “electronically signed contract” means a contract that is executed by applying an electronic signature using technology approved by each of the PARTIES.

Signatures of PARTIES on the following page.

IN WITNESS WHEREOF, the PARTIES have executed this AGREEMENT as of the last date set forth below.

***Santa Clara Valley
Transportation Authority***

Town of Los Gatos

Carolyn M. Gonot
General Manager/CEO

Laurel Prevetti
Town Manager

Date

Date

Approved as to Form:

Approved as to Form:

Shannon Smyth-Mendoza
Deputy General Counsel

Gabrielle Whelan
Town Attorney

Date

Date

Recommended by:

Nicolle Burnham
Director of Parks and Public Works

Attest:

Wendy Wood
Town Clerk

ATTACHMENT A

Maps provided by the Town will be inserted in the final PDF here.

ATTACHMENT B

2016 Measure B Bicycle & Pedestrian Program Guidelines

[Revised and approved by VTA Board of Directors: August 4, 2022]

To fund bicycle and pedestrian projects of countywide significance identified by the cities, County and VTA. The program will give priority to those projects that connect to schools, transit and employment centers; fill gaps in the existing bike and pedestrian network; safely cross barriers to mobility; and make walking or biking a safer and more convenient means of transportation for all county residents and visitors. Bicycle and pedestrian educational programs such as Safe Routes to Schools, will be eligible for funding.

Total Funding

3.97% of Program Tax Revenues

Program Type

Formula-based program

Distribution of Funds

- Funds will be allocated on a two-year cycle, in conjunction with the VTA Biennial Budget process.
- Funds are allocated on an annual basis, based on the application of the ballot-established ratio to the estimated Program Tax Revenue. The allocations are calculated in two steps:
 - Multiplying the ballot-established ratio by the projected Program Tax Revenues for that fiscal year.
 - Reconciling prior allocations, which were based on estimated Program Tax Revenues, with actual Program Tax Revenues (referred to as a “true-up process”). This true-up process will occur in the first fiscal year of each biennial budget cycle.
- The program will consist of three sub-categories: Education & Encouragement Programs, Planning Studies, and Capital Projects.
- A minimum of 80% of available program category funds will be allocated to Capital Projects.
- A maximum of 15% of available program category funds will be set aside for Education & Encouragement. The funds will be allocated as follows:
 - 25% for countywide (including targeting unincorporated areas) education & encouragement programs
 - Remaining funds allocated by city population formula with a \$10,000 annual minimum allocation per city
- A maximum of 5% of available program category funds will be allocated to Planning Studies.
- If the Planning Studies or Capital Projects competitive grant cycle is not fully awarded, the balance of funds from that cycle will roll into its next call for projects cycle.

Implementation

- Only projects currently listed on Attachment A of 2016 Measure B are eligible.
- **Education & Encouragement (Formula Distribution)**
 - VTA and individual agencies will enter into a Master Agreement for Education & Encouragement funds.
 - The 2016 Measure B Program Office will notify agency of allocation for two-year cycle.
 - Funds will be distributed on a reimbursable basis.
 - Agency will submit annual education & encouragement work program and annual progress report.
 - Education & Encouragement funds may be banked for a maximum of three years with explanation of banking purposes upon approval by the 2016 Measure B Program Office.
 - The 2016 Measure B Program Office will conduct an assessment regarding the effectiveness of the program.
- **Capital Projects & Planning Studies (Competitive Grants)**
 - Only a public agency can serve as a project sponsor. Other entities must partner with a public agency to apply for a grant.
 - The grant program contains two categories:
 - Capital projects
 - Activities leading to/including:
 - Environmental Clearance
 - Design
 - Right of Way
 - Construction
 - Construction grant requests must include cost estimates supported by 30% to 35% design.
 - Planning studies
 - Includes planning studies to support capital project development for those projects currently listed on Attachment A of 2016 Measure B. It does not include general/master planning efforts.
 - The minimum grant award is \$50,000.
 - The maximum grant award per sponsoring agency can be no more than 50% of the total available funds per call for projects per cycle, unless the cycle is undersubscribed.
 - The 2016 Measure B Program Office developed project criteria in conjunction with the VTA Technical Advisory Committee (TAC) Capital Improvement Program Working

Group and incorporated input from the TAC and Bicycle & Pedestrian Advisory Committee (BPAC).

- Scoring committees for the grant programs will be comprised of three BPAC members, three Member Agency staff, and one VTA staff person. If enough BPAC or Member Agency staff are not available as described above, Board-adopted scoring committee policy will be followed.

Criteria

- Capital Projects and Planning Studies will be scored on criteria that supports the language in 2016 Measure B, including but not limited to:
 - Countywide significance
 - Connection to/serves schools, transit, or employment centers
 - Fills gaps in bicycle/pedestrian network
 - Provides safer crossings of barriers
 - Makes walking or biking safer
 - Makes walking or biking more convenient
 - Other criteria to consider:
 - Safety benefits
 - Increase in bicycle and pedestrian usage
 - Community support
 - Project readiness
 - Projects serve Equity Priority Communities or vulnerable populations with specific needs
 - Non-2016 Measure B contribution

Requirements

- Competitive grant projects require a minimum 10% non-2016 Measure B contribution.
- Reporting requirements will be detailed in agreements executed with VTA for project funding.
- VTA Complete Streets reporting requirements are required for Planning Studies and Capital Projects.
- All projects must comply with 2016 Measure B program oversight requirements.
- All collateral material must comply with 2016 Measure B branding requirements.

ATTACHMENT C
Insurance Requirements

TOWN OF LOS GATOS'S ("TOWN") ATTENTION IS DIRECTED TO THE INSURANCE REQUIREMENTS BELOW. IT IS HIGHLY RECOMMENDED THAT TOWN CONFER WITH THEIR INSURANCE CARRIERS OR BROKERS TO DETERMINE THE AVAILABILITY OF INSURANCE CERTIFICATES AND ENDORSEMENTS REQUIRED BY THIS AGREEMENT.

INSURANCE

Without limiting TOWN's indemnification and defense of claims obligations to VTA, TOWN must procure and maintain for the duration of the AGREEMENT insurance against claims for injuries to persons or damages to property which may arise under or in connection with any work, authority, or jurisdiction associated with the AGREEMENT. The cost of such insurance must be borne by TOWN. TOWN must furnish complete copies of all insurance policies within three (3) business days of any request for such by VTA.

A. MINIMUM SCOPE OF INSURANCE

Coverage must be at least as broad as:

1. Insurance Services Office General Liability coverage ("occurrence" form CG 0001). General Liability insurance written on a "claims made" basis is not acceptable.
2. Business Auto Coverage, Insurance Services Office form number CA 0001, covering Automobile Liability, code 1 "any auto." Auto Liability written on a "claims-made" basis is not acceptable.
3. Workers' Compensation insurance as required by the Labor Code of the State of California and Employer's Liability insurance.
4. Contractor's Pollution Liability: covering liability arising out of the treatment, handling, storage, transportation, or accidental release of any hazardous material.
5. Professional Liability, including limited contractual liability coverage, covering liability arising out of any negligent act, error, mistake or omission in the performance of Contractor's services under this AGREEMENT. This coverage must be continuously maintained for a minimum of two (2) years following completion of this AGREEMENT. This coverage may be written on a claims-made basis; if so, see special provisions in Section B.

B. MINIMUM LIMITS OF INSURANCE

a. TOWN must maintain limits no less than:

1. General Liability: \$5,000,000 limit per occurrence for bodily injury, personal injury, and property damage. If General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit must apply separately to this project/location or the general aggregate limit must be twice the required occurrence limit. This requirement may be satisfied by a combination of General Liability with Excess or Umbrella, but in no event may the underlying General Liability policy limit be less than \$2,000,000, unless Umbrella/Excess or Umbrella policies feature inception and expiration dates concurrent with the underlying general liability policy, "Follow Form" coverage, and a "Drop Down" provision. The Certificate of Insurance must specifically state that the Excess or Umbrella insurance has scheduled the General Liability as underlying insurance.
2. Automobile Liability (including umbrella/excess liability): \$2,000,000 limit per accident for bodily injury and property damage. This requirement may be satisfied by a combination of Automobile Liability with excess or Umbrella, but in no event may the underlying Auto Liability policy limit be less than \$2,000,000, unless Umbrella/Excess policies feature inception and expiration dates concurrent with the underlying auto liability policy, "Follow Form" coverage, and a "Drop Down" provision. The Certificate of Insurance must specifically state that the Excess or Umbrella insurance has scheduled the General Liability as underlying insurance.
3. Workers' Compensation and Employer's Liability: Workers' compensation limits as required by the Labor Code of the State of California and Employer's Liability limits of \$1,000,000 per accident.
4. Contractor's Pollution Liability: \$3,000,000 per occurrence. This requirement may be satisfied by a combination of Pollution Liability with Excess or Umbrella. Umbrella/Excess policies must feature inception and expiration dates concurrent with the underlying pollution policy, "Follow Form" coverage, and a "Drop Down" provision. The Certificate of Insurance must specifically state that the Excess or Umbrella insurance has scheduled the Pollution Liability as underlying insurance.
5. Professional Liability: \$2,000,000 each occurrence/aggregate minimum limit per claim. This requirement may be satisfied by a combination of Professional Liability insurance with Excess or Umbrella policies, but in no event may the Professional Liability primary policy limit per occurrence be less than \$2,000,000, unless Umbrella/Excess policies feature inception and expiration dates concurrent with the underlying policy, "Follow Form" coverage, and a "Drop Down" provision. The Certificate of Insurance must specifically state that the Excess or Umbrella insurance has scheduled the Professional Liability as underlying insurance.

- b. Notwithstanding any language in this AGREEMENT to the contrary, if TOWN carries insurance limits exceeding the minima stated in Section B(a)(1)-(3) immediately above, such greater limits will apply to this AGREEMENT.

C. SELF-INSURED RETENTION

The certificate of insurance must disclose the actual amount of any deductible or self-insured retention, or lack thereof, for all coverages required herein. Any self-insured retention or deductible in excess of \$250,000 must be declared to and approved by VTA. If TOWN is a governmental authority such as a state, municipality or special district, self-insurance is permitted. To apply for approval for a level of retention or deductible in excess of \$250,000, TOWN must provide a current financial report including balance sheets and income statements for the past three years, so that VTA can assess TOWN's ability to pay claims falling within the self-insured retention or deductible. Upon review of the financial report, if deemed necessary by VTA in its sole discretion, VTA may elect one of the following options: to accept the existing self-insured retention or deductible; require the insurer to reduce or eliminate the self-insured retention or deductible as respects VTA, its directors, officers, officials, employees and volunteers; or to require TOWN to procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses. Applicable costs resulting therefrom will be borne solely by TOWN. TOWN may request execution of a nondisclosure agreement prior to submission of financial reports.

D. CLAIMS MADE PROVISIONS (NOT APPLICABLE TO GENERAL LIABILITY OR AUTO LIABILITY)

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

1. The policy retroactive date must be no later than the date of this AGREEMENT.
2. If any policy is not renewed or the retroactive date of such policy is to be changed, TOWN must obtain or cause to be obtained the broadest extended reporting period coverage available in the commercial insurance market. This extended reporting provision must cover at least two (2) years.
3. No prior acts exclusion may be added to the policy during the AGREEMENT period.
4. The policy must allow for reporting of circumstances or incidents that might give rise to future claims.

E. OTHER INSURANCE PROVISIONS

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

1. General Liability and Automobile Liability

- a. VTA, its directors, officers, officials, employees, and volunteers must be named as additional insureds as respects: liability arising under or in connection with any work, authority, or jurisdiction associated with the AGREEMENT. The coverage must contain no special limitations on the scope of protection afforded to VTA, its directors, officers, officials, employees, or volunteers. Additional Insured endorsements must provide coverage at least as broad as afforded by the combination of ISO CG 20 10 10 01 and CG 20 37 10 01.
- b. Any failure to comply with reporting provisions of the policies may not affect coverage provided to VTA, its directors, officers, officials, employees, or volunteers.
- c. Coverage must state that TOWN's insurance applies separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- d. The General Liability General Aggregate limit must apply per project, not per policy.

2. All Coverages

- a. TOWN must agree to waive all rights of subrogation against VTA, its directors, officers, officials, employees, and volunteers for losses arising under or in connection with any work, authority, or jurisdiction associated with the AGREEMENT.
- b. TOWN's insurance coverage must be primary insurance as respects VTA, its directors, officers, officials, employees, and volunteers. Self-insurance or insurance that may be maintained by VTA, its directors, officers, officials, employees, or volunteers may apply only as excess to TOWN's insurance. TOWN's insurance must not seek contribution from VTA's insurance program.

3. Other Insurance Provisions

- a. The Certificate must disclose the actual amount of the Deductible or Self-Insured Retention.
- b. If any coverage forms or endorsements required by this AGREEMENT are updated by their publishers, whether they be the insurance carrier(s), the Insurance Services office,

or the American Association of Insurance Services, during the duration of this AGREEMENT, VTA reserves the rights to require TOWN to procure said coverage forms or endorsements using the updated versions upon the next renewal cycle.

F. ACCEPTABILITY OF INSURERS

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

G. CERTIFICATES OF INSURANCE

TOWN must furnish VTA with a Certificate of Insurance. The certificates for each insurance policy are to be signed by an authorized representative of that insurer. The certificates must be issued on a standard ACORD Form. TOWN must instruct their insurance broker/agent to submit all insurance certificates and required notices electronically in PDF format to 2016measureb@vta.org. All endorsements must be attached to the ACORD certificate in a single PDF document.

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

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

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

It is a condition precedent to granting of this AGREEMENT that all insurance certificates and endorsements be received and approved by VTA before AGREEMENT execution. No occupancy may be taken until insurance is in full compliance. VTA reserves the rights to require complete, certified copies of all required insurance policies, at any time.

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

H. MAINTENANCE OF INSURANCE

If TOWN fails to maintain insurance as required herein, VTA, at its option, may suspend the

AGREEMENT until a new policy of insurance is in effect.

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
CONGESTION MANAGEMENT PROGRAM
TRANSPORTATION FUND FOR CLEAN AIR
AGREEMENT
FY 2022/23**

This agreement (“Agreement”) by and between the Santa Clara Valley Transportation Authority (“VTA”) and the Town of Los Gatos (“Sponsor”) shall be effective retroactively beginning on July 1, 2022 (“Effective Date”). Hereinafter, Sponsor and VTA may be individually referred to as a “PARTY” or collectively referred to as the “PARTIES”.

RECITALS

This Agreement is made with reference to the following facts:

- A. VTA has been designated, by resolutions of the County of Santa Clara and a majority of the cities therein, as the Program Manager for Santa Clara County’s Transportation Fund for Clean Air (“TFCA”) funds under the State of California Health and Safety Code Section 44241.
- B. Pursuant to that designation, VTA is responsible for allocating and administering the County of Santa Clara’s TFCA County Program Manager (“CPM”) Fund to eligible project sponsors in accordance with the State of California Health and Safety Code Sections 44241 and 44242 and VTA’s current agreement with the Bay Area Air Quality Management District (“Air District”).
- C. On September 1, 2022, the VTA Board approved the programming of Fiscal Year (“FY”) 2022/23 TFCA CPM funds for the Los Gatos Creek Trial Connector (“Project”).
- D. This Agreement specifies the conditions under which VTA will allocate and administer a grant(s) from the TFCA CPM Fund to Sponsor for FY 2022/23.

Now, therefore the Parties agree as follows:

AGREEMENT

Section 1. Grant of TFCA Funds; Description of Projects

- A. Subject to appropriation and receipt of TFCA funds (as further set forth in Section 10, below), VTA hereby agrees to allocate to Sponsor a TFCA grant in an amount not to exceed \$755,921 (the “Grant Funds”) in consideration for Sponsor’s agreement to implement and complete the Project(s), as further set forth in the Project Summary(ies) attached hereto as **Attachment A**, in accordance with the terms and conditions set forth in this Agreement.
- B. In consideration of VTA providing Sponsor with the Grant Funds, Sponsor hereby agrees to implement and complete the Project(s) in conformance with the terms of this Agreement. In implementing the Project(s), Sponsor shall comply with reporting requirements as described in Section 13.

Section 2. Proper Expenditure; Return of Funds

- A. Sponsor must assure that all Grant Funds received under this Agreement are expended only in accordance with all applicable provisions of federal, state, and local laws, and Sponsor shall require any other sub-recipients of Grant Funds for the Project(s) to do the same.
- B. Sponsor must comply with all TFCA program requirements, as set forth in the Air District's *County Program Manager Fund Expenditure Plan Guidance Fiscal Year Ending (FYE) 2023* and the Funding Agreement between VTA and the Air District (23-SC). These documents, including appendices and revisions, are incorporated herein and made a part hereof by this reference as if fully set forth herein and will be provided by VTA to Sponsor upon request.
- C. Since the Air District mandates that all TFCA Funds that are not expended in accordance with applicable provisions of law must be returned, Sponsor must reimburse VTA all Grant Funds that are not expended in accordance with the terms and conditions of this Agreement and/or applicable provisions of law upon notification.
- D. Sponsor must also return the Grant Funds to VTA if the Project(s) are not maintained and/or operated throughout and until the conclusion of the years of effectiveness ("Years of Effectiveness"). This is the default value stated in the Air District's *County Program Manager Fund Expenditure Plan Guidance Fiscal Year Ending 2023* for the applicable project type, unless a different value was approved by the Air District and shown to yield a project that meets the cost-effectiveness requirement specified in the TFCA Guidance document cited above. The amount of Grant Funds returned to the Program Manager must be calculated on a prorated basis based on the length of a project's Years of Effectiveness.

Section 3. Administrative project costs

Administrative project costs are costs associated with the administration of a TFCA project, and do not include capital or operating costs. Sponsor must expend no more than six and a quarter percent (6.25%) of Grant Funds received hereunder on administrative costs.

Hourly labor charges for administrative project costs must be expressed based on hours worked on the TFCA project. Administrative project costs are limited to the following activities that have documented hourly labor and overhead:

- A. Costs associated with administering the TFCA Funding Agreement (e.g., responding to requests for information from Air District and processing amendments). Costs incurred in preparation of a TFCA application or costs incurred prior to the execution of the Funding Agreement are not eligible for reimbursement;
- B. Accounting for TFCA funds;
- C. Fulfilling all monitoring, reporting, and record-keeping requirements specified in the TFCA Funding Agreement, including the preparation of reports, invoices, and final reports; and
- D. Documenting indirect administrative costs associated with administering the Project(s), including reasonable overhead costs of utilities, office supplies, reproduction, and managerial oversight.

The costs to prepare proposals and/or grant applications are not eligible.

If Sponsor requests reimbursement of administrative project costs, Sponsor must document and explain all such expenses in its invoices. Additionally, Sponsor must track these expenses to ensure that they do not exceed 6.25% of total TFCA funds received and provide auditable documentation to VTA. Upon notice, Sponsor must reimburse VTA for any administrative project costs deemed ineligible and returned by VTA to the Air District.

Section 4. Term

- A. The term of this Agreement is retroactive beginning on July 1, 2022, until either the Project(s) are completed or terminated in accordance with Section 16C, but no later than June 30, 2024, without written approval as described below.
- B. The Grant Funds must be expended within two (2) years of receipt of the first transfer of funds from the Air District to the VTA in the applicable fiscal year, unless one of the following applies:
 - a. Multi-Year Funded Project: If VTA requests multi-year funding in compliance with the Guidance; and the Air District approves the request for multi-year funding.
 - b. Extensions of Expenditure Deadline: If VTA finds that a project will take a longer period of time to implement or that significant progress has been made on a project, then VTA can approve no more than two one-year schedule extensions for a project, as memorialized in writing by VTA. Any subsequent schedule extensions for projects may be given on a case-by-case basis only by written amendment to this Agreement, if the Air District finds that significant progress has been made on a project, and the Funding Agreement is amended to reflect the revised schedule.
- C. In addition to the specific term of this Agreement, Sponsor must maintain each Project for the Years of Effectiveness prescribed in Section 2D herein.

Section 5. Work Product

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

Section 6. Acknowledgement of Funding Sources

- A. Sponsor must acknowledge both VTA and Air District as funding sources during the implementation of the Project(s) and must use the VTA and the Air District approved logos as specified below:
 - (1) The logos must be used on signs posted at the site of any project construction;
 - (2) The logos must be displayed on any vehicles or equipment operated with or obtained as part of the Project(s);

- (3) The logos must be used on any material intended for public consumption associated with the Project(s), such as websites and printed materials, including transit schedules, brochures, handbooks, maps created for public distribution, and promotional material; and
 - (4) Sponsor will demonstrate to VTA, through evidence such as photographs of vehicles, equipment, construction signs, and copies of press releases, that the logos are used and displayed as required by this Section.
- B. VTA will provide a copy of Air District and VTA logos to Sponsor for use in fulfilling Sponsor's obligations under this Section.
 - C. Sponsor must acknowledge VTA and Air District as a funding source in any related articles, news releases, or other publicity materials for the Project(s) that are produced or caused to be produced by Sponsor.

Section 7. Indemnity and Insurance Requirements

- A. Sponsor must indemnify, defend, and hold harmless VTA, the Air District, their respective officers, agents, employees, representatives, and successors-in-interest from any claim, liability, loss, expense, including reasonable attorneys' fees, and/ or claims for injury or damage arising out of, or in connection with, performance of this Agreement by Sponsor and/or its agents or employees or subcontractors, excepting only loss, injury or damage caused by the gross negligence or willful misconduct of personnel employed by VTA.
- B. Sponsor must adhere, throughout the term of this Agreement, to the insurance requirements specified in Attachment B "Insurance Requirements", which are hereby incorporated by reference. In any agreement between Sponsor and a third party for purposes related in any way to the subject matter of this Agreement ("Third Party Contract"), Sponsor must require that VTA be named as (i) additional insured on all policies of insurance required by CITY in the Third-Party Contract and (ii) indemnified party in any indemnity provision contained in the Third-Party Contract. Such Third-Party Contracts must contain requirements for General Liability, Automobile Liability, Workers' Compensation and Employer's Liability, and Pollution Liability.

Section 8. Invoicing

Sponsor must submit invoices at quarterly intervals to VTA for reimbursement of costs incurred to implement the Project(s). Sponsor must email requests for reimbursement to VTA Accounts Payable at VTA.AccountsPayable@vta.org. Sponsor must include relevant, auditable back-up documentation (time sheets, bills, etc.) with each invoice.

Section 9. Reimbursement

- A. All funds allocated by VTA to Sponsor will be paid on a cost-reimbursement basis only. VTA will pay no funds in advance.
- B. Upon review and approval of invoices and documentation, VTA will, within fifteen (15) days of receipt of an invoice that conforms to the requirements set forth in this Agreement, reimburse Sponsor for all eligible expenditures up to the maximum amount described in Section 1 of this Agreement. Only those expenses incurred by Sponsor on or after July 1, 2022, will be considered reimbursable expenditures.

- C. Funds for the Projects described in this Agreement, which are not submitted for reimbursement prior to June 30, 2024, will not be available to reimburse Project costs unless a Project schedule, which extends the Project completion date beyond June 30, 2024, has been approved by VTA or the Air District, as set forth in Section 4B, above.

Section 10. Funds Subject to Appropriation/Allocation of Funds Contingent on Appropriation

VTA's obligations under the terms of this Agreement are contingent upon and subject to the allocation of TFCA funds to VTA by the Air District under VTA's "23-SC" agreement with the Air District for approved projects during Fiscal Year 2022/23.

Section 11. Audit

This Agreement is subject to the examination and audit of the California State Auditor pursuant to California Government Code Section 8546.7 for a period of five (5) years after each Project(s) Years of Effectiveness. Audits may also be conducted by an auditor chosen by the Air District or VTA.

Section 12. Sponsor's Record Keeping

Sponsor must:

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

Section 13. Reporting Requirements.

- A. Sponsor must submit an interim project report to VTA in each May and October until the Project(s) is/are completed, and all closeout requirements have been fulfilled. The interim report must utilize Air District-approved report forms. One form should be submitted for each

Project listed in Attachment A. VTA will supply the Interim Project Report form to Sponsor for this requirement.

- B. Sponsor must submit a Final Report for each completed Project on the Air District-approved report form appropriate for the specific project type. Sponsor must also submit a post-project Cost-Effectiveness spreadsheet. Post-project evaluations should be completed using the version of the Cost-Effectiveness worksheet for the year the purchased, installed, or constructed project became available for use by the public. VTA will provide the Final Report Forms and spreadsheets for this requirement.

Section 14. Review

- A. VTA will review Sponsor's progress in implementing the Project(s) at the end of the sixth (6th) quarter following execution of this Agreement. If progress at the sixth (6th) quarter review is insufficient to implement any Project or to expend the funds within the period described in Section 4, VTA will develop an action plan with Sponsor to ensure that the Grant Funds are not required to be repaid to VTA and/or the Air District. The action plan may include reprogramming funds to other projects within Santa Clara County to ensure their expenditure prior to the term expiration date described in Section 4.

Section 15. Non-Performance

- A. If Sponsor causes all or part of these Grant Funds to be subject to repayment to the CPM Fund because of failure to complete the Project(s) according to the work scope described in Attachment A, Sponsor's next grant allocation of any kind that is from or passes through VTA may be reduced by the amount that VTA repaid to the CPM Fund.

Section 16. General Terms and Conditions

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

To VTA:	Santa Clara Valley Transportation Authority Chief Planning & Programming Officer 3331 North 1st Street San José, CA 95134-1906
To SPONSOR:	Town of Los Gatos Parks and Public Works Department 41 Miles Avenue Los Gatos, CA 95030

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

- C. **Termination.**

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

If VTA terminates this Agreement and/or a Project pursuant to this provision, the Sponsor must cease all work under this Agreement and cease further expenditures of Grant Funds received under this Agreement for the terminated Project immediately upon receipt of the notice of termination, excepting any work permitted to continue that is specified in the notice of termination. VTA will review the project to determine if it will still reduce emissions, and if it does, VTA may reimburse Sponsor for eligible funds and no further Grant Funds will be provided for that Project.

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

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

- D. **Non-Waiver.** The failure of either party to insist upon the strict performance of any of the terms, covenants, and conditions of this Agreement will not be deemed a waiver of any right or remedy that either party may have and will not be deemed a waiver of their right to require strict performance of all of the terms, covenants, and conditions thereafter.
- E. **Assignment:** Sponsor must not assign, sell, license, or otherwise transfer any rights or obligations under this Agreement without the prior written consent of VTA.
- F. **Integration.** This Agreement, including all attachments and references, constitutes the entire Agreement between the Parties pertaining to the subject matter contained herein and supersedes all prior or contemporaneous agreements, representations, and understandings of the Parties relative thereto.
- G. **Amendments.** Future amendments and modifications to this Agreement must be made in writing and signed by both parties.
- H. **Attachments.** Each attachment hereto is incorporated into this Agreement as if fully set forth herein.
- I. **Severability.** If any term, covenant, condition, or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of

competent jurisdiction to be invalid, void, or unenforceable, the remainder of the terms, covenants, conditions, and provisions of this Agreement, or the application thereof to any person or circumstance, must remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

- J. **Warranty of Authority to Execute Agreement.** Each Party to this Agreement represents and warrants that each person whose signature appears hereon has been duly authorized and has the full authority to execute this Agreement on behalf of the entity that is a Party to this Agreement.
- K. **Survival.** Any provision that, by its nature, extends beyond the term or termination of this Agreement will survive the expiration or termination of this Agreement.

DRAFT

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

Town of Los Gatos
(Sponsor)

Santa Clara Valley Transportation Authority
(VTA)

Dated: _____

Dated: _____

Laurel Prevetti
Town Manager
sponsor

Carolyn Gonot
General Manager and CEO
VTA

Approved as to Form:

Approved as to Form:

Gabrielle Whelan
Town Attorney

Jennifer Pousho
Sr. Assistant Counsel

Recommended by:

Nicolle Burnham
Director of Parks and Public Works

Attest:

Wendy Wood
Town Clerk

ATTACHMENT A: PROJECT INFORMATION SUMMARY

To be added after template approval

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ATTACHMENT B

INSURANCE REQUIREMENTS

INSURANCE

Without limiting CITY's obligation to indemnify and hold harmless VTA, CITY must procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Work by CITY, its agents, representatives, employees, or subcontractors. The cost of such insurance must be borne exclusively by CITY. In the event of any material change in the Agreement Scope of Services, VTA reserves the right to change the insurance requirements set forth herein. CITY must furnish complete copies of all insurance policies, within three (3) business days of any request for such by VTA.

A. Liability and Workers' Compensation Insurance

1. Minimum Scope of Coverage

Coverage must be at least as broad as:

- a. General Liability coverage; Insurance Services Office "occurrence" form CG 0001. General Liability insurance written on a "claims made" basis is not acceptable. Completed Operations coverage must be continuously maintained for at least two (2) years after Final Acceptance of the Work.
- b. Business Auto Coverage, Insurance Services Office form number CA 0001, covering Automobile Liability, code 1 "any auto." Auto Liability written on a "claims-made" basis is not acceptable.
- c. Workers' Compensation insurance, as required by the Labor Code of the State of California, and Employer's Liability insurance.
- d. Professional Liability, including limited contractual liability coverage, covering liability arising out of any negligent act, error, mistake or omission in the performance of Contractor's services under this Contract. This coverage must be continuously maintained for a minimum of two (2) years following completion of this Contract. This coverage may be written on a "claims made" basis, if so, please see special provisions in Section B.
- e. Contractor's Pollution/Environmental Impairment Liability: covering liability arising out of the treatment, handling, storage, transportation, or accidental release of any hazardous material.

2. Minimum Limits of Insurance

- a. CITY must maintain limits no less than:
 1. General Liability (including umbrella/excess liability): \$4,000,000 limit per occurrence for bodily injury, personal injury, and property damage. If General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit must apply separately to this project/location or the general

aggregate limit must be twice the required occurrence limit. This requirement may be satisfied by a combination of General Liability with Excess or Umbrella, but in no event may the General Liability primary policy limit per occurrence be less than \$2,000,000, unless Umbrella/Excess policies feature inception and expiration dates concurrent with the underlying General Liability policy, “Follow Form” coverage, and a “Drop Down” provision.

2. Automobile Liability (including umbrella/excess liability): \$4,000,000 limit per accident for bodily injury and property damage. This requirement may be satisfied by a combination of Auto with Excess or Umbrella, but in no event may the Automobile Liability primary policy limit per occurrence be less than \$2,000,000, unless Excess policies feature inception and expiration dates concurrent with the underlying auto liability policy, “Follow Form” coverage, and a “Drop Down” provision.
 3. Workers’ Compensation and Employer’s Liability: Statutory Workers’ Compensation limits and Employer’s Liability limits of \$1,000,000 per accident.
 4. Professional Liability: \$2,000,000 each occurrence/aggregate minimum limit per claim. This requirement may be satisfied by a combination of Professional Liability insurance with Excess or Umbrella policies, but in no event may the Professional Liability primary policy limit per occurrence be less than \$2,000,000, unless Umbrella/Excess policies feature inception and expiration dates concurrent with the underlying policy, “Follow Form” coverage, and a “Drop Down” provision.
 5. Contractor’s Pollution/Environmental Impairment Liability: \$3,000,000 per occurrence. This requirement may be satisfied by a combination of Pollution Liability insurance with Excess or Umbrella policies. Umbrella/Excess policies must feature inception and expiration dates concurrent with the underlying policy, “Follow Form” coverage, and a “Drop Down” provision.
- b. Notwithstanding any language in this Agreement to the contrary, if CITY carries insurance limits exceeding the minima stated in Section 2(a)(1)-(5) immediately above, such greater limits will apply to this Agreement.

3. Self-Insured Retention

The certificate of insurance must disclose the actual amount of any deductible or self-insured retention for all coverages required herein. Any self-insured retention or deductible in excess of \$250,000 must be declared to and approved by VTA. If CITY is a governmental authority such as a state, municipality or special district, self-insurance is permitted. To apply for approval for a level of retention or deductible in excess of \$250,000, CITY must provide a current financial report including balance sheets and income statements for the past three years, so that VTA can assess CITY’s ability to pay claims falling within the self-insured retention or deductible. Upon review of the financial report, if deemed necessary by VTA in its sole discretion, VTA may elect one of the following options: to accept the existing self-insured retention or deductible; require the insurer to reduce or eliminate the self-insured retention or deductible as respects VTA, its directors, officers, officials, employees and volunteers; or to require CITY to procure a bond guaranteeing payment of losses and related

investigations, claim administration and defense expenses. Applicable costs resulting therefrom will be borne solely by CITY. CITY may request execution of a nondisclosure agreement prior to submission of financial reports.

B. Reserved.

C. Claims Made Provisions

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

1. The policy retroactive date must be no later than the date of this Agreement.
2. If any policy is not renewed or the retroactive date of such policy is to be changed, CITY must obtain or cause to be obtained the broadest extended reporting period coverage available in the commercial insurance market. This extended reporting provision must cover at least two (2) years.
3. No prior acts exclusion may be added to the policy during the Agreement period.
4. The policy allows for reporting of circumstances or incidents that might give rise to future claims.

D. Other Provisions

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

1. General Liability and Automobile Liability

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

2. All Coverages

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

maintained by VTA, its directors, officers, officials, employees, or volunteers may apply only as excess to CITY's insurance. CITY's insurance must not seek contribution from VTA's insurance program.

3. Other Insurance Provisions

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

E. Acceptability of Insurers

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

F. Certificates of Insurance

City must furnish VTA with a Certificate of Insurance. The certificates for each insurance policy must be signed by an authorized representative of that insurer. The certificates must be issued on a standard ACORD Form. City must instruct their insurance broker/agent to submit all insurance certificates and required notices electronically in PDF format to real.estate@vta.org. All endorsements must be attached to the ACORD certificate in a single PDF document.

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

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

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

It is a condition precedent to granting of this Agreement that all insurance certificates and endorsements be received and approved by VTA before Agreement execution. No occupancy may be taken until insurance is in full compliance. VTA reserves the rights to require complete, certified copies of all required insurance policies, at any time.

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

G. Maintenance of Insurance

If City fails to maintain insurance as required herein, VTA, at its option, may suspend the Agreement until a new policy of insurance is in effect.



TOWN OF LOS GATOS
FINANCE COMMISSION REPORT

MEETING DATE: 11/15/2022

ITEM NO: 8

DATE: November 2, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive the First Quarter Investment Report (July through September 2022)
for Fiscal Year 2022/23

RECOMMENDATION:

Receive the First Quarter Investment Report (July through September 2022) for Fiscal Year (FY) 2022/23.

DISCUSSION:

The Finance Commission will receive the report on November 14, 2022.

As of September 30, 2022, the Town's weighted portfolio yield was 1.8% which was approximately 29 basis points higher than the Local Agency Investment Fund (LAIF) yield of 1.51%. This yield differential to LAIF was primarily due to the LAIF portfolio's shorter weighted average maturity (WAM) of 304 days versus the Town's longer WAM of 453 days. The Town's weighted average rate of return of 1.80% at the close of the First quarter was 53 basis points higher when compared to the First quarter return of 1.27% in 2021.

In the first quarter, LAIF yields had climbed from 86 basis points (0.86%) to 151 basis points through the end of September 2022. Staff in coordination with the Town's investment advisor continued primarily replacing maturing investments in shorter to medium term maturities in the two- to three-year maturity range. These investments capture current yields that exceed the rates expected to be earned in the State Local Agency Investment Fund (LAIF) pool during that same time period. The State LAIF pool typically lags the market when current market yields are either increasing or decreasing.

Interest rates rose across the yield curve this quarter, especially in the short-term maturity range of six months to two years. The rise in short term rates was the result of the third

PREPARED BY: Gitta Ungvari
Finance Director

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

PAGE 2 OF 2

SUBJECT: Receive the First Quarter Investment Report (July through September 2022) for
Fiscal Year 2022/23

DATE: November 8, 2022

DISCUSSION (continued):

Federal Reserve rate increase this year. In September 2022 the Fed increased interest rates 0.75% or 75 basis points. The Fed has further increased the interest rate by 75 basis point in November 2022 and signaled that further rate hikes may be implemented this year to fight inflationary pressures in the economy.

CONCLUSION:

Staff recommends that the Finance Commission receive the First Quarter Investment Report (July through September 2022) for Fiscal Year 2022/23.

Attachment:

1. First Quarter Investment Report for FY 2022/23 (July through September 2022)

**Town of Los Gatos
Summary Investment Information
September 30, 2022**

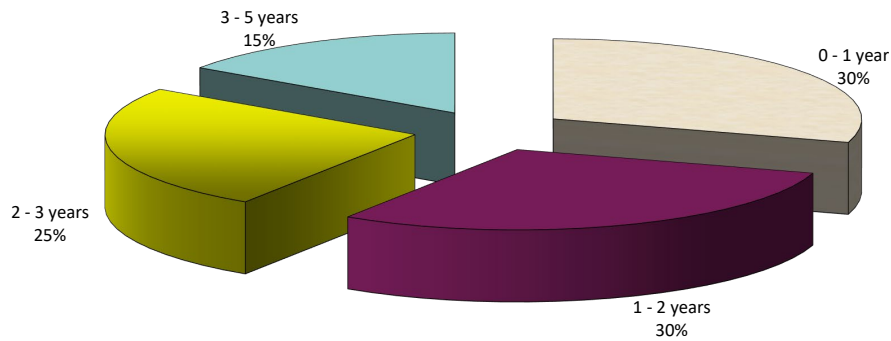
Weighted Average YTM Portfolio Yield: **1.80%** **Weighted Average Maturity (days)** **453**

	<u>This Month</u>	<u>Last Month</u>	<u>One year ago</u>
Portfolio Balance	\$62,736,952	\$65,471,423	\$59,898,959

Benchmarks/ References:

Town's Average Yield	1.80%	1.49%	1.27%
LAIF Yield for month	1.51%	1.28%	0.21%
3 mo. Treasury	3.29%	2.95%	0.04%
6 mo. Treasury	3.97%	3.36%	0.05%
2 yr. Treasury	4.28%	3.50%	0.28%
5 yr. Treasury (most recent)	4.09%	3.35%	0.97%
10 Yr. Treasury	3.84%	3.20%	1.49%

Portfolio Maturity Profile

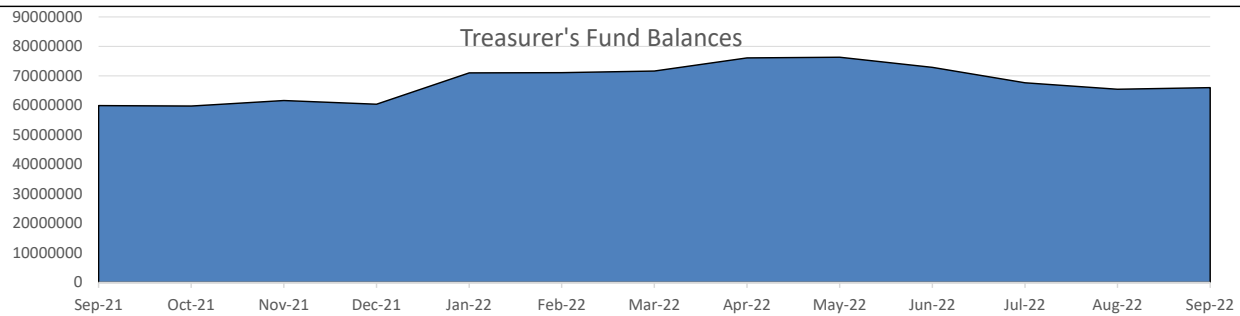
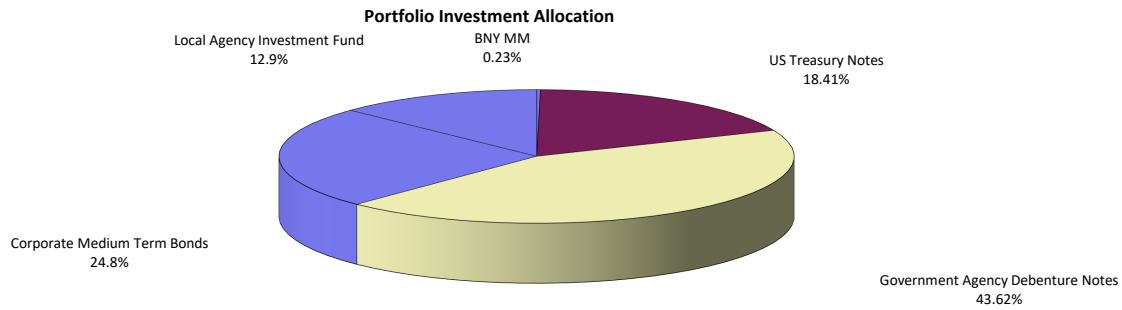


Compliance: The Town's investments are in compliance with the Town's investment policy dated September 21, 2021 and also in compliance with the requirements of Section 53601 of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

Town of Los Gatos
Portfolio Allocation & Treasurer's Fund Balances
September 30, 2022

	Month	YTD
Fund Balances - Beginning of Month/Period	\$65,471,423.28	\$72,886,942.83
Receipts	2,764,523.98	11,390,792.64
Disbursements	(5,498,995.75)	(21,540,783.96)
Fund Balances - End of Month/Period	<u>\$62,736,951.51</u>	<u>\$62,736,951.51</u>

<u>Portfolio Allocation:</u>	%	% of Portfolio	Max. % Or \$ Allowed Per State Law or Policy
BNY MM	\$124,284.61	0.23%	20% of Town Portfolio
US Treasury Notes	\$9,883,589.53	18.41%	No Max. on US Treasuries
Government Agency Debenture Notes	\$23,416,349.00	43.62%	No Max. on Non-Mortgage Backed
Corporate Medium Term Bonds	\$13,336,173.01	24.84%	30% of Town Portfolio
Local Agency Investment Fund	\$6,918,398.79	12.89%	\$75 M per State Law
Subtotal - Investments	<u>53,678,794.94</u>	100.00%	
Reconciled Demand Deposit Balances	<u>9,058,156.57</u>		
Total Treasurer's Fund	<u>\$62,736,951.51</u>		



Town of Los Gatos
Non-Treasury Restricted Fund Balances
September 30, 2022

	Beginning Balance	SEP 22 Deposits Realized Gain/Adj.	SEP 22 Interest/ Earnings	SEP 22 Withdrawals	Ending Balance	
Non-Treasury Funds:						
Cert. of Participation 2002 Series A Reserve Fund	687,317.89		\$ 906.90		\$ 688,224.79	Note 1
Cert. Of Participation 2010 Ser A Lease Pymt Fund	132.01		0.25		\$ 132.26	Note 1
Cert. of Participation 2002 Lease Payment Fund	65.79				\$ 65.79	Note 1
Cert. of Participation 2010 Series Reserve Fund	1,280,188.55		1,905.43		1,282,093.98	Note 2
Total Restricted Funds:	<u>\$ 1,967,704.24</u>	<u>\$ -</u>	<u>\$ 2,812.58</u>	<u>\$ -</u>	<u>\$ 1,970,516.82</u>	
CEPPT IRS Section 115 Trust	677,890.30		(39,535.22)	0.00	\$ 638,355.08	
Grand Total COP's and CEPPT Trust	<u>\$ 2,645,594.54</u>	<u>\$ -</u>	<u>\$ (36,722.64)</u>	<u>\$ -</u>	<u>\$ 2,608,871.90</u>	

These accounts are not part of the Treasurer's fund balances reported elsewhere in this report, as they are for separate and distinct entities.

Note 1: The three original funds for the Certificates of Participation 2002 Series A consist of construction funds which will be expended over the next few years, reserve funds which will guarantee the payment of lease payments, and a third fund for the disbursement of lease payments and initial delivery costs.

Note 2: The 2010 COP Funds are all for the Library construction, reserves to guarantee lease payments, and a lease payment fund for the life of the COP issue. The COI fund was closed in September 2010.

Note 3: The CEPPT Section IRS Section 115 Trust was established as an irrevocable trust dedicated to accumulate resources to fund the Town's unfunded liabilities related to pension and other post employment benefits.

**Town of Los Gatos
Statement of Interest Earned
September 30, 2022**

Interest by Month

July 2022	\$60,107.76
August 2022	61,456.65
September 2022	60,153.38
October 2022	
November 2022	
December 2022	
January 2023	
February 2023	
March 2023	
April 2023	
May 2023	
June 2023	
	<hr/>
	<u><u>\$181,717.79</u></u>

Town of Los Gatos Investment Schedule September 2022

Institution	CUSIP #	Security	Deposit Date	Par Value	Original Cost	Market Value	Purchased Interest	Maturity Date or Call Date	Yield to Maturity or Call	Interest Received to Date	Interest Earned Prior Yrs.	Interest Earned Current FY	Days to Maturity
Treasury	91282CAP6	US Treasury Note	6/30/2021	1,000,000.00	995,390.63	957,890.62		10/15/2023	0.33%	\$ 990.44	\$ 3,260.06	\$ 821.71	380
Toyota Motor Credit	89236THA6_1	Corporate Bond	04/12/21	500,000.00	510,580.00	485,470.00		8/25/2023	0.45%	\$ 9,243.75	\$ 2,780.30	\$ 576.10	329
Toyota Motor Credit	89236THA6	Corporate Bond	1/11/2022	1,100,000.00	1,107,315.00	1,068,034.00		8/25/2023	0.94%	\$ 9,240.00	\$ 4,812.29	\$ 2,604.30	329
US Treasury	91282CDD0	US Treasury Note	1/13/2022	1,100,000.00	1,090,675.78	1,054,367.18		10/31/2023	0.85%	\$ 1,219.27	\$ 4,286.54	\$ 2,347.39	396
US Treasury	91282CCN9	US Treasury Note	1/13/2022	1,200,000.00	1,188,375.00	1,159,875.00		7/31/2023	0.75%	\$ 823.37	\$ 4,153.18	\$ 2,274.36	304
FFCB	3133EKMx1	Gov. Agency Debenture	8/2/2019	1,000,000.00	1,014,400.00	971,811.35		2/23/2024	1.90%	\$ 73,775.83	\$ 55,756.94	\$ 4,825.62	511
FFCB	3133EMIB1	Gov. Agency Debenture	10/8/2020	1,600,000.00	1,598,000.00	1,502,713.78		3/28/2024	0.34%	\$ 9,453.34	\$ 9,279.41	\$ 1,355.09	545
FFCB	3133EMCQ3	Gov. Agency Debenture	10/16/2020	2,000,000.00	1,998,000.00	1,912,674.66		10/13/2024	0.31%	\$ 8,353.33	\$ 10,396.24	\$ 1,537.71	744
BankAmerica Corp	06051GHC6	Corporate Bond	10/9/2020	1,300,000.00	1,366,287.00	1,293,097.70		12/20/2023	0.66%	\$ 66,279.92	\$ 31,569.88	\$ 4,617.53	446
Home Depot	437076BM3	Corporate Bond	8/4/2022	1,000,000.00	991,960.00	944,643.14	10,250.00	1/1/2026	3.04%	\$ (10,250.00)	\$ -	\$ 5,052.73	1189
Home Depot	912828ZW3	US Treasury Note	8/9/2022	350,000.00	322,096.88	314,138.67	95.11	6/30/2025	3.16%	\$ (95.11)	\$ -	\$ 1,498.67	1004
IBM	459200Y8	Corporate Bond	3/25/2021	1,000,000.00	1,071,040.00	972,680.13		5/15/2024	0.71%	\$ 34,166.67	\$ 9,358.41	\$ 1,863.58	593
US Treasury	912828R28	US Treasury Note	7/2/2019	500,000.00	497,246.09	493,046.88		4/30/2023	1.77%	\$ 22,984.04	\$ 26,507.80	\$ 2,229.18	212
Freddie Mac	3137EAEN5	Gov. Agency Debenture	7/19/2019	2,000,000.00	2,072,358.00	1,978,254.26		6/19/2023	1.79%	\$ 160,416.67	\$ 107,829.55	\$ 9,211.07	262
FFCB	3133EKFV0	Gov. Agency Debenture	7/22/2019	1,000,000.00	999,630.00	995,158.88		1/17/2023	1.89%	\$ 55,989.58	\$ 55,482.90	\$ 4,752.73	109
Treasury	91282CBT7	US Treasury Note	9/30/2022	800,000.00	712,565.18	710,343.75		3/31/2026	4.14%	\$ -	\$ -	\$ -	1278
FFCB	3133ENP95	Gov. Agency Debenture	9/30/2022	900,000.00	900,939.60	896,970.80		9/30/2025	4.14%	\$ -	\$ -	\$ -	1096
US Treasury	91282CDA6	Gov. Agency Debenture	1/31/2022	1,100,000.00	1,085,222.44	1,056,515.63		9/30/2023	1.07%	\$ 1,820.74	\$ 4,781.92	\$ 2,932.91	365
US Treasury	91282CAW1	Gov. Agency Debenture	7/15/2021	1,200,000.00	1,199,437.50	1,147,031.26		11/15/2023	0.27%	\$ 2,502.72	\$ 3,107.52	\$ 816.83	411
American Honda	02665WCZ2	Corporate Bond	11/27/2019	1,000,000.00	1,012,410.01	960,463.79		6/27/2024	2.12%	\$ 72,733.34	\$ 55,189.68	\$ 5,367.28	636
JP Morgan Chase	46625HRS1	Gov. Agency Debenture	9/23/2022	500,000.00	474,660.00	464,179.21	4,355.56	3/15/2026	4.70%	\$ (4,355.56)	\$ -	\$ 446.63	1262
Honeywell Int'l.	438516BW5	Corporate Bond	11/20/2019	1,000,000.00	1,014,660.00	959,787.36		7/15/2024	1.64%	\$ 62,483.33	\$ 51,828.99	\$ 5,003.43	654
Caterpillar Financial Serv	14913Q2V0	Corporate Bond	2/23/2021	1,000,000.00	1,077,370.00	973,305.92		5/17/2024	0.44%	\$ 35,150.00	\$ 6,129.72	\$ 1,146.21	595
FNMA	3135G0V75	Gov. Agency Debenture	10/17/2019	1,100,000.00	1,105,833.30	1,053,162.83		7/2/2024	1.63%	\$ 52,456.25	\$ 48,706.74	\$ 4,540.04	641
US Bancorp	91159HHV5	Corporate Bond	12/24/2019	1,000,000.00	1,049,040.00	982,792.66		1/5/2024	2.12%	\$ 88,218.75	\$ 54,380.13	\$ 5,443.93	462
FHLB	3133834G3	Gov. Agency Debenture	3/11/2021	1,400,000.00	1,460,522.00	1,379,349.69		6/9/2023	0.19%	\$ 37,022.22	\$ 3,664.98	\$ 708.36	252
FFCB	3133EKQA7	Gov. Agency Debenture	10/21/2019	1,000,000.00	1,019,780.00	957,920.18		9/10/2024	1.66%	\$ 60,031.11	\$ 45,130.78	\$ 4,223.84	711
PNC Financial	69349LAM0	Corporate Bond	2/7/2022	1,000,000.00	1,033,470.00	994,488.14		6/25/2023	1.49%	\$ 17,733.33	\$ 5,372.34	\$ 3,456.33	268
FHLB	3135G05X7	Gov. Agency Debenture	6/10/2022	1,200,000.00	1,102,952.40	1,072,980.47		8/25/2025	3.04%	\$ 937.50	\$ 1,902.68	\$ 8,752.32	1060
Treasury	912828ZL7	Gov. Agency Debenture	4/12/2022	1,700,000.00	1,583,927.57	1,539,894.53		4/30/2025	2.72%	\$ 316.99	\$ 9,611.14	\$ 11,192.72	943
JP Morgan Chase	46625HJT8	Corporate Bond	9/23/2019	1,400,000.00	1,485,414.00	1,383,451.22		2/1/2024	2.39%	\$ 154,913.89	\$ 96,022.89	\$ 8,737.99	489
American Honda	02665WDH1	Corporate Bond	2/14/2020	600,000.00	603,756.00	591,917.98		5/10/2023	1.75%	\$ 28,145.00	\$ 25,034.14	\$ 2,656.45	222
Treasury	912828V23	US Treasury Note	11/29/2021	1,000,000.00	1,032,933.04	975,390.62		12/31/2023	0.66%	\$ 13,206.52	\$ 3,924.44	\$ 1,695.07	457
Treasury	91282CBE0_2	Gov. Agency Debenture	10/7/2021	1,000,000.00	994,768.98	947,851.56		1/15/2024	0.36%	\$ 964.67	\$ 2,587.41	\$ 894.89	472
FHLB	3130ALH98	Gov. Agency Debenture	2/26/2021	1,000,000.00	997,610.00	941,164.91		2/26/2024	0.33%	\$ 3,750.00	\$ 4,416.63	\$ 830.94	514
Treasury	912828M80	US Treasury Note	7/22/2019	1,000,000.00	1,006,175.23	998,087.75		11/30/2022	1.81%	\$ 57,158.47	\$ 53,444.10	\$ 4,578.08	61
Treasury	912828U57	US Treasury Note	7/31/2019	1,000,000.00	1,011,875.00	975,781.25		11/30/2023	1.84%	\$ 60,208.33	\$ 54,014.24	\$ 4,666.02	426
Treasury	912828X70	US Treasury Note	12/30/2019	1,000,000.00	1,010,589.29	964,570.31		4/30/2024	1.75%	\$ 51,703.30	\$ 48,922.73	\$ 4,929.78	578
Treasury	912828XT2	US Treasury Note	10/31/2019	1,000,000.00	1,015,667.41	963,085.94		5/31/2024	1.64%	\$ 51,639.34	\$ 44,208.50	\$ 4,180.04	609
American Honda	02665WCQ2	Corporate Bond	9/14/2021	950,000.00	1,012,871.00	941,710.15		10/10/2023	0.41%	\$ 19,705.90	\$ 3,232.93	\$ 1,029.17	375
FFCB	3133EJ3Q0	Gov. Agency Debenture	8/28/2019	1,500,000.00	1,587,503.75	1,475,983.77		12/21/2023	2.12%	\$ 121,348.96	\$ 64,945.24	\$ 5,761.78	447
Freddie Mac	3133EKKT2	Gov. Agency Debenture	6/24/2019	1,550,000.00	1,573,188.00	1,543,058.90		2/8/2023	1.82%	\$ 117,606.25	\$ 86,008.42	\$ 7,180.38	131
Treasury	91282CBE0	Gov. Agency Debenture	9/15/2021	650,000.00	647,615.46	616,103.51		1/15/2024	0.28%	\$ 675.62	\$ 1,447.14	\$ 462.28	472
Subtotal				\$ 46,200,000.00	\$ 46,636,111.54	\$ 44,571,200.34	\$ 14,700.67			\$ 1,550,668.07	\$ 1,103,488.93	\$ 147,201.46	
BNY MM		Money Market			124,284.61	124,284.61			0.00%				1
LAIF		State Investment Pool			6,918,398.79	6,918,398.79			1.51%			23,540.77	1
					\$53,678,794.94	\$51,613,883.74				\$ 1,550,668.07	\$ 1,103,488.93	\$ 170,742.23	
Matured Assets													
IBM	459200HG9	Corporate Bond	8/8/2019	1,000,000.00	995,010.00			8/1/2022	2.05%	\$ 55,885.42	\$ 59,141.32	\$ 1,790.47	
JP Morgan Chase	46625HUE1	Gov. Agency Debenture	2/11/2020	900,000.00	934,587.00			9/23/2022	1.74%	\$ 76,537.50	\$ 38,210.60	\$ 3,733.22	
Treasury	912828L57	US Treasury Note	7/22/2019	1,200,000.00	1,197,988.40			9/30/2022	2.09%	\$ 67,016.39	\$ 63,644.66	\$ 5,451.87	
Total Investments "Matured"											\$	10,975.56	
Total Interest FY 22_23 Matured and Current											\$	181,717.79	
Maturity Profile					Amount								
	0-1 year				\$20,180,521.16								
	1-2 years				\$25,411,172.15								
	2-3 years				\$5,006,976.85								
	3-5 years				\$ 3,080,124.78								
					\$53,678,794.94								
Market to Cost Position Report					Amortized								
Institution					Cost								
BNY Assets					\$46,636,111.54								
BNY MM					124,284.61								
LAIF					6,918,398.79								
Totals:					\$53,678,794.94								

Town of Los Gatos
Summary Investment Information
August 31, 2022

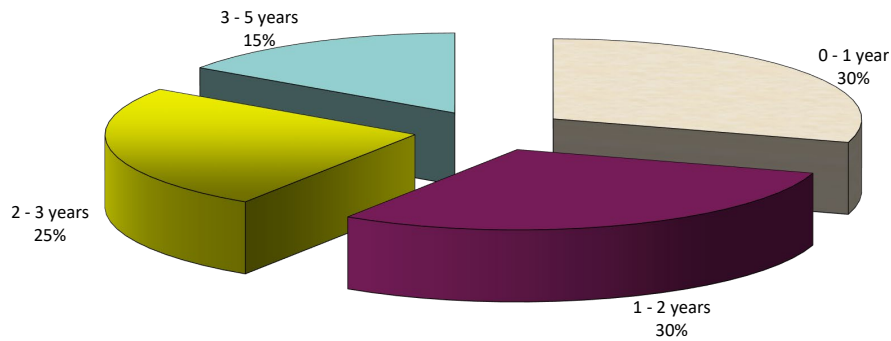
Weighted Average YTM Portfolio Yield: **1.49%** **Weighted Average Maturity (days)** **429**

	<u>This Month</u>	<u>Last Month</u>	<u>One year ago</u>
Portfolio Balance	\$65,471,423	\$67,683,852	\$61,207,129

Benchmarks/ References:

Town's Average Yield	1.49%	1.37%	1.32%
LAIF Yield for month	1.28%	1.09%	0.22%
3 mo. Treasury	2.95%	2.41%	0.05%
6 mo. Treasury	3.36%	2.88%	0.06%
2 yr. Treasury	3.50%	2.89%	0.21%
5 yr. Treasury (most recent)	3.35%	2.68%	0.78%
10 Yr. Treasury	3.20%	2.65%	1.31%

Portfolio Maturity Profile

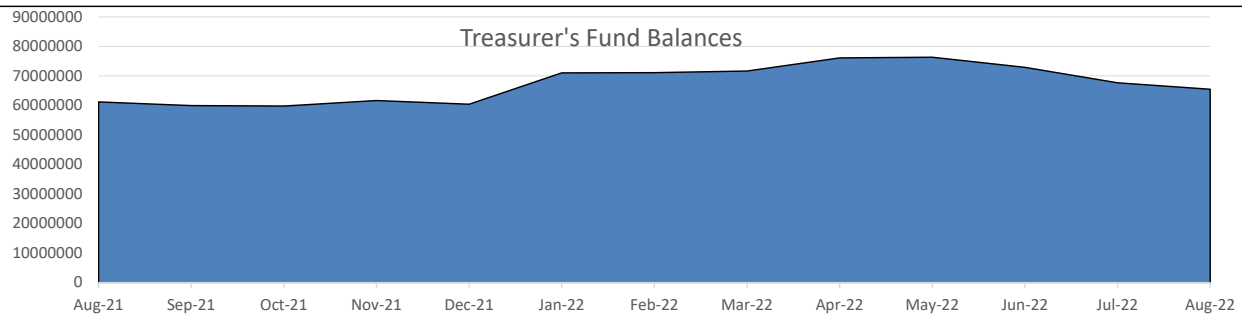
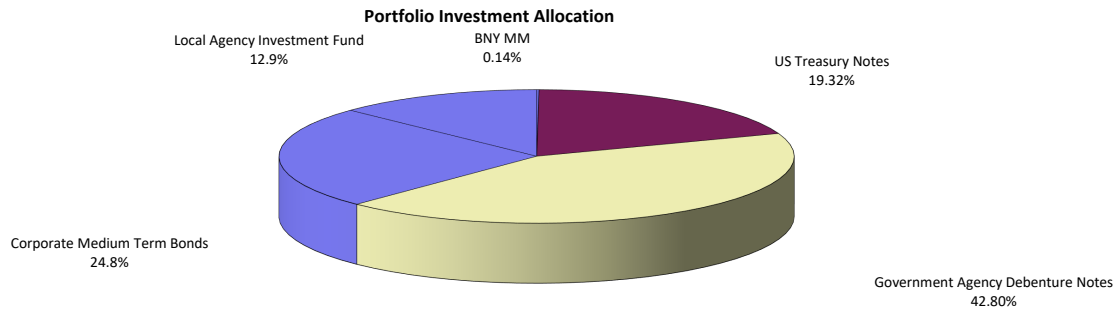


Compliance: The Town's investments are in compliance with the Town's investment policy dated September 21, 2021 and also in compliance with the requirements of Section 53601 of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

Town of Los Gatos
Portfolio Allocation & Treasurer's Fund Balances
August 31, 2022

	Month	YTD
Fund Balances - Beginning of Month/Period	\$67,683,851.97	\$72,886,942.83
Receipts	2,581,038.80	8,626,268.66
Disbursements	(4,793,467.49)	(16,041,788.21)
Fund Balances - End of Month/Period	<u>\$65,471,423.28</u>	<u>\$65,471,423.28</u>

Portfolio Allocation:	% of Portfolio	Max. % Or \$ Allowed Per State Law or Policy
BNY MM	\$77,171.39 0.14%	20% of Town Portfolio
US Treasury Notes	\$10,369,012.75 19.32%	No Max. on US Treasuries
Government Agency Debenture Notes	\$22,975,336.40 42.80%	No Max. on Non-Mortgage Backed
Corporate Medium Term Bonds	\$13,336,173.01 24.85%	30% of Town Portfolio
Local Agency Investment Fund	\$6,918,398.79 12.89%	\$75 M per State Law
Subtotal - Investments	53,676,092.34 100.00%	
Reconciled Demand Deposit Balances	<u>11,795,330.94</u>	
Total Treasurer's Fund	<u>\$65,471,423.28</u>	



Town of Los Gatos
Non-Treasury Restricted Fund Balances

	Beginning Balance	August 31, 2022 AUG 22 Deposits Realized Gain/Adj.	AUG 22 Interest/ Earnings	AUG 22 Withdrawals	Ending Balance	
Non-Treasury Funds:						
Cert. of Participation 2002 Series A Reserve Fund	686,739.26		578.63		\$ 687,317.89	Note 1
Cert. Of Participation 2010 Ser A Lease Pymt Fund	1,087,362.50		132.01	1,087,362.50	\$ 132.01	Note 1
Cert. of Participation 2002 Lease Payment Fund	551,462.50		65.79	551,462.50	\$ 65.79	Note 1
Cert. of Participation 2010 Series Reserve Fund	1,278,873.31		1,315.24		1,280,188.55	Note 2
Total Restricted Funds:	<u>\$ 3,604,437.57</u>	<u>\$ -</u>	<u>\$ 2,091.67</u>	<u>\$ 1,638,825.00</u>	<u>\$ 1,967,704.24</u>	
CEPPT IRS Section 115 Trust	700,570.36		(22,680.06)	0.00	677,890.30	
Grand Total COP's and CEPPT Trust	<u>\$ 4,305,007.93</u>	<u>\$ -</u>	<u>\$ (20,588.39)</u>	<u>\$ 1,638,825.00</u>	<u>\$ 2,645,594.54</u>	

These accounts are not part of the Treasurer's fund balances reported elsewhere in this report, as they are for separate and distinct entities.

Note 1: The three original funds for the Certificates of Participation 2002 Series A consist of construction funds which will be expended over the next few years, reserve funds which will guarantee the payment of lease payments, and a third fund for the disbursement of lease payments and initial delivery costs.

Note 2: The 2010 COP Funds are all for the Library construction, reserves to guarantee lease payments, and a lease payment fund for the life of the COP issue. The COI fund was closed in September 2010.

Note 3: The CEPPT Section IRS Section 115 Trust was established as an irrevocable trust dedicated to accumulate resources to fund the Town's unfunded liabilities related to pension and other post employment benefits.

**Town of Los Gatos
Statement of Interest Earned
August 31, 2022**

Interest by Month

July 2022	\$60,107.76
August 2022	61,456.65
September 2022	
October 2022	
November 2022	
December 2022	
January 2023	
February 2023	
March 2023	
April 2023	
May 2023	
June 2023	
	<hr/>
	<u>\$121,564.41</u>

Town of Los Gatos Investment Schedule August 2022

Institution	CUSIP #	Security	Deposit Date	Par Value	Original Cost	Market Value	Purchased Interest	Maturity Date or Call Date	Yield to Maturity or Call	Interest Received to Date	Interest Earned Prior Yrs.	Interest Earned Current FY	Days to Maturity
Treasury	91282CAP6	US Treasury Note	6/30/2021	1,000,000.00	995,390.63	963,320.31		10/15/2023	0.33%	\$ 990.44	\$ 3,260.06	\$ 553.76	410
Toyota Motor Credit	89236THA6_1	Corporate Bond	04/12/21	500,000.00	510,580.00	488,090.12		8/25/2023	0.45%	\$ 9,243.75	\$ 2,780.30	\$ 388.24	359
Toyota Motor Credit	89236THA6	Corporate Bond	1/11/2022	1,100,000.00	1,107,315.00	1,073,798.26		8/25/2023	0.94%	\$ 9,240.00	\$ 4,812.29	\$ 1,755.07	359
US Treasury	91282CDD0	US Treasury Note	1/13/2022	1,100,000.00	1,090,675.78	1,061,585.93		10/31/2023	0.85%	\$ 1,219.27	\$ 4,286.54	\$ 1,581.94	426
US Treasury	91282CCN9	US Treasury Note	1/13/2022	1,200,000.00	1,188,375.00	1,164,000.00		7/31/2023	0.75%	\$ 823.37	\$ 4,153.18	\$ 1,532.72	334
FFCB	3133EKMx1	Gov. Agency Debenture	8/2/2019	1,000,000.00	1,014,400.00	981,098.07		2/23/2024	1.90%	\$ 73,775.83	\$ 55,756.94	\$ 3,252.05	541
FFCB	3133EMIBE1	Gov. Agency Debenture	10/8/2020	1,600,000.00	1,598,000.00	1,515,962.93		3/28/2024	0.34%	\$ 7,053.34	\$ 9,279.41	\$ 913.21	575
FFCB	3133EMCQ3	Gov. Agency Debenture	10/16/2020	2,000,000.00	1,998,000.00	1,923,113.90		10/13/2024	0.31%	\$ 8,353.33	\$ 10,396.24	\$ 1,036.28	774
BankAmerica Corp	06051GHC6	Corporate Bond	10/9/2020	1,300,000.00	1,366,287.00	1,295,197.48		12/20/2023	0.66%	\$ 66,279.92	\$ 31,569.88	\$ 3,111.82	476
Home Depot	437076BM3	Corporate Bond	8/4/2022	1,000,000.00	991,960.00	970,739.39	10,250.00	1/1/2026	3.04%	\$ (10,250.00)	\$ -	\$ 2,393.40	1219
Home Depot	912828ZW3	US Treasury Note	8/9/2022	350,000.00	322,096.88	319,798.83	95.11	6/30/2025	3.16%	\$ (95.11)	\$ -	\$ 634.05	1034
IBM	459200Y8	Corporate Bond	3/25/2021	1,000,000.00	1,071,040.00	987,684.83		5/15/2024	0.71%	\$ 34,166.67	\$ 9,358.41	\$ 1,255.89	623
US Treasury	912828R28	US Treasury Note	7/2/2019	500,000.00	497,246.09	494,296.88		4/30/2023	1.77%	\$ 22,984.04	\$ 26,507.80	\$ 1,502.27	242
Freddie Mac	3137EAE5	Gov. Agency Debenture	7/19/2019	2,000,000.00	2,072,358.00	1,986,759.14		6/19/2023	1.79%	\$ 160,416.67	\$ 107,829.55	\$ 6,207.46	292
FFCB	3133EKFV0	Gov. Agency Debenture	7/22/2019	1,000,000.00	999,630.00	994,819.42		1/17/2023	1.89%	\$ 55,989.58	\$ 55,482.90	\$ 3,202.92	139
Treasury	912828L57	US Treasury Note	7/22/2019	1,200,000.00	1,197,988.40	1,199,487.73		9/30/2022	2.09%	\$ 56,516.39	\$ 63,644.66	\$ 3,674.09	30
US Treasury	91282CDA6	Gov. Agency Debenture	1/31/2022	1,100,000.00	1,085,222.44	1,062,617.18		9/30/2023	1.07%	\$ 445.74	\$ 4,781.92	\$ 1,976.53	395
US Treasury	91282CAW1	Gov. Agency Debenture	7/15/2021	1,200,000.00	1,199,437.50	1,155,093.74		11/15/2023	0.27%	\$ 2,502.72	\$ 3,107.52	\$ 550.47	441
American Honda	02665WC22	Corporate Bond	11/27/2019	1,000,000.00	1,012,410.01	975,141.05		6/27/2024	2.12%	\$ 72,733.34	\$ 55,189.68	\$ 3,617.08	666
JP Morgan Chase	46625HUE1	Gov. Agency Debenture	2/11/2020	900,000.00	934,587.00	900,099.56		9/23/2022	1.74%	\$ 61,912.50	\$ 38,210.60	\$ 2,723.05	23
Honeywell Int'l.	438516BW5	Corporate Bond	11/20/2019	1,000,000.00	1,014,660.00	974,353.77		7/15/2024	1.64%	\$ 62,483.33	\$ 51,828.99	\$ 3,371.88	684
Caterpillar Financial Serv	14913Q2V0	Corporate Bond	2/23/2021	1,000,000.00	1,077,370.00	984,524.44		5/17/2024	0.44%	\$ 35,150.00	\$ 6,129.72	\$ 772.44	625
FNMA	3135G0V75	Gov. Agency Debenture	10/17/2019	1,100,000.00	1,105,833.30	1,067,213.17		7/2/2024	1.63%	\$ 52,456.25	\$ 48,706.74	\$ 3,059.59	671
US Bancorp	91159HHV5	Corporate Bond	12/24/2019	1,000,000.00	1,049,040.00	995,128.01		1/5/2024	2.12%	\$ 88,218.75	\$ 54,380.13	\$ 3,668.74	492
FHLB	3133834G3	Gov. Agency Debenture	3/11/2021	1,400,000.00	1,460,522.00	1,386,298.19		6/9/2023	0.19%	\$ 37,022.22	\$ 3,664.98	\$ 477.37	282
FFCB	3133EKQA7	Gov. Agency Debenture	10/21/2019	1,000,000.00	1,019,780.00	971,772.51		9/10/2024	1.66%	\$ 49,631.11	\$ 45,130.78	\$ 2,846.50	741
PNC Financial	69349LAM0	Corporate Bond	2/7/2022	1,000,000.00	1,033,470.00	998,771.46		6/25/2023	1.49%	\$ 17,733.33	\$ 5,372.34	\$ 2,329.27	298
FHLB	3135G0SX7	Gov. Agency Debenture	6/10/2022	1,200,000.00	1,102,952.40	1,094,574.72		8/25/2025	3.04%	\$ 937.50	\$ 1,902.68	\$ 5,898.30	1090
Treasury	912828ZL7	Gov. Agency Debenture	4/12/2022	1,700,000.00	1,583,927.57	1,566,058.60		4/30/2025	2.72%	\$ 316.99	\$ 9,611.14	\$ 7,542.92	973
JP Morgan Chase	46625HJT8	Corporate Bond	9/23/2019	1,400,000.00	1,485,414.00	1,405,397.60		2/1/2024	2.39%	\$ 154,913.89	\$ 96,022.89	\$ 5,888.64	519
American Honda	02665WDH1	Corporate Bond	2/14/2020	600,000.00	603,756.00	591,503.28		5/10/2023	1.75%	\$ 28,145.00	\$ 25,034.14	\$ 1,790.22	252
Treasury	912828V23	US Treasury Note	11/29/2021	1,000,000.00	1,032,933.04	983,984.38		12/31/2023	0.66%	\$ 13,206.52	\$ 3,924.44	\$ 1,142.33	487
Treasury	91282CBE0_2	Gov. Agency Debenture	10/7/2021	1,000,000.00	994,768.98	955,234.38		1/15/2024	0.36%	\$ 964.67	\$ 2,587.41	\$ 603.08	502
FHLB	3130ALH98	Gov. Agency Debenture	2/26/2021	1,000,000.00	997,610.00	948,590.09		2/26/2024	0.33%	\$ 3,750.00	\$ 4,416.63	\$ 559.98	544
Treasury	912828M80	US Treasury Note	7/22/2019	1,000,000.00	1,006,175.23	997,942.90		11/30/2022	1.81%	\$ 57,158.47	\$ 53,444.10	\$ 3,085.23	91
Treasury	912828U57	US Treasury Note	7/31/2019	1,000,000.00	1,011,875.00	983,867.19		11/30/2023	1.84%	\$ 60,208.33	\$ 54,014.24	\$ 3,144.49	456
Treasury	912828X70	US Treasury Note	12/30/2019	1,000,000.00	1,010,589.29	976,445.31		4/30/2024	1.75%	\$ 51,703.30	\$ 48,922.73	\$ 3,322.24	608
Treasury	912828XT2	US Treasury Note	10/31/2019	1,000,000.00	1,015,667.41	975,273.44		5/31/2024	1.64%	\$ 51,639.34	\$ 44,208.50	\$ 2,816.99	639
American Honda	02665WC02	Corporate Bond	9/14/2021	950,000.00	1,012,871.00	948,376.01		10/10/2023	0.41%	\$ 19,705.90	\$ 3,232.93	\$ 693.57	405
FFCB	3133EJ3Q0	Gov. Agency Debenture	8/28/2019	1,500,000.00	1,587,503.75	1,488,729.56		12/21/2023	2.12%	\$ 121,348.96	\$ 64,945.24	\$ 3,882.94	477
Freddie Mac	3133EKKT2	Gov. Agency Debenture	6/24/2019	1,550,000.00	1,573,188.00	1,544,306.76		2/8/2023	1.82%	\$ 117,606.25	\$ 86,008.42	\$ 4,838.95	161
Treasury	91282CBE0	Gov. Agency Debenture	9/15/2021	650,000.00	647,615.46	620,902.35		1/15/2024	0.28%	\$ 675.62	\$ 1,447.14	\$ 311.54	502
Subtotal				\$ 46,100,000.00	\$ 46,680,522.16	\$ 44,971,952.87	\$ 10,345.11			\$ 1,659,277.52	\$ 1,205,344.19	\$ 103,909.51	
BNY MM		Money Market			77,171.39	77,171.39			0.00%				1
LAIF		State Investment Pool			6,918,398.79	6,918,398.79			1.28%			15,864.43	1
					\$53,676,092.34	\$51,967,523.05				\$ 1,659,277.52	\$ 1,205,344.19	\$ 119,773.94	
<u>Matured Assets</u>													
IBM	459200HG9	Corporate Bond	8/8/2019	1,000,000.00	995,010.00			8/1/2022	2.05%	\$ 55,885.42	\$ 59,141.32	\$ 1,790.47	
Total Investments "Matured"												\$ 1,790.47	
Total Interest FY 22_23 Matured and Current												\$ 121,564.41	
<u>Maturity Profile</u>					Amount								
					\$21,180,760.90								
					\$24,462,214.59								
					\$6,026,756.85								
					\$ 991,960.00								
					\$52,661,692.34								
<u>Market to Cost Position Report</u>													
					Amortized								
<u>Institution</u>					Cost								
BNY Assets					\$46,680,522.16								
BNY MM					77,171.39								
LAIF					6,918,398.79								
Totals:					\$53,676,092.34								

Town of Los Gatos
Summary Investment Information
July 31, 2022

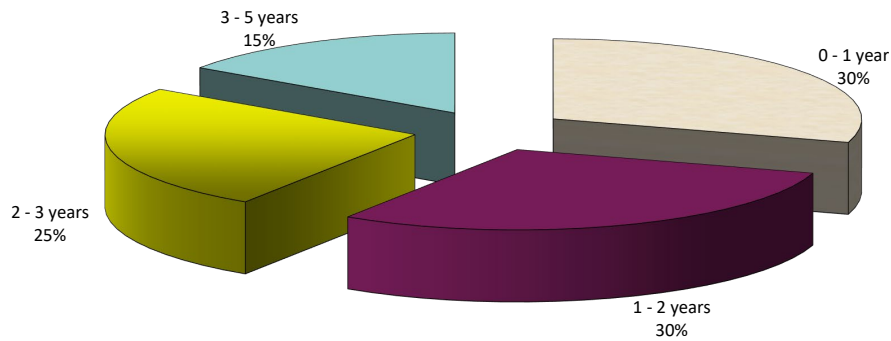
Weighted Average YTM Portfolio Yield: **1.37%** **Weighted Average Maturity (days)** **426**

	<u>This Month</u>	<u>Last Month</u>	<u>One year ago</u>
Portfolio Balance	\$67,683,852	\$72,886,943	\$61,422,761

Benchmarks/ References:

Town's Average Yield	1.37%	1.37%	1.32%
LAIF Yield for month	1.09%	0.86%	0.22%
3 mo. Treasury	2.41%	1.71%	0.05%
6 mo. Treasury	2.88%	2.52%	0.05%
2 yr. Treasury	2.89%	2.96%	0.19%
5 yr. Treasury (most recent)	2.68%	3.04%	0.69%
10 Yr. Treasury	2.65%	3.02%	1.47%

Portfolio Maturity Profile

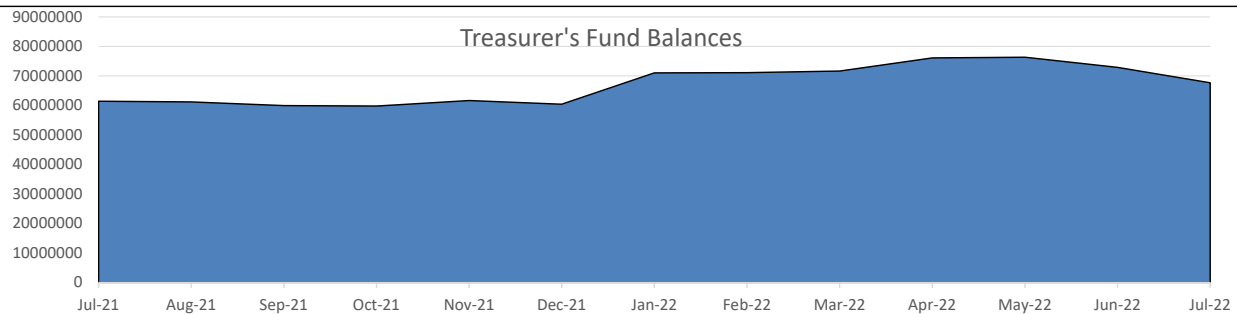
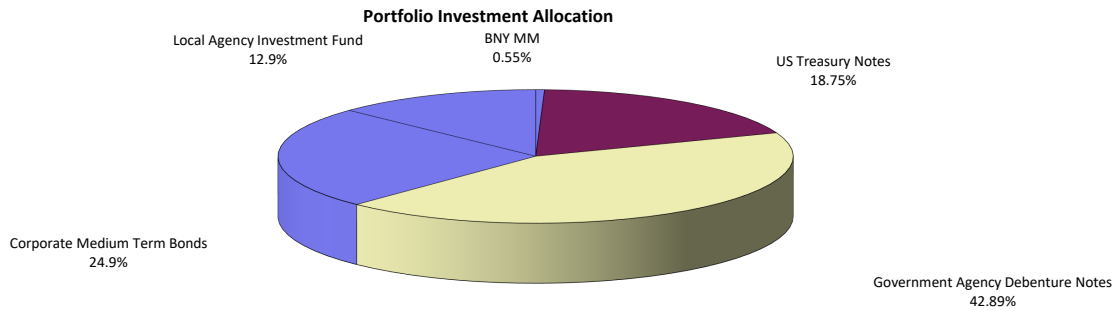


Compliance: The Town's investments are in compliance with the Town's investment policy dated September 21, 2021 and also in compliance with the requirements of Section 53601 of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

Town of Los Gatos
Portfolio Allocation & Treasurer's Fund Balances
July 31, 2022

	<u>Month</u>	<u>YTD</u>
Fund Balances - Beginning of Month/Period	\$72,886,942.83	\$72,886,942.83
Receipts	6,045,229.86	6,045,229.86
Disbursements	<u>(11,248,320.72)</u>	<u>(11,248,320.72)</u>
Fund Balances - End of Month/Period	<u>\$67,683,851.97</u>	<u>\$67,683,851.97</u>

<u>Portfolio Allocation:</u>	<u>% of Portfolio</u>	<u>Max. % Or \$ Allowed Per State Law or Policy</u>
BNY MM	\$292,775.99	0.55%
US Treasury Notes	\$10,046,915.87	18.75%
Government Agency Debenture Notes	\$22,975,336.40	42.89%
Corporate Medium Term Bonds	\$13,339,223.01	24.90%
Local Agency Investment Fund	\$6,918,398.79	12.91%
Subtotal - Investments	53,572,650.06	100.00%
Reconciled Demand Deposit Balances	<u>14,111,201.91</u>	
Total Treasurer's Fund	<u>\$67,683,851.97</u>	



Town of Los Gatos
Non-Treasury Restricted Fund Balances
July 31, 2022

	Beginning Balance	JULY 22 Deposits Realized Gain/Adj.	JULY 22 Interest/ Earnings	JULY 22 Withdrawals	Ending Balance	
Non-Treasury Funds:						
Cert. of Participation 2002 Series A Reserve Fund	686,433.38		\$ 305.88		\$ 686,739.26	Note 1
Cert. Of Participation 2010 Ser A Lease Pymt Fund	0.65	1,087,361.85			\$ 1,087,362.50	Note 1
Cert. of Participation 2002 Lease Payment Fund	0.16	551,462.34			\$ 551,462.50	Note 1
Cert. of Participation 2010 Series Reserve Fund	1,278,000.08		873.23		1,278,873.31	Note 2
Total Restricted Funds:	<u>\$ 1,964,434.27</u>	<u>\$ 1,638,824.19</u>	<u>\$ 1,179.11</u>	<u>\$ -</u>	<u>\$ 3,604,437.57</u>	
CEPPT IRS Section 115 Trust	676,150.03		24,420.33	0.00	700,570.36	
Grand Total COP's and CEPPT Trust	<u>\$ 2,640,584.30</u>	<u>\$ 1,638,824.19</u>	<u>\$ 25,599.44</u>	<u>\$ -</u>	<u>\$ 4,305,007.93</u>	

These accounts are not part of the Treasurer's fund balances reported elsewhere in this report, as they are for separate and distinct entities.

Note 1: The three original funds for the Certificates of Participation 2002 Series A consist of construction funds which will be expended over the next few years, reserve funds which will guarantee the payment of lease payments, and a third fund for the disbursement of lease payments and initial delivery costs.

Note 2: The 2010 COP Funds are all for the Library construction, reserves to guarantee lease payments, and a lease payment fund for the life of the COP issue. The COI fund was closed in September 2010.

Note 3: The CEPPT Section IRS Section 115 Trust was established as an irrevocable trust dedicated to accumulate resources to fund the Town's unfunded liabilities related to pension and other post employment benefits.

**Town of Los Gatos
Statement of Interest Earned
July 31, 2022**

Interest by Month

July 2022	\$60,107.76
August 2022	
September 2022	
October 2022	
November 2022	
December 2022	
January 2023	
February 2023	
March 2023	
April 2023	
May 2023	
June 2023	
	<hr/>
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Town of Los Gatos Investment Schedule July 2022

Institution	CUSIP #	Security	Deposit Date	Par Value	Original Cost	Market Value	Purchased Interest	Maturity Date or Call Date	Yield to Maturity or Call	Interest Received to Date	Interest Earned Prior Yrs.	Interest Earned Current FY	Days to Maturity
Treasury	91282CAP6	US Treasury Note	6/30/2021	1,000,000.00	995,390.63	966,757.81		10/15/2023	0.33%	\$ 990.44	\$ 3,260.06	\$ 276.88	441
Toyota Motor Credit	89236THA6_1	Corporate Bond	04/12/21	500,000.00	510,580.00	491,158.32		8/25/2023	0.45%	\$ 5,868.75	\$ 2,780.30	\$ 194.12	390
Toyota Motor Credit	89236THA6	Corporate Bond	1/11/2022	1,100,000.00	1,107,315.00	1,080,548.30		8/25/2023	0.94%	\$ 1,815.00	\$ 4,812.29	\$ 877.54	390
US Treasury	91282CDD0	US Treasury Note	1/13/2022	1,100,000.00	1,090,675.78	1,065,539.07		10/31/2023	0.85%	\$ 1,219.27	\$ 4,286.54	\$ 790.97	457
US Treasury	91282CCN9	US Treasury Note	1/13/2022	1,200,000.00	1,188,375.00	1,166,437.50		7/31/2023	0.75%	\$ 823.37	\$ 4,153.18	\$ 766.36	365
FFCB	3133EKMx1	Gov. Agency Debenture	8/2/2019	1,000,000.00	1,014,400.00	988,757.79		2/23/2024	1.90%	\$ 62,625.83	\$ 55,756.94	\$ 1,626.03	572
FFCB	3133EMBE1	Gov. Agency Debenture	10/8/2020	1,600,000.00	1,598,000.00	1,534,039.87		3/28/2024	0.34%	\$ 7,053.34	\$ 9,279.41	\$ 456.61	606
FFCB	3133EMCQ3	Gov. Agency Debenture	10/16/2020	2,000,000.00	1,998,000.00	1,935,042.84		10/13/2024	0.31%	\$ 8,353.33	\$ 10,396.24	\$ 518.14	805
BankAmerica Corp	06051GHC6	Corporate Bond	10/9/2020	1,300,000.00	1,366,287.00	1,296,544.02		12/20/2023	0.66%	\$ 66,279.92	\$ 31,569.88	\$ 1,555.91	507
IBM	459200HG9	Corporate Bond	8/8/2019	1,000,000.00	995,010.00	1,000,000.00		8/1/2022	2.05%	\$ 46,510.42	\$ 59,141.32	\$ 1,734.51	1
IBM	459200Y8	Corporate Bond	3/25/2021	1,000,000.00	1,071,040.00	994,068.43		5/15/2024	0.71%	\$ 34,166.67	\$ 9,358.41	\$ 627.95	654
US Treasury	912828R28	US Treasury Note	7/2/2019	500,000.00	497,246.09	494,921.88		4/30/2023	1.77%	\$ 22,984.04	\$ 26,507.80	\$ 751.14	273
Freddie Mac	3137EAE5	Gov. Agency Debenture	7/19/2019	2,000,000.00	2,072,358.00	1,993,735.16		6/19/2023	1.79%	\$ 160,416.67	\$ 107,829.55	\$ 3,103.73	323
FFCB	3133EKFV0	Gov. Agency Debenture	7/22/2019	1,000,000.00	999,630.00	994,917.05		1/17/2023	1.89%	\$ 55,989.58	\$ 55,482.90	\$ 1,601.46	170
Treasury	912828L57	US Treasury Note	7/22/2019	1,200,000.00	1,197,988.40	1,199,057.11		9/30/2022	2.09%	\$ 56,516.39	\$ 63,644.66	\$ 1,837.04	61
US Treasury	91282CDA6	US Treasury Debenture	1/31/2022	1,100,000.00	1,085,222.44	1,066,011.72		9/30/2023	1.07%	\$ 445.74	\$ 4,781.92	\$ 988.26	426
US Treasury	91282CAW1	Gov. Agency Debenture	7/15/2021	1,200,000.00	1,199,437.50	1,159,500.00		11/15/2023	0.27%	\$ 2,502.72	\$ 3,107.52	\$ 275.24	472
American Honda	02665WCZ2	Corporate Bond	11/27/2019	1,000,000.00	1,012,410.01	982,700.65		6/27/2024	2.12%	\$ 60,733.34	\$ 55,189.68	\$ 1,808.54	697
JP Morgan Chase	46625HJE1	Gov. Agency Debenture	2/11/2020	900,000.00	934,587.00	900,823.91		9/23/2022	1.74%	\$ 61,912.50	\$ 38,210.60	\$ 1,361.53	54
Honeywell Int'l.	438516BW5	Corporate Bond	11/20/2019	1,000,000.00	1,014,660.00	984,036.55		7/15/2024	1.64%	\$ 50,983.33	\$ 51,828.99	\$ 1,685.94	715
Caterpillar Financial Serv	14913QZV0	Corporate Bond	2/23/2021	1,000,000.00	1,077,370.00	995,968.94		5/17/2024	0.44%	\$ 35,150.00	\$ 6,129.72	\$ 386.22	656
FNMA	3135G0V75	Gov. Agency Debenture	10/17/2019	1,100,000.00	1,105,833.30	1,077,972.84		7/2/2024	1.63%	\$ 52,456.25	\$ 48,706.74	\$ 1,529.80	702
US Bancorp	91159HHV5	Corporate Bond	12/24/2019	1,000,000.00	1,049,040.00	1,003,078.28		1/5/2024	2.12%	\$ 71,343.75	\$ 54,380.13	\$ 1,834.37	523
FHLB	3133834G3	Gov. Agency Debenture	3/11/2021	1,400,000.00	1,460,522.00	1,389,660.92		6/9/2023	0.19%	\$ 37,022.22	\$ 3,664.98	\$ 238.69	313
FFCB	3133EKA7	Gov. Agency Debenture	10/21/2019	1,000,000.00	1,019,780.00	981,794.31		9/10/2024	1.66%	\$ 49,631.11	\$ 45,130.78	\$ 1,423.25	772
PNC Financial	69349LAM0	Corporate Bond	2/7/2022	1,000,000.00	1,033,470.00	1,005,428.34		6/25/2023	1.49%	\$ 17,733.33	\$ 5,372.34	\$ 1,164.63	329
FHLB	3135G0SX7	Gov. Agency Debenture	6/10/2022	1,200,000.00	1,102,952.40	1,112,130.08	1,312.50	8/25/2025	3.04%	\$ (1,312.50)	\$ 1,902.68	\$ 2,949.15	1121
Treasury	912828ZL7	Gov. Agency Debenture	4/12/2022	1,700,000.00	1,583,927.57	1,589,167.97		4/30/2025	2.72%	\$ 316.99	\$ 9,611.14	\$ 3,771.46	1004
JP Morgan Chase	46625HJT8	Corporate Bond	9/23/2019	1,400,000.00	1,485,414.00	1,416,853.45		2/1/2024	2.39%	\$ 127,788.89	\$ 96,022.89	\$ 2,944.32	550
American Honda	02665WDH1	Corporate Bond	2/14/2020	600,000.00	603,756.00	594,901.12		5/10/2023	1.75%	\$ 28,145.00	\$ 25,034.14	\$ 895.11	283
Treasury	912828V23	US Treasury Note	11/29/2021	1,000,000.00	1,032,933.04	989,960.94		12/31/2023	0.66%	\$ 13,206.52	\$ 3,924.44	\$ 571.16	518
Treasury	91282CBE0_2	Gov. Agency Debenture	10/7/2021	1,000,000.00	994,768.98	959,843.75		1/15/2024	0.36%	\$ 964.67	\$ 2,587.41	\$ 301.54	533
FHLB	3130ALH98	Gov. Agency Debenture	2/26/2021	1,000,000.00	997,610.00	961,515.73		2/26/2024	0.33%	\$ 2,500.00	\$ 4,416.63	\$ 279.99	575
Treasury	912828M80	US Treasury Note	7/22/2019	1,000,000.00	1,006,175.23	997,656.25		11/30/2022	1.81%	\$ 57,158.47	\$ 53,444.10	\$ 1,542.61	122
Treasury	912828U57	US Treasury Note	7/31/2019	1,000,000.00	1,011,875.00	989,335.94		11/30/2023	1.84%	\$ 60,208.33	\$ 54,014.24	\$ 1,572.25	487
Treasury	912828X70	US Treasury Note	12/30/2019	1,000,000.00	1,010,589.29	983,945.31		4/30/2024	1.75%	\$ 51,703.30	\$ 48,922.73	\$ 1,661.12	639
Treasury	912828XT2	US Treasury Note	10/31/2019	1,000,000.00	1,015,667.41	983,750.00		5/31/2024	1.64%	\$ 51,639.34	\$ 44,208.50	\$ 1,408.49	670
American Honda	02665WCQ2	Corporate Bond	9/14/2021	950,000.00	1,012,871.00	955,372.65		10/10/2023	0.41%	\$ 19,705.90	\$ 3,232.93	\$ 346.79	436
FFCB	3133EJ3Q0	Gov. Agency Debenture	8/28/2019	1,500,000.00	1,587,503.75	1,499,882.07		12/21/2023	2.12%	\$ 121,348.96	\$ 64,945.24	\$ 1,941.47	508
Freddie Mac	3133EKK72	Gov. Agency Debenture	6/24/2019	1,550,000.00	1,573,188.00	1,545,814.19		2/8/2023	1.82%	\$ 100,168.75	\$ 86,008.42	\$ 2,419.47	192
Treasury	91282CBE0	Gov. Agency Debenture	9/15/2021	650,000.00	647,615.46	623,898.44		1/15/2024	0.28%	\$ 675.62	\$ 1,447.14	\$ 155.77	533
Subtotal				\$ 45,750,000.00	\$ 46,361,475.28	\$ 44,952,529.50	\$ 1,312.50			\$ 1,605,745.55	\$ 1,264,485.51	\$ 52,175.54	
BNY MM		Money Market			292,775.99	292,775.99			0.00%				1
LAIF		State Investment Pool			6,918,398.79	6,918,398.79			1.09%			7,932.22	1
					\$53,572,650.06	\$52,163,704.28				\$ 1,605,745.55	\$ 1,264,485.51	\$ 60,107.76	

Matured Assets

Total Investments "Matured"	\$ -
Total Interest FY 20_21 Matured and Current	\$ 60,107.76

Maturity Profile

	Amount
0-1 year	\$20,773,480.50
1-2 years	\$27,094,509.59
2-3 years	\$4,601,707.57
3-5 years	\$ 1,102,952.40
	\$53,572,650.06

Market to Cost Position Report

	Amortized Cost
Institution	
BNY Assets	\$46,361,475.28
BNY MM	292,775.99
LAIF	6,918,398.79
Totals:	\$53,572,650.06



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 9

DATE: November 8, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve the Assignment of the North 40 Market Hall Transportation Demand Management Agreement from SummerHill N40 LLC to Yuki Farms, a California General Partnership

RECOMMENDATION:

Approve the assignment of the North 40 Market Hall Transportation Demand Management (TDM) Agreement from SummerHill N40 LLC to Yuki Farms, a California general partnership.

BACKGROUND:

On August 1, 2017, the Town Council approved the planning application for Phase 1 of the North 40 Specific Plan. The Phase 1 planning application was approved with conditions of approval, including the requirement for a TDM Program and Plan to reduce vehicle miles travelled to and from the site with a target goal of 15% daily trip reduction.

On August 18, 2020, the Town Council approved Resolution 2020-036 to authorize the Town Manager to execute the North 40 TDM Agreement for Market Hall with SummerHill (Attachment 1). The Market Hall Development includes approximately 20,761 square feet of commercial space with 2,772 square feet of community space, which is referred to collectively as the "Market Hall Commercial Condo." The Market Hall Development also includes 50 affordable senior housing units and a garage structure, which are separate from Market Hall Commercial Condo.

PREPARED BY: WooJae Kim
Town Engineer

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

PAGE 2 OF 3

SUBJECT: Approve the Assignment of the North 40 Market Hall Transportation Demand Management Agreement from SummerHill N40 LLC to Yuki Farms, a California General Partnership

DATE: November 8, 2022

DISCUSSION:

The North 40 TDM Agreement for Market Hall established an annual contribution amount to the TDM Program for the Market Hall Commercial Condo, which would be adjusted annually by the San Francisco-Oakland-San Jose Metropolitan Area Consumer Price Index for All Urban Consumers (CPI). TDM Program and fees shall continue in perpetuity or until the Town acts to cancel the TDM Program.

The TDM Agreement for Market Hall allows for SummerHill to assign the TDM program responsibilities and requirements to the future Market Hall Commercial Condo owner. The TDM Agreement further provides that SummerHill shall give written notice of such assignment to the Town, and any assignment shall be considered for approval by the Town. The TDM Agreement and case law require that the Town's approval not be unreasonably withheld. In this instance, there are no grounds on which to deny approval of the assignment. Once the TDM Agreement has been assigned, the annual payments will be made by the assignee, which is Yuki Farms.

SummerHill has provided the Town with notice of its intent to assign the TDM Agreement to Yuki Farms. Staff has reviewed the proposed Assignment and Assumption of North 40 TDM Agreement for Market Hall (Attachment 2) and recommends that the Town Council approve the assignment.

CONCLUSION:

Staff recommends that the Town Council approve the assignment of the North 40 Market Hall Transportation Demand Management Agreement from SummerHill N40 LLC to Yuki Farms, a California General Partnership.

COORDINATION:

This memorandum has been coordinated with the Town Attorney.

FISCAL IMPACT:

There is no fiscal impact to this item. The TDM payments required in the original TDM agreement will be made by a new entity.

PAGE 3 OF 3

SUBJECT: Approve the Assignment of the North 40 Market Hall Transportation Demand Management Agreement from SummerHill N40 LLC to Yuki Farms, a California General Partnership

DATE: November 8, 2022

ENVIRONMENTAL ASSESSMENT:

This item is not a project defined under the California Environmental Quality Act, because it can be seen with certainty that it will not impact the physical environment [CEQA Guidelines Section 15061(b)(3)].

Attachments:

1. North 40 Transportation Demand Management Agreement (Market Hall)
2. Assignment and Assumption of North 40 TDM Agreement (Market Hall)

①

RECORDING REQUESTED
BY
FIRST AMERICAN
TITLE COMPANY

NCS-920205LT-SC
WHEN RECORDED MAIL TO:
ACCOM

REC 20.024
TOWN OF LOS GATOS
110 E. MAIN STREET
LOS GATOS, CA 95030
ATTN: TOWN CLERK

****This document was electronically submitted
to Santa Clara County for recording****

24632514

Regina Alcomendras
Santa Clara County - Clerk-Recorder
09/28/2020 11:55 AM

Titles: 1 Pages: 9

Fees: \$0.00

Tax: \$0

Total: \$0.00

**NO FEE PER GOVERNMENT CODE
SECTIONS 6103 AND 27383**

NORTH 40 TRANSPORTATION DEMAND MANAGEMENT AGREEMENT (MARKET HALL)

This North 40 Transportation Demand Management Agreement ("TDM Agreement" or "Agreement") is entered into effective this 18th day of August, 2020, by and between the Town of Los Gatos, a California General Law Town ("Town") and SummerHill N40 LLC, a California limited liability company ("SummerHill"), each a "Party" and collectively "Parties," with respect to the following facts and circumstances:

WHEREAS, in 2017, the Town approved Phase 1 of the North 40 project ("N40 Phase 1") to be developed on part of the property known as the North 40 site, bounded generally by California State Route 17 to the west, Lark Avenue to the south, California State Route 85 to the north and Los Gatos Boulevard to the east; and

WHEREAS, N40 Phase 1 includes a commercial condominium development that will be created on Lot 27 of Tract 10441 (within N40 Phase 1) that is expected to contain a commercial condominium containing approximately 20,761 square feet of commercial space plus 2,772 square feet of community space (the "Market Hall Commercial Condo"), a garage condominium, and forty nine (49) affordable senior apartments and (1) manager apartment within one commercial condominium (the "Senior Affordable Condo"), collectively known as the "Market Hall Development"; and

WHEREAS, that portion of the N40 Phase 1 site to be benefitted and burdened by the effect of this Agreement is, initially, the entire Market Hall Development, more particularly described in Exhibit A attached hereto and incorporated herein by this reference (provided that the legal description of the burdened property is subject to adjustment as provided in Section 13 hereof); and

WHEREAS, the requirements of development approved for the Market Hall Condo include the implementation of a TDM program (the "TDM Program"); and

WHEREAS, it is not practicable for the Market Hall Condo to mitigate transportation impacts on and through a Market Hall Condo site-only TDM Program; and

WHEREAS, the TDM program will serve N40 Phase 1 and other Town locations and measure effectiveness by total reductions in vehicle miles for travel originating and concluding both within and outside the Market Hall Development, in order to offset the impact of the Market Hall Development; and

WHEREAS, the Town is best positioned to implement, monitor, and adjust such a program.

NOW THEREFORE, in consideration of the foregoing recitals and the conditions and covenants contained herein, the Parties hereto agree as follows

1. TDM Contribution. The total SummerHill contribution to the TDM Program for the Market Hall Condo shall be in the form of annual payments, each of the sum of Seventeen Thousand Six Hundred Forty-Nine and 75/100 Dollars (\$17,649.75) (the "TDM Contribution"). The first such payment shall be due and payable within ten (10) days after the issuance by the Town of the Certificate of Occupancy for the tenant improvements of the Market Hall Condo. Subsequent annual payments shall be due and payable on each annual anniversary of the date of the first payment. Each annual payment shall be adjusted by the San Francisco-Oakland-San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, all items (CPI). The adjustment shall be based upon the CPI published on December 31 of the preceding year.

2) Use of Funds. The Town shall program the use of funds for townwide TDM measures, such measures being at the Town's sole discretion. The funds shall be used toward TDM measures, which may include the accrual of funds over time without limit, to be used toward future TDM measures.

3) Senior Affordable Condo Is Not Obligated by this TDM Agreement. Although Exhibit A to this Agreement initially describes all of the Market Hall Development (Lot 27 of Tract 10441), it is the intent of SummerHill and the Town that this TDM Agreement not bind or burden the Senior Affordable Condo consisting of forty nine (49) affordable senior apartments and (1) manager apartment because the TDM Program funding obligation for the Senior Affordable Condo is being met by a separate TDM Agreement that has been entered into between SummerHill and the Town with respect to an adjacent residential project known as "Bellaterra." Accordingly, the TDM Contribution referenced above and this TDM Agreement shall not bind the Senior Affordable Condo or the garage condominium that will be created within Lot 27 when a condominium plan is recorded, which separation shall be effected pursuant to the terms of Section 13, below.

4) Term. As the transportation impact from the Market Hall Condo will continue in perpetuity, so shall the TDM Program and fees shall continue in perpetuity or until such point as the Town acts to cancel the TDM Program.

5) Operation of TDM Program. The Parties acknowledge that the TDM Program is a Town-operated and managed program. SummerHill's role is limited to providing funding as required by this Agreement. No relationship of agency, partnership, or joint venture exists between the Parties with respect to the TDM Program. The Town shall defend, indemnify, and hold harmless SummerHill and its agents, members, managers, employees, officers, directors, shareholders, successors and assigns from any third party claims, lawsuits, damages, liabilities, costs and expenses (including attorneys' fees and costs) for personal injury or property damage arising out of, or relating to, the operation of the TDM Program, except to the extent the claim at issue is caused by the negligence or willful misconduct of SummerHill.

6) Dispute Resolution. Any dispute under this TDM Agreement, including with regard to the payment amounts to be paid pursuant to Section 1 hereunder, shall first be negotiated by the Parties. If negotiation fails, either Party may demand binding arbitration, which shall be conducted under the auspices of the Judicial Arbitration and Mediation Service (JAMS). Each Party shall bear its own costs and attorneys' fees in the arbitration, regardless of the outcome thereof.

7) Integrated Agreement. This TDM Agreement shall be deemed the complete and total agreement of the Parties concerning the subject matter hereof, which supersedes memoranda or correspondence, if any, and any previous drafts or oral understandings, if any, made by the Parties concerning the subject matter hereof. Nothing herein shall preclude the Parties from executing such other documents as are necessary to perfect this Agreement.

8) No Third-Party Beneficiaries. This TDM Agreement is intended exclusively for the benefit of the Parties hereto, and no third parties are entitled to any rights hereunder or to claim to be beneficiaries hereof.

9) Successors and assigns. This TDM Agreement shall be binding upon, and inure to the benefit of, the Parties and their respective successors, transferees and assigns. This TDM Agreement may be assigned by SummerHill to any entity that controls, is controlled by, or is under common control with SummerHill. In addition, the Parties acknowledge that it is expressly contemplated that this TDM Agreement will be assigned by SummerHill to the Market Hall Commercial Condo owner, which will assume all obligations of SummerHill hereunder. SummerHill shall give written notice of such assignment to the Town. Any assignment shall be considered for approval by the Town pursuant to this Agreement, which approval shall not be unreasonably withheld, conditioned or delayed. Upon the giving of such notice and approval by the Town, SummerHill shall be released from all obligations and duties of any nature hereunder. If requested by SummerHill, Town shall record a document releasing SummerHill or its affiliated assignee(s) from all such obligations in the Official Records of Santa Clara County, California.

10) Amendments to be in Writing. This TDM Agreement may not be altered, amended, modified or changed in any respect or particular whatsoever except by writing duly executed by all the Parties to this TDM Agreement.

11) Notice. All notices shall be given personally or by first class mail, postage prepaid, addressed as shown below. Notices shall be deemed given on the earlier of the date delivered or the second day following the date on which the same have been mailed in the manner required by the prior sentence. Any of the Parties may, by notice given in the manner required by this Section, designate any further or different addresses to which subsequent notices shall be sent.

a) Notice to the Town:

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

b) Notice to SummerHill

SummerHill N40 LLC
3000 Executive Parkway, Suite 450
San Ramon, CA 94583
Attn: Chief Operating Officer

with a copy to

SummerHill N40 LLC
777 South California Ave.
Palo Alto, CA 94304
Attn: General Counsel

12) Recording. The Parties shall cause this TDM Agreement and all amendments and supplements to it, to be recorded against the property described in Exhibit A in the Official Records of Santa Clara County, California.

13) Covenants to Run with the Land. All rights and obligations under this Agreement are intended by the Parties to be, and shall be construed as, covenants running with the Market Hall Development, subject to the provisions of this section. All persons who may have or may acquire an interest in the Market Hall Development shall be deemed to have notice of, and be bound by, the terms of the Agreement, subject to the provisions of this section. When SummerHill closes escrow on the sale of any or all of the condominiums within the Market Hall Development, SummerHill will assign all of its rights and obligations under this Agreement to the new owner of the Market Hall Commercial Condo only (excluding the garage condominium and/or the Senior Affordable Condo), and thereafter SummerHill shall be released from all

obligations under this Agreement that arise from and after the date of such closing and assignment. Written notice of such assignment shall be provided to the Town.

At any time after a condominium plan has been recorded that creates the condominiums within the Market Hall Development, at the request of the Town, SummerHill, or the owner of the Senior Affordable Condo, the Parties to this Agreement shall enter into an amendment to this Agreement that replaces Exhibit A of this Agreement with the legal description for only the Market Hall Commercial Condo and excluding the Senior Affordable Condo and the garage condominium.

14) Mortgagee Protection. No breach of this Agreement shall defeat or render invalid the lien of any deed of trust or mortgage recorded against all or any portion of the Market Hall Development. No lender taking title to all or any portion of the Market Hall Development through foreclosure or deed in-lieu of foreclosure shall be liable for any defaults or monetary obligations of SummerHill arising prior to acquisition of possession of such property by such lender. The foreclosing lender shall have the right to find a substitute developer to assume the obligations of SummerHill, which substitute shall be considered for approval by the Town pursuant to this Agreement, which approval shall not be unreasonably withheld, conditioned or delayed. The Town agrees to provide any lender of SummerHill that has recorded a deed of trust or mortgage against all or any portion of the Market Hall Development of which the Town has been given notice (each, a "Lender") with written notice of any default relating to SummerHill and/or the Market Hall Development given by the Town to SummerHill. The Town agrees that, notwithstanding anything to the contrary contained in this Agreement, Lender shall have an additional ninety (90) days from the date Lender receives notice of a default to cure any such default, provided that Lender shall not have any obligation to cure any such default.

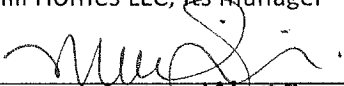
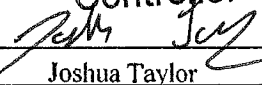
15) Miscellaneous. This TDM Agreement may be signed in counterparts. Each executed duplicate hereof shall be considered as an original. Facsimile or signatures on electronically transmitted documents in PDF form and copies of signatures shall have the same force and effect as original signatures. The captions and titles herein are for convenience only and shall not be used to interpret this TDM Agreement.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, The Parties acknowledge and accept the terms and conditions of this TDM Agreement as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this TDM Agreement shall become operative on the date first above written.


SummerHill N40 LLC, a California limited liability company

By: SummerHill Homes LLC, its manager

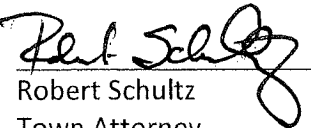
By: 
Its: Monica Wong
Controller
By: 
Its: Joshua Taylor
Assistant Secretary

TOWN OF LOS GATOS, a California municipal corporation

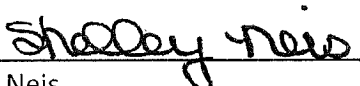
By: Laurel Prevetti


Its: Town Manager

APPROVED AS TO FORM:


Robert Schultz
Town Attorney

ATTEST:


Shelley Neis
Town Clerk

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Contra Costa)

On Sept. 1, 2020 before me, Veronica Judd, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared monica Wong and Joshua Taylor
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in his/~~her~~/their authorized capacity(ies), and that by ~~his~~ her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Veronica Judd
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

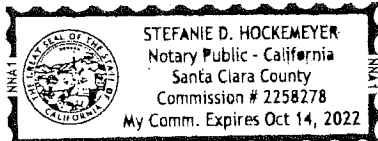
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Santa Clara)
 On September 29, 2020 before me, Stefanie D. Hockemeyer, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared Laurel Preveeth
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Stefanie D. Hockemeyer
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: NTH 40 Transportation Demand Mgmt Agreement (Market Hall)
 Document Date: _____ Number of Pages: _____
 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THIS TDM AGREEMENT

Real property located in the Town of Los Gatos, County of Santa Clara, State of California,
described as follows:

LOT 27 AS SHOWN ON THE MAP OF "TRACT 10441", FILED FOR RECORD ON OCTOBER 11, 2018
IN BOOK 918 OF MAPS, AT PAGES 4 THROUGH 18, SANTA CLARA COUNTY RECORDS.

RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

SummerHill N40 LLC
777 California Avenue
Palo Alto, California 94301
Attn: General Counsel

(SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE)

**ASSIGNMENT AND ASSUMPTION OF NORTH 40
TRANSPORTATION DEMAND MANAGEMENT AGREEMENT (MARKET HALL)**

THIS ASSIGNMENT AND ASSUMPTION OF NORTH 40 TRANSPORTATION DEMAND MANAGEMENT AGREEMENT (MARKET HALL) ("Assignment") is made and entered into on this ____ day of _____, 2022, by and between SUMMERHILL N40 LLC, a California limited liability company ("Assignor") and YUKI FARMS, a California general partnership ("Assignee").

RECITALS

A. Assignor was the owner of that certain real property located in the Town of Los Gatos ("Town"), County of Santa Clara (the "County"), State of California, generally known and described as the Market Hall Unit, as described in that certain Condominium Plan, Market Hall, Tract 10441, North 40, Los Gatos, California, and more particularly described on Exhibit A attached hereto (the "Property").

B. Assignor and the Town entered into that certain North 40 Transportation Demand Management Agreement (Market Hall) recorded in the Official Records of the County on September 28, 2020 as Instrument No. 24632514 ("TDM Agreement").

C. Pursuant to the terms of the Real Estate Purchase and Sale Agreement and Joint Escrow Instructions by and between Assignor and Assignee with an Effective Date of August 31, 2021 ("Purchase Agreement"), Assignor has conveyed and transferred the Property to Assignee.

D. Assignor desires to assign, and Assignee desires to assume, Assignor's rights, duties and obligations under the TDM Agreement. Capitalized terms used in this Assignment but not defined herein shall have the meaning given such terms in the TDM Agreement.

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignment of Rights and Obligations. Subject to the terms and conditions of this Assignment, as of the Effective Date (hereinafter defined), Assignor hereby assigns, transfers and grants to the Assignee, and its successors and assigns, all of Assignor's right, title, interest, obligations, duties and responsibilities under the TDM Agreement which accrue, arise or are required to be performed from and after the Effective Date, including, without limitation, the obligation to pay the TDM Contribution to the Town, as set forth in the TDM Agreement (collectively, the "Rights and Obligations").

2. Assumption of Rights and Obligations. Assignee, for itself and its successors and assigns, hereby accepts such assignment and assumes all of the Rights and Obligations under the TDM Agreement which accrue, arise or are required to be performed from and after the Effective Date. Assignee agrees, expressly for the benefit of the Town, to comply with, perform and execute all the covenants and obligations of "SummerHill" under the TDM Agreement which accrue, arise or are required to be performed from and after the Effective Date, it being the express intention of both the Assignor and the Assignee that, from and after the Effective Date of this Assignment, the Assignee shall become substituted for the Assignor as "SummerHill" under the Agreement. From and after the Effective Date, Assignor shall be released from all Rights and Obligations under the TDM Agreement which accrue, arise or are required to be performed from and after the Effective Date.

3. Effective Date. The effective date of this Assignment shall be the date of the transfer of record title to the Property to Assignee.

4. Miscellaneous.

4.1 Successors and Assigns. All of the covenants, terms, and conditions of this Assignment shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

4.2 Counterparts. This Assignment may be executed in one or more counterparts, and each counterpart shall be deemed to be an original document. All executed counterparts together shall constitute one and the same document, and the signature pages shall be assembled to form a single original document.

4.3 Governing Law. This Assignment shall be governed by the laws of the State of California.

4.4 Notices. The notices address for "SummerHill" pursuant to Section 11 of the Agreement shall be as follows:

If to SummerHill: Yuki Farms
15495 Los Gatos Boulevard, Suite 11
Los Gatos, CA 95032
Attn: Ed Morimoto

Harmonie Park Development
221 Bachman Avenue
Los Gatos, CA 95030

Attn: Don Capobres and Wendi Baker

Kennedy, Archer & Giffen
24591 Silver Cloud Court, Suite 200
Monterey, CA 93940
Attn: Nolan M. Kennedy

4.5 Severability. If any provision of this Assignment is held invalid, the remainder of this Assignment shall not be affected, except as necessarily required by the invalid provisions, and shall remain in full force and effect unless amended or modified by mutual consent of the parties.

4.6 Valid Signatures. The undersigned is duly authorized to sign, acknowledge and deliver this Assignment on behalf of the undersigned, and no other signatures are required or necessary in connection with the execution and validity of this Assignment.

[Signatures on Next Page]

IN WITNESS HEREOF, the parties hereto have executed this Assignment as of the day and year first above written.

ASSIGNOR:

SummerHill N40 LLC,
a California limited liability company

By: SummerHill Homes LLC,
a California limited liability company,
its Manager

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

ASSIGNEE:

Yuki Farms, a California general partnership

By: Morimoto Family Trust dated September 17, 1998,
Its authorized general partner

By: _____
Edward S. Morimoto, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____ before me, _____,
personally appeared _____,
_____, who proved to
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____,
personally appeared _____,
_____, who proved to
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT A
LEGAL DESCRIPTION

PARCEL NO. 1

A condominium consisting of: (1) a separate interest in the “Market Hall Unit” as shown on the Condominium Plan (the “Plan”) recorded on November 1, 2022, as Document No. 2022-25395000 in the records of Santa Clara County, California, and as further described in the Market Hall Declaration of Restrictions (CC&Rs) recorded on _____, as Document No. _____ in Santa Clara County, California, and any amendments and annexations thereto (the “Declaration”); and (2) an undivided equal interest in the Common Area as described in the Plan and the Declaration, which condominium is located on the real property described on the map entitled “Tract 10441” (the “Map”) recorded on October 11, 2018, in Book 918 of Maps at pages 4 through 18, in the records of Santa Clara County, California.

RESERVING THEREFROM THE FOLLOWING:

- (i) The exclusive right to use all of those areas designated as “Exclusive Use Common Area” as described in the Declaration and Plan set aside and allocated for the exclusive use of the Owners of Condominiums other than the Condominium described in Parcel No. 1, above; and
- (ii) Easements and rights for use, enjoyment, access, ingress, egress, encroachment, maintenance, repair, replacement, drainage, support, and other purposes as described in the Declaration.

SUBJECT TO:

Nonexclusive rights of ingress, egress and support through the Common Area.

