



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE SPECIAL MEETING
AGENDA
NOVEMBER 25, 2019
110 EAST MAIN STREET
LOS GATOS, CA
4:00 PM**

*Marcia Jenson, Mayor
Barbara Spector, Vice Mayor*

MEETING CALLED TO ORDER

ROLL CALL

CONSENT ITEMS

1. Approve the Draft Minutes of the October 22, 2019 Council Policy Committee Meeting

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council Policy Committee 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 Chair, 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.)*

2. Provide direction on potential modifications to the Below Market Price Housing Program Regulations.
3. Discuss and Provide Direction on Potential Outdoor Lighting Regulation Modifications.

ADJOURNMENT



**TOWN OF LOS GATOS
TOWN COUNCIL
POLICY COMMITTEE**

MEETING DATE: 11/25/2019

ITEM NO: 1

**DRAFT
Minutes of the Regular Town Council Policy Committee Meeting
October 22, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting on Tuesday, October 22, 2019, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Robert Schultz, Town Attorney; Joel Paulson, Community Development Director; Matt Morley, Parks and Public Works Director; Monica Renn, Economic Vitality Manager; Gitta Ungvari, Finance and Budget Manager; Holly Zappala, Management Analyst.

CONSENT ITEMS

1. Approve the Draft Minutes of September 24, 2019.

Approved.

VERBAL COMMUNICATIONS

Sarah Chaffin

- Commented regarding amending the Town's Below Market Price guidelines to allow teachers and other professions to be able to qualify.

The Committee requested that this item be placed on the agenda for the November Policy Committee meeting.

David Propach

- Commented regarding a policy change to allow a combined pottery shop and real estate office use on the ground floor in the Central Business District Commercial Zone.

OTHER BUSINESS

2. Discuss and Provide Direction of the Application of the Traffic Impact Policy and Associated Fees.

Monica Renn, Economic Vitality Manager, presented the staff report.

After discussion, the Committee agreed to forward a recommendation to the Town Council to modify the Traffic Impact Policy to be applied Town-wide to new square footage only. The Committee also requested that staff bring forward additional information in the Council report regarding (1) the loss of fees when a similar change was made for the downtown and (2) how the Traffic Impact Policy and fee would work if the Town switched from measuring vehicle trips based on the Institute of Transportation Engineers (ITE) standards to a vehicle miles traveled (VMT) approach.

3. Discuss Town Code Section 29.10.09015 regarding “shoestring lights,” and forward a recommendation to the Planning Commission and Town Council to remove the provision prohibiting them.

Monica Renn, Economic Vitality Manager, presented the staff report.

After discussion, the Committee agreed to forward a recommendation to the Town Council to revoke Section 29.10.09015 – Control of Outdoor Lighting of the Town Code and suspend the prohibition on shoestring lighting pending consideration of the new ordinance. The Committee requested that staff return with new draft ordinance language to regulate outdoor lighting by zone.

ADJOURNMENT

The meeting adjourned at 5:47 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the October 22, 2019 meeting as approved by the Town Council Policy Committee.

Holly Zappala, Management Analyst



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT**

MEETING DATE: 11/25/2019

ITEM NO: 2

DATE: November 20, 2019
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide direction on potential modifications to the Below Market Price Housing Program Regulations.

RECOMMENDATION:

Discuss and provide direction on potential modifications to the Below Market Price (BMP) Housing Program Regulations.

BACKGROUND:

On April 9, 2019, August 27, 2019, and September 24, 2019, the Policy Committee discussed potential amendments to the Town Code regarding BMP regulations and modifications to the BMP Housing Program Guidelines. At the meeting of September 24, 2019, the Policy Committee provided direction to staff to modify the Town Code and BMP Housing Program Guidelines to increase the number of BMP units and decrease the opportunities to pay in-lieu fees, have BMP units constructed on-site for development projects, and reflect a goal of BMP units seamlessly integrating into the rest of a development.

Sarah Chaffin has also requested that the Policy Committee consider additional modifications to the BMP regulations for rental units (Attachment 3).

DISCUSSION:

Staff has prepared modified potential amendments to the Town Code (Attachment 1) and the BMP Housing Program Guidelines (Attachment 2) based on the direction of the Policy Committee at the September 24, 2019 meeting for the Committee's consideration.

PREPARED BY: Joel Paulson
Community Development Director

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

DISCUSSION (continued):

Sarah Chaffin is requesting the following modifications:

- Median family income (MFI) rental units be allowed;
- The MFI limit be modified to allow that a household's annual income be no greater than 120 percent; and
- An additional affordable category to allow that a household's annual income be no greater than 150 percent.

Sarah Chaffin is requesting these modifications in order to allow for a greater number of essential workers to qualify for BMP rental units (Attachment 2). If the MFI limits were modified to create a category to allow a household's annual income up to 150 percent, these units would be counted towards the Town's Regional Housing Needs Allocation (RHNA) for above moderate (market rate) housing units, based on the limits provided by the California Department of Housing and Community Development.

Currently, Section V. (Requirements for BMP Rental Development), item B. (Applicant Eligibility) of the BMP Housing Program Guidelines provides that a "household's annual income must be no greater than 80 percent of the MFI, adjusted for household size, as defined by the United States Department of Housing and Urban Development (HUD) for the San Jose, CA Primary Metropolitan Statistical Area (PMSA)" in order to be eligible to rent a BMP rental unit. Sarah Chaffin is requesting the allowance for a 120 percent and 150 percent category for BMP rental units.

Staff will be available at the meeting to answer questions and looks forward to receiving direction on potential modifications to the Town's BMP Housing Program Guidelines.

ALTERNATIVE:

Alternatively, the Committee could recommend retaining the income limits for the Town's BMP program and stipulate different affordability levels in the Development Agreement with Sarah Chaffin.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Modified potential Town Code amendments
2. Modified potential BMP Housing Program Guidelines
3. Sarah Chaffin's suggestions for the BMP Housing Program Regulations

DIVISION 6. - HOUSING ASSISTANCE PROGRAM

Sec. 29.10.3000. - Intent.

This division is adopted to meet housing needs shown in the housing element of the general plan.

(Ord. No. 2181, § III, 10-19-09)

Sec. 29.10.3005. - Below market price program—Established.

This division establishes the below market price program (BMP).

(Ord. No. 2181, § III, 10-19-09)

Sec. 29.10.3010. - Same—Intent.

The below market price (BMP) program requires the provision of dwellings that persons and families of moderate income can afford to buy or rent, and assures to the extent possible that the resale prices of those dwellings, and rents if they are rented, will be within the means of persons and families of moderate income.

(Ord. No. 2181, § III, 10-19-09)

Sec. 29.10.3015. - Application.

This division shall apply to all residential projects, mixed-use projects, multiple-family dwelling projects, residential condominium projects, condominium conversions, and to all residential planned development projects (division 2 of article VIII of this chapter) either approved after July 4, 1979, or whose approval includes a condition requiring the provision of BMP dwellings. ~~Projects in the R-I and HR zones are excepted from BMP participation. The exception does not apply if the project is built under the rules of an overlay zone unless the rules of the overlay zone provide otherwise.~~

(Ord. No. 2181, § III, 10-19-09)

Sec. 29.10.3020. - Definitions.