PARCEL NO. 2

Nonexclusive rights of ingress, egress and support in, through and over the Common Area.

PARCEL NO. 3

An exclusive right to use the area(s) designated as Exclusive Use Common Area(s) that are appurtenant to Parcel No. 1 above as described in the Declaration and the Plan.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 10

DATE: November 4, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Accepting Funds from the California Supplemental Law Enforcement Service Fund (SLESF)

RECOMMENDATION:

Adopt a Resolution accepting funds from the California Supplemental Law Enforcement Service Fund (SLESF).

BACKGROUND:

In 1996, California legislation (Assembly Bill 3229) created the Citizens Options for Public Safety (COPS) program allocating \$100,000,000 to local governments yearly for front-line law enforcement. These funds are to be distributed through an established local Supplemental Law Enforcement Services Fund (SLESF). State General Fund distribution to local law enforcement agencies are specifically intended for "front-line municipal police services." COPS funds must be spent on personnel, equipment, or supplies and are not approved for public safety capital improvement or construction projects.

Other COPS funds requirements and restrictions include:

- COPS funds shall be used to supplement, not supplant existing funding for law enforcement services
- COPS funds shall be deposited into a separate fund, not intermingled with other monies
- The Town Council shall approve the appropriation of COPS funds pursuant to a recommendation by the Chief of Police
- Each county shall establish a Supplemental Law Enforcement Services Fund for deposit of State COPS funds and distribution to municipalities

PREPARED BY: Heather St. John
Senior Administrative Analyst

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

SUBJECT: Adopt a Resolution Accepting Funds from the California Supplemental Law Enforcement Service Fund (SLESF)

DATE: November 4, 2022

BACKGROUND (continued):

Pursuant to AB 3229, the City of Monte Sereno also receives a share of the state SLESF funds (\$100,000). The City of Monte Sereno is required by contractual agreement for law enforcement services to transfer those funds to the Town of Los Gatos within 30 days of receipt of the monies from the State of California. The contract stipulates that the Los Gatos-Monte Sereno Police Department will provide an additional 416 hours of traffic enforcement within the city limits of Monte Sereno in exchange for its portion of SLESF funds.

DISCUSSION:

This report recommends the use of SLESF funds continue in the spirit of the COPS program. The Police Department proposes utilizing the Los Gatos portion (\$100,000) of SLESF funds in Fiscal Year (FY) 2022/23 for frontline Police operational equipment and services, which includes but is not limited to data management and storage of secure digital evidence, technology equipment which increase operational efficiencies and crime reduction strategies; and (\$100,000) of SLESF funds be directed toward the contractually required traffic enforcement within the city limits of Monte Sereno. For Los Gatos, the proposed use SLESF created budget savings in the adopted FY 2022/23 Operating Budget.

CONCLUSION:

Staff recommends approval of a resolution (Attachment 1) to use of SLESF funds as follows:

- \$100,000 of SLESF funds will be directed to frontline police operations and services
- \$100,000 of SLESF funds will be directed toward the contractually required traffic enforcement within the city limits of Monte Sereno

FISCAL IMPACT:

If Council approves the proposed recommendation, the Town will continue to receive a combined total of \$200,000 in SLESF funding. Per contract stipulation with the City of Monte Sereno, \$100,000 of SLESF funds will continue being directed toward additional traffic enforcement within the city limits of Monte Sereno. The remaining \$100,000 of Town SLESF funds will be redirected toward frontline Police operations and services as described above.

PAGE 3 OF 3

SUBJECT: Adopt a Resolution Accepting Funds from the California Supplemental Law
Enforcement Service Fund (SLESF)

DATE: November 4, 2022

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Draft resolution authorizing use of SLESF funds

DRAFT RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ACCEPTING SUPPLEMENTAL LAW ENFORCEMENT SERVICE FUNDS (SLESF) GRANT ALLOCATION FOR FY 2022-23 AND APPROVING USE OF THE FUNDS

WHEREAS, Government Code Section 30061(b)3 was amended with the Governor's approval of Assembly Bill 3229; and

WHEREAS, the Town of Los Gatos is entitled to receive approximately \$100,000 under the terms of the Supplemental Law Enforcement Services Fund if specified requirements are met as well as \$100,000 from the City of Monte Sereno under the terms of the fund; and

WHEREAS, the State funding cannot be used to supplant current Town costs for law enforcement and must be expended exclusively for front-line police services; and

WHEREAS, the Town Council has considered the written request separate and apart from the allocation of general funds for police services;

NOW, THEREFORE, BE IT RESOLVED: by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that the Town of Los Gatos authorize the continued expenditure of funds from the Supplemental Law Enforcement Services Fund for 416 hours of traffic enforcement within the city limits of Monte Sereno; and has determined an expenditure plan that supports police operations and services for the Town of Los Gatos.

BE IT FURTHER RESOLVED,

1. The Town Manager is directed to continue the Supplemental Law Enforcement Services Fund (SLESF) within the Town for receipt and disbursement of money received from the County Supplemental Law Enforcement Services Fund.

2. The Town Manager is directed to promptly remit to the General Fund all funding deposited in such SLESF fund.

ATTACHMENT 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:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 11

DATE: November 10, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider Adoption of a Resolution Establishing Objective Standards for
Qualifying Multi-Family and Residential Mixed-Use Developments.
Location: Town-wide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Consider adoption of a resolution establishing Objective Standards for qualifying multi-family and residential mixed-use developments.

BACKGROUND:

The Town of Los Gatos has developed Draft Objective Standards (Attachment 1) for the review of qualifying multi-family and mixed-use development applications. This effort is in response to State legislation [Senate Bill (SB) 167, SB 35, and SB 330] requiring jurisdictions to adopt objective standards and to implement them in a streamlined review of qualifying housing projects such as multi-family and residential mixed-use developments. Objective standards are defined under State law as, "standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal" (California Government Code, Section 65913.4).

The purpose of adopting objective standards is to:

- Comply with recent State housing legislation;
- Implement streamlined and ministerial review processes for qualifying housing projects;
- Ensure that these qualifying projects align with the Town's expectations and vision to maintain and support the character of the Town;
- Provide a set of clear criteria to guide development; and
- Establish an objective framework by which a qualifying project will be evaluated.

PREPARED BY: Ryan Safty
Associate Planner

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

BACKGROUND (continued):

On November 5, 2019, the Town Council adopted Resolution 2019-053 (Exhibit 1 of Attachment 5) to authorize application for, and receipt of, SB 2 Planning Grant Program funds, including execution of an agreement with the California Department of Housing and Community Development (HCD) by the Town Manager. Planning staff submitted an application with a proposal to develop objective standards for the review of qualifying housing development applications. The Town received approval of the application and entered into an agreement with HCD to receive reimbursable grant funding for the proposed scope of work.

On November 20, 2020, staff released a request for qualifications (RFQ) to provide services for preparation of objective standards for the review of qualifying housing development applications as provided in the Town of Los Gatos SB 2 Planning Grant Program application. Staff received proposals from four firms. After reviewing the submittals and conducting interviews, staff concluded that M-Group planning consultants provided the best fit, capacity, and professional expertise for the proposed scope of work. On March 16, 2021, the Town Council authorized the Town Manager to execute an agreement with M-Group for the proposed scope of work.

The project initiation phase included review of State legislation and existing Town guidelines and standards, and collation of feedback received during five meetings with the Planning Commission subcommittee between July and December 2021. On February 22, 2022, staff conducted the first of two community engagement meetings to gather feedback from residents and stakeholders. On May 12, 2022, a preliminary draft of the objective standards was presented and discussed at a second community engagement meeting. A summary of the feedback received at the community engagement meetings is included as Exhibit 2 of Attachment 5. Based on the feedback from the Planning Commission subcommittee and the community, staff and M-Group developed Draft Objective Standards for consideration by the Planning Commission (Exhibit 3 of Attachment 5).

On June 22, 2022, the Planning Commission received and considered public comments on the Draft Objective Standards, reviewed the document, and provided input to staff on recommended modifications (see Verbatim Minutes in Attachment 8). The item was continued to a future meeting to allow staff time to prepare responses to the input received and to prepare a revised Draft Objective Standards document.

BACKGROUND (continued):

On August 24, 2022, the Planning Commission received and considered public comments on the revised Draft Objective Standards (Exhibit 9 of Attachment 9). A representative from the local architect community was present and provided verbal comments on the Draft Objective Standards. The item was continued to a future meeting to allow the architect community time to prepare written comments on the Draft Objective Standards document for Planning Commission consideration (see Verbatim Minutes in Attachment 12). Staff met with the group of local architects on September 1, 2022, to answer questions and facilitate input.

On September 14, 2022, the Planning Commission received and considered public comments on the latest Draft Objective Standards, as well as written comments from the local architect community (Exhibit 16 of Attachment 13). Staff provided written responses to the public comments and architect comments within and attached to the Addendum Report for Planning Commission's consideration (Exhibit 19 of Attachment 14). Planning Commission discussed the written comments and staff's responses, and suggested edits in their recommendation of approval to Town Council (see Verbatim Minutes in Attachment 15).

DISCUSSION:

On September 14, 2022, the Planning Commission conducted a public hearing, listened to testimony, and reviewed and discussed each of the public comments, architect comments, and previous Commissioner comments received throughout this process. The Planning Commission made several recommendations based on these comments, which are summarized below and incorporated into the revised Draft Objective Standards document (Attachment 1). The drafted edits based on Planning Commission direction are shown in track changes in Attachment 2. The recommendations are summarized in the order that they appear in the document.

A. Introduction

The Introduction section of the Draft Objective Standards document includes the Purpose and Applicability, Organization, and Key Terms sections. Based on the Planning Commission recommendation, staff incorporated each of these within the revised Draft Objective Standards document as described below:

Purpose and Applicability. Comments were received from the public regarding the organization of the Purpose and Applicability section and the reference to the California Government Code Section 65559.5 definition of qualifying housing development projects. Staff incorporated the suggested edit in the revised document. Additionally, the local architect community requested that clarification be added, specifying that these objective standards are only to be used for review of qualifying projects, and not all discretionary applications. Staff incorporated this at the end of the Purpose and Applicability section.

DISCUSSION (continued):

Key Terms. Comments were received regarding several of the definitions provided in the Key Terms section of the document. The Draft Objective Standards document was amended as follows:

- Addition of a definition of *Objective Design Standards*;
- Separation of *Community Recreation Space* into two sections to better differentiate the requirements for mixed-use developments and multi-family developments;
- Separation of *Private Recreation Space* into two sections to better differentiate the requirements for mixed-use developments and multi-family developments;
- Amendment of the *Private Recreation Space* definitions, requiring that they be accessible from the dwelling unit; and
- Amendment of *Mixed-Use* to specify that residential uses need to be included in at least two thirds of the building square footage.

B. Site Standards

The Site Standards section of the Draft Objective Standards document includes objective standards for: site layout and building placement; vehicular access and parking; and outdoor areas and amenities. Based on the Planning Commission recommendation, staff incorporated each of these within the revised Draft Objective Standards document as described below:

A.1 – Pedestrian Access. Comments were received from the public regarding the minimum width of pedestrian pathways, as well as the minimum six-inch grade separation requirement for pedestrian pathways that intersect vehicular drive aisles. Draft Standard A.1.1 was amended to specify that pedestrian pathways must be a minimum of four feet in width. Draft Objective Standard A.1.2 was amended to exempt the six-inch grade separation of pedestrian pathways when they intersect drive aisles.

A.3 – Vehicular Access. Comments were received from the public questioning the difference between the vehicular access standards in A.3.1 and A.4.2. The intent of the two standards is the same: to require parking lots to be internally connected: and prohibiting use of a public street to access two different parking areas. Standard A.3.1 was amended to incorporate A.4.2, and A.4.2 was deleted.

A.4 – Parking Location and Design. Public comment was received requesting that previous standard A.4.4 (carport location) be moved under A.4.1 (parking lot location). Draft Objective Standard A.4.1 was amended to include A.4.4, specifying that parking lots and carports shall not be located between the primary building frontage and the street, and A.4.4 was deleted.

DISCUSSION (continued):

A.5 – Parking Structure Access. Public comment was received regarding the parking structure automobile entry gate setback requirement of 25 feet from the back of the sidewalk in A.5.1. Planning Commission recommended that this standard be reduced to 18 feet, similar to Town Code standard 29.40.0315(c)(3), which requires 18 feet from the edge of the adjacent street. This was incorporated in the Draft Objective Standard document.

A.6 – Utilities. Public comment was received requesting that the utility screening requirements for rooftop and ground utilities in A.6.3 be separated. This was incorporated in the Draft Objective Standard document with a new A.6.4 for rooftop equipment. Additionally, further clarification was added, specifying that wall and fence heights within the front and street-side setbacks must comply with Town Code.

A.10 – Landscape, Private, and Community Recreation Spaces. Several public comments were received regarding the landscaping, private recreation space, and community recreation space requirements. Specifically, there were requests to allow landscaping within community recreation areas to count towards both requirements, to reduce the size of both private and community recreation spaces, and to eliminate the community recreation space requirement for smaller developments. Based on Planning Commission's recommendation and staff's analysis of other jurisdiction requirements, Draft Objective Standard A.10 was amended as follows:

- Allowance of landscaped areas within community recreation spaces to contribute to the required minimums for both landscaped area and community recreation space;
- Reduction of the private recreation space size requirement for a ground floor unit from 200 square feet to 120 square feet;
- Reduction of the private recreation space size requirement for above ground floor units from 120 square feet to 60 square feet;
- Reduction of the minimum dimensions for private recreation space from 10 feet by six feet to six feet in both directions;
- Reduction of the community recreation space requirement from 200 square feet for each unit to 100 square feet; and
- Addition of a provision that if the development includes four or less residential units, the community recreation space requirement is waived.

A.11 – Building Placement. Public comment was received questioning if the setback standard in A.11.1 applies to the entire site or just building footprints, and a request that the maximum percentage of ground-floor site amenities be removed in A.11.2. Planning Commission supported these requests, and the Draft Objective Standards document was amended as follows:

DISCUSSION (continued):

- Amendment of Draft Objective Standard A.11.1 to clarify that the 75 percent continuous frontage requirement applies to the amount of the ground floor street-facing façade;
- Replacement of the term “Community Growth District” with “commercial zones” based on the current status of the General Plan Land Use Element; and
- Amendment of Draft Objective Standard A.11.2 to remove the maximum percentage that site amenities can occupy within the area between the building and the street.

C. Building Standards

The Building Standards section of the Draft Objective Standards document includes objective standards for: building form and massing; façade articulation; materials; and roof design. Based on the Planning Commission recommendation, staff incorporated each of these suggestions within the revised Draft Objective Standards document as described below:

B.1 – Massing and Scale. Comments were received from the public regarding Standard B.1: questioning if B.1.1 applies to each individual primary building fronting the street, or the combined façade area; questioning if B.1.1.c applies to the façade plane or the front door and requesting clarification on whether awnings can project beyond this plane; requesting that a sliding scale for arcade requirements be implemented in B.1.1.d; and questioning the drawing of a “courtyard” in Figure B.1.1.e. The Draft Objectives Standards document was amended to incorporate each of these comments, as follows:

- Clarification to B.1.1 was provided, specifying that the standard applies to the combined façade area of all primary buildings;
- Clarification to B.1.1.c was provided, specifying that the standard applies to the façade plane of an entry and that a covered entry can extend beyond this façade plane;
- Amendment of B.1.1.d, with a sliding scale added with different requirements on the amount of arcade depending on the length of the building; and
- Replacement of the term “courtyard” with “open area” in standard B.1.1.e.

B.2 – Parking Structure Design. A public comment was received regarding Standard B.2.2, regulating the façade openings on upper levels of parking structures. The previous standard included a maximum screening percentage of 30 percent, but no minimum. Standard B.2.2 was revised to include a minimum 10 percent standard.

DISCUSSION (continued):

B.3 – Roof Design. Public comment was received regarding Figures B.3.1 and B.3.3. There were concerns that the alternative roof forms shown in B.3.1 would lead to confusion; and therefore, this figure was removed. There was also concern that the dormers shown in Figure B.3.3 read more as gables; and therefore, this figure was revised to show dormers within the roof form.

B.4 – Façade Design and Articulation. Comments were received regarding the: individual design options (a-f) for buildings greater than two-stories contained in Standard B.4.1; the specificity of the architectural solutions listed in Standard B.4.3; and the privacy requirements for balconies and rooftop decks in B.4.10 and B.4.11. Based on the public comment and Commissioner recommendations, Standard B.4.1 was amended as follows:

- Deletion of B.4.1.d (belly bands and horizontal architecture elements);
- Amendment of B.4.1.f (B.4.1.e in the updated document), to specify that the exterior façade height of the upper floor must be a minimum of two-feet taller than the floor immediately below, and not the internal floor-to-ceiling height;
- Amendment of B.4.3, clarifying the amount and type of each architectural solution required;
- Amendment of B.4.10, to allow rooftop and upper floor terraces when abutting single-family when no part of the rooftop or upper floor terrace or deck is closer than five feet from the façade plane below to prevent views into adjacent residential uses; and
- Amendment of B.4.11, to no longer allow balconies facing existing residential uses.

D. Appendix – Evaluation of Existing Developments

The Planning Commission discussed the idea of including example design images throughout the document to make these standards easier to understand. The Planning Commission recommended that an appendix be included at the end of the document with example images of developments in Town that comply with the more complex standards in Section B – Building Standards. Staff has incorporated this appendix in Attachment 3, with an analysis of three different developments in the Town in relation to Standards B.1.1, B.4.1, and B.4.3.

PUBLIC OUTREACH:

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

- An eighth-page public notice in the newspaper;
- A poster at the Planning counter at Town Hall and the Los Gatos Library;
- Email to interested parties;
- Community Meetings;
- In-person meeting with local architect community;
- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's NextDoor page.

Issues raised by the public are identified in the Discussion section of this report.

PUBLIC COMMENT:

Attachment 16 includes additional public comment received between 11:01 a.m., Wednesday, September 14, 2022, and 11:00 a.m., Thursday, November 10, 2022.

CONCLUSION:

Staff recommends that the Town Council adopt a resolution to approve and adopt the Objective Standards document (Attachment 4), with findings that the project is not subject to the California Environmental Quality Act [Section 15061(b)(3)] and is consistent with the General Plan; and includes any specific changes agreed upon by the majority of the Town Council.

ALTERNATIVES:

Alternatively, the Council may:

1. Continue this item to a date certain with specific direction to staff;
2. Refer the item back to the Planning Commission with specific direction; or
3. Take no action, and proceed without Objective Standards to regulate qualifying projects.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Draft Objective Standards
2. Draft Objective Standards with Changes Red-Lined
3. Appendix for Draft Objective Standards – Evaluation of Existing Developments
4. Draft Resolution with Exhibit 1
5. June 22, 2022 Planning Commission Staff Report with Exhibits 1-4
6. June 22, 2022 Planning Commission Addendum Report with Exhibits 5-7
7. June 22, 2022 Planning Commission Desk Item Report with Exhibit 8
8. June 22, 2022 Planning Commission Verbatim Minutes
9. August 24, 2022 Planning Commission Staff Report with Exhibits 9-12
10. August 24, 2022 Planning Commission Addendum Report with Exhibit 13
11. August 24, 2022 Planning Commission Desk Item Report with Exhibits 14-15
12. August 24, 2022 Planning Commission Verbatim Minutes
13. September 14, 2022 Planning Commission Staff Report with Exhibits 16-18
14. September 14, 2022 Planning Commission Addendum Report with Exhibits 19-20
15. September 14, 2022 Planning Commission Verbatim Minutes
16. Public Comment received between 11:01 a.m., Wednesday, September 14, 2022, and 11:00 a.m., Thursday, November 10, 2022

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TOWN OF LOS GATOS
DRAFT OBJECTIVE DESIGN STANDARDS
November 15, 2022

PURPOSE AND APPLICABILITY

The purpose of the Objective Design Standards is to ensure that new qualifying projects in Los Gatos provide high-quality architecture, integrate with surrounding development, and include well-designed amenities and outdoor areas to enhance community character. These standards are intended to guide property owners, applicants, developers, and design professionals by providing clear design direction that enhances the Town's unique character and ensures a high-quality living environment.

California Government Code Section 65559.5 identifies Qualifying Housing Development Projects to include:

- Multi-family housing developments;
- Residential Mixed-Use Housing developments with a minimum of two-thirds of the square footage designated for residential use;
- Supportive and transitional housing development.

A Qualifying Housing Development Project shall be approved through a streamlined, ministerial review process when the project complies with these Objective Design Standards as well as complying with all existing objective development regulations in the Town, including but not limited to the following:

- General Plan
- Town Code
- Guidelines and Standards for Land Use Near Streams
- Bicycle and Pedestrian Master Plan
- Parks and Public Works Standards
- Santa Clara County Fire Department Requirements

These standards are only to be used for review of qualifying projects where Town review, approval, and/or denial is limited to only objective standards. Many projects will proceed through the standard review process, in which case the objective standards included herein would not apply.

ORGANIZATION

The Objective Design Standards are organized into two primary sections: Site Standards; and Building Standards. The Site Standards section includes objective standards for site layout and building placement; vehicular access and parking; and outdoor areas and amenities. The Building Standards section includes objective standards for building form and massing; façade articulation; materials; and roof design.

ATTACHMENT 1

KEY TERMS

Community recreation space in Residential Mixed-Use developments means public gathering spaces, such as: plazas, outdoor dining areas, squares, pocket parks, or other community areas for the use of all residents and the business patrons and tenants.

Community recreation space in multi-family developments means gathering spaces, such as: play areas, pool areas, patios, rooftop decks, or other community areas for the use of all residents.

Façade articulation means the division of a building façade into distinct sections; including the materials, patterns, textures, and colors that add visual interest to a building or façade.

Fenestration means the design, construction, and presence of any openings in a building, such as: windows, doors, vents, wall panels, skylights, curtain walls, and louvers.

Landscaping means an area devoted to plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials; excluding driveways, parking, loading, or storage areas.

Multi-family use means the use of a site for three or more dwelling units on the same site.

Objective Design Standards means development regulations that are measurable, verifiable, and knowable to all parties prior to submittal of a qualifying project. A planning review process based on objective standards involves streamlined ministerial review with no personal or subjective judgement by a public official.

Primary building means a building within which the principal or main use on a lot or parcel is conducted. Where a permissible use involves more than one building designed or used for the primary purpose on the subject property, each such building on the parcel shall be construed as constituting a primary building.

Private recreation space at ground level means an outdoor enclosed patio or deck accessible from a single dwelling unit.

Private recreation space above ground level means an outdoor balcony, terrace, or rooftop deck, accessible from a single dwelling unit.

Residential Mixed-Use means a development project where a variety of uses such as office, commercial, and institutional, are combined with residential use(s) in a single building or on a single site in an integrated project. Two thirds of the project square footage must be residential uses.

Transitional and supportive housing means a type of housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living.

A. SITE STANDARDS

A.1. Pedestrian Access

- 1.1 All on-site buildings, entries, facilities, amenities, and vehicular and bicycle parking areas shall be internally connected with a minimum four-foot-wide pedestrian pathway or pathway network that may include use of the public sidewalk. The pedestrian pathway network shall connect to the public sidewalk along each street.
- 1.2 Pedestrian pathways within internal parking areas shall be separated from vehicular circulation by a physical barrier, such as a grade separation or a raised planting strip, of at least six inches in height and at least six feet in width. A pedestrian pathway is exempt from this standard where it crosses a parking vehicular drive aisle.

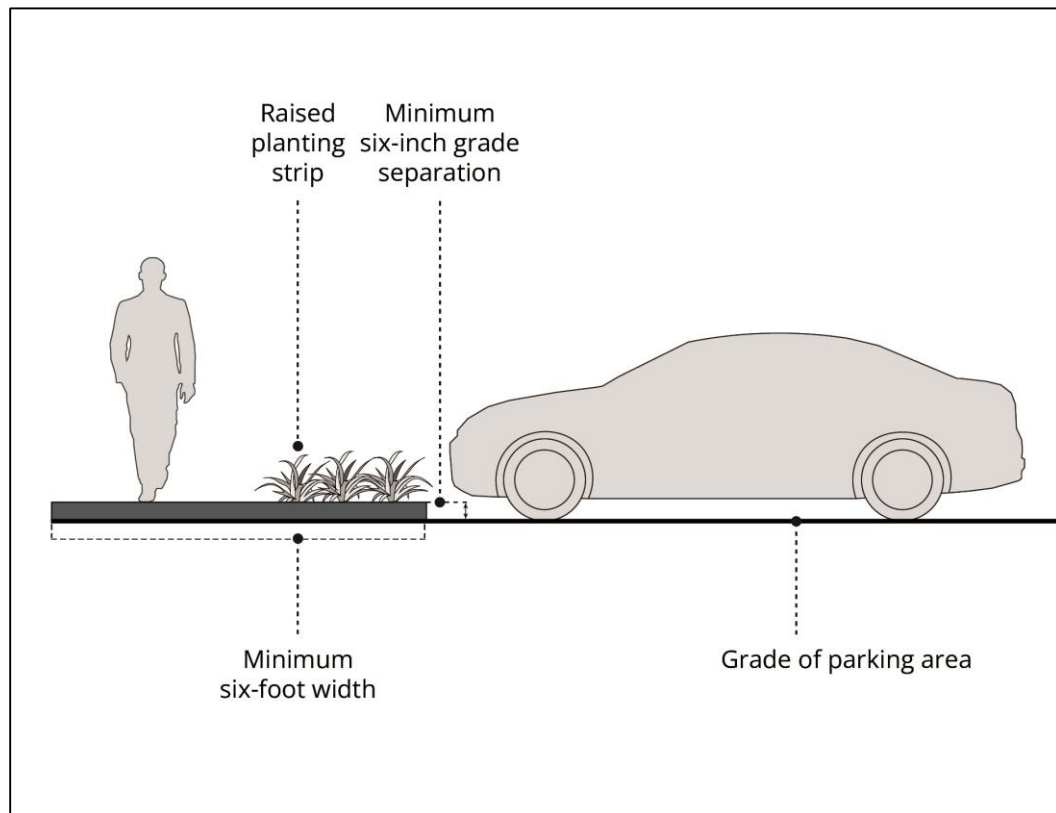


Figure A.1.2

A.2. Bicycle Access

- 2.1 Bicycle parking shall be located within 50 feet of at least one primary building entrance.
- 2.2 Multi-family residential buildings shall provide one bicycle parking space per dwelling unit.
- 2.3 Residential Mixed-Use projects shall provide one bicycle parking space per dwelling unit and one bicycle parking space per 2,000 square feet of non-residential space.

A.3. Vehicular Access

- 3.1 Off-street parking lots shall have vehicular circulation using an internal vehicular network that preclude the use of a public street for aisle-to-aisle internal circulation.

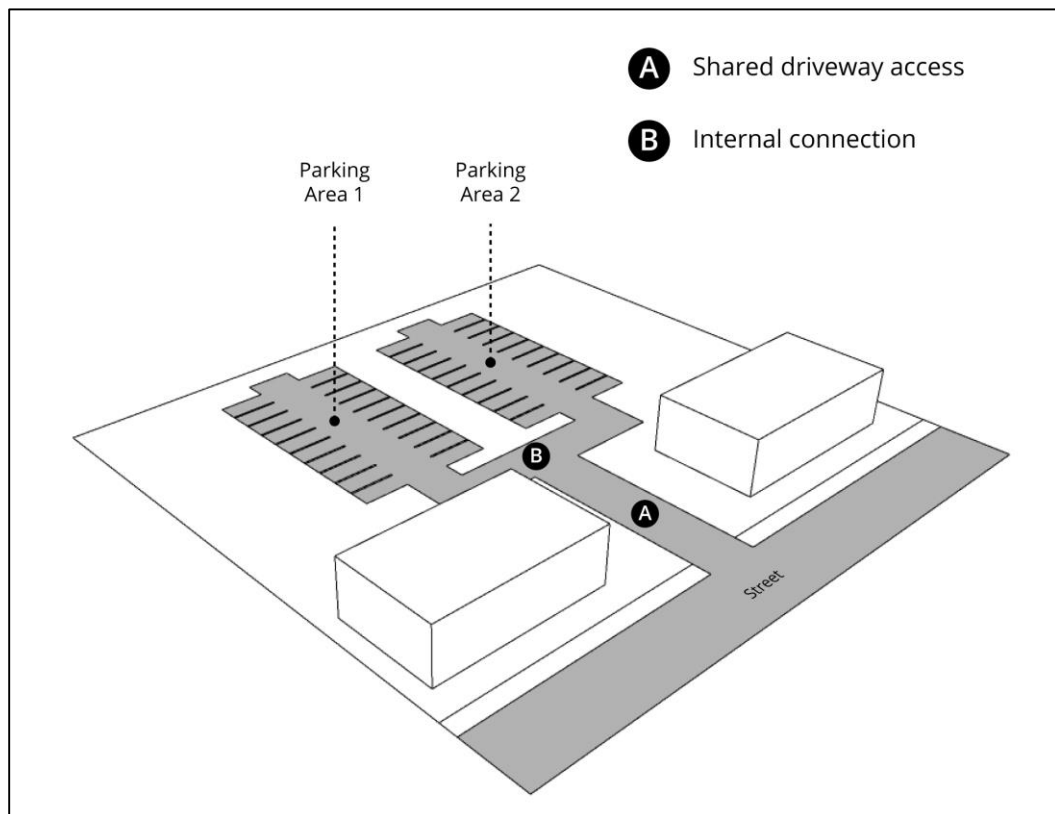


Figure A.3.1

A.4. Parking Location and Design

- 4.1 Surface parking lots and carports shall not be located between the primary building frontage and the street.
- 4.2 Uncovered parking rows with at least 15 consecutive parking spaces shall include a landscape area of six feet minimum width at intervals of no more than 10 consecutive parking stalls. One tree shall be provided in each landscape area.

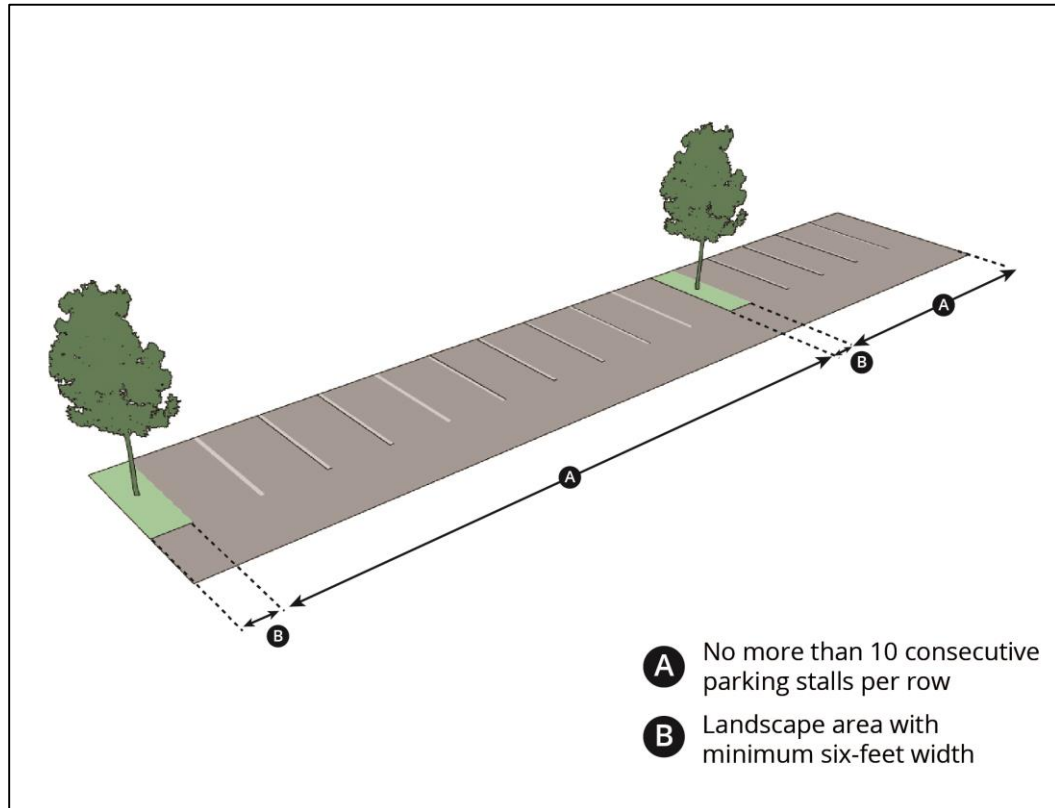


Figure A.4.2

A.5. Parking Structure Access

- 5.1 Any vehicular entry gate to a parking structure shall be located to allow a minimum of 18 feet between the gate and the back of the sidewalk to minimize conflicts between sidewalks and vehicle queuing.
- 5.2 A parking structure shall not occupy more than 50 percent of the building width of any street-facing façade, and it shall be recessed a minimum of five feet from the street-facing façade of the building.
- 5.3 For projects with five or more residential units and that have a vehicle access gate to the parking structure, a pedestrian gate shall also be provided.

A.6. Utilities

- 6.1 Pedestrian-oriented lighting shall be provided along all pedestrian paths in community recreation spaces. Exterior lighting fixtures shall be a minimum of three feet and a maximum of 12 feet in height. Light fixtures shall be placed along the pedestrian path at a spacing of no more than 30 linear feet.
- 6.2 Exterior lighting shall be fully shielded and restrain light to a minimum 30 degrees below the horizontal plane of the light source. Lighting shall be arranged so that the light will not shine directly on lands of adjacent residential zoned properties. Uplighting is prohibited.

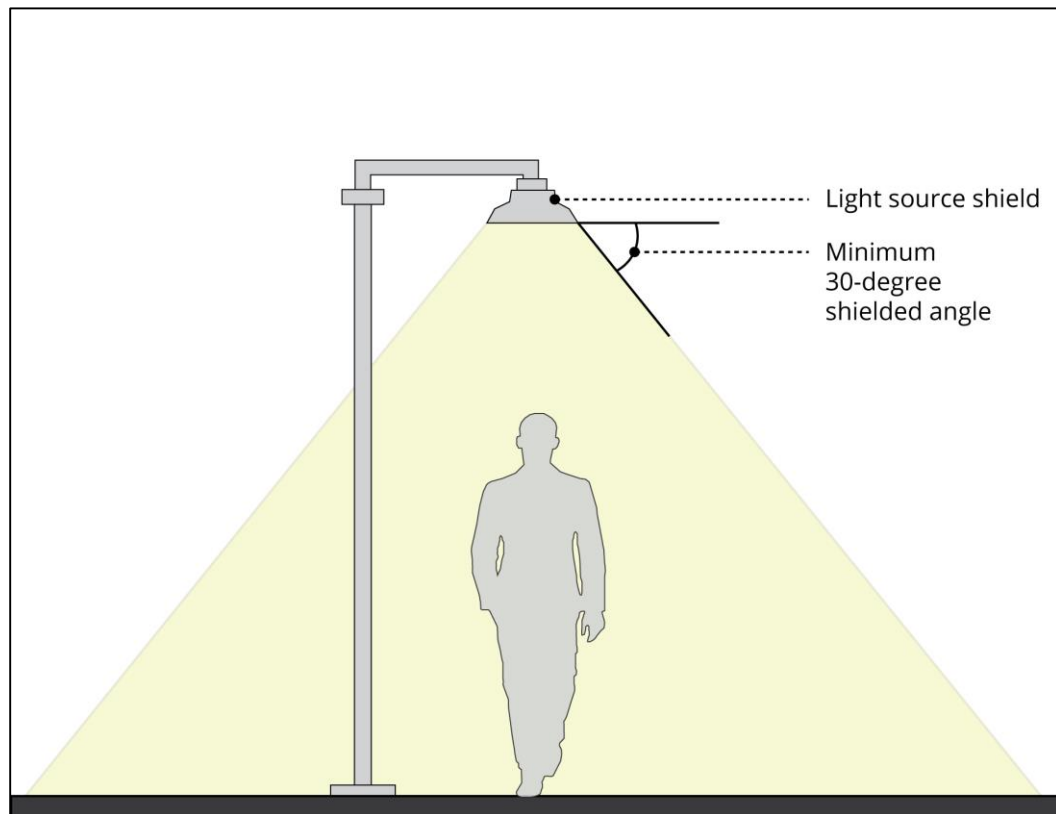


Figure A.6.2

- 6.3 Street level views of ground level utility cabinets, mechanical equipment, trash, and service areas shall be screened from sight with landscape planting, fencing, or a wall, as allowed by the Town Code. The screening shall be at least the same height as the item being screened and screening that is not landscape material shall be constructed with one or more of the materials used on the primary building.
- 6.4 Rooftop mechanical equipment shall be screened from view from the street. Solar equipment is exempt from this requirement.

A.7. Landscaping and Screening

- 7.1 At least 50 percent of the front setback area shall be landscaped.
- 7.2 A minimum 10-foot-wide landscape buffer shall be provided along the full length of the shared property line between multi-family or Residential Mixed-Use development and abutting residential properties. The buffer shall include the following:
- A solid masonry wall with a six-foot height, except within a street-facing setback where walls are not permitted; and

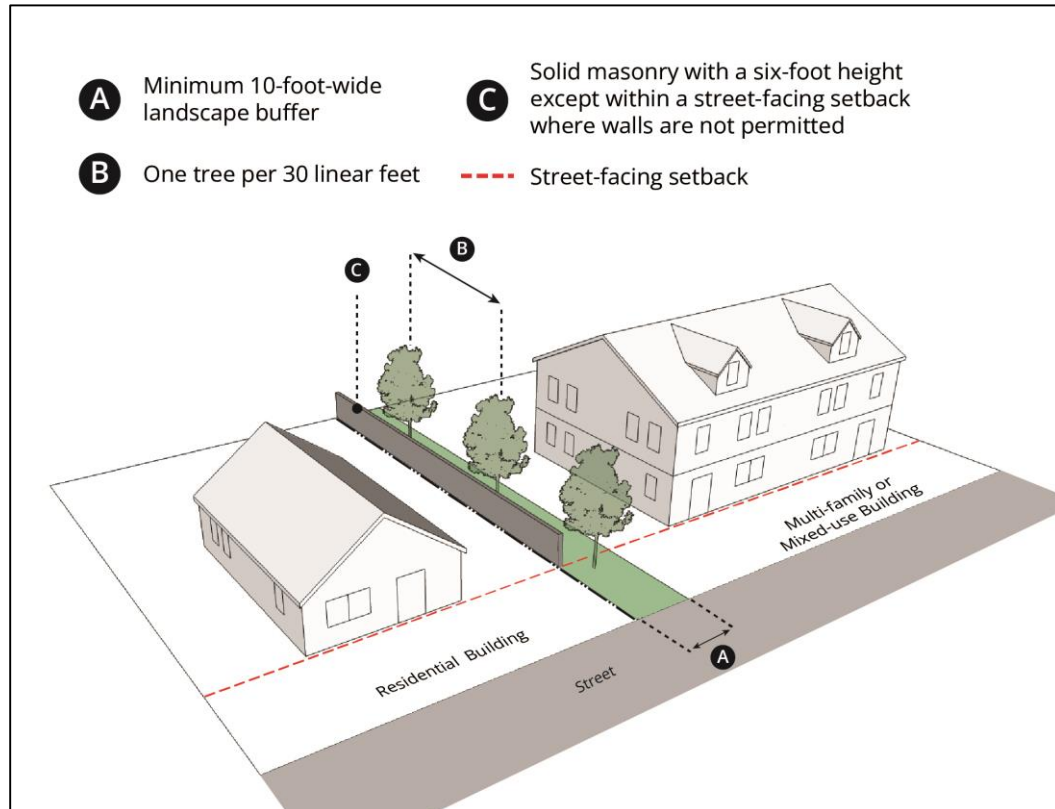


Figure A.7.2a

- Trees planted at a rate of at least one tree per 30 linear feet along the shared property line. Tree species shall be selected from the Town of Los Gatos Master Street Tree List and shall be a minimum 15-gallon size.
- 7.3 Surface parking lots shall be screened from view of the street with landscaping or a wall with a minimum three-foot height to screen the parking lot when not already screened by a primary building. When located in a street-facing setback, screening may not exceed a height of three feet.

A.8. Fencing

- 8.1 Fences, walls, and gates within required setbacks along all street frontages are prohibited unless used to screen on-site parking spaces from view from the street.
- 8.2 Chain link fencing is prohibited.
- 8.3 Perimeter barrier gates for vehicles and pedestrian entry gates shall have a maximum height of six feet.
- 8.4 Solid vehicular and pedestrian entry gates are prohibited. Entry gates shall be a minimum 50 percent open view.

A.9. Retaining Walls

- 9.1 Retaining walls shall not exceed five feet in height. Where an additional retained portion is necessary, multiple-terraced walls shall be used. Terraced walls shall set back at least three feet from the lower segment.
- 9.2 Retaining walls shall not run in a straight continuous direction for more than 50 feet without including the following:
 - a. A break, offset, or landscape pocket in the wall plane of at least three feet in length and two feet in depth; and
 - b. Landscaping at a minimum height of three feet at the time of installation along a minimum of 60 percent of the total length of the retaining wall.

A.10. Landscaped, Private, and Community Recreation Spaces

- 10.1 The landscaped, private, and community recreation spaces listed below are required for all qualifying projects. Community recreation spaces and private recreation spaces are calculated independent of each other. Landscaped areas within community recreation spaces can contribute to required minimums for both landscaped area and community recreation space.
 - a. Landscaped space: A minimum of 20 percent of the site area shall be landscaped.
 - b. Private recreation space: The minimum horizontal dimension is six feet in any direction and a minimum area of 60 square feet. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit. Landscaped sections of private recreation space cannot count towards required landscaping requirements.
 - i. Each ground floor dwelling unit shall have a minimum of 120 square feet of usable private recreation space.

- ii. Each dwelling unit above the ground floor shall have a minimum of 60 square feet of usable private recreation space. Where multiple balconies are provided for a single unit, the 60-square-foot minimum can be an aggregate of all balconies, provide each balcony meets the requirements for minimum horizontal dimensions.
- c. Community recreation space: The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.
 - i. Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.
 - ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.
 - iii. A project with four or less residential units is exempt from community recreation space requirements.
 - iv. Landscaped roof space can satisfy both required landscaping requirements and community recreation space requirements. Landscaped roof space may not be used to satisfy more than 50 percent of the required landscaping for the site.

A.11. Building Placement

- 11.1 To ensure buildings provide a continuous frontage along sidewalks, development in commercial zones shall place at least 75 percent of any ground floor street-facing façade on or within five feet of the setback line designated in the Town Code.

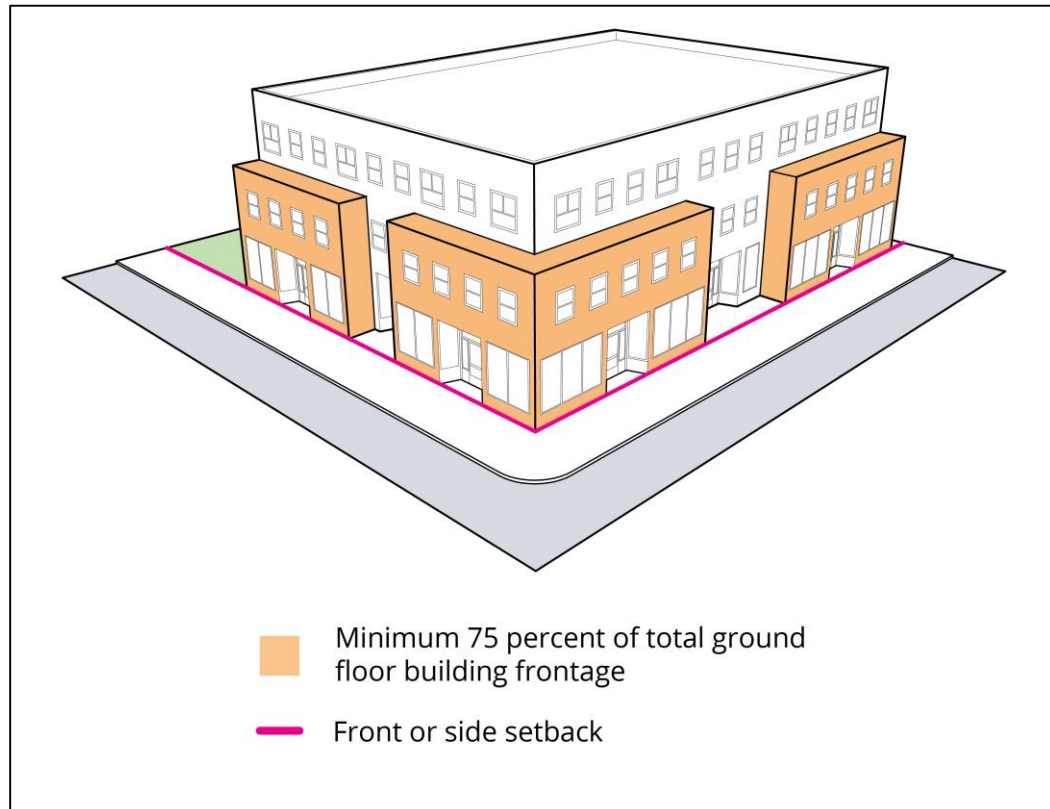


Figure A.11.1

- 11.2 A Residential Mixed-Use project with a ground-floor non-residential use shall provide site amenities on a minimum of 15 percent of the ground plane between the building and the front or street-side property line. The site amenities shall be comprised of any of the following elements:
- Landscape materials or raised planters;
 - Walls designed to accommodate pedestrian seating, no higher than 36 inches;
 - Site furnishings, including fountains, sculptures, and other public art; or
 - Tables and chairs associated with the ground floor use.

B. BUILDING STANDARDS

B.1. Massing and Scale

- 1.1 Multiple-story building façades that face a street shall incorporate breaks in the building mass by implementing a minimum of three of the following solutions along the combined façade area of all primary buildings facing the street:
- A minimum of 40 percent of the upper floor façade length shall step back from the plane of the ground-floor façade by at least five feet;

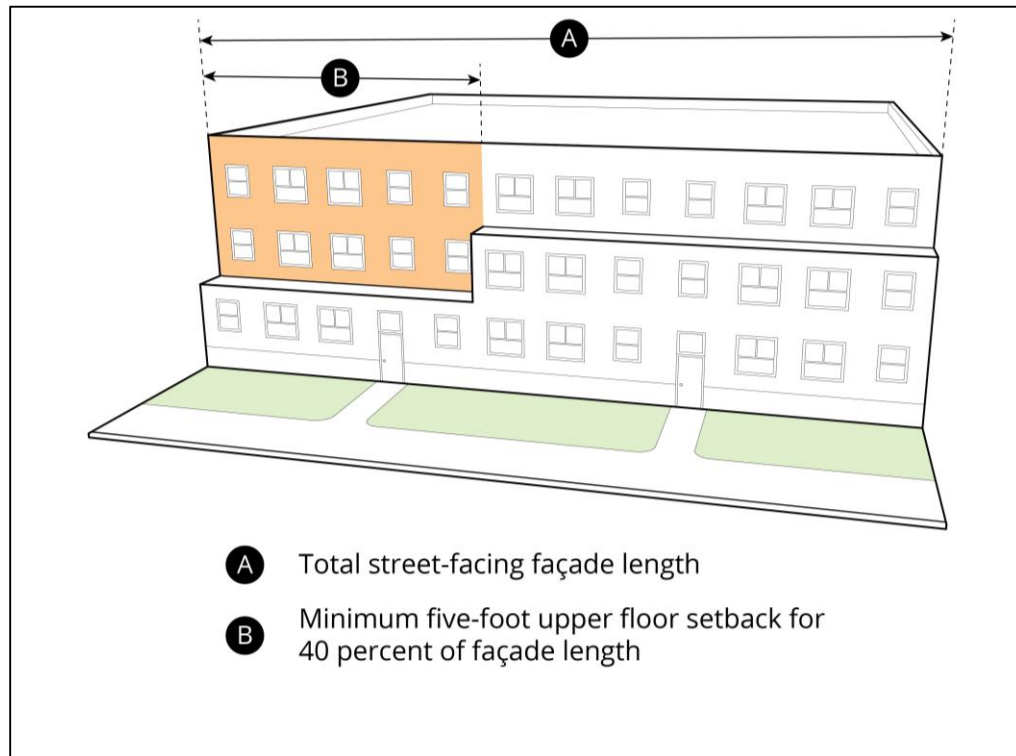


Figure B.1.1a

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;

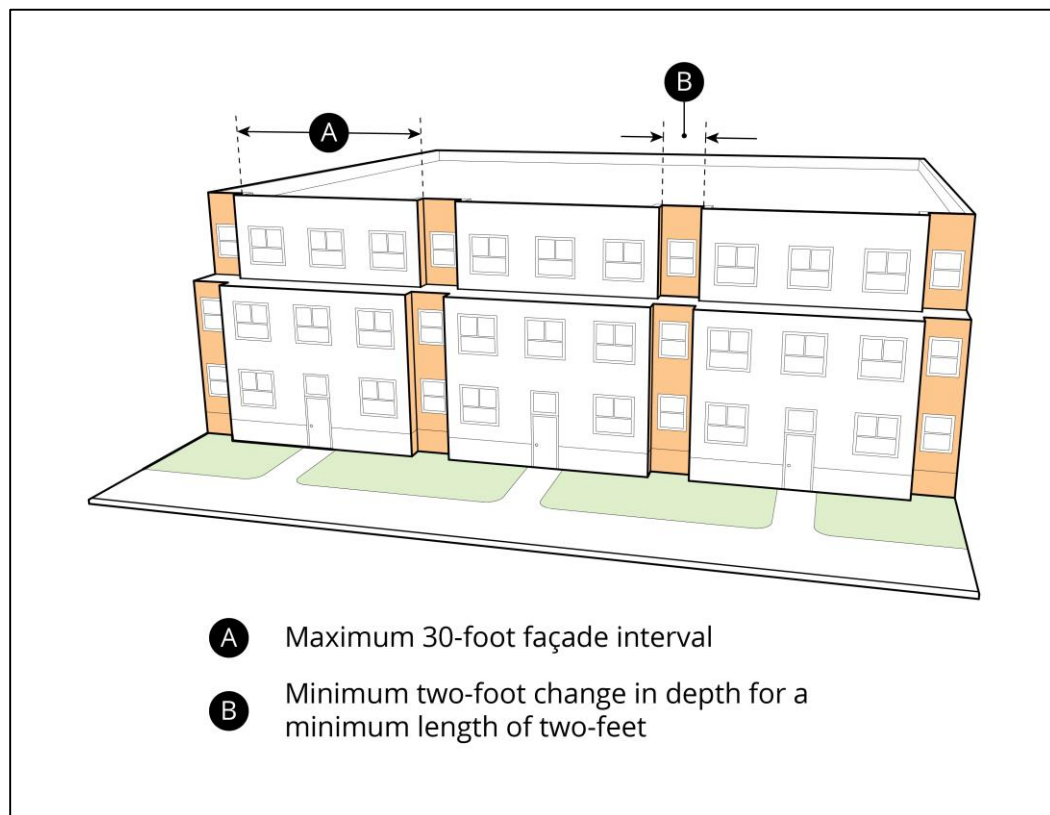


Figure B.1.1b

- c. Recessed façade plane to accommodate a building entry with a minimum ground plane area of 24 square feet. Where an awning or entry covering is provided, it can extend beyond the wall plane;



Figure B.1.1c

- d. An exterior arcade that provides a sheltered walkway within the building footprint with a minimum depth of eight feet. For a façade 50 feet or greater, the arcade must be a minimum length of 65 percent of the full building façade; for a facade less than 50 feet, the arcade must be a minimum of 80 percent of the full building façade.

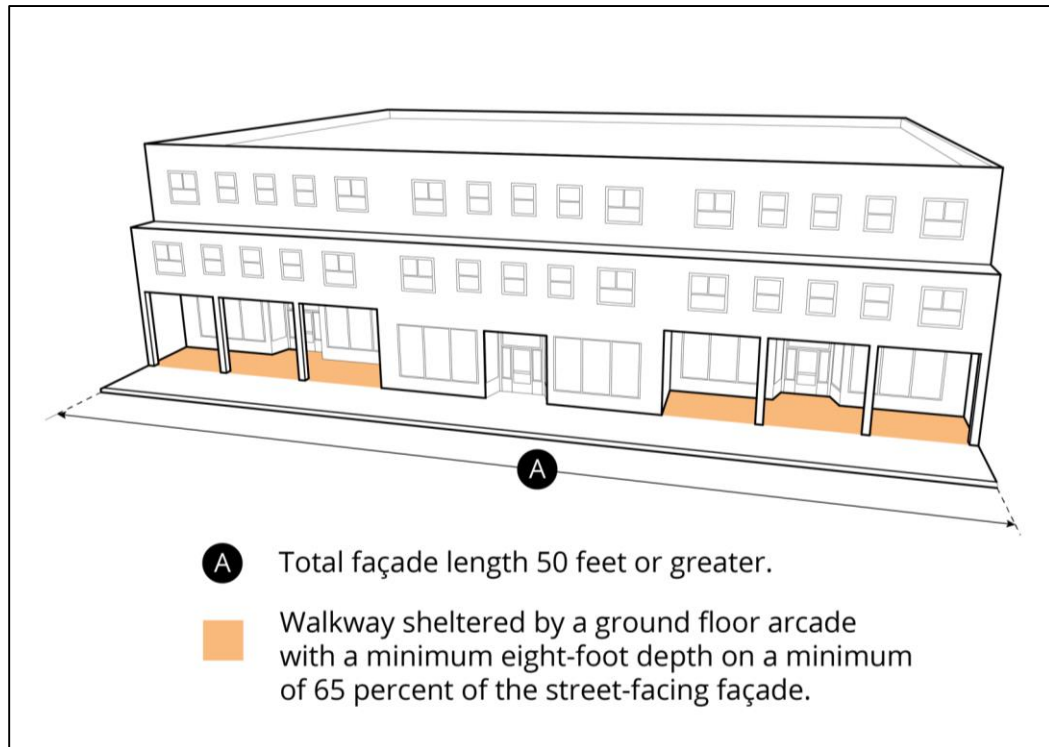


Figure B.1.1d (1)

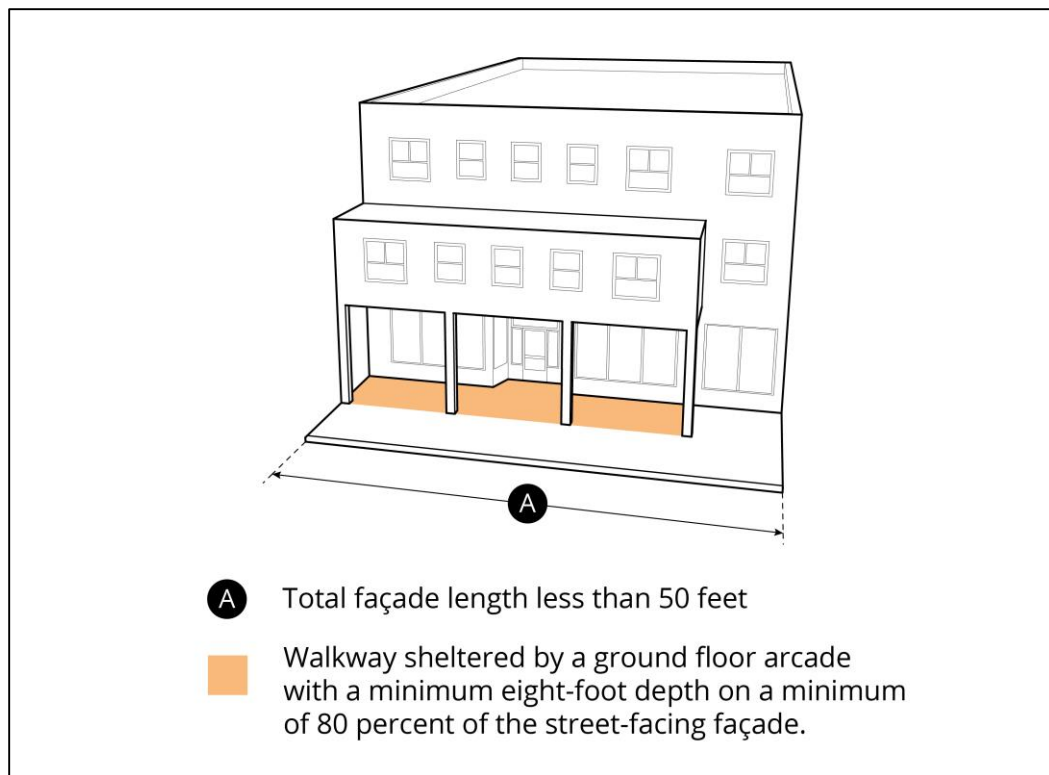


Figure B.1.1d (2)

- e. Ground floor open area abutting street-facing façade with a minimum area of 60 square feet; or



Figure B.1.1e

- f. Vertical elements, such as pilasters or columns, that protrude a minimum of one foot from the façade and extend the full height of the building base or ground floor, whichever is greater.

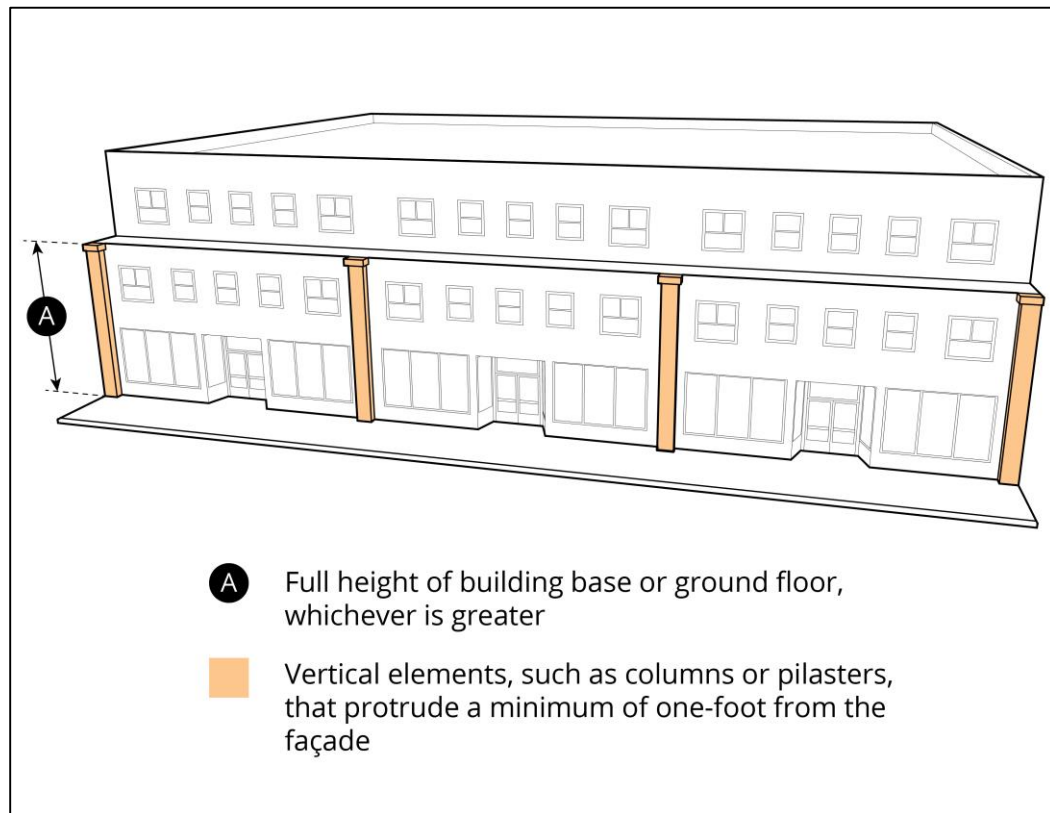


Figure B.1.1f

- 1.2 Upper floors above two stories shall be set back by a minimum of five feet from the ground-floor façade.
- 1.3 Townhomes or rowhouses shall have no more than six contiguous units in any single building.

B.2. Parking Structure Design

- 2.1 The ground-floor façade of a parking structure facing a street or pedestrian walkway shall be fenestrated on a minimum of 40 percent of the façade.
- 2.2 Façade openings on upper levels of a parking structure shall be screened at a minimum 10 percent and up to 30 percent of the opening to prevent full transparency into the structure.
- 2.3 Parking structures facing a street and greater than 40 feet in length shall include landscaping between the building façade and the street, or façade articulation of at least 25 percent of the façade length. The façade articulation shall be implemented by one of the following solutions:
 - a. An offset of the façade plane with a depth of at least 18 inches for a minimum of eight feet in horizontal length; or
 - b. A different building material covering the entire façade articulation.

B.3. Roof Design

- 3.1 At intervals of no more than 40 feet along the building façade, horizontal eaves shall be broken using at least one of the following strategies:
 - a. Gables;
 - b. Building projection with a depth of a minimum of two feet;
 - c. Change in façade or roof height of a minimum of two feet;
 - d. Change in roof pitch or form; or
 - e. Inclusion of dormers, parapets, and/or varying cornices.
- 3.2 Skylights shall have a flat profile rather than domed.

- 3.3 The total width of a single dormer or multiple dormers shall not exceed 50 percent of the total roof length at the street-facing façade. The dormer width shall be measured at dormer roof fascia, or widest part of the dormer.

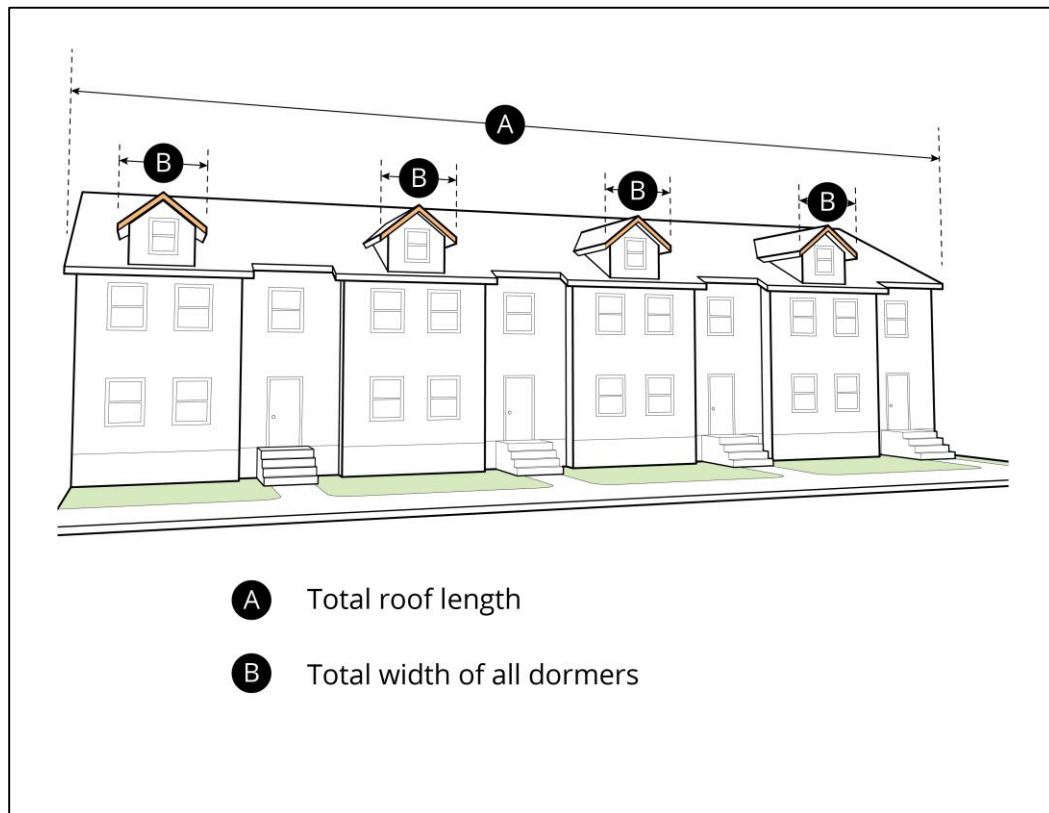


Figure B.3.3

- 3.4 Carport roof materials shall be the same as the primary building.

B.4. Façade Design and Articulation

- 4.1 Buildings greater than two stories shall be designed to differentiate the base, middle, and top of the building on any street-facing façade. Each of these elements shall be distinguished from one another using at least two of the following solutions:
- Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;



Figure B.4.1a

- b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;

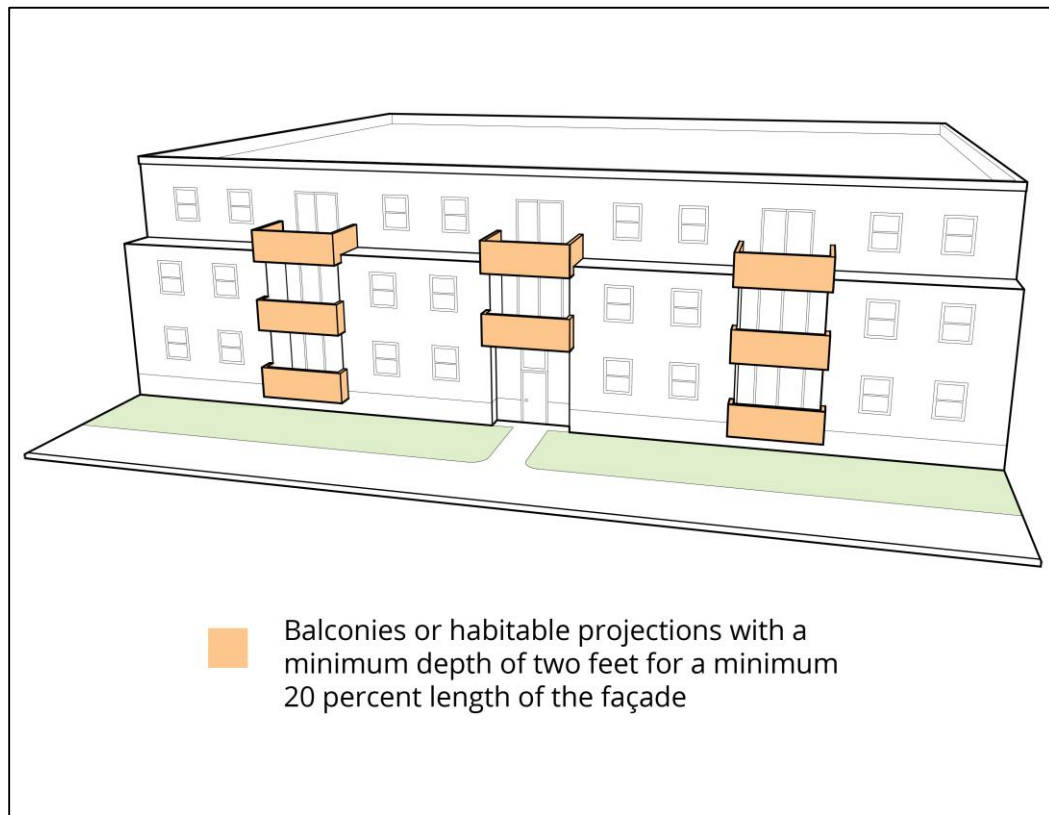


Figure B.4.1b

- c. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing façade;

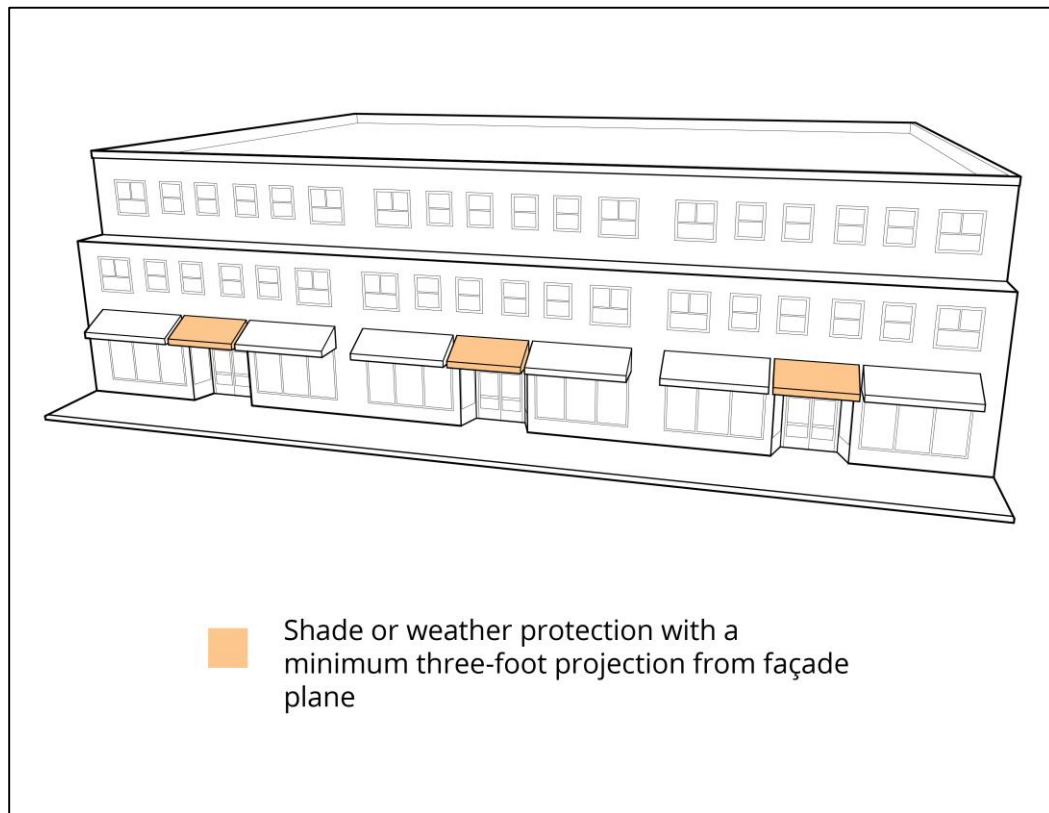


Figure B.4.1c

- d. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade, or
- e. The upper floor shall implement a façade height that is a minimum of two feet greater than the façade height of the floor immediately below. The greater façade height shall be made evident by taller windows or arrangement of combined windows.

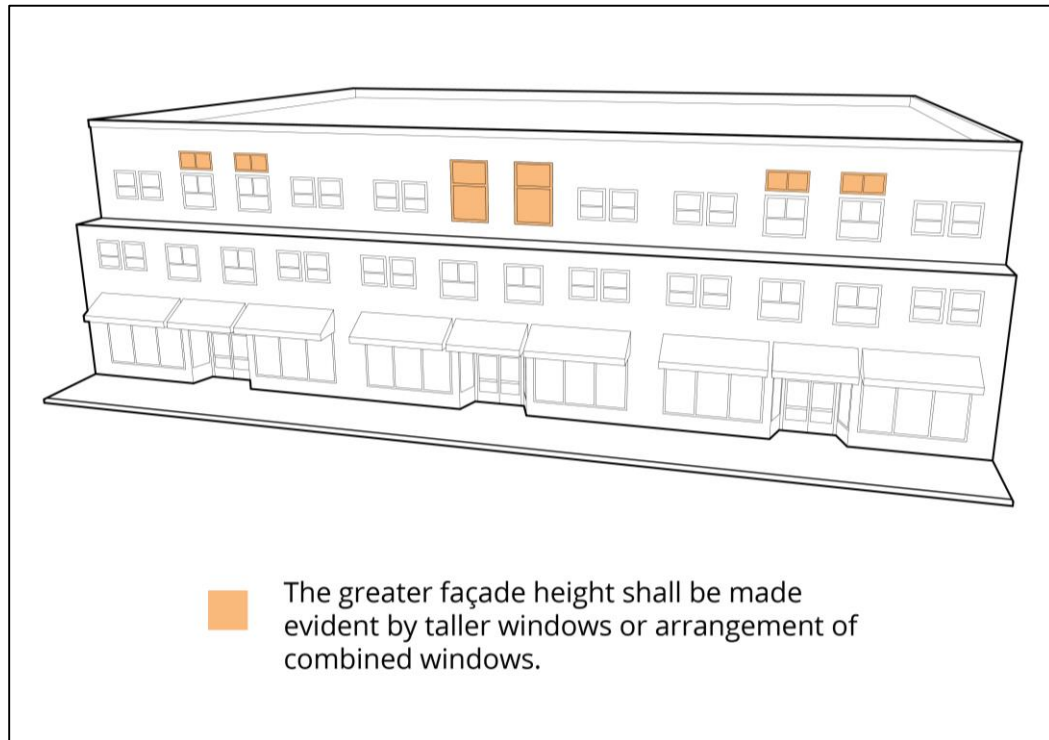


Figure B.4.1e

- 4.2 All façade materials, such as siding, window types, and architectural details, used on the street-facing façade shall be used on all other building façades.

- 4.3 Variation in the street-facing façade planes shall be provided for buildings greater than one story by incorporating any combination of the following architectural solutions to achieve a minimum of 16 points:
- Architectural features, such as:
 - Arcade or gallery along the ground floor; 8 points
 - Awnings or canopies on all ground floor windows of commercial space; 6 points
 - Building cornice; 5 points
 - Façade sconce lighting at a minimum of one light fixture per 15 linear feet. 3 points
 - Bay or box windows projecting a minimum of 18 inches from the façade plane and comprising a minimum of 20 percent of the fenestration on the upper floors of the facade; 6 points
 - Balconies or Juliet balconies provided on a minimum of 40 percent of the fenestration on the upper floors of the facade; 5 points
 - Landscaped trellises or lattices extending across a minimum of 65 percent of any level of the facade; 5 points
 - Materials and color changes; 3 points
 - Eaves that overhang a minimum of two feet from the facade with supporting brackets; 3 points
 - Window boxes or plant shelves under a minimum of 60 percent of the fenestration on the upper floors of the facade; or 3 points
 - Decorative elements such as molding, brackets, or corbels. 3 points
- 4.4 Garage doors shall be recessed a minimum of 12 inches from the façade plane and along the street-facing façade shall not exceed 40 percent of the length of the building façade.

- 4.5 Changes in building materials shall occur at inside corners.

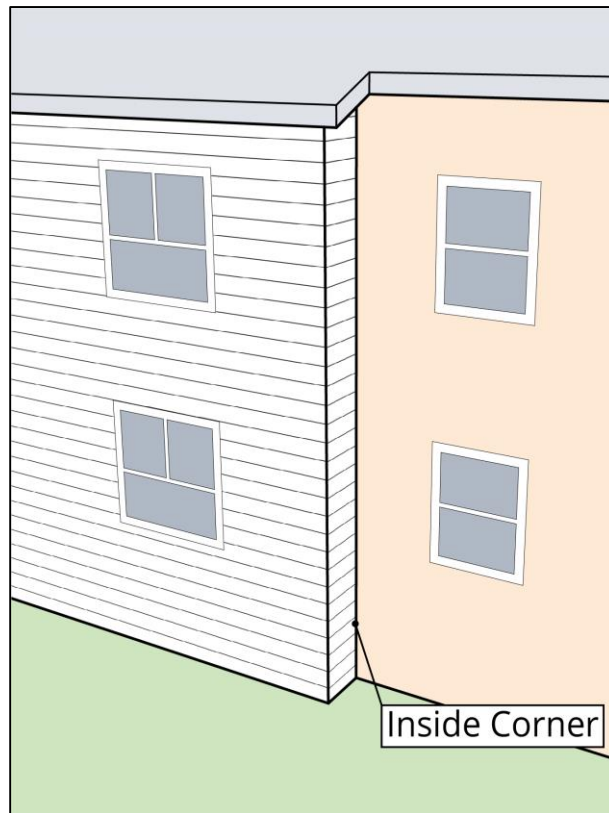


Figure B.4.5

- 4.6 A primary building entrance shall be provided facing a street or community recreation space. Additionally, all development shall meet the following requirements:
- a. Pedestrian entries to ground-floor and upper-floor non-residential uses shall meet at least one of the following standards:
 - i. The entrance shall be recessed in the façade plane at least three feet in depth; or
 - ii. The entrance shall be covered by an awning, portico, or other architectural element projecting from the façade a minimum of three feet.

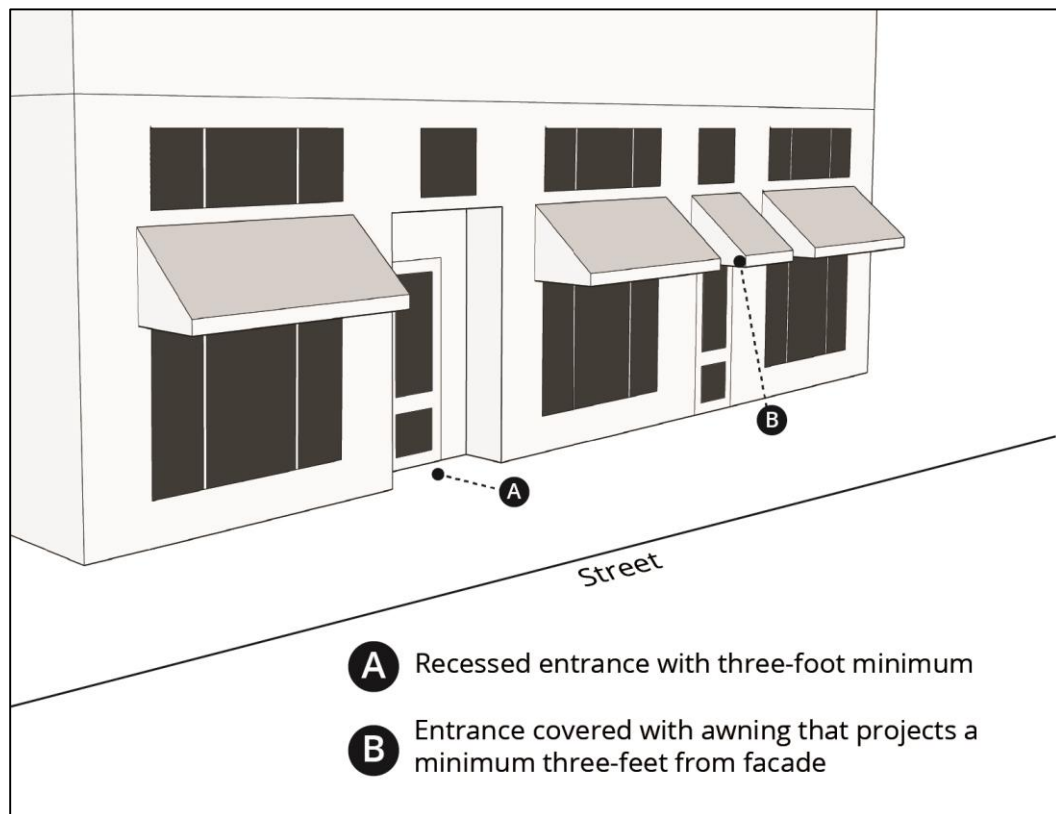


Figure B.4.6a

- b. For ground-floor commercial uses, façades facing a street shall include windows, doors, or openings for at least 60 percent of the building façade that is between two and 10 feet above the level of the sidewalk.

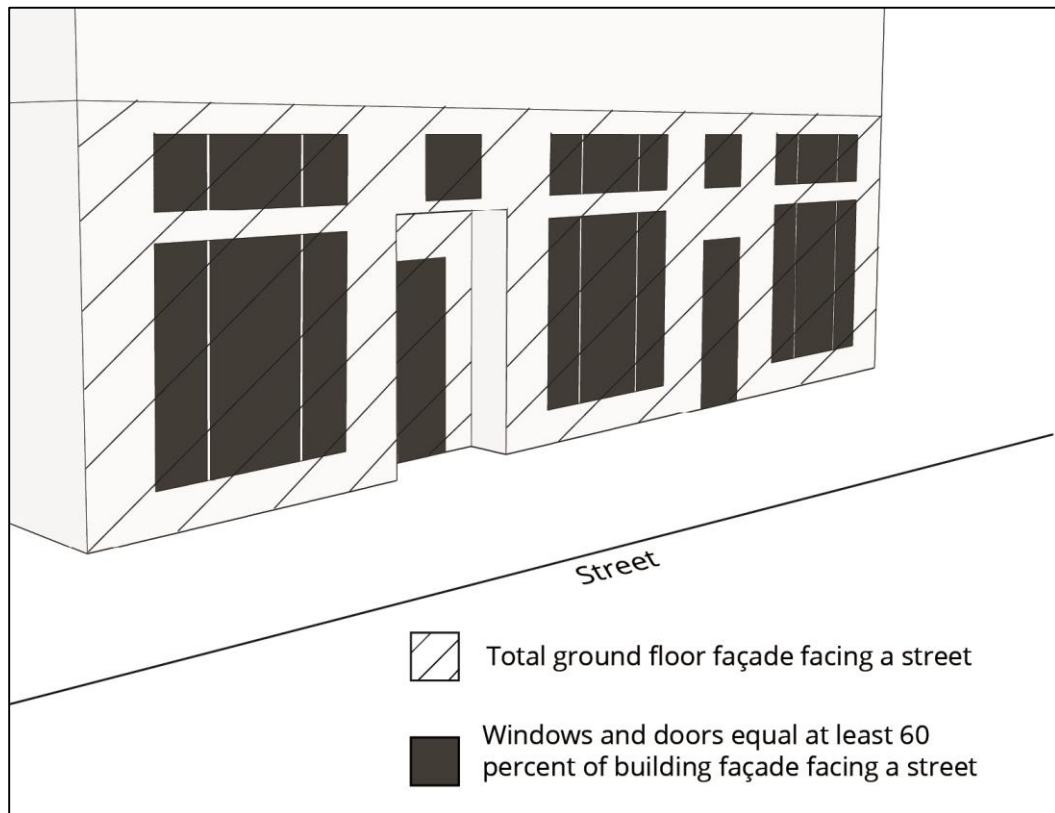


Figure B.4.6b

- 4.7 Pedestrian entries to buildings shall meet minimum dimensions to ensure adequate access based on use and development intensity. Building entries inclusive of the doorway and the facade plane shall meet the following minimum dimensions:
 - a. Individual residential entries: five feet in width
 - b. Single entry to multiple residential unit building, including Residential Mixed-Use buildings: eight feet in width
 - c. Storefront entry: six feet in width

- 4.8 Mirrored windows are prohibited.
- 4.9 Awnings shall be subject to the following requirements:
 - a. A minimum vertical clearance of eight feet measured from the pedestrian pathway;
 - b. Shall not extend beyond individual storefront bays; and
 - c. Shall not be patterned or striped.
- 4.10 For buildings abutting a single-family zoning district or existing single-family use, no part of a rooftop or upper floor terrace or deck shall be closer than five feet from the facade plane of the lower floor, to prevent views into adjacent residential uses.
- 4.11 Balconies are allowed on facades facing the street and those facades facing existing non-residential uses on abutting parcels. Such balconies shall be without any projections beyond the building footprint.
- 4.12 Residential Mixed-Use buildings shall provide at least one of the following features along street-facing façades where the façade exceeds 50 feet in length:
 - a. A minimum five-foot offset from the façade plane for a length of at least 10 feet;
 - b. Multiple pilasters or columns, each with a minimum width of two feet; or
 - c. Common open space, such as a plaza, outdoor dining area, or other spaces.
- 4.13 Continuous blank façades on any floor level shall not exceed 25 percent of the entire façade length along any street.

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TOWN OF LOS GATOS
DRAFT OBJECTIVE DESIGN STANDARDS
August 24~~November 15~~, 2022

PURPOSE AND APPLICABILITY

The purpose of the Objective Design Standards is to ensure that new qualifying projects in Los Gatos provide high-quality architecture, integrate with surrounding development, and include well-designed amenities and outdoor areas to enhance community character. These standards are intended to guide property owners, applicants, developers, and design professionals by providing clear design direction that enhances the Town's unique character and ensures a high-quality living environment.

~~A qualifying project is a Housing Development Project as defined in Gov. California Government Code 65589 Section 65559.5 in zones where the use is principally permitted. identifies Qualifying Housing Development Projects shall comply with the Objective Design Standards, and to include multi:~~

- ~~• Multi-family housing, residential mixed-use projects with at least developments;~~
- ~~• Residential Mixed-Use Housing developments with a minimum of two-thirds of the square footage designated for residential use, or supportive;~~
- ~~• Supportive and transitional housing development.~~

~~Qualifying projects must also comply~~A Qualifying Housing Development Project shall be approved through a streamlined, ministerial review process when the project complies with these Objective Design Standards as well as complying with all existing objective development requirementsregulations in the Town, including but not limited- to the following:

- General Plan
- Town Code
- Guidelines and Standards for Land Use Near Streams
- Bicycle and Pedestrian Master Plan
- Parks and Public Works Standards
- Santa Clara County Fire Department Requirements

~~These standards are only to be used for review of qualifying projects where Town review, approval, and/or denial is limited to only objective standards. Many projects will proceed through the standard review process, in which case the objective standards included herein would not apply.~~

ATTACHMENT 2

ORGANIZATION

The following Objective Design Standards are organized into two primary sections: Site Standards; and Building Design. The Site Standards section includes objective standards for site layout and building placement; vehicular access and parking; and outdoor areas and amenities. The Building Design section includes objective standards for building form and massing; façade articulation; materials; and roof design.

KEY TERMS

Community recreation space in ~~mixed-use~~ Residential Mixed-Use developments means public gathering spaces, such as: plazas, outdoor dining areas, squares, pocket parks, or other community areas for the use of ~~the public.~~ all residents and the business patrons and tenants.

Community recreation space in multi-family developments means gathering spaces, such as: play areas, pool areas, patios, rooftop decks, or other community areas for the use of all residents.

Façade articulation means the division of a building façade into distinct sections; including the materials, patterns, textures, and colors that add visual interest to a building or façade.

Fenestration means the design, construction, and presence of any openings in a building, such as: windows, doors, vents, wall panels, skylights, curtain walls, and louvers.

~~Mixed-use means a development project where a variety of uses such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated project.~~

~~Multi-family use means the use of a site for three or more dwelling units on the same site.~~

Landscaping means an area devoted to plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials; excluding driveways, parking, loading, or storage areas.

Multi-family use means the use of a site for three or more dwelling units on the same site.

Objective Design Standards means development regulations that are measurable, verifiable, and knowable to all parties prior to submittal of a qualifying project. A planning review process based on objective standards involves streamlined ministerial review with no personal or subjective judgement by a public official.

Primary building means a building within which the principal or main use on a lot or parcel is conducted. Where a permissible use involves more than one building designed or used for the primary purpose on the subject property, each such building on the parcel shall be construed as constituting a primary building.

Private recreation space at ~~the~~ ground level means a single outdoor enclosed patio or deck. accessible from a single dwelling unit.

Private recreation space above ~~the~~ ground level means an outdoor balcony, terrace, or rooftop deck, or similar accessible from a single dwelling unit.

Residential Mixed-Use means a development project where a variety of uses such as office, commercial, and institutional, are combined with residential use(s) in a single building or on a single site in an integrated project. Two thirds of the project square footage must be residential uses.

Transitional and supportive housing means a type of housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living.

A. SITE STANDARDS

A.1. Pedestrian Access

- 1.1 All on-site buildings, entries, facilities, amenities, and vehicular and bicycle parking areas shall be internally connected with a minimum four-foot-wide pedestrian pathways and pathway or pathway network that may include use of the public sidewalk. Pedestrian pathways~~The pedestrian pathway network~~ shall connect to the public sidewalk along each street.
- 1.2 Pedestrian pathways within internal parking areas shall be separated from vehicular circulation by a physical barrier, such as a grade separation or a raised planting strip, of at least six inches in height and at least six feet in width. A pedestrian pathway is exempt from this standard where it crosses a parking vehicular drive aisle.

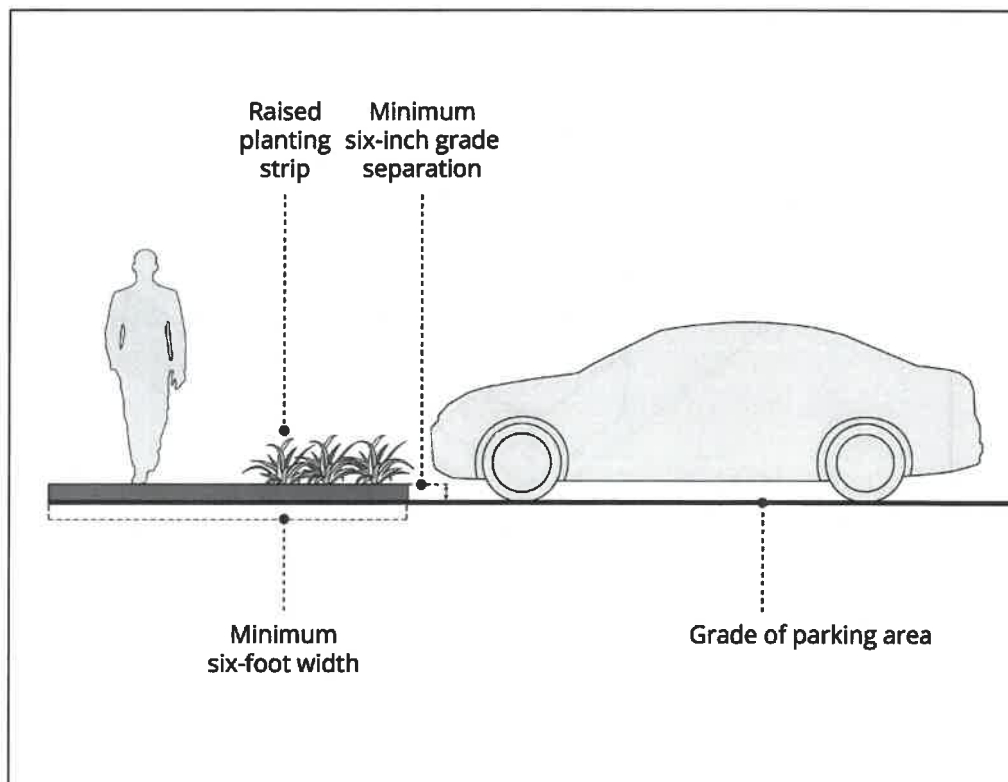


Figure A.1.2

A.2. Bicycle Access

- 2.1 Bicycle parking shall be located within 50 feet of at least one primary building entrance.
- 2.2 Multi-family residential buildings shall provide one bicycle parking space per dwelling unit.
- 2.3 ~~Residential~~ Mixed-use projects shall provide one bicycle parking space per dwelling unit and one bicycle parking space per 2,000 square feet of ~~commercial/non-residential~~ space.

~~2.4 A minimum five-foot-wide walkway shall be provided connecting the bicycle parking area(s) and the street-facing sidewalk.~~

A.3. Vehicular Access

- 3.1 Off-street parking lots shall have ~~vehicular circulation using an~~ internal vehicular ~~circulation network~~ that ~~precludes/preclude~~ the use of a ~~public~~ street for aisle-to-aisle ~~internal~~ circulation.

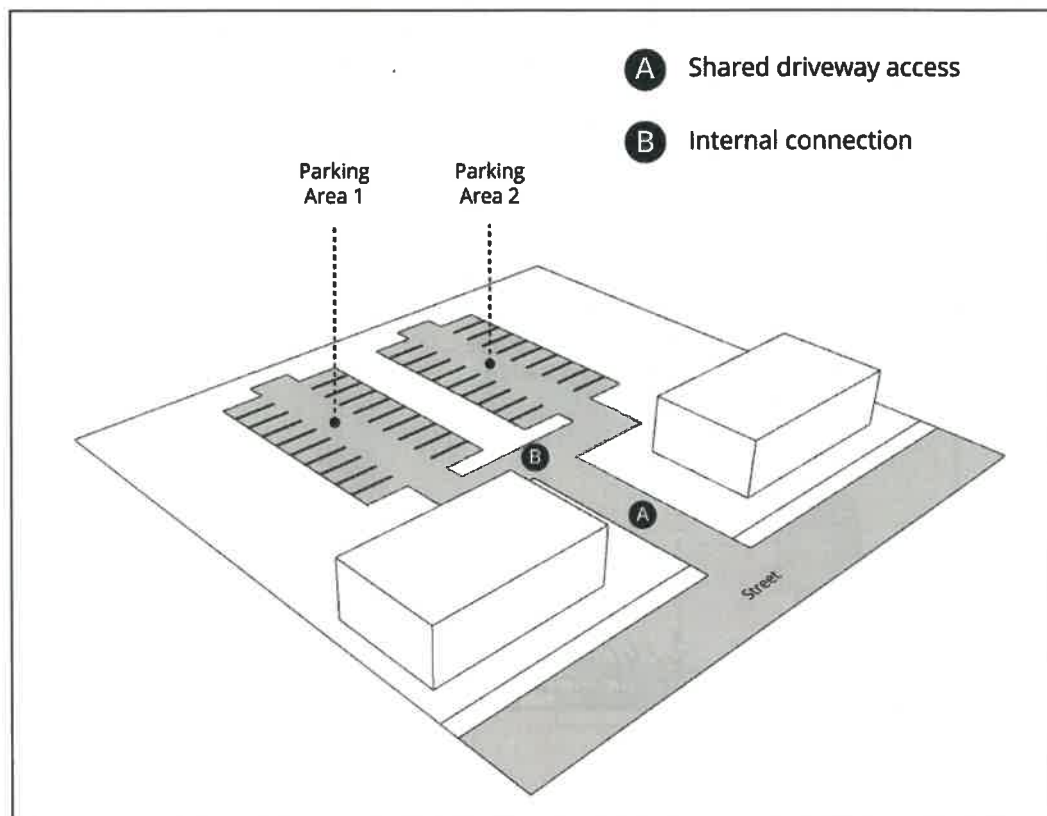


Figure A.3.1

A.4. Parking Location and Design

4.1 ~~Driveways and surface~~Surface parking lots ~~and carports~~ shall not be located between the primary building frontage and the street.

4.2 ~~Multiple parking areas located on a common property shall be internally connected and shall use shared driveways to access the street.~~

4.34.2 Uncovered parking rows with at least 15 consecutive parking spaces shall include a landscape area of six feet minimum width at intervals of no more than 10 consecutive parking stalls. One tree shall be provided in each landscape area.

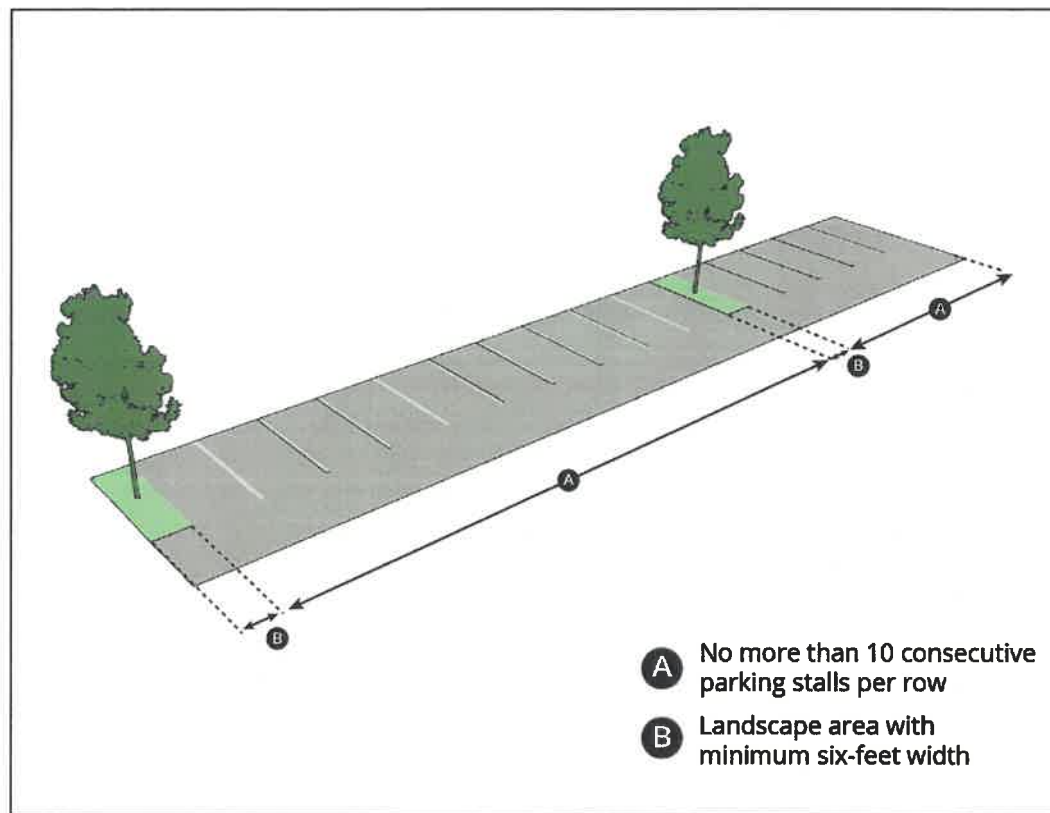


Figure A.4.32

4.4 ~~Carports shall not be located between a primary building and a street.~~

A.5. Parking Structure Access

5.1 Any ~~automobile~~vehicular entry gate to a parking structure shall be located to allow a minimum of ~~25~~18 feet between the gate and the back of the sidewalk to minimize conflicts between sidewalks and vehicle queuing.

5.2 A parking structure shall not occupy more than 50 percent of the building width of any street-facing façade, and ~~it~~ shall be recessed a minimum ~~of~~ five feet from ~~the~~ street-facing ~~façades~~façade of the building.

5.3 For projects with five or more residential units and that have a vehicle access gate to the parking structure, a pedestrian gate shall also be provided.

A.6. Utilities

- 6.1 Pedestrian-oriented lighting shall be provided along all pedestrian paths in community recreation spaces. Exterior lighting fixtures shall be a minimum of three feet and a maximum of 12 feet in height. Light fixtures shall be placed along the pedestrian path at a spacing of no more than 30 linear feet.
- 6.2 Exterior lighting shall be fully shielded and restrain light to a minimum 30 degrees below the horizontal plane of the light source. Lighting shall be arranged so that the light will not shine directly on lands of adjacent residential zoned properties. Uplighting is prohibited.

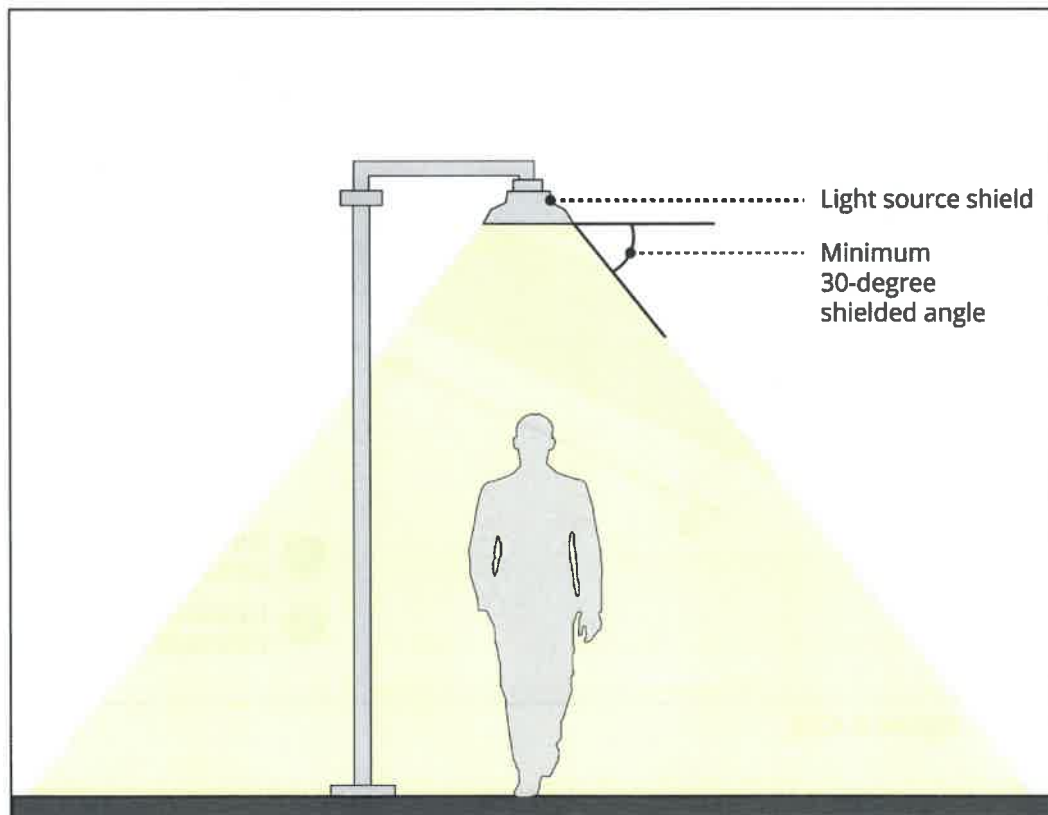


Figure A.6.2

6.3 Rooftop and Street level views of ground-mounted level utility cabinets, mechanical equipment, trash, and service areas shall be screened from view from the streetsight with landscape planting, fencing, or a wall, as allowed by the Town Code. The screening shall be at least the same height as the item being screened and screening that is not landscape material shall be constructed with one or more of the materials used on the primary building.

6.36.4 Rooftop mechanical equipment shall be screened from view from the street. Solar equipment is exempt from this requirement.

A.7. Landscaping and Screening

7.1 At least 50 percent of the front setback area shall be landscaped.

7.2 A minimum 10-foot-wide landscape buffer shall be provided along the full length of the shared property line between multi-family or mixed-use Residential Mixed-Use development and abutting residential properties. The buffer shall include the following:

- a. A solid masonry wall with a six-foot height, except within a street-facing setback where walls are not permitted; and

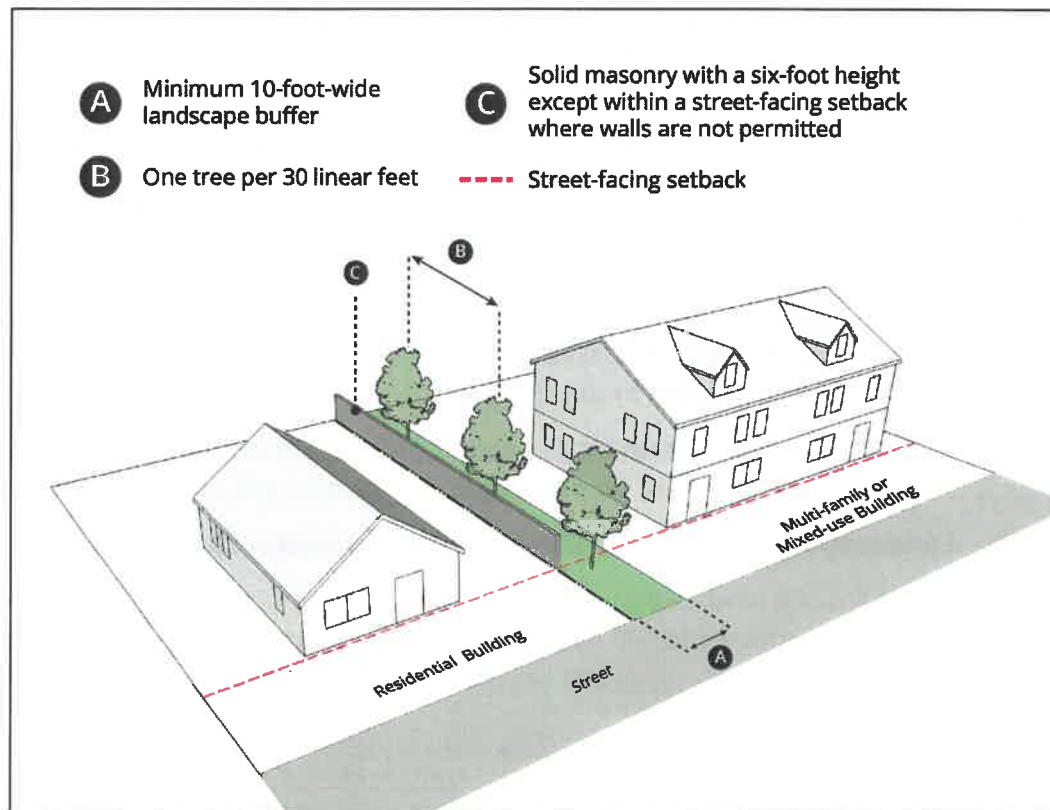


Figure A.7.2a

- b. Trees planted at a rate of at least one tree per 30 linear feet along the shared property line. Tree species shall be selected from the Town of Los Gatos Master Street Tree List and shall be a minimum 15-gallon size.
- 7.3 Surface parking lots shall be screened from view of the street with landscaping or a wall with a minimum three-foot height to screen the parking lot, when not already screened by a primary building. When located in a street-facing setback, screening may not exceed a height of three feet.

A.8. Fencing

- 8.1 Fences, walls, hedges, and gates within required setbacks along all street frontages shall have a maximum height of three feet are prohibited unless used to screen on-site parking spaces from view from the street.
- 8.2 Chain link fencing is prohibited.
- 8.3 Vehicular entry Perimeter barrier gates for vehicles and pedestrian entry gates shall have a maximum height of six feet.
- 8.4 Solid vehicular and pedestrian entry gates are prohibited. Entry gates shall be a minimum 50 percent open view.

A.9. Retaining Walls

- 9.1 Retaining walls shall not exceed five feet in height. Where an additional retained portion is necessary, multiple-terraced walls shall be used. Terraced walls shall set back at least three feet from the lower segment.
- 9.2 Retaining walls shall not run in a straight continuous direction for more than 50 feet without including the following:
- a. A break, offset, or landscape pocket in the wall plane of at least three feet in length and two feet in depth; and
 - b. Landscaping at a minimum height of three feet at the time of installation along a minimum of 60 percent of the total length of the retaining wall.

A.10. Landscaped, Private, and Community Recreation Spaces

10.1 — The following landscaped, private, and community recreation spaces listed below are required for all qualifying projects. Community recreation spaces and private recreation spaces are calculated independent of each other:

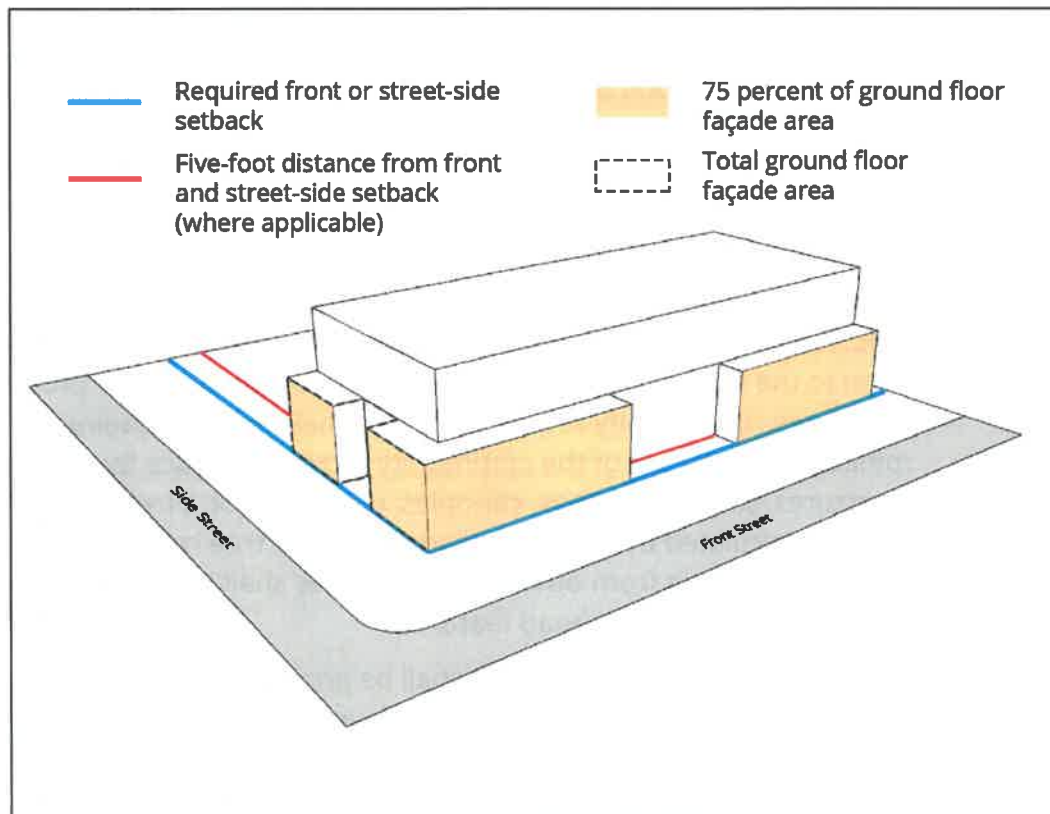
10.1 . Landscaped areas within community recreation spaces can contribute to required minimums for both landscaped area and community recreation space:

- a. Landscaped space: A minimum of 20 percent of the site area shall be landscaped.

- b. Private recreation space: The minimum horizontal ~~dimensions are 10 feet by six feet.~~dimension is six feet in any direction and a minimum area of 60 square feet. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit. Landscaped sections of private recreation space cannot count towards required landscaping requirements.
 - i. Each ground floor dwelling unit shall have a minimum of ~~200~~120 square feet of usable private recreation space.
 - ii. Each dwelling unit above the ground floor shall have ~~120~~a minimum of 60 square feet of usable private recreation space. Where multiple balconies are provided for a single unit, the 60-square-foot minimum can be an aggregate of all balconies, provide each balcony meets the requirements for minimum horizontal dimensions.
- c. Community recreation space: The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.
 - i. Community recreation space shall be provided in ~~mixed-use~~Residential Mixed-Use developments at a minimum of ~~200~~100 square feet per residential unit plus a minimum of two percent of the ~~commercial~~non-residential square footage.
 - ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of ~~200~~100 square feet per residential unit.
 - iii. A project with four or less residential units is exempt from community recreation space requirements.
 - iv. Landscaped roof space can satisfy both required landscaping requirements and community recreation space requirements. Landscaped roof space may not be used to satisfy more than 50 percent of the required landscaping for the site.

A.11. Building Placement

- 11.1 To ~~create~~ensure buildings provide a continuous ~~streetscape appearance~~frontage along sidewalks, development in ~~a Community Place Growth~~commercial zones shall place at least 75 percent of ~~the any~~ ground floor ~~of a building~~street-facing façade on or within five feet of the ~~front and street-side~~ setback ~~(where applicable)~~ requirement of line designated in the Town Code.



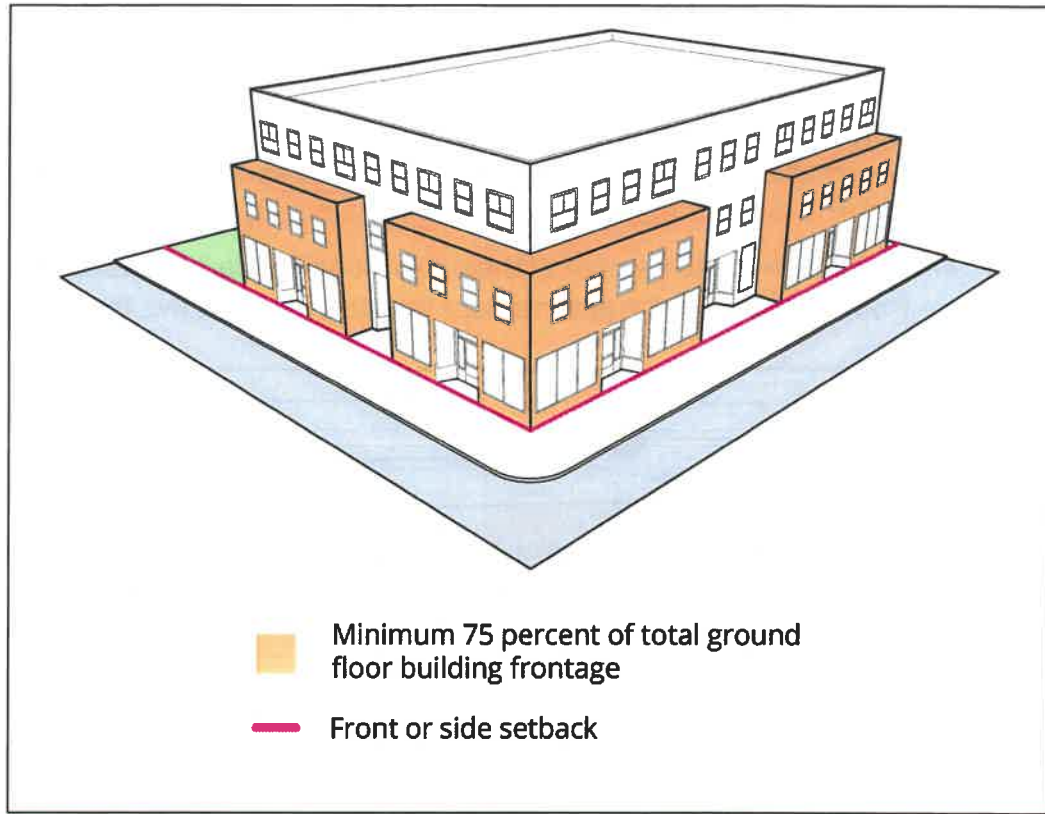


Figure A.11.1

- 11.2 A ~~mixed-use residential~~ Residential Mixed-Use project with a ground-floor ~~commercial-non-residential~~ use shall provide site amenities on a minimum of 15 ~~percent and maximum of 30~~ percent of the ground plane between the building and the front or street-side property line. The site amenities shall be comprised of any of the following elements:
- a. Landscape materials or raised planters;
 - b. Walls designed to accommodate pedestrian seating, no higher than 36 inches;
 - c. Site furnishings, including fountains, sculptures, and other public art; or
 - d. Tables and chairs associated with the ground floor use.