For the purposes of this division the following definitions shall apply:

BMP dwelling means any residential dwelling unit designated for very low, low, and moderate income under the rules of this section.

Person of moderate income means one whose income falls within the range specified by the Town Council in the resolution authorized by section 29.10.3040.

(Ord. No. 2181, § III, 10-19-09)

Sec. 29.10.3025. - Scope.

The Below Market Price Program requirements shall apply to all residential development projects, mixed-use projects, multiple-family dwelling projects, residential condominium

projects, condominium conversions, and all residential planned development projects that include five (5) or more residential units or parcels which involve:

1. New construction of ownership or rental housing units, including mixed use developments and addition of units to existing projects, or
2. Subdivision of property for single family or duplex housing development, or
3. Conversion of rental apartments to condominiums or other common interest ownership, or
4. Conversion of non-residential use to residential use.

~~Planned development with an underlying zone of HR shall only be required to pay an in-lieu fee as established by a separate resolution.~~

The residential projects, mixed-use projects, multiple-family dwelling projects, residential condominium projects, condominium conversions, and all residential planned development projects consisting of five (5) or more units are required to provide the following number of BMP units:

- (1) Projects containing five (5) or more but less than twenty (20) market rate units must provide a number of BMP units equal to ten (10) percent of the number of market rate units.
- (2) Projects with from twenty (20) to one hundred (100) market rate units must provide BMP units as determined by the following formula:
$$\text{Number of BMP units} = .225 (\text{total \# of market rate units}) - 2.5$$
- (3) All projects in excess of one hundred (100) market rate units must provide a number of BMP units equal to twenty (20) percent of the market rate units.
- (4) Whenever the calculations of BMP units result in a fraction of one-half or more, the number of units to be reserved is increased to the next whole number.
- (5) The Town, at its sole discretion in limited circumstances, may consider an in-lieu payment alternative to the required BMP unit ~~in the case of Planned Unit development with an underlying zone of HR~~. The required in-lieu fee is as established by a separate resolution and is to be paid to the Town prior to issuance of the certificate of occupancy for the market rate residential unit that triggered the BMP requirement. The provision for a BMP unit applies if the project is built under the rules of an overlay zone unless the rules of the overlay zone provide otherwise.

BMP units shall be constructed and Certificate of Occupancies secured concurrently with or prior to the construction of the market-rate units. The BMP requirement will be calculated on the basis of the whole development. The Town Council may grant an exception to the phasing requirements during the project approval process.

(Ord. No. 2181, § III, 10-19-09)

Sec. 29.10.3030. - Price.

The price of BMP units is controlled for the first buyer and for future buyers by the BMP Guidelines as adopted and amended from time to time by Council resolution and as follows:

- (1) The initial price is limited to direct construction cost and a proportionate share of the costs of preparing working drawings and specifications and providing on-site and off-site improvements, determined according to rules set by the Council.
- (2) The initial price does not include the cost of land, profit, or marketing costs.
- (3) Each BMP unit will be subjected to recorded title restrictions concerning manner of fixture sales, occupancy and leasing.
- (4) Each buyer of a BMP unit must agree to sell the unit to a moderate income buyer designated by the Town. The Town will designate moderate income persons according to rules adopted by the Council in effect at the time the seller purchased the unit.
- (5) The resale price cannot exceed the original selling price plus the value at the time of sale of improvements added by the owner, and plus an amount equal to the increase in cost of living or housing during the owner's tenure. The index or method to be used in calculating the increase is established by the Council.
- (6) If a BMP unit to be resold has not been properly maintained or for any other reason is in poor condition and in need of cleaning or repair, the Town may elect to do the work or have it done and recover the cost from the sale price limited as provided in subsection (5).
- (7) The regulations will specify the period for controlled resales. The time period will be in perpetuity or for as long as is practical.

(Ord. No. 2181, § III, 10-19-09)

Sec. 29.10.3035. - Project denial.

If an applicant for zoning approval declines to provide BMP units required by ordinance, the zoning approval shall be denied.

(Ord. No. 2181, § III, 10-19-09)

Sec. 29.10.3040. - Administration.

The Council shall adopt by resolution regulations concerning all aspects of the BMP program, including the elements of location of the units, price, buyer eligibility standards, rent, the length of the period during which a unit will be subject to BMP restrictions, the form of recorded instruments and any other matter consistent with the provisions of this section.

(Ord. No. 2181, § III, 10-19-09)

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Exhibit A

TOWN OF LOS GATOS BELOW MARKET PRICE HOUSING PROGRAM GUIDELINES

I. Purpose

- A. Purpose: The overall purpose of the Below Market Price (BMP) Housing Program is to provide the Town of Los Gatos with a supply of affordable housing. While the program is available to all qualified applicants, the general intent of the program is to provide affordable housing for households who work or currently live in Los Gatos. The main goal is to increase the housing supply for households that have median and low incomes compared to the median income for Santa Clara County and meet the housing needs identified in the Town's General Plan Housing Element. The Program further intends to ensure, to the greatest extent possible, that rent and re-sale of these housing units will remain affordable to median and low income levels for the longest feasible time as approved by an authorized body. Although the Town has a fee-in-lieu of constructing actual units option for defined circumstances, the primary objective of the BMP Program is to obtain actual "rental" or "for sale" housing units rather than equivalent funds. All off-site BMP units shall be constructed within the Town of Los Gatos. The construction and occupancy of the BMP unit is determined according to these Town Council established guidelines and authorizing ordinances.
- B. Enabling Legislation: The Below Market Price Program is governed by Division 6 of the Town Code. The BMP Program is administered under these Below Market Price Housing Program Guidelines.

II. Below Market Price Housing Requirements – General

- A. Applicability: The BMP Program requirements shall apply to all residential ~~development~~ projects, mixed-use projects, multiple-family dwelling projects, residential condominium projects, condominium conversions, and all residential planned development projects that include five (5) or more residential units or parcels which involve:
1. New construction of ownership or rental housing units, including mixed use developments and addition of units to existing projects, or
 2. Subdivision of property for single family or duplex housing development, or
 3. Conversion of rental apartments to condominiums or other common interest ownership, or
 4. Conversion of non-residential use to residential use.

ATTACHMENT 2

- B. Number of BMP Units: All residential ~~developments~~ projects, mixed-use projects, multiple-family dwelling projects, residential condominium projects, condominium conversions, and all residential planned development projects consisting of five (5) or more units are required to participate in the BMP Program. The requirements for participation increase by development size as shown below:

1. Five (5) to Nineteen 19 market rate units: The developer shall provide a minimum number of BMP units equal to ten (10) percent of the number of market rate units.

2. Twenty (20) to one hundred (100) market rates units: The developer shall provide a minimum of BMP units as determined by the following formula:

$$\text{Number of BMP units} = (.225 \times \text{total \# of market rate units}) - 2.5$$

This formula acts to increase the number of BMP units required, as a percentage of market-rate units, from 10% to 20% over the range of 20 to 100 market rate units.

3. One hundred and one (101) units or more: The developer shall provide a minimum number of BMP units equal to twenty (20) percent of the number of market rate units.

BMP dwellings within a project of rental units shall also be rental units. BMP units within a project of owner-occupied units shall also be designated as units for purchase. BMP units within a project that contains both rental and owner-occupied units shall also be designated as both rental and as units for purchase, in a ratio similar to that of the market rate units.

The Town and developer may negotiate to provide more BMP units than required by the rules listed in these guidelines, ~~to fulfill a development's Community Benefit requirements.~~

- C. Fraction of a BMP Housing Units: In determining the number of BMP units required, any decimal fraction of .5 or above shall be rounded up to the nearest whole number. Decimal fractions below .5 shall be rounded down to the nearest whole number.

- D. Residential In-Lieu Payments: The general intent of the BMP Program is to provide the Town of Los Gatos with a supply of affordable housing for households who work or currently live in Los Gatos. However, there may be circumstances when the construction of the BMP unit is impractical or there are unusual circumstances that make the construction of the unit inconsistent with Town policy. The Town, at its sole discretion, may consider an in-lieu payment alternative to the required BMP unit in the case of ~~Planned Unit development with an underlying zone of HR~~ or a residential ~~developments~~ project, mixed-use project, multiple-family dwelling

project, residential condominium project, condominium conversions, and all residential planned development projects with five (5) to nine (9) units. Prior to approving the in-lieu fee alternative, the applicant must demonstrate to the satisfaction of the Town why a BMP unit cannot be (1) developed on the same site as the market rate units, and if it cannot be provided on the same site then, (2) develop at an appropriate off-site location within the Town limits. If the developer provides sufficient justification that both of these alternatives are not viable, then a fee in-lieu option may be considered. The required in-lieu fee is as established by a separate resolution and is to be paid to the Town prior to issuance of the certificate of occupancy for the market rate residential unit that triggered the BMP requirement. The provision for a BMP unit applies if the project is built under the rules of an overlay zone unless the rules of the overlay zone provide otherwise.

The in-lieu fee shall be equal to the amount of six (6) percent of the building permit valuation for the entire project. The total building permit valuation shall be determined by the Town Building Official.

Fees shall be paid prior to or at time of final occupancy as follows:

1. Multi-Family Owner Occupied Developments: Prior to occupancy of each phase, a proportional amount of fees shall be paid, as determined during the Planning approval process.
 2. Multi-Family Renter Occupied Developments: Prior to occupancy of each phase, a proportional amount of fees shall be paid, as determined during the Planning approval process.
 3. Single-Family Planned Developments: At time of final occupancy for each unit.
- E. Housing Fund: In-lieu fees will be deposited into the Town's Affordable Housing Fund. Applications and or recommendations for use of remaining funds will be reviewed as received. Possible use of the funds include, but is not limited to, the following:
1. Subsidizing the cost of owner occupied units to make them affordable to low/moderate income households
 2. Purchasing rental units to make them affordable to low/moderate income households
 3. Purchasing land for the future development of affordable housing
 4. Developing affordable housing
 5. Supplementing of affordable housing projects ~~developed through the Los Gatos Redevelopment Agency~~
 6. Funding administration of the program, as approved by the Town Council in its annual budget process
- F. Off-Site Construction: The Town Council, at its sole discretion in limited circumstances, may consider off-site construction of BMP units for continuum care

facilities and for ~~Hillside Residential (HR) Zone District~~ and residential ~~developments~~ projects, mixed-use projects, multiple-family dwelling projects, residential condominium projects, condominium conversions, and all residential planned development projects with five (5) to nine (9) units projects that have provided sufficient justification to the Town that an on-site BMP unit is not viable.

- G. Phasing of the Construction of On- and Off-Site BMP Units: On- and off-site BMP units shall be constructed and Certificate of Occupancies secured concurrently with or prior to the construction of the market-rate units. The BMP requirement will be calculated on the basis of the whole development. The Town Council may grant an exception to these phasing requirements during the Planned Development project approval process for condominium conversion developments.
- H. Affordability Agreement: The developer of “for sale” BMP units shall enter into an affordability agreement with the Town. The agreement will ensure that the BMP units are sold to qualified buyers and will be released by the Town through the escrow process once the BMP is sold to a qualified buyer.

III. Characteristics of BMP Units

- A. Size of units: The size and design of BMP dwelling units ~~shall~~ should to the extent possible, reasonably be consistent with the market rate units in the project. The Town and developer may negotiate regarding the size of units if more units than required are to be provided ~~under the Community Benefit requirements~~. BMP units should be provided proportionately in the same unit type mix (number of bedrooms) as the market rate units. In consideration of the household size of the households on the current program interest list, the Town and developer may negotiate to provide a greater proportion of a particular unit type. There ~~shall~~ should to the extent possible, not be a significant identifiable difference between the BMP and market-rate units visible from the exterior. The size and design of the BMP units ~~must should to the extent possible~~, be reasonably consistent with the market-rate units in the development. The goal of the BMP Program is for a seamless integration of the BMP units with the market-rate units in a development.
- B. Location of units: BMP units shall be dispersed throughout the development, to the extent feasible; in all buildings, on each floor, and in each project phase. A concentration of BMP units in one location is not desirable and will generally not be allowed.
- C. Finish of units: The external appearance of BMP units should be indiscernible to that of the market rate units in the project. The internal finish of BMP units should be identical to that of the market rate units in the project, except that the developer may request Town approval of substitutions for luxury interior finishes, appliances, or fixtures, if such substitutions do not violate any Town code requirement.

- D. Project Facilities: All project facilities and amenities, including parking, must be available on the same basis to the BMP units as to the market rate units in the project, to the extent feasible, unless the deciding body approves a reduction in parking for the BMP units.

IV. The BMP Unit Purchase Process; Buyer Selection, and BMP Unit Sale and Resale Procedures.

A. Owner Occupied Units

1. Applicant Eligibility

- a. Household Income: In order to be eligible to purchase an owner-occupied BMP unit, an applicant's annual household income must be no greater than 100% of the Median Family Income (MFI), adjusted for household size, as defined by the United States Department of Housing and Urban Development (HUD) for the San Jose, CA Primary Metropolitan Statistical Area (PMSA). Household assets, such as real property, may also be considered in determining eligibility.
- b. Housing Costs: In order to be eligible to purchase an owner-occupied BMP unit, an applicant must also demonstrate the ability to pay monthly housing costs. The monthly housing cost shall include the following factors:
 1. unit price
 2. current lending rates
 3. estimated property taxes
 4. estimated homeowner's private mortgage insurance (PMI) costs
homeowners' association fees, if applicable
 5. other expenses as determined necessary by the lender
- c. Mortgage Financing: All persons must qualify for their own mortgage financing for the purchase of available BMP units without assistance from the Town. Qualifications must include the ability to pay taxes, insurance, closing costs and any homeowner association fees in addition to the mortgage. All loans used to purchase or refinance BMP units must be fixed rate and fixed term without balloon payments to minimize homeowners exposure to increased risks of mortgage default.
- d. Required Down Payment: A homebuyer shall have a minimum down payment that is equivalent to at least 10% of the BMP purchase price and is required to document the source of all down

payment funds. The minimum 10% down payment is exclusive of any other supplemental down payment assistance grant or loan programs available from other agencies.