B. BUILDING DESIGN STANDARDS

B.1. Massing and Scale

- 1.1 Multiple-story building façades that face a street shall incorporate breaks in the building mass by implementing a minimum of three of the following solutions along the ~~façades~~ combined façade area of all primary buildings facing the street:
- A minimum of 40 percent of the upper floor façade length shall step back from the plane of the ground-floor façade by at least five feet;

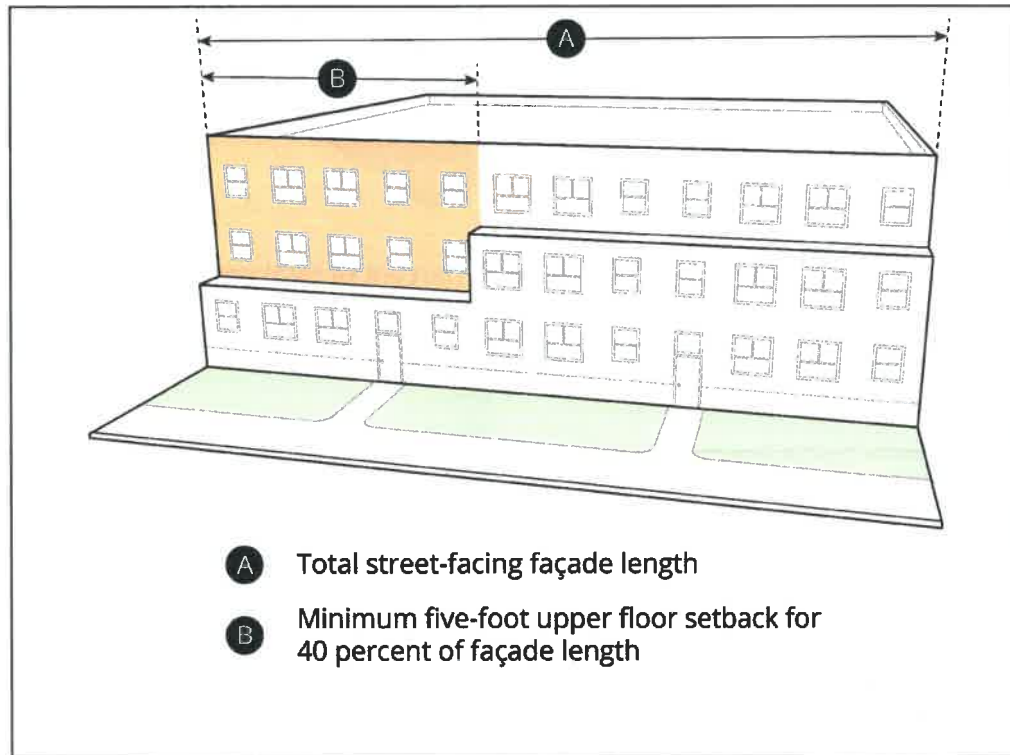


Figure B.1.1a

- Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;

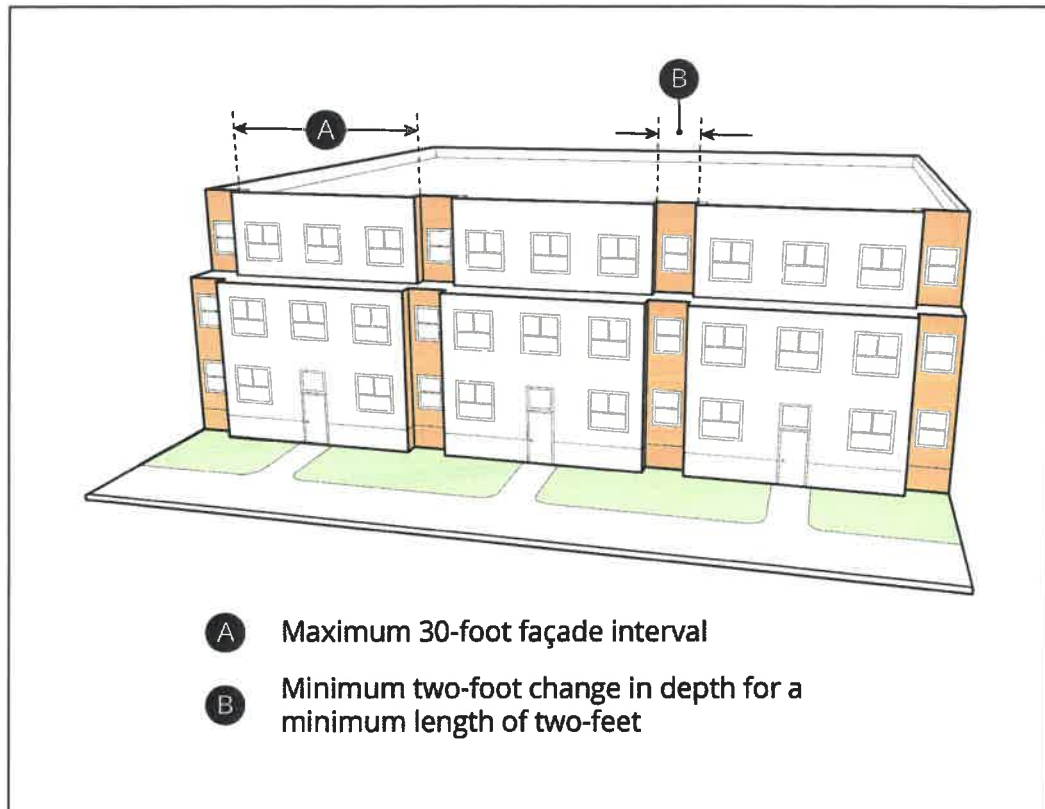


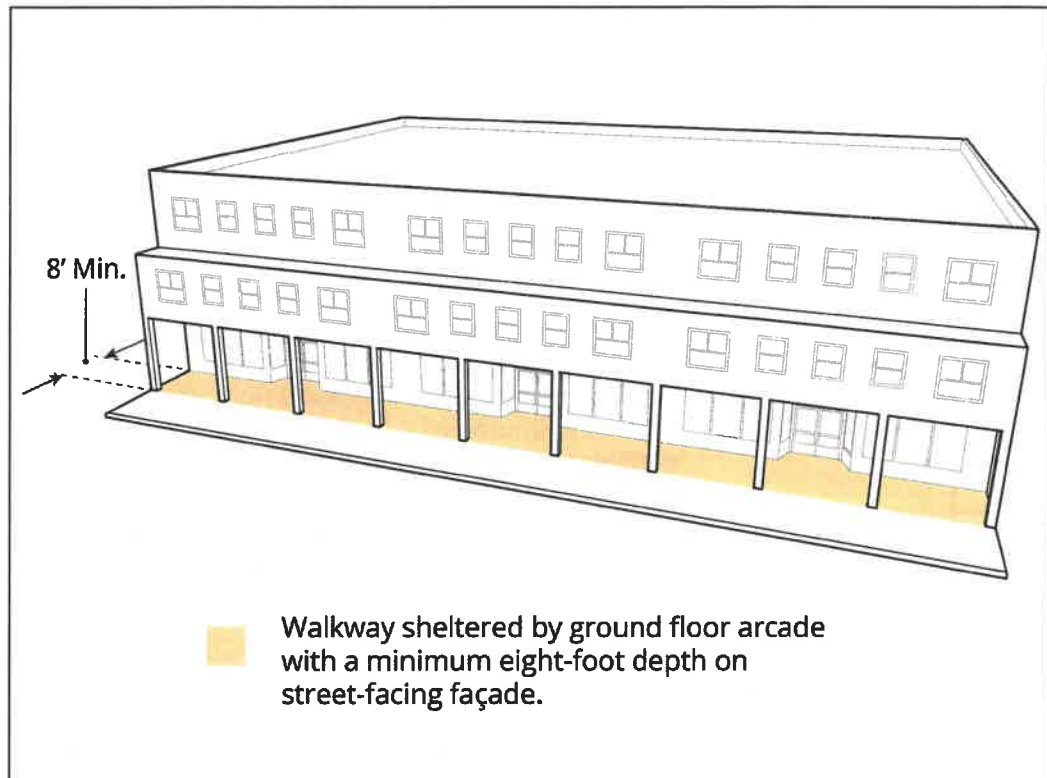
Figure B.1.1b

- c. Recessed façade plane to accommodate a building entry for the full height of the facade with a minimum ground plane area of 24 square feet. Where an awning or entry covering is provided, it can extend beyond the wall plane;



Figure B.1.1c

- d. An exterior arcade that provides a sheltered walkway within the building footprint with a minimum depth of eight feet, extending the full length of the façade; For a façade 50 feet or greater, the arcade must be a minimum length of 65 percent of the full building façade; for a façade less than 50 feet, the arcade must be a minimum of 80 percent of the full building façade.



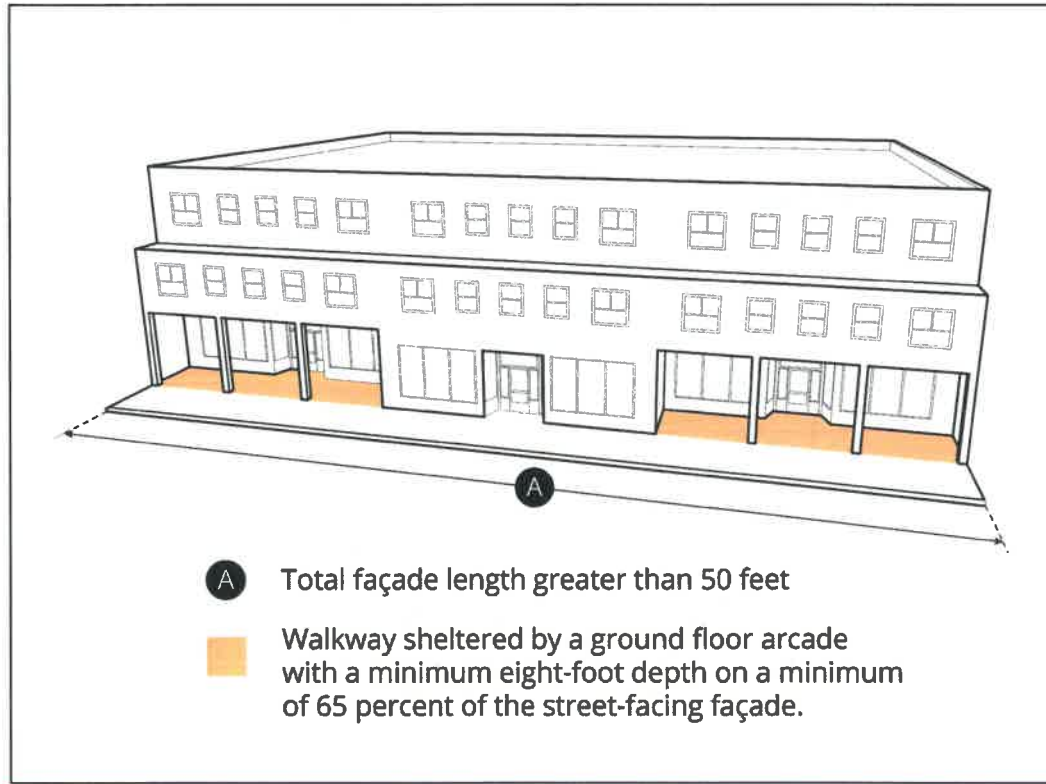


Figure B.1.1d (1)

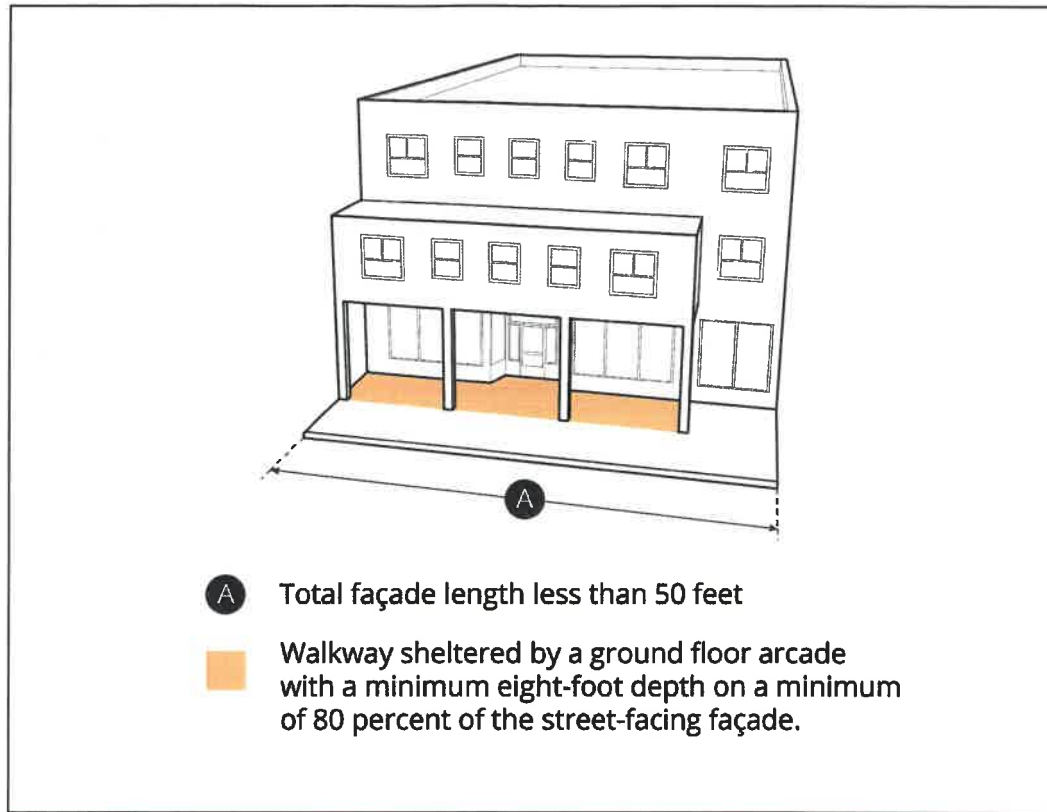


Figure B.1.1d (2)

- e. Ground floor ~~courtyards within the building footprint~~ open area abutting street-facing façade with a minimum area of 60 square feet; or



Figure B.1.1e

- f. Vertical elements, such as pilasters or columns, that protrude a minimum of one foot from the façade and extend the full height of the building base or ground floor, whichever is greater.

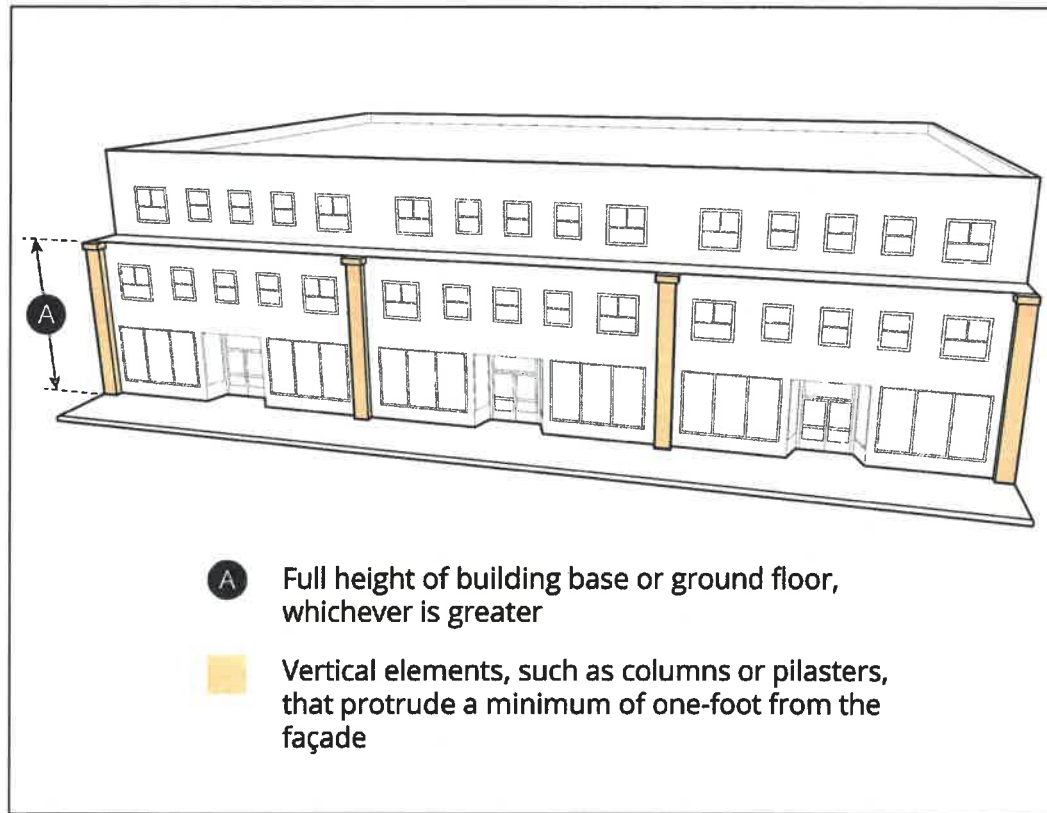


Figure B.1.1f

- 1.2 Upper floors above two stories shall be set back by a minimum of five feet from the ground-floor façade.
- 1.3 Townhomes or rowhouses shall have no more than six contiguous units in any single building.

B.2. Parking Structure Design

- 2.1 The ground-floor façade of a parking structure facing a street or pedestrian walkway shall be fenestrated on a minimum of 40 percent of the façade.
- 2.2 Façade openings on upper levels of a parking structure shall be screened at a minimum 10 percent and up to 30 percent of the opening to prevent full transparency into the structure.
- 2.3 Parking structures facing a street and greater than 40 feet in length shall include landscaping between the building façade and the street, or façade articulation of at least 25 percent of the façade length. The façade articulation shall be implemented by one of the following solutions:
 - a. An offset of the façade plane with a depth of at least 18 inches for a minimum of eight feet in horizontal length; or
 - b. A different building material covering the entire façade articulation.

B.3. Roof Design

- 3.1 At intervals of no more than 40 feet along the building façade, horizontal eaves shall be broken using at least one of the following strategies:
 - a. Gables;
 - b. Building projection with a depth of a minimum of two feet;
 - c. Change in façade or roof height of a minimum of two feet;
 - d. Change in roof pitch or form; or
 - e. Inclusion of dormers, parapets, and/or varying cornices.



Figure B.3.1

- 3.2 Skylights shall have a flat profile rather than domed.
- 3.3 The total width of a single dormer or multiple dormers shall not exceed 50 percent of the ~~length of the roof.~~ total roof length at the street-facing façade. The dormer width shall be measured at dormer roof fascia, or widest part of the dormer.



Figure B.3.3

3.4 Carport roof materials shall be the same as the primary building.

B.4. Façade Design and Articulation

4.1 Buildings greater than two stories shall be designed to differentiate the base, middle, and top of the building on any street-facing façade. Each of these elements shall be distinguished from one another using at least two of the following solutions:

- a. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;



Figure B.4.1a

- b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;

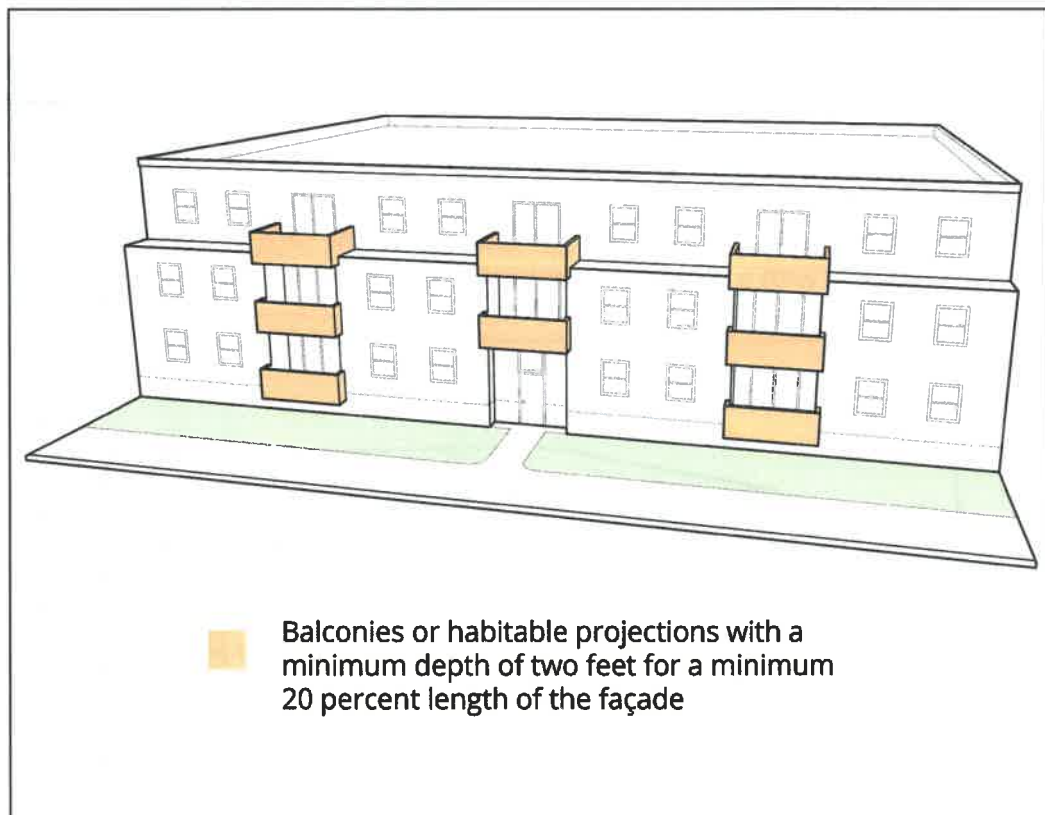


Figure B.4.1b

- c. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing façade;

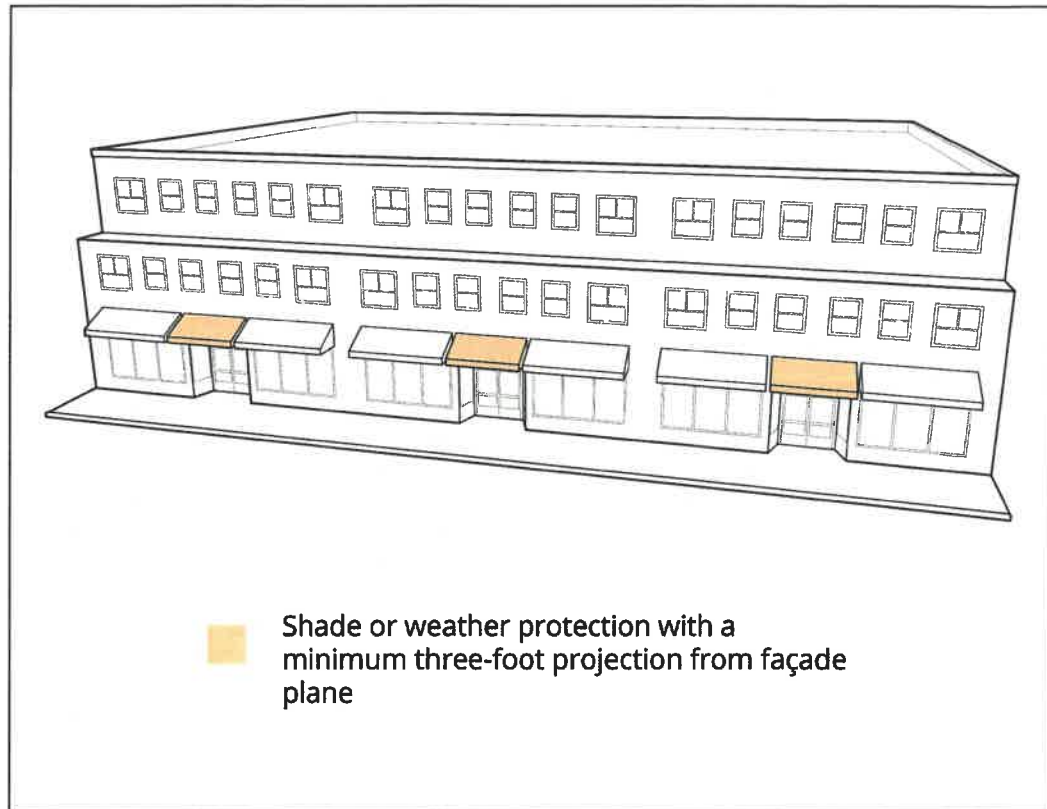


Figure B.4.1c

~~d. Use of a belly band or horizontal architectural element with a minimum height of 10 inches between the first and second floor;~~

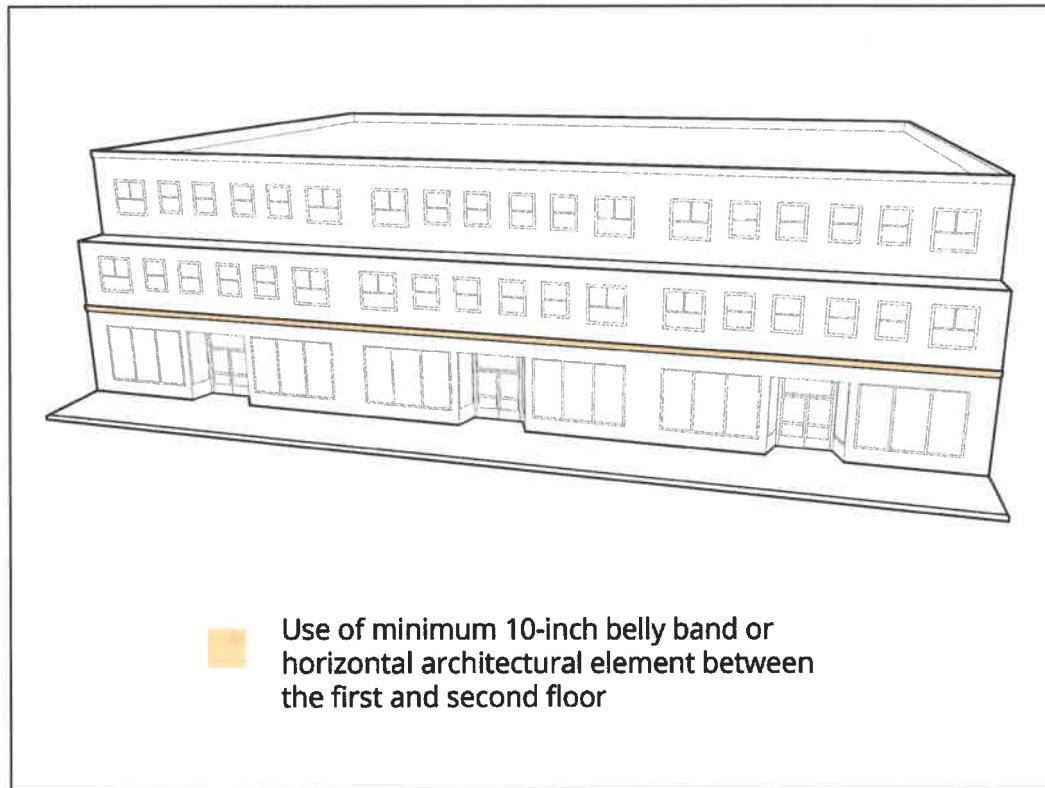
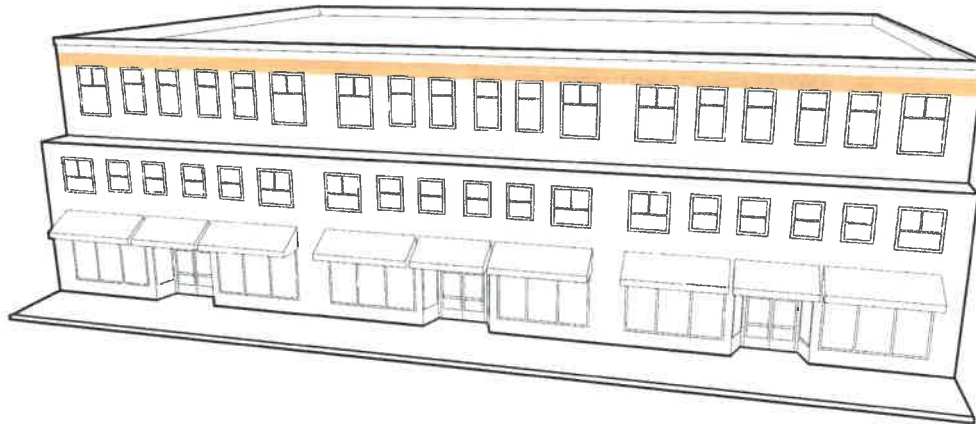


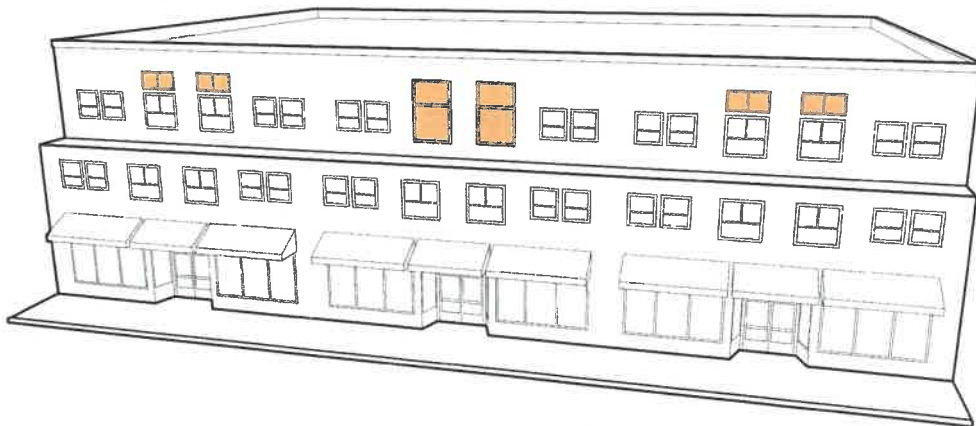
Figure B.4.1d

e.d. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade, or

f.e. The upper floor shall ~~utilize~~implement a ~~higher floor-to-ceiling~~façade height that is a minimum of two feet greater than the ~~floor-to-ceiling~~façade height of the floor immediately below. The greater façade height shall be made evident by taller windows or arrangement of combined windows.



■ Floor-to-ceiling height a minimum of two-feet higher than floor immediately below

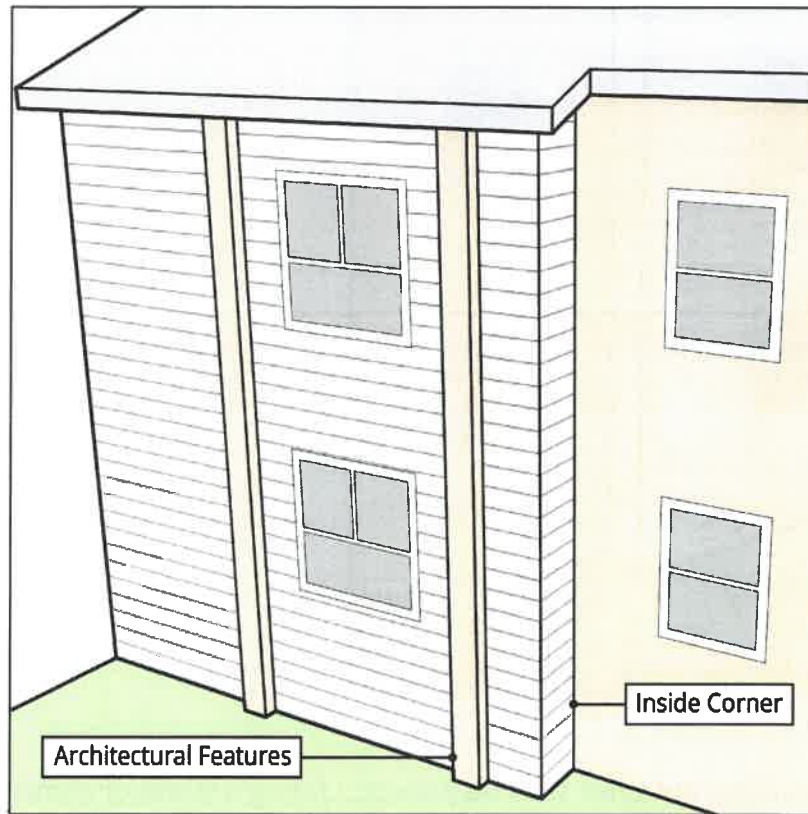


■ The greater façade height shall be made evident by taller windows or arrangement of combined windows.

Figure B.4.1f1e

- 4.2 All façade materials, such as siding, window types, and architectural details, used on the street-facing façade shall be used on all other building façades.
- 4.3 Variation in the street-facing façade planes shall be provided for buildings greater than one story by incorporating any combination of the following architectural solutions to achieve a minimum of 16 points:
- Architectural features, such as:
 - Arcade or gallery along the ground floor; 8 points
 - Awnings or canopies on all ground floor windows of commercial space; 6 points
 - Building cornice; 5 points
 - ~~○ Belly band, or horizontal architectural element, between the first and second floor; or~~ 5 points
 - Façade sconce lighting at a minimum of one light fixture per 15 linear feet. 3 points
 - ~~Bay windows;~~ Bay or box windows projecting a minimum of 18 inches from the façade plane and comprising a minimum of 20 percent of the fenestration on the upper floors of the façade; 6 points
 - Balconies or Juliet balconies provided on a minimum of 40 percent of the fenestration on the upper floors of the façade; 5 points
 - Landscaped trellises or lattices extending across a minimum of 65 percent of any level of the façade; 5 points
 - Materials and color changes; 3 points
 - ~~▪ Chimneys;~~ 3 points
 - Eaves that overhang a minimum of two feet from the facade with supporting brackets; 3 points
 - Window boxes or plant shelves under a minimum of 60 percent of the fenestration on the upper floors of the façade; or 3 points
 - Decorative elements such as molding, brackets, or corbels. 3 points
- 4.4 Garage doors shall be recessed a minimum of 12 inches from the façade plane and along the street-facing façade shall not exceed 40 percent of the length of the building façade.

- 4.5 Changes in building materials shall occur at inside corners ~~or at architectural features that break up the façade plane such as columns.~~



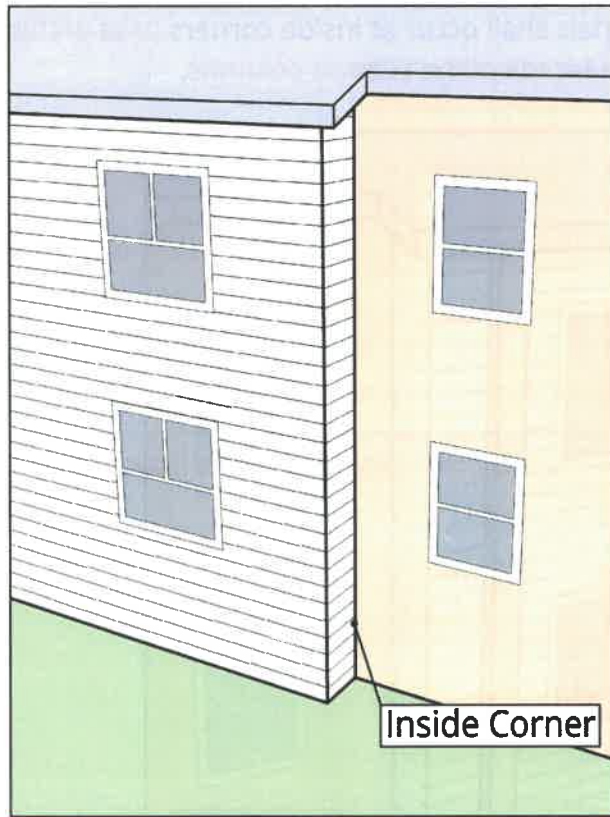


Figure B.4.5

- 4.6 A primary building entrance shall be provided facing a street or community recreation space. Additionally, all development shall meet the following requirements:
- a. Pedestrian entries to ground-floor and upper-floor ~~commercial~~non-residential uses shall meet at least one of the following standards:
 - i. The entrance shall be recessed in the façade plane at least three feet in depth; or
 - ii. The entrance shall be covered by an awning, portico, or other architectural element projecting from the façade a minimum of three feet.

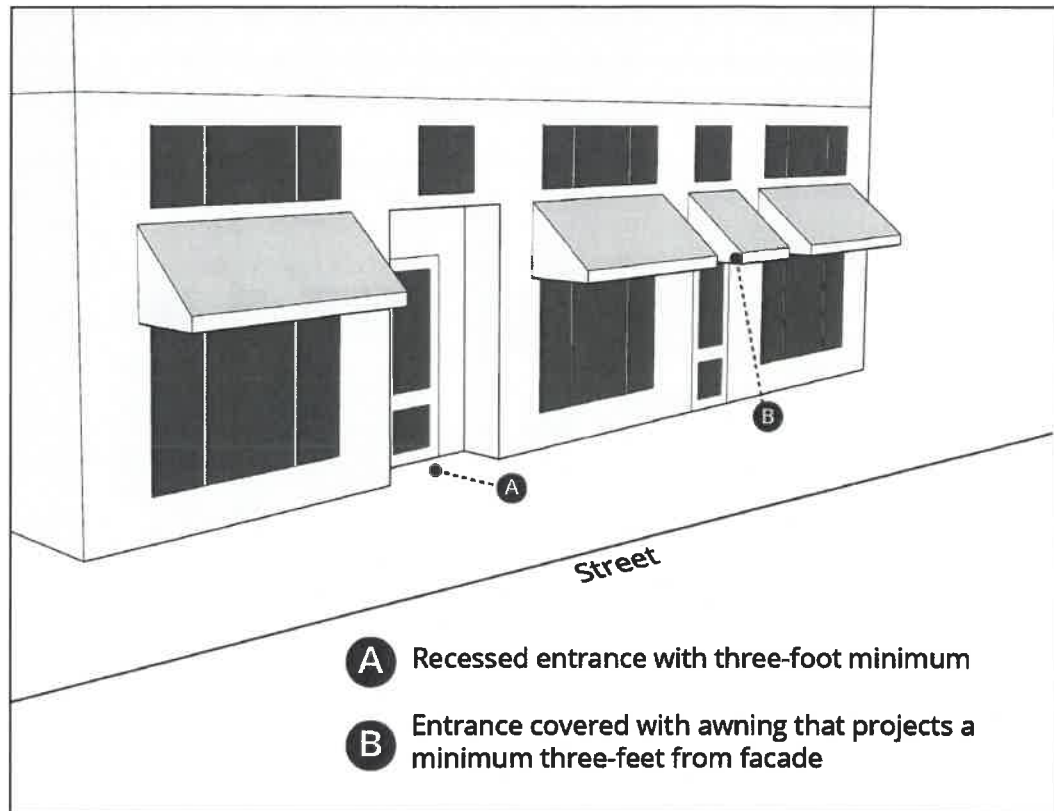


Figure B.4.6a

- b. For ground-floor commercial uses, façades facing a street shall include windows, doors, or openings for at least 60 percent of the building façade that is between two and 10 feet above the level of the sidewalk.

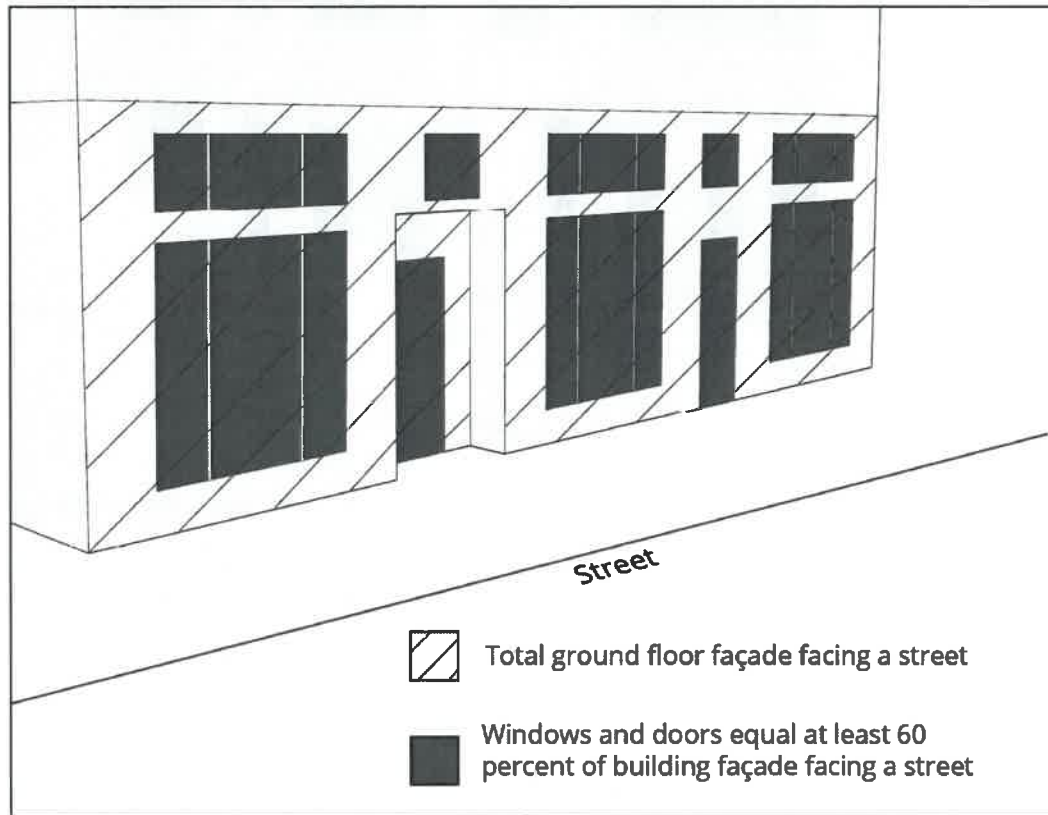


Figure B.4.6b

- 4.7 Pedestrian entries to buildings shall meet minimum dimensions to ensure adequate access based on use and development intensity. Building entries inclusive of the doorway and the facade plane shall meet the following minimum dimensions:
 - a. Individual residential entries: five feet in width
 - b. Single entry to multiple residential unit building, including ~~mixed-use~~Residential Mixed-Use buildings: eight feet in width
 - c. Storefront entry: six feet in width

- 4.8 Mirrored windows are prohibited.
- 4.9 Awnings shall be subject to the following requirements:
- a. A minimum vertical clearance of eight feet measured from the pedestrian pathway;
 - b. Shall not extend beyond individual storefront bays; and
 - c. Shall not be patterned or striped.
- 4.10 For buildings abutting a single-family zoning district, ~~rooftop and upper floor terraces and decks are prohibited~~ or existing single-family use, no part of a rooftop or upper floor terrace or deck shall be closer than five feet from the facade plane of the lower floor, to prevent views into adjacent residential uses.
- 4.11 Balconies are allowed on facades facing the street and those facades facing existing non-residential uses on abutting parcels. ~~Balconies facing existing residential uses on abutting parcels are allowed when the design is proven to prevent views to the residential use.~~ Such balconies shall be without any projections beyond the building footprint.
- 4.12 Residential ~~Mixed-use~~ Use buildings shall provide at least one of the following features along street-facing façades where the façade exceeds 50 feet in length:
- a. A minimum five-foot offset from the façade plane for a length of at least 10 feet;
 - b. Multiple pilasters or columns, each with a minimum width of two feet; or
 - c. Common open space, such as a plaza, outdoor dining area, or other spaces.
- 4.13 Continuous blank façades on any floor level shall not exceed 25 percent of the entire façade length along any street.

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Appendix A - Evaluation of Existing Developments

The following developments in the Town of Los Gatos were analyzed to see if they would meet the three following standards that offer multiple design solutions (B.1.1, B.4.1, and B.4.3). These projects were designed and built without requirements to adhere to specific objective design standards. While some of the projects would not comply with all of the standards below, incorporating additional design solutions would be easily accomplished during the design phase.

B. BUILDING STANDARDS

B.1. Massing and Scale

- 1.1 Multiple-story building façades that face a street shall incorporate breaks in the building mass by implementing a minimum of three of the following solutions along the combined façade area of all primary buildings facing the street:
 - a. A minimum of 40 percent of the upper floor façade length shall step back from the plane of the ground-floor façade by at least five feet;
 - b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;
 - c. Recessed façade plane to accommodate a building entry with a minimum ground plane area of 24 square feet. Where an awning or entry covering is provided, it can extend beyond the wall plane;
 - d. An exterior arcade that provides a sheltered walkway within the building footprint with a minimum depth of eight feet. For a façade 50 feet or greater, the arcade must be a minimum length of 65 percent of the full building façade; for a facade less than 50 feet, the arcade must be a minimum of 80 percent of the full building façade.
 - e. Ground floor open area abutting street-facing façade with a minimum area of 60 square feet; or
 - f. Vertical elements, such as pilasters or columns, that protrude a minimum of one foot from the façade and extend the full height of the building base or ground floor, whichever is greater.

ATTACHMENT 3

B.4. Façade Design and Articulation

- 4.1 Buildings greater than two stories shall be designed to differentiate the base, middle, and top of the building on any street-facing façade. Each of these elements shall be distinguished from one another using at least two of the following solutions:
- g. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;
 - h. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;
 - i. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing façade;
 - j. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade, or
 - k. The upper floor shall implement a façade height that is a minimum of two feet greater than the façade height of the floor immediately below. The greater façade height shall be made evident by taller windows or arrangement of combined windows.

4.3 Variation in the street-facing façade planes shall be provided for buildings greater than one story by incorporating any combination of the following architectural solutions to achieve a minimum of 16 points:

- Architectural features, such as:
 - Arcade or gallery along the ground floor; 8 points
 - Awnings or canopies on all ground floor windows of commercial space; 6 points
 - Building cornice; 5 points
 - Façade sconce lighting at a minimum of one light fixture per 15 linear feet. 3 points
- Bay or box windows projecting a minimum of 18 inches from the façade plane and comprising a minimum of 20 percent of the fenestration on the upper floors of the facade; 6 points
- Balconies or Juliet balconies provided on a minimum of 40 percent of the fenestration on the upper floors of the facade; 5 points
- Landscaped trellises or lattices extending across a minimum of 65 percent of any level of the facade; 5 points
- Materials and color changes; 3 points
- Eaves that overhang a minimum of two feet from the facade with supporting brackets; 3 points
- Window boxes or plant shelves under a minimum of 60 percent of the fenestration on the upper floors of the facade; or 3 points
- Decorative elements such as molding, brackets, or corbels. 3 points

University Avenue at Los Gatos-Saratoga Road



B.1.1 - (Minimum 3)

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet.
- c. Recessed façade plane to accommodate a building entry with a minimum ground plane area of 24 square feet.
- e. Ground floor open area abutting street-facing façade with a minimum area of 60 square feet.

B.4.1 – Not applicable, only two stories.

B.4.3 – (16 points minimum)

Arcade (8 points)

Building cornice (5 points)

Sconce lighting (3 points)

Balconies (5 points)

Decorative elements (3 points)

TOTAL = 24 points

Aventino – Winchester Boulevard



B1.1 - (Minimum 3)

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet.
- c. Recessed façade plane to accommodate a building entry with a minimum ground plane area of 24 square feet.

B4.1 – (Minimum 2)

- a. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;
- b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;

B4.3 – (16 points minimum)

Material and color changes (3 points)

Balconies or Juliet balconies (5 points)

Eaves that overhang a minimum of two feet from the façade with supporting brackets (3 points)

Window boxes or plant shelves (3 points)

Decorative elements such as molding, ornamentation, or corbels (3 points):

TOTAL = 17 points

North 40 - Market Hall



B1.1 – (minimum 3)

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;
- e. Ground floor open area abutting street-facing façade with a minimum area of 60 square feet; or

B4.1 – (Minimum 2)

- a. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;
- c. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing-façade;
- d. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade;

B4.3 – (16 points minimum)

Awnings or canopies (6 points)

Material and color changes (3 points)

Eaves that overhang a minimum of two feet from the façade with supporting brackets (3 points)

Decorate elements such as molding, brackets, or corbels (3 points)

TOTAL = 15 points

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DRAFT RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADOPTING OBJECTIVE STANDARDS FOR THE REVIEW OF QUALIFYING MULTI-FAMILY AND RESIDENTIAL MIXED-USE DEVELOPMENTS

WHEREAS, the State of California (State) adopted Senate Bills (SB) SB 167, SB 35, and SB 330, limiting local jurisdiction reviews on certain housing projects to standards that are objective, involving no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal;

WHEREAS, in response to SB 167, SB 35, and SB 330, the Town Council of the Town of Los Gatos (Town) adopted Resolution 2019-053 authorizing application for, and receipt of, SB 2 Planning Grants Program Funds, including execution of an agreement with the California Department of Housing and Community Development by the Town Manager for the preparation of objective standards;

WHEREAS, the purpose of adopting objective standards is to comply with recent State legislation, implement streamlined and ministerial review processes for qualifying housing projects, ensure that these qualifying projects align with the Town's expectations and vision to maintain and support the character of the Town, provide a set of clear criteria to guide development, and establish an objective framework by which a qualifying project will be evaluated;

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearings on June 22, 2022, August 24, 2022, and September 14, 2022;

ATTACHMENT 4

WHEREAS, on June 22, 2022, August 24, 2022, and September 14, 2022, the Planning Commission held a public hearing to consider the Draft Objective Standards. The Planning Commission received and considered public comments on the Draft Objective Standards, reviewed the document, and provided input to staff on recommended modifications.

WHEREAS, on September 14, 2022, the Planning Commission recommended that the Town Council adopt the Draft Objective Standards with specific recommended modifications; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 15, 2022.

NOW, THEREFORE, THE TOWN COUNCIL FINDS AND RESOLVES:

1. The Objective Standards are consistent with the Town's General Plan.
2. The Objective Standards are exempt from CEQA in that it can be seen with certainty that they will not impact the physical environment. (CEQA Guidelines Section 15061(b)(3).)
3. The Objective Standards attached hereto as Exhibit 1 are adopted.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 15th day of November, 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: _____

EXHIBIT 1 – OBJECTIVE STANDARDS

PURPOSE AND APPLICABILITY

The purpose of the Objective Design Standards is to ensure that new qualifying projects in Los Gatos provide high-quality architecture, integrate with surrounding development, and include well-designed amenities and outdoor areas to enhance community character. These standards are intended to guide property owners, applicants, developers, and design professionals by providing clear design direction that enhances the Town's unique character and ensures a high-quality living environment.

California Government Code Section 65559.5 identifies Qualifying Housing Development Projects to include:

- Multi-family housing developments;
- Residential Mixed-Use Housing developments with a minimum of two-thirds of the square footage designated for residential use;
- Supportive and transitional housing development.

A Qualifying Housing Development Project shall be approved through a streamlined, ministerial review process when the project complies with these Objective Design Standards as well as complying with all existing objective development regulations in the Town, including but not limited to the following:

- General Plan
- Town Code
- Guidelines and Standards for Land Use Near Streams
- Bicycle and Pedestrian Master Plan
- Parks and Public Works Standards
- Santa Clara County Fire Department Requirements

These standards are only to be used for review of qualifying projects where Town review, approval, and/or denial is limited to only objective standards. Many projects will proceed through the standard review process, in which case the objective standards included herein would not apply.

ORGANIZATION

The Objective Design Standards are organized into two primary sections: Site Standards; and Building Standards. The Site Standards section includes objective standards for site layout and building placement; vehicular access and parking; and outdoor areas and amenities. The Building Standards section includes objective standards for building form and massing; façade articulation; materials; and roof design.

KEY TERMS

Community recreation space in Residential Mixed-Use developments means public gathering spaces, such as: plazas, outdoor dining areas, squares, pocket parks, or other community areas for the use of all residents and the business patrons and tenants.

Community recreation space in multi-family developments means gathering spaces, such as: play areas, pool areas, patios, rooftop decks, or other community areas for the use of all residents.

Façade articulation means the division of a building façade into distinct sections; including the materials, patterns, textures, and colors that add visual interest to a building or façade.

Fenestration means the design, construction, and presence of any openings in a building, such as: windows, doors, vents, wall panels, skylights, curtain walls, and louvers.

Landscaping means an area devoted to plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials; excluding driveways, parking, loading, or storage areas.

Multi-family use means the use of a site for three or more dwelling units on the same site.

Objective Design Standards means development regulations that are measurable, verifiable, and knowable to all parties prior to submittal of a qualifying project. A planning review process based on objective standards involves streamlined ministerial review with no personal or subjective judgement by a public official.

Primary building means a building within which the principal or main use on a lot or parcel is conducted. Where a permissible use involves more than one building designed or used for the primary purpose on the subject property, each such building on the parcel shall be construed as constituting a primary building.

Private recreation space at ground level means an outdoor enclosed patio or deck accessible from a single dwelling unit.

Private recreation space above ground level means an outdoor balcony, terrace, or rooftop deck, accessible from a single dwelling unit.

Residential Mixed-Use means a development project where a variety of uses such as office, commercial, and institutional, are combined with residential use(s) in a single building or on a single site in an integrated project. Two thirds of the project square footage must be residential uses.

Transitional and supportive housing means a type of housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living.

A. SITE STANDARDS

A.1. Pedestrian Access

- 1.1 All on-site buildings, entries, facilities, amenities, and vehicular and bicycle parking areas shall be internally connected with a minimum four-foot-wide pedestrian pathway or pathway network that may include use of the public sidewalk. The pedestrian pathway network shall connect to the public sidewalk along each street.
- 1.2 Pedestrian pathways within internal parking areas shall be separated from vehicular circulation by a physical barrier, such as a grade separation or a raised planting strip, of at least six inches in height and at least six feet in width. A pedestrian pathway is exempt from this standard where it crosses a parking vehicular drive aisle.

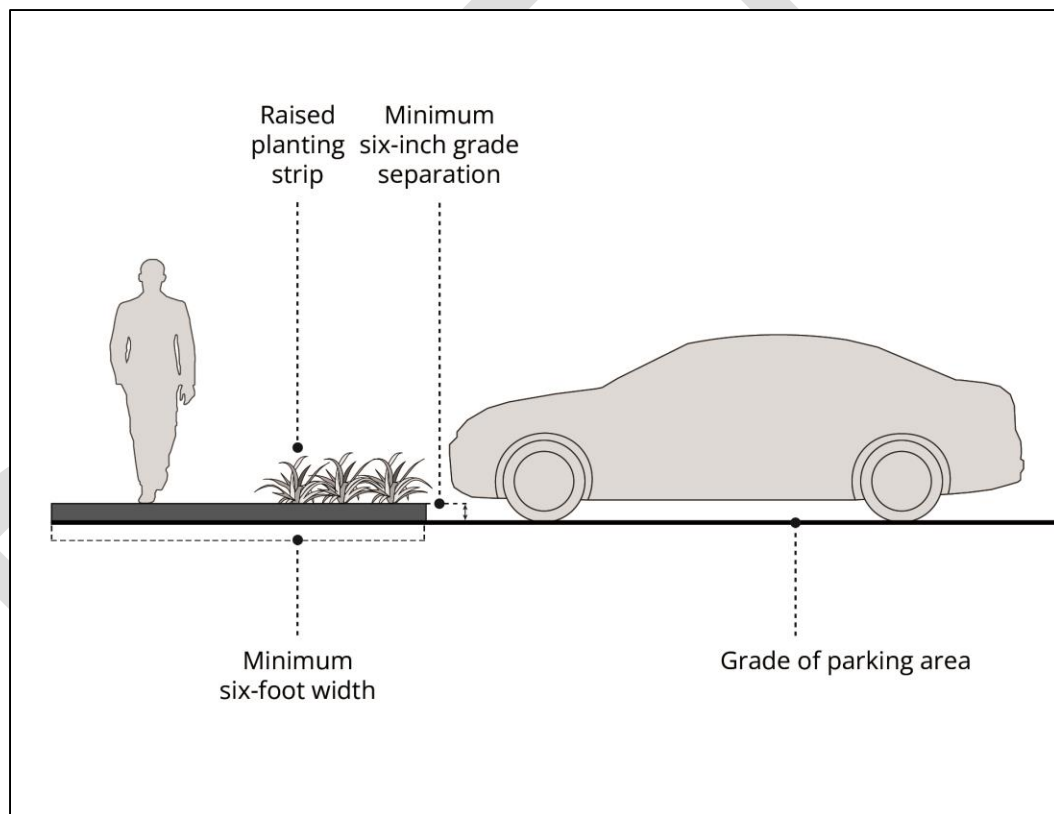


Figure A.1.2

A.2. Bicycle Access

- 2.1 Bicycle parking shall be located within 50 feet of at least one primary building entrance.
- 2.2 Multi-family residential buildings shall provide one bicycle parking space per dwelling unit.
- 2.3 Residential Mixed-Use projects shall provide one bicycle parking space per dwelling unit and one bicycle parking space per 2,000 square feet of non-residential space.

A.3. Vehicular Access

- 3.1 Off-street parking lots shall have vehicular circulation using an internal vehicular network that preclude the use of a public street for aisle-to-aisle internal circulation.

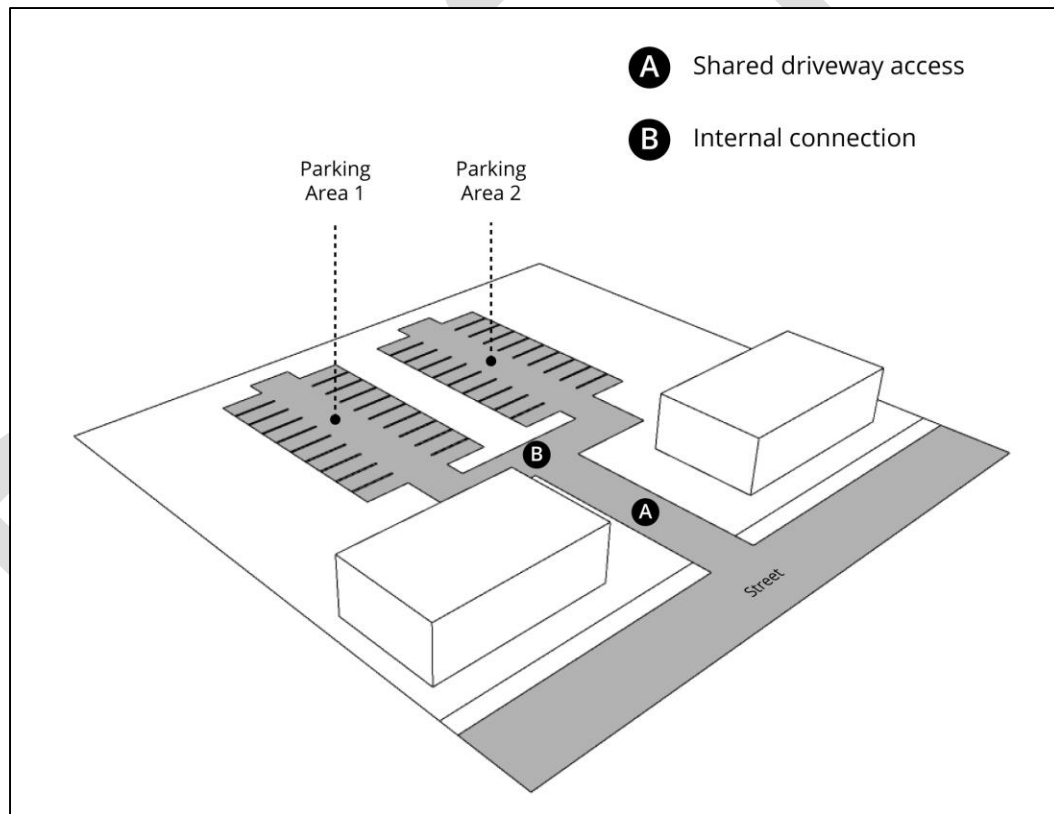


Figure A.3.1

A.4. Parking Location and Design

- 4.1 Surface parking lots and carports shall not be located between the primary building frontage and the street.
- 4.2 Uncovered parking rows with at least 15 consecutive parking spaces shall include a landscape area of six feet minimum width at intervals of no more than 10 consecutive parking stalls. One tree shall be provided in each landscape area.

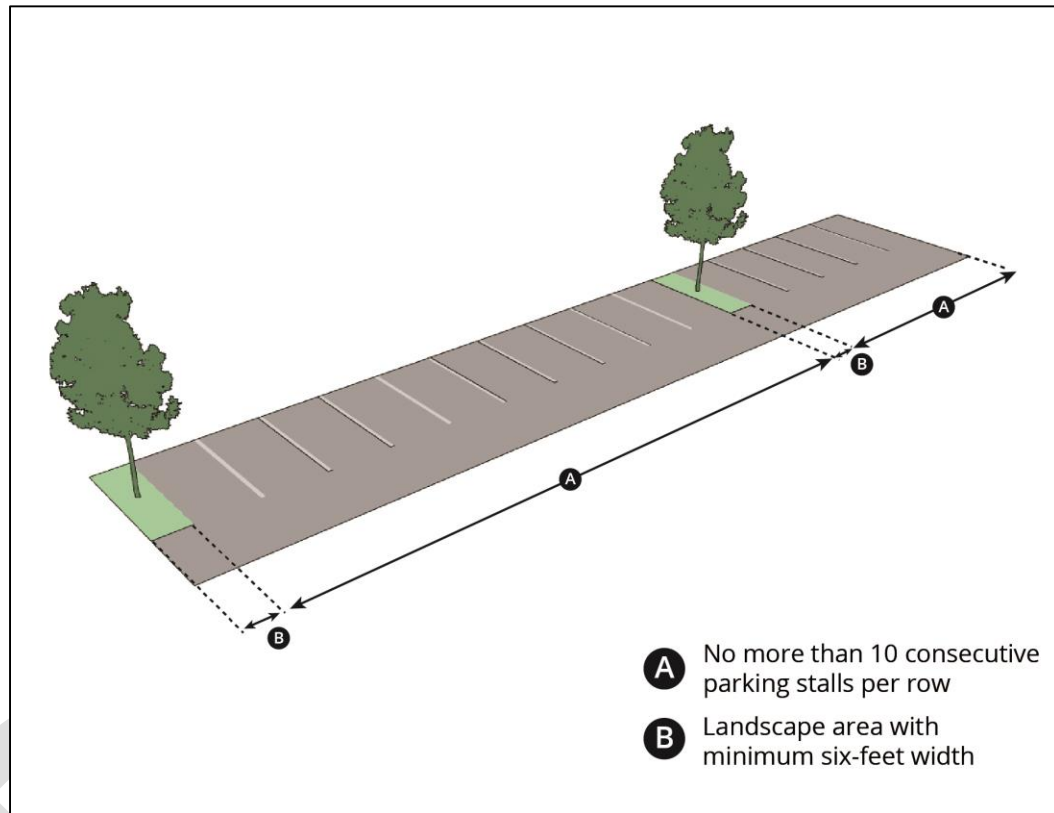


Figure A.4.2

A.5. Parking Structure Access

- 5.1 Any vehicular entry gate to a parking structure shall be located to allow a minimum of 18 feet between the gate and the back of the sidewalk to minimize conflicts between sidewalks and vehicle queuing.
- 5.2 A parking structure shall not occupy more than 50 percent of the building width of any street-facing façade, and it shall be recessed a minimum of five feet from the street-facing façade of the building.
- 5.3 For projects with five or more residential units and that have a vehicle access gate to the parking structure, a pedestrian gate shall also be provided.

A.6. Utilities

- 6.1 Pedestrian-oriented lighting shall be provided along all pedestrian paths in community recreation spaces. Exterior lighting fixtures shall be a minimum of three feet and a maximum of 12 feet in height. Light fixtures shall be placed along the pedestrian path at a spacing of no more than 30 linear feet.
- 6.2 Exterior lighting shall be fully shielded and restrain light to a minimum 30 degrees below the horizontal plane of the light source. Lighting shall be arranged so that the light will not shine directly on lands of adjacent residential zoned properties. Uplighting is prohibited.

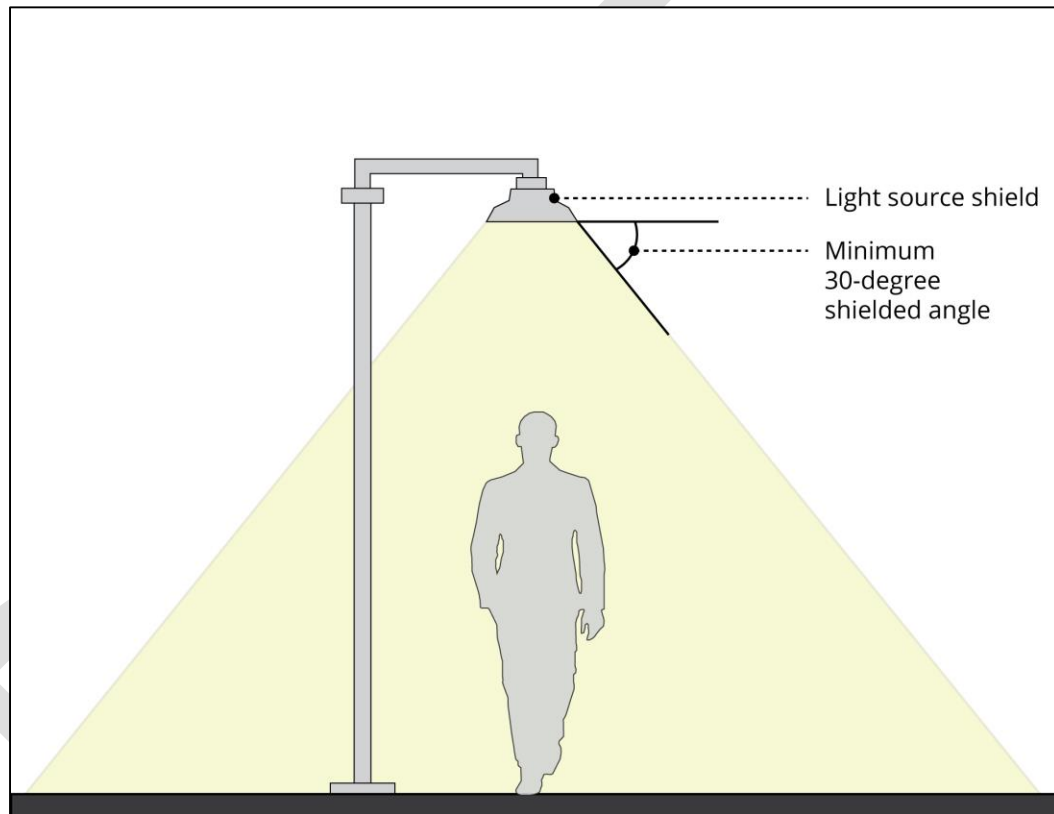


Figure A.6.2

- 6.3 Street level views of ground level utility cabinets, mechanical equipment, trash, and service areas shall be screened from sight with landscape planting, fencing, or a wall, as allowed by the Town Code. The screening shall be at least the same height as the item being screened and screening that is not landscape material shall be constructed with one or more of the materials used on the primary building.
- 6.4 Rooftop mechanical equipment shall be screened from view from the street. Solar equipment is exempt from this requirement.

A.7. Landscaping and Screening

- 7.1 At least 50 percent of the front setback area shall be landscaped.
- 7.2 A minimum 10-foot-wide landscape buffer shall be provided along the full length of the shared property line between multi-family or Residential Mixed-Use development and abutting residential properties. The buffer shall include the following:
- A solid masonry wall with a six-foot height, except within a street-facing setback where walls are not permitted; and

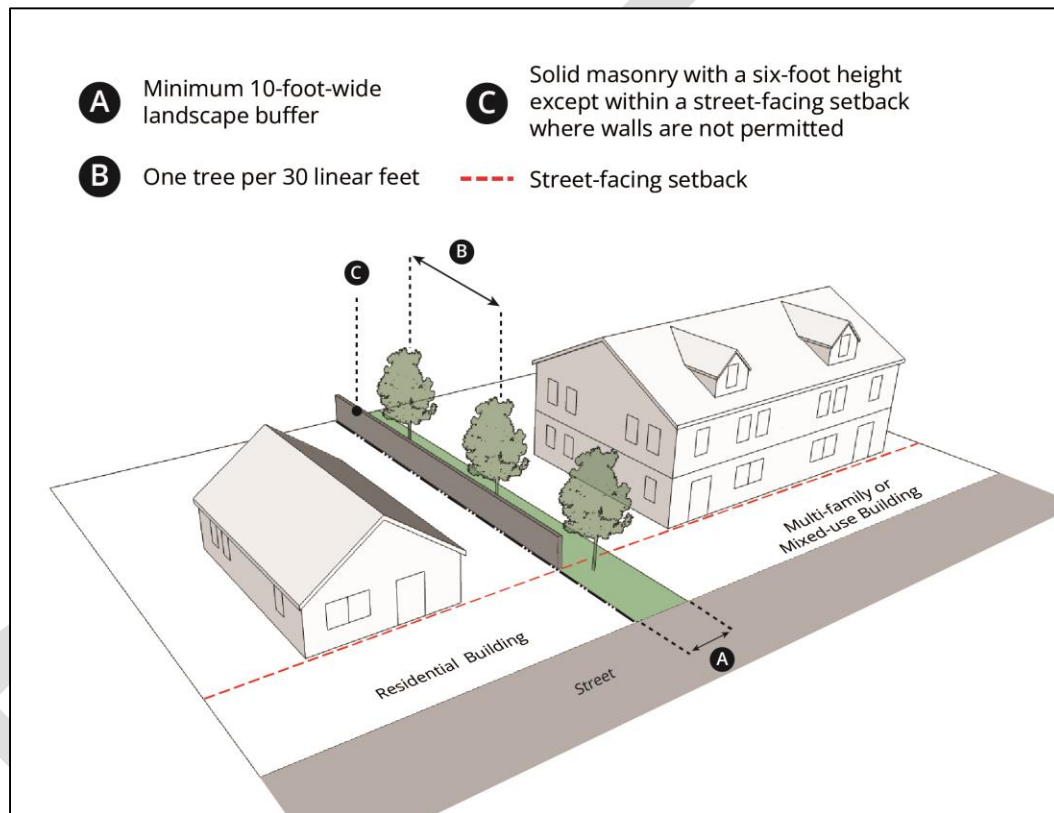


Figure A.7.2a

- Trees planted at a rate of at least one tree per 30 linear feet along the shared property line. Tree species shall be selected from the Town of Los Gatos Master Street Tree List and shall be a minimum 15-gallon size.
- 7.3 Surface parking lots shall be screened from view of the street with landscaping or a wall with a minimum three-foot height to screen the parking lot when not already screened by a primary building. When located in a street-facing setback, screening may not exceed a height of three feet.

A.8. Fencing

- 8.1 Fences, walls, and gates within required setbacks along all street frontages are prohibited unless used to screen on-site parking spaces from view from the street.
- 8.2 Chain link fencing is prohibited.
- 8.3 Perimeter barrier gates for vehicles and pedestrian entry gates shall have a maximum height of six feet.
- 8.4 Solid vehicular and pedestrian entry gates are prohibited. Entry gates shall be a minimum 50 percent open view.

A.9. Retaining Walls

- 9.1 Retaining walls shall not exceed five feet in height. Where an additional retained portion is necessary, multiple-terraced walls shall be used. Terraced walls shall set back at least three feet from the lower segment.
- 9.2 Retaining walls shall not run in a straight continuous direction for more than 50 feet without including the following:
 - a. A break, offset, or landscape pocket in the wall plane of at least three feet in length and two feet in depth; and
 - b. Landscaping at a minimum height of three feet at the time of installation along a minimum of 60 percent of the total length of the retaining wall.

A.10. Landscaped, Private, and Community Recreation Spaces

- 10.1 The landscaped, private, and community recreation spaces listed below are required for all qualifying projects. Community recreation spaces and private recreation spaces are calculated independent of each other. Landscaped areas within community recreation spaces can contribute to required minimums for both landscaped area and community recreation space.
 - a. Landscaped space: A minimum of 20 percent of the site area shall be landscaped.
 - b. Private recreation space: The minimum horizontal dimension is six feet in any direction and a minimum area of 60 square feet. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit. Landscaped sections of private recreation space cannot count towards required landscaping requirements.
 - i. Each ground floor dwelling unit shall have a minimum of 120 square feet of usable private recreation space.

- ii. Each dwelling unit above the ground floor shall have a minimum of 60 square feet of usable private recreation space. Where multiple balconies are provided for a single unit, the 60-square-foot minimum can be an aggregate of all balconies, provide each balcony meets the requirements for minimum horizontal dimensions.
- c. Community recreation space: The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.
 - i. Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.
 - ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.
 - iii. A project with four or less residential units is exempt from community recreation space requirements.
 - iv. Landscaped roof space can satisfy both required landscaping requirements and community recreation space requirements. Landscaped roof space may not be used to satisfy more than 50 percent of the required landscaping for the site.

A.11. Building Placement

- 11.1 To ensure buildings provide a continuous frontage along sidewalks, development in commercial zones shall place at least 75 percent of any ground floor street-facing façade on or within five feet of the setback line designated in the Town Code.

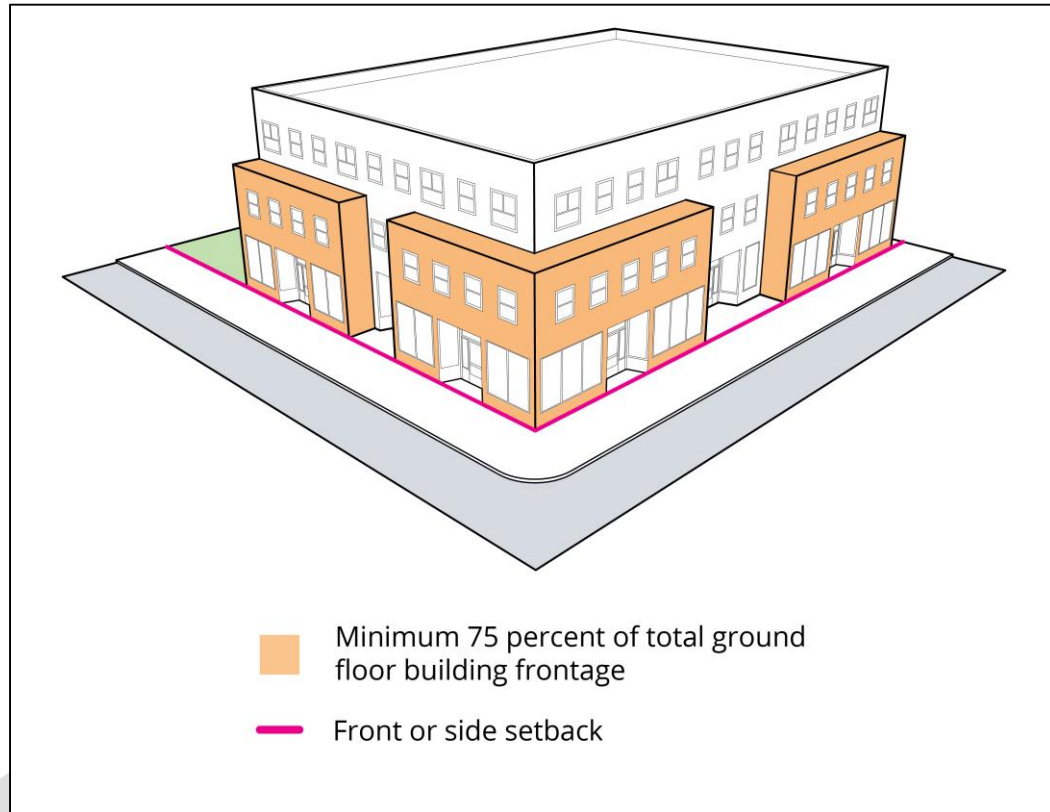


Figure A.11.1

- 11.2 A Residential Mixed-Use project with a ground-floor non-residential use shall provide site amenities on a minimum of 15 percent of the ground plane between the building and the front or street-side property line. The site amenities shall be comprised of any of the following elements:
- a. Landscape materials or raised planters;
 - b. Walls designed to accommodate pedestrian seating, no higher than 36 inches;
 - c. Site furnishings, including fountains, sculptures, and other public art; or
 - d. Tables and chairs associated with the ground floor use.

B. BUILDING STANDARDS

B.1. Massing and Scale

- 1.1 Multiple-story building façades that face a street shall incorporate breaks in the building mass by implementing a minimum of three of the following solutions along the combined façade area of all primary buildings facing the street:
- A minimum of 40 percent of the upper floor façade length shall step back from the plane of the ground-floor façade by at least five feet;

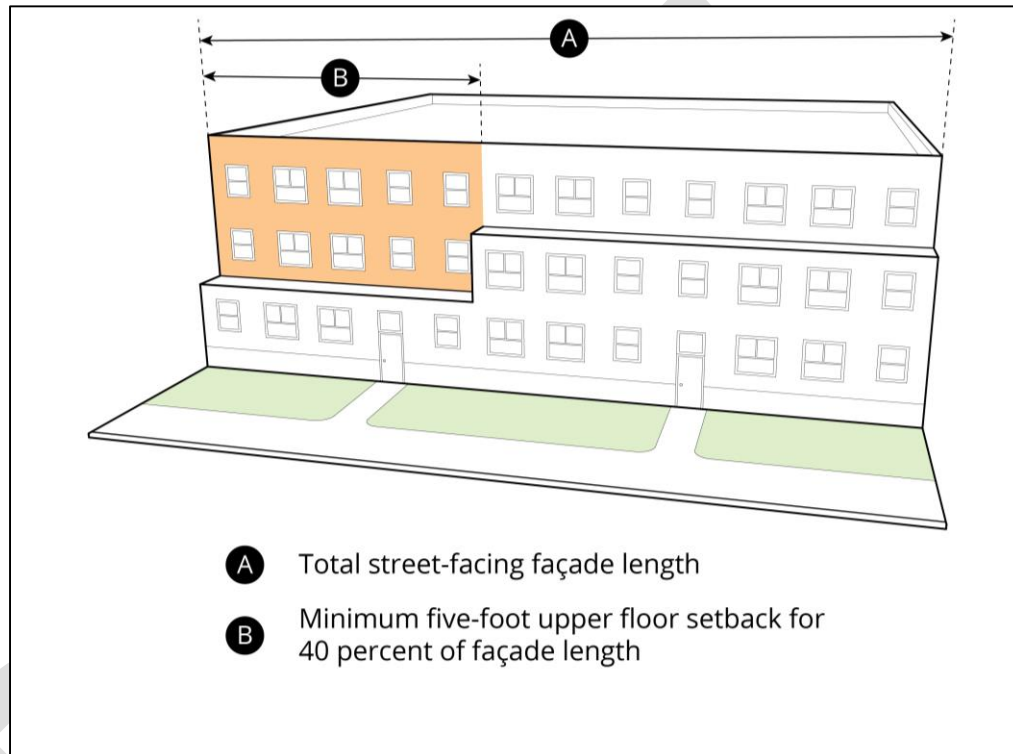


Figure B.1.1a

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;

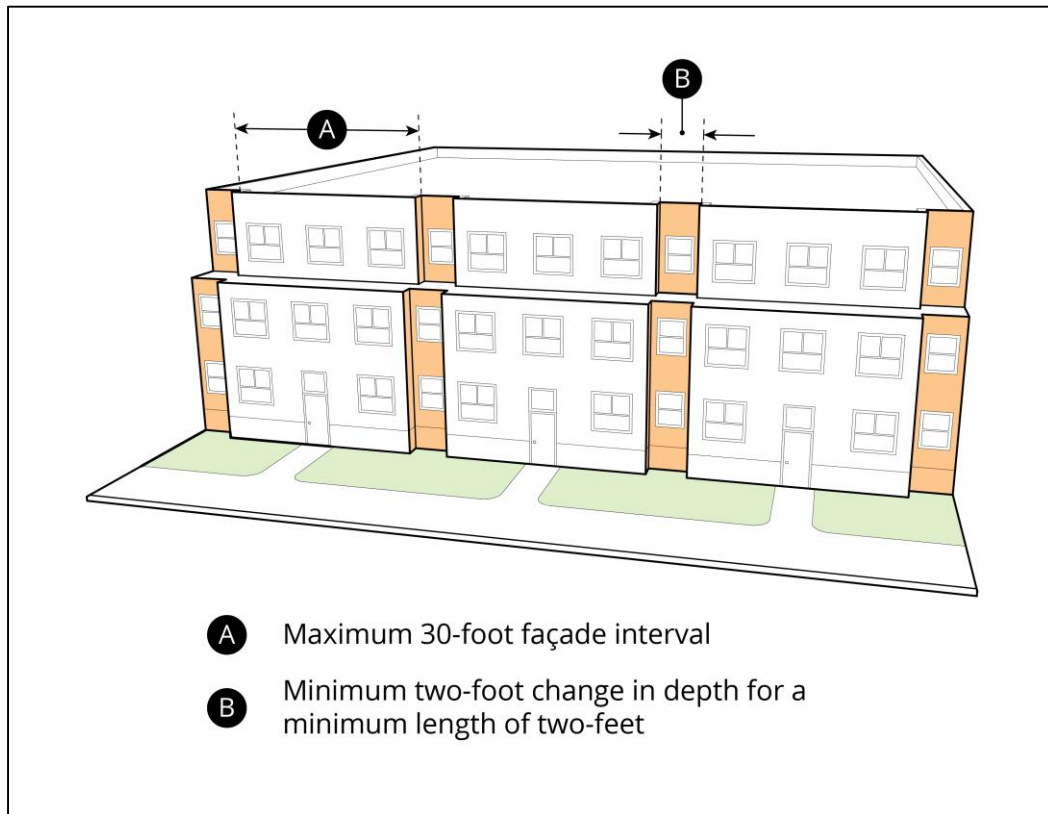


Figure B.1.1b

- c. Recessed façade plane to accommodate a building entry with a minimum ground plane area of 24 square feet. Where an awning or entry covering is provided, it can extend beyond the wall plane;



Figure B.1.1c

- d. An exterior arcade that provides a sheltered walkway within the building footprint with a minimum depth of eight feet. For a façade 50 feet or greater, the arcade must be a minimum length of 65 percent of the full building façade; for a facade less than 50 feet, the arcade must be a minimum of 80 percent of the full building façade.

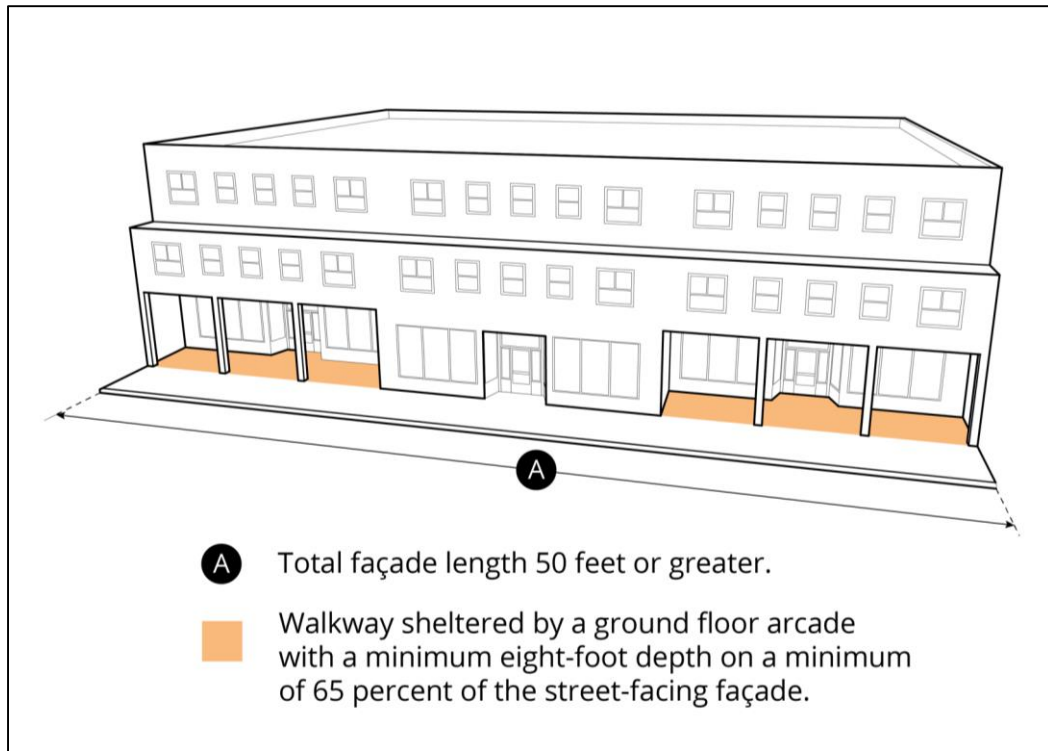


Figure B.1.1d (1)

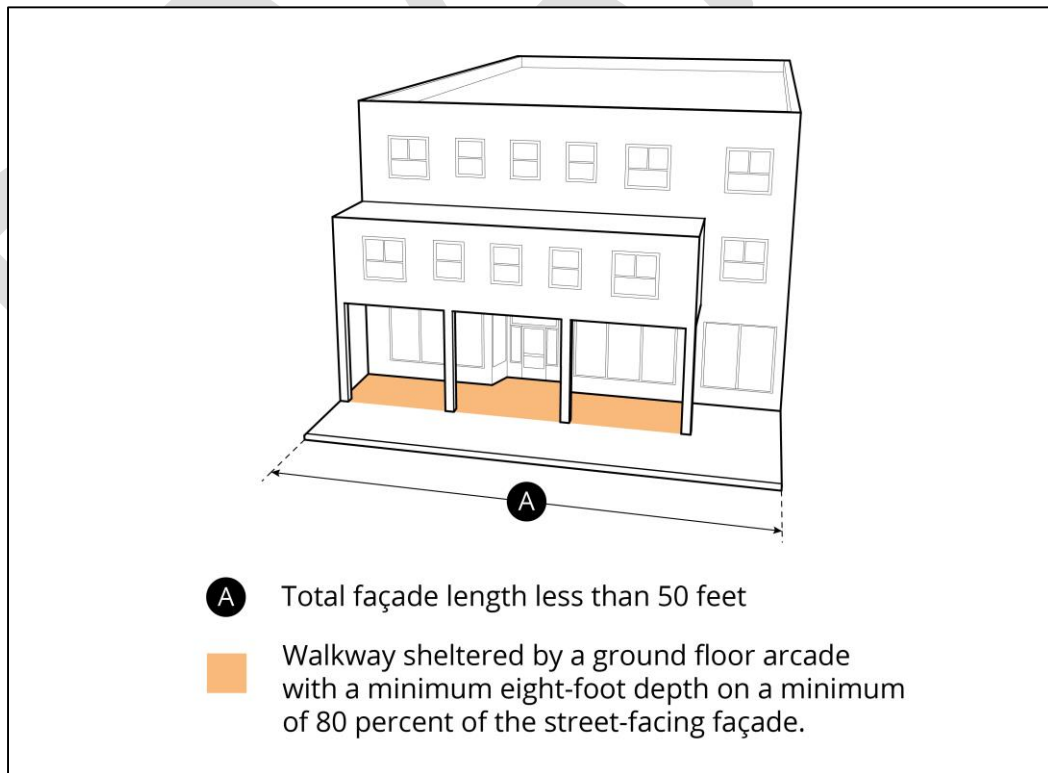


Figure B.1.1d (2)

- e. Ground floor open area abutting street-facing façade with a minimum area of 60 square feet; or



Figure B.1.1e

- f. Vertical elements, such as pilasters or columns, that protrude a minimum of one foot from the façade and extend the full height of the building base or ground floor, whichever is greater.

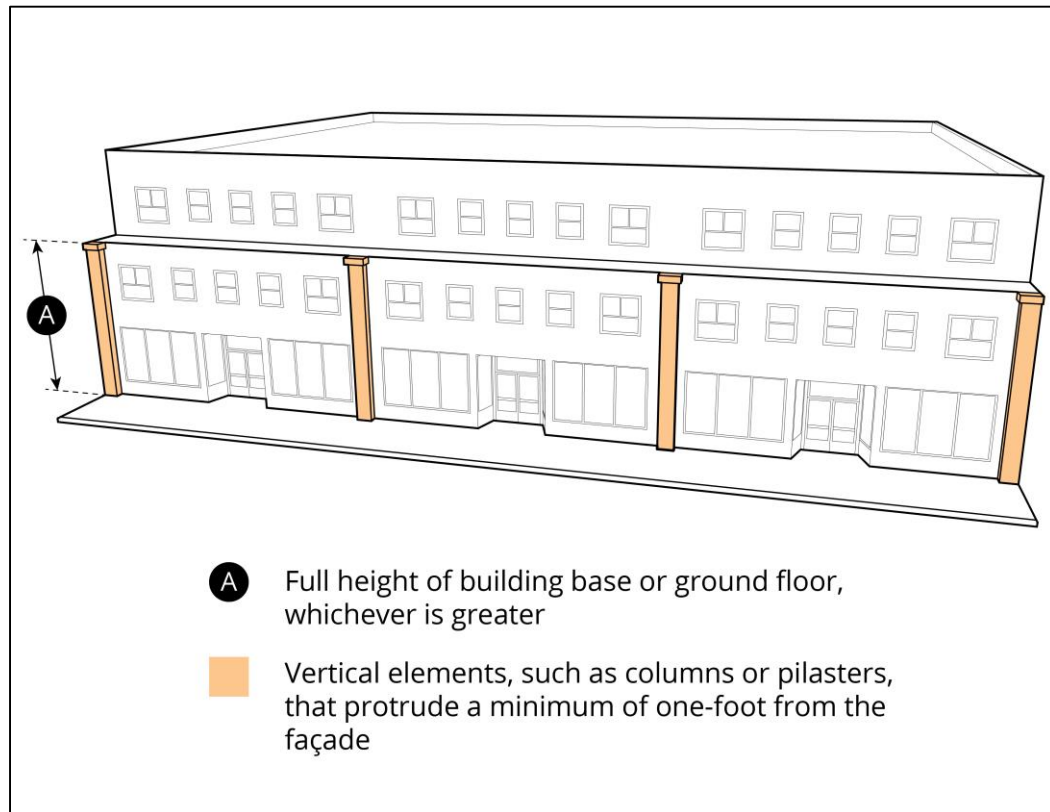


Figure B.1.1f

- 1.2 Upper floors above two stories shall be set back by a minimum of five feet from the ground-floor façade.
- 1.3 Townhomes or rowhouses shall have no more than six contiguous units in any single building.

B.2. Parking Structure Design

- 2.1 The ground-floor façade of a parking structure facing a street or pedestrian walkway shall be fenestrated on a minimum of 40 percent of the façade.
- 2.2 Façade openings on upper levels of a parking structure shall be screened at a minimum 10 percent and up to 30 percent of the opening to prevent full transparency into the structure.
- 2.3 Parking structures facing a street and greater than 40 feet in length shall include landscaping between the building façade and the street, or façade articulation of at least 25 percent of the façade length. The façade articulation shall be implemented by one of the following solutions:
 - a. An offset of the façade plane with a depth of at least 18 inches for a minimum of eight feet in horizontal length; or
 - b. A different building material covering the entire façade articulation.

B.3. Roof Design

- 3.1 At intervals of no more than 40 feet along the building façade, horizontal eaves shall be broken using at least one of the following strategies:
 - a. Gables;
 - b. Building projection with a depth of a minimum of two feet;
 - c. Change in façade or roof height of a minimum of two feet;
 - d. Change in roof pitch or form; or
 - e. Inclusion of dormers, parapets, and/or varying cornices.
- 3.2 Skylights shall have a flat profile rather than domed.

- 3.3 The total width of a single dormer or multiple dormers shall not exceed 50 percent of the total roof length at the street-facing façade. The dormer width shall be measured at dormer roof fascia, or widest part of the dormer.

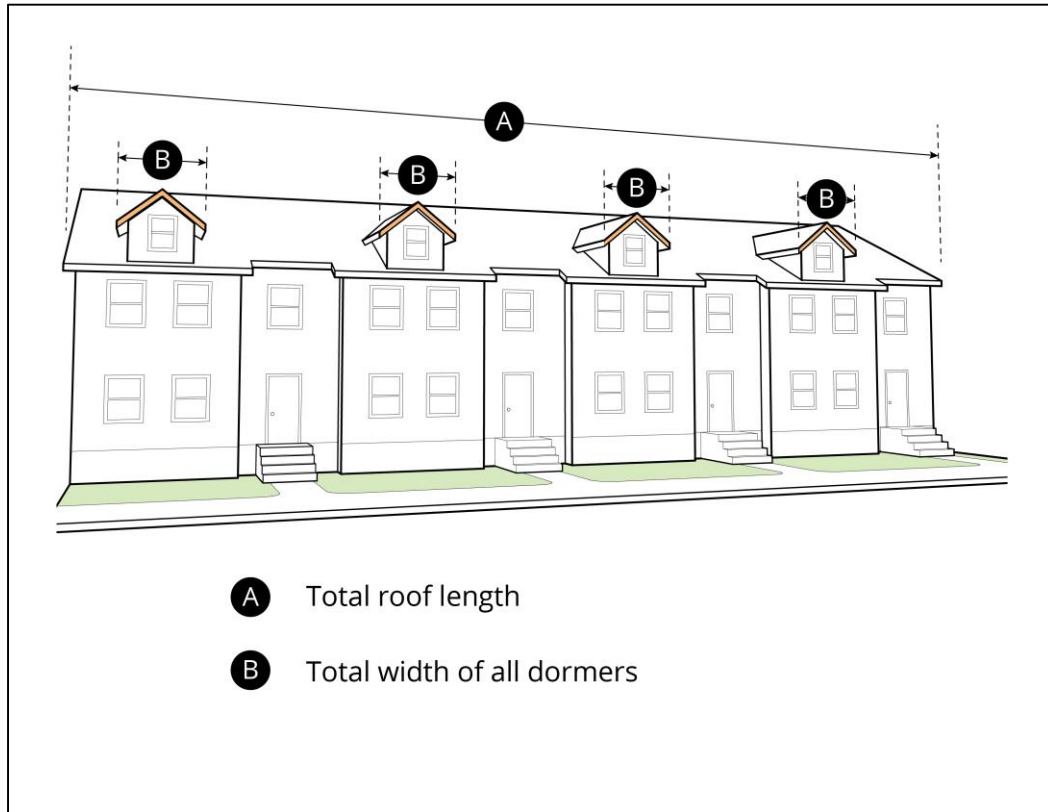


Figure B.3.3

- 3.4 Carport roof materials shall be the same as the primary building.

B.4. Façade Design and Articulation

- 4.1 Buildings greater than two stories shall be designed to differentiate the base, middle, and top of the building on any street-facing façade. Each of these elements shall be distinguished from one another using at least two of the following solutions:
- Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;



Figure B.4.1a

- b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;

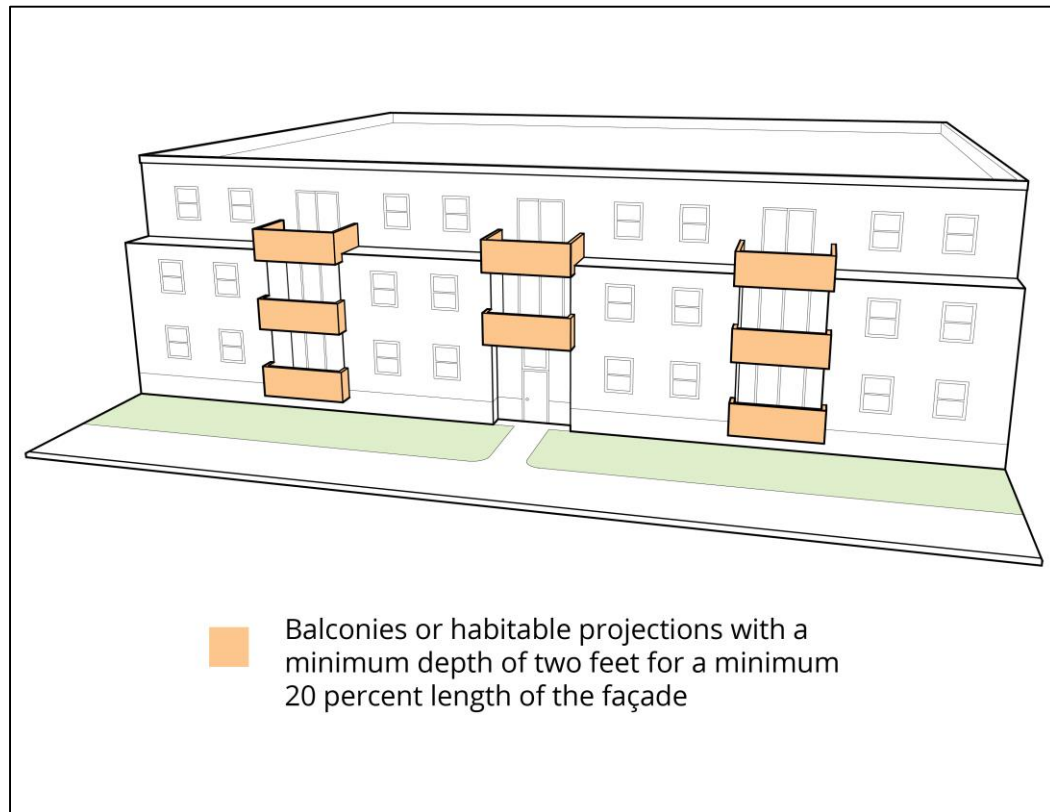


Figure B.4.1b

- c. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing façade;

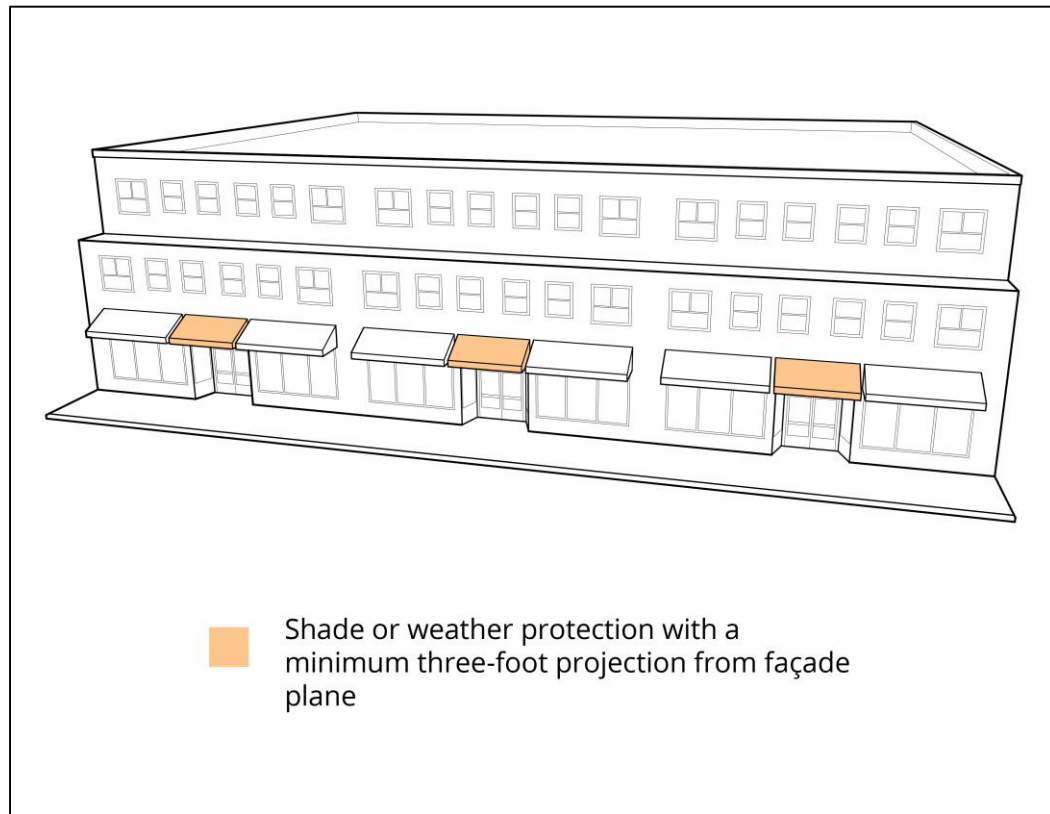


Figure B.4.1c

- d. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade, or
- e. The upper floor shall implement a façade height that is a minimum of two feet greater than the façade height of the floor immediately below. The greater façade height shall be made evident by taller windows or arrangement of combined windows.

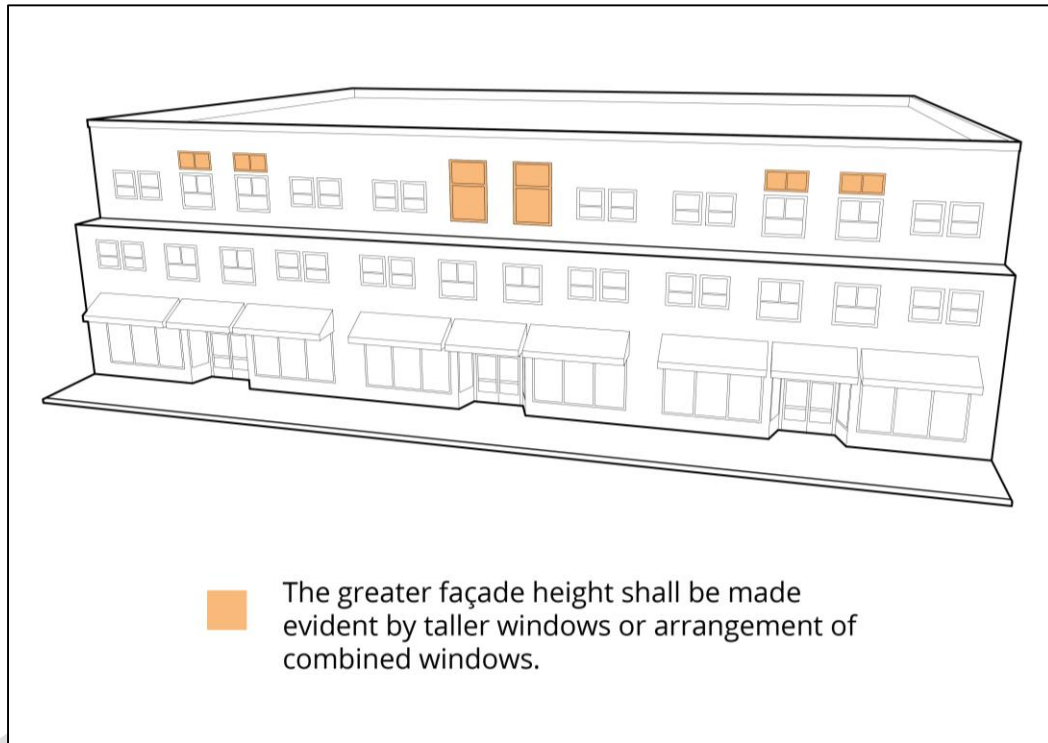


Figure B.4.1e

- 4.2 All façade materials, such as siding, window types, and architectural details, used on the street-facing façade shall be used on all other building façades.

- 4.3 Variation in the street-facing façade planes shall be provided for buildings greater than one story by incorporating any combination of the following architectural solutions to achieve a minimum of 16 points:
- Architectural features, such as:
 - Arcade or gallery along the ground floor; 8 points
 - Awnings or canopies on all ground floor windows of commercial space; 6 points
 - Building cornice; 5 points
 - Façade sconce lighting at a minimum of one light fixture per 15 linear feet. 3 points
 - Bay or box windows projecting a minimum of 18 inches from the façade plane and comprising a minimum of 20 percent of the fenestration on the upper floors of the facade; 6 points
 - Balconies or Juliet balconies provided on a minimum of 40 percent of the fenestration on the upper floors of the facade; 5 points
 - Landscaped trellises or lattices extending across a minimum of 65 percent of any level of the facade; 5 points
 - Materials and color changes; 3 points
 - Eaves that overhang a minimum of two feet from the facade with supporting brackets; 3 points
 - Window boxes or plant shelves under a minimum of 60 percent of the fenestration on the upper floors of the facade; or 3 points
 - Decorative elements such as molding, brackets, or corbels. 3 points
- 4.4 Garage doors shall be recessed a minimum of 12 inches from the façade plane and along the street-facing façade shall not exceed 40 percent of the length of the building façade.

4.5 Changes in building materials shall occur at inside corners.

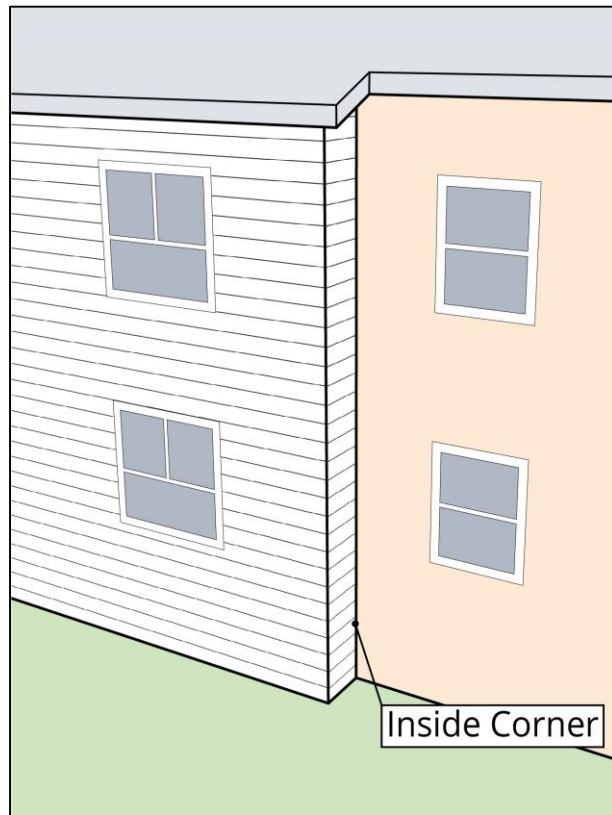


Figure B.4.5

- 4.6 A primary building entrance shall be provided facing a street or community recreation space. Additionally, all development shall meet the following requirements:
- a. Pedestrian entries to ground-floor and upper-floor non-residential uses shall meet at least one of the following standards:
 - i. The entrance shall be recessed in the façade plane at least three feet in depth; or
 - ii. The entrance shall be covered by an awning, portico, or other architectural element projecting from the façade a minimum of three feet.

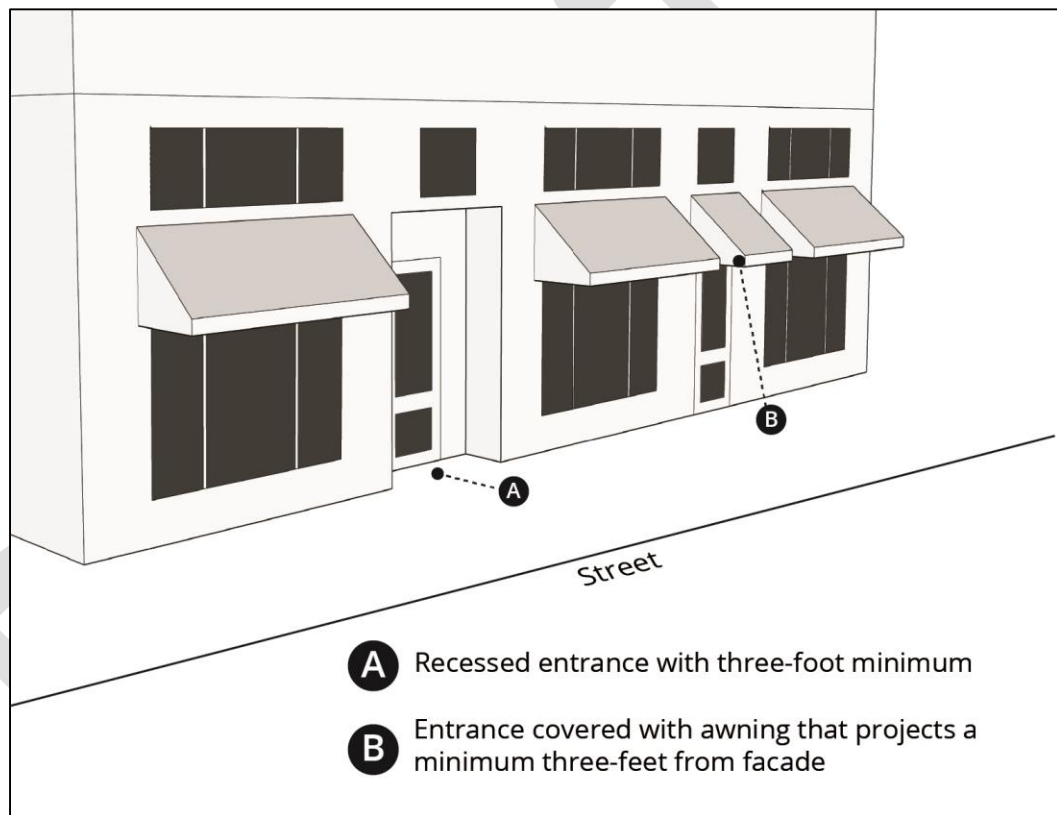


Figure B.4.6a

- b. For ground-floor commercial uses, façades facing a street shall include windows, doors, or openings for at least 60 percent of the building façade that is between two and 10 feet above the level of the sidewalk.

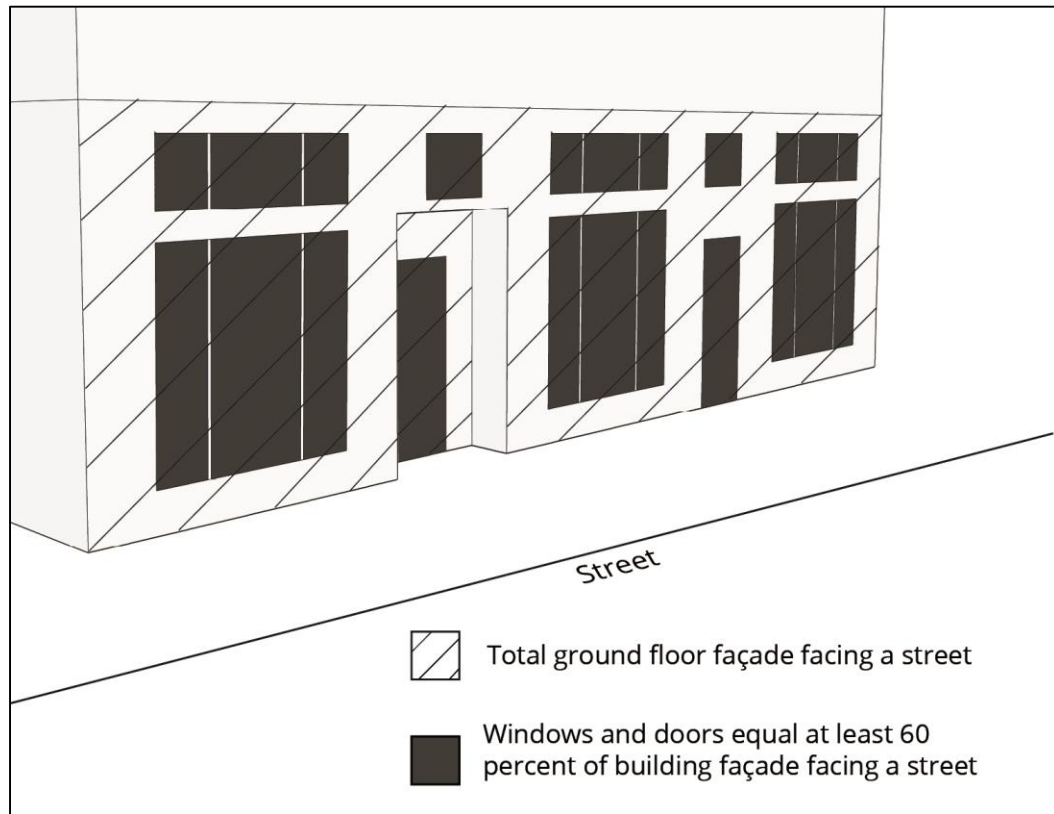


Figure B.4.6b

- 4.7 Pedestrian entries to buildings shall meet minimum dimensions to ensure adequate access based on use and development intensity. Building entries inclusive of the doorway and the facade plane shall meet the following minimum dimensions:
 - a. Individual residential entries: five feet in width
 - b. Single entry to multiple residential unit building, including Residential Mixed-Use buildings: eight feet in width
 - c. Storefront entry: six feet in width

- 4.8 Mirrored windows are prohibited.
- 4.9 Awnings shall be subject to the following requirements:
- a. A minimum vertical clearance of eight feet measured from the pedestrian pathway;
 - b. Shall not extend beyond individual storefront bays; and
 - c. Shall not be patterned or striped.
- 4.10 For buildings abutting a single-family zoning district or existing single-family use, no part of a rooftop or upper floor terrace or deck shall be closer than five feet from the facade plane of the lower floor, to prevent views into adjacent residential uses.
- 4.11 Balconies are allowed on facades facing the street and those facades facing existing non-residential uses on abutting parcels. Such balconies shall be without any projections beyond the building footprint.
- 4.12 Residential Mixed-Use buildings shall provide at least one of the following features along street-facing façades where the façade exceeds 50 feet in length:
- a. A minimum five-foot offset from the façade plane for a length of at least 10 feet;
 - b. Multiple pilasters or columns, each with a minimum width of two feet; or
 - c. Common open space, such as a plaza, outdoor dining area, or other spaces.
- 4.13 Continuous blank façades on any floor level shall not exceed 25 percent of the entire façade length along any street.

Appendix A - Evaluation of Existing Developments

The following developments in the Town of Los Gatos were analyzed to see if they would meet the three following standards that offer multiple design solutions (B.1.1, B.4.1, and B.4.3). These projects were designed and built without requirements to adhere to specific objective design standards. While some of the projects would not comply with all of the standards below, incorporating additional design solutions would be easily accomplished during the design phase.

C. BUILDING STANDARDS

C.1. Massing and Scale

- 1.1 Multiple-story building façades that face a street shall incorporate breaks in the building mass by implementing a minimum of three of the following solutions along the combined façade area of all primary buildings facing the street:
 - a. A minimum of 40 percent of the upper floor façade length shall step back from the plane of the ground-floor façade by at least five feet;
 - b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;
 - c. Recessed façade plane to accommodate a building entry with a minimum ground plane area of 24 square feet. Where an awning or entry covering is provided, it can extend beyond the wall plane;
 - d. An exterior arcade that provides a sheltered walkway within the building footprint with a minimum depth of eight feet. For a façade 50 feet or greater, the arcade must be a minimum length of 65 percent of the full building façade; for a facade less than 50 feet, the arcade must be a minimum of 80 percent of the full building façade.
 - e. Ground floor open area abutting street-facing façade with a minimum area of 60 square feet; or
 - f. Vertical elements, such as pilasters or columns, that protrude a minimum of one foot from the façade and extend the full height of the building base or ground floor, whichever is greater.

B.4. Façade Design and Articulation

- 4.1 Buildings greater than two stories shall be designed to differentiate the base, middle, and top of the building on any street-facing façade. Each of these elements shall be distinguished from one another using at least two of the following solutions:
- g. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;
 - h. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;
 - i. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing façade;
 - j. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade, or
 - k. The upper floor shall implement a façade height that is a minimum of two feet greater than the façade height of the floor immediately below. The greater façade height shall be made evident by taller windows or arrangement of combined windows.

4.3 Variation in the street-facing façade planes shall be provided for buildings greater than one story by incorporating any combination of the following architectural solutions to achieve a minimum of 16 points:

- Architectural features, such as:
 - Arcade or gallery along the ground floor; 8 points
 - Awnings or canopies on all ground floor windows of commercial space; 6 points
 - Building cornice; 5 points
 - Façade sconce lighting at a minimum of one light fixture per 15 linear feet. 3 points
- Bay or box windows projecting a minimum of 18 inches from the façade plane and comprising a minimum of 20 percent of the fenestration on the upper floors of the facade; 6 points
- Balconies or Juliet balconies provided on a minimum of 40 percent of the fenestration on the upper floors of the facade; 5 points
- Landscaped trellises or lattices extending across a minimum of 65 percent of any level of the facade; 5 points
- Materials and color changes; 3 points
- Eaves that overhang a minimum of two feet from the facade with supporting brackets; 3 points
- Window boxes or plant shelves under a minimum of 60 percent of the fenestration on the upper floors of the facade; or 3 points
- Decorative elements such as molding, brackets, or corbels. 3 points

University Avenue at Los Gatos-Saratoga Road



B.1.1 - (Minimum 3)

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet.
- c. Recessed façade plane to accommodate a building entry with a minimum ground plane area of 24 square feet.
- e. Ground floor open area abutting street-facing façade with a minimum area of 60 square feet.

B.4.1 – Not applicable, only two stories.

B.4.3 – (16 points minimum)

Arcade (8 points)

Building cornice (5 points)

Sconce lighting (3 points)

Balconies (5 points)

Decorative elements (3 points)

TOTAL = 24 points

Aventino – Winchester Boulevard



B1.1 - (Minimum 3)

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet.
- c. Recessed façade plane to accommodate a building entry with a minimum ground plane area of 24 square feet.

B4.1 - (Minimum 2)

- a. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;
- b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;

B4.3 - (16 points minimum)

Material and color changes (3 points)

Balconies or Juliet balconies (5 points)

Eaves that overhang a minimum of two feet from the façade with supporting brackets (3 points)

Window boxes or plant shelves (3 points)

Decorative elements such as molding, ornamentation, or corbels (3 points):

TOTAL = 17 points

North 40 - Market Hall



B1.1 – (minimum 3)

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;
- e. Ground floor open area abutting street-facing façade with a minimum area of 60 square feet; or

B4.1 – (Minimum 2)

- a. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;
- c. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing-façade;
- d. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade;

B4.3 – (16 points minimum)

Awnings or canopies (6 points)

Material and color changes (3 points)

Eaves that overhang a minimum of two feet from the façade with supporting brackets (3 points)

Decorate elements such as molding, brackets, or corbels (3 points)

TOTAL = 15 points

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 6/22/2022

ITEM NO: 3

DATE: June 17, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Review and Recommendation of the Draft Objective Standards to the Town Council.

RECOMMENDATION:

Review and recommendation of the Draft Objective Standards to the Town Council.

BACKGROUND:

The Town of Los Gatos has developed Draft Objective Standards for the review of multi-family and mixed-use development applications. This effort is in response to State legislation (Senate Bill (SB) 167, SB 35, and SB 330) requiring jurisdictions to adopt objective standards and to implement them in a streamlined review of qualifying housing projects. Objective standards are defined under State law as, “standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal” (California Government Code, Section 65913.4).