2. First Time Home Buyers: The Below Market Price (BMP) Program is for First Time Home Buyers. A First Time Home Buyer, by definition, is an applicant whose name has not appeared on a residential title in the counties covered by the Association of Bay Area Governments (ABAG) or Association of Monterey Bay Governments (AMBAG) which are Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma for at least three (3) years prior to application. Exception is made consistent with the Federal Housing and Urban Development (HUD) definitions (e.g. for people who were homeowners prior to a divorce, a displaced homemaker, a single parent who has only owned with a former spouse, a widow/widower of a veteran, etc.) and for tenants residing in a rental apartment proposed to be converted to a condominium or other common interest ownership prior to a Notice of Intent to Convert the development to an ownership residential unit.

- B. Buyer Selection: A point system is used to establish a ranking of applicants for the purchase of an available unit. Applicants will be ranked according to total points and must have at least one point to be eligible to purchase a unit. In addition, applicant households must contain at least the same number of persons as the number of bedrooms in a unit, at the time of application, in order to be eligible to purchase that unit, if the unit contains three bedrooms or more.

All points are calculated per household, not for each individual within the household. For example, a household in which two members are senior citizens would receive six points for senior citizen status, not twelve points for two members having senior citizen status. Points are awarded as follows:

1. **Six points:**
 - a. Senior citizens who reside in the Town at the time of application and have lived in the Town for at least the prior two years. A senior citizen is defined as any person 62 years of age or older at time of application or married couples living together when at least one spouse is 62 years of age or older at time of application.
 - b. Senior Citizens who have lived in the Town for at least two years and have moved out of the Town within the last five years prior to the time of application.
 - c. Disabled persons who reside in the Town at the time of application and who have lived in the Town for at least the prior two years. The definition of “disabled” for the purpose of assigning points under

this section shall be that used by the U.S. Social Security Administration for the purpose of determining eligibility for Social Security disability benefits.

- d. Households required to relocate their residence as a result of Council action or mobile home park closure.
- e. Regular Full-Time and Regular Part-Time Town employees as defined in the Town's Personnel Rules but excluding Los Gatos Monte-Sereno Police Officers, who have been employed by the Town for a period of no less than 12 months prior to the time of application.
- f. Single heads of household with dependent children who reside in the Town at the time of application and have lived in the Town for at least the prior two years.
- g. All licensed pre-school and public or private K-12 school employees of schools and districts geographically located in and serving the Town, and who have been employed in such capacity for at least one year at the time of application.
- h. All certified emergency first responders (e.g. sworn police officers, fire fighters, and emergency medical technicians and paramedics) who have been employed in such capacity for at least one year at the time of application by an agency serving the Town.

2. **Four points:**

- a. Persons who live in the Town of Los Gatos at time of application and who have lived in the Town at least the prior two years.
- b. Persons who work in the Town of Los Gatos at time of application and have worked in the Town for at least the prior two years.

3. **Two points:**

- a. Households who have lived in the Town for at least 10 years and have moved out within the last ten years prior to the time of application.
- b. Household size is worth two points per person.

4. **One point:**

- a. Households who live or work within Santa Clara County at the time of application.
- b. Households with an annual household income at or below 60% of

the Median Family Income (MFI), adjusted for household size, as defined by the United States Department of Housing and Urban Development (HUD) for the San Jose, CA Primary Metropolitan Statistical Area (PMSA).

5. A lottery will be used to rank each qualified applicant in the case of a tie.
 6. Applicants are provided the opportunity to purchase available units in order of point ranking, from most points to least points. An applicant has two opportunities to refuse to purchase a unit before being removed from the current applicant pool.
 7. Applicants who do not qualify for a particular project or who are not provided the opportunity to purchase a unit in a particular project shall retain their eligibility to apply for future projects.
 8. An applicant must obtain pre-approval for a mortgage loan within one week after notification of eligibility to purchase a unit. The applicant must submit documentation of loan approval within three weeks of notification of eligibility to purchase a unit.
 9. Exception to the Buyer Selection Process: An exception to the Buyer Selection Process may be granted to a resident of a rental apartment that is proposed to be converted to an “owner occupied” condominium or other common interest ownership development. In order to qualify for the exception, the resident must have resided in the rental apartment prior to the issuance of the Notice of Intent to Convert the development to an ownership project and shall meet the financial eligibility requirements to qualify for a BMP unit. The resident shall be provided first right of refusal, regardless of point ranking, for units in the following order:
 - a. The unit they reside in if it is designated as a BMP unit.
 - b. Any other available BMP unit.
- C. Determination of Initial Selling Price: BMP units shall be priced to be affordable to households in two income categories: Median Income Households (those whose income is above 80%, but no greater than 100%, of the County Median Income); and Low Income Households (those whose income is above 50%, but no greater than 80%, of the County Median Income).
1. Fifty percent (50%) of the units in a project shall be priced to be affordable to Median Income Households; fifty percent (50%) shall be priced to be affordable to Low Income Households. Whenever the calculations result in fractional units, then the number of units priced to be affordable to Low Income Households shall be rounded up to the next whole number, and the number of units priced to be affordable to Median Income Households shall

be rounded down to the next whole number, including zero (0). The following table applies this formula to projects with 1, 2, and 3 units:

Total Number of BMP Units in Project	Units Priced for Low Income Households	Units Priced for Median Income Households
1	1	0
2	1	1
3	2	1

The Town and developer may negotiate regarding the affordability mix of units, to fulfill a development's Community Benefit requirements.

The affordability level of a unit shall be for the purpose of setting the initial selling price only, and do not prevent its sale to any household eligible to purchase an owner-occupied BMP unit, as set forth in these Guidelines.

2. Annually, the Town shall set the initial unit sales price for each unit type (number of bedrooms), for each of the two income categories. These initial sales prices shall be set using the most recent Median Family Income (MFI) figures from the United States Department of Housing and Urban Development (HUD) for the San Jose, CA Primary Metropolitan Statistical Area (PMSA), and through the following calculations:
 - a. For units to be priced to be affordable to Median Income Households: the average of the 100% MFI annual income and the 80% MFI annual income (assuming household size appropriate to size of unit) x Multiplier = Initial Sales Price.

Example: 100% MFI (4-person/4 bedroom) = \$105,000

80% MFI (4-person/4 bedroom) = \$75,700

Average MFI = (\$105,000 + \$75,700) divided by 2
= \$90,350

Average MFI X Multiplier = Initial Sales Price

1. Assumptions of household size by size of unit are as follows:

Unit Size	Household Size
Studio	1

1 Bedroom	1
2 Bedroom	2
3 Bedroom	3
4 Bedroom	4

These assumptions of household size by size of unit shall be for the purpose of setting the initial sales price only, and do not prevent the sale of any unit to any household eligible to purchase an owner-occupied BMP unit, as set forth in these Guidelines.

- b. For units to be priced to be affordable to Low Income Households: the average of the 80% MFI annual income and the 50% annual income (assuming household size appropriate to size of unit) x Multiplier = Initial Sales Price.

Example: 50% MFI (4-person/4 bedroom) = \$ 52,500

80% MFI (4-person/4 bedroom)= \$75,700

Average MFI = (\$52,500 + \$75,700) divided by 2
= \$ 64,100

Average MFI X Multiplier = Initial Sales Price

- c. Calculation of Multiplier. A Multiplier shall be calculated, based on reasonable assumptions about unit sales prices, based on the most recent comparable sales of BMP units; current lending rates, as determined by the most recent Primary Mortgage Market Survey (PMMS) conducted by the Federal Home Loan Mortgage Corporation (Freddie Mac); and related costs; and using the following formula:

1. Determination of Total Housing Cost: Sample sales price - 10% down payment = mortgage. Annual debt service on mortgage + annual property taxes + annual homeowners fees + annual private mortgage insurance (PMI) = Total Annual Housing Cost.
2. Determination of Minimum Household Income: Assuming one-third of household income goes for housing expenses, Total Annual Housing Cost x 3 = Minimum Annual Household Income.

3. Determination of Multiplier: Sample Sales Price/Minimum Annual Household Income = Multiplier.

Copies of the initial sales prices, and the calculations made, shall be available on request from the Town's Community Development Department.

- D. Deed Restrictions/Request for Notice: Council approved Deed Restrictions shall be recorded with each Below Market Price dwelling unit. In addition to the Deed Restriction, the Town shall also require that a Request for Notice for the benefit of the Town be recorded for each lender Deed of Trust record on title.

- E. Resale of Units:

1. If the owner elects to sell his/her unit, the Town must be notified in writing by the owner.
2. When a Below Market Price dwelling unit becomes available for resale, the Town shall set the resale price and make the unit available for purchase through the BMP process.
3. The Town determines the resale price in accordance with the deed restriction recorded on the property.
4. The homeowner, as noted in the recorded Deed Restriction, is responsible for paying all closing costs (including commissions or fees).

- F. Occupancy of Units:

Consistent with the deed restriction that will be recorded on the subject property, the household purchasing a BMP unit must occupy the unit as his or her primary residence during his or her ownership of said unit.

V. Requirements for BMP Rental Development

- A. Administration: The program shall be administered by the Town or its designee.

- B. Applicant Eligibility

1. Household Income: In order to be eligible to rent a BMP rental unit, a household's annual income must be no greater than 80% of the Median Family Income (MFI), adjusted for household size, as defined by the United States Department of Housing and Urban Development (HUD) for the San Jose, CA Primary Metropolitan Statistical Area (PMSA). Priority will be given to those households whose income is less than 50% of the MFI. Household assets may also be considered in determining eligibility.
2. Ability to Pay Rent: A tenant's ability to pay monthly rent will also be

considered in determining tenant eligibility.

- C. Tenant Selection: The property owner or manager of the development shall market the BMP unit(s), and solicit rental applications. Applications from tenants selected by property owner or manager will be forwarded to Town or designee for verification of income eligibility.
- D. Management:
 - 1. BMP rental units shall be managed by the property owner or manager in the same manner as other units in the development.
 - 2. Tenants of BMP rental units are eligible to receive conciliation and mediation services provided through the Town's Rental Dispute Resolution Program except as they regard rent increases.
- E. Unit Rents: Rents may not exceed 80% of the most current Fair Market Rents as determined by the Santa Clara County Housing Authority.
- F. Annual Review: If a tenant's income increases so that it falls between 80 and 100 percent of MFI, then the rent may be increased in accordance with the Town's Rental Dispute Ordinance; and the unit shall still be considered a BMP Rental Unit. However, if a tenant's income exceeds 100 percent of MFI, the rent may be increased to the average rent of similar units in the complex; in this latter case, the unit will no longer be a BMP unit and the next available unit that is comparable in size shall be designated as a BMP unit in its place, and must be rented to an eligible household so that the number of BMP units within the project remains the same.
- G. Deed Restrictions: Council approved Deed Restrictions shall be recorded for each Below Market Price rental dwelling unit.

V1. RENTAL UNITS - NEW ~~SECOND~~ ACCESSORY DWELLING UNITS

- A. Administration: The program shall be administered by the Town or its designee.
- B. ~~Second~~ Accessory Dwelling Unit Incentive Program: 29.10.310 of the Town Code, may choose to participate in ~~the Second Unit~~ an Accessory Dwelling Unit Incentive Program (~~SUIP~~) as referenced in Section 29.10.320(a) of the Town Code and as set forth below.
 - 1. The ~~SUIP~~ Incentive Program consists of a no interest construction loan to a property owner who intends to develop a new ~~second~~ accessory dwelling unit. The loan amount shall be determined based on the square foot construction cost as set forth in the current version Uniform Building Code as adopted by the Town for new construction and remodels. The loan amount will be calculated at 100% of the construction cost if the unit is

income and rent restricted to serve households with incomes below 50% of the Median Family Income (MFI), adjusted for household size, as defined by the United States Department of Housing and Urban Development (HUD) for the San Jose, CA Primary Metropolitan Statistical Area (PMSA), or 80% of the construction cost if the unit is income and rent restricted to serve households with incomes below 80% of MFI.

2. When a property owner participates in the SUIP Incentive Program, a deed restriction shall be recorded on the property. The deed restriction shall stipulate the rental rate, tenant income level, duration of affordability and loan repayment requirement as well as any other criteria as determined appropriate by the Town.
3. ~~An SUIP Incentive Program loan to construct an second accessory dwelling unit within the Central Los Gatos Redevelopment Project area shall be funded using Redevelopment Affordable Housing Funds and shall remain affordable for 55 years.~~ An SUIP Incentive Program loan to construct an second accessory dwelling unit outside the Central Los Gatos Redevelopment Project area shall be funded using BMP Program Funds and shall remain affordable for 30 years. The SUIP Incentive Program affordability restrictions as set forth in this section may only be amended by action of the Town Council.
4. A tenant's ability to pay monthly rent will also be considered in determining tenant eligibility. Applications from tenants selected by the property owner or manager will be forwarded to the Town or its agent for verification of income eligibility. Rental agreements shall be submitted to the Town or its agent to verify compliance with the provisions of this section. Tenants are eligible to receive conciliation and mediation services provided through the Town's Rental Dispute Resolution Program except as they regard rent increases.
5. Units targeted to households with incomes up to 80% of the Median Family Income (MFI) shall have rents restricted to 80% of Fair Market Rents as determined by the Santa Clara County Housing Authority. Units targeted to households with incomes up to 50% of CMI shall have rents restricted to 50% of Fair Market Rents as determined by the Santa Clara County Housing Authority. Tenant rents and incomes will be monitored annually.

November 13, 2019

To: Joel Paulson, Director of Community Development

Fr: Sarah Chaffin

Re: Town BMP Rental Guidelines

Dear Mr. Paulson,

Thank you for the opportunity to weigh in on possible modifications to the Town BMP guidelines for rental housing.

Currently, the Town only goes to a maximum of 80% of AMI for BMP rental guidelines. The net effect of this policy is that essential workers like Teachers, Police Dispatchers, Nursing Assistants and other Community helpers make too much money to qualify for our BMP rental guidelines and not enough money to live in our community.