The purpose of adopting objective standards is to:

- Comply with recent State housing legislation;
- Implement streamlined and ministerial review processes for qualifying housing projects;
- Ensure that these qualifying projects align with the Town’s expectations and vision to maintain and support the character of the Town;
- Provide a set of clear criteria to guide development; and
- Establish an objective framework by which a qualifying project will be evaluated.

PREPARED BY: SEAN MULLIN, AICP and RYAN SAFTY
Senior Planner Associate Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND (continued):

On November 5, 2019, the Town Council adopted Resolution 2019-053 (Exhibit 1) to authorize application for, and receipt of, SB 2 Planning Grant Program funds, including execution of an agreement with the California Department of Housing and Community Development (HCD) by the Town Manager. Planning staff submitted an application with a proposal to develop objective standards and by-right findings for the review of qualifying housing development applications, and to identify amendments to the Town Code necessary to add the objective standards and findings to Chapter 29 of the Town Code (Zoning Regulations). The Town received approval of the application and entered into an agreement with HCD to receive reimbursable grant funding for the proposed scope of work.

On November 20, 2020, staff released a request for qualifications (RFQ) to provide services for preparation of objective standards and by-right findings for the review of qualifying housing development applications as provided in the Town of Los Gatos SB 2 Planning Grant Program application. Staff received proposals from four firms. After reviewing the submittals and conducting interviews, staff concluded that M-Group planning consultants provided the best fit, capacity, and professional expertise for the proposed scope of work. On March 16, 2021, the Town Council authorized the Town Manager to execute an agreement with M-Group for the proposed scope of work.

To date, the project initiation phase has been completed, including review of State legislation and existing Town guidelines and standards, and collation of feedback received during five meetings with the Planning Commission subcommittee between July and December 2021. On February 22, 2022, staff conducted the first of two community engagement meetings to gather feedback from residents and stakeholders. On May 12, 2022, a preliminary draft of the objective standards was presented and discussed at a second community engagement meeting. A summary of the feedback received at the community engagement meetings is included as Exhibit 2. Based on the feedback from the Planning Commission subcommittee and the community, staff and M-Group developed Draft Objective Standards for consideration by the Planning Commission (Exhibit 3).

DISCUSSION:

The Draft Objective Standards document is organized into two sections: Site Standards (Section A) and Building Design (Section B). The Site Standards section includes objective standards for site layout and building placement; vehicular access and parking; and outdoor spaces and amenities. The Building Design section includes objective standards for building form and massing; façade articulation; materials; and roof design. Many of the objective standards have corresponding figures to help visualize the standards.

DISCUSSION (continued):

In addition to the objective standards listed in this document, qualifying multi-family and mixed-use projects would also be required to comply with all existing development requirements in the Town Code, including but not limited to building code requirements, existing Town standards, adopted specific plans, and development standards such as height and setbacks. If there is any conflict between these standards and those in another adopted document, the more restrictive standard shall apply.

PUBLIC COMMENTS:

Throughout the process and prior to the June 22, 2022, Planning Commission meeting, staff contacted several professional organizations, design professionals, developers, and residents to inform them about the meeting and encourage participation and written comment on the Draft Objective Standards. In addition to the direct contact summarized above, staff requested public input through the following media and social media resources:

- A poster posted at the Planning counter at Town Hall and at the Library;
- On the Town's website home page, What's New;
- On the Town's webpage dedicated to objective standards; and
- On the Town's social media accounts.

Public comments received by 11:00 a.m., Friday, June 17, 2022, are included as Exhibit 4.

CONCLUSION:

A. Summary

The Town of Los Gatos has developed Draft Objective Standards for the review of multi-family and mixed-use development applications as required by State legislation. The Draft Objective Standards were developed following research by staff and the Town's consultant, five meetings with the Planning Commission subcommittee, and two community engagement meetings.

B. Recommendation

The Draft Objective Standards have been forwarded to the Planning Commission for review. Staff recommends that the Planning Commission:

- Receive and consider public comments;
- Complete the review of the Draft Objective Standards;
- Provide input on any recommended modifications to the Draft Objective Standards; and

CONCLUSION (continued):

- Forward a recommendation to the Town Council to approve the Draft Objective Standards.

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation of approval to the Town Council with additional and/or modified objective standards; or
2. Continue the matter to a date certain with specific direction to staff.

NEXT STEPS:

Following review and recommendation by the Planning Commission, the Town Council will consider the Draft Objective Standards, the Planning Commission recommendation, and any additional public comments. Once the Town Council adopts objective standards, staff will return to the Planning Commission for consideration of a Town Code amendment to incorporate by-right findings for qualifying housing projects meeting the adopted objective standards into the Town Code. Additionally, staff will develop streamlined review procedures for applications proposing qualifying housing projects.

EXHIBITS:

1. Town Council Resolution 2019-053
2. Summary of feedback received during community engagement meetings
3. Draft Objective Standards
4. Public Comments received prior to 11:00 a.m., Friday, June 17, 2022

RESOLUTION 2019-053

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS PROGRAM FUNDS

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) dated March 28, 2019, for its Planning Grants Program (PGP); and

WHEREAS, the Town Council of the Town of Los Gatos desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 PGP grant application as described in the Planning Grants Program NOFA and SB 2 Planning Grants Program Guidelines released by the Department for the PGP Program; and

WHEREAS, the Department is authorized to provide up to \$123 million under the SB 2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)) related to the PGP Program.

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

SECTION 1. The Town Council hereby authorizes and directs the Town Manager to apply for and submit to the Department the 2019 Planning Grants Program application in the amount of \$160,000.

SECTION 2. In connection with the PGP grant, if the application is approved by the Department, the Town Manager is authorized to enter into, execute, and deliver a State of California Agreement (Standard Agreement) for the amount of \$ 160,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the Town of Los Gatos's obligations related thereto, and all amendments thereto (collectively, the "PGP Grant Documents").

SECTION 3. The Town of Los Gatos shall be subject to the terms and conditions as specified in the Standard Agreement, the SB 2 Planning Grants Program Guidelines, and any applicable PGP guidelines published by the Department. Funds are to be used for allowable

expenditures as specifically identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The Town Council hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by the Department and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and 2019 Planning Grants Program Application.

SECTION 4. The Town Manager is authorized to execute the Town of Los Gatos Planning Grants Program application, the PGP Grant Documents, and any amendments thereto, on behalf of the Town of Los Gatos, as required by the Department for receipt of the PGP Grant.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of November 2019 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Savoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None

ABSENT: None

ABSTAIN: None

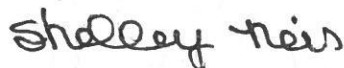


SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 11/8/19

ATTEST:



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

DATE: 11/8/2019

February 22, 2022, Community Meeting Feedback

Below is a listing of the comments and questions received. Response(s) from the consultant and/or staff are provided below each comment in *italics*.

1. Questioned the “score card” measurement approach to allow developers to surpass some of the specific objective standard requirements yet still “pass”.

The “score card” approach is just one option to implement objective standards and would only be used if the Town feels it is appropriate. The “score card” wouldn’t be drafted to allow developers to surpass important standards. It would be used in a way that gives the developer flexibility by offering several different approaches to achieve one of the Town’s underlining goals. Developers still need to meet the Town’s required threshold, but they would be given a variety of tools, each with different weighted values, to meet that threshold.

2. Questioned how long the development of the Objective Standards document will take and asked when will the document be ready.

We anticipate getting a drafted document to the community in spring of this year, collecting additional feedback from the community, and taking the document to the Planning Commission for review in early Summer. The Planning Commission would make a recommendation to the Town Council, and hopefully be completed by late summer or early fall of 2022.

3. When this is adopted, will the Town have to go through and adopt revisions to existing Town documents? What happens after the Objective Standards document is adopted? Are there additional steps?

This will be a standalone policy document. The Town’s strategy is to adopt objective standards and then develop a program for implementation.

4. How would these standards work with the different range of housing projects, such as market rate and affordable housing? There should be a consistent look for all types of housing projects.

These standards would apply to all multi-family and mixed-use projects: affordable and market rate. The Town would not have specific below-market rate design requirements; everything would be consistent.

EXHIBIT 2

5. Questioned why objective standards aren't being developed for all housing types, as opposed to just multi-family and mixed-use projects. Many of the Town's design documents are just guidelines. How would the objective standards effect single-family development? This is an opportunity to apply objective standards to all projects so they can be processed faster.

This current effort is to create a ministerial process for multi-family and mixed-use in compliance with State law and utilizing grant funds specifically for multi-family and mixed-use objective standards.

6. Concern was also expressed regarding the exception process since current Town Code and policy documents have exception processes. Can we leave exception and exemptions in the guideline documents and require Planning Commission review for any exception or exemption?

If the application requires any sort of exception or variance, they would not be eligible for the streamlined ministerial review and would be subject to a discretionary review process.

7. Sometimes when standards are established, all development starts to look alike. Is there a possibility of having alternative standards? For example, height – to avoid flat roofs, is there the ability to have maximum roof height for flat roof and different maximum height for gabled roofs to promote a variation in roof massing?

Yes, there are ways, but we need to be careful to make sure the zoning ordinance height requirements are still complied with. The Draft Objective Standards document includes a number of items that offer a list of different standards related to a single goal and requiring the developer to incorporate a minimum number of the standards, but not all.

8. Why would the standards need to be consistent with the Zoning code? Couldn't we amend the Zoning code?

Yes, the Zoning Code could be amended; however, this is intended to be a standalone policy document that works in concert with the Town Code.

May 12, 2022, Community Meeting Feedback

Below is a listing of the comments and questions received. Response(s) from the consultant and/or staff are provided below each comment in *italics*.

1. Questioned the quantity of housing required by the State.

Today's presentation is about the development of objective standards for multi-family and mixed-use projects, not the Regional Housing Needs Allocation (RHNA) numbers, which is being reviewed by the Housing Element Advisory Board (HEAB) as a part of the Housing Element Update process.

2. Questioned if these objectives standards are new and different than the Town's current objective standards for these types of housing.

These Draft Objective Standards are new. The Town Code has existing objective standards. Town staff and the consultant compiled a list of all existing Town standards, whether objective or subjective, for review. The Planning Commission subcommittee discussed each standard to determine which subjective standards should be modified to be objective and included in this document. The existing objective standards from Town Code and other policy documents are still applicable. The Town is reviewing which existing subjective standards should become objective for the review of qualifying multi-family and mixed-use projects. The goal is to not duplicate existing objective standards as they are still applicable.

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TOWN OF LOS GATOS
DRAFT OBJECTIVE STANDARDS
June 22, 2022

PURPOSE

The purpose of the Objective Design Standards is to ensure that new qualifying multi-family and mixed-use projects in Los Gatos provide high-quality architecture, integrate with surrounding development, and include well-designed amenities and open spaces to enhance community character. These standards are intended to guide property owners, applicants, developers, and design professionals by providing clear design direction that enhances the Town's unique character and ensures a high-quality living environment.

ORGANIZATION AND APPLICABILITY

The following Objective Design Standards are organized into two primary sections: Site Standards; and Building Design. The Site Standards section includes objective standards for site layout and building placement, vehicular access and parking, and outdoor spaces and amenities. The Building Design section includes objective standards for building form and massing, façade articulation, materials, and roof design.

Qualifying multi-family and mixed-use projects must also comply with all existing development requirements in the Town Code, including but not limited to building code requirements, existing Town standards, adopted specific plans, and development standards such as height and setbacks. If there is any conflict between these standards and those in another adopted document, the more restrictive standard shall apply.

EXHIBIT 3

A. SITE STANDARDS

A.1. Pedestrian Access

- 1.1 All on-site buildings, entries, facilities, amenities, and parking areas shall be internally connected with pedestrian pathways and may include use of the public sidewalk. Pedestrian pathways shall connect to the public sidewalk along each street.
- 1.2 Pedestrian walkways within internal parking areas shall be separated from vehicular circulation by a physical barrier, such as a grade separation or a raised planting strip of at least six inches.

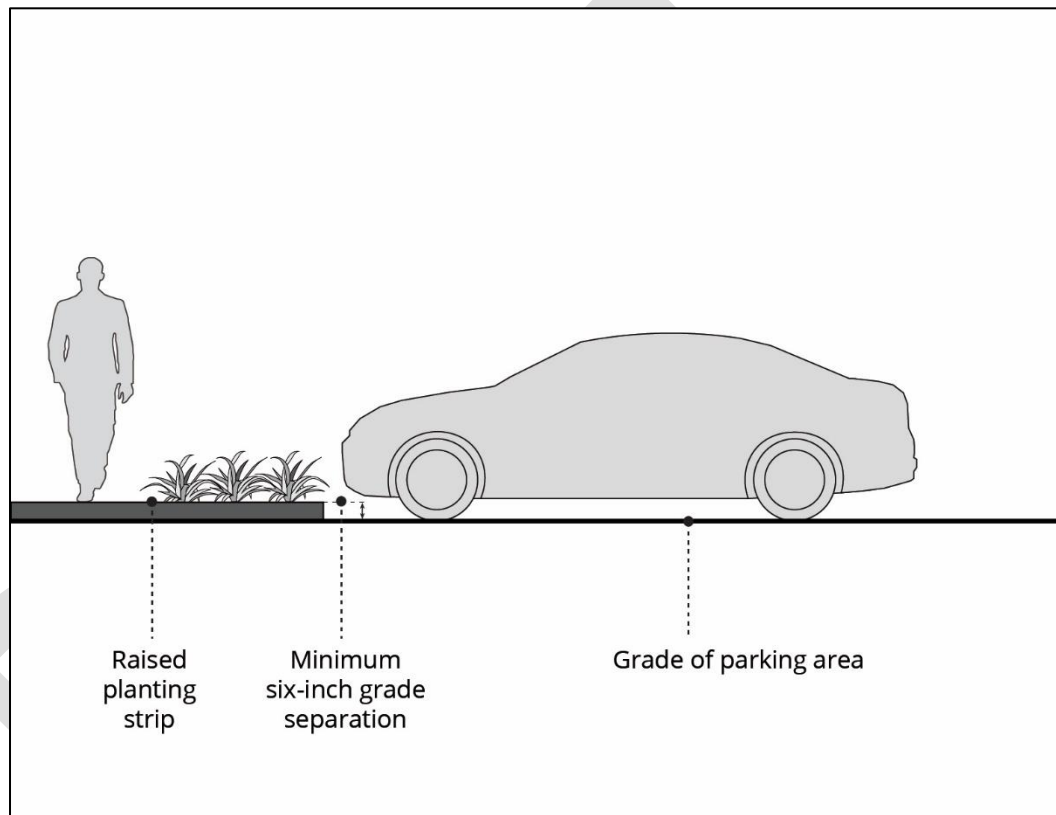


Figure A.1.2

A.2. Vehicular Access

- 2.1 Off-street parking shall have internal vehicular circulation that precludes the use of a street for aisle-to-aisle circulation.

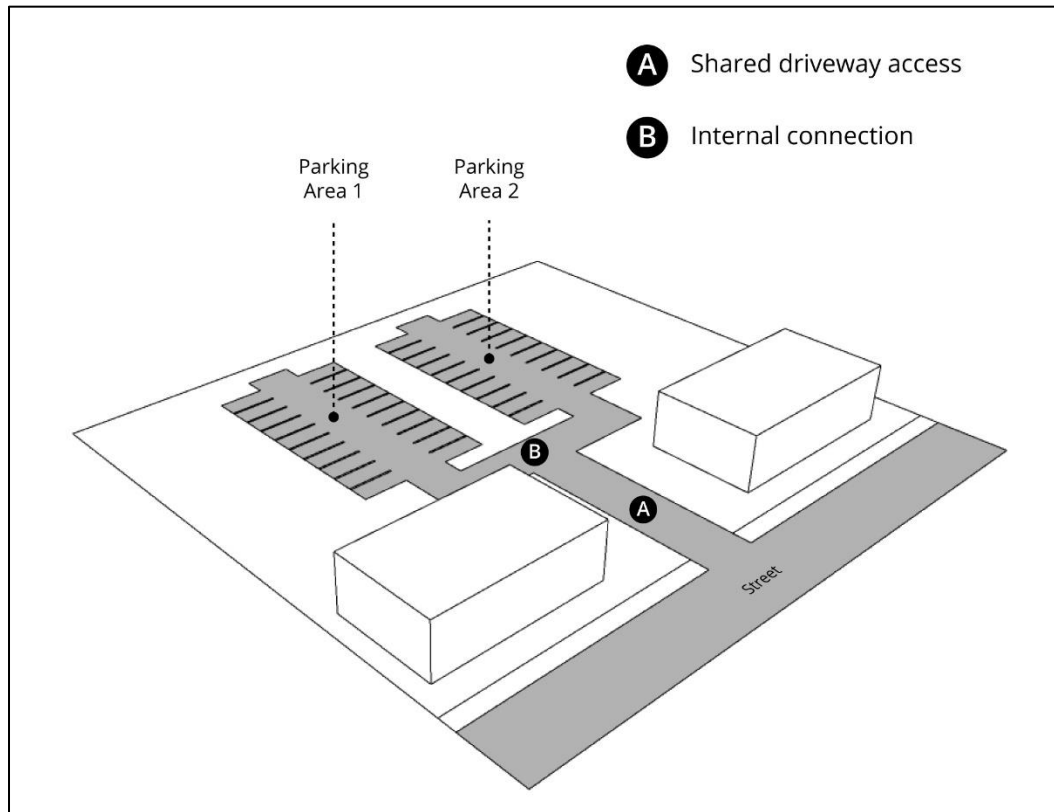


Figure A.2.1

A.3. Parking Location and Design

- 3.1 Driveways and surface parking lots shall not be located between the building frontage and the street.
- 3.2 Multiple parking areas located on a common property shall be internally connected and shall use shared driveways to access the street.

- 3.3 Uncovered parking rows with at least 15 consecutive parking spaces shall include a landscape area of six feet minimum width at intervals of no more than 10 consecutive parking stalls. One tree shall be provided in each landscape area.

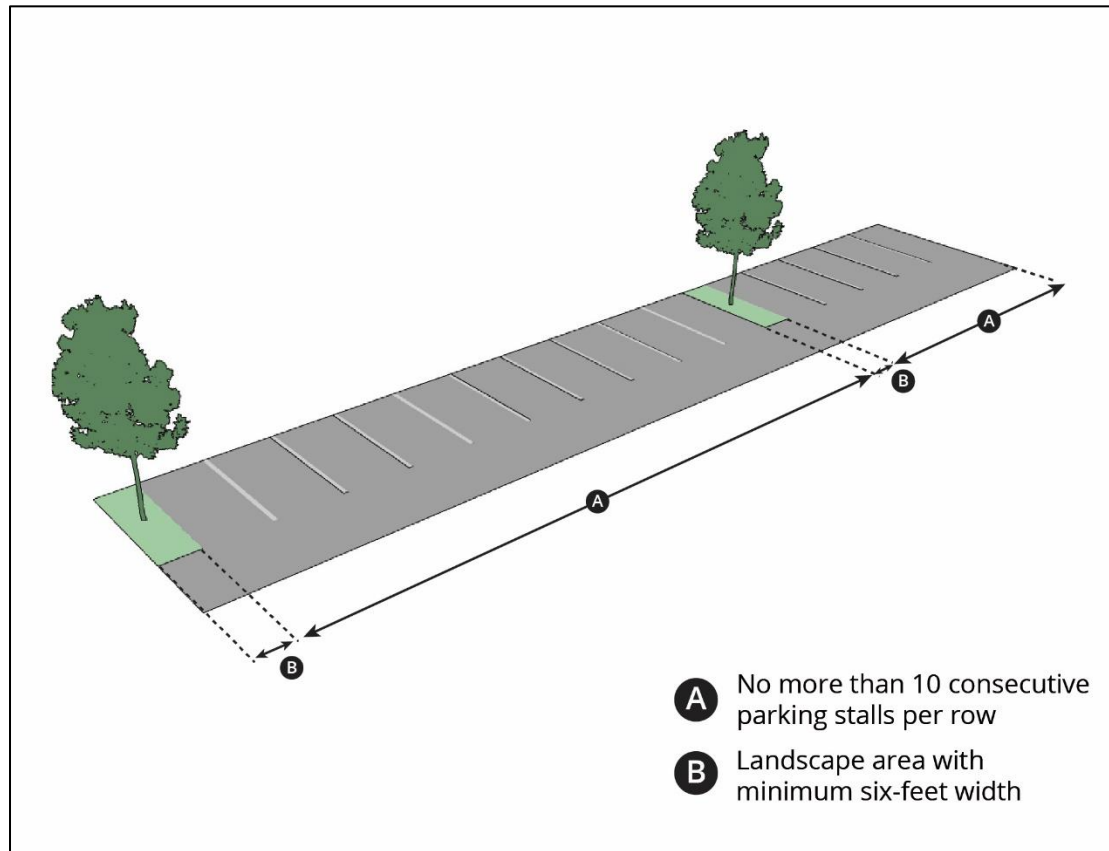


Figure A.3.3

- 3.4 Carports shall not be located between a building and a street.
- A.4. Parking Structure Access**
- 4.1 Any automobile entry gate to a parking structure shall be located to allow a minimum of 25 feet between the gate and the back of the sidewalk to minimize conflicts between sidewalks and vehicle queuing.
- 4.2 A parking structure shall not occupy more than 50 percent of the building width of any street-facing façade and shall be recessed a minimum five feet from street-facing façades of the building.
- A.5. Utilities**
- 5.1 Pedestrian-oriented lighting shall be provided along all pedestrian paths. Exterior lighting fixtures shall be a minimum of three feet and a maximum of 15 feet in height.

- 5.2 Exterior lighting shall be fully shielded and restrain light to a minimum 30 degrees below the horizontal plane of the light source. Uplighting is prohibited.

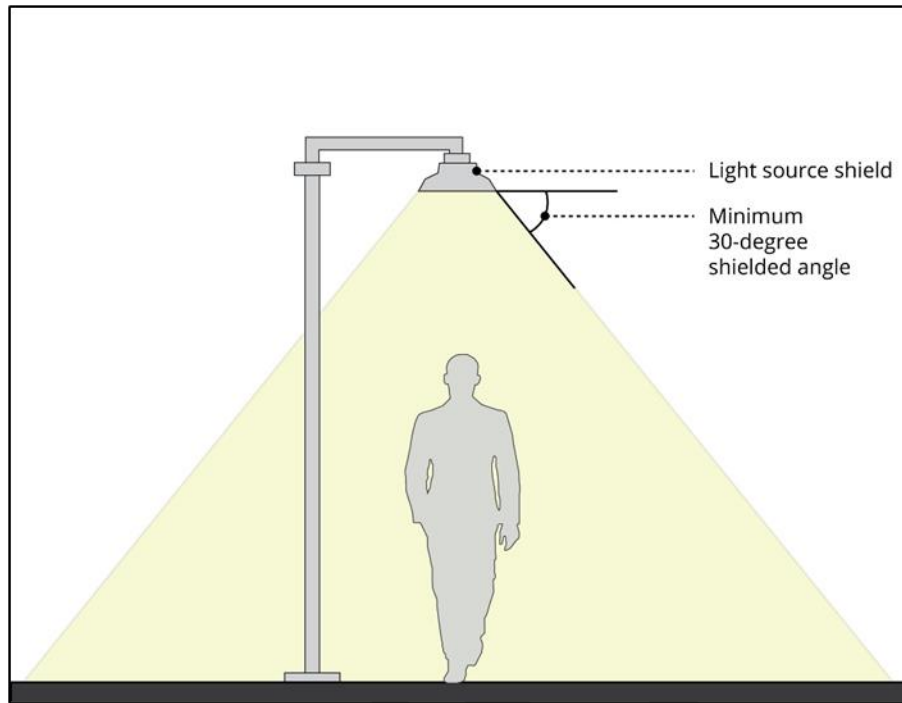


Figure A.5.2

- 5.3 Rooftop and ground-mounted utility cabinets, mechanical equipment, trash, and service areas shall be screened from view from the street with landscape planting, fencing, or a wall. The screening shall be at least the same height as the item being screened and shall be constructed with one or more of the materials used on the primary building. Solar equipment is exempt from this requirement.

A.6. Landscaping and Screening

- 6.1 At least 50 percent of the front setback area shall be landscaped.
- 6.2 A minimum 10-foot-wide landscape buffer shall be provided between multi-family or mixed-use development and abutting residential properties. The buffer shall include the following:

- a. A solid masonry wall with a six-foot height, except within a street-facing setback, where the maximum permitted height is three feet;

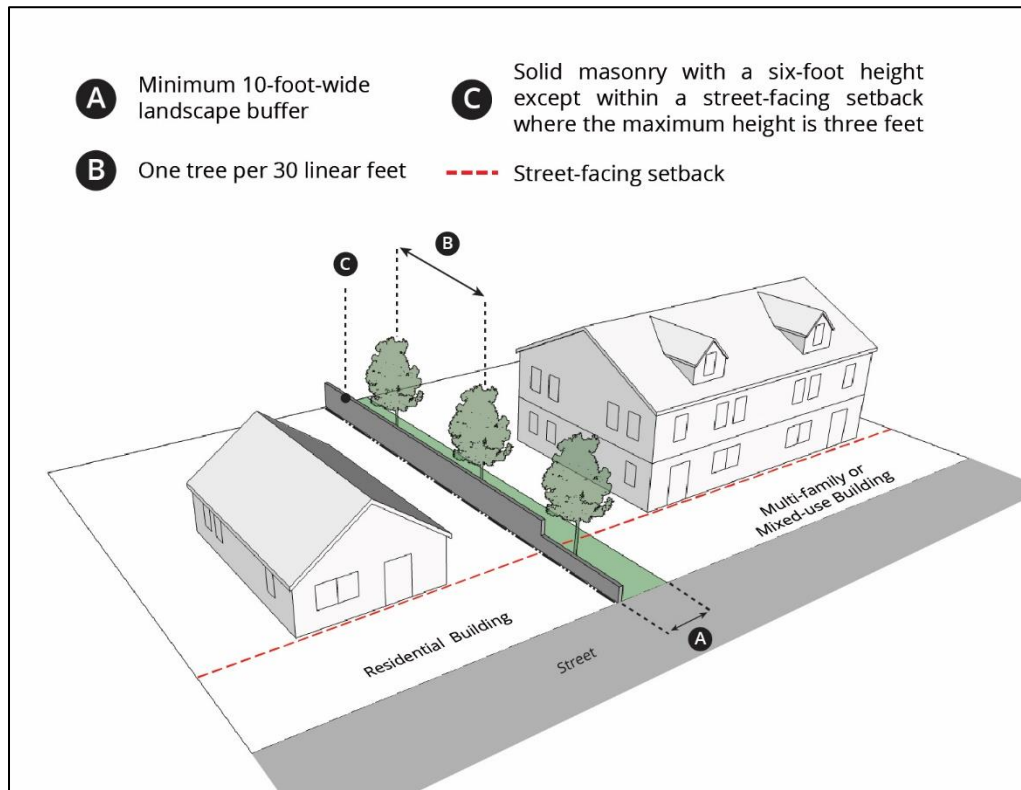


Figure A.6.2a

- b. Trees planted at a rate of at least one tree per 30 linear feet along the shared property line. Tree species shall be selected from the Town of Los Gatos Master Street Tree List and shall be a minimum 15-gallon size; and
- 6.3 Surface parking lots shall be screened from view of the street with landscaping or a wall with a minimum three-foot height to screen the parking lot.

A.7. Fencing

- 7.1 Fences, walls, hedges, and gates within required setbacks along all street frontages shall have a maximum height of three feet.
- 7.2 Chain link fencing is prohibited.
- 7.3 Vehicular entry gates and pedestrian entry gates shall have a maximum height of six feet.
- 7.4 Solid vehicular and pedestrian entry gates are prohibited. Entry gates shall be a minimum 50 percent open view.

A.8. Retaining Walls

- 8.1 Retaining walls shall not exceed five feet in height. Where an additional retained portion is necessary, multiple-terraced walls shall be used. Terraced walls shall set back at least three feet from the lower segment.
- 8.2 Retaining walls shall not run in a straight continuous direction for more than 50 feet without including the following:
 - a. A break, offset, or landscape pocket in the wall plane of at least three feet in length and two feet in depth; and
 - b. Landscaping at a minimum height of three feet at the time of installation along a minimum of 60 percent of the total length of the retaining wall.

A.9. Open Space

- 9.1 A minimum of 20 percent of the site area shall consist of landscaped open space. Landscaped open space may be in the form of trees, hedgerows, flowerbeds, or ground cover vegetation, such as grass.
- 9.2 Common open space shall be provided in mixed-use developments in the form of public gathering spaces, such as plazas, outdoor dining areas, squares, or pocket parks. The space required is a minimum of 100 square feet per residential unit plus a minimum of two percent of the commercial square footage.
- 9.3 Common open space shall be provided in multi-family residential development projects in the form of gathering spaces, such as play areas, pool areas, patios, rooftop decks, or other community areas for the use of residents. The minimum space required is 100 square feet per residential unit.
- 9.4 Common open spaces shall provide shading for a minimum 15 percent of each open space area by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.

A.10. Building Placement

- 10.1 To create a continuous streetscape appearance, development in a Community Place District shall place at least 75 percent of the ground floor of a building within five feet of the front and street-side setback (where applicable) requirement of the Town Code.

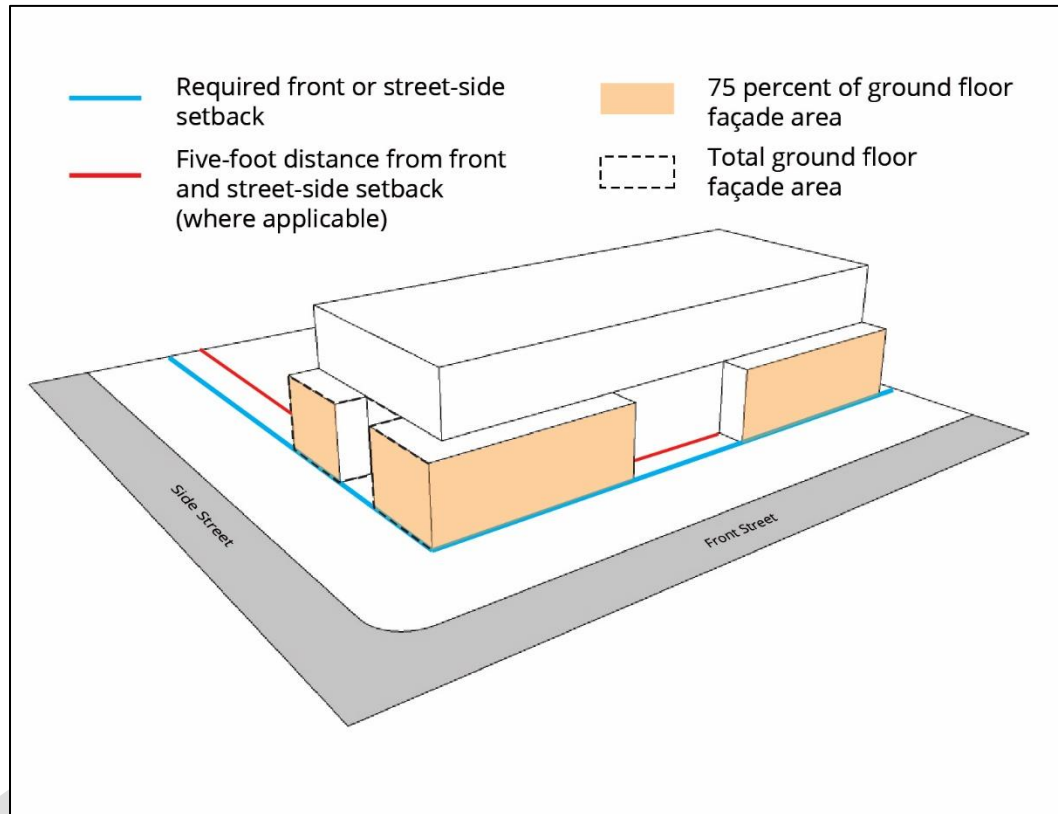


Figure A.10.1

- 10.2 A mixed-use residential project with a ground-floor commercial use shall provide site amenities on a minimum of 15 percent and maximum of 30 percent of the ground plane between the building and the front or street-side property line. The site amenities shall be comprised of any of the following elements:
- a. Landscape materials or raised planters;
 - b. Walls designed to accommodate pedestrian seating, no higher than 36 inches;
 - c. Site furnishings, including fountains, sculptures, and other public art; or
 - d. Tables and chairs associated with the ground floor use.

B. BUILDING DESIGNS

B.1. Massing and Scale

- 1.1 Multiple-story building façades that face a street shall incorporate breaks in the building mass by implementing a minimum of three of the following solutions along the façades facing the street:
- A minimum of 40 percent of the upper floor façade length shall step back from the plane of the ground-floor façade by at least six feet;

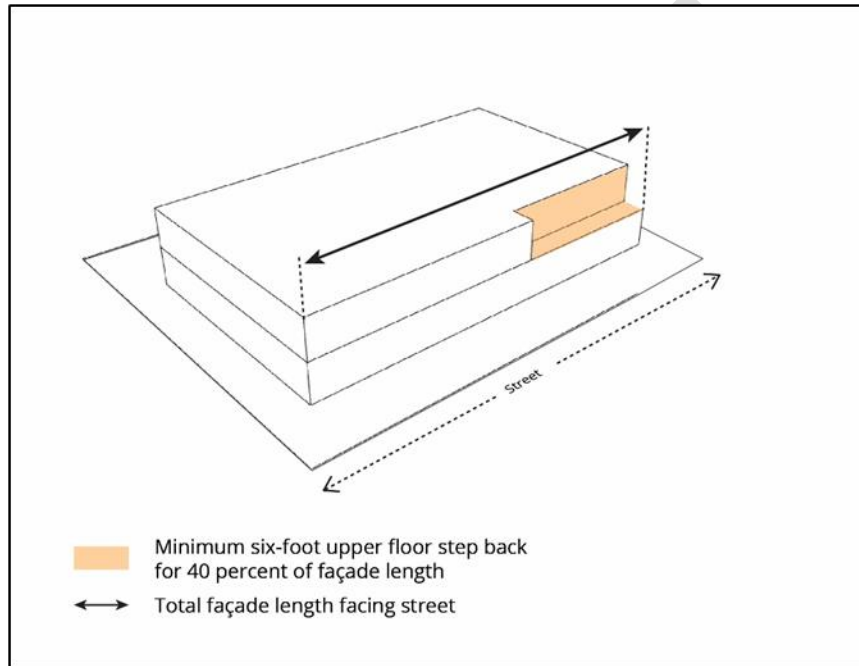


Figure B.1.1a

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;

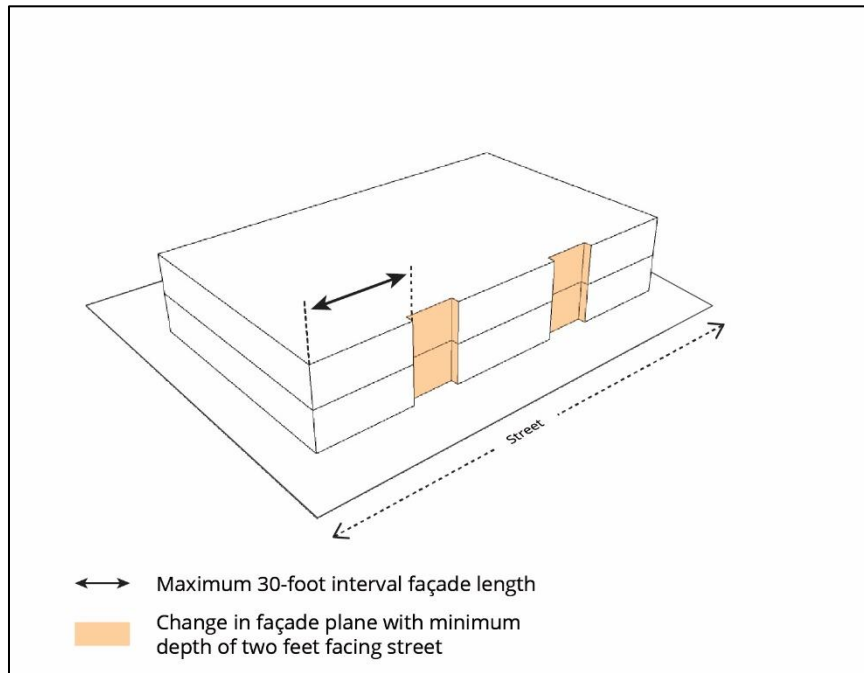


Figure B.1.1b

- c. Recessed or projected covered entries with a minimum area of 24 square feet;

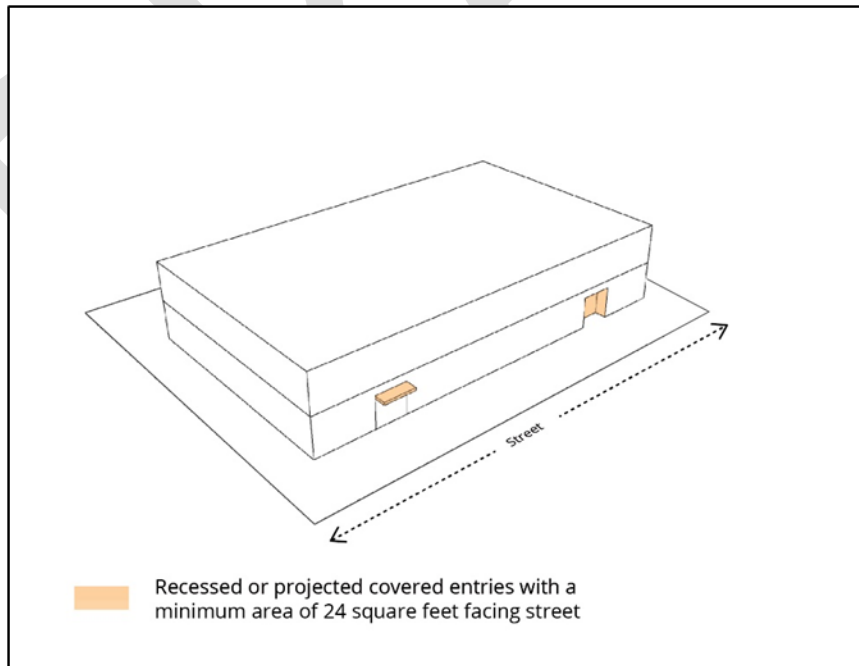


Figure B.1.1c

- d. An exterior arcade that provides a sheltered walkway within the building footprint with a minimum depth of eight feet, extending the full length of the façade;

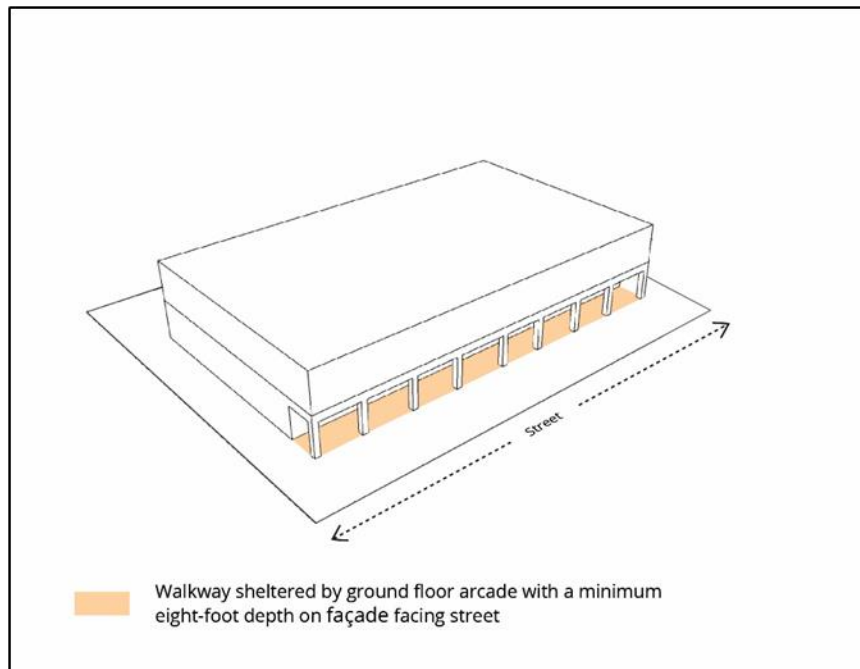


Figure B.1.1d

- e. Ground floor courtyards within the building footprint with a minimum area of 48 square feet; or

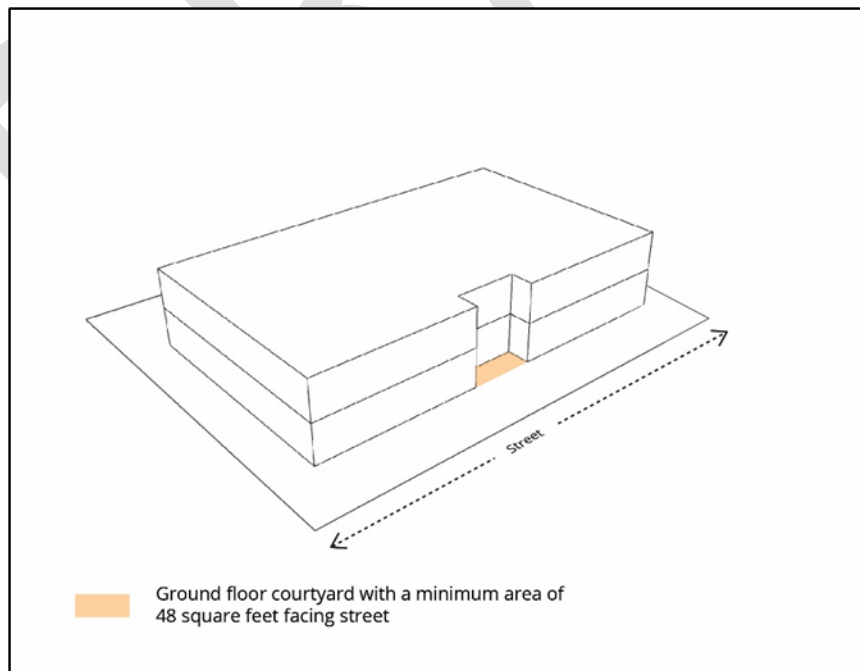


Figure B.1.1e

- f. Vertical elements, such as pilasters or columns, that protrude a minimum of one foot from the façade and extend the full height of the building base or ground floor, whichever is greater.

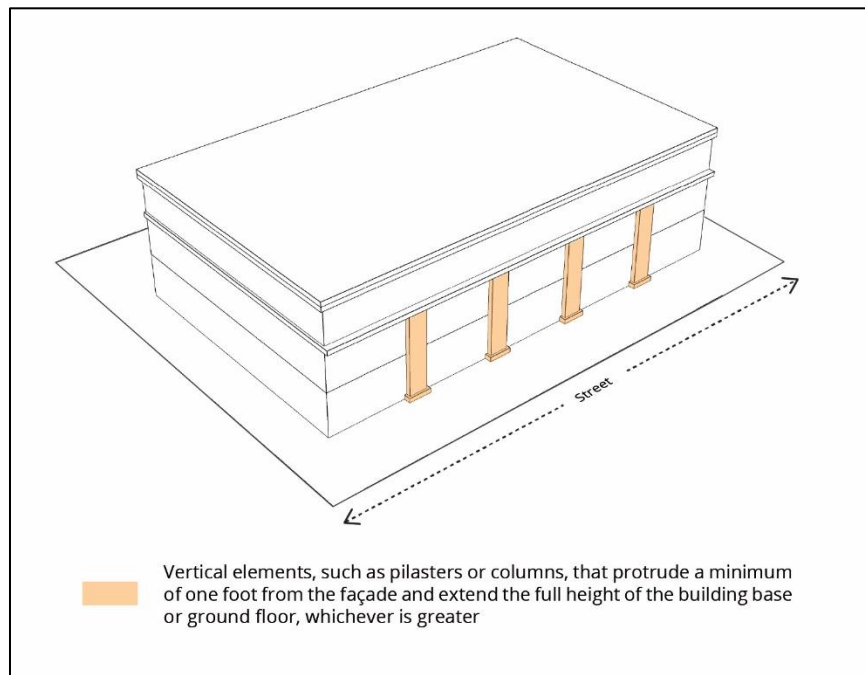


Figure B.1.1f

- 1.2 Upper floors above two stories shall be set back by a minimum of five feet from the ground-floor façade.
- 1.3 Townhomes or rowhouses shall have no more than six contiguous units in any single building.

B.2. Parking Structure Design

- 2.1 The ground-floor façade of a parking structure facing a street or pedestrian walkway shall be fenestrated on a minimum of 40 percent of the façade.
- 2.2 Façade openings on upper levels of a parking structure shall be screened up to 30 percent of the opening to prevent full transparency into the structure.
- 2.3 Parking structures facing a street and greater than 40 feet in length shall include landscaping between the building façade and the street, or articulation of at least 25 percent of the façade length. The façade articulation shall be implemented by one of the following solutions:
- a. An offset of the façade plane with a depth of at least 18 inches for a minimum of eight feet in horizontal length; or
 - b. A different building material covering the entire articulation change of 25 percent of the façade length.

B.3. Roof Design

- 3.1 At intervals of no more than 40 feet along the building façade, horizontal eaves shall be broken using at least one of the following strategies:
- Gables;
 - Building projection with a depth of a minimum of two feet;
 - Change in façade or roof height of a minimum of four feet;
 - Change in roof pitch or form; or
 - Inclusion of dormers, parapets, and/or varying cornices.

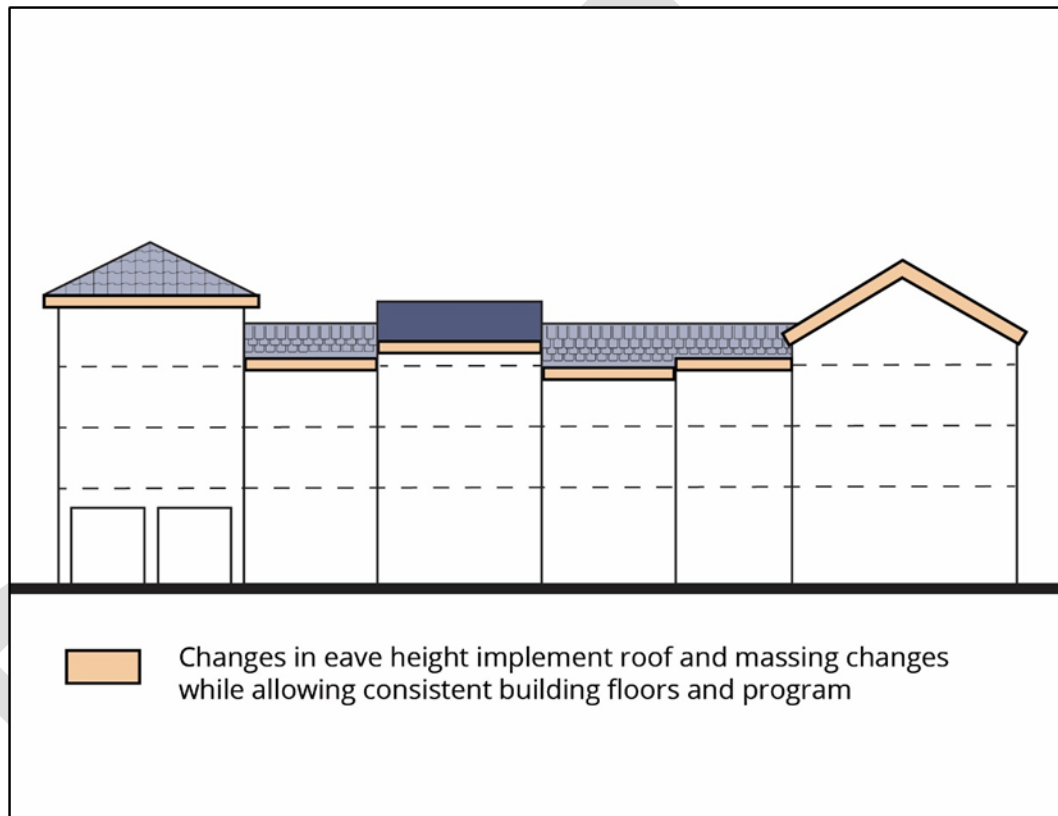


Figure B.3.1

- 3.2 Skylights shall have a flat profile rather than domed.

- 3.3 The total width of a single dormer or multiple dormers shall not exceed 50 percent of the length of the roof.



Figure B.3.3

- 3.4 Eave depths shall not exceed 24 inches from the façade plane.
3.5 Carport roof materials shall be the same as the primary building.

B.4. Façade Design and Articulation

- 4.1 Buildings greater than two stories shall be designed to differentiate the base, middle, and top of the building on any street-facing façade. Each of these elements shall be distinguished from one another using at least two of the following solutions:

- a. Variation in building mass for a minimum of 70 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;

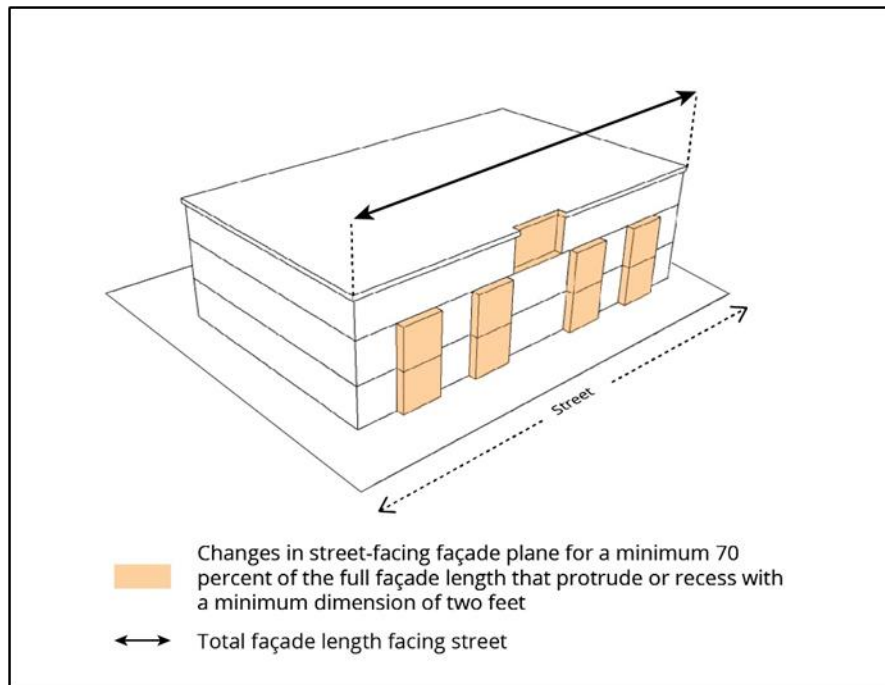


Figure B.4.1a

- b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;

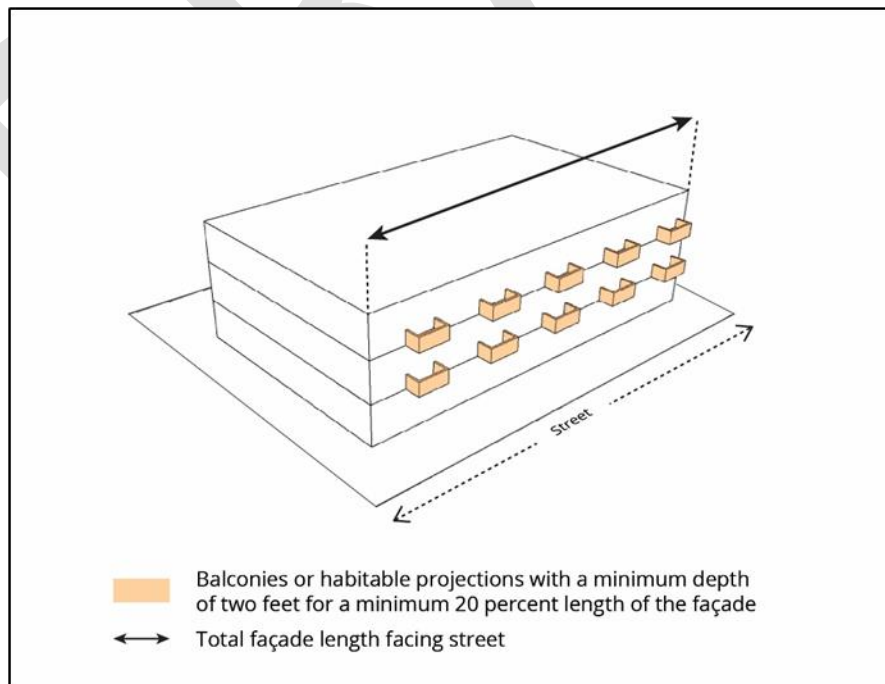


Figure B.4.1b

- c. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing façade;

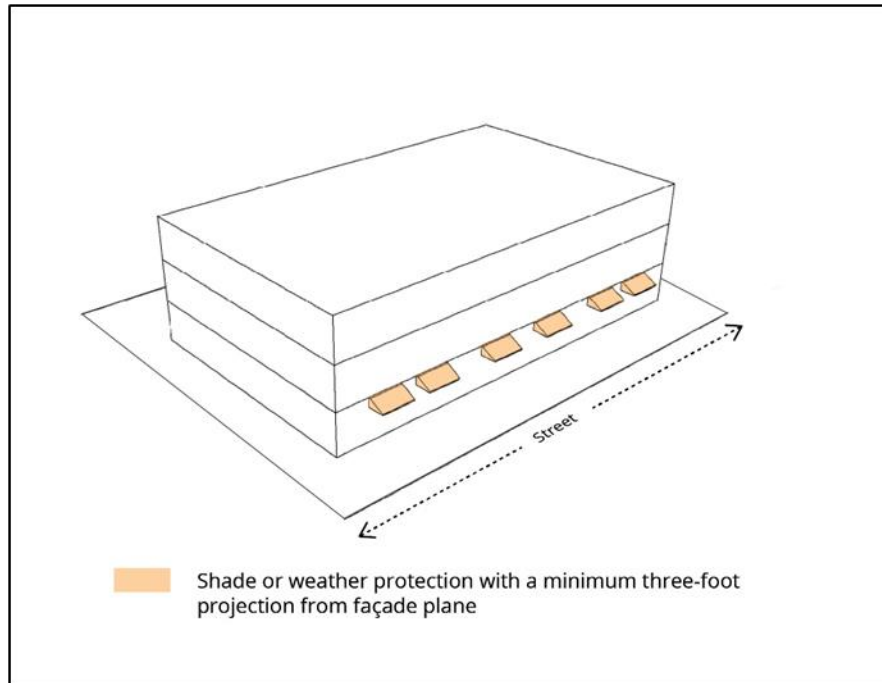


Figure B.4.1c

- d. Use of a belly band or horizontal architectural element with a minimum height of 10 inches between the first and second floor; or

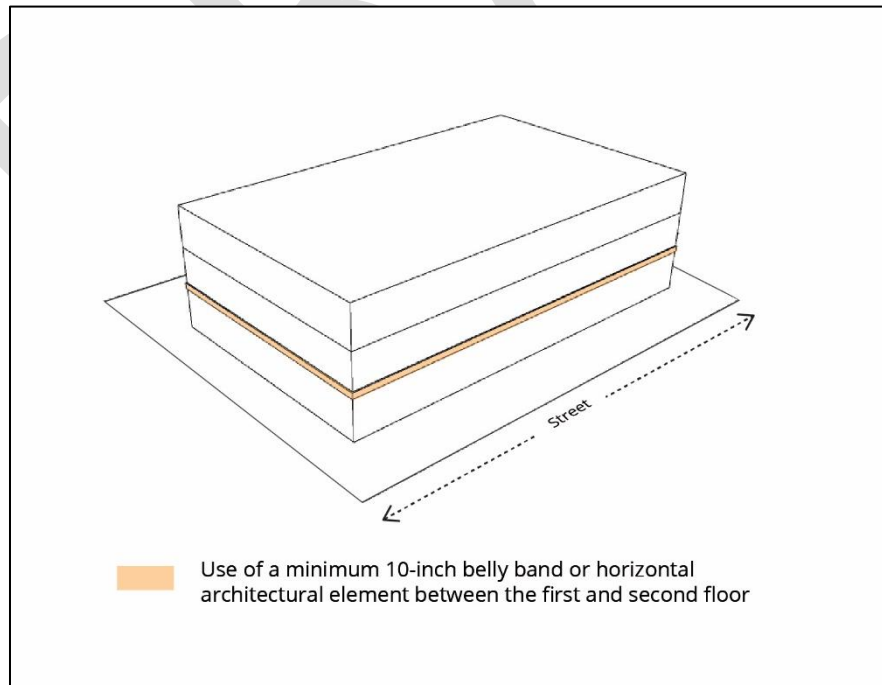


Figure B.4.1d

- e. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade.
- 4.2 Buildings shall incorporate the same materials on all façades.
- 4.3 Variation in the street-facing façade planes shall be provided for buildings greater than one story by incorporating any combination of the following architectural solutions to achieve a minimum of 12 points:
- Architectural features, such as:
 - Arcade or gallery along the ground floor; *8 points*
 - Awnings or canopies; *6 points*
 - Building cornice; *5 points*
 - Belly band, or horizontal architectural element, between the first and second floor; or *5 points*
 - Façade sconce lighting. *3 points*
 - Bay windows; *6 points*
 - Façade plane of upper floors steps back a minimum of five feet from the ground floor façade; *6 points*
 - Material and color changes; *5 points*
 - Balconies or Juliet balconies; *5 points*
 - Landscaped trellises or lattices; *5 points*
 - Chimneys; *3 points*
 - Wide overhangs with projecting brackets; *3 points*
 - Window boxes or plant shelves; or *3 points*
 - Decorative elements such as molding, ornamentation, or corbels. *3 points*
- 4.4 Mixed-use buildings shall provide the following architectural elements along the ground floor:
- a. A minimum of 60 percent of the street-facing façade between two and 10 feet above the adjacent grade shall consist of transparent windows; and
 - b. A form of weather protection above storefront entries that extends from the façade a minimum of three feet.
- 4.5 Garage doors shall be recessed a minimum of 12 inches from the façade plane and along the street-facing façade shall not exceed 40 percent of the length of the building façade.

- 4.6 Changes in building materials shall occur at inside corners or at architectural features that break up the façade plane such as columns.

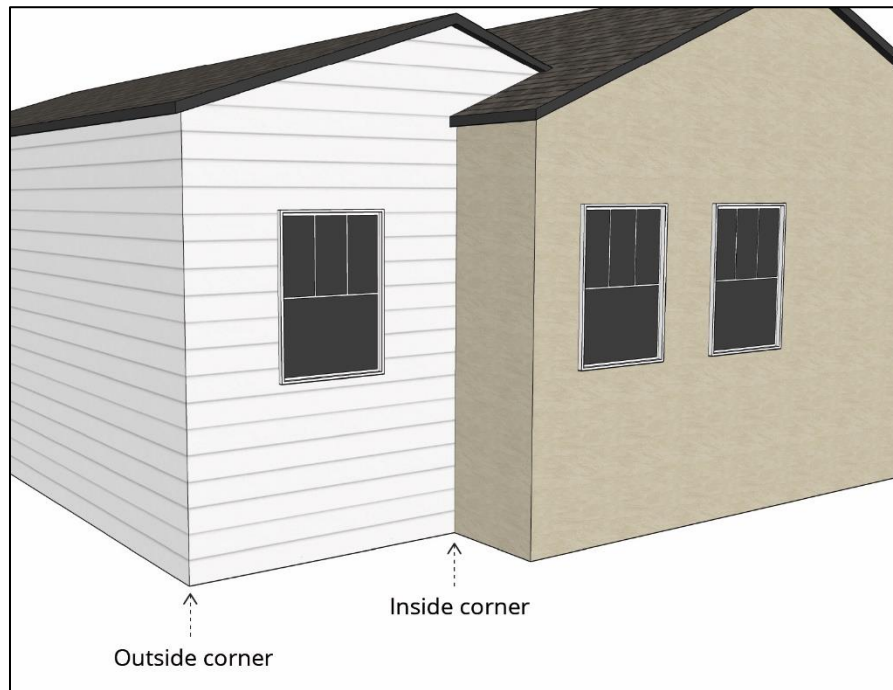


Figure B.4.6

- 4.7 Mixed-use development shall meet the following requirements:
- a. Pedestrian entries to ground-floor and upper-floor commercial uses shall meet at least one of the following standards:
 - i. The entrance shall be recessed in the façade plane at least three feet in depth; or
 - ii. The entrance shall be covered by an awning, portico, or other architectural element projecting from the façade a minimum of three feet.

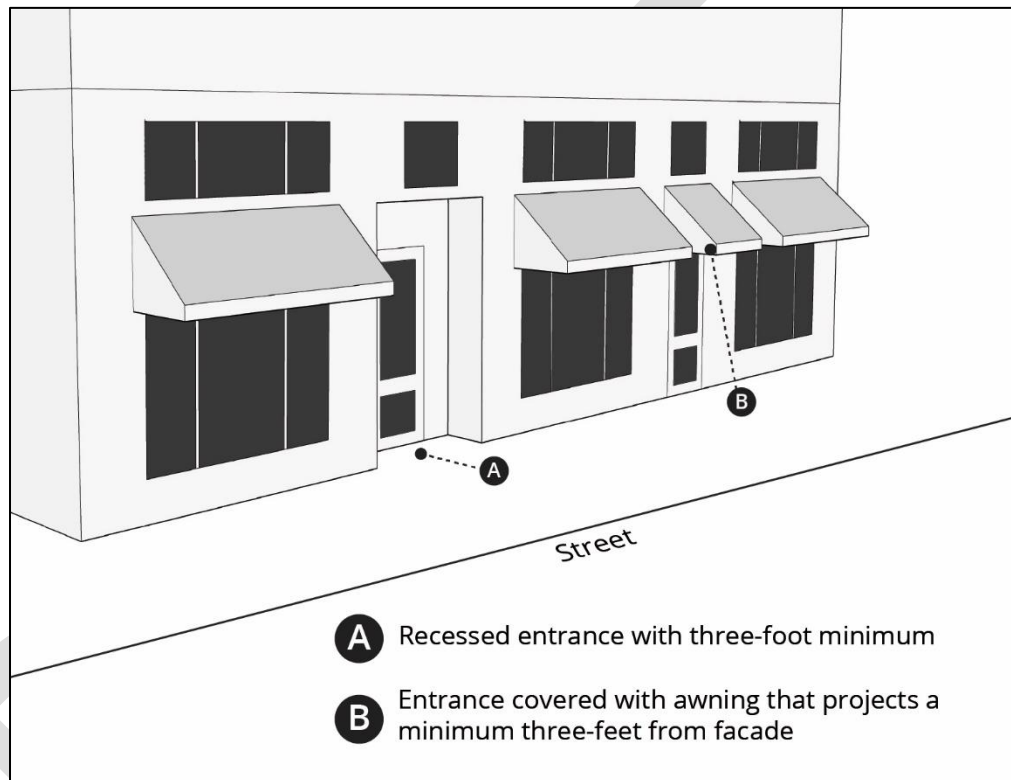


Figure B.4.7a

- b. For ground-floor commercial uses, façades facing a street shall include windows, doors, or openings for at least 60 percent of the building façade that is between two and 10 feet above the level of the sidewalk.

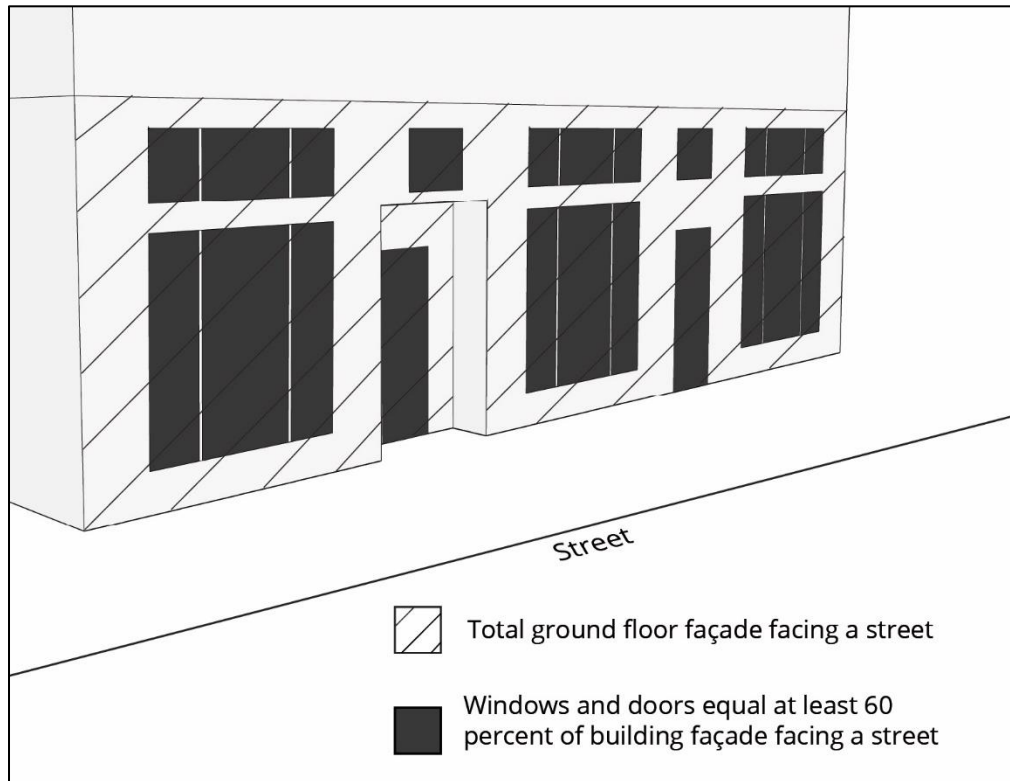


Figure B.4.7b

- 4.8 Mirrored windows are prohibited.
- 4.9 A primary building entrance shall be provided facing a street or common open space. All building entrances shall be recessed from the façade plane or covered by a building projection of at least three feet in depth measured from the wall plane.
- 4.10 Awnings shall be subject to the following requirements:
- a. A minimum vertical clearance of eight feet measured from the pedestrian pathway;
 - b. Shall not extend beyond individual storefront bays; and
 - c. Shall not be patterned or striped.
- 4.11 For buildings abutting a single-family zoning district, rooftop and upper floor terraces and decks are prohibited.

- 4.12 For buildings abutting a single-family zoning district, balconies shall only be permitted on the street-facing building façade. Such balconies shall be without any projections beyond the building footprint.
- 4.13 Mixed-use buildings shall provide at least one of the following features along street-facing façades where the façade exceeds 50 feet in length:
- a. A minimum five-foot offset from the façade plane for a length of at least 10 feet;
 - b. Multiple pilasters or columns, each with a minimum width of two feet; or
 - c. Common open space, such as a plaza, outdoor dining area, or other spaces.
- 4.14 Continuous blank façades on any floor level shall not exceed 25 percent of the entire façade length along any street.

DRAFT

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From: William Walker <[REDACTED]>
Sent: Tuesday, June 14, 2022 12:17 PM
To: Planning <Planning@losgatosca.gov>
Subject: Objective Standards Draft Comments

EXTERNAL SENDER

Thank you for providing the draft for review by the citizens of Los Gatos.
Here are my comments.

1) Parking

California is shutting down fossil fuel and nuclear power plants leading to inadequate capacity when the sun goes down and people need to charge their electric cars at home. In the future, car charging will need to happen during the day. To facilitate Daytime charging, parking lots should be roofed with solar arrays, with chargers in the parking lot under the arrays. We already see this happening, for example in the AMD parking lots on Union Avenue.

The draft doesn't mention solar panels over parking lots, it should. In fact, it should be a strong recommendation, instead of tree planting. Tall trees will shade solar panels.

2) Excessive regulation of Architectural styles

As I read the regulations pertaining to Architecture, I can't help but feel they will hamstring Architects, leading to bland architecture. Figure B.4.6 is an example of excessive regulation (IMHO, the suggested change of building materials is ugly as shown in the figure.) One has to ask, would the proposed regulations prevent another North 40, which has been almost universally panned as resembling a stack of shipping containers, or worse? Perhaps a better approach to architecture is to assemble a panel of architects to review and critique design proposals before they are built.

William Walker

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 6/22/2022

ITEM NO: 3

ADDENDUM

DATE: June 21, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Review and Recommendation of the Draft Objective Standards to the Town Council.

DISCUSSION:

The following information is provided in response to Planning Commissioner questions regarding examples of subcommittee recommendations that were not included in the Draft Objective Standards. Staff has prepared Exhibit 5 addressing the specific examples provided.

The Planning Commission objective standards subcommittee held five meetings between July and December 2021. The subcommittee reviewed more than 500 existing subjective guidelines collated from Town documents to provide recommendations to staff on which subjective guidelines should be rewritten as objective standards. The subjective guidelines identified and included in the subcommittee's recommendations are summarized in Exhibit 6 with references to the preliminary objective standards created in response to the subcommittee's recommendations. Some items identified by the subcommittee were not included in the Draft Objective Standards. The reasons for exclusions varied but included: duplication of existing Town Code requirements; creation of unreasonable barriers to development; difficulties in enforcement; and not being appropriate when applied to multi-family and mixed-use projects. In collaboration with the Town's consultant, these recommendations were used to help create the Draft Objective Standards included as Exhibit 3 to the June 22, 2022, Planning Commission Staff Report.

Please note that many subjective guidelines identified by the subcommittee look different when converted into a draft standard. In writing the Draft Objective Standards, it was often necessary to identify the concept that a subjective guideline was attempting to address in order to create a standard that addresses the same concept. For example, one of the issues identified by the subcommittee was to "provide a foot candle limit for parking lot lights." While it is possible to write a standard limiting the foot candle power of a parking lot light fixture, the standard may not completely address the overarching concept, which is to limit light spillage

PREPARED BY: SEAN MULLIN, AICP and RYAN SAFTY
Senior Planner Associate Planner

Reviewed by: Planning Manager and Community Development Director

DISCUSSION (continued):

from exterior light fixtures onto neighboring properties. With this in mind, the draft objective standard developed from this subjective guideline is: Exterior lighting shall be fully shielded and restrain light to a minimum 30 degrees below the horizontal plane of the light source. Uplighting is prohibited. (A.5.2).

A Planning Commissioner also emailed links to the City of Palo Alto objective standards, which is included as Exhibit 7.

Staff looks forward to the discussion and will be available to answer any questions.

EXHIBITS:

Previously received with the June 22, 2022, Staff Report:

1. Town Council Resolution 2019-053
2. Summary of feedback received during community engagement meetings
3. Draft Objective Standards
4. Public Comments received prior to 11:00 a.m., Friday, June 17, 2022

Received with this Addendum Report:

5. Staff response to Commissioner's questions
6. Issues considered by the Objective Standards Subcommittee
7. Commissioner email regarding City of Palo Alto Objective Standards

Below are several examples of subjective guidelines that do not appear in the Draft Objective Standards followed by a response from staff in *italics*:

November 3, 2021 Meeting:

ACCESS

a. Pedestrian Access

7. Encourage the use of decorative bollards at all pedestrian crossings at street intersections to improve vehicle and pedestrian safety in the Downtown District.

16. Provide special textured and/or colored paving at pedestrian crossings of project entries.

Response: *These types of improvements are typically in the right-of-way and subject to Town Engineering standards.*

November 17, 2021 Meeting:

LANDSCAPING AND SCREENING

a. Street Trees and Streetscape Landscaping

Streetscape Landscaping

11. Landscaping adjacent to street rights-of-way, driveway entrances, or trails should be avoided when it might restrict sight distance or interfere with already established native plants.

Response: *This is included in A.7.1 and Town Code Section 29.40.0315(a)(3)*

November 17, 2021 Meeting (continued):

LANDSCAPING AND SCREENING

c. Fencing and Retaining Walls

Fencing

4. The use of fences and walls shall be minimized and located so that natural landforms appear to flow together and are not disconnected. The primary emphasis shall be on maintaining open views, protecting wildlife corridors, and maintaining the rural, open, and natural character of the hillsides.

Response: *This is very specific to the hillside area, and it is doubtful these properties would be allow for mixed-use or multi-family development. Additionally, these fencing types may not suit the needs of mixed-use or multi-family development when located in the commercial areas.*

November 23, 2021 Meeting:

2. Building Height; 1. Buildings over two stories are discouraged in areas covered by these guidelines unless special circumstances warrant additional building height (Commercial Design Guidelines).

BUILDING HEIGHT

General

1. Buildings over two stories are discouraged in areas covered by these guidelines unless special circumstances warrant additional building height. [*Commercial Design Guidelines*](#)

Response: *This is potentially overly restrictive. The Draft Objective Standards include strategies to mitigate the mass of buildings greater than two stories in B.1.1, B.1.2, B.4.1, B.4.3, and B.4.13.*

ISSUES CONSIDERED BY THE OBJECTIVE STANDARDS SUBCOMMITTEE

These issues were identified by the Objective Standards Subcommittee. Where applicable, a corresponding Draft Objective Standard is identified.

Issue Number	Issue Identified in Subcommittee Meetings	Draft OS	Response
Pedestrian Access			
S.1.	Pursue pedestrian connections to adjacent development.	None	Impractical due to potential private property issues.
S.2.	Define a minimum sidewalk width.	None	In Town Code and Engineering stadards.
S.3.	Determine if new development can be required to provide pedestrian connections to the Los Gatos Trail unless another agency would prohibit these connections.	None	Impractical due to potential private property issues.
Vehicular Access			
S.4.	Consider requiring driveways to be located to the rear of the lot.	A.3.1	
Parking Location and Design			
S.5.	Limit the number of surface parking spaces along street frontages or in front of a building.	A.3.1	
S.6.	Require pedestrian circulation on parking lots exceeding a certain size.	A.1.1, A.1.2	Created requirment and standards for circulation without tying them to a certain size parking lot.
S.7.	Consider increasing the parking lot landscaping requirement from 5%.	None	Five percent is included in Town Code Section 29.10.155(g)(6). Stricter requirements may not be consistent with State law.
S.8.	Provide pedestrian access from the parking lot to the building entrance.	A.1.1	
S.9.	Require off street maneuvering areas to eliminate aisle-to-aisle circulation via the street	A.2.1, A.3.2	
Parking Structure Design			
S.10.	Provide objective criteria to require an "active" ground floor. Perhaps a minimum fenestration requirement.	A.4.2, A.9, A.10.2, B.1.1.d, B.1.1.e, B.2.1, B.4.4.a, B.4.7.b, B.4.13	
S.11.	Limit blank facades facing a public street. Perhaps no more than 50% maximum or step back the façade a certain distance.	A.4.2, B.1, B.2, B.4	
S.12.	Provide architectural articulation of garages facing streets.	B.2.1, B.2.3, B.4.5	
S.13.	Provide parking structure setbacks.	A.4.2	
S.14.	Provide gate setback distance for parking garages.	A.4.1	
S.15.	Consider providing a minimum setback for parking structures.	A.4.2	
Utilities			
S.16.	Require all pedestrian walkways to have lighting for safety.	A.5.1	
S.17.	Consider providing different standards for interior lights not facing neighboring properties.	None	The Town Code requires all exterior light fixtures to be downward directed and shielded. Not pursued to maintain consistency with A.5.2 and Town Code.
S.18.	Provide a foot candle limit for parking lot lights.	A.5.2	
S.19.	Provide a minimum screening standard (lattice or plants) for utilities. Make a distinction between ground and roof equipment.	A.5.3	
S.20.	Screen trash and service collection from the street.	A.5.3	
Landscaping and Screening			
S.21.	Provide and define pedestrian amenities with objective criteria.	A.9	
S.22.	Street trees should come from the Town's list.	A.6.2.b	
S.23.	There should be a minimum open space requirement similar to the North 40 Specific Plan Requirement. Provide a minimum percentage.	A.6.1, A.9	
S.24.	The inner edge of front setbacks (i.e., away from the street edge) should be treated as a positive edge with one or more of the following: § Low wall § Hedge § Trellis structure § Buildings	A.10	
S.25.	Provide a standard for front setback edge treatments at least three feet in height to screen the front of automobile grilles in the parking lot from street view.	A.6.3	
S.26.	Require shrubs used to promote privacy to be fifteen gallon in size and six feet minimum height at planting.	A.6.2.b	
S.27.	Provide greater landscape buffering adjacent to residential parcels.	A.6.2.b	
S.28.	Provide landscaping between commercial structures and neighboring residents to screen, break up, and soften views of the structures.	A.6.2.b	
S.29.	Require roof screens to be constructed from the same materials as the building walls.	A.5.3	
S.30.	Visually screen all trash and outdoor storage areas from view.	A.5.3	

Issue Number	Issue Identified in Subcommittee Meetings	Draft OS	Response
S.31.	Make utility screening objective and note that the utilities shall not be able to be viewed from the right-of-way.	A.5.3	
S.32.	Provide standards on the type/size of landscape screening for surface parking lots.	A.6.3	
S.33.	Prohibit fences over three feet tall along public street frontages for mixed-use and multifamily development.	A.7.1	
S.34.	Prohibit solid fencing along streets.	A.7.1, A.7.4	Conflicts with need to screen parking lots.
S.35.	Prohibit chain link fences.	A.7.2	
S.36.	Require entryway gates and fencing to have an open design. Limit the size or appearance of monumental entry gates.	A.7.4	
S.37.	Require retaining walls that are visible from a public street to have a veneer of natural stone, stained concrete, or textured surface.	None	Too restrictive, may create a style conflict with chosen architectural style of building.
S.38.	Require terraced retaining walls to be separated by at least three feet and including landscaping.	A.8.1	
S.39.	Require a break, offset, or planting pocket to breakup retaining walls for every 50-foot continuous length of a retaining wall.	A.8.2	
S.40.	List prohibited solid wall materials that separate commercial uses from adjacent residential parcels.	None	Too restrictive, may create a style conflict with chosen architectural style of building.
S.41.	Require brick banding along with concrete for commercial street sidewalks.	None	This is an engineering standard (Villa Hermosa) and the focus of the the objective standards is on building design and building placement.
S.42.	Require a maximum amount of hardscape percentage.	A.6.1, A.9.1	
S.43.	Require new developments to include common open space areas in the form of public gathering spaces (i.e., plazas, squares, pocket parks) that are designed to stimulate pedestrian activity and complement the appearance and form of adjoining buildings.	A.9	
S.44.	Require shade trees in common outdoor spaces.	A.9.4	
S.45.	Determine if viewsheds into the surrounding hills can be made objective.	None	Very difficult to make objective and specific to development in the hillside area.
Building Placement			
S.46.	For Community Place Districts, relate buildings to the street and locate them on site to reinforce street frontages.	A.10.1	
S.47.	For Community Place Districts, require buildings to be placed close to, and oriented toward the street.	A.10.1	
S.48.	If possible, limit the height of buildings located on corners to one story in height and preserve views into the surrounding hills. Restrict unnecessary massing at street corners (i.e., domes and uninhabitable spaces).	None	Too restrictive, may create a style conflict with chosen architectural style of building.
S.49.	Require new homes to maximize privacy, protection of natural plant and wildlife habitats, and minimize ecological or visual impacts affecting open spaces, public spaces, or other properties.	A.6.2, B.1.2, B.4.11, B.4.12	
S.50.	Require improvements along outer gateways to the Town. Map gateways where these requirements would apply.	None	The locations of Town gateways have not been determined.
S.51.	Locate structures to minimize blocking sun access to living spaces, outdoor areas on adjacent homes, and solar panel sun access.	None	Very difficult to make objective and very restrictive to apply to every project in commercial zones.
S.52.	For Community Place Districts, if there is no conflict with Town Code, require front setbacks to be similar to those of structures on adjacent parcels, but not less than ten feet unless those of adjacent structures are less.	A.10.1	
S.53.	For Community Place Districts, require side setbacks to be provided to set the structures off from their neighbors unless the building is part of a continuous storefront within the same parcel. If no side setback is provided, the building design should blend with the adjacent buildings to create a continuous storefront.	A.10.1	
S.54.	For Community Place Districts, provide setbacks from street property lines to match those currently existing in the subdistrict.	A.10.1	
S.55.	For Community Place Districts, require new buildings to maintain a consistent setback from the public right-of-way in order to create a well-defined streetscape.	A.10.1	
S.56.	Require a minimum percentage of garages to be set back from the front façade.	B.4.5	
S.57.	Prohibit new setbacks on North Santa Cruz Avenue or West Main Street	None	Setbacks are established in the Town Code.
S.58.	Require larger setbacks for parcels fronting on Santa Cruz Avenue and Saratoga/Los Gatos Road North of Highway 9.	None	Setbacks are established in the Town Code.

Issue Number	Issue Identified in Subcommittee Meetings	Draft OS	Response
S.59.	Require accessory buildings and ADUs to be compatible with other buildings with forms, colors, and materials. Provide objective criteria for compatibility.	B.3.5	B.3.5 is written to address detached carport. ADUs are reviewed/approved under a separate process pursuant to State law.
Building Height			
S.60.	Set a limit on height exception for towers, spires, cupolas, and similar structures not used for human activity or storage.	Zoning Code Sec. 29.10.090	
Massing and Scale			
S.61.	Require garages to be subservient to entries and ground floor living spaces.	B.2.1, B.2.3, B.4.5	
S.62.	Require new outbuildings, such as garages, to be clearly subordinate to the main structure in massing, and utilize forms, materials, and details which are used on the main structure.	A.4.2, B.3.5, B.4.5	
S.63.	Require buildings to be designed at a pedestrian scale.	B.1.1, B.2.1, B.4.1, B.4.3, B.4.4, B.4.7, B.4.8, B.4.9, B.4.10, B.4.13, B.4.14	
S.64.	Require the scale and massing of new developments to provide transitions in building height and massing to the physical and visual character of adjoining neighborhoods. Projects backing up to residential neighborhoods should be sensitive to their potential impacts on the residents.	A.6.2, B.1.1, B.1.2, B.3.1, B.4.3, B.4.11, B.4.12	
S.65.	Step buildings down as they get close to neighbors that are smaller/single-story.	B.4.3	Town Code requires increased setbacks for nonresidential properties adjacent or across from residential. 29.60.225(5); 29.60.335(4); 29.60.435(5); 29.70.125(5); 29.70.235(3)
S.66.	Require medium density, high density, and mixed-use parcels in the Los Gatos Boulevard District adjacent to Single-Family parcels to include increased site setbacks and multi-story step backs to minimize the impact and increase compatibility with smaller adjacent structures.	B.4.3	Town Code requires increased setbacks for nonresidential properties adjacent or across from residential. 29.60.225(5); 29.60.335(4); 29.60.435(5); 29.70.125(5); 29.70.235(3)
S.67.	For projects located on corner parcels of streets leading into residential neighborhoods, special attention should be given to the following: <ul style="list-style-type: none"> § Breaking building forms into modules that are similar to those in residential neighborhoods. § Providing landscaping and landscape elements that would be consistent with those used in residential areas. § Screening any parking areas with low walls and landscaping. 	A.6.2, A.6.3, B.1.2	
S.68.	Require buildings taller than two stories to have floors above the second floor set back from the walls below.	B.1.1, B.1.2	
S.69.	Provide size transitions between larger and smaller buildings.	None	There was concern that applying this would inhibit best use of a property based on a neighboring building that could eventually be redeveloped itself.
S.70.	Require new structures, remodels, landscapes, and hardscapes to be designed to be architecturally consistent and similar in mass and scale with adjacent development to minimize compatibility issues.	None	Difficult to make objective.
S.71.	Avoid structures with height and bulk at front and side setback lines which are significantly greater than those of the adjacent homes.	B.1.1, B.1.2	
S.72.	Take care in the placement of second floor masses. Unless the architectural style traditionally has the second-floor front wall at or near the first-floor wall, set the second floor back from the front façade a minimum of 5 feet.	B.1.1, B.1.2, B.4.3	

Issue Number	Issue Identified in Subcommittee Meetings	Draft OS	Response
S.73.	<p>The design of two-story homes constructed adjacent to one story houses should include techniques to minimize their visual impact and provide transitions in scale. Some techniques include:</p> <ul style="list-style-type: none"> § Step down to one story elements near the side setbacks § Provide substantial side setbacks for the entire house § Provide substantial second floor side setbacks § Use hip roofs at the sides rather than gables 	A.6.2	Town Code requires increased setbacks for nonresidential properties adjacent or across from residential. 29.60.225(5); 29.60.335(4); 29.60.435(5); 29.70.125(5); 29.70.235(3)
S.74.	Try to protect views of hills.	None	Very difficult to make objective especially without a Town view protection ordinance.
S.75.	Eliminate box-like forms with large, unvaried roofs by using a variety of building forms and roof shapes with cluster units, variations in height, setback, and roof shape.	B.1.3, B.3.1, B.4.1, B.4.3	
S.76.	Construct a maximum of 6 attached units in a row.	B.1.3	
S.77.	Elevations shall be mixed within a development to avoid repetition of identical facades and rooflines.	B.3.1	
Roof Design			
S.78.	Require varied building and parapet heights except in locations where flat parapets are common.	B.3.1	
S.79.	Limit the depth of eaves to relate roof overhangs to the architectural style of the surrounding neighborhood.	B.3.4	
S.80.	Avoid the use of dome buildings.	None	Too restrictive, may create a style conflict with chosen architectural style of building.
S.81.	Require flat profile skylights.	B.3.2	
S.82.	Require roof forms to include materials, elevations, and finishes that are consistent with the architectural style and design of the structure.		The subjective nature of architectural styles prevents this from being made objective.
S.83.	Encourage horizontal eaves longer than 40 to 50 feet in length to be broken up by gables, building projections, or other forms of articulation.	B.3.1, B.3.3	
S.84.	Require skylight glazing material that reduces glare at night, especially for bird safety. Large skylights with dome-style glazing should be prohibited.	B.3.2	Difficult to make first sentence objective.
S.85.	Try to incorporate a Light Reflective Value (LRV) similar to those in Hillside Design Guidelines for roof tones that blend with the environment.	None	Impractical and too limiting. Eliminates architectural styles.
Façade Design and Articulation			
S.86.	Minimize privacy intrusions on adjacent residences.	A.6.2, B.1.2, B.4.11, B.4.12	
S.87.	Minimize contrast between manmade buildings and the environment. Try to incorporate a Light Reflective Value (LRV) similar to those in Hillside Design Guidelines.	None	Impractical and too limiting. Eliminates architectural styles.
S.88.	Encourage buildings and sites within all Community Place Districts to integrate design features that create a pedestrian and neighborhood-friendly environment, including siting buildings close to the sidewalks, providing space for small plazas, and including public art.	A.10.1	
S.89.	Promote community design which is human-scaled, comfortable, safe, and conducive to pedestrian use. Strategies for standards include height of floor plates and width of building face.	B.1.1, B.2.1, B.4.1, B.4.3, B.4.4, B.4.7, B.4.8, B.4.9, B.4.10, B.4.13, B.4.14	
S.90.	Provide pedestrian arcades and/or other one-story architectural elements to reduce the visual height of tall walls.	B.1.1	
S.91.	Promote well defined architectural styles through the use of building massing, setbacks, façade articulation, fenestration, varied parapets, and other human-scaled architectural features.	B.4.1	
S.92.	Require multi-story buildings to incorporate step backs on upper floors to create a more human-scale and comfortable pedestrian environment.	B.1.1, B.1.2, B.4.3	
S.93.	<p>Encourage all new and remodeled structures use at a minimum one of the following architectural design elements to enhance the uniqueness of the structure:</p> <ul style="list-style-type: none"> § Molding § Ornamentation § Corbels § Cornices § Colonnades 	B.4.3	

Issue Number	Issue Identified in Subcommittee Meetings	Draft OS	Response
S.94.	Break up the façade of horizontal buildings into smaller components by utilizing vertical adjacent building masses. Add a maximum amount of linear frontage for each required massing component.	B.4.1	
S.95.	Exterior wall planes should be varied in depth and/or direction. Desirable massing includes: variation in the wall plane; variation in wall height; roofs containing different forms and located at different levels.	B.4.1	
S.96.	Eliminate box-like forms with large, unvaried roofs by using a variety of building forms and roof shapes with clusters of units, variations in height, setback, and roof shape. Make the building visually and architecturally pleasing by varying the height, color, setback, materials, texture, landscaping, trim, roof shapes, and ridge orientation for all elevations.	B.4.1	
S.97.	Design with architectural integrity on all sides of the structure.	B.4.2	
S.98.	Maintain a strong street presence and design with consistency on all sides of the structure.	B.4.2	
S.99.	Provide visual relief for two story walls. Some techniques include: <ul style="list-style-type: none"> § Belly bands § Pop outs and bay windows § Material and color changes § Chimneys § Wide overhangs with projecting brackets § Juliet balconies § Window boxes and pot shelves § Landscaped trellises and lattices 	B.4.3	
S.100.	Maintain continuity of design, materials, color, form and architectural detail for all elevations of a building that are visible from public areas or adjacent residences.	B.4.2	
S.101.	Orient buildings to avoid blank walls and service areas which are visible.	B.4.1	
S.102.	Treat commercial street-facing facades which exceed fifty feet in length as though they were constructed on individual parcels no wider than fifty feet.	B.4.13	
S.103.	Provide horizontal wall plane changes along street frontages and areas easily viewed from adjacent properties. Wall plane changes should have some portions that are at least two feet to provide building articulation.	B.4.1	
S.104.	The size and height of all detail elements shall be sympathetic to the major elements of adjacent structures.	None	Impractical and difficult to make objective.
S.105.	Avoid blank walls over ten feet long on primary frontages, and from the first fifty feet from Santa Cruz Avenue or Main Street. Break up larger blank walls with pilasters and landscaping.	B.4.14	
S.106.	Require some architectural elements of mixed-use buildings to include: <ul style="list-style-type: none"> § Shaped parapets or projecting cornices at street wall tops § Large display windows framed by high quality materials. § Projecting columns and pilasters § Column/pilaster bases and bulkheads below display windows § Projecting belt courses and other moldings § Decorative details 	B.4.4	
S.107.	For mixed-use buildings, structures taller than one story should have design elements that emphasize the first floor. Elements might include: <ul style="list-style-type: none"> § Awnings § Planters § Projecting signs § Divided light windows § Small scale materials (e.g., brick, board, and batten wood) 	B.4.4	
S.108.	Require the design, form, roof pitch, materials, and color of new accessory dwelling units to be compatible with the primary dwelling. Entrances serving the accessory dwelling unit shall not be constructed on any elevation facing a public street.	None	ADUs are reviewed/approved under a separate process pursuant to State law.

Issue Number	Issue Identified in Subcommittee Meetings	Draft OS	Response
S.109.	Consider limiting second-story balconies in single-family scaled development (detached condos)	A.3.11	
S.110.	Be specific about the minimum/maximum balcony allowed per product type.	None	Impractical and not responsive to varying lot sizes
S.111.	Gable dormers, single or an aggregate of multiple dormers, should rarely exceed 50 percent of the width of the roof. Shed dorms can be wider.	B.3.3	
S.112.	<p>Relate awning placement to the major architectural elements of the façade.</p> <p>§ Add a maximum height</p> <p>§ Add maximum percentage of fabric awning</p> <p>§ Avoid covering transom windows or architectural elements such as bel courses, decorative trim, and similar features</p> <p>§ Use separate awnings over individual storefront bays defined by the columns or pilasters rather than placing a continuous awning across the building frontage</p> <p>§ Patterned and striped awnings are discouraged.</p> <p>§ Operable awnings are encouraged when appropriate for the style of the building</p>	B.4.7, B.4.10	
S.113.	Create a list of prohibited building materials. Consider using maximum LRV. No copper.	None	Too restrictive, may create a style conflict with chosen architectural style of building.
S.114.	Make materials and color changes at inside corners rather than outside corners to avoid a pasted-on look.	B.4.6	
S.115.	Match wall materials to that of the building.	None	Too restrictive, may create a style conflict with chosen architectural style of building.
S.116.	Ensure that all buildings have well designed and visible entries. Distinctive projecting or recessed entries shall be provided for each living unit.	B.4.9	
S.117.	Orient unit entries to streets and common open spaces rather than parking courtyards.	B.4.9	
S.118.	Create a minimum fenestration percentage for ground-floor commercial in mixed-use development.	B.4.7.b	
S.119.	Apply a window style consistency if possible.	None	Too restrictive, may create a style conflict with chosen architectural style of building.
S.120.	Maintain a high degree of fenestration and transparency on the ground floor of commercial buildings.	B.4.4, B.4.7.b, B.4.8	
S.121.	Encourage window box planters below display windows.	B.4.3	
S.122.	Prohibit mirror-like window tinting.	B.4.8	
S.123.	Establish a maximum percentage of garage facing along a street, or garage door articulation.	B.2.1, B.2.3, B.4.5	
S.124.	Carport roof materials need to be the same as the building and needs to be behind the building.	B.2.1, B.2.3, B.4.5	
S.125.	Recess garages from unit fronts along streets. Recesses from the building face of 18 feet or more are desirable to minimize the prominence of the garages and to allow guest parking on driveway aprons.	B.2.1, B.2.3, B.4.5	
S.126.	Front-facing garages should be recessed a minimum of 12 inches from the front façade of the living space.	B.2.1, B.2.3, B.4.5	
S.127.	Avoid designs that allow the garage to dominate the street façade. Garage doors should feature windows, recesses, and moldings to help blend the garages with the character of the unit.	B.2.1, B.2.3, B.4.5	

From: Jeffrey Barnett <[REDACTED]>
Sent: Monday, June 20, 2022 11:33 AM
To: Sean Mullin <SMullin@losgatosca.gov>; Ryan Safty <RSafty@losgatosca.gov>
Subject: Planning Commission Meeting June 22, 2022; Item 3. Objective Standards

EXTERNAL SENDER

Dear Sean and Ryan,

The City of Palo Alto adopted its objective standards on June 1st.. Here is a link to an article about the project::

<https://www.paloaltoonline.com/news/2022/06/02/new-design-rules-for-palo-alto-housing-projects-govern-everything-from-window-sizes-to-architecture-styles>

Here is the link to the City Council's agenda packet for the June first meeting where the standards were considered. The Staff Report starts at page 32, and the draft ordinances start at page 51 and extend to Page 211..

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220601/20220601pccsm.pdf>

The draft minutes of the City Council's June 1st meeting show that the Council approved the objective standards without change.

I kindly request that you distribute this email to the members of the Planning Commission for consideration prior to our Wednesday meeting.

Thank you in advance.

Jeffrey

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 6/22/2022

ITEM NO: 3

DESK ITEM

DATE: June 22, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Review and Recommendation of the Draft Objective Standards to the Town Council.

DISCUSSION:

Exhibit 8 includes suggestions from a Planning Commissioner for additions and modifications to the Draft Objective Standards based on the Palo Alto Objective Standards, which were included as Exhibit 7 to the June 22, 2022, Addendum Report.

EXHIBITS:

Previously received with the June 22, 2022, Staff Report:

1. Town Council Resolution 2019-053
2. Summary of feedback received during community engagement meetings
3. Draft Objective Standards
4. Public Comments received prior to 11:00 a.m., Friday, June 17, 2022

Previously received with the June 22, 2022, Addendum Report:

5. Staff response to Commissioner's questions
6. Issues considered by the Objective Standards Subcommittee
7. Commissioner email regarding City of Palo Alto Objective Standards

Received with this Desk Item Report:

8. Suggested additions and modifications provided by a Planning Commissioner

PREPARED BY: SEAN MULLIN, AICP and RYAN SAFTY
Senior Planner Associate Planner

Reviewed by: Planning Manager and Community Development Director

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JAB Proposed Considerations Regarding Town of Los Gatos based on City of Palo Alto Objective Standards

1. Page 52 – Possible Introduction:

Housing development Development projects Projects are required to comply with objective standards in order to take advantage of streamlined review pursuant to Section 18.77.073; . However, applicants may choose to forgo one or more objective standards, in which case the housing development project no longer meets the definition of a Housing Development Project and will be evaluated to the spirit of the relevant intent statements based on Context-Based Design Criteria for the zoning district.

2. Page 55 – Hierarchy in Site Circulation and Access

18.24.030 Site Access

(a) Contextual Design Criteria Intent Statement

To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context. Site access should include the following elements:

(1) Site circulation and access that presents a clear hierarchy and connectivity pattern both within a project and to adjacent sidewalks and transit stops. This hierarchy should prioritize pedestrians, bikes, vehicles, and utility/loading access in the order listed. This hierarchy may provide separate access for vehicles and other modes, or demonstrate how all modes are accommodated in shared access points.

(2) Connections to side streets, open spaces, mews, alleys, and paseos

(3) Vehicle, loading and service access that is integrated into building and landscape design and located to prevent conflicts with pedestrians and cyclists, while also provided convenient access to building entries.

(3)(4) Shared access agreements among property owners, where feasible, to reduce

3. Page 56 - Loading Docks

(4) Loading Docks and Service Areas.

Loading and service areas shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience as follows:

(A) Loading docks and service areas shall be located on facades other than the primary building frontage: on alleys, from parking areas, and/or at the rear or side of building if building includes these frontages. When only primary building frontage is available, loading docks and service areas shall be recessed a minimum five feet from the primary façade and shall be screened in accordance with Chapter 18.23.050.

(B) Loading dock and service areas located within setback areas shall be screened in accordance with Chapter 18.23.050 and separated from pedestrian access to the primary building entry to avoid impeding pedestrian movement and safety.

4. Pages 56-57 – Corner Buildings Less Than 40 Feet

(b) Objective Design Standards

(1) Treatment of Corner Buildings (less than 40 feet)

Corner buildings less than 40 feet in height and end units of townhouses or other attached housing products that face the street shall include the following features on their secondary building frontage:

(A) A height to width ratio greater than 1.2:1

(B) A minimum of 15 percent fenestration area.

5. Pages 57-59 – Corner Buildings More Than 40 Feet

(2) Treatment of Corner Buildings (40 feet and higher)

Corner buildings 40 feet or taller in height shall include at least one of the following special features:

(A) Street wall shall be located at the minimum front yard setback or build-to line for a minimum aggregated length of 40 feet in length on both facades meeting at the corner and shall include one or more of the following building features: (continued)

6. Page 76 – Entry Dimensions

(A) Building Entries Within Façade Design

(i) Primary building entries shall be scaled proportionally to the number of people served (amount of floor-area or number of units accessed). Building entries inclusive of doorway and facade plane shall meet the following minimum

dimensions:

- a. Individual residential entries: five feet in width
- b. Shared residential entry, such as mixed-use buildings: 8 feet in width
- c. Commercial building entry: 20 feet in width
- d. Storefront entry: six feet in width

(ii) Primary building entries (not inclusive of individual residential entries) shall include a façade modulation that includes at least one of the following:

- a. A recess or projection from the primary façade plane with a minimum depth of two feet.

7. Pages 78-81 – More detailed objective standards for entries

8. Page 82 – Private Open Space

b) Objective Design Standards

(1) Private Open Space

If Private Open Spaces is provided, it shall meet the following standards:

(A) Floor area shall include a clear space with a minimum dimension of a circle with a six-foot diameter.

(B) Minimum clear height dimension of 8'-6" feet

(C) Be accessed directly from a residential unit

(D) Balconies shall not be located within the daylight plane

(E) Notwithstanding subsection (a), ground floor patios shall meet the following minimum requirements:

(i) RM-20 and RM-30 districts: Minimum 100 square feet of area, the least dimension of which is eight feet for at least 75% of the area

(ii) RM-40 districts: Minimum 80 square feet of area, the least dimension of which is six feet for at least 75% of the area

(iii) Street facing private open space on the ground floor shall meet the finished floor height for ground floor residential standards in section 18.24.040(b)(4)

(2) If Common Open Space is provided, it shall meet the following standards:

(A) Minimum size of 200 square feet

(B) Area shall include a space with a minimum dimension of a circle with a 10-foot diameter.

(C) A minimum of 60% of the area shall be open to the sky and free of permanent weather protection or encroachments. Trellises and similar open-air features are permitted.

(D) Notwithstanding subsection (1), courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1:1.25

9. Pages 120-122 - Streamlined Processing

18.77.073 Streamlined Housing Development Project Review Process

(a) Applicability

This section shall apply to applications for residential mixed-use and multifamily housing development projects, as defined in Government Code Section 65589.5(h)(2), that comply with all objective standards in this code and thereby qualify for streamlining under Government Code sections 65589.5 or 65905.5.

(b) Preliminary Board Review

Applicants are encouraged to seek preliminary review by the Architectural Review Board pursuant to Section 18.76.020(c) prior to submitting a formal application.

(c) Public Study Session

(1) Prior to preparing a written decision, the Director may, in his or her sole discretion, refer the application to the Architectural Review Board or to other advisory boards or committees for the purpose of determining whether minor adjustments to the application would result in closer adherence to the contextual design criteria and/or objective design standards contained in Chapter 18.24. An application should normally not be considered at more than one meeting of the Architectural Review Board.

(2) Notice of a public meeting to consider the application shall be given at least 7 days prior to the meeting by mailing to the applicant and all residents and owners of property

2.b

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within 600 feet of the project. Notice shall include the address of the property, a brief description of the proposed project, and the date and time of the hearing.

(d) Decision by the Director

(1) The Director shall prepare a written decision to approve the application, approve it with conditions, or deny it.

(2) Neither the Director, nor the City Council on appeal, shall approve an application unless it is found that:

(A) The application complies with all applicable and objective standards in the Comprehensive Plan, the Palo Alto Municipal Code, and other City plans or policies.

(B) Approving the application will not result in a specific, adverse, impact upon the public health or safety, which cannot feasibly be mitigated or avoided in a satisfactory manner. As used in this Section, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(3) Notice of the proposed director’s decision shall be given by mail to owners and residents of property within 600 feet of the property, and by posting in a public place. The notice shall include the address of the property, a brief description of the proposed project, a brief description of the proposed director’s decision, the date the decision will be final if it is not appealed, and a description of how to file an appeal.

(4) The Director’s decision shall become final 10 days after the date notice is mailed unless an appeal is filed.

(e) Appeals

(1) Any party, including the applicant, may file an appeal of the Director’s decision in written form in a manner prescribed by the director.

(2) An appeal seeking disapproval of a project or a reduction in density shall be limited to the grounds that both of the following exist:

(A) The project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. And

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to subsection (d)(2)(B)(i), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(f) Decision by the City Council

At the Director's discretion, an appeal may be set for hearing before the City Council or may be placed on the Council's consent calendar, within 45 days. The city council may:

(1) Adopt the findings and decision of the director; or

(2) If the item is on the consent calendar, city council may remove the appeal from the consent calendar, which shall require three votes, and direct that the appeal be set for a new noticed hearing before the city council, following which the city council shall adopt findings and take action on the application.

(g) Final Decision by the Council

The decision of the council on the appeal is final.

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

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

4 CHAIR HANSSEN: We will move on to the second
5 public hearing, which is to review and make a
6 recommendation on the Draft Objective Standards to the Town
7 Council. We did receive a draft of the Draft Objective
8 Standards as well as a Desk Item from Vice Chair Barnett
9 with some comments that came along with the forwarding of
10 the actual document that Palo Alto has published for
11 itself.

12 I will turn it over to Staff and have you take it
13 from there.

14 SEAN MULLIN: Thank you, Chair. Before you
15 tonight is a review of the Draft Objective Standards for
16 recommendation to the Town Council. The Town of Los Gatos
17 has developed Objective Standards for the review of Multi-
18 Family and Mixed-Use development applications in order to
19 comply with recent State housing legislation, implement
20 streamlined and ministerial review processes for qualifying
21 housing projects, ensure that these qualifying projects
22 align with the Town's expectations and visions to maintain
23 and support the character of the Town, provide a set of
24 clear criteria to guide development, and establish an
25

1 objective framework for which qualifying projects may be
2 evaluated.

3 In collaboration with our consultant, M-Group,
4 the Draft Objective Standards were developed following a
5 review of State legislation and existing Town documents,
6 consideration of recommendations received during five
7 Planning Commission Subcommittee meetings, and
8 consideration of feedback received during two community
9 engagement meetings.
10

11 An Addendum and Desk Item have been distributed,
12 including input from Planning Commissioners and a summary
13 of the issues considered by the Subcommittee.

14 Tom Ford, a principal at M-Group, will now
15 provide more detail on the development of the Draft
16 Objective Standards, as well as present the structure and
17 the content of the draft document.

18 Staff, along with Tom and his team, is available
19 to answer any questions and aid in tonight's discussion.

20 TOM FORD: Thank you, Sean. It's great to be here
21 tonight to talk about this great document that I'm sure
22 you'll have lots of comments on.

23 Sean already went over a little bit of this, but
24 I have a very, very brief presentation to cover these four
25

1 items and then allow you folks to discuss what you see and
2 give us some feedback.

3 First, I want to make sure everybody is on the
4 same page about why we're doing this, and a lot of it is
5 reacting to recent State legislation, particularly
6 regarding housing and affordable housing. I want to go over
7 a little bit of the process that we used to develop the
8 document that you've had now for a few days to review.
9 We'll discuss the development topics, how we organized the
10 document, and then allow you to have time for discussion.

11
12 As the Staff Report noted, we started a while
13 ago. We first started gathering background information and
14 started having that series of meetings with the
15 Subcommittee at the Planning Commission—three people, two
16 of which I think are here with us tonight—and went through
17 a lot of discussion really examining a lot of the
18 subjective design guidelines and existing and present Town
19 documents, and I'll get into that in just a moment.

20 Following those Subcommittee meetings we
21 basically had sort of a to-do list, and so what we did was
22 we boiled into different kinds of groups of development or
23 design typologies, if you will, and took that to a
24 community meeting. We didn't even have a draft document
25 yet, we had "preliminary ideas," I think it was called, and

1 it was just ideas that we had heard from the Subcommittee
2 and how we might develop them for projects that were
3 applicable.

4 Following that meeting we started to develop a
5 draft, and right before your Spring into Green event we
6 released it to the public, and at that event, at a booth
7 that the Planning Staff had, people could start to see it.

8 About ten days after that event we had the second
9 community meeting and continued to take comments, but now
10 people were reacting to an actual draft document as opposed
11 to the development concepts that we thought we would tinker
12 with.

13
14 Then we get into the second day of summer
15 tonight, and here we are. As we predicted, in summer 2022
16 we're before the Planning Commission, so we're going to
17 start to let you guys give us some ideas, some reactions,
18 and eventually we'll end up in front of the Town Council
19 where we hope they will consider it for adoption.

20 Sean went through some of these five bullet
21 points. A lot of this is coming from State housing
22 legislation that I'm sure you've discussed in various
23 contexts over the last couple or three years.

24 Our way of doing it at M-Group is we really try
25 to dig down into the existing planning documents that a

1 community has already adopted and developed for itself,
2 because those speak to really how the community thinks
3 about itself and it's the documents that you folks in your
4 review process rely on to give ideas to Applicants, such as
5 the one earlier tonight to push that second floor back.

6 Then we need to provide object criteria to match
7 some of that State legislation, and one of the most known
8 is SB 35. There's a lot of legislation. There is new
9 legislation right now pending that they're still
10 discussing, anything from raising the maximum height of an
11 ADU from the current limit, where is parking allowed, and
12 parking around transit. There are a lot of new laws that
13 are going to continue to come down, we think, and they're
14 going to have a stipulation that the only thing that a
15 community can use to regulate the development proposal will
16 be Objective Standards.

17 However, on the other side of that, it provides a
18 lot of certainty to the developers, because they then
19 really know what are the rules, how do I achieve them, and
20 here's my application. Then, of course, all of this is
21 about the State's goal to increase multiple-family housing.

22 So what are Objective Standards? This is taken
23 directly from SB 35. It's the definition the State uses,
24 it's the definition we've seen in communities who are doing
25

1 this, they rely on this, because what the Objective
2 Standard has to remove any kind of personal judgment so
3 that when the development proposal is in front of the Staff
4 member at the counter and there's an Objective Standard,
5 it's clear to tell if they meet the standard or not,
6 because those two people with potentially different
7 viewpoints have to agree on something, so everything has to
8 be an objective judgment rather than a subjective response.
9

10 What that sets up is the ability for Town Staff
11 to do ministerial review of projects that come in and meet
12 the requirements of an affordable project, or some other
13 kind of project, that State law has said these are only
14 subject to Objective Standards, so that ministerial review
15 on the right column is going to be happening. What we're
16 trying to do with the document is find ways to get all of
17 the other stuff in the left column, discretionary review.

18 For instance, my impression of what happened on
19 your first item tonight is at some previous meeting you
20 folks as a body asked the Applicant to go away and push the
21 second floor back. Well, what we've been trying to do is to
22 see if there is a way to write an Objective Standard that
23 does that. The difference is you had the benefit of looking
24 at one design on one property. We have to write the
25 standard that would apply across the entire R-2 or R-4

1 zone, or what have you, so we can't be as specific as a
2 discretionary review would be, but we can still try to find
3 ways with the appropriate metrics to put those kinds of
4 rules in place.

5 So again, just discretionary on the left,
6 ministerial on the right, and this is what happens. Design
7 guidelines tend to be very subjective. I think the
8 Subcommittee went through probably 400 different subjective
9 design guidelines from various town documents; many of them
10 were duplicated, but they tended to be subjective, and
11 sometimes a subjective guideline is impossible to
12 objectify, such as "eyes on the street." How would you do
13 that? But maybe there's a way to measure how much windows
14 there should be, and you have one of those before you
15 tonight in one of the standards towards the end of the
16 document.

18 Design guidelines tend to have recommendations,
19 they're just not necessarily enforceable, and they don't
20 necessarily have a measurable aspect to them. The Objective
21 Standards, as I spoke about earlier, have a metric. There
22 needs to be a way that it's clearly objective.

23 These are some of the Town documents that we
24 reviewed, and it's really important that you know that
25 these documents are still your Town documents, because

1 you're going to need them for discretionary review, so
2 these documents aren't going anywhere; they were just the
3 starting point for us to take subjective information,
4 subjective guidelines in all of these various documents,
5 not so much in the Town Code, but all of these documents,
6 and start to bring it together. We sorted it into the
7 likeminded groups: setbacks, building mass, roofs, things
8 like that, and then started to have those discussions.

9
10 There's one thing that's not really a document,
11 and that's GPAC referrals. We started our project probably
12 about six months after the GPAC finished going through
13 looking at some drafts of the General Plan, and so what had
14 happened is the Community Character Element had a lot of
15 information in it that the GPAC decided to pull out, but
16 then the GPAC chair and vice chair referred that
17 information to us, and so even that got put into that big
18 list of 400-odd things that we looked at for possibilities
19 for how to objectify.

20 I have three sides here that will talk about the
21 process we went through, because it kind of breaks into
22 three different areas. There's the preliminary stage where
23 we took those Town documents and we, the consultant team,
24 got our hands around them and tried to understand what they
25 were, worked with Staff to get that material ready to have

1 those Subcommittee discussions that stretched across a
2 couple of months, and then that's what delivered the
3 preliminary topics that we took to that first community
4 meeting. The preliminary topics were made available on the
5 Town website page specifically dedicated to this project.
6 Then we had the community meeting on Zoom, took some
7 comments, answered questions, and then went away and
8 started drafting that document.

9
10 The first draft, that very preliminary draft, was
11 a combination of information we received from the
12 Subcommittee and then supplemented by questions and
13 comments that we heard from the community. Once we had that
14 draft, it had started out as an admin draft, Staff picked
15 through it and looked at it and had a lot of comments, and
16 we cleaned it up and we got comfortable with publishing a
17 public review draft, and that's the one that came out right
18 around Spring into Green and in advance of community
19 meeting #2.

20 Following community meeting #2 we took some
21 comments and then revised that draft document together with
22 Staff; we revised some of the graphics and got the draft
23 together that's before you tonight, so that's here for your
24 review. We'll hopefully have a great discussion with you
25 about it tonight, or suggestions or ideas you have,

1 questions, and at some point get in it front of the Town
2 Council for them to consider it for the option.

3 The way the document that you have before you
4 tonight is lined up, there's a lot in the first section,
5 Site Design, but then there's quite a bit in the second
6 section too, Building Design, particularly in the fourth
7 part, Façade Design and Articulation.

8 All of these different pieces, they've changed a
9 little bit in the process of how we broke it out, how we've
10 divided the document. Parking Structure Design in the
11 Building Design part used to be just a subset of parking
12 structure access, and when we talked about it all with
13 Staff we started talking about let's talk about the access
14 part in the Site Design and let's talk about the building,
15 and the Subcommittee actually talked a lot about the
16 facades of parking structures and such, and let's put the
17 building part in the Building Design part, so that's one of
18 the ways this changed as the process rolled along.

19 It's obviously your decision, but what I suggest
20 is I can minimize this PowerPoint and I can pull up the
21 document and scroll through it if you'd like to go to a
22 specific place that you folks might want to have a
23 conversation about, or you can do whatever you want to do.
24
25

1 Then I wanted to let you know, you're probably
2 aware that the document has a lot of images in it like
3 this. We specifically tried to draw them very plain,
4 because we really just wanted to illustrate the text that's
5 in the standard, so we're not trying to provide
6 architectural design with these, we're just trying to say
7 what it means when you say that you can't have more than a
8 30-foot interval before you have this intervention of the
9 façade plane moving two feet.
10

11 We realized some of you, or some of us, or a
12 member of the public, all of us might have difficulty
13 understanding what that really looks like, so for almost
14 every time you see an image like this in the document we've
15 gone forward and tried to find a totally atmospheric image.
16 We're not saying this is what Los Gatos needs, we're just
17 trying to illustrate that concept, and like any photograph,
18 there's always going to be something that's wrong. For
19 instance, I think in your town it's not legal to build a
20 fence this high out in the front setback, but what we were
21 trying to illustrate was that modulating of the front
22 façade and how that happens here and how it happens in the
23 real world; here's a two-story townhouse version and here's
24 a four-story stacked flat version.
25

1 So again, just trying to show that real
2 architects, particularly talented ones, can take an idea
3 like this and move with it and create something with the
4 help of these Objective Standards hopefully that the Town
5 can be proud of when the building is done and up and
6 occupied.

7 I have these for any issue that has a diagram in
8 with the little yellow pieces, and we've credited all the
9 architects where we found these photographs, and we've
10 generally relied on pretty good Multi-Family designers and
11 architects such as Pya Tok and David Baker. So again, I'm
12 not saying this is an image you want to see in Los Gatos,
13 I'm just saying how do you actually illustrate and how
14 would an architect build that concept?

15 With that, I'll hand it back to the Chair and
16 I'll let you see if you like my idea of me pulling up the
17 standards to spin through. I'm available to do whatever
18 you'd like.

19 CHAIR HANSSEN: Thank you for that, Mr. Ford. I
20 think that there might be some big picture questions from
21 the Commission.

22 Before I take questions, suggestions, or comments
23 from the Commission I did want to let the Commission know
24 that the three people that were on the Objective Standards
25

1 Subcommittee were myself, Vice Chair Barnett, and former
2 Commissioner Burch, and we did, as noted, make the five
3 meetings where we went through all of the standards that
4 basically had been pulled out by the consultants for us to
5 look at, and what we tried to do is determine if it was
6 possible to make them more objective; there were obviously
7 some things that weren't possible and we pulled those out.

8
9 Before I ask Commissioners for other questions
10 though, I did not know what the ultimate format of the
11 document would be, so what I wanted to ask was from a
12 developer's perspective. We obviously already had some
13 Objective Standards and still do have Objective Standards
14 that are in the resident documents that you mentioned, and
15 then we have this standalone document for Objective
16 Standards, and so how is that going to be clear to
17 developers? I know our Staff will always work with the
18 developers, but you're going to use these documents side-
19 by-side because we already have the Objective Standards in
20 the General Plan, the zoning code, and so on. How does that
21 process get rolling?

22 SEAN MULLIN: Thank you for that question. It's
23 alluded to in the Introduction Statement on the front page,
24 and this is a draft document, so we expect that
25 introduction could change as we move through it, but

1 ultimately a qualifying project would need to meet these
2 Objective Standards and other existing Objective Standards.
3 If there were a case where one standard in this document,
4 for instance, is stricter than a standard in the Town Code,
5 then the standard in the draft document would rule.