I recommend that the Town at a minimum increases the BMP rental qualifications to 120% of AMI which would be consistent with Regional AMI levels and consider including a new category of up to 150% of AMI. Currently, HouseKeys which is a SC County Provider of BMP Housing is going up to 150% of AMI which for a Household of 2 is a combined income of \$157,650.00. This means that if you have 2 married Teachers and they are each making \$78,000.00 per year they could just qualify for affordable rental housing and stay within our community.

I have attached a copy of the 2109 Maximum Income Limits for Santa Clara County Provided by House keys.

Thank you for your consideration.

Sincerely,


Sarah Chaffin



2019 - Maximum Income Limits for Santa Clara County - Effective 05/0

	Household Size						
Income Category	1	2	3	4	5	6	7
<i>Very Low</i>	\$51,250	\$58,550	\$65,850	\$73,150	\$79,050	\$84,900	\$90,750
<i>Low</i>	\$72,750	\$83,150	\$93,550	\$103,900	\$112,250	\$120,550	\$128,850
<i>Median</i>	\$92,000	\$105,100	\$118,250	\$131,400	\$141,900	\$152,400	\$162,950
<i>Moderate</i>	\$110,400	\$126,150	\$141,950	\$157,700	\$170,300	\$182,950	\$195,550
<i>*Above Moderate (150%)</i>	\$138,000	\$157,650	\$177,375	\$197,100	\$212,850	\$228,600	\$244,425

*Above Moderate Income Opportunities may not exist in every City.



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT**

MEETING DATE: 11/25/2019

ITEM NO: 3

DATE: November 21, 2019
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Provide Direction on Potential Outdoor Lighting Regulation Modifications.

RECOMMENDATION:

Discuss and provide direction on potential outdoor lighting regulation modifications.

BACKGROUND:

On October 22, 2019, the Town Council Policy Committee discussed Town Code Section 29.10.09015, below, which limits outdoor lighting and prohibits “shoestring lights.” The Policy Committee motion was to temporarily suspend the prohibition of shoestring lighting while the Town considered new lighting regulations for different zones throughout Town.

DISCUSSION:

A. General Plan

Los Gatos General Plan Community Design Element includes several policies and goals that apply to outdoor lighting:

Policy CD-3.2 Street and structural lighting shall be required to minimize its visual impacts by preventing glare, limiting the amount of light that falls on neighboring properties, and avoiding light pollution of the night sky.

Policy CD-11.1 Street, walkway, and building lighting should be designed to strengthen and reinforce Downtown’s character.

PREPARED BY: Jennifer Armer, AICP
Senior Planner

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

DISCUSSION (continued):

Goal CD-15 To preserve the natural topography and ecosystems within the hillside area by regulating grading, landscaping, and lighting.

Policy CD-15.7 Review all new development proposals to ensure that:

- a. Outdoor lighting shall be limited.
- b. Permitted lighting shall be of low intensity and for safety purposes.
- c. Lighted sports courts shall be prohibited.
- d. The effects of indoor lights should be studied and reduced if found to be excessive.

B. Zoning Code

Los Gatos Town Code currently includes two sections addressing outdoor lighting. The first, which prohibits outdoor lights from being directed on other property or the public right-of-way, is located in the Zoning Regulations, and applies to all zones, as follows:

Sec. 29.10.09015. - Control of outdoor lighting.

Outdoor lights must be shielded and directed to shine on improvements including plants on the zoning plot where the lights are located and not directly on other property or any public right-of-way. Shoestring lighting is not permitted.

The second, which provides limitations for court game area lighting, is located in the Zoning Regulations, and applies to residential zones only:

Sec. 29.40.025. - Court game areas.

Tennis, volleyball, basketball, badminton and similar court game areas may be located anywhere on the lot except in the required front yard or side yard abutting the street. Fences over six (6) feet high are allowed to enclose court game areas, when approved through the Administrative Procedure for Minor Residential Projects. Lighting for court game areas is prohibited unless approved through the Administrative Procedure for Minor Residential Projects and unless it is in compliance with the following standards to the satisfaction of the Planning Director:

- (1) Game court lighting shall incorporate cut-off fixtures and lighting shall be shielded and directed onto the court.
- (2) Lighting for game court areas shall not be used after 10:00 p.m.
- (3) Lighting in the hillside areas is prohibited. Hillside areas are defined by the hillside area map in the Hillside Development Standards and Guidelines.

DISCUSSION (continued):

The residential zones of the Town are the RC, HR, R-1, RD, R-M, RMH, and R-1D zones, all contained within Article IV of the zoning regulations. Regulations intended to apply only to non-residential zones, including LM, CM, O, C-1, C-2, and CH zones, are contained within Article V of the zoning regulations.

Though the discussion in this report does not address illuminated signage, consistency with the Town's regulations for signs could also be considered, include of the following:

Sec. 29.10.115. - Prohibited signs.

Except as otherwise provided in this chapter, the signs described in this section are prohibited.

...

(2) *Lighted signs.* Lighted signs that flash on and off, fluctuate or appear to move.

...

(4) *Excessively bright signs.* Lighted signs whose brightness is detrimental to the reasonable enjoyment of surrounding property or are a traffic hazard.

...

(14) *Projected light signs.* Signs which are flashed or projected onto walls or other structures by means of a projector or other device.

...

Sec. 29.10.125. - Standards.

The following standards prescribed in this section shall apply to all sign approvals.

...

(6) *Illumination generally.* No portion of the surface of any illuminated sign nor any visible lamp illuminating a sign shall have a brightness exceeding one hundred fifty foot-lamberts.

(7) *Illumination near residential districts.* Illuminated signs with a brightness more than thirty foot-lamberts shall not be erected nearer than fifty (50) feet from any point in a residential district unless the face of the sign is not visible from the residential district.

...

C. Hillside Development Standards and Guidelines

The Hillside Development Standards and Guidelines (HDS&G) currently contain references to outdoor lighting within the Site Elements Chapter VI (Attachment 1).

DISCUSSION (continued):

D. Residential Design Guidelines

The Residential Design Guidelines currently contain references to outdoor lighting within Guideline 3.11.5 "Minimize exterior lighting impacts on neighbors:"

- All exterior light fixtures should utilize shields so that no bulb is visible and to ensure that light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes.
- Decorative residential light fixtures should be chosen rather than strictly utilitarian security lighting fixtures.

E. Commercial Design Guidelines

The Commercial Design Guidelines currently contain references to outdoor lighting within several sections (Attachment 2).

In addition to the information above, staff has also compiled examples of lighting regulations from nearby municipalities in Attachment 3.

Staff looks forward to the discussion with the Committee and will be available to discuss options and related issues.

COORDINATION:

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

FISCAL IMPACT:

There is not a fiscal impact associated with this item.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. HDS&G References to Outdoor Lighting
2. Commercial Design Guidelines References to Outdoor Lighting
3. Outdoor Lighting Regulation Examples from Other Jurisdictions

Hillside Development Standards and Guidelines

VI. SITE ELEMENTS

...