6 CHAIR HANSSEN: That partly answers my question.
7 I did read the introduction, but basically this is going to
8 be something that's going to give us more tools but that's
9 not going to change the process that we already have, which
10 is we're going to be pulling out our Zoning Code, our
11 General Plan, and other things in addition to this
12 document, and this might make it easier for them to get a
13 ministerial review because we have more parts of the
14 Architecture and Site that would be objectified, is that
15 correct?
16

17 SEAN MULLIN: Correct.

18 CHAIR HANSSEN: Are there any other larger
19 picture questions versus comments of specific standards in
20 the document? Commissioner Janoff.

21 COMMISSIONER JANOFF: I just wanted to clarify
22 that this is a set of Objective Standard that really is for
23 qualifying Multi-Family and Mixed-Use projects? In other
24 words, we wouldn't be applying these Objective Standards,
25 for example, to the application that we heard in Item #2? I

1 just wanted to clarify that this is for a different nature
2 of building altogether, is that correct?

3 SEAN MULLIN: That's correct. It's applicable to
4 very specific product types.

5 COMMISSIONER JANOFF: Thank you. Then I just
6 wanted to comment back to what Mr. Ford described as the
7 process gleaned from the Town documents and why using the
8 Town documents to pull forward to Objective Standards. It
9 makes really good sense to me when you describe it as
10 leaning on the information that the Town already uses, so
11 it's familiar information and we're not going too far
12 afield in terms of what might be used in the past, and it
13 just really tightens up what the Town has already used. I
14 appreciated that as a clarifying point. Thank you.

16 CHAIR HANSSEN: Very good. Commissioner Raspe,
17 and then Vice Chair Barnett.

18 COMMISSIONER RASPE: Thank you, Chair. For Staff,
19 I just want to confirm, so we have the Objective Standards,
20 which leads to a ministerial administration of
21 applications. It's my understanding that there also will
22 still exist discretionary review if an Applicant so elects
23 to go that route if they want to come outside of the
24 Objective Standards, is that correct?

25 SEAN MULLIN: That's correct.

1 COMMISSIONER RASPE: And it may or may not be a
2 related question, but you've used the language "qualifying
3 Multi-Family and Mixed-Use projects" in the introduction
4 and I think it appears throughout the Objective Standards.
5 What does qualifying mean in that sense?

6 SEAN MULLIN: Thank you. Tom, you may be able to
7 add more to this, but it has to do with the number of
8 Residential units involved in a Multi-Family or Mixed-Use
9 development. I believe the minimum is three, but it's been
10 a day of looking at a lot of different things, so I think a
11 minimum of three.
12

13 TOM FORD: Right, and it's also like the levels
14 of affordability that are offered in the project that's
15 being put forth, and that will differ from town to town
16 depending on where you are in your annual report to HCD
17 about how you're doing with providing affordable housing,
18 so different towns and cities will meet different
19 standards, so when I see that language it just means
20 anybody who is eligible with an affordable project to come
21 forward and only be judged in a ministerial process by
22 Objective Standards. These would be the Objective
23 Standards.
24

25 And Sean, just to put a fine point on what you
said, I believe because of the Housing Crisis Act, or SB

1 330, it's actually any project that's two units and above.
2 It can still go through a discretionary process, but it
3 can't be denied if it meets all of the Objective Standards,
4 so it would need to meet all of the Objective Standards
5 also, but it doesn't have to go through a 60-day
6 ministerial process.

7 COMMISSIONER RASPE: Thanks, that's very helpful.

8 CHAIR HANSSEN: Vice Chair Barnett.

9 VICE CHAIR BARNETT: Also for Staff, I believe in
10 Subcommittee meetings there was some discussion about
11 amending the Town Code, the Residential Design Guidelines,
12 and Commercial Design Guidelines following adoption of the
13 Objective Standards. Am I right in that regard?
14

15 SEAN MULLIN: Thank you for that question. You're
16 right, that was discussed. The intent at this point is that
17 this would be a standalone policy document, and the intent
18 at this point is not to amend any other documents unless
19 it's just a reference that this document does exist.

20 CHAIR HANSSEN: Commissioner Clark, and then
21 Commissioner Janoff again.

22 COMMISSIONER CLARK: I'm not exactly sure how to
23 ask this, but I'm wondering what happens with something
24 that is not mentioned in the Objective Standards if a
25 project meets all of them. For example, one of the things

1 that made me think of this was Vice Chair Barnett's
2 document talked about loading docs, which our Objective
3 Standards hadn't talked about, and so how would that have
4 been handled, say, if we don't incorporate it?

5 SEAN MULLIN: Thank you. To take that specific
6 example, if a loading doc came up there is some guidance in
7 the Town Code about, I think, locations of those types of
8 things. I would mention that this is a living document and
9 over time as these projects roll through the Town, if items
10 that had not been identified in this document at this point
11 come up, Staff will continue to make note of those, and as
12 we do every so often with the Hillside Design Standards and
13 Guidelines or Residential Design Guidelines, we could
14 return to amend the document and correct anything that was
15 unintended or omitted.
16

17 COMMISSIONER CLARK: So one of our goals is also
18 to try to think of everything that we can to have it in
19 there ahead of time on those?

20 SEAN MULLIN: That's part of the goal tonight,
21 and also to use your example again, if the majority of the
22 Commission wants loading docs addressed, that can be part
23 of the recommendation to the Town Council and Staff can
24 work on that as we forward the document to the Town
25 Council.

1 CHAIR HANSSEN: Commissioner Janoff.

2 COMMISSIONER JANOFF: A couple of comments.

3 One I wanted to loop back to Mr. Ford's
4 illustrations of the different plain forms and actual
5 lifestyle photographs. I think it's a really good idea to
6 include that. We had some comments in our Addendum, I
7 think, that indicated that these forms look pretty bleak,
8 they don't have any imagination to them, and are we forcing
9 developers to design all the beautiful features out of
10 building space? I think part of that comment is driven by
11 the simplicity of the diagrams, and so having
12 illustrations, even if they aren't perfectly fitting Los
13 Gatos' standards, is a really good idea. People need to see
14 that visual, because it's sometimes challenging without
15 that, so I would like to see that included.

17 Back to the question of what isn't in this
18 document, and something that the Planning Commission hears
19 a lot—I won't say every project, but many, many projects—is
20 with respect of the protection of views. I know this is an
21 extremely difficult topic to create an Objective Standard
22 around, because the views are so subjective. My question is
23 was that considered, and are there any jurisdictions that
24 you know of, like Tahoe, Woodside, some of the more bucolic
25 settings, in addition to Los Gatos, that do have an

1 Objective Standard regarding views or view protection,
2 whether it's building height, which is something we
3 probably wouldn't want in this document, because we don't
4 want to further limit what the developers can do,
5 especially from Mixed-Use and affordable housing, so we
6 don't want to add government regulations there, but can you
7 just comment on views and how possible or not possible it
8 is to create a standard objective around that?

9
10 SEAN MULLIN: I can briefly respond to that and
11 then pass it on to Tom. I'm not aware of other cities
12 or jurisdictions that have pursued views in the Objective
13 Standards, but I surely haven't read as many of these
14 documents as Tom has, so I would default to him.

15 One other thing to note, the intent of the images
16 that Tom has provided today to run parallel with the
17 diagrammatic illustrations was not to be put into the
18 document necessarily, but to illustrate the purpose and how
19 those sort of plain images can be realized in real life.
20 That could be part of your recommendation moving forward,
21 that images be sourced moving forward for inclusion in the
22 document, but we would have to source royalty-free or hire
23 someone to create those images.

24
25 With that, Tom, I'm not sure if you have any
response about the view piece.

1 TOM FORD: We did discuss it during at least two
2 meetings of the Subcommittee. I think, first of all, you
3 have to separate are you talking about a view from the
4 property out, or are you talking about a view from
5 different parts of Town onto the hillside and the slope?

6 Generally, one of the reasons we stayed away from
7 it with the Subcommittee was because since you don't have a
8 viewshed protection ordinance, or any kind of a view
9 ordinance, it would be hard for us to start making
10 regulations against a moving target, if you will.

11 Because our office is doing a number of these
12 Objective Standards throughout the Bay Area, I've also been
13 tracking other communities. I know in Sausalito, as they
14 were trying to develop their Objective Standards they
15 wanted to have some sort of view protection ordinance, and
16 it became just a really hard nightmare for them because the
17 view changes from property to property, and as I said in my
18 presentation, we're trying to make a standard that applies
19 to all our four properties, or all Downtown Commercial
20 properties, or whatever, so it's kind of hard. They did a
21 lot of studying of different moving parts, and it's really
22 difficult because it is so subjective, and so trying to
23 establish an objective rule gets very, very difficult.
24
25

1 COMMISSIONER JANOFF: Thank you. I appreciate
2 those responses.

3 CHAIR HANSSEN: Following up on Commissioner
4 Janoff's question, you did mention one jurisdiction that
5 was going in this direction. Are there other jurisdictions
6 in California that are also very scenic that have been
7 successful in doing this? You didn't refer to a view
8 ordinance, so do we know of other communities that have a
9 view ordinance and have been successful with it?

10 TOM FORD: First let me correct myself. Sausalito
11 started down the road, but they didn't finish. They
12 finished their Objective Standards document without
13 tackling that issue, but they tried. I can't name
14 communities offhand but I know there are communities—I want
15 to say Chico—where view protection ordinances exist. Again,
16 I can't think of a jurisdiction right offhand, but starting
17 with that ordinance, that's where I would start before
18 trying to write Objective Standards for something that's
19 moveable.
20

21 CHAIR HANSSEN: For the rest of the Commission,
22 we did discuss this during the Subcommittee and I do recall
23 the guidance we were given of a view ordinance, so if we do
24 want to go there in terms of our recommendation to Council,
25

1 probably the thing to do is recommend that the Council look
2 into trying to put together a view ordinance.

3 On the devil's advocate side of that, since I'm
4 chairing the Housing Element Advisory Board, and the Town
5 Council is getting ready to finalize the General Plan, we
6 are relying very heavily on Mixed-Use in both the Housing
7 Element and the General Plan for success in terms of
8 meeting our RHNA allocation, and the only way that Mixed-
9 Use can be successful is through additional height and
10 sometimes additional FAR, and sometimes some other things
11 on top of that, and those might directly impact views, so I
12 would say if we're going to recommend that to Town Council
13 we have to understand that it might be complicated by the
14 fact that when we're building four stories, and maybe even
15 five, that it would be hard to protect those views.

17 Let me see if there are other questions. Since
18 Vice Chair Barnett had submitted his comments I did want to
19 at least bring up that we were forwarded a copy of Palo
20 Alto's Objective Standards, and also the Vice Chair had
21 submitted some comments on top of that that he thought were
22 important after reviewing that.

23 Since Palo Alto's standards are so much longer
24 than ours, how should we think about that? I'm going to ask
25 Staff that.

1 SEAN MULLIN: Thank you. I would attribute part
2 of the length of Palo Alto's ordinance that they created
3 around Objective Standards to it tries to capture two
4 things, and you might recognize some of the language in
5 there.

6 The first is they have their Objective Standards
7 for these same types of qualifying projects. The second
8 piece is they'll have an Objective Standard in what's
9 called a context-based design criteria, which they're
10 usually similar concepts. The Objective Standard is just
11 that, it's objective and it can be applied to those
12 projects that qualify.

14 The context-based design criteria are for
15 projects that don't meet the Objective Standards or choose
16 not to utilize that process, and they did a much more
17 robust overhaul and drafting of a document and an overhaul
18 of their city ordinance and incorporated it into a new
19 chapter, and I think that having the two running parallel
20 creates a much longer document.

21 A through line to what they've set up to the Town
22 of Los Gatos is that we are developing an Objective
23 Standards process as a standalone policy document that
24 would not live within the Town Ordinance, and to
25 Commissioner Raspe's question, to those projects that

1 wouldn't meet those Objective Standards or choose not to,
2 they would pursue the typical Architecture and Site process
3 similar Palo Alto's context-based design criteria.

4 And to your question, Chair, if there are items,
5 concepts, particular Objective Standards, or even the
6 design criteria, if there are particular items in that
7 document or in their ordinance that you would like to
8 pursue, you can include those as recommendations, even if
9 they're not objective at this point. We can attempt to make
10 something objective, we can look at whether it would create
11 a conflict within the document, and we can redraft
12 language; it could be additive or it could revise existing
13 language.
14

15 I think some of the examples that Vice Chair
16 Barnett provided tonight, we have a draft in our document,
17 but maybe not the same way. We have gone about it a
18 different way, but we have addressing something like
19 pedestrian access, for instance. But you could certainly
20 pull from Palo Alto or any other document, or any other
21 concept in general, and include that in your recommendation
22 as we move forward.

23 CHAIR HANSSEN: So with that in mind, Vice Chair
24 Barnett, you did submit your recommendations and it sounds
25

1 like Staff has gone through those. How would you like us to
2 consider those in tonight's hearing?

3 Ms. Armer has her hand up.

4 JENNIFER ARMER: Sorry, Chair, but just wanted to
5 remind you that we do have some members of the public, so
6 once you are done with overarching questions, we might see
7 if they've got comments to share.

8 CHAIR HANSSEN: I was planning to do that. That's
9 one of the reasons I wanted to go over the overarching
10 comments. The other reason is that if it's not in the
11 document now, then this would be a time to bring those up
12 versus going through the document and saying I wish it said
13 this instead of this. If you think something is missing,
14 it's probably good to bring those up now. That was the
15 reason for my questioning, but after that I will go to
16 public comments. My question was for Vice Chair Barnett.

17 VICE CHAIR BARNETT: The document from Palo Alto
18 is rather daunting, and there's some sentiment that we
19 shouldn't continue tonight's hearing for the purpose of
20 further examination of that document. Community Development
21 Director Paulson had an excellent suggestion, which is that
22 we forward that as a recommendation for review by the Town
23 Council and not try to make any decisions tonight in the
24 short amount of time that's available.
25

1 CHAIR HANSSEN: That might be a way to do that.
2 Relative to the finding of the Palo Alto document, I do
3 imaging a scenario where any number of jurisdictions will
4 come out with their document and we might wish ours looked
5 like that, and so I do have that concern about trying to
6 spend too much time tracking other documents, but since
7 this one is in front of us I think it would be helpful if
8 any Commissioners have specific things that they want our
9 Staff to consider as we move forward, that we should try to
10 get those on the table as soon as possible.
11

12 Let's go to public comments. This would be a time
13 for any members of the public to speak about the Draft
14 Objective Standards that is on the agenda and that we are
15 discussing currently.

16 JENNIFER ARMER: If anyone is interested in
17 speaking on this item, please raise your hand. Lee
18 Quintana. You should be able to unmute. You have three
19 minutes.

20 LEE QUINTANA: Number one that I would like to
21 speak to is the fact that at previous meetings on this it
22 was stated that there would be one unified document that
23 included all the objectives that applied to qualifying
24 projects, and that seems to have gone by the wayside. I do
25 think that if you don't do that it is going to be totally

1 confusing to the public; they're not going to understand
2 what exactly is included for these standards.

3 I do believe, as has been suggested, that you
4 need to define in the document what a qualifying project
5 is.

6 As for photos, I think for the public to
7 understand the concepts—and this document should not be
8 just for the developers—that you need to include either a
9 photograph or probably even better, a graphic figure of
10 what you're trying to present.

11 I think from what's being said it sounds like
12 this is going to go the Town Council fairly rapidly, and
13 that doesn't seem like giving either the public or the
14 Commission adequate opportunity to really digest what is
15 being proposed and what could be proposed.

16 Myself, I have not had a chance to look at the
17 Palo Alto example, but the one thing I really believe is
18 that it has to be an integrated document that all the
19 objectives that apply are listed. You many not have to
20 actually quote them, but you would at least have to give
21 the direction as to where they could be found specifically
22 by section, document page, or whatever. Otherwise, the
23 document is not user-friendly and it is not transparent to
24 the public.
25

1 I guess that is basically going to be my
2 statement right now. I think we need to pay more attention
3 to how the documents are understood and perceived by the
4 public so that they can understand the process and what is
5 actually being proposed.

6 My other comment is that this document, my
7 understanding anyway, can cover Multi-Family projects that
8 contain duplexes on up to large Multi-Family structures, so
9 there are a whole bunch of different types of buildings
10 that are being covered, and yet the objectives don't break
11 that down as to what applies to what building type, so
12 again, I think that it needs better clarification for that,
13 both for understanding by the public and even by developers
14 themselves. Thank you.

15 CHAIR HANSSEN: Thank you for your comments.
16 They're always very helpful and we really appreciate you
17 talking to us. Any questions for Ms. Quintana? Seeing none,
18 I'd like to ask if there is anyone else that would like to
19 speak on the Draft Objective Standards?
20

21 JENNIFER ARMER: If you'd like to speak on this
22 item, please raise your hand. I don't see any other hands
23 raised, Chair.

24 CHAIR HANSSEN: All right, then I will close
25 public comment and go back to the Commission.

1 Ms. Quintana brought up a more specific version
2 of what was on my mind when I asked the question earlier
3 about how does this process work, and so I would like to
4 say that I appreciated her comment. I don't know where the
5 rest of the Commission is on this, but I do think there
6 would be some merit to having a more comprehensive thing
7 even if we're pulling things out of code or whatever, so
8 that people would know what all the Objective Standards
9 were. I think that's not a bad thing to consider, so I'll
10 just put that out there from my point of view.
11

12 Are there other things that the Commission would
13 want to bring up in terms of the things that are missing,
14 or structural issues, or other things? We could also go
15 through the document itself, but I wanted to see if anyone
16 had any specific concerns about the overall structure and
17 the direction that this is going.

18 I think there were a couple of comments about
19 having pictures, and I don't know what Staff wants us to
20 do. Should we vote on if there are specific
21 recommendations, or just if it seems like we have consensus
22 from the Commission we can forward that on as a
23 recommendation? How does Staff want us to do that?
24

25 JENNIFER ARMER: Thank you, Chair. I can jump in.
I would say that there are a couple of different ways that

1 you could proceed. If, as you're talking through, there are
2 certain recommendations that you want to make individual
3 motions about to see if there is consensus and support, you
4 could do it that way; or you could keep track as the
5 discussion goes on and have a list of additional changes,
6 modifications, or additional material that you think should
7 be provided to Town Council, and consolidate that in a
8 single motion at the end of the discussion.

9
10 CHAIR HANSSEN: All right. Commissioner Janoff,
11 you had your hand up and you don't anymore, so your
12 question is answered?

13 COMMISSIONER JANOFF: I was just going to say if
14 we're going to walk through the document, then there are
15 opportunities for recommendation, but I think Ms.
16 Quintana's point about having a... It could be a drawing, it
17 doesn't need to be a photograph, but something that better
18 illustrates different types of design standards would be
19 helpful.

20 CHAIR HANSSEN: All right, then I'm okay with
21 going ahead and looking at the document if you want to put
22 that on the screen.

23 TOM FORD: Do you literally want to scroll through
24 the entire document, or does somebody want to raise a
25

1 specific standard that they'd like to discuss and I can
2 flip to it?

3 CHAIR HANSSEN: I'm presuming that everyone on
4 the Commission has read the draft document, so I don't know
5 that we need to go over things, but what we did with the
6 General Plan, and what we've done with the Housing Element
7 so far, is go by section and see if there are things; and
8 we did this is the Subcommittee as well. I think we didn't
9 talk about every last thing, but we went through sections
10 and said are there things that caught our attention that we
11 want to talk about? So I will ask Commissioner Janoff.

12 COMMISSIONER JANOFF: Thank you. Mine are
13 comments throughout that I'll just offer.

14 On 1.2 on this page we talk about a height, but
15 we don't mention depth, and I'm wondering whether there
16 might be an addition so it's a height of 6", and a depth of
17 I don't know if it's 2', or what it might be?

18 TOM FORD: Okay.

19 CHAIR HANSSEN: It seems like a good suggestion.
20 I don't have my whole document open in front of me, but is
21 this everything under Pedestrian Access, or is that just
22 the first page?
23
24
25

1 TOM FORD: Yes, that's it for Pedestrian Access.
2 The next page will start into the second section, Vehicular
3 Access.

4 CHAIR HANSSEN: Commissioner Janoff, did you have
5 another comment?

6 COMMISSIONER JANOFF: I don't.

7 CHAIR HANSSEN: Vice Chair Barnett, did you have
8 a question about the Pedestrian Access or Vehicular Access?

9 VICE CHAIR BARNETT: Pedestrian Access. I wanted
10 to point out in my suggestions of possible modifications
11 based on the Palo Alto Objective Standards, Item 2, there's
12 a hierarchy of access issues for prioritizing pedestrians,
13 bikes, and vehicles in that order, and I wonder if we could
14 consider that as a possible modification?

15 CHAIR HANSSEN: Just to make sure that it's clear
16 what you're asking, the Palo Alto document, they were
17 saying that you would prioritize certain modes of
18 transportation over like, say, cars for example?

19 VICE CHAIR BARNETT: Yes, it talks specifically
20 about pedestrians and bikes before it gets to vehicles.

21 CHAIR HANSSEN: What do other Commissioners think
22 about that? Commissioner Clark.

23 COMMISSIONER CLARK: The hierarchy was one of the
24 things I liked the most from the Palo Alto Objective
25

1 Standards. I think that is something I would want to exist
2 in any project anyway, so if it's feasible I would support
3 incorporating it, but I'd definitely be curious to hear
4 Staff opinions and if that seems to restrictive or anything
5 like that.

6 CHAIR HANSSEN: What is Staff's reaction to the
7 suggestion?

8 SEAN MULLIN: Thank you. My initial reaction is
9 this is one of those examples that come out of Palo Alto's
10 contextual design criteria, and it may be difficult to
11 objectify the hierarchy of priority between different modes
12 of travel. We certainly will take your suggestion and look
13 into it. This is one of the examples where it may be a
14 little difficult, but we'll see if there's a way to do it
15 that is objective.

16 In the end, going back to the definition of these
17 Objective Standards, it can't allow anyone to really think
18 about it, if you will, or make a decision on whether
19 they've adequately addressed the hierarchy. It needs to be
20 something like--this is out of left field--all Mixed-Use
21 projects shall include a Class 1 bike lane on the street-
22 facing façade. It would need to be at that level versus all
23 Mixed-Use projects shall prioritize pedestrian to bike to
24 cars in that order, because there's no way to quantify that
25

1 as did the developer meet that standard or not? But it's
2 something we can look into.

3 CHAIR HANSSEN: I think that's fine, and I think
4 there are a couple of Commissioners that think that it
5 would be good to go in that direction if we could, but we
6 understand there might be some concerns about whether or
7 not you can make it objective.

8 Any other comments on the Pedestrian Access
9 section? Then I think we can go on.
10

11 TOM FORD: Vehicular Access.

12 CHAIR HANSSEN: So we just have the one standard
13 for Vehicular Access?

14 TOM FORD: Yes.

15 CHAIR HANSSEN: This is going to bring up like
16 what's left out. If I recall, we didn't have anything for
17 bicycles in here, we only have pedestrian and vehicle, and
18 then we're going right into parking, is that correct?

19 TOM FORD: Correct, we don't have any bicycle-
20 specific standards.

21 CHAIR HANSSEN: So question for Staff. I've seen
22 for LEED standards, for example, if you want to get LEED
23 certification you have to have like bike lockers or things
24 like that, bike parking in parking lots and parking garages
25 and so on, or is there another place that we would have

1 standards for how projects are supposed to accommodate
2 bicyclists?

3 JOEL PAULSON: Thank you, Chair. Joel Paulson,
4 Community Development Director. A couple of things.

5 For the bike, we have a Bicycle and Pedestrian
6 Master Plan that Parks and Public Works deals with, which
7 has different right-of-way improvements depending on the
8 street and what kind of improvements they're looking for
9 moving forward. Those bicycle storage components are
10 required in other documents by other agencies as well as
11 far as whether it's LEED or things that you need to do to
12 show that you're providing X number of bike parking spaces
13 per either square foot or per vehicular parking spot, and
14 so there are actual specifics, and I can't recall off the
15 top of my head, but there may actually be some of those in
16 the Building Code as well, so those are the types of things
17 that, again, from an objective versus aspirational
18 criteria, those are kind of two different topics.

19
20 We definitely can, as Sean mentioned on the
21 previous item, look into options for creating those. I
22 think the challenge is once you start—which is what we
23 tried not to do—to capture every Objective Standard from
24 the Zoning Code, every Objective Standard from every other
25 document, and pull it into one document, then every time we

1 make a change in one we have to make a change in all of
2 them. So that's definitely something that we can look at,
3 but I think the important component is it sounds like
4 there's an interest to make sure that we're either
5 capturing here or it's captured somewhere else, kind of two
6 topics on this relating to bikes; I think it's the bicycle
7 infrastructure from a public right-of-way standpoint as
8 well bike storage mechanisms.

9
10 CHAIR HANSSEN: From my perspective, and then I'm
11 happy to hear from other Commissioners as well, if it's of
12 interest to the Commission and it's in the Palo Alto
13 standard to prioritize the bikes and pedestrians over other
14 forms of vehicles, one of the ways that you're not doing
15 that is by not calling out things that are in our Objective
16 Standards that pertain to bicyclists. That being said, I
17 understand that there is stuff in other documents, but I
18 feel like that might be a miss that we should try to put
19 something in here, even if it's about bike parking,
20 something like that, especially when we're talking about
21 parking cars. Commissioner Janoff.

22 COMMISSIONER JANOFF: A couple of comments.

23
24 I think that the introduction could more clearly
25 describe that this is a standalone document, but there are
other complementary documents that should be referred to

1 that also contain Objective Standards, and you could name
2 the various documents that exist. I would list them; there
3 are a dozen of so, or a half a dozen. That way, to anyone's
4 concern that we're silent on it and that we don't address
5 it because it's not in this document, we've said go look
6 for it in the appropriate document elsewhere, and I would
7 feel comfortable doing that rather than duplicating the
8 items that are already Objective Standards in other
9 documents for the reason just mentioned.
10

11 Having said that, I haven't thoroughly read the
12 Palo Alto guidelines. I was confused about the contextual
13 guidelines and the Objective Standards, so I kind of got
14 mixed up in that a little bit. I'm not clear what
15 prioritizing pedestrian and bicycle over vehicles, or
16 pedestrian over bike, etc., I'm not sure what that means,
17 but I would say in this instance that something about
18 accommodating bicycles, just putting some objective
19 language in here just so we cover all the modes of
20 transportation, so that at least it's complete. I don't see
21 that that's going to be needed going through this document,
22 but I think it makes sense here; it's sort of an obvious
23 omission, even though, as you say, we've got it covered in
24 other documents.
25

1 CHAIR HANSSEN: I kind of have a feeling our Vice
2 Mayor, who is an avid bicyclist, will be bringing up
3 something similar when the Town Council sees it.

4 As far as Vehicular Access, I think what we have
5 is fine. It's intended to keep circulating in the parking
6 garage from going out into the street, so that makes sense.
7 Any other thoughts about Vehicular Access? Is there more
8 Parking Location and Design on the next page?

9 TOM FORD: Yes.

10 CHAIR HANSSEN: It looks to me like most of the
11 things as far as parking vehicles were there. Then I
12 thought about bikes, so I already brought that point up.

13 TOM FORD: So move on?

14 CHAIR HANSSEN: Does anyone have any comments so
15 far on the Parking Location and Design standards? Then
16 there's Parking Structure Access. Commissioner Janoff.

17 COMMISSIONER JANOFF: When we get there, just a
18 comment on Utilities.

19 CHAIR HANSSEN: Any other Commissioners that have
20 comments on Parking Location and Design standards or
21 Parking Structure Access?

22 Okay, Utilities. And then it goes on to the next
23 page. So Commissioner Janoff.
24
25

1 COMMISSIONER JANOFF: When I read 5.1 I thought
2 those are really huge light fixtures, so I think you're
3 missing a word. "Light fixtures shall be *located* at a
4 minimum of 3' and a maximum of 15'." I think that's what
5 was intended, but correct me if I'm wrong.

6 CHAIR HANSSEN: Could Staff answer that question?

7 SEAN MULLIN: I'm sorry, I was just rereading it
8 very carefully. Yes, I think the intent here is actually
9 for pedestrian lighting along pedestrian paths, that the 3'
10 is a minimum height and then a maximum height of 15'. This
11 wasn't speaking to the distance between or the placement of
12 the actual fixtures, so you could imagine path lighting
13 that's incorporated into a bollard versus like the light
14 fixture shown in the figure on the next page.

15 COMMISSIONER JANOFF: I understand what you're
16 saying; I'm just reading this literally. It says, "The
17 lighting fixture shall be a minimum of 3' and a maximum of
18 15' in height." That describes the light fixture, not its
19 location.
20

21 SEAN MULLIN: I understand the recommendation.
22 I'm going to make sure to note that. Thank you.

23 CHAIR HANSSEN: I actually think there's some
24 merit to thinking about adding or tweaking one of the
25 standards, especially with all the dark skies advocates

1 that we've had during the General Plan hearings, because
2 there's nothing in here that would prohibit someone from
3 putting like, say, path lighting every foot, so the height
4 is only one aspect of it.

5 We just landscaped our own yard and put some path
6 lighting in, and we put it like 15' apart from each other,
7 so I would recommend maybe adding onto 5.1 something like
8 that just to make sure that they're not doing access
9 lighting in height or in volume. I don't know if it's
10 possible to make that objective.

11 He had some other ones in there about when the
12 parking lot is so long you do a landscape strip or
13 something. It seems to me you could make that objective.

14 SEAN MULLIN: We've noted that and we certainly
15 could look into that.

16 JENNIFER ARMER: Yes, we can look into it. Of
17 course the spacing will depend somewhat on the style and
18 height of the lighting itself and the brightness of it, so
19 we can look to see if there's something to be included.

20 CHAIR HANSSEN: Any other comments? So that's
21 everything on Utilities through 5.3. I remember talking
22 about the screening, so then the next thing is Landscape
23 and Screening. Any comments on Landscape and Screening?
24 Commissioner Raspe.
25

1 COMMISSIONER RASPE: Thank you, Chair, just a
2 couple of comments. Under A.6 and I think again at A.9 we
3 talked about plantings, and I know we spent a lot of time
4 in our General Plan discussion talking about using native
5 plantings and all that, and I just wanted to confirm, we
6 don't have to reinsert that language into this document, is
7 that correct? Because the General Plan is a more
8 restrictive document in that sense, and then those
9 standards were carried into this document, is that right?
10

11 SEAN MULLIN: It would depend on how it's written
12 in the General Plan. If the General Plan—and I'm sorry, but
13 I don't have the language in front of me—says something
14 similar to native planting is highly preferred by the Town
15 versus native species shall be incorporated in all
16 landscape plans, the first is a subjective criteria and
17 couldn't be applied, and wouldn't be applied, under a
18 project like this. The second statement would be objective
19 and you'd have to meet that in addition to the Landscape
20 and Screening requirements here.

21 So if there were a wish to be more restrictive or
22 to create something objective that doesn't exist, or only
23 exists in the subjective form in another document, that's
24 the type of recommendation we would certainly entertain.
25

1 COMMISSIONER RASPE: Perfect. Then my thought—and
2 I would welcome the thoughts of my fellow commissioners—
3 would be wherever landscaping is discussed—and again, my
4 notes indicates at least Sections A.6 and A.9—that there
5 would be either a requirement or a preference for native
6 and drought tolerant plantings where possible.

7 Then as long as we're in the same section,
8 Section 6.2a, when we're talking about screening it calls
9 for a solid masonry wall, and we're talking about in the
10 buffer between a Multi-Family and a Single-Family
11 Residential building, and I'm just curious why a masonry
12 wall is called for. It seems to me maybe regular fencing in
13 certain circumstances might work and might fit in better
14 aesthetically in some neighborhoods than a solid masonry
15 wall. I suspect a masonry wall probably has some sound
16 attenuation benefit to it, but aside from that is there a
17 reason to use masonry as opposed to allowing some other
18 forms and materials?
19

20 SEAN MULLIN: Thank you. This is an example of an
21 Objective Standard that was created from language that
22 already existed, and I can't remember the exact language—
23 I'd have to look up the source, and we can certainly do
24 that—but there is a current requirement for a masonry wall
25

1 when you are interfacing between, I think it might be,
2 Commercial and Residential.

3 JENNIFER ARMER: Correct.

4 SEAN MULLIN: So this is where that was born
5 from, and the caveat here would be if we created an
6 Objective Standard that was less restrictive than an
7 existing Objective Standard, because that could be
8 problematic and in conflict between the two documents.
9 We're looking a little bit farther forward as we consider
10 this. So we've tried to maintain it at at least the level
11 that existed somewhere else, if not more restrictive,
12 within this document.
13

14 COMMISSIONER RASPE: That's a fair comment and
15 thank you for explaining it. I'll withdraw my
16 recommendation then with respect to the masonry wall and
17 just preserve my comments with respect to the plantings.

18 TOM FORD: I want to go back to what Commissioner
19 Raspe was saying about landscaping. We actually can't write
20 sentences that say things like "where feasible," because
21 that just opens up to opinions; that's not objective. But I
22 think we can still investigate the whole idea of native and
23 drought tolerant, and I think one of the ways into it might
24 be the C.3 guidelines, which are already in effect Town-
25 wide on certain kinds of projects. I think there are a lot

1 of ways to look at it, but I just wanted to make sure
2 everybody knows that we can't use sentences that say things
3 like, "if feasible" or, "as necessary" and things like
4 that.

5 CHAIR HANSSEN: The Town Council was just going
6 over the General Plan on Monday, and I don't have the
7 General Plan in front of me, but I want to say that we
8 actually had that the plantings have to be in a category or
9 this, or this, or this, and if it is, then I would say that
10 Commissioner Raspe's suggestion we ought to make this a bit
11 more robust.
12

13 Then as far as the comment about the masonry
14 wall, if that came from an existing document where it's
15 between Residential and Commercial, is there a way to make
16 sure that it's clear, or is this going to apply if there
17 are two Residential buildings that are next to each other
18 that they're going to have to put a masonry wall?

19 JENNIFER ARMER: Because this is a sub-point
20 underneath the previous policy that does specify that it's
21 between Multi-Family or Mixed-Use development abutting a
22 Residential property, any of these higher-intensity
23 projects that abut a Residential property would have this
24 requirement.
25

1 CHAIR HANSSEN: So it is clear that we know what
2 the context would be, because I had the same reaction,
3 because especially in the Planning Commission we are always
4 hearing about fences, or screening trees, but if we already
5 have that in another standard, then we don't want to be
6 inconsistent.

7 Commissioner Clark has her hand up.

8 COMMISSIONER CLARK: I have two comments under
9 Landscaping and Screening. First, to jump off of what Ms.
10 Armer was just saying, so in that case if it's between a
11 Multi-Family Residential and then a like Single-Family,
12 does that mean that theoretically a duplex next to a
13 Single-Family home would need a masonry wall, or where does
14 the line exist for that?

15 JENNIFER ARMER: Based on the earlier discussion
16 I think one of the things that we would work on developing
17 is a more specific definition of qualifying projects so
18 that we could make sure that it is clear maybe that there
19 will be some references to State regulations, but make it
20 clear as to which projects are considered Multi-Family for
21 this type of policy.

22 COMMISSIONER CLARK: Thank you. Yes, I'd like to
23 make sure that we flag to not have a wall between a duplex
24 or a four-plex in the Single-Family home, because our goal
25

1 this whole time with missing middle has been to have it
2 kind of blend in with the neighborhood, so that might be
3 for a different conversation, but just to raise that. And
4 then, Chair, may I ask another question?

5 CHAIR HANSSEN: Absolutely.

6 COMMISSIONER CLARK: My other question is on 6.1.
7 It says that the area shall be landscaped and I was
8 wondering if there is a definition of landscaped sitting
9 anywhere? I felt like that could be up to interpretation.
10

11 TOM FORD: It could be left up to interpretation,
12 however, I don't know if it's defined in the code, if it's
13 one of the definitions that's already given.

14 SEAN MULLIN: I was going to say that it's
15 something that we did discuss and this is where we landed.
16 We could certainly look at it a little bit more carefully
17 and see if it needs to be a defined term.

18 COMMISSIONER CLARK: Yes, great.

19 CHAIR HANSSEN: I actually had the same reaction.
20 I was like it could be a pile of gravel, a bunch of mulch,
21 or it could be all hardscape. Maybe those are all in the
22 desirable category, but to me I think that would be worth
23 looking into if it's clear enough what it would be.
24 Commissioner Raspe.
25

1 COMMISSIONER RASPE: Thank you, Chair. One more
2 comment with respect to landscaping, and that's in Section
3 6.3. The language provides for a minimum height of 3' with
4 landscaping between parking lots and street to serve as
5 kind of an official buffer. I'm wondering if we wanted to
6 create or insert a maximum height as well? There could be
7 aesthetic and safety reasons to create maximum heights, but
8 it occurs to me there also are security reasons. Creating
9 hiding places or little dark corners in parking lots is
10 certainly something we want to avoid, I think, so for
11 security reasons, if no other, so you may want to insert a
12 height limitation on the buffers around parking lots.
13

14 SEAN MULLIN: Thank you. I would just quickly
15 respond that part of what you'll see is duplicated this
16 document and the Town Code is some of the regulations for
17 fencing, because those were just updated back in 2019. That
18 included a maximum height in basically the setback areas
19 that are adjacent to streets, so that's the street side or
20 up front setback area and areas as you get closer to
21 corners or driveways.
22

23 So now it's codified with a maximum height of 3'
24 and that's where we started here, but that is something
25 that we could clarify and duplicate so that we're calling

1 out that you've got to be at least 3', but if you're in the
2 setbacks abutting a street, then no higher than 3'.

3 COMMISSIONER RASPE: I think that would be
4 helpful. Thanks so much.

5 CHAIR HANSSEN: That's a very good suggestion. I
6 did want to make one more comment about the wall thing. I
7 think that Commissioner Clark's comments were right on and
8 I know we can do something about it, but the other thing
9 that I thought of is since we're trying to promote
10 affordable housing it might be onerous, especially if
11 you're looking at a two-unit next to another two-unit, to
12 have to build a wall, because it would be more expensive
13 than planking and things like that, so I just want to make
14 sure that we're really careful about under what
15 circumstances a wall is required.

17 Anyone else have questions or comments on the
18 Landscaping and Screening? So then we can go to Fencing.
19 Staff, you did mention that most of this is taken directly
20 out of our Fence Ordinance?

21 JENNIFER ARMER: Correct.

22 SEAN MULLIN: Correct. Thank you.

23 CHAIR HANSSEN: So there won't be any conflict
24 between this and our Fence Ordinance?

25 JENNIFER ARMER: Correct.

1 TOM FORD: Should I move on?

2 CHAIR HANSSEN: I don't think anyone has any
3 comments on Fencing. Retaining Walls?

4 JENNIFER ARMER: Chair, I would add also that
5 this does come almost directly from the Hillside Design
6 Standards and Guidelines for retaining walls.

7 SEAN MULLIN: That's correct.

8 CHAIR HANSSEN: Going back to Ms. Quintana's
9 questions, I know we've already made this as a
10 recommendation, but since we're taking this stuff out of
11 other documents and putting it in here, it does beg the
12 question of why we're not taking other things out of other
13 documents and putting them in here that are clearly
14 Objective Standards? I know you guys are going to look into
15 that.
16

17 Do any Commissioners have any questions about the
18 Retaining Walls? Okay, then Open Space? Commissioner Clark.

19 COMMISSIONER CLARK: Thank you. I have a question
20 about the relationship between 9.1 and 9.2. If a Mixed-Use
21 development has to have at least 20% of the site area be
22 landscaped open space, and then also has to have a minimum
23 of 100 square feet per Residential unit of public gathering
24 spaces, do you think that this becomes burdensome on them,
25

1 or Staff? From your experiences, do you not see this as a
2 problem?

3 JENNIFER ARMER: I can start, and I would say
4 that as we look at this wording it might be that in some
5 cases these two policies would actually overlap in terms of
6 space that's required. For common open space, it could be
7 some landscaped open space, and so it may not be additive,
8 but it would overlap. Mr. Ford I don't know if you have any
9 additional thoughts on those two.

10 TOM FORD: No. I think the primary thing we were
11 trying to do was cover two different development
12 typologies, one being a 100% Residential project and
13 another that would have that Mixed-Use component, probably
14 on the ground floor. We were trying to separate them so
15 that it got handled first in 9.1 as just an overall
16 standard, but then 9.2 augments it in terms of talking
17 about when you have these two uses occupying the same site.
18 And then we were also trying not to conflict with anything
19 that the code already specifies in terms of open space
20 requirements.

21 CHAIR HANSSEN: Staff, do we have anything in our
22 code on minimum open space?

23 JENNIFER ARMER: We do. The code does have
24 specifics for Multi-Family developments in terms of the
25

1 amount of space for each unit, private open space as well
2 as common open space, and so those would apply. This is
3 looking more at the project as a whole, rather than
4 individual spaces.

5 CHAIR HANSSEN: 9.1 is?

6 JENNIFER ARMER: Yes.

7 CHAIR HANSSEN: I want to tell you, I was really
8 happy to see this, because one of the really nice things in
9 the North Forty Specific Plan is the requirement for 30%
10 open space, of which 20% has to be green open space, and
11 I'm glad to see that we have something in here.
12

13 Before I go onto any other questions, I wanted to
14 ask the question though about 9.1. It says, "Landscaped
15 open space may be..." Is that objective, or does it have to
16 be one of those, or what could it be if it's one of those?

17 JENNIFER ARMER: The 20% of the site area is the
18 objective part. Landscaping may be in these other forms,
19 and gives examples of what it might be, but does, you're
20 right, leave it open. We were talking earlier about the
21 possibility of defining what landscaped means, and so it
22 may be that that would actually increase objectivity of the
23 second part of this, but it is still an Objective Standard
24 because it is saying 20% of the site must be landscaped
25 open space.

1 CHAIR HANSSEN: And now that we're in this
2 drought crisis, having grass in here is not a good thing,
3 so I think that if you're going there that we should work
4 on this one a little bit. Commissioner Clark, did you have
5 more comments than what you already asked about? I want to
6 just make sure we covered everything.

7 COMMISSIONER CLARK: Yes, I want to quickly
8 respond to Staff's response. I think something that I'd
9 recommend is just making the potential for overlap between
10 those two a little clearer, because when I saw them it felt
11 like they had to exist separate, so that's something I'd
12 recommend just exploring.

13 CHAIR HANSSEN: Good comment. Commissioner
14 Janoff.

15 COMMISSIONER JANOFF: Thank you. Yes, I want to
16 echo your concern about grass. Whatever is appropriate in
17 this drought-tolerant foreseeable future, I think we need
18 to be respectful of.

19 Also, 9.2, 9.3, and 9.4, I noted in the Palo Alto
20 document some areas where they speak to the common area
21 being open to sky, and in some areas it's 60% open to sky,
22 so I would recommend looking for those objective criteria
23 and speak to the open sky. Thank you.
24
25

1 CHAIR HANSSEN: So are you suggesting adding
2 something? It talks about a minimum of shading. You're
3 talking about some percentage of open sky?

4 COMMISSIONER JANOFF: If I just refer you back to
5 the Palo Alto Objective Standards on open space, they do
6 speak to an open sky concept in addition to coverings.

7 CHAIR HANSSEN: And you're recommending that
8 Staff look into adding that here?

9 COMMISSIONER JANOFF: Yes.

10 CHAIR HANSSEN: All right. Vice Chair Barnett.

11 VICE CHAIR BARNETT: In the recommendations I
12 made concerning the Palo Alto Objective Standards,
13 Objective Standard #8 addresses private open space, and it
14 appears that the draft that we have only refers to public
15 or common open space, and I noted that Ms. Armer said that
16 there is code language that addresses private open space. I
17 haven't had a chance to look at that, but I thought that
18 there were some good suggestions in there in terms of size
19 and location.

20 SEAN MULLIN: And I would offer and remind that
21 the code requirements for private open space would still
22 apply in those circumstances. You're correct; this is
23 speaking more towards public or common open space. The open
24 space requirements for second-story units usually exist in
25

1 the form of a balcony or a private balcony, which is not
2 defined here, but we can look into including it or making
3 sure that we have enough here. We still want to be a little
4 bit careful with duplicating items that are in the Town
5 Code per Director Paulson's caveat earlier.

6 CHAIR HANSSEN: I think just to make sure that
7 anything that Palo Alto had might not be in our current
8 code since we're not looking at it right now. I think it
9 would be a useful thing to check on that.

10 SEAN MULLIN: Chair, you're speaking specifically
11 to Objective Standard #8 in Vice Chair Barnett's
12 attachment?

13 CHAIR HANSSEN: Yes. Then actually when you
14 talked about the balconies it made me think of something.

15 When we had the Draft 2040 General Plan and
16 Community Design Element, we did have—and I know Vice Chair
17 Janoff and I had recommended taking it out—a requirement
18 for when it was multi-story to have a balcony, and that
19 could be included in the common open space, and you needed
20 to offer it because they were stories above the ground.
21 That was an Objective Standard that we had in the General
22 Plan that we kind of referred out, and I don't remember
23 what we decided about that or what happened to that.
24
25

1 JENNIFER ARMER: I believe that was part of the
2 list of topics that were considered by the Subcommittee,
3 because all of the things that we removed from the General
4 Plan as too specific at that point, or inconsistent with
5 code, were at least considered initially as part of this
6 process.

7 SEAN MULLIN: That would have been part of the
8 GPAC referrals.

9 CHAIR HANSSEN: I don't remember what we decided,
10 but I'm asking the question why am I not seeing it here?

11 TOM FORD: I don't recall why it's not here. I
12 would say though that if somebody has a balcony on an upper
13 floor, that's only private. You would not be able to count
14 that as common open space, because the unit is the only
15 person that has access to it.

16 CHAIR HANSSEN: No, I totally understand that,
17 but I think the issue was that if you're going to create a
18 Multi-family building that you want to give the residents
19 an opportunity to have some private open space.

20 JOEL PAULSON: Thank you, Chair. I'll just offer
21 that right now we're looking at the site standards. That
22 definitely is something we should probably consider, if
23 it's not in there, for the building standards, which is
24 Section B.

1 CHAIR HANSSEN: Yes, maybe I missed that and
2 maybe it's in the building section.

3 All right, any other comments on Open Space?
4 Okay, Building Placement? Commissioner Janoff.

5 COMMISSIONER JANOFF: Thank you. Just keeping it
6 short here. I was curious why 10.1 only referred to
7 development in a Community Place District when we look at
8 the site inventory that the Housing Element Advisory Board
9 has prepared? There are a number of developments that are
10 outside of the Community Place District, so just curious
11 whether this really is intended for only that, or whether
12 it's for more than just Community Place Districts?
13

14 TOM FORD: I don't recall why exactly we did
15 that, other than it could be that the Community Place
16 Districts were the only places where we were envisioning
17 ground floor Commercial in a Mixed-Use context. That's the
18 only thing I could think of offhand.

19 JOEL PAULSON: And to Commissioner Janoff's
20 point, I think maybe that's too limiting, so we should
21 probably just strike that so that it would apply to any
22 Multi-Family or Mixed-Use. I think that's a good comment
23 and I think you'll probably see that in a couple places, so
24 we'll strike that wherever that occurs in this document.
25

1 CHAIR HANSSEN: I think that's a good suggestion.
2 Commissioner Clark, and then Commissioner Raspe.

3 COMMISSIONER CLARK: Thank you. Just to give
4 another perspective, I have only liked this one knowing
5 that it was in Community Place Districts, but I think
6 normally I don't want to see everything, especially not 75%
7 of everything, coming right up to the setback. This one is
8 hard, because if that is mostly what another neighborhood
9 is like, then I think that makes sense to do there, but if
10 that doesn't exist in some places and you start doing it, I
11 think that could make them look out of place, and so I
12 don't personally think that's one that makes sense as an
13 Objective Standard for everywhere.
14

15 CHAIR HANSSEN: I'm going to ask a question on
16 top of Commissioner Clark's question and comment. Could we
17 make this like just specific to Mixed-Use? Because I know
18 where this came from. It was when we were talking during
19 the General Plan about creating communities, and we also
20 talked about this during the redesign of our Planned
21 Development Ordinance.

22 We have a Mixed-Use development on the northwest
23 corner of Blossom Hill Road and Los Gatos Boulevard and
24 that is kind of a non-vertical Mixed-Use, and the first
25 thing you see in a lot of parts of it is parking lot, and

1 so when we were talking about re-envisioning what might
2 happen, having Community Place Districts be Mixed-Use where
3 it's close to the sidewalk and it's accessible and
4 everything made sense. Would it make sense to just change
5 this to a standard for Mixed-Use? Because any place there
6 would be Mixed-Use would have ground floor Commercial.

7 JENNIFER ARMER: I was going to say that yes, we
8 could. As with some of the previous standards where it
9 referenced Mixed-Use projects in particular, one caveat I
10 would say in our recent discussions about the Housing
11 Element and housing developments and whether there is a
12 possibility that for certain affordability levels, say it's
13 100% affordable housing, that could then be allowed without
14 a Mixed-Use component in one of these Commercial zones. So
15 if it didn't have this requirement, then it could be
16 (inaudible) on the street if we're trying to create this
17 continuous streetscape, so those are some of the things to
18 consider. We can't think of all possible situations when
19 we're doing Objective Standards, but something to consider.

20 CHAIR HANSSEN: Commissioner Raspe, do you want
21 to comment on this, or did you have something else?

22 COMMISSIONER RASPE: No, this one. Thank you,
23 Chair.
24
25

1 I join in Commissioner Clark's comment. The
2 notion of a requirement of 75% for the frontage seems to me
3 maybe not ideal in all situations, and so we may want to
4 consider our limitation on that.

5 It also seems to me that it perhaps creates a
6 conflict of some of the designs that are possible. I'm
7 skipping ahead, unfortunately, a little bit to the Building
8 Design section, but the building design in B.1d where it
9 has the sheltered walkway within the building, I think that
10 wouldn't be permitted if we have a requirement of 75%
11 ground floor use on the setback, so I just want to make
12 sure internally we're not precluding certain building
13 design with this requirement.
14

15 TOM FORD: If I might interject, it's just saying
16 a minimum of 75%, so in the case of the arcade, what we've
17 drawn there is 100%, which is more than 75%.

18 COMMISSIONER RASPE: On the arcade you have zero,
19 don't you, because there's no ground floor in the setback?
20 It's all removed from the street.

21 TOM FORD: Well, I consider the build to the front
22 of the arcade, the one that establishes sort of the street
23 frontage.

24 COMMISSIONER RASPE: In my mind's eye I see the
25 posts as not part of it.

1 TOM FORD: Oh, okay, that's a good point.

2 SEAN MULLIN: I would jump in and say that
3 typically those posts would be considered part of the
4 structure and would have to meet setback, so in the case of
5 the arcade, if that were built to the setback line that
6 would qualify or comply with A.10.1. It's a little bit of a
7 nuance. If you look at a Single-Family Residential, when
8 they have a porch projecting off the front and you have
9 those posts, those posts are the edge of the building and
10 would be required to meet the setback, and that would be
11 similarly applied here. We could look at another way to
12 revise A.10.1 if there's still the concern about the 75%,
13 but I just wanted to add that.

15 COMMISSIONER RASPE: I appreciate the
16 clarification.

17 CHAIR HANSSEN: I'll go back to Commissioner
18 Janoff in just a second.

19 I do think that some clarification is needed to
20 address the concerns of Commissioner Clark and Commissioner
21 Raspe and to make sure there's no conflict. Maybe we take
22 out Community Place District, but we should be specific
23 about what kinds of sites we're thinking of. Commissioner
24 Janoff.
25

1 COMMISSIONER JANOFF: I just wanted to add that
2 when thinking about modifying 10.1 a big focus in the
3 General Plan was street activation, and so these concepts
4 of bringing the building to the street, creating a
5 pedestrian access, was a highlight. So as you think about
6 ways to modify it, just keep that in mind that that was an
7 objective throughout the portions of the General Plan that
8 spoke to these sorts of developments.

9
10 CHAIR HANSSEN: I think that's a good comment,
11 and that is exactly what the intent is. I was actually
12 really glad to see this in here, but we just have to make
13 sure we don't have unintended consequences. Commissioner
14 Clark.

15 COMMISSIONER CLARK: Thank you. Just to kind of
16 hop off of that, I think that there's a chance it could
17 make sense to just say Mixed-Use for this, because, for
18 example, if there were an affordable housing non-Mixed-Use
19 development, maybe it should have a front yard or things
20 like that, so I don't know if that's taken into
21 consideration already for this, but I think that kind of is
22 an example of what concerns me about it.

23
24 CHAIR HANSSEN: Well, if it was 100% affordable
25 and it was on Los Gatos Boulevard, for example, and it was
next to a Mixed-Use development, then... But that's the

1 concern. Let's just leave it with Staff to try to figure
2 out a way to either limit it to Mixed-Use, or whatever the
3 context we could have, to make sure that we're not creating
4 unintended consequences, but I definitely think we should
5 keep this. It's just a question of making sure that it
6 isn't creating anything that we don't want. Ms. Armer.

7 JENNIFER ARMER: Thank you, Chair. I was going to
8 say that at this point, because of the number of comments,
9 suggestions, and requests for additional information, it
10 may be that it makes sense for us to continue this
11 discussion, and once we get through the document then to
12 continue to a date certain and have Staff come back with
13 some of this so that you don't feel that you need to be
14 working out the specifics tonight, as much as giving
15 direction to Staff so that we can come back with some
16 specifics for you to consider.

18 CHAIR HANSSEN: I think that's a good suggestion.
19 Do you want us to go through the rest of the document and
20 just take comments and then not try to bring it to closure
21 because we know we're going to continue it?

22 JENNIFER ARMER: Yes, that would be my
23 recommendation.

24 CHAIR HANSSEN: Okay, I think that's a good way
25 to handle it. We're on page 8, so let's keep going. There

1 is Site Amenities for Mixed-Use, and then that's the last
2 thing on Site Design, right? So this is taking us to
3 Building Design. Any comments? Commissioner Clark, and then
4 Commissioner Raspe.

5 COMMISSIONER CLARK: I have a question for this
6 one. In terms of it having to implement a minimum of three
7 of these solutions, I know that these are objective
8 standards and that this might not be possible to work in,
9 but I still wanted to voice my concern that I think that
10 there's a chance that some of them could look a lot worse
11 with three of them than with two of them, and I'm not sure
12 how to reconcile that, but I felt like looking at each of
13 these three could be a lot, and that might also be
14 something where we could request some pictures of examples
15 of things that incorporate all three, or something like
16 that.

18 SEAN MULLIN: Tom, you may be able to pull up a
19 couple of the parallel pictures if that's helpful to look
20 at these concepts in particular. Admittedly, the first few
21 times scrolling through this document it's hard to tie to
22 what Tom has brought up here, Standard B.1.1a, but when you
23 see it actualized, done in good architecture, it's a little
24 bit easier. It may even be something to look at a concept
25 image like this to see if of these six items, are three of

1 them present on just this image? Maybe there are two, maybe
2 there are three, but some examples may be helpful.

3 TOM FORD: Right. For instance, on this example
4 they've got two different materials, one of which is at
5 least 30%, which I think is one of our standards. They have
6 a setback on the upper level of part of the building. They
7 have ground floor awnings, which is another piece. So there
8 are a number of different things that get implemented here,
9 but we were trying to talk about just this one specific
10 thing. Here's another version. The front massing steps back
11 quite a bit and they've used that step back to have an
12 upper level deck.
13

14 I think Commissioner Clark brings up a good point
15 about maybe three is not the right number, but maybe two,
16 but as you can see, really good architects are able to do
17 multiple standards in one building.

18 CHAIR HANSSEN: Then a couple of other
19 Commissioners have their hands up, and they may want to
20 comment on this or something else. I'll go to Commissioner
21 Raspe, and then Commissioner Janoff.

22 COMMISSIONER RASPE: Thank you, Chair. I've
23 actually got the same comment as Commissioner Clark. It
24 seems to me that mandating a minimum of three different
25 setbacks or massing requirements didn't necessarily work in

1 all situations. For instance, you had 50' of frontage, and
2 three different articulation methods could be distracting,
3 so I would encourage Staff to look at that. The thought off
4 the top of my head is perhaps anchor it to how much street-
5 facing there is. For instance, for 50' you would have two
6 different requirements, and if you went to 100', maybe
7 three different requirements, something so it wouldn't be
8 so disjointed in a crammed area that it becomes more
9 problematic, it doesn't solve the problem that we're
10 looking to solve that is deemphasizing the building. So
11 just a thought, but again, same general concern as
12 Commissioner Clark voiced.
13

14 CHAIR HANSSEN: Thank you for that. Commissioner
15 Janoff.

16 COMMISSIONER JANOFF: I actually didn't have a
17 concern at all, and I'm thinking of Mr. Ford's comment that
18 good architects know how to incorporate these. I'm just
19 glancing at the Palo Alto document. They're requiring three
20 or more, so this may be something standard with developers,
21 and I would defer to Staff if this were sort of common to
22 have a set of objectives like that.
23

24 Having said that, if it becomes overly burdensome
25 to a developer because they've got to have all these more

1 expensive design features and that deters them from the
2 project, then I would say that that's an issue.

3 Personally, before changing it I would want to
4 hear from Eden Housing. I would want to hear from the
5 people who are trying to do the hard work of the affordable
6 housing and see whether these are unreasonable
7 expectations, because that could fall into the category of
8 government being too onerous in their standards.

9
10 CHAIR HANSSEN: That is a good point, and I think
11 from what I can remember of the affordable housing complex
12 at the North Forty, they would have at least three of
13 those. But let me go back to Commissioner Clark.

14 COMMISSIONER CLARK: I completely agree with what
15 Commissioner Janoff was saying, and so I first wonder if
16 you had talked to any developers in the creation of these
17 Objective Standards?

18 Than also I wanted to say that I think
19 regardless, something I'd like to see as we move forward
20 with these is actually hearing from the developers if these
21 are too stringent. Would this deter you from developing in
22 Los Gatos and maybe make you go somewhere else? Does this
23 make sense? That sort of thing.

24
25 SEAN MULL IN: Thank you, and I would say in
response that we reached out. Staff maintains a list of

1 architects that do a lot of work in the Town, and we
2 included them in our outreach efforts for our community
3 meetings. We didn't get much participation from them. And
4 then we also included them in the notice for this meeting
5 tonight, and I only heard from one of them that they
6 planned to attend. We will continue to reach out to the
7 design community and look for opportunities to increase
8 their involvement.

9
10 COMMISSIONER CLARK: Thank you. Yes, maybe going
11 to them with a few specific questions like this that they
12 can just send a reply to or something could be a good way
13 to increase engagement. I know that's very difficult.

14 CHAIR HANSSEN: That's a good suggestion, and
15 since we're continuing this to a future meeting, I don't
16 know how much time there will be for doing that.

17 Director Paulson has his hand up, and then I'll
18 go to Commissioner Raspe.

19 JOEL PAULSON: Thank you. I just want to remind
20 folks too that we've got the Objective Standards for the
21 streamlined process for the qualifying projects, but if you
22 have an architect or a site, for instance, that maybe one
23 or more of these ultimately become insurmountable from a
24 design perspective, they also have the opportunity to go
25 through our standard process.

1 Now, the whole point of some of these Objective
2 Standards, especially when we're talking about affordable
3 housing projects, what we want to do is to help streamline
4 those. But for standard Mixed-Use projects, if it's on a
5 constrained site, to Commissioner Raspe's point before, if
6 you've only got 50' of frontage on this building because
7 the lot is so small, then if they're not able to come up
8 with solutions to these, then there is always an option.

9
10 So I want to make sure to just remind everyone
11 that if they can't meet this it doesn't mean that they
12 can't do a project in town, it just precludes them from
13 going through the streamlined process, just as kind of a
14 high-level comment.

15 CHAIR HANSSEN: Would it be too much to ask to
16 use the example of the North Forty, the affordable housing
17 project that is being built over the Market Hall, and see
18 if they've already done that, or how hard it would be,
19 because that would be an example in our town?

20 JOEL PAULSON: Yes, we can definitely take a look
21 at that. We'll work with Tom and with Staff and see how
22 many of these A through F, or whatever it is, how many of
23 those characteristics were they able to incorporate.

24 CHAIR HANSSEN: Without having the standard in
25 place, but chances are they probably already did stuff like

1 that to make it not look like a big box. Commissioner
2 Raspe.

3 COMMISSIONER RASPE: Thanks, Chair. Harking back
4 to one of our earlier discussions, this would be a good
5 section of the document where we could have examples of
6 maybe finished renderings of buildings that incorporate two
7 or three, or even four, of these different elements
8 together. I think it would be helpful to have a good
9 visualization of combined elements in single structures as
10 we go through the process.
11

12 CHAIR HANSSEN: Good suggestion. Why don't we go
13 on, because we are going to see this again?

14 TOM FORD: Just go on to B.2?

15 CHAIR HANSSEN: Yes, because those are just
16 individual examples of those six things, but I think the
17 point about seeing them in single structure examples would
18 be helpful. Then we're on B.2, Parking Structure Design.
19 Any comments on Parking Structure Design, B.2? Commissioner
20 Clark.
21

22 COMMISSIONER CLARK: I wanted to ask about 2.3b
23 talking about the entire articulation change of 25%. I just
24 felt like that's a very specific number and I wasn't sure
25 if that is intentional or if that's something that is

1 pretty normal or anything, but I wanted to flag that and
2 ask about it.

3 TOM FORD: If you look at the body of 2.3 we
4 stipulate the 25%, and the way we originally wrote 2.3b, we
5 didn't say it down there and Staff brought to my attention
6 somebody could read this in a way and not cover the entire
7 articulation, so what we're trying to say is that 25% of a
8 façade, if it's greater than 40' in length, needs to have
9 one of those two things, and it's not enough just to
10 introduce a second material, but you have to do it over
11 that entire 25% articulation.

12
13 COMMISSIONER CLARK: Okay. And does it make more
14 sense to say 25% than to say like 25-50%, for example, or
15 anything like that?

16 TOM FORD: The way the 2.3 body is written, it
17 says, "at least 25%," so it wouldn't prohibit you from
18 doing it for 50%. We could either introduce that same
19 language here, or we could just make it known that so long
20 as you make the 25%, you're there.

21 COMMISSIONER CLARK: Yes, I think adding "at
22 least" would be perfect.

23 TOM FORD: Okay.

24 CHAIR HANSSEN: Other Commissioners have comments
25 on B.2, Parking Structure Design? Then we can go on to B.3,

1 Roof Design. Any comments on Roof Design? It looks like
2 everyone is okay with that.

3 TOM FORD: Still in Roof Design, but a different
4 page.

5 CHAIR HANSSEN: Any comments on this second part
6 of Roof Design? It looks like that's okay.

7 TOM FORD: So this is the last section, but it's
8 a pretty long section and there's a lot of illustrations,
9 but B.4, Façade Design and Articulation, comes out of a lot
10 of discussion by the Subcommittee.

11 CHAIR HANSSEN: Yes, we spent a lot of time on
12 this.

13 TOM FORD: Here's another one where 4.1 sets the
14 general rule and then there's four options, at least two of
15 which you need to accomplish. Actually, there are five
16 options, but only four of them are illustrated; the fifth
17 one is pretty obvious.

18 CHAIR HANSSEN: But they actually use at least
19 two out of five?

20 TOM FORD: Correct.

21 CHAIR HANSSEN: I'm going to guess that since no
22 one brought it up that it would probably be helpful,
23 because of the discussion we just had, to have an example
24
25

1 picture where at least two of these are combined on an
2 actual building that we can see.

3 TOM FORD: Okay, let me just take a moment to see
4 if we've done that. This one is doing it in that it's got
5 that modulation both lower and upper, and it also has a
6 balcony, so in a sense maybe they don't have enough
7 balconies, but they've done three.

8 Here they've got a varying roofline, they've got
9 modulating the mass out, they've made more of a top to the
10 building, they've articulated the base, and they've
11 accentuated a corner.

12 Here they've not only put balconies, but they've
13 also modulated the upper level massing, and they've also
14 introduced a second material at I can't say what the
15 percentage is, but it's a pretty significant percentage of
16 the entire façade. This is a pretty long façade, and so
17 they've broken it up, and it's done by a very, very good
18 architect, but again, it's a number of things: taller
19 ground floor and glass.

20 Anyway, we do have some images and I think we can
21 find a way to bring those forward into a document.

22 CHAIR HANSSEN: Sounds good. Commissioner Janoff.

23 COMMISSIONER JANOFF: Thank you. My question has
24 to do with varied plate heights. I think in some of the
25

1 examples you showed and commented on they were different
2 heights. I'm curious why varied plate heights aren't one of
3 the criteria?

4 TOM FORD: I don't know, it could be. I don't
5 know if that's what I meant when I said that. I think I was
6 trying to say that they didn't just have a 12' ground
7 floor, they had a 20'; it looks more like probably at least
8 18-20' ground floor height. That's what I meant, I'm sorry.

9 And I don't think there's any place in our
10 document where we specify a minimum ground floor height. We
11 might have left that to the Zoning Ordinance, particularly
12 in a Mixed-Use context.

13
14 COMMISSIONER JANOFF: The reason I mentioned it
15 is because several of these examples illustrate different
16 plate heights. Even the Palo Alto example is showing a
17 slightly higher plate height from the first floor and then
18 shorter going up, which is the reverse of one of the
19 examples you provided where you've got the taller plate
20 height, or the illusion of a taller plate height, on the
21 third story of that first illustration you showed.

22 Personally think that the variation of the plate
23 heights is really interesting and it makes for dynamic
24 architecture, so I'd be in favor of including that if that
25 made sense to Staff.

1 TOM FORD: The only thing I would say, if you
2 don't mind my interjecting, Chair, is a developer needs to
3 make the building as inexpensively as possible, and I think
4 if there's a lot of different... You know, you're on the
5 third floor and then suddenly it goes up 5' and then it
6 changes, it could just make the floor plan a little bit
7 more expensive to execute, but we can look into it.

8 COMMISSIONER JANOFF: I would just say if this is
9 one of several options that they have, then you're not
10 forcing them to go that route. As an example, the senior
11 community that my mom lives in, the top floor, the third
12 floor apartments have interior 11' ceilings, and you can
13 see that from the exterior of the building as well; it
14 looks interesting and elegant.

15 CHAIR HANSSEN: Commissioner Raspe.

16 COMMISSIONER RASPE: Thank you, Chair. I had a
17 question going to Section 4.2; again we're in the Building
18 Design and Articulation. The language says, "Buildings
19 shall incorporate the same materials on all facades," and
20 then if you look at, for instance, the language directly
21 above it in 4.1e, one of the articulation and design
22 methods is use of at least two different façade materials,
23 so it seemed to me there's some inconsistency internally in
24 the document. I'm not sure exactly what 4.2 is trying to
25

1 say. Is it trying to say that the building will use the
2 same façade materials all the way around its face on all
3 corners, or on all (inaudible)?

4 TOM FORD: Correct. It could be that we've not
5 written this clearly enough, because really what 4.2 is
6 trying to achieve is what they call 360-degree
7 architecture, so you don't treat your front façade with all
8 the good stuff and then the other three you don't care
9 about. It's probably not written well enough to do this,
10 but I would read that if you had two materials on your
11 front façade, then you need to have those same two
12 materials show up on the other three facades as well;
13 that's the goal here. It's not to conflict with each other,
14 to have 4.1e specifying two materials and then 4.2 just
15 saying one material.

17 COMMISSIONER RASPE: I actually agree with your
18 point that you don't want the stick-on brick, for instance,
19 on the front façade and then plaster on the other three
20 faces, but I'm not sure we want to also limit our builders
21 to say you have to use the exact same materials on all four
22 exterior walls. There may be some design reasons why you
23 want one side looking slightly different than the other
24 sides. That's just my thought; maybe we should give a
25 little bit more thought to 4.2.

1 TOM FORD: Okay.

2 CHAIR HANSSEN: I will say that we have the idea
3 of 360-degree architecture in the Community Design Element
4 of the General Plan Draft that's being reviewed, so I think
5 that there's merit to that, but maybe there's a better way
6 to say this so that it isn't in conflict with other things.
7 Commissioner Janoff.

8 COMMISSIONER JANOFF: I was just going to echo
9 the same thought. In many of the projects that come before
10 us one of the issues is they haven't carried that design
11 element 360 degrees on all surfaces of the house, and so
12 that is part of our standard. This hung me up a little bit
13 too, and then I realized that's not what they mean, they
14 mean whatever you do on face 1 you do on faces 2, 3, and 4,
15 or however many, so I didn't have a problem with it, but it
16 probably could be clarified. Maybe it makes sense to have
17 some duplication of the materials, but not all of the
18 materials, I don't know. I think it's an interesting
19 question and I put that back to Staff.
20

21 CHAIR HANSSEN: I had the same thought, that
22 maybe that if you had to use the same material on all four
23 sides it didn't have to be 100% in the same way on all four
24 sides or something like that, but I'm sure Staff and our
25

1 consultants can figure this out since we're going to see
2 this again. Any other questions on this section?

3 We have a community comment on the point system.
4 This is the first time we've seen the point system.
5 Everything else was choosing from a menu. This one is
6 choose from a menu, but certain things have more points
7 than others. And I assume that this kind of thing has been
8 used other places successfully?

9 TOM FORD: Yes. It's also sort of the way some of
10 the LEED standards work. The goal for us was to leave as
11 much flexibility as possible to an architect, so instead of
12 coming in here saying your façade has to have an arcade,
13 your façade has to have a belly band, or bay windows, we
14 tried to establish there are two parts of building the
15 standard.
16

17 One is what is the right minimum point threshold
18 that they need to meet? And so we chose 12 points, and then
19 you generally sort of weight the improvements, or the
20 articulation pieces, as to how difficult they are to
21 achieve or how much affect they have. So what we tried to
22 do is certainly weight it in such a way that you couldn't
23 just do one and get to 12 points, you had to do at least
24 two, and if you only did two, they were probably at the
25

1 top, because those are the most points, so that's kind of
2 how we went about constructing this.

3 CHAIR HANSSEN: I actually like this, assuming
4 that it would be reasonable to architects, which has been
5 brought up before, but I like the idea of this and it looks
6 like it gives you a lot of options about how to go about
7 creating variations in the facades, which is something we
8 would all worry about, especially with bigger and Multi-
9 Family and Mixed-Use developments.

10
11 TOM FORD: Right. If you think back to that first
12 photo I showed of the Mark Steele building in San Diego, he
13 probably has about 40 points, because he had balconies, he
14 had a change of color, he had a change of upper level
15 floor, he probably had a belly band, and he had awnings and
16 canopies. He had a lot of different things going on. He
17 would have had no problem with 4.3 on that building.

18 CHAIR HANSSEN: Any Commissioners have any
19 concerns about 4.3? Then on this page there's also 4.4 and
20 4.5. I don't see anyone with their hands raised, so we can
21 go ahead. We're getting close to the end.

22 Can you stop at 4.6? I thought this one was kind
23 of confusing. It was the columns part that messed me up. In
24 the picture it has the example of the materials changing at
25 the inside corner, but how would you do that with a column?

1 TOM FORD: That's just saying, for instance, if
2 you want to call these columns that you could change your
3 material here, but not like here, but you could use the
4 column to make a change, because the column would be a
5 significant enough piece on the façade that it's a logical
6 place to break.

7 CHAIR HANSSEN: And it's talking about a corner.
8 Yes, I was confused where the column would be.

9 TOM FORD: Inside corners or at architectural
10 features that break up the façade plane.

11 CHAIR HANSSEN: Okay, so it's either/or.

12 TOM FORD: But maybe we've overwritten this and
13 made it more confusing than it needs to be.

14 CHAIR HANSSEN: It might have just been me.
15 Commissioner Janoff.

16 COMMISSIONER JANOFF: An illustration would help.

17 CHAIR HANSSEN: Yes, an illustration of the "or"
18 of the columns, because I totally got the inside corner
19 material change, but I was trying to visualize the column
20 and it just wasn't happening for me. Vice Chair Barnett.

21 VICE CHAIR BARNETT: Going back to 4.3 if I
22 might, it addresses only the street-facing façade planes,
23 and it occurred to me that if you had two large buildings
24 adjacent that you would be looking at sort of a bare façade
25

1 except for the fenestration, and I wonder if consideration
2 should be given to the other sides of the building?

3 CHAIR HANSSEN: Does Staff want to comment on
4 that? Would we be covered by 4.2 as rewritten?

5 TOM FORD: That was our thinking, because we did
6 discuss this quite a bit in the context of the 360 concept,
7 and what we didn't want to do was start requiring all of
8 this sort of architectural embellishment on every façade,
9 so this was just supposed to be street-facing façade with
10 this point system one, but we were hoping that 4.2 would
11 carry enough of the idea around to the other sides of the
12 buildings, but you certainly wouldn't have a chimney on all
13 four sides of your building, you wouldn't necessarily want
14 bay windows on all four sides, so it could be that we need
15 to do more thinking about 4.2 rather than trying to
16 establish 4.3 as something that happens on multiple
17 facades.
18

19 VICE CHAIR BARNETT: That would be appreciated.
20 Thank you.

21 CHAIR HANSSEN: I think that would be fine to
22 think about 4.2, because that already came up. Any other
23 comments going through 4.6? Then we've got 4.7. I didn't
24 have any issues with this one.
25

1 TOM FORD: 4.7 has two parts. It also has a
2 minimum amount of glazing, and I think I looked really
3 quickly at that long Palo Alto document last night. I think
4 they were using a 60% minimum as well for glass.

5 CHAIR HANSSEN: I thought this was all fine. Do
6 any Commissioners have any concerns about what is written
7 so far? We're on the second to last page. And then there's
8 4.12, 4.13, and 4.14. Vice Chair Barnett.

9 VICE CHAIR BARNETT: Going back to page 19, I
10 just noted that the Palo Alto Objective Standards spent
11 quite a bit of time talking about entry dimensions, and I
12 wonder if that would be worth considering?

13 TOM FORD: Sure. This dimension right here, how
14 deep and how wide? I think I saw that.

15 SEAN MULLIN: It's tied to, I think, the number
16 of units and the use, like the intensity of the use
17 essentially. The more units the wider the entry.

18 TOM FORD: The only problem with that, just to
19 play devil's advocate, I don't have a problem looking at
20 it, but the door is either going to be 3' or 6'. It's not
21 like you have a 3' door, but then if you have 12 units more
22 you're going to have a 4.5' wide door, unless we're talking
23 about the vestibule.
24
25

1 SEAN MULLIN: I think it's talking about the
2 vestibule, so the door and the side lights and things like
3 that. It's more about the defined entry and the importance
4 of a more defined entry on a building that serves more
5 folks.

6 TOM FORD: Okay, I see.

7 CHAIR HANSSEN: It sounds like there might be
8 some stuff from the Palo Alto standards that you've already
9 looked at that could be helpful to make it more robust.
10

11 TOM FORD: Right. We actually were tracking their
12 progress, and so we actually used some of their earlier
13 draft of their Objective Standards as some of the case
14 study materials, so what you saw of those massing
15 articulation standards that we had, we were keying into
16 some of the things they were doing.

17 CHAIR HANSSEN: Vice Chair, did you have more on
18 the earlier pages? I didn't want to go through it quicker
19 than you guys were ready for.

20 VICE CHAIR BARNETT: I'm good now, thanks.

21 CHAIR HANSSEN: Anything on 4.12, 4.13, or 4.14?
22 I'm not seeing any hands raised.

23 I think this has been a very good discussion.
24 Staff, do we need to make a motion for a continuance?
25

1 JENNIFER ARMER: Yes, and we would recommend a
2 date certain of July 27th. If we need more time we could
3 continue it again at that point.

4 CHAIR HANSSEN: All right, that sounds like a
5 good plan. Would one of the Commissioners make a motion to
6 continue this to a date certain of July 27th? Commissioner
7 Raspe.

8 COMMISSIONER RASPE: Thanks, Chair. I move that
9 we continue the discussion regarding the Town of Los Gatos
10 Draft Objective Standards to our meeting of July 27th.
11

12 CHAIR HANSSEN: That sounds good, and is there a
13 second? Vice Chair Barnett.

14 VICE CHAIR BARNETT: Second the motion.

15 CHAIR HANSSEN: Okay. Then we'll just go ahead
16 and call the question, since we've already had lots of
17 comments. Commissioner Raspe.

18 COMMISSIONER RASPE: Yes.

19 CHAIR HANSSEN: Commissioner Clark.

20 COMMISSIONER CLARK: Yes.

21 CHAIR HANSSEN: Commissioner Janoff.

22 COMMISSIONER JANOFF: Yes.

23 CHAIR HANSSEN: Vice Chair Barnett.

24 VICE CHAIR BARNETT: Yes.

25 CHAIR HANSSEN: And I vote yes as well.

1 I'd like to thank Staff and all the Commissioners
2 for their excellent comments. I will look forward to the
3 next meeting when we get to follow up on some of these
4 items that we've discussed and come up with an even better
5 result. Vice Chair Barnett.

6 VICE CHAIR BARNETT: I was wondering if we could
7 be presented with a redline for the changes before the
8 meeting? That would be appreciated.

9 CHAIR HANSSEN: Is that feasible, Staff?

10 SEAN MULLIN: I believe so, yes. We'll take a
11 look at the changes that we end up making and try to
12 provide a redline and a clean copy.

13 CHAIR HANSSEN: All right, very good.

14 (END)
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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/24/2022

ITEM NO: 3

DATE: August 19, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Review and Recommendation of the Draft Objective Standards to the Town Council.

RECOMMENDATION:

Review and recommendation of the Draft Objective Standards to the Town Council.

BACKGROUND:

On June 22, 2022, the Planning Commission received and considered public comments on the Draft Objective Standards, completed the review of the document, and provided input to staff on recommended modifications. The item was continued to a future meeting to allow staff time to prepare responses to the input received and to prepare a revised Draft Objective Standards document (Exhibit 9).

DISCUSSION:

The revised Draft Objective Standards document (Exhibit 9) continues to be organized into two sections: Site Standards (Section A); and Building Design (Section B). The Site Standards section includes objective standards for: site layout and building placement; vehicular access and parking; and outdoor spaces and amenities. The Building Design section includes objective standards for: building form and massing; façade articulation; materials; and roof design. Many of the objective standards in the revised document have been updated and several new standards have been added. Diagrams throughout the document have also been updated. The revised draft includes a new Key Terms section providing definitions for many terms used in the document.

A redline version of the revised Draft Objective Standards showing the changes made throughout the document is included as Exhibit 10. Staff has also prepared a summary of the revisions made and responses to comments received from the Planning Commission on

PREPARED BY: SEAN MULLIN, AICP and RYAN SAFTY
Senior Planner Associate Planner

Reviewed by: Planning Manager and Community Development Director

DISCUSSION (continued):

June 22, 2022 (Exhibit 11). Lastly, staff conducted an evaluation of three existing developments in the Town using several of the revised Draft Objective Standards for the purpose of illustrating how these objective standards would not prevent projects from being designed to the quality level required by the current subjective process (Exhibit 12).

As the Planning Commission reviews the revised Draft Objective Standards and other supporting materials, staff requests direction on several specific items summarized below and highlighted in Exhibit 11:

New A.11.1
(Line 41): The Community Design Element of the 2040 General Plan encourages consistent setbacks Town-wide and reduced setbacks in Community Growth Districts (CGD). For this reason, Standard A.11.1 was written to be specific to CGDs. Given the policies in the Community Design Element and the comments made by the Planning Commission during discussion of this item, staff requests direction on whether this standard should apply Town-wide or only within CGDs.

New B.4.11
(Line 68): The standard relating to reducing privacy intrusions created by balconies was revised to provide more opportunity for developments to achieve the private recreation space requirements while protecting existing residential uses at all scales. Even with this change, staff is concerned with the requirement for private recreation space while simultaneously restricting its location to protect privacy. Staff looks to the Planning Commission for discussion of this potential conflict and welcomes direction on the matter.

PUBLIC COMMENTS:

Throughout the process and prior to the Planning Commission meeting of August 24, 2022, staff contacted several professional organizations, design professionals, developers, and residents to inform them about the meeting and encourage participation and written comments on the Draft Objective Standards. In addition to the direct contact summarized above, staff requested public input through the following media and social media resources:

- On the Town's website home page, What's New;
- On the Town's webpage dedicated to objective standards; and
- On the Town's social media accounts.

At this time, no public comments have been received.

CONCLUSION:

A. Summary

The Town of Los Gatos has prepared Draft Objective Standards for the review of multi-family and mixed-use development applications as required by State legislation. The Draft Objective Standards were developed following research by staff and the Town's consultant, five meetings with the Planning Commission subcommittee, and two community engagement meetings. Following input received from the Planning Commission on June 22, 2022, staff prepared revised Draft Objective Standards and other supporting materials for consideration by the Planning Commission.

B. Recommendation

The revised Draft Objective Standards have been forwarded to the Planning Commission for review. Staff recommends that the Planning Commission:

- Receive and consider public comments;
- Complete the review of the revised Draft Objective Standards; and
- Forward a recommendation to the Town Council to approve the revised Draft Objective Standards.

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation of approval to the Town Council with additional and/or modified objective standards; or
2. Continue the matter to a date certain with specific direction to staff.

NEXT STEPS:

Following review and recommendation by the Planning Commission, the Town Council will consider the revised Draft Objective Standards, the Planning Commission recommendation, and any additional public comments. Once the Town Council adopts objective standards, staff will develop streamlined review procedures for applications proposing qualifying housing projects.

EXHIBITS:

Previously received with the June 22, 2022, Staff Report:

1. Town Council Resolution 2019-053
2. Summary of feedback received during community engagement meetings
3. Draft Objective Standards
4. Public Comments received prior to 11:00 a.m., Friday, June 17, 2022

Previously received with the June 22, 2022, Addendum Report:

5. Staff response to Commissioner's questions
6. Issues considered by the Objective Standards Subcommittee
7. Commissioner email regarding City of Palo Alto Objective Standards

Received with the June 22, 2022, Desk Item Report:

8. Suggested additions and modifications provided by a Planning Commissioner

Received with this Staff Report:

9. Revised Draft Objective Standards
10. Revised Draft Objective Standards with Redlines
11. Summary of Revisions Made and Responses to Comments Received at the Planning Commission Hearing of June 22, 2022
12. Evaluation of Existing Developments

TOWN OF LOS GATOS
DRAFT OBJECTIVE STANDARDS
August 24, 2022

PURPOSE AND APPLICABILITY

The purpose of the Objective Design Standards is to ensure that new qualifying projects in Los Gatos provide high-quality architecture, integrate with surrounding development, and include well-designed amenities and outdoor areas to enhance community character. These standards are intended to guide property owners, applicants, developers, and design professionals by providing clear design direction that enhances the Town's unique character and ensures a high-quality living environment.

A qualifying project is a Housing Development Project as defined in Gov. Code 65589.5 in zones where the use is principally permitted. Housing Development Projects shall comply with the Objective Design Standards, and include multi-family housing, residential mixed-use projects with at least two-thirds of the square footage designated for residential use, or supportive and transitional housing.

Qualifying projects must also comply with all existing development requirements in the Town, including but not limited to:

- General Plan
- Town Code
- Guidelines and Standards for Land Use Near Streams
- Bicycle and Pedestrian Master Plan
- Parks and Public Works Standards
- Santa Clara County Fire Department Requirements

ORGANIZATION

The following Objective Design Standards are organized into two primary sections: Site Standards; and Building Design. The Site Standards section includes objective standards for site layout and building placement, vehicular access and parking, and outdoor areas and amenities. The Building Design section includes objective standards for building form and massing, façade articulation, materials, and roof design.

KEY TERMS

Community recreation space in mixed-use developments means public gathering spaces, such as: plazas, outdoor dining areas, squares, pocket parks, or other community areas for the use of the public. *Community recreation space* in multi-family developments means gathering spaces, such as: play areas, pool areas, patios, rooftop decks, or other community areas for the use of residents.

Façade articulation means the division of a building façade into distinct sections; including the materials, patterns, textures, and colors that add visual interest to a building or façade.

Fenestration means the design, construction, and presence of any openings in a building, such as: windows, doors, vents, wall panels, skylights, curtain walls, and louvers.

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Landscaping means an area devoted to plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials; excluding driveways, parking, loading, or storage areas.

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Private recreation space above the ground level means an outdoor balcony, rooftop deck, or similar.

Transitional and supportive housing means a type of housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living.

A. SITE STANDARDS

A.1. Pedestrian Access

- 1.1 All on-site buildings, entries, facilities, amenities, and parking areas shall be internally connected with pedestrian pathways and may include use of the public sidewalk. Pedestrian pathways shall connect to the public sidewalk along each street.
- 1.2 Pedestrian pathways within internal parking areas shall be separated from vehicular circulation by a physical barrier, such as a grade separation or a raised planting strip, of at least six inches in height and at least six feet in width.

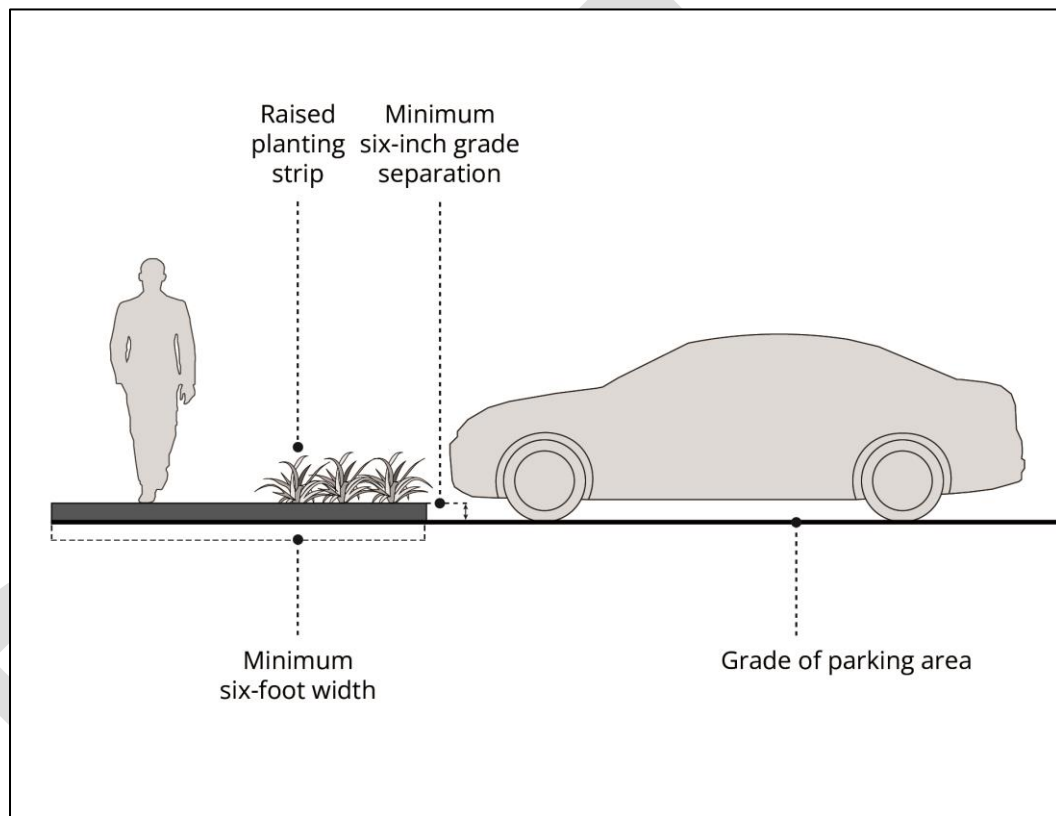


Figure A.1.2

A.2. Bicycle Access

- 2.1 Bicycle parking shall be located within 50 feet of at least one primary building entrance.
- 2.2 Multi-family residential buildings shall provide one bicycle parking space per dwelling unit.
- 2.3 Mixed-use projects shall provide one bicycle parking space per dwelling unit and one bicycle parking space per 2,000 square feet of commercial space.
- 2.4 A minimum five-foot-wide walkway shall be provided connecting the bicycle parking area(s) and the street-facing sidewalk.

A.3. Vehicular Access

- 3.1 Off-street parking shall have internal vehicular circulation that precludes the use of a street for aisle-to-aisle circulation.

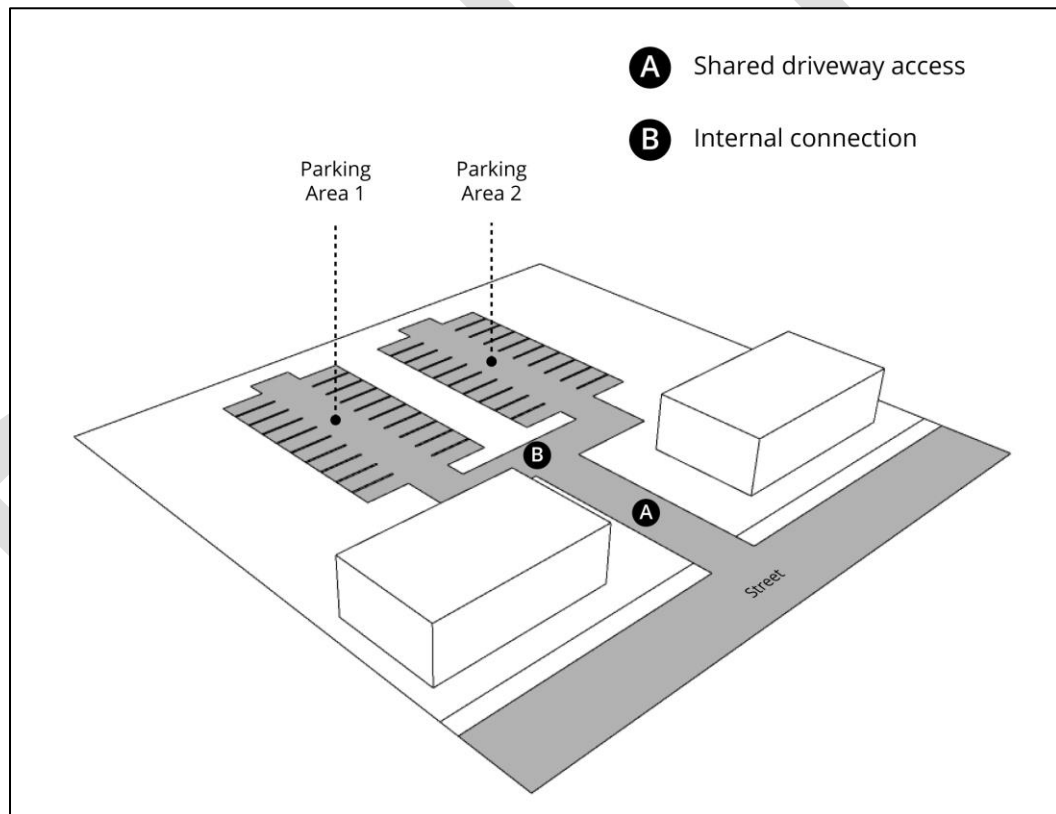


Figure A.3.1

A.4. Parking Location and Design

- 4.1 Driveways and surface parking lots shall not be located between the primary building frontage and the street.
- 4.2 Multiple parking areas located on a common property shall be internally connected and shall use shared driveways to access the street.
- 4.3 Uncovered parking rows with at least 15 consecutive parking spaces shall include a landscape area of six feet minimum width at intervals of no more than 10 consecutive parking stalls. One tree shall be provided in each landscape area.

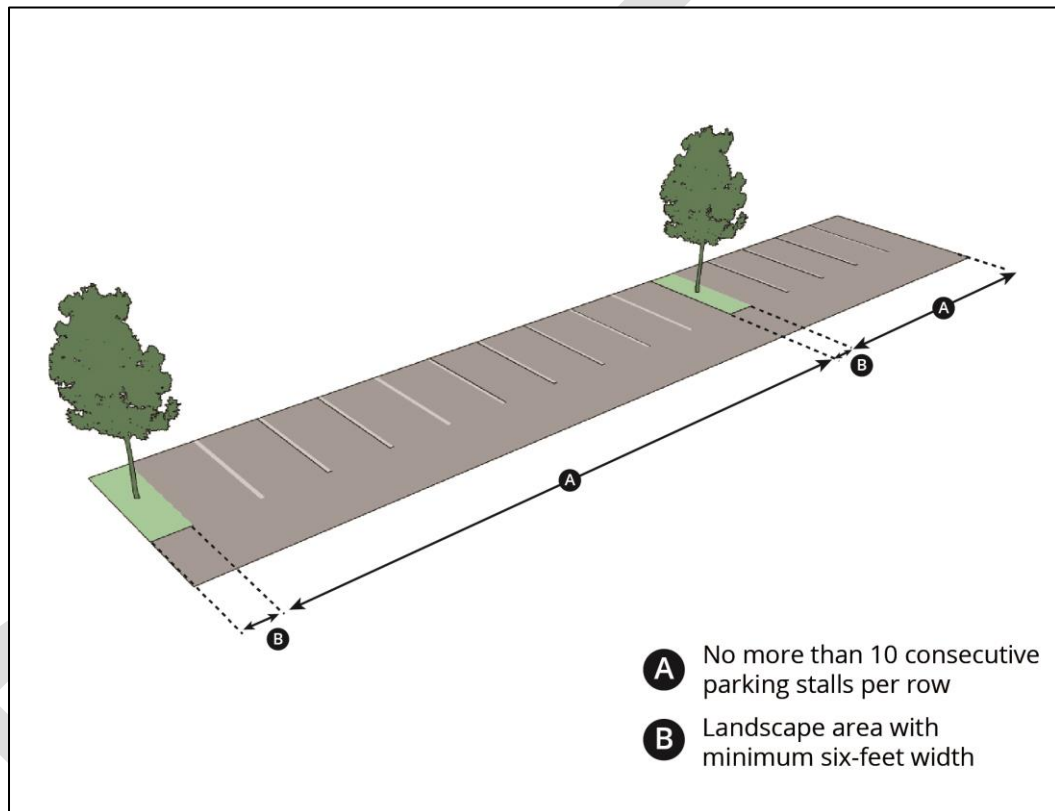


Figure A.4.3

- 4.4 Carports shall not be located between a primary building and a street.

A.5. Parking Structure Access

- 5.1 Any automobile entry gate to a parking structure shall be located to allow a minimum of 25 feet between the gate and the back of the sidewalk to minimize conflicts between sidewalks and vehicle queuing.
- 5.2 A parking structure shall not occupy more than 50 percent of the building width of any street-facing façade and shall be recessed a minimum five feet from street-facing façades of the building.

A.6. Utilities

- 6.1 Pedestrian-oriented lighting shall be provided along all pedestrian paths in community recreation spaces. Exterior lighting fixtures shall be a minimum of three feet and a maximum of 12 feet in height. Light fixtures shall be placed along the pedestrian path at a spacing of no more than 30 linear feet.
- 6.2 Exterior lighting shall be fully shielded and restrain light to a minimum 30 degrees below the horizontal plane of the light source. Lighting shall be arranged so that the light will not shine directly on lands of adjacent residential zoned properties. Uplighting is prohibited.

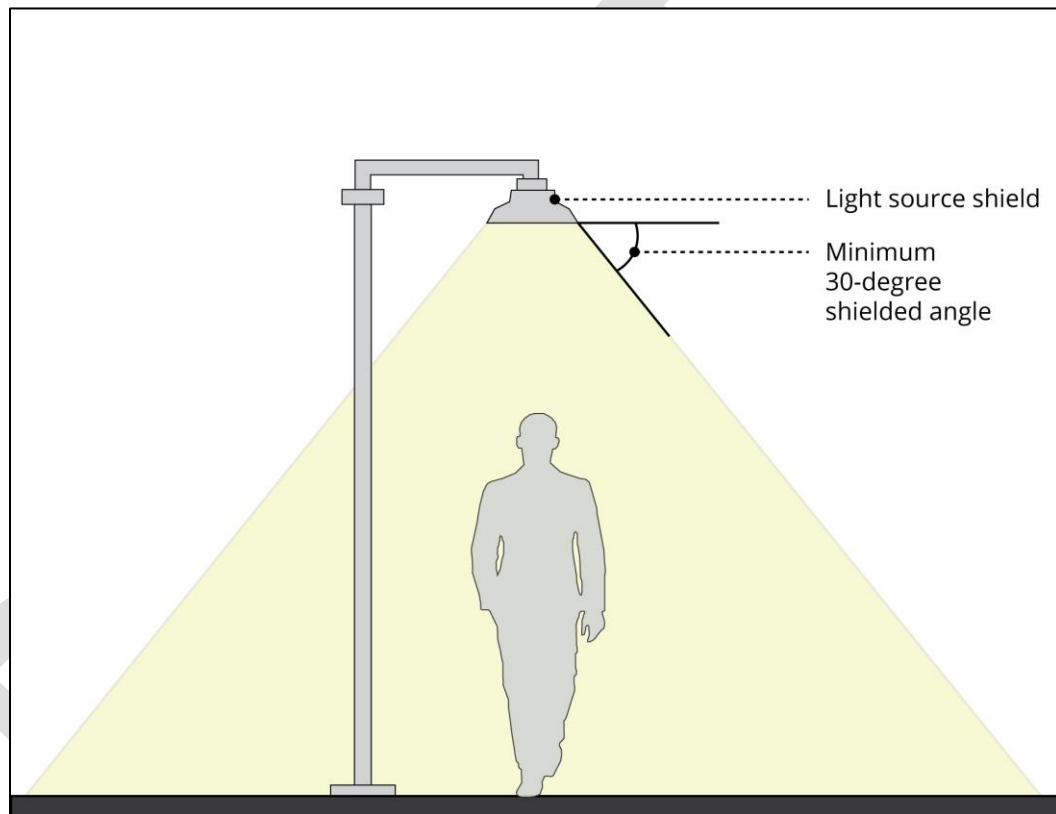


Figure A.6.2

- 6.3 Rooftop and ground-mounted utility cabinets, mechanical equipment, trash, and service areas shall be screened from view from the street with landscape planting, fencing, or a wall. The screening shall be at least the same height as the item being screened and shall be constructed with one or more of the materials used on the primary building. Solar equipment is exempt from this requirement.

A.7. Landscaping and Screening

- 7.1 At least 50 percent of the front setback area shall be landscaped.
- 7.2 A minimum 10-foot-wide landscape buffer shall be provided along the full length of the shared property line between multi-family or mixed-use development and abutting residential properties. The buffer shall include the following:
- A solid masonry wall with a six-foot height, except within a street-facing setback where walls are not permitted; and

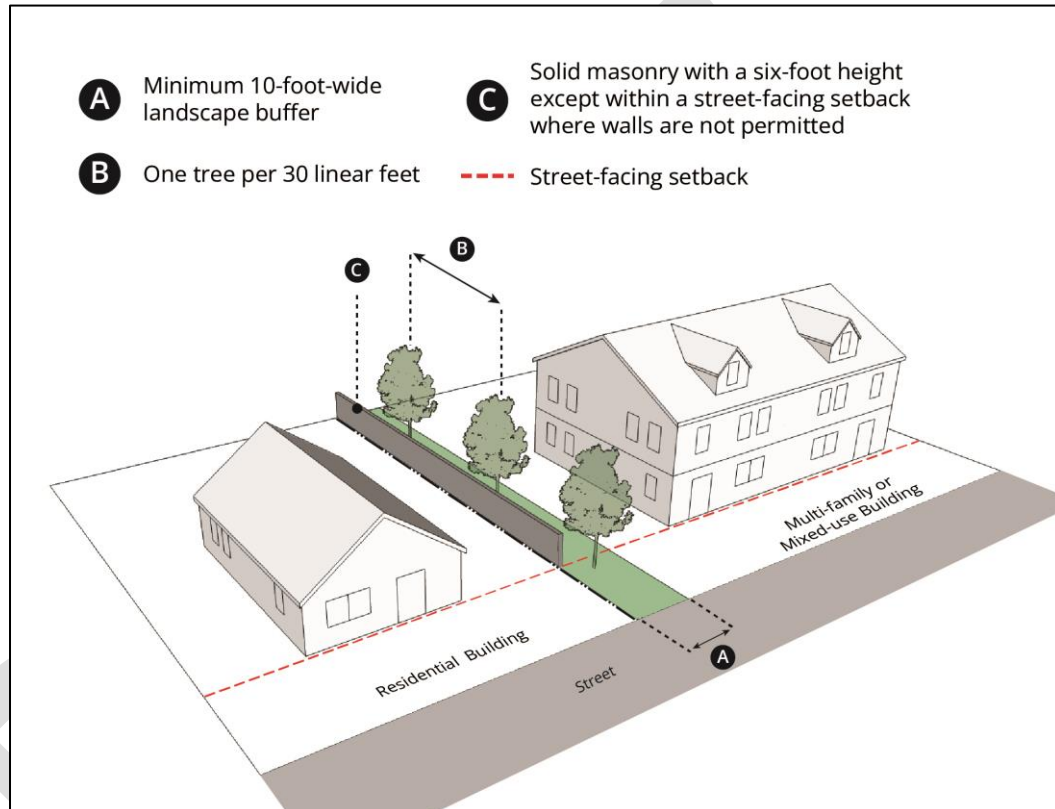


Figure A.7.2a

- Trees planted at a rate of at least one tree per 30 linear feet along the shared property line. Tree species shall be selected from the Town of Los Gatos Master Street Tree List and shall be a minimum 15-gallon size.
- 7.3 Surface parking lots shall be screened from view of the street with landscaping or a wall with a minimum three-foot height to screen the parking lot. When located in a street-facing setback, screening may not exceed a height of three feet.

A.8. Fencing

- 8.1 Fences, walls, hedges, and gates within required setbacks along all street frontages shall have a maximum height of three feet.
- 8.2 Chain link fencing is prohibited.
- 8.3 Vehicular entry gates and pedestrian entry gates shall have a maximum height of six feet.
- 8.4 Solid vehicular and pedestrian entry gates are prohibited. Entry gates shall be a minimum 50 percent open view.

A.9. Retaining Walls

- 9.1 Retaining walls shall not exceed five feet in height. Where an additional retained portion is necessary, multiple-terraced walls shall be used. Terraced walls shall set back at least three feet from the lower segment.
- 9.2 Retaining walls shall not run in a straight continuous direction for more than 50 feet without including the following:
 - a. A break, offset, or landscape pocket in the wall plane of at least three feet in length and two feet in depth; and
 - b. Landscaping at a minimum height of three feet at the time of installation along a minimum of 60 percent of the total length of the retaining wall.

A.10. Landscaped, Private, and Community Recreation Spaces

10.1 The following landscaped, private, and community recreation spaces are required for all qualifying projects and are calculated independent of each other:

- a. Landscaped space: A minimum of 20 percent of the site area shall be landscaped.
- b. Private recreation space: The minimum horizontal dimensions are 10 feet by six feet. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit.
 - i. Each ground floor dwelling unit shall have a minimum of 200 square feet of usable private recreation space.
 - ii. Each dwelling unit above the ground floor shall have 120 square feet of usable private recreation space.
- c. Community recreation space: The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.
 - i. Community recreation space shall be provided in mixed-use developments at a minimum of 200 square feet per residential unit plus a minimum of two percent of the commercial square footage.
 - ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 200 square feet per residential unit.

A.11. Building Placement

- 11.1 To create a continuous streetscape appearance, development in a Community Place Growth shall place at least 75 percent of the ground floor of a building within five feet of the front and street-side setback (where applicable) requirement of the Town Code.

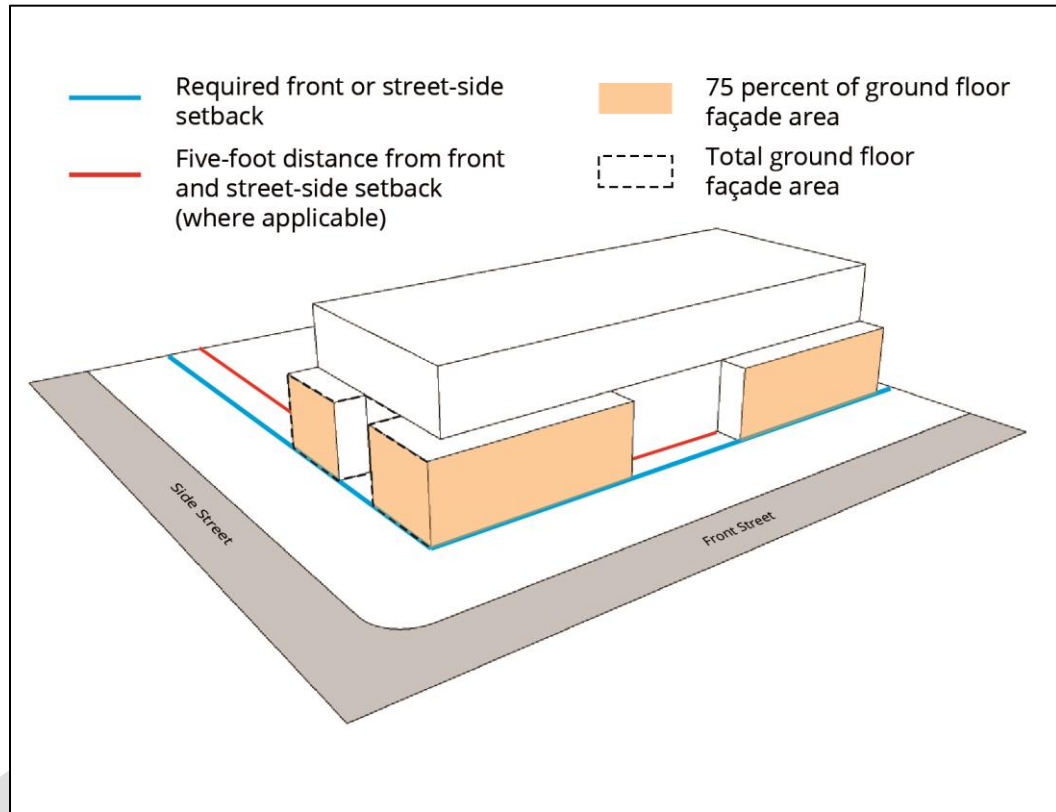


Figure A.11.1

- 11.2 A mixed-use residential project with a ground-floor commercial use shall provide site amenities on a minimum of 15 percent and maximum of 30 percent of the ground plane between the building and the front or street-side property line. The site amenities shall be comprised of any of the following elements:
- Landscape materials or raised planters;
 - Walls designed to accommodate pedestrian seating, no higher than 36 inches;
 - Site furnishings, including fountains, sculptures, and other public art; or
 - Tables and chairs associated with the ground floor use.

B. BUILDING DESIGNS

B.1. Massing and Scale

- 1.1 Multiple-story building façades that face a street shall incorporate breaks in the building mass by implementing a minimum of three of the following solutions along the façades facing the street:
- A minimum of 40 percent of the upper floor façade length shall step back from the plane of the ground-floor façade by at least five feet;

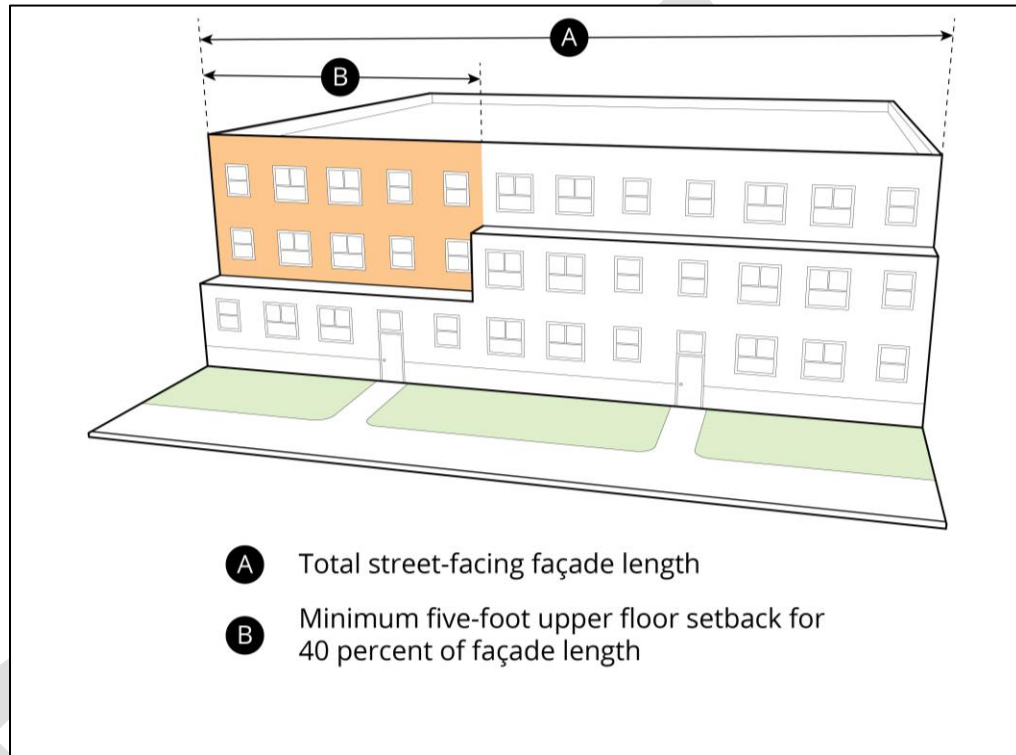


Figure B.1.1a

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;

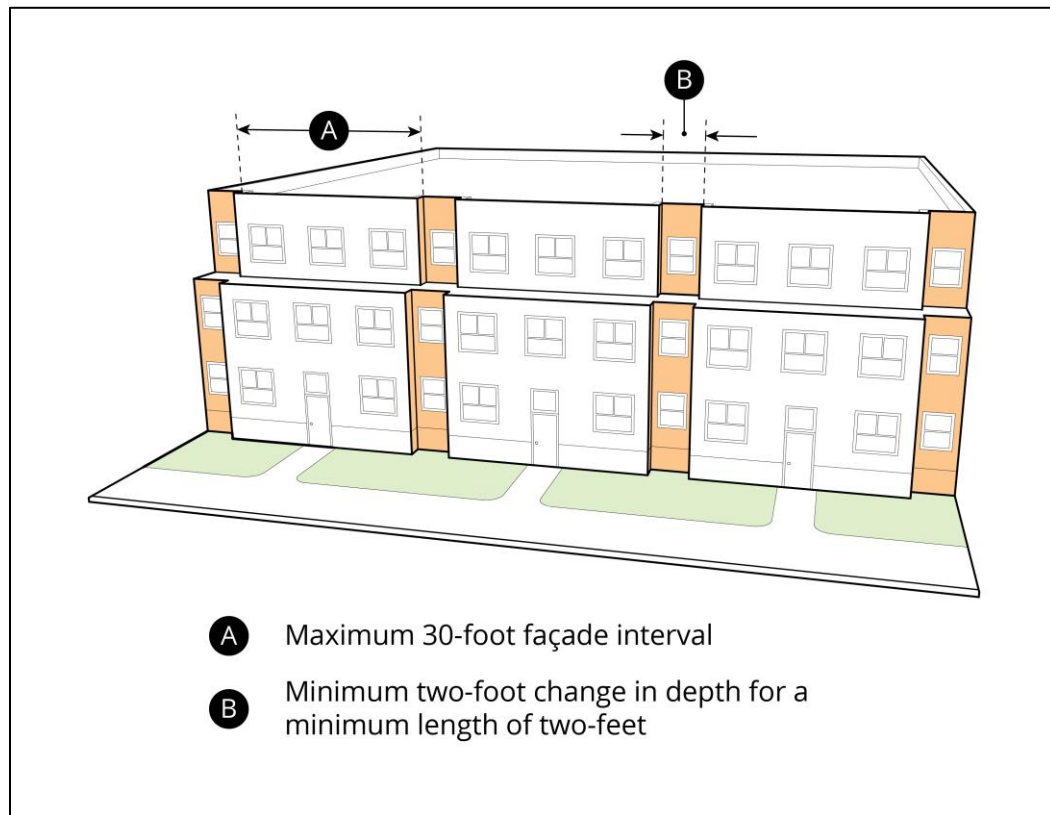


Figure B.1.1b

- c. Recessed building entry for the full height of the facade with a minimum ground plane area of 24 square feet;



Figure B.1.1c

- d. An exterior arcade that provides a sheltered walkway within the building footprint with a minimum depth of eight feet, extending the full length of the façade;

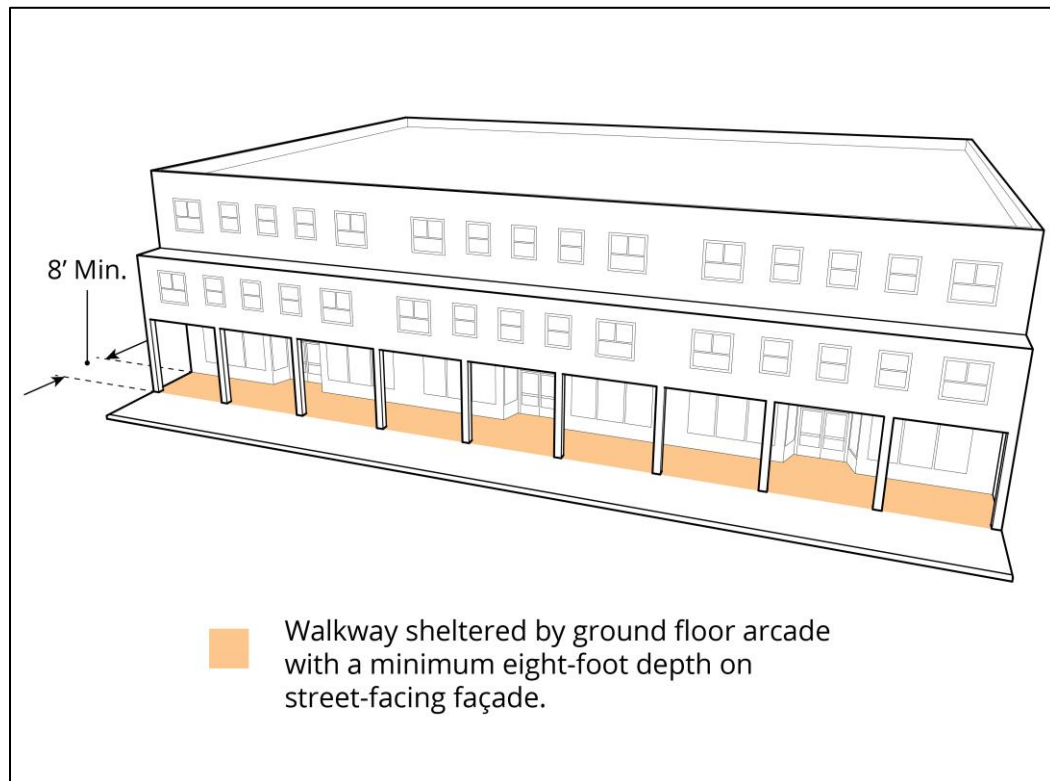


Figure B.1.1d

- e. Ground floor courtyards within the building footprint with a minimum area of 60 square feet; or



Figure B.1.1e

- f. Vertical elements, such as pilasters or columns, that protrude a minimum of one foot from the façade and extend the full height of the building base or ground floor, whichever is greater.