B. Driveway entries.

Standards:

...

3. Lighting fixtures at entryways shall direct light downwards and shall be designed so that no part of the light source is visible from the street.

...

D. Outdoor Lighting

Standards:

1. Outdoor lighting shall comply with the Town of Los Gatos Zoning Ordinance.
2. Lighting shall be the minimum needed for pedestrian safety, and shall be low level, directed downward, and shielded so that no bulb is visible and no light or glare encroaches onto neighboring properties.
4. Unshaded or nonrecessed spotlights are prohibited.
5. Lighting for purely decorative purposes is prohibited. Up-lighting of trees, lighting of facades and architectural features is prohibited.
6. Lighting for night use of outdoor game courts (e.g., tennis, paddle tennis, basketball, etc.) is prohibited.

Guidelines:

1. The use of energy-efficient lighting is strongly encouraged.
2. Outdoor light fixtures at a height of four feet or greater should use full cutoff fixtures. A full cutoff fixture@ is one that directs light downwards so that no direct light rays are emitted at more than 90 degrees from the vertical.

Commercial Design Guidelines

C-1 District

...

2.2.7 Minimize the visual impact of parking lot lighting

- a) Limit light pole height to a maximum of fifteen feet.
- b) Use luminaires with shielding to direct light downward and avoid glare

...

2.3.3 Respect the privacy of neighboring residents

- a) Avoid windows which would provide views into residential private yard spaces.
- b) Keep window sizes small on facades facing residences where windows can be seen to minimize lighting intrusion.
- c) Provide shielding for any exterior lighting visible from neighboring residential uses.

...

C-2 District

...

3.3.8 Install awnings when weather and sun exposure protection are desired

...

- d) Backlit awnings that visually appear as large light sources will not be permitted.

...

LM District

...

4.2.5 Minimize the impact of site lighting

- a) Select exterior security lighting fixtures that are shielded and limit visibility from off site locations.
- b) Use the minimum amount of wattage and coverage needed to address specific security concerns.

...

4.3.4 Provide attractive lighting

- a) Avoid standard security lighting fixtures in favor of simple fixtures which blend in more with the building facades.
- b) Select fixtures with shields to minimize glare and light spill onto areas off of the building site.

...

Los Gatos Boulevard

...

5.A.2.3 All projects shall have a clear and direct walkway between fronting streets and one or more of the primary building entries

- a) Provide pedestrian amenities (e.g., benches, landscaping, special paving) and pedestrian scale lighting

...

5.A.2.7 Projects backing up to residential neighborhoods should be sensitive to their potential impacts on the residents

...

- c) Minimize exterior lighting that might be seen from adjacent residences. Provide shielding for all exterior lights.

...

5.B.2.7 Functional uses with the potential for noise and lighting impacts should be located and designed to be sensitive to nearby residential properties

...

5.B.2.9 Site lighting should be mounted on low poles and be limited to shielded fixtures

...

Signage Guidelines

6.1.2 Prohibited signage types

...

- Lighted signs that flash on and off, fluctuate or appear to move

...

- Projected Light Signs which are flashed or projected onto walls or other structures by means of a projector or other device

...

Wall Signs

...

6.2.4 Provide sign illumination appropriate to the district

- a) Interior illuminated can signs which include multiple letters within a single sign enclosure will not be allowed for any Wall Sign.
- b) Interior illuminated individual letters may be used only in the following areas and under the following conditions:
 - District C-1 only in locations not directly visible from nearby residences
 - District C-2B only for signs facing Los Gatos/ Saratoga Road
 - District C-2C
 - Los Gatos Boulevard
- c) Exterior illumination with shielded spot lights should be used for wall signs in the following areas:
 - District C-1 when signs are directly visible from nearby residences
 - District C-2 A
 - District C-2 B
 - LM District
- d) Sign copy and graphics applied to a board or panel may consist of any of the following:
 - Individual letters and graphics of wood, metal or similar materials
 - Individual letters and graphics carved into the surface of a wood panel

- Letters and graphics painted directly onto the surface of the panel
- e) Neon wall signs may be allowed, but will be evaluated on a case-by-case basis.
- f) Conceal all sign and sign lighting raceways and other connections.

...

Awning Signs

...

6.3.3 Avoid interior illuminated awnings Backlit awnings that make the entire awning a large sign will not be allowed. Signage on the awning's sloped face may be illuminated by shielded and attractive directional spot lights.

...

Projecting Signs

...

6.5.5 Provide sign lighting only with shielded spotlights a) Utilize high quality fixtures such as cylinder spots or decorative fixtures. Avoid exposed standard spot and flood light bulbs. b) Design light supports to complement the design of the sign and building facade.

...

Ground Signs

...

6.8.5 Lighting a) Lighting for ground signs must be by direct spotlight illumination from fixtures mounted either at the top of the sign or on the ground below the sign. Fixtures must be shielded to avoid direct view of the bulbs.

City of Campbell

21.18.090 - Lighting design standards.

- A. Exterior lighting. Exterior lighting shall be:
1. Architecturally integrated with the character of the structure(s);
 2. Energy-efficient, and fully shielded or recessed; and
 3. Completely turned off or significantly dimmed at the close of business hours when the exterior lighting is not essential for security and safety, when located on parcels within nonresidential zoning districts.
- B. Permanent lighting. Permanently installed lighting shall not blink, flash, or be of unusually high intensity or brightness. Lighting fixtures shall be appropriate in height, intensity, and scale to the use they are serving.
- C. Shielding requirements. Outdoor lighting fixtures shall be designed and installed so that light rays are not emitted across property lines, to the extent possible. Fixtures like the "shoe box" design are capable of providing accurate light patterns and can be used for lighting parking lots without spilling onto the neighboring property.

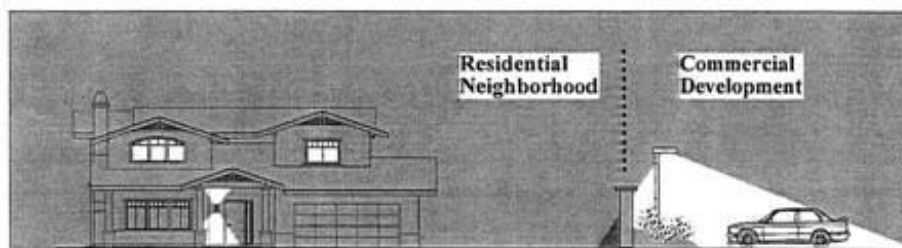


Figure 3-4

- D. Design criteria.
1. External light fixtures, poles, and their foundation should be simple in design and compatible with and complimentary to the style of surrounding development. Historical-themed fixtures are not appropriate for a contemporary building design and modern fixtures are not appropriate for a structure with a significant historical design theme. Simple and functional designs are considered to be appropriate in most environments. Lighting standards should be of a scale that is compatible with their surroundings. Pedestrian-style lighting (three to five feet high) should be installed in areas where foot traffic is prevalent. Lighting fixtures for parking lots and private roadways should not be installed at a height greater than twenty feet.
 2. Color-corrected lamps of appropriate intensity should be used in exterior lighting. High-efficiency lamps that alter the colors of objects at night are discouraged. Incandescent, fluorescent, color-corrected sodium vapor and mercury lamps should be used because they provide light with an appropriate color spectrum.
 3. Lighting intensity should be the minimum required to serve the tasks for which the fixtures are intended.
 4. Exterior lighting should be considerate of both the neighbors and the community as a whole. Each new lighting scheme should actively strive to reduce negative light impacts.

City of Cupertino

Table 19.40.060: Building Development Regulations (Residential Hillside (RHS) Zones)

...

3. Outdoor Lighting	All outdoor lighting shall be identified on the site development plan.
a. Tennis Court and Other Recreational Purposes	High-intensity lights not permitted.
b. Motion-activated Security Lights	1. Shall not exceed 100 watts and 2. Must be shielded to avoid all off-site intrusion.
c. Other lighting	Must be directed to meet the particular need.

...

Table 19.60.060: Development Standards (General Commercial (CG) Zones)

...

E. Lighting – New lighting fixtures for any new site construction or building improvements:	
1. Exterior Lighting	Shall be a white type light either metal halide or a comparable color corrected light unless otherwise approved as part of a development plan.
2. Off-site Glare	Light fixtures shall be oriented and designed to preclude any light and direct glare to adjacent residential properties. No direct off-site glare from a light source shall be visible above three feet at a public right-of-way.
3. Parking Lots, Sidewalks and other areas accessible to pedestrians and automobiles	Shall be illuminated with a uniform and adequate intensity. Typical standards to achieve uniform and adequate intensity are:
a. Average horizontal maintained illumination	Should be between one and three foot-candles
b. Maximum to Minimum Ratio	Should be between 6:1 and 10:1
4. Critical Area Illumination	Such as stairways, ramps and main walkways may have a higher illumination
5. Areas around Automatic Teller Machines	Shall meet minimum standards required by the State of California Business and Professions Code.

...

Table 19.124.040 - Regulations for Off-Street Parking

...

Q.	Parking Lot Lighting	Applicable to new lighting fixtures for any new site construction shall meet the following requirements:
1.	Exterior Light Color	All exterior lighting shall be a white type light either metal halide or a comparable color corrected light unless otherwise approved as part of a development plan for uniformity, not allowing any dark areas in the parking lot.
2.	Lighting Glare	i. The light fixtures shall be oriented and designed to preclude any light and direct glare to adjacent residential properties. ii. No direct off-site glare from a light source shall be visible above three feet at a public right-of-way.
3.	Lighting Intensity	Parking lots, sidewalks and other areas accessible to pedestrians and automobiles shall be illuminated with a uniform and adequate intensity. Typical standards to achieve uniform and adequate intensity are:
a.	Average Horizontal Maintained Illumination	Between one and three foot-candles
b.	Average Maximum to Minimum Ratio	Should be generally between six and ten to one
c.	Minimum Intensity above Parking Lot Surface	Minimum three foot-candles vertically above the parking lot surface shall be maintained.

...

City of Saratoga

15-80.030 - Special rules for accessory uses and structures in residential districts.

The following special rules shall apply to certain accessory uses and structures in any A, R-1, HR, R-OS or R-M district:

...

- (c) **Recreational courts.** Subject to approval by the Community Development Director, recreational courts may be allowed, provided that such recreational courts shall comply with all of the following restrictions, standards and requirements:

...

(2) The recreational court shall not be illuminated by exterior lighting.

...

- (m) **Lighting fixtures.** Outdoor lighting fixtures shall be located, aimed, and shielded to prevent excessive glare or direct illumination onto adjacent properties and public street rights of way; notwithstanding the minimum lighting necessary to ensure adequate safety, night vision, and comfort.

City of Palo Alto

18.10.040 Development Standards

...

(g) Lighting in R-2 District

In the R-2 district, recreational and security lighting shall be permitted only so long as the lighting is shielded so that the direct light does not extend beyond the property where it is located. Free-standing recreational and security lighting installed on or later than March 11, 1991, shall be restricted to twelve feet (12') in height.

...

18.12.040 Site Development Standards (R-1 Single Family Residential District)

...

(k) Lighting

Recreational and security lighting shall be permitted only so long as the lighting is shielded so that the direct light does not extend beyond the property where it is located. Free-standing recreational and security lighting installed on or later than March 11, 1991 shall be restricted to twelve feet (12') in height. Direct light from outdoor fixtures shall only fall on the walls, eaves, and yard areas of the site on which it is located. Outdoor fixtures shall have lens covers or reflectors that direct the light away from the neighboring properties.

...

18.23.030 Lighting (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts)

(A) Purpose

To minimize the visual impacts of lighting on abutting or nearby residential sites and from adjacent roadways.

(B) Requirements

- (i) Exterior lighting in parking areas, pathways and common open space shall be designed to achieve the following: (1) provide for safe and secure access on the site, (2) achieve maximum energy efficiency, and (3) reduce impacts or visual intrusions on abutting or nearby properties from spillover and architectural lighting that projects upward.
- (ii) The use of high pressure sodium and metal halide are permitted light sources. Low pressure sodium is not allowed.
- (iii) Exterior lighting fixtures shall be mounted less than or equal to 15 feet from grade to top of fixture in low activity or residential parking lots and 20 feet in medium or high activity parking lots.

- (iv) Where the light source is visible from outside the property boundaries, such lighting shall not exceed 0.5 foot-candle as measured at the abutting residential property line.
- (v) Interior lighting shall be designed to minimize nighttime glow visible from and/or intruding into nearby properties and shall be shielded to eliminate glare and light spillover beyond the perimeter property line of the development.
- (vi) Light fixtures shall not be located next to driveways or intersections, which obstruct clear sight distance triangles.
- (vii) Lighting of the building exterior, parking areas and pedestrian ways should be of the lowest intensity and energy use adequate for its purpose, and be designed to focus illumination downward to avoid excessive illumination above the light fixture.
- (viii) Pedestrian and security lighting fixtures should be directed downward. Architectural lighting that projects upward from the ground as used in landscaping, courtyards, or building accent should be directed so as not to affect abutting land uses.

(C) Guidelines

- (i) Unnecessary continued illumination, such as illuminated signs or back-lit awnings, should be avoided. Internal illumination of signs, where allowed, should be limited to letters and graphic elements, with the surrounding background opaque. Illumination should be by low intensity lamps.
- (ii) Timing devices should be considered for exterior and interior lights in order to minimize light glare at night without jeopardizing security of employees. At the time of project approval the project applicant must demonstrate how interior and exterior lighting sources will be reduced after operating hours or when the use of the facility is reduced.

...

18.54.050 Miscellaneous Design Standards

...

(f) Lighting

Lights provided to illuminate any parking facility or paved area shall, to the maximum extent feasible, be designed to reflect away from any residential use or any riparian corridor.

...

18.28.070 Additional OS District Regulations

...

(n) Light and Glare

Exterior lighting should be low-intensity and shielded from view so it is not directly visible from off-site. The light emitted from skylights shall be minimal during the night hours. Utilizing treatments such as translucent glass, shading systems, and interior light placement can reduce the night glare. Skylights shall not use white glass.

...