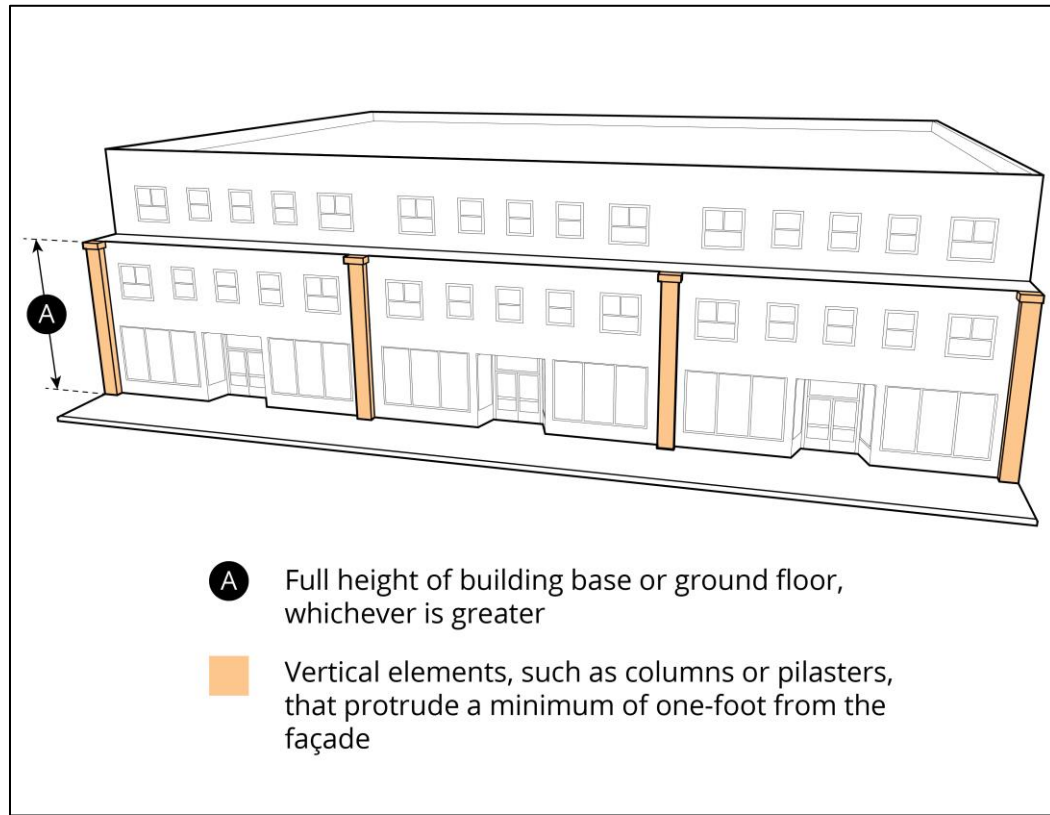


Figure B.1.1f

- 1.2 Upper floors above two stories shall be set back by a minimum of five feet from the ground-floor façade.
- 1.3 Townhomes or rowhouses shall have no more than six contiguous units in any single building.

B.2. Parking Structure Design

- 2.1 The ground-floor façade of a parking structure facing a street or pedestrian walkway shall be fenestrated on a minimum of 40 percent of the façade.
- 2.2 Façade openings on upper levels of a parking structure shall be screened up to 30 percent of the opening to prevent full transparency into the structure.
- 2.3 Parking structures facing a street and greater than 40 feet in length shall include landscaping between the building façade and the street, or façade articulation of at least 25 percent of the façade length. The façade articulation shall be implemented by one of the following solutions:
 - a. An offset of the façade plane with a depth of at least 18 inches for a minimum of eight feet in horizontal length; or
 - b. A different building material covering the entire façade articulation.

B.3. Roof Design

- 3.1 At intervals of no more than 40 feet along the building façade, horizontal eaves shall be broken using at least one of the following strategies:
- Gables;
 - Building projection with a depth of a minimum of two feet;
 - Change in façade or roof height of a minimum of two feet;
 - Change in roof pitch or form; or
 - Inclusion of dormers, parapets, and/or varying cornices.



Figure B.3.1

- 3.2 Skylights shall have a flat profile rather than domed.
- 3.3 The total width of a single dormer or multiple dormers shall not exceed 50 percent of the length of the roof.



Figure B.3.3

- 3.4 Carport roof materials shall be the same as the primary building.

B.4. Façade Design and Articulation

- 4.1 Buildings greater than two stories shall be designed to differentiate the base, middle, and top of the building on any street-facing façade. Each of these elements shall be distinguished from one another using at least two of the following solutions:
- Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;

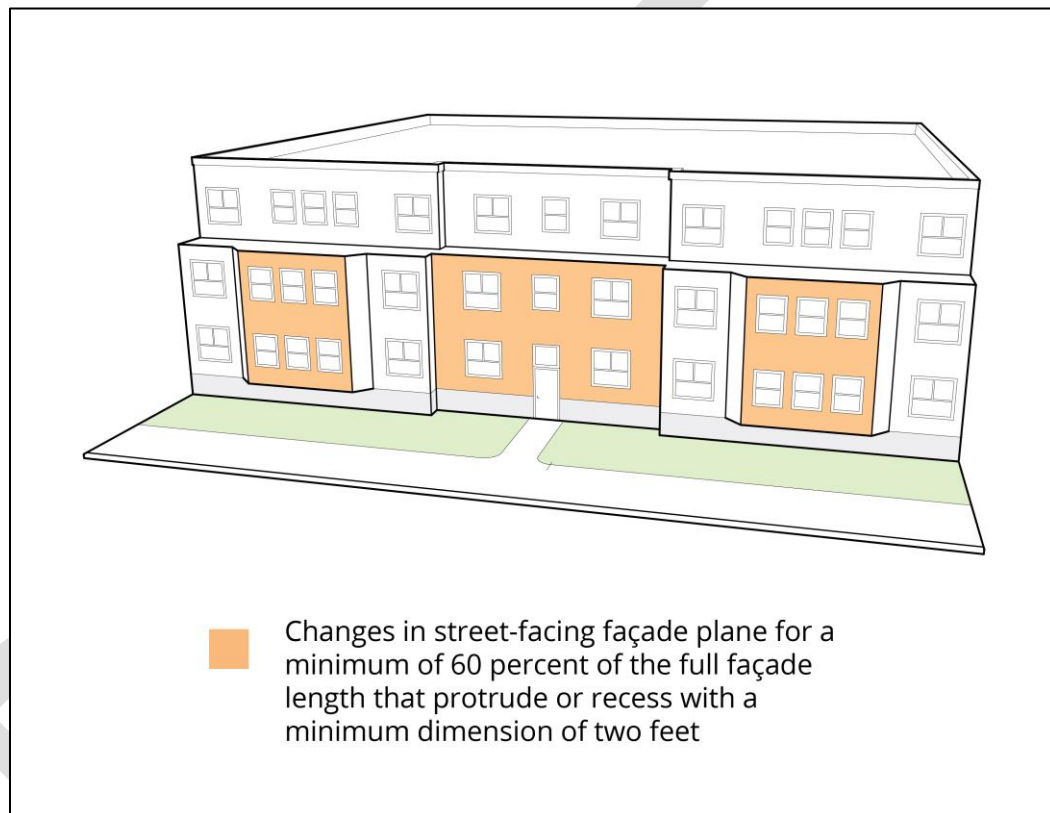


Figure B.4.1a

- b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;

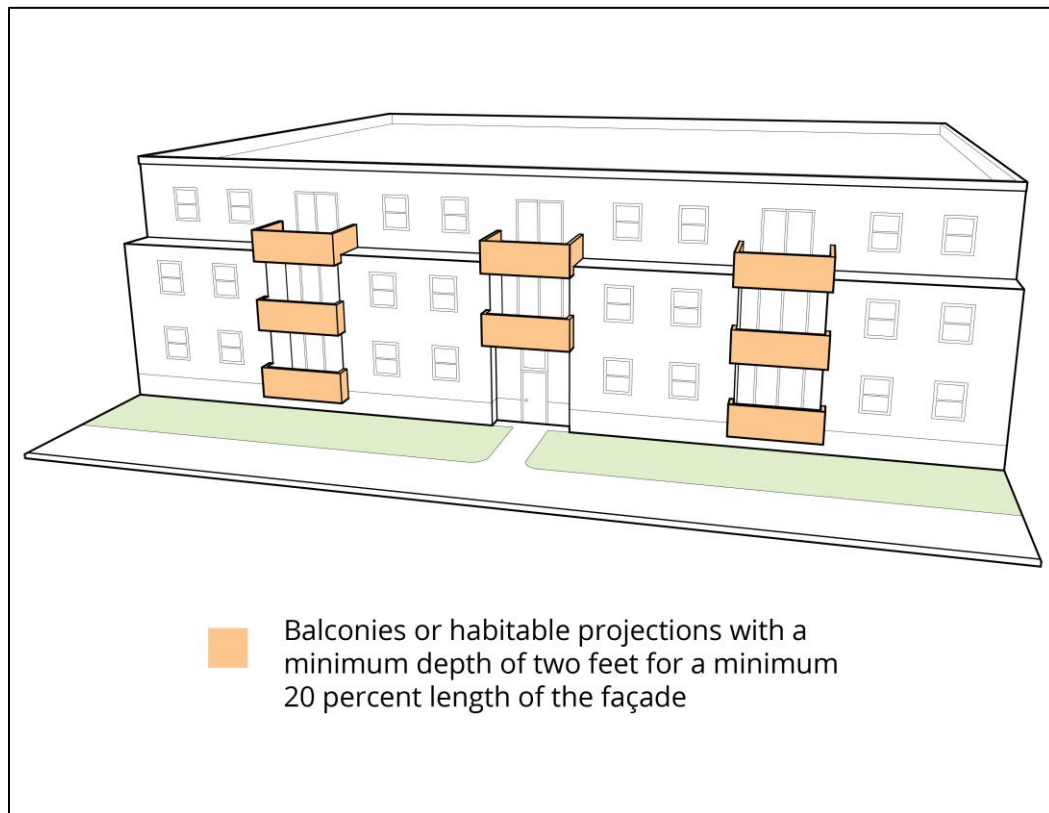


Figure B.4.1b

- c. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing-façade;

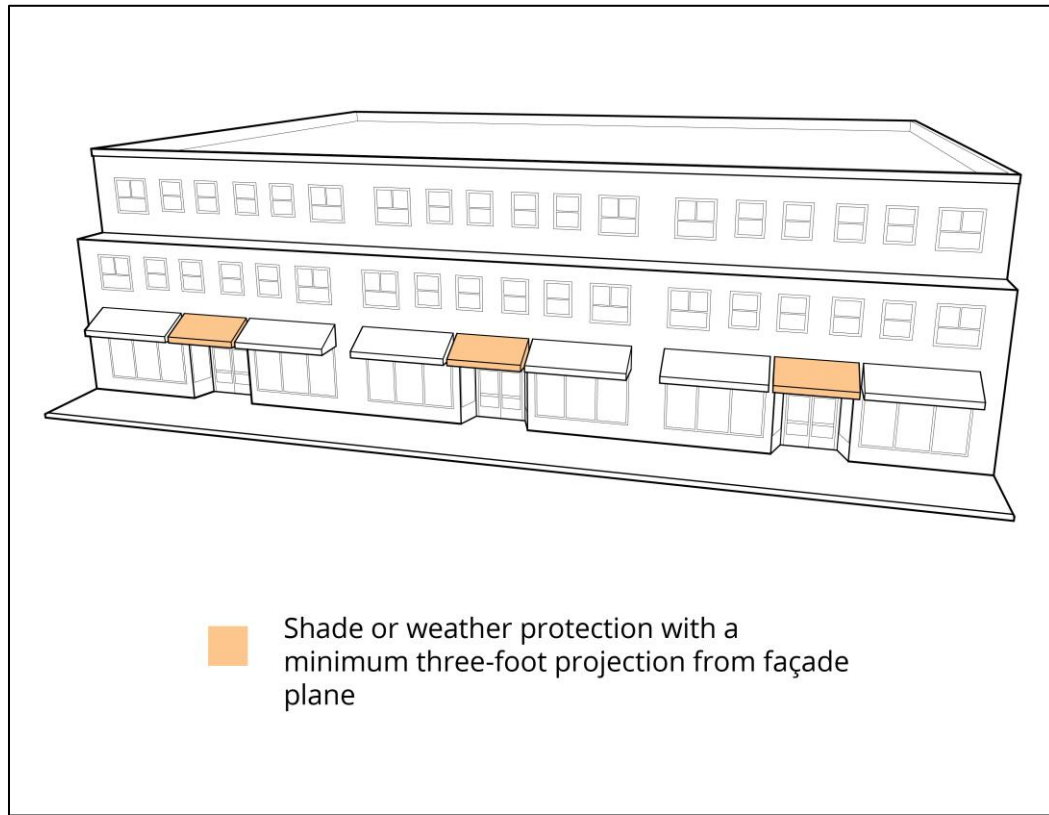


Figure B.4.1c

- d. Use of a belly band or horizontal architectural element with a minimum height of 10 inches between the first and second floor;

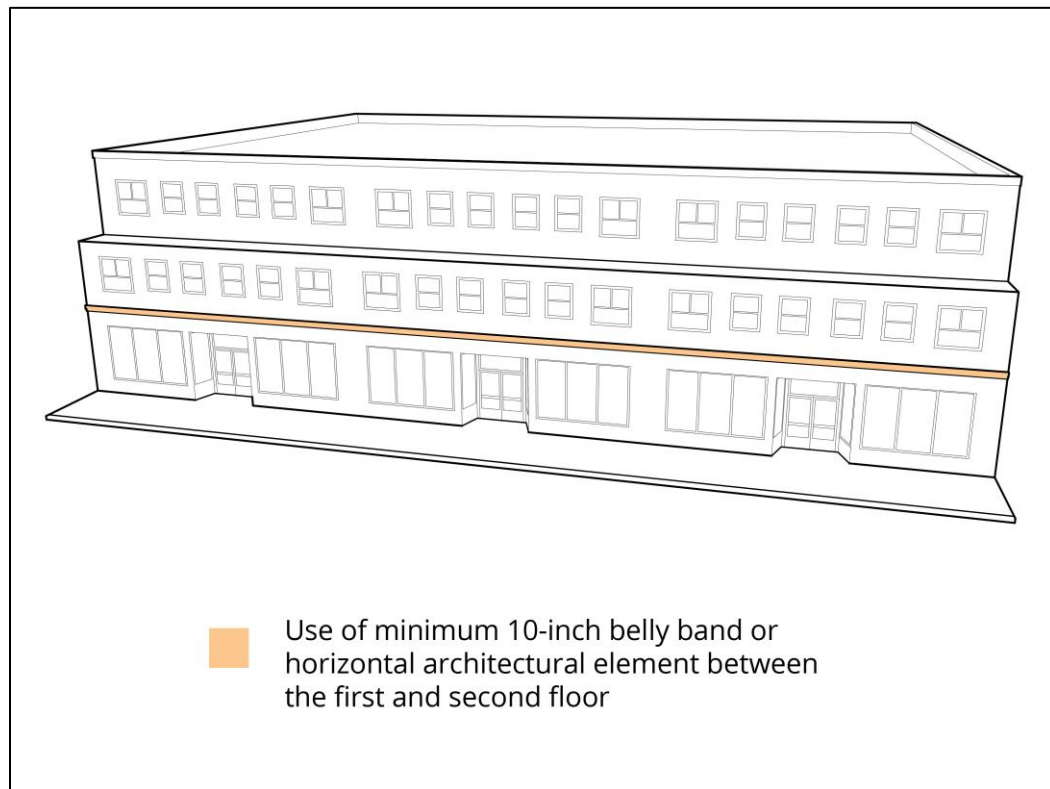


Figure B.4.1d

- e. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade, or

- f. The upper floor shall utilize a higher floor-to-ceiling height that is a minimum of two feet greater than the floor-to-ceiling height of the floor immediately below.

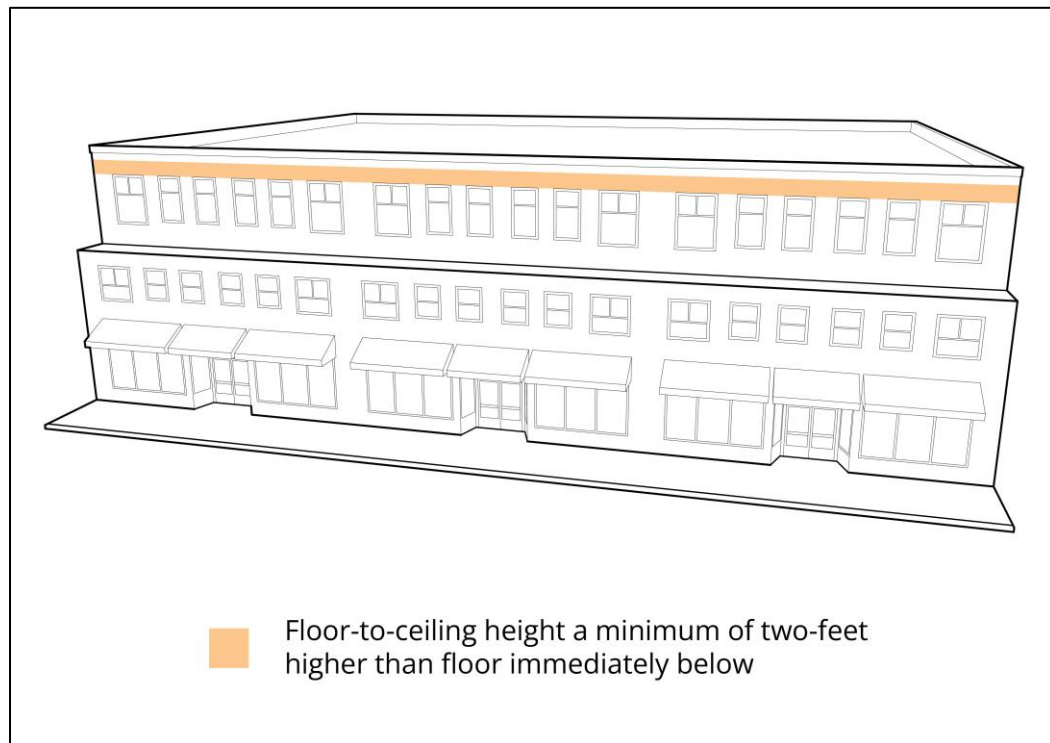


Figure B.4.1f

- 4.2 All façade materials, such as siding, window types, and architectural details, used on the street-facing façade shall be used on all other building façades.
- 4.3 Variation in the street-facing façade planes shall be provided for buildings greater than one story by incorporating any combination of the following architectural solutions to achieve a minimum of 16 points:
- Architectural features, such as:
 - Arcade or gallery along the ground floor; 8 points
 - Awnings or canopies; 6 points
 - Building cornice; 5 points
 - Belly band, or horizontal architectural element, between the first and second floor; or 5 points
 - Façade sconce lighting. 3 points
 - Bay windows; 6 points
 - Balconies or Juliet balconies; 5 points
 - Landscaped trellises or lattices; 5 points
 - Materials and color changes; 3 points
 - Chimneys; 3 points
 - Eaves that overhang a minimum of two feet from the facade with supporting brackets; 3 points
 - Window boxes or plant shelves; or 3 points
 - Decorative elements such as molding, brackets, or corbels. 3 points
- 4.4 Garage doors shall be recessed a minimum of 12 inches from the façade plane and along the street-facing façade shall not exceed 40 percent of the length of the building façade.

- 4.5 Changes in building materials shall occur at inside corners or at architectural features that break up the façade plane such as columns.

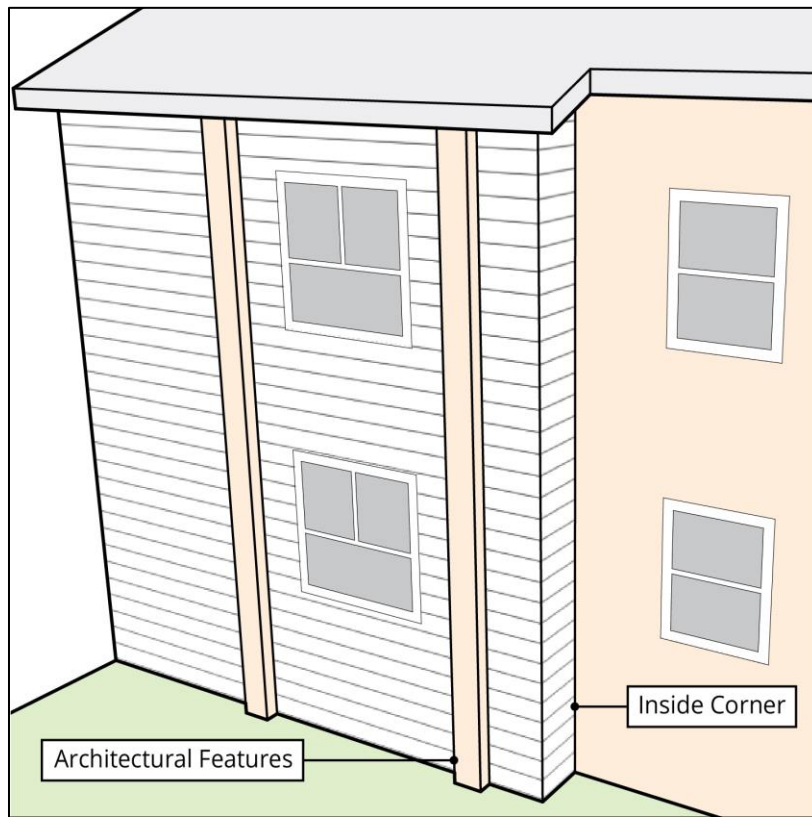


Figure B.4.5

- 4.6 A primary building entrance shall be provided facing a street or community recreation space. Additionally, all development shall meet the following requirements:
- a. Pedestrian entries to ground-floor and upper-floor commercial uses shall meet at least one of the following standards:
 - i. The entrance shall be recessed in the façade plane at least three feet in depth; or
 - ii. The entrance shall be covered by an awning, portico, or other architectural element projecting from the façade a minimum of three feet.

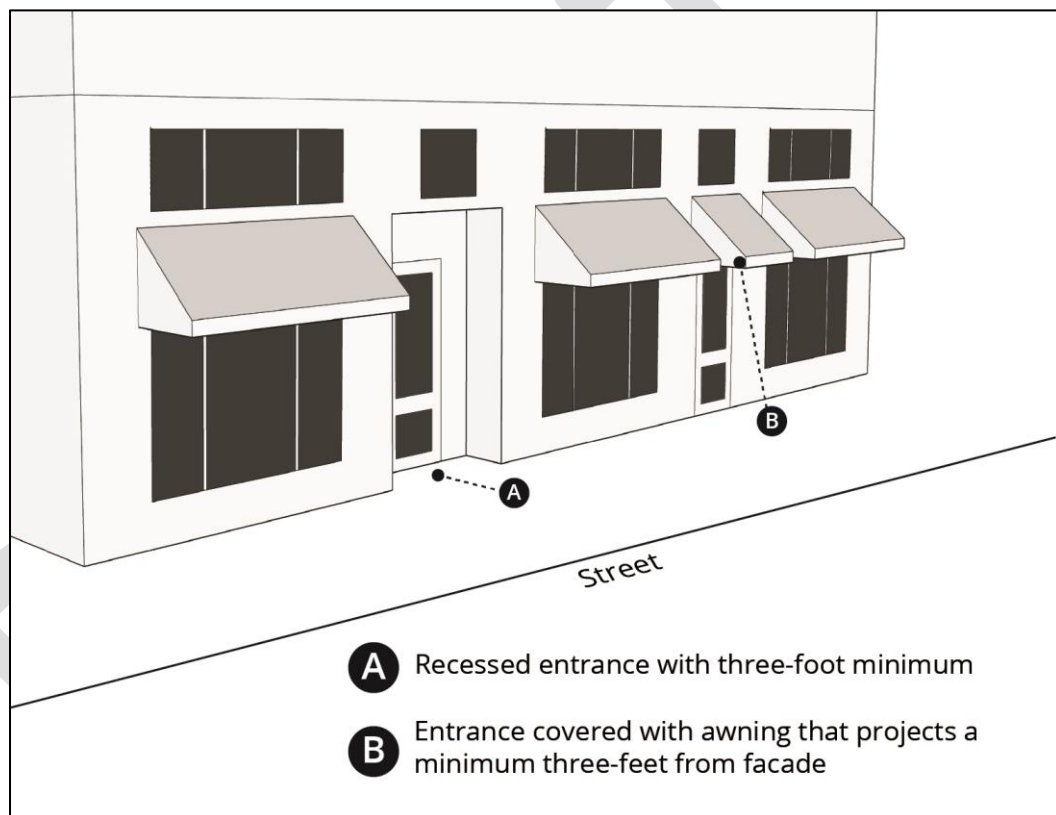


Figure B.4.6a

- b. For ground-floor commercial uses, façades facing a street shall include windows, doors, or openings for at least 60 percent of the building façade that is between two and 10 feet above the level of the sidewalk.

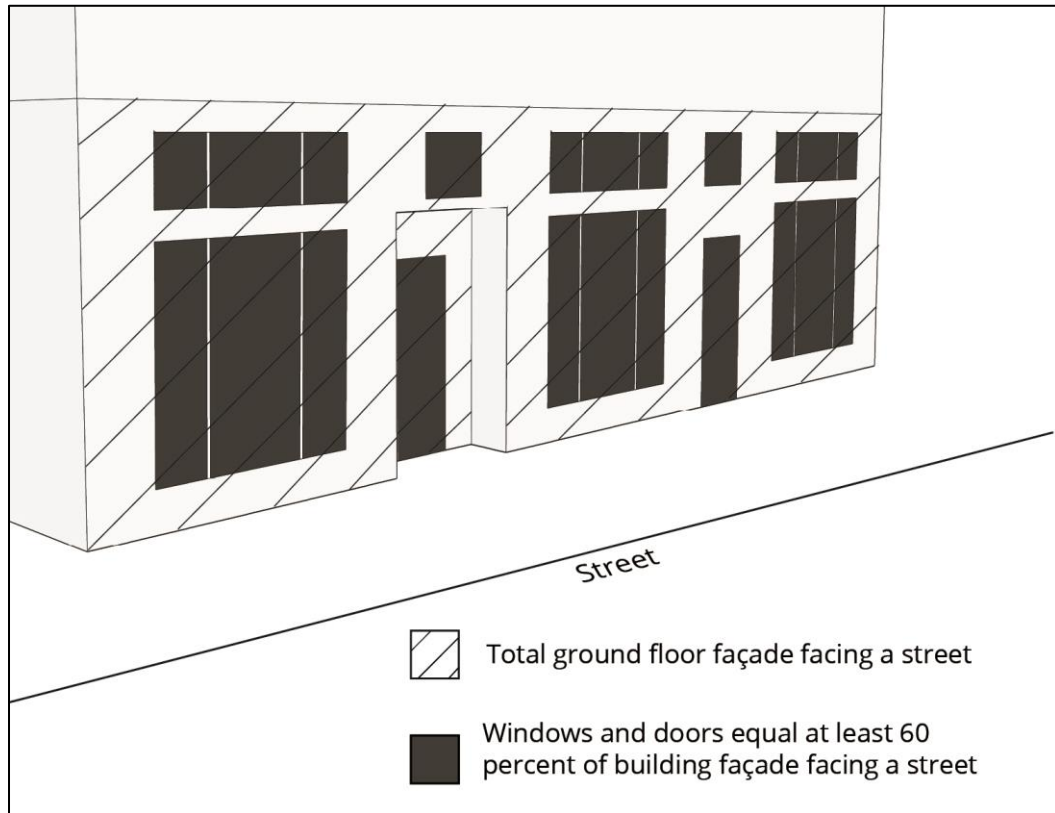


Figure B.4.6b

- 4.7 Pedestrian entries to buildings shall meet minimum dimensions to ensure adequate access based on use and development intensity. Building entries inclusive of the doorway and the facade plane shall meet the following minimum dimensions:
 - a. Individual residential entries: five feet in width
 - b. Single entry to multiple residential unit building, including mixed-use buildings: eight feet in width
 - c. Storefront entry: six feet in width

- 4.8 Mirrored windows are prohibited.
- 4.9 Awnings shall be subject to the following requirements:
 - a. A minimum vertical clearance of eight feet measured from the pedestrian pathway;
 - b. Shall not extend beyond individual storefront bays; and
 - c. Shall not be patterned or striped.
- 4.10 For buildings abutting a single-family zoning district, rooftop and upper floor terraces and decks are prohibited.
- 4.11 Balconies are allowed on facades facing the street and those facades facing existing non-residential uses on abutting parcels. Balconies facing existing residential uses on abutting parcels are allowed when the design is proven to prevent views to the residential use. Such balconies shall be without any projections beyond the building footprint.
- 4.12 Mixed-use buildings shall provide at least one of the following features along street-facing façades where the façade exceeds 50 feet in length:
 - a. A minimum five-foot offset from the façade plane for a length of at least 10 feet;
 - b. Multiple pilasters or columns, each with a minimum width of two feet; or
 - c. Common open space, such as a plaza, outdoor dining area, or other spaces.
- 4.13 Continuous blank façades on any floor level shall not exceed 25 percent of the entire façade length along any street.

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TOWN OF LOS GATOS
DRAFT OBJECTIVE STANDARDS
August 24, 2022

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Figure A.1.2

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- 2.2 Multi-family residential buildings shall provide one bicycle parking space per dwelling unit.
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- 2.4 A minimum five-foot-wide walkway shall be provided connecting the bicycle parking area(s) and the street-facing sidewalk.

A.2.A.3. Vehicular Access

- ~~2.13.1~~ Off-street parking shall have internal vehicular circulation that precludes the use of a street for aisle-to-aisle circulation.

Figure A.23.1

A.3.A.4. Parking Location and Design

- ~~3.14.1~~ Driveways and surface parking lots shall not be located between the primary building frontage and the street.
- ~~3.24.2~~ Multiple parking areas located on a common property shall be internally connected and shall use shared driveways to access the street.

3.34.3 Uncovered parking rows with at least 15 consecutive parking spaces shall include a landscape area of six feet minimum width at intervals of no more than 10 consecutive parking stalls. One tree shall be provided in each landscape area.

Figure A.34.3

3.44.4 Carports shall not be located between a primary building and a street.

A.4.A.5. Parking Structure Access

4.15.1 Any automobile entry gate to a parking structure shall be located to allow a minimum of 25 feet between the gate and the back of the sidewalk to minimize conflicts between sidewalks and vehicle queuing.

4.25.2 A parking structure shall not occupy more than 50 percent of the building width of any street-facing façade and shall be recessed a minimum five feet from street-facing façades of the building.

A.5.A.6. Utilities

5.16.1 Pedestrian-oriented lighting shall be provided along all pedestrian paths in community recreation spaces. Exterior lighting fixtures shall be a minimum of three feet and a maximum of 15-12 feet in height. Light fixtures shall be placed along the pedestrian path at a spacing of no more than 30 linear feet.

5.26.2 Exterior lighting shall be fully shielded and restrain light to a minimum 30 degrees below the horizontal plane of the light source. Lighting shall be arranged so that the light will not shine directly on lands of adjacent residential zoned properties. Uplighting is prohibited.

Figure A.6.2

5.36.3 Rooftop and ground-mounted utility cabinets, mechanical equipment, trash, and service areas shall be screened from view from the street with landscape planting, fencing, or a wall. The screening shall be at least the same height as the item being screened and shall be constructed with one or more of the materials used on the primary building. Solar equipment is exempt from this requirement.

A.6.A.7. Landscaping and Screening

6.17.1 At least 50 percent of the front setback area shall be landscaped.

6.27.2 A minimum 10-foot-wide landscape buffer shall be provided along the full length of the shared property line between multi-family or mixed-use development and abutting residential properties. The buffer shall include the following:

a. A solid masonry wall with a six-foot height, except within a street-facing setback ~~where walls are not permitted, where the maximum permitted height is three feet; and~~

Figure A.76.2a

b. Trees planted at a rate of at least one tree per 30 linear feet along the shared property line. Tree species shall be selected from the Town of Los Gatos Master Street Tree List and shall be a minimum 15-gallon size. ~~;~~ and

~~6.37.3~~ Surface parking lots shall be screened from view of the street with landscaping or a wall with a minimum three-foot height to screen the parking lot. When located in a street-facing setback, screening may not exceed a height of three feet.

A.7.A.8. Fencing

~~7.18.1~~ Fences, walls, hedges, and gates within required setbacks along all street frontages shall have a maximum height of three feet.

~~7.28.2~~ Chain link fencing is prohibited.

~~7.38.3~~ Vehicular entry gates and pedestrian entry gates shall have a maximum height of six feet.

~~7.48.4~~ Solid vehicular and pedestrian entry gates are prohibited. Entry gates shall be a minimum 50 percent open view.

A.8.A.9. Retaining Walls

~~8.19.1~~ Retaining walls shall not exceed five feet in height. Where an additional retained portion is necessary, multiple-terraced walls shall be used. Terraced walls shall set back at least three feet from the lower segment.

~~8.29.2~~ Retaining walls shall not run in a straight continuous direction for more than 50 feet without including the following:

a. A break, offset, or landscape pocket in the wall plane of at least three feet in length and two feet in depth; and

b. Landscaping at a minimum height of three feet at the time of installation along a minimum of 60 percent of the total length of the retaining wall.

A.9.A.10. Open Landscaped, Private, and Community Recreation Spaces

- ~~9.1 A minimum of 20 percent of the site area shall consist of landscaped open space. Landscaped open space may be in the form of trees, hedgerows, flowerbeds, or ground cover vegetation, such as grass.~~
- ~~9.2 Common open space shall be provided in mixed-use developments in the form of public gathering spaces, such as plazas, outdoor dining areas, squares, or pocket parks. The space required is a minimum of 100 square feet per residential unit plus a minimum of two percent of the commercial square footage.~~
- ~~9.3 Common open space shall be provided in multi-family residential development projects in the form of gathering spaces, such as play areas, pool areas, patios, rooftop decks, or other community areas for the use of residents. The minimum space required is 100 square feet per residential unit.~~
- ~~9.4 Common open spaces shall provide shading for a minimum 15 percent of each open space area by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.~~
- 10.1 The following landscaped, private, and community recreation spaces are required for all qualifying projects and are calculated independent of each other:
- a. Landscaped space: A minimum of 20 percent of the site area shall be landscaped.
 - b. Private recreation space: The minimum horizontal dimensions are 10 feet by six feet. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit.
 - i. Each ground floor dwelling unit shall have a minimum of 200 square feet of usable private recreation space.
 - ii. Each dwelling unit above the ground floor shall have 120 square feet of usable private recreation space.
 - c. Community recreation space: The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.

- i. Community recreation space shall be provided in mixed-use developments at a minimum of 200 square feet per residential unit plus a minimum of two percent of the commercial square footage.
- ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 200 square feet per residential unit.

A.10.A.11. Building Placement

~~10.111.1~~ To create a continuous streetscape appearance, development in a Community Place-Growth District shall place at least 75 percent of the ground floor of a building within five feet of the front and street-side setback (where applicable) requirement of the Town Code.

Figure A.~~1011~~.1

~~10.211.2~~ A mixed-use residential project with a ground-floor commercial use shall provide site amenities on a minimum of 15 percent and maximum of 30 percent of the ground plane between the building and the front or street-side property line. The site amenities shall be comprised of any of the following elements:

- a. Landscape materials or raised planters;
- b. Walls designed to accommodate pedestrian seating, no higher than 36 inches;
- c. Site furnishings, including fountains, sculptures, and other public art;
- or
- d. Tables and chairs associated with the ground floor use.

B. BUILDING DESIGNS

B.1. Massing and Scale

1.1 Multiple-story building façades that face a street shall incorporate breaks in the building mass by implementing a minimum of three of the following solutions along the façades facing the street:

- a. A minimum of 40 percent of the upper floor façade length shall step back from the plane of the ground-floor façade by at least ~~six~~five feet;

Figure B.1.1a

b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;

Figure B.1.1b

c. Recessed ~~or projected covered building entries~~ entry for the full height of the facade with a minimum ground plane area of 24 square feet;

Figure B.1.1c

d. An exterior arcade that provides a sheltered walkway within the building footprint with a minimum depth of eight feet, extending the full length of the façade;

Figure B.1.1d

e. Ground floor courtyards within the building footprint with a minimum area of ~~48-60~~ square feet; or

Figure B.1.1e

f. Vertical elements, such as pilasters or columns, that protrude a minimum of one foot from the façade and extend the full height of the building base or ground floor, whichever is greater.

Figure B.1.1f

1.2 Upper floors above two stories shall be set back by a minimum of five feet from the ground-floor façade.

1.3 Townhomes or rowhouses shall have no more than six contiguous units in any single building.

B.2. Parking Structure Design

2.1 The ground-floor façade of a parking structure facing a street or pedestrian walkway shall be fenestrated on a minimum of 40 percent of the façade.

2.2 Façade openings on upper levels of a parking structure shall be screened up to 30 percent of the opening to prevent full transparency into the structure.

2.3 Parking structures facing a street and greater than 40 feet in length shall include landscaping between the building façade and the street, or façade articulation of at least 25 percent of the façade length. The façade articulation shall be implemented by one of the following solutions:

- a. An offset of the façade plane with a depth of at least 18 inches for a minimum of eight feet in horizontal length; or
- b. A different building material covering the entire façade articulation ~~change of 25 percent of the façade length.~~

B.3. Roof Design

3.1 At intervals of no more than 40 feet along the building façade, horizontal eaves shall be broken using at least one of the following strategies:

- a. Gables;
- b. Building projection with a depth of a minimum of two feet;
- c. Change in façade or roof height of a minimum of four two feet;
- d. Change in roof pitch or form; or
- e. Inclusion of dormers, parapets, and/or varying cornices.

Figure B.3.1

3.2 Skylights shall have a flat profile rather than domed.

3.3 The total width of a single dormer or multiple dormers shall not exceed 50 percent of the length of the roof.

Figure B.3.3

~~3.4 — Eave depths shall not exceed 24 inches from the façade plane.~~

~~3.5~~3.4 Carport roof materials shall be the same as the primary building.

B.4. Façade Design and Articulation

4.1 Buildings greater than two stories shall be designed to differentiate the base, middle, and top of the building on any street-facing façade. Each of these elements shall be distinguished from one another using at least two of the following solutions:

a. Variation in building mass for a minimum of ~~70~~60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;

Figure B.4.1a

b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;

Figure B.4.1b

c. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing-façade;

Figure B.4.1c

d. Use of a belly band or horizontal architectural element with a minimum height of 10 inches between the first and second floor; ~~or~~

Figure B.4.1d

e. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade., or

f. The upper floor shall utilize a higher floor-to-ceiling height that is a minimum of two feet greater than the floor-to-ceiling height of the floor immediately below.

Figure B.4.1f (new Figure)

4.2 ~~Buildings shall incorporate the same materials on all façades. All building materials~~façade materials, such as siding, window types, and architectural details, used on the street-facing façade shall be used on all other building façades.

4.3 Variation in the street-facing façade planes shall be provided for buildings greater than one story by incorporating any combination of the following architectural solutions to achieve a minimum of ~~12~~16 points:

- Architectural features, such as:
 - Arcade or gallery along the ground floor; *8 points*
 - Awnings or canopies; *6 points*
 - Building cornice; *5 points*

- Belly band, or horizontal architectural element, between the first and second floor; or 5 points
- Façade sconce lighting. 3 points
- Bay windows; 6 points
- ~~Façade plane of upper floors steps back a minimum of five feet from the ground floor façade;~~ 6 points
- ~~Material and color changes;~~ 5 points
- Balconies or Juliet balconies; 5 points
- Landscaped trellises or lattices; 5 points
- Materials and color changes; 3 points
- Chimneys; 3 points
- Wide Eaves that overhangs a minimum of two feet from the facade with supporting projecting brackets; 3 points
- Window boxes or plant shelves; or 3 points
- Decorative elements such as molding, ~~ornamentation brackets~~, or corbels. 3 points

~~4.4 Mixed-use buildings shall provide the following architectural elements along the ground floor:~~

~~a. A minimum of 60 percent of the street-facing façade between two and 10 feet above the adjacent grade shall consist of transparent windows; and~~

~~b. A form of weather protection above storefront entries that extends from the façade a minimum of three feet.~~

~~4.54.4~~ Garage doors shall be recessed a minimum of 12 inches from the façade plane and along the street-facing façade shall not exceed 40 percent of the length of the building façade.

~~4.64.5~~ Changes in building materials shall occur at inside corners or at architectural features that break up the façade plane such as columns.

Figure B.4.65

4.74.6 Mixed-use A primary building entrance shall be provided facing a street or community recreation space. Additionally, all development shall meet the following requirements:

- a. Pedestrian entries to ground-floor and upper-floor commercial uses shall meet at least one of the following standards:
 - i. The entrance shall be recessed in the façade plane at least three feet in depth; or
 - ii. The entrance shall be covered by an awning, portico, or other architectural element projecting from the façade a minimum of three feet.

Figure B.4.76a

- b. For ground-floor commercial uses, façades facing a street shall include windows, doors, or openings for at least 60 percent of the building façade that is between two and 10 feet above the level of the sidewalk.

Figure B.4.76b

4.7 Pedestrian entries to buildings shall meet minimum dimensions to ensure adequate access based on use and development intensity. Building entries inclusive of the doorway and the facade plane shall meet the following minimum dimensions:

- a. Individual residential entries: five feet in width
- b. Single entry to multiple residential unit building, including mixed-use buildings: eight feet in width
- c. Storefront entry: six feet in width

4.8 Mirrored windows are prohibited.

~~4.9 A primary building entrance shall be provided facing a street or common opencommunity recreation space. All building entrances shall be recessed from the façade plane or covered by a building projection of at least three feet in depth measured from the wall plane. [if this edit works for you, I think we should move this Standard up to become B.4.7]~~

4.104.9 Awnings shall be subject to the following requirements:

- a. A minimum vertical clearance of eight feet measured from the pedestrian pathway;

- b. Shall not extend beyond individual storefront bays; and
- c. Shall not be patterned or striped.

4.114.10 For buildings abutting a single-family zoning district, rooftop and upper floor terraces and decks are prohibited.

4.124.11 ~~Balconies are allowed on facades facing the street and those facades facing existing non-residential uses on abutting parcels. Balconies facing existing residential uses on abutting parcels are allowed when the design is proven to prevent views to the residential use. For buildings abutting a single-family zoning district, balconies shall only be permitted on the street-facing building façade.~~ Such balconies shall be without any projections beyond the building footprint.

4.134.12 Mixed-use buildings shall provide at least one of the following features along street-facing façades where the façade exceeds 50 feet in length:

- a. A minimum five-foot offset from the façade plane for a length of at least 10 feet;
 - b. Multiple pilasters or columns, each with a minimum width of two feet;
- or
- c. Common open space, such as a plaza, outdoor dining area, or other spaces.

4.144.13 Continuous blank façades on any floor level shall not exceed 25 percent of the entire façade length along any street.

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Summary of Revisions Made and Responses to Comments Received at the Planning Commission Hearing of June 22, 2022				
Line #	OLD #	NEW #	Comments Received	Staff Response
PUBLIC TESTIMONY				
1	--	--	In previous meetings, it was stated that there would be one unifying document of all objective standards. If we don't do this, it will be confusing for the public to understand. Document should be integrated.	Other applicable development requirements in the Town are now listed in the "Purpose and Applicability" section.
2	--	--	Define qualifying project.	"Qualifying Project" are now outlined in the "Purpose and Applicability" section.
3	--	--	Photos or graphics would be helpful for the public to understand the concepts.	Diagrams have been updated throughout the document.
4	--	--	The document covers many building types and the concepts should be broken up for each building type.	The document has not be modified to cover different building types. Staff does not recommend this approach as it will over-complicate the document.
COMMISSIONER DISCUSSION				
5	--	--	How will the objective standards document be viewed from a developer perspective?	The final formatting and application process for qualifying projects will be developed by staff after adoption of the final document. Staff will determine the best approach based on the final adopted document. All documents and applications will be made available on the Town's website.
6	--	--	Is this applicable to single-family?	No. "Qualifying Projects" is now outlined in the "Purpose and Applicability" section.
7	--	--	Will there still be discretionary review if an applicant does not want to follow these standards?	Yes.
8	--	--	What does "qualifying" mean in this sense?	"Qualifying Projects" are now outlined in the "Purpose and Applicability" section.
9	--	--	Discussion on amending Town Code and guideline documents.	The intent is that the document would be a stand-alone policy document without requiring any other amendments to existing Town documents. A stand-alone document, similar to the Hillside Development Standards and Guidelines, allows for increased flexibility through periodic updates that are more difficult to accomplish within the structure of the Town Code.
10	--	--	What happens if an element was not included in the objective standards?	The goal of the document is to include all relevant standards. Being a stand-alone policy document, staff can return with updates periodically as needed.
11	--	--	Likes the idea of real-world examples instead of simplistic diagrams.	Photographic examples of the concepts have the potential to communicate unintended values or design guidance. Diagrams have been updated throughout the document to better illustrate the concepts in a more realistic style. Staff does not recommend the use of photos in the document.
12	--	--	Is protection of views covered and considered? Do any other jurisdictions have objective standards for view protection?	Protection of views is not covered in the document. The concept was discussed in previous meetings and researched by the consultant. Staff is not aware of other jurisdictions having objective view standards. The Town would first need to adopt a view shed protection ordinance in order to include standards in the document to protect views. This would be a Council-level priority decision and is not appropriate for this policy document.
13	--	--	Since Palo Alto's standards are much more comprehensive, how should we move forward?	Palo Alto's ordinance includes both objective standards and context based design criteria formatted in line with one another. The context based criteria lines up with the Town's discretionary review application process. If there are specific pieces of objective standards from other jurisdictions that the Planning Commission thinks should be included in the Town's document, please let staff know.
14	--	--	There would be merit to having a more comprehensive document even if we are duplicating code.	From the onset, the goal was to avoid duplication of the Town Code. Staff has revised the document to eliminate unnecessary duplication of the Town Code.
15	--	--	Clearly describe that there are objective standards in other areas - we should list them in this document.	Other applicable development requirements in the Town are now listed in the "Purpose and Applicability" section.
16	--	--	We should be consistent about when we duplicate existing Town Code requirements.	From the onset, the goal was to avoid duplication of the Town Code. Staff has revised the document to eliminate unnecessary duplication of the Town Code.

Summary of Revisions Made and Responses to Comments Received at the Planning Commission Hearing of June 22, 2022

Line #	OLD #	NEW #	Comments Received	Staff Response
17	--	--	Staff addition/revision.	"Purpose and Applicability" section now includes an outline of Qualifying Projects and lists other applicable development requirements in the Town. Other revisions made for document consistency.
18	--	--	Staff addition/revision.	A "Key Terms" section has been added to clarify several terms used throughout the document.
19	A.1	A.1	Regarding Pedestrian Access, Palo Alto has a hierarchy prioritizing different modes of transportation.	Palo Alto's modal hierarchy is included in their contextual design criteria, which is not objective. Through research, staff determined that a modal hierarchy would be very difficult to objectify. Such a hierarchy should be determined at the Council level and included in a more appropriate policy document.
20	A.1	A.1	Why don't we have bicycle standards? We should prioritize bicycles.	Bicycle standards have been added (new A.2). The standards included are those that can be required on-site. Off-site improvements (such as the addition of bike lanes) are not appropriate in this document and may be required on a case-by-case basis through the Parks and Public Works Department.
21	A.1	A.1	This document should cover all modes of transportation in some way.	In addition to the pedestrian access and vehicular access/parking standards, bicycle standards have been added (new A.2).
22	A.1.2	A.1.2	Why don't we mention depth? We only specify height.	A width dimension of six feet has been added.
23	A.3.4	A.4.4	Staff addition/revision.	Clarified that the standard is applicable to the "primary" building.
24	A.5.1	A.6.1	Is this related to height or location? 15' is very tall. There should be location standards.	The original standard was related to height. The maximum height allowed has been revised from 15 feet to 12 feet. A maximum spacing between lighting has been added (30 feet).
25	A.5.1	A.6.1	Staff addition/revision.	"in community recreation spaces" added to align with new A.10.
26	A.5.2	A.6.2	Staff addition/revision.	Added language requiring exterior lighting be directed to not shine on neighboring residential properties to be consistent with Town Code.
27	A.6 A.9	A.7 A.10	Landscaping should be required to be native and drought tolerant	The terms "native" and "Drought tolerant" are not objective without very specific definitions and/or lists of allowed species. This level of specificity may limit the variety of landscaping in the Town. Additionally, the Town and the State already have rules addressing water use. Chapter 26 of the Town Code and the State's Model Water Efficient Landscape Ordinance (MWELO) promote efficient water use in landscape areas. These ordinances recognize that large water savings can be gained by efficient landscape design, installation, management, and maintenance. This is accomplished by choosing climate adapted plants, improving soil conditions, using and maintaining high efficiency irrigation equipment, and managing the irrigation schedule to fit the plants water needs as they are influenced by local climates.
28	A.6	A.7	Do we define "landscape"?	"Landscaping" has been added to the Key Terms.
29	A.6.2	A.7.2	Staff addition/revision.	Clarified that the landscape buffer must stretch the full length of the shared property line.
30	A.6.2.a	A.7.2.a	Why is a masonry wall is required over regular fencing?	The requirement in the document for a masonry wall reflects the Town Code, which requires a masonry wall between residential zoned properties and commercial/office/manufacturing zoned properties. The intent of the wall is to provide robust separation between more intense uses (commercial, mixed-use, multiple-family) and less intense single- and two-family uses. As written, the standard would not require a masonry wall separating single- and two-family residential uses from neighboring single- and two-family residential uses.
			Is there a way to be clear that this doesn't apply to residential facing residential?	
			Would a duplex need a multi-family wall? We should be clear when this is required.	
31	A.6.2.a	A.7.2.a	Staff addition/revision.	Added clarification that a six-foot tall masonry wall is not allowed within a street-facing setback, consistent with Town Code Section 29.50.035
32	A.6.3	A.7.3	Should we create a maximum height as well for parking lot buffers?	Added a maximum height allowance for screening located within a street-facing setback.

Summary of Revisions Made and Responses to Comments Received at the Planning Commission Hearing of June 22, 2022				
Line #	OLD #	NEW #	Comments Received	Staff Response
33	A.7	A.8	Consider deleting this sections as it duplicates Town Code.	This standard duplicates elements of the fence regulations application to residential properties. The residential fence regulations contained in Sections 29.40.030 through 29.40.0330 would not apply to qualifying projects outside of residential zones. Therefore, this standards was not deleted as it does not duplicate Town Code regulations.
34	A.9	A.10	Are these two standards combined to burdensome? Do these two standards overlap? Can we clarify that these do overlap?	The entire A.9 section has been replaced with new A.10 to align with the Town Code, eliminate overlap, specify the types of "open areas", and clarify applicability between multi-family and mixed use projects.
35	A.9	A.10	Use of the word "may" - is this objective?	Conflict eliminated. The entire A.9 section has been replaced with new A.10.
36	A.9	A.10	Perhaps we remove the allowance of grass due to the drought.	Landscaping is now defined in the "Key Terms" section. The definition includes lawns allowing developers flexibility to meet their project goals while recognizing the Town regulates water use through Chapter 26 of the Town Code and the MWELO.
37	A.9	A.10	Palo Alto has an "open to sky" requirement. Recommends we look into this.	"Community recreation space" includes a requirement that 60 percent of the space remain open to the sky (A.10.1.c).
38	A.9	A.10	Look at private open space that is used in Palo Alto's code.	Revised A.10 addresses this comment.
39	A.9	A.10	Requirement for multi-story to have a balcony as discussed during the General Plan update.	"Private recreation space" added as a "Key Term" that includes balconies. Private recreation space above the ground floor is required in multi-story qualifying projects.
40	A.10.1	A.11.1	Staff addition/revision.	Changed "Community Place District" to "Community <u>Growth</u> District".
41	A.10.1	A.11.1	Why does this only include Community Growth Districts (CGDs)?	<p>The following polices discussing setbacks are included in the Community Design Element of the 2040 General Plan:</p> <p>CD-2.10 (Town-wide): Well-Defined Street Fronts - Require new buildings to maintain a consistent setback from the public right-of-way in order to create a well-defined streetscape. Require new buildings throughout Town to use consistent setbacks.</p> <p>CD-7.1 (All CGDs): Neighborhood-Friendly Design - Encourage buildings and sites within all Community Growth Districts regardless of designation, including shopping centers undergoing redevelopment, to integrate design features that create a pedestrian- and neighborhood-friendly environment, such as by siting buildings close to the sidewalks, providing space for small plazas, and including public art.</p> <p>CD-9.1: (LGB CGD): Setbacks and Step Backs of Massing - Require medium density, high density, and mixed-use parcels in the Los Gatos Boulevard District adjacent to single-family parcels to include increased site setbacks and multi-story step backs to minimize the impact and increase compatibility with smaller adjacent structures.</p> <p>CDP-11.7: (Lark CGD): Reduced Setbacks - Allow reduced setbacks to foster a more urban environment focused on corporate centers, commercial shopping areas, medical services, and hospitality uses.</p> <p>Consistent setbacks are encouraged by CD-2.10, while reduced setbacks are encouraged in CGDs. For this reason, Standard A.11.1 was written specific to CGDs. Given the above polices and the comments made by the Commission during discussion of this item, staff requests direction on whether this standard should apply Town-wide or only within CGDs. The corresponding figure/diagram will be updated accordingly.</p>
			Likes that it only applies to Community Growth Districts otherwise it could make them look out of place. It might also limit design related to arcade setback standards in Section B.	
			Can we apply this just to mixed-use? It should apply to ground-floor commercial.	
			Big focus during GP discussions was street-activation and should be kept in mind during revisions.	
			Perhaps replace "Community Growth District" with "Mixed-Use".	
42	B.1.1	B.1.1	There is chance that using three of these approaches may result in poor design. Maybe two would be better. Perhaps anchor it to the amount of street facing façade that exists. If under 50 feet, only require two.	This Standards continues to require implementation of at least three solutions. Staff evaluated several projects in the Town to see if they would meet this Standards (Exhibit X). A quality design should not have a problem implementing at least three solutions.
	B.1.1	B.1.1	Palo Alto requires three or more. Good architects should be able to make it work.	
	B.1.1	B.1.1	Would the mixed use building at N40 meet this standard?	

Summary of Revisions Made and Responses to Comments Received at the Planning Commission Hearing of June 22, 2022				
Line #	OLD #	NEW #	Comments Received	Staff Response
43	B.1.1	B.1.1	Detailed images or renderings would be helpful for this section.	Photographic examples of the concepts have the potential to communicate unintended values or design guidance. Diagrams have been updated throughout the document to better illustrate the concepts in a more realistic style. Staff does not recommend the use of photos in the document.
44	B.1.1.a	B.1.1.a	Staff addition/revision.	Revised required step back from six feet to five feet for consistency within the document.
45	B.1.1.e	B.1.1.e	Staff addition/revision.	Changed 48 to 60 square feet to align with new A.10.
46	B.2.3	B.2.3	Staff addition/revision.	Added "façade" to align with key term "façade articulation".
47	B.2.3.b	B.2.3.b	Where did the 25% number come from?	This metric is included in B.2.3 above. Staff simplified language by removing "25 percent of the façade length" since this minimum is required in B.2.3 above. Also added "façade" to align with key term "façade articulation".
48	B.3.1.c	B.3.1.c	Staff addition/revision.	Revised the change in façade or roof height from four feet to two feet to align with the height limitations of the Town Code.
49	B.3.4	B.3.4	Staff addition/revision.	Deleted to eliminate potential conflict with architectural styles.
50	B.4.1	B.4.1	Example pictures would be helpful.	Photographic examples of the concepts have the potential to communicate unintended values or design guidance. Diagrams have been updated throughout the document to better illustrate the concepts in a more realistic style. Staff does not recommend the use of photos in the document.
51	B.4.1.a	B.4.1.a	Staff addition/revision.	Revised the minimum percent from 70 to 60 percent following case study of buildings with similar heights to those allowed in the Town.
52	B.4.1	B.4.1	Why not include varied plate heights in this section? It would make for dynamic architecture.	Added B.4.1.f, offering a solution that the upper floor utilize a higher floor-to-ceiling height that is a minimum of two feet greater than the floor-to-ceiling height of the floor immediately below. New figure B.2.1.f added.
53	B.4.2	B.4.2	Inconsistency with 4.1.e regarding the use of different building materials. What is 4.2 trying to say?	Revised to clarify that the building elements that need to be repeated on all elevations are the façade materials (such as siding, window types, trim) and not forms (such as chimneys, arcades, etc.). Revised standard does not conflict with B.4.1.e and does not require that materials be distributed consistently between elevations; (i.e.; if a second material is used on 30 percent of the front elevation, it does not need to be included at 30 percent of each of the other elevations).
54	B.4.2	B.4.2	The 360 degree architecture might limit design.	This requirement has been applied for designs of residences and structures throughout the Town for some time without any significant impacts to quality architecture.
55	B.4.2	B.4.2	360 degree architecture is in the draft General Plan. Perhaps there is a better way to say this. Please look into this further.	B.4.2 revised as discussed above.
56	B.4.3	B.4.3	Staff addition/revision.	Increased the point requirement from 12 to 16 points to require incorporation of more than two architectural solutions.
57	B.4.3	B.4.3	Has this menu been used successfully in other places? Likes the idea.	Yes. This leaves flexibility for the architect/designer.
58	B.4.3	B.4.3	This only addresses street-façade planes. Should consideration be given to other sides of the building?	B.4.2 addresses carrying architectural detailing around all sides of a building. The purpose of B.4.3 is to require more articulation on the most visible facades.
59	B.4.3	B.4.3	Staff addition/revision.	Removed upper floor step back as it is required elsewhere for buildings greater than two floors and could result in an awkward design if used on a two-story building
60	B.4.3	B.4.3	Staff addition/revision.	Reduce point value for materials and color changes from five points to three points
61	B.4.3	B.4.3	Staff addition/revision.	Removed "ornamentation" for specifics of decorative elements since it is a general term.
62	B.4.3	B.4.3	Staff addition/revision.	Revised "overhang" language to increase objectivity.
63	B.4.4	B.4.4	Staff addition/revision.	Deleted individual standard due to repetition in following new B.4.6.
64	B.4.7	B.4.6	Staff addition/revision.	Added elements of old B.4.9 to reduce repetition in new B.4.6.
65	B.4.6	B.4.5	How would you do this with a column? An illustration of the columns or projection would help	Revised illustration added.

Summary of Revisions Made and Responses to Comments Received at the Planning Commission Hearing of June 22, 2022				
Line #	OLD #	NEW #	Comments Received	Staff Response
66	B.4.7	B.4.7	Palo Alto document details entry (not just door width) dimensions. Perhaps we should consider.	New B.4.7 includes entry width requirements based on use.
67	B.4.9	--	Staff addition/revision.	Deleted and incorporated concept into ne B.4.6.
68	B.4.12	B.4.11	Staff addition/revision.	Revised standard to allow balconies on street-facing facades and on facades that face existing non-residential uses on abutting parcels. Additionally, balconies are allowed when facing residential uses when proven that it will not create a privacy issue with the neighboring residential use. The applicant would be required to submit additional drawings (site line study, section, screening, etc.) to prove compliance with this standard. This provides more opportunity for developments to achieve the private recreation space requirements while protecting existing residential uses at all scales. Even with this change, staff is concerned with the requirement for private recreation space while simultaneously restricting its location in an attempt to protect privacy. Staff looks forward to the discussion with the Planning Commission.

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Evaluation of Existing Developments

Staff evaluated several existing developments in the Town to see if they would meet three standards that offer multiple design solutions. These projects were designed and built without requirements to adhere to specific objective design standards. While some of the projects would not comply with all of the standards below, incorporating additional design solutions would be easily accomplished during the design phase.

B. BUILDING DESIGNS

B.1. Massing and Scale

- 1.1 Multiple-story building façades that face a street shall incorporate breaks in the building mass by implementing a minimum of three of the following solutions along the façades facing the street:
 - a. A minimum of 40 percent of the upper floor façade length shall step back from the plane of the ground-floor façade by at least five feet;
 - b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;
 - c. Recessed building entry for the full height of the facade with a minimum ground plane area of 24 square feet;
 - d. An exterior arcade that provides a sheltered walkway within the building footprint with a minimum depth of eight feet, extending the full length of the façade;
 - e. Ground floor courtyards within the building footprint with a minimum area of 60 square feet; or
 - f. Vertical elements, such as pilasters or columns, that protrude a minimum of one foot from the façade and extend the full height of the building base or ground floor, whichever is greater.

B.4. Façade Design and Articulation

4.1 Buildings greater than two stories shall be designed to differentiate the base, middle, and top of the building on any street-facing façade. Each of these elements shall be distinguished from one another using at least two of the following solutions:

- a. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;
- b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;
- c. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing-façade;
- d. Use of a belly band or horizontal architectural element with a minimum height of 10 inches between the first and second floor;
- e. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade; or
- f. The upper floor shall utilize a higher floor-to-ceiling height that is a minimum of two feet greater than the floor-to-ceiling height of the floor immediately below.

- 4.3 Variation in the street-facing façade planes shall be provided for buildings greater than one story by incorporating any combination of the following architectural solutions to achieve a minimum of 16 points:
- Architectural features, such as:
 - Arcade or gallery along the ground floor; *8 points*
 - Awnings or canopies; *6 points*
 - Building cornice; *5 points*
 - Belly band, or horizontal architectural element, between the first and second floor; or *5 points*
 - Façade sconce lighting. *3 points*
 - Bay windows; *6 points*
 - Balconies or Juliet balconies; *5 points*
 - Landscaped trellises or lattices; *5 points*
 - Materials and color changes *3 points*
 - Chimneys; *3 points*
 - Eaves that overhang a minimum of two feet from the facade with supporting brackets; *3 points*
 - Window boxes or plant shelves; or *3 points*
 - Decorative elements such as molding, brackets, or corbels. *3 points*

University Avenue at Los Gatos-Saratoga Road



B.1.1 - (Minimum 3)

- a. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet.
- b. Recessed building entry for the full height of the facade with a minimum ground plane area of 24 square feet.

B.4.1 – Not applicable, only two stories.

B.4.3 – (16 points minimum)

Arcade (8 points)

Belly Band (5 points)

Sconce lighting (3 points)

Balconies (5 points)

Decorative elements (3 points)

Building cornice (5 points)

Belly band (5 points)

TOTAL = 34 points

Aventino – Winchester Boulevard



B1.1 - (Minimum 3)

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet.
- c. Recessed building entry for the full height of the facade with a minimum ground plane area of 24 square feet.

B4.1 – (Minimum 2)

- a. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;
- b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;

B4.3 – (16 points minimum)

Material and color changes (3 points)

Balconies or Juliet balconies (5 points)

Landscaped trellises or lattices (5 points)

Eaves that overhang a minimum of two feet from the façade with supporting brackets (3 points)

Window boxes or plant shelves (3 points)

Decorative elements such as molding, ornamentation, or corbels (3 points):

TOTAL = 22 points

[illegible]

B1.1 – (minimum 3)

- b. Changes in the façade plane with a minimum change in depth of two feet for a minimum length along the façade of two feet at intervals of no more than 30 feet;
- c. Recessed building entry for the full height of the facade with a minimum ground plane area of 24 square feet;
- f. Vertical elements, such as pilasters or columns, that protrude a minimum of one foot from the façade and extend the full height of the building base or ground floor, whichever is greater.

B4.1 – (Minimum 2)

- a. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;
- b. Balconies or habitable projections with a minimum depth of two feet for a minimum of 20 percent length of the street-facing façade;
- c. Variation in façade articulation, using shade and weather protection components, projecting a minimum of three feet for a minimum of 20 percent length from the street-facing-façade;
- e. The use of at least two different façade materials, each covering a minimum of 20 percent of the street-facing façade; or
- f. The upper floor shall utilize a higher floor-to-ceiling height that is a minimum of two feet greater than the floor-to-ceiling height of the floor immediately below.

B4.3 – (16 points minimum)

Awnings or canopies (6 points)

Belly band, or horizontal architectural element, between the first and second floor (5 points)

Material and color changes (3 points)

Balconies or Juliet balconies (5 points)

TOTAL = 19 points



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 8/24/2022

ITEM NO: 3

ADDENDUM

DATE: August 23, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Review and Recommendation of the Draft Objective Standards to the Town Council.

REMARKS:

Exhibit 13 includes Planning Commissioner comments.

EXHIBITS:

Previously received with the June 22, 2022, Staff Report:

1. Town Council Resolution 2019-053
2. Summary of feedback received during community engagement meetings
3. Draft Objective Standards
4. Public Comments received prior to 11:00 a.m., Friday, June 17, 2022

Previously received with the June 22, 2022, Addendum Report:

5. Staff response to Commissioner's questions
6. Issues considered by the Objective Standards Subcommittee
7. Commissioner email regarding City of Palo Alto Objective Standards

Previously received with the June 22, 2022, Desk Item Report:

8. Suggested additions and modifications provided by a Planning Commissioner

Previously received with the August 24, 2022 Staff Report:

9. Revised Draft Objective Standards
10. Revised Draft Objective Standards with Redlines
11. Summary of Revisions Made and Responses to Comments Received at the Planning Commission Hearing of June 22, 2022
12. Evaluation of Existing Developments

PREPARED BY: SEAN MULLIN, AICP and RYAN SAFTY
Senior Planner Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 2

SUBJECT: Draft Objective Standards

DATE: August 23, 2022

Received with this Addendum Report:

13. Planning Commissioner Comments

From: Jeffrey Barnett
Sent: Tuesday, August 23, 2022 9:38:09 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: PC Meeting 8.24.22 - Balconies

EXTERNAL SENDER

Hello, Sean.

Reference is made to the following language in the Staff Report and Draft Objective Standards: Page 198 of the Staff Report concerning balconies and privacy; Section B.4.11 on Page 243; and the Staff comment on Page 249 concerning B.4.11.

It has come to my attention that the Palo Alto Municipal Code includes language concerning privacy with respect to balconies adjacent to residential properties. It is found at Section 18.24.050(C)(2) and provides:

Balconies: Within 30 feet of residential windows (except garage or common space windows) or private open space on an adjacent residential building, balconies and decks on the subject site shall be designed to prevent views:

- (i) No sight lines to the adjacent property window or open space are permitted within five feet above the balcony or deck flooring and a 45-degree angle downward from balcony railing.
- (ii) Submit section view of proposed balcony/deck and abutting residential windows and/or private open space.
- (iii) Provide balcony/deck design measure which may include:
 - a. Minimum 85% solid railing
 - b. Obscure glass railing
 - c. Barrier with min. 18" horizontal depth from railing (e.g., landscape planter).

Subsections (i) - (iii) would be appropriate for discussion at the meeting tomorrow.

Thank you.

Jeffrey

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/24/2022

ITEM NO: 3

DESK ITEM

DATE: August 24, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Review and Recommendation of the Draft Objective Standards to the Town Council.

REMARKS:

Exhibit 14 includes Planning Commissioner comments. Exhibit 15 includes public comment received between 11:01 a.m., August 23, 2022, and 11:00 a.m., August 24, 2022.

EXHIBITS:

Previously received with the June 22, 2022, Staff Report:

1. Town Council Resolution 2019-053
2. Summary of feedback received during community engagement meetings
3. Draft Objective Standards
4. Public Comments received prior to 11:00 a.m., Friday, June 17, 2022

Previously received with the June 22, 2022, Addendum Report:

5. Staff response to Commissioner's questions
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12. Evaluation of Existing Developments

PREPARED BY: SEAN MULLIN, AICP and RYAN SAFTY
Senior Planner Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 2

SUBJECT: Draft Objective Standards

DATE: AUGUST 24, 2022

Previously received with the August 24, 2022 Addendum Report:

13. Planning Commissioner Comments

Received with this Desk Item Report:

14. Planning Commissioner Comments

15. Public Comment received between 11:01 a.m., August 23, 2022, and 11:00 a.m., August 24, 2022

From: Jeffrey Barnett
Sent: Tuesday, August 23, 2022 11:33:24 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: PC Hearing 8.24.22 - Objective Standards

EXTERNAL SENDER

Good morning, Sean.

I have a few questions that I would like to discuss with you in advance of tomorrow's meeting.

(1) A.1.2 Page 233: Explain how this standard applies where pedestrians must cross a car driveway in the parking lot.

(2) 4.1 on Page 233: Would a standard preferring a rear parking structure be objective?

(3) A.6 on Page 234: This lighting rule does not include pathways adjacent to buildings. The "key term" definition of "community recreation space" for mixed-use projects and multi-family developments does not seem to encompass these areas, and the language "other community areas for the use of residents", in my opinion" may not apply to such pathways. Also, I do not see a provision for lighting in parking areas. I don't believe that these too are community recreation spaces.

(4) 10.1c Page 236: sixty square feet is very small. My pool is almost that large, and is not particularly big.

(5) Figure B.1.1(b) on Page 238: should this only apply to staircases that are open to view?

Is there a convenient time for us to talk about these questions? I am free from 1 to 3:30 today and all day tomorrow.

Thanks in advance, Sean.

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To Planning Commission
Item 2 August 24th Planning Commission Meeting
From: Lee Quintana

COMMENTS ON TOWN OF LOS GATOS
DRAFT OBJECTIVE STANDARDS,
AUGUST 24, 2022

GENERAL COMMENTS:

Comprehensive stand alone document: It is my understanding, from previous public discussions of the Objective Guidelines, that the Objective Standards would be a comprehensive “stand alone” document containing the objective standards from all relevant documents and regulations. It is difficult to assess the Draft Objective Standards without knowing what other objective standards also apply to “qualified projects”. At a minimum, please consider adding a list of *all* objective standards contained . Consider adding a Table of all other objective standards that would apply to multi-family and mixed-use residential projects and include hyper-links to the individual standards.

PURPOSE AND APPLICABILITY

This section defines “qualifying project” and where the definition can be found in the California Government Code. However it does not define “Objective Standards” as defined by the Government Code. Most importantly, it does not explain how these apply to the approval process for “qualifying projects”.

Please delete and revise the first paragraph to better define the purpose of Objective Standards, (streamlining approval process? .

Delete and receive the second paragraph and include the following as part of that paragraph:

Gov. Code 65559.5 identifies Qualifying Housing Development Projects:

- Multi-family housing developments,
- Residential Mixed Use Housing developments with a minimum of two-thirds of the square footage is designated for residential use,
- Supportive and transitional housing development

Delete and revise the last paragraph as follows:

A Qualifying project shall be approved through a ministerial review process when the project complies with these Objective Site Standards as well as complying with all existing objective development regulations in the Town, including but not limited to the following:

- General Plan
- Town Code

- Guideline and Standards Near Streams
- Bicycle and Pedestrian Master Plan
- Parks and Public Works Standards
- Santa Clara County Fire Department Regulations.

ORGANIZATION

The Following Objective ~~Design~~ Standards are organized into two primary sections:.....

KEY TERMS

Community recreation space Delete and replace with:

Community recreation space in a mixed use residential development means public gathering spaces such as: plazas, outdoor dining, squares, pocket parks, or other community areas for the use of the public.

- Please clarify whether this applies to non-residential and residential parts of a mixed use residential project or just to the non-residential part.
-
- Should the Community space require a public access easement.

Community recreation space in multi-family developments means gathering spaces such as: play areas, pool areas, patios, rooftop decks, and other community areas available for the use of all residents.

Please clarify whether this applies to projects just with MF zoning designation or applies to the multi-family part of a Mixed Use Residential Project

Mixed Use Residential means a development project where a variety of uses such as office, commercial, or institutional, ~~and residential~~ are combined with residential use(s) in a single building or on a single site in an integrated project.

Private recreation space above ground level means an outdoor balcony, or rooftop deck, or similar, accessible from a single dwelling unit.

similar” = subjective. Delete or replace with more specific language

Private recreation space at ground level means ~~a single~~ an outdoor enclosed patio or deck accessible from a single dwelling unit.

Objective Standard means.....(add language)

A .SITE STANDARDS

A.1 Pedestrian Access

1.2 & Figure A.1.1: Is there a minimum width for the sidewalk? Or for the planting strip

A.2 Bicycle Access

2.4. 1.2 was “modified from walkway” to “pathway”. Should 2.4 also be changed to “pathway as well?”

A.3 Vehicular Access and A.4 Parking Location and Design

Figure A.3.1, A.3.1 and A4.3 need clarification

:What is the difference between aisle to aisle circulation (A3.1) and parking areas (Figure A3.1)? Does Figure A.3.1 represent multiple parking areas (see A.4.2) or aisle-to-aisle circulation of A.3.1.

4.3 *Comment:* Consider decreasing spacing between trees. Aside from aesthetic value, the shading trees decrease radiation from the parking lot surfaces

4.4 Move 4.4 up under 4.1

A.5 Parking Structure Access

Add a standard for pedestrian access to a parking garage

A.6 Utilities

6.3-Delete and separate ground and rooftop:

6.3 Views from the street of ground level utility cabinets, mechanical equipment, trash enclosures shall be screened from view.

- a. Screening shall be provided by landscaping, fencing or a wall.
- b. The screening shall be at least the same height as the utility being screened.
Comment: Should they also be screened from within a site? Or at a minimum from common areas?

6.4 Rooftop mechanical equipment shall be screened from view from the street

- a. Solar equipment is exempt from this requirement
Consider a height exemption of the area required for an elevator shaft.

A.7 Landscaping and Landscape Screening

A.7.2.c *Comment:* Is there a requirement for planting between the trees?

A.10. Landscaping, Private, and Community Recreation Spaces

A10.1. The following landscaped, private, and community recreation spaces shall be ~~are~~ required for all qualifying projects and ~~are~~ shall be calculated independent of each other:

A.11 Building Placement

11.1.c. How shade is calculated needs to be more specific.

B.4 Facade Design and Articulation

4.3 Change format consistent with the rest of the document

B. BUILDING DESIGN

B.1.3.e and Figure B.1.3..e

Comment: I don't understand this one. The illustration does not fit my understanding of a courtyard. Is this intended to be private the private use of the dwelling units? Is this an illustration of B.1.3 (Townhouse)

B.2.2 If the intent is to prevent full transparency into the structure, should there be a minimum as well as a maximum?

B.3 Roof Design

Figure B.3.3 **Comment:** This figure looks more like the gable illustrated in Figure.3.1 than it looks like a dormer

B.4 Facade Design and Articulation

B.4.3 Why change in format?

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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 Reza Tavana Emily Thomas
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
Transcribed by:	Vicki L. Blandin (619) 541-3405

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

4 CHAIR HANSSEN: We can move on Item 3 on our
5 agenda, and Item 3 is review and recommendation of the
6 Draft Objective Standards to the Town Council.

7 Just as a reminder for the Commission, we'll have
8 a Staff Report, but we did see this item previously and
9 sent it back for revisions based on comments that we had
10 and comments from the public, so we're seeing the revised
11 draft. I will turn it over to Staff to give us a Staff
12 Report.

13 SEAN MULLIN: Thank you. Before you tonight is
14 the continued review of the Draft Objective Standards for
15 recommendation to the Town Council.

16 On June 22nd the Planning Commission reviewed the
17 first draft document and provided input to Staff on
18 recommended modifications. Following that meeting, Staff
19 and our consultant, M-Group, considered the direction from
20 the Planning Commission and prepared a revised draft
21 document.

22 The revised Draft Objective Standards continues
23 to be organized into two sections: Site Standards and
24 Building Design. The revised draft includes a new Key Terms
25

1 section providing definitions for terms used in the
2 document. Many of the Objective Standards have been
3 updated, several new standards have been added, and
4 diagrams throughout the document have also been updated.

5 In addition to the revised document, Staff
6 prepared a redline document showing all of the changes made
7 to the previous draft.

8 Staff also prepared a summary of the revisions
9 made and responses to comments received from the public and
10 the Planning Commission. These documents are included as
11 exhibits to your Staff Report this evening.

12 An Addendum and Desk Item have been distributed,
13 including input from Planning Commissioners and additional
14 public comment received after publishing of the Staff
15 Report.

16 Staff, along with our consultant, look forward to
17 the discussion this evening and are available to answer any
18 questions.

19 CHAIR HANSSEN: Thank you for that. Just to
20 recap, we did get comments in both the Addendum and Desk
21 Item from Vice Chair Barnett, and we also got comments from
22 Ms. Quintana.

23 I'd like to ask if any Commissioners have
24 questions for Staff? Commissioner Clark.

1 COMMISSIONER CLARK: Thank you. I actually wanted
2 to set the stage by thanking Staff. I had my original
3 packet with all my notes alongside the new standards when I
4 was reviewing it, and it was incredible how well all of it
5 was reflected in the new standards, so thank you for all of
6 your hard work.

7 CHAIR HANSSEN: Thank you for that. Any other
8 questions for Staff from Commissioners? Okay, I think we
9 should go ahead and take public comments, and then we can
10 have your Commission discussion about whether or not it's
11 good enough to recommend to go forward, so I'd like to see
12 if any members of the public would like to speak on the
13 Draft Objective Standards and you have up to three minutes.
14 If you'd like to speak, please raise your hand.

16 JENNIFER ARMER: Chair, it does look like we've
17 got at least a couple of people who would like to speak, so
18 we're going to start with Rob Moore. Go ahead, you have
19 three minutes.

20 ROB MOORE: Thank you. Good evening, Chair
21 Hanssen and members of the Planning Commission. My name is
22 Rob Moore and I'm speaking purely in a personal capacity
23 tonight.

24 I'm here to voice my support for the Objective
25 Standards and thank both the Commission and Staff for

1 working so hard to put these together. I feel that these
2 Objective Standards will do a lot to streamline the
3 planning process while ensuring high-quality projects.

4 I've actually been talking with hundreds of folks
5 throughout the Town every week, and whenever they bring up
6 concerns about the building process I tell them that this
7 document is in the works. It may be hard to believe this,
8 but without fail this prospect of Objective Standards is
9 incredibly exciting to them, and these Objective Standards
10 are exciting to me as well.

11
12 Thank you all for your service to the Town and
13 have a great rest of your meeting.

14 CHAIR HANSSEN: Thank you for that, Mr. Moore. Do
15 any Commissioners have questions for Mr. Moore? I don't see
16 any. All right, it looks like we have another hand up as
17 well.

18 JENNIFER ARMER: Yes, I will allow Bess Wiersema
19 to speak. Go ahead, you have up to three minutes.

20 BESS WIERSEMA: Good evening, Commissioners, my
21 name is Bess Wiersema, Studio 3 Design. I know several of
22 you from many years past, and some of you are new. Welcome
23 to the Commission, I guess. I know it's a big job.

24 I'm here tonight to represent your local
25 architects. We have reviewed the document and met on the

1 side to help try to figure out how to best support the Town
2 in streamlining the process for permitting, but also allow
3 for Design Guidelines and Objective Standards that actually
4 would provide a positive built environment for the Town.

5 This group of architects includes Gary Kolhsaat,
6 Louie Leu, Tom Sloan, Jay Plett, Bill Cross, Terry Martin,
7 Bob Flury, Jennifer Kretschmer, and Tony Jeans. We're all
8 people you have probably seen projects from before and can
9 recognize both Single-Family and Multi-Family around town.
10

11 We do have concerns about what we see in the
12 draft documents that are relatively significant and we
13 respectfully request that this be continued, and that you
14 lean on your local architects and designers to help define
15 details that are applicable to the Town and community that
16 we all love, work in, and service.

17 We feel that this document creates a rule of
18 thumb that can be used by everyone for essentially design-
19 by-numbers, like paint-by-numbers, which means you end up
20 with a picture that looks exactly like what the diagram
21 defines.

22 We're also very concerned that several of the
23 items within each of the categories are not relative to
24 actually a positive Town-built environment as well as
25

1 reflect local standards for other communities that are
2 similar to size and scale to ours.

3 We're concerned that the diagrams shown in this
4 become reality, because they are limiting in terms of form
5 and proportion. We respect the fact that you're trying to
6 streamline the process by objectifying subjective and
7 design standards, however, that's not the definition of
8 design, and I'm sure you all know that and that's part of
9 what you review constantly on all types of projects.

10 Trying to objectify guidelines and subjective
11 rules is ultimately the definition of something that I know
12 everyone wants to do, because we're trying to make it
13 easier for people to understand what to design to get
14 passed and make it easier for you to support or not support
15 a proposal, and we respectfully request that you respect
16 the fact that there are items that are already part of the
17 permit process that we step through from a design capacity.
18 We have peer reviews, Larry Cannon, etc., and we have to
19 take public comment on projects, just as you witnessed
20 before, and a robust conversation around them.

21 Many of the architectural features suggested only
22 reflect traditional detailing and architecture. How will
23 more modern elements be classified and who judges if a
24 proposed element meets this definition? The danger being
25

1 that only traditional architecture will meet these
2 qualifications, and that is not necessarily relevant for
3 Multi-Family.

4 According to Item 4.6b, 60% of building façade
5 facing a street has to have fenestration. In some instances
6 a contrast of solid versus open, i.e. fenestration...

7 CHAIR HANSSEN: Ms. Wiersema, Ms. Armer has her
8 hand up. I believe your three minutes are up.

9 BESS WIERSEMA: I guess my final thing would be
10 we are willing to be available to answer questions, and
11 have gone through and taken each section, categorized it,
12 and have some concerns or options we'd be willing to share.

13 CHAIR HANSSEN: Thank you for that. I can ask if
14 any Commissioners have questions for you at this time?

15 Commissioner Clark.

16 COMMISSIONER CLARK: Thank you so much for being
17 here. I know that you very well may not have an answer to
18 this question, but I think that creating Objective
19 Standards, as you pointed out, is really tricky, because
20 you want to be encouraging creativity while also ensuring
21 consistency in everything, so I was wondering if you know
22 of any examples of Objective Standards that you think do a
23 better job at addressing some of your concerns?
24
25

1 BESS WIERSEMA: Specific Objective Standards and
2 Multi-Family or Single-Family Residential?

3 COMMISSIONER CLARK: Yes, like any other cities,
4 or anything like that?

5 BESS WIERSEMA: Yes, I know Gary Kolhsaat has
6 done an analysis, and for instance in the standards that
7 you guys are trying to put individual recreation area
8 requirements are much larger than most typical condo and
9 apartments built locally. One hundred and twenty square
10 feet of outdoor area per unit is not consistent with our
11 neighboring townships and cities, and much larger. That's
12 just one example of many.

13
14 I think what we have a grave concern about as
15 architects and designers is that attached diagrams and
16 quantification based on a point system is really only going
17 to create a design-by-numbers, and who and how determines
18 what those points are and what qualifies as those?

19 COMMISSIONER CLARK: Thank you.

20 CHAIR HANSSEN: Vice Chair Barnett.

21 VICE CHAIR BARNETT: Can you provide an estimate
22 of when the architects could provide some written input to
23 the Commission along the lines that you're talking about,
24 provide all that information for our consideration?
25

1 BESS WIERSEMA: Sure. I'm happy to go back to the
2 group. I was nominated to represent everyone tonight,
3 because people had different things with back to school,
4 but I'm happy to collectively put everyone on a group email
5 to Sean and Ryan and Jennifer and figure out what might
6 work for you guys as well as us from a timing perspective.

7 We lamented in our most recent get together that
8 the special meetings and research sessions that occur often
9 occur during the middle of the day with a lot of us not
10 being able to step away from clients and the work that we
11 do in order to accommodate that, so maybe we could also put
12 some time suggestions together to present something in a
13 capacity that is useful to you.

14 CHAIR HANSSEN: I think you answered the
15 question, and so we would definitely encourage you to, as
16 quickly as possible, because this effort has been going on
17 for over a year now.

18 BESS WIERSEMA: No, we understand. We understand.
19 In the background, and just as a reminder, we are the ones
20 who actually have to deal with implementing this and
21 dealing with it alongside continuing to run our businesses
22 so that we can support the Town. We understand it's been
23 going on. We also have been dealing with a shifting and
24 changing Building Department and process and procedure for
25

1 everything, and we appreciate your consideration of
2 everything that we step through as local business owners as
3 well from a timing and efficiency standpoint.

4 We also have a concern that perhaps these Multi-
5 Family ones are going to trickle down into Single-Family
6 rules of thumb in terms of objectifying subjective
7 guidelines.

8 CHAIR HANSSEN: So now you're not answering my
9 question and you're (inaudible) into comments. I'm sorry,
10 but we do have to limit everyone to three minutes, so we
11 appreciate that, and we do encourage you to provide
12 additional comments in writing. Thank you.
13

14 Is there anyone else that would like to speak on
15 this item? It looks like there is one more hand up.

16 JENNIFER ARMER: Yes, we have interest from Lee
17 Quintana. All right, Lee, you should be able to speak.

18 LEE QUINTANA: I would encourage you to consider
19 meeting with the architects of the Town.

20 I like Objective Standards as a good way to speed
21 up processing of projects, but I think that standards have
22 to be easily understood by everybody who sees them, and I
23 would agree with Bess that the illustrations in these
24 Objective Standards do tend to make one think that all
25 these buildings are going to be absolutely symmetrical and

1 absolutely square and triangular and all face the street,
2 and that's going to be pretty damn boring.

3 But I do think we need Objective Standards, but
4 I'd also like Staff to explain what these particular
5 standards apply to and why they're being developed, because
6 it's my understanding they will only apply to very specific
7 projects, not every project, so I think that's one of the
8 failings of the introduction is it's really not clear what
9 they apply to.

10
11 CHAIR HANSSEN: Did you have any other additional
12 comments you wanted to make at this time?

13 LEE QUINTANA: No, at this time they're all in my
14 comments that I submitted.

15 CHAIR HANSSEN: Yes, and we thank you as well, as
16 always, for submitting a lot of additional comments and
17 things for us to consider. I'd like to ask if any
18 Commissioners have questions for you. I don't see anyone
19 with their hands up, so thank you for that.

20 I will see if there's anyone else that would like
21 to speak in public comments.

22 JENNIFER ARMER: If anyone else would like to
23 speak on this item, please raise your hand. I'm not seeing
24 any hands raised, Chair.

25

1 CHAIR HANSSEN: So then I'm going to close public
2 comments on this item, and I will turn to the Commission to
3 have a discussion.

4 Our Town Attorney has a comment.

5 ATTORNEY WHELAN: If the Commission would like, I
6 can address the question from the public as to why the
7 Objective Design Standards are necessary. As the Commission
8 probably knows, it's a requirement of Senate Bill 35 and it
9 requires cities to establish Objective Design Standards for
10 Multi-Family Residential development.
11

12 The second part of the question was whom would
13 this apply to? It would apply to Multi-Family Residential
14 development. Thank you.

15 CHAIR HANSSEN: Thank you for that. Commissioner
16 Thomas.

17 COMMISSIONER THOMAS: I had a quick follow up
18 question about that. When we're talking about Multi-Family
19 specifically, is that going to be anything larger than one
20 unit?
21

22 ATTORNEY WHELAN: The State Housing and Community
23 Development Department defines it as two or more. There's a
24 nuance in the Town's code, so we're defining it to mean
25 three or more.

1 COMMISSIONER THOMAS: I wasn't sure if it was
2 three or four. So it is anything that is three or more, so
3 not a duplex, but a tri-plex? Okay, thank you.

4 CHAIR HANSSEN: Are there any more questions
5 upfront?

6 So then in terms of Vice Chair Barnett, you
7 submitted a comment regarding the Palo Alto Objective
8 Standards and you had subparts 1, 2, and 3 that you wanted
9 to discuss. What are you hoping to do with the Objective
10 Standards regarding this? Add things from Palo Alto? Maybe
11 you could help us.
12

13 VICE CHAIR BARNETT: I think that the Palo Alto
14 municipal code section has very good Objective Standards
15 that relate to the privacy of neighbors with respect to the
16 use of balconies in adjacent Multi-Family buildings, and
17 you saw what they were from the input I gave. It would be
18 my recommendation that we include that as part of our final
19 approval of the Objective Standards.

20 CHAIR HANSSEN: Because at this point in time we
21 don't have a specific section on privacy, although there
22 might be things in the standards that could address some
23 privacy. So your recommendation would be to include
24 language similar to that?
25

1 VICE CHAIR BARNETT: There is some language about
2 protecting privacy, but it's not specific in terms of the
3 view angle and the height of balcony enclosure.

4 CHAIR HANSSEN: It looks like some Commissioners
5 have comments or questions. Commissioner Janoff, and then
6 Commissioner Thomas.

7 COMMISSIONER JANOFF: Thank you. I was going to
8 point out that Vice Chair Barnett's recommendations on
9 balconies is a deep dive in a way that the other components
10 of the document don't do, and we talked the time before
11 about not wanting to go into that much detail.

12 I'm not against including some Objective
13 Standards regarding balconies, but I'm concerned about an
14 Objective Standard around privacy. Item 2 on our agenda
15 tonight was all about privacy. We don't have Objective
16 Standards regarding that, so I'm curious to hear from Staff
17 or even the Town Attorney, because privacy isn't just a
18 balcony issue. If we go to balcony, then why wouldn't we go
19 broader? And if we go broader, are we going to get into
20 trouble? I'm just curious what Staff would have to say
21 about privacy. And would those Objective Standards lead us
22 to Objective Standards for Residential projects and that
23 sort of thing?
24
25

1 SEAN MULLIN: Thank you. Specific to the
2 balconies issue, what Staff can offer here is we certainly
3 looked at the specific section from Palo Alto following the
4 direction of the Planning Commission at the last meeting.
5 We recognized the level of detail that their Objective
6 Standards, which are incorporated into their municipal
7 code, that they go to here, and also heard from the
8 Planning Commission to Commissioner Janoff's point that
9 that wasn't the level of detail that perhaps our document
10 wanted to go to.
11

12 The other piece here depends on how you read
13 things and on future development. You can inadvertently
14 restrict future development on neighboring properties by
15 having Objective Standards like this and providing an
16 example of a Multi-Family development going in on one
17 property next to a Residential property, but once that's
18 built if the Residential property wants to redevelop in the
19 future to a different residence, all of a sudden you can
20 create a conflict with privacy based on these Objective
21 Standards.
22

23 Given all that, and there were long discussions
24 with the consultant and Staff, we tried to simplify it down
25 to trying to preserve future development rights and to
create some privacy breaks regarding balconies.

1 COMMISSIONER JANOFF: Thank you for that. To my
2 broader question of balconies, one component on privacy, as
3 we heard tonight, windows are another, for example. How
4 would we or could we, or does the Commission want to go to
5 privacy standards?

6 SEAN MULLIN: Windows could certainly be
7 regulated in a similar fashion to the way that Palo Alto is
8 approaching their balconies. Whether the Commission wants
9 to do that remains to be seen.

10 CHAIR HANSSEN: Thank you for bringing that up,
11 Commissioner Janoff. Let's see, Commissioner Thomas, and
12 then Commissioner Clark. Hold on, Ms. Armer has her hand
13 up.
14

15 JENNIFER ARMER: Sorry. I believe that Mr. Safty
16 had an additional thought to add to that discussion.

17 CHAIR HANSSEN: I'm sorry, I completely missed
18 your hand. Go ahead.

19 RYAN SAFTY: It's okay; thank you. I was just
20 going to interject it does seem like there's a little bit
21 of confusion about whether or not we did include that. We
22 do have some privacy standards in 4.11b, but to echo what
23 Mr. Mullin said, it was a little bit of a struggle, so we
24 did bring that more as a request to the Commissioners to
25 see which direction you wanted to go, and the reason we

1 didn't decide to tackle windows is there are certain
2 requirements on size of windows for different rooms in a
3 house, so we didn't want to overly restrict the
4 development. But again, any comments we're happy to
5 receive, so please let us know.

6 CHAIR HANSSEN: Thank you for that clarification,
7 because it has been a long process starting from when we
8 had the Subcommittee last summer and fall and we went
9 through every Objective Standard in the Town, and so if
10 things aren't in there we probably discussed it and came up
11 with a reason why we might not want to do that.

12
13 Let's go on and hear what the other Commissioners
14 have to say. Commissioner Thomas, and then Commissioner
15 Clark.

16 COMMISSIONER THOMAS: I hesitate to add much more
17 about privacy specifically because I do think that it has
18 the possibility of restricting design elements and/or some
19 types of projects, and as we know, it's hard to get these
20 big projects done as it is, and I think that particularly
21 in areas that we're looking to build a lot of these Multi-
22 Family we're hoping that the Town gets some redevelopment
23 in these areas. It doesn't seem like right now we really
24 need to be restricting things with regard to specifics
25 about windows or more specific things about balconies.

1 My other question for the Town Attorney is when
2 is our deadline really for getting these Objective
3 Standards approved by the Town Council according to SB 35?
4 Is there a point at which we get fined, we get in trouble,
5 or we get told these are our standards now?

6 ATTORNEY WHELAN: If I remember correctly, the
7 deadline was January of this past year, so I do think we're
8 past the deadline. In terms of penalties, I think it will
9 be difficult if we get an SB 35 planning application that
10 asks to see the Town's Objective Standards, because the
11 Town will need to demonstrate that a proposed project does
12 not comply with its Objective Standards.

13 COMMISSIONER THOMAS: So the longer we drag this
14 out, if we don't have Objective Standards then we really
15 risk projects having local control about project approval,
16 because if we don't have the standards and they go through
17 the SB 35 route and we have nothing to show them,
18 essentially the project gets approved?

19 ATTORNEY WHELAN: Right.

20 COMMISSIONER THOMAS: Thank you for clarifying
21 that.

22 CHAIR HANSSEN: I'll go to Commissioner Clark,
23 and then Commissioner Tavana.
24
25

1 COMMISSIONER CLARK: Thank you. I also am
2 hesitant to put further restrictions on privacy. Even in
3 the Staff Report one of their concerns is the requirement
4 for private recreation space while simultaneously requiring
5 more privacy, and so I think already it's becoming a
6 problem when we are focusing it in too many different
7 areas, and I do think once we get specific about balconies
8 and windows, then we have to get specific about other
9 things related to privacy, and then once we get specific
10 about privacy, do we have to go more specific with the rest
11 of our plan?
12

13 The Palo Alto standards are a lot more specific,
14 and I think that makes them more restrictive, which is not
15 the goal here. I think in general we understand that these
16 are supposed to allow development while making sure that
17 they fit with the Town, and so I think that it probably
18 isn't a good idea to get more specific about these sorts of
19 things.
20

21 CHAIR HANSSEN: Thank you for that, Commissioner
22 Clark. Commissioner Tavana.

23 COMMISSIONER TAVANA: Thank you, Chair. I would
24 like to echo Commissioner Clark's statements about privacy.
25 I do think privacy is inherently subjective. What is
private to one person could be acceptable to the next, so

1 any language regarding this topic I do think should be
2 general.

3 Lastly, I think Bess made a number of compelling
4 comments and I'd like to see a comprehensive list of
5 suggestions. I don't know why it hasn't happened yet, but I
6 wouldn't feel comfortable making a recommendation to the
7 Town Council until I hear their complete comments.

8 CHAIR HANSSEN: Before I go to any other
9 Commissioners, I'm going to ask a question for Staff and
10 our consultant who is here. I thought that engaging with
11 architects was part of the process?

12 RYAN SAFTY: Feel free to chime in, Mr. Mullin,
13 if I miss anything, but throughout the process we do have
14 the list of architects on our email blast, so any time
15 there were community meetings or drafts of the document
16 available we were sending that out and strongly encouraging
17 input, and we do look forward to seeing these comments from
18 the architects.

19 CHAIR HANSSEN: Okay, fair enough. Then I will go
20 to Commissioner Janoff, Commissioner Clark, and then
21 Commissioner Thomas.

22 COMMISSIONER JANOFF: Thank you. Here's a
23 conundrum. We always want to hear from the experts, because
24 we aren't the experts compared to what we know of this
25

1 group of amazing, talented architects. Having said that, we
2 don't have the input and we don't have much time, or we're
3 out of time.

4 I'm usually in favor of pressing on with meeting
5 an objective, and we've had quite a bit of time to do that,
6 but on the other hand, I'm also in favor of hearing
7 directly from the architects, and we got just a little
8 tidbit of what they have to say, so here's my question for
9 Staff.

10
11 I could see myself going either way. I would feel
12 comfortable approving what we have tonight with some
13 changes that we are no doubt going to discuss with the
14 understanding that architects can come in and provide
15 comments and we can make an amendment; we can make a
16 change. So the question for Staff is is it more prudent to
17 get this thing through and then make changes, or vice-
18 versa?

19 If the architects are as concerned about some of
20 the language—and actually I heard more concern about the
21 visuals than the language—what do you recommend? Do you
22 recommend that we go forward with approving something so
23 there are some Objective Standards in place when an SB 35
24 project comes to the Town, or do you recommend we wait?
25

1 SEAN MULLIN: I can weigh in very briefly, and
2 then I would defer to the Town Attorney on whether it's
3 best to get something approved and then amend it later.

4 I think there is tremendous value in receiving
5 input from the local architect community, so much so that
6 that's why we've reached out to them and appreciate that
7 they've gotten together and will be providing us some
8 information. I suspect that with the Planning Commission's
9 direction once that information is understood that there
10 could be some significant changes to the document.

11
12 So there are the two paths that you're looking
13 at. It's not having something on the books for SB 35, or
14 putting something on the books that's going to be changed,
15 or could prospectively be changed pretty significantly in
16 the future.

17 COMMISSIONER JANOFF: Personally, I wouldn't want
18 to put something out that's going to look pretty different
19 if we have an amendment, so if the architects can come
20 together and provide us feedback within the next week, then
21 I would be in favor of continuing this to the next Planning
22 Commission meeting so we have the benefit of that
23 information.

24 One thing I would say is the diagrams that we
25 have are a marked improvement over the first draft that we

1 looked at, so I think we're heading in the right direction,
2 but my question for Staff is would there be any downside to
3 including actual images like the three examples that you
4 gave at the end of the Staff Report? They were really a
5 great opportunity to say this is how the evaluation would
6 work, this is how the points would add up, and those are
7 real examples in Town, they look different, and they really
8 provide kind of a range of architectural styles.

9
10 So my question is like the Residential Design
11 Guidelines, for instance, when we have actual images of
12 properties within Town, can we do something similar so that
13 we assuage the concern of the architects that this stuff
14 really does look like brutalist architecture if you go that
15 direction? I appreciate that concern, and if we can put
16 more actual graphics in I think that would make a huge
17 difference in speaking to the range of architecture styles
18 that would be welcome in the Town.

19 SEAN MULLIN: We certainly could include images,
20 and that was a point that was discussed in great detail
21 with our consultant. The caution that we received from our
22 consultant, and that I personally agree with, is that
23 putting an image out there to demonstrate our façade
24 articulation could have the unintended consequence of
25 including something else that violates an objective

1 standard further down the document, and that's just
2 inherent with putting a real world picture in. Because of
3 that complication we chose to move the diagrams from what
4 you saw at the last meeting in June to what you see now,
5 which is closer to the Palo Alto document, which is sort of
6 being the case study that's being held up here, and try to
7 have a more controlled environment to articulate the point.

8 But if it is the will of the Planning Commission,
9 we could certainly start to work on sourcing images and
10 taking photos to demonstrate these points.

11 CHAIR HANSSEN: Let's see what others think.
12 Commissioner Clark, and then Commissioner Thomas.

13 COMMISSIONER CLARK: Thank you. First I'll touch
14 on the photos. I agree that I had thought it would be good
15 to see some photos in there. I think that Mr. Mullin makes
16 a very good point. I have a couple of thoughts on it.

17 One is that I would hope there are projects out
18 there that don't break any of the rules, since
19 theoretically we're trying to bring these into existence,
20 so I think it would be worth looking, and if you are able
21 to find some and confirm that they fully conform, I do
22 think that those would be great to see in there. If that's
23 not possible, I think creating some more nuanced versions
24 just showing something and seeing which of the ones it
25

1 incorporates, how many points it gets, and showing that it
2 can be asymmetrical and look a little different and things
3 like that, at least having something of that sort in there
4 would be worth it.

5 I also am torn about what to do with the
6 situation with the architects. I think that their input is
7 really important and it sounds like they're going to be
8 putting something together, and I don't see a world in
9 which we receive that and just dismiss it, and I do think
10 that it sounded like there would be some significant
11 changes. It's really, really unfortunate that the timing
12 happened this way and that this wasn't brought to our
13 attention sooner, but I don't feel like it is worth having
14 a really deep conversation and making a lot of changes if
15 they might end up not feeling realistic to the people who
16 are going to be tasked with implementing them.

18 CHAIR HANSSEN: Fair enough. Thank you for that.
19 Commissioner Thomas.

20 COMMISSIONER THOMAS: I have multiple comments,
21 and first I would like to comment on the visuals.

22 I know that the visuals seem sterile, and I know
23 that I am not an architect, but I see that as more of an
24 opportunity. I really do feel like the visuals are a great
25 improvement and I do feel like in a lot of ways less is

1 more. I think that our Residential Design Guidelines have
2 photos of real houses, because residents read those. Not
3 that residents aren't going to be looking at these Draft
4 Objective Standards, but the reality is that these are for
5 Multi-Family units, these are going to be professionals
6 that are looking at these standards and interpreting them.
7 So for me, I would hope that, as an architect, if you
8 looked at this you would see this more as a blank slate
9 that you could work with rather than being restricted.
10

11 I totally appreciate that the architects have
12 concerns, and I do think that it's unfortunate that we're
13 hearing about them tonight at this meeting when we're so
14 far beyond the deadline, however, I would hope that we
15 could just get some very specific points about what exactly
16 is very restrictive and perhaps might result in too much of
17 a cookie cutter like development.

18 I see Ms. Armer has her hand up. Do you want to
19 say something before I keep going?

20 CHAIR HANSSEN: Yes, why don't you go ahead, Ms.
21 Armer, and then we'll let Commissioner Thomas finish.

22 JENNIFER ARMER: Sorry, Commissioner, I did not
23 intend to interrupt you. I just wanted to make sure that as
24 we do continue with this discussion and consideration as to
25 whether to try to make a recommendation tonight or continue

1 for further discussion in another time to remember that, as
2 with any recommendation from the Planning Commission, we
3 will continue to receive public comments through the
4 process as it goes to Town Council for their consideration,
5 so while we want the recommendation of the Planning
6 Commission to be as complete as possible, there still will
7 be that additional time after this discussion tonight.

8 COMMISSIONER THOMAS: Perfect. Thank you for that
9 reminder, because that was one of my other comments that I
10 wanted to bring up, that I personally am interested to hear
11 what other Commissioners think about making minor
12 recommended changes, but overall hopefully getting to a
13 place tonight where we can forward this to the Town Council
14 for recommendation and really, really hope and encourage
15 that those architects get their public comments in over the
16 next week, and it will be if make the recommendation Town
17 Council will know that we feel very strongly that we should
18 be receiving feedback from the architects and taking that
19 into consideration.

20
21 I just want to know, do any of us feel
22 comfortable forwarding for approval but then telling Town
23 Council that we strongly encourage them to consider any
24 further comments from professionals that they receive?
25

1 My last comment and concern, and this is again
2 unfortunate that we're just hearing some of these concerns
3 tonight, but I did also hear that a concern is that these
4 Objective Standards might trickle down into Single-Family
5 standards and I wanted to confirm with Staff that that is
6 not the case, and that is not my interpretation of this
7 situation whatsoever.

8 RYAN SAFTY: I can take the first stab at this.
9 Thank you for the question. You are correct, these
10 Objective Standards, per direction from the state, are
11 applicable only to these qualifying projects defined as
12 Multi-Family and Mixed-Use. If, at a certain time in the
13 future, there is direction to do this for Single-Family I'm
14 assuming there will be an (inaudible) with Subcommittee and
15 community meetings to get input. Thank you.

16 CHAIR HANSSEN: Thank you for that, and I would
17 also say that if you look at the direction of State law
18 that it's not at all focused on Single-Family, because what
19 they're trying to encourage is Multi-Family, because that's
20 the best way to get more housing. Go ahead, Commissioner
21 Thomas.

22 COMMISSIONER THOMAS: I'm sorry, I just want to
23 add one more thing related to all that. I really think that
24 as a town, and I know with a lot of the work we're doing,
25

1 the more towns that get behind on putting up Objective
2 Standards for things and fall behind on all of this, it
3 just is encouraging Sacramento to come in and put more and
4 more restrictions on local control, and I know that having
5 local control and being able to hold local power and
6 decision making of what our Town character looks like is
7 something that's really important to our residents here in
8 town. I really don't want to be responsible for furthering
9 any hard restrictions coming from Sacramento that would
10 take away a lot of our local power, and that is a concern
11 of mine if we continue to continue this.

13 CHAIR HANSSEN: Thank you for that. There are
14 several people with their hands up. Let's go to Vice Chair
15 Barnett, then Commissioner Clark, and then Commissioner
16 Janoff.

17 VICE CHAIR BARNETT: Thank you, Chair. I share
18 the dismay of my fellow commissioners about the delay from
19 the professionals in the community to provide input during
20 our process, however, we've received a number of specific
21 topics from the speaker about specific comments about
22 design characteristics and Objective Standards that they
23 don't think are practical in real life, and so I would be
24 in favor of some delay. I wish we had a better sense of how
25 long it would realistically take the architects and

1 engineers to provide us that feedback, but I would
2 certainly be comfortable with one week.

3 As to the photos, I may be wrong, but my
4 recollection is that in the process of developing the
5 Objective Standards we did see some photographs that were
6 prepared by the consultant and I thought they were very
7 helpful, and were certainly helpful in the Residential
8 Design Guidelines, so I would encourage that change in the
9 Objective Standards. Thank you.

10
11 CHAIR HANSSEN: Thank you, Vice Chair.
12 Commissioner Clark, and then Commissioner Janoff.

13 COMMISSIONER CLARK: Thank you. I want to address
14 two things.

15 First is on the images. As we've said, definitely
16 an upgrade from what we saw before, and I think from what
17 we've heard from the public tonight it sounds like when
18 members of the public do go look at the document it doesn't
19 really make them feel like the standards are going to allow
20 for variety, and it sounds like it's still kind of hard for
21 them to picture what they look like in real life.

22 Personally, when I've been talking to people about the
23 ministerial process and addressing their concerns I talk
24 about the Objective Standards, and so I do think that
25 people are going to go look at them to see what actually

1 happens when a development is going through this process
2 and I think it's important to consider what a lay person
3 might think when they see the document, so I think having
4 something a little more real world in there would be worth
5 it in my opinion.

6 Second, I agree with Vice Chair Barnett that my
7 preference would be to defer this to some degree. I think
8 it sounded like the architects have some serious concerns
9 and I think that the Planning Commission's role is to
10 really look closely at these standards before we're sending
11 them over the Town Council and that we're a trusted source,
12 and so I'd want to make sure that we've looked at them in a
13 similar form to how they'll be seen at the Council.
14

15 CHAIR HANSSEN: Thank you for that. Commissioner
16 Janoff.

17 COMMISSIONER JANOFF: Thank you. If we had any
18 assurance that what we were looking at in draft form was
19 90% close according to the architects, then maybe I'd be
20 comfortable forwarding it the Town Council and then letting
21 them do the remaining work, but I'm not generally in favor
22 of having Council do the Planning Commission's work, and so
23 I really think it's important, given Bess' urgency that we
24 heard, I think we should give them the opportunity to
25

1 provide input. We need to give them a very short deadline
2 so that they understand that we can't keep delaying this.

3 Staff can confirm whether we do or don't have SB
4 35 projects in the pipeline, and if we don't today we
5 probably won't in two weeks, and if we can get this draft
6 in better shape I think we owe it to Town Council to have
7 at least done the invite to the architects, give them a
8 hard deadline, get that input, and be prepared to discuss
9 it next week, so I'm in favor of continuing for that.

10 A couple other comments. When we talk about
11 images, I think it's important to keep the line drawings in
12 there. As Commissioner Thomas indicated, it doesn't tell
13 you much, it just says this is the basic, and that's a good
14 thing for creativity. But if we have a bunch of examples
15 with good architectural design that incorporate these kinds
16 of standards, even if the captions say this is showing good
17 articulation or whatever you want the person to be looking
18 at, it doesn't have to be in town. If it is, it's great,
19 but it could be within the wider community, or even further
20 afield if we want to have really quality architectural
21 images in the standards, so I think that's a really god
22 idea.
23

24 Last point, I think that the comments from Lee
25 Quinta on the introductory area are important. While I

1 thought her recommended changes for specifically talking
2 about government code and what it intended to cover were
3 good, I think if we frame the introduction specifically
4 siting SB 35 and what it covers or what its expectations
5 are, then we have a much stronger introduction about why
6 this is happening and why it's important, and if that
7 includes the government code, great, include that too. I
8 don't think there's any harm in making the introduction
9 nicely comprehensive.

10
11 But I would be in favor of a short continuance,
12 and again for Staff, if we've got SB 35 projects in the
13 pipeline, you'll let us know if we're really flirting with
14 any real possibility that we're going to have some problems
15 if we delay.

16 CHAIR HANSSEN: I'm going to ask Commissioner
17 Thomas to hold on and let Director Paulson speak, and then
18 I have something I wanted to say as well.

19 JOEL PAULSON: Thank you, Chair. Just a couple of
20 comments.

21 I think what I also heard from Ms. Wiersema was
22 getting something quickly is probably not going to be
23 realistic, just so the Commission is prepared. I think at a
24 minimum we would have to continue it to the second meeting
25 in September, and so I think that hopefully will give Staff

1 time, because I think what would be important in that
2 exercise is for Staff to meet with the architect's group as
3 well so we can walk through stuff together rather than the
4 back and forth of email or attachment communication, so I
5 think that would be important.

6 We've talked about the illustrations and photos
7 throughout a number of different processes, and they're
8 always challenging, but I think we can definitely look into
9 that piece as well.

10 This is a little broader than just SB 35. There's
11 also SB 330 and the Housing Accountability Act; those all
12 have specific references to Objective Standards. We don't
13 have any projects currently for any of those. The couple of
14 Housing Accountability Act projects you did see were the
15 North Forty utilized that for the first phase, and then the
16 Mixed-Use projects on Union across from Safeway where they
17 had the Single-Family detached and they had a Mixed-Use
18 with three condos above, so they utilized that. They were
19 willing to make some changes. I think specifically from the
20 Union project there were some things that they were willing
21 to do, but they weren't willing to do all the things that
22 were more of a subjective nature.

23 I think it's important to keep that big picture
24 of what we're really talking about. We're definitely not
25

1 going down to Single-Family or duplexes. We've had that
2 conversation as well. If that were something that
3 ultimately the Town is interested in, that would be a
4 completely separate standalone document for those two
5 product types.

6 I just want to make sure that we have realistic
7 expectations both for the architects as well as the
8 Commission to really have a conversation with them, have
9 them pull their stuff together so the Commission can have
10 it as well. I think is going to be a little more than a
11 week; I'm not sure that's realistic. I don't want to speak
12 for the architects group, but I'm fairly confident they
13 would potentially agree.

14
15 CHAIR HANSSEN: Question for Staff. Ms. Wiersema
16 has had her hand up for a while, but I did close the public
17 hearing. Is it possible that I could reopen the public
18 comments and just get that input?

19 JENNIFER ARMER: But it should be for a very
20 specific question, kind of a yes or no type question. If
21 you were to open it, it should be very specific.

22 CHAIR HANSSEN: I'm just going to make a comment,
23 and then I'd like to hear back from Staff as well. I'm not
24 comfortable with sending this off to Town Council, but on
25 the other hand, I'm extremely concerned to hear that we are

1 this many months behind, so if we're going to continue it,
2 it needs to be a fairly short time frame.

3 Some of the comments I heard from Ms. Wiersema
4 were around creativity and design and all that stuff, and
5 these are supposed to be Objective Standards. I don't think
6 that there's anything that's unclear at all about
7 articulation and things like that, concepts that are
8 presented in this document, so any changes that get to be
9 made, it can't be we want to have freedom to do whatever we
10 want, it has to be Objective Standards and we need to give
11 enough detail so that anyone, including people that don't
12 have a lot of experience working with the Town, can look at
13 those things and say yes, I know how to incorporate those.

15 I guess I'm trying to figure out how we can
16 determine what is an appropriate amount of time, because
17 the other side of this is that if we are this far past
18 January, a few more weeks might not matter. So Staff, give
19 me some guidance here.

20 SEAN MULLIN: Thank you. I think looking at the
21 prospective comments from the architect community, as
22 stated before, I think there could be some significant
23 changes. We would be looking for the most specific comments
24 we could get on concerns on existing standards and any
25 recommendations to additional standards.

1 From a turnaround standpoint, from Staff's
2 perspective, we wouldn't be making any changes before we
3 came back to the Planning Commission; I don't believe we
4 would. I think we would collect their input and bring it to
5 the Planning Commission for discussion and could possibly
6 provide responses as we've done before. I can defer to Joel
7 and Jennifer on that as well.

8 CHAIR HANSSEN: Go ahead, Director Paulson.

9 JOEL PAULSON: Thank you, Mr. Mullin. I think,
10 again, another option is we continue it to the first
11 meeting in September, but if we don't have the input from
12 the architects because they haven't been able to pull that
13 together, then we could continue it again. I think that
14 would be a discussion for the Commission, whether or not
15 the Chair is interested in opening up the public hearing
16 for a very specific question such as do you think the
17 architect's group is going to be able to come up with their
18 recommendations by next Thursday so that we can get it into
19 the packet for the meeting on the 14th, or two weeks,
20 because I think the packet goes out, Ms. Armer, on the 9th?

21 JENNIFER ARMER: That's correct. We do have three
22 weeks until the next meeting.

23 CHAIR HANSSEN: I also heard an offer from Staff
24 to meet with these architects versus them having to send
25

1 comments back and forth to each other, which to me sounds
2 much more expedient, because you could take notes on what
3 sounds reasonable in a meeting versus sending things and
4 then having to review them and sending them back.

5 Before I do that, because Commissioner Thomas and
6 Commissioner Janoff have their hands up, I'm going to ask
7 them for their input, and then we'll go from there.
8 Commissioner Thomas, and then Commissioner Janoff.

9 COMMISSIONER THOMAS: Thank you, Chair. I want to
10 say that I also support Ms. Quintana's comments regarding
11 the introduction. I do think that it's important to be very
12 specific. It's called Purpose, and I think that being very
13 explicit and assuming that people don't know what the
14 purpose of this document is before they look at it is
15 important.
16

17 My comment regarding the photos would be I do
18 appreciate how straightforward and simple this is compared
19 to our Residential Design Guidelines. I think it's quick
20 and easy to look at and easy to interpret, and so I
21 appreciate Commissioner Clark's comments about how lay
22 people are going to look at this, so we should include some
23 examples, so I'm interested in hearing if people are
24 thinking those photos should be integrated throughout or
25

1 more like used as an index to reference examples at the
2 end? So that's one thing.

3 I have a couple of comments and questions
4 regarding just Objective Standards and SB 35.

5 I kind of got the impression from the architects'
6 comments tonight that Objective Standards in general are
7 restrictive with regard to design and architecture, and
8 like Director Paulson just said, not having Objective
9 Standards isn't an option at this point, we have to have
10 them, so I am curious if this group of architects, do we
11 know what kind of projects they're doing? Because I think
12 the projects that are going to come through SB 35 and
13 through this ministerial process, even though it's
14 classified and Town Code is two or more, I would assume
15 that it's going to be larger developments and
16 redevelopments.
17

18 So my question for Staff and/or the Town Attorney
19 is just because this SB 35 Objective Standards pathway
20 exists, can smaller projects still go through the typical
21 Town process in a different way and not have to deal with
22 this point system with regard to Objective Standards and
23 just meet our other Residential Design Guidelines that
24 exist, or is this now going to be the only pathway for
25 development of two or more?

1 ATTORNEY WHELAN: I can start. For SB 35 the
2 project has to invoke it in order to rely on it, however,
3 as the Director mentioned, there is also though the State
4 Housing Accountability Act, and that provides that cities
5 and towns can only deny multi-unit housing if they can
6 demonstrate that the project doesn't comply with an
7 objective standard, and so it's also a benefit to cities
8 and towns to have objective standards in place to consider
9 any Multi-Family housing project.
10

11 SEAN MULLIN: I would add that smaller projects,
12 to the Commissioner's question, the existing process would
13 remain and they could choose to not go through the
14 Objective Standards process, which is a streamlined
15 process, and choose for whatever reason to go through the
16 typical existing Architecture and Site process.

17 COMMISSIONER THOMAS: So basically if you want to
18 develop a lot right now and you want to build a smaller
19 like four-plex on that lot, and it fits with the design,
20 we've looked at all the neighborhood, it doesn't even look
21 like a four-plex, it looks like a normal Single-Family
22 home, there is a pathway to still do that through the
23 typical Architecture and Site application that exists right
24 now? I just want to confirm that.
25

 SEAN MULLIN: That is correct.

1 JENNIFER ARMER: Correct, those existing
2 processes will still be in place for all size projects.
3 It's really just when they're invoking this special
4 streamlined process that we would then require that they
5 comply with these Objective Standards.

6 COMMISSIONER THOMAS: Thank you. Then my
7 understanding, and please tell me if this is not a good
8 interpretation, is that SB 35 is mainly going to be used
9 for larger projects that are invested with large companies,
10 large developers, contractors, big architecture firms, all
11 of that most of the time in our situation.

12 With that, if that is the case, then I am more
13 comfortable just proceeding on, because we still have this
14 other pathway that exists if our local architects feel like
15 these Objective Standards are restrictive, but I am really
16 curious to hear what other Commissioners think about that.

17 CHAIR HANSSEN: Commissioner Janoff.

18 COMMISSIONER JANOFF: I wouldn't mind responding
19 to Commissioner Thomas, but I think we've got a question at
20 hand that really needs to be answered, and that is yes, I
21 agree, we should open the public meeting back up to ask the
22 architect, Bess Wiersema, since she's the named
23 representative for the architects, whether they can compile
24 the comments of the architects within the next two weeks?
25

1 CHAIR HANSSEN: That was my thinking as well. I
2 think a week is too fast, and if it meant that we couldn't
3 meet at the next meeting, then so be it. But do others feel
4 differently about that before I ask Ms. Wiersema?

5 Commissioner Clark.

6 COMMISSIONER CLARK: Thank you. I'll have
7 something after that, but I also think that question needs
8 to be answered first.

9 I think it's important that the architects are
10 able to meet with Staff, so I also want to make sure that
11 that's incorporated into the timeline.

12 CHAIR HANSSEN: I'm going to reopen the public
13 comments section and I'm to ask Ms. Wiersema a question.

14 JENNIFER ARMER: She should be able to speak once
15 you've asked the question.

16 CHAIR HANSSEN: So my question is this: Can you
17 either send comments or meet with Staff within the next two
18 weeks to help advance this Objective Standards project
19 forward, because we are in such a tight time frame?

20 BESS WIERSEMA: I will make sure that we meet
21 with Staff and we provide you with comments in two weeks,
22 100%. We care, we want to help, and we want to make sure
23 that this is a successful process for what Los Gatos wants
24 to see in terms of this built environment.
25

1 I would say that I want to make sure that my two-
2 week time definition has to do with we have two weeks as
3 community members, business owners, etc., to get our
4 information to Staff, and that does not mean that based on
5 their backup of when they have to submit to you for
6 documents for the hearing, it doesn't become a Desk Item,
7 which is always cumbersome for all of us. So I'm not sure
8 what that calendar timing is, and maybe you can help define
9 that.

10
11 CHAIR HANSSEN: I thought a week was not long
12 enough, so I'm saying two weeks, and I understand that that
13 doesn't include Staff turning this thing around necessarily
14 for our next meeting unless they could do that after
15 getting your input in two weeks, so I'm good with that. So
16 I'm going to close the comments, and I'll go back.

17 We have Ms. Armer, and then we have two
18 Commissioners.

19 JENNIFER ARMER: Thank you, Chair. I wanted to
20 clarify that tonight's meeting, we are August 24th, and two
21 weeks from today would be September 7th. The full Staff
22 Report packet for the next Planning Commission meeting goes
23 out two days later on the 9th, so if written comments were
24 received from the architects by the 7th, they would be in
25 your full packet and you would have the normal period of

1 time to take a look at them, though depending on when they
2 are received, Staff will have more or less time to provide
3 responses in writing in advance of the meeting.

4 CHAIR HANSSEN: Okay. It sounds like we can work
5 with that, and then if something doesn't occur as we
6 expected, there certainly is always the possibility to
7 continue it to the second meeting in September, correct?

8 JENNIFER ARMER: Correct.

9 CHAIR HANSSEN: All right. So then our date
10 certain, if it's the will of the Commission to do this,
11 would be the first meeting in September.

12 JENNIFER ARMER: September 14th.

13 CHAIR HANSSEN: Thank you. Okay, Commissioner
14 Clark, and then Commissioner Janoff.

15 COMMISSIONER CLARK: Thank you, just a couple of
16 things about the photos. I know that Commissioner Thomas
17 asked if we would want them throughout the document or as
18 an index at the end, and my personal thought would be to
19 have an image in the sections that are done through
20 scoring, and it can say that these are the parts that are
21 in it and this is the score it would receive, because I
22 feel like that's where they started to look the most
23 monotonous to some people and where it gets kind of
24 confusing to picture multiple being integrated.
25

1 Second, I see what you mean, Commissioner Thomas,
2 about them still having that other option of not going
3 through the ministerial process and still just using the
4 normal one, but I think that it's really important that
5 these Objective Standards are practical, and we really want
6 them to be utilized, so I think talking to the architects
7 is a really good way to make sure that they are as
8 practical as they can be, and I think we need to focus on
9 not relying on somebody possibly using the other process
10 and hoping that people will be able to take advantage of
11 the Objective Standards.
12

13 CHAIR HANSSEN: Thank you for that. Commissioner
14 Janoff.

15 COMMISSIONER JANOFF: Just quickly, I think that
16 given where we are with the promise of the architects to
17 come back with us, then we should suspend our conversation
18 tonight. We can have longer to look over the comments from
19 the Desk Item so we can incorporate those. I feel like I
20 have no idea where the architects' changes might be, and so
21 going through the document I think doesn't make much sense
22 at this point.
23

24 I would agree that we're just really beating a
25 dead horse about the images, but images always speak more
strongly when they're related to what the comments are

1 talking about, so putting them at the end, where you've got
2 to leaf back and forth, whether you do it online or in a
3 hard copy, it doesn't make too much sense to me, so I'd
4 keep those images interwoven with the discussion so that
5 the examples are clear, or put them, as Commissioner Clark
6 suggested, with examples of how projects would be scored.

7 CHAIR HANSSEN: I agree. I was not considering
8 going through the document, because I feel like there's
9 enough support from the Commission to continue the item,
10 although we haven't gone through that process yet.

11
12 I did want to weigh in about the pictures. While
13 understanding some of the complexities of doing pictures, I
14 think we need to have some pictures, especially—I think
15 Commissioner Clark was spot on—in that section where we're
16 scoring a project. If we can get permission from a project
17 to apply the score to them, it should be in the document,
18 not at the end, and make it easy for people to understand
19 how to implement the standards that we have, because the
20 whole idea is streamlining, so we need to make it easier
21 for people and not complicated.

22 I also wanted to comment on Commissioner Janoff's
23 thought that we did get some good comments from Ms.
24 Quintana in the Desk Item. I don't know that everyone had a
25 chance to totally digest them, but one of the comments that

1 was raised, and it was raised before, was about having all
2 of the Objective Standards from every other document
3 included in this document, and Staff did address that
4 comment in the packet and said that instead there would be
5 references to the other documents that it wasn't going to
6 be in scope to do that thorough of a document to pull in
7 everything from every other document and put it in this
8 document.

9
10 I will go to Vice Chair Barnett, and then back
11 Commissioner Janoff.

12 VICE CHAIR BARNETT: I'm prepared to make a
13 motion to continue this hearing to September 14th with the
14 understanding that if we don't receive the architects'
15 input within two weeks that it will be denied or not
16 considered for a further hearing.

17 CHAIR HANSSEN: Okay. Do I have a second for
18 that? Commissioner Clark.

19 COMMISSIONER CLARK: I second.

20 CHAIR HANSSEN: Thank you for that. Then
21 Commissioner Janoff, you had your hand up. Was it to make a
22 motion?

23 COMMISSIONER JANOFF: No, it was to make a
24 comment, but we can go ahead.
25

1 CHAIR HANSSEN: So we have a motion and a second
2 to continue. I did want to ask if any Commissioners would
3 like to make comments before I call the question? Obviously
4 we'll have another chance to see this when it comes back to
5 us. Commissioner Janoff.

6 COMMISSIONER JANOFF: All right, just quickly. In
7 the interest of transparency, I also wanted to underscore
8 the importance of actual images to residents. We're
9 entering into some uncharted territory with the number and
10 scale of the housing that we're looking for under the
11 Housing Element, and obviously this document is going to
12 relate to that type of development. Having residents
13 understand and see what this could look like, and be really
14 beautiful additions to our community, I think would be
15 really important.

16 CHAIR HANSSEN: Thank you for that. Commissioner
17 Thomas, and then Commissioner Tavana.

18 COMMISSIONER THOMAS: I do just have a question
19 for Staff. Are we going to get another draft based on the
20 few comments that we gave to you tonight, or can we assume
21 the draft we got tonight is what we'll also see in three
22 weeks?
23

24 RYAN SAFTY: Based on the anticipation of all the
25 future comments we're going to get from the architects, it

1 would be my preference and Staff's preference to probably
2 not go through an amended document and try to collect all
3 the feedback at one time.

4 COMMISSIONER THOMAS: Yes, I was going to say
5 that I would hope that you would do whatever is going to be
6 the most productive use of your time since you're going to
7 probably have to go back and edit it again after that next
8 meeting. Okay, thank you.

9 CHAIR HANSSEN: Commissioner Tavana.

10 COMMISSIONER TAVANA: I have a question for the
11 maker of the motion. If we do not receive comments by two
12 weeks time, will it still be on the agenda for the meeting
13 of September 14th?

14 VICE CHAIR BARNETT: If I may respond, that was
15 certainly my intention, that we would go forward with any
16 remaining comments on the draft that we received with the
17 Staff Report.

18 CHAIR HANSSEN: Are there any other questions or
19 comments before I call the question? Commissioner Janoff.

20 COMMISSIONER JANOFF: Just to clarify what the
21 maker of the motion stated in response to Commissioner
22 Tavana, are you saying that if the architects come back and
23 say we need another week that we wouldn't give that
24
25

1 continuance? I'm not clear what you're going forward
2 without the input means.

3 VICE CHAIR BARNETT: If I may respond, we had
4 assurance that it absolutely could be provided within two
5 weeks. I should think that after all the delays and failure
6 to respond to the outreach that that's reasonable.

7 CHAIR HANSSEN: I also will weigh in. I heard
8 from Ms. Wiersema that 100% that two weeks was going to
9 work, so I think we should just proceed forward with that
10 assumption. Any other questions? Commissioner Tavana.

11 COMMISSIONER TAVANA: I know they said 100%, but
12 there is always a chance we do not receive comments, so I
13 just want to make sure in case we do not receive comments
14 it still is on the agenda for the next meeting regardless
15 of whether we do or do not receive comments.

16 JENNIFER ARMER: I just wanted to step in and
17 clarify. This would be a continuance to the meeting on the
18 14th regardless of whether any additional input was received
19 between now and then, and then the Commission would be
20 considering the item and making a recommendation, or
21 continuing it again if they so chose at that meeting. Since
22 we don't yet have a recommendation on this item to Town
23 Council, it wouldn't move forward without further
24 discussion.
25

1 CHAIR HANSSEN: I think that works, and so it's
2 going to be on the agenda one way or the other, because we
3 are recommending a continuance, and you all have seen in
4 the past where if something strange happens, then there's
5 always the possibility of continuing it again, but we
6 really do need to finish this.

7 I'm going to call the question, and I will start
8 with Commissioner Thomas.

9 COMMISSIONER THOMAS: Yes.

10 CHAIR HANSSEN: Commissioner Tavana.

11 COMMISSIONER TAVANA: Yes.

12 CHAIR HANSSEN: Commissioner Janoff.

13 COMMISSIONER JANOFF: Yes.

14 CHAIR HANSSEN: Commissioner Clark.

15 COMMISSIONER CLARK: Yes.

16 CHAIR HANSSEN: Vice Chair Barnett.

17 VICE CHAIR BARNETT: Yes.

18 CHAIR HANSSEN: And I vote yes as well, so it
19 passes unanimously, and so there is no recommendation,
20 we're just continuing this to the meeting on the 14th.
21

22 (END)
23
24
25



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/14/2022

ITEM NO: 3

DATE: September 9, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Review and Recommendation of the Draft Objective Standards to the Town Council.

RECOMMENDATION:

Review and recommendation of the Draft Objective Standards to the Town Council.

BACKGROUND:

On June 22, 2022, the Planning Commission received and considered public comments on the Draft Objective Standards, completed the review of the document, and provided input to staff on recommended modifications. The item was continued to a future meeting to allow staff time to prepare responses to the input received and to prepare a revised Draft Objective Standards document.

On August 24, 2022, the Planning Commission received and considered public comments on the revised Draft Objective Standards (previously provided as Exhibit 9). A representative from the local architect community was present and provided verbal comments on the Draft Objective Standards. The item was continued to a future meeting to allow the architect community time to prepare written comments on the Draft Objective Standards document for Planning Commission consideration.

DISCUSSION:

At the August 24, 2022 Planning Commission hearing, the Commissioners discussed four topics: architect community input, public comment, privacy, and pictures. Staff's understanding of the discussion items is summarized below.

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

DISCUSSION (continued):

1. Architect Community Input: The community of local architects met prior to the August 24, 2022 Planning Commission hearing to discuss the Draft Objective Standards document. A representative from the architect community was present at the August 24, 2022 Planning Commission hearing and raised concerns regarding the draft design standards and the ability of the document to be used to facilitate “good architecture.” The Planning Commission continued the item to the September 14, 2022 hearing to give the architects time to provide written comments on the document. Town staff met with the group of architects on September 1, 2022, to answer questions and facilitate input. On September 7, 2022, the architects submitted written comments, which are provided in Exhibit 16.
2. Public Comment: Written public comment was received on August 24, 2022, and was forwarded to the Commissioners via a Desk Item. Based on the general support expressed by Planning Commissioners at the meeting of the changes included in the public comment, staff has reviewed the 27 individual suggestions. The majority of the suggestions are simple changes that could be implemented if supported by the Planning Commission. The following suggestions have either already been discussed or are not consistent with past direction. Staff requests direction from the Planning Commission on the following:
 - a. Comprehensive stand-alone document. The public comment requests that all existing Town-wide objective standards be listed in this document. Staff and the Planning Commission have discussed this topic in the past, with the conclusion that the Town include a list of other applicable documents that must be followed within the Purpose and Applicability section.
 - b. Removal of the term “Design” throughout the document. The public comment requests that text throughout the document be changed from “Objective Design Standards” to “Objective Standards.” No explanation was given.
 - c. Decrease tree spacing. The public comment requests that the spacing between trees within parking lots be reduced. Draft Objective Standard A.4.3 requires that a landscape area with at least one tree be located between every 10 consecutive parking stalls when the parking row exceeds 15 consecutive spaces. The public comment requests that the number of spaces be reduced below 10. Staff does not recommend this change as it was included for consistency with Town Code Section 29.10.155(g)(7).
 - d. Format change for B.4.3. The public comment requests that the format for B.4.3 be changed so that it is consistent with the rest of the document. Draft Objective Standard B.4.3 contains the menu options of architectural solutions to achieve 16 points. This was discussed by the Planning Commission Subcommittee and Planning Commission and was received with support.

DISCUSSION (continued):

3. Privacy: A Commissioner submitted excerpts from the City of Palo Alto Objective Standards that were included as Exhibit 13 with the August 24, 2022 Addendum Report, which led to the discussion on whether to increase privacy standards. The general consensus expressed at the hearing was to not increase privacy standards. Additional Commissioner comment was received on September 6, 2022 (Exhibit 17), to further discuss the privacy standards and to express concerns regarding the subjective nature of drafted standard B.4.11. Draft Objective Standard B.4.11 states, “[...] Balconies facing existing residential uses on abutting parcels are allowed when the design is proven to prevent views to the residential use.” Staff agrees that this standard may not be objective with the “proven to prevent views” statement and looks forward to further discussion and recommendation from the Planning Commission.
4. Pictures: The current Draft Objective Standards contains design illustrations to demonstrate the intent of some of the drafted standards; however, the general consensus at the August 24, 2022 Planning Commission hearing was to include pictures of existing development within the document for real-world examples of some of the complicated design techniques to make the document more user-friendly. Staff looks forward to further discussion and recommendation from the Planning Commission.

PUBLIC COMMENTS:

Throughout the process, and prior to the Planning Commission meeting of September 14, 2022, staff contacted several professional organizations, design professionals, developers, and residents to inform them about the meeting and encourage participation and written comments on the Draft Objective Standards. Staff also met with a group of local architects on September 1, 2022, to answer questions and facilitate input. The comments from the architect community are provided in Exhibit 16. In addition to the direct contact summarized above, staff requested public input through the following media and social media resources:

- On the Town’s website home page, What’s New;
- On the Town’s webpage dedicated to objective standards; and
- On the Town’s social media accounts.

Additional public comment has been received and is included as Exhibit 18.

CONCLUSION:

A. Summary

The Town of Los Gatos has prepared Draft Objective Standards for the review of multi-family and mixed-use development applications as required by State legislation. The Draft Objective Standards were developed following research by staff and the Town's consultant, five meetings with the Planning Commission subcommittee, and two community engagement meetings. Following input received from the Planning Commission on June 22, 2022, staff prepared revised Draft Objective Standards and other supporting materials for consideration by the Planning Commission on August 24, 2022, and the matter was continued to September 14, 2022.

B. Recommendation

The revised Draft Objective Standards have been forwarded to the Planning Commission for review. Staff recommends that the Planning Commission:

- Receive and consider public comments;
- Complete the review of the revised Draft Objective Standards; and
- Forward a recommendation to the Town Council to approve the revised Draft Objective Standards.

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation of approval to the Town Council with additional and/or modified objective standards; or
2. Continue the matter to a date certain with specific direction to staff.

NEXT STEPS:

Following review and recommendation by the Planning Commission, the Town Council will consider the revised Draft Objective Standards, the Planning Commission recommendation, and any additional public comments. Once the Town Council adopts objective standards, staff will develop streamlined review procedures for applications proposing qualifying housing projects.

EXHIBITS:

Previously received with the June 22, 2022, Staff Report:

1. Town Council Resolution 2019-053
2. Summary of feedback received during community engagement meetings
3. Draft Objective Standards
4. Public Comments received prior to 11:00 a.m., Friday, June 17, 2022

Previously received with the June 22, 2022, Addendum Report:

5. Staff response to Commissioner's questions
6. Issues considered by the Objective Standards Subcommittee
7. Commissioner email regarding City of Palo Alto Objective Standards

Previously received with the June 22, 2022, Desk Item Report:

8. Suggested additions and modifications provided by a Planning Commissioner

Previously received with the August 24, 2022 Staff Report:

9. Revised Draft Objective Standards
10. Revised Draft Objective Standards with Redlines
11. Summary of Revisions Made and Responses to Comments Received at the Planning Commission Hearing of June 22, 2022
12. Evaluation of Existing Developments

Previously received with the August 24, 2022 Addendum Report:

13. Planning Commissioner Comments

Previously received with the August 24, 2022 Desk Item Report:

14. Planning Commissioner Comments
15. Public Comment received between 11:01 a.m., August 23, 2022, and 11:00 a.m., August 24, 2022

Received with this Staff Report:

16. Architect Comments, received September 7, 2022
17. Planning Commissioner Comments
18. Public Comments received prior to 11:00 a.m., Friday, September 9, 2022

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We, a cooperative of Architects and Designers of Los Gatos, have reviewed the Draft Objective Standards for multi-family and mixed-use residential projects. We respectfully request that our concerns be heard and addressed where ever possible.

Our review is based on our experience with not only designing quality architecture, but also how codes, guidelines and standards can be misinterpreted by different designers but also staff. We also take great pride in carefully crafted design and how less experienced designers might use these standards as a crutch, instead of finding more appropriate and elegant and site/project specific design solutions. In many cases, we are playing devils advocate, in order to highlight where we see holes or weaknesses in specific standards. We have made specific suggestions where we see an opportunity to do so.

We also understand that this is an onerous task that has been put upon you but the state and that there can be no perfect set of standards. Design is inherently complicated and subjective. We are here to help with any further discussions if requested.

GENERAL

- The Planning Dept needs to make sure the Planning Commissioners understand that these design guidelines/standards are not to be referred to or used at all when evaluating Discretionary Review projects that go through the normal DRC/PC approval process. The two processes are mutually exclusive, and Discretionary projects should be reviewed on their own merits. It must be understood and clearly stated that these “Standards” are not to be considered a standard that is compared to projects that do not apply for this stream lined process. These standards are not standards of excellence and should never be considered as such.
- Could there be a tiered system for some of these requirements? Projects that are 3 units or 50 units or 500 units shouldn’t necessarily have the same standards.

KEY TERMS

- Are community recreation space and landscaped areas mutually exclusive?
- In community areas, is there a minimum size of such a space? How big must it be to have it considered community space? Example: could a widened, paved node at a pathway intersection be considered community space? Like with a bench?
- Does landscape area include pathways?

A.10 LANDSCAPE, PRIVATE, AND COMMUNITY RECREATION SPACES

- Does landscape area mean any and all planted areas, including planters and pots on every floor?
- Private recreation space should be proportionally based on the size of the unit. The Palo Alto standards require just 50 SF for each unit regardless of which floor or unit size. We propose a requirement of 10% of the living area. A 500 SF studio should not be required to have a 10'x15' balcony. There could be a minimum as well, 50 SF, so that it must still be able to hold a couple of people comfortably.
- Can the required recreation space be broken down into many smaller community spaces? If so, what are the minimum dimensions? (Refer back to key terms comment.)

A.11 BUILDING PLACEMENT

- Requirement 11.1 states that 75% of the ground floor of a building shall be placed within 5 feet of the front & street side setbacks. Does this mean all the buildings on site? Does this mean 75% of the entire street frontage must have a building on its frontage? Or only the buildings that abut the street when multiple buildings are on site? Will buildings be calculated individually? What about corner lots and corner open plazas?
- Requirement 11.2 states that there must be between 15-30% of the street frontage area shall have site amenities. If a restaurant is at this ground floor, and they would like the whole frontage to be tables & chairs and landscaping, how can they meet the 30% max. Why is a maximum necessary?

B.1 BUILDING DESIGN - Massing & Scale

- Do these options apply to each individual building that abuts the street separately? Does this apply to buildings on site that do not abut the street?
- Some of these options seem mutually exclusive. How would a continuous arcade, continuously vertical recessed entries and recessed courtyards all exist on the same building facade? How would any of these options work with the arcade?
- Longer buildings and corner buildings will look monotonous with a continuous arcade. And architecturally speaking not attractive unless in a very particular setting. Shouldn't this option be contingent on the length of the building? When over 80 or 100 ft long, a 2/3 arcade approach could apply? And special treatment for corner lots. What about open corner plazas?
- There should be an entire section that deals with corner lots, with points awarded for an open plaza/public amenity at the corner, or a tower at a corner (with a height increase exception for the tower), or another creative way to highlight/celebrate a corner, etc. although maybe too complex for this cookie cutter approach document.

- B.1.1c suggests entries should be recessed all the way up the entire building height, but it is not good practice to have uncovered entries. How will this option be beneficial? Would a roof/covered porch at these entries be allowed for this option? Especially when this conflicts directly with the recommendation for a 3' recessed entry per diagram B.4.6a. If any fenestration element needs an awning it's the entrance.
- Option B.1.1f offers pilasters as an option, but pilasters are much less about massing as they are about facade articulation. Shouldn't this be in section B.4?

B.3 ROOF DESIGN

- B.3 illustration has all pitched roofs. This is not exemplary of most modern architecture and seems to show favor for sloped pitches. Offer more examples of flat roofs with eaves or parapets.

B.4 FACADE DESIGN & ARTICULATION

- B.4.1d & f shows a continuous belly band and cornice. Do these bands have to be continuous and unbroken? The pop outs, recesses, and continuous pilasters suggested in the other options would not be very harmonious with these options. These also seem to conflict with the recessed courtyards and entries and recessed upper floors if the bands must be continuous. What about different roof heights? This option is not very compatible with many other design elements suggested.
- B.4.1d - A 10" tall belly band is quite thick for a modern line. This suggests only a traditional style building will be allowed. Palo Alto objectives require 4" min, not 10" min.
- B.4.1f - Requiring a "floor to ceiling height" is a structural dimension that is measured in a cross section and cannot be perceived from the outside. The height between the top of the top windows and the top of the parapet is what is perceived. Is this what is supposed to be 24" + lower floor framing/ceiling assembly height? Interior finishes, such as dropped ceilings should not be part of this calculation as they are not perceived from the outside. How does a sloped interior ceiling height get calculated? It's really the facade height, parapet height, etc that should be controlled.
- B4.2 - When a building side facade is on the property line or within 5' of it, how can this requirement be fulfilled? Windows are not allowed. Further, expensive accent materials, that can enhance a street side facade will be wasted money on a side no one can see. This will prohibit small amounts of high end exterior materials from being used at all.
- B.4.3 - Almost all of the first listed architectural features are found in the previous section under B.4.1. These are redundant.
- B.4.3 - Who will determine if a particular architectural "solution", aka decorative feature, will constitute points? Will one Juliet balcony, or planter box mean the points are achieved? One chimney, one bay window? This points system lacks specificity and at the same time is entirely too specific about traditional style

architectural features. Most of these features are entirely inappropriate on modern architecture. When we say "Bay Window", can we add in "or Box Window", and "angled Box Window"? The term Bay Window is too specific/ limiting. And what about the unfortunate designer that decides "hey maybe I'll take one of each thing on the menu?" One bay window, one planter, one awning, one pilaster, one arcade - oh wait maybe two, one balcony, one trellis, one braced overhang, one corbel, one scoop with sprinkles, and why don't you just throw in a 10" thick caramel flavored belly band just for fun". Are we making an ice cream sundae here? In my absurd example, the Town would have no choice but to approve it as long they scored the minimum 16 points" To quote their own language: "... by incorporating any combination of the following architectural solution to achieve a minimum of 16 points" with no mention of any cohesive design theme, scale, proportion, repetition, cadence, architectural nuance, color, materials, etc.

- B.4.5 - This illustration should be stricken of the "Architectural Features" pilasters. Not Good
- B.4.6a - This requirement seems to conflict with the vertically continuously recessed entry option from section B.1.1c
- B.4.6b - How about adding in another drawing that shows glass extending to the floor? Why say between 2 and 10 feet above the sidewalk? Why can't the glass extend to the sidewalk?
- B.4.10 - Wouldn't it be more appropriate to have a setback to roof top decks and balconies, rather than prohibiting them entirely from a building? The building could be very large and deep. What about a daylight plane?
- B.4.11 - Why can't the balconies extend beyond the footprint if you can prove that views to residential uses are prevented?
- B.4.12 - Why is this even a section? Isn't this all covered in great detail in the previous sections?

Respectfully,

Gary Kohlsaat
Jaclyn Greenmyer
Bess Weirsema
Jay Plett
Noel Cross
Jennifer Kretschmer
Louie Leu
Tom Sloan
Terry Martin
Bob Flury
Tony Jeans

From: Jeffrey Barnett

Sent: Tuesday, September 6, 2022 1:14 PM

To: Jennifer Armer <JArmer@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Attorney <Attorney@losgatosca.gov>

Subject: PC Hearing on 9.14.22 - Objective Standards

EXTERNAL SENDER

Dear Ms. Armer and Mr. Paulson,

Please include the following comments in the Staff Report for our next meeting. Thanks in advance.

I wish to amplify upon the comments made in my Desk Item dated August 23rd as well as during the Planning Commission meeting of August 24th concerning Agenda Item 3, wherein I objected to draft Standard B11.4 related to privacy for neighbors from balcony views. Five of my fellow Commissioners voted to not make the proposed standard concerning such balcony views more specific. This draft standard provides that balconies facing existing residential uses on abutting parcels are allowed "when the design is proven to prevent views to the residential use."

SB 35, creating the streamlined approval process, and SB 330, the Housing Crisis Act of 2019, require "objective, quantifiable, written development standards, conditions and policies" to retain local control of multifamily housing and, in the case of SB 330, certain mixed-use developments as well.

The Government Code changes effected by these Bills specify that the term "objective standards" means standards that involve "no personal or subjective judgment by a public official," and are "uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official before submittal of an application." See Government Code Sections § 65913.4(a)(5) (part of SB 35) and 66300(a)(7) (part of SB 330).

I submit that keeping the standards "general", as was proposed by certain Commissioners at our last hearing, is not consistent with these requirements of the Government Code. Standard B.4.11 should be made more specific, along the lines of Palo Alto Municipal Code 18.24.050(c)(2) which is cited in my prior Desk Item.

The draft standard providing that balconies facing existing residential uses on abutting parcels are allowed "when the design is proven to prevent views to the residential use." is clearly subjective. There is no way that an applicant can determine the meaning of the language without conferring with the Community Development Department. Indeed, the proposed standard imposes a burden of proof on the applicant, which is completely antithetical to the objective standard requirements in the Government Code.

Some Commissioners expressed concern that making the balcony privacy requirement more specific would call into question the adequacy of the window standards. If window views onto adjacent residential lots and homes is concerning to the Commission, objective standards should be adopted for them too.

For the above reasons, I submit that Standard B 4-11 is not enforceable, and that the Commission's prior approval of it as an objective standard should be reconsidered. I further

request that our Town Attorney provide a legal opinion concerning compliance of B 4-11 with SB 35 and 330.

Finally, I withdraw my other Desk Item, also dated August 23rd, which contained five points. My questions and comments were resolved satisfactorily through a discussion with Ms. Armer and Mr. Paulson.

Thank you.

Jeffrey Barnett

From: Adam Mayer

Sent: Wednesday, September 7, 2022 11:53 PM

To: Joel Paulson <jpaulson@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Ryan Safty <RSafty@losgatosca.gov>

Subject: Comments on Objective Standards

EXTERNAL SENDER

Hello Los Gatos Planning Staff,

This is Adam Mayer, local architect and current member of the Housing Element Advisory Board.

I just wanted to make a few comments piggybacking on the issues brought up by the group of architects represented by Ms. Bess Wiersema at the last Planning Commission meeting. Although I am not part of that group, I too have some overlapping concerns about the Objective Standards as they are currently drafted.

Generally I agree with the intent of the Objective Standards and think that the State is doing the right thing by trying to streamline housing development. The potential downside, as was noted by the group of architects in the previous meeting, is that these standards could end up stifling the architect's creativity by being overly prescriptive, resulting in mediocre cookie-cutter design.

To be sure, this is a delicate balance to walk and I think Town Staff has done a fairly good job of walking this tight-rope so far.

For instance, one point of discussion in the last Planning Commission meeting was about including pictures of real-life examples, but my personal opinion here is that I prefer the more abstract line drawings that are currently used in the Draft document. For Design Guidelines, real world photo examples might make sense but I think the abstract line drawings are better (and potentially less restricting from a design point-of-view) for the Objective Standards.

Now onto the specific parts of the Draft Objective Standards where I have some comments (primarily on the Site Standards, the Building Design Standards look fine for the most part):

Section A5.1

Any automobile entry gate to a parking structure shall be located to allow a minimum of 25 feet between the gate and the back of the sidewalk to minimize conflicts between sidewalks and vehicle queuing.

Comment: Imagine a scenario where there is a new multi-story, multi-family residential building on a tight lot with an underground parking garage. There is no way you are going to fit a ramp on the site that starts 25' away from the sidewalk that has enough run to get a full story below grade. Furthermore, on a project where you have only residential (no commercial) you are very unlikely to ever have a scenario where vehicles are going to be backed up in a queue. I'd remove this section or amend it to be much less than 25'

Section A8.3

Vehicular entry gates and pedestrian entry gates shall have a maximum height of six feet.

Comment: Does this include entry gates that enter into a below-grade parking garage? Typically these are full height (because the retract up into the ceiling) with a minimum height clearance of 6'-8"

Section A10.1a

Landscaped space: A minimum of 20 percent of the site area shall be landscaped.

Comment: 20% seem unnecessarily high for an infill building. Can a landscaped roof count toward the 20%?

Section A10.1b

Private recreation space: The minimum horizontal dimensions are 10 feet by six feet. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit.

Comment: 6 ft. x 10 ft. is a gigantic balcony for a multi-family unit, even for luxury condos. 120 square feet is absurd.

Section A10.1c

Community recreation space shall be provided in multi-family residential development projects at a minimum of 200 square feet per residential unit.

Comment: Like the private recreation space, this is way too much. For smaller multi-family residential buildings under a certain size (say 10-12 units) I would say that "community recreation space" is unnecessary and would be a huge obstacle in getting these sort of mid-tier boutique multi-family projects built. "Community Recreation Space" makes more sense in larger multi-family developments (like 20 - 100 units)

Thanks for considering my comments and happy to answer any questions.

Best,
Adam

Adam N. Mayer AIA, LEED AP BD+C, WELL AP



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 9/14/2022

ITEM NO: 3

ADDENDUM

DATE: September 13, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Review and Recommendation of the Draft Objective Standards to the Town Council.

REMARKS:

Per the request of the Planning Commission at the August 24, 2022 Planning Commission hearing, the community of local architects submitted written comments related to their concerns with the drafted Objective Standards document (Exhibit 16). Staff has prepared a numbered list of the 29 bulleted items presented in the architect community input (Exhibit 19) including staff responses to suggestions and questions. There were several recommendations in the comment letter that staff supports if Planning Commission chooses to incorporate them in their recommendation to Town Council. There were also 10 items which staff recommends that the Planning Commission discuss further; these are summarized below:

- Comment 9 relates to the continuous streetscape requirement in A.11.1, which requires development in a Community Growth District to place at least 75 percent of the ground floor within five feet of the street-facing property lines. The comment suggests that it is not clear whether it applies to the proposed buildings, or the entire length of the property line. This draft standard is currently worded to apply only to proposed buildings.
- Comment 10 questions why section A.11.2 has a maximum percentage for site amenities in front of the front façade. The maximum percentage was originally included to ensure visibility to ground floor commercial uses; however, in the case of restaurant uses, it may be overly restrictive, and therefore the standard could be modified to include a minimum, but no maximum.
- Comment 12 questions how the arcade (B.1.1.d) and the recessed building entry (B.1.1.c) standards could be incorporated in the same building. The Planning Commission could consider removing the “full height of the façade” requirement from B.1.1.c or removing the arcade option (B.1.1.d) in its entirety to remedy this concern.

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

DISCUSSION (continued):

- Comment 13 also related to the arcade option in B.1.1.d, stating that longer buildings would look monotonous with a continuous arcade. The arcade option could either be removed, or a limit to the required arcade length could be added.
- Comment 14 requests that an additional section be added to deal with corner lots. Although this does not currently exist, these could be developed in the future.
- Comment 18 and 19 are related to the belly band option in B.4.1.d. Based on the reasoning provided, Planning Commission can consider removing this option.
- Comment 23 questions how B.4.3 would be applied, for example if a single bay window would be sufficient to qualify for the points listed. Staff can either add greater specificity for certain items or remove this requirement. Staff looks for direction from the Planning Commission.
- Comment 24 suggests that the illustration of pilasters should be removed. This illustration was a specific request from a previous hearing, but it could be removed.
- Comment 27 suggests that rather than prohibiting rooftop and upper floor terraces and decks that they could be allowed given certain controls.

In addition to the comments received from the community of local architects in Exhibit 16, additional public comment was received from a local architect and are included in Exhibit 18. The public comment expresses concern with using “real world photo examples” within the document and makes recommendations for specific sections of the draft document. First, the public comment requests that parking structure entry gate setback be reduced to under 25 feet in standard A.5.1. Second, the public comment requests that the six-foot height limit for vehicular entry gates be increased in standard A.8.3. Third, the public comment questions whether landscaped roofs can count towards the landscaping requirement in standard A.10.1.a, and whether 20 percent is too high. Last, the public comment requests that the private and community recreation spaces be reduced in size in standard A.10.1.

Exhibit 20 includes public comment received between 11:01 a.m., September 9, 2022, and 11:00 a.m., September 13, 2022. These comments are meant to update the comments provided in Exhibit 15 with the August 24, 2022 Desk Item report. The public comment in Exhibit 20 also expresses support with the information provided in Exhibits 16, 17, and 18, and provided additional suggestions throughout the Purpose and Applicability section of the document. Staff is supportive of these recommendations and can incorporate the recommendations when forwarding the revised document to the Town Council.

EXHIBITS:

Previously received with the June 22, 2022, Staff Report:

1. Town Council Resolution 2019-053
2. Summary of feedback received during community engagement meetings
3. Draft Objective Standards
4. Public Comments received prior to 11:00 a.m., Friday, June 17, 2022

Previously received with the June 22, 2022, Addendum Report:

5. Staff response to Commissioner's questions
6. Issues considered by the Objective Standards Subcommittee
7. Commissioner email regarding City of Palo Alto Objective Standards

Previously received with the June 22, 2022, Desk Item Report:

8. Suggested additions and modifications provided by a Planning Commissioner

Previously received with the August 24, 2022 Staff Report:

9. Revised Draft Objective Standards
10. Revised Draft Objective Standards with Redlines
11. Summary of Revisions Made and Responses to Comments Received at the Planning Commission Hearing of June 22, 2022
12. Evaluation of Existing Developments

Previously received with the August 24, 2022 Addendum Report:

13. Planning Commissioner Comments

Previously received with the August 24, 2022 Desk Item Report:

14. Planning Commissioner Comments
15. Public Comment received between 11:01 a.m., August 23, 2022, and 11:00 a.m., August 24, 2022

Previously received with the September 14, 2022 Staff Report:

16. Architect Comments, received September 7, 2022
17. Planning Commissioner Comments
18. Public Comments received prior to 11:00 a.m., Friday, September 9, 2022

Received with this Addendum Report:

19. Staff's responses to architect comments in Exhibit 16.
20. Public Comments received between 11:01 a.m., September 9, 2022, and 11:00 a.m., September 13, 2022.

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To: Chair and Planning Commissioners
From: Lee Quintanta
Re: September 14, 2022, Agenda Item 3

Planning Commission:

1. Attached as Attachment 1 are my comments submitted for the August 24th Planning Commission on the Draft Objective Standards. I have added additional comments in red.
2. I concur with Exhibit 17 attached to the Staff Report.
3. I agree with most of the comments contained in Exhibit 16 and Exhibit 17. The following are my Comments on Draft Objective Standards and to the included Exhibits 16, 17, and 18. Both Exhibits 16 and 18 raise indicate that further work is needed for clarity in the areas of landscaping, private and community recreation space and the question of line drawings/photos.
4. Below are a few additional suggestions to increase the understanding of these Objectives. Many of the suggestions are based on Section 18.24 of the Palo Alto Municipal Code Project Contextual Design Criteria and Objective Standards. While I understand that it is not the intent of the Town's Objective Standards to include Contextual Design Criteria, I none the less suggest considering the following ideas taken from of the Palo Alto Code be incorporated into the Town's Objective Standards Document.
 - *Purpose:* Purpose of the Objectives:
 - The purpose of these Objective Design Standards is to establish the intent of and objective design criteria and their intent for project that qualify for the streamlined approval review of Housing Development Projects eligible as defined by the Housing Development Act., ie eligible for ministerial approval (as defined by Cal. Gov. Code 65589.5)
 - Include an statement of intent prior to each section of the Objectives b (before A.1, A.2 etc) to provide guidance as to what the objectives are intended to achieve. (18.24.010 Purpose and Applicability)
 - Include a statement that diagrams are illustrative only, that They are not intended to convey a required architectural style. Rather the objective standards aim to accommodate a variety of styles, construction types.
 - *Applicability:* Suggestions:
 - Include a list of the zoning districts in which Housing Development Projects (as identified in California Gov. Code) and add a statement that the Objective Standards applies to both new construction and renovations.
 -

Page 2

- Include a statement to the effect that the streamlined approval process applies only if all objective standards are met, both those in these Objective Design Standards, and those in all other Town Regulation etc. (i.e. as listed on page one of the Objective Standards.
5. In order to submit this by 11:00 my additional comments on landscaping, private and common space and illustration/photos will follow tomorrow.

Thank you for your consideration.

Lee Quintana

To Planning Commission
Item 2 August 24th Planning Commission Meeting
From: Lee Quintana

COMMENTS ON TOWN OF LOS GATOS
DRAFT OBJECTIVE STANDARDS,
AUGUST 24, 2022

GENERAL COMMENTS:

Comprehensive stand alone document: It is my understanding, from previous public discussions of the Objective Guidelines, that the Objective Standards would be a comprehensive “stand alone” document containing the objective standards from all relevant documents and regulations. It is difficult to assess the Draft Objective Standards without knowing what other objective standards also apply to “qualified projects”. At a minimum, please consider adding a list of *all* objective standards contained . Consider adding a Table of all other objective standards that would apply to multi-family and mixed-use residential projects and include hyper-links to the individual standards.

PURPOSE AND APPLICABILITY

This section defines “qualifying project” and where the definition can be found in the California Government Code. However it does not define “Objective Standards” as defined by the Government Code. Most importantly, it does not explain how these apply to the approval process for “qualifying projects”.

Please delete and revise the first paragraph to better define the purpose of Objective Standards, (streamlining approval process? .

Delete and ~~receive revise~~ the second paragraph and to include the following as part of that paragraph:

Gov. Code 65559.5 identifies Qualifying Housing Development Projects:

- Multi-family housing developments.
- Residential Mixed Use Housing developments with a minimum of two-thirds of the square footage is designated for residential use.
- Supportive and transitional housing development

Delete and revise the last paragraph as follows:

A Qualifying project shall be approved through a ministerial review process when the project complies with these Objective Site Standards as well as complying with all existing objective development regulations in the Town., including but not limited to the following:

- General Plan

- Town Code
- Guideline and Standards Near Streams
- Bicycle and Pedestrian Master Plan
- Parks and Public Works Standards
- Santa Clara County Fire Department Regulations.

ORGANIZATION

The Following Objective ~~Design~~ Standards are organized into two primary sections:.....

KEY TERMS

Community recreation space Delete and replace with: **Note: Separate the definitions for Community Recreation space in mixed use developments and multi-family developments as individual definitions.**

Community recreation space in a mixed use residential development means public gathering spaces such as: plazas, outdoor dining, squares, pocket parks, or other community areas for the use of the **general** public.

- Please clarify whether this applies to non-residential and residential parts of a mixed use residential project or just to the non-residential part.
- **Note: Residential uses in a mixed use development should have some opportunity for gathering space as do residents in a MF only development. - please modify here and in objective standards to include this.**
- Should the Community space require a public access easement. **?**
-

Community recreation space in multi-family developments means gathering spaces such as: play areas, pool areas, patios, rooftop decks, and other community areas available for the use of all residents.

- Please clarify whether this applies to projects just with MF zoning designation or applies to the multi-family part of a Mixed Use Residential Project **See Note above.**

Mixed Use means a development project where a variety of uses such as office, commercial, or institutional, ~~and residential~~ are combined with residential use(s) in a single building or on a single site in an integrated project.

Private recreation space above ground level means an outdoor balcony, or rooftop deck, ~~or similar~~, accessible from a single dwelling unit.

similar” = subjective. Delete or replace with more specific language

Note: Add a space to separate above and at ground private recreation space

Private recreation space at ground level means ~~a single~~ an outdoor enclosed patio or deck accessible from a single dwelling unit.

Objective Standard means.....(add language)

A .SITE STANDARDS

A.1 Pedestrian Access

1.2 & Figure A.1.1: Is there a minimum width for the sidewalk? Or for the planting strip

A.2 Bicycle Access

2.4. 1.2 was “modified from walkway” to “pathway”. Should 2.4 also be changed to “pathway as well?”

A.3 Vehicular Access and A.4 Parking Location and Design

Figure A.3.1, A.3.1 and A4.3 need clarification

What is the difference between aisle to aisle circulation (A3.1) and parking areas (Figure A3.1)? Does Figure A.3.1 represent multiple parking areas (see A.4.2) or aisle-to-aisle circulation of A.3.1.

4.3 *Comment:* Consider decreasing spacing between trees. Aside from aesthetic value, the shading trees decrease radiation from the parking lot surfaces

Note: Shading from trees also lowers the temperature in cars. Consider adding a standard to ensure X% of parking spaces are shaded, or that addresses of trees to optimize shading (relates to Climate Change, energy, resiliency etc)n

4.4 Move 4.4 up under 4.1

Note:

I still suggest moving 4.4 up under 4.1 or combining the two as follows:

Except for driveways to access surface parking lots or carports, surface parking lots and carports shall not be located between ~~the~~ a primary building frontage and the street.

A.5 Parking Structure Access

Add a standard for pedestrian access to a parking garage

A.6 Utilities

6.3-Delete and separate ground and rooftop:

6.3 Views from the street of ground level utility cabinets, mechanical equipment, trash enclosures shall be screened from view.

- a. Screening shall be provided by landscaping, fencing or a wall.
- b. The screening shall be at least the same height as the utility being screened.
Comment: Should they also be screened from within a site? Or at a minimum from common areas?

6.4 Rooftop mechanical equipment shall be screened from view from the street

- a. Solar equipment is exempt from this requirement

Consider a height exemption of the area required for an elevator shaft.

Note: I still think my comments under A.6, including screening utilities from within the site, are valid and should be incorporated.

A.7 Landscaping and Landscape Screening

A.7.2.c *Comment:* Is there a requirement for planting between the trees?

Note: Suggest requiring shrubs between the trees X high at planting

A.10. Landscaping, Private, and Community Recreation Spaces

A10.1. The following landscaped, private, and community recreation spaces shall be ~~are~~ required for all qualifying projects and ~~are~~ shall be calculated independent of each other:

A.11 Building Placement

~~41.1. 10.c.~~ 10.c. How shade is calculated needs to be more specific.

Note: Break this paragraph up into:

- Minimum dimensions.....
- % of to sky
- % shading

B.4 Facade Design and Articulation

4.3 Change format consistent with the rest of the document

B. BUILDING DESIGN

B.1.3.e and Figure B.1.3..e

Comment: I don't understand this one. The illustration does not fit my understanding of a courtyard. Is this intended to be private the private use of the dwelling units? Is this an illustration of B.1.3 (Townhouse)

B.2.2 If the intent is to prevent full transparency into the structure, should there be a minimum as well as a maximum?

B.3 Roof Design

Figure B.3.3 *Comment:* This figure looks more like the gable illustrated in Figure.3.1 than it looks like a dormer

B.4 Facade Design and Articulation

B.4.3 Why change in format?

Architect Comments with Staff Responses *(in italic font)*

GENERAL

1. The Planning Dept needs to make sure the Planning Commissioners understand that these design guidelines/standards are not to be referred to or used at all when evaluating Discretionary Review projects that go through the normal DRC/PC approval process. The two processes are mutually exclusive, and Discretionary projects should be reviewed on their own merits. It must be understood and clearly stated that these “Standards” are not to be considered a standard that is compared to projects that do not apply for this streamlined process. These standards are not standards of excellence and should never be considered as such.
 - *Staff supports this recommendation and can include an additional statement when forwarding do Town Council.*
2. Could there be a tiered system for some of these requirements? Projects that are 3 units or 50 units or 500 units shouldn’t necessarily have the same standards.
 - *Although Objective Standards could be developed to differ depending on project size, the metric for most Standards has generally been applied to the street-facing façade. They have also been developed under the assumption that most projects will be 3-stories or less based on current height limits, and therefore significant differentiation may not be warranted.*

KEY TERMS

3. Are community recreation space and landscaped areas mutually exclusive?
 - *Yes, per A.10.1, “the following landscaped, private, and community recreation spaces are required for all qualifying projects and are calculated independent of each other.”*
4. In community areas, is there a minimum size of such ap space? How big must it be to have it considered community space? Example: could a widened, paved node at a pathway intersection be considered community space? Like with a bench?
 - *Yes, minimum horizontal dimensions are 10’ by 6’ for each area.*
5. Does landscape area include pathways? A pathway is not included in the list of elements that are considered to not be a part of “Landscaping.” (additional site open space and/or maximum lot coverage standards exist in the Municipal Code.)
 - *If landscaping is proposed along the walkway, it would count towards the landscaped space requirement. A pathway/walkway without landscaping would not count.*

A.10 LANDSCAPE, PRIVATE, AND COMMUNITY RECREATION SPACES

6. Does landscape area mean any and all planted areas, including planters and pots on every floor?
 - *Area used for landscaped, private, and community recreation spaces are calculated independent of each other with no area counted twice, additional clarity could be added.*

7. Private recreation space should be proportionally based on the size of the unit. The Palo Alto standards require just 50 SF for each unit regardless of which floor or unit size. We propose a requirement of 10% of the living area. A 500 SF studio should not be required to have a 10'x15' balcony. There could be a minimum as well, 50 SF, so that it must still be able to hold a couple of people comfortably.
 - *The private recreation space standard was included for consistency with Town Code Section 29.10.065. Section A.10.1 requires each new dwelling unit to have private recreation space: 200 square feet on the ground floor, and 120 square feet above the ground floor. If the Planning Commission recommends an adjustment to this requirement, staff recommends ensuring there are still minimum dimension requirements.*
8. Can the required recreation space be broken down into many smaller community spaces? If so, what are the minimum dimensions? (Refer back to key terms comment.)
 - *Yes, if each area is a minimum of 6' by 10' for both community and private recreation spaces (A.10.1).*

A.11 BUILDING PLACEMENT

9. Requirement 11.1 states that 75% of the ground floor of a building shall be placed within 5 feet of the front & street side setbacks. Does this mean all the buildings on site? Does this mean 75% of the entire street frontage must have a building on its frontage? Or only the buildings that abut the street when multiple buildings are on site? Will buildings be calculated individually? What about corner lots and corner open plazas?
 - *This draft standard is currently worded to apply only to proposed buildings. The requirement applies to the buildings, not the street frontage. This does not mean that 75 percent of the street frontage needs buildings along the front; instead, it means that 75 percent of the area of the primary building(s) proposed must be on the street frontage (see Figure A.11.1).*
10. Requirement 11.2 states that there must be between 15-30% of the street frontage area shall have site amenities. If a restaurant is at this ground floor, and they would like the whole frontage to be tables & chairs and landscaping, how can they meet the 30% max. Why is a maximum necessary?
 - *Staff agrees that the maximum percentage could be deleted. The maximum percentage was initially included to ensure visibility to ground floor commercial uses.*

B.1 BUILDING DESIGN - Massing & Scale

11. Do these options apply to each individual building that abuts the street separately? Does this apply to buildings on site that do not abut the street?
 - *Staff can clarify that this requirement applies to the combined area of all primary buildings that face and abut the street.*
12. Some of these options seem mutually exclusive. How would a continuous arcade, continuously vertical recessed entries and recessed courtyards all exist on the same building facade? How would any of these options work with the arcade?
 - *Staff agrees that the arcade (B.1.1.d) and recessed building entry (B.1.1.c) options could not be used together unless the "full height of the façade" requirement is removed from B.1.1.c. An additional option would be to remove the arcade option. Staff looks for direction from the Planning Commission.*

13. Longer buildings and corner buildings will look monotonous with a continuous arcade. And architecturally speaking not attractive unless in a very particular setting. Shouldn't this option be contingent on the length of the building? When over 80 or 100 ft long, a 2/3 arcade approach could apply? And special treatment for corner lots. What about open corner plazas?
 - *If the Planning Commission agrees, staff can remove the arcade option (B.1.1.d) or include a limit when the building façade is over a certain length.*
14. There should be an entire section that deals with corner lots, with points awarded for an open plaza/public amenity at the corner, or a tower at a corner (with a height increase exception for the tower), or another creative way to highlight/celebrate a corner, etc. although maybe too complex for this cookie cutter approach document.
 - *Though not currently included, these could be developed in the future.*
15. B.1.1c suggests entries should be recessed all the way up the entire building height, but it is not good practice to have uncovered entries. How will this option be beneficial? Would a roof/covered porch at these entries be allowed for this option? Especially when this conflicts directly with the recommendation for a 3' recessed entry per diagram B.4.6a. If any fenestration element needs an awning it's the entrance.
 - *A covered awning or eave would be allowed as long as the wall plane for the entry is recessed. Staff can clarify that this requirement applies to the wall plane, and projections such as awnings beyond the wall plane would be allowed.*
16. Option B.1.1f offers pilasters as an option, but pilasters are much less about massing as they are about facade articulation. Shouldn't this be in section B.4?
 - *The pilaster option was added here as it would break up massing, but could be relocated.*

B.3 ROOF DESIGN

17. B.3 illustration has all pitched roofs This is not exemplary of most modern architecture and seems to show favor for sloped pitches. Offer more examples of flat roofs with eaves or parapets.
 - *Staff recommends keeping the text of this standard, but deleting the graphic.*

B.4 FACADE DESIGN & ARTICULATION

18. B.4.1d & f shows a continuous belly band and cornice. Do these bands have to be continuous and unbroken? The pop outs, recesses, and continuous pilasters suggested in the other options would not be very harmonious with these options. These also seem to conflict with the recessed courtyards and entries and recessed upper floors if the bands must be continuous. What about different roof heights? This option is not very compatible with many other design elements suggested.
 - *Staff can remove the belly band option (B.4.1.d).*
19. B.4.1d - A 10" tall belly band is quite thick for a modern line. This suggests only a traditional style building will be allowed. Palo Alto objectives require 4" min, not 10" min.
 - *Staff can remove the belly band option (B.4.1.d), or the standard can be revised to reflect Palo Alto's four-inch requirement.*

20. B.4.1f - Requiring a “floor to ceiling height” is a structural dimension that is measured in a cross section and cannot be perceived from the outside. The height between the top of the top windows and the top of the parapet is what is perceived. Is this what is supposed to be 24” + lower floor framing/ceiling assembly height? Interior finishes, such as dropped ceilings should not be part of this calculation as they are not perceived from the outside. How does a sloped interior ceiling height get calculated? It’s really the facade height, parapet height, etc that should be controlled.
- *Staff agrees and can work with the Consultant to update the standard to apply to the exterior façade height.*
21. B4.2 - When a building side facade is on the property line or within 5' of it, how can this requirement be fulfilled? Windows are not allowed. Further, expensive accent materials, that can enhance a street side facade will be wasted money on a side no one can see. This will prohibit small amounts of high end exterior materials from being used at all.
- *This section refers to window types, not windows in general. The Commission directed staff to include a 360-degree architecture requirement.*
22. B.4.3 - Almost all of the first listed architectural features are found in the previous section under B.4.1. These are redundant.
- *Section B.4.1 includes four items that are listed under B.4.3 (awnings, belly bands, balconies, and material changes); however, B.4.1 only applies to buildings greater than two stories, while B.4.1 applies to buildings greater than one-story. Due to the requirements in Section B.4.1, buildings greater than two-stories will already have implemented some of the requirements in B.4.3. Section B.4.3 is to ensure that buildings greater than one-story also include façade variations.*
23. B.4.3 - Who will determine if a particular architectural “solution”, aka decorative feature, will constitute points? Will one juliet balcony, or planter box mean the points are achieved? One chimney, one bay window? This points system lacks specificity and at the same time is entirely too specific about traditional style architectural features. Most of these features are entirely inappropriate on modern architecture. When we say “Bay Window”, can we add in “or Box Window”, and “angled Box Window”? The term Bay Window is too specific/limiting. And what about the unfortunate designer that decides “hey maybe I’ll take one of each thing on the menu?” One bay window, one planter, one awning, one pilaster, one arcade - oh wait maybe two, one balcony, one trellis, one braced overhang, one corbel, one scoop with sprinkles, and why don’t you just throw in a 10” thick caramel flavored belly band just for fun”. Are we making an ice cream sundae here? In my absurd example, the Town would have no choice but to approve it as long they scored the minimum 16 points” To quote their own language: “ . . . by incorporating any combination of the following architectural solution to achieve a minimum of 16 points” with no mention of any cohesive design theme, scale, proportion, repetition, cadence, architectural nuance, color, materials, etc.
- *Staff can either add greater specificity for certain items or remove this requirement. Staff looks for direction from the Planning Commission.*
24. B.4.5 - This illustration should be stricken of the “Architectural Features” pilasters. Not Good
- *The illustration showing the column or “architectural feature” was a specific request from a previous Planning Commission hearing, but it could be removed.*

25. B.4.6a - This requirement seems to conflict with the vertically continuously recessed entry option from section B.1.1c.
- *This section requires recessed entries or covered entries. Additionally, Section B.1.1.C refers to the wall plane, not an awning projection. Staff can clarify that B.1.1.c applies to the wall plane.*
26. B.4.6b - How about adding in another drawing that shows glass extending to the floor? Why say between 2 and 10 feet above the sidewalk? Why can't the glass extend to the sidewalk?
- *Glass can extend down to the grade, but it wouldn't count towards the 60 percent requirement between two and 10 feet.*
27. B.4.10 - Wouldn't it be more appropriate to have a setback to roof top decks and balconies, rather than prohibiting them entirely from a building? The building could be very large and deep. What about a daylight plane?
- *This change could be made if recommended by Planning Commission.*
28. B.4.11 - Why can't the balconies extend beyond the footprint if you can prove that views to residential uses are prevented?
- *As previously discussed, this is included as one method for objectively reducing privacy impacts.*
29. B.4.12 - Why is this even a section? Isn't this all covered in great detail in the previous sections?
- *This standard was developed from Planning Commission Subcommittee direction to restrict long, unarticulated buildings fronting the street.*

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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 Reza Tavana Emily Thomas
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
Transcribed by:	Vicki L. Blandin (619) 541-3405

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

4 CHAIR HANSSEN: We can move on to the main item on
5 our agenda for this evening, which is Item 3, which is the
6 continuance of our review of the Draft Objective Standards,
7 I will ask Ms. Armer if you would like to make a Staff
8 Report or if one of the other Staff members would as well?
9

10 JENNIFER ARMER: Thank you, Chair. I will pass
11 that off to Mr. Safty to make the Staff Report.

12 RYAN SAFTY: Thank you. Before you tonight is the
13 continued review of the Draft Objective Standards
14 recommendation to the Town Council.

15 On June 22nd the Planning Commission reviewed the
16 first document and provided input to Staff on recommended
17 modifications.

18 Following that meeting, Staff and our consultant,
19 M-Group, considered the direction from the Planning
20 Commission and prepared a revised draft document.

21 On August 24th the Planning Commission received
22 public comment on the revised draft, including input from
23 the local architect community. The discussion was continued
24 to tonight's hearing to allow the architect community
25 additional time to provide written comments to be reviewed.

1 The written comments from the architects are provided as
2 Exhibit 16 with the Staff Report. Additional public
3 comments and Commissioner comments were also included with
4 that report.

5 Staff prepared written responses to the
6 architects' comments, which were included as Exhibit 19 of
7 yesterday's Addendum Report. The Addendum Report also
8 includes additional public comment provided as Exhibit 20.

9 Staff, along with our consultant, look forward to
10 the discussion this evening and are happy to answer any
11 questions. Thank you.

12
13 CHAIR HANSSEN: Do any Commissioners have
14 questions for Staff? I don't see anyone with any questions.

15 We have a number of comments that we received
16 from one of our Board members from the Housing Element
17 Advisory Board, also from the Vice Chair, from Ms.
18 Quintana, and then also the response to the architects'
19 comments. Staff, you had some particular items that you
20 wanted us to go over first?

21 JENNIFER ARMER: Thank you, Chair. I would
22 recommend that we do open the public hearing and hear
23 comments from the public, since there have been additional
24 materials provided, and then we can go through.

1 We have provided some Staff guidance and feedback
2 on the items that were provided by the architect community,
3 and so if there are items there that the Commission wishes
4 to include in their recommendation to Town Council we could
5 go through those. We did number them in the attachment that
6 includes Staff's responses, plus we did call out a few
7 particular items in the Addendum Report in addition to what
8 had been provided in your previous Staff Reports.

9
10 CHAIR HANSEN: I think that's a good suggestion.
11 This would be the verbal communications section for this
12 particular item, and I'd like to find out if any members of
13 the public would like to speak on this item, which is the
14 Draft Objective Standards?

15 JENNIFER ARMER: If anyone would like to speak on
16 this item, we'd invite you to raise your hand now. We'll
17 give them just a moment just in case anyone does wish to
18 speak. I am seeing a hand raised. All right, Ms. Quintana,
19 you may speak. You have up to three minutes.

20 LEE QUINTANA: Thank you. I think there are some
21 items that I may not have read already, but in any case I'd
22 like to speak on three different items that I did not cover
23 in my initial submission for the Addendum, and that covers
24 illustrations, private and common open space and
25 landscaping, and whether the one size fits all approach is

1 appropriate. I'm just going to be very brief, and if you
2 have any questions you can ask me, or I will submit
3 additional comments when I see the final draft that goes to
4 the Council.

5 As far as illustration goes, I know that the
6 architects say they're line drawings, however, the line
7 drawings provided in the draft standards are at some points
8 hard to understand by most people who aren't architects or
9 planners and they tend to appear to be favoring very boxy
10 construction.

11 I understand the difficulty with photos, however,
12 this is my compromise suggestion: The City of Palo Alto has
13 used line drawing, but the line drawings are limited to
14 illustrating only the standard that's being stated, not an
15 entire building, so that it's more neutral towards
16 architecture and mass and scale.

17 As far as photos go, I think they are really
18 helpful for the general public to understand, but I
19 understand the problem with them, so my suggestion is that
20 maybe there be a page that just has a collage of various
21 different buildings, not one for every standard, but a
22 group of buildings that Staff feels meets the intent of the
23 standards. So that's my comments on that.
24
25

1 On the private and public open space, I'm a
2 little confused there. If landscaping doesn't count for the
3 common space and there is landscaping in that space, how
4 does that work? I'm just confused.

5 Also, there seems to be a dichotomy of opinion
6 from the group of architects and the other architect who
7 commented on the size of private open space as well as
8 common open space, and it seems to me that maybe they're
9 talking about two different things. I think the architects
10 want more leeway to appeal to the high end of the housing
11 market, and I think the other architect may be actually
12 addressing his remarks to smaller units, which is the
13 intent of this whole process.

14 CHAIR HANSSEN: Ms. Quintana, Ms. Armer has her
15 hand up and I suspect it's because your three minutes are
16 up, but let me see if any Commissioners have questions for
17 you. I do want to thank you on behalf of the Commission for
18 submitting all the comments that you have already and
19 helping to participate in this process to move this
20 important item along. Do any Commissioners have questions
21 for Ms. Quintana? I think some of the things you're
22 bringing up are going to be discussed in any event, so we
23 appreciate anything you've told us so far, and please
24 continue to send in your comments to us as well.
25

1 Is there anyone else that would like to speak on
2 this item?

3 JENNIFER ARMER: If anyone else would like to
4 speak on this item, please raise your hand now. I don't see
5 any hands raised.

6 CHAIR HANSSEN: All right, so then I'm going to
7 close public comments, and this would be the time where the
8 Commission will discuss the items that have been brought up
9 so far as comments and try to get some resolution so that
10 we can make our recommendation to Town Council.
11

12 I thought that it might be helpful to start with
13 the Staff packet. They did provide some items that they
14 wanted us to discuss, and we did discuss some of these
15 before, but maybe we can close on them and hopefully use
16 them as a recommendation to forward this document along.

17 I'm going by the Staff Report where they list
18 Staff direction from the Planning Commission on the
19 following, and the first one is a comprehensive standalone
20 document. Staff's recommendation was in the past, and
21 continues to be, instead of going through the massive
22 effort that it would take to take all of the Objective
23 Standards in every document that we have in town and put
24 them in one, that instead to include a list of applicable
25 documents, and so that's what they would like to do. I

1 wanted to see if any Commissioners had any thoughts or
2 comments on this. Commissioner Raspe.

3 COMMISSIONER RASPE: Thank you, Chair. To me the
4 Town Staff's position seems eminently logical and I can't
5 think of a reason that we would want to attack it any
6 differently, so unless somebody feels differently I would
7 recommend to Town Council to follow Staff's recommendation
8 on this issue.

9
10 CHAIR HANSSEN: Thank you for the input. Anyone
11 else have any thoughts on that? That was my feeling as
12 well, that we had talked about this before, and also in our
13 preparatory meeting for this meeting we discussed it again,
14 and it would be a very long and complex process to do that,
15 especially with documents getting updated, so it's probably
16 best to have references to the other documents.

17 If no one has any objection to going in that
18 direction I'm going to say that we follow Staff's
19 recommendation on that, and I don't see anyone saying let's
20 not do that.

21 Item B is removal of the term "design" throughout
22 the document. The public comment requests that text
23 throughout be changed from "objective design standards" to
24 "objective standards," and no explanation was given. So
25

1 Staff, I'm going to ask, does that mean that since there is
2 no explanation you don't have a recommendation?

3 JENNIFER ARMER: Thank you, Chair. We would
4 recommend continuing with the document being named and
5 labeled as it currently is since we don't have a reason to
6 change and remove the word "design."

7 CHAIR HANSSEN: I personally looked at this, and
8 without an explanation of why it would make a big
9 difference in the document, and knowing that it would be a
10 lot of trouble to change it, my suggestion would be not to
11 do that. Are there any Commissioners that have any
12 comments? So then I will assume that that one is okay with
13 everyone.
14

15 Item C was decrease tree spacing. The public
16 comment requests that the spacing between trees within
17 parking lots be reduced. Right now the standard reads one
18 tree between every ten consecutive parking stalls when
19 there are more than 15 parking stalls, and the public
20 comment requests to reduce the number of spaces below to
21 ten, and Staff does not recommend this change. It was
22 included with consistency for the Town Code, which I assume
23 to mean that we would need to amend the Town Code as well.
24 Are there any comments on this item?
25

Commissioner Raspe.

1 COMMISSIONER RASPE: Thank you, Chair. I would
2 agree again with Staff on this one for a couple of reasons.
3 First being consistency throughout the Town documents, but
4 also for the supplemental reason that I think we're all
5 aware that water is becoming a bigger issue in California
6 as every day goes by, and so to the extent that we call for
7 less planting of trees perhaps, and maybe that's an issue
8 that we should keep in our minds as we plan our town
9 forward, so keeping the spacing at ten feet rather than
10 closer together I think makes sense for a variety of
11 reasons.
12

13 CHAIR HANSSEN: Thank you for that comment. Any
14 other comments from Commissioners on this item? If there
15 are no objections, I will just assume that we're going to
16 go with Staff's recommendations.

17 Let me just stop and ask Staff, do you need us to
18 vote on these, or is it okay to go with consensus?

19 JENNIFER ARMER: No, consensus is fine in my
20 opinion, but I will defer to the Town Attorney if she
21 thinks otherwise.

22 ATTORNEY WHELAN: I agree, and then the
23 Commission's decision will be reflected when you vote on
24 making your recommendation to the Town Council.
25

1 JENNIFER ARMER: And in particular, when the
2 recommendation is for a change that the Commission is not
3 making, then that's just fine; you're just not going to
4 make that additional change.

5 CHAIR HANSSEN: Thank you for the clarification.
6 We can move on to Item D, which is a format change for
7 B.4.3, and the comment requests that the format be changed
8 so it is consistent with the rest of the document.

9
10 The Draft Objective Standards contain a menu of
11 options of architectural solutions to achieve 16 points. We
12 discussed this at the Subcommittee level. Vice Chair
13 Barnett and I were on that Subcommittee and the Planning
14 Commission previous discussion and it was received with
15 support, but I believe the architects and maybe others
16 commented that it might be too confusing.

17 In the first submission from Staff they did take
18 some buildings in town and gave an example of how you can
19 meet the 16-point standard. We should at least decide
20 whether or not to go to a different approach or leave it
21 the way it is, and Staff let me just check that I am
22 characterizing this correctly in terms of the way you want
23 input.

24
25 RYAN SAFTY: That is correct. Thank you for the
question. One thing to clarify: the architect community

1 didn't have concerns with the format of it; they had more
2 concerns about the valuation and the different
3 architectural details listed within that list.

4 CHAIR HANSSEN: Then was it the public comment
5 that we got from someone else that said that the 16 point...

6 JENNIFER ARMER: That is correct, yes. Then there
7 is further discussion of the 4.3 in what we numbered Item
8 22 where we respond to the architects' comments.

9 CHAIR HANSSEN: We can come back to the
10 specificity of it when we discuss the architects' comments
11 then. The question on the table is whether or not we
12 abandon the 16-point system and try to go for something
13 else, so I'd like to get comments on that, and keeping in
14 mind that this was recommended previously by the
15 Subcommittee. Our previous discussion was that this was
16 fine to move forward with, but if there is some new
17 information or something that people would like to bring up
18 right now, let's do that.

19 Commissioner Janoff.

20 COMMISSIONER JANOFF: Thank you. I'm comfortable
21 with the format and look forward to discussing the
22 architects' concerns when we get to that portion of the
23 agenda, but I think it's a very helpful list, and the
24 illustrations that Staff provided were also very helpful,
25

1 and if those are intended to be continued in the draft that
2 goes forward, I think that's a good approach.

3 CHAIR HANSSEN: Very good. So if there are no
4 objections the proposal on the table is to leave the 16-
5 point system as is, and then there might be the potential
6 of modifying for clarity some of the actual things that are
7 scored for points, and we'll discuss that later.

8
9 Then we're going to return to the discussion
10 about privacy that we had at the last meeting, and Vice
11 Chair Barnett submitted some information from the Palo Alto
12 Objective Standards that were included with our August 24th
13 Addendum Report. The general consensus at the hearing was
14 not to increase privacy standards, however, Vice Chair
15 Barnett did submit additional comments to express concerns
16 that the standard remains subjective, and what it says is,
17 "Balconies facing Residential uses and abutting parcels are
18 allowed when the design is proven to prevent views to
19 Residential use," and the issue is whether or not this
20 could really be an Objective Standard, because somebody
21 would have to determine how it affected views to
22 Residential use and it's not a use that everyone would
23 agree on.

24
25 I think this would be a good time to discuss this
and see if we can come up with a direction that's

1 comfortable for the Commission for a recommendation, and
2 Vice Chair Barnett did submit some additional comments. He
3 has his hand up, so why don't you go ahead?

4 VICE CHAIR BARNETT: Thank you. I think my
5 submission is clear, but I did think of one other
6 possibility for us to handle it, which is to have no
7 standard at all with respect to privacy from balconies as
8 to adjacent residences and their lots, but submit that as a
9 possibility for consideration. Otherwise, I think we have
10 to not necessarily mirror what Palo Alto did, but follow
11 something that is an impact objective. Thank you.

12
13 CHAIR HANSSEN: Commissioner Janoff.

14 COMMISSIONER JANOFF: Thank you. Vice Chair
15 Barnett recommended that the Town Attorney weigh in as to
16 an opinion whether this particular standard is objective,
17 and so I'd like to hear from the Town Attorney.

18 ATTORNEY WHELAN: I do agree with Vice Chair
19 Barnett's comment. The State is interpreting the term
20 "Objective Standard" very, very narrowly. In my former
21 jurisdiction there was a requirement for step-backs, and
22 the court held that it was not sufficiently objective
23 because the city didn't specify how long the step-back was
24 supposed to be, so yes, to the extent that we can put
25 numbers on it or talk about the angle of the balcony, or

1 anything that will make it so that there's no argument that
2 it's not an Objective Standard, I think that will make it
3 more defensible.

4 COMMISSIONER JANOFF: I have a follow up, if I
5 may?

6 CHAIR HANSSEN: Yes.

7 COMMISSIONER JANOFF: I was looking at Vice Chair
8 Barnett's recommendations and I thought if in fact what we
9 have in the current draft is not considered to be
10 objective, as you state, then it seemed reasonable to me to
11 include the first couple of his points that within 30 feet
12 of residential windows, that's a specific number, and then
13 Item (i), so I thought those looked like reasonable things
14 to include.
15

16 Then I thought the balance of the parenthetical
17 items below the first point were a matter of how Staff
18 would review the data to determine whether the standard had
19 been met, so I didn't think that was necessary to include
20 in this document, but if the other Commissioners would like
21 to keep this item in the Draft Objectives, I think it's an
22 important one to include. We have a lot of discussion
23 around balconies and visibility, so I personally would like
24 to see it included, and I think Vice Chair Barnett's
25 sentence that talks about the 30 feet, and then the first

1 bullet underneath that, are reasonable to include as
2 specific objectives that are measurable.

3 CHAIR HANSSEN: Very good. Thank you for that,
4 Commissioner Janoff. Commissioner Raspe.

5 COMMISSIONER RASPE: Thank you, Chair. In
6 reviewing this again, I agree with Vice Chair Barnett's
7 point—and I think Staff supports it—that as currently
8 drafted it interjects a level of subjectiveness into it,
9 and so I think Commissioner Janoff suggested a reasonable
10 solution.

11
12 As I was looking at it, I had a simpler one, and
13 again, maybe the Town Attorney can weigh in if it helps,
14 but I think the problematic phrase seems to be, "The design
15 is proven to prevent use." If we maybe simplify that to
16 say, "When the design prevents use," doesn't that suddenly
17 become objective rather than subjective and solve the
18 problem, and maybe a simpler way to address the problem? I
19 just throw it out for consideration by the Commission.

20 CHAIR HANSSEN: I think it would be good for the
21 Town Attorney to weigh in on whether or not that would make
22 it more objective.

23 ATTORNEY WHELAN: Given how the State and the
24 courts are interpreting the term "objective," I would
25 recommend that the Town adopt something more specific than

1 "prevents use," because I do think an argument could be
2 made that that's in the eye of the beholder. Something
3 like, "is not visible from the balcony," can't be argued
4 about, it is not visible; that is objective. A standard
5 that there's only one way to apply is what will work in the
6 end. I hope that helps.

7 CHAIR HANSSEN: Yes, that helps. Commissioner
8 Tavana has a comment as well.

9 COMMISSIONER TAVANA: Thank you, Chair. As I
10 mentioned at the previous meeting discussing this topic, I
11 do think privacy is a very tricky subject, because I
12 believe it is inherently subjective in nature. I don't
13 think you could put it on paper and say this is privacy,
14 because to one person that's not private and to another
15 person that could be private.

16 I didn't think of this possibility, but I do like
17 Vice Chair Barnett's comment to maybe just remove the
18 section altogether. I think that would clarify it and it
19 could be on a case-by-case basis moving forward just to
20 keep it simple, because I do think when these projects do
21 come up it will crop up and be a point of contention in the
22 process.

23 CHAIR HANSSEN: Thank you for that, Commissioner
24 Tavana. Commissioner Thomas has a comment as well.

1 COMMISSIONER THOMAS: Thank you, Chair. I agree
2 that it is really difficult to make an Objective Standard
3 around privacy, because privacy is not inherently
4 objective. I agree with some of Commissioner Tavana's
5 sentiment that it is not something that we can maybe make
6 an Objective Standard to guarantee privacy, so therefore
7 should we put one in?

8 I also recognize that people in the Town value
9 privacy, and I know that that is something that is
10 important, and I think that we have been making our best
11 effort and I am willing to attempt to adopt something, but
12 I think that even if we adopt something that is specific,
13 like 30 feet, I guess that gives some sort of standard, but
14 I do think that there are still going to be people that
15 argue that that's not private enough for them, and for me
16 personally that is a major concern.

17 I know that in my short time here on the Planning
18 Commission we have had a lot of people come to us with a
19 lot of things that are related to privacy and privacy
20 concerns, and that's connected back to how safe people
21 feel, and I don't know if we can make an Objective Standard
22 that the outcome will be that people feel that they have
23 privacy and safety and feel safe because of that.
24
25

1 I am interested to hear what other Commissioners
2 think, but at this point in time I'm not sure that we can
3 come up with a standard that will be upheld in the courts
4 and that can guarantee some level of what people will
5 accept as being privacy.

6 CHAIR HANSSEN: Thank you for that, Commissioner
7 Thomas. Our consultant, Mr. Ford, has his camera on, so I'm
8 assuming that you are able to comment on this.

9
10 TOM FORD: Yes, thank you, Chair. I read Vice
11 Chair Barnett's comments three weeks ago and I also read
12 them this past weekend at the new submittal, and so I found
13 it very interesting both times I went and looked at that
14 specific Palo Alto ordinance. What I would recommend, and I
15 did this and I think it showed up in the Staff Addendum, is
16 to keep the standard B.4.1 but delete the sentence that has
17 the potentially subjective clause in it, so you would
18 delete "balcony spacing existing" all the way through
19 "prevent views to residential use." That's what I would
20 recommend.

21 Then if you wanted to still approach and look
22 into that Palo Alto ordinance, I found the little number 1
23 really confusing, trying to draw these different view
24 angles. One of them was at 45-degrees and one of them was
25 parallel to the floor of the balcony, I thought that was

1 really confusing. I even tried to draw it, and I went to
2 architecture school, and I couldn't figure out how to draw
3 it in section.

4 However, little number 3 in that lists a very
5 specific set of materials that you could demand be put on
6 the railing of a balcony, which because of the nature of
7 the material, whether it's opaque glass or perforated
8 metal, it would obstruct, or certainly defuse, views from
9 the balcony outward, so that might be a potential solution
10 you could consider and I just wanted to throw that in
11 there.
12

13 CHAIR HANSSEN: Let me just ask a clarifying
14 question before I go back to Commissioner Janoff. It sounds
15 like you're recommending that it could be more objective
16 simply by two stages of your recommendation. One was to
17 delete the sentence that was too subjective and keep the
18 standard, and then there's also the possibility of adopting
19 part of Palo Alto's that was objective enough.
20

21 TOM FORD: Correct, that's part of what Vice
22 Chair Barnett recommended three weeks ago and again for
23 this meeting tonight.

24 CHAIR HANSSEN: Got it. I'm going to go back to
25 Commissioner Janoff.

1 COMMISSIONER JANOFF: I like the compromise that
2 Mr. Ford is recommending, because I do think we want
3 something in here. If an architect says they can't figure
4 it out, then I suspect that that's problematic, although if
5 it's in Palo Alto's Objective Standards, then you would
6 think that if it weren't workable that they would have had
7 feedback and made a change.

8
9 So if the Town Attorney recommends that the
10 suggestion that Mr. Ford made is sufficiently objective,
11 then I would say fine, let's leave it in. If we still need
12 some numbers to support it, then the 30 feet is another
13 number that's pretty easily measured, at least from a
14 diagram of a proposed project, so looking forward to
15 hearing from the Town Attorney.

16 ATTORNEY WHELAN: What I would like to do is go
17 to B.4.11 in the draft, and if the Commission likes, they
18 could go on to the next topic while I look at how that
19 standard would read without the last sentence.

20 COMMISSIONER JANOFF: I think the sentence
21 recommended for deletion is the middle sentence. I think we
22 still want, "Balconies shall be without projections beyond
23 the building footprint."

24 ATTORNEY WHELAN: Okay, that is sufficiently
25 objective then.

1 COMMISSIONER JANOFF: Yes, I think it's the
2 middle sentence.

3 ATTORNEY WHELAN: Yes, that works.

4 JENNIFER ARMER: If I could jump in a moment, I
5 believe the reference to, "Balconies shall be without
6 projections beyond the building footprint" is meant to only
7 apply to balconies facing existing Residential uses on
8 abutting parcels, and so it may be if you want to keep that
9 meaning and have it not apply to the street-facing
10 balconies, then we would actually keep the first half of
11 the second sentence and then keep the last sentence.
12

13 CHAIR HANSSEN: It sounds like we have a proposal
14 on the table, and so the fundamental question, we have some
15 Commissioners on the side of wanting to delete this
16 entirely, because we could never reach the level of
17 objectiveness; but I'm hearing that we have kind of a
18 proposal that would take it to a better place, and so there
19 are many other Commissioners that also want to keep this
20 and try to improve it.
21

22 Commissioner Janoff.

23 COMMISSIONER JANOFF: Thank you. I just wanted to
24 comment on a portion of Commissioner Tavana's comment. If
25 we take this standard out, there won't be a case-by-case to
be able to be evaluated. This is going to be outside the

1 realm of the Town being able to make a decision. This whole
2 thing is intended for developers to just be able to boom,
3 this is what we've got, so if we take balconies out, we
4 don't have any say on balconies going forward if the
5 developer meets the criteria that puts them into this set
6 of Objective Standards, so I personally would recommend
7 keeping this in so we have some Objective Standard to be
8 able to have designers plan for, but I just wanted to make
9 that comment.

10
11 If we think that any topic, whether it's
12 balconies, windows, or anything, can be decided on a case-
13 by-case basis when a developer is coming through this
14 process, I think that's not what's going to happen, and
15 Staff could correct me if I'm wrong, but I just wanted to
16 make that point.

17 CHAIR HANSSEN: Thank you for that.

18 I'm going to weigh in and say that I feel like we
19 should try to keep it. What I'm hearing is our consultant
20 has some ideas about how to make this more objective. Our
21 Town Attorney agrees that we can make it more objective
22 with a few ideas, and so it may not be perfect, but I also
23 agree with Commissioner Janoff that if we take it off the
24 table completely, then we won't have it, and so I think we
25 should at least try to move forward and see if we can be

1 successful with this, especially since we know how
2 important views are to so many of our residents with new
3 construction.

4 Commissioner Thomas.

5 COMMISSIONER THOMAS: I completely agree and I
6 think that removing the part that is subjective is good,
7 and I do think that people care about this and balconies,
8 so I'm happy with keeping it in.

9
10 I do, however, want to make sure that if we take
11 out the middle sentence we're still clarifying that
12 balconies can't project beyond building footprints, only
13 the ones that are facing the existing Residential uses on
14 abutting parcels, right? We don't want it to say that we
15 can't have any projections beyond the building footprint?

16 ATTORNEY WHELAN: I'll jump in. If we take out
17 the middle sentence and it will say, "Balconies are allowed
18 on facades facing the street and those facades facing
19 existing non-Residential uses on abutting parcels. Such
20 balconies shall be without any projections beyond the
21 building footprint."

22 COMMISSIONER THOMAS: So we want to change that
23 "such balconies." We want to specify that it's the
24 abutting...the second...

25 ATTORNEY WHELAN: (Nods head yes.)

1 COMMISSIONER THOMAS: Okay. That's what I just
2 wanted to clarify and make sure that that would be changed.

3 ATTORNEY WHELAN: Yes, that's a good
4 clarification. So then it would say, "Balconies on facades
5 facing existing non-Residential uses on abutting parcels
6 shall be without any projections beyond the building
7 footprint."

8 COMMISSIONER THOMAS: Yes, so the words we're
9 actually taking out are "are allowed when," blah, blah,
10 blah, "such balconies." So it's just going to read
11 "abutting parcels shall be without." Okay, cool. I'm happy
12 with that.
13

14 CHAIR HANSSEN: Vice Chair Barnett.

15 VICE CHAIR BARNETT: I very much like Mr. Ford's
16 suggestion that we look into the materials that might be
17 opaque or somehow screening but not closed as the solution,
18 and I think the next critical issue would be the height of
19 the balcony railing together with them.

20 CHAIR HANSSEN: Commissioner Thomas.

21 COMMISSIONER THOMAS: I am wondering if Staff or
22 maybe Mr. Ford knows, are there standards for how high or
23 low the balcony railing has to be? I'm assuming that
24 there's like a safety..
25

1 JENNIFER ARMER: Correct. Building Code does have
2 requirements for how tall a balcony railing needs to be,
3 but I don't remember.

4 COMMISSIONER THOMAS: And does it have a maximum
5 too for being able to get out, or no?

6 JOEL PAULSON: Thank you, Commissioner Thomas. I
7 think what Ms. Armer was mentioning was there is a minimum.
8 Depending on what floor it's on it could be a fire issue if
9 that is an egress or if they have to get a ladder to it. I
10 don't know that we have that specificity now, but there is
11 definitely a minimum, and we can look into whether or not
12 there's a maximum if this is something the Commission is
13 interested in moving forward as part of their
14 recommendation, and we'll get together with the building
15 official and look into that prior to going to Town Council.

17 CHAIR HANSSEN: Just as a quick checkpoint, I'm
18 not sure where Commissioner Tavana is at the moment;
19 because he said basically take it out. Are there others
20 that would object to keeping this in if we can improve it
21 and make it more objective? Okay, so I think we should
22 start with that. Then we have the suggestion from Mr. Ford,
23 and Vice Chair Barnett concurred with that, and the Town
24 Attorney had weighed in as well, so it sounds to me like we
25 should take the range of suggestions that have been

1 submitted and see what is going to be the most objective
2 that we can stay with in this document.

3 I don't know if what I said makes sense, but as
4 far as moving forward I think we have a number of
5 suggestions that we can use to make it more objective, so I
6 would ask Staff, do you need specific direction on what to
7 look into from here, or can you take the collective input
8 that we have so far?

9
10 JENNIFER ARMER: Thank you, Chair. Mr. Safty,
11 would you like to take this first?

12 RYAN SAFTY: We'll see if we were about to say
13 the same thing. I was going to say I do think we have
14 enough information to move forward. We can work with the
15 Town's consultant and come up with some sort of additional
16 screening requirement on those balconies.

17 CHAIR HANSSEN: All right, I think that sounds
18 like a good resolution, and I think that the majority of
19 the Commission feels that this is worth pursuing but I
20 think most everyone agrees it needs to be more objective,
21 so I think that's a good way to move forward.

22 Then I will go on to Item 4, which is pictures.
23 Ms. Quintana did refer to the pictures, and also Housing
24 Element Board Member Mayer submitted a comment as well on
25 the subject. The current Draft Objective Standards contain

1 design illustrations to demonstrate the intent of the draft
2 standards. The general consensus at our last meeting on
3 August 24th was to include pictures of existing development
4 within the document for real world examples for some of the
5 complicated design techniques to make it more user-
6 friendly, and Staff is looking forward to additional
7 discussion or recommendation from the Planning Commission.
8

9 We did hear from Ms. Quintana tonight a
10 suggestion to do something similar to what Staff did in our
11 first Staff Report, which is to give examples of buildings
12 and whether or not they would meet our standards.

13 I'd like to see what Commissioners think about
14 the picture issue and where to go with it. Commissioner
15 Thomas.

16 COMMISSIONER THOMAS: Thank you, Chair Hanssen. I
17 would like to say that I know that we said that this
18 document is for the public and the public is going to be
19 looking at it, so everyone needs to be able to understand
20 it, but I think that ultimately the people that are going
21 to be using this document the most are going to be
22 architects, and so I was glad that we got the public
23 comment from Mr. Mayer, because I do think that the line
24 drawings are more helpful and offer more of a blank slate
25 with regard to creativity and aren't as prescriptive, but I

1 am curious to see if Staff thinks that they are able to
2 find examples where enough of the standards are met.

3 My other compromise would be when we had
4 examples. Maybe there could be examples at the end saying
5 like here is an existing building, here are the points that
6 they meant, and actually have a visual picture, and that
7 might be like of a real building and include actual photos
8 there instead of throughout the entire document, and have
9 it be labeled a little bit in that way. I'm curious to see
10 what other people think about that.

11
12 CHAIR HANSSEN: Thank you for that, Commissioner
13 Thomas. Commissioner Janoff has her hand up.

14 COMMISSIONER JANOFF: Thank you. I was an
15 advocate of including illustrations, not necessarily
16 throughout but just in general, but having heard from the
17 architects, the group of architects didn't say much except
18 what they did in the initial set of comments last meeting
19 where they didn't like the line drawings, but given the
20 remarks from Mr. Mayer, I think it's a good point.

21 I do agree with Commissioner Thomas. This really
22 is a document that's for the design team and the architects
23 more than it is a homeowner; it's not the Residential
24 Design Guidelines, for instance.
25

1 Having said that, a question for Staff. I'm in
2 favor of keeping the line drawings as is, and maybe not
3 including illustrations throughout. But in our last draft
4 Section B, that includes the evaluation of existing
5 developments, and my question is, is that intended to be
6 included as part of the design standards for illustration,
7 or is that just for the Planning Commission?

8 RYAN SAFTY: Thank you for the question. That was
9 initially intended just for the Planning Commission. There
10 were Commissioners that had specific questions on if these
11 could actually be implemented in the real world, so those
12 were examples on how they could. That being said, we're
13 happy to do whatever the Planning Commission recommends.

14 COMMISSIONER JANOFF: I ask because it was a nice
15 small compilation of some reasonably well designed
16 buildings in town, and so I think it's a reasonable thing
17 to include. It sort of satisfies both itches. It gives you
18 some illustrations of how structures are meeting the
19 requirements, but it doesn't muddy up the document Section
20 A, so I would be in favor of including B for illustrative
21 purposes, and keeping line drawings in the balance of the
22 section.
23

24 CHAIR HANSSEN: Thank you for that. My thinking
25 on this after reading all the comments and hearing the

1 additional feedback, although I think that the target
2 market for this is architects that are going to be
3 designing these buildings, I also think that our public is
4 a very close watchdog on a lot of these projects, and since
5 they're going to be some of the bigger ones, I think just
6 for the benefit of public transparency it wouldn't be a bad
7 idea to include some generalized pictures as discussed,
8 versus one on every standard, for the benefit of the people
9 in the public that might happen to go look at this document
10 and are like what is the Town doing to make sure that we're
11 taken care of? And it would probably be more illustrative
12 to them to have photos, and I would just keep it fairly
13 general, as we were discussing.

15 So that's what my thoughts are on it, but I'd
16 like to hear what others think as well. Commissioner Raspe.

17 COMMISSIONER RASPE: Thank you, Chair. I think
18 I'm of the view largely in accord with Commissioner Janoff
19 in that it's my sense, and the architects who opined, that
20 the line drawings should be the primary reference tool in
21 the document, but I see that there is some added benefit to
22 the public and maybe for some clarifying in having pictures
23 as you indicate, Chair.

24 So the notion of having the line drawings the
25 predominant feature throughout the document, and perhaps an

1 appendix or closing section that has some prominent
2 approved features that the Town has signed off on in the
3 past, and then perhaps some language somewhere in the
4 document—because we wouldn't want to muddy the waters—that
5 essentially says the line drawings are the rule and that
6 the photos are there for illustrative purpose only, and it
7 wouldn't overrule or somehow overwrite our other written
8 rules. Something along those lines I think maybe satisfies
9 both camps.

10
11 CHAIR HANSSEN: I think that makes a lot of
12 sense. Other comments? Vice Chair Barnett.

13 VICE CHAIR BARNETT: I support Commissioner
14 Raspe's idea, but I wanted to bounce off the Town Attorney
15 whether she thinks that inserting photos in the Objective
16 Standards would create a problem, because the photos are
17 not in and of themselves objective?

18 ATTORNEY WHELAN: No, I don't think that would
19 pose a problem, because the photos are intended to depict
20 what is described in the wording, so I think that would be
21 fine.

22 CHAIR HANSSEN: I like the comments by
23 Commissioner Janoff and Commissioner Raspe, and I think we
24 should proceed in that way and only use photos as a
25

1 generalized thing and be very clear that the line drawings
2 are the Objective Standard.

3 Any other thoughts or comments, or any objections
4 to going in that direction? Commissioner Thomas.

5 COMMISSIONER THOMAS: I would just like some
6 clarification from Commissioners Janoff and Raspe about—I
7 know Commissioner Raspe said this—do you feel like this is
8 an appendix at the end, because that's how I feel it should
9 be, like given as different examples. If you need further
10 details on what this looks like in real life, go to this
11 appendix at the end. Is that what you're thinking,
12 Commissioner Janoff?
13

14 COMMISSIONER JANOFF: Yes, essentially we've got
15 that section which reads as an appendix now as
16 illustrations of how the standards have been met, and I
17 think the clarifying language that Commissioner Raspe is
18 suggesting is a good idea to include just to note that
19 these are examples and they may or may not meet other
20 criteria, so we don't confuse anyone in saying these must
21 be followed this way, but I agree that this could serve as
22 a type of appendix that Commissioner Raspe is recommending.
23

24 CHAIR HANSSEN: If that answers your question,
25 Commissioner Thomas, are you good with the proposal? All
right, so I think we're good to move off of this. That was

1 the generalized questions that were in the Staff Report, so
2 I was going to go to the Addendum, because the Staff did
3 comment on Housing Element Advisory Board Member Mayer's
4 comments as well as the architects' comments.

5 I'm pulling up the Addendum right now, and there
6 were ten items that Staff wanted the Planning Commission to
7 discuss further, and I just want to ask a clarifying
8 question of Staff that you responded to, and I know you
9 worked very hard on your response.

10
11 You responded to everything, and a lot of the
12 things that were in the architects' document were in fact
13 questions that needed clarification as opposed to
14 recommended changes, so I'm assuming that as long as we
15 answer the question that you had, like Comment 9, 10, 11,
16 12 and so on, those are the things that you wanted us to
17 have further discussion, and then we could ask the
18 Commission if they felt like the rest of your answers or
19 suggestions about whether to do or not do were good, and
20 maybe do that as a group, or do you want us to discuss all
21 of them?

22 RYAN SAFTY: Thank you for the question. Yes,
23 that's exactly how we intended this to be. If we could go
24 through, give recommendations on the individual comments in
25 the Addendum Report, and then if there was something in the

1 items that weren't covered in the Addendum where Staff felt
2 pretty confident about that any of the Planning
3 Commissioners disagree with, please let us know.

4 CHAIR HANSSEN: That sounds good. I'm going to go
5 by Comment 9, and just to refresh everyone's memory, it
6 relates to the continuous streetscape requirement in
7 A.11.1, which requires development in a Community Growth
8 District to place at least 75% of the ground floor within
9 5' of street-facing property lines. The comment was about
10 whether or not it applies to only the building or the
11 entire length of the property line, and the draft standard
12 is currently were it to apply only to the proposed
13 buildings. I'm assuming that the discussion that Staff
14 wants us to have is whether that is what we intended?

16 RYAN SAFTY: Exactly

17 JENNIFER ARMER: Or if additional clarification
18 is needed.

19 CHAIR HANSSEN: Okay, since people were asking
20 the question. Commissioner Thomas.

21 COMMISSIONER THOMAS: I'm sorry, can you repeat
22 which section of the draft it is so I can scroll up to it?

23 CHAIR HANSSEN: A.11.1.

24 COMMISSIONER THOMAS: Okay, thank you.

1 CHAIR HANSSEN: I know Commissioner Janoff and I
2 were on the General Plan Committee, and you were as well,
3 Commissioner Thomas. I think this got started during the
4 discussion of the Community Growth Districts that we had
5 and wanting to not have the parking lot in front and the
6 building behind, which is kind of the old version of how we
7 do these kind of developments, and we wanted to basically
8 bring the street forward to the buildings in place and
9 stuff, so I guess the question would be whether there's a
10 reason to do something else besides the building, or if
11 there is something else to consider?
12

13 Vice Chair Barnett.

14 VICE CHAIR BARNETT: My thought on this is that
15 the last sentence of the draft standard is currently worded
16 only applies to the proposed buildings. I think that's how
17 it should be written. Thank you.

18 CHAIR HANSSEN: Commissioner Thomas.

19 COMMISSIONER THOMAS: I agree.

20 CHAIR HANSSEN: I don't know how you would do it
21 any other way, because what they're asking to do is build a
22 building, so I think that's probably the clearest, most
23 objective thing that we can do. Any other thoughts? I think
24 as long as it's clear that it applies to the proposed
25 building we can leave it to Staff whether or not you think

1 that we should make the language clearer in the standard,
2 but that is clearly the intent.

3 Comment 10 questions why Section A.11.2 has a
4 maximum percentage for site amenities in front of the front
5 façade. The maximum percentage was originally included to
6 ensure visibility to the ground floor uses, however, in the
7 case of restaurant uses it might be overly restrictive, and
8 so the standard could be modified to include a minimum but
9 no maximum. So it sounds like that might be the proposal,
10 which is to take away the maximum.

11 Commissioner Janoff.

12 COMMISSIONER JANOFF: Agreed. I thought that was
13 an excellent point.
14

15 CHAIR HANSSEN: It made sense to me as well.
16 Other comments on Comment 10? I'm going to assume that
17 since there are no other comments that we all agree.

18 Comment 12 questions how the arcade in B.1.1d and
19 the recessed building entry B.1.1c standards could be
20 incorporated into the same building. The Planning
21 Commission could consider removing the full height of the
22 façade requirement from B.1.1c or removing the arcade
23 option from B.1.1d in its entirety to remedy his concern.
24 Any thoughts?

25 Vice Chair Barnett.

1 VICE CHAIR BARNETT: I'm interested in whether
2 the Staff had a position on this, but to me it seems like
3 the full length of the façade is a standard that we don't
4 want to lose.

5 CHAIR HANSSEN: Staff, do you have a comment?

6 RYAN SAFTY: Yes, certainly. Thank you. Staff's
7 initial recommendation was that it does seem like that
8 would be the cleanest resolution, and that way we're still
9 holding onto the arcade standard.
10

11 CHAIR HANSSEN: Okay, so that sounds like the
12 easiest way to go, and Vice Chair Barnett has made that
13 recommendation. Other Commissioners have any other thoughts
14 on that? The proposal is to remove the language "full
15 height of the façade" from B.1.1c to solve the problem.
16 Sounds like we're good to go.

17 Comment 13, also related to the arcade action in
18 B.1.1d, states that longer buildings would look monotonous
19 with the continuous arcade. The arcade option could either
20 be removed or a limit to the required arcade length could
21 be added. That's on Comment 13.

22 Commissioner Tavana.

23 COMMISSIONER TAVANA: Thank you, Chair. In
24 general I think a limit would make the most sense to me. I
25

1 don't know what that limit would be necessarily, but I
2 don't think we should remove it altogether.

3 CHAIR HANSSEN: Thank you for that, and I'm
4 pretty darned sure when we were on the Subcommittee we
5 spent lots and lots of time on how to make sure that we
6 didn't have big blank walls of buildings that were without
7 architectural detail, so that is why there are so many of
8 these things in the document right now.

9 Commissioner Raspe.

10 COMMISSIONER RASPE: Thank you, Chair. I agree
11 with Commissioner Tavana. I think we should retain the
12 arcade design feature, and I don't have a specific figure
13 in mind either. It seems to me though that the notion
14 should be that the arcade should predominate the front, it
15 should be the predominant design feature, and so I'll just
16 throw out as a point for discussion, perhaps it should
17 cover 75% of the frontage, or some percentage greater than
18 50%, so it becomes the predominant design feature of the
19 building.
20

21 CHAIR HANSSEN: Thank you for that input. We have
22 a comment from Mr. Safty.

23 RYAN SAFTY: Thank you. Sorry for interjecting. I
24 just wanted to point out that the architects did provide
25 specific numbers for that if the Commission is struggling

1 to come up with exactly how to define that; there was a
2 recommendation made by the architects.

3 CHAIR HANSSEN: Could you tell it to us, just
4 because there are so many documents in play?

5 RYAN SAFTY: Of course. The suggestion was when
6 over 80' or 100' long a two-third arcade approach could
7 apply, so if we want to go with clean numbers, over 100',
8 then two-thirds of that façade needs to have arcades.

9 CHAIR HANSSEN: And if it were less than 80' to
10 100', what would it be then?

11 RYAN SAFTY: If it were less, then it would be a
12 continuous arcade.

13 CHAIR HANSSEN: It would be continuous across the
14 entire versus not the whole thing, but two-thirds. Okay.
15 Commissioner Janoff.

16 COMMISSIONER JANOFF: I was going to point to the
17 same recommendation from the architects, but I wonder, Mr.
18 Safty, why we would go with the upper number of 100' when
19 an 80' long building might read pretty long and the
20 architects put that range in there. I'm just thinking over
21 80' might be better than over 100', but I would defer to
22 Staff and the architects. This is really a design
23 aesthetic, so I would choose one number, but whatever you
24 think is the better design number.
25

1 RYAN SAFTY: Thank you. I actually would defer to
2 Mr. Ford, our consultant, since he is more familiar with
3 these. I just happen to choose the cleaner number as an
4 example.

5 CHAIR HANSSEN: And Mr. Ford has his camera on,
6 so please go ahead.

7 TOM FORD: Thank you, Chair. I'm also thinking of
8 specifically the Los Gatos context and maybe the typical
9 frontage link that you'll be seeing, so I would go with the
10 smaller number of 80', or maybe even less, and put that for
11 the parameter where you make a jump.
12

13 Therefore, if a frontage is longer than 80', then
14 two-thirds of that frontage needs to have an arcade in
15 order to qualify for this point system, and if it's less
16 than 80' you might consider something less than 100' but
17 more than two-thirds, because I think if you look at the
18 architects' full submittal they discuss the arcade quite a
19 bit and how imposing it upon the whole frontage could tend
20 to be kind of cumbersome, so I think we could come up with
21 one standard for less than 80' and a different percentage
22 for over 80'.

23 CHAIR HANSSEN: Neither of which would be 100'?

24 TOM FORD: That's what I'm suggesting, but you
25 may disagree with me.

1 CHAIR HANSSEN: No, I just wanted to make sure I
2 understood your suggestion. Commissioner Tavana.

3 COMMISSIONER TAVANA: Thank you. In general I do
4 think that any continuous arcade would be monotonous
5 inherently. Maybe we could adopt a two-thirds approach
6 across the board, because if it's 50', 60', whatever, I
7 still think it would be monotonous, so I think two-thirds
8 in general, no matter how long it may be, would be a good
9 approach to consider.

10 CHAIR HANSSEN: Thank you for that. Other
11 thoughts on this? Commissioner Janoff.

12 COMMISSIONER JANOFF: Do we have any buildings
13 with arcades in town? I can't think of one. Staff, do we
14 have any examples? I'm thinking, to Commissioner Tavana's
15 point, that that's an interesting concept, but if it's a
16 very small building, if it's only 40'-50' wide, then having
17 an arcade not across the entirety of it might look odd.

18 I think this is really something that I
19 personally would defer to the architects on a team and go
20 with that. But if there's an example in town that shows
21 like a truncated arcade across the front of the building,
22 I'd like to know if we have one.

23 CHAIR HANSSEN: I'm going to go back to Mr. Ford,
24 and then to Commissioner Thomas.

1 TOM FORD: Thank you, and following on what
2 Commissioner Janoff is talking about, it could be that you
3 don't actually see this try to be implemented that often,
4 because if you think of an infill situation, putting an
5 arcade on front of a building arcade on front of a
6 building, it's really going to be impacted by what is on
7 either side, because it's basically an interior sidewalk,
8 so what's the point of having an interior sidewalk if you
9 run into the wall at the adjacent building?
10

11 Arcades tend to happen in a situation where it's
12 more of a comprehensive development, the way the town
13 developed, let's say, Old Sacramento, New Orleans, things
14 like that, so I don't think you're going to be seeing it
15 that often, but I think by keeping the amount of the façade
16 that's covered by the arcade it will help with the infill
17 situation if it is implemented.

18 CHAIR HANSSEN: Thank you for that. Commissioner
19 Thomas.

20 COMMISSIONER THOMAS: The two examples that I can
21 think of are one, the King's Court Shopping Center. Isn't
22 there an arcade across in front of the bank and all of
23 that, and part of that area? It's not architecturally
24 beautiful, but that's an arcade. And then two, the post
25 office downtown.

1 But I do agree that it would be helpful to put a
2 maximum in just because these are Objective Standards, but
3 I also agree that we're not the experts to decide that, so
4 I'm very happy to defer to Staff to talk to our consultants
5 and go with whatever maximum visually makes sense,
6 especially because this is probably not going to be
7 utilized very often, like Mr. Ford just said.

8 CHAIR HANSSEN: I'm going to say that it sounds
9 reasonable to have a standard, as recommended by the
10 consultants, to have less of the façade if it's of a
11 certain distance, and then more of the façade in terms of
12 percentage if it's less than a certain distance.

14 I completely agree with the other Commissioners
15 that we're not in a position as Planning Commissioners to
16 really be able to judge that the best way, so I would like
17 to maybe give direction to Staff that let's go down the
18 path of having different standards for different lengths,
19 but keep it simple and have the number assigned to it and
20 take the input of the architect community to come up with
21 the right number. Does that sound reasonable? All right, so
22 let's do that.

23 Vice Chair Barnett.

24 VICE CHAIR BARNETT: My understanding is that
25 we're trying to finalize this Objective Standards tonight,

1 so my idea would be to refer this issue to the Council with
2 any input that might be provided by Staff after the
3 meeting.

4 CHAIR HANSSEN: Right. Maybe my suggestion was
5 not clear enough, but it was that we would go ahead with
6 that approach and that the number would be filled in
7 somewhere in the near future by Staff with input from
8 people that have more expertise, so I think we're going to
9 keep it with that.

10
11 Then we can go on to Comment 14, which is
12 requesting an additional section be added to deal with
13 corner lots, and although it does not currently exist, this
14 could be developed in the future, and I think what Staff
15 was saying in a nice way is it would be a lot of trouble to
16 add that in, and since we're so far behind schedule that
17 that might be a nice add-on at a later point, but it could
18 hold up the document. Am I characterizing that correctly,
19 Staff?

20 JENNIFER ARMER: Yes, that's correct.

21 CHAIR HANSSEN: So Commissioners, are there
22 thoughts about whether or not it's important to have that
23 in this version of the document? Commissioner Raspe.

24 COMMISSIONER RASPE: Thanks, Chair. I agree with
25 Staff. At some point I would like to see this incorporated

1 into the document, but given where we are in the process,
2 let's proceed without it for now.

3 As an additional note, I think corner lot
4 developments are probably going to be the minority of
5 developments we see. It will be largely more infill type
6 projects, and so it probably is going to be the least
7 impactful section, so let's proceed without it for now, but
8 with a notation that we'd like to see it developed on the
9 next round if possible.

10
11 CHAIR HANSSEN: Very good, thank you for that.
12 Commissioner Janoff.

13 COMMISSIONER JANOFF: I agree. There is a
14 specific bullet point from the architects that say we
15 should have a section on corners, but it struck me that it
16 was a follow-on to the previous bullet where they were
17 going on about what happens if this and that and the other
18 and then now that we're talking about corners, let's go
19 there, so I didn't get the sense that that was the same
20 level of importance, and so I would agree, let's stay the
21 course on what we have, and if it looks like we need more
22 specificity on corners, if things are going crazy on all of
23 these great developments that are going to come our way,
24 then take another look at making something more specific
25 then.

1 CHAIR HANSSEN: Very good, thank you for that. So
2 I think we're going to go with that recommendation that we
3 should try to add that in a future version of the document,
4 but not hold up the progress of this document.

5 The next one is Comments 18 and 19 that are
6 related to the belly band option in B.4.1d. Based on the
7 reasoning provided, Commissioners can consider removing
8 this option, because there are multiple documents out
9 there, and maybe not everyone has them all up at the same
10 time, that wanted us to remove the belly bank option
11 entirely, or I thought I saw something there about reducing
12 the size of it. Can you maybe give us some clarification
13 about what specifically the architects were looking for?
14

15 RYAN SAFTY: Certainly. The first one, Comment
16 18, basically is belly bands don't always work, especially
17 not a continuous belly band, especially if you have pop-
18 outs, recesses, pilasters, and what not.

19 The second, Comment 19, was specifically about
20 the width or the height of the belly band, pointing out
21 that we require ten and Palo Alto requires four.

22 CHAIR HANSSEN: So that's about that from the
23 Commission. Commissioner Janoff.

24 COMMISSIONER JANOFF: I would remove it.

25 CHAIR HANSSEN: The B.4.1d?

1 COMMISSIONER JANOFF: Yes.

2 CHAIR HANSSEN: Commissioner Raspe.

3 COMMISSIONER RASPE: Yes, I agree. I don't find
4 the belly band a particularly effective device for breaking
5 up a façade, and going to a smaller belly band seems to me
6 to even exacerbate the problem, so I would agree, I would
7 (inaudible).

8 CHAIR HANSSEN: Any other thoughts, or a
9 different direction? Otherwise, we are going to recommend
10 removing it. Sounds like we are agreed.

11
12 So then we can move on to Comment 23, which
13 questions how B.4.3 would be applied. For example, if a
14 single bay window would be sufficient to qualify for the
15 points listed. Staff can either add greater specificity for
16 certain items, or remove this requirement, and they are
17 looking for direction from the Planning Commission.

18 Commissioner Janoff, and then Vice Chair Barnett.

19 COMMISSIONER JANOFF: This was an interesting
20 comment. I can't imagine an architect coming forward with a
21 mish-mash of balconies and no balconies. That just seemed
22 to me to be taking the point a little bit too far, but if
23 Staff has a way to insert language that talks about the—I
24 can't remember the exact term—integrity of design or
25 something, which is completely not objective, so that won't

1 work, but if there is some language that could be inserted
2 that would clarify what they're talking about in terms of a
3 whole bunch of different elements just to rack up points,
4 I'm not sure how that could be done, but what they propose
5 could happen sort of like gaming the point system. I guess
6 it could happen, but how do we make sure it doesn't?

7 CHAIR HANSSEN: Mr. Ford, could you comment on
8 that? You helped us develop this thing, and I think you've
9 had experience with other jurisdictions. What are your
10 thoughts on this particular issue?

11 TOM FORD: Thank you, Chair. If the Commission
12 prefers to keep this B.4.3 I think it's possible to go in
13 and add greater specificity. I read the architects'
14 comments and I thought that's interesting, somebody put one
15 Juliet balcony, so therefore they get the points. I don't
16 know if anyone has packet page 225, you see page B.4.3,
17 each of those lines would probably get longer, because we
18 would add some specificity, and I wouldn't say Juliets on
19 100% of the windows. Let the designer have a little bit of
20 flexibility and maybe pull out a massing piece, so you
21 might say Juliets applied to 40% of the fenestration, or
22 60% or something, and you might say one chimney is enough,
23 and you might say a certain number of balconies. So I think
24
25

1 we can provide greater specificity if you want to keep
2 B.4.3.

3 CHAIR HANSSEN: I think we already discussed that
4 we wanted to keep B.4.3, but we have several Commissioners
5 with their hands up. Vice Chair Barnett, and then
6 Commissioner Tavana, and then Commissioner Clark.

7 VICE CHAIR BARNETT: Thank you, Chair. I share
8 exactly Mr. Ford's thinking. I think that the architects
9 may have overstated the possibility and made it a
10 ridiculous hypothesis, but nevertheless there's a lot of
11 room for clarification that I think should be made before
12 this is sent to the Council, or in the process of
13 submitting it to the Council that we have further
14 specification. Thank you.

15 CHAIR HANSSEN: Thank you for that. Commissioner
16 Tavana.

17 COMMISSIONER TAVANA: Thank you. I agree with
18 Vice Chair Barnett in the sense that any specificity could
19 help, but in the examples given there was a single bay
20 window, but in the Objective Standards—I don't know if this
21 matters or not—it clearly states bay windows, not just one,
22 so it is plural and a lot of these are plural, and that
23 would alleviate some of the issues, but adding specificity
24 definitely would help.
25

1 CHAIR HANSSEN: Thank you. Commissioner Clark.

2 COMMISSIONER CLARK: Thank you. Sorry I haven't
3 been participating more. I'm very under the weather, but
4 I've been appreciating all of the comments and I promised I
5 would say something if I disagreed with any decisions that
6 were being made.

7 For this one I definitely agree that I want to
8 see it kept in, and I think having the minimum of 16 points
9 needed would hopefully keep people from going too crazy,
10 like gaming it and trying to add as many features as
11 possible and stuff, but I do think that it would be a
12 problem if someone decided to get their points using like
13 the three point ones or something, because it would become
14 pretty clunky, so I agree first that we need more
15 specificity.

17 Then I was thinking, I don't know if there's a
18 way to say get at least this many points from these ones or
19 something, like making sure that they use at least one of
20 the eight point ones or something, but we might want to do
21 something like that just to make sure that nobody just uses
22 all of the three pointers and gets some really clunky
23 looking design.

24 CHAIR HANSSEN: Great. I think that's a good
25 suggestion. Staff, I think what I'm hearing is that more

1 specificity would be good, that we like the system, and
2 just to maybe try to put a little bit more specificity in
3 to help avoid gaming the system. I think Commissioner Clark
4 had an idea about maybe you have to use some of this versus
5 a bunch of the lower point things, or something like that.
6 Is that enough for you guys to go on?

7
8 RYAN SAFTY: I believe so. I'll defer to Mr.
9 Ford, since you're going to be the one helping us with
10 this.

11 TOM FORD: Yes, that's great input.

12 CHAIR HANSSEN: Okay, great. Comment 24 suggests
13 that the illustration of pilasters should be removed. The
14 illustration was a specific request from a previous
15 hearing, but it could be removed.

16 Commissioner Janoff.

17 COMMISSIONER JANOFF: There are two different
18 figures that include pilasters, and I think the
19 illustration that is being objected to is 4.5, which is on
20 page 26 of 29, and I agree that pilasters in this
21 particular example would be highly unlikely, so it seems to
22 be a highly unlikely design element to have in there, and
23 it doesn't particularly illustrate the change in materials
24 concept that this item is speaking to, so I think in this
25

1 case I would be in favor of removing the pilasters in this
2 particular illustration.

3 But on page 16 of 29, whichever section that is,
4 there's an illustration that includes them on that line
5 drawing, and those should be kept, so just to clarify which
6 drawing we're talking about.

7 CHAIR HANSSEN: Thank you for bringing that up.
8 So there are two illustrations and you're saying keep the
9 one and not the other. That sounds like a very good
10 recommendation. Other comments from Commissioners? Mr.
11 Ford.

12 TOM FORD: Thank you. Also, just so you're not
13 surprised later by taking out the pilasters from Figure
14 B.4.5, I think we will also help you by making an edit to
15 the text of Standard 4.5, "Changes in building materials
16 shall occur at inside corners." I think what we'll do is
17 we'll delete the reference in the text standard about
18 architectural features. I think that's what led us astray
19 on this issue.

20 CHAIR HANSSEN: So it sounds like this problem is
21 solved. The last one that we were asked for input on was
22 Comment 27 suggesting that rather than prohibiting rooftop
23 and upper floor terraces and decks that they could be
24 allowed, given certain controls.

1 Commissioner Janoff.

2 COMMISSIONER JANOFF: I strongly agree with this
3 recommendation. It seems like we might want to be using
4 rooftops of these buildings for gathering spaces. It's done
5 all over, including having green rooftops or green gardens
6 or green space, or that could be the common space. It could
7 be used really creatively and beautifully, so I would
8 recommend looking at this one to change it and include that
9 as a potential feature perhaps.
10

11 CHAIR HANSSEN: That's great. Commissioner
12 Thomas.

13 COMMISSIONER THOMAS: I agree Commissioner with
14 Janoff's comments, and I also thought that rooftops are an
15 opportunity to create additional green space, especially
16 since green space can sometimes be lost when going to
17 higher density housing, and I know that's something we
18 don't want to do for the Town.

19 I think that the intent of this is to ensure
20 privacy, and I think there are ways that we can still make
21 sure that there is privacy on rooftops, even if they are
22 accessible to people and used as part of the built space,
23 and I think that it's a good opportunity, so I'm supportive
24 of it too.
25

CHAIR HANSSEN: Great. Vice Chair Barnett.

1 VICE CHAIR BARNETT: I've seen rooftop spaces be
2 used for social gatherings and barbeques and whatnot, and I
3 think it's an excellent amenity for people in high-rise
4 developments that don't have a lot of space to meet; they
5 can have parties out there and whatnot.

6 I've also seen it used as private deck space for
7 the owners who are adjacent. This is a little unusual, but
8 there was a parapet wall and there were units that faced
9 the roof, and they were able to divide it into exclusive
10 use areas, so I think in short the idea of setbacks for
11 privacy makes sense, but also the utility of using the
12 space is important to retain in the Objective Standards.

13 CHAIR HANSSEN: Great. I think that's a good
14 suggestion. Any other comments on this? It sounds like we
15 should definitely keep this, and there were some
16 suggestions of how to make it clearer and have more
17 control. Anything else you need from us on this particular
18 one, Staff? Ms. Armer.

19 JENNIFER ARMER: Thank you, Chair. I would
20 suggest if the Planning Commission has any direction on
21 particular things, for example, setback from the edge of
22 the building, that you would support as those additional
23 privacy controls that that discussion would be helpful in
24
25

1 guiding Staff in drafting something to take to Town
2 Council.

3 CHAIR HANSSEN: Got it. Looks like we have a
4 couple hands up. Commissioner Janoff.

5 VICE CHAIR BARNETT: Thank you. The architects
6 did recommend a setback, and they also talk about a
7 daylight plane. I don't know what the daylight plane might
8 be. I haven't heard that term, so I don't know what that
9 is, but presumably it's some sort of a sight line, but they
10 do offer the concept of setback and I think there should be
11 a setback, unless somehow it's a completely green space
12 right at the edge where you could plant the setback, but I
13 would make sure that the gathering space for individuals
14 would be inside a setback.
15

16 CHAIR HANSSEN: Sounds good. Commissioner Thomas.

17 COMMISSIONER THOMAS: I agree. I feel like
18 hopefully we can find a standard setback that exists
19 somewhere else that we know is appropriate. I also am happy
20 to say—I think this is still objective—but it either needs
21 to be a setback or there needs to be some sort of
22 screening. Like one setback if you can see out, and another
23 setback if you can't see out, because I feel like the
24 setback is only necessary for the privacy or for safety
25 purposes, but if there is some sort of screening, I don't

1 know what is considered a rooftop, if there's a specific
2 wall, but I'm assuming it's the top of the building that's
3 open to the sky, so I'm curious to know what Commissioners
4 think of that.

5 CHAIR HANSSEN: Other comments? Commissioner
6 Raspe.

7 COMMISSIONER RASPE: I also thought about
8 screening, and my concern with that is depending on the
9 design and style. Unless the screening is also set back it
10 can add to the massing of the building, especially if it's
11 going to be a 6' barrier, for instance. We're adding 6' of
12 height to our building, so unless it's set back
13 significantly from the existing frontage of the building or
14 it's somehow distinguished in material, my concern would be
15 that adding a lot of shielding would overly complicate
16 things.
17

18 That being said, I fully support a rooftop
19 situation and I think setback is probably the preferred
20 method of doing it, with maybe a secondary lower shielding
21 if that's the only solution possible.

22 CHAIR HANSSEN: I think that's a good suggestion
23 as well. Staff, what more can we do to help on this?
24

25 JENNIFER ARMER: Thank you, Chair. I think based
on the direction that we've heard from the Commission this

1 evening we will develop a recommendation for a setback from
2 the edge of the roof for buildings that abut Single-Family
3 zoning districts on the side of the building that abuts
4 them, and provide that as a recommendation on your behalf
5 to Town Council.

6 CHAIR HANSSEN: That sounds good. Vice Chair
7 Barnett.

8 VICE CHAIR BARNETT: Yes, thank you. In Item 27
9 in the architects' comments when the Staff responds to the
10 architects they say, "Wouldn't it be more appropriate to
11 have a setback to rooftop decks and balconies?" and I
12 wasn't sure what rooftop balconies would be. Maybe that
13 could be clarified or removed.

14 CHAIR HANSSEN: Is that in the document now? No,
15 that's in the comments for the architects, right?

16 VICE CHAIR BARNETT: You're correct; it's in the
17 comments from the architects.

18 JENNIFER ARMER: Through the Chair, when we're
19 looking at 4.10 it references rooftop and upper floor
20 terraces and decks, so not balconies.

21 CHAIR HANSSEN: So then we have the information
22 we need in terms of controls, because we don't have a
23 conflict basically because a rooftop balcony would be kind
24 of strange. Are we good on Comment 27? Okay.

1 I'll just continue to go through the Addendum,
2 which was very helpful, by the way, Staff, that you went
3 through all the comments and gave us some feedback on that,
4 and it helps make our discussion more efficient.

5 You also brought out your comments on the
6 submission from Mr. Mayer from the Housing Element Board,
7 and who is also an architect, and I don't think we need to
8 discuss the first one he brought up about real world photo
9 examples, because we already discussed that earlier.

10 But he did have some other specific suggestions,
11 one of which was that the parking structure entry gate
12 setback be reduced to under 25', and he did go into detail
13 about with a dense kind of building trying to create a 25'
14 setback would be an awfully big ask for them to do that.
15 Staff, you want us to comment about whether we should
16 include that or not? You didn't recommend one way or the
17 other.
18

19 JENNIFER ARMER: I'll start, and then Mr. Safty
20 may have something to add. With any of these where a change
21 is being recommended we called out if we had a significant
22 concern, but would be looking to see if the Commission
23 supports making the change. In this case we do want to have
24 some setback so that we avoid queuing in the street, and
25 often the gate for a parking garage is actually set back

1 farther within the building façade, so it doesn't mean that
2 the front wall of the building needs to be set back. Mr.
3 Safty, did you have anything else add on that one?

4 RYAN SAFTY: You basically said what I was about
5 to. The one thing I would add is the only thing we do have
6 in the Town Code right now is it requires 18' from any sort
7 of vehicle gate to the edge of the street, so if the
8 Planning Commission does want to reduce below 25' I would
9 recommend ensuring that we still do have the 18'.
10

11 CHAIR HANSSEN: So that we don't just remove the
12 requirement entirely. Commissioner Raspe.

13 COMMISSIONER RASPE: Thank you, Chair. I would
14 argue against removing this section. I think it is
15 important for pedestrian safety to avoid a situation where
16 we have queuing. It seems to me that ideally maybe what you
17 want is whatever the length of two cars is, because
18 essentially that's going to be a most common scenario, I
19 think, where you would run into problems, so if that's 18',
20 that's 18', if it's 20', it's 20'. I don't know what that
21 number is, but it seems to me whatever the length of two
22 average cars would be is probably be adequate for our
23 purposes.
24

25 CHAIR HANSSEN: Thank you for that. Commissioner
Janoff, and Commissioner Thomas.

1 COMMISSIONER JANOFF: Thank you. I agree we
2 shouldn't remove this section amended to be much less than
3 25'. I would go back to the architects and ask what much
4 less looks like. It may be that the 18' is also untenable.
5 I don't know, so I would say keep it, but see if you can
6 get some input from the architects specifically regarding
7 these kinds of structures.

8 CHAIR HANSSEN: You mean in addition to Mr.
9 Mayer?

10 COMMISSIONER JANOFF: Yes. Well, go back to Mr.
11 Mayer. He's making the comment and he's asking for a
12 significant reduction, and he seems to be speaking from
13 experience. We could guess at this number, we could go with
14 the 18', but that might still not be workable, so my
15 suggestion is to go back to the architects and see if we
16 can find something, keeping in mind that what we're trying
17 to do is keep these things objective, but also we want
18 these buildings to be built, so if we put too many
19 constraints that makes just breaking ground not workable,
20 then we've sort of killed something from the outset, so I'd
21 look to get some input from the experts on this one.
22

23 CHAIR HANSSEN: That sounds reasonable, and what
24 I'm hearing loud and clear though is that we don't want to
25

1 remove this, but let's see what Commissioner Thomas has to
2 say.

3 COMMISSIONER THOMAS: I agree that we do not want
4 to remove this for the safety concerns, but however I do
5 want to ensure that we are highly, highly encouraging below
6 ground parking, because we know that that is a huge
7 priority for us to achieve some of our higher density
8 projects that we want. I know that it also makes it more
9 expensive for developers, but I think that we need to make
10 sure that we're not putting a number on here that is not
11 possible.
12

13 When we say a minimum of 25' between the gate and
14 the back of the sidewalk, we are saying the length? It's
15 not like a bird's eye view, right? It's the length of the
16 actual driveway has to be 25' so that could curve or turn,
17 correct, Staff?

18 JENNIFER ARMER: (Nods head yes.)

19 COMMISSIONER THOMAS: Okay. I do know there are
20 gates that exist like this out here; most parking garages
21 with below ground parking have the gate below... I don't
22 know, I guess my question is 25' doesn't seem that
23 unreasonable to me, but obviously I'm not an architect, but
24 if I'm thinking about like how far is the distance if we
25 were to put a gate at the bottom of some of the park... I

1 guess all of our below ground parking in town doesn't have
2 a top, I don't know. I was trying to think of in downtown.
3 We want to encourage below ground parking, so we need to
4 make sure that the number that is chosen is specific, so
5 its objective, but it also ensures that we can still get a
6 lot of below ground parking.

7 CHAIR HANSSEN: So what I'm hearing is we want to
8 keep this requirement in here, but we don't feel like we
9 have enough expertise to specify. I did hear from Staff
10 that we have already a requirement for 18', so can Staff
11 check with some of the architects to see if this really is
12 a big problem and that that would necessitate it being less
13 than even 18', because I don't think that any of us have
14 enough (inaudible) of experience with this particular
15 requirement. Is that enough direction?

17 JENNIFER ARMER: Thank you, Chair. Yes, I think
18 we can proceed with that. In order to give the Planning
19 Commission a little more context, our current standard for
20 parking, if you have a two-car garage you're going to be
21 required to do 20'x20' clear on the inside, so that's 20'
22 deep for each of the two cars. If you're looking at the
23 distance from the face of a garage, even if the required
24 building setback is less, then we require the 18', but in
25 many cases the front setback that governs the distance to a

1 garage is actually 25', so this isn't inconsistent with a
2 lot of the other circumstances where you have enough space
3 for a car to park in the front of a garage and not be
4 overlapping with the sidewalk.

5 CHAIR HANSSEN: And also it was my understanding
6 when we were going through this whole process as the
7 Subcommittee before the document was drafted that our
8 consultant's had substantial experience working with many
9 jurisdictions on this stuff, so we were relying pretty
10 heavily on them to work with our Staff to come up with the
11 right numbers for this step, so I guess what I'm hearing is
12 it's probably worth checking with some people, but we don't
13 want to wholesale remove things that were recommended.
14

15 Mr. Ford.

16 TOM FORD: Thank you. Yes, you're correct. We can
17 look into this further.

18 CHAIR HANSSEN: All right, great. So let's go on.
19 The next one was similar. It was about vehicular entry
20 gates, and there's a 6' height limit for those, and he
21 wanted those to be increased, because he was talking about
22 parking situations and that it wasn't going to be high
23 enough.
24

25 Commissioner Janoff.

1 COMMISSIONER JANOFF: Thank you. He makes a good
2 point, but I think we can correct the concept by inserting,
3 "Vehicular entry gates and pedestrian entry gates located
4 in perimeter fencing shall have a maximum of 6'." I think
5 that's what we're talking about. We're not talking about
6 entrances that are in a building face, right?

7 CHAIR HANSSEN: Right.

8 COMMISSIONER JANOFF: It's in the fencing or in
9 some sort of perimeter barrier.

10 CHAIR HANSSEN: That sounds reasonable.

11 COMMISSIONER JANOFF: I certainly wouldn't want
12 to increase it to 8' across the board, because then you
13 wind up with 8' fences at the perimeter, right? So I think
14 that would solve the problem.

15 CHAIR HANSSEN: I like that suggestion. Any other
16 thoughts on this one? All right, let's see, we don't have
17 too much more to go through.

18 Their public comment question whether landscapers
19 can count toward landscaping requirements in Standard
20 A.10.1a and whether 20% is too high, 20% being that 20% of
21 the total square footage has to be landscaped and whether
22 or not landscapers could count for that, because it might
23 be too much.
24
25

1 Commissioner Janoff, and then Commissioner
2 Thomas.

3 COMMISSIONER JANOFF: I think based on our
4 previous conversation we should allow landscaped rooftops
5 to be counted, but not everybody is going to do a
6 landscaped roof, so if that 20% still seems high then there
7 should be an if/then term included so it will be such-and-
8 such a percent unless there's a rooftop and the rooftop can
9 count toward that percent, but yes, I think that that
10 number...

11
12 And maybe it should be arranged that the
13 following point has to do with how large balconies or
14 common space or community recreation space are, and there's
15 a recommendation that it would be a certain size for a
16 certain size building, and a certain size for certain other
17 size buildings, so I think maybe this is another one where
18 there could be a range if the landscaped space at 20% seems
19 onerous, but definitely count rooftop.

20 CHAIR HANSSEN: I know his concern was that the
21 landscaping requirement being that high could defer High-
22 Density housing.

23 Commissioner Thomas.

24 COMMISSIONER THOMAS: I agree that we should
25 definitely count landscaped roofs toward the 20%, so I

1 think that should be added. I also know that people value
2 green space in town and are afraid of really High-Density
3 housing, so I can see maybe why this 20% was initially
4 chosen as the number, but I'm happy to hear what other
5 cities have decided to do, because I'm open to reducing.

6 CHAIR HANSSEN: You started going in the
7 direction that I wanted to make sure we reminded ourselves
8 of, that this document is intended to comply with certain
9 laws that have been handed down by the State of California
10 and that it's separate and aside from the discretionary
11 approval process that we already have, and so there's
12 always the possibility where they bring in a project and
13 they want to take advantage of the streamlined processing
14 procedure and they decide that it doesn't work for them
15 they can still go through the discretionary process that we
16 have. This is just to take advantage of the streamlined
17 process.
18

19 I know that when we heard the North Forty and the
20 North Forty Specific Plan had a 30% open space requirement
21 and 20% had to be green—I think the numbers might be wrong,
22 off by that—but that was a big deal for everyone, and they
23 did find a way to meet it, and so I think we'd have to
24 think long and hard about taking that off the table,
25 because we're basically taking away the discretionary

1 approval process with this document and we want to make
2 sure that it turns out the way that we're hoping for.

3 Commissioner Janoff.

4 COMMISSIONER JANOFF: I just wanted to make a
5 clarification that the landscaped rooftop could count
6 toward the 20% as long as it's accessible by all residents.
7 It can't be like a private rooftop garden for the
8 penthouses, right?

9 CHAIR HANSSEN: Yes.

10 COMMISSIONER JANOFF: So make sure that that's
11 also included.

12 CHAIR HANSSEN: Maybe I didn't read this thing
13 right, but I thought that the landscaper thing was kind of
14 like the lesser of the two issues, that 20% was the issue
15 and that it might be too high and prevent High-Density
16 housing, but I think we've already heard from a couple of
17 Commissioners that we know that our residents are really
18 concerned about that, so I think it would be a hard ask to
19 take it down below 20%.

20 Commissioner Thomas.

21 COMMISSIONER THOMAS: I guess I do have a
22 clarification, but I do agree that this should be
23 accessible to everyone, but the current way it's written,
24
25

1 is landscaped area considered like all 20% of that has to
2 be accessible to all residents?

3 CHAIR HANSSEN: Question for Staff.

4 RYAN SAFTY: Give me one second just to triple
5 check.

6 JOEL PAULSON: I can go ahead and jump in.
7 Commissioner Janoff's comments, I think, were specific to
8 the rooftop deck and that the residents of that community
9 had access to that, not just the penthouses, for instance,
10 so it's an amenity for those folks, not an amenity for the
11 entire public, so it's just for that specific site, and
12 it's not specified in there, so that's something that we'll
13 look at adding specificity.
14

15 COMMISSIONER THOMAS: Because it just says right
16 now, "A minimum of 20% of the site area shall be
17 landscaped," but that doesn't have to be that whole 20%.
18 The way it's written right now it does not have to be
19 accessible to everyone, because this is like a completely
20 separate thing from the 60% of the community space shall be
21 open to the sky, etc.? I'm just trying to interpret the
22 rule.
23

24 CHAIR HANSSEN: Mr. Safty, you had your hand up.
25 I'm going to ask you before I go back to the other
Commissioners.

1 RYAN SAFTY: Thank you, I'll try to take a stab
2 at answering that. Just a reminder, all of those three
3 areas, the landscaped area, community open space, and
4 recreation open space, they're all calculated separately.
5 Previously there was mentioned about using, let's say, a
6 rooftop deck towards the landscaping requirement, and,
7 let's say, a community open space requirement. As the
8 document is written right now, you would not be able to use
9 them both. Landscaping is really just intended to add
10 greenery to the site; that's how it was drafted.

11
12 CHAIR HANSSEN: Ms. Armer.

13 JENNIFER ARMER: I wanted to add the suggestion
14 that under Key Terms at the beginning of the document we
15 have a definition of landscaping, and so considering if
16 there are details that should be added to that definition
17 of landscaping is probably where this would be, whether
18 landscaping could potentially include a rooftop deck if
19 accessible to all residents, or similar language.

20 CHAIR HANSSEN: That makes a lot of sense, and
21 I'm glad Commissioner Janoff brought that up, because not
22 that super High-Density housing could have penthouses, but
23 you wouldn't want it to be private, because that kind of
24 defeats the purpose of what we're trying to accomplish.
25

1 Let's see, several Commissioners have their hands
2 up. Commissioner Janoff, and then Vice Chair Barnett, and
3 then Commissioner Thomas.

4 COMMISSIONER JANOFF: Just a quick clarification.
5 The 20% doesn't need to be contiguous land, right? They can
6 count pockets and so on, right? My comment about
7 residential access to a rooftop would be like let's make
8 sure if that's the only 20% set aside that everybody has
9 access to it, but if it's in fact in addition to a bunch of
10 other little pockets, then it counts as an aggregate, if
11 that's clear?
12

13 RYAN SAFTY: Yes, the landscaped areas can be in
14 multiple different locations, for example, shrubbery along
15 a walkway. The point I want to clarify one more time, the
16 idea of a rooftop deck with landscaping, let's say Camino
17 Garden, the would count towards the community recreation
18 space, which then would not count towards landscaping
19 unless we removed the term saying that they are calculated
20 mutually exclusive from each other.

21 COMMISSIONER JANOFF: Through the Chair, if we
22 could just think about that a little bit more critically as
23 you go through in your mind how those might be in conflict,
24 when we could create some really beautiful community space
25 that is partially land... Just think about whether that is

1 asking too much, and I'd say depending upon the design, and
2 of course that's subjective, it should count as the same.
3 It shouldn't be counted separately.

4 CHAIR HANSSEN: Do other Commissioners have
5 thoughts? Vice Chair Barnett.

6 VICE CHAIR BARNETT: Yes, thank you, Chair. Ms.
7 Armer brought up the landscaping definition under Key
8 Terms, and I'm happy with the 20%, but I am concerned about
9 landscaping as it's described in the Key Terms because of
10 the drought situation and the need to conserve water, and
11 it seems to primarily, if not exclusively, require
12 greenery, so I think that's something that we ought to look
13 at as part of the whole picture.
14

15 CHAIR HANSSEN: Commissioner Thomas, and then
16 Commissioner Tavana.

17 COMMISSIONER THOMAS: I agree that we do need to
18 be conscious about the water use, and I also think that we
19 need some clarification and need to rethink the differences
20 between the landscaped private recreation space and
21 community recreation space. I do think that if something
22 qualifies separately as landscaped and it also could serve
23 as a community recreation space, for example, a communal
24 garden, I would be happy with that being able to be counted
25 in both spaces.

1 I think that being able to double dip in that
2 area is going to provide for more creativity from an
3 architecture standpoint and more creativity with the use of
4 space, so I'm happy with that being able to be double
5 dipped, and then I think that also allows for more
6 flexibility with respect to the 20% doesn't just have to be
7 like green for looking at, it could be usable space also,
8 which I think is the more important part, and also like
9 drought... It can just be more usable space that we benefit
10 more from than just like existing, so I do think that that
11 is a change that we should definitely consider.

13 I also don't think that the way that we have it
14 written right now, landscaped space all needs to be
15 publicly accessible, but again, if it's counting as both
16 community recreation space and landscaped space, then it
17 should be, if that makes sense.

18 My last thing is that if a rooftop is going to be
19 used either for community recreation space, or I guess as
20 landscape space, if we're counting at 20% minimum, I guess
21 my question is right now it says 20% of the site area. The
22 rooftop basically should be like free bonus area? It
23 shouldn't be considered in the total area, it's not
24 additional area, if that makes sense? I don't know how we
25 consider that though then in the 20%, because we're not

1 mandating that anyone put anything on the rooftop. Do other
2 people understand how we could create conflict? No, okay.

3 So if we are requiring a minimum 20% of the site
4 that should be landscaped, and then we say you can use the
5 rooftop for that, we need to decide if we are counting then
6 does the rooftop count to the total area that we are
7 considering? Like is it our denominator, or not? I think it
8 should be not ever included in the denominator; it's just
9 like an optional bonus area that you could use and utilize.
10

11 CHAIR HANSSEN: Ms. Armer, and then Commissioner
12 Janoff.

13 JENNIFER ARMER: Thank you. Just to help with the
14 clarification of what Commissioner Thomas was trying to
15 describe, I think one question is when we talk about 20% of
16 the site area, whether that is being understood as the open
17 parts of the site versus the site area as a whole before
18 it's been developed. So if you're saying 20% of the site
19 area, then that is of the entire property before it is
20 developed, and so some of that 20% could be on the roof.

21 CHAIR HANSSEN: Commissioner Janoff.

22 COMMISSIONER JANOFF: My assumption is that the
23 20% is of the whole site before anything is built, right?
24 Then build your building as large or as small you can, and
25 you've got 20% remaining on the ground, and then take that

1 amount and apply that to the roof instead. So you
2 (inaudible) can make a bigger building and use your
3 rooftop, but it is the whole site and then the developer
4 gets to decide whether they're going to keep ground-level
5 green space community or whatever, or rooftop, or a
6 combination.

7 CHAIR HANSSEN: There are a lot of people that
8 aren't happy with the North Forty, but I particularly did
9 like the open space requirement in the North Forty Specific
10 Plan, and so my thoughts were that I wouldn't want all that
11 stuff to be counted separately. I kind of like the North
12 Forty Specific Plan, because it had the idea that you had a
13 number of different ways to get at open space and then it
14 was up to the creativity of those, and then there was a
15 minimum for green open space, so you knew there would be
16 some of that, it wouldn't just all be hardscape pathways or
17 things like that.

18 Commissioner Tavana.

19 COMMISSIONER TAVANA: Thank you, Chair. My
20 concern would be just seeing hardscape, as a person walking
21 by the property, being developed if we were to count the
22 20% save for the landscaped roof, so I would like to see it
23 as written, 20% of the area shall be landscaped with the
24
25

1 roof not counting toward total percentage, my personal
2 opinion.

3 CHAIR HANSSEN: I'm trying to decide where we are
4 on this one. There is a lot of really good input.

5 Mr. Ford, and then I'll go to Commissioner
6 Janoff.

7 TOM FORD: Thank you. You could do something
8 where you still have the 20% of the site needs to be
9 landscaping, and then allow a certain percentage of the
10 community recreation space to contribute to that, because
11 if someone has a really nice roof deck they've probably
12 built a larger footprint to do that, so you wouldn't want
13 to penalize them by saying you still have to have your 20%
14 site coverage of landscaping. You might want to allow them
15 to use some of that community recreation space up on the
16 roof towards their landscaping requirement.

17
18 Back to an earlier—I think Vice Chair Barnett
19 might have mentioned this—we can put lawn farther down the
20 list, but also whether someone comes in a discretionary
21 process or a ministerial process, they're still going to
22 have to meet C-3 requirements for water use and how their
23 irrigation plan is using water, so there are certain
24 requirements that they're going to... They can't just put in
25 a lawn over 20% of the site and water it, so that's already

1 going to be restricted and that's going to lead them
2 towards native plantings, drought tolerant plantings and
3 such for that 20% landscaping.

4 CHAIR HANSSEN: Thank you for that. Commissioner
5 Janoff.

6 COMMISSIONER JANOFF: Thank you, and I think Mr.
7 Ford's suggestion is an excellent one. It speaks to being
8 able to count the rooftop as quality space for residents
9 without completely losing some form of landscaping or
10 greenery to Commissioner Tavana's point, so whatever
11 percentage that might be, I would say Staff can figure that
12 out, but at least retain a portion of green space at
13 pedestrian level.
14

15 CHAIR HANSSEN: Commissioner Tavana.

16 COMMISSIONER TAVANA: Thank you. Yes, I do really
17 appreciate Mr. Ford's comment, so if I were to throw a
18 percentage out there, I would say no more than 5% to be
19 counted towards the 20% if they do have a living or a
20 rooftop landscaped.

21 CHAIR HANSSEN: I think that is a good idea to
22 put out there, and so I'm going to ask Staff if you have
23 enough to go on with this.

24 Commissioner Thomas.
25

1 COMMISSIONER THOMAS: I would like to add,
2 because I know that I made multiple comments and we went
3 really in on one of them, but I just wanted to also see if
4 we agreed that we should be able to double count, like
5 overlap landscape space with community recreation space,
6 because I think that those can be counted in the same way,
7 and Staff, you can clarify if that would create too much
8 confusion.

9
10 CHAIR HANSSEN: I had the same question, but that
11 made a lot of sense to me and that's where I was going with
12 my comments.

13 RYAN SAFTY: Thank you, that was actually
14 something I was just thinking about as well. It would make
15 perfect sense, for example, if they put in a grassed
16 volleyball court, why not be able to count that both
17 towards landscaping and community recreation space? Mr.
18 Ford, I don't see an issue with that in terms of drafting
19 the standards, but I'll defer to you if you see any red
20 flags.

21 TOM FORD: Yes, thank you. As Commissioner Thomas
22 was saying that I was putting on my devil's advocate hat,
23 and I think you just want to be careful. Most architects
24 and landscape architects have a really hard job making that
25 number meet when they're trying to do their site plan, so a

1 lot of the landscaping tends to look really beautiful, but
2 it's 10 square feet there and 20 square feet here and 100
3 square feet there, so you have to make sure that if you're
4 going to double count it that it's actually usable as a
5 community recreation space. So again, it might be a maximum
6 percentage or something that could be double counted, but
7 I'd be care to allow all of landscaping to be counted,
8 because it may not be usable in the sense of a recreation
9 space.
10

11 CHAIR HANSSEN: So, Commissioner Thomas, given
12 what he just said, does that change how you feel about it?

13 COMMISSIONER THOMAS: Yes, I think that I do
14 agree that we want to be careful. We don't want this
15 community recreation space to be like a little tiny couple
16 of square feet here and there. I don't know if this is too
17 specific as far as Objective Standards go, or if we can be
18 specific enough, but maybe the space has to be designated
19 for a specific use, like a volleyball court, or a play
20 area, or a barbequing picnic site, or community garden,
21 something that I would assume that a Planned Development
22 would have a specific use for. I don't know if that's legal
23 or allowed or we can write that into Objective Standards,
24 but that would be a way that I would see a way around the
25 issue of just divving into that everywhere.

1 CHAIR HANSSEN: Mr. Safty, and then Mr. Ford.

2 RYAN SAFTY: Thank you. I'd like just to chime
3 in. We actually are covered on that already. In Section
4 8.10.1c there is a requirement, the minimum dimensions of
5 community recreation space, and that's each individual
6 community recreation space used to come up with a total has
7 to be 10'x6', so there's not going to be little pockets
8 that people are using towards that.

9
10 Additionally, there are allowances for
11 landscaping within the community recreation space, so based
12 on the suggestions I'm hearing I do think that it would be
13 a fairly simple fix for Staff.

14 CHAIR HANSSEN: To combine those? Yes. You are
15 dovetailing into the last comment that you called out from
16 him, which was the size of the community recreation space
17 to be reduced or based on the overall size of the property.

18 But I'll go to Mr. Ford.

19 TOM FORD: Thank you. I was just going to follow
20 on Mr. Safty in responding to Commissioner Thomas. In order
21 to stay objective I would try to stay away from a laundry
22 list of what qualifies as community recreation space and
23 instead try to stick with a metric of a minimum percentage,
24 maximum percentage, something like that that is just easy
25 for the developer to put on their drawing and it's easy for

1 the Staff member to verify when they see it and just stay
2 with the metric, if possible.

3 CHAIR HANSSEN: To that point, I'm going to ask
4 the question, because that's the other comment that we have
5 to discuss from this. The 60 square feet was "huge," I
6 think was the word that was used in the comment, if you're
7 talking about certain size properties, so is it better to
8 do a percent or, say something like 10'x6'?

9 Commissioner Thomas.

10 COMMISSIONER THOMAS: I think that the comment
11 was about the private space, and we were just discussing
12 the community recreation space.

13 CHAIR HANSSEN: Fair enough. But I think even
14 with that he was just saying what we had in there was too
15 high.

16 COMMISSIONER THOMAS: Yes, for that next part, it
17 was, yes.

18 CHAIR HANSSEN: But we should close on the
19 landscaping. What I heard though is that because we already
20 have protections in there about it being large enough that
21 we could go down the path of combining the community
22 recreation space and landscaping in terms of meeting the
23 overall requirement. Yes? Okay, all right, good.
24
25

1 I think I heard that most of the Commissioners
2 think that's okay and we just don't want too high of a
3 percentage of a landscaped roof per Commissioner Tavana's
4 comment to be considered meeting that requirement.

5 But Commissioner Janoff still has another
6 comment.

7 COMMISSIONER JANOFF: Is this horse dead yet? Mr.
8 Mayer raises a couple of other good points and they're
9 related to the private balcony as well as the con space
10 having to do with it being a percentage. He doesn't say
11 this, but it may make sense to do a percentage or a minimum
12 for certain sizes or certain size of a community.
13

14 As I say often, they're the experts in this area
15 and we want living space, we want recreational space, we
16 want landscaping space that makes sense, but if a 6'x10' is
17 a gigantic balcony for a Multi-Family unit, then let's
18 listen to the architects and bring it down, but maybe we're
19 bringing it down only for the smaller units he says, on the
20 community space just flipping back and forth. Maybe we want
21 a different standard for a small building unit, say 10-12
22 units versus one that has 20 or more units, so I think sort
23 of a sliding scale makes sense, and whether that's
24 different sizes or different percentages, I would leave it
25 up to Staff and Mr. Ford to come up with those numbers, but

1 I think there's some reasonability in having something
2 that's differently sized depending upon the size of the
3 overall project.

4 CHAIR HANSSEN: Sounds good. Commissioner Thomas,
5 and then Commissioner Raspe.

6 COMMISSIONER THOMAS: I'll let Commissioner Raspe
7 go first, because I agree with Commissioner Janoff's
8 comments and my question is to do with something else.

9 CHAIR HANSSEN: Okay. Commissioner Raspe.

10 COMMISSIONER RASPE: Thank you, Chair. I just
11 wanted to follow up on Commissioner Janoff's point, and
12 specifically on the size of projects and the notion of
13 community recreation space.

14 I know during our discussions during the General
15 Plan we put a lot of emphasis on missing middle housing,
16 and it seems to me that those are precisely the type of
17 project where if we force a large either percentage or
18 square footage requirement of community space we're going
19 to lose the opportunity to put adequate housing in those
20 spaces, so I would encourage Staff to come up with a
21 minimum number of units before a threshold community space
22 requirement is implemented. I don't know if it's 24 units,
23 I don't know what that number is. Again, as Commissioner
24 Janoff has indicated several times now, you guys are the
25

1 experts and we'll look to you, but I think that notion
2 makes sense to me.

3 CHAIR HANSSEN: Very good. Commissioner Thomas.

4 COMMISSIONER THOMAS: I would like some
5 clarification, because I thought Commissioner Janoff was
6 just talking about... Are you talking fully about community
7 recreation space, or were you specifically talking about
8 the private recreation space?

9 COMMISSIONER JANOFF: I was speaking to both.

10 COMMISSIONER THOMAS: To both, okay.

11 COMMISSIONER JANOFF: When the architect says
12 6'x10' is a gigantic balcony for a Multi-Family unit, you
13 kind of want to listen to that.

14 COMMISSIONER THOMAS: Yes, but then I just heard
15 Commissioner Raspe mentioning more about community
16 recreation space, not necessarily the private recreation
17 space. I understand that you're raising issues with both,
18 but I just wanted clarification on that.

19 COMMISSIONER JANOFF: My thinking was, through
20 the Chair, that if we had a notion of smaller for smaller
21 and larger for larger in both private and community
22 recreation space, that makes sense to me. But what those
23 percentages or square footages might be, I'm not even going
24
25

1 to go there, but I think it may make sense to have two
2 different numbers.

3 CHAIR HANSSEN: I like your suggestion of a
4 sliding scale, because I think that when you have higher
5 density properties you're not going to have the luxury of
6 this much space, but you want to make sure there's a
7 minimum, but that minimum might not be the same one that
8 you have for a single-family home of course.

9
10 I don't know if Staff is comfortable going with
11 that kind of feedback, because I don't think we have the
12 ability to put numbers out there for this right now. And
13 how much trouble would it be to have a sliding scale?

14 JENNIFER ARMER: Thank you, Chair. I'll start by
15 saying just a reminder that this really is going to be
16 applying to larger developments, not so much the missing
17 middle developments. In most cases it really is going to be
18 people who are coming in under one of those special state
19 laws, and so we do, as Mr. Ford has mentioned, want to try
20 to keep these straightforward and not too complicated.

21 We can look at reducing or modifying some of
22 these numbers if that is the will of the Planning
23 Commission. We've started with these particular
24 requirements, for example, the private recreation space.
25 That is based on what we currently have in Town Code, but,

1 for example, for some of these larger developments, or if
2 it was different sized units or more units, if the
3 Commission felt that having a different threshold based on
4 one of those criteria, I think we could look into it.

5 I might check in with Mr. Ford to see if he had
6 additional questions or clarification that might help us in
7 that endeavor.

8 CHAIR HANSSEN: Mr. Ford.

9
10 TOM FORD: Thank you, Chair. No, I don't. I would
11 take my lead from you folks partly because I'm willing to
12 come up with new numbers, but you guys are the folks that
13 are going to have to be willing to update your Zoning Code,
14 because as I understand it, I think your Zoning Ordinance
15 is already pretty clear about the minimum size of a
16 balcony, so I don't have a problem with changing that.

17 But also, if you have a two-bedroom unit in an
18 eight-unit building, or two-bedroom unit in a 30-unit
19 building, what's the difference? Shouldn't it be the same
20 balcony? It's a two-bedroom unit. So I don't know if the
21 controlling metric would be the development size, the unit
22 count, or as the architects pointed out in their letter, a
23 studio might have a certain size of balcony, a one-bedroom
24 might have a certain size. I don't want to create Zoning
25

1 Code work for the Town Staff have to go back and have to
2 back pedal, but I'm perfectly willing to look at it.

3 CHAIR HANSSEN: Gosh, there are a lot of ways you
4 can look at this. It could be that our Zoning Code is not
5 thinking about Multi-Family, but on the other hand going in
6 and modifying the Zoning Code is going to be a whole other
7 process, and we do have that situation where this is for
8 specific kinds of projects, so with that in mind hopefully
9 we can come up with a resolution.

10
11 Several Commissioners have comments. Commissioner
12 Thomas, Commissioner Janoff, and Commissioner Tavana.

13 COMMISSIONER THOMAS: I agree with Mr. Ford that
14 it should be based on the square footage of the unit versus
15 the number of overall units with regard to a sliding scale.
16 If we do that I completely defer to Staff about updating
17 our Zoning Code.

18 My last comment is really a question, through the
19 Chair if it's allowed, to Commissioner Tavana. I'm just
20 wondering about your feeling about recreation space. Is it
21 the same with regard to the landscape space or do you feel
22 like recreation space, all of it, could be on the rooftop
23 if it's allowed, if it's community space for everyone?

24 CHAIR HANSSEN: You know what? Even though
25 Commissioner Janoff had her hand up, I'll go to

1 Commissioner Tavana just so he can answer your question,
2 and if he has an additional comment, and then I'll go back
3 to Commissioner Janoff.

4 COMMISSIONER TAVANA: Thank you, Chair. To answer
5 your question, Commissioner Thomas, no, I personally think
6 it should be separated for a variety of reasons, but just
7 on this space I don't see them being the same. I see
8 landscaping as landscaping, and I do see recreation space
9 being separated, so that's my personal point of view.
10

11 I want to just chime in here. With all due
12 respect, I disagree with Mr. Mayer and his approach to his
13 comments and the section for the private recreation space
14 and the community recreation space. I have no issue with
15 the way it's currently proposed in the Draft Objective
16 Standards, and I'd be willing to support it tonight if
17 that's the direction we want to go.

18 CHAIR HANSSEN: Sounds good. Commissioner Janoff.

19 COMMISSIONER JANOFF: I think someone made a
20 comment earlier that most of the Town Code is really
21 written around residential or low-slung buildings of one or
22 maybe two stories, so we're talking about a whole different
23 category of structure than we're used to planning around,
24 so I wanted to make a couple of comments.
25

1 When we talk about private recreation space, in
2 my mind there's a difference between ground level
3 recreation space and balcony recreation space, and there
4 could be a different size standard for those.

5 Number two, regarding a different size balcony
6 for different sized units, if you think about what that
7 would look like on the outside looking at the building, I
8 think you'd be disappointed when you had a whole bunch of
9 tiny little balconies for your small units and then bigger
10 balconies. It could look visually confusing if you do it
11 that way, so I don't know that that's the best approach.
12 When you look at buildings that are multi-story, the
13 balconies are all pretty much the same size. That's just
14 the way it looks when you're looking at the building, and I
15 would let the architects define that, but give a minimum,
16 and maybe 6'x10' is too large, maybe it's smaller; I don't
17 know what that number is.

18 Then the same thing for community recreation.
19 We've been thinking pretty conventionally about ground
20 level gathering spaces, and so these concepts of using the
21 rooftop and other areas, it could be big, it could be much
22 larger than 200 square feet if we're going to the rooftops.
23

24 I think the architects have given us a lot to
25 think about, but given all our comments I think we have to

1 think about making two different kinds of standards. We
2 don't say in here that this is limited to structures that
3 are proposed to be 20 units or more, we don't say that this
4 doesn't apply to a missing middle situation, so if we do
5 intend to have different standards for different types,
6 then we should probably define those.

7 I know that that's more work than Staff might
8 want, but the recreational space, the landscape space, the
9 community gathering space, those are really important
10 features, but they're hard to get in if you don't have the
11 space and you're trying to create as many units as
12 possible. It's really kind of a tough problem, but again,
13 thinking about what we can do to encourage architects and
14 developers to make those possible without too many
15 encumbrances, and keeping the green space for landscaping,
16 and counting the private space differently.

18 There might also be something in here. I hate to
19 complicate things further, but if a development is within X
20 number of feet or miles, a half mile, of a community park,
21 an established park, maybe you can count or deduct some of
22 your community recreation space if you are next to a park.
23 There could be some creative ways to make this work for
24 developers as well as the community that they're building
25 for.

1 CHAIR HANSSEN: I'm going to be the devil's
2 advocate though and say that I don't want to load up Staff
3 or our consultants with too many things. This is important,
4 but on the other hand, my understanding, and we had this
5 discussion with Staff in our pre-meeting, is because the
6 architects came right out with this only applies to these
7 kinds of projects and not the kind that we do, and that was
8 verified to be the case in talking with Staff that this is
9 for specific projects that come under specific laws from
10 the State of California, I would be a little bit reluctant
11 to start to make it more complicated. Maybe the one thing
12 that might be worth pursuing is deciding if the balcony
13 size of 10'x6' is too much, but I think it would be a
14 slippery slope towards finishing this thing to add in a lot
15 of complexity.
16

17 I'll go back to you, Commissioner Janoff.

18 COMMISSIONER JANOFF: I agree, and I do agree
19 with Commissioner Tavana. If it were to remain as written I
20 would personally be comfortable with it, but I'd also
21 suggest just an easy check might be the Palo Alto code Vice
22 Chair Barnett has referred many times. Just do a quick
23 check of communities that are building multi-story or
24 multi-residential units, look and see what their standards
25 are and choose that number, and if it's 6'x10', yay, we got

1 it right, and if it's smaller or a minimum or a percentage,
2 maybe that's a better way to go. But I'm sure that there
3 are specific numbers, and I'm not suggesting we make a
4 research project out of this, but get a reasonable number
5 that other municipalities are using. Santa Clara is
6 building a ton of high-rise buildings. I'm not saying
7 they're all beautiful, but they probably have a minimum
8 balcony standard, for instance, or a minimum private space.
9 Just see what they have, and if it's the same as what we
10 have, leave ours as is.

11
12 CHAIR HANSSEN: I think that sounds like a good
13 thing, so maybe just a sanity check to make sure that we're
14 not overstepping this thing based on having our standards
15 built around single-family homes.

16 Vice Chair Barnett.

17 VICE CHAIR BARNETT: Thank you. I need some
18 clarification. This is on page 209 of the package where it
19 talks about the size of the private open space. So we know
20 that the deck dimension is 10'x6', but then it goes down to
21 subparagraph (ii) and it says that, "The above dwelling
22 units above the ground floor shall have 120 square feet,"
23 so I'm not sure how to compare the 120 and the 160, and I
24 know I'm missing something here.

25 CHAIR HANSSEN: Can you take that one, Staff?

1 JENNIFER ARMER: Sure, thank you. There are
2 minimum dimensions trying to make sure that the size of the
3 balcony is a usable space rather than, say, something that
4 is only 2' deep and really long. Then you have the overall
5 size, so if you're on the ground floor, as Commissioner
6 Janoff was suggesting, it is a 200 square foot size
7 requirement, whereas if it's above it's a different
8 requirement, it's only 120 square feet, but that 120 square
9 feet needs to be laid out in a way that you have at least a
10 10'x6' dimension. It will be bigger than that because
11 that's only 60 of the 120 square feet. Did that help to
12 clarify? You've got a certain amount of area that's
13 required, and then also the dimensions need to be at least
14 10'x6' so that it is a usable space.

16 CHAIR HANSSEN: Does that answer your question,
17 Vice Chair Barnett?

18 VICE CHAIR BARNETT: Yes, thank you for the
19 clarification.

20 CHAIR HANSSEN: Commissioner Janoff.

21 COMMISSIONER JANOFF: Thanks for bringing us to
22 this particular page, Vice Chair Barnett. Maybe this is
23 where the problem lies, because an above ground unit with
24 a, let's say, 10'x12' square foot balcony is huge, and
25 maybe that should be the 6'x10' rather than 120 square

1 feet. I'm thinking about what a 6'x10' balcony, or a 120
2 square foot balcony, might look like. That's huge. That's
3 really, really big for a balcony, even though you're only
4 required to have 10'x6'.

5 CHAIR HANSSEN: That's as big as a lot of
6 people's bedrooms in their homes.

7 COMMISSIONER JANOFF: Yes, so maybe what we
8 should do is reduce that 120 square feet and just restate
9 the 6'x10', or just say 60 square feet. I like the
10 dimensions because, you're right, Ms. Armer, you wouldn't
11 want it 2'x20' long. Well, then you're looking like a
12 really fat belly band, so that wouldn't work. But yes, I
13 think that could be part of the problem.

14 CHAIR HANSSEN: Mr. Ford has his hand up.

15 TOM FORD: Another way to look at that and how
16 (ii) is, basically what you're seeing there is there are
17 two balconies, so a unit has two balconies. Maybe it has
18 one that's off the living room and one that's off one of
19 the bedrooms; that's a potential way to do it too. You
20 don't have to have one big, huge balcony; you could have
21 two, so long as each of them is a minimum size.

22 CHAIR HANSSEN: Director Paulson.

23 JOEL PAULSON: Thank you, Chair. Obviously we're
24 hearing a lot of good conversation around a number of
25

1 topics. I think ultimately what you heard from the
2 architects was the 200 square feet for a ground floor might
3 be too big, and so you have this dimension versus square
4 foot conversation that could be addressed, as Mr. Ford
5 mentioned, in a number of different ways. We can look at
6 other opportunities for how that is expressed in the
7 Objective Standards and come up with two or three different
8 options for the Council to consider should this move
9 forward today.

10
11 In addition to that, there's been a lot of
12 conversation around community space and landscape space.
13 Can one count for both? Are they exclusive? Should we
14 exclude rooftop decks? I think we can kind of get our arms
15 around all those varied topics and see if we can come up
16 with some other options for consideration, whether that's,
17 again, additional consideration from the Commission or
18 additional consideration from the Town Council, in addition
19 to reaching out to both architects groups that we heard
20 from, as well the HEAB member who is also an architect, to
21 get their further input on what they've heard tonight,
22 because I know at least two of them are in the audience, so
23 they've been hearing a lot of this conversation as well,
24 and so they will probably have additional thoughts once
25 this moves forward to Council.

1 CHAIR HANSSEN: I think what I'm hearing, and I'm
2 going to give this direction to the Planning Commission, is
3 that we don't want to continue this again. From our last
4 meeting, we have been working on this for well over a year.
5 We needed to have this thing done months and months ago and
6 we don't, and so I'm reluctant to do anything where the
7 Staff would have to come back to us.

8 On the devil's advocate side of that, we don't
9 want to dump a pile of stuff on our Town Council either,
10 because they expect us to ferret the stuff out and make a
11 good recommendation to them.

12 But I do think that it would make sense to at
13 least have a sanity check on the size of the balconies
14 relative to other jurisdiction's standards to make sure
15 that we're on target, or check with the architects, because
16 I think the Commission doesn't have the right number for
17 you. That's got to come from architects and others.

18 Does that sound like a way we can go forward?
19 Because what I heard is there are a couple of things we may
20 need to look into, or think we gave some feedback on the
21 comments.

22 Ms. Armer.

23 JENNIFER ARMER: Thank you, Chair. I just was
24 going to take what you were saying and clarify how it would
25

1 likely be presented to Town Council to show that it isn't
2 just leaving it up to them, but that it would be providing
3 the language that is there as well as the different issues
4 that were considered and discussed by the Planning
5 Commission as important topics for consideration by the
6 Town Council. I think it could be presented to them in a
7 way that this was identified as an issue that the Planning
8 Commission recommended they consider closely with several
9 options based on other examples or additional feedback from
10 the architect community.
11

12 CHAIR HANSSEN: That sounds okay with me. How
13 does the rest of the Commission feel? Vice Chair Barnett.

14 VICE CHAIR BARNETT: I would put an addition to
15 Ms. Armer's comments, and that is before it's presented to
16 Council that the Staff and consultants be involved in this
17 process of producing other alternatives for recommendations
18 so that the same discussion doesn't occur at the Council
19 level.
20

21 CHAIR HANSSEN: So that we're not like spinning
22 our wheels. Let's go ahead and move on.

23 Staff had a comment on Exhibit 20, which was
24 relative to the other public comments, and it says the
25 public comment in Exhibit 20 also expresses support with
the information provided in Exhibits 16, 17, and 18, and

1 additional suggestions through the Purpose and
2 Applicability section. The bottom line is Staff is
3 supportive of these recommendations and can incorporate
4 them when forwarding the revised document to Town Council.

5 I did look at the additional comments and I
6 thought that they were reasonable, and since I'm hearing
7 Staff thinks it's okay I feel like we don't need to go
8 through those comments specifically, but let me throw it
9 out if any Commissioners want to discuss any of the other
10 public comments, and I'm going to come back to the
11 architects' comments after this question.
12

13 Commissioner Janoff.

14 COMMISSIONER JANOFF: I'm very comfortable with
15 following Staff's recommendations for this set of concerns.

16 CHAIR HANSSEN: Good. I feel the same way. All
17 right.

18 On the architects' comments, they had quite a
19 number of comments, and later on in the Addendum Staff did
20 go through every single one of those comments and gave
21 feedback. As mentioned earlier, a lot of the architects'
22 comments were in fact questions asking for clarification
23 from the document. Staff answered all of those questions.
24 There were also some recommendations they made that they
25 didn't feel like they needed specific feedback from the

1 Planning Commission, so my suggestion would be that unless
2 any Commissioners have any objection to that approach that
3 we just adopt Staff's recommendation and say that yes,
4 you've answered the questions and any of those minor
5 changes that they didn't need our feedback on, we don't
6 need to discuss them.

7 But I want to put it out for Commissioners if
8 there's anything else in the Addendum that Staff commented
9 on relative to the architects' comments since we did
10 continue this meeting primarily because of their input. Is
11 there anything else that the Commissioners feel that we
12 need to discuss? Good, I'm not hearing that. And like I
13 said, I read through everything that Staff wrote and I
14 thought it was fine, but I want to make sure that we had a
15 chance to comment.

17 But it is almost 10:00 o'clock, so I wanted to
18 see if we couldn't wrap this up soon.

19 The only other comments were the additional ones
20 that came from Ms. Quintana tonight in public comments, but
21 I think most of the stuff she covered were things that
22 we've been talking about tonight, so if that's the case,
23 then can I get a motion from a Commissioner to recommend
24 the Draft Objective Standards to Town Council with all of
25 the changes and recommendations we've made tonight?

1 Commissioner Janoff.

2 COMMISSIONER JANOFF: I move to forward the Draft
3 Objective Standards to Town Council given the additions and
4 changes that the Planning Commission has recommended to
5 Staff this evening.

6 CHAIR HANSSEN: Sounds good. Is there a second?
7 Commissioner Tavana.

8 COMMISSIONER TAVANA: I second the motion.

9 CHAIR HANSSEN: Very good. I think we had a very
10 good discussion and I wanted to make a special point of
11 saying that I appreciate all the great comments and
12 feedback that have come from every member of this
13 Commission.
14

15 I will go ahead and call the question, and I'll
16 start with Commissioner Tavana.

17 COMMISSIONER TAVANA: Yes.

18 CHAIR HANSSEN: Commissioner Thomas.

19 COMMISSIONER THOMAS: Yes.

20 CHAIR HANSSEN: Commissioner Raspe.

21 COMMISSIONER RASPE: Yes.

22 CHAIR HANSSEN: Commissioner Janoff.

23 COMMISSIONER JANOFF: Yes.

24 CHAIR HANSSEN: Commissioner Clark.

25 COMMISSIONER CLARK: Yes.

1 CHAIR HANSSEN: Vice Chair Barnett.

2 VICE CHAIR BARNETT: Yes, but I thought Ms.
3 Quintana had a good point about the organization section
4 where it said, "The following objective design standards
5 are organized," and I think we're dealing with more than
6 design standards. I think she has a good point on that.
7 It's just a suggestion from me, otherwise I do agree with
8 the proposed motion.

9 CHAIR HANSSEN: I think that Staff said that they
10 concurred with her comments on that front and that's part
11 of our recommendation. Did I miss something? That was what
12 was in Exhibit 20, and Staff said we're supportive of these
13 recommendations and can incorporate them when forwarding
14 the revised document to Town Council. So to me I thought
15 that was included.

17 VICE CHAIR BARNETT: Thank you.

18 CHAIR HANSSEN: All right, so you're a Yes then?

19 VICE CHAIR BARNETT: Yes.

20 CHAIR HANSSEN: And I vote yes as well, so it
21 passes unanimously, and I will ask Staff for clarification.
22 There are no appeal rights for this issue, because it's a
23 recommendation?

24 JENNIFER ARMER: That is correct.
25

1 CHAIR HANSSEN: So thank you everyone for the
2 great discussion on this item.

3 (END)

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Hi Planning Staff,

Thanks for the thoughtful discussion this evening with the Planning Commission. I caught most of the discussion about my comments and just wanted to make a few subsequent comments on the Commission discussion

First of all, my intent was not to hold up the process or create more work for you guys. I think underlying most of my comments below is a concern that the Site Standards of the Draft Objective Standards seem to be written as geared toward larger multi-family and mixed-use developments (like the North 40 or some of the sites on Los Gatos Boulevard that are in the Housing Element Site Inventory) and could potentially hinder smaller infill and "missing middle" type of multi-family housing.

This runs the risk of Los Gatos having a "barbell" distribution of housing types in the future - either detached single-family houses or apartment/condo units in large (20+ units) multi-family developments and nothing in-between.

With that said, see my comments based on the Planning Commission discussion below in **red**

On Wed, Sep 7, 2022 at 11:53 PM Adam Mayer <[REDACTED]> wrote:
Hello Los Gatos Planning Staff,

This is Adam Mayer, local architect and current member of the Housing Element Advisory Board.

I just wanted to make a few comments piggybacking on the issues brought up by the group of architects represented by Ms. Bess Wiersema at the last Planning Commission meeting. Although I am not part of that group, I too have some overlapping concerns about the Objective Standards as they are currently drafted.

Generally I agree with the intent of the Objective Standards and think that the State is doing the right thing by trying to streamline housing development. The potential downside, as was noted by the group of architects in the previous meeting, is that these standards could end up stifling the architect's creativity by being overly prescriptive, resulting in mediocre cookie-cutter design.

To be sure, this is a delicate balance to walk and I think Town Staff has done a fairly good job of walking this tight-rope so far.

For instance, one point of discussion in the last Planning Commission meeting was about including pictures of real-life examples, but my personal opinion here is that I prefer the more abstract line drawings that are currently used in the Draft document. For Design Guidelines, real world photo examples might make sense but I think the abstract line drawings are better (and potentially less restricting from a design point-of-view) for the Objective Standards.

Now onto the specific parts of the Draft Objective Standards where I have some comments (primarily on the Site Standards, the Building Design Standards look fine for the most part):

Section A5.1

Any automobile entry gate to a parking structure shall be located to allow a minimum of 25 feet between the gate and the back of the sidewalk to minimize conflicts between sidewalks and vehicle queuing.

Comment: Imagine a scenario where there is a new multi-story, multi-family residential building on a tight lot with an underground parking garage. There is no way you are going to fit a ramp on the site that starts 25' away from the sidewalk that has enough run to get a full story below grade. Furthermore, on a project where you have only residential (no commercial) you are very unlikely to ever have a scenario where vehicles are going to be backed up in a queue. I'd remove this section or amend it to be much less than 25' **I would be ok with changing this to the current zoning requirement of 18'-0" rather than 25'-0"**

Section A8.3

Vehicular entry gates and pedestrian entry gates shall have a maximum height of six feet.

Comment: Does this include entry gates that enter into a below-grade parking garage? Typically these are full height (because the retract up into the ceiling) with a minimum height clearance of 6'-8"

Section A10.1a

Landscaped space: A minimum of 20 percent of the site area shall be landscaped.

Comment: 20% seem unnecessarily high for an infill building. Can a landscaped roof count toward the 20%? **I think if landscaped roof space and landscape within the setbacks can count toward the 20% then it is reasonable.**

Section A10.1b

Private recreation space: The minimum horizontal dimensions are 10 feet by six feet. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit.

Comment: 6 ft. x 10 ft. is a gigantic balcony for a multi-family unit, even for luxury condos. 120 square feet is absurd. **Perhpas there is a sliding scale here. Maybe a smaller requiriement for units under 500 sq. ft., another slightly larger for units that are 500 sq. ft. - 800 sq. ft., another slightly larger for 800 sq. ft. - 1,200 sq. ft and then one for units above 1,200 sq. ft.**

Section A10.1c

Community recreation space shall be provided in multi-family residential development projects at a minimum of 200 square feet per residential unit.

Comment: Like the private recreation space, this is way too much. For smaller multi-family residential buildings under a certain size (say 10-12 units) I would say that "community recreation space" is unnecessary and would be a huge obstacle in getting these sort of mid-tier boutique multi-family projects built. "Community Recreation Space" makes more sense in larger multi-family developments (like 20 - 100 units) **I do think there should be a minimum unit count for a project to be required to provide Community Recreation space. It really doesn't make sense for a development that is 10-12 units or under and especially doesn't make sense for missing middle.**

Thanks for considering my comments and happy to answer any questions.

Best,
Adam

Joel,

I wanted to follow up with you regarding a particular item that was discussed at the Planning Commission meeting. It was late and towards the end of the meeting when commissioners were discussing community, private and landscape areas. I appreciated the discussion as I think it yielded some necessary clarification. We would like to see where we are with the standards and if there is an updated version.

Just to clarify, our letter from our architects group objects to the 120SF & 200SF of required private space. We do not object to the 6' or 10' dimensions. If more units and density is what the Town is looking for, than the 120/200SF is far, far too much. Palo Alto code required only 50SF (5' x 10'), that's it.

We realize that this is something that is written into town code right now, but this should be changed and is completely out of step from other jurisdictions and just about every example of currently built apartment buildings. Has anyone ever lived in an apartment with a private balcony that big?

We are happy to participate in any further conversations, and help Mr. Barnett with flushing out the last items left to be refined per planning commission's recommendation.

Jaclyn Greenmyer

KOHLSAAT & ASSOCIATES
ARCHITECTURE

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/2022

ITEM NO: 11

DESK ITEM

DATE: November 15, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider Adoption of a Resolution Establishing Objective Standards for
Qualifying Multi-Family and Residential Mixed-Use Developments.
Location: Town-wide. Applicant: Town of Los Gatos.

REMARKS:

One Councilmember asked a couple of questions. Responses to each question are provided below in italics:

- Page 4 of 33 - Bicycle Access: Was there much discussion about how bike parking will be accommodated and is there any flexibility on how it looks or how it can be "broken up"?
The Planning Commission did not discuss specifics of how bicycle parking would be provided, except to include the requirement that it be located within 50 feet of one of the primary building entrances. Given that the number of parking spaces is only other aspect that was addressed, there would be flexibility on how it looks or where it would be provided.
- Page 9 of 33 - Private recreation space versus community recreation space: I noticed in the redlined version that the private recreation space was decreased from 200 to 120 and the community recreation space from 200 to 100. Is 120 what is required for the N40? I need a visual example of how much space that is for a unit.
The Planning Commission provided direction that the requirements for both of these should be reduced, in response to public comments received from the local Architects. The requirements in the N40 Specific Plan include 100 square feet of common open space per condominium, and 200 square feet per unit for other types of multi-family residential. Town Code Sections 29.10.065 includes the following for

PREPARED BY: Sean Mullin, AICP
Senior Planner

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

REMARKS (continued):

residential condominiums: 200 square feet of private open space for ground floor units and 120 square feet for above the ground floor, plus at least 100 square feet of community recreation space per dwelling unit.

- Page 16 of 27 - Townhomes or rowhouses shall have no more than six contiguous units in any single building: Was the intent of this standard to limit the actual number of units or to minimize mass? There may be instances where you have 2 separate units - one upstairs and one downstairs In what may be the mass of 1 single townhome and I would have to prevent that from being built if massing is the primary concern.

This standard was developed from an existing standard in the Affordable Housing Design Guidelines for Townhouses. During the subcommittee review of existing standards and guidelines, this guideline was identified as one that should be made objective and included in the draft Objective Standards. The intent is to address massing and articulation.

An excerpt from the Affordable Housing Design Guidelines is on the next page.

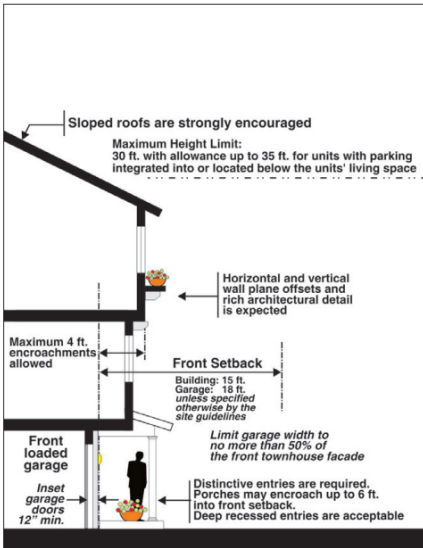
REMARKS (continued):

Town of Los Gatos

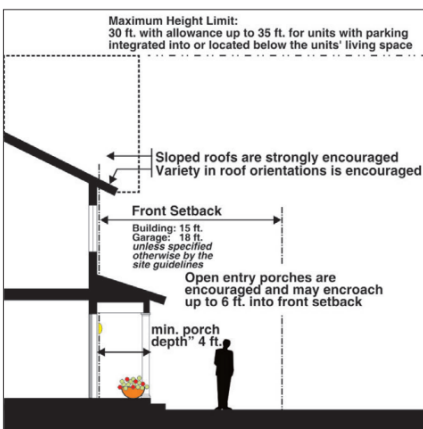
DESIGN GUIDELINES

TOWNHOUSES

2



Townhouse with ground floor garage standards and guidelines



Townhouse frontage standards and guidelines

DESIGN STANDARDS AND GUIDELINES

Site Development

1. Orient unit entries to streets and common open spaces rather than parking courtyards to the maximum extent possible.
2. Avoid turning unit back elevations and patio walls to public streets.
3. Minimize the number of curb cuts and street-facing garages.
4. Orient living space windows to overlook streets and common open spaces.
5. If parking is not attached to the units, utilize small parking areas reasonably close to the living units. Large parking areas shall be broken into smaller segments with substantial landscaping.

Massing and Articulation

1. Construct a maximum of 6 attached units in a row. Approval of more than 6 attached units may be considered, but will only be granted for projects with extraordinarily high design quality.
2. The individuality of each townhouse unit shall be emphasized with well defined limits and individual entries and details.
3. Elevations should be mixed within a development to avoid repetition of identical facades and roof lines.
4. Houses on corner lots shall be required to provide one or more 1-story elements and/or projecting second story bay windows or other decorative architectural features to avoid tall exterior walls without design articulation facing streets, open spaces and pedestrian ways.
5. Design front elevations to emphasize entries, porches or other living areas and de-emphasize garages. No more than 50 percent of the front elevation of a house shall consist of garage area.
6. Front-facing garages should be recessed a minimum of 12 inches from the front facade of the living space.
7. Carports and garages separated from the townhouse units should be substantial in appearance, and should match the residential units in terms of roof pitches, materials and construction.
8. A minimum of 50% of all two-story houses should have a minimum 3-foot horizontal offset in plan.
9. Add variety to second floors with varied eave heights, windows and ridge line variations.

Attachment 17 includes additional Councilmember comments. Attachment 18 includes additional public comments received between 11:01 a.m., Thursday, November 10, 2022, and 11:00 a.m., Tuesday, November 15, 2022.

ATTACHMENTS:

Attachments previously with November 15, 2022 Staff Report:

1. Draft Objective Standards
2. Draft Objective Standards with Changes Red-Lined
3. Appendix for Draft Objective Standards – Evaluation of Existing Developments
4. Draft Resolution with Exhibit 1
5. June 22, 2022 Planning Commission Staff Report with Exhibits 1-4
6. June 22, 2022 Planning Commission Addendum Report with Exhibits 5-7
7. June 22, 2022 Planning Commission Desk Item Report with Exhibit 8
8. June 22, 2022 Planning Commission Verbatim Minutes
9. August 24, 2022 Planning Commission Staff Report with Exhibits 9-12
10. August 24, 2022 Planning Commission Addendum Report with Exhibit 13
11. August 24, 2022 Planning Commission Desk Item Report with Exhibits 14-15
12. August 24, 2022 Planning Commission Verbatim Minutes
13. September 14, 2022 Planning Commission Staff Report with Exhibits 16-18
14. September 14, 2022 Planning Commission Addendum Report with Exhibits 19-20
15. September 14, 2022 Planning Commission Verbatim Minutes
16. Public Comment received between 11:01 a.m., Wednesday, September 14, 2022, and 11:00 a.m., Thursday, November 10, 2022

Attachments with this Desk Item:

17. Councilmember Comments
18. Public comments received between 11:01 a.m., Thursday, November 10, 2022, and 11:00 a.m., Tuesday, November 15, 2022

From: Maria Ristow <MRistow@losgatosca.gov>

Sent: Monday, November 14, 2022 4:36 PM

To: Laurel Prevetti <LPrevetti@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Nicolle Burnham <NBurnham@losgatosca.gov>

Subject: Objective standards and bike parking

Good afternoon,

First of all, I am hugely appreciative of the strong collaboration between the consultants, staff, planning commission, residents and architects to produce the objective standards we are preparing to review tomorrow night. So many different areas have been discussed, refined and improved. I think the extra time taken by the planning commission to get more input has been worth it.

That said, there is one area I think was left open and could lead to unintended consequences. Bike parking is too vague and could possibly lead to large areas of empty bike racks.

Without specifying high-quality bike racks and protected bike parking, we could end up with a tract of 50 mostly empty bike racks for a 50-unit building.

Looking at the bike parking for new multifamily construction, both Santa Cruz and Palo Alto have similar requirements, and spell out the type of bike parking that will lead to safe, secure, usable bike parking. Allowing a builder to just put in front-wheel bike racks will force residents to keep their bikes in their condos or apartments, defeating the point of the mandated bike parking.

I really like the Santa Cruz requirements below.

<https://www.cityofsantacruz.com/home/showpublisheddocument/82030/637383695642570000>

From Santa Cruz:

24.12.250 BIKE PARKING REQUIREMENTS.

1. Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy, except when the project property is located within the Parking District Number 1.

2. Bike Spaces and Type Required.

Bicycle parking facilities' quantity and type shall be provided in accordance with the following schedule, with fractional quantity requirements for bike parking over one-half to be rounded up.

Each bicycle parking space shall be no less than six feet long by two feet wide and shall have a bicycle rack system in compliance with the bike rack classifications listed in subsection (3). Fractional amounts of the type of parking facilities may be shifted as desired: Number of Bicycle Parking Spaces Required

Classification	Number of Bicycle Parking Spaces Required
Multifamily residential (3 or more units)	
• 1 space per unit 100% Class 1 garages or secure accessible indoor areas count	
• One space per four units Class 2	

Multifamily residential (3 or more units)

- 1 space per unit 100% Class 1 garages or secure accessible indoor areas count
- One space per four units Class 2

ORDINANCE NO. [2020-21 9](#)

- a. “Class 1 bicycle facility” means a locker, individually locked enclosure or supervised area within a building providing protection for each bicycle therein from theft, vandalism and weather.
- b. “Class 2 bicycle facility” means a stand or other device constructed so as to enable the user to secure by locking the frame and one wheel of each bicycle parked therein.
- Racks must be easily usable with both U-locks and cable locks. Racks should support the bikes in a stable upright position so that a bike, if bumped, will not fall or roll down. Racks that support a bike primarily by a wheel, such as standard “wire racks,” are damaging to wheels and thus are not acceptable. (See Bikes are Good Business design guidelines.)

4. Location and Design of Facilities.

- a. Bicycle parking should be located in close proximity to the building’s entrance and clustered in lots not to exceed sixteen spaces each.
- b. Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or other components.
- c. Bicycle parking facilities should be located in highly visible, well-lighted areas to minimize theft and vandalism.
- d. Bicycle parking facilities shall be securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
- e. Bicycle parking facilities shall not impede pedestrian or vehicular circulation, and should be harmonious with their environment both in color and design. Parking facilities should be incorporated whenever possible into building design or street furniture.
- f. Racks must not be placed close enough to a wall or other obstruction so as to make use difficult. There must be sufficient space (at least twenty-four inches) beside each parked bike that allows access. This access may be shared by adjacent bicycles. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least six feet to the front or rear of a bike parked in the facility.
- g. Paving is not required, but the outside ground surface shall be finished or planted in a way that avoids mud and dust.
- h. Bike parking facilities within auto parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.

Thank you,
Maria

Maria Ristow
Vice Mayor, Los Gatos Town Council

November 14, 2022

From: Lee Quintana
To: Mayor Rennie and Town Councilmembers
Re: Desk Item for Agenda Item #11: Draft Objective Standards

Mayor and Town Council.

The following are my comments on the much improved version of the Draft Objective Standards

Comments:

Why is SB 9 Ordinance codified into the Town Code, but the Objective Standards are not? Both the Town's Draft Objective Standards and the Town's SB 9 Ordinance are on the Council Agenda tonight. Agenda Item #5, the SB 9 Ordinance will be codified into the Town Code; however, Agenda Item #11, the Draft Objective Standards which implement SB 167, SB 35, and SB 330, will be adopted by Resolution.

Modify the Title to read:: Objective Design Standards for Qualifying Multi-Family and Residential Mixed Use Projects.

Page 1: Incorporate by reference: Add links to the additional relevant objective standards contained the listed documents that apply to the Draft Objective Standards

Last paragraph: Replace with a statement similar to the language used in the SB 9 Ordinance such as: Applications for a multifamily housing development or a mixed use residential development may be processed either using:

- These objective standards through a ministerial review and approval process, or
- The Town's discretionary approval process, in which case the objective standards contained within would not apply.

Page 2: Key Terms: Suggest deleting the terms ~~Community recreation space~~, and ~~Private recreation space~~ and replacing them with Community Outdoor Space and Private Outdoor Space in Key Terms and through the Objective Standards

A.5.1: Add language to allow for additional and greater setbacks that might be required to accommodate a sloped entry into an underground parking garage.

A.7.2b: Add a requirement for landscaping between the trees

A.10.1: Is there a minimum square footage required for a space to be counted towards landscaping?

Page 2 Comments on Objective Standards from Lee Quintana

A.1.b: Last sentence ~~cannot~~ shall not

A.10.b.ii: Why doesn't this also apply to ground floor space?

A.1.ci: Should a minimum area of common open space in a mixed use residential development be reserved solely for the use of the residents?

Figure B.1.c and Figure 3.1e Delete the duplicate figure and the figure of courtyard

Figure B.3.1: Add legend for Figure B.3.1 or is the intent to delete this figure?

Figure B 3.2: Is this figure missing?

Page 27: Add numbers for these figures

B.4.3: Should items that are easily removed such as window boxes, lattice, sconce lighting and change in paint color should be included in this list. Is including awnings encouraging architecture by awnings?

Page 29: Delete figure with columns

B4.9.b: What is a storefront bay?

B4.12.c: What is the a minimum square footage requirement for the common open space

Thank you for your consideration.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/15/22

ITEM NO: 12

DATE: November 9, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive an Update on Community Outreach Activities for the Highway 17 Bicycle and Pedestrian Overcrossing Project (CIP Number 818-0803) and Approve the Concrete Box Girder as the Preferred Bridge Type for Final Design

RECOMMENDATION:

Receive an update on community outreach activities for the Highway 17 Bicycle and Pedestrian Overcrossing Project (CIP Number 818-0803) and approve the concrete box girder as the preferred bridge type for final design.

BACKGROUND:

The Town of Los Gatos Bicycle and Pedestrian Master Plan (BPMP), which was originally adopted in 2017 and updated in 2020, provides the Town with a roadmap for enhancing bicycle and pedestrian mobility throughout the Town by identifying and prioritizing projects, policies, and programs that will help make Los Gatos a more comfortable place to bike and walk. Projects prioritized in the BPMP are also included in the Connect Los Gatos Program which provides a holistic framework for moving these prioritized projects forward. The Highway 17 Bicycle and Pedestrian Overcrossing (BPOC) Project was identified in the BPMP and Connect Los Gatos Program as a priority project for the Town.

The current overcrossing of Highway 17 at Blossom Hill Road is heavily travelled by bicyclists and pedestrians, especially by students commuting to schools. However, the overcrossing is constrained by sub-standard bike lane and sidewalk widths that do not meet current and future bicycle and pedestrian demands. More novice and younger bicyclists may feel vulnerable or discouraged to bike on an overcrossing with narrow bike lanes directly next to travel lanes.

PREPARED BY: WooJae Kim
Town Engineer

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

SUBJECT: Receive an Update on Community Outreach Activities for the Highway 17 Bicycle and Pedestrian Overcrossing Project (CIP Number 818-0803) and Approve the Concrete Box Girder as the Preferred Bridge Type for Final Design

DATE: November 9, 2022

BACKGROUND (continued):

The Town commissioned a feasibility study of the Highway 17 BPOC in September 2019. On March 3, 2020, the Town Council approved the following *Project Purpose and Need* from the findings of the feasibility study reflecting the Council's and community's vision and priorities:

Purpose: The project would improve bicycle and pedestrian mobility across Highway 17 in the vicinity of the Blossom Hill Road overcrossing. The project includes a focus on improving safety for all modes of travel, creating a safe route to schools while promoting active transportation. Additionally, the project would result in reduced traffic congestion and greenhouse gas emissions by providing comfortable mobility alternatives.

Need: With two travel lanes in each direction, carrying upwards of 63,000 vehicles per day, Highway 17 creates both a physical and psychological barrier for both pedestrians and bicyclists as it divides the Town in two. Blossom Hill Road is one of only a few roadways that provide east-west connectivity across the highway.

Also at the March 3, 2020 meeting, Council authorized staff to proceed with development of design alternatives for a separate bicycle and pedestrian overcrossing. Various design alternatives were considered as part of the feasibility study. On September 1, 2020, Council approved the feasibility study with a recommendation of the separate bridge structure to be located immediately south of the existing overcrossing at Blossom Hill Road and authorized staff to analyze three bridge type options (concrete, steel truss, and steel arch) for the new structure for the final design with community input. Copies of the past reports and a project history can be found here: <https://www.losgatosca.gov/2556/Hwy-17-Bicycle-Pedestrian-Overcrossing>

On December 1, 2020, the Town Council approved the execution of a 2016 Measure B Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) accepting grant funds in the amount of \$2,754,990 for the design phase of the BPOC project. In May 2021, BKF Engineers was hired to prepare necessary design documents for the BPOC. Since then, BKF and staff (the project team) have prepared and presented the required Project Initiation Document to Caltrans, developed preliminary layouts for the three bridge type options, and conducted extensive community outreach to raise awareness of the project and to gain insight into the community's bridge type preference.

Throughout the project, the Complete Streets and Transportation Commission has provided valuable input and has played an integral role in guiding the project development and community engagement process.

SUBJECT: Receive an Update on Community Outreach Activities for the Highway 17 Bicycle and Pedestrian Overcrossing Project (CIP Number 818-0803) and Approve the Concrete Box Girder as the Preferred Bridge Type for Final Design

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DISCUSSION:

A selection of the preferred bridge type is an important next step at this stage to further develop the bridge design to the next level of detail. To raise project awareness and solicit public input on preferences between the three bridge types, the project team conducted outreach to adjacent neighborhoods, hosted two community workshop meetings (December 2, 2021 and June 29, 2022), participated in various pop-up events (Los Gatos Farmer's Market, Los Gatos Creek Trail, and Spring into Green), met with Los Gatos Unified School District personnel, posted notices in school newsletters, installed project information signs on Blossom Hill Road, and conducted an online survey.

Polls at the community meetings and responses from the online survey revealed that the majority of the participants/respondents live and/or work in Los Gatos and use the existing Blossom Hill Road Overcrossing daily or weekly. Although the largest percentage of respondents indicated that they typically drive on the overcrossing segment of Blossom Hill Road, 53% of the respondents do walk/run, and 43% bike on the overcrossing.

The project team analyzed the feedback and input received from outreach/survey participants in-depth. For the analysis, community participants were categorized into the following eight stakeholder groups for each particular outreach event:

- Online Survey Participants – 266 responses
- Spring into the Green Pop-Up Participants – 100 participants
- Adjacent Neighborhood – Ohlone Court, Serra Court, Los Gatos Oaks residents
- Los Gatos Unified School District
- Complete Streets and Transportation Commission
- Community Meeting participants – approximately 38 participants
- Farmer's Market Pop Up participants – approximately 62 participants
- Los Gatos Creek Trail Pop Up participants – approximately 54 participants

The feedback related to the bridge type preference from the eight stakeholder groups were evaluated and quantified relative to the number of participants for each stakeholder group. For example, the bridge type preference input from the Spring into the Green event and online survey were evaluated with higher weight based on the larger number of participants. The results from all stakeholder groups were then combined to determine the bridge type option with the highest level of support. As a result, the concrete box girder was found to be significantly more supported than the other steel bridge types.

SUBJECT: Receive an Update on Community Outreach Activities for the Highway 17 Bicycle and Pedestrian Overcrossing Project (CIP Number 818-0803) and Approve the Concrete Box Girder as the Preferred Bridge Type for Final Design

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DISCUSSION (continued):

The project team also evaluated the three bridge type options with seven technical rating elements determined to be critical factors to the Town. The rating elements are listed below in the order of relative importance to the Town:

- Construction Costs
- Maintenance/Inspection
- Architectural Distinction
- Construction Schedule
- Impacts to Highway 17
- Visual Impacts
- Stage Construction/Traffic Impacts

Higher priority elements such as construction costs and maintenance/inspection were given higher weight values for the bridge type preference evaluation. The bridge type evaluation based on the seven technical categories also resulted with the concrete box girder as the highest ranked preferred option.

Based on the evaluation of both the community input and technical categories, the concrete box girder was the clear preference for the BPOC project, and this is the option being recommended by staff to be moved forward into final design. The full evaluation and summary of the community input and technical review are included as Attachment 1.

The preferred alternative is the lowest cost option with a current projected construction cost of \$25.2 million. Staff will seek grant funding for the construction with the Town providing matching funds. The current assumption is that matching funds would be on the order of 25% of the total cost, or \$6,300,000.

Community Comments

From various project outreach efforts, community members who expressed a high level of support for the concrete box girder option provided the following reasoning/comments:

- Lowest estimated cost
- Design is low-profile, simple, clean, sleek, minimalistic, least obtrusive.
- Matches existing car bridge, blends in, and does not detract from the surrounding landscape

SUBJECT: Receive an Update on Community Outreach Activities for the Highway 17 Bicycle and Pedestrian Overcrossing Project (CIP Number 818-0803) and Approve the Concrete Box Girder as the Preferred Bridge Type for Final Design

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DISCUSSION (continued):

Comments from those community members who cited a high level of support for the steel flat truss option included:

- Design is visually appealing and a compromise between the concrete box girder and steel arch truss type.
- Design is simple, clean, and does not stand out.
- Not the most expensive option
- No median island column is required.

Comments from those who cited the steel arch truss option as highly supported included:

- Design most appealing
- Highly visible design, strikingly beautiful, gorgeous, elegant, distinguished, and unique
- Time to say yes to aspirational projects for bicycles and pedestrians

Additional comments from the online survey both in support of and objecting to the project received during this process included:

- Support for the project, excitement for pedestrian and bicyclist safety improvements, and the Importance of moving this project forward in a timely manner (mentioned in 28 of 95 responses)
- Opposition to the project and concerns that this investment is not responsible (mentioned in 13 of 95 responses)

Additional questions and comments were emailed to Council members by community members regarding the project, which are included in Attachment 2. The project team has compiled answers to these and other frequently asked questions (FAQ's), which will be added to the existing FAQ document currently posted on the project webpage. The updated FAQ's are included as Attachment 3.

Project Schedule

The schedule has four phases. The project design phases are proceeding in compliance with the Caltrans Project Development Procedures Manual. The first phase is the preparation and approval of a Project Initiation Document (PID) with Caltrans. This phase is near completion. The second phase is the Preliminary Engineering and Environmental Assessment (PA/ED) based on the selected bridge type. The third and last design phase is the development of final design and construction documents. All three design phases are fully funded.

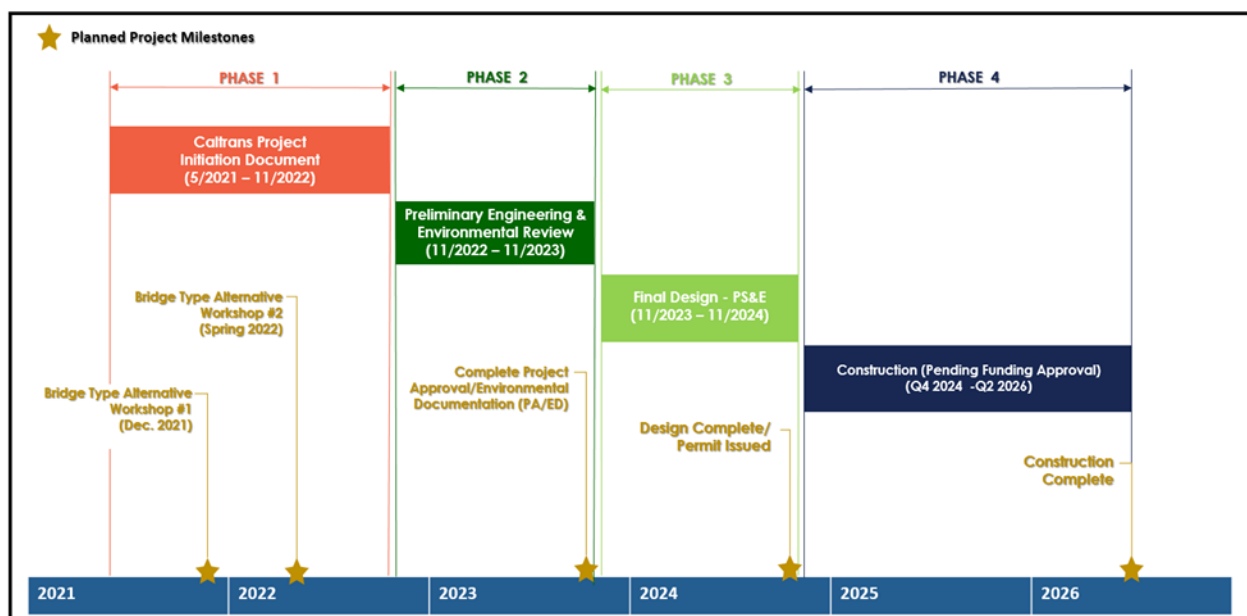
SUBJECT: Receive an Update on Community Outreach Activities for the Highway 17 Bicycle and Pedestrian Overcrossing Project (CIP Number 818-0803) and Approve the Concrete Box Girder as the Preferred Bridge Type for Final Design

DATE: November 9, 2022

DISCUSSION (continued):

Continued public engagement throughout the design process will occur to inform the community about the details of the engineering and aesthetic elements based on the selected bridge type and any major changes. The final phase is construction and funding for this phase has not been secured.

The current project schedule reflects these four phases as shown below:



CONCLUSION AND NEXT STEPS:

Staff is requesting the Town Council to approve the selection of the concrete box girder as the selected bridge type for the Highway 17 Bicycle and Pedestrian Overcrossing Project that will be implemented for all of the remaining design phases.

Next steps include continued efforts to secure construction funding as described in the Fiscal Impact section of this report. Council action will be needed to accept such funding and to identify a match. Once funding is secured, the Council will also be asked to authorize the Town Manager to put the project out to bid.

SUBJECT: Receive an Update on Community Outreach Activities for the Highway 17 Bicycle and Pedestrian Overcrossing Project (CIP Number 818-0803) and Approve the Concrete Box Girder as the Preferred Bridge Type for Final Design

DATE: November 9, 2022

COORDINATION:

This report has been coordinated with the Town Attorney and Town Manager's Offices, and the Finance Department. The project design is coordinated with the Complete Streets and Traffic Commission, VTA, and CalTrans.

FISCAL IMPACT:

There is no fiscal impact with the recommended action at this time since the design phase is fully funded. Below is a summary of current project budget and anticipated costs:

Highway 17 Bicycle and Pedestrian Overcrossing Project		
CIP No. 818-0803		
	Budget	Costs
TDA Article 3 (Feasibility Study)	\$87,451	
Traffic Impact Mitigation Fund (Feasibility Study)	\$147,249	
GFAR (Design Phase)	\$946,210	
2016 Measure B (Design Phase)	\$2,754,534	
GFAR/Development In-Lieu Fee	\$522,314	
Total Budget	\$4,457,758	
BKF Engineers - Feasibility Study		\$234,700
BKF Engineers - Final Design		\$3,000,000
Design Contingency		\$300,000
Independent Structural Review		\$50,000
Caltrans Cooperative Agreement		\$135,000
Part-Time Staff Cost (Design Phase)		\$220,000
Total Expenditures		\$3,939,700
Remaining Budget for Construction Phase		\$518,058

Construction funding for the project has not yet been identified Town staff will continue to monitor available grant programs and look for funding opportunities for the BPOC construction. Most transportation grant programs require local match funding, which can range from ten to thirty percent of the project cost depending on the grant program. If allowed by the grant program, there are opportunities to fund or supplement local matching portions with other regional or state grants.

In July 2022, Town staff received council authorization to submit a grant application for the One Bay Area Grant program, Cycle 3 (OBAG 3) for the construction phase of the BPOC.

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SUBJECT: Receive an Update on Community Outreach Activities for the Highway 17 Bicycle and Pedestrian Overcrossing Project (CIP Number 818-0803) and Approve the Concrete Box Girder as the Preferred Bridge Type for Final Design

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FISCAL IMPACT (continued):

Unfortunately, staff has been informed that the BPOC project application did not rank high on the grant project list.

ENVIRONMENTAL ASSESSMENT:

In accordance with California Environmental Quality Act (CEQA) Guidelines, the project is categorically exempt from the provisions of CEQA based on *Section 15301 - Existing Facilities* as the project involves improving the existing overcrossing; *Section 15303 - New Construction or Conversion of Small Structures* as the project proposes to construct a new small structure; and *Section 15304 - Minor Alterations to Land* as the project proposes minor alterations to land and vegetation and does not involve removal of healthy mature scenic trees.

Also, per Section 21080.25 of the California Public Resources Code, the project is statutorily exempt from the provisions of CEQA because the project is considered a new pedestrian and bicycle facility as defined under Public Resources Code 21080.25(b)(1).

Attachments:

1. Highway 17 BPOC Bridge Type Selection Evaluation
2. Public Comments (including Council Referral TC 22-84)
3. Updated FAQ's

Highway 17 BPOC – Bridge Type Selection Evaluation

To reach a recommended bridge alternative, the BKF Team used the attached Alternative Analysis Matrix as a tool to evaluate the three structure alternatives against both technical design criteria and overall community acceptance.

TECHNICAL CONSIDERATIONS

BKF analyzed the various alternatives within the attached matrix based on the following technical considerations identified below. Each alternative was then evaluated using a 1- to 3-point rating scale to determine the worst and best option under each category. The reasoning to establish each rating assignment is summarized below:

- Architectural Distinction – Each structure’s general aesthetic appeal, uniqueness of design, final finishes, etc. was evaluated against one another. The steel arch provides the highest level of visual interest and architectural distinction from the various view points analyzed by Highway 17, WB or EB Blossom Hill Road, and walking or biking on each structure as well. For this reason, the steel arch was assigned a 3-point rating, and the other two options received 2-point and 1-point ratings, respectively.
- Visual Impacts – Each option was evaluated based on their visual change to the existing environment in this category. The concrete alternative matches existing conditions most given the existing Blossom Hill Road Overcrossing so a 3-point rating was established. The two steel alternatives were given a 2-point rating since the visual character appears to change moderately from existing conditions.
- Impacts to Highway 17 – This criterion rates each option based on the anticipated impacts to Highway 17. The steel truss options have the ability to span Highway 17 without the need for a center column within the highway median in comparison with the concrete option. A 3-point rating is therefore assigned to the steel options and a 1-point rating for the concrete option.
- Maintenance & Inspection – Regular inspection and maintenance requirements differ for each bridge type and require consideration over each structure’s life given there are associated long-term costs. Steel bridges require routine painting, corrosion protection, and detailed inspections in comparison to concrete structures. A higher 3-point rating was therefore given to the concrete structure and a 1-point rating for each steel structure alternative.
- Stage Construction Traffic Impacts – Each bridge structure requires different approaches to construction staging and therefore different traffic management strategies. The highest rating was given to the bridge alternative with the least amount of anticipated impacts to traffic operations during bridge construction. Both alternatives will require freeway closures, but the concrete option will generally require fewer duration closures that can be phased in comparison to the steel options. A higher 3-point rating was therefore established for the concrete option over the two steel options that require a full freeway closure.
- Construction Cost – The estimated \$25.2M construction cost for the concrete option is considerably less than the two steel options estimated to be \$36.2M and \$38.8M, respectively. Although costs will fluctuate between now and when the Town takes the Project to bid, the considerable difference between each now is reflected in the 3-point and 1-point ratings assigned for concrete and steel, respectively.
- Construction Schedule – Each alternative was evaluated in consideration to the general length of construction and flexibility of construction methods to meet potential Project constraints. The concrete option has the shortest construction timeframe and design flexibility with the center

ATTACHMENT 1

BKF ENGINEERS

1730 N. First Street, Suite 600, San Jose, CA 95112 | 408.467.9100

column support, so we assigned a 3-point rating for this option. The steel options have somewhat longer construction schedules and flexibility to accommodate potential project constraints given the need to order the steel materials and field splicing during construction. Moreover, steel requires source inspection by Caltrans, which will take longer to complete in comparison to the concrete structure construction. For these reasons, the steel options were given slightly less ratings at 2-points.

Although not shown in the matrix, the BKF Team also evaluated the various alternatives amongst several additional criteria that included:

- User Friendliness
- Safety/Security
- Environmental Impacts (Cultural, Biological, Tree Removal)
- Compliance with Caltrans Standards
- Utility Constraints
- Right of Way Constraints

The different alternatives measured comparably with no notable differences in each of these categories. Each was therefore removed and the criteria used in the matrix was limited to the technical considerations that serve as points of comparison for each option.

Weight factors were given to each technical consideration category above based on their overall impact to the Project's scope, budget, and schedule. The noted ratings were then multiplied by the weight factors to determine the net scores for each alternative summarized below:

- **Option 1: Concrete Box-Girder – 240 Points**
- Option 2A: Steel Flat Truss – 155 Points
- Option 2B: Steel Arch Truss – 175 Points

The above results determined that from a technical point of view, the Concrete Box-Girder is the preferred structure option to carry forward.

STAKEHOLDERS AND COMMUNITY ACCEPTANCE

The BKF Team and the Town held a number of community activities and events over the course of the last year to raise project awareness and solicit community feedback from various stakeholders that use the existing roadway. These activities and events, including the number of documented participants at each, are summarized below:

- Community Workshop #1 (Virtual) – December 2, 2021 – 33 participants
- Community Workshop #2 (Virtual) – June 29, 2022 – 5 participants
- Pop-Up Events
 - Los Gatos Farmer's Market – March 28, 2022 – 62 participants
 - Los Gatos Creek Trail – April 20, 2022 – 54 participants
 - Spring Into the Green – April 24, 2022 – 100 participants
- Online Survey – September 16, 2022 to October 7, 2022 (3 weeks) – 266 participants

In addition to these community activities, the Town and BKF Team met with several project stakeholder groups since the Project formally began in early 2020:

- Adjacent Communities (Ohlone Ct, Serra Ct, and Los Gatos Oaks)



- Los Gatos Unified School District (LGUSD)
- Complete Streets and Transportation Commission (CSTC)

Although many of the representatives from these various groups attended the larger community meetings, pop-up events, council meetings, etc., we assigned standalone categories to represent each stakeholder group's level of support for each alternative.

Equal weight factors of 10% were assigned to each stakeholder group and the majority of all community activities based on the number of participants. Two events had significantly higher participation – Spring Into the Green and the Online Survey – so greater weight factors of 15% and 25% were applied to each respectively, and proportioned based on their level of participation. In addition, we combined the two community workshops into one category representing a total 10% weight factor given the low participation in Community Workshop #2.

Stakeholders and community members were able to provide meaningful feedback through the community outreach activities. Each event gave the public an opportunity to show their level of support for each structure option ranging from "Not Supportive at All" to "Strongly Supportive." BKF used the results from each event to develop a quantitative analysis by assigning points ranging from -2 to 2 for each participant response corresponding to their level of support for each bridge alternative. The results of the quantitative analysis developed for the various outreach events are summarized in the tables below:

Table 1: Community Workshops #1 & #2

	Not Supportive at All -2		Not Supportive -1		Neutral 0		Supportive 1		Strongly Supportive 2		Total Votes	Total Points
Option 1 - Concrete Box Girder	1	-2	0	0	9	0	6	6	5	10	21	14
Option 2A - Steel Flat Truss	2	-4	5	-5	4	0	9	9	3	6	23	6
Option 2B - Steel Arch Truss	13	-26	1	-1	0	0	6	6	7	14	27	-7

Table 2: Farmer's Market

	Not Supportive at All -2		Not Supportive -1		Neutral 0		Supportive 1		Strongly Supportive 2		Total Stickers	Total Points
Option 1 - Concrete Box Girder	6	-12	5	-5	15	0	13	13	32	64	71	60
Option 2A - Steel Flat Truss	8	-16	1	-1	16	0	26	26	15	30	66	39
Option 2B - Steel Arch Truss	8	-16	4	-4	7	0	18	18	25	50	62	48

Table 3: Los Gatos Creek Trail

	Not Supportive at All -2		Not Supportive -1		Neutral 0		Supportive 1		Strongly Supportive 2		Total Stickers	Total Points
Option 1 - Concrete Box Girder	10	-20	8	-8	12	0	4	4	20	40	54	16
Option 2A - Steel Flat Truss	2	-4	4	-4	21	0	14	14	13	26	54	32
Option 2B - Steel Arch Truss	4	-8	6	-6	7	0	10	10	27	54	54	50



Table 4: Spring into Green

	Not Supportive at All -2		Not Supportive -1		Neutral 0		Supportive 1		Strongly Supportive 2		Total Stickers	Total Points
Option 1 - Concrete Box Girder	10	-20	12	-12	31	0	11	11	15	30	79	9
Option 2A - Steel Flat Truss	7	-14	6	-6	24	0	30	30	13	26	80	36
Option 2B - Steel Arch Truss	4	-8	5	-5	9	0	17	17	66	132	101	136

Table 5: Online Survey

	Not Supportive at All -2		Not Supportive -1		Neutral 0		Supportive 1		Strongly Supportive 2		Total Votes	Total Points
Option 1 - Concrete Box Girder	31	-62	26	-26	35	0	69	69	98	196	259	177
Option 2A - Steel Flat Truss	57	-114	48	-48	57	0	61	61	32	64	255	-37
Option 2B - Steel Arch Truss	67	-134	49	-49	46	0	36	36	56	112	254	-35

The results of the quantitative analysis were used to establish the 1 to 3 rating for each alternative in the attached matrix. A rating of 3 was given to the option with the highest number of total points and a rating of 1 was given to the option(s) with the lowest number of total points.

A quantitative analysis based on our interactions with each of the stakeholder groups was more challenging since we did not solicit formal feedback on each participant's level of support for each alternative. The BKF Team assigned different ratings for each bridge alternative based on their general sentiment. For the Adjacent Communities category, we got the impression that several community representatives were concerned that the steel bridge alternatives would create more of a visual impact from their respective communities and would prefer the concrete option over the two steel options. To take this difference into consideration, a 3-point rating was assigned to the concrete option and a 1-point rating towards both steel options. Interactions with the CSTC and LGUSD were significantly different in that both stakeholder groups expressed strong support for the Project overall regardless of the different bridge alternatives. Although there may be slight preferences for one alternative over another with specific individuals, we did not get the feeling one was preferred over another, and therefore assigned a 3-point rating to each alternative.

The rating given to each option based on the quantitative analysis and reasoning provided above was multiplied by the weight factors given to determine the net scores for each alternative. The net results are summarized below:

- **Option 1: Concrete Box-Girder – 250 Points**
- Option 2A: Steel Flat Truss – 175 Points
- Option 2B: Steel Arch Truss – 200 Points

The above results determined that based on the stakeholder and community feedback received, the Concrete Box-Girder is the preferred structure option to carry through the next phase of the Project.

SUMMARY

Taking into consideration both the technical considerations and community acceptance feedback received, the Concrete Box-Girder alternative prevailed as the preferred option as summarized below:

- **Option 1: Concrete Box-Girder – 490 Points**
- Option 2A: Steel Flat Truss – 330 Points



- Option 2B: Steel Arch Truss – 375 Points

Based on these results, the BKF Team in collaboration with the Town of Los Gatos recommends approval of the Concrete Box-Girder as the preferred bridge type for the Highway 17 Bicycle and Pedestrian Overcrossing Project.



Highway 17 BPOC – Bridge Type Selection Evaluation



SELECTION CRITERIA		
Technical Considerations		
Design Considerations	Wt. Factor	Baseline
Architectural Distinction (Subnet, Subtotal)	20	60
Visual Impacts (Subnet, Subtotal)	5	15
Impacts to Highway 17 (Subnet, Subtotal)	10	30
Maintenance & Inspection (Subnet, Subtotal)	20	60
Stage Construction Traffic Impacts (Subnet, Subtotal)	5	15
Construction Cost (Subnet, Subtotal)	30	90
Construction Schedule (Subnet, Subtotal)	10	30
TECHNICAL CONSIDERATIONS RATING		300
Stakeholder and Community Acceptance		
Outreach Events	Wt. Factor	Baseline
Adjacent Communities (Subnet, Subtotal)	10	30
Los Gatos Union School District (LUSD) (Subnet, Subtotal)	10	30
Complete Streets & Transportation Commission (CSTC) (Subnet, Subtotal)	10	30
Community Workshops (Subnet, Subtotal)	10	30
Farmer's Market (Subnet, Subtotal)	10	30
Los Gatos Creek Trail (Subnet, Subtotal)	10	30
Spring Mtn Green (Subnet, Subtotal)	15	45
Online Survey (Subnet, Subtotal)	25	75
STAKEHOLDER AND COMMUNITY ACCEPTANCE RATING		300
RATING SUMMARY		600
Overall Ranking (1=Preferred Option; 1=Unfavored Option)		3


OPTION 1 CONCRETE BOX GIRDER		
Rating	Value	
1	20	
5	15	
1	30	
5	60	
5	15	
5	90	
5	30	
TECHNICAL CONSIDERATIONS RATING		260
Rating	Value	
5	30	
5	30	
5	30	
5	30	
5	30	
1	30	
5	45	
5	75	
STAKEHOLDER AND COMMUNITY ACCEPTANCE RATING		260
RATING SUMMARY		520
Overall Ranking (1=Preferred Option; 1=Unfavored Option)		3

OPTION 2 STEEL ARCH TRUSS		
Rating	Value	
2	20	
2	15	
5	30	
1	20	
1	15	
1	90	
1	30	
TECHNICAL CONSIDERATIONS RATING		155
Rating	Value	
1	30	
5	30	
5	30	
2	20	
1	30	
2	30	
5	45	
1	75	
STAKEHOLDER AND COMMUNITY ACCEPTANCE RATING		175
RATING SUMMARY		330
Overall Ranking (1=Preferred Option; 1=Unfavored Option)		1

OPTION 3 STEEL ARCH TRUSS		
Rating	Value	
3	20	
2	15	
5	30	
1	20	
1	15	
1	90	
1	30	
TECHNICAL CONSIDERATIONS RATING		175
Rating	Value	
1	30	
5	30	
5	30	
1	20	
1	30	
5	45	
1	75	
STAKEHOLDER AND COMMUNITY ACCEPTANCE RATING		200
RATING SUMMARY		375
Overall Ranking (1=Preferred Option; 1=Unfavored Option)		2



IMPLEMENTING AGENCY: The Town of Los Gatos
 CONTACT: Nikola Guev, Speed Projects Manager, nguev@bkr.com
 LEAD CONSULTANT: BKF Engineers

RATING CRITERIA DESCRIPTION
General aesthetic appeal of structure. Uniqueness of design, finishes, etc. (1) Arch shape creates architectural distinction and enhances visual interest from pathway and roadway (2) Enhanced Steel Arch Truss with more utilitarian visual character than Steel Arch Truss (3) Utilitarian visual character
Overall visual change (1) Lowest level of Visual Change (2) Moderate level of Visual Change
Anticipated impacts to Highway 17 with installation of a center column in the freeway median. (1) Structure Clear Spans Highway 17 (2) Requires Center Pier in Freeway Median
Regular inspection and maintenance requirements. Anticipated structure life cycle and associated costs. (1) No Concrete Box Girder (low maintenance) (2) For Steel Flat Truss and Steel Arch Truss (increased maintenance)
Anticipated impacts to traffic operations for installation of bridge deck or construction of falsework over Highway 17. (1) Full Freeway Closure - One Night Short Term Closure (8-10 hours during the night) (2) Full Freeway Closure - Two Nights Short Term Closure (16-18 hours during the night) for One Weekend Minimum and Two Weekends Maximum
Estimated Project Cost, including construction in Year 2025. All costs are approximate and subject to change. (1) Total Estimated Project Cost - \$125,200 (2) Total Estimated Project Cost - \$154,200 for Steel Flat Truss and \$155,800 for Steel Arch Truss
General length of construction and flexibility of construction methods to meet potential project scenarios. (1) No Concrete Box Girder with columns/foundation on freeway median (2) For Steel Flat Truss and Steel Arch Truss with moderate field spans
RATING CRITERIA DESCRIPTION
ADP and the Town have heard from representatives of the Offense and Intra-CO Communities on several occasions that include the larger community meetings, pop-up events, round-table meetings, and one-on-one meetings. The most recent one-on-one meeting was held in the field with the Offense CO Community on October 10, 2022. Although there are supporters, the general sentiment from these interactions is that they do not support the project and that the steel options would create the most visual impact. However, if the Town were to build one of those presented, the concrete option would be supportive above the two steel options. To take into consideration this difference, a 3-point rating is assigned to the concrete option and a 1-point rating towards both steel options.
ADP and the Town have consulted with the LUSD on several occasions within the past few years. Their inputs attending back to school nights at various nearby schools, meeting with School Principals, Teachers, and Students at various events. The most recent meeting with LUSD Principals was held on March 2023, 2022. The general sentiment from these interactions and students is overwhelming support of the Project. For this reason, a 3-point rating is assigned to all three project alternatives identified.
The Town has met with the CSTC on a monthly basis since the Project's inception and there is overwhelming support. Although there may be preferences on the various alternatives, there is general support for all bridge options, therefore a 3-point rating is assigned to all three project alternatives identified.
First and Second Online Community Workshops held on 12/12/2022 and 1/26/2023 respectively. There were approximately 50 attendees at the First Community Workshop and approximately 10 attendees at the Second. The first and second online workshops were used to develop a quantitative analysis. Points ranging from 1 to 2 were given to each vote based on the level of support given to each structure option, which ranged from "Not Supportive at All" to "Strongly Supportive". Rating is based on the results of the quantitative analysis. (1) 14 Total Points for Concrete Box Girder (2) 18 Total Points for Steel Flat Truss (3) 19 Total Points for Steel Arch Truss
Pop-up event held at the Town's Farmer's Market on March 27 th , 2023. There were approximately 60 participants at this event. Participants placed stickers on a Project Board to show their level of support for each structure option. The total number of stickers placed on the Project Board were used to develop a quantitative analysis. Points ranging from 1 to 2 were given to each vote based on the level of support given to each option, which ranged from "Not Supportive at All" to "Strongly Supportive". Rating is based on the results of the quantitative analysis. (1) 16 Total Points for Concrete Box Girder (2) 18 Total Points for Steel Flat Truss (3) 19 Total Points for Steel Arch Truss
Pop-up event held at the Los Gatos Creek Trail on April 20 th , 2023. There were approximately 60 participants at this event. Participants placed stickers on a Project Board to show their level of support for each structure option. The total number of stickers placed on the Project Board were used to develop a quantitative analysis. Points ranging from 1 to 2 were given to each vote based on the level of support given to each option, which ranged from "Not Supportive at All" to "Strongly Supportive". Rating is based on the results of the quantitative analysis. (1) 16 Total Points for Concrete Box Girder (2) 18 Total Points for Steel Flat Truss (3) 19 Total Points for Steel Arch Truss
Pop-up event held at the Town's Spring into Green event on April 20 th , 2023. There were approximately 200 participants at this event. Participants placed stickers on a Project Board to show their level of support for each option. The total number of stickers placed on the Project Board were used to develop a quantitative analysis. Points ranging from 1 to 2 were given to each vote based on the level of support given to each option, which ranged from "Not Supportive at All" to "Strongly Supportive". Rating is based on the results of the quantitative analysis. (1) 16 Total Points for Concrete Box Girder (2) 18 Total Points for Steel Flat Truss (3) 19 Total Points for Steel Arch Truss
Online Survey posted on the Project's Website and advertised through the Town's social media platforms, Town's weekly newsletter, and Flyers. The Online Survey was open for three weeks, between Sept. 26 th , 2022 to Oct. 1 st , 2022. There were 206 participants. The Online Survey included questions that allowed participants to show their level of support for each structure option. The survey results were used to develop a quantitative analysis. Points ranging from 1 to 2 were given to each vote based on the level of support given to each option, which ranged from "Not Supportive at All" to "Strongly Supportive". Rating is based on the results of the quantitative analysis. (1) 177 Total Points for Concrete Box Girder (2) 185 Total Points for Steel Arch Truss and 187 Total Points for Steel Flat Truss
 <p>For additional Project information, please scan the QR Code or visit: www.LosGatosCA.gov/Hwy17BPOC</p>

From: Phil Seaman [REDACTED]
Date: October 3, 2022 at 2:24:49 PM PDT
To: Michael Glow [REDACTED]
Cc: Laurel Prevetti <LPrevetti@losgatosca.gov>, Maria Ristow <MRistow@losgatosca.gov>, Marico Sayoc <MSayoc@losgatosca.gov>, Mary Badame <MBadame@losgatosca.gov>, Matthew Hudes <MHudes@losgatosca.gov>, Rob Rennie <RRennie@losgatosca.gov>, Gitta Ungvari <GUngvari@losgatosca.gov>, Andy & Fran Edwards [REDACTED], Devin & Toni Conway [REDACTED], Jan Taylor [REDACTED] "LosGatos, Weekly Times" <lgwt@community-newspapers.com>, "Robinson, James H." <jhrobinson@mercurynews.com>, Ed Clendaniel <eclendaniel@bayareanewsgroup.com>, Shannon Susick [REDACTED], Sandy Decker [REDACTED], James U Hall [REDACTED]
Subject: Re: Pedestrian Bridge Project

EXTERNAL SENDER

Michael,

Thanks for bringing this to my attention. I went on line and voted for the lowest cost option.
<https://www.losgatosca.gov/2556/Hwy-17-Bicycle-Pedestrian-Overcrossing>

Cheers,
Phil

On Mon, Oct 3, 2022 at 1:40 PM Michael Glow [REDACTED] wrote:
Dear Gentilepersons of the Los Gatos Town Council:

My household budget does not operate at a deficit. Even so, if I were looking to buy a car and the candidates were a Toyota, a Volvo, or a Mercedes, I'd buy the Toyota. It is my understanding that the town budget has been operating at a deficit, and that future budgets call for continued deficits. That begs the question, how can the town consider any alternative bridge construction other than the least expensive option that fills the need?

Respectfully yours,
Michael Glow

From: june beeler [REDACTED]
Sent: Friday, October 7, 2022 2:02 PM
To: Council <Council@losgatosca.gov>
Subject: Proposed Pedestrian/Bike bridge

EXTERNAL SENDER

To all Town Council Members:

I am writing to express my view and disapproval, of the "high priority town project". namely the proposed Pedestrian/Bike new bridge construction, on Blossom Hill Road, on the Hwy 17 overpass.

I consider this project to be unnecessary, as designed, and extremely expensive! I'm not sure if the money allocated for this project comes from a government grant? However, the high cost of personnel for the design, construction and materials during four phases, lasting over five years, is outlandish! The amount of money this will cost could be spent elsewhere, in our town, to better advantage.

During the 50 plus years that I have been a Los Gatos resident, I have not heard of any problem or serious accident, to either pedestrians or bicyclists, as they traverse, over the existing Blossom Hill overpass. Other less expensive, less intrusive, more cost effective means, to ensure complete safety, to people walking or biking, in that area, could simply be to upgrade the existing Blossom Hill overpass, with fencing, separating the traffic from the bike lane, in particular. The bike lane could be widened, utilizing the sidewalk, to accommodate people, riding in both directions. A new sidewalk area addition could be cantilevered out, attached to the outer side, of the overpass. I have seen that solution, in effect, at another overpass, in another town.

Now, the town wants to secure the public's approval, for one of the three proposed designs, to "cement" this project, in place, by requesting people to vote, in a survey... It seems obvious that the two designs, with decorative steel "railings", designed for appearance, only, and being more costly, is not a good choice. IMO, neither is the third choice, of a "streamlined" concrete structure, the best answer. Building such a "heavy duty" structure is not practical when it won't be used by cars, trucks or buses, only people, That option also requires building retaining walls, on both sides, of the overpass, causing additional, unnecessary expense!.

Also, IMO, the planter area, separating traffic, from the bike lanes, offers no safety protection, whatsoever! Extending the fencing would provide better protection... Actually, it is hard to determine, from the visual, whether any fencing is placed on the outer edge, of the proposed sidewalk, over Hwy 17? It would be, derelict not to do so...

Even though it could be considered "late, in the game", it is never too. late to save financial resources, to shelve this design proposal for a better, more innovative, cost effective alternative! Send it back to the "drawing board"! The decision, by the current Town Council, is vital. If the town is concerned about a possible deficit, this is one area, to be frugal.

With all respect, thank you for your attention and consideration, of my comments about this project...

Sincerely,

June Beeler

From: [REDACTED]
Sent: Friday, September 16, 2022 1:57:21 PM
Cc: 'Joe Rodgers' [REDACTED]
Subject: question about proposed pedestrian bridge

EXTERNAL SENDER

Hi Mary and Matthew, my two favorite town council members,
I have a question about the proposed pedestrian bridge. The Town of LG posted on nextdoor.com that they are doing a survey gathering public input as to which of 3 bridge choices the public would like. It also said that the bridge would cost 25-38 million dollars to build. Is this a done deal? Are they definitely building it, or is it up for consideration?

If it gets built, where does the money come from? I got a very vague answer on nextdoor.com from Holly Young Senior Management Analyst with the town. She also wanted to take my questions offline and suggested I contact Janice Chin. I responded for the sake of transparency I would like to have some basic questions answered staying on nextdoor.com because there were several people on that post who were interested in the answers as well.

How can our town even afford this? I know we are in a very large deficit.

Kind regards,
Lisa Harris

ATTACHMENT 3



Highway 17 Bicycle and Pedestrian Overcrossing Project (BPOC)

TLG 19-818-0803



FAQ's from COMMUNITY ENGAGEMENT ACTIVITIES

1. Are all proposed bridge concepts the same height (above Highway 17) as the current bridge, or are they raised to a higher elevation than the current bridge?
Caltrans standards require the minimum vertical clearance for a bicycle/pedestrian bridge over a freeway to be 18'6" to the underside, or soffit, and for a roadway bridge over a freeway to be 16'6" to the soffit. The existing Blossom Hill Overcrossing has a sub-standard vertical clearance of 15'-5". The proposed bicycle/pedestrian bridge options will be designed to meet current standards and will therefore be higher than the current bridge in order to the minimum required vertical clearance.
2. Are the yearly/long term maintenance costs of the 3 bridge options the same or statistically different?
It is anticipated that yearly/long term maintenance costs between the options presented will be similar, however, concrete bridges generally require somewhat less long-term maintenance. Long-term maintenance considerations for steel bridges include painting every few years and periodic inspections of key structural connections of the steel members. Depending on various factors such as the type of structure, type of steel members, type of structural connections and the selected paint system, specific long-term maintenance costs will vary. Ultimately, it is anticipated these costs may contribute to a somewhat higher long-term maintenance cost for a steel bridge option when compared to a concrete option.
3. Are there color options for the steel?
Yes. Potential color options will be presented in a future public workshop for input if a steel bridge type is chosen.
4. Between the concrete bridge and the steel flat truss bridge, a trade off is that the concrete one is less expensive and the steel flat truss one involves less shut down of the highway. These aspects both seem as critical of an issue as whether the bridge enhances the character of Los Gatos. How much of a cost difference and how many days of shut down are involved with each?
With respect to shut down hours of Highway 17, the concrete bridge will be constructed similar to other concrete bridges over highways, with falsework erected over the travel lanes to maintain traffic flow during construction. The steel truss bridge can be erected over Highway 17 during low peak hours.

As the design proceeds, specific traffic impact details, such as the need for lane closures of Highway 17 or traffic detours, will be coordinated with Caltrans. The project team will strive to minimize impacts to highway travel as well as to the surrounding communities. Project construction costs associated with the identified traffic impacts of the various bridge types can then be further quantified and used along with other considerations, such as the enhancement of the character of Los Gatos, to evaluate the various bridge proposals.

5. Most of the renderings don't show much impact to the landscapes on either side of 17. Is this accurate or will cut slopes and retaining wall structures require tree removal, especially on the east side? Can you address if there will be a difference in this impact between the options please?

Potential impacts to landscapes, tree removals, and hillsides will likely be more significant on the east side of Highway 17 given the existing terrain and narrow roadway cross-section. The Project intends to build the pathway improvements as close to the existing roadways as possible in order to minimize these potential impacts, however there will be tree removals and slope work required for all bridge options. As the design progresses, the project team will be able to better quantify the impacts to the slopes, landscaping, and retaining walls along the east and west sides associated with the various bridge options and will present this to the community as the design progresses.

The 2020 Feasibility Study also provides information about the conceptual improvements and their potential impact east and west of the proposed bridge crossing.

6. Many of us are concerned about the elevation and distance the pathway will cut into the back hill behind our homes that backup against Blossom Hill Road. Are there dimensions available for the pathways connecting to the new bridge structure?

A Project goal is to build the pathway within the existing roadway envelope where the existing sidewalk is currently located and within the existing public right of way. The Project is still in the very early planning stages so specific dimensions are not currently available, but will be provided in Phase 2 when preliminary engineering details are developed, and will be shared with the community at that time.

7. What is the measurement between the pedestrian bridge walking surface and the top of the bridge walls/fences: currently and in the proposed bridges? One day I saw a middle schooler lifting up a big rock to lob over the current chain link fence to toss down into highway traffic so want to see that fencing pretty high to reduce this kind of temptation for pranksters that might frequent this travel route but not yet be mature enough to realize the consequences.

Caltrans Standards require a minimum fence height of 8 feet over freeways to reduce the risk of objects being dropped or thrown upon vehicles. The proposed bridge will provide fencing that meets the 8-foot minimum height requirement and the project team will continue to look for other options that might be useful to help deter this type of activity.

8. We are fortunate to not have a lot of graffiti in Los Gatos, but a bridge right next to the middle school and within walking distance of the high school might be too big of a target for some students to resist. Are any of these bridges harder for someone to deface than the others?

The issue is relative with respect to damage done to the structure. In terms of available exposed area, or continuous surface area, to deface with graffiti the concrete bridge offers the most. The steel structure, while having more structural members throughout the length of the bridge, offers smaller areas for graffiti. With either bridge types, there are graffiti counter measures that can be taken and specified during the preparation of the construction documents such as anti-graffiti coating for concrete bridges or specialized paint for steel structures that makes the bridges as graffiti resistant as possible and make the clean-up easier to handle. The project team will include these considerations during the design process.

9. Does the type of bridge impact the grade of path coming from Fisher? What is the impact to retaining wall where the new path is that was widen recently?
The concrete bridge option will likely sit slightly higher than the steel options because it requires a thicker bridge deck, which will result in a slightly increased grade to cross Highway 17. The Project does not intend to impact the existing retaining walls located adjacent to the Serra Ct community and EB Blossom Hill Road right-turn lanes, however these details will be developed in more detail during the Phase 2 design process and shared with the community at that time.
10. I am wondering what we can do to slow down west-bound kids on bikes before they rush into the West Roberts Road intersection. For drivers turning right from West Roberts Road onto Blossom Hill Road, that's kind of blind corner and I've seen drivers startled by bikers crossing Roberts Road there.
The Project will evaluate the existing conditions closely at this intersection and determine what measures can be taken to enhance safety during the preliminary and final design phases of the Project as the engineering details are developed. Potential measures may include installing a protected corner with raised elements to create separation and refuge and separation for bicyclists and pedestrians from right-turning vehicles, or restricting right-turning movements during particular signal phases.
11. Once you are off the Bridge, will the pathway narrow from 16'-20' width as you walk away?
A Project goal is to provide a continuous width along the entire segment between Roberts Road West and East. The exact width will be determined in Phase 2 of the Project when engineering details are developed.
12. Why will there be bike and pedestrian on the current bridge in addition to the second structure?
Existing facilities along the south side of the current Blossom Hill Road overcrossing would be replaced with the new structure. The Project only intends to provide a pedestrian sidewalk and a dedicated bicycle lane along the north side of the existing overcrossing. This will provide the option of accommodating existing travel patterns along the northern side of Blossom Hill Road.
13. How are bicyclists traveling west on the north side of the road supposed to get to the south side?
Access from the north to the south side (and vice versa) will be provided at each adjacent intersection crosswalk located at Roberts Road West and East. Preliminary proposals are considering the striping of a green bike lane parallel to and in front of the pedestrian crosswalks to provide an area for the bicyclists who wish to cross Blossom Hill Road to use the BPOC.
14. Will the columns required for the concrete box girder bridge interfere with future light rail lines in the median of Highway 17?
Currently there are no plans for light rail transit in the median area of Highway 17. The existing right of way would not be sufficient to accommodate the installation of a light rail system, and any such project would require years of advanced planning and potential property acquisitions. It should also be noted that the existing Blossom Hill Road vehicular structure over Highway 17 includes an existing concrete column in the median area of Highway 17.
15. Please identify the process the Town used for selecting the design consultant for this project.
The Town released a Request for Proposals to provide Professional Engineering Services for the Highway 17 Bicycle and Pedestrian Overcrossing Project in December of 2020. Two proposals were received and thoroughly evaluated, resulting in the firm of BKF being determined the highest qualified firm to provide the required services. The process used by the Town followed the requirements for the consultant selection process for federally funded projects as contained in the Caltrans Local Assistance Procedures Manual. Further information regarding the required consultant selection process can be found at <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/ch10.pdf>

16. How will constructed for this project be funded?

As design progresses, staff will continue to look for funding opportunities for the project construction. The intent is to fund the majority of the project through grant programs. Securing funding could take more than a year, and in some cases, projects of this magnitude may take many years to fund. Many of the current grant fund programs require the local agency to provide a local match of anywhere from 10-30% of the total construction costs. Local match funds may need to be allocated by the Town, however in many cases, this match can be made through the use of other grant funds. The Town staff strives to maximize the use of grant funds for projects of this magnitude especially where the benefits of the project extend beyond the Town boundaries. As this is a significant project in cost and scope, it is likely that many different funding sources would be required. Having a project fully designed/shovel ready often times allows the project to be more competitive in the grant application process